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## **Federal Act on the Promotion of Research and Innovation (RIPA)**

of 14 December 2012 (Status as of 1 January 2017)

**Note:** this translation does not yet include the amendments of 1 February 2017

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*The Federal Assembly of the Swiss Confederation,*

based on Article 64 paragraphs 1 and 3 of the Federal Constitution<sup>1</sup>,  
and having considered the Federal Council Dispatch of 9 November 2011<sup>2</sup>,  
*decrees:*

### **Chapter 1    General Provisions**

#### **Art. 1            Purpose**

With this Act, the Confederation aims to:

- a. encourage scientific research;
- b. encourage science-based innovation;
- c. support the analysis and exploitation of research results;
- d. ensure cooperation between research bodies;
- e. ensure the economical and effective use of federal funding for scientific research and science-based innovation.

#### **Art. 2            Definitions**

In this Act:

- a. *scientific research (research)* means the method-based search for new knowledge; it covers in particular:
  1. *basic research*: research, the main goal of which is to gain knowledge,
  2. *applied research*: research, the main goal of which is to contribute solutions to practical problems;

AS 2013 4425

<sup>1</sup> SR 101

<sup>2</sup> BBl 2011 8827

- b. *science-based innovation (innovation)* means the development of new products, methods, processes and services in industry and society through research, particularly applied research and the exploitation of its results.

**Art. 3** Scope of application

This Act applies to research bodies that use federal funding for research and innovation.

**Art. 4** Research bodies

Pursuant to this Act, research bodies are:

- a. the following research funding institutions:
  1. the Swiss National Science Foundation (SNSF),
  2. the association of the Swiss academies, which comprise:
    - the Swiss Academy of Natural Sciences (SCNAT)
    - the Swiss Academy of Humanities and Social Sciences (SAHS)
    - the Swiss Academy of Medical Sciences (SAMS)
    - the Swiss Academy of Engineering Sciences (SATW);
- b. the Commission for Technology and Innovation (CTI);
- c. the following higher education research centres:
  1. the Federal Institutes of Technology and the research centres of the ETH Domain,
  - 2.<sup>3</sup> universities and other institutions in the higher education sector that are accredited under the Higher Education Act of 30 September 2011<sup>4</sup> (HEdA);
  3. research centres of national importance which receive funding from the Confederation under this Act (Art. 15);
- d. the Federal Administration, insofar as it:
  1. conducts government-funded research for the fulfilment of its remit, or
  2. carries out activities to promote research and innovation.

**Art. 5** Non-commercial research centres outside the higher education sector

Pursuant to this Act, non-commercial research centres outside the higher education sector are defined as institutions with public or private funding bodies which are not research bodies under Article 4, whose aim is to conduct research activities and which meet the following requirements:

- a. the funding bodies and owners of the institution do not gain pecuniary advantage from its research activities;

<sup>3</sup> In force since 1 Jan. 2015

<sup>4</sup> SR 414.20

- b. the level and quality of the research is comparable to that of research carried out by higher education research centres.

**Art. 6** Principles and missions

<sup>1</sup> When planning federally funded activities, research bodies shall take the following into account:

- a. the freedom of research, the scientific quality of research and innovation, and the variety of scientific opinions and methods;
- b. the freedom of teaching and the close relationship between teaching and research;
- c. scientific integrity and good scientific practice.

<sup>2</sup> When fulfilling their tasks, they encourage:

- a. the career development of promising young researchers;
- b. equal opportunities and true gender equality between men and women.

<sup>3</sup> Furthermore, when fulfilling their tasks, they take account of:

- a. the goals of the sustainable development of society, the economy and the environment;
- b. international collaboration undertaken by other research bodies and the Confederation.

<sup>4</sup> When promoting innovation they are attentive to their contribution to competitiveness, value creation and employment in Switzerland.

## **Chapter 2** Promotion

### **Section 1** The Confederation's Tasks and Competences

**Art. 7** Tasks

<sup>1</sup> The Confederation shall promote research and innovation pursuant to this Act and other specific legislation by:

- a. supporting the Federal Institutes of Technology and the research institutions of the ETH Domain;
- b.<sup>5</sup> granting financial contributions under the HEdA<sup>6</sup>;
- c. supporting research funding institutions;
- d. supporting research facilities of national importance;
- e. its own research, including setting up and operating federal research institutes;

<sup>5</sup> In force since 1 Jan. 2015

<sup>6</sup> SR 414.20

- f. appointing the CTI and other measures for the promotion of innovation;
  - g. international scientific collaboration.
- <sup>2</sup> The Confederation may support the creation of a Swiss Innovation Park in order to secure Switzerland's position as a location for research and innovation.
- <sup>3</sup> The Federal Council may give the task of implementing topic-specific funding programmes to research funding institutions and to the CTI.
- <sup>4</sup> It may delegate international cooperation tasks to research funding institutions whose specific competencies are required for the fulfilment of these tasks.

**Art. 8** Service level agreements

- <sup>1</sup> The Federal Council may draw up service level agreements with non-governmental research bodies and other beneficiaries specified in this Act.
- <sup>2</sup> It may delegate these competences to the Federal Department of Economic Affairs, Education and Research (EAER) or to the competent administrative unit.

**Section 2**  
**Tasks, Promotion Principles and Contributions of the Research Funding Institutions**

**Art. 9** Tasks and promotion principles

- <sup>1</sup> The research funding institutions perform tasks that, in practice, need to be carried out within the scope of scientific self-governance.
- <sup>2</sup> They promote research which does not directly serve commercial purposes.
- <sup>3</sup> They promote research in accordance with their own statutes and regulations. These require the approval of the Federal Council, insofar as they cover activities for which federal funding is used.
- <sup>4</sup> The research funding institutions place particular emphasis on the promotion of basic research.
- <sup>5</sup> They promote research in non-commercial research institutes outside the higher education sector according to the following requirements:
- a. the scientific independence of the persons in charge of the implementation of research is ensured;
  - b. the research serves the education and training of young researchers;
  - c. the results will be made available to the scientific public.

