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

of 14 December 2012 (Status as of 1 January 2020)

*The Federal Assembly of the Swiss Confederation,
based on Article 64 paragraphs 1 and 3 of the Federal Constitution¹,
and having considered the Federal Council Dispatch of 9 November 2011²,
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

¹ SR 101

² 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.³ the Swiss Innovation Agency (Innosuisse) under the Federal Act of 17 June 2016⁴ on the Swiss Innovation Agency;
- c. the following higher education research centres:
1. the two federal institutes of technology and research institutes within the Federal Institutes of Technology Domain,
 2. higher education institutions and other institutions within the higher education sector that are accredited under the Federal Act of 30 September 2011⁵ on the Funding and Coordination of the Higher Education Sector (HEdA);
 3. research facilities 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:

³ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

⁴ SR **420.2**

⁵ SR **414.20**

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

¹ 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.

² 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.

³ 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.

⁴ 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

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

- a. supporting the two federal institutes of technology and the research institutes within the Federal Institutes of Technology Domain;
- b. granting financial contributions under the HEdA⁶;
- c. supporting research funding institutions;
- d. supporting research facilities of national importance;

⁶ SR 414.20

- e. its own research, including setting up and operating federal research institutes;
 - f.⁷ managing Innosuisse and other innovation support measures;
 - g.⁸ international cooperation in research and innovation.
- ² 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.
- ³ The Federal Council may give the task of implementing topic-specific funding programmes to research funding institutions and to the Innosuisse.⁹
- ⁴ It may delegate international cooperation tasks to research funding institutions and Innosuisse, when their specific competencies are required in order to carry out these tasks.¹⁰

Art. 8 Service level agreements

- ¹ The Federal Council may draw up service level agreements with non-governmental research bodies and other beneficiaries specified in this Act.
- ² 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

- ¹ The research funding institutions perform tasks that, in practice, need to be carried out within the scope of scientific self-governance.
- ² They promote research which does not directly serve commercial purposes.
- ³ 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. The research funding institutions may delegate the task of issuing implementing provisions of minor importance to the statutes and regulations requiring approval to subsidiary bodies. These provision do not require approval.¹¹

⁷ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

⁸ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

⁹ Amended by No II of the FA of 30 Sept. 2016, in force since 1 Jan. 2018 (AS **2017** 163; BBl **2016** 3089).

¹⁰ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

¹¹ Amended by No I of the FA of 30 Sept. 2016, in force since 1 Feb. 2017 (AS **2017** 163; BBl **2016** 3089).

⁴ The research funding institutions place particular emphasis on the promotion of basic research.

⁵ 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

¹ 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.

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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

¹ 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.

² 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.

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

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

⁵ 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.

⁶ 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.

⁷ 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

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

² 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.

³ 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.

⁴ They may inform the employing institution of violations and sanctions.

⁵ Offences under Article 37 or 38 of the Subsidies Act of 5 October 1990¹² in relation to the promotion of research are prosecuted by SERI in accordance with the provisions of the Federal Act of 22 March 1974¹³ on Administrative Criminal Law.

Art. 13 Procedures and rights of appeal

¹ 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 1968¹⁴ (APA).

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

³ 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.

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

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

¹² SR 616.1

¹³ SR 313.0

¹⁴ SR 172.021

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.

Art. 15 Contributions to research facilities of national importance

¹ 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.

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

³ Research facilities under paragraph 1 may be legally independent facilities of the following types:

- a. non-commercial research infrastructures based outside higher education institutions 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 higher education institutions or which are associated with them;
- c. centres of technological excellence which work with higher education institutions and businesses on a non-commercial basis.

⁴ In order to receive funding, research facilities must meet the following requirements:

- a. they perform tasks of national importance which cannot be carried out expediently by existing higher education institutions and other institutions within the higher education sector;
- b. they receive substantial funding from cantons, other public institutions, higher education institutions or private persons and legal entities.

⁵ 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, higher education institutions 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, higher education institutions 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, higher education institutions and private persons and legal entities.

⁶ 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.

⁷ 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

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

² 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, Innosuisse¹⁵ or other funding organisations;
- d. the awarding of research contracts (contract research).

³ 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 to Innosuisse or other national and international funding organisations for third party funding or for participation in programmes.¹⁶

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

⁵ Departments are responsible for government research in their area of responsibility.

¹⁵ Term in accordance with Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487). This amendment has been made throughout the text.

¹⁶ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

⁶ 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.

⁷ Provisions on funding under Section 8 do not apply to government research.

Art. 17 Federal research institutes

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

² 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.

