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# **Ordinance to the Federal Act on the Promotion of Research and Innovation (Research and Innovation Promotion Ordinance, RIPO)**

of 29 November 2013 (Status as of 1 September 2023)

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*The Swiss Federal Council,*

based on Articles 10 paragraph 4 second sentence and paragraph 6 third sentence, 15 paragraph 6, 16 paragraph 6 second sentence, 23 paragraph 2, 29 paragraph 2, 47 paragraph 1 and 56 of the Federal Act of 14 December 2012<sup>1</sup> on the Promotion of Research and Innovation (RIPA), as well as on Article 1 paragraph 5 of the Federal Act of 17 June 2016<sup>2</sup> on the Swiss Innovation Agency (SIAA),<sup>3</sup>

*ordains:*

## **Chapter 1 Special Programmes and Topic-Specific Funding Programmes of the Research Funding Institutions and the Swiss Innovation Agency<sup>4</sup>**

### **Section 1 General Provisions**

(Art. 7 para. 3 RIPA)

#### **Art. 1<sup>5</sup> Principles**

<sup>1</sup> Special programmes and topic-specific funding and support programmes must serve Swiss national interests.

<sup>2</sup> The implementation of special programmes and topic-specific funding and support programmes may be carried out:

- a. through the funding instruments of the following funding bodies:
  - 1. the research funding institutions under Article 4 letter a RIPA,
  - 2. the Swiss Innovation Agency (Innosuisse);

AS 2013 4593

<sup>1</sup> SR 420.1

<sup>2</sup> SR 420.2

<sup>3</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>4</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699). This amendment has been made throughout the text.

<sup>5</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

- b. through special measures; these must be taken in order to meet the funding responsibilities of the funding bodies.

<sup>3</sup> Special programme and topic-specific funding programmes are temporary.

<sup>4</sup> If necessary on a case-by-case basis, appropriate measures for the evaluation of the programme, particularly its effectiveness, shall be specified.

#### **Art. 2<sup>6</sup>** Procedure

<sup>1</sup> The awarding of contracts for a special programme or topic-specific funding programme is based on the corresponding Federal Assembly financial decree in the context of the periodic Dispatches on Education, Research and Innovation (ERI) under Article 35 paragraph 1 letter a RIPA.

<sup>2</sup> In urgent cases, particularly in relation to special programmes, a financial decree for a contract can be made with a specific dispatch on the promotion of research and innovation under Article 35 paragraph 1 letter b RIPA.

## **Section 2**

### **National Research Programmes of the Swiss National Science Foundation**

(Art. 10 para. 2 let. c RIPA)

#### **Art. 3** Term, purpose and topic

<sup>1</sup> National Research Programmes (NRPs) of the Swiss National Science Foundation (SNSF) are a means of initiating and conducting coordinated research projects that have a common goal.

<sup>2</sup> Topics that are appropriate for NRPs are primarily those where:

- a. Swiss research can make a significant contribution to resolving the issue;
- b. research contributions from multiple disciplines are required to resolve the issue;
- c. research on the topic can be expected to produce results within five years that have practical applications.

<sup>3</sup> In justifiable exceptional cases, an NRP may also be used to create specific additional research potential in Switzerland.

<sup>4</sup> During the selection process, it will be considered whether:

- a. the expected results of the programme can be used as the scientific basis for governmental and administrative decisions;
- b. the programme can be carried out in the context of international cooperation.

<sup>6</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

**Art. 4** Submission, examination and prioritisation of subject proposals

<sup>1</sup> The federal departments and all natural or legal persons can submit proposals for NRPs to the State Secretariat for Education, Research and Innovation (SERI).

<sup>2</sup> SERI shall periodically examine the submitted proposals. It shall consult the federal departments in the interdepartmental coordination committee for government-funded research and develop a list of priorities on this basis.

<sup>3</sup> For high-priority themes, it shall develop programme proposals that present the associated questions, relevant research contracts and further programme specifications.<sup>7</sup>

**Art. 5<sup>8</sup>** Feasibility study, preparation of programme concepts

<sup>1</sup> SERI shall task the SNSF with checking the feasibility of suggested programmes and developing programme concepts.

<sup>2</sup> For business-related research topics, the SNSF shall ensure the participation of Innosuisse in the development of programme concepts.

<sup>3</sup> SERI may, in special cases, specifically for themes of current relevance that serve Swiss national interests, in response to mandates from the Federal Council or the Federal Department of Economic Affairs, Education and Research (EAER), in departure from procedures under Article 4 paragraphs 2 and 3, directly task the SNSF with conducting a feasibility study and developing a programme concept. With this aim it shall share the questions and other guidelines for the programme in question with the SNSF.

**Art. 6<sup>9</sup>** Evaluating and selecting programmes

<sup>1</sup> SERI shall consult the federal departments in the interdepartmental coordination committee for government-funded research with regard to the relevance and urgency of the programme for federal tasks. It may additionally require a position statement from the Swiss Science Council (SSC)

<sup>2</sup> It shall periodically submit proposals for new programmes to the EAER.

<sup>3</sup> The EAER shall propose the implementation of NRPs to the Federal Council. When doing this, it shall take account of the volume of financing indicated in the ERI Dispatch and in the SNSF's decision on contributions for the funding period.

**Art. 7<sup>10</sup>** Call documents and implementation of programmes

<sup>1</sup> The SNSF shall draft a call document for each programme in accordance with Federal Council decisions.

<sup>2</sup> The SNSF shall set up a steering committee for each programme, or shall set up another appropriate management structure.