**Art. 10** Swiss National Science Foundation

- <sup>1</sup> The Swiss National Science Foundation (SNSF) is the Confederation's funding body for research in all academic disciplines that are represented at a higher education research centre.

- <sup>2</sup> It uses the contributions granted by the Confederation for, in particular:
- a. research funding within the framework of the research instruments that it has set up;
  - b. funding programmes and networked research projects at national and international level that it has decided to participate in;
  - c. implementing national funding programmes which have been approved and commissioned by the Federal Council, particularly the National Research Programmes and the National Centres of Competence in Research;
  - d. supporting Switzerland's participation in international programmes which have been approved and commissioned by the Federal Council;
  - e. supporting measures for the evaluation and exploitation of results of research which it has encouraged.
- <sup>3</sup> Within its remit and responsibilities, it decides on suitable instruments and the type of funding. In so doing, it focuses on the funding of:
- a. excellent research projects;
  - b. highly qualified young researchers;
  - c. research infrastructures which serve the development of fields of expertise in Switzerland and which are not within the remit of the higher education research centres or the Confederation;
  - d. international research cooperation in accordance with the Confederation's relevant goals and measures.
- <sup>4</sup> In the context of its support for higher education research centres and non-commercial research centres outside the higher education sector, it pays contributions in order to compensate for indirect research costs (overheads) which are incurred. The Federal Council regulates the principles for calculating the contributions.
- <sup>5</sup> The SNSF participates in the procedures that precede the decisions on the National Research Programmes, the National Centres of Competence in Research and further funding programmes which are assigned to it.
- <sup>6</sup> In order to ensure the continuity of its research funding, it may use part of the funding provided by the Confederation to build up equity in the form of reserves. In any financial year, the total of the reserves may not exceed 10 per cent of the concurrent annual funding provided by the Confederation.
- <sup>7</sup> Based on the financing decisions of the Federal Assembly, the State Secretariat for Education, Research and Innovation (SERI) periodically draws up a service level agreement with the SNSF. In this agreement, additional tasks conferred by the Federal Council are also specified.

**Art. 11** Swiss Academies of Arts and Sciences

<sup>1</sup> The association of Swiss academies is the Confederation's funding body for strengthening cooperation in and between all academic disciplines and for rooting science in society.

<sup>2</sup> It uses the contributions granted by the Confederation for the following purposes in particular:

- a. conducting and promoting the early recognition of themes relevant to society in education, research and innovation;
- b. striving to ensure that whoever makes or applies scientific discoveries assumes their ethical responsibilities;
- c. encouraging dialogue between the world of science and society; it promotes studies on the opportunities and risks of innovations and technologies.

<sup>3</sup> The academies coordinate their research funding activities in the context of the association and in particular ensure collaboration with higher education research centres.

<sup>4</sup> They promote collaboration among scientists and experts in specialist bodies, commissions and other suitable organisational forms and use these to perform their tasks.

<sup>5</sup> They support international scientific collaboration by funding or running suitable institutions, in particular national coordination platforms and scientific administrative offices for internationally coordinated programmes in which Switzerland participates.

<sup>6</sup> They may support data collections, documentation systems, scientific journals, publications, or similar institutions, which serve as useful infrastructures for the development of fields of expertise in Switzerland and which do not come under the remit of the SNSF or the higher education research centres or do not receive direct support from the Confederation.

<sup>7</sup> Based on the financing decisions of the Federal Assembly, SERI periodically enters into a service level agreement with the Swiss Academies of Arts and Sciences. In this document, the association and the individual academies may be assigned with evaluations under paragraphs 1–4, with the implementation of scientific projects, the operation of institutions under paragraph 6 and other special tasks.

**Art. 12** Scientific integrity and good scientific practice; sanctions

<sup>1</sup> The research funding institutions ensure that research which they support conforms to the rules of scientific integrity and good scientific practice.

<sup>2</sup> If they have good reason to believe that these rules are being breached, they may, within their promotion and controlling mechanisms, obtain information from national or foreign institutions or persons concerned and provide information to such institutions or persons.

<sup>3</sup> They shall set out administrative sanctions in their regulations for violations of scientific integrity and good scientific practice in connection with the acquisition and use of their funding. They may apply one or more of the following measures:

- a. written reprimand;
- b. written warning;
- c. reduction, suspension or repayment of the contributions;
- d. temporary exclusion from making further applications.

<sup>4</sup> They may inform the employing institution of violations and sanctions.

<sup>5</sup> Offences under Article 37 or 38 of the Subsidies Act of 5 October 1990<sup>7</sup> in relation to the promotion of research are prosecuted by SERI in accordance with the provisions of the Federal Act of 22 March 1974<sup>8</sup> on Administrative Criminal Law.

### **Art. 13**            Procedures and rights of appeal

<sup>1</sup> The research funding institutions regulate their procedures for rulings on funding. These must comply with the requirements of Articles 10 and 26–38 of the Administrative Procedure Act of 20 December 1968<sup>9</sup> (APA).

<sup>2</sup> Article 11*b* APA applies to notification of rulings given to applicants abroad in the case of cross-border procedures.

<sup>3</sup> Applicants may appeal against:

- a. the violation of federal law including exceeding or misusing discretion;
- b. the incorrect or incomplete declaration of the legally relevant facts.

