

730.03

Regulation on the promotion of the production of electricity from renewable energies

(Energy Promotion Ordinance, EnFV)

from 1 November 2017 (as of 1 January 2018)

<https://www.admin.ch/opc/de/classified-compilation/20162947/index.html#>

The Swiss Federal Council,

based on the Energy Act of 30 September 2016 ¹ (EnG),

prescribed:

Chapter 1: General Provisions

Art. 1 Subject

This regulation regulates the promotion of the production of electricity from renewable energy, which is financed from the grid surcharge in accordance with Article 35 EnG.

Art. 2 Terms

In this regulation mean:

a.

Hybrid plant : plant that uses several renewable energy sources for electricity production;

b.

Biomass: all organic matter directly or indirectly produced by photosynthesis that has not been altered by geological processes; this includes all by-products and by-products, residues and wastes whose energy content originates from the biomass;

c.

biogenic gas: gas produced from biomass;

d.

Net production: Quantity of electricity according to Article 11 (2) of the Energy Ordinance of 1 November 2017 ¹ (EnV);

e.

Waste heat: unavoidable heat losses from energy conversion processes or from chemical processes, for example in waste incineration plants (KVA), other than heating heat from plants which have the combined production of electrical and thermal energy as primary and peer targets;

f.

Combined heat and power (CHP): simultaneous provision of power and heat from the conversion process of fuel in gas turbines, steam turbines, internal combustion engines, other thermal plants and fuel cells.

¹ SR 730.01

Art. 3 New plants

¹ New installations are:

- a.
for hydropower plants: plants that use hydraulic potential for the first time;
- b.
for the other technologies: installations that are first created in one location.

² A new system is also a system that completely replaces an existing system.

³ The decision on whether or not there is a new investment is taken by the executing agency in consultation with the Swiss Federal Office of Energy (SFOE).

Art. 4 Plant performance

The performance of a system is determined in accordance with Article 13 EnV ¹.

¹ SR 730.01

Art. 5 Obligation to register upon change of the authorized person

If the entitled person changes after the submission of the application, the immediately authorized person must immediately notify the authority responsible for assessing the application. Without notification, the feed-in premium, the remuneration, the investment contribution or the market premium will be paid to the previously authorized person.

Art. 6 Categories of photovoltaic systems

¹ The photovoltaic systems are divided into the following categories:

- a.
integrated facilities;
- b.
attached or free-standing plants.

² Integrated systems are systems that are integrated in a building and that additionally serve as weather protection, heat protection or fall protection in addition to electricity production.

Art. 7 Large and small photovoltaic systems

¹ Large photovoltaic systems are plants with a capacity of 100 kW or more.

² As small photovoltaic systems apply:

- a.
Plants with a capacity of less than 100 kW;
- b.
Systems that are upgraded or renewed by less than 100 kW, even if their total output after the extension or renewal is 100 kW or more.

³ If the operator of a plant according to paragraph 1 refrains from reimbursement of the contribution to performance (Annex 2.1 No. 2) for the power from 100 kW, the installation shall also be deemed a small facility.

Art. 8 Electoral law for photovoltaic systems

¹ Operators of large photovoltaic systems with a capacity of up to 50 MW can choose whether they want to apply for a feed-in tariff or a one-off fee.

² You are finally exercising this right to vote by submitting the application for one or another type of funding. An application for a one-off fee for small photovoltaic systems remains after commissioning of the system (Article 41).

Art. 9 Exceptions to the lower limit for hydropower plants

In addition to the hydropower plants connected to drinking water supply or wastewater facilities, the following hydroelectric power plants are excluded from the lower limit under Articles 19 (4) (a) and 24 (1) (b) (2) EnG:

- a.
Dotierkraftwerke;
- b.
Installations on artificially created spillways, industrial canals and existing diversion and underwater canals, provided that no new interventions in natural or ecologically valuable waters are effected;
- c.
Secondary utilization systems such as hydroelectric power plants, power plants in connection with snow-making systems or the use of tunnel water.

Art. 10 Own consumption

Own consumption and the merger for self-consumption are subject to the provisions of Chapter 4, Section 2 of EnV ¹.

¹ SR 730.01

Chapter 2: Feed-in tariff system

Section 1: General Provisions

Art. 11 General requirements

The connection conditions according to Article 10 EnV ¹ as well as the determination of the quantity of electricity to be remunerated according to Article 11 EnV shall apply mutatis mutandis to operators of installations in the feed-in tariff system.

¹ SR 730.01

Art. 12 Proof of origin and ecological added value

¹ Operators of installations in the feed-in tariff system have to transfer the recorded guarantees of origin to the enforcement office.

² The ecological added value is compensated by the definitive participation in the feed-in tariff system (Art. 24).

Art. 13 Participation of photovoltaic systems

Only large photovoltaic systems can participate in the feed-in compensation system.

Section 2: Direct marketing and feed-in at the reference market price

Art. 14 Direct marketing

¹ Exempted from the requirement for direct marketing (Article 21 EnG) are operators of installations with a capacity of less than 100 kW.

² Operators of installations with a capacity of 500 kW or more, who already receive compensation under the previous law, must switch to direct marketing.

