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Ordinance on Parks of National Importance (Parks Ordinance, ParkO)

of 7 November 2007 (Status as of 1 September 2014)

The Swiss Federal Council,

based on Articles 23¹ and 26 of the Federal Act of 1 July 1996¹
on the Protection of Nature and Cultural Heritage (NCHA),

ordains:

Chapter 1: Subject Matter and Principles

Art. 1

¹ This Ordinance regulates the procedure and the requirements for promoting the establishment, operation and quality assurance of parks of national importance.

² Such promotion shall take equitable account of the biogeographical regions.

Chapter 2: Global Financial Aid, Park Label and Product Label

Section 1: Global Financial Aid

Art. 2 Requirements

¹ Global financial aid shall be granted:

- a. for the establishment of a park of national importance, provided a park authority (Art. 25) is designated and the feasibility of establishing, operating and ensuring the quality of the park in accordance with the requirements for the park are demonstrated;
- b. for managing and ensuring the quality of a park of national importance provided the requirements for the park are fulfilled.

² Financial aid shall be granted only if the canton and the communes whose territory is included in the park, as well as any third parties, participate in an equitable manner in financing the establishment, operation and quality assurance of the park.

AS 2007 5241

¹ SR 451

Art. 3 Application

¹ The application by the canton for global financial aid must in particular contain:

- a. a summary of all efforts made on the territory of the canton to establish and operate parks of national importance;
- b. for the establishment of a park, a management plan and the constitution of the park authority;
- c. for the operation of a park, the charter on park management and quality assurance (Art. 26), the constitution of the park authority and proof of the spatial planning safeguards for the park (Art. 27).

² In the case of supra-cantonal park projects, the cantons concerned shall coordinate their applications.

Art. 4 Assessment

¹ The amount of global financial aid is determined by:

- a. the extent and the quality of the services that will be provided in order to fulfil the requirements for the park;
- b. the quality of the provision of those services.

² The amount of global financial aid shall be negotiated between the Federal Office for the Environment (the FOEN) and the canton.

Art. 5 Programme agreement

¹ The FOEN shall enter into a programme agreement with the cantonal authority concerned.

² The programme agreement shall have a maximum term of four years (the programme term).

³ Financial aid for the establishment of a park shall be granted in the case of national parks for a maximum of two programme terms and in the case of regional natural parks and nature discovery parks for one programme term.

Art. 6² Further procedural provisions

In relation to payments, reporting and controls as well as failure to adequately fulfil the reporting obligation or the obligation to provide services, Articles 10–11 of the Ordinance of 16 January 1991³ on the Protection of Nature and Cultural Heritage apply by analogy.

² Amended by No 125 of the Ordinance of 7 Nov. 2007 on the New System of Financial Equalisation and Division of Tasks between the Confederation and the Cantons, in force since 1 Jan. 2008 (AS 2007 5823).

³ SR 451.1

Section 2: Park Label

Art. 7 Requirement

The park label shall be awarded if the requirements for the park are fulfilled.

Art. 8 Application

¹ An application for the award of the park label must contain the charter on park operation and quality assurance, the constitution of the park authority and proof of the spatial planning safeguards applicable to the park.

² An application for renewal of the park label must also contain a report on the services that have been provided in fulfilment of the park requirements.

³ The park authority must submit the application to the canton. In the case of supra-cantonal projects, it must submit the application to all the cantons concerned.

⁴ The cantons shall examine the application documents and the requirements for the award and forward the application together with their proposals to the FOEN.

Art. 9 Award

¹ The FOEN shall award the park label to the park authority.

² The park label shall be awarded for a period of ten years.

Art. 10 Exploitation

¹ The park authority may exploit the park label only to publicise the park.

² The exploitation of the park label in order to advertise individual goods or services is prohibited.

³ If the requirements for the award or the requirements for exploitation are no longer fulfilled, the FOEN shall allow a period within which to remedy the deficiencies. If the deficiencies are not remedied within the period allowed, the park label shall be revoked.

Section 3: Product Label

Art. 11 Requirements

The product label shall be awarded if:

- a. the product or service is primarily manufactured or provided in the park using local resources and in accordance with the principles of sustainable development;
- b. a specification for the product or service is provided that has been approved by the park authority in consultation with the FOEN, attesting to the fulfilment of the requirements for the award.

Art. 12 Application

¹ The application must contain the designation of the product or service and the approved specifications.

² Individual persons and businesses or groups of persons and businesses that wish to mark specific goods or designate specific services with the product label may submit an application for the award of the product label to the park authority.

Art. 13 Award

¹ The park authority shall award the product label provided a certification agency that is accredited for the field of application of this Ordinance under Article 14 of the Accreditation and Designation Ordinance of 17 June 1996⁴ has certified compliance with the requirements for the award.

² It shall award the product label for the term of certification.

³ If certification is revoked during this term, the park authority shall revoke the product label.

Art. 14 Exploitation

The product label may only be used for marking and marketing the goods and services for which it was awarded.