<sup>4</sup> The names of the referees and the scientific reviewers may only be communicated with their consent to the complainant.

<sup>5</sup> Furthermore the appeal procedure shall comply with the general provisions on the administration of federal justice.

## **Section 3** **Research and Research Promotion by the Federal Administration**

### **Art. 14**            Reservation of specific legal provisions

This Act applies to the Federal Administration insofar as it carries out or funds research; specific legal provisions relating to government research are reserved.

<sup>7</sup> SR 616.1

<sup>8</sup> SR 313.0

<sup>9</sup> SR 172.021

**Art. 15** Contributions to research facilities of national importance

<sup>1</sup> As part of its approved budget, the Federal Council may make contributions to research facilities of national importance. Federal contributions may be linked to certain conditions, namely the condition of reorganising or merging the research facilities concerned.

<sup>2</sup> It may delegate to the EAER the responsibility for decisions regarding contributions. Rules of jurisdiction in specific legal provisions are reserved.

<sup>3</sup> Research facilities under paragraph 1 may be legally independent facilities of the following types:

- a. non-commercial research infrastructures based outside the universities or which are associated with them, in particular auxiliary scientific services in the field of scientific and technical information and documentation;
- b. non-commercial research institutes based outside the universities or which are associated with them;
- c. centres of technological excellence which work with universities and businesses on a non-commercial basis.

<sup>4</sup> In order to receive funding, research facilities must meet the following requirements:

- a. they perform tasks of national importance which cannot be carried out expeditiously by existing universities and other institutions in the university domain;
- b. they receive substantial funding from cantons, other public institutions, universities or private persons and legal entities.

<sup>5</sup> The federal funding amounts to:

- a. in the case of research infrastructures, a maximum of 50 per cent of the total expenditure for investments and operations; the contribution is complementary to support provided by cantons, other public institutions, universities or private persons and legal entities;
- b. in the case of research institutes, a maximum of 50 per cent of basic funding (total expenditure for investments and operations, after deduction of competitive research funding and mandates); the maximum amount equals the sum of the support provided by cantons, other public institutions, universities and private persons and legal entities;
- c. in the case of centres of technological excellence, a maximum of 50 per cent of basic funding (total expenditure for investments and operations, after deduction of competitive research funding); the maximum amount equals the sum of the contributions provided by research and development cooperation projects and the support provided by cantons, other public institutions, universities and private persons and legal entities.

<sup>6</sup> The Federal Council shall specify the assessment criteria under paragraph 5. In order to develop new areas of activity of centres of technological excellence, he may



put in place special temporary regulations relating to the qualifying income from competitive research funding.

<sup>7</sup> If the support measures affect the remit of other research bodies, the Swiss University Conference or the ETH Board, they must be consulted beforehand.

#### **Art. 16** Federal government research

<sup>1</sup> Government research is research initiated by the Federal Administration because it needs the results of this research to fulfil its tasks.

<sup>2</sup> Government research may include the following measures:

- a. operating the Confederation's own research institutes;
- b. contributing to higher education research centres for the implementation of research programmes;
- c. implementing the Federal Administration's own research programmes, in particular in cooperation with higher education research centres, research funding institutions, the CTI or other funding organisations;
- d. the awarding of research contracts (contract research).

<sup>3</sup> In addition to the measures under paragraph 2, government research institutions which are not federal research institutes, but which must conduct their own research projects for the appropriate fulfilment of their remit, may apply for external funding from national and international funding organisations, or apply competitively to the programmes of such organisations.

<sup>4</sup> Government research is subject to the principles of Article 6 paragraph 1 letters a, b and c as well as paragraph 3 and 4.

<sup>5</sup> Departments are responsible for government research in their area of responsibility.

<sup>6</sup> In the case of measures under paragraph 2 letters b and c, the responsible administrative units shall make contributions to compensate for indirect research costs (*overheads*). The Federal Council regulates the principles for calculating the contributions.

<sup>7</sup> Provisions on funding under Section 8 do not apply to government research.

#### **Art. 17** Federal research institutes

<sup>1</sup> Under specific legal provisions, the Confederation may set up its own research institutes and take over existing ones in part or in entirety.

<sup>2</sup> Federal research institutes must be closed if they no longer fulfil a need or if their tasks could be fulfilled more efficiently and to a comparable standard by higher education research centres.

<sup>3</sup> The Federal Council shall ensure that federal research institutes are appropriately organised.

<sup>4</sup> Under paragraph 3, it may delegate decision-making powers to the department responsible. Regulations on responsibilities contained in specific legal provisions are reserved.

<sup>5</sup> If measures under paragraphs 1 and 2 affect the activities of other research bodies, the Swiss University Conference or the ETH Board, they shall be consulted beforehand.

## **Section 4      Innovation Promotion**

### **Art. 18            Tasks of the Confederation**

<sup>1</sup> The Confederation may support innovation projects.

<sup>2</sup> In addition, it may support:

- a. measures to promote science-based entrepreneurial initiatives;
- b. measures for setting up and developing science-based companies;
- c. the exploitation of knowledge and the knowledge and technology transfer between universities, economy and society.

<sup>3</sup> It shall develop the principles for promoting innovation.

<sup>4</sup> It shall ensure the evaluation of funding activities.

### **Art. 19            Innovation project funding**

<sup>1</sup> The Confederation supports innovation projects through contributions to higher education research centres and non-commercial research centres outside the university domain.