³ The Federal Council shall ensure that federal research institutes are appropriately organised.

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

⁵ 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.

⁶ Federal research institutes may apply to Innosuisse or other national and international funding organisations for third party funding or for participation in programmes.¹⁷

Section 4 Innovation Promotion

Art. 18 Tasks of the Confederation

¹ The Confederation may support innovation projects.

² 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 higher education institutions, the private sector and society;
- d.¹⁸ Next-generation innovators.

¹⁷ Inserted by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

¹⁸ Inserted by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

³ It shall develop the principles for promoting innovation.

⁴ It shall ensure the evaluation of funding activities.

Art. 19 Innovation project funding

¹ As the Confederation's funding institution, Innosuisse encourages science-based innovation within the meaning of the Federal Act of 17 June 2016¹⁹ on the Swiss Innovation Agency and supports innovation projects through contributions to higher education research centres and non-commercial research centres outside the higher education sector.²⁰

² 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.

³ Innosuisse may fund feasibility studies, prototypes and testing facilities even without implementation partners if they are carried out by higher education research centres or non-commercial research institutes outside the higher education sector and the project has significant potential for innovation.²¹

⁴ It may in addition provide for instruments to subsidise the costs of studies carried out by companies to determine the effectiveness and feasibility of projects.²²

⁵ In particular, it shall promote projects under paragraphs 1 and 3 which make a contribution to the sustainable use of resources.²³

⁶ 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.

¹⁹ SR 420.2

²⁰ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BBl 2015 9487).

²¹ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BBl 2015 9487).

²² Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BBl 2015 9487).

²³ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BBl 2015 9487).

Art. 20 Other support measures

¹ Innosuisse may support science-based entrepreneurial initiatives by:²⁴

- a.²⁵ informing and training people who wish to start a business, have recently started a business or wish become part of an existing business;
- b. providing information and counselling.

² It may support the setting up and development of science-based businesses by:²⁶

- a. providing guidance, consulting and coaching to new entrepreneurs;
- b. helping business people to find funding;
- c. providing information and advisory services.

³ It may support the use of knowledge as well as knowledge and technology transfer by encouraging an exchange of information between higher education institutions and the private sector.²⁷

Art. 21²⁸ Vouchers for guidance, consulting, coaching and mentoring

¹ In the case of guidance, consulting and coaching under Article 20 paragraph 2 letter a, and support in the exchange of information between higher education institutions and the private sector under Article 20 paragraph 3 through innovation mentoring, only services rendered by qualified providers selected by Innosuisse are eligible.

² Innosuisse shall maintain a publically accessible list of qualified service providers.

³ Vouchers may be used in support of:

- a. new entrepreneurs for guidance, consulting and coaching (Art. 20 para. 2 let. a);
- b. companies for innovation mentoring (Art. 20 para. 3).

⁴ Innosuisse-funded services and corresponding maximum thresholds shall be formalised in a contract with the voucher recipient under paragraph 3. In simple cases, funding commitments shall be made by an official decision.

²⁴ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

²⁵ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

²⁶ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

²⁷ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

²⁸ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

Art. 22²⁹ Next-generation innovators

¹ Innosuisse may support highly qualified next-generation innovators by providing them with scholarships or interest-free loans.

² The financial aid referred to in paragraph 1 shall be provided within the framework of a personalised support programme decided by Innosuisse. This shall include a stay abroad:

- a. in a science-based company to acquire practical skills; or
- b. in a research centre within the meaning of Article 4 letter c or Article 5 to further develop applied research skills.

³ The financial aid referred to in paragraph 1 shall only be provided if the programme referred to in paragraph 2 cannot be provided as part of an innovation project under Article 19 or as measures under Article 20.

⁴ The duration of the stay referred to in paragraph 2 may not exceed 3 years.

⁵ The amount of scholarships, financial participation in companies and the terms of repayment of interest-free loans are set forth in the Innosuisse Funding Ordinance.

Art. 23³⁰ Compensation of indirect research costs

¹ As part of its support activities, Innosuisse shall make contributions to compensate for indirect research costs (*overheads*) incurred by higher education research centres and by non-commercial research centres outside the higher education sector.

² The Federal Council regulates the principles for calculating the contributions.

Art. 24³¹ Applicability of the Subsidies Act

The provisions of the Federal Act of 5 October 1990³² on Financial Assistance and Subsidies apply to Innosuisse innovation support activities.

Art. 25 Prosecution

Offences referred to in Article 37 or 38 of the Subsidies Act of 5 October 1990³³ in relation to innovation support shall be prosecuted by the EAER under the provisions of the Federal Act of 22 March 1974³⁴ on Administrative Criminal Law.

