730.0

**Energy Act \***[**1**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn1)

(EnG)

of 30 September 2016 (as of 1 st January 2018)

*The Federal Assembly of the Swiss Confederation,*

https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html

seen the art. 64, 74 to 76, 89 and 91 of the Constitution [2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn2) , in view of the message from the Federal Council of 4 September 2013 [3](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn3) ,

*stopped:*

[**Chapter 1 Purpose, indicative values ​​and principles**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-1)

  [**Art. 1** Goal](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a1)

1  The purpose of this Act is to contribute to an adequate, diversified, safe, economical and environmentally friendly energy supply.

2  Its purpose is:

at.

to ensure economical and environmentally friendly energy supply and distribution;

b.

to ensure economical and efficient use of energy;

c.

to allow the switch to an energy supply based on increased use of renewable energies, especially indigenous renewable energies.

  [**Art. 2** Indicative values ​​for the development of electricity from renewable energies](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a2)

1  Regarding the average indigenous generation of electricity from renewable energies, excluding hydropower, a development aiming to reach at least 4400 GWh in 2020 and at least 11 400 GWh in 2035 should be targeted.

2  With regard to the average domestic production of hydroelectric power, a development aiming to reach at least 37,400 GWh in 2035 should be targeted. For pumped-storage power plants, only production from natural flows is included in these indicative values.

3  The Federal Council may set additional intermediate indicative values, globally or for specific technologies.

  [**Art. 3** Indicative consumption values](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a3)

1  With regard to the average energy consumption per capita per year, a reduction of 16% by 2020 from the level of 2000, and a reduction of 43% by 2035 by 2035 .

2  With regard to the average electricity consumption per person per year, a reduction of 3% by 2020, compared to the year 2000 level, and a reduction of 13% by 2035 by 2035 .

  [**Art. 4** Collaboration with the cantons and the business community](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a4)

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

2  The Confederation and, within the framework of their competences, the cantons and the communes, collaborate with the economic organizations to execute this law.

3  Before enacting implementing provisions, they examine the voluntary measures taken by the business community. Insofar as it is possible and necessary, they partially or totally recover the agreements already concluded.

  [**Art. 5** Principles](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a5)

1  Authorities, energy supply companies, designers, manufacturers and importers of energy-consuming installations, vehicles or appliances and consumers observe the following principles:

at.

all energy is used as economically and efficiently as possible;

b.

overall energy consumption is covered to a significant extent by cost-effective renewable energies; this proportion will be increased on a continuous basis;

c.

the costs of using energy are as much as possible covered according to the principle of causality.

2  The measures and directives referred to in this Law shall be economically feasible and technically and operationally feasible. Interested circles should be consulted beforehand.

[**Chapter 2 Energy Supply**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-2)

  [Section 1 General Provisions](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-2-1)

  [**Art. 6** Definition and skills](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a6)

1  Energy supply includes the production, processing, storage, supply, transport, transfer and distribution of energy and energy agents until their delivery to the final consumer, including export and transit.

2  Energy supply is in the energy sector. The Confederation and the cantons create the necessary general conditions for this branch to ensure optimum energy supply in the general interest.

  [**Art. 7** Guiding principles](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a7)

1  A secure energy supply implies sufficient energy availability at all times, a diversified energy supply and technically secure and efficient supply and storage systems. It also involves the protection of critical infrastructures, including related information and communication technologies.

2  Economic supply is based on market rules, integration into the European energy market, price accuracy, international competitiveness, and an internationally coordinated energy policy.

3  An environmentally friendly energy supply implies a measured use of natural resources and the use of renewable energies, especially hydropower; its aim is to limit as far as possible harmful or inconvenient damage to man and the environment.

  [**Art. 8** Security of energy supply](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a8)

1  If it appears that Switzerland's energy supply is not sufficiently secure in the long term, the Confederation and the cantons create, within the framework of their respective competences, the necessary conditions to ensure the required capacities. production, network and storage.

2  The Confederation and the cantons collaborate with the energy branch and ensure the efficiency of operations and the speed of procedures.

3  With regard to their own planning, buildings, equipment, facilities and project financing, the Confederation and the cantons shall, as far as conditions allow, give priority to production techniques which are economical, as respectful as they are possible from the environment and adapted to the site concerned.

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

  [**Art. 9** Original warranty, electrical accounting and marking](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a9)

1  In electricity, the quantity, the production period, the energy agents used and the data relating to the installations must be certified by a guarantee of origin.

2  This guarantee of origin can only be used once for the declaration of a given quantity of electricity. It is negotiable and transferable, as long as it does not concern electricity that benefits from the injection compensation system within the meaning of Chapter 4.

3  Anyone who supplies end users is required to perform the following tasks:

at.

keep an electrical record;

b.

inform end-users about the amount of electricity supplied, the energy agents used and the location of production (marking).

4  Electrical accounting must include the amount of electricity supplied, the energy used and the place of production. These data must be documented in an appropriate form, usually through guarantees of origin.

5  The Federal Council may authorize derogations from the marking obligation and the obligation to provide a guarantee of origin; it can also provide a guarantee of origin and marking for other areas, particularly for biogas. In addition, it can regulate the financing terms of the costs related to the original guarantee system.

  [Section 2 Territorial Planning and Development of Renewable Energies](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-2-2)

  [**Art. 10** Cantonal master plans and assignment plans](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a10)

1  The cantons shall ensure that the master plan designates in particular the areas and sections of watercourses that are suitable for the exploitation of hydroelectric and wind energy (section*8b* of the Act of 22 June 1979 on spatial planning[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a10-1) ). They include sites already exploited and may also designate areas and sections of watercourses that should generally be preserved.

2  If necessary, they ensure that assignment plans are established or that existing assignment plans are adapted.

1 RS[**700**](http://www.admin.ch/ch/f/rs/c700.html)

  [**Art. 11** Tasks of the Confederation](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a11)

1  The Confederation supports the cantons by developing methodological bases while guaranteeing overview, coherence and coordination.

2  These methodological bases are developed by the Department of the Environment, Transport, Energy and Communication (DETEC). It adequately involves other relevant departments.

  [**Art. 12** National interest in the use of renewable energies](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a12)

1  The use of renewable energies and their development is of national interest.

2  Installations intended for the use of renewable energies, particularly storage plants, and pumped-storage power plants, have a certain national importance and importance, in particular in the sense of the art. . 6, al. 2 of the Federal Law of 1st  July 1966 on the Protection of Nature and Cultural Heritage (NCHA)[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a12-1) . In biotopes of national importance within the meaning of art. 18*to* LPN and the waterfowl and migratory bird reserves referred to in s. 11 of the law of 20 June 1986 on hunting[2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a12-2) , new facilities for the use of renewable energies are prohibited.

3  Where an authority must decide on the authorization of a construction, extension or renovation project or on the granting of a concession for a pumped-storage facility or power plant referred to in para. 2, the national interest in carrying out these projects must be considered equivalent to the other national interests when weighing the interests. In the case of an object registered in the inventory referred to in art. 5 LPN, it is possible to consider a derogation from the rule that an object must be kept intact.

4  The Federal Council sets the size and size required for hydroelectric facilities and wind turbines. He does this for new facilities as well as for expansion and renovation of existing facilities. If necessary, it can also set the size and importance required for other technologies and pumped-storage power plants.

5 In  determining the size and importance required by s. 4, it takes into account criteria such as power, production or production flexibility over time and according to market needs.