<sup>2</sup> Contributions shall only be granted if the following requirements are fulfilled:

- a. the project is run with one or more private or public partners who are responsible for its commercial exploitation (implementation partner(s));
- b. effective implementation of the research findings in favour of the economy and society may be expected;
- c. the project could probably not be carried out without the Confederation's support;
- d. the implementation partner(s) participate equally in the project funding. The Federal Council may make an exception to this funding rule, in particular for:
  1. projects with an above-average potential for success,
  2. projects whose results may benefit a large number of users;
- e. the project contributes to the practice-oriented training of young researchers.

<sup>3</sup> The Confederation may fund feasibility studies, prototypes and testing facilities even without implementation partner(s) if they are realised by higher education

research centres or non-commercial research institutes outside the university domain and the project has significant potential for innovation.

<sup>4</sup> It may in addition provide for instruments for participation in the costs of effectiveness and feasibility studies for projects by public or private enterprises.

<sup>5</sup> In particular, it shall promote projects under paragraphs 1 and 3 which make a contribution to the sustainable use of resources.

<sup>6</sup> The projects promoted must follow the principles of scientific integrity and good scientific practice. If this is not the case, the sanctions and the duty to provide information under Article 12 paragraphs 2–4 apply.

**Art. 20** Further support measures

<sup>1</sup> The Confederation may support science-based entrepreneurial initiatives through:

- a. raising the awareness of and training people who want to start a business or who have started a business;
- b. providing information and counselling.

<sup>2</sup> It may support the setting up and development of science-based businesses through:

- a. support, counselling and coaching for young business people;
- b. helping business people to find funding;
- c. providing information and counselling.

<sup>3</sup> It may support the exploitation of knowledge and knowledge and technology transfer by encouraging an exchange of information between universities and public or private enterprises.

**Art. 21** Establishment and organisation of the Commission for Technology and Innovation

<sup>1</sup> The Confederation shall establish a government-mandated commission for the promotion of innovation, called the 'Commission for Technology and Innovation' (CTI).

<sup>2</sup> The CTI consists of representatives of science and public or private enterprises, together with, in justified individual cases, representatives of public institutions.

<sup>3</sup> It is divided into funding areas with decision-making powers.

<sup>4</sup> The Federal Council shall appoint the Board; this consists of the President and the funding area presidents.

<sup>5</sup> The Federal Council shall appoint the other members according to the Board's proposals.

<sup>6</sup> The CTI makes decisions independently.

<sup>7</sup> It is administratively affiliated to the EAER.

**Art. 22** The CTI Secretariat

<sup>1</sup> The CTI runs a secretariat.

<sup>2</sup> The Secretariat prepares the business to be transacted by the CTI and implements the CTI's decisions. It shall deal with the parties involved, third parties and any authorities directly.

<sup>3</sup> The Federal Council shall appoint the Director of the Secretariat. The CTI Board shall appoint the senior staff. The Director shall appoint the rest of the staff.

<sup>4</sup> Their employment relationship is governed by the Confederation's employment legislation.

<sup>5</sup> The President of the CTI supervises the Secretariat's activities.

**Art. 23** Business and funding regulations of the CTI

<sup>1</sup> The CTI shall issue:

- a. business regulations which set out the details of its organisation, including the secretariat;
- b. funding regulations, which set out its funding instruments, specify the basis for calculating contributions, regulate payment procedures and define sanctions, information requirements and information rights under Article 12 paragraphs 2–4.

<sup>2</sup> The business and funding regulations require the Federal Council's approval.

**Art. 24** Tasks of the CTI

<sup>1</sup> The CTI is the Confederation's funding agency for science-based innovation in all disciplines which are covered by higher education research centres.

<sup>2</sup> Within the framework of the goals set and credits granted by the Federal Assembly and the Federal Council, it decides on:

- a. the funding of innovation projects;
- b. the other support measures under Article 18 paragraph 2.

<sup>3</sup> Within the scope of its funding, it shall make contributions to compensate for indirect research costs (*overheads*) incurred by higher education research centres and by non-commercial research centres outside the university domain. The Federal Council regulates the principles for calculating the contributions.

<sup>4</sup> It takes appropriate measures and decisions in the context of international innovation funding under Article 28 paragraph 2 letter c, unless another agency is responsible under international treaties.

<sup>5</sup> It may collaborate with international funding agencies to promote Swiss research partners in cross-border innovation projects.

<sup>6</sup> Within its area of responsibility, it promotes the provision of information on national and international programmes and the filing of applications.

<sup>7</sup> It submits an annual report to the Federal Council. In this report, it may make recommendations to administrative units which are also active in the field of innovation funding.

**Art. 25** Prosecution

Offences referred to in Article 37 or 38 of the Subsidies Act of 5 October 1990<sup>10</sup> in relation to the promotion of innovation shall be prosecuted by the EAER under the provisions of the Federal Act of 22 March 1974<sup>11</sup> on Administrative Criminal Law.

**Section 5**  
**Responsibility of the Federal Council for additional Eligibility Conditions**

**Art. 26** Compliance with scientific integrity and good scientific practice

<sup>1</sup> The Federal Council may make the granting of federal funding to higher education research centres subject to the following criteria:

- a. the higher education research centres introduce quality assurance measures for research funded by the Confederation;
- b. they issue guidelines on compliance with the rules of scientific integrity and good scientific practice for the scientists working in their institutions;
- c. they are able to take measures in the event of violations of these rules and have the procedures required for doing so.

<sup>2</sup> Measures are deemed particularly necessary in cases where:

- a. research findings made by third parties are used without citing the source;
- b. research findings, research data and research records are used that have been invented, or are forged or falsified by being presented in an intentionally misleading manner;
- c. scientific integrity and good scientific practice are breached in any other serious manner.

**Art. 27** Exploitation of research findings

<sup>1</sup> The Federal Council may make federal funding for higher education research centres contingent on higher education research centres developing a strategy for their research and innovation activities on the exploitation of knowledge and the knowledge and technology transfer between universities and public or private enterprises.

