



World Consumer Protection Map

Contribution by
Switzerland



Page 2: Contact of respondent

Q1 Name of responding member State **Switzerland**

Q2 Name of responding authority/agency:

Bureau fédéral de la consommation (BFC)

Page 3: Consumer protection legislation

Q7 Does your country's Constitution contain a provision on consumer protection? **Yes**

Q8 If you do, please provide de following details:

Text of constitutional norm with reference to consumer protection **Art. 97 de la Constitution fédérale (RS 101)**

URL link **<https://www.admin.ch/opc/fr/classified-compilation/19995395/index.html>**

Q9 Does your country have have specific law(s) on consumer protection ? **Yes**

Q10 If you do, when was the main specific law first enacted? **Respondent skipped this question**

Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision? **Respondent skipped this question**

Consumer Protection Survey

Q12 Please provide the following details of the current specific law(s):

1- Name of law	Code des obligations (CO) (RS 220)
1- URL link	https://www.admin.ch/opc/fr/classified-compilation/19110009/index.html
2- Name of law	Loi contre la concurrence déloyale (LCD) (RS 241)
2- URL link	https://www.admin.ch/opc/fr/classified-compilation/19860391/index.html
3- Name of law	Loi sur le crédit à la consommation (LCC) (RS 221.214.1)
3- URL link	https://www.admin.ch/opc/fr/classified-compilation/20010555/index.html
4- Name of law	Loi sur les voyages à forfait (RS 944.3)
4- URL link	https://www.admin.ch/opc/fr/classified-compilation/19930203/index.html
5- Name of law	Loi sur la sécurité des produits (LSPro) (RS 930.11)
5- URL link	https://www.admin.ch/opc/fr/classified-compilation/20081129/index.html
6- Name of law	Loi sur l'information des consommatrices et des consommateurs (LIC) (RS 944.0)
6- URL link	https://www.admin.ch/opc/fr/classified-compilation/19900243/index.html

Consumer Protection Survey

Q13 Please check all the fields that your consumer protections law(s) cover.

Consumer rights/legitimate needs,
Access by consumers to essential goods and services ,
Protection of vulnerable and disadvantaged consumers ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Promotion of sustainable consumption ,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Data protection and privacy ,
Financial services,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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Q14 From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Tourism

Les touristes sont protégés par les lois s'appliquant aux consommateurs, ils ne sont pas protégés par une loi spécifique

Consumer Protection Survey

Q15 Please indicate the URL Link of the relevant law(s) to each field: **Respondent skipped this question**

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Q16 Name of Ministry responsible for consumer protection:

Deux principaux Ministères: Département fédéral de l'économie, de la formation et de la recherche et Département fédéral de justice et police

Q17 URL link of responsible Ministry for consumer protection:

<https://www.admin.ch/gov/fr/accueil/departements/departement-economie-formation-recherche.html> et
<https://www.admin.ch/gov/fr/accueil/departements/departement-justice-police.html>

Q18 Year when consumer protection was assumed by the current responsible ministry: **Respondent skipped this question**

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Q19 Do you have a main consumer protection authority/agency? **Yes**

Q20 Name of main consumer protection authority/agency:

Les autorités suivantes sont principalement concernées: Bureau fédéral de la consommation, Office fédéral de la justice, Secrétariat d'Etat à l'économie

Q21 URL of main consumer protection authority/agency:

<https://www.konsum.admin.ch/bfk/fr/home.html>, <https://www.bj.admin.ch/bj/fr/home.html> et
<https://www.seco.admin.ch/seco/fr/home.html>

Q22 Year of creation: **Respondent skipped this question**

Q23 Annual budget: (in USD) **Respondent skipped this question**

Q24 Total number of staff: **Respondent skipped this question**

Q25 Total number of staff directly affected to consumer protection: **Respondent skipped this question**

Consumer Protection Survey

Q26 Do you have a law/decree that governs the main consumer protection authority/agency?

Respondent skipped this question

Q27 If you do, please provide the following details:

Respondent skipped this question

Q28 Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Consumer rights/legitimate needs,
Access by consumers to essential goods and services ,
Protection of vulnerable and disadvantaged consumers ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses ,
Restrictive business practices(competition/antitrust),
Electronic commerce,
Financial services,
Promotion of sustainable consumption ,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Data protection and privacy ,
Dispute resolution,
Redress,
Consumer education,
Consumer information

Consumer Protection Survey

Q29 From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Tourism

Cf. la réponse donnée plus haut concernant la législation de protection des touristes

Q30 URL Link of the relevant authority/agency to each field:

Respondent skipped this question

Q31 Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

Consumer rights/legitimate needs,
Access by consumers to essential goods and services,
Protection of vulnerable and disadvantaged consumers,
Physical safety,
Product quality,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement),
Voluntary codes for businesses,
Restrictive business practices (competition/antitrust),
Electronic commerce,
Financial services,
Promotion of sustainable consumption,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Data protection and privacy,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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Q32 From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Tourism

Cf. la réponse donnée plus haut concernant la législation de protection des touristes

Q33 URL Link of the relevant authority/agency to each field:

Respondent skipped this question

Q34 Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

Respondent skipped this question

Q35 Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)?