1 RS[**451**](http://www.admin.ch/ch/f/rs/c451.html)  
2 RS[**922.0**](http://www.admin.ch/ch/f/rs/c922_0.html)

  [**Art. 13** Recognition of national interest in other cases](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a13)

1  Even if an installation intended for the use of renewable energies or a pumped-storage power station does not have the required size or importance, the Federal Council may exceptionally recognize a national interest within the meaning of art. 12, if the following conditions are met:

at.

the plant or plant contributes significantly to achieving indicative development values;

b.

the canton of implantation makes the request.

2  When assessing the application, the Federal Council takes into account other potential sites and their number.

  [**Art. 14** Authorization procedure and deadline for appraisal](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a14)

1  The cantons provide for rapid authorization procedures for the construction, extension and renovation of installations for the use of renewable energies.

2  The Federal Council may provide for exemption from the authorization to construct the construction or alteration of buildings and installations that are to be temporarily erected in order to examine the suitability of the sites of the projects referred to in para. 1.

3  The commissions and services referred to in art. 25 LPN[1 shall](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a14-1) submit their expert report to the licensing authority within three months of the request being made by that authority. If no expert report is submitted in due time, the licensing authority takes a decision on the basis of the documents in the file.

4  For other positions and authorizations of the Confederation, the Federal Council appoints an administrative unit responsible for coordinating these positions and authorization procedures. It provides for order deadlines for the submission of positions to the coordinating body and for the closure of authorization procedures.

1 RS[**451**](http://www.admin.ch/ch/f/rs/c451.html)

[**Chapter 3 Network Power Injection and Own Consumption**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-3)

  [**Art. 15** Duty of recovery and retribution](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a15)

1  Network operators are required to take back and pay appropriately in their service area:

at.

the electricity offered to them from renewable energies and heat-and-force coupled installations totally or partially powered by fossil fuels;

b.

the biogas offered to them.

2  The recovery and compensation obligations apply to electricity only if it comes from installations with a maximum electrical power of 3 MW or an annual output, after deduction of their own consumption, not exceeding not 5000 MWh.

3  If the system operator and the producer can not agree on a fee, the following provisions apply:

at.

for electricity from renewables, the remuneration is based on the costs that the grid operator would have had to acquire equivalent energy;

b.

for electricity coming from heat-power coupling installations totally or partially powered by fossil fuels, the remuneration depends on the market price at the time of the injection;

c.

for biogas, the compensation is aligned with the price the network operator would have to pay if he bought it from a third party.

4  This Article shall also apply where the producer receives a single remuneration (Article 25) or an investment contribution within the meaning of Art. 26 or 27. It does not apply as long as the producer participates in the injection compensation system (section 19).

  [**Art. 16** Own consumption](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a16)

1  Any plant operator may consume, at the place of production, all or part of the energy he has himself produced. It can also sell all or part of this energy for it to be consumed at the place of production. These two types of energy allocation are considered as own consumption. The Federal Council promulgates the provisions aimed at defining and delimiting the place of production.

2 s  . 1 also applies to facility operators who participate in the injection payment system (Article 19) and those who receive a single payment (Article 25) or an investment contribution within the meaning of art. 26 or art. 27.

  [**Art. 17** Consolidation in the context of own consumption](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a17)

1  If several landowners who are end-consumers share the same place of production, they may group together with a view to their own common consumption, provided that the total generating capacity is considerable in relation to the connection power to the point of measurement (Article 18, paragraph 1). To do this, they enter into an agreement between themselves and with the operator of the facility.

2  Landowners may provide that the common own consumption at the place of production extends to the end-users with whom they have a rent or farm lease. They are responsible for supplying the tenants and farmers participating in the grouping. Art. 6 and 7 of the law of 23 March 2007 on the supply of electricity (LApEl)[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a17-1) apply by analogy. The Federal Council may provide for exceptions to the rights and obligations set out in art. 6 and 7 LApEl.

3  When the landowner establishes a common own consumption, the tenants or the farmers have the possibility to request that the basic supply be provided by the network manager, as provided by art. 6 and 7 LApEl. They can assert this right at a later stage only if the landowner does not honor its obligations under s. 2. Tenants and farmers in principle retain their right of access to the network under Art. 13 LApEl.

4  The landowners themselves bear the costs of introducing the common own consumption, insofar as they are not covered by the remuneration for the use of the network (Article 14 LApEl). They can not pass it on to tenants or farmers.

1 RS**734.7**

  [**Art. 18** Relationship with the Network Manager and other details](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a18)

1  After aggregation, the end consumers have a single point of measurement in relation to the network operator, in the same way as an end-user. They must be treated as a single final consumer, also with regard to the measuring installation, the measure or the right of access to the network referred to in art. 6 and 13 LApEl[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html" \l "fn-#a18-1) .

2  The Federal Council may make provisions, in particular:

at.

to prevent abuse of tenants and farmers;

b.

as regards the conditions under which a tenant or farmer may make use of the rights vested in him by LApEl;

c.

with regard to the conditions and measurement procedures in the case of the use of electric accumulators in the context of own consumption.

1 RS[**734.7**](http://www.admin.ch/ch/f/rs/c734_7.html)

[**Chapter 4 Compensation for the injection of electricity from renewable energies (injection compensation system)**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-4)

  [**Art. 19** Participation in the injection compensation system](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a19)

1  Operators of new installations may participate in the injection compensation system if they are adapted to the site concerned and produce electricity from the following renewable energies:

at.

hydraulic energy;

b.

solar energy;

c.

wind energy;

d.

geothermal energy;

e.

energy produced from biomass.

2  Participation is possible only to the extent that the financial means are sufficient (Articles 35 and 36).

3  are deemed the new installations commissioned after 1st January 2013.

4 The  following facilities are excluded from participation in the injection compensation system:

at.

hydroelectric facilities with a capacity of less than 1 MW or greater than 10 MW;

b.

photovoltaic installations with a power of less than 30 kW;

c.

urban waste combustion plants (garbage incineration plants);

d.

sludge incineration plants, waste gas installations and landfill gas installations;

e.

installations fueled partially by fossil fuels or fuels.

5  Operators of hydroelectric facilities related to drinking water supply facilities and sewage disposal facilities may also participate in the injection compensation system if the facility's power is less than 1 MW. The Federal Council may exempt from this lower limit other hydroelectric installations provided that:

at.

whether they are located on watercourses already exploited, or

b.

that no further damage to natural watercourses results.

6  The Federal Council may increase the power limit provided for in para. 4, let. b, at the same time as the power limit for the one-off payment (Article 24, paragraph 1, letter a). In case of overlap, the operator can choose between the payment of the injection and the one-off payment.

7  It lays down the other arrangements relating to the injection compensation system, in particular:

at.

the application procedure;

b.

the duration of the remuneration;

c.

the minimum requirements in terms of energy, ecology and others;

d.

the expiry before term of the right to participate in the system of compensation for the injection;

e.

the output of the injection payment system as well as the conditions of a temporary exit;

f.

the accounting redistribution by the balance groups acting as units of measurement and counting of the electricity injected;

g.

the other tasks of balance groups and network operators, including the obligation to take over and the obligation to pay in the context of art. 21 as well as the possible obligation of advance payment of the remuneration.

  [**Art. 20** Partial participation](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a20)

1  The Federal Council may provide that the operator of an installation may participate in the injection compensation system with only part of the electricity produced which he does not consume on his own (Articles 16 and 17), especially if it is a large installation that injects a significant part of its production.

2  It sets the conditions.

  [**Art. 21** Direct marketing](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a21)

1  The operators sell their own electricity on the market.

2  The Federal Council may provide, for certain types of installations, including small installations, that their operators may inject electricity at the reference market price (Article 23) instead of being required to market it directly, if this latter obligation was to result in them being disproportionately burdened. The Federal Council may limit this right in time.