<sup>2</sup> It may additionally make the granting of federal funding contingent on one or more of the following requirements:

<sup>10</sup> SR 616.1

<sup>11</sup> SR 313.0

- a. the intellectual property rights or the rights of use to the results of federally funded research are transferred to the employer higher education research centre;
- b. the employer higher education research centre concerned takes measures to promote the exploitation of research results, in particular their commercial use, and to share the revenues appropriately with the creators of the intellectual property;
- c. the research and implementing partners propose regulations for intellectual property and rights of use.

<sup>3</sup> If the higher education research centres concerned fail to implement the measures under paragraph 2 letter b, the creators may request the reassignment of the intellectual property rights or the rights of use.

## **Section 6**

### **International Cooperation in the Field of Research and Innovation**

#### **Art. 28** Goals, tasks and responsibilities

<sup>1</sup> The Confederation shall promote Switzerland's international cooperation in research and innovation both in the interests of developing Switzerland as a location for research and innovation and Swiss universities, and in the interests of the economy, society and the environment.

<sup>2</sup> In the context of the overall goals for Switzerland's international research and innovation policy, it may promote:

- a. Switzerland's participation in the development and operation of international research facilities and internationally coordinated research infrastructures;
- b. Switzerland's participation in international programmes and projects promoting research and innovation;
- c. Switzerland's involvement in international organisations and bodies in the conception, planning, implementation, operation and development of the corresponding promotion activities;
- d. further bilateral and multilateral cooperation and cooperation in research and innovation.

#### **Art. 29** Contributions and measures

<sup>1</sup> Within the limits of the credits authorised, the Federal Council may make the following contributions and provide for the following measures:

- a. contributions to research and technology programmes and projects which enable or facilitate Swiss participation in international organisations and programmes' experiments and schemes or Swiss use of international research facilities;

- b. contributions to higher education research centres and non-commercial research centres outside the higher education sector, to enable or facilitate Swiss participation in the experiments and schemes of international organisations and programmes;
- c. contributions to higher education research centres for bilateral or multilateral cooperation in research outside international programmes and organisations; in this context it may make its contribution contingent on the beneficiary making its own suitable contributions in the interests of Switzerland's international research and innovation policy;
- d.<sup>12</sup> contributions to Swiss public or private enterprises for devising project proposals for participation in the European Union's framework research programmes;
- e.<sup>13</sup> contributions to Swiss public or private enterprises for the promotion of their participation in the European Union's framework research programmes and the initiatives and programmes co-financed by these framework programmes, provided provision is made for the enterprise to receive government contributions for such participation;
- f.<sup>14</sup> promoting the provision of information on activities and programmes for international cooperation in research and innovation among interested parties in Switzerland;
- g.<sup>15</sup> counselling and support for interested parties in Switzerland in relation to the drafting and filing of applications regarding international research and innovation programmes and projects.

<sup>2</sup> The Federal Council shall regulate the assessment of the contributions and the procedure.

### **Art. 30** Tasks for the SNSF

The Federal Council may give the SNSF the following tasks within its remit and expertise:

- a. representing the interests of the Swiss Confederation in international bodies that conceive and plan international funding programmes in which Switzerland participates;
- b. evaluating applications for programmes in which Switzerland participates;
- c. implementing national promotional measures to support the Confederation's international promotional measures;
- d. concluding agreements that fall within its remit with research funding organisations in other countries.

<sup>12</sup> Inserted by Ch. I of the FA of 27 Sept. 2013, in force since 1 March 2014 (AS 2014 463; BBl 2013 1987).

<sup>13</sup> Inserted by No I of the Federal Act of 27 Sept. 2013, in force since 1 March 2014 (AS 2014 463; BBl 2013 1987).

<sup>14</sup> Originally let. d.

<sup>15</sup> Originally let. e.

**Art. 31** Conclusion of international treaties by the Federal Council

<sup>1</sup> The Federal Council may conclude international treaties on international collaboration on research and innovation.

<sup>2</sup> In the treaties, it may make arrangements for:

- a. budgetary control and audits;
- b. personnel security screening;
- c. safeguarding and allocating intellectual property that results from or is required in the context of scientific collaboration;
- d. the federal participation in public or private legal entities;
- e. accession to international organisations;
- f. controlling activities by representatives from third countries and from international organisations in higher education research centres and other private or public research institutions involved in Switzerland.

<sup>3</sup> If the agreements under paragraph 1 affect the tasks of specific research bodies, the Swiss University Conference or the ETH Board, they must be consulted beforehand.

**Section 7** **Swiss Innovation Park****Art. 32** Requirements for support from the Confederation

<sup>1</sup> The Confederation may support the construction of a Swiss Innovation Park subject to the following conditions:

- a. the innovation park serves a greater national interest, competitiveness, resource efficiency and sustainable development;
- b. in order to maintain a balance between the regions, it is from the outset established on several regional sites, which are coordinated and which work with the universities;
- c. it cannot be realised as part of the ordinary promotion activities under Article 7 paragraph 1;
- d. it complements the standard promotion activities under Sections 2 and 4 in an appropriate manner;
- e. it makes an effective contribution to the networking of innovation activities in Switzerland in both institutions and regions.

<sup>2</sup> The Federal Assembly shall approve the Confederation's support of a Swiss Innovation Park with a simple federal decree.