³ All operators may switch to direct marketing at any time subject to a reporting deadline of three months to the end of a quarter. The return to feed-in at the reference market price is excluded.

Art. 15 Reference market price

¹ The reference market price for electricity from photovoltaic systems is the average of the prices set on the electricity exchange in each quarter of the following day for the market area Switzerland, weighted according to the actual quarterly feed-in of photovoltaic systems.

² The reference market price for electricity from other technologies is the average of the prices fixed on the electricity exchange in each quarter for the following day for the market area Switzerland.

³ The SFOE calculates and publishes the reference market prices on a quarterly basis.

Art. 16 Remuneration rates and their adjustment

¹ The rates of remuneration per generation technology, category and performance class are set out in Annexes 1.1-1.5.

² The remuneration for hybrid systems is calculated according to the rates of remuneration of the energy sources used, weighted according to their proportionate energy content. To determine the equivalent performance, the entire production is used.

³ The rates of remuneration are reviewed regularly and adjusted in the event of a material change in circumstances.

Art. 17 Remuneration period and minimum requirements

¹ The remuneration period and the minimum requirements are set out in Annexes 1.1-1.5.

² The compensation period starts with the actual commissioning of the system and can not be interrupted. It also starts to run if the operator does not receive any compensation for the system.

Section 3: order of consideration and waiting list

Art. 18 Sequence of consideration

¹ The entry date is decisive for the consideration of an application for participation in the feed-in tariff system.

² If not all applications submitted on the same day can be considered, the projects with the highest performance will be considered first.

Art. 19 Waiting list

¹ If the funds are not sufficient for immediate consideration of all applications, the projects will be put on a waiting list, unless they obviously do not meet the eligibility requirements.

² The enforcement agency informs the applicant that their project will be added to the waiting list.

³ It keeps a waiting list for photovoltaic systems and for the other generation technologies.

Art. 20 Dismissal of the waiting list

- ¹ If funds are available again, the SFOE determines quotas in the scope of which investments on the waiting lists can be taken into account.
- ² The installations on the waiting list for photovoltaic systems are considered according to the submission date of the application.
- ³ The facilities on the waiting list for the other generation technologies are considered in the following order:
 - a. Installations for which the commissioning report or the project progress report or, in the case of small hydropower plants and wind turbines, the second project progress report has been submitted in full to the execution agency: according to the date of submission of this notification;
 - b. the remaining projects: according to the submission date of the application.

4th section: Application procedure

Art. 21 Request

- ¹ The application for participation in the feed-in tariff system must be submitted to the executive office.
- ² It must contain all the information and documents specified in Annexes 1.1-1.5.

Art. 22 Assurance in principle

- ¹ If the eligibility requirements are likely to be met and there are sufficient funds available, the regulatory body will ensure the participation of the facility in the feed-in tariff system with an order in principle.
- ² This decree has no prejudicial effect on the approval and licensing procedures required for the project.

Art. 23 Project progress, commissioning and reporting obligations

- ¹ The applicant must obtain project progress in due time upon receipt of the order in accordance with Article 22 and put the system into operation.
- ² Project progress and commissioning, as well as the applicable deadlines, are set out in Annexes 1.1-1.5.
- ³ If the applicant can not meet the deadlines for project progress and start-up for reasons for which it is not responsible, the office of execution may extend it on application. The application must be submitted in writing before the end of the respective period.
- ⁴ The applicant must notify the project progress in writing within two weeks.
- ⁵ It must submit the complete start-up message no later than one month after commissioning. If it does not comply with this deadline, it will not be entitled to payment of the feed-in premium until the report has been submitted.

Art. 24 Decision

¹ If the plant fulfills the eligibility requirements even after commissioning, the executing agency has by name:

- a. entry into the feed-in tariff system;
- b. whether the investment is in direct marketing or remunerated with the reference market price; and
- c. the amount of the remuneration rate.

² If a requesting person has put into operation the installation for which funds are available before the principle of participation in the feed-in tariff system has been assured, the office shall issue a direct decision pursuant to paragraph 1 if the person concerned submits the complete start-up notification Has.

³ The Entity withdraws the assurances provided for in Article 22 and rejects the application for participation in the feed-in tariff system if:

- a. the eligibility requirements are not met;
- b. the applicant does not meet the deadlines for project progress or commissioning;
- c. the location of the facility does not correspond to that specified in the request.

Section 5: Continuous operation, exclusion and withdrawal

Art. 25 Payment of remuneration

¹ The executing agency pays out quarterly:

- a. Operators of direct marketing equipment: the feed-in premium;
- b. Operators who feed electricity at the reference market price: the feed-in premium and the reference market price.

² If there are insufficient funds available for the payments under paragraph 1, it shall make the payments pro rata in the current year. The difference is paid out the following year.

³ The agency demands from the operator in relation to the actual production of overpaid amounts without interest. It can also charge you in the following payment period.

⁴ If the reference market price exceeds the remuneration rate, the office of execution shall charge the surplus part on a quarterly basis to the operators.

⁵ The remuneration is paid up to and including the full month in which the compensation period expires.