<sup>7</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>8</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>9</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>10</sup> Amended by No I of the O of 30 Sept. 2016, in force since 1 Nov. 2016 (AS **2016** 3565).

<sup>3</sup> For every programme, SERI shall designate a representative from within the Federal Administration. The tasks of this representative shall be set out in a formal remit.<sup>11</sup>

<sup>4</sup> The EAER shall approve call documents. This responsibility may be delegated to SERI. The interested departments of the Federal Administration shall be consulted before approval is given.<sup>12</sup>

<sup>5</sup> The SNSF shall publish the call, evaluate the submitted project proposals and decide which projects shall be carried out in the context of the programme.

#### **Art. 8** Reporting, transfer of knowledge and checking effectiveness

<sup>1</sup> The SNSF shall regularly inform the public, and stakeholders in research, the economy and society of the status and progress of the work done in NRPs.

<sup>2</sup> It is responsible for the transfer of knowledge to the stakeholders based on the results.

<sup>3</sup> Once an NRP has been completed, it shall publish a summary of the main results of the programme.

<sup>4</sup> It shall produce a final report for the attention of the Federal Council in which it presents the extent to which the goals of the NRP were achieved.

<sup>5</sup> After consultation with the SNSF, SERI shall decide whether a completed NRP or the NRP instrument itself needs to be checked for effectiveness. After consultation with the SNSF, it shall decide on the modalities of this check and award the relevant mandates.

#### **Art. 9** Implementation provisions

In an ordinance, the EAER shall regulate the details of the process for examining and checking themes for NRPs and for checking effectiveness.

### **Section 3 National Centres of Competence in Research (NCCRs)**

(Art. 10 para. 2 let. c RIPA)

#### **Art. 10** Term and purpose

<sup>1</sup> A National Centre of Competence in Research (NCCR) has the following characteristics:

- a. it is focused on a clearly designated and thematically defined field of research of Swiss national interest;
- b. it is based in one or more home institutions and has a network of partners and partner institutions within or outside of the higher education sector.

<sup>11</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>12</sup> Third sentence amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>2</sup> Home institutions can only be higher education research centres.

<sup>3</sup> Sole home institutions can only be institutions that can independently fulfil all of the goals of an NCCR under paragraph 4.

<sup>4</sup> The foundation of an NCCR has the following aims:

- a. the maintenance and sustainable strengthening of Switzerland's position in research fields of strategic importance through the promotion of research of the highest quality;
- b. the sustainable renewal and optimisation of innovative research structures through the development of additional capacity for teaching and research, the promotion of division of work and coordination between research institutes as well as international networking;
- c. the implementation of a coherent strategy for research and the transfer of knowledge and technology, the education of promising young researchers, and scientific communication.

#### **Art. 11** Duration

<sup>1</sup> An NCCR has a maximum duration of twelve years.

<sup>2</sup> The running time is divided into funding periods of a maximum of four years.

#### **Art. 12** Organisation

<sup>1</sup> The NCCR management, which is based in the home institution, leads the NCCR both in organisational and in scientific terms.

<sup>2</sup> It makes decisions in the context of the NCCR contract (Art. 15) independently. Specifically, it is responsible for:

- a. the coordination of all partner institutions and groups of researchers involved with the NCCR;
- b. the scientific leadership and orientation of the NCCR;
- c. the operational management of the NCCR and the division and controlling of funds.

<sup>3</sup> The home institutions shall optimise and strengthen their research structures in the particular research areas of the NCCR. They shall also make appropriate contributions to the financing of the NCCR, specifically for the NCCR management.

#### **Art. 13** Selection and decision-making procedures

<sup>1</sup> The SNSF issues calls for proposals for the new series of NCCRs on behalf of the EAER.<sup>13</sup>

<sup>2</sup> The selection and decision-making procedure has two stages: first pre-proposals and then full proposals.

<sup>13</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>3</sup> The SNSF is responsible for the scientific and structural evaluation of submissions in accordance with the goals of Article 10 paragraph 4. It shall call on international experts for this.

<sup>4</sup> It shall recommend a selection of scientifically and structurally highly-rated proposals to SERI for NCCR implementation.

<sup>5</sup> SERI is responsible for the assessment of research and higher education policy. In the context of selection and decision-making procedures it:

- a. leads the necessary clarifications and negotiations with the higher education and research institutions involved;
- b. seeks the opinion of the federal departments in the interdepartmental coordination committee for government-funded research with regard to the significance of the proposal for federal tasks;
- c. seeks the opinion of Innosuisse<sup>14</sup> with regard to the significance of the proposal for the promotion of innovation;
- d. consults with the SNSF on financial and structural requirements;
- e. seeks the opinion of the SSIC on the overall evaluation of the project.

<sup>6</sup> It provides the EAER with justified requests for the foundation of new NCCRs.<sup>15</sup>

<sup>7</sup> The EAER decides which NCCRs shall be founded. In the course of doing this, it determines the requirements and the financial framework of each NCCR for the first funding period.

#### **Art. 14** Making decisions public

<sup>1</sup> The SNSF makes public its rulings regarding proposals that it did not recommend for implementation.

<sup>2</sup> The EAER makes public its decrees regarding proposals that the SNSF recommended for implementation.

#### **Art. 15** NCCR contract

<sup>1</sup> The SNSF, the home institution and the NCCR management shall draw up a contract for each funding period.<sup>16</sup>

<sup>2</sup> The SNSF shall submit the contract to SERI for approval prior to signing. SERI shall check whether the proposed provisions comply with the agreed financial framework, support and the associated rights and duties of the parties thereto.

<sup>14</sup> Name in accordance with No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS 2017 6607). This amendment has been made throughout the text.

