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## **Ordinance on Mountain Guides and Organisers of other High-Risk Activities (High-Risk Activities Ordinance)**

of 30 January 2019 (Status as of 7 April 2020)

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*The Swiss Federal Council,*

on the basis of Articles 1 paragraph 3, 4 paragraph 2, 5 paragraph 2, 6 paragraph 2, 7 paragraph 4, 11 paragraph 2, 13 paragraph 2, 18 paragraph 2 and 19 paragraph 3 of the Federal Act of 17 December 2010<sup>1</sup> on Mountain Guides and Organisers of other High-Risk Activities (the Act),

*ordains:*

### **Chapter 1 General Provisions**

**Art. 1** Additional activities to which the Act applies

The Act applies to the following activities in addition to those named in Article 1 paragraph 2 thereof:

- a. the activities of aspiring mountain guides;
- b. the activities of climbing instructors;
- c.<sup>2</sup> the activities of mountain leaders.

**Art. 2** Commercial activity

<sup>1</sup> A person who earns a primary or secondary income by carrying on activities defined in Article 3 paragraph 1 on the territory of the Swiss Confederation is considered to be carrying on a commercial activity.

<sup>2</sup> A person who carries on activities defined in Article 3 paragraph 1 of this Ordinance exclusively under the supervision and responsibility of not-for-profit organisations whose internal structures and requirements guarantee the safety of the participants is not considered to be carrying on a commercial activity.

AS 2019 697

<sup>1</sup> SR 935.91

<sup>2</sup> The correction of 7 April 2020 concerns the Italian text only (AS 2020 1191).

## Chapter 2 Licensing

### Section 1 Activities for which a Licence is required

#### Art. 3

<sup>1</sup> A licence is required in order to offer the following activities:

- a. mountaineering;
- b. alpine hiking from difficulty level «T4» in accordance with Annex 2 number 1;
- c. touring with skis, snowboards and similar snow sports equipment;
- d. snowshoe tours from difficulty level «WT3» in accordance with Annex 2 number 3, with the exception of snowshoe tours on signposted, open winter hiking trails or snowshoe routes;
- e. off-piste skiing from difficulty level «WS» in accordance with Annex 2 number 2;
- f. use of vie ferrate;
- g. climbing frozen waterfalls and steep ice climbing;
- h. multi-pitch rock climbing;
- i. canyoning;
- j. river-rafting on flowing water from difficulty level «Whitewater III» in accordance with Annex 3 with a raft as defined in Article 2 paragraph 1 letter a number 12 of the Inland Navigation Ordinance of 8 November 1978<sup>3</sup>;
- k. whitewater sports on flowing water from difficulty level «Whitewater III» in accordance with Annex 3 with a boat or other sports equipment such as a canoe, kayak, riverboard (hydrospeed), funyak or tube;
- l. bungee jumping, with the exception of activities performed by exhibitors who are licensed in accordance with Article 25 paragraph 2 of the Ordinance of 4 September 2002<sup>4</sup> on Itinerant Trade.

<sup>2</sup> Off-piste skiing is considered to be downhill skiing using snow sports equipment in locations accessible by mountain railways but not within the area of responsibility of ski lift or cableway operators.

<sup>3</sup> Canyoning is defined as entering or travelling in streambeds or riverbeds with limited escape options for which swimming or climbing techniques are required.

<sup>4</sup> Bungee jumping is considered to be jumping from heights in a free fall while attached to an elastic cord, or a pendulum jump.

<sup>3</sup> SR 747.201.1

<sup>4</sup> SR 943.11

## Section 2 Licensing

### Art. 4 Mountain guides

<sup>1</sup> Licensed mountain guides are authorised to guide clients within the scope of the activities defined in Article 3 paragraph 1 letters a–h.

<sup>2</sup> The following are considered to be equivalent to a Federal Professional Education and Training Diploma as a Mountain Guide (Federal PET Diploma):

- a. licences issued under previous laws in accordance with Annex 4 number 1, if the holder can demonstrate that he or she has pursued the activity regularly and has completed sufficient further training;
- b. foreign certificates of competence which are recognised by the State Secretariat for Education, Research and Innovation (SERI) as equivalent;
- c.<sup>5</sup> a diploma as an international mountain guide recognised by the International Federation of Mountain Guide Associations (IFMGA).

<sup>3</sup> Licensed mountain guides are authorised to conduct canyoning if the guide has completed additional training with the Swiss Mountain Guide Association (SBV) or holds a diploma recognised by the IFMGA.<sup>6</sup>

### Art. 5 Aspiring mountain guides

<sup>1</sup> Licensed aspiring mountain guides are authorised to guide clients within the scope of activities defined in Article 3 paragraph 1 letters a–h if they do so under the direct or indirect supervision of and in joint responsibility with a mountain guide licensed in accordance with Article 4.

<sup>2</sup> Aspiring mountain guides are granted a licence if they:

- a. have passed the aspirant course of the Swiss Mountain Guide Association, an aspirant course recognised by the IFMGA, or a foreign aspirant course recognised by the Federal Office of Sport (FOSPO) as equivalent;
- b. guarantee that they will comply with their obligations under the Act and this Ordinance.