⁶ If the operator fails to submit the information required for the disbursements pursuant to paragraph 1 in full and on time, the entitlement to remuneration shall lapse until such information is available.

Art. 26 Management fee

Producers in direct marketing receive a management fee per kWh from the executing agency on a quarterly basis in the amount of:

- a.
0.55 cents for photovoltaic and wind turbines;
- b.
0.28 centimes for hydropower plants;
- c.
0.16 cents at KVA;
- d.
0.28 cents for the other biomass plants.

Art. 27 Obligations of the balance group for renewable energies and the grid operator

¹ The renewable energy balance group removes electricity from the operators who feed at the reference market price and have a load measurement with automatic data transmission or an intelligent measuring system. It reimburses the execution agency for the electricity purchased according to the timetable the reference market price.

² Grid operators take electricity from operators who feed into their grid at the reference market price and do not have a load measurement or smart metering system. They compensate the execution center for the purchased electricity with the reference market price.

³ The enforcement agent shall immediately insert the funds received into the network surcharge fund in accordance with Article 37 EnG.

Art. 28 Subsequent extensions or renewals

¹ The operator of a plant for which he receives a feed-in tariff must notify the enforcement body of extensions or renewals at least one month before commissioning. He must indicate all changes to be made to the previous system.

² The remuneration period will not be extended by a subsequent extension or renewal.

³ In the case of photovoltaic systems, the original rate of remuneration shall be reduced from the start of the extension or renewal. The new remuneration rate is calculated on the basis of the performance-weighted average value of the remuneration rate applicable at first commissioning and a remuneration rate of 0 Rp./kWh for the extension or renewal.

⁴ A photovoltaic system is exempted from this reduction if it is ensured that the electricity produced by the extended or renewed part of the installation is not included in the billing of the electricity produced by the original installation in the feed-in compensation system.

⁵ For small hydropower and biomass plants, the initial royalty shall be reduced pro rata from the start of the extension or renewal. The calculation of the new remuneration rate is based on Annexes 1.1 and 1.5.

⁶ If the notification referred to in paragraph 1 is not made or is not made within the deadline, the operator shall reimburse the difference between the remuneration received and the remuneration of the executing agency calculated at the rates referred to in paragraphs 3 or 5 without interest.

Art. 29 Consequences of non-compliance with eligibility requirements or minimum requirements

- ¹ There is no entitlement to the feed-in premium for the duration of the eligibility or minimum requirements. If a review period is envisaged, the entitlement to the feed-in premium ceases to apply retroactively to the entire period. The overpayment received must be reimbursed to the executing agency. It can be offset against future benefits.
- ² If the conditions of eligibility or minimum requirements are met again, the entry premium is again entitled from this point in time. If a review period is provided, the claim is retroactive to the entire period. Any additional payments are not interest-bearing.
- ³ If there are grounds for non-compliance with the eligibility requirements or minimum requirements for which the operator can not be held, he / she can explain to the enforcement body which measures he wishes to take to ensure that they are complied with again. The agency may grant it a reasonable time to implement these measures and, if necessary, impose conditions. Until the expiry of this period, the feed-in premium remains valid, provided that any conditions are met.
- ⁴ If the eligibility requirements or the minimum requirements are not adhered to even after expiry of the deadline, paragraph 1 shall apply mutatis mutandis.

Art. 30 Exclusion and withdrawal from the feed-in tariff system

- ¹ The enforcement body has the exclusion of an operator from the feed-in tariff system, if eligibility requirements or minimum requirements:
 - a. repeatedly not being complied with and therefore the feed-in premium was not paid out at least once every three calendar years (Article 29 (1));
 - b. after the expiry of the period referred to in Article 29 (3) has not been complied with for a whole calendar year.
- ² Withdrawal from the feed-in tariff system is possible at any time subject to a notice period of three months to the end of a quarter.
- ³ Renewed participation in the feed-in tariff system is excluded after exclusion or withdrawal.

Chapter 3: General provisions on one-time reimbursement and investment contributions

Art. 31 Exclusion of the investment contribution

As long as the operator receives additional financing for a plant in accordance with Article 73 (4) EnG or a feed-in tariff, he can not be awarded either a one-off payment or an investment contribution.

Art. 32 Approval of the earlier start of construction

The SFOE can approve the earlier start of construction of hydropower and biomass plants if there were serious disadvantages to waiting for the assurance in principle. The authorization does not entitle you to an investment contribution.

Art. 33 Requirements for operation and operation of the plant

¹ A facility for which a one-off or investment contribution has been paid must be maintained from the date of commissioning of the installation, extension or renewal for at least the following duration to ensure regular operation:

a.

15 years in photovoltaic systems, KVA and hydroelectric plants;

b.

10 years for sewage treatment plants and wood power plants of regional importance.

ⁱⁿ addition, ² photovoltaic systems must be operated for at least 15 years in such a way that they do not fall below a minimum production, as expected on the basis of location and orientation.

Art. 34 Recovery of one-off remuneration and investment contributions

¹ Articles 28 to 30 of the Subsidies Act of 5 October 1990¹ apply mutatis mutandis to the recovery of the one-time allowance and the investment contributions.