<sup>15</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>16</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

**Art. 16** Implementation of the NCCR

<sup>1</sup> The SNSF shall finance and guide the NCCR and verify compliance with contractual obligations.<sup>17</sup>

<sup>2</sup> After each completed financing period it shall make a decision regarding extending support based on an application submitted by the NCCR management. Such an application must include a letter from the home institutions in which they confirm their funding of the NCCR and their structural expansion plans. When making its decision, the SNSF shall also take account of the results of its interim evaluation.

<sup>3</sup> Should the SNSF approve the application for an extension, a new contract shall be drawn up for the new funding period under Article 15.<sup>18</sup>

**Art. 17** Monitoring, reporting and evaluation

<sup>1</sup> The SNSF shall ensure monitoring of ongoing NCCRs. It shall put in place an international review panel for the monitoring of each NCCR.<sup>19</sup>

<sup>2</sup> It shall produce a final report for each completed NCCR. This shall include the closing financial statement and a report on the scientific and structural outcomes. This report shall include a final evaluation with regard to the main aims of the NCCR. This shall be based on the corresponding final reports compiled by the NCCR management and the evaluation of the international review panel.

<sup>3</sup> After consultation with the SNSF, SERI shall decide whether it shall require that a completed NCCR or a completed NCCR series or the NCCR instrument itself needs to be thoroughly checked for effectiveness in terms of achieving established objectives. Following consultation with the SNSF, it shall decide on the modalities of the subsequent examination, and confer the associated jobs.

**Art. 18** Termination of NCCRs

<sup>1</sup> Should the SNSF not accept an application to extend an NCCR it shall propose the termination thereof to the EAER.

<sup>2</sup> Before the end of a funding period, the EAER shall decide whether the NCCR shall be continued after the end of the funding period. The decision-making process is based *mutatis mutandis* on the provisions of Article 13 paragraphs 2–7.

<sup>3</sup> If circumstances so require, the EAER may also, on behalf of the SNSF, decide that an NCCR shall be terminated during an ongoing funding period.

<sup>4</sup> In the case of the termination of an NCCR, the SNSF shall grant completion funding for a maximum of twelve months.

<sup>17</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>18</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>19</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

**Art. 19** Procedure

The EAER shall regulate the details in an ordinance on tender, selection and evaluation of NCCRs.

**Section 4<sup>20</sup> SNSF Reserves**

(Art. 10 para. 6 RIPA)

**Art. 19a** Exceeding the maximum reserve threshold

<sup>1</sup> In a calendar year (accounting year  $n$ ), the SNSF may exceptionally exceed the maximum reserve threshold of 15 per cent of the federal funding allocated to it and approved by the Swiss Parliament if:

- a. the total amount of reserves does not exceed 20 per cent of the sum of the SNSF's off-balance sheet commitments for the two subsequent years (years  $n+1$  and  $n+2$ ); and
- b. the maximum threshold of 15 per cent of the federal funding expected to be allocated to the SNSF for the following year ( $n+3$ ) is not exceed.

<sup>2</sup> Each year, the SNSF shall submit an updated allocation to reserves projection to SERI.

<sup>3</sup> SERI shall take note of this and, after prior consultation with the Federal Finance Administration, shall authorise any exemptions under paragraph 1.

**Chapter 2 Research Promotion by the Federal Administration****Section 1****Funding for Research Centres of National Significance**

(Art. 15 RIPA)

**Art. 20** Grant and verification procedures; decisions

<sup>1</sup> Research centres shall address their funding applications to SERI.

<sup>2</sup> Applications must include:

- a. details of the activities and organisation of the centre applying;
- b. a presentation of past and planned activities and the reasons why a government contribution should be made for this;
- c. an overview of the expenses associated with fulfilment of the tasks, the financial situation and the services expected from the Confederation.

<sup>3</sup> The EAER shall regulate the details in an ordinance.

<sup>4</sup> It shall make decisions on contributions based on available credit.

<sup>20</sup> Inserted by No. I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).



**Art. 21** Calculating contributions to research infrastructures and research institutes

<sup>1</sup> Contributions under Article 15 paragraph 5 RIPA, as well as one-off significant contributions, are classified as average values for the duration of the current SERI period.

<sup>2</sup> Contributions by cantons, other public institutions, universities or private persons may be made in cash or in kind.

<sup>3</sup> Contributions exclusively in kind may only be made by universities.

<sup>4</sup> Any contributions in kind must be clearly reported and booked as income by the research infrastructure or research institute.<sup>21</sup>

**Art. 22** Calculating contributions to centres of technological excellence

<sup>1</sup> Contributions under Article 15 paragraph 5 RIPA, as well as one-off significant contributions, are classified as average values for the duration of the current SERI period.

<sup>2</sup> Contributions by cantons, other public institutions, universities or private persons and contributions by research and development cooperation projects may be made in cash or in kind.

<sup>3</sup> Contributions exclusively in kind may only be made by universities.

<sup>4</sup> Any contributions in kind must be clearly reported and booked as income by the centre of technological excellence.<sup>22</sup>

<sup>5</sup> It must be possible to demarcate new fields of activity under Article 15 paragraph 6 RIPA from existing National Centres of Competence in Research, and other higher education research centres, and they must be of national significance.

<sup>6</sup> During the development of new fields of activity, when calculating basic funding, any possible competitive research funding shall be taken into account for a maximum of two SERI periods. The calculation of the research funding is based on the condition that this new field of activity can be allocated.