**Art. 33** Support measures and their requirements

<sup>1</sup> The Confederation's support for the Swiss Innovation Park can be implemented by:



- a. the sale of suitable real estate owned by the Confederation;
  - b. the provision of suitable real estate owned by the Confederation without waiving claims to land lease interests;
  - c. the provision of suitable real estate owned by the Confederation subject to a fixed-term waiver of claims to land lease interests;
  - d. the acquisition of real estate owned by third parties;
  - e. a combination of the measures under letters a–d;
  - f. further measures necessary to the success of the innovation parks, which cannot be achieved through standard promotion methods under Article 7 paragraph 1, particularly fixed-term interest-free loans or other appropriate financing instruments.
- <sup>2</sup> The following requirements apply to the support:
- a. Land use and local area planning requirements for the planned use of the real estate concerned must be met in full at the time of the federal decree under Article 32 paragraph 2.
  - b. A private or public institution with diverse national investors with the involvement of several cantons and the private sector is responsible for the construction of the innovation park; its establishment must at the latest coincide with the federal decree.
  - c. The institution responsible for the construction of the innovation park guarantees, in particular:
    1. long-term-oriented development and the reliable operation of the innovation park;
    2. compliance with all building law and public procurement law requirements for public and private investors;
    3. a clearly regulated structural and management organisation adapted to its legal form, which observes the principles applicable to public institutions regarding accounting, financial controlling and financial reporting to its investors;
    4. regulated rights for the ETH Board, the institutions of the ETH Domain and other interested higher education institutions to participate in decision-making processes on issues affecting the activities and interests of these bodies and institutions.
- <sup>3</sup> The construction of the innovation park will be divided across several sites. For the institutions responsible for the locations, different funding bodies may be provided under paragraph 2 letter b. The requirements under paragraph 2 letter c apply to all of these institutions. Furthermore, the institutions responsible for each location must be able to provide a sufficient guarantee of appropriate networking of the locations.

**Art. 34** Public law contract

<sup>1</sup> Based on the federal decree in accordance with Article 32 paragraph 2, the Federal Council shall enter into a public law contract with the institutions responsible under Article 33 paragraph 2 letter b.

<sup>2</sup> This contract regulates the following:

- a. the purpose of the government's individual support measures;
- b. the amount of and due date for repayment to the Confederation of the income generated by the institution;
- c. the way in which funding should be reimbursed to the Confederation if the aim fails.

**Section 8 Financing****Art. 35** Applications of the Federal Council

<sup>1</sup> The Federal Council shall submit to the Federal Assembly:

- a. a periodic dispatch on the promotion of education, research and innovation (the ERI Dispatch);
- b. as required further specific dispatches on the promotion of research and innovation.

<sup>2</sup> In these dispatches, it requests the Federal Assembly to make the required financing decisions.

**Art. 36** Authorisation of funds

The Federal Assembly shall authorise the following for a multi-year period by simple federal decree:

- a. the payment structure for research funding institutions;
- b. the payment structure for contributions to research facilities of national significance;
- c. the guarantee credit for the CTI's promotion of innovation;
- d. the guarantee credits for contributions in the context of international cooperation in the field of research and innovation.

**Art. 37** Approval and payment of funds

<sup>1</sup> Federal contributions to research funding institutions are approved on the basis of the promotion plans which are presented annually by the institutions and approved by the relevant federal offices (Art. 48).

<sup>2</sup> Federal contributions to research facilities of national importance (Art. 15) are approved on the basis of rulings on contributions and on service level agreements.

<sup>3</sup> The payment of approved federal contributions is made in accordance with Article 23 of the Subsidies Act of 5 October 1990<sup>16</sup>.

<sup>4</sup> The approval and payment of federal contributions in the context of international cooperation depends on:

- a. the provisions of the international treaties; or
- b. the provisions of rulings on contributions and agreements.

## **Section 9     Repayment of Funds**

**Art. 38**            Repayment in the case of a breach of duty

<sup>1</sup> Research funding institutions shall demand the repayment of the funds which they have granted if these have been wrongfully paid out or if the recipient has not fulfilled his obligations despite having been reminded to do so.

<sup>2</sup> The right to demand repayment shall expire one year from the time that the donor becomes aware of it, and in any case five years from the time that the right is created.

<sup>3</sup> Research funding institutions shall use repaid funds for tasks assigned to them by the Confederation. They shall provide information on this in their annual reports.

**Art. 39**            Repayment in the case of economic benefit and profit sharing

<sup>1</sup> If the results of fully or partially federally-funded research are used commercially, the research funding institutions may demand:

- a. repayment of the funds they granted in proportion to the revenues earned; and
- b. an appropriate share of profits.

<sup>2</sup> Research funding institutions shall use repaid funds for tasks assigned to them by the Confederation. They shall provide information on this in their annual reports.

## **Chapter 3     Coordination and Planning**

### **Section 1     Self-Coordination**

**Art. 40**

<sup>1</sup> Every research body shall coordinate the activities to be carried out under its authority or with its support.

<sup>2</sup> Research bodies shall coordinate their activities between themselves by providing each other with information in good time.

<sup>16</sup> SR 616.1

<sup>3</sup> The research funding institutions, the CTI and the Federal Administration, insofar as they promote research and innovation, shall coordinate their activities by adjusting their promotion measures and collaboration within the scope of their promotion activities. They shall in their coordination efforts take account of teaching needs, research carried out without government funding, research abroad and coordination under the HEdA<sup>17</sup>.

## **Section 2      Coordination by the Federal Council**

### **Art. 41          Principles**

<sup>1</sup> The Federal Council shall ensure that federal funding for research and innovation is used in a coordinated, economical and effective manner.

<sup>2</sup> If cooperation cannot be achieved through self-coordination, the Federal Council shall take the required measures. To this end, it may in particular give existing commissions specific coordination tasks or set up special commissions.

