



Status as of 18 November 2016

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 9, *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 first two users (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 Ordinance (where necessary in legalised form);
- those designated as account holders, authorised account representatives or transaction validators are natural persons at least 18 years of age;

- the persons under Article 59 of the Ordinance have provided an address for service in Switzerland (exception: person holding accounts opened before 1 January 2012 and operator holding accounts);
- the documents submitted and the information given are correct and comprehensible;
- neither the company nor its management or persons designated as authorised account representatives or transaction validators 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 emission trading or stock-market legislation (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 authorised account representatives or transaction validators for money laundering or criminal offences against property or due to other criminal offences in connection with emission trading or stock-market legislation (Art. 59a para. 2 CO₂ Ordinance).

3 ACCESS TO THE ACCOUNT

Authorised account representatives, transaction validators and, for ETS companies, any authorised auction agents and bid validators (referred to below as 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);
- all persons referred to in Article 59 of the CO₂ Ordinance have an address for service in Switzerland (this requirement does not apply to personal accounts that have been opened before 1 January 2012 as well as to operator accounts);
- 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 for money laundering or criminal offences against property or due to other criminal offences in connection with emission trading or stock-market legislation (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. From 1 January 2012, passwords for persons holding accounts opened after this date will be sent only to an address in Switzerland.

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 Register is granted via two-stage authentication using SMS. Each time the user logs in with their username 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 immediately using the relevant application form signed by the account holder and the user concerned and including the required supporting documents (information specified in Article 58 of the CO2 Ordinance, in certified form where necessary).

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 Emissions Trading Registry. 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

Customers can further safeguard an account against abuse by requesting a transaction delay. Any transaction originating from such an account would then be 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:

Reference: P424-1015

- 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.