**Art. 23** Further conditions for contributions to centres of technological excellence

The following further conditions apply for the granting of funding to centres of technological excellence that are founding start-ups in the context of their tasks under Article 15 paragraph 4 letter a RIPA, or that are participating in their founding:

- a. The centre of technological excellence founds its own start-up or participates in the founding of a start-up only if the technologies concerned (products or processes) can be developed or improved in the context of its research programme.
- b. It founds its own start-up only if the industry partner involved in the research programme under letter a waives its claim to the commercial exploitation of intellectual property rights.

<sup>21</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>22</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

- c. It provides neither payments for the start-up nor payments in kind that have not yet been made. However, it may carry over any intellectual property rights and associated rights of use generated in the relevant research project to the start-up in question free of charge.
- d. It discloses income from the sale of patents, licence payments and the sale of shares in the start-up, and demonstrably invests it in regular operations.

## Section 2 Federal Government Research

(Art. 16 RIPA)

### Art. 24 Federal funds for research

<sup>1</sup> Government contributions for the implementation of research programmes and funding for overheads under Article 39 shall be stated in contracts or decrees.

<sup>2</sup> In the case of contract research, the Federal Administration shall refund expenditures that are necessary to the fulfilment of a contract.

### Art. 25 Quality assurance and utilisation of the results of federal government research

<sup>1</sup> The interdepartmental coordination committee for research shall take account of the funding bodies' principles of quality assurance when adopting its directives.

<sup>2</sup> The federal departments shall rule on the rights to the results of research and the use thereof in the contracts or decrees on federal government research.

## Chapter 3 Promotion of Innovation

(Art. 18–25 RIPA; Art. 23 SIAA)<sup>23</sup>

### Art. 26 Basis for the promotion of innovation

(Art. 18 para. 3 RIPA)

<sup>1</sup> SERI shall develop the basis for the promotion of innovation, specifically innovation policy strategy, and present it to the Federal Council every four years in the ERI Dispatch.

<sup>2</sup> In order to do this, it shall coordinate with Innosuisse as well as with other federal departments and secure the appropriate involvement of industry and bodies of higher education institutions.<sup>24</sup>

<sup>23</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS 2017 6607).

<sup>24</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS 2017 6607).

**Art. 26a<sup>25</sup>** Registered Office of Innosuisse

(Art. 1 Abs. 5 SIAA)

The registered office of Innosuisse is in Bern.

**Art. 27** Evaluation of the promotion of innovation

(Art. 18 para. 4 RIPA)

<sup>1</sup> SERI ensures the evaluation of the effectiveness and efficiency of the promotion of innovation.

<sup>2</sup> It reports its findings to the Federal Council every four years in the ERI Dispatch report.

**Art. 28<sup>26</sup>****Art. 29 and 30<sup>27</sup>****Art. 31<sup>28</sup>** Federal contribution to cover the operating costs of the institution responsible for establishing the innovation park

<sup>1</sup> SERI may on application grant the institution responsible for establishing the innovation park a contribution towards the costs of operating its administrative office.

<sup>2</sup> The contribution shall serve to cover the eligible costs incurred by the administrative office in fulfilling the tasks in accordance with Article 4 of the public law agreement of 21 December 2016<sup>29</sup> between the Swiss Federal Council and the Switzerland Innovation Foundation relating to the innovation park.

<sup>3</sup> Eligible costs are:

- a. salary costs, provided they do not exceed what is customary for comparable positions, and the employer's contributions to social insurance schemes;
- b. the material and operating costs for the provision of services in accordance with the service agreement between SERI and the responsible institution (Art. 5a of the agreement);
- c. reasonable rental costs customary for the location for the premises that the responsible institution requires.

<sup>4</sup> The contribution to the operating costs also covers the processing of applications for financial guarantees and the monitoring of existing guarantees.

<sup>5</sup> SERI shall each year stipulate the maximum amount of the federal contribution.

<sup>25</sup> Inserted by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS **2017** 6607).

<sup>26</sup> Repealed by No I of the O of 15 Nov. 2017, with effect from 1 Jan. 2018 (AS **2017** 6607).

<sup>27</sup> Repealed by No. I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>28</sup> Amended by No I of the O of 19 March 2021, in force since 15 April 2021 (AS **2021** 187).

<sup>29</sup> BBl **2021** 705

<sup>6</sup> It shall only pay for costs that are actually incurred and substantiated. Any unused funds from the federal contribution for one year shall be offset against the federal contribution for the following year after the responsible institution's annual accounts have been made available.

**Art. 32<sup>30</sup>**      Application for a federal contribution

<sup>1</sup> The institution responsible for establishing the innovation park shall apply to SERI for the annual federal contribution towards the operating costs of the administrative office by the end of the preceding year at the latest.

<sup>2</sup> The application must contain the following in particular:

- a. the responsible institution's budget;
- b. a list of the planned activities and measures to fulfil the tasks in accordance with the service agreement under Article 31 paragraph 3 letter b.

## **Chapter 4      Funding for Compensation of Overheads**

### **Section 1      General provisions**

**Art. 33<sup>31</sup>**      Aim of funding for compensation of overheads

Funding for indirect research costs (overheads) helps compensate institutions for costs resulting from research projects that the SNSF, Innosuisse and the Federal Administration support as part of their promotion of research and innovation.

**Art. 34**      Reporting and controls

<sup>1</sup> The SNSF and Innosuisse shall present SERI with a report on their awarding of funding for overheads for each funding period. In this report they shall explain the division of funding by institution, funding scheme and subject area.

<sup>2</sup> As part of its supervisory function, SERI shall check whether the maximum contribution defined in the relevant funding decision is respected, and accordingly approve the report.

<sup>3</sup> The units of the Federal Administration shall report in accordance with Article 52 RIPA.

