# Federal Law on Civil Protection System and Protection & Support Service

dated 4<sup>th</sup> October 2002 (as of 2<sup>nd</sup> December 2003)

*The Federal Assembly of the Swiss Confederation,* based on Article 61 of the Federal Constitution<sup>1</sup>, and after examination of the Message of the Federal Council, dated 17<sup>th</sup> October 2001<sup>2</sup>, *decides the following:* 

# **Title 1: Subject**

#### Article 1

The present law regulates:

- a. collaboration between the Confederation and the cantons in relation to civil protection system;
- b. the Protection & Support service.

# **Title 2: Civil Protection System**

# Chapter 1: Cooperation within the civil protection system

#### Article 2 Purpose

The purpose of the civil protection system is to protect the population and its vital resources in the event of disasters, emergencies, or armed conflicts, and to contribute to bringing these events under control and limiting the damage they may cause.

#### Article 3 Partner organisations

The civil protection partner organisations are:

- a. the police, for the maintenance of public security and order;
- b. the fire service, for the rescue and general damage protection;
- c. the health care services (including first aid services), for the provision of medical care to the population;
- d. the technical services, to ensure that the technical infrastructure, in particular electricity, water and gas supplies, waste disposal, as well as transport and IT systems, are operational;
- e. the protection & support service, for the provision of the protection of the population and care for persons in need of protection, of protection of cultural property, of support to the units and the other partner organisations, as well as of repair and rehabilitation work and for the performance of other tasks to benefit the community.

#### Article 4 Staff units

The relevant authorities shall establish staff units responsible for the following tasks:

- a. informing the population of risks, as well as of protective possibilities and measures;
- b. warning and alerting the population, as well as disseminating instructions;
- c. carrying out management and command activities;
- d. coordinating the preparations undertaken by, and the deployment of, the partner organisations;

e. guaranteeing a state of preparedness that is both timely and suited to the situation, as well as personnel and material reinforcement of the civil protection system in the event of a rising threat of armed conflicts.

# Article 5 Federal tasks

<sup>1</sup> In agreement with the cantons, the Confederation may take on the responsibility for coordination, and management, of events affecting several cantons, the entire country or a neighbouring country.

<sup>2</sup> The Federal Council is responsible for the coordination of civil protection services and for the coordination of said services with other security policy instruments.

<sup>3</sup> In the event of a rising threat of armed conflicts, it may introduce measures to strengthen civil protection services.

# Article 6 Cantonal tasks

<sup>1</sup> The cantons are responsible for training, for management and command activities that are both timely and suited to the situation, and for the deployment of civil protection partner organisations.

<sup>2</sup> They are responsible for intercantonal cooperation.

# Article 7 Cooperation of the confederation with the cantons

Insofar as their respective responsibilities allow, the Confederation and the cantons may collaborate with regard to the development of the civil protection system, information and international cooperation.

# Article 8 Research and development

<sup>1</sup> In cooperation with the cantons, the confederation is responsible for research and development in the field of civil protection, in particular risk analysis, disaster and emergency management, as well as power-political threats.

 $^{2}$  It shall support national and international cooperation in research and development in the field of civil protection.

# **Chapter 2: Civil protection training**

Article 9 Training of the staff units

<sup>1</sup> Basic and advanced training of members of the staff units is governed by cantonal regulations.

<sup>2</sup> The Federal Council is responsible for the training of members of the staff units in relation to reinforcing the civil protection system in the event of a rising threat of armed conflicts.

# Article 10 Support from the Confederation

The Confederation:

- a. shall coordinate training coordination between the partner organisations and the army;
- b. shall support the cantons for the training of the staff units;
- c. shall provide advanced training for the staff units;
- d. may organise training courses with the agreement of the cantons which are in their area of responsibility; the latter shall bear the costs associated with such training courses;
- e. shall provide the training of staff unit instructors;
- f. shall enable instructors from the partner organisations to take part in advanced training courses;
- g. shall operate an advanced training infrastructure.