3  In the case of direct marketing, the payment of the injection paid is made up of the income that the operator obtains on the market and the injection premium for the electricity injected. In the cases referred to in para. 2, it consists of the reference market price and the injection premium.

4  The injection premium corresponds to the difference between the compensation rate and the reference market price.

5  If the reference market price is higher than the remuneration rate, the surplus goes to the fund fed by the supplement (Article 37).

  [**Art. 22** Pay rate](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a22)

1  The rate of compensation is aligned with the cost of the reference installations, which are decisive at the time of commissioning a facility. Reference facilities are the most efficient technology; this technology must be profitable in the long run.

2  The rate of remuneration remains unchanged for the duration of the remuneration.

3  The Federal Council enacts implementing provisions, in particular concerning:

at.

compensation rates by production technology, by category or by power class;

b.

a possible case-by-case determination of the rate of remuneration by the Federal Office of Energy (SFOE) for installations which it is not appropriate to attribute to a reference installation;

c.

periodic control of compensation rates, taking into account, in particular, the costs of capital;

d.

the adjustment of the rates of remuneration;

e.

derogations from the principle set out in para. 2, in particular by adjusting the payment rates for facilities already participating in the injection compensation system, when their reference installation generates excessive profits or losses.

  [**Art. 23** Reference market price](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a23)

1  The reference market price is an average market price calculated over a given period.

2  The Federal Council sets the terms for determining the reference market price for the different types of installation. The averaging period must be longer as production is better controllable over time.

[**Chapter 5 Investment Contribution for Photovoltaic Facilities, Hydroelectric Facilities and Biomass Facilities**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-5)

  [**Art. 24** General Terms and Conditions of Payment](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a24)

1  Operators of the following facilities may receive an investment contribution provided that the financial means are sufficient (Articles 35 and 36):

at.

photovoltaic installations: for new installations with a power of less than 30 kW and for significant expansions or renovations of such installations; the Federal Council can set an upper limit of higher power;

b.

hydroelectric facilities, with the exception of pumped storage plants:

1.

for new installations with a power of more than 10 MW,

2.

for major expansions or renovations of existing installations with a capacity of at least 300 kW;

c.

Biomass facilities: for new municipal waste incineration plants, new sewage gas installations or new wood-burning power plants of regional importance, and for significant expansions or renovations of such facilities.

2  The derogations referred to in art. 19, para. 5, concerning hydroelectric installations also apply in the context of this chapter.

3  Operators may benefit from an investment contribution only when the commissioning of a new facility or significantly enlarged or renovated facility is after 1st January 2013.

4  Operators of photovoltaic installations receive the investment contribution in the form of a single payment (one-off payment). For operators of hydroelectric or biomass installations, the Federal Council may provide for a payment in installments.

  [**Art. 25** Single compensation awarded for photovoltaic installations](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a25)

1  The single remuneration allocated for photovoltaic installations referred to in art. 24, al. 1, let. a, amounts to not more than 30% of the investment costs of the reference installations at the time of their commissioning.

2  The Federal Council fixes the rates and can constitute categories.

  [**Art. 26** Investment contribution allocated for hydroelectric facilities](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a26)

1  The investment contribution allocated for the hydroelectric installations referred to in art. 24, al. 1, let. b, is determined on a case by case basis. It amounts to not more than 60% of the investment costs attributable to installations with a capacity of up to 10 MW and not more than 40% of the investment costs attributable to installations with a capacity of more than 10 MW .

2  The Federal Council sets the measurement criteria and rates. For significant expansions or renovations below a certain threshold, he may set the rates according to the principle of reference installations.

  [**Art. 27** Investment Contribution Allocated for Biomass Facilities](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a27)

1  The investment contribution allocated for the biomass installations referred to in art. 24, al. 1, let. c, is fixed on a case by case basis. It amounts to 20% at most of the attributable investment costs.

2  The Federal Council sets the measurement criteria and rates. For investments in sewage treatment plants below a certain threshold, it may set the rates according to the principle of reference installations.

  [**Art. 28** Start of work](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a28)

1  Anyone who wants to apply for an investment contribution within the meaning of art. 26 or art. 27 is authorized to commence construction, expansion or renovation work only after the SFOE has guaranteed the grant. The SFOE may authorize the early start of the works.

2  Anyone who begins the construction, expansion or renovation of a hydroelectric facility or biomass facility without a guarantee or without the early start of the work has been authorized, receives no investment contribution within the meaning of art. 26 or art. 27.

3  The Federal Council can extend these rules to the one-off payment allocated for photovoltaic installations from a certain power level.

  [**Art. 29** Terms and conditions](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a29)

1  The Federal Council sets the terms of the single remuneration and investment contributions within the meaning of art. 26 and 27, in particular:

at.

the application procedure;

b.

the rates for single remuneration and investment contributions, including attributable costs, the Federal Council may provide different calculation methods for the various technologies;

c.

periodic review and adjustment of these rates;

d.

the criteria for determining whether the expansion or renovation of a facility is significant;

e.

Criteria for distinguishing new facilities from expansions and notable renovations.

2  When fixing rates and their possible adaptation, it must be ensured that the single remuneration and the investment contributions do not exceed the additional non-depreciable costs. The additional costs correspond to the difference between the capitalized cost of electricity production and the capitalized market price.

3  The Federal Council may also provide:

at.

the minimum requirements in terms of energy, ecology and others;

b.

the requirements applicable to the operation and operation of the facilities;

c.

restitution of the single remuneration or investment contributions, especially when energy market conditions lead to excessive profitability;

d.

the minimum required size of an installation for a single fee to be allocated;

e.

the ceiling on contributions;

f.

the exclusion or reduction of the single remuneration or investment contributions, where other financial assistance has been granted;

g.

the minimum period during which the operator who has already received a single payment or an investment contribution allocated for a given installation may not again claim such remuneration or contribution for that installation.

[**Chapter 6 Special Support Measures**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-6)

  [**Art. 30** Market premium for electricity generated by large hydroelectric facilities](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a30)

1  Operators of large hydropower installations with a capacity of more than 10 MW may benefit from a market premium that rewards the electricity produced by these installations, which they must sell on the market below the cost price, provided that the means sufficient financial resources (Articles 35 and 36). The market premium must offset the costs not covered, but must not exceed 1.0 ct./kWh. [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a30-1)

2  Where operators are not required to assume the risk of unhedged costs themselves, but the risk lies with their owners, the market premium lies with the latter and not with the operators, provided that This confirms this risk management. When the risk of uncovered costs does not lie with the owners, but with the electricity supply companies, because they are contractually obliged to acquire electricity at cost price or on similar terms, the market premium is awarded to these companies and not to the owners, provided that they confirm this assumption of risk.

3  Rights holders submit a single application covering all the electricity in their portfolio giving the right to a market premium, even if the electricity comes from different facilities or operators.

4  The Federal Council regulates the modalities, in particular:

at.

the determination of the reference prices to be taken into account as market prices and which also apply to electricity traded off-exchange;

b.

possible consideration of other relevant receipts;

c.

attributable costs and their calculation;

d.

a possible delegation to the SFOE to clarify all revenue and costs, including the costs of capital;

e.

the delimitation in relation to the investment contribution for significant expansions or renovations (Article 24, paragraph 1, letter b, point 2);

f.

the procedure, including the documents to be produced, the terms of payment and the cooperation between the SFOE and the Federal Electricity Commission (ElCom);

g.

the obligation to inform operators and owners if they are not rights holders;

h.

the subsequent partial or total restitution of the market premium, in particular because of incorrect or incomplete information.

