



Amendment of the the Embargo Act: Consultation procedure begins

Bern, 27.09.2019 - On 27 September 2019, the Federal Council opened consultation proceedings on amendments to the Embargo Act. The changes are intended to ensure that the ban on imports of firearms, weapon components, ammunition and other goods from Russia and Ukraine can continue. In addition, the Federal Council will no longer have to rely on provisions of the Federal Constitution in order to deal with similar cases.

The Ordinance on Measures to Prevent the Circumvention of International Sanctions in connection with the Situation in Ukraine (SR 946.231.176.72) prohibits the import from Russia and Ukraine for military purposes of firearms, weapon components and ammunition, as well as explosives, pyrotechnic articles and gunpowder. The import ban was ordered for a period of four years in 2015 on the basis of Article 184 paragraph 3 of the Federal Constitution. On 26 June this year, the Federal Council decided to extend the ban by a further four years. At the same time, it instructed the EAER to draw up a new legal basis for the content of the Ordinance. Consultation proceedings will conclude on 1 November 2019.

No change in Swiss policy

The new provisions in the Embargo Act should enable the Federal Council to apply existing compulsory measures wholly or in part to other countries if this is necessary to safeguard Switzerland's interests. Until now, this process has had to be based on the Federal Constitution. Recourse to Article 184 paragraph 3 of the Federal Constitution, which has proven problematic because of the time limit that this constitutional provision requires, should in future become unnecessary thanks to the proposed amendment to the Embargo Act. The new provisions will not lead to any substantive changes in Swiss policy on international economic sanctions.

Implementation of sanctions

Since 1 January 2003, the Embargo Act has been the legal basis for the implementation of sanction measures taken by Switzerland. It allows the federal government to take compulsory measures to enforce sanctions that have been authorised by the United Nations, the Organization for Security and Cooperation in Europe, or by Switzerland's main trading partners, and which serve to ensure compliance with international law, and in particular respect for human rights. Measures that go beyond the sanctions imposed by the UN or important trading partners may not be adopted on the basis of the Embargo Act, but must instead be based on the Federal Constitution.

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