# **Title 3: Protection & Support Service**

# **Chapter 1: Protection and support duty**

# **Section 1: Principles**

#### Article 11 Persons eligible for duty

All men of Swiss nationality fit for protection&support service shall be eligible for compulsory protection & support duty.

# Article 12 Exemption from duty

<sup>1</sup>Military and civilian service conscripts shall be exempt from protection & support duty.

<sup>2</sup> Military service conscripts who have been dismissed from military service shall be exempt from protection & support duty if they have completed 50 days or more of military service.

<sup>3</sup>Civilian service conscripts who have been dismissed from civilian service are exempt from protection & support duty.

# Article 13 Duration

<sup>1</sup> Protection & support duty shall commence at the beginning of the year in which the conscript turns 20 and continue through to the end of the year in which he turns 40.

<sup>2</sup> The Federal Council may:

- a. extend protection & support duty so that it continues through to the end of the year in which the conscript reaches the age of 50;
- b. shorten protection & support duty so that it continues through to the end of the year in which the conscript reaches the age of 35.

Article 14 Extended protection & support duty in the event of armed conflicts

In the event of armed conflicts, the Federal Council may also consign the following persons to protection & support duty:

- a. men who are no longer eligible for either military or civilian service;
- b. men who have been dismissed from compulsory military or civilian service.

# Article 15 Voluntary protection & support duty

<sup>1</sup> The following may undertake voluntary protection & support duty:

- a. men who have been dismissed from compulsory protection & support duty;
- b. men who are no longer eligible for either military or civilian service;
- c. men who have been dismissed from compulsory military or civilian service;
- d. women of Swiss nationality, commencing at the beginning of the year in which they reach 20;
- e. Foreigners (male and female) resident in Switzerland, commencing at the beginning of the year in which they reach 20.
- $^{2}$  The cantons shall decide on admission. All decisions made by the cantons shall be without appeal.

<sup>3</sup> Protection & support volunteers have the same rights and duties as serving protection & support conscripts.

<sup>4</sup> On request, protection & support volunteers may be dismissed from protection & support duty. However, as a general rule they must have completed at least three years of service.

# Article 16 Recruitment

The protection & support service and the army carry out a joint recruitment procedure.

Article 17 Posting of protection & support conscripts

<sup>1</sup> As a general rule, protection & support conscripts are posted to their canton of residence.

 $^{2}$  With the agreement of the cantons concerned, a protection & support conscript may be posted to a canton that is not his canton of residence.

<sup>3</sup> The canton of residence decides on the posting of protection & support conscripts.

# Article 18 Reserve personnel

<sup>1</sup> The cantons may assign the protection & support conscripts to the reserve personnel.

 $^{2}$  Those assigned to the reserve personnel do not necessarily have to undergo training. They may be mobilised if needed but have no right to serve.

# Article 19 Discharge of members of the authorities

The following are discharged from compulsory protection & support duty:

- a. members of the federal council (federal government);
- b. the federal chancellor and the vice-chancellors;
- c. members of the federal assembly (parliament);
- d. members of the Swiss federal supreme court;
- e. members of the cantonal executives (cantonal governments);
- f. full-time members of the cantonal courts;
- g. full-time members of municipal executives (municipal governments).

#### Article 20 Premature dismissal

<sup>1</sup>Men eligible for compulsory protection & support duty whose services are required by a partner organisation may be prematurely dismissed from protection & support duty.

<sup>2</sup> The federal council is responsible for the procedure.

<sup>3</sup> Decisions on premature dismissal shall fall to the cantons.

# Article 21 Exclusion

Men eligible for compulsory protection & support duty who have a prison sentence may be excluded from said duty.

# Section 2: Rights and duties

Article 22 Pay, board and lodgings, transport

<sup>1</sup> Serving protection & support conscripts shall be entitled to pay and free board.

<sup>2</sup> They shall also be entitled to:

- a. free use of public transport when entering or leaving service, as well as to and from their place of service and place of residence while on leave;
- b. free accommodation if they cannot reside at home.

#### Article 23 Compensation for loss of earnings

Serving protection & support conscripts shall be entitled to compensation for loss of earnings in accordance with the federal law on compensation for loss of earnings of  $25^{\text{th}}$  September  $1952^3$ .