²⁹ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018, Abs. 5 in force since 1 Jan. 2017 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

³⁰ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

³¹ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

³² SR **616.1**

³³ SR **616.1**

³⁴ SR **313.0**

Section 5

Responsibility of the Federal Council for additional Eligibility Conditions

Art. 26 Compliance with scientific integrity and good scientific practice

¹ 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.

² 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

¹ 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 higher education institutions and the private sector.

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

- 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.

³ 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

¹ The Confederation shall support Swiss international cooperation in research and innovation to better position Switzerland as a location for research and innovation, to promote the Swiss higher education sector and to further business, social and environmental interests.

² 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

¹ 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.³⁵ contributions to Swiss companies for devising project proposals for participation in the European Union's framework research programmes;

³⁵ Inserted by No I of the FA of 27 Sept. 2013, in force since 1 March 2014 (AS 2014 463; BBl 2013 1987).

- e.³⁶ contributions to Swiss companies 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 company to receive government contributions for such participation;
- f.³⁷ contributions to non-commercial institutions and organisations for the following activities, provided they are not carried out by the Confederation itself:
 1. provision of information to interested groups in Switzerland on activities and programmes for international cooperation in research and innovation,
 2. counselling and support for interested groups in Switzerland in relation to the drafting and filing of applications regarding international research and innovation programmes and projects.

g.³⁸ ...

² 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.

Art. 31 Conclusion of international treaties by the Federal Council

¹ The Federal Council may conclude international treaties on international collaboration on research and innovation.

³⁶ Inserted by No I of the FA of 27 Sept. 2013, in force since 1 March 2014 (AS 2014 463; BBl 2013 1987).

³⁷ Originally: let. d. Amended by No I of the FA of 30 Sept. 2016, in force since 1 March 2017 (AS 2017 163; BBl 2016 3089).

³⁸ Originally: let. e. Repealed by No I of the FA of 30 Sept. 2016, with effect from 1 March 2017 (AS 2017 163; BBl 2016 3089).

² 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.

³ 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

¹ 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 higher education institutions;
- 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.

² 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

¹ 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.

² 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, research institutes within the Federal Institutes of Technology 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.

³ 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

¹ 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.

² 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

¹ 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.

² 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.³⁹ the payment structure for Innosuisse innovation support activities;
- 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

¹ 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).

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

³ The payment of approved federal contributions is made in accordance with Article 23 of the Subsidies Act of 5 October 1990⁴⁰.

³⁹ Amended by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS **2016** 4259, **2017** 131; BBl **2015** 9487).

⁴ 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

¹ 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.

² The right to demand repayment shall prescribe three years from the time that the donor becomes aware of it, and in any case ten years from the time that the right is created.⁴¹

^{2bis} If the recipient has committed a criminal offence through his or her conduct, the right to demand repayment prescribes at the earliest when the right to prosecute the offence prescribes. If the right to prosecute is no longer liable to prescription because a first instance criminal judgment has been issued, the right to demand repayment prescribes at the earliest three years after notice of the judgment is given.⁴²

³ 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

¹ 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.

² 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.

⁴⁰ SR 616.1

⁴¹ Amended by No 5 of the FA of 15 June 2018 (Revision of the Law on Prescription), in force since 1 Jan. 2020 (AS 2018 5343; BBl 2014 235).

⁴² Inserted by No 5 of the FA of 15 June 2018 (Revision of the Law on Prescription), in force since 1 Jan. 2020 (AS 2018 5343; BBl 2014 235).

Chapter 3 Coordination and Planning

Section 1 Self-Coordination

Art. 40

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

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

³ The research funding institutions, Innosuisse 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 HEEdA⁴³.

Section 2 Coordination by the Federal Council

Art. 41 Principles

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

² 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.

³ 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.

⁴ 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 within the Federal Institutes of Technology Domain; and
- b. national coordination of higher education policy and division of tasks in particularly cost-intensive fields.

⁵ It shall coordinate the planning and implementation of national promotion initiatives in the field of research and innovation which, due to their organisational and

⁴³ SR 414.20

financial consequences cannot be implemented within the standard promotion activities of the research funding institutions and Innosuisse.

⁶ 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.

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

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

² It shall set out the procedure for the appointment of members of the coordination committee.

³ 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.

⁴ 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

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

² It shall obtain an overarching statement from the Swiss Science Council⁴⁴ concerning the results.

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

⁴ 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, Innosuisse and, if required, other research bodies concerned.

⁵ It shall adapt promotion policy to the new conditions.