<sup>3</sup> It checks, periodically or when required:

- a. the coordination between national and international promotion of research and innovation;
- b. the coherence between international cooperation on research and innovation and Switzerland's economic foreign policy, development policy and general foreign policy.

<sup>4</sup> Additionally, it shall take the required measures for the coherent coordination of the Confederation's international research and innovation promotion, particularly regarding cost-intensive research infrastructures, with:

- a. development planning in the ETH Domain; and
- b. national university policy coordination and division of tasks in particularly cost-intensive fields.

<sup>5</sup> It shall coordinate the planning and implementation of national promotion initiatives in the field of research and innovation which, due to their organisational and financial consequences cannot be implemented within the standard promotion activities of the research funding institutions and the CTI.

<sup>6</sup> In doing so, it shall ensure that the research bodies, the Swiss University Conference and the ETH Board are involved in the planning. It shall draft proposals to the Federal Assembly regarding promotional measures under paragraph 5, including decisions on financing and implementation, in agreement with the Swiss University Conference.

<sup>17</sup> SR 414.20

**Art. 42** Interdepartmental coordination committee for the Confederation's government research

<sup>1</sup> The Federal Council shall set up an interdepartmental committee for the Confederation's government research.

<sup>2</sup> It shall set out the procedure for the appointment of members of the coordination committee.

<sup>3</sup> The coordination committee has the following tasks:

- a. It coordinates the process for the development of the multi-year programme (Art. 45 para. 3);
- b. It issues guidelines on quality assurance in the field of government research.

<sup>4</sup> The Federal Council may give the coordination committee other tasks in the field of government research.

### **Section 3 Research and Innovation Policy Planning**

**Art. 43** Planning resources

The resources used for research and innovation policy planning are:

- a. the review of the strategic objectives of the Confederation's promotion policy;
- b. the multi-year programmes;
- c. the annual plan.

**Art. 44** Reviewing the strategic objectives of the Confederation's promotion policy

<sup>1</sup> The EAER shall instruct national or international expert commissions to conduct the periodic review of Swiss research and innovation promotion policy or parts thereof.

<sup>2</sup> It shall obtain an opinion on the results from the Swiss Science and Innovation Council.

<sup>3</sup> In certain cases it may instruct the Swiss Science and Innovation Council to conduct reviews under paragraph 1 or the coordination thereof.

<sup>4</sup> Based on the review under paragraph 1, the Federal Council shall determine the strategic objectives for the Confederation's research and innovation promotion policy. Before doing so, it shall consult the Swiss University Conference, the ETH Board, the SNSF, the CTI and, if required, other research bodies concerned.

<sup>5</sup> It shall adapt promotion policy to the new conditions.

<sup>6</sup> It shall periodically submit a report on the results of the reviews under paragraph 1 and on its research and innovation promotion policy strategy to the Federal Assembly at the same time as it submits the ERI Dispatch.

**Art. 45** Multi-year programmes

<sup>1</sup> With the multi-year programmes, the research bodies provide information on their research and innovation policy plans and their medium-term priorities.

<sup>2</sup> The multi-year programmes aim at the coordination and cooperation among research bodies and contain the information required for the periodic ERI Dispatch and for the Confederation's financial planning. They also serve as a basis for the Confederation's periodic service level agreements with research funding institutions.

<sup>3</sup> The multi-year programmes for government research are presented in the form of trans-organisational research concepts. In them, the Federal Administration provides information on planned priorities for government research. In doing so, they particularly take into account the existing research priorities for higher education institutions, the SNSF's funding programmes under government mandate and the CTI's activities.

**Art. 46** Responsibility for development

<sup>1</sup> Responsibility for development of the multi-year programme lies with:

- a. the research funding institutions;
- b. the CTI;
- c. the research facilities of national importance that are supported under this Act;
- d. offices of the Federal Administration designated by the Federal Council.

<sup>2</sup> The universities which receive contributions under Chapter 8 of the HEdA<sup>18</sup> shall provide the necessary information on their research in accordance with the procedures specified in the HEdA.

<sup>3</sup> The two federal institutes of technology and the research institutes in the ETH Domain shall provide the necessary information on their research in accordance with the procedures specified in the ETH Act of 4 October 1991<sup>19</sup>.

**Art. 47** Procedures

<sup>1</sup> The Federal Council decides on the formal requirements for the multi-year programmes.

<sup>2</sup> The multi-year programmes shall be presented to:

- a. the Federal Council for information;
- b. if it concerns university research: the Swiss University Conference for comment;
- c. if it concerns the ETH Domain: the ETH Board for comment.

<sup>18</sup> SR 414.20

<sup>19</sup> SR 414.110

<sup>3</sup> If the multi-year programmes are not harmonised or if the funding requests exceed the federal funds expected to be available, the Federal Council may require the programme to be revised.

<sup>4</sup> The Federal Council shall submit a report on the multi-year programme to the Federal Assembly in the context of the periodic ERI Dispatch.

**Art. 48** Annual plan

<sup>1</sup> Research funding institutions shall issue an annual promotion plan. They shall submit it to the EAER for approval.

<sup>2</sup> The EAER may delegate its power of approval to the relevant administrative unit.

<sup>3</sup> The Federal Administration shall clarify in the explanatory statements on the budget how funds for government research tasks should be used.

## **Chapter 4 Information and Reporting Obligations, Quality Control**

**Art. 49** Information on promotion activities

<sup>1</sup> The research funding institutions, the CTI and the Federal Administration shall inform the public of their promotion activities in a suitable manner.

<sup>2</sup> To this end, they shall operate publicly accessible information systems on the projects they fund in the field of research and innovation.

**Art. 50** Access to the results of research

The research funding institutions, the CTI and the Federal Administration shall ensure that the results of research are available to the public in accordance with the legal provisions.