<sup>30</sup> Amended by No I of the O of 19 March 2021, in force since 15 April 2021 (AS **2021** 187).

<sup>31</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

## Section 2 SNSF Funding for Overheads

(Art. 10 para. 4 second sentence RIPA)

### Art. 35 Calculation, focus and payment

<sup>1</sup> The SNSF shall calculate funding for overheads on the basis of the planned projects that it approved the previous year in accordance with:

- a. credit granted; and
- b. the maximum contribution that Parliament set out in the relevant funding decision.

<sup>2</sup> It grants funding by decree.

<sup>3</sup> The funding is paid in two halves at the end of the first and third quarters of the calendar year.

### Art. 36 Regulations

<sup>1</sup> The SNSF shall issue regulations on funding for overheads. These regulations shall cover:

- a. funding schemes that could claim funding for overheads;
- b. repayment of funding for overheads in justified cases such as, for example, the non-implementation of a project.

<sup>2</sup> The regulations require the Federal Council's approval.

## Section 3 Innosuisse Funding for Overheads

(Art. 23 para. 2 RIPA)<sup>32</sup>

### Art. 37<sup>33</sup> Calculation, adjustment and payment

<sup>1</sup> Innosuisse shall calculate funding for overheads on the basis of project contributions that it has approved for the calendar year within the framework:

- a. of approved budgets; and
- b. maximum funding thresholds established by the Swiss Parliament in the corresponding appropriation bill.

<sup>2</sup> It shall indicate the amount of funding to be paid when approving projects.

<sup>3</sup> Funding for overheads shall be included in the funding contributions paid for direct research costs.

<sup>32</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS **2017** 6607).

<sup>33</sup> In force since 1 Jan. 2017.

**Art. 38<sup>34</sup>** Contribution regulation

Innosuisse shall specify the terms of payment of funding for overheads in its contribution regulation.

**Section 4 Funding for Overheads in Government-Funded Research**

(Art. 16 para. 6 second sentence RIPA)

**Art. 39**

<sup>1</sup> The Federal Administration separately identifies funding for overheads for measures under Article 16 paragraph 2 letters c and d RIPA in its decision-making.<sup>35</sup>

<sup>2</sup> For the calculation of funding for overheads, the highest applicable amount shall be the SNSF funding for overheads determined by Parliament.

<sup>3</sup> Funding for overheads is paid at the same time as funding for direct research costs.

## **Chapter 5**

### **Measures for the Promotion of the Utilisation of Research Findings as an additional Eligibility Condition**

(Art. 27 RIPA)

**Art. 40** Measures for the promotion of the utilisation of research findings

<sup>1</sup> The funding bodies shall decide in individual cases whether they wish to make the granting of federal funding contingent on requirements regarding the use of research findings under Article 27 paragraphs 1 and 2 RIPA.

<sup>2</sup> Should the funding bodies decide to follow paragraph 1, the following rules shall apply:

- a. Researchers who, in the course of their federally-funded duties, make discoveries that are relevant to intellectual property law must inform the employer higher education research centre.
- b. Researchers and their employer higher education research centre shall take measures to protect the intellectual property rights on findings and not to compromise them through premature publication or in any other way
- c. Should the employer higher education research centre apply intellectual property rights to research findings, it shall pay appropriate remuneration to the researcher under the principles of Article 332 paragraph 4 of the Code of Obligations<sup>36</sup>. Special legislative provisions are reserved.

<sup>34</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS **2017** 6607).

<sup>35</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>36</sup> SR **220**

- d. After receiving information from the researchers, should the employer higher education research centre take no measures for the application of intellectual property rights to research findings within the agreed timeframe, the researchers may request the reassignment of the intellectual property rights.
- e. Should research results relevant to intellectual property rights be obtained by a higher education research centre in the exercise of its duties, whether they are federally-funded or funded by a third party, the higher education research centre shall contribute at least the same proportion as that covered by federal funding to the overall costs of the research project concerned out of the income from the utilisation of the intellectual property rights. Article 41 is reserved.

<sup>3</sup> Should an employer higher education research centre or non-commercial research centre outside the higher education sector not comply with the measures for the promotion of the utilisation of research findings on which its funding is contingent, the funding bodies may reduce the promised contributions or demand the repayment of contributions already made.

**Art. 41** Regulation of intellectual property rights and rights of use in innovation projects

<sup>1</sup> Innosuisse shall decide in relation to each application whether it will make the granting of funding subject to the condition that the research and the implementation partners submit an agreement on intellectual property rights and rights of use.

<sup>2</sup> An agreement under paragraph 1 must contain the following:

- a. regulations on the rights of ownership of the results of the innovation project supported;
- b. regulations on the use and exploitation of the intellectual property rights resulting from the innovation project supported;
- c. regulations on the use and exploitation of any existing intellectual property rights used in the innovation project supported;
- d. any rights to remuneration;
- e. duties of secrecy and publication rights.

<sup>3</sup> In relation to their products and services, implementation partners have as a minimum the non-exclusive right to use and exploit free of charge the results of the innovation project supported. This right must be included in the agreement.

<sup>4</sup> The implementation partners' right of use and exploitation under paragraph 3 may be exclusive if this is essential due to the situation of the implementation partners in the market. The agreement shall take account of the interests of the research partners.

<sup>5</sup> In fixing remuneration for the exclusive use and exploitation by an implementation partner of results from the innovation project supported, account should be taken of the following in particular:

- a. the implementation partners' share of the funding given to the innovation project supported; and

- b. that the obligation to remunerate does not jeopardise the successful exploitation of the project results; the implementation partners must disclose any risk.