5  By 2019, the Federal Council submits to the Federal Assembly a draft act intended to introduce, at the latest at the time of expiry of the support measures of the injection compensation system, a similar model. of the reality of the market.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [**Art. 31** Market premium and basic supply](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a31)

1  If the beneficiaries are responsible for basic supply within the meaning of art. 6 LApEl[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html" \l "fn-#a31-1) , in order to determine the quantity of electricity eligible for the market premium, they must arithmetically deduct the maximum quantity of electricity they could sell under the basic supply.

2  The quantity to be deducted is reduced by the amount of electricity from the basic supply of renewable energy.

3  The beneficiaries may take into account the cost of the quantity deducted in the rates applied to their sales as part of the basic supply. Anyone who does not receive a market premium because of the deduction may also do so.

4  The Federal Council may set conditions for basic supply tariffs.

1 RS[**734.7**](http://www.admin.ch/ch/f/rs/c734_7.html)

  [**Art. 32** Public calls for tenders for efficiency measures](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a32)

The Federal Council provides for public calls for tenders for efficiency measures, in particular those aimed at the following objectives:

at.

promote the economical and efficient use of electricity in buildings, facilities, businesses and vehicles;

b.

reduce processing losses in electrical installations for the production and distribution of electricity;

c.

use for heat generation purposes heat discharges that can not be used otherwise.

  [**Art. 33** Contributions to geothermal resource research](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a33)[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a33-1)[and guarantees for geothermal energy](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a33)

1  Contributions may be provided to cover the costs of research[2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a33-2) of geothermal resources for power generation. The amount of these contributions may not exceed 60% of the attributable investment costs.

2  Guarantees may be provided to cover the investments made as part of the search[3](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a33-3) geothermal resources and realization of geothermal plants for electricity production. The amount of these guarantees can not exceed 60% of the attributable investment costs.

3  A research project[4](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a33-4) for geothermal resources can not give rise to both a contribution and a guarantee.

4  The Federal Council regulates the modalities, in particular the chargeable investment costs, as well as the procedure.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).   
2 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).   
3 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).   
4 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [**Art. 34** Compensation within the meaning of water protection and fisheries legislation](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a34)

The total cost of the measures taken under art. 83 *a* of the federal law of 24 January 1991 on water protection [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a34-1) or art. 10 of the federal law of 21 June 1991 on fishing [2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a34-2) must be refunded to the holder of a hydroelectric installation (hydropower plant within the meaning of the water protection legislation).

1 RS[**814.20**](http://www.admin.ch/ch/f/rs/c814_20.html)  
2 RS[**923.0**](http://www.admin.ch/ch/f/rs/c923_0.html)

[**Chapter 7 Perceived surcharge on the network**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-7)

  [Section 1 Perception, Supplement Allocation and Supplemented Funds](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-7-1)

  [**Art. 35** Perception and assignment](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a35)

1  The executing agency referred to in art. 64 receives from the system operators a supplement on the remuneration paid for the use of the transmission system (supplement) which it pays to the fund fed by the supplement (section 37). Network operators may pass on this supplement to end-users.

2  The supplement provides funding for:

at.

the injection premium referred to in art. 21, in the injection compensation system, and related settlement costs;

b.

the costs of compensation for the injection not covered by market prices, according to the old law;

c.

costs [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a35-1) additional specified in Art. 73, al. 4, not covered by market prices;

d.

the unique remuneration referred to in art. 25 and the investment contributions referred to in art. 26 and 27;

e.

the market premium for electricity generated by large hydropower plants within the meaning of art. 30;

f.

the costs of public tendering referred to in art. 32;

g.

contributions for geothermal resource research [2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a35-2) and losses related to guarantees for geothermal energy referred to in art. 33;

h.

compensation for costs within the meaning of art. 34;

i.

the various implementation costs, in particular the essential costs of the executing agency;

j.

the costs incumbent on the SFOE as a result of its tasks relating to the Executing Agency.

3  The amount of the supplement is 2.3 ct./kWh maximum. The Federal Council determines it according to needs.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).   
2 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [**Art. 36** Limitation of support according to assignments and waiting list](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a36)

1  The allocation of resources among the various assignments is subject to:

at.

a maximum of 0.1 ct./kWh:

1.

for public tenders,

2.

for contributions to the search for geothermal resources [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a36-1)and guarantees for geothermal energy,

3.

for the indemnifications referred to in art. 34;

b.

a maximum of 0.1 ct./kWh, calculated on average over the previous five years, for investment contributions within the meaning of art. 26 for hydroelectric installations with a capacity greater than 10 MW;

c.

a maximum of 0.2 cents / kWh for market premiums for electricity generated by large hydroelectric facilities.

2  The SFOE defines each year the resources allocated to the operators of photovoltaic installations participating in the injection compensation system (photovoltaic quota). It aims at a continuous development and takes into account the evolution of the costs in the field of photovoltaics, on the one hand, and in the other technologies, on the other hand. It also takes into account the solicitation of electricity networks and storage possibilities.

3  It may also define the resources made available for the single remuneration awarded for photovoltaic installations above a certain power level, for investment contributions for the significant expansion and renovation of hydroelectric installations with a power of up to 10 MW and for all investment contributions for biomass installations (quotas) where this avoids a disparity between these costs and those of the injection compensation system.

4  The Federal Council regulates the consequences of the limitations provided for in this article. It may provide for waiting lists for the injection compensation system, for the single remuneration allocated for photovoltaic installations starting from a certain power level and for the investment contributions referred to in art. 26 and 27. To reduce them, it may retain other criteria than the date of the application.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [**Art. 37** Fund powered by the supplement](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a37)

1  The Federal Council creates a special fund fed by the supplement (Fund) within the meaning of art. 52 of the Finance Act of 7 October 2005[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a37-1) .

2  The Fund is administered within DETEC. The competent federal offices and the executing agency must be provided with the necessary means to make the necessary payments within the framework of their powers of enforcement (Article 62).

3  The Federal Finance Administration ensures the investment of the Fund's resources. These resources appear in the balance sheet of the Confederation as third-party capital.

4  Indebtedness of the Fund is not permitted. His resources must bear interest.

5  The Federal Audit Office audits the accounts of the Fund every year.

6  An annual report is prepared to present the contributions, withdrawals and the state of the Fund's assets.

1 RS[**611.0**](http://www.admin.ch/ch/f/rs/c611_0.html)

  [**Art. 38** Expiry of support measures](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a38)

1  No new commitment is made from 1st January:

at.

the sixth year after the coming into force of this Act: in the system of compensation for the injection;

b.

from 2031 to:

1.

the unique remuneration referred to in art. 25

2.

the investment contributions referred to in art. 26 and 27,

3.

the public calls for tenders referred to in art. 32

4.

the contributions to the search for geothermal resources [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a38-1) and the guarantees for geothermal energy referred to in art. 33.

2  From 1st January of the sixth year following the entry into force of this Act, no market premium within the meaning of art. 30 can not be allocated anymore.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [Section 2 Refund](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-7-2)

  [**Art. 39** Rightful claimants](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a39)

1  End-users whose electricity costs represent at least 10% of gross value added receive a full refund of the supplement they paid.

2  End-users whose electricity costs represent at least 5% but less than 10% of the gross value added receive a partial refund of the supplement they paid; the amount of the reimbursement is determined by the ratio of electricity costs to gross value added.

