Ordinance on the Allocation of Foreign Emission Reductions (CO₂ Allocation Ordinance) of 22 June 2005 (Status as of 1 April 2012)

The Swiss Federal Council, 
based on Article 2 paragraph 7 and 15 paragraph 1 of the CO₂ Act of 8 October 19991 (“the Act”), 
and in implementation of the Kyoto Protocol of 11 December 19972 to the United Nations Framework Convention on Climate Change (the Kyoto Protocol), 
ords:  

Section 1: General Provisions

Art. 1 Subject matter
This Ordinance regulates the allocation of reductions in emissions achieved abroad to the reduction target fixed by the Act.

Art. 2 Definitions
1 The following are deemed to be reductions in CO₂ emissions achieved abroad:
   a. Certified Emission Reductions (CERs) and Emission Reduction Units (ERUs) issued in accordance with Articles 6 and 12 of the Kyoto Protocol;
   b. authorisations granted abroad for the emission of a specific volume of CO₂ (emissions allowances), provided these authorisations have been issued by states with comparable emissions trading regulations.
2 One tonne of carbon dioxide equivalent (tCO₂eq) is one metric tonne of carbon dioxide or a quantity of any other greenhouse gas listed in Annex A to the Kyoto Protocol with equivalent global warming potential.

AS 2005 3581
1 SR 641.71
2 SR 0.814.011
The National Register is a register maintained by the Federal Office for the Environment (FOEN) on the entry and exit of CERs and ERUs recognised by Switzerland and authorisations on reductions in emissions that have been achieved; it records all holders of emission allowances and CERs and ERUs as well as all transactions.

Section 2:
Allocating Foreign Reductions in Emissions to Reduction Targets

Art. 3 Allocation procedure
1 Anyone who wishes to have reductions in emissions that have been achieved abroad allocated to their reduction target in accordance with Article 2 of the Act must submit an application to FOEN.
2 FOEN shall examine the application and decide on whether the reductions are to be allocated.
3 The reductions in emissions allocated are recorded in the national Register and credited to the Party Account. FOEN shall regularly provide information on the status of the National Register.

Art. 4 Projects under Article 12 of the Kyoto Protocol
1 Reductions in emissions from projects under Article 12 of the Kyoto Protocol must be validated, verified and certified by a designated operational entity.
2 In the case of afforestation and reforestation projects, FOEN may at any time request an appropriate guarantee in order to take account of the risk of the project failing to achieve the desired impact.
3 Afforestation and reforestation projects that use genetically modified or invasive alien plant species are excluded from the allocation procedure.

Art. 5 Extent of emission reduction that may be allocated
1 When making the emission calculation in terms of the Act, reductions in emissions achieved abroad may be allocated to the reduction target for the years 2008–2012 to the extent of a maximum average of 3 million tCO₂eq per annum.4

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3 The name of this administrative entity has been changed in application of Art. 16 para. 3 of the Publication Ordinance of 17 Nov. 2004 (SR 170.512.1). This change has been made throughout the text.
4 Amended in accordance with No I of the Ordinance of 2 March 2012, in force since 1 April 2012 (AS 2012 1195).
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2 Companies who make a binding commitment to the Confederation to cap emissions in accordance with Article 9 of the Act may fulfil a maximum of 8 per cent of their emissions cap (CO₂ emissions target) by means of reductions in emissions achieved abroad. For companies under Article 8 of the CO₂ Ordinance of 22 June 2005⁵, this share amounts to a maximum of 30 per cent.⁶

Section 3: Final Provisions

Art. 6 Implementation authority
FOEN shall implement this Ordinance.

Art. 7 Commencement
This Ordinance comes into force on 1 January 2006.

⁵ SR 741.712
⁶ Wording of final sentence in accordance with Art. 33 of the CO₂ Ordinance of 8 June 2007 (SR 641.712).