AGREEMENT

between

the Swiss Confederation,
represented by
the **Federal Department of the Environment, Transport, Energy and Communications (DETEC)**
3003 Berne

and

the **Climate Cent Foundation**
Freiestrasse 167
8032 Zurich

regarding the
Climate Cent

(amendment to the agreement of 30 August 2005
and the supplemental agreement of 17 February 2009
between the same parties)

Preamble

The Swiss Confederation has concluded two agreements with the Climate Cent Foundation regarding the reduction of greenhouse gases in Switzerland and abroad for the five-year target period 2008 to 2012. The climate protection projects are financed by a surcharge levied on a voluntary basis by the petroleum industry on the price of petrol and diesel.

The agreement of 30 August 2005 stipulates that the Climate Cent Foundation shall contribute on average reductions of a yearly 1.8 million tonnes of CO_2 over the target period 2008 to 2012. On 17 February 2009, this agreement was amended by a supplemental agreement, in which the Climate Cent Foundation agreed to further reduce emissions by 0.6 million tonnes of CO_2 per year.

Even though the Climate Cent Foundation is able to deliver the contractually warranted reductions of a total 2.4 million tonnes of CO_2 per year (12 million tonnes of CO_2 overall), according to the emission perspectives computed at the end of 2010, in the most likely scenario Switzerland will fall short of its Kyoto commitment by a yearly 0.8 million tonnes of CO_2 (4 million tonnes of CO_2 in total). Moreover, the CO_2 statistic for the year 2010 indicates a year-on-year rise in emissions, which further runs counter to the achievement of Kyoto targets.

In its 2010 annual report, the Climate Cent Foundation expects to exceed its targets for the years 2008 to 2012 by a total 1.4 million tonnes of CO_2 with the measures already initiated in Switzerland and abroad. If the climate cent is levied until the end of 2012, the Foundation will further have at its disposal surplus funds of around 80 million Swiss Francs.

The Climate Cent Foundation and the Swiss Confederation have agreed to harness the existing potential to meet the reduction target. To this end, the contracting parties conclude a second supplemental agreement, which amends the agreements of 30 August 2005 and 17 February 2009.

In setting this second supplemental agreement's reduction target, the parties align themselves on the gap in emissions reductions of 0.8 million tonnes of CO_2 per year computed by FOEN. In addition, they have agreed a safety margin of a further 0.2 million tonnes of CO_2 per year.

1. Object of the agreement

This second supplemental agreement between the Swiss Confederation and the Climate Cent Foundation does not affect the original contractual relationship, insofar as the present agreement does not expressly stipulate modifications or additions.

2. Additional duties of the Climate Cent Foundation

Beyond reducing CO_2 emissions by 2.4 million tonnes of CO_2 per year (12 million tonnes of CO_2 overall) as agreed in the agreement of 30 August 2005 and the first supplemental agreement of 17 February 2009, the Climate Cent Foundation commits to reducing CO_2 emissions by a further 1 million tonnes of CO_2 per year (5 million tonnes of CO_2 overall).

3. Additionality and imputability of over-fulfilments of voluntary target agreements

The imputability (additionality) of projects towards meeting the reduction target set in this supplemental agreement is determined according to the agreement of 30 August 2005 and the basic principles since then jointly established by the parties as regards the imputation of impact.

The imputablity of over-fulfilments of voluntary target agreements is guided by the provisions and absolute caps set out in paragraph 4 of the first supplemental agreement of 17 February 2009.

4. Salvo

The present agreement becomes null and void if the Federal Council does not amend article 5 paragraph 1 of the Decree on the crediting of emissions reductions achieved abroad (CO_2 Imputation Decree) dated 22 June 2005 (as at 1 November 2009) by the end of 2011 to the effect that the Climate Cent Foundation may compensate a further 1 million tonnes of CO_2 per year, i.e. a total 3 million tonnes of CO_2 per year, abroad.

5. General provisions

The provisions of the agreement of 30 August 2005 relating to the duration of the agreement, its termination and applicable legislation apply by analogy.

Berne, …

Swiss Confederation,
represented by the
**Federal Department of the Environment, Transport,
Energy and Communications (DETEC)**

Doris Leuthard
Federal Councillor

Climate Cent Foundation

David Syz
President

Ronald Ganz
Vice President