3  Are not entitled to reimbursement the final consumers of public law or private law who mainly assume a task of public law under a legal or contractual provision. These end-users, however, are reimbursed for the supplement they paid for the operation of large research facilities in nationally significant research establishments, irrespective of their electrical intensity; the Federal Council designates these large research facilities.

  [**Art. 40** Conditions](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a40)

The refund of the supplement is granted under the following conditions:

at.

the end consumer is committed by a convention of objectives with the Confederation to increase its energy efficiency;

b.

the final consumer reports regularly to the Confederation on this subject;

c.

the final consumer has applied for the financial year in question;

d.

the amount repaid during the year in question is at least 20,000 francs.

  [**Art. 41** Objectives Convention](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a41)

1  The objectives agreement must be concluded at the latest during the financial year for which the reimbursement is requested.

2  The objectives convention is based on the principles of economical and efficient use of energy and on the state of the art and includes economic measures. These must be economically sustainable and adequately take into account other efficiency measures already taken.

3  End-users who do not fully comply with the commitments set out in the objectives agreement are not entitled to reimbursement. Refunds obtained unduly must be returned.

4  The SFOE monitors compliance with the objectives agreement. End-users guarantee access to the necessary documents and their facilities during regular working hours.

5  The Federal Council regulates in particular:

at.

the minimum duration and the main elements of the objectives agreement;

b.

the possible deadlines and procedures applicable when the objectives agreement is drawn up;

c.

the periodicity of repayment and its progress.

  [**Art. 42** Cases of rigor](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a42)

In cases of strictness, the Federal Council may also provide for a partial refund of the supplement for other end consumers than those referred to in art. 39, if the competitiveness of the latter was to be considerably hampered by this supplement.

  [**Art. 43** Procedure](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a43)

The Federal Council regulates the procedure and fixes in particular the deadline for filing the application.

[**Chapter 8 Economical and efficient use of energy**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-8)

  [**Art. 44** Installations, vehicles and appliances mass-produced](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a44)

1  In order to reduce energy consumption, the Federal Council issues provisions for mass-produced installations, vehicles and appliances, including their mass-produced parts, with provisions on:

at.

uniform and comparable indications of specific energy consumption, energy efficiency and properties that affect energy consumption;

b.

the energy expertise procedure;

c.

the requirements for placing on the market, including standby power for electrical appliances.

2  Instead of enacting provisions relating to the requirements for putting into circulation, the Federal Council may introduce market economy instruments.

3  If provisions within the meaning of para. 1 are not provided for certain products, the SFOE can conclude corresponding agreements with manufacturers and importers.

4  The Federal Council and the SFOE take into account the profitability and best available technologies; they take into account international standards and recommendations from recognized specialized organizations. The requirements for release and the objectives of market economy instruments should be adapted to the state of the art and to international developments.

5  The Federal Council may declare that the provisions relating to release requirements also apply to own use.

6  If mass-produced installations and apparatus or their series-produced parts are covered by a harmonized standard covered by the Federal Act of 21 March 2014 on construction products (LPCo)[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a44-1) or if a European technical assessment has been issued for these products in accordance with the CPA, ss. 1 to 5 are replaced by the provisions on use, commissioning, application or installation.

1 RS[**933.0**](http://www.admin.ch/ch/f/rs/c933_0.html)

  [**Art. 45** Buildings](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a45)

1  As part of their legislative activity, the cantons create a favorable environment for the economical and efficient use of energy and the use of renewable energies. They support the implementation of consumption standards for the economical and efficient use of energy. In this respect, they avoid creating unjustified technical barriers to trade.

2  The cantons enact provisions on the economical and efficient use of energy in existing or future buildings. Wherever possible, they prioritize the economical and efficient use of energy and the use of renewable energies and heat rejections. They take appropriate account of the protection of monuments, heritage and sites.

3  They lay down, in particular, provisions on:

at.

the maximum share of non-renewable energies to cover heating and hot water needs; heat emissions can be taken into account in the share of renewable energies;

b.

installation and replacement of fixed electric resistance heaters;

c.

individual billing of heating and hot water costs for new construction and notable renovations;

d.

renewable energy production and energy efficiency.

4  When they enact the provisions referred to in para. 3, let. d, they provide that, in heated buildings meeting at least Minergie standards, energy rating models of the cantons or a similar standard, an excess of not more than 20 cm, caused by thermal insulation or by installations intended for improve the use of domestic renewable energies, is not taken into account when calculating in particular the height of the building, the distance between buildings, the distance to the limit, the distance to public water, the distance to the road or distance to the parking place, nor as part of the alignment of constructions.

5  They lay down uniform provisions on the indication of the energy consumption of buildings (energy certificate of buildings). They may decide that the certificate is mandatory in their territory and, if so, under what conditions.

  [**Art. 46 Business** energy consumption](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a46)

1  The Confederation and the cantons are committed to economical and efficient use of energy in companies.

2  To this end, the Confederation can conclude with the companies agreements of objectives aimed at increasing energy efficiency. Conventions must be economically bearable. The Confederation also undertakes to work towards the dissemination and acceptance of the objectives conventions and related measures. It ensures the implementation of a coordinated procedure with the cantons.

3  The cantons enact provisions for the conclusion between them and major consumers of energy efficiency objectives and provide for benefits in the event of conclusion and respect of such agreements. They harmonize their provisions with those of the Confederation on the conventions of objectives. Conventions must be economically bearable.

[**Chapter 9 Incentives**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-9)

  [Section 1 Types of Measures](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-9-1)

  [**Art. 47** Information and counseling activity](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a47)

1  The Confederation and the cantons inform and advise the public and the authorities on how to ensure an economical and environmentally friendly energy supply, on the possibilities of using energy in an economical and efficient way and on the use of energy. renewable energies. They coordinate their activities. The information activity is primarily the responsibility of the Confederation and the consulting activity primarily to the cantons.

2  Within the framework of the tasks assigned to them, the Confederation and the cantons can create, in collaboration with private persons, structures responsible for the information and advisory activity. The Confederation can support cantons and private organizations in their information and advice activities.

  [**Art. 48** Training and continuing education](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a48)

1  In cooperation with the cantons, the Confederation encourages the training and continuous training of persons entrusted with tasks arising from this law.

2  It can support training and continuing education of energy experts, particularly in the construction sector.

  [**Art. 49** Research, Development and Demonstration](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a49)

1  The Confederation fosters basic research, applied research and the initial development of new energy technologies, particularly in the areas of the economical and efficient use of energy, the transfer and storage of energy as well as energy efficiency. use of renewable energies. It takes into account the efforts made by the cantons and the business community.

2  After hearing the canton of implantation, she may support:

at.

pilot and demonstration facilities as well as pilot and demonstration projects;

b.

field tests and analyzes to test and evaluate energy techniques, to evaluate energy policy measures or to collect the necessary data.

3  Exceptionally, it is possible to support pilot and demonstration facilities located abroad and pilot and demonstration projects carried out abroad if they generate added value in Switzerland.

4  The Confederation may select partly through a public tender procedure pilot and demonstration facilities as well as pilot and demonstration projects to be supported. For this purpose, the SFOE may issue calls for the submission of tenders on certain topics, within a prescribed time. Tenders relating to the topics defined in the call for tenders can only be taken into account during the year concerned if they have been lodged within the framework of the call for tenders procedure and within the prescribed time limit.