Respondent skipped this question

Q36 Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

Respondent skipped this question

Q37 Record highest amount for any sanction/measure imposed: (in USD)

Respondent skipped this question

Q38 Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

Sanctions pénales, mesures administratives, actions en justice

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Q39 Are there any non-governmental consumer organizations/associations in your country?

Yes

Q40 Do you have a law/decreree that governs consumer organizations/associations?

Yes

Consumer Protection Survey

Q41 In case you have a law/decreed that governs consumer organizations, please provide the following details:

Reference of the law/decreed

Loi sur l'information des consommatrices et des consommateurs (LIC) (RS 944.0) et ordonnance sur l'aide financière en faveur des associations de consommateurs (RS 944.05)

URL to law/decreed

<https://www.admin.ch/opc/fr/classified-compilation/19900243/index.html> et <https://www.admin.ch/opc/fr/classified-compilation/19920084/index.html>

Q42 Do consumer organizations/associations fulfil any of the following functions?

Consultation in policy making,

Legal advice to consumers

Consumer education,

Consumer information,

Consumer publications,

Legal representation of consumers' individual interests before courts

,

Legal representation for consumer collective actions

Q43 Do consumer groups/associations receive public funding?

Yes

Q44 Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name

Fédération romande des consommateurs (FRC)

1- Website

<https://www.frc.ch/>

2- Name

Stiftung für Konsumentenschutz (SKS)

2- Website

<http://www.konsumentenschutz.ch/>

3- Name

Associazione consumatrici e consumatori della Svizzera italiana (ACSI)

3- Website

<http://acsi.ch/>

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Q45 Can consumers obtain redress through judicial channels?

Yes

Consumer Protection Survey

Q46 Is there a specialized judicial mechanism for consumer complaints?

Yes

Q47 If there is, please provide the following details

Name	Réglementation du for (art. 32 CPC); actions des organisations (art. 89 CPC et art. 10 LCD); diverses procédures spécifiques: procédure de conciliation (art. 197 ss. CPC), procédure de médiation (art. 213 ss. CPC), procédure simplifiée (art. 243 ss. CPC), procédure sommaire (art. 248 ss. CPC)
URL Link	https://www.admin.ch/opc/fr/classified-compilation/20061121/index.html ethttps://www.admin.ch/opc/fr/classified-compilation/19860391/index.html

Q48 Do you have collective redress/class actions for consumer complaints?

Yes

Q49 Who can represent consumer interests in court?

**Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations**

Q50 What is the highest damages award following a collective redress/class action?

Respondent skipped this question

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Q51 Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

**Mediation/ Conciliation,
Arbitration,**

Comments:

Conciliation, médiation et arbitrage sont réglés par le code de procédure civile (CPC) (RS 272):
<https://www.admin.ch/opc/fr/classified-compilation/20061121/index.html> Il existe en Suisse divers organes de résolution extrajudiciaire des litiges. Pour un aperçu de ces organes il est renvoyé à la liste figurant sur le site Internet du BFC:
<https://www.konsum.admin.ch/bfk/fr/home/dienstleistungen/auskunftsstelle/ombudsstellen.html>

Consumer Protection Survey

Q52 If there are any of the above, please provide the following details:

Respondent skipped this question

Q53 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

No

Q54 If there are, please provide the following details:

Respondent skipped this question

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Q55 Are there any self-regulation initiatives from businesses?

Yes

Consumer Protection Survey

Q56 Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative	Conventions de droit privé sur les indications relatives aux biens ou services
1- Scope of application	Information des consommateurs (art. 3 LIC)
1- URL link	https://www.admin.ch/opc/fr/classified-compilation/19900243/index.html
2- Name of initiative	Commission suisse pour la loyauté
2- Scope of application	Publicité
2- URL link	https://www.faire-werbung.ch/fr/
3- Name of initiative	Résolution extrajudiciaire des litiges
3- Scope of application	Ce sont les branches professionnelles concernées qui ont initié des démarches de résolution extrajudiciaire des litiges. C'était aussi le cas dans le domaine des télécommunication, mais la résolution extrajudiciaire dans ce domaine est désormais instituée par la loi (art. 12c LTC et art. 42 ss. OST)
3- URL link	Pour les exemples d'organes de règlement extrajudiciaire des litiges: https://www.konsum.admin.ch/bfk/fr/home/dienstleistung-en/auskunftsstelle/ombudsstellen.html; législation sur les télécommunications: https://www.admin.ch/opc/fr/classified-compilation/19970160/index.html et https://www.admin.ch/opc/fr/classified-compilation/20063267/index.html
4- Name of initiative	Swiss Pledge
4- Scope of application	Publicité adressée aux enfants dans le domaine des denrées alimentaires
4- URL link	http://swiss-pledge.ch/?lang=fr

