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Federal Act on Forest

(Forest Act, ForA)

of 4 October 1991 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,
 based on the articles 74 paragraph 1, 77 paragraphs 2 and 3, 78 paragraph 4 and
 95 paragraph 1 of the Federal Constitution^{1,2}
 and having considered the Federal Council Dispatch dated 29 June 1988³,
decrees:

Chapter 1 General Provisions

Art. 1 Aim

¹ This Act is intended to:

- a. conserve the forest in its area and spatial distribution;
- b. protect the forest as a near-natural community;
- c. ensure that the forest can fulfil its functions, in particular its protective, social and economic functions (forest functions);
- d. promote and maintain the forestry sector.

² It is furthermore intended to contribute to the protection of human life and important material assets against avalanches, landslides, erosion and rockfall (natural events).

Art. 2 Definition of forest

¹ Forest is defined as any area that is covered with forest trees or forest shrubs and can fulfil forest functions. Origin, type of use and land registry designation are not decisive.

² Also defined as forest are:

- a. grazing forests, wooded pastures and chestnut and walnut groves;

AS 1992 2521

¹ SR 101

² Amended by Annex No 8 of the FA of 21 June 2013, in force since 1 Jan. 2017 (AS 2015 3631; BBl 2009 8533).

³ BBl 1988 III 173

- b. unstocked or unproductive areas of a forest plot, such as clearings, forest roads and other forest structures and installations;
- c. plots subject to compulsory afforestation.

³ Isolated groups of trees and shrubs, hedges, avenues, gardens, planted areas and parks, tree plantations established on open ground for short-term use and trees and bushes on check dams and in the immediate foreground of such installations are not defined as forest.

⁴ Within the framework defined by the Federal Council, the cantons may determine the width, area and age, from which an area newly colonised by forest shall be defined as forest, and the width and area from which other wooded areas shall be defined as forest. If the wooded area fulfils social or protective functions, in particular, the cantonal criteria are not definitive.

Art. 3 Forest conservation

Forest area should not be reduced.

Chapter 2 Protection of the Forest against Intervention

Section 1 Deforestation and Declaration as Forest

Art. 4 Definition of deforestation

Deforestation is the permanent or temporary change of use of forest land.

Art. 5 Prohibition on deforestation and derogations

¹ Deforestation is prohibited.

² In exceptional cases a deforestation permit may be granted if the applicant proves that there are important reasons for the deforestation that outweigh the interest of forest conservation and, furthermore, the following conditions are fulfilled:

- a. the proposed site must be essential to the works for which the deforestation is to be carried out;
- b. the works must essentially fulfil the spatial planning requirements;
- c. the deforestation does cause any serious threat to the environment.

³ Important reasons do not include financial interests, such as the potentially profitable use of the land or the low-cost acquisition of land for non-forestry purposes.

^{3bis} If the authorities have to decide whether to grant permission for the construction of installations for the generation of renewable energies and for energy transportation and distribution, when weighing up interests the national interest in constructing such installations is to be considered equal to other national interests.⁴

⁴ Inserted by No I of the FA of 18 March 2016, in force since 1 Jan. 2017 (AS 2016 3207; BBl 2014 4909).

⁴ The protection of nature and cultural heritage must be taken into account.

⁵ A time limit shall be set for deforestation permits.

Art. 6⁵ Responsibility

¹ Exceptional permits are granted by:

- a. the federal authorities, if they are competent to decide on the construction or alteration of works, for which deforestation is to be carried out;
- b. the cantonal authorities, if they decide on the construction or alteration of works, for which deforestation is to be carried out.

² Before the cantonal authority decides on a derogation, it shall hear the Federal Office for the Environment⁶ (Federal Office), if:

- a. the area to be deforested exceeds 5000 m²; if several deforestation applications are made for one and the same project, the total area is decisive;
- b. the forest to be deforested is located in several cantons.

Art. 7⁷ Compensation for deforestation

¹ For all deforestation, compensation in kind must be provided in the same region and with species that are predominantly suited to the location.

² Measures may be implemented for the benefit of nature and landscape conservation instead of compensation in kind:

- a. in areas with increasing forest area;
- b. in other areas by way of exception in order to conserve arable land and areas of ecological or landscape value.

³ Compensation for deforestation may be dispensed with in the case of deforestation:

- a. of areas that have grown in the last 30 years in order to reclaim arable land;
- b. to guarantee flood protection and to rehabilitate waters;
- c. for the preservation and improvement of biotopes in accordance with Articles 18a and 18b paragraph 1 of the Federal Act of 1 July 1966⁸ on the Protection of Nature and Cultural Heritage.

