

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Act on the Consultation Procedure (Consultation Procedure Act, CPA)

of 18 March 2005 (Status as on 23 August 2005)

*The Federal Assembly of the Swiss Confederation,
based on Article 147 of the Federal Constitution¹,
and having considered the Federal Council Dispatch of 21 January 2004²,
decrees:*

Art. 1 Scope of application

¹ This Act regulates the main aspects of the consultation procedure.

² Consultation procedures are initiated by the Federal Council or by a parliamentary committee.

Art. 2 Purpose of the consultation procedure

¹ The consultation procedure has the aim of allowing the cantons, political parties and interested groups to participate in the shaping of opinion and the decision-making process of the Confederation.

² It is intended to provide information on material accuracy, feasibility of implementation and public acceptance of a federal project.

Art. 3 Subject matter of the consultation procedure

¹ A consultation procedure takes place when drafting:

- a. amendments to the Constitution;
- b. provisions of Federal Acts in terms of Article 164 paragraph 1 letters a–g of the Federal Constitution;
- c. international law agreements that are subject to a referendum in terms of Articles 140 paragraph 1 letter b and 141 paragraph 1 letter d section 3 of the Federal Constitution or which affect essential cantonal interests.

AS 2005 4099

¹ SR 101

² BBl 2004 533

² In other projects, a consultation procedure is carried out if the project is of major political, financial, economic, ecological, social or cultural significance or if its enforcement will to a substantial extent be the responsibility of bodies outside the Federal Administration.

³ If the cantons are specifically affected by a proposed ordinance, they will be consulted.

Art. 4 Participation

¹ Anyone and any organisation may participate in a consultation procedure and submit an opinion.

² The following are invited to submit an opinion:

- a. the cantons;
- b. the political parties represented in the Federal Assembly;
- c. the national umbrella organisations for the communes, cities and mountain regions;
- d. the national umbrella organisations for the economic sector;
- e. any further interest groups relevant to the individual case.

³ The Federal Chancellery maintains a list of parties consulted in terms of paragraph 2 letters a–d.

Art. 5 Initiation

¹ The Federal Council initiates any consultation procedure relating to its draft legislation.

² The parliamentary committee concerned initiates any consultation procedures relating to any legislation that it has drafted.

³ The Federal Chancellery coordinates the consultation proceedings and gives public notice of any consultation procedure that has been initiated, providing details of the consultation period and the office where the consultation documents may be obtained.

Art. 6 Procedure

¹ The department concerned or the Federal Chancellery prepares for the consultation procedure, carries it out, compiles the results of the consultation procedure and evaluates the same.

² The parliamentary committee concerned conducts any consultation procedure that it initiates (Art. 5 para. 2). It may call on the assistance of offices and agencies of the Federal Administration for the preparation of the consultation procedure and the compilation of the results thereof.

Art. 7 Form and duration

¹ The consultation procedure is conducted in writing, on paper and in electronic form.

² The duration of the consultation period is three months. This period may be extended appropriately to take account of public holidays as well as the content and size of the proposal.

³ In cases of urgency, it is possible by way of exception:

- a. to reduce the duration of the procedure;
- b. to conduct the consultation procedure in its entirety or in part in the form of a conference.

⁴ Minutes must be kept of a consultation procedure conference.

Art. 8 Procedure for opinions

The opinions are acknowledged, considered and evaluated.

Art. 9 Transparency

¹ The following are made available to the public:

- a. the consultation documents;
- b. on expiry of the consultation period, the opinions and the minutes of consultation procedure conferences;
- c. after acknowledgement by the Federal Council, the summary of the results of the consultation procedure.

² Opinions are made publicly available by permitting their inspection, providing copies or by publishing them in electronic form, and they may for this purpose be subjected to technical processing.

³ The Transparency Act of 17 December 2004³ does not apply.

Art. 10 Hearings on projects of minor significance

¹ The department concerned or the Federal Chancellery may conduct hearings of the groups from outside the Federal Administration that are affected by projects of minor significance.

² The result of a hearing must be made available to the public.

Art. 11 Implementing provisions

The Federal Council regulates the details in an ordinance, including in particular:

- a. the planning and the coordination of individual consultation procedures;
- b. the content of the consultation documents, their preparation and release;

³ SR 152.3; BBl 2004 7269

- c. the conduct of the consultation procedure in electronic form;
- d. the procedure for dealing with the opinions submitted, and in particular their evaluation, technical processing, publication and archiving.

Art. 12 Amendment of current legislation

The following federal acts are amended as follows:

1. *Parliament Act of 13 December 2002*⁴

Art. 112 para. 2

...

2. *Federal Act of 7 October 1983*⁵ *on the Protection of the Environment*

Art. 39 para. 3

Repealed

3. *Water Protection Act of 24 January 1991*⁶

Art. 47 para. 2

Repealed

Art. 13 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council determines the date on which this Act comes into force.

Commencement date: 1 September 2005⁷

⁴ SR **171.10**. The amendment in terms of this Act is inserted in the said enactment.

⁵ SR **814.01**

⁶ SR **814.20**

⁷ Federal Council Decree of 17 August 2005 (AS **2005** 4102).