Q57 Are there any co-regulation initiatives between businesses and public entities? **Yes**

Q58 Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

1- Name of initiative	Un projet de réglementation est en cours d'élaboration dans le domaine des films et des jeux vidéos
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Consumer Protection Survey

Q59 Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

Responsible commercial behaviour ,

Disclosure of information and transparency ,

Education and awareness-raising ,

Protection of privacy ,

Consumer complaints and disputes

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Q60 What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		
Informal (memoranda of understanding)		2

Q61 Please provide name and URL link of formal bilateral agreements (treaties):

Respondent skipped this question

Q62 Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

Respondent skipped this question

Q63 Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

Respondent skipped this question

Q64 Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

International Consumer Protection and Enforcement Network (ICPEN): <https://www.icpen.org/>

Unsolicited Communications Enforcement Network (UCENET): <https://www.ucenet.org/>

Consumer Protection Survey

Q65 Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

Terms and conditions ,

Promotional marketing and sales practices (including misleading advertisement)

,

Electronic commerce

Q66 Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

Investigate,

Pursue,

Other (please specify):

Concernant ces pratiques la collaboration avec les autorités de surveillance étrangères est réglée par les art. 21 ss. LCD (<https://www.admin.ch/opc/fr/classified-compilation/19860391/index.html>)

Q67 Do you have any experience in cross-border cooperation on enforcement?

Yes

Q68 If you do, please provide a short description

Etant donné que la Suisse a repris le Règlement européen sur l'indemnisation et l'assistance des passagers en cas de refus d'embarquement et d'annulation ou de retard important d'un vol l'Office fédéral de l'aviation civile (OFAC) (<https://www.bazl.admin.ch/bazl/fr/home.html>) participe aux rencontres d'information et d'échange avec la Commission européenne

Q69 Do you engage in technical cooperation or capacity building activities on consumer protection?

Bilaterally

Through an international organization/network

As a recipient

As a donor

Yes

Q70 If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

1- Name of programme/project

Programme COMPAL géré par le SECO en faveur des pays d'Amérique latine

Consumer Protection Survey

Q71 Does your authority/agency carry out information and education initiatives?

Yes

Q72 Do information and education initiatives carried out by your authority/agency cover any of the following fields?

Health, nutrition, prevention of food-borne diseases and food adulteration

,

Product hazard,

Environmental protection,

Electronic commerce,

**Efficient use of materials, energy, ,
water**

**Sustainable ,
consumption**

Other (please specify):

Le BFC lui-même ne participe pas à des initiatives d'information et d'éducation. C'est le cas en revanche de diverses autres unités de l'administration fédérale dont le domaine d'activités touche la consommation

Q73 Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

No

Q74 If your authority/agency does, please provide the following details:

Respondent skipped this question

Q75 Do consumer organizations/associations provide education and information initiatives?

Yes

Q76 If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association

Fédération romande des consommateurs (FRC)

1- URL link of initiative

**Action notamment par son magazine:
<https://www.frc.ch/le-magazine/>**

2- Name of consumer organization/association

Stiftung für Konsumentenschutz (SKS)

2- URL link of initiative

**Action notamment par des brochures:
<https://www.konsumentenschutz.ch/shop/>**

3- Name of consumer organization/association

Associazione consumatrici e consumatori della Svizzera italiana (ACSI)

3- URL link of initiative

**Action notamment par son magazine:
<http://acsi.ch/lultimo-numero-della-borsa-della-spesa/>**

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Q77 Does your authority/agency conduct research and analysis on consumer protection issues?

No

Q78 If your authority/agency does, please provide the following details:

Respondent skipped this question

Q79 Do other organizations/associations conduct research and analysis on consumer protection?

Yes

Q80 If other organizations/associations do, please provide the following details:

1- Main area of work

Le BFC lui-même n'effectue pas des recherches ou des analyses sur des questions de protection des consommateurs. L'Office fédéral de la justice a été amené à rédiger des rapports notamment sur les thèmes suivants: exercice collectif des droits en Suisse, protection des données

1- URL link to online library or publication(s)

<https://www.bj.admin.ch/bj/fr/home/staat/gesetzgebung/datenschutzstaerkung.html> et <https://www.bj.admin.ch/dam/data/bj/aktuell/news/2013/2013-07-03/ber-br-f.pdf>

2- Main area of work

La Commission fédérale de la consommation (CFC) adresse des recommandations au Conseil fédéral

2- URL link to online library or publication(s)

<https://www.konsum.admin.ch/bfk/fr/home/themen/sekretariat-ekk/empfehlungen.html>

3- Main area of work

L'autorité fédérale de surveillance des marchés financiers (FINMA) a rédigé un rapport sur la production et la distribution de produits financiers aux clients privés

3- URL link to online library or publication(s)

<https://www.finma.ch/fr/news/2010/11/mm-diskussionspapier-vertriebsbericht-20101110/>