<sup>3</sup> Licensed aspiring mountain guides are authorised to guide canyoning if the aspirant has completed additional training with the Swiss Mountain Guide Association or holds a diploma recognised by the IFMGA and conducts the activity under the direct or indirect supervision of and in joint responsibility with a mountain guide licensed in accordance with Article 4 paragraph 3.<sup>7</sup>

<sup>5</sup> Correction of 15 Oct. 2019 (AS 2019 3159).

<sup>6</sup> Correction of 15 Oct. 2019 (AS 2019 3159).

<sup>7</sup> Correction of 15 Oct. 2019 (AS 2019 3159).

**Art. 6** Climbing instructors

<sup>1</sup> Licensed climbing instructors are authorised to accompany clients within the scope of the activities defined in Article 3 paragraph 1 letter h on condition that a safe ascent or descent:

- a. does not require the use of short roping;
- b. does not require crossing glaciers; and
- c. does not require the use of technical aids such as ice axes or crampons.

<sup>2</sup> Climbing instructors are granted a licence if they:

- a. are a Climbing Instructor with Federal PET Diploma as defined in Article 43 of the Vocational and Professional Education and Training Act of 13 December 2002<sup>8</sup> (VPETA) or have earned a foreign certificate of competence recognised by SERI as equivalent;
- b. guarantee that they will comply with their obligations under the Act and this Ordinance.

<sup>3</sup> Licences issued under previous laws in accordance with Annex 4 section 2 are considered to be equivalent to a Climbing Instructor with Federal PET Diploma if the holder can demonstrate that he or she has pursued the activity regularly and has completed sufficient further training.

<sup>4</sup> Licensed climbing instructors are also authorised to accompany clients within the scope of the activities defined in Article 3 paragraph 1 letter f on condition that the climbing instructor has completed additional training provided by or recognised by the Swiss Rock Guides Association or the Swiss Mountain Guide Association which covers the areas of safety and risk management when using *vie ferrate*.

<sup>5</sup> Trainee climbing instructors may conduct these activities under the direct supervision and responsibility of a person licensed for the activities defined in Article 3 paragraph 1 letter h if this is necessary for their further training.

**Art. 7** Snow sports instructors

<sup>1</sup> Licensed snow sports instructors are authorised to accompany clients within the scope of the activities defined in Article 3 paragraph 1 letters c–e on the following conditions:

- a. the tour corresponds at a maximum to the following difficulty levels:
  1. ski tours: «WS» as defined in Annex 2 section 2,
  2. snowshoe tours: «WT3» as defined in Annex 2 section 3,
  3. off-piste skiing: «S» as defined in Annex 2 section 2, provided there is no risk of falling;

<sup>8</sup> SR 412.10

- b. no glaciers are crossed;
- c. apart from snow sports equipment, skins, ski crampons and snowshoes, no other technical aids such as ice axes, crampons or ropes have to be used in order to ensure the safety of the clients.

<sup>2</sup> The following are considered to be equivalent to a Snow Sports Instructor with Federal PET Diploma:

- a. licences issued under previous laws in accordance with Annex 4 section 3, if the holder can demonstrate that he or she has pursued the activity regularly and has completed sufficient further training;
- b. Swiss certificates of competence recognised by FOSPO as equivalent;
- c. foreign certificates of competence recognised by SERI as equivalent.

<sup>3</sup> Trainee snow sports instructors may conduct these activities under the direct supervision and responsibility of a person licensed for the activities defined in Article 3 paragraph 1 letters c–e if this is necessary for their further training.

#### **Art. 8** Mountain leaders

<sup>1</sup> Licensed mountain leaders are authorised to accompany clients within the scope of the activities defined in Article 3 paragraph 1 letter d on the following conditions:

- a. the tour corresponds at a maximum to difficulty level «WT3» in accordance with Annex 2 section 3;
- b. no glaciers are crossed;
- c. apart from snowshoes, no technical aids such as ice axes, crampons or ropes have to be used in order to ensure the safety of the clients.

<sup>2</sup> The licence shall be granted if the mountain leader:

- a. is a mountain leader with Federal PET Diploma as defined in Article 43 VPETA<sup>9</sup>;
- b. guarantees that he or she will comply with the obligations under the Act and this Ordinance.

<sup>3</sup> The following are considered to be equivalent to a mountain leader with Federal PET Diploma as defined in Article 43 VPETA:

- a. foreign certificates of competence recognised by SERI as equivalent;
- b. an International Mountain Leader (IML) qualification recognised by the Union of International Mountain Leader Associations (UIMLA).

<sup>4</sup> Licensed mountain leaders are also authorised to accompany clients within the scope of the activities defined in Article 3 paragraph 1 letter b on the following conditions:

- a. the alpine hike corresponds at a maximum to difficulty level «T4» in accordance with Annex 2 section 1;

<sup>9</sup> SR 412.10