

The regulatory consequences of Schweizerhalle

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Schweizerhalle transformed the regulation of chemical risks in Switzerland. The Federal Act on the Protection of the Environment of 1983 had already provided a legal basis for measures against major accidents in Article 10, although no detailed implementing rules existed. After the disaster, the Federal Council adopted the Ordinance on Protection against Major Accidents, the *Störfallverordnung*, which entered into force on 1 April 1991.¹ The ordinance obliges the holders of installations that store or handle dangerous substances above certain quantity thresholds to take all appropriate measures to reduce the risk, to submit a short report to the enforcement authority and, when the authority considers serious damage possible, to prepare a risk assessment.

The ordinance follows a risk-based approach that combines the probability of an accident with the extent of the possible damage. The enforcement authorities, mostly cantonal, assess whether the risk is acceptable and may order additional safety measures. The ordinance was amended several times to extend its scope to transport routes such as railways and pipelines and to coordinate it with spatial planning, since the construction of housing near hazardous installations increases the risk to the population.² The European Union reacted in parallel by amending the Seveso Directive of 1982, which had been adopted after the dioxin accident in Seveso in 1976. The amendment of 1988 extended its scope to the storage of dangerous substances, the gap that Schweizerhalle had revealed.³

At the international level, the disaster revitalised the cooperation for the protection of the Rhine. The International Commission for the Protection of the Rhine against Pollution had existed since 1950 and had been placed on a treaty basis by the Convention of Bern of 1963. Its work had produced conventions on chemical pollution and on chlorides in 1976, yet the implementation had been slow.⁴ In October 1987, the ministers of the Rhine states adopted the Rhine Action Programme, which set ambitious

goals for the year 2000: the return of higher species such as the salmon to the river, the protection of drinking water supplies, the reduction of pollution of the sediments and the improvement of the ecological condition of the North Sea. The programme became known by its symbolic objective, "Salmon 2000".⁵

The Rhine Action Programme achieved large reductions in the discharges of priority substances and established an international warning and alarm plan under which the riparian states inform each other of accidental pollution. A new Convention on the Protection of the Rhine, signed in Bern in 1999, replaced the earlier agreements and extended the approach to the ecosystem of the river as a whole, including flood protection and groundwater.⁶ The salmon have returned to parts of the Rhine system, although their passage to Basel is still obstructed by hydroelectric plants on the Upper Rhine. The programme that followed Schweizerhalle thus shows how a disaster can catalyse international cooperation and how regulation, monitoring and investment can restore a polluted river, a subject to which Part H returns in its description of the Rhine ports.

1 Notes

1. Ordinance of 27 February 1991 on Protection against Major Accidents (Major Accidents Ordinance, Störfallverordnung, StFV, SR 814.012), based on Art. 10 of the Federal Act of 7 October 1983 on the Protection of the Environment (Environmental Protection Act, EPA/USG, SR 814.01). To be verified. ↩
2. On the risk-based approach of the StFV, the assessment criteria of the Federal Office for the Environment (FOEN/BAFU) and the extensions of the scope to transport routes and the coordination with spatial planning (amendments of 2013 and later), see the FOEN handbooks and guidelines on the Major Accidents Ordinance. To be verified. ↩
3. Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities (Seveso I), amended by Council Directive 88/610/EEC of 24 November 1988; later replaced by Directive 96/82/EC (Seveso II) and Directive 2012/18/EU (Seveso III). To be verified. ↩
4. On the International Commission for the Protection of the Rhine (ICPR), established in 1950, the Agreement of Bern of 29 April 1963 and the Conventions of 3 December 1976 on chemical pollution and on chlorides, see the ICPR website and the treaty texts. To be verified. ↩
5. Rhine Action Programme adopted by the Conference of Rhine Ministers in Strasbourg on 1 October 1987; on its objectives and results,

see the ICPR reports on the Rhine Action Programme and "Salmon 2000". To be verified. ↩

6. Convention on the Protection of the Rhine of 12 April 1999 (SR 0.814.284), in force since 2003; on the International Warning and Alarm Plan Rhine, see the ICPR publications. To be verified. ↩

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