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Ordinance on Beverage Containers (Beverage Container Ordinance, BCO)

of 5 July 2000 (Status as on 1 January 2022)

The Swiss Federal Council,

based on Articles 30a letter b, 30b paragraph 2, 30d, 32a^{bis}, 39 paragraph 1 and 46 paragraph 2 of the Environmental Protection Act of 7 October 1983¹, and in implementation of the Federal Act of 6 October 1995² on Technical Barriers to Trade,

ordains:

Section 1 General Provisions

Art. 1 Subject matter and scope of application

¹ This Ordinance regulates:

- a. the supply and take-back of beverage containers used within Switzerland;
- b. the financing of the disposal of beverage containers made from glass.

² It applies to containers of all beverages except for containers for milk and milk products.

Art. 2 Definitions

¹ *Refillable containers* means beverage containers intended for refilling.

² *Non-refillable containers* means beverage containers not intended for refilling.

³ *Recycling* of beverage containers means the production of new containers or other products from used containers.

AS 2000 1949

¹ SR 814.01

² SR 946.51

Section 2 Requirements for Beverage Containers

Art. 3 Composition

Dealers, manufacturers and importers shall supply packaging only in containers which, when they are collected, treated or recycled by existing organisations, do not give rise to significant additional costs or significant technical difficulties.

Art. 4 Labelling

Dealers, manufacturers and importers who supply beverages to consumers must:

- a. mark refillable containers as such; this does not apply to restaurant businesses;
- b. indicate the amount of the deposit charged on deposit-bearing beverage containers;
- c. on non-refillable PVC containers indicate the name and address of a company in Switzerland that is obliged to take them back.

Section 3 Supply and Take-Back of Beverage Containers

Art. 5 Mandatory deposit for refillable containers

¹ Dealers, manufacturers and importers that supply beverages in refillable containers to consumers must charge a deposit. They must take back refillable containers of all the products they stock and refund the deposit.

² Exempted from these obligations are:

- a. holders of restaurant businesses who ensure that refillable containers are collected;
- b. dealers, manufacturers and importers who, when they deliver beverages to consumers' homes, charge an amount equivalent to the deposit for any refillable containers not returned.

³ The deposit shall be not less than CHF 0.30 for any beverage container.

Art. 6 Mandatory deposit for non-refillable PVC containers

¹ Dealers, manufacturers and importers who supply beverages in non-refillable PVC containers to consumers must charge a deposit. They must take back non-refillable PVC containers of all the products they stock, refund the deposit and at their own expense pass the containers on for recycling.

² Exempted from these obligations are holders of restaurant businesses who ensure that non-refillable PVC containers are collected.

³ The deposit shall be not less than CHF 0.30 for any non-refillable PVC container.

Art. 7 Subsidiary obligation to take back non-refillable PET and metal containers

¹ Dealers, manufacturers and importers who supply beverages in non-refillable PET or metal containers to consumers and who do not ensure the disposal of all containers they supply through financial contributions to a private organisation, must:

- a. take back such non-refillable containers at all points of sale during all opening hours;
- b. pass such non-refillable containers on for recycling at their own expense; and
- c. indicate clearly in easily visible places at the points of sale that they accept the return of these types of non-refillable containers.

² These provisions are subject to the reservation of the special measures taken by the Federal Department of Environment, Transport, Energy and Communications (DETEC) in terms of Article 8.

Art. 8 Measures in the case of insufficient recycling level

¹ The recycling level for beverage containers made from glass, PET and aluminium shall be a minimum of 75% for each material. The recycling rate of any packaging material is the percentage proportion of the containers recycled during a calendar year compared with the total weight of non-refillable containers of the material supplied for use in Switzerland.

² If the target is not achieved, DETEC may require that dealers, manufacturers and importers:

- a. charge a minimum deposit on non-refillable containers of the material concerned;
- b. accept the return of such containers and refund the deposit; and
- c. pass returned containers on for recycling at their own expense.

³ DETEC may limit the mandatory deposit to those containers that are the main cause of the recycling target not being met. It may grant exemptions from the mandatory deposit if the recycling of the containers is guaranteed in other ways.

⁴ If manufacturers and importers supply annually more than 100 tonnes of recyclable non-refillable containers of a packaging material other than glass, PET, aluminium or PVC, then DETEC may also stipulate a minimum recycling level and measures in accordance with paragraph 2 for this material.

Section 4 Prepaid Disposal Fee for Glass Beverage Containers

Art. 9 Obligation to pay a fee

¹ Manufacturers who supply empty glass beverage containers for use within Switzerland and importers who import such containers must pay in respect of these a

disposal fee (the «fee») to an organisation (the «Fee Organisation») appointed by the Federal Office for the Environment (the FOEN)³.

² The obligation to pay a fee also applies to importers who import filled glass beverage containers.

³ No fee is payable by:

- a. manufacturers and importers who supply or import beverage containers with a capacity of less than 0.09 litres;
- b. manufacturers and importers who supply or import fewer than 1,000 beverage containers per half calendar year.

Art. 10 Level of fee

¹ The fee per beverage container shall be not less than CHF 0.01 and not more than CHF 0.10.

² DETEC shall set the fee rate based on the anticipated costs of the activities set out in Article 12, having first consulted the interested parties.

³ The Fee Organisation must inform consumers about the rate of fee in an appropriate way.

Art. 11 Duty to report and date due

¹ Those required to pay the fee shall, no later than 30 days after the end of each calendar half year, inform the Fee Organisation of the number of beverage containers liable to the fee supplied or imported by them during this period. Figures shall be indicated separately in accordance with the requirements of the Fee Organisation and with the level of fee.

² The fee for the containers supplied or imported during a calendar half year shall be due for payment 60 days after the end of the period in question. In the event of late payment, default interest is payable; if payment is made in advance, the Fee Organisation may grant credit interest.

³ If the Fee Organisation transfers the collection of the fee to the Federal Office for Customs and Border Security (FOCBS)⁴, then the collection, due date and interest payments are governed by the customs legislation.

Art. 12 Use of the fee

The Fee Organisation must use the fee for the following activities:

- a. the collection and transport of used glass;

³ The name of this administrative unit was changed in application of Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (SR 170.512.1). This change has been made throughout the text.

⁴ The name of this administrative unit was changed on 1 Jan. 2022 in application of Art. 20 para. 2 of the Publications Ordinance of 7 Oct. 2015 (SR 170.512.1) (AS 2021 589). This change has been made throughout the text.