  [**Art. 50** Use of energy and heat rejects](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a50)

In the field of energy use and heat rejection, the Confederation can support measures to:

at.

the economical and efficient use of energy;

b.

the use of renewable energies;

c.

the use of heat discharges, in particular those from power plants, waste incineration plants, sewage treatment plants, service sector facilities and industrial facilities, as well as the distribution of waste discharges. heat in the district and remote heating networks.

  [Section 2 Financing](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-9-2)

  [**Art. 51** Principles](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a51)

1  The Confederation may encourage the measures referred to in art. 47, 48 and 50 either by annual global contributions to the cantons or by financial support for individual projects. It grants only exceptionally financial aid to individual projects intended to implement the measures referred to in art. 50, in particular if one of the following conditions is met:

at.

the individual project is exemplary;

b.

the individual project is part of a Confederation program aimed at supporting the introduction of new technologies into the market.

2  The measures referred to in art. 47, 48 and 50 can be financed as part of the overall contributions referred to in art. 34 of the law of 23 December 2011 on CO2[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a51-1) , provided that the conditions laid down therein are fulfilled.

3  The encouragement referred to in art. 49, para. 1, is governed by the Federal Law of 14 December 2012 on the encouragement of research and innovation[2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a51-2) , including with regard to individual projects.

4  The support referred to in art. 49, para. 2, is provided in the form of financial aid within the meaning of art. 53.

1 RS[**641.71**](http://www.admin.ch/ch/f/rs/c641_71.html)  
2 RS[**420.1**](http://www.admin.ch/ch/f/rs/c420_1.html)

  [**Art. 52** Global contributions](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a52)

1  Overall contributions are only available to cantons with an incentive program in the area concerned. Contributions must not exceed the annual credit authorized by the canton for the implementation of the incentive program.

2  In the fields of information or advice (Article 47) and training and further training (Article 48), support is in particular given to programs aimed at promoting the economical and efficient use of energy.

3  In the area of ​​the use of energy and heat rejection (Article 50), at least 50% of the overall contribution allocated to a canton shall be allocated to the promotion of measures taken by private persons including connection to existing networks of district heating and district heating. In addition, measures in the building sector are only supported if the cantonal incentive program requires the production of an energy certificate for buildings accompanied by a consultancy report; the Federal Council regulates the derogations, in particular for cases where such a requirement is disproportionate.

4  The amount of the overall contribution allocated to each canton is calculated according to the effectiveness of its incentive program and the amount of its credit. The cantons report annually to the SFOE.

5  Financial resources not used during a year are returned to the Confederation. The SFOE may authorize the carryover to the following year instead of the refund.

6  The Federal Council regulates the modalities, in particular the conditions which the cantons must fulfill in order to be able to claim a global contribution.

  [**Art. 53** Financial aid for individual projects](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a53)

1  Financial support for individual projects is usually granted in the form of non-repayable payments. A contribution to operating expenses is only granted in exceptional circumstances. Retroactive support is excluded.

2  Financial aid may not exceed 40% of attributable costs. Exceptionally, they can rise to 60%. The derogation depends on the quality of the project concerned, the particular interest it represents for the Confederation and the financial situation of the applicant.

3  Are deemed chargeable costs:

at.

for financial assistance under Art. 49, para. 2: non-depreciable costs that exceed the costs of conventional techniques;

b.

for financial assistance under Art. 50: investments that exceed the costs of conventional techniques;

c.

for other financial aid: the actual expenditure absolutely necessary for the effective performance of the corresponding task.

4  If a considerable gain is made through a project supported by an incentive measure, the Confederation may request the total or partial repayment of the financial aid granted.

5  The Federal Council regulates the modalities, defining in particular the criteria applicable for the payment of financial aid for individual projects.

[**Chapter 10 International Conventions**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-10)

  [**Art. 54**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a54)

1  The Federal Council may conclude international conventions which fall within the scope of this Law and which are not subject to or subject to referendum.

2  It commits itself to ensure that the systems applied by third countries do not distort competition on the internal energy market and do not put Swiss farms in difficulty.

[**Chapter 11 Impact Analysis and Data Processing**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-11)

  [**Art. 55** Follow-up](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a55)

1  The SFOE periodically analyzes to what extent the measures referred to in this law have contributed to the achievement of the indicative values ​​set in art. 2 and 3, and carries out detailed monitoring in collaboration with the State Secretariat for Economic Affairs and other federal departments.

2  The results of the analyzes are published.

3  The Federal Council assesses the impact and effectiveness of the measures provided for in this law every five years and reports to the Federal Assembly on the results obtained and the degree of achievement of the indicative values ​​set in art. 2 and 3. If it appears that they can not be attained, he shall at the same time propose the additional measures he considers necessary.

  [**Art. 56** Provision of data](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a56)

1  Information and personal data necessary for analysis and monitoring referred to in art. 55 and for statistical evaluation purposes are provided to the SFOE, at its request, by the following departments:

at.

the Federal Office for the Environment (FOEN);

b.

the Federal Office of Transport;

c.

the Federal Office of Roads;

d.

the Federal Office for Spatial Development;

e.

the Federal Office of Civil Aviation;

f.

ElCom;

g.

the national company of the transport network (Article 18 LApEl [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a56-1));

h.

the executing agency;

i.

energy supply companies;

j.

the cantons and the communes.

2  The Federal Council determines the necessary information and data.

1 RS[**734.7**](http://www.admin.ch/ch/f/rs/c734_7.html)

  [**Art. 57** Obligation to inform](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a57)

1  Anyone who manufactures, imports, releases or uses energy-consuming facilities, vehicles or devices is required to provide the federal authorities with the information they require to prepare, implement and analyze the measurements. efficiency.

2  The persons concerned provide the authorities with the necessary documents and guarantee them access to their facilities during normal working hours.

  [**Art. 58** Processing of personal data](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a58)

1  Within the limits of the objectives of this law, the federal authorities concerned and the executing agency referred to in art. 64 may process personal data, including sensitive data concerning sanctions and related procedures.

2  They can keep this data electronically.

3  The Federal Council defines the personal data whose treatment is authorized and determines the duration of its retention.

  [**Art. 59** Communication of personal data](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a59)

1  For the purpose of transparency and information to end-users, the Federal Council may oblige companies in the energy sector to publish anonymous personal data or to communicate it to the competent federal authorities. This obligation may include the following data:

at.

electricity consumption and heat consumption of all customers or certain customer groups;

b.

offers in the field of renewable energies and the economical and efficient use of energy;

c.

measures taken or planned to promote the economical and efficient consumption of electricity and the use of indigenous and renewable energies.

2  The competent federal authorities may publish this anonymised personal data in an appropriate form if the following conditions are met:

at.

the publication is in the public interest;

b.

the data does not contain any trade secrets or manufacturing secrets.

[**Chapter 12 Execution, powers and procedure**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-12)

  [**Art. 60** Execution](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a60)

1  The Federal Council is responsible for the implementation of this law.

2  The cantons are responsible for the execution of art. 44, para. 6, and 45; they are charged with the execution of art. 5, 10, 12, 14, 47 and 48, to the extent that these provisions so provide. If these apply in the context of the execution of another federal law and this execution was entrusted to a federal authority, the competent authority is not the cantonal authority, but the federal authority designated in this other law. Before deciding, this authority shall consult the cantons concerned.

3  The Federal Council enacts the implementing provisions. It may delegate to the SFOE the power to issue technical or administrative provisions.

4  The cantons regularly inform the DETEC of their implementing measures.

  [**Art. 61** Emoluments](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a61)

1  The perception of emoluments is governed by art. 46*is* the law of 21 March 1997 on the organization of government and administration[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a61-1) . The Federal Council provides in particular that fees are charged for benefits that are related to the reimbursement of the supplement referred to in art. 39 to 43 of this Act.