#### Article 24 Tax for military service not rendered

The sum of training services and deployment remunerated by pay and loss of income allowance which protection & support conscripts have absolved is taken into account when calculating the tax for military service not rendered in accordance with the federal law of  $12^{\text{th}}$  June 1959<sup>4</sup> on tax for military service not rendered.

#### Article 25 Insurance

Serving protection & support conscripts are insured in accordance with the federal law on military insurance of  $19^{th}$  June  $1992^{5}$ .

#### Article 26 Duties

<sup>1</sup> Serving protection & support conscripts shall comply with service orders.

 $^{2}$  Serving protection & support conscripts may be bound to assume cadre functions and to fulfil services connected with such functions. They shall also assume tasks outside of the statutory periods of duty, in particular preparing training activities and protection & support deployment.

# Section 3: Mobilisation and monitoring

#### Article 27 Mobilisation

<sup>1</sup> The federal council may mobilise protection & support conscripts:

- a. in the event of disasters and emergencies that affect several cantons or the entire country;
- b. in the event of disasters and emergencies in neighbouring countries;
- c. in the event of armed conflicts;
- d. for deployment which benefits society at national level.

<sup>2</sup> The cantons may mobilise protection & support conscripts:

- a. in the event of disasters and emergencies;
- b. to repair damages caused by disasters or emergencies;
- c. for deployment which benefits society.

<sup>3</sup>The cantons regulate the mobilisation procedure.

#### Article 28 Monitoring

The cantons are responsible for the monitoring procedure of protection & support conscripts.

#### **Chapter 2: Duties of third parties**

#### Article 29 Individuals

<sup>1</sup> All persons must comply with alarm orders and instructions.

 $^{2}$  Any person who assists the protection & support service shall be insured in accordance with the federal law on military insurance  $^{6}$ .

#### Article 30 House owners and tenants

<sup>1</sup> House owners and tenants shall see to it that stipulated measures are prepared and implemented.

 $^{2}$  If occupation of shelters is ordered, house owners and tenants shall place surplus shelter places free of charge at the disposal of the protection & support service.

#### Article 31 Use of property in peace time

Owners and tenants shall allow technical installations useful to the protection & support service on their premises. They shall receive adequate compensation in the event of any impairment to the value of their property.

Article 32 Use of property in the event of disasters, emergencies or armed conflicts

In the event of disasters, emergencies or armed conflicts, the protection & support service shall enjoy the same rights of expropriation or requisition as those granted to the Swiss army.

# **Chapter 3: Protection & support training**

#### Article 33 Basic training

No later than three years after recruitment, protection & support conscripts shall complete at least two and at most three weeks of basic training. Basic training may be supplemented with additional training for specialists, which shall last no longer than one week.

#### Article 34 Cadre training

Protection & support conscripts who are assigned to a cadre function, shall complete at least one and at most two weeks of cadre training before assuming their new function.

#### Article 35 Advanced training

Protection & support conscripts in a cadre or specialist function may be called up every four years for advanced training lasting a maximum of two weeks in total.

#### Article 36 Refresher courses

Protection & support conscripts who have completed their basic training may be called up every year to attend refresher courses of at least two days' and at most one week's duration. Cadres and specialists may be called up additionally every year for a further one week's training at most.

# Article 37 Service in the protection & support administration

<sup>1</sup> In the event of an urgent need, protection & support conscripts may be summoned to carry out their service in the protection & support administration.

 $^{2}$  Services performed in the protection & support administration shall be considered as refresher courses in the sense of Article 36.

# Article 38 Call-up for training

<sup>1</sup>The cantons are responsible for the call-up as envisaged in Articles 33–37.

 $^{2}$  The federal authority responsible for protection & support is in charge of the cal-up relative to basic and advanced training as envisaged in Article 39 para 2.

<sup>3</sup> The call-up papers should reach the protection & support conscripts no later than six weeks before the start of service.

<sup>4</sup> Requests from the protection & support conscripts to postpone their service must be filed with the authority responsible for the call-up.