## 5a. Chapter<sup>37</sup>

### Disclosure of Data by Research Funding Institutions

(Art. 9 RIPA)

#### Art. 41a

<sup>1</sup> To facilitate verification and implementation, research funding institutions may provide employer institutions with data concerning research proposals and funding decisions from a call procedure.

<sup>2</sup> Employer institutions shall only have access to data concerning research projects that researchers will be assigned to at the said institution. The data shall be used for the following purposes:

- a. preparing statements and confirmations required by the research funding institution in order to process research proposals and pay funding contributions;
- b. managing funding contributions;
- c. evaluating the use of third-party funds.

<sup>3</sup> No sensitive personal data within the meaning of Article 5 letter c of the Data Protection Act of 25 September 2020<sup>38</sup> shall be accessible through the call procedure.<sup>39</sup>

## Chapter 6 International Cooperation

### Section 1

#### Treaties and Declarations of Intent, Swiss Participation in International Cooperation

(Art. 28 para. 2 RIPA)

#### Art. 42 Treaties and declarations of intent

<sup>1</sup> In the context of international cooperation in the field of research and innovation, the EAER is authorised to conclude international treaties of limited scope under Article 7a paragraph 2 of the Government and Administration Organisation Act of 21 March 1997<sup>40</sup>. Special legislative provisions are reserved.

<sup>37</sup> Inserted by No I of the O of 3 June 2016, in force since 1 July 2016 (AS **2016** 1843).

<sup>38</sup> SR **235.1**

<sup>39</sup> Amended by Annex 2 No II 50 of the Data Protection Ordinance of 31 Aug. 2022, in force since 1 Sept. 2023 (AS **2022** 568).

<sup>40</sup> SR **172.010**



<sup>2</sup> In the context of its competencies under paragraph 1, the EAER may conclude declarations of intent on the promotion of international cooperation in the field of research and innovation.<sup>41</sup>

<sup>3</sup> It may transfer its competencies under paragraphs 1 and 2 to SERI.

**Art. 43**            Renewal of Swiss delegations in the context of international cooperation

<sup>1</sup> In the context of international treaties on international cooperation in the field of research and innovation, SERI may decide on the re-election or renewal of Swiss delegations on the committees of international organisations, programmes and cooperation projects.

<sup>2</sup> It shall invite other federal departments and research bodies that might be interested in joining delegations because of their field of activity to make suggestions for delegation members and experts.

**Art. 44**<sup>42</sup>

**Section 2**  
**Contributions to Funding for Swiss Participation in Projects of International Organisations and Projects; Information and Advice**

(Art. 29 para. 1 let. a, b, f and g RIPA)

**Art. 45**            Aim of the funding

<sup>1</sup> This funding shall make it possible for interested Swiss parties, in the context of an institution or organisation, to:

- a.    prepare for or participate in international projects and programmes;
- b.    participate in projects that are of great importance for future Swiss research and innovation policy, for science in Switzerland or for the presence of Swiss science abroad;
- c.    use the infrastructure of international scientific organisations.

<sup>2</sup> International treaties and special legislative provisions are reserved, particularly with regards participation in the European Union's Framework Research Programmes and national activities in the space sector.<sup>43</sup>

**Art. 46**            Conditions and calculation of funding

<sup>1</sup> Funding may be granted to institutions and organisations if:

<sup>41</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>42</sup> Repealed by No I of the O of 15 Nov. 2017, with effect from 1 Jan. 2018 (AS **2017** 6607).

<sup>43</sup> Amended by Art. 20 of the O of 17 Dec. 2021 on the Promotion of National Activities in the Space Sector, in force since 1 Feb. 2022 (AS **2021** 929).

- a. the project serves Swiss national interests;
- b. Switzerland's participation is not possible without federal funding;
- c. the project is run by an institution or organisation that guarantees that the funding will be used efficiently and that the administrative burden will be kept to a minimum.<sup>44</sup>

<sup>2</sup> Funding shall be granted for a maximum of five years. One or more extensions of maximum five years are possible. Prior to each extension, entitlement shall be checked.

#### **Art. 47**            Application

Requests for funding shall be addressed to SERI. They must include the following:

- a. the name of the applicant;
- b. the institution or organisation to which funding should be granted;
- c. a description of the plan (programme or project), including financial framework;
- d. the institution or organisation's own contributions and other investments as well as other sources of financing and third-party services;
- e. grounds for Swiss participation, in particular information on the scientific significance and interest for Switzerland;
- f. the proposed contribution from the Confederation.

#### **Art. 48**            Consultations

SERI shall consult other departments or research bodies that may be affected by, of interested in, the project.

#### **Art. 49<sup>45</sup>**          Decision

<sup>1</sup> SERI makes decisions on funding up to CHF 3 million.

<sup>2</sup> The EAER makes decisions on funding over CHF 3 million. SERI shall submit applications.

<sup>3</sup> For funding over CHF 5 million, the prior approval of the Federal Department of Finance is required. Should no agreement be reached in such a case, the Federal Council shall make the decision based on the EAER's application.

<sup>4</sup> Funding may be guaranteed in a ruling or as part of a treaty.

<sup>44</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>45</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

**Art. 50<sup>46</sup>** Information and advice

<sup>1</sup> SERI may inform research bodies, organisations and businesses based in Switzerland on activities supported by the Confederation relating to international programmes and projects and advise them on the development and submission of applications.

<sup>2</sup> It may make contributions to non-commercial institutions and organisations for the purpose of information and advisory activities under Article 29 paragraph 1 letter f RIPA.

