

GOVERNMENT OF THE REPUBLIC OF CROATIA

1868

Pursuant to Article 10 of the Energy Act (Official Gazette 120/2012), the Government of the Republic of Croatia, at its session on 26 June 2013, adopted the following

REGULATION

ESTABLISHING THE SYSTEM OF GUARANTEES OF ORIGIN OF ELECTRICITY

I GENERAL PROVISIONS

Article 1

(1) By virtue of the Regulation establishing the system of guarantees of origin of electricity, a system of guarantees of origin of electricity is established in the Republic of Croatia, with the purpose of proving the share or quantity of electricity produced from renewable sources and cogeneration in the overall quantity of electricity delivered by suppliers to end users. This Regulation the Republic of Croatia guarantees that the origin of electricity produced from renewable sources and cogeneration is proven in compliance with objective, clear and non-discriminating criteria.

(2) This Regulation governs the right and the method of participation in the system of guarantees of origin of electricity, establishing the register of guarantees of origin of electricity (hereinafter: the Register), the provision of metering data on electricity produced from renewable sources and cogeneration, the obligation of submitting annual reports to the Ministry from the part of the body responsible for issuing the guarantee of origin of electricity.

(3) The share or quantity of electricity produced from renewable energy sources and cogeneration in the overall quantity of electricity delivered by suppliers to end users shall be proven on the basis of methodology for determining the origin of electricity and reporting to end users, which is passed by the Agency in accordance with the law regulating the energy sector.

Article 2

By virtue of this Regulation, the following Directive is transposed into legal order of the Republic of Croatia:

– Directive 2009/28/EC of the European Parliament and of the Council of 23 April on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (text with EEA relevance) (OJ L 140, 5th June, 2009).

Article 3

(1) The terms used in this Regulation shall have the meanings set out in the act regulating the energy sector, the act regulating the electricity market and the regulation defining grid rules of the electricity system.

(2) This Regulation uses the expressions which have the following meanings:

1. *gross electricity produced* – total electricity produced from all production units in a particular production plant in the Republic of Croatia using renewable energy sources or from highly efficient cogeneration plant, as measured at the generator terminals,

2. *electronic application* – electronic command within the register given by an account holder to the body responsible for issuing guarantees of the origin of electricity to transfer or cancel guarantees of the origin of electricity,

3. *Croatian Energy Regulatory Agency* (hereinafter: the Agency) – independent regulating authority for energy-related activities established by virtue of *lex specialis* and holding the authority laid down under the law regulating the performance of energy-related activities,

4. *issuing of guarantees of origin of electricity* – process of issuing guarantees of origin pursuant to an application for issuing of guarantees of origin of electricity by an account holder, with an opened eligible producer account, to the body responsible for issuing thereto the guarantee of origin of electricity, on the basis of the metering data of a particular production plant, i.e. a production unit to issue a guarantee of origin of electricity.

5. *guarantee of origin of electricity* – electronic document the purpose whereof is to prove to the end user that certain share or quantity of electricity was produced from renewable energy sources,

6. *account* – part of the register containing all necessary data, as well as the data on the guarantee of origin of electricity at disposal of the register owner, except the one holding the status of eligible electricity producer,

7. *eligible producer account* – part of the register containing all data, as well as the data on the guarantee of origin of electricity at disposal of the register owner holding the status of eligible electricity producer,

8. *account holder* – legal or natural person having an account or eligible producer account opened in the register,

9. *Ministry* – the ministry responsible for energy sector,

10. *minister* – the minister responsible for energy sector,

11. *net electricity produced* – gross electricity produced, after deducting auxiliary consumption of production units of the production plant that use renewable energy sources or from high-efficiency cogeneration plants and on-site consumption of the plant,

12. *on-site consumption of the plant* – overall consumption of electricity associated with production of electricity in the production plant, that is not auxiliary consumption,

13. *cancellation of the guarantee of origin of electricity* – electronic cancellation of the guarantee of origin of electricity in the register, that has been used for the purpose of disclosing the data on the origin of electricity to interested end users and may no more be used for transferring the guarantee of origin of electricity,

14. *production plant* – the plant for producing electricity consisting of one or several production units provided with own metering point,

15. *production unit*– a part of production plant for producing the electricity,

16. *register* – electronic system set up and administered by a body responsible for issuing the guarantee of origin of electricity,

17. *competent body for issuing the guarantee of origin of electricity* – the issuing body which keeps the register in the Republic of Croatia, issues the guarantee of origin of electricity upon electronic application of the eligible producer account, certifies the transfer of guarantee of origin of electricity within the register and is accountable for keeping the register,

18. *transfer of guarantee of origin of electricity* – electronic method of transferring the guarantee of origin of electricity between the account holders within the register, and between the account holder and the user of registries from other countries which are run by the bodies responsible for issuing the origin of electricity in those countries.

19. *auxiliary consumption* – the consumption of electricity delivered from the production plant using renewable energy source and high-efficiency cogeneration plants, used for the purpose of operation of the plant (operations own consumption), which also includes the consumption for processing the raw materials and/or preparation of primary energy generating source of the plant and pump aggregates and pump stations.