² The one-off fee or the investment contribution shall be reclaimed, in particular, in whole or in part, if the requirements for operation and operational status according to Article 33 are not or no longer met.

³ The one-off or investment contribution will also be recovered in whole or in part if the conditions of the energy market lead to excessive profitability.

¹ SR 616.1

Art. 35 Waiting period

¹ The minimum period during which an operator can not re-use a one-time allowance or an investment contribution for an installation is:

a.

15 years with photovoltaic systems and KVA;

b.

10 years for sewage treatment plants and wood power plants of regional importance.

² This minimum duration does not apply to photovoltaic systems for which an operator has received a one-off payment under the previous law.

Chapter 4: One-time reimbursement for photovoltaic systems

Section 1: General Provisions

Art. 36 Minimum size and maximum benefit limit for the orientation of a one-time allowance

A one-time fee is paid for photovoltaic systems with a capacity of at least 2 kW up to a maximum of 50 MW.

Art. 37 Significance of extension or renewal of an installation

The extension or renewal of an installation is significant if the performance of the installation is increased by at least 2 kW as a result of the extension or renewal.

Art. 38 Calculation of the one-time allowance and adjustment of the approaches

¹ The one-time remuneration consists of a basic and a performance contribution.

- ² The approaches are defined in Annex 2.1. The Federal Department of the Environment, Transport, Energy and Communications (DETEC) reviews them annually. In the event of a material change in circumstances, the Federal Council shall request its adaptation.
- ³ For large photovoltaic systems that have been put into operation since 1 January 2013, the approaches for attached and freestanding systems apply, even if they belong to the category of integrated systems.
- ⁴ For significant extensions or renewals, only a performance contribution in the amount of the increase in performance that is achieved with the extension or renewal will be paid. There is no basic fee paid.
- ⁵ If a plant is extended before receiving the one-off payment, the basic contribution for the plant part that was commissioned the first time and the contribution to performance are paid according to the commissioning date of the individual parts of the plant.
- ⁶ If an investment consists of several module fields belonging to different categories in accordance with Article 6, the basic contribution shall be calculated by the performance weighted average of the approaches and the contribution shall be calculated by reference to the shares of the benefit per category.

Section 2: order of consideration and waiting list

Art. 39 Sequence of consideration

- ¹ The date of submission of the application is decisive for the consideration of a project.
- ² If not all applications submitted on the same day can be considered, the projects with the highest additional performance will be considered first.

Art. 40 Waiting list

- ¹ If the funds are not sufficient for immediate consideration, the projects will be put on a waiting list according to the submission date of the application, unless they obviously do not meet the eligibility requirements.
- ² The enforcement center informs the applicant that their project has been added to the waiting list.
- ³ She keeps a waiting list for the small and one for the large photovoltaic systems.
- ⁴ If funds are available again, the SFOE determines a quota, in whose scope projects on the waiting list of small and large photovoltaic systems can be taken into account.

Section 3: Application procedure for small photovoltaic systems

Art. 41 Request

- ¹ The application for a one-off fee for small photovoltaic systems must be submitted to the enforcement office after commissioning the system.
- ² It must contain all information and documents in accordance with Annex 2.1, section 3.

³ Operators of installations pursuant to Article 7 (3) shall notify the enforcement body in the request that they waive the remuneration for the contribution in kind (Annex 2.1, item 2) for the benefit of 100 kW or more.

⁴ If the operator has already submitted an application under Article 21 or 43 for the same installation, this application shall be deemed to be withdrawn with the request referred to in paragraph 1.

Art. 42 Determination of the one-time allowance

If the installation complies with the eligibility criteria and funds are available for consideration, the execution center shall determine the amount of the one-time compensation based on the approaches in Annex 2.1.

Section 4: Application procedure for large photovoltaic systems

Art. 43 Request

¹ The application for a one-off fee for large photovoltaic systems must be submitted to the executive office.

² It must contain all the information and documents specified in Annex 2.1 Number 4.1.

³ If the category or the service of the projected system changes after the submission of the application, the applicant must notify the execution agency immediately.

Art. 44 Assurance in principle

If the eligibility requirements are likely to be met and there are sufficient funds available, the agency shall back up the one-off compensation with a disposition in principle and set the maximum amount based on the benefit and approaches set out in Annex 2.1.

Art. 45 Commissioning period and commissioning message

¹ The installation must be put into operation no later than 12 months from the date of the assertion in accordance with Article 44.

² Commissioning must be reported to the enforcement agency no later than three months after commissioning.

³ The commissioning report must contain the information and documents specified in Annex 2.1, section 4.2.

⁴ If the time limit for putting into service can not be complied with for reasons for which the applicant is not responsible, the office of execution may extend it on request. The application must be submitted before the deadline.

Art. 46 Decision

¹ If the plant fulfills the eligibility requirements even after commissioning, the execution office will determine the definitive amount of the one-time compensation on receipt of the complete start-up notification on the basis of the plant data certified as part of the proof of origin. In doing so, the maximum amount set out in the undertaking provided for in Article 44 shall not be exceeded.