⁶ 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

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

² 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.

³ 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 Innosuisse's activities.

Art. 46 Responsibility for development

¹ Responsibility for development of the multi-year programme lies with:

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

² Higher education institutions that receive contributions under Chapter 8 of the HEdA⁴⁵ shall provide the necessary information on their research in accordance with the procedures specified in the HEdA.

⁴⁴ Term in accordance with Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BB1 2015 9487). This amendment has been made throughout the text.

⁴⁵ SR 414.20

³ The two federal institutes of technology and the research institutes within the Federal Institutes of Technology Domain shall provide the necessary information on their research in accordance with the procedures specified in the Federal Act of 4 October 1991⁴⁶ on the Federal Institutes of Technology.

Art. 47 Procedures

¹ The Federal Council decides on the formal requirements for the multi-year programmes.

² 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 Federal Institutes of Technology Domain: the ETH Board for comment.

³ 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.

⁴ 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

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

² The EAER may delegate its power of approval to the relevant administrative unit.

³ 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

¹ The research funding institutions, Innosuisse and the Federal Administration shall inform the public of their promotion activities in a suitable manner.

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

⁴⁶ SR 414.110

Art. 50 Access to the results of research

The research funding institutions, Innosuisse 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

¹ The research funding institutions and Innosuisse shall maintain a suitable quality control system for decision-making and programmes.

² 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.

³ 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

¹ 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.

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

³ The Federal Council shall provide the Federal Assembly with the periodic ERI Dispatch.

Chapter 5 Statistics**Art. 53**

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

² It shall first consult the research bodies concerned and, if the statistical survey concerns recipients of funding under the HEdA⁴⁷ or the Federal Act of 4 October 1991⁴⁸ on the Federal Institutes of Technology, the Swiss University Conference or the ETH Board.

³ It shall guarantee the provision of information on the research and innovation activities of the Federal Administration and the Federal Institutes of Technology Domain whenever possible according to Article 50.

⁴ SERI runs a database for government research projects.

⁴⁷ SR 414.20

⁴⁸ SR 414.110

Chapter 6 Swiss Science Council

Art. 54 Tasks

¹ The Swiss Science Council (SSC⁴⁹) is an extra-parliamentary commission under Article 57a paragraph 1 of the Government and Administration Organisation Act of 21 March 1997⁵⁰. It advises the Federal Council on all questions relating to research and innovation policy on its own initiative or when asked to do so by the Federal Council or the EAER.

² 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 Inno-suisse;
 4. the efficacy of government research measures.
- b. It comments on specific plans or problems in research and innovation policy.
- 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

¹ The Federal Council chooses the members of the SSC and its president.

² The SSC has 10–15 members. They have proven interdisciplinary competencies in science, vocational education and training and innovation.

³ The SSC 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.

⁴⁹ Term in accordance with Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BBl 2015 9487). This amendment has been made throughout the text.

⁵⁰ SR 172.010

Art. 57 Repeal and amendment of existing legislation

¹ The Research and Innovation Promotion Act of 7 October 1983⁵¹ is repealed, subject to paragraph 2 below.

² Until the entry into force of the HEdA⁵², 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.

³ The HEdA is amended as follows:

...⁵³

Art. 57a⁵⁴ Transitional provision to the Amendment of 17 June 2016

Advisors who carried out an activity within the framework of Article 20 paragraph 2 letter a and paragraph 3 when the Amendment of 17 June 2016 came into effect, shall be considered as qualified within the meaning of Article 21 in the current contract.

Art. 58 Referendum and commencement

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the commencement date.

³ It shall bring the following provisions into force at the same time as the HEdA⁵⁵:

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

⁴ 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 1983⁵⁶ shall be repealed at the same time as the HEdA comes into force.

Commencement date: 1 January 2014⁵⁷

Article 4 letter c number 2, 7 paragraph 1 letter b and 46 paragraph 2 come into force at the same time as the HEdA⁵⁸ (Art. 58 par. 3).

⁵¹ [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]

⁵² SR 414.20

⁵³ The amendments may be consulted under AS 2013 4425.

⁵⁴ Inserted by Annex No 2 of the FA of 17 June 2016 on the Swiss Innovation Agency, in force since 1 Jan. 2018 (AS 2016 4259, 2017 131; BB1 2015 9487).

⁵⁵ SR 414.20

⁵⁶ [AS 1984 28, 2008 433, 2010 651]

⁵⁷ FCD of 29 Nov. 2013.

⁵⁸ SR 414.20, in force since 1 Jan. 2015 (AS 2014 4103).