#### Article 39 Federal support

<sup>1</sup> The Confederation, in cooperation with the cantons, shall create the basis for a standard training procedure.

<sup>2</sup> It shall train protection & support commanders and their deputies, cadres and certain command support specialists, as well as cultural property protection experts.

<sup>3</sup> It may conduct training courses in agreement with the cantons, which are in their area of responsibility. The cantons shall bear the costs associated with those training courses.

#### Article 40 Training of instructors

<sup>1</sup> The confederation shall provide training courses for protection & support instructors.

<sup>2</sup> It shall grant instructors from the partner organisations access to training courses of protection & support.

#### Article 41 Training infrastructure

The confederation shall provide the relevant training infrastructure.

Article 42 Decommissioning of protection & support training centres

<sup>1</sup> If protection & support training centres are decommissioned, used for other purposes or sold, any federal subsidies must be refunded.

 $^{2}$  If protection & support training centres are decommissioned as a result of reforms or new organisational structures, there is no duty to refund any federal subsidies, with the exception of those used to fund land purchase, whereby they shall be refunded insofar as the land is sold at a profit.

# Chapter 4: Material, alarm and IT systems

#### Article 43 Confederation

The confederation is responsible for:

- a. providing systems to alert the population;
- b. providing the IT systems of the protection & support service;
- c. procuring equipment and material for protective premises;
- d. procuring standardised material for the protection & support service.

#### Article 44 Exemption from customs duty

According to article 14, para 17 of the federal law on customs of  $1^{st}$  October  $1925^7$  and article 22 of the decree of  $10^{th}$  July  $1926^8$ , protection & support material (semi-manufactured and finished products) imported by the confederation from abroad, shall be treated by customs in the same way as war material.

# **Chapter 5: Protective premises**

# **Section 1: Shelters**

#### Article 45 Principle

Each resident shall have the right to a place in a protective shelter near to his or her home.

#### Article 46 Obligation to construct

<sup>1</sup> When building houses, homes and hospitals, the property owner shall be obliged to provide, equip and maintain shelters.

<sup>2</sup> Municipalities must provide equipped public shelters in areas with insufficient number of protected places.

<sup>3</sup> The cantons may oblige property owners and owners of immovable and movable cultural property to undertake or accept building measures to protect said property.

# Article 47 Control, compensation payments

<sup>1</sup> In accordance with federal instructions, the cantons shall control the construction of shelters to ensure the statutory number of shelter places.

 $^{2}$  Should house owners not build a private shelter, they shall be obliged to pay compensation. This shall be used primarily to fund public shelters in the given municipality. If the municipality already has the statutory number of shelters or if compensation payments cover the funding of said shelters, any remaining funds may be used for other protection & support measures.

<sup>3</sup>Where the stipulated number of protective places has been reached, the cantons shall determine whether further shelters should be constructed and whether compensation payments should be charged.

<sup>4</sup> In accordance with federal instructions, the cantons shall set compensation payment levels.

<sup>5</sup>Compensation payments shall remain the property of the municipality, to which they were paid. In relation to regional and cantonal organisation structures, the canton shall be responsible for the use of compensation payments.

# Article 48 Building permission

<sup>1</sup> Building permission shall only be awarded if the responsible bodies have submitted their decision relative to the duty to construct shelters.

 $^{2}$  To ensure that the relevant regulations are followed, the cantons may demand a guarantee payment from the owners of the building under construction.

# Article 49 Decommissioning

In accordance with federal instructions, the cantons may decommission shelters.

# **Section 2: Premises**

# Article 50 Protective structures

Protective structures may be:

- a. command posts;
- b. facilities for rescue units;
- c. protected first aid posts;
- d. protected hospitals.

# Article 51 Confederation

To ensure a satisfactory state of preparedness, the confederation shall regulate the construction, equipment, maintenance, renovation and use of protective structures.

#### Article 52 Cantons

<sup>1</sup> In accordance with federal instructions, the cantons shall fix the need for the construction of protective structures.

 $^{2}$  In accordance with federal instructions, the cantons shall see to the construction, equipment, maintenance and renovation of command posts, facilities for rescue units and protected first aid posts.