² If a requesting person has put into operation the installation for which funds are available before the principle of the one-off payment has been assured, the office shall issue a direct decision pursuant to paragraph 1 if the person concerned has submitted the complete start-up notification.

³ The Entity withdraws the assurance provided for in Article 44 and rejects the request for one-time compensation if:

a.

the eligibility requirements are not met;

b.

Commissioning is not timely;

c.

the location of the facility does not correspond to that specified in the request.

⁴ It may also withdraw the assurance provided for in Article 44 if it is not notified of the start-up within three months from the date of commissioning.

730.0

energy Act

(Closely)

from September 30, 2016 (as of January 1, 2018)

<https://www.admin.ch/opc/de/classified-compilation/20121295/index.html#>

The Federal Assembly of the Swiss Confederation,

Having regard to Articles 64, 74-76, 89 and 91 of the Federal Constitution ¹ ,

after having seen the Federal Council's message of 4 September 2013 ² ,

decrees:

Chapter 1: Purpose, Guidelines and Principles

Art. 1 Purpose

¹ The purpose of this law is to contribute to a sufficient, diversified, secure, economical and environmentally sound energy supply.

² It aims:

- a.
ensuring the economic and environmentally sound provision and distribution of energy;
- b.
the economical and efficient use of energy;
- c.
the transition to an energy supply that is more based on the use of renewable energy, especially domestic renewable energies.

Art. 2 Guidelines for the expansion of electricity from renewable energies

¹ In the production of electricity from renewable sources, excluding hydropower, the aim is to increase the average domestic production by at least 4400 GWh in 2020 and at least 11 400 GWh in 2035.

² In the production of electricity from hydropower, an expansion should be sought, with the average domestic production in 2035 being at least 37 400 GWh. For pumped storage power plants, only production due to natural inflows is included in these benchmarks.

³ The Federal Council may decide on additional intermediate values for individual technologies or for individual technologies.

Art. 3 Consumption guidelines

¹ The average energy consumption per person per year is to be reduced by 16 per cent by the year 2020 and by 43 per cent by the year 2035 compared to the situation in 2000.

² The average consumption of electricity per person per year is to be reduced by 3 per cent by 2020 and by 13 per cent by 2035 compared to the level in 2000.

Art. 4 Cooperation with the cantons and the economy

¹ The Confederation and the cantons coordinate their energy policies and take into account the efforts of the business community and municipalities.

² The Confederation and, within its competence, the cantons and communes shall cooperate with the organizations of the economy for the implementation of this law.

³ Before adopting implementing legislation, they examine voluntary measures of the economy. As far as possible and necessary, they incorporate agreements wholly or partly into the execution right.

Art. 5 Principles

¹ Authorities, energy supply companies, planners, manufacturers and importers of energy-using equipment, vehicles and equipment, and consumers observe the following principles:

a.

Every energy should be used sparingly and efficiently.

b.

Total energy consumption is to be covered by a significant proportion of cost-effective renewable energies; this proportion is to be increased continuously.

c.

The costs of energy use should be borne as far as possible according to the polluter pays principle.

² Measures and requirements under this Act must be technically and operationally feasible and economically viable. The persons concerned must be consulted in advance.

2nd chapter: Energy supply

Section 1: General Provisions

Art. 6 Concept and competence

¹ The supply of energy includes the extraction, transformation, storage and storage, provision, transport, transmission and distribution of energy and energy to the final consumer, including import, export and transit.

² It is a matter of the energy industry. The Confederation and the cantons provide the framework conditions necessary for the energy industry to optimally fulfill this task in the overall interest.

Art. 7 Guidelines

¹ A secure energy supply includes the constant availability of sufficient energy, a wide range of services and technically safe and efficient supply and storage systems. A secure energy supply also includes the protection of critical infrastructures including the associated information and communication technology.

² An economic energy supply is based on market rules, integration into the European energy market, cost truth, international competitiveness and an internationally coordinated policy in the field of energy.

³ An environmentally sound energy supply means the careful use of natural resources, the use of renewable energies, especially hydropower, and has the aim of minimizing the harmful or annoying effects on people and the environment.

Art. 8 Securing the energy supply

¹ If it is clear that Switzerland's energy supply will not be adequately secured in the long term, the Confederation and the cantons, within the scope of their responsibilities, will create the conditions in due time so that production, network and storage capacities can be provided.

² The Confederation and the cantons work together with the energy industry to ensure that the processes are efficient and that the procedures are carried out quickly.

³ To the extent possible under the relevant circumstances, the Confederation and the cantons shall ensure that their planning, construction, facilities and facilities, as well as the financing of projects, favor those generation technologies that are economically, environmentally sound and suitable for the site in question.

⁴ If necessary, the Confederation ensures cooperation with foreign countries.

Art. 9 Guarantee of Origin, Electricity Accounting and Labeling

¹ Electricity must be recorded with regard to the quantity, the production period, the energy source used and the plant data by means of proof of origin.

² Guarantees of origin may only be used once for the declaration of a corresponding quantity of electricity. They may be traded and transferred; this excludes guarantees of origin for electricity for which the feed-in tariff is paid in accordance with Chapter 4.

³ Who supplies end consumers, must:

a.

to keep an electricity accountancy; and

b.

