

Groundwater protection in Switzerland

**Report by the Parliamentary Control of the Administration for the
National Council Control Committee**

7 October 2021

Main points in brief

Federal oversight of cantonal implementation of groundwater protection planning is only partially appropriate. Although the Confederation provides good enforcement support, there are shortcomings in the monitoring of the status of cantonal enforcement. The Confederation rarely intervenes where shortcomings in enforcement are identified. The interfaces at federal level between groundwater protection, agriculture and spatial planning are generally sound.

In January 2020, the Control Committees of the Federal Assembly (CCs) commissioned the Parliamentary Control of Administration (PCA) to carry out an evaluation of water quality, whereby the focus from the outset was on groundwater protection.

In May 2020, the responsible FDHA/DETEC sub-committee of the National Council Control Committee (CC-N) specified that the PCA should investigate federal oversight of cantonal enforcement of groundwater protection planning, along with the interfaces between groundwater protection and agricultural and spatial planning policy at federal level.

To this end, the PCA analysed documents, held around 40 interviews and conducted a survey of all the cantonal environment offices. It also commissioned a legal opinion to examine the expediency of the legislation on which federal oversight is based. On the basis of these investigations, the PCA reached the main conclusions set out below.

There are clear available means for federal oversight in the law, but their limited scope makes effective oversight difficult (Chapter 3).

In essence, federal law clearly defines the tasks that the cantons are required to carry out in groundwater protection planning (Section 3.1) and the means that the Confederation has to oversee this (Section 3.2). However, federal law on groundwater protection planning does not specify the deadlines within which the cantons must complete their enforcement tasks. The requirements on the cantons with regard to reporting to the Confederation are also only rudimentarily defined. Finally, the Confederation has no practicable means of imposing sanctions if a canton fails to observe the requirements or does not do so correctly. This makes effective oversight by the Confederation more difficult (Section 3.3).

There is good-quality support for enforcement, but delays in updating enforcement guidance (Chapter 4)

In its oversight of groundwater protection planning, the Federal Office for the Environment (FOEN) focuses on supporting the enforcement actors. It is in regular contact with the cantonal water protection agencies. If the latter have questions or concerns about enforcement, it is easy for them and other enforcement actors to contact the FOEN. The information provided by the FOEN is of good quality (Section 4.2). The enforcement actors appreciate the quality and practical relevance of the enforcement guidance, and the FOEN involves the cantons closely when this is drawn

up. However, the FOEN is considerably behind schedule on providing necessary supplements and updates to the enforcement guidance (Section 4.1).

Despite continuing shortcomings in enforcement, the FOEN shows reluctance in conducting oversight (Chapter 4)

The FOEN makes very little use of the comparatively restricted oversight instruments available to it under legislation on groundwater protection planning. Although there has been improved monitoring of cantonal enforcement in recent years, the shortcomings are still considerable and monitoring can be classed as appropriate to a certain extent only (Section 4.3). The FOEN is even more reluctant to address enforcement shortcomings; although it has been clear for a long time that many cantons do not adequately enforce the rules, the FOEN has barely intervened (Section 4.4). As a result, there is no certainty that the aim of groundwater protection planning – to ensure that groundwater of good quality is available for use in sufficient quantity both now and for future generations – can be achieved.

Interfaces to agriculture and spatial planning at federal level are largely appropriate (Chapters 5 and 6)

Responsibilities at the interfaces are clearly and appropriately defined between the federal offices involved. Cooperation between the offices is largely professional and constructive, even though their tasks as defined by the law are different (Sections 5.1 and 6.1). The structures and processes generally allow the FOEN to make the case for groundwater protection appropriately at both interfaces (Sections 5.2 and 6.2). At the interface to spatial planning policy, however, the FOEN is not always involved at an early stage in the assessment of federal sectoral plans and nor are groundwater protection areas consistently mapped in the sectoral plans (Section 6.2).

Successes in the Water Protection Programme are not durable (Section 5.4)

Projects in the Water Protection Programme at the interface between groundwater protection and agriculture generally contribute to improving the condition of groundwater. However, the programme lacks incentives to ensure groundwater quality beyond the duration of the projects, which is key to ensuring the success of the entire programme. In addition, the effectiveness of the programme is limited by the fact that it is used relatively rarely (Section 5.4).

The full report is available in German, French and Italian (www.parliament.ch).