



Acceleration instrument of the grids «of national interest» – taking thermal grids into consideration

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Introduction

- Since 2018, the use and expansion of renewable energies have generally been designated as “of national interest” (Art. 12 EnG).
- In addition, individual large facilities reaching a certain threshold of size and importance may receive the status “of national interest”, granting them privileges in the planning and balancing of interests.
- Art. 13 EnG provides the power to the Federal Council to designate individual facilities as “of national interest” if the required threshold is not reached.

Question

- What does the “of national interest” status imply legally?
- Does the current legislation comply with constitutional principles, such as the democratic and federalist principles?
- To what extent can the “of national interest” status apply to thermal facilities and storage?

Results

- The status “of national interest” is effective, as the interest in the construction and operation of large energy facilities automatically overrides contrary regional or local interests.
- It is questionable whether the restrictions of the contrary interests fully comply with all constitutional principles.
- Art. 13 EnG grants excessive discretionary power to the Federal Council.
- Lack of national expansion targets and according precise thresholds for thermal infrastructures prevent them from getting the status “of national interest”.

Conclusions

- The “of national interest” status is a powerful and influential tool for accelerating the Swiss energy transition, as it privileges large scale energy plants in the permit procedures.
- The constitutional principles require a more precise framing of the Federal Council's power under Art. 13 EnG.
- If individual thermal facilities are to benefit, national expansion goals for heating and cooling and precise thresholds for the access of large thermal facilities to “of national interest” status are necessary.
- Ultimately, the realisation of large renewable energy facilities depends more on economic viability and societal acceptance than on their access to a privileged status in permit procedures.

Outlook

- Topics being worked on:
 - Heating and cooling as a public service
 - strategic litigation
- Possible topics from the case studies:
 - Data centers
 - New systems (e.g. Kegel)
 - Open to further inputs

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