

Notice of guarantees of origin for renewable energy electricity

Unofficial translation of the “Bekendtgørelse om oprindelsesgaranti for VE-elektricitet”

(Notice: This is a translation of the Danish version of the notice. The Danish version will always be the one in force and this translation is not legally binding.)

Pursuant to § 63 a, paragraph 1, 4 and 7, § 68 a, § 84, paragraph 2, §§ 88 and 90 of the Electricity Supply Act, Consolidation Act No. 516 of 20 May 2010, as amended by Law No 622 of 11 June 2010, § 2, paragraph 3 of Act No. 1392 of 27 December 2008 on the promotion of renewable energy, as amended by Law No 622 of 11 June 2010, fixed by order pursuant to § 92 of the Electricity Supply Act and § 70 of the Act on the promotion of renewable energy:

Chapter 1

Scope and definitions

§ 1. A guarantee of origin of RES electricity is defined as an electronic document whose function is to a final customer to prove that a given share or quantity of energy was produced from renewable energy sources such as: wind power, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant or biogas.

Paragraph 2. Biomass is defined in this notice as the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetable and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste.

Paragraph 3. For electricity produced by plants using both renewable and other energy sources, the guarantee of origin includes the share of electricity that can be considered renewable electricity, see paragraph 1 and 2, according to data reported to the register mentioned in § 85 a, paragraph 2, no. 2, of the Electricity Supply Act (Master Data Registry), see paragraph 4.

Paragraph 4. 60 per cent of electricity generated by a waste incineration plant is considered in this order as RES electricity, unless the electricity producer can demonstrate to Energinet.dk, the proportion of the input waste is biodegradable.

Energinet.dk determines how the electricity producer must document the proportion of biodegradable waste.

Chapter 2

The issue, transfer and cancellation of guarantees of origin

§ 2. At the request of an electricity producer Energinet.dk will issue guarantees of origin for the production of RES electricity which is

- 1) supplied from a power generation plant to the public distribution grid or
- 2) used for electricity producer's own consumption of electricity.

Paragraph 2. A guarantee of origin has a standard size of 1 MWh. Guarantees of origin will be issued for electricity generation in a calendar month. If the electricity production in one month is not equivalent to 1 MWh, the guarantee of origin will be issued in a month where the electricity production is equivalent to 1 MWh.

Paragraph 3. It is only possible to issue one guarantee of origin for each MWh of electricity delivered or used as referred to in paragraph 1.

§ 3 Energinet.dk is issuing the electronic document, which is the guarantee of origin, and inserting it as soon as possible on the account of an electricity producer.

Paragraph 2. The electronic document must contain the following information:

- 1) The energy source from which the electricity is generated, and start and end dates of the production.
- 2) The guarantee of origin relates to electricity produced from renewable energy sources with regard to the European Parliament and Council Directive on the promotion of the use of energy from renewable sources.
- 3) Name, location, type and capacity of the plant where electricity is produced.
- 4) Whether and to what extent the installation has benefited from investment support, and whether and to what extent the electricity generation covered by the guarantee of origin, otherwise benefited from a national support as well as type of support. Energinet.dk provides guidelines on how this information is made public.

5) The date on which the plant was put into operation.

6) The issuer, issue date and country of issue and a unique identification number.

Paragraph 3. The information in paragraph 2 must be consistent with the information reported to the Master Data Register (stamdata registeret).

§ 4. The Electricity producer may in writing grant third parties authorization to request the issuance of guarantees of origin and receive these.

§ 5. DEA, according to § 63 a, paragraph 6 of the Electricity Supply Act impose Energinet.dk to verify the information of a guarantee of origin.

§ 6. Any use of a guarantee of origin shall take place within 12 months of the calendar month in which the production of electricity has taken place.

Paragraph 2. A guarantee of origin shall be canceled by the end user of the guarantee of origin and used for documentation referred to in § 1, paragraph 1. The cancellation occurs within guidelines set by Energinet.dk.

Paragraph 3. Guarantees of origin issued pursuant to § 2, paragraph 1, No. 2, is considered used and is canceled by Energinet.dk immediately after issuance.

Paragraph 4. Energinet.dk will cancel issued guarantees of origin which are not used within the period mentioned in paragraph 1.

Chapter 3

Control and monitoring of guarantees of origin

§ 7. Energinet.dk records and monitors guarantees of origin and transfer and cancellation of guarantees. Energinet.dk must ensure that records are accurate, reliable and fraud-resistant.

Paragraph 2. An electricity producer, who is seeking or has received a guarantee of origin shall, upon request, communicate to Energinet.dk all information Energinet.dk finds necessary for the guarantee of origin.

Paragraph 3. The provisions of the ordinance on the control and monitoring of payments to certain electricity producers and power generation plants, etc. about

establishing a quality system for the Master Data Registry shall also apply for registrations, transfers and withdrawals referred to in paragraph 1.

§ 8. Necessary costs of issuance, transfer and cancellation of guarantees of origin and the control and supervision, see § § 2, 3, 6 and 7, must be paid by the electricity producer on the principles of § 73 of the Electricity Supply Act.

§ 9. Energinet.dk prepares an annual report on its issuing guarantees of origin.

Paragraph 2. Guidelines referred to in § 3, paragraph 2 and § 6, paragraph 2, is published on the website www.energinet.dk.

Chapter 4

Foreign guarantees of origin

§ 10. Energinet.dk will only accept guarantees of origin issued in the member states of the EU under the rules that implement the European Parliament and Council Directive on the promotion of the use of energy from renewable sources, as evidence that the electricity meets the requirements of § § 1 and 3.

Paragraph 2. Energinet.dk may refuse to recognize a guarantee of origin as documentation referred to in paragraph 1 if there is reason to doubt its accuracy, reliability or correctness.

Paragraph 3. Energinet.dk shall notify DEA if Energinet.dk cannot recognize a guarantee of origin issued in another EU country. DEA shall then inform the European Commission about the refusal and the reasons therefor.

Chapter 5

Appeals and Punishment

§ 11. The decision of Energinet.dk on the issue, transfer and cancellation in accordance with the above provisions may be appealed to the Energy Board (Energiklagenævnet). The complaint must be submitted in writing no later than 4 weeks after the decision was announced.

§ 12. Unless a greater penalty is prescribed by other laws, giving false information for the issuance, transfer and cancellation of guarantees of origin, or who fails to provide such information as he or she is obliged to provide under § 7, paragraph 2 is punished by a fine.

Paragraph 2. There can be imposed criminal liabilities on companies etc. under the rules of the Criminal Law chapter 5.

Chapter 6

Entry into force

§ 13. The Order comes into force on 5 December 2010. § § 2 and 3 on the issue of guarantees of origin shall apply to electricity produced from 1 January 2011.

Paragraph 2. Order No. 1 of 6 January 2004 on the guarantee of origin of RES electricity repealed on 5 December 2010. § § 2-4 on the issue of guarantees of origin shall apply to electricity produced by 31 December 2010.

Paragraph 3. Guarantees of origin issued after Executive Order No. 1 of 6 January 2004 can be used in the period for which they are issued, but only until 12 months after the calendar month in which electricity has taken place.

Paragraph 4. Guarantees of origin issued in the member states of the EU under the rules that implement European Parliament and Council Directive 2001/77/EC of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market can be used as documentation referred to in § 10 of the period for which they are issued, but only until 12 months after the calendar month in which electricity has taken place, or no later than 31 December 2011.

Energy Agency, 30 November 2010