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Government and Administration Organisation Act (GAOA)

of 21 March 1997 (Status as of 2 December 2019)

*The Federal Assembly of the Swiss Confederation,
based on Article 173 paragraph 2 of the Federal Constitution^{1,2}
and having considered the Federal Council Dispatch dated 16 October 1996³,
decrees:*

Title 1 Principles

Art. 1 The Government

¹ The Federal Council is the highest executive authority of the Confederation.

² It comprises seven members.

³ It is assisted by the Federal Chancellor.

Art. 2 The Federal Administration

¹ The Federal Administration is subordinate to the Federal Council. It comprises the departments and the Federal Chancellery.

² The individual departments are divided into offices, which may be organised into groups. Each has a General Secretariat.

³ The Federal Administration also includes decentralised administrative units in accordance with the terms of its organisational directives.

⁴ Federal legislation may assign administrative duties to entities under public or private law which are not part of the Federal Administration.

AS 1997 2022

¹ SR 101

² Amended by No I of the FA of 1 Oct. 2010 (Data Protection in the Use of Electronic Infrastructure), in force since 1 April 2012 (AS 2012 941; BBl 2009 8513).

³ BBl 1996 V 1

Art. 3 Principles of government and administrative activities

¹ The Federal Council and Federal Administration act in accordance with the Constitution and the law.

² They are committed to the common welfare, protect citizen's rights and the powers of the cantons and promote cooperation between the Confederation and cantons.

³ They shall act to achieve their aims in a manner that is appropriate and economically viable.

Art. 4 Political responsibility

The Federal Council is collectively responsible for its governmental functions.

Art. 5 Review of federal tasks

The Federal Council shall regularly review the tasks of the Confederation and their implementation as well as the organisation of the Federal Administration. In doing so, it shall apply the criterion of necessity and assess whether the aims set out in the Constitution and the law have been achieved. It shall develop forward-looking solutions for action by the state.

Title 2 The Government**Chapter 1** The Federal Council**Section 1** Functions**Art. 6** Government obligations

¹ The Federal Council determines the aims of its government policy and the means to achieve them.

² It gives priority to the fulfilment of its obligations of government.

³ It takes all the measures required to ensure the continuation of government activities at all times.

⁴ It works to maintain the unity of the state and the cohesion of the country while protecting the diversity of the federal system. It helps the other state institutions to fulfil the duties assigned to them by the Constitution and the law in a timely and appropriate manner.

Art. 7 Legislation

The Federal Council conducts the preliminary legislative proceedings, subject to the parliamentary right to initiate legislation. It submits drafts of constitutional amendments, federal acts and decrees to the Federal Assembly and issues ordinances, provided it is authorised to do so under the Constitution and by law.

Art. 7a⁴ Conclusion and amendment of or withdrawal from international treaties by the Federal Council⁵

¹ The Federal Council may conclude, amend or withdraw from treaties under international law at its own behest in as far as it is authorised to do so by a federal act or by an international treaty approved by the Federal Assembly. Authorisation to conclude an international treaty includes authorisation to amend or withdraw from it.⁶

^{1bis} It may withdraw from an international treaty at its own behest in as far as the Federal Constitution provides for withdrawal.⁷

² It may conclude international treaties of limited scope at its own behest. It may likewise independently make amendments of limited scope to treaties or withdraw from international treaties of limited scope.⁸

³ International treaties or amendments of limited scope are those that:⁹

- a. do not create new obligations for Switzerland and do not constitute a waiver of existing rights;
- b. serve to implement treaties approved by the Federal Assembly and simply provide more detail on rights, obligations or organisational principles that are already set out in the main treaty;
- c. primarily concern the authorities and involve technical administrative issues.¹⁰

⁴ International treaties or amendments of limited scope do not include those that:¹¹

- a. meet any of the requirements for an optional referendum on an international treaty under Article 141 paragraph 1 letter d of the Federal Constitution;

⁴ Inserted by Annex No II 3 of the Parliament Act of 13 Dec. 2002, in force since 1 Dec. 2003 (AS **2003** 3543; BBl **2001** 3467 5428).