Chapter 3: Requirements for Parks of National Importance**Section 1: High Natural and Landscape Values****Art. 15**

¹ The territory of a park of national importance shall be characterised by its high natural and landscape values, and in particular by:

- a. the diversity and rarity of the indigenous animal and plant species as well as their habitats;
- b. the exceptional beauty and the character of the landscape;
- c. a low level of disturbance, by buildings, installations and uses, of the habitats of indigenous animal and plant species as well as of the landscapes and sites of local character.

² The territory of regional natural parks and of buffer zones in national parks shall also be characterised by the uniqueness and special quality of the cultural landscape as well as by historically significant sites and monuments.

⁴ SR 946.512

Section 2: National Parks

Art. 16 Area

- ¹ The area of the core zone of a national park shall amount to at least:
- a. 100 km² in the Alpine foothills and Alps;
 - b. 75 km² in the Jura and on the south side of the Alps;
 - c. 50 km² on the Swiss Plateau (Mittelland).
- ² The core zone may be made up of unconnected sub-areas provided:
- a. the total surface area of the core zone exceeds the minimum area in terms of paragraph 1 by at least 10 per cent; and
 - b. free natural development is guaranteed.
- ³ At least 25 km² of the core zone shall be located below the tree line.
- ⁴ The buffer zone shall, as far as possible, surround the core zone completely. It shall have an area that is in appropriate proportion to the area of the core zone.

Art. 17 Core zone

- ¹ To enable free natural development, the following are prohibited in the core zone:
- a. leaving the paths and routes provided, and bringing in animals;
 - b. the use of any vehicles;
 - c.⁵ taking-off or landing using any civilian, manned aircraft, unless authorisation has been granted under Article 19 paragraph 3 letter a or 28 paragraph 1 of the Off-Airport Landing Ordinance of 14 May 2014⁶.
 - d. the construction of buildings and installations as well as terrain modification;
 - e. use for agriculture or forestry, with the exception of traditional grazing use in clearly defined areas;
 - f. fishing and hunting, with the exception of the regulation of stocks of game species in order to prevent significant damage caused by game;
 - g. the collection of rocks, minerals, fossils, plants and fungi as well as the trapping of animals.
- ² Derogations from the regulations in paragraph 1 are permitted, provided they are minor and are made for good cause.
- ³ The continued existence of existing buildings and installations is guaranteed. If an existing building or installation is not in the public interest, it must be removed when the opportunity arises. There is a public interest in particular if the existing building

⁵ Amended by Annex No 1 of the Off-Airport Landing Ordinance of 14 May 2014, in force since 1 Sept. 2014 (AS 2014 1339).

⁶ SR 748.132.3

or installation has been made subject to a preservation order by the responsible authority.

⁴ The core zone shall be recorded on the aeronautical chart in accordance with Article 61 letter a of the Ordinance of 23 November 1994⁷ on Aviation Infrastructure, and reference shall be made to the caution that must be exercised when overflying the zone.

Art. 18 Buffer zone

¹ Within the buffer zone, for the maintenance and near-natural management of the countryside and for its protection against detrimental intrusions:

- a. the ecological functions of the areas used for agriculture, the forest and the watercourses must be preserved and encouraged;
- b. use for the purposes of tourism and recreation must be organised in an ecological manner;
- c. the landscapes and sites of local character must be preserved and as far as possible enhanced;
- d. the habitats of indigenous animal and plant species that are worthy of protection must be enhanced and linked;
- e. in the case of new buildings, installations and uses, the character of the landscapes and sites of local character must be preserved and enhanced;
- f. existing disturbances to the landscapes and sites of local character by buildings, installations or uses must be minimised or eliminated when the opportunity arises.

² The sustainable use of the natural resources of the buffer zone must be encouraged.

Section 3: Regional Nature Parks

Art. 19 Area

¹ The area of a regional natural park shall amount to at least 100 km².

² It shall include the entire territory of the communes concerned. Derogation from this principle is permitted if:

- a. a large area that is delimited naturally is being incorporated into the area of a regional nature park;
- b. the rural part of an extended agglomeration commune with urban residential character contributes to rounding off the area of a regional nature park.

⁷ SR 748.131.1

Art. 20 Preservation and enhancement of nature and landscape

In a regional natural park, in order to preserve and enhance the quality of nature and the landscape:

- a. the diversity of the indigenous animal and plant species, the types of habitat as well as the landscapes and sites of local character must be preserved and as far as possible enhanced;
- b. the habitats of indigenous animal and plant species that are worthy of protection must be enhanced and linked;
- c. in the case of new buildings, installations and uses, the character of the landscapes and sites of local character must be preserved and enhanced;
- d. existing impairments to the landscapes and sites of local character by buildings, installations or uses must be minimised or eliminated when the opportunity arises.

Art. 21 Encouraging sustainable business activities

In regional nature parks, in order to encourage sustainable business activities, the following shall be required in particular:

- a. the use of local natural resources in an environmentally sound manner;
- b. the strengthening of regional production and of the marketing of products produced in the park;
- c. the encouraging of services directed towards near-natural tourism and environmental education;
- d. support for the use of environmentally sound technologies.

Section 4: Nature Discovery Parks**Art. 22** Area and location

¹ The area of the core zone of a nature discovery park shall amount to at least 4 km².