Inform the end consumers about the quantity, the energy sources used and the place of production of the electricity supplied (marking).

⁴ In particular, the quantity, the energy sources used and the place of production of the electricity supplied must be shown in the electricity accounts. This must be proven in an appropriate form, usually with guarantees of origin.

⁵ The Federal Council may allow exemptions from the compulsory identification and proof of origin and also provide for other areas a proof of origin and labeling, in particular for biogas. It may also regulate how the costs associated with the system of proof of origin are to be covered.

Section 2: Spatial Planning and Expansion of Renewable Energy

Art. 10 Directional plans of the cantons and utilization plans

¹ The cantons shall ensure that, in particular, the areas and stretches of water suitable for the use of water and wind power are specified in the roadmap (Article 8b of the Spatial Planning

Act of 22 June 1979¹). They include already used locations and can also designate areas and water routes that are to be kept free.

² If necessary, they ensure that usage plans are created or existing usage plans are adjusted.

¹ SR 700

Art. 11 Tasks of the Federation

¹ The Confederation devises methodological foundations to support the cantons and ensures the overall view, uniformity and coordination.

² These fundamentals are prepared by the Federal Department of the Environment, Transport, Energy and Communications (DETEC). This includes the other affected departments appropriately.

Art. 12 National interest in the use of renewable energies

¹ The use of renewable energies and their expansion are of national interest.

² Individual installations for the use of renewable energies, including storage power plants and pumped storage power plants are of a certain size and importance of a national interest, in particular that under Article 6 paragraph 2 of the Federal Act of 1 July 1966¹ on the protection of nature and homeland (NHG) corresponds. In habitats of national importance under Article 18 a NHG and in water and migratory bird reserve in accordance with Article 11 of the Hunting Act of 20 June 1986² new plants are excluded the use of renewable energies.

³ Where an authority has to decide on the approval of the construction, extension or renewal or concession of a plant or pumped storage power station pursuant to paragraph 2, the national interest in the realization of those projects shall be considered as having equal importance with other national interests , If the project concerns an object listed in an inventory under Article 5 of the NHG, a departure from undiminished conservation may be considered.

⁴ The Federal Council determines the required size and importance for the water and wind power plants. He does this for new installations as well as extensions and renewals of existing installations. If necessary, it can also set the required size and significance for the other technologies and pumped storage power plants.

⁵ When determining in accordance with paragraph 4, it shall take into account criteria such as performance or production as well as the ability to produce in a flexible and market-oriented manner.

¹ SR 451

² SR 922.0

Art. 13 Recognition of national interest in further cases

¹ The Federal Council may exceptionally grant a national interest within the meaning of Article 12 to a plant for the use of renewable energies or a pumped-storage power plant, despite the fact that it has not been of the required size and importance, if:

a.

it or it makes a central contribution to the achievement of the construction exposure values; and

b.

the location canton makes a corresponding request.

² When assessing the application, the Federal Council considers whether, how many and which alternative locations there are.

Art. 14 Approval procedure and assessment period

¹ The cantons envisage rapid approval procedures for the construction, extension and renewal of renewable energy installations.

² The Federal Council may provide that buildings and installations which are to be built on a temporary basis and for the purpose of testing the suitability of projects for the purposes of paragraph 1 may be erected or modified without a building permit.

³ The commissions and specialized agencies referred to in Article 25 NHG submit their reports within three months of the request of the granting authority. If no report is submitted within the deadlines set, the granting authority shall decide on the basis of the file.

⁴ For other statements and authorizations for which the Confederation is responsible, the Federal Council designates an administrative unit to coordinate these statements and the approval procedures. It specifies deadlines for the submission of the comments to the coordination office and the approval procedures have to be completed.

¹ SR 451

Chapter 3: Feed-in of grid-connected energy and self-consumption

Art. 15 Acceptance and remuneration obligation

¹ Network operators have to accept and remunerate in their network area:

a.

the electricity offered by them from renewable energies and from fossil and partly fossil-fueled combined heat and power plants;

b.

the biogas offered to you.

² The obligation to purchase and pay for electricity only applies if it comes from plants with a maximum output of 3 MW or an annual production, less any own consumption, of a maximum of 5000 MWh.

³ If the network operator and producer can not agree on the remuneration, the following applies to these:

a.

In the case of renewable electricity, it is based on the avoided costs of the grid operator for the procurement of equivalent electricity.

b.

For electricity from fossil and partly fossil-fired combined heat and power plants, it is based on the market price at the time of feed-in.

C.

For biogas, it is based on the price that the network operator would have to pay to buy from a third party.

⁴ This Article also applies if producers make use of a one-time allowance (Article 25) or an investment contribution under Articles 26 or 27. It does not apply as long as the producers participate in the feed-in tariff system (Art. 19).

Art. 16 Own consumption

¹ Plant operators may use all or part of their own energy produced at the place of production. You may also sell all or part of your self-produced energy for consumption at the place of production. Both are self-consumption. The Federal Council issues provisions defining and limiting the place of production.

² Paragraph 1 also applies to operators of installations that participate in the feed-in tariff system (Article 19), use a one-off payment (Article 25) or an investment contribution under Articles 26 or 27.

