

CONSTITUTIONAL AND ADMINISTRATIVE LAW: SECONDARY LEGISLATION AND ADMINISTRATIVE RULEMAKING

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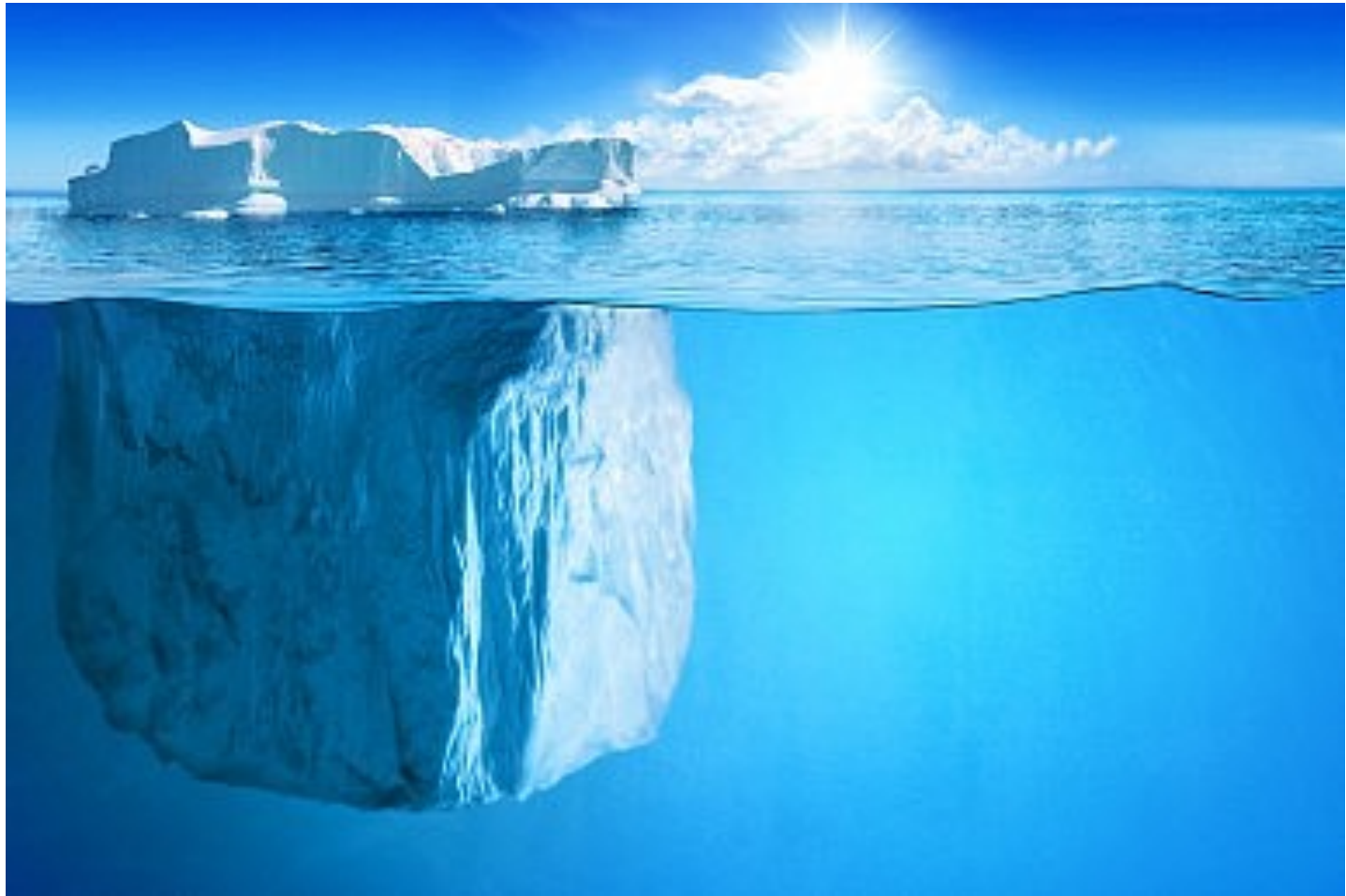
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**Universität
Zürich**^{UZH}

1. Introduction



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SECONDARY LEGISLATION AND ADMINISTRATIVE RULEMAKING

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 - b) Governmental – Administrative
 - c) Normative – Informative
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 - d) Publication
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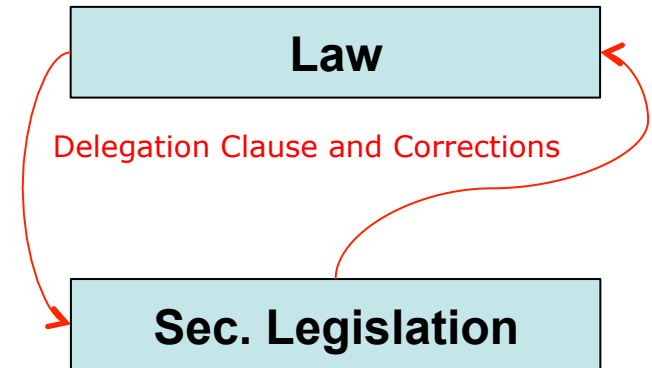
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4. Risks and Best Practices

a) Legality

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English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Constitution of the Swiss Confederation

of 18 April 1999 (Status as of 1 January 2016)

Art. 5 Rule of law

- ¹ All activities of the state are based on and limited by law.
- ² State activities must be conducted in the public interest and be proportionate to the ends sought.
- ³ State institutions and private persons shall act in good faith.
- ⁴ The Confederation and the Cantons shall respect international law.



4. Risks and Best Practices

- a) Legality
- b) Accumulation of Excessive Governmental and Administrative Powers?
- c) Parliamentary Oversight and Vetoes
- d) Publication
- e) Participation and Consultation
- f) Drafting
- g) Management of Secondary Legislation



5. Conclusion

Primary and secondary legislation are closely linked, not only through delegation clauses but also through the vague or detailed language of the law.

It seems important that the legislator reflects possible choices that come with the concretization and the implementation of the law, either by secondary legislation, by court decisions or by administrative practice. Primary and secondary legislation must be duly coordinated, and the legislator should sufficiently think of secondary legislation when enacting primary legislation.