2  It may also provide for emoluments for investigations and controls.

3  The information and advisory activity carried out by the SFOE under Art. 47, para. 1, is not subject to the collection of fees.

1 RS[**172.010**](http://www.admin.ch/ch/f/rs/c172_010.html)

  [**Art. 62** Jurisdiction of Federal Authorities and Civil Courts](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a62)

1  The SFOE shall take the measures and make the decisions provided for in this Law, provided that the Confederation has competence in this matter and that this law does not confer jurisdiction on another authority.

2  In agreement with the canton concerned, the FOEN decides on the cost compensation referred to in art. 34.

3  Subject to s. 4, the ElCom decides in case of litigation related to the application of art. 15, 16 to 18 and 73, al. 4 and 5.

4  Civil courts know:

at.

disputes related to agreements within the meaning of art. 17, al. 1;

b.

litigation related to the legal relationship between landowners and tenants or between landowners and farmers at the time of consolidation for the purpose of own consumption.

  [**Art. 63** Specific Skills](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a63)

1  The executing agency referred to in art. 64 is competent for execution in the following areas:

at.

guarantee of origin (Article 9);

b.

system of payment for the injection (article 19);

c.

payment of the injection under the old law;

d.

one-off compensation awarded for photovoltaic installations (Article 25);

e.

reimbursement of additional costs [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a63-1) arising from the contracts referred to in art. 73, al. 4;

f.

other tasks delegated by the Federal Council concerning the use of the means resulting from the supplement or which are linked to guarantees of origin.

2  The executing agency takes the necessary measures and decisions.

3  In cases of great importance, generally or in a specific case, the executing agency decides with the SFOE.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).

  [**Art. 64** Executing Agency](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a64)

1  The executing agency is a daughter-company of the national transmission system company, which holds all the shares. It has the legal form of a private limited company headquartered in Switzerland, a business reason and a lean structure.

2  The members of the board of directors and management must be independent of the electricity economy, but may also be active for the national transmission system company if they satisfy this requirement of independence. The Executing Agency shall not hold any participation in other companies and shall not pay any dividends or other significant cash benefits to the National Transmission System Company. In the context of its execution activity, it must not favor the national transmission system company and its shareholders in relation to other applicants.

3  The SFOE approves the statutes of the executing agency and supervises the latter. It also approves the budget and the statement of execution expenses.

4  The executing agency is subject to ordinary control. The auditors shall draw up a complete report for the benefit of not only the executing agency but also the SFOE.

5  The executing agency is not included in the consolidated annual accounts of the national transmission system company. The Federal Council may lay down additional provisions concerning the presentation of accounts.

6  The Executing Agency is exempt from all direct taxes of the Confederation, cantons and communes.

  [**Art. 65** Activity of the executing agency](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a65)

1  The sole purpose of the executing agency is enforcement activity pursuant to Art. 63.

2  The Executing Agency shall regularly inform the SFOE of its activities and provide it with the information it needs to carry out its tasks.

3  In return for appropriate remuneration and to the extent necessary, the national transmission system shall provide the executing agency with global services and access to all data and information required for surcharge collection and enforcement.

  [**Art. 66** Opposition, remedies and remedies of the authorities](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a66)

1  Decisions of the Executing Agency concerning the injection compensation system (Article 19), the payment of the injection under the old law and the single remuneration awarded for photovoltaic installations (Art. 25) may be subject to opposition by the executing agency within 30 days of notification. As a general rule, the opposition procedure is free. There is no award of costs; a derogation is possible in cases of manifest inequity.

2  The decisions of the SFOE, the FOEN, the ElCom and the Executing Agency as well as the decisions on opposition of the latter in the cases referred to in para. 1 may be appealed to the Federal Administrative Court in accordance with the general provisions of the Federal Procedure.

3  The FOE is entitled to appeal against the decisions of the cantonal authorities taken pursuant to this Act and its provisions implemented.

  [**Art. 67** Use of third parties for enforcement purposes](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a67)

1  Federal services may use third parties to perform the tasks assigned to them, in particular if they relate to:

at

the market premium for electricity generated by large hydropower plants within the meaning of art. 30,

b.

the refund of the supplement (sections 39 to 43);

c.

the implementation of market economy instruments (Article 44 (2));

d.

the establishment of conventions of objectives (Article 46);

e.

the design, implementation and coordination of programs to encourage the economical and efficient use of energy and the use of indigenous and renewable energies (articles 47, 48 and 50).

2  Third parties who are called upon may be entitled to receive for their own account emoluments for the activities they perform as part of the execution tasks. The Federal Council issues the emoluments provisions.

3  The Confederation concludes a service mandate with third parties that is appealed. This mandate specifies in particular:

at.

the type, extent and remuneration of the services to be provided by third parties;

b.

the modalities of the presentation of the periodic report, the quality control, the presentation of the budget and the accounts;

c.

the question of the possible perception of emoluments.

4  Third parties are subject to the supervision of the Confederation with regard to the tasks entrusted to them.

5  The SFOE may entrust the tasks of examination, control or surveillance to third parties.

  [**Art. 68** Function Secret](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a68)

Every person entrusted with the implementation of this law is subject to the secrecy of function.

  [**Art. 69** Expropriation](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a69)

1 In  order to set up installations of public interest intended for the use of geothermal energy or hydrocarbons, the storage of energy or the use and distribution of heat discharges, the cantons may proceed with expropriations or entrust this right to third parties.

2  The cantons may declare the federal law of 20 June 1930 on expropriation[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a69-1) applicable. They provide that the chairman of the Federal Appraisal Commission may authorize the abridged procedure, where it is possible to determine exactly who is affected by the expropriation.

3  Where the facilities referred to in para. 1 extend over the territory of several cantons, it is possible to request the application of the federal law of 20 June 1930 on expropriation.

1 RS[**711**](http://www.admin.ch/ch/f/rs/c711.html)

[**Chapter 13 Penal provisions**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-13)

  [**Art. 70** contraventions](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a70)

1  Is punishable by a fine of up to 100,000 francs, whomever, intentionally:

at.

contravenes provisions relating to guarantee of origin, electrical accounting and marking (Article 9);

b.

provides erroneous or incomplete information as part of the injection payment system (Article 19) or the one-off payment (Article 25) or investment contributions (Articles 26 and 27);

c.

provides erroneous or incomplete information in connection with the market premium for electricity generated by large hydro facilities (sections 30 and 31);

d.

provides erroneous or incomplete information in connection with the collection of the supplement (section 35), its reimbursement (sections 39 to 43) or in relation to the objectives agreement entered into for the refund of the supplement (clause 40 , let a, and 41);

e.

contravenes provisions relating to installations, vehicles and appliances manufactured in series (section 44);

f.

refuses to provide the information requested by the authority or provides incorrect or incomplete information (Article 57);

g.

contravenes an enforcement provision the contravention of which is declared punishable or contravenes a decision that has been served on him under the threat of the penalty set out in this section.

2  If the author acts negligently, he is punished by a fine of up to 20,000 francs.

  [**Art. 71** Prosecution and judgment](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a71)

1  Offenses against this Act are prosecuted and tried in accordance with the Federal Act of 22 March 1974 on Administrative Criminal Law (DPA)[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a71-1) . The competent authority is the SFOE.

2  Where the fine in question does not exceed 20,000 francs and the investigation would make necessary in respect of persons punishable in accordance with art. 6 DPA measures of education out of proportion with the penalty incurred, the authority may waive the prosecution of these persons and order the company to pay the fine (Article 7 DPA).

