



Status as at 1 January 2020

Swiss Emissions Trading Registry: General Terms and Conditions

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

These general terms and conditions govern the use of the Swiss Emissions Trading Registry (hereinafter EHR). In accordance with Article 58 paragraph 2 letter f of the *Ordinance of 30 November 2012 for the reduction of CO₂ Emissions (CO₂ Ordinance)*, they are applicable to, and must be accepted by all companies and persons who want to operate an account in the EHR. The EHR is operated from the website with the address <https://www.emissionsregistry.admin.ch>.

1 TECHNICAL REQUIREMENTS

In order to operate an account, the following technical requirements must at a minimum be fulfilled:

Access to the EHR:

- Internet browser: *Microsoft Internet Explorer* from Version 11, *Firefox*, *Safari*, or *Chrome* in the most current version. The browser must ensure secure access to the website a «*Secure Socket Layer (SSL)* »-encryption with a key length of at least 256-bit encryption.
- *Acrobat Reader* from Version 5.0

Peripheral device: Mobile telephone for 2-factor authentication using smsTAN (receipt of transaction numbers by SMS)

The account holder confirms that he has the necessary skills and resources to be able to access and use the EHR website.

2 OPENING AN ACCOUNT

The account is opened when the following requirements are fulfilled:

- the account holder has submitted the relevant application form which he and the other persons (at least one account representative and one transaction validator each) have signed, together with the required supporting documents;
- he has provided all the information required under Article 58 of the CO₂ Ordinance in authenticated form;
- those designated as account holders and users (account representatives, transaction validators, auction agents and bid validators) are natural persons at least 18 years of age;

- the persons under Article 59 paragraph 1 of the CO₂ Ordinance have designated an address for service in Switzerland;
- the persons under Article 59 paragraph 2 of the CO₂ Ordinance have designated an address for service in Switzerland or the European Economic Area (EEA);
- companies under Article 59 paragraph 3 of the CO₂ Ordinance have designated a registered office in Switzerland or the EEA and hold a bank account in Switzerland or the EEA;
- account holders under Article 59 paragraph 4 of the CO₂ Ordinance have designated a place of domicile in Switzerland or the EEA and hold a bank account in Switzerland or the EEA;
- the documents submitted and the information given are correct and comprehensible;
- neither the company nor its management or persons designated as users have been sentenced in the preceding 10 years for money laundering or criminal offences against property or due to other criminal offences in connection with emissions trading or with the legislation on financial market infrastructures, the financing of terrorism or other serious offences where the account was misused (Art. 59a para. 1 let. b CO₂ Ordinance);
- the payment of fees for opening the account has been registered by the accounts section at the FOEN.

The account opening is suspended if an investigation is pending against the company, its management or persons designated as users due to one of the criminal offences described in Article 59a paragraph 1 letter b of the CO₂ Ordinance.

3 ACCESS TO THE ACCOUNT

Users have access to the account provided the following requirements are fulfilled:

- they have user names and passwords as well as a mobile phone to receive text messages by SMS;
- persons named in Article 59 paragraph 1 of the CO₂ Ordinance have designated an address for service in Switzerland and persons under Article 59 paragraph 2 have designated an address for service in Switzerland or the EEA;
- the annual account maintenance fees have been paid to the FOEN on time;
- no infringements of the EHR regulations have otherwise been committed nor is there an investigation pending against the company, its management or users due to one of the criminal offences described in Article 59a paragraph 1 letter b of the CO₂ Ordinance (Art. 64 para. 1 CO₂ Ordinance).

The foregoing is subject to Section 6.

4 ACCOUNT ACCESS DATA

4.1 ALLOCATION AND SENDING

The user name is sent electronically to the users.
The password is sent by registered post.

On receipt of the user name and password, the users must immediately replace the password sent with a new password. Rules for the format of the password are listed on the EHR website. Users must also enter an identification question and the corresponding answer on the EHR website.

Access to the EHR is granted via two-stage authentication using SMS. Each time the user logs in with their user name and password, they receive a transaction number via SMS (smsTAN). Access to the account is granted when the user enters this number.

4.2 CHANGING PASSWORDS

The password must be changed at least every three months.

4.3 UNAUTHORISED USE

The account holder is responsible for ensuring that the user name and password are used securely. If secure use is no longer guaranteed, this must be reported to the FOEN immediately. Until the report has been received, the account holder remains solely liable for any loss or damage incurred due to the unauthorised use of the user name or password. Reports sent to the FOEN outside working hours are deemed to be received on the next working day.

5 CHANGES TO THE ACCOUNT AND USER DATA AND REVOCATION OF AUTHORISATION

Any change to the account or user data must be reported to the FOEN within ten working days. This report must be accompanied by the relevant application form signed by the account holder and the user concerned and including the supporting documents required under Article 49 of the CO₂ Ordinance (auction agents and bid validators) or Article 58 of the CO₂ Ordinance (account representatives and transaction validators). The supporting documents must be authenticated if this is required by the CO₂ Ordinance.

Furthermore, account holders must confirm to the FOEN by 31 December each year that the information relating to their account is still complete, current and correct.

The revocation of authorisation to use the account only becomes effective as far as the FOEN is concerned when it has received notice of revocation on the relevant form.

6 INTERRUPTIONS OF REGISTRY OPERATIONS / SECURITY

The FOEN accepts no liability for restrictions or interruptions of EHR operation.

Foreseeable interruptions of EHR operations for maintenance are announced at least five working days in advance on the home page of the Swiss EHR. Access to the EHR is not possible during servicing.

In the event of unforeseeable interruptions of EHR operations due to force majeure, technical malfunctions or for reasons of EHR security, users will be notified within a reasonable time.

The account holder confirms that he is aware of the special risks involved in internet operations, and in particular, that information transmitted or stored may be intercepted and/or modified by unauthorised persons.

7 TRANSACTION DELAY

Every transaction originating from an account is carried out at least 24 hours after the transaction has been initiated by the customer (only exception: transactions on a Swiss government account).

Transactions subject to the transaction delay will be executed from Monday to Friday (working days) at 12 noon as follows:

- upon confirmation by a transaction validator **before** 12 noon on a working day: execution of the transaction on the next working day
- upon confirmation by a transaction validator **after** 12 noon on a working day: execution of the transaction on the working day following the next working day

Under these rules, transactions that are executed on an official holiday or on a working day on which the EHR help desk is closed for other reasons will be executed on the first working day thereafter. Official holidays and planned closures will be announced at least 5 working days in advance on the home page of the Swiss Emissions Trading Registry.

Registered account holders and users of affected accounts can notify the FOEN by 10 a.m. on the day of the expected execution of a deferred transaction that the transaction should be cancelled. The notification must be sent by email to the EHR helpdesk (emissionsregistry@bafu.admin.ch). The transaction will only be cancelled if the following are provided:

- Exact transaction number (example: CH-00000)
- Justification for cancelling the transaction.

Central European time (CET/CEST) applies to all the times mentioned above.

8 AMENDMENTS

These general terms and conditions may be amended unilaterally at any time by the FOEN. The amended general terms and conditions will be sent to account holders and users by electronic post. They will also be published on the EHR website.