Art. 17 Merger for own consumption

¹ If several landowners are end users at the place of production, they may join together for their own self-consumption, provided that the total production output in relation to the connected load at the measuring point (Article 18 (1)) is significant. For this purpose they meet with the plant operator and an agreement among themselves.

² Landlords and landowners may provide for a common self-consumption at the place of production for end users who are in a rental or lease relationship with them. They are responsible for the supply of those involved in the merger. Article 6 or 7 of the Electricity Supply Act of 23 March 2007¹ (StromVG) shall apply mutatis mutandis. The Federal Council may provide for exceptions in relation to the rights and obligations under Articles 6 and 7 StromVG.

³ Tenants or tenants or lessees have the option of opting for the universal service provided by the landlord in accordance with Article 6 or 7 StromVG when introducing the joint self-consumption by the landowner. You can only enforce this claim at a later date if the landlord or landlord does not comply with the obligations under paragraph 2. In principle, they retain their entitlement to network access in accordance with Article 13 StromVG.

⁴ The landowners themselves have to bear the costs associated with the introduction of joint self-consumption, provided that they are not covered by the grid usage charge (Art. 14 StromVG). You must not pass these costs on to tenants or tenants.

¹ SR 734.7

Art. 18 Relationship with the network operator and further details

¹ Following the merger, final consumers have a single point of measurement with the network operator, such as an end-user. They are to be treated together, also with regard to the measuring equipment, the measurement or the right to access the network in accordance with Articles 6 and 13 StromVG¹, such as a single end consumer.

² The Federal Council may issue provisions, in particular:

- a.
for the prevention of abuses against tenants and tenants;
- b.
on the conditions under which tenants and tenants can assert claims that they have under the StromVG;
- c.
on the conditions and method of measurement for the use of electricity storage in the context of own consumption.

¹ SR 734.7

Chapter 4: Reimbursement of Electricity from Renewable Energies (Feed-in remuneration system)

Art. 19 Participation in the feed-in tariff system

¹ The feed-in tariff system allows operators of new plants that are suitable for the site and generate electricity from the following renewable energy sources:

- a.
Hydropower;
- b.
Solar energy;
- c.
Wind energy;
- d.
geothermal energy;
- e.
Biomass.

² Participation is only possible if the funds are sufficient (Articles 35 and 36).

³ New installations are those which have been put into operation after 1 January 2013.

⁴ Operators can not participate in the feed-in tariff system:

- a.
Hydropower plants with a capacity of less than 1 MW or more than 10 MW;
- b.
Photovoltaic systems with a capacity of less than 30 kW;
- c.
Incinerators for municipal waste (refuse incineration plants);
- d.
Sludge incineration, sewage gas and landfill gas installations;
- e.
Plants that use partly fossil fuels or fuels.

⁵ The operators of hydropower plants connected to drinking water supply or wastewater facilities may also participate in the feed-in compensation system¹ if the capacity of the installation is less than 1 MW. The Federal Council may provide for exceptions to this lower limit for other hydropower plants, provided that:

- a. within already used waterways; or

- b. associated with no new interference with natural waters.

⁶ The Federal Council may increase the performance limit under paragraph 4 letter b together with that for the one-off remuneration (article 24 paragraph 1 letter a). If there is an overlap, the system operators can choose between the feed-in tariff system and the one-off payment.

⁷ It regulates the further details of the feed-in tariff system, in particular:

- a. the application process;
- b. the remuneration period;
 - c. energy, environmental and other minimum requirements;
 - d. the premature termination of the right to participate in the feed-in tariff system;
 - e. the exit and the conditions for a temporary exit from the feed-in tariff system;
 - f. the mathematical redistribution of the electricity fed in by the balance groups acting as measuring and accounting units;
- G. further tasks of the balance groups and the network operators, in particular an obligation to accept and pay under Article 21, as well as any related pre-performance obligation.

¹ Corrected by the Editorial Board of the Federal Constitutional Court (Article 58 (1) ParlG, SR **171.10**).

Art. 20 Partial participation

¹ The Federal Council may provide that the operator of an installation may only participate in the feed-in tariff system with a part of the electricity he does not use himself (Articles 16 and 17), in particular if it is a large installation and if this is a substantial one Part of the production feeds.

² He regulates the requirements.

Art. 21 Direct marketing

¹ The operators sell their electricity themselves on the market.

² For individual types of installations, in particular for small installations, the Federal Council may provide that their operators do not have to market the electricity directly, but can feed it at the reference market price (Article 23), provided that the burden on the direct marketing operators is disproportionate , The Federal Council may limit this right.

³ In the case of direct marketing, the feed-in tariff for the individual operator is made up of the proceeds it generates on the market and the feed-in premium for the feed-in electricity. In

the cases referred to in paragraph 2, it shall be composed of the reference market price and the entry premium.

⁴ The feed-in premium is calculated as the difference between the remuneration rate and the reference market price.

⁵ If the reference market price exceeds the remuneration rate, the remainder is entitled to the net supplement fund (Article 37).