# Article 53 Institutions responsible for hospitals

In accordance with federal instructions, institutions responsible for hospitals shall be in charge of the construction, equipment, maintenance and renovation of protected hospitals.

#### Article 54 Hydroelectric dam operators

In accordance with federal instructions, hydroelectric dam operators shall be responsible for the construction, maintenance and updating of the built infrastructure pertaining to the water alarm system.

#### Article 55 Decommissioning

<sup>1</sup> Protective structures may only be decommissioned with prior authorisation from the federal authority responsible for the protection & support service.

<sup>2</sup> If protective structures that meet the minimum requirements (Art. 56) are decommissioned, federal subsidies must be refunded.

<sup>3</sup> If protective structures are decommissioned as a result of reforms or new organisational structures, federal subsidies do not have to be refunded.

# **Section 3: Joint regulations**

#### Article 56 Minimum requirements

The federal council shall set the minimum requirements that protective structures must meet.

#### Article 57 State of preparedness

In accordance with federal instructions, property owners and tenants shall ensure that their protective structures are in a corresponding state of preparedness.

#### Article 58 Substitutive execution

Should property owners and tenants fail to comply with the prescribed measures, the competent federal or cantonal authorities shall order the implementation of these measures at the cost to the owner or tenant.

# Chapter 6: International protective emblem and identity card of protection & support conscripts

#### Article 59

<sup>1</sup> The international protection & support emblem shall serve to identify protection & support personnel, material and protective premises.

<sup>2</sup> This symbol may also identify:

- a. individuals who answer a call by competent authorities to fulfil protection & support tasks under their orders;
- b. persons, within their administrative capacity, employed in federal, cantonal and municipal bodies responsible for the protection & support service.

<sup>3</sup> Conscripts shall receive a protection & support identity card.

 $^{4}$  The design of the emblem and identity card shall comply with the additional protocol of 8<sup>th</sup> June 1977  $^{9}$  to the Geneva Convention of 12<sup>th</sup> August 1949 on the protection of victims of international armed conflicts (Protocol I).

# **Chapter 7: Liability for damage**

# Article 60 General principles

<sup>1</sup> The Confederation, the cantons and the municipalities shall be liable for any damage inflicted illegally on third parties by the instructors or members of the protection & support service during training or other activities, unless they can prove that the damage was caused by an act of god or by fault of the injured or third party.

<sup>2</sup> If the confederation, the cantons and the municipalities are liable for damages, their liability shall be shared. The federal council shall be in charge of apportioning costs among the authorities concerned.

<sup>3</sup> Injured persons cannot claim against instructors or members of the protection & support service who are at fault.

<sup>4</sup> In joint exercises between the protection & support service with partner organisations of the civil protection system and the army, liability shall be governed by the regulations of this chapter of the law.

<sup>5</sup>Where the protection & support service is deployed in the event of armed conflicts, the regulations of this chapter regarding liability for damages shall not be applicable.

<sup>6</sup> Where situations fall under other regulations on legal liability, those regulations shall have precedence.

# Article 61 Recourse

After the confederation, cantons and municipalities have paid damages, they shall be entitled to recourse to instructors and serving protection & support conscripts who have caused damage wilfully or by gross negligence.

Article 62 Liability for damage inflicted on the government, the cantons and municipalities

<sup>1</sup> Instructors and protection & support conscripts, who directly inflict damage on the confederation, the cantons or municipalities, either wilfully or by gross negligence, shall be held liable and considered to be in dereliction of their duty.

<sup>2</sup> They shall be responsible for material entrusted to them and shall be held liable for damage or loss caused wilfully or by gross negligence.

<sup>3</sup> Accountants shall be liable for correct accountancy, for money and means confided to them and use of it according to the regulations. They shall be held responsible for damage caused wilfully or by gross negligence.

<sup>4</sup> In equal manner, auditors shall be held liable if they fail in their duty.

# Article 63 Assessment of compensation

<sup>1</sup> For the assessment of compensation, the following articles of the federal law on obligations<sup>10</sup> are valid analogously: 42, 43 para 1, 44 para 1, 45–47, 49, 50 para 1 and 51–53.