⁴ If arable land that has been reclaimed in accordance with paragraph 3 letter is given a different use within 30 years, the compensation for deforestation must be provided retrospectively.

⁵ Amended by No I 17 of the Federal Act of 18 June 1999 on the Coordination and Simplification of Decision-Making Procedures, in force since 1 Jan. 2000 (AS **1999** 3071; BBl **1998** 2591).

⁶ The designation of the administrative entity was amended according to Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS **2004** 4937).

⁷ Amended by No I of the FA of 16 March 2012, in force since 1 July 2013 (AS **2013** 1981; BBl **2011** 4397, 4425).

⁸ SR **451**

Art. 8⁹**Art. 9** Compensation

The cantons shall ensure that considerable benefits arising from deforestation permits that are not covered by Article 5 of the Federal Act on Spatial Planning of 22 June 1979¹⁰ are adequately compensated for.

Art. 10 Declaration as forest

¹ Any person who can demonstrate a legitimate interest may have the canton declare whether a plot of land is a forest.

² When enacting and revising land-use plans in accordance with the Federal Act of 22 June 1979¹¹ on Spatial Planning declaration as forest must be ordered in locations:

- a. in which development zones border the forest or will border it in the future;
- b. outside development zones where the canton wants to prevent an increase in forest.¹²

³ If a request for declaration as forest is made in association with an application for deforestation, responsibility is governed by Article 6. The competent federal authority decides at the request of the competent cantonal authority.¹³

Section 2 Forest and Spatial Planning**Art. 11** Deforestation and planning permission

¹ The deforestation permit does not exempt its holder from the obligation to obtain planning permission as stipulated in the Spatial Planning Act of 22 June 1979¹⁴.

² Should a construction project require both a deforestation permit and an exceptional permit to build outside the building zone, the latter may only be granted in agreement with the competent authority as stated in Article 6 of this Act.

Art. 12 Inclusion of forest in land-use plans

The allocation of forest to a zone requires a deforestation permit.

⁹ Repealed by No I of the FA of 16 March 2012, with effect from 1 July 2013 (AS **2013** 1981; BBl **2011** 4397, 4425).

¹⁰ SR **700**

¹¹ SR **700**

¹² Amended by No I of the FA of 16 March 2012, in force since 1 July 2013 (AS **2013** 1981; BBl **2011** 4397, 4425).

¹³ Second sentence inserted by No I of the FA of 18 March 2016, in force since 1 Jan. 2017 (AS **2016** 3207; BBl **2014** 4909).

¹⁴ SR **700**

Art. 13 Demarcation of forest and land-use zones¹⁵

¹ Forest boundaries declared as such under Article 10 paragraph 2 shall be entered in the land-use plans.¹⁶

² New wooded areas outside these boundaries are not considered forest.

³ Forest boundaries may be reviewed in the forest declaration procedure under Article 10 if the land-use plans are revised and the actual circumstances have changed substantially.¹⁷

Section 3 Pedestrian and Vehicular Access to the Forest**Art. 14** Accessibility

¹ The cantons ensure that the forest is accessible to the general public.

² Where necessary for the conservation of the forest or other public interests, such as the protection of wild flora and fauna, the cantons shall:

- a. restrict accessibility to certain forest areas;
- b. subject the staging of major events in the forest to obtaining a permit.

Art. 15 Motorised vehicular traffic

¹ Forests and forest roads may only be accessed by motorised vehicular traffic for forestry purposes. The Federal Council regulates the exceptions to be made for military and other public tasks.

² The cantons may authorise access to forest roads for other purposes if this does not jeopardise forest conservation or other matters of public interest.

³ The cantons provide traffic signals and signs and the necessary controls. If signals, signs and controls are not sufficient, barriers may be installed.

Section 4 Protection against Other Detrimental Effects**Art. 16** Detrimental uses

¹ Uses that do not constitute deforestation as defined in Article 4, but which endanger or interfere with the functions or management of the forest are unlawful. Rights of use in such cases shall be revoked, if necessary by compulsory purchase. The cantons shall enact the necessary provisions.

¹⁵ Amended by No I of the FA of 16 March 2012, in force since 1 July 2013 (AS 2013 1981; BBl 2011 4397, 4425).

¹⁶ Amended by No I of the FA of 16 March 2012, in force since 1 July 2013 (AS 2013 1981; BBl 2011 4397, 4425).

¹⁷ Amended by No I of the FA of 16 March 2012, in force since 1 July 2013 (AS 2013 1981; BBl 2011 4397, 4425).