Article 4

(1) The register shall be established with the purpose of issuing the guarantee of origin of electricity produced in production plants or production units in the Republic of Croatia,.

(2) The method of using the register shall be stipulated in the rules on the use of the register of guarantees of origin of electricity adopted by the body responsible for issuing the guarantee of origin of electricity, subject to prior approval of the Agency, in compliance with the law regulating the electricity market.

(3) The method of reporting to end users in the Republic of Croatia on the share or quantity of electricity produced from renewable energy sources and delivered to end users from the part

of suppliers of electricity shall be laid down by *lex specialis* adopted by the Agency pursuant to the act regulating the energy sector and the act regulating the electricity market.

(4) Reporting on the guarantee of origin of electricity referred to in paragraph 3 hereof is not associated with fulfilment of compulsory general national targets regarding the share of electricity from renewable sources and implementation of efficient measures for the use of electricity from renewable energy sources.

(5) Transfer of guarantees of origin of electricity shall not affect the calculation of final gross consumption of electricity from renewable sources in the Republic of Croatia.

II RIGHT TO PARTICIPATE IN THE SYSTEM OF GUARANTEES OF ORIGIN OF ELECTRICITY

Article 5

(1) The right to participate in the system of guarantees of origin of electricity shall be acquired by submitting the application for opening the account or eligible producer account in the register to the issuing body.

(2) The application referred to in paragraph 1 hereof may be submitted by any legal or natural person.

(3) The account or eligible producer account renders possible the submitting of electronic application for issuing the guarantee of origin of electricity to the issuing body or for transferring of the guarantee of origin of electricity.

(4) The Eligible producer account shall be opened for the account holder and their production plants which hold the status of eligible electricity producer.

(5) The issuing body shall issue the administrative decision concerning the application referred to in paragraph 1 hereof.

(6) The application referred to in paragraph 1 hereof shall be submitted after establishing the register from the part of the issuing body pursuant to Article 17 hereof.

(7) The applicant may lodge a complaint against the administrative decision referred to in paragraph 5 hereof with the Ministry.

(8) The issuing body shall close the account, i.e. eligible producer account upon the request of the user; in case of breaking the provisions of herewith Regulation, in case of a breach of contract signed with the issuing body.

Article 6

(1) The guarantee of origin of electricity issued in a Member State of the European Union, a contracting party of the Energy Community or a third country shall be recognized for the purpose of proving the share of primary sources of energy to the end users, only if the

guarantee of origin is issued in accordance with the Directive 2009/28/EZ and there are no doubts in accuracy, reliability and veracity of that guarantee of origin of electricity.

(2) The Republic of Croatia may reject to recognize the guarantee of origin of electricity insofar as there are well-founded doubts about its accuracy, reliability and veracity. The issuing body shall notify the Ministry of refusal to recognize the guarantee of origin of electricity and the reasons for refusal to recognize the guarantee of origin of electricity, on which fact the Ministry shall notify the European Commission.

(3) Production plant or production unit holding the status of eligible producer in the Republic of Croatia may not be registered in the Register in the system of guarantees of origin of electricity in Member States of the European Union, contracting parties of the Energy Community or third countries.

(4) Where the status of producer of electricity who acquired the status of eligible producer for production plant or production unit terminates by the expiry of the period specified in the administrative decision on acquiring the status of eligible producer or the status of eligible producer for such production plant or production unit is revoked pursuant to the regulation governing the acquisition of status of eligible producer, the application for further issuing of the guarantee of origin of electricity shall be rejected.

(5) The Agency shall notify the issuing body about the loss of status of eligible producer referred to in paragraph 4 hereof for the production plant or production unit in written and within 2 working days from the day it learned about the loss of such status.

III THE ISSUING BODY

Article 7

(1) The issuing body in the Republic of Croatia is HRVATSKI OPERATOR TRŽIŠTA ENERGIJE d.o.o. (Croatian Energy Market Operator, Ltd).

(2) The body referred to in paragraph 1 hereof shall keep the register in the Republic of Croatia in compliance with the rules on use of the register of guarantees of origin of electricity and provisions hereof.

IV REGISTER OF GUARANTEES OF ORIGIN OF ELECTRICITY

Article 8

(1) The Register consists of the account or eligible producer account and register dossier for each account or eligible producer account.

(2) Register dossier consists of the following:

1. application form for opening the account or eligible producer account in the register,
2. documents that are attached to the application for opening the account or eligible producer account in the register,

3. administrative decision of the issuing authorizing the opening of account or eligible producer account in the register, and

4. other data, as required for using the Register.

(3) The account or the eligible producer account includes the data on net production of electricity per individual production plant or production unit, the data on guarantee of origin of electricity as well as other data pursuant to the rules on the use of register or guarantees or origin of electricity and provisions of this Regulation.

(4) Consolidated review of the Register shall be kept in electronic form.