1 RS[**313.0**](http://www.admin.ch/ch/f/rs/c313_0.html)

[**Chapter 14 Final Provisions**](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#id-14)

  [**Art. 72** Transitional provisions relating to the injection compensation system and the supplement](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a72)

1  Installation operators who at the commencement of this Act, receive compensation under the old law (Art. 7*has* the law of 26 June 1998 on energy[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a72-1) ) continue benefit from it. Current exploitation is governed by the new law; the Federal Council may provide for derogations to the extent that the interests of a plant operator worthy of protection so require.

2  Where an operator has received a positive decision guaranteeing the payment of compensation before the coming into force of this Act, the following amendments do not apply:

at.

the exclusions provided for in art. 19, para. 4, to:

1.

hydroelectric facilities with a capacity of less than 1 MW,

2.

photovoltaic installations with a power of less than 30 kW,

3.

some biomass facilities;

b.

the limitation of participation in the injection compensation system to new installations only and, consequently, the exclusion of significant expansion and renovation of installations;

c.

applying to new installations of the reference date of 1 st  January 2013.

3  The new law applies to operators and project managers who have not received a positive decision before the coming into force of this Act, including those who have been advised that their installation is on the list waiting (waiting list notice), even if their installation is already in operation at the coming into force of this Act. They can not participate in the injection compensation system if art. 19 excludes them. Instead, the rights holders referred to in art. 25, 26 or 27 may receive a one-off fee or an investment contribution.

4  The rights holders referred to in art. 19 who received a waiting list delivery notice 31 July 2013 at the latest may participate in the injection system of remuneration, even if their facility was put into service before 1st  January 2013.

5  Operators who are already entitled to compensation under the old law (paragraph 1) may choose whether or not to participate in the direct marketing referred to in art. 21. Those who do not participate are paid by the payment of an amount equal to the reference market price plus the injection premium. The Federal Council may limit the right of option over time and thereby this type of remuneration.

6  During the year following the coming into force of this Act, the supplement increases to a maximum of 2.3 cents / kWh and remains at that level until the following means are met: expiry of the support measures referred to in art. 38 decrease. The supplement is then again determined by the Federal Council according to need (Article 35 (3)). If this Act comes into force after 1st July, the supplement does not increase a maximum of 2.3 cents per kWh next year, but only a year later.

1[RO](http://www.admin.ch/ch/f/as/2007/3425.pdf)**[2007](http://www.admin.ch/ch/f/as/2007/3425.pdf)**[3425](http://www.admin.ch/ch/f/as/2007/3425.pdf)

  [**Art. 73** Transitional Provisions Relating to Other Additions to the Supplement](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a73)

1  If the installation is already built, the provision of art. 28 relating to the beginning of the works does not apply to rights holders referred to in art. 26 and 27 who have received a waiting list notice prior to the coming into force of this Act.

2  Art. 24, al. 3, does not apply to rights holders referred to in art. 25, 26 or 27, who received a waiting list notice by July 31, 2013 at the latest.

3  Anyone who has received between 1st  August 2013 and the entry into force of this Act, a decision of principle binding on the granting of bail covering 50% of investment costs risk geothermal installations, may request from the SFOE, for a period of not more than six months from the entry into force of this Law, a review of the decision in principle based on the new law. No one can claim an increase in the guarantee.

4  With regard to existing contracts linking grid operators to independent producers for the recovery of electricity produced by installations using renewable energies (financing ofadditionalcosts[1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html" \l "fn-#a73-1) ), the connection conditions provided for in Art. 7 of the old law, in the tenor of 26 June 1998[2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#a73-2), apply:

at.

until December 31, 2035 for hydroelectric facilities;

b.

until December 31, 2025 for all other installations.

5  With regard to contracts within the meaning of para. 4 that relate to the recovery of electricity generated by hydroelectric power stations, ElCom may in some cases reduce the remuneration appropriately, when there is a clear discrepancy between the recovery price and the cost price.

1 Corrected by the CoR of Ass. Fed. (Article 58, paragraph 1, FLP;.. RS[**171.10**](http://www.admin.ch/ch/f/rs/c171_10.html) ).   
2[RO](http://www.admin.ch/ch/f/as/1999/197.pdf)**[1999](http://www.admin.ch/ch/f/as/1999/197.pdf)**[197](http://www.admin.ch/ch/f/as/1999/197.pdf)

  [**Art. 74** Transitional provisions relating to the Fund, the Executing Agency and the competencies](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a74)

1  The Fund is established in accordance with art. 37 within one year after the coming into force of this Act. The organization in charge until now is dissolved and the assets are fully transferred to the new Fund.

2  In so far as this law gives them jurisdiction, the federal authorities shall carry out their duties upon the entry into force of this Law and shall be supported in this framework by the national transport network the latter was competent in the matter under the old law.

3 The executing agency is created in accordance with art. 64 within one year after the coming into force of this Act. The national transport network company transfers the representation to the corresponding committees in the field of guarantees of origin and sells free of charge the devices, working tools and mobile infrastructure of the former execution unit. The transfer of rights, obligations and values ​​as well as registrations in the land register, the commercial register and other public registers in connection with the creation of the executing agency are exempt from all taxes or emoluments. The Federal Council can issue additional provisions concerning the process of separation and creation.

4  The executing agency exercises its powers (Article 63) from its creation. The regime of jurisdiction under the old law applies in the meantime.

5  ElCom slice in case of litigation resulting from procedures subject, about the competence regime, the old law, insofar as it had jurisdiction in the matter under this law.

  [**Art. 75** Transitional Provision for Supplement Repayment](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a75)

For end-consumers who have concluded a convention of objectives under the old law, the obligation to devote at least 20% of the amount reimbursed to measures to increase their energy efficiency is deleted for the repayment periods subsequent to the entry into force of this Act.

  [**Art. 76** Repeal and amendment of other acts](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a76)

The repeal and modification of other acts are regulated in the appendix.

  [**Art. 77** Referendum and entry into force](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#a77)

1  This Act is subject to a referendum.

2  The Federal Council sets the date of entry into force.

Date of entry into force: 1 st  January 2018 [4](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn4)

[***Annex***](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#app1ahref0)

(Article 76)

  [Repeal and amendment of other acts](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#app1ahref1)

I

The law of 26 June 1998 on energy [1](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#app1-1) is repealed.

II

The acts mentioned below are modified as follows:

... [2](https://www.admin.ch/opc/fr/classified-compilation/20121295/index.html#fn-#app1-2)

1 [[RO **1999** 197](http://www.admin.ch/ch/f/as/1999/197.pdf) ,**2004** 4719 annex ch. II 6,**2006** 2197 annex ch. 69,**2007** 3425 annex ch. 2,**2010** 4285 II 2 5061 I 2 5065,**2012**  3231,**2013** 4505,**2014** 899 ea. II,**2016** 689 annex ch.26]  
2 The mod. can be found at[RO **2017** 6839](http://www.admin.ch/ch/f/as/2017/6839.pdf) .

[RO **2017** 6839](http://www.admin.ch/ch/f/as/2017/6839.pdf)

1 \* The terms designating persons also apply to women and men. 2 RS[**101**](http://www.admin.ch/ch/f/rs/c101.html)3[FF](http://www.admin.ch/ch/f/ff/2013/6771.pdf)**[2013](http://www.admin.ch/ch/f/ff/2013/6771.pdf)**[6771](http://www.admin.ch/ch/f/ff/2013/6771.pdf)4ACF 1st November 2017.