² The core zone may be composed of unconnected sub-areas provided:

- a. the total surface area of the core zone exceeds the minimum area in terms of paragraph 1 by at least 10 per cent; and
- b. free natural development is guaranteed.

³ The transition zone shall, as far as possible, surround the core zone completely. It shall have an area that is in appropriate proportion to the area of the core zone.

⁴ A nature discovery park shall be located within a maximum radius of 20 kilometres from the centre of an agglomeration and at a similar elevation.

⁵ It shall be easily accessible using public transport.

Art. 23 Core zone

¹ To enable free natural development, the following are prohibited in the core zone:

- a. leaving the paths and routes provided and bringing in animals, with the exception of dogs, which must be kept on a leash;
- b. the use of any vehicle with exception of non-motorised vehicles on routes marked in accordance with Article 54a of the Road Signs Ordinance of 5 September 1979⁸;
- c. the construction of buildings and installations as well as terrain modification;
- d. use for agriculture or forestry;
- e. fishing and hunting, with the exception of the regulation of stocks of game species in order to prevent significant damage caused by game;
- f. the collection of rocks, minerals, fossils, plants and fungi as well as the trapping of animals.

² Derogations from the regulations in paragraph 1 are permitted, provided they are minor and are made for good cause.

³ The continued existence of existing buildings and installations is guaranteed. If an existing building or installation is not in the public interest, it must be removed when the opportunity arises. There is a public interest in particular if the existing building or installation has been made subject to a preservation order by the responsible authority.

Art. 24 Transition zone

In the transition zone, to make it possible for nature to be experienced and to ensure that the transition zone fulfils its buffer function in relation to the core zone:

- a. suitable measures must be taken for the environmental education of the visitors;
- b. agricultural and forestry uses as well as new buildings and installations that prejudice the development of unspoiled habitats for indigenous animal and plant species are prohibited;
- c. habitats for indigenous animal and plant species that are worthy of protection must be enhanced and linked;
- d. access must be limited and the collection of rocks, minerals, fossils, plants and fungi as well as the trapping of animals must be restricted if this is required to protect indigenous animal and plant species.

Section 5: Long-Term Guarantee

Art. 25 Park authority

¹ The park authority must have the legal form, organisation and financial resources that guarantee the establishment, operation and quality assurance of the park.

² Communes located within the perimeter of the park must be properly represented in the park authority.

³ In relation to the establishment and management of the park, the park authority must:

- a. guarantee the participation of the local population;
- b. enable the participation of interested businesses and organisations in the region.

Art. 26 Charter

¹ The park authority and the communes concerned must, in consultation with the canton, draw up and implement a charter on park management and quality assurance.

² The charter shall regulate:

- a. the maintenance of the natural, landscape and cultural values of the park;
- b. the enhancement and development measures in the territory of the park;
- c. the alignment of activities carried out by the communes and that affect land use with the requirements to be fulfilled by the park;
- d. the investment planning for the provision of human and financial resources as well as the required infrastructure for park management and quality assurance.

³ The charter must be concluded for a term of at least ten years.

Art. 27 Spatial planning safeguards and co-ordination of activities affecting land use

¹ The park must be marked on the structure plan approved in accordance with Article 11 paragraph 1 of the Spatial Planning Act of 22 June 1979⁹.

² The authorities responsible for planning matters under the Spatial Planning Act of 22 June 1979 must:

- a. adapt the land use plans in accordance with the Spatial Planning Act to the extent required by the guarantee of the fulfilment of park requirements;
- b. publicise in an appropriate manner the regulations on the protection of core zones of national parks and nature discovery parks.

⁹ SR 700

Chapter 4: Research and Cooperation between Parks

Art. 28

¹ The FOEN, together with the park authorities, the cantons concerned and institutions responsible for the promotion of research shall ensure the coordination of research on parks, where such research relates to several parks. It may issue recommendations on research in parks.

² It shall ensure cooperation and knowledge transfer among parks and with parks abroad.

Chapter 5: Final Provisions

Art. 29 Implementation

¹ The FOEN shall be the federal office responsible for parks of national importance.

² It shall implement this Ordinance.

³ While fulfilling its tasks, it shall work in close cooperation in particular with the federal agencies responsible for agriculture, spatial development, regional policy, infrastructure facilities, national defence, sport, cultural heritage and preservation of historic monuments as well as with the cantons.

⁴ It shall ensure the protection under trademark law of park label and the product label in accordance with the Trademark Protection Act of 28 August 1992¹⁰, the control of the exploitation of the park label and of the product label as well as their publication.

⁵ After consulting the cantons, it shall issue guidelines on the award and exploitation of the park label and the product label as well as on the granting of global financial aid. It shall issue the guidelines on the award and exploitation of the product label in agreement with the Federal Office for Agriculture and the State Secretariat for Economic Affairs.

Art. 30 Transitional provision

The requirement contained in Article 27 paragraph 1 is regarded as fulfilled if the canton submits the amendment to the cantonal structure plan to the federal office concerned for approval by 31 December 2009.

Art. 31 Commencement

This Ordinance comes into force on 1 December 2007.

¹⁰ SR 232.11