 $^{2}$  Where instructors and serving protection & support conscripts are held to be liable, the nature of service they performed, their behaviour in service and their financial situation shall be taken into consideration.

# Article 64 Damage to or loss of personal property

<sup>1</sup> Instructors and serving protection & support conscripts shall be personally liable for damage to or loss of their property. The confederation, the cantons and municipalities shall pay them appropriate compensation if the damage has been caused by an accident during service or as a consequence of following orders.

<sup>2</sup> If the damage has been in part caused by the injured party, the compensation may be reduced accordingly. Moreover, whether the use of the private object was justified on service grounds will be taken into consideration.

# Article 65 Limitation by lapse of time

<sup>1</sup>As envisaged in Articles 60 and 64, claims for damages against the confederation, the cantons or the municipalities shall lapse one year after the injured party has taken note of the damage and of the party at fault; in all cases, claims shall lapse five years after the day the damage occurred.

 $^{2}$  As envisaged in Article 61, claims by the confederation, the cantons or the municipalities shall lapse one year after the injured party has taken note of the damage and of the party at fault; in all cases, claims shall lapse five years after the day the damage occurred.

<sup>3</sup> If the claim for damages or to recourse is derived from a punishable act for which the criminal law provides a longer lapse of time, that limitation shall have precedence.

<sup>4</sup> For the interruption and assertion of limitation, Articles 135–142 of the Federal Law on Obligations<sup>11</sup> shall be valid analogously. The written assertion of the claim for damages filed with the confederation, the cantons or the municipalities shall also be valid.

<sup>10</sup> SR 220

# **Chapter 8: Right of complaint and procedure**

# Article 66 Claims not relative to the right of property

In such cases, complaint against decisions made by the last cantonal instance – decisions not termed final by this law – can be lodged with the federal department for defence, civil protection and sports within 30 days. Its decision shall be final.

# Article 67 Claims relative to the right of property

<sup>1</sup> The cantons shall designate the authorities in charge of deciding at the cantonal and municipal levels on claims for damages and recourse for damage caused during cantonal or municipal protection & support services. An appeal of these decisions may be submitted to the relevant federal authority.

<sup>2</sup> The federal authority responsible for protection & support shall decide on claims for damages and recourse for damage caused during protection & support activities organised or carried out at federal level.

<sup>3</sup> The federal authority responsible for protection & support shall decide on claims by or against the confederation relative to the right of property based on the federal law on protection & support not referring to the liability for damage.

<sup>4</sup> Decisions made by the federal authority responsible for protection & support can be referred to the federal commission of appeal on protection & support matters. Decisions made by the latter instance can be contested by an appeal of the administrative tribunal and filed with the federal supreme court.

# **Chapter 9: Penal regulations**

# Article 68 Offences against the law

<sup>1</sup>He or she who deliberately ...

- a. as a member of the protection & support service disobeys the relevant mobilisation orders, leaves the service without permission, does not return to work after a granted period of absence has expired, exceeds a granted furlough or shirks in any other form from protection & support duty;
- b. disrupts training services or deployment of the protection & support service, or hinders or endangers members of said service;
- c. publicly incites others to refuse protection & support duty or officially ordered measures,
- ... shall be punished by imprisonment, detention or a fine.

 $^{2}$  If the offender acts negligently, he or she shall be issued with a fine. In minor cases, and if the person has offended for the first time, the competent cantonal or municipal authority may refrain from criminal proceedings and issue a warning instead.

<sup>3</sup> The punishment shall be detention or a fine, where the offender:

- a. as a protection & support conscript refuses to fulfil protection & support tasks and functions;
- b. as a protection & support conscript does not obey official orders;
- c. ignores orders or instructions relative to an alert;
- d. uses abusively the international protective emblem of the protection & support service or the identity card of protection & support personnel.

<sup>4</sup> In minor cases, the competent cantonal or municipal authority may refrain from criminal proceedings and issue a warning instead.

<sup>5</sup> In accordance with other laws, criminal proceedings or claims based on civil law shall be reserved.

