DETEC Ordinance
on the National Emissions Trading Registry

of 27 September 2007 (Status as of 1 January 2012)

The Federal Department for the Environment, Transport, Energy and Communications (DETEC),
based on the Article 12 paragraph 4 of the CO₂ Ordinance of 8 June 2007¹, 
ords:

Section 1: General Provisions

Art. 1 Principle
Companies and persons that are allocated emission credits or that wish to deal with such credits must have an account in the National Emissions Trading Registry (Registry).

Art. 2 Accounts
1 Companies that are allocated emission allowances must have an operator holding account.

2 Companies and persons that have not been allocated emission allowances must have a person holding account.

Art. 3² Opening an account
1 Companies and persons in accordance with Article 1 must apply to the Federal Office for the Environment (FOEN) for an account to be opened.

2 The application must contain:
   a. for companies: an extract from the Commercial Register and as well as proof of identity for the person entitled to represent the company;
   b. for persons: proof of identity;
   c. the name, postal and electronic address of the applicant;

AS 1952 1021
¹ SR 641.712
² Amended in accordance with No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
3 Companies registered in a state in which no commercial register is maintained shall confirm their existence and the authorisation to sign of the person entitled to represent the company by another form of supporting document.

4 The FOEN may require the information in accordance with paragraphs 2 and 3 to be legalised.

5 It may request additional supporting documents if it requires the same for the account to be opened.

6 It shall open the requested account as soon as the fee therefor has been paid.

Art. 3a³ Address for service
A company or person in accordance with Article 2 paragraph 2 may have a person holding account only if the following persons have an address for service in Switzerland:
   a. for companies, the person entitled to represent the company, or for persons, the account holder;
   b. the two authorised representatives for the account; and
   c. the transaction validator.

Art. 4 Withdrawal of emission allowances
1 If a company that holds an operator holding account ceases to operate the facility or an essential part thereof, it must notify the FOEN immediately.

2 The FOEN shall block the operator holding account and withdraw all emission allowances that were allocated for the period following closure or partial closure.

3 Paragraphs 1 and 2 also apply to companies that have applied for a debt restructuring moratorium or have filed for bankruptcy.

Section 2: Transactions

Art. 5 Entry in the Registry
1 All emission credits must be recorded in the Registry.

³ Inserted by No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
Any changes in the holding of emissions credits are carried out via the Registry.

**Art. 6** Transfer  
Emission credits are freely tradable.

2 The authorised representatives for the account and the transaction validator have the right to secure access to the Registry.

3 When ordering the transfer of emissions credits, the authorised representatives for the account must give details of the source and destination accounts as well as the type and quantity of the emission credits to be transferred.

4 The emission credits are transferred when the transaction validator consents to the transfer.

5 The transfer is carried out according to a standardised procedure.

**Art. 7** Registry management  
1 The FOEN manages the Registry electronically and records all transfers.

2 It shall ensure that the registry is accessible at all times if possible.

3 It shall ensure that it is possible to reproduce all the essential data on the transfer at any time by using the records produced during the transfer.

4 In addition to the supporting documents submitted when opening the account, it may also require the submission of further supporting documents at any time if this is necessary for the secure operation of the Registry.

**Art. 8** Exclusion of liability  
The Confederation accepts no liability for any losses incurred due to errors in the transfer of emission credits, restricted access to the Registry or misuse of the Registry by third parties.

**Art. 9** Sanctions  
In the event of infringements of the regulations on the Registry, the FOEN shall block the user access or accounts concerned. The user access and accounts shall remain blocked until the requirements of this Ordinance and the General Terms and Conditions for the Register in accordance with Article 3 paragraph 2 letter f are fulfilled again.

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4 Amended in accordance with No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
5 Inserted by No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
6 Amended in accordance with No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
Section 3: Fees and Data Protection

Art. 10 Fees
The charging of fees is governed by Article 4 paragraph 2 of the FOEN Fees Ordinance of 3 June 2005.

Art. 11 Data protection
Registry data, unless deemed sensitive, shall be published electronically.

Section 4: Final Provisions

Art. 11α Transitional provisions to the Amendment of 15 November 2011
1 Companies and persons who opened their account before the Amendment of ... comes into force must appoint a transaction validator within 90 days at the latest of the Amendment coming into force.
2 Article 3α does not apply to accounts in accordance with paragraph 1.

Art. 12 Commencement
The Ordinance comes into force on 15 October 2007.

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7 SR 814.014
8 Amended in accordance with No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
9 Inserted by No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).
10 Inserted by No I of the DETEC Ordinance of 15 Nov. 2011, in force since 1 Jan. 2012 (AS 2011 6205).