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## **Ordinance on the Reduction of CO<sub>2</sub> Emissions (CO<sub>2</sub> Ordinance)**

of 30 November 2012 (Status as of 4 March 2022)

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*The Swiss Federal Council,*

on the basis of the CO<sub>2</sub> Act of 23 December 2011<sup>1</sup> (CO<sub>2</sub> Act),  
*ordains:*

### **Chapter 1    General Provisions Section 1    Greenhouse Gases**

#### **Art. 1**

<sup>1</sup> This Ordinance regulates the reduction in the emission of the following greenhouse gases:

- a. carbon dioxide (CO<sub>2</sub>);
- b. methane (CH<sub>4</sub>);
- c. nitrous oxide (N<sub>2</sub>O);
- d. hydrofluorocarbons (HFCs);
- e. perfluorocarbons (PFCs);
- f. sulphur hexafluoride (SF<sub>6</sub>);
- g. nitrogen trifluoride (NF<sub>3</sub>).

<sup>2</sup> The warming effect of greenhouse gases on the climate is converted into the equivalent quantity of CO<sub>2</sub> (CO<sub>2</sub>eq). The values are listed in Annex 1.

## Section 2 Definitions

### Art. 2

In this Ordinance:

a.<sup>2</sup> *passenger cars* means:

1. passenger cars in accordance with Article 11 paragraph 2 letter a of the Ordinance of 19 June 1995<sup>3</sup> on Technical Requirements for Road Vehicles (RVTRO),
2. special-purpose vehicles in accordance with Annex II Part A point 5 of Directive 2007/46/EC<sup>4</sup> or Annex I part A number 5 of Regulation (EU) 2018/858<sup>5</sup> are deemed not to be passenger cars in terms of this Ordinance;

abis.<sup>6</sup> *vans* means:

1. vans in accordance with Article 11 paragraph 2 letter e RVTRO with a maximum permissible weight not exceeding 3.50 t,
2. vehicles with an emission-free drive system and a maximum permissible weight between 3.50 t and 4.25 t, which apart from their weight correspond to the definition of a van and whose weight in excess of 3.50 t is caused solely by the additional weight of the emission-free drive system,

<sup>2</sup> Amended by No I of the O of 25 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6081).

<sup>3</sup> SR 741.41

<sup>4</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), OJ L 263 of 9.10.2007, p. 1; last amended by Regulation (EU) No 2019/543, OJ L 95 of 4.4.2019, p. 1

<sup>5</sup> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30. Mai 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, OJ L 151 of 14.6.2018, p. 1; last amended by Regulation (EU) 2019/2144, OJ L 325 of 16.12.2019, p. 1.

<sup>6</sup> Inserted by No I of the O of 1 Nov. 2017 (AS 2017 6753). Amended by No I of the O of 25 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6081).

3. vans with an unladen weight of over 2585 kg measured using the measurement procedure for heavy-duty vehicles in accordance with Regulation (EC) No 595/2009<sup>7</sup> and for which no emission values in accordance with Regulation (EC) No 715/2007<sup>8</sup> are available and which do not have an emission-free drive system, and special-purpose vehicles in accordance with Annex 2 Part A point 5 of Directive 2007/46/EC or Annex I Part A number 5 of Regulation (EU) 2018/858 are deemed not to be vans;

at<sup>er</sup>.<sup>9</sup> *light articulated vehicles* means:

1. articulated vehicles in accordance with Article 11 paragraph 2 letter i RVTRO with a maximum permissible weight not exceeding 3.50 t,
2. in terms of this Ordinance, articulated vehicles with a unladen weight of over 2585 kg, measured using the measurement procedure for heavy-duty vehicles in accordance with Regulation (EC) No 595/2009 and for which no emission values in accordance with Regulation (EC) No 715/2007 are available, and special-purpose vehicles in accordance with Annex 2 Part A point 5 of Directive 2007/46/EC or in accordance with Annex 1 Part A number 5 the Regulation (EU) 2018/858 are deemed not to be light articulated vehicles;

b.<sup>10</sup> ...

- c.<sup>11</sup> *rated thermal input* means the maximum possible supply of heating energy per unit of time for an installation;
- d.<sup>12</sup> *total rated thermal input* means the sum of the rated thermal inputs of an installation operator's fixed installations that are taken into account in the emissions trading scheme (ETS);
- e. *total output* means the sum of the delivered electrical and thermal nominal output of a fossil-thermal power plant;
- f. *overall efficiency* means the ratio of total output to the rated thermal input of a fossil-thermal power plant in accordance with the manufacturer's specifications.

<sup>7</sup> Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC, OJ L 188/1 of 18.7.2009, p. 1; last amended by Ordinance (EU) No 133/2014, OJ L 47 of 18.2.2014, p. 1.

<sup>8</sup> Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 171/1 of 29.6.2007, p. 1; last amended by Regulation (EU) No 459/2012, OJ L 142 of 1.6.2012, p. 16.