# Article 69 Contravention of executory decrees

<sup>1</sup>He or she who deliberately contravenes the regulations for the execution of this federal law shall be issued with a fine; in serious cases or for a repeat offence, the punishment shall be detention.

<sup>2</sup> In minor cases or in the case of negligence, the competent cantonal or municipal authority can refrain from criminal proceedings and issue a warning instead.

# Article 70 Prosecution

<sup>1</sup> Prosecution and judgement of punishable acts as stipulated by this law shall be incumbent on the cantons.

 $^{2}$  All sentences or judicial orders to discontinue prosecution shall be submitted to the federal office of police in full and free of charge. This instance shall inform the federal authority responsible for protection & support.

# **Title 4: Joint regulations**

# **Chapter 1: Funding**

# Article 71

<sup>1</sup> The confederation shall carry the costs of:

- a. recruitment of conscripts;
- b. the training which it provides in accordance with this law and the requisite training infrastructure;
- c. deployment of protection & support conscripts ordered by the federal council;
- d. activities, set out in article 7, for which it is responsible;
- e. research and development for which it is responsible;
- f. measures relative to article 43;
- g. strengthening the protection & support service in the event of a rising risk of armed conflict;
- h. deployment in the event of armed conflict.

<sup>2</sup> It shall carry the recognised additional costs for the construction, equipment, renovation, commissioning and decommissioning of protective structures and cultural property shelters.

<sup>3</sup> It shall contribute an annual fixed sum to guarantee the preparedness of the protective structures to be used in the event of armed conflicts.

<sup>4</sup> It may provide financial support to public or private organisations actively involved in protection & support.

<sup>5</sup> It shall not contribute to:

- a. land purchase costs or compensation for the utilisation of public and private ground;
- b. cantonal or municipal taxes;
- c. costs of the ordinary maintenance of protective structures.

# **Chapter 2: Personal data**

# Article 72 Data processing

<sup>1</sup>To perform the tasks incumbent upon them as set out in the present law, the federal authority responsible for protection & support may process data pertaining to conscripts.

<sup>2</sup> It shall have online access to the personnel information system of the army (federal law on the army and military administration of 3 February 1995<sup>12</sup>, Art. 146 para. 3).

#### Article 73 Information disclosure

<sup>1</sup>The cantonal supervisory bodies may disclose personal data pertaining to conscripts to the federal authority responsible for protection & support, if this is required in order for the latter to fulfil its task as set out in the present law.

<sup>2</sup> They may disclose personal data to the federal office for military insurance, if this is required in order for the latter to fulfil its task as set out in the MVG<sup>13</sup>.

<sup>3</sup> On request and in special circumstances, the federal authority responsible for protection & support may disclose personal data pertaining to conscripts necessary for the supervision process to the federal, cantonal and municipal services responsible for activities linked to civil protection or protection & support.

# **Chapter 3: Final Regulations**

Article 74 Supervision

Supervision shall be incumbent on the federal council.

Article 75 Executory regulations

<sup>1</sup>The federal council shall issue the executory decrees.

<sup>2</sup> It may assume the law-making competences of the federal authority responsible for the protection & support service.

<sup>3</sup> The implementation of the regulations shall be incumbent on the cantons.

#### Article 76 Abrogation of previous law

The following shall be abrogated:

- 1. The federal law on civil defence of  $17^{\text{th}}$  June 1994<sup>14</sup>;
- 2. The federal law on civil defence constructions of 4<sup>th</sup> October 1963<sup>15</sup>.

# Article 77 Referendum and entry into force

<sup>1</sup>This law shall be open to an optional referendum.

<sup>2</sup> The federal council shall decide on its entry into force.

Date of entry into force: 1<sup>st</sup> January 2004<sup>16</sup>

<sup>14</sup> 

<sup>[</sup>AS 1994 2626, 1995 1227 Appendix 9, 1996 1445 Appendix 14] [AS 1964 487, 1978 50 Clause II, 1980 1786, 1985 1649 Clause II, 1994 2667] BB of 30<sup>th</sup> Oct., 2003 (AS 2003 4205) 15

<sup>16</sup>