<sup>3</sup> For the contributions referred to in paragraph 2, an annual maximum limit determined on the basis of available funding shall be specified in the contracts or decisions. This limit shall include payroll, rental and material costs associated with the information and advisory activities as well as any other funding sourced from the public sector or third parties.

<sup>4</sup> Funding contributions are allocated for a maximum of four years at a time. Single or multiple extensions of funding covering no more than four years at a time is also possible. Eligibility shall be verified before each extension.

### **Section 3**

#### **Funding for Bilateral Scientific Cooperation Outside of International Programmes and Organisations**

(Art. 29 para. 1 let. c RIPA)

**Art. 51** Principles

<sup>1</sup> Funding may be granted to higher education research centres for cooperation and exchange with countries and metropolises selected in the context of Switzerland's international research and innovation policy.<sup>47</sup>

<sup>2</sup> Cooperation between Swiss and foreign higher education research centres shall be implemented through shared research programmes, the shared use of laboratories, the granting of joint degrees from a tertiary-level type A institutions, the funding of grants for student and researcher grants, and individual projects and pilot activities.

<sup>3</sup> Programmes and projects shall be supported if the partner country guarantees reciprocity.

<sup>4</sup> The justification of interest for Switzerland from the point of view of scientific policy and the scientific excellence of a project, shall form the basis of reciprocity, provided that those responsible for the project or the research funding institutions have sufficient resources available.

<sup>46</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

<sup>47</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS 2022 699).

**Art. 52<sup>48</sup>**      Calls for joint projects

<sup>1</sup> As part of its international research and innovation policy, SERI shall establish a national steering committee responsible for a specified country or metropole. Each committee shall decide on the national focus of the cooperation programme for the country or metropole in question.

<sup>2</sup> For each country or metropole, SERI may designate a Swiss higher education research centre to act as Leading House to be tasked with the coordination and implementation of the cooperation programme. SERI shall consult swissuniversities on this. Should no Leading House be put in place for a given country or metropole, SERI shall take the necessary measures and make the required decisions.

<sup>3</sup> On behalf of SERI, the SNSF is responsible for issuing calls for joint research projects in the context of bilateral scientific cooperation and for the evaluation thereof. The procedure shall be determined by SNSF regulations and the call for proposals issued by the SNSF.

<sup>4</sup> The bilateral agreements with the partner countries regulate the establishment of joint working groups and their tasks. In particular, the working groups make decisions on the approval or rejection of project proposals submitted in the context of the programme.

<sup>5</sup> The EAER shall regulate the details of representation on the national steering committee and its functioning in an ordinance.

**Art. 53**      Determining funding, mandates

<sup>1</sup> In the context of the credits granted for each cooperation programme, the EAER shall define the maximum amount that can be granted for the given funding period.<sup>49</sup>

<sup>2</sup> SERI shall conclude a contract of mandate with each Leading House which defines the aims of the bilateral cooperation, the services to be provided by the Leading House and the guidelines on reporting and controlling. In the contract of mandate, SERI may transfer decision-making powers to the Leading House for the selection of individual projects and pilot activities.

<sup>3</sup> The details of the SNSF's tasks and associated funding shall be set forth in the contract of mandate with the SNSF.

<sup>48</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>49</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

## **Chapter 7 Coordination, Planning and Sustainable Development**

### **Section 1 Coordination by the Federal Council**

(Art. 41 and 42 RIPA)

#### **Art. 54 Scientific foreign policy**

<sup>1</sup> SERI shall produce, periodically or as necessary, a report for the Federal Council under Article 41 paragraph 3 RIPA on the development of Swiss scientific foreign policy. It shall take account of:

- a. Switzerland's duties under international law contracts;
- b. developments in European and non-European research and innovation;
- c. the measures under Article 29 RIPA that are relevant to international cooperation on research and innovation.

<sup>2</sup> When so doing, it shall coordinate with the departments of the Federal Department of Foreign Affairs responsible for foreign policy, as well as with other interested federal departments, and consult the SNSF and Innosuisse with regard to the tasks delegated to them under Articles 24 paragraphs 4 and 30 RIPA and Article 3 paragraph 3 SIAA.<sup>50</sup>

<sup>3</sup> The Federal Council shall acknowledge the report under paragraph 1 and coordinate as necessary.

#### **Art. 55<sup>51</sup> Research infrastructures**

<sup>1</sup> SERI shall produce, periodically or as necessary, a report for the EAER on the status and development of research infrastructures, particularly of large international research facilities and other internationally coordinated research infrastructures in which Switzerland is involved. It shall take account of:

- a. Switzerland's duties under international law contracts;
- b. developments in European and non-European research and innovation with regard to the establishing and operations of internationally coordinated research infrastructures;
- c. the development priorities of fields of expertise and disciplines in Switzerland in the field of research and innovation;
- d. the corresponding development priorities of the ETH Domain and the other higher education institutions.

<sup>2</sup> When so doing it shall consult the research bodies and federal offices affected and, as necessary, the SSIC, and ensure the necessary scientific expertise.

<sup>3</sup> It shall further ensure that in cases that involve a direct connection with particularly costly areas under the Higher Education Act of 30 September 2011<sup>52</sup> (HEdA), an

<sup>50</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS **2017** 6607).

<sup>51</sup> Amended by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>52</sup> SR **414.20**

objective alignment is made between the research and innovation planning under RIPA and the coordination of the higher education sector under HEdA.

<sup>4</sup> The EAER shall acknowledge the report.

<sup>5</sup> Any requests for funding of research infrastructures shall be made within the framework of periodic ERI dispatches.