<sup>9</sup> Inserted by No I of the O of 1 Nov. 2017 (AS 2017 6753). Amended by No I of the O of 25 Nov. 2020, in force since 1 Jan. 2021 (AS 2020 6081).

<sup>10</sup> Repealed by No I of the O of 13 Nov. 2019, with effect from 1 Jan. 2020 (AS 2019 4335).

<sup>11</sup> Amended by No I of the O of 13 Nov. 2019, in force since 1 Jan. 2020 (AS 2019 4335).

<sup>12</sup> Amended by No I of the O of 13 Nov. 2019, in force since 1 Jan. 2020 (AS 2019 4335).

### Section 3 Sectoral Interim Targets

#### Art. 3

<sup>1</sup> The interim targets for 2015 are:

- a. for the building sector: no more than 78 per cent of 1990 emissions;
- b. for the traffic sector: no more than 100 per cent of 1990 emissions;
- c. for the industry sector: no more than 93 per cent of 1990 emissions.

<sup>2</sup> If a sector-specific interim target listed in paragraph 1 is not achieved, then the Federal Department of the Environment, Transport, Energy and Communications (DETEC), after hearing the cantons and affected parties, shall request the Federal Council for additional measures.

### Section 4 Counting Emission Reductions achieved Abroad<sup>13</sup>

#### Art. 4 Eligible emission reductions achieved for projects abroad<sup>14</sup>

<sup>1</sup> Emission reductions achieved abroad may only be counted by installation operators and persons authorised by this Ordinance.

<sup>2</sup> Emission reductions achieved abroad may be counted if:

- a. they are attested to by an emission-reduction certificate of the United Nations Framework Convention on Climate Change (UNFCCC) of 9 May 1992<sup>15</sup>; and
- b. Annex 2 does not preclude their being counted.

#### Art. 4a<sup>16</sup> Letters of approval for projects

<sup>1</sup> Installation operators or persons wishing to obtain emission-reduction certificates for an emission-reduction project abroad can apply to the Federal Office for the Environment (FOEN) for the necessary letter of approval in accordance with the rules of Article 6 paragraph 3 or Article 12 paragraph 5 of the Kyoto Protocol of 11 December 1997<sup>17</sup> to the United Nations Framework Convention on Climate Change (Kyoto Protocol).

<sup>2</sup> The FOEN issues a letter of approval if the requirements of Article 4 paragraph 2 letter b are met.

<sup>13</sup> Amended by No I of the O of 8 Oct. 2014, in force since 1 Dec. 2014 (AS **2014** 3293).

<sup>14</sup> Inserted by No I of the O of 8 Oct. 2014, in force since 1 Dec. 2014 (AS **2014** 3293).

<sup>15</sup> SR **0.814.01**

<sup>16</sup> Inserted by No I of the O of 8 Oct. 2014, in force since 1 Dec. 2014 (AS **2014** 3293).

<sup>17</sup> SR **0.814.011**

## Section 5<sup>18</sup> Attestations for Domestic Emission-reduction Projects and Programmes

### Art. 5 Requirements

<sup>1</sup> Attestations for emission reductions from domestic projects and programmes are issued if:

- a. Annex 3 does not preclude them;
- b. the project or programme's planned component activities:
  1. would not be economically feasible without revenues from the sale of the attestations,
  2. meet(s) at least the current state of the art, and
  3. provide(s) for measures that lead to an increase in emission reductions as measured against the reference scenario defined in Article 6 paragraph 2 letter d;
- c. the emission reductions:
  1. are verifiable and quantifiable,
  - 2.<sup>19</sup> are not greenhouse gas emissions that are recorded by the ETS, and
  - 3.<sup>20</sup> were not achieved by an operator with a reduction obligation under Article 66 paragraph 1 that at the same time is applying for attestations under Article 12; the foregoing does not apply to operators with reduction obligations with an emissions target under Article 67, provided the emission reductions from projects and programmes are not included in the emissions target; and
- d. the beginning of the implementation of the project or programme does not predate the submission of an application in accordance with Article 7 by more than three months.

<sup>2</sup> The time when the applicant makes a significant financial commitment to a third party or itself takes organisational measures relevant to the project or programme is deemed the beginning of implementation.

### Art. 5a Programmes

<sup>1</sup> Planned component activities can be grouped together into one programme if:

- a. they have a common purpose in addition to reducing emissions;
- b. they apply one of the specified technologies in the programme description;
- c. they fulfil the inclusion criteria specified in the programme description, which guarantee that the planned component activities meet the requirements of Article 5; and

<sup>18</sup> Amended by No I of the O of 8 Oct. 2014, in force since 1 Dec. 2014 (AS 2014 3293).

<sup>19</sup> Amended by No I of the O of 13 Nov. 2019, in force since 1 Jan. 2020 (AS 2019 4335).

<sup>20</sup> Amended by No I of the O of 13 Nov. 2019, in force since 1 Jan. 2020 (AS 2019 4335).