⁵ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

⁶ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

⁷ Inserted by No I 1 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

⁸ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

⁹ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

¹⁰ Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

¹¹ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

- b. contain provisions on matters the regulation of which falls solely under cantonal jurisdiction;
- c. cause non-recurring expenditure exceeding five million francs or recurring expenditure of more than two million francs per year.¹²

Art. 7b¹³ Provisional application of international treaties by the Federal Council

¹ Where the Federal Assembly is responsible for approving the conclusion of or amendment to an international treaty, the Federal Council may determine or agree the provisional application of the treaty without the approval of the Federal Assembly when it is necessary to safeguard important Swiss interests and the matter is of particular urgency.¹⁴

^{1bis} It shall refrain from applying the treaty provisionally if the competent committees of both Councils are against doing so.¹⁵

² The provisional application of an international treaty ends if the Federal Council fails to present the Federal Assembly with a draft of a federal decree on the treaty in question within six months.

³ The Federal Council shall notify the parties to the treaty of the termination of the provisional application.

Art. 7b^{bis} 16 Urgent withdrawal from international treaties by the Federal Council

¹ Where the Federal Assembly is responsible for approving withdrawal from an international treaty, the Federal Council may withdraw from the treaty without the approval of the Federal Assembly if it is necessary to do so in order to safeguard important interests of Switzerland and if there is a particular urgency in doing so.

² It may not withdraw urgently if the responsible committees of both chambers object to withdrawal.

¹² Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

¹³ Inserted by No I 1 of the FA of 8 Oct. 2004 on the Provisional Application of International Treaties, in force since 1 April 2005 (AS **2005** 1245; BBl **2004** 761 1017).

¹⁴ Amended by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

¹⁵ Inserted by No I 1 of the FA of 26 Sept. 2014 on the Power to conclude International Treaties of Limited Scope and the Provisional Application of International Treaties, in force since 1 May 2015 (AS **2015** 969; BBl **2012** 7465).

¹⁶ Inserted by No I 2 of the FA of 21 June 2019 on the Authority to Conclude, Amend or Withdraw from International Treaties, in force since 2 Dec. 2019 (AS **2019** 3119; BBl **2018** 3471 5315).

Art. 7c¹⁷ Ordinances safeguarding the interests of the country

¹ The Federal Council, in direct application of Article 184 paragraph 3 of the Federal Constitution, may when necessary issue an ordinance to safeguard the interests of the country.

² It shall limit the period of validity of the ordinance appropriately; the period of validity may not exceed four years.

³ It may extend the period of validity once. In this case, the ordinance ceases to apply six months after the beginning of the extension if the Federal Council fails to present the Federal Assembly with a bill establishing a legal basis for the content of the ordinance.

⁴ The ordinance ceases to apply:

- a. if the bill mentioned in paragraph 3 is rejected by the Federal Assembly; or
- b. at the latest with introduction of the legal basis provided for in paragraph 3.

Art. 7d¹⁸ Ordinances to safeguard external and internal security

¹ The Federal Council may, in direct application of Article 185 paragraph 3 of the Federal Constitution, issue an ordinance to counter existing or imminent threats of serious disruption to public order or internal or external security.

² The ordinance ceases to apply:

- a. six months after its commencement if the Federal Council fails to submit to the Federal Assembly:
 1. a bill establishing a legal basis for the content of the ordinance, or
 2. a bill containing a Federal Assembly ordinance under Article 173 paragraph 1 letter c of the Federal Constitution which replaces the Federal Council's ordinance;
- b. if the bill is rejected by the Federal Assembly; or
- c. if the legal basis or the replacement ordinance issued by the Federal Assembly comes into force.

³ The Federal Assembly ordinance provided for in paragraph 2 letter a number 2 ceases to apply three years at the latest from its commencement.

¹⁷ Inserted by No I 1 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).

¹⁸ Inserted by No I 1 of the FA of 17 Dec. 2010 on Safeguarding Democracy, the Rule of Law and the Capacity to Act in Extraordinary Situations, in force since 1 May 2011 (AS 2011 1381; BBl 2010 1563 2803).