#### **Art. 56** National support initiatives

<sup>1</sup> The EAER shall coordinate national promotion initiatives under Article 41 paragraph 5 RIPA with regard to planning and implementation.

<sup>2</sup> It shall coordinate these initiatives with the proper planning procedures (Art. 58 and 59) and shall ensure that any proposals for promotion initiatives feature in the periodic ERI Dispatch.

#### **Art. 57** Interdepartmental coordination committee for the Confederation's government research

<sup>1</sup> The interdepartmental coordination committee for the Confederation's government research consists of representatives of:

- a. the individual federal offices that perform tasks in government research;
- b. the Federal Finance Administration.

<sup>2</sup> The members under paragraph 1 represent the directorate or management of the respective federal offices. Appointment is carried out by the competent federal offices.

<sup>3</sup> Representatives of the SNSF, Innosuisse and the ETH Board shall take part in committee meetings in an advisory role.

<sup>4</sup> The SERI State Secretary shall head the committee. He/she can choose a representative.

## **Section 2 Planning**

(Art. 43–48 RIPA)

#### **Art. 58** Multi-year programmes

(Art. 45 RIPA)

<sup>1</sup> In their multi-year programmes, the research bodies provide information on their intended activities for the next ERI Period, specifically on:

- a. which areas of focus and priorities they want to implement and to what extent these correspond to the strategic objectives of the Confederation's research and innovation promotion policy;
- b. how they plan to allocate their resources in comparison to their previous activities;

- c. how they will coordinate their activities internally and with the other research bodies;
- d. which personal and financial impacts can be expected.

<sup>2</sup> SERI shall give the funding bodies a deadline within which they must submit their multi-year programme.

**Art. 59** Annual funding plans of the research funding institutions

(Art. 48 RIPA)

<sup>1</sup> When developing their annual funding plans, each research funding institution shall verify its validity. Deviations from the service level agreements based on the multi-year programme shall be justified.

<sup>2</sup> The funding plan shall show how resources should be used in the coming year. The presentation shall be done in CHF and as a share of total outlay; for comparison, the relevant figures from the previous two years shall be cited. Planned funding shall be justified.

<sup>3</sup> SERI is responsible for approving the annual funding plan.<sup>53</sup>

### **Section 3 Sustainable Development**

(Art. 6 para. 3 let. a RIPA)

**Art. 60**

<sup>1</sup> As part of the application process, the funding bodies shall request information on the project's contribution to sustainable development.

<sup>2</sup> In their reports under Article 52 RIPA, the research funding institutions and the Federal Administration, as well as Innosuisse in its activity reports under Article 7 paragraph 1 letter o SIAA, shall explain how they have taken account of the sustainable development of society, the economy and the environment when carrying out their promotion activities in pursuit of federal objectives.<sup>54</sup>

<sup>53</sup> Inserted by No I of the O of 26 Oct. 2022, in force since 1 Jan. 2023 (AS **2022** 699).

<sup>54</sup> Amended by No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS **2017** 6607).

## Chapter 8 Swiss Science Council

(Art. 54 and 55 RIPA)

### Art. 61

<sup>1</sup> The Swiss Science Council (SSC)<sup>55</sup> is a permanent advisory committee under Article 8a paragraph 2 Government and Administration Organisation Ordinance of 25 November 1998<sup>56</sup>. Administratively, it is assigned to the EAER.

<sup>2</sup> It runs its own administrative office.

<sup>3</sup> The resources for the SSTC's operations shall be set in the SERI budget.

## Chapter 9 Final Provisions

### Art. 62 Enforcing and amending other decrees

<sup>1</sup> The Research and Innovation Promotion Ordinance of 10 June 1985<sup>57</sup> is repealed.

<sup>2</sup> The following ordinances are amended as follows:

...<sup>58</sup>

### Art. 63 Transitional provisions

<sup>1</sup> For the granting of funding for overheads by Innosuisse and for the details of the calculation of funding contributions, the Ordinance of 10 June 1985 on the Promotion of Research and Innovation, and Article 10s paragraphs 6 and 7 with annex and the corresponding transitional provisions of 24 November 2010<sup>59</sup>, shall apply until the entry into force of the provisions on funding and federal funding contributions under Chapters 7 and 8 HEdA<sup>60</sup>, but no later than 31 December 2016.

<sup>2</sup> Until the entry into force of Chapters 1–5 HEdA, Article 52 paragraph 2, second sentence has the following wording:

...<sup>61</sup>

### Art. 64 Commencement

<sup>1</sup> This Ordinance enters into force, subject to paragraphs 2 and 3, on 1 January 2014.

<sup>55</sup> Name in accordance with No I of the O of 15 Nov. 2017, in force since 1 Jan. 2018 (AS 2017 6607). This amendment has been made throughout the text.

<sup>56</sup> SR 172.010.1

<sup>57</sup> [AS 1985 775; 1996 1807; 2000 187 Art. 21 No 3, 1861; 2004 4263, 4871; 2008 683, 4617, 5747 Annex No 8; 2010 5461; 2012 3631 No I 8; 2013 2641]

<sup>58</sup> The amendments can be consulted under AS 2013 4593.

<sup>59</sup> AS 2010 5461

<sup>60</sup> SR 414.20

<sup>61</sup> Included in the provision mentioned until 31 Dec. 2014.



<sup>2</sup> Article 55 paragraph 3 shall enter into force at the same time as Chapters 1–5 HEdA<sup>62</sup>.

<sup>3</sup> Articles 37 and 38 shall enter into force at the same time as the provisions on funding and federal funding contributions under Chapters 7 and 8 HEdA, but not later than 1 January 2017.

<sup>62</sup> SR 414.20