**Art. 51** Quality control

<sup>1</sup> The research funding institutions and the CTI shall maintain a suitable quality control system for decision-making and programmes.

<sup>2</sup> In addition, in the context of the tasks and responsibilities conferred to them, they shall periodically review the suitability of the funding instruments and the form of support.

<sup>3</sup> Quality control in the field of government research shall be governed by guidelines issued by the interdepartmental coordination committee for government research. Rules in specific legislation are reserved.

**Art. 52** Reporting

<sup>1</sup> The research funding institutions and the Federal Administration, insofar as it carries out or promotes research, shall periodically report on their activities and on the implementation of the multi-year programme to the Federal Council or the

department responsible.

<sup>2</sup> The department responsible regulates the form, extent and timing of the report, if appropriate in the context of the service level agreement concluded.

<sup>3</sup> The Federal Council shall provide the Federal Assembly with the periodic ERI Dispatch.

## Chapter 5 Statistics

### Art. 53

<sup>1</sup> The Federal Council shall order the statistical survey required for the application of this Act.

<sup>2</sup> It shall first consult the research bodies concerned and, if the statistical survey concerns recipients of funding under the HEdA<sup>20</sup> or the ETH Act of 4 October 1991<sup>21</sup>, the Swiss University Conference or the ETH Board.

<sup>3</sup> It shall guarantee the provision of information on the research and innovation activities of the Federal Administration and the ETH Domain whenever possible according to Article 50.

<sup>4</sup> SERI runs a database for government research projects.

## Chapter 6 Swiss Science and Technology Council

### Art. 54 Tasks

<sup>1</sup> The Swiss Science and Technology Council (SSTC) is an extra-parliamentary commission under Article 57a paragraph 1 of the Government and Administration Organisation Act of 21 March 1997<sup>22</sup>. It advises the Federal Council on all questions relating to research and innovation policy on its own initiative or when mandated by the Federal Council or the EAER.

<sup>2</sup> On behalf of the Federal Council or the EAER, it has the following tasks:

- a. It evaluates in particular:
  1. the Confederation's promotion measures;
  2. the research bodies' fulfilment of their tasks;
  3. the funding instruments of the research funding institutions and the CTI;
  4. the efficacy of government research measures.
- b. It comments on specific plans or problems in research and innovation policy.

<sup>20</sup> SR 414.20

<sup>21</sup> SR 414.110

<sup>22</sup> SR 172.010



- c. It supports the EAER with the periodic review of Swiss research and innovation policy.
- d. It advises the Federal Council on the implementation of this Act.

**Art. 55** Choice and organisation

<sup>1</sup> The Federal Council chooses the members of the SSTC and its president.

<sup>2</sup> The SSTC has 10–15 members. They have proven interdisciplinary competencies in science, vocational education and training and innovation.

<sup>3</sup> The SSTC shall issue regulations governing its organisation and management. These shall be approved by the Federal Council.

## Chapter 7 Final Provisions

**Art. 56** Implementation

The Federal Council shall issue the implementing provisions.

**Art. 57** Repeal and amendment of existing legislation

<sup>1</sup> The Research and Innovation Promotion Act of 7 October 1983<sup>23</sup> is repealed, subject to paragraph 2 below.

<sup>2</sup> Until the entry into force of the HEEdA<sup>24</sup>, Article 5 letter b numbers 2 and 3, 6 paragraph 1 letters b and c and 24 paragraph 2 of the Federal Act on Research and Innovation of 7 October 1983 continue to apply.

<sup>3</sup> The HEEdA is amended as follows:

...<sup>25</sup>

**Art. 58** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the commencement date.

<sup>3</sup> It shall bring the following provisions into force at the same time as the HEEdA<sup>26</sup>:

- a. Article 4 letter c number 2;
- b. Article 7 paragraph 1 letter b;
- c. Article 46 paragraph 2.

<sup>23</sup> [AS 1984 28, 1992 1027 Art. 19, 1993 901 Annex No 4 2080 Annex No 9, 1996 99, 2000 1858, 2003 4265, 2004 4261, 2006 2197 Annex No 39, 2008 433, 2010 651, 2011 4497 No I 1, 2012 3655 No I 13, 2013 2639]

<sup>24</sup> SR 414.20; in force since 1 Jan. 2015

<sup>25</sup> The amendments may be consulted under AS 2013 4425.

<sup>26</sup> SR 414.20, in force since 1 Jan. 2015

<sup>4</sup> Articles 5 letter b numbers 2 and 3, 6 paragraph 1 letters b and c and 24 paragraph 2 of the Research and Innovation Promotion Act of 7 October 1983<sup>27</sup> shall be repealed at the same time as the HEdA comes into force.

Commencement date: 1 January 2014<sup>28</sup>

Article 4 letter c number 2, 7 paragraph 1 letter b and 46 paragraph 2 come into force at the same time as the HEdA<sup>29</sup> (Art. 58 par. 3).

### **Article 22 paragraph 5 in the Innosuisse Act<sup>30</sup>**

<sup>5</sup> The level of the grants, the financial contributions from businesses and the repayment terms for interest-free loans are regulated in the Innosuisse Contributions Ordinance.

<sup>27</sup> [AS 1984 28, 2008 433, 2010 651]

<sup>28</sup> Federal Council Decree of 29 Nov. 2013

<sup>29</sup> SR 414.20, in force since 1. Jan. 2015 (AS 2014 4103)

<sup>30</sup> Inserted by Annex No 2 of the Innosuisse Act of 17 June 2016, in force since 1 Jan. 2017 (AS 2016 4259; BBl 2015 9487).