Art. 22 Remuneration rate

¹ The remuneration rate is based on the relevant production costs of reference plants when commissioning a plant. The reference plants correspond to the most efficient technology; This must be economical in the long term.

² The remuneration rate remains the same throughout the compensation period.

³ The Federal Council shall issue implementing provisions, in particular concerning:

a.

the rates of remuneration per generation technology, category and performance class;

b.

a possible case-by-case setting of the remuneration rate by the Swiss Federal Office of Energy (SFOE) for facilities that can not reasonably be assigned to a reference facility;

c.

a periodic review of the remuneration rates, based inter alia on the respective cost of capital;

d.

the adjustment of the remuneration rates;

e.

Exceptions to the principle of paragraph 2, in particular the adjustment of the rates of remuneration for investments already included in the feed-in tariff system, if the respective reference investment generates excessive profits or excessive losses.

Art. 23 Reference market price

¹ The reference market price is a market price averaged over a given period.

² The Federal Council regulates the fixing of the reference market price for the individual investment types. The relevant period for the averaging should be the longer, the better the production is time controllable.

Chapter 5: Investment contribution for photovoltaic, hydropower and biomass plants

Art. 24 General requirements and payment methods

¹ Operators of the following investments may make an investment contribution if the funds are sufficient (Articles 35 and 36):

a.

Photovoltaic installations: for new installations with a capacity of less than 30 kW and for substantial extensions or renewals of such installations; the Federal Council can set a higher performance cap;

b.

Hydroelectric power plants, except pumped storage power plants:

1.

for new plants with a capacity of more than 10 MW,

Second

for substantial extensions or renewals of existing installations with a capacity of at least 300 kW;

C.

Biomass plants: for new waste incineration plants and new sewage gas plants, as well as for new wood-fired power stations of regional importance and for substantial extensions or renewals of such plants.

² The exceptions for hydropower plants referred to in Article 19 (5) shall also apply within the context of this Chapter.

³ Operators can only make an investment contribution if the new plant or the significantly extended or renewed plant has become operational after 1 January 2013.

⁴ The operators of photovoltaic systems receive the investment contribution as a one-off payment. For the operators of hydropower and biomass plants, the Federal Council may provide for a staged payment.

Art. 25 One-time reimbursement for photovoltaic systems

¹ The one-time fee for photovoltaic systems referred to in Article 24 paragraph 1 letter a shall not exceed 30% of the investment costs of reference installations that are relevant for the commissioning.

² The Federal Council determines the approaches; he can make categories.

Art. 26 Investment contribution for hydropower plants

¹ The investment contribution for hydropower plants referred to in Article 24 (1) (b) shall be determined on a case-by-case basis. For hydropower plants with a capacity of up to 10 MW, this will amount to a maximum of 60% of the eligible investment costs, for hydropower plants with a capacity of more than 10 MW at most 40%.

² The Federal Council determines the assessment criteria and approaches. He may establish approaches according to the reference investment principle for significant expansions or renewals below a certain threshold.

Art. 27 Investment contribution for biomass plants

¹ The investment contribution for biomass plants referred to in Article 24 (1) (c) shall be determined on a case-by-case basis. It amounts to a maximum of 20 percent of the eligible investment costs.

² The Federal Council determines the assessment criteria and approaches. He may set approaches for the investment in sewage gas plants below a certain threshold according to the reference plant principle.

Art. 28 Start of construction

¹ Anyone wishing to make use of an investment contribution in accordance with Article 26 or 27 may not commence construction, extension or renewal work until after the SFOE has given an assurance. The SFOE can approve an earlier start of construction.

² Anyone who starts the construction, extension or renewal work of a hydropower or biomass plant without an assurance or without approval of a previous start of construction will not receive an investment contribution in accordance with Article 26 or 27.

³ The Federal Council may extend these rules to the one-time fee for photovoltaic systems above a certain level.

Art. 29 Conditions and details

¹ The Federal Council shall lay down the details of the one-time allowance and the investment contributions in accordance with Articles 26 and 27, in particular:

- a.
the application process;
- b.
the one-time reimbursement rates and the investment contributions, including the chargeable costs, with different calculation methods for the different technologies;
- c.
the periodic review and adaptation of these approaches;
- d.
the criteria used to assess whether an extension or renewal of an installation is significant;
- e.
the criteria by which new installations are distinguished from substantial extensions or renewals.

² When determining the approaches and if they are to be adjusted, it must be ensured that the one-off remuneration and the investment contributions do not exceed the non-payable additional costs. The non-amortizable additional costs result from the difference between the capitalized production costs for the electricity production and the recoverable capitalized market price.

³ The Federal Council may also provide:

- a.
energy, environmental and other minimum requirements;
- b.
the requirements for operation and serviceability of the equipment;
- c.
a reimbursement of the one-off or investment contributions, in particular if the conditions on the energy market lead to excessive profitability;
- d.
the minimum size of an investment necessary for a one-off fee;
- e.
Maximum contribution;
- f.
an exclusion or reduction of the one-off or investment contribution if a grant has otherwise been granted;
- G.
a minimum period during which an operator can not reclaim such or such an asset for an asset for which he has already received a one-off or investment contribution.