(5) Consolidated review of the Register shall include at least the following:

1. name of the account or eligible producer a ,
2. establishment and address of account holder,
3. registration number of entry of the account or eligible producer account in the register,
4. name of energy-related and/or other activity of account or eligible producer account,
5. total number of guarantees of origin on account or eligible producer account.

Fee for participating in the system of guarantees of origin of electricity

Article 9

(1) The fee for participating in the system of guarantees of origin of electricity shall be defined by the Agency on proposal of the issuing body, subject to prior approval of the Ministry, on the basis of justifiable expenses associated with the system of guarantees of origin of electricity.

(2) The fee referred to in paragraph 1 hereof constitutes the revenue of the issuing body.

(3) The account holder pays the annual fee for keeping of the account, i.e. the account of the eligible producer in the registry and individual fees for issuing guarantees of origin and transferring of guarantees of origin.

(4) The fee referred to in paragraph 1 hereof shall be determined for a period no less than a year on the basis of justifiable expenses incurred in the preceding calendar year.

(5) The account holder holding an open account of an eligible producer pays the annual fee for each production plan in the registry.

V GUARANTEE OF ORIGIN OF ELECTRICITY

Article 10

(1) Electronic issuance of the guarantee of origin of electricity shall be undertaken by the issuing body only upon the request of the account user with the open account of the eligible producer.

(2) The guarantee of origin of electricity includes the following data:

- type of primary source of energy,
- allocated unique registration number within the register,
- date of commissioning of the production plant or production unit,
- installed capacity of production plant or production unit,
- start date of the production of electricity which the guarantee of origin of electricity is issued for,
- end date of production of electricity which the guarantee of origin of electricity is issued for,
- production plant or production unit technology,
- production plant or production unit identity,
- name of the country in which production plant or production unit is located,
- location of production plant or production unit,
- identity of competent issuing body,
- issuance date of the guarantee of origin of electricity,
- earmark indicating the support in investment and/or production of electricity that the subject production plant or production unit secured.

(3) Apart from the data referred to in paragraph 2 hereof, the guarantee of origin of electricity may also include other information needed for the use of register.

(4) Base unit of the guarantee of origin of electricity is 1 MWh.

(5) The issuing body may authorize the application for issuing the guarantee of origin of electricity only for the time period following the opening of eligible producer account for a particular production plant or production unit in the register.

(6) The issuing body shall authorize the application for issuing the guarantee of origin of electricity for net electricity produced in the registered production plant or production unit on

the basis of metering data provided throughout a single measurement frequency that precedes the electronic application for issuing the guarantee of origin of electricity. The measurement frequency is one calendar month.

(7) Net electricity produced at the particular production plant or production unit which the application for issuing the guarantee of origin of electricity is lodged for, is calculated up to the quantity of net electricity produced expressed in whole MWh units. The remaining quantity of net electricity produced exceeding the whole MWh is attributed to the quantity of electricity output of such a production plant or production unit in the subsequent measurement frequency.

(8) With regard to once produced electricity from a particular production plant or production unit for which the issuing body had authorized the issuing of a guarantee of origin of electricity, the application for issuing the guarantee of origin of electricity for that same electricity may not be re-submitted.

(9) With regard to electricity produced at the production plant or production unit holding the status of eligible electricity producer, for which the contract on purchase of electricity agreed in compliance with the feed-in tariff system for the production of electricity from renewable sources and cogeneration is in force, no guarantee of origin of electricity shall be issued.

(10) With regard to the electricity produced by reversible hydroelectric plants, no guarantee of origin of electricity may be issued in the part in which such production is the consequence of pumping operation of the hydroelectric plant in compliance with the act regulating the electricity market.

(11) The guarantee of origin of electricity shall not be issued for the production plant holding the status of eligible electricity producer, and whose electricity output is not subject to deduction for auxiliary consumption.

(12) With regard to production plants or production units producing the electricity from renewable energy sources and cogeneration as well as other energy generating sources, the issuing body may authorize the application for issuing the guarantee of origin of electricity only for the net electricity produced from renewable energy source and cogeneration.

VI TRANSFER, CANCELANON OF GUARANTEE OF ORIGIN OF ELECTRICITY

Article 11

The guarantee of origin of shall be valid for 12 months from the end date of production of electricity which the guarantee of origin of electricity is issued for.

Article 12

(1) With the transfer of guarantee of origin of electricity from an eligible producer account to a supplier account, the guarantee of origin of electricity is cancelled.

(2) With the guarantee of origin of electricity revoked, the transfer of guarantee of origin of electricity may no more be undertaken.

Article 13

The issuing body is the only one holding the authority to undertake withdrawal of the guarantee of origin of electricity.

Article 14

The issuing body shall be accountable to the Ministry for proper keeping of the register and for accuracy of all the data it keeps and enters in the register.

VII PROVIDING THE METERING DATA

Article 15

(1) The transmission system operator and distribution system operator (hereinafter: the system operators) shall submit to the issuing body the metering data from the metering point of production plant or from the production unit entered in the register which is connected to their electricity grid.

(2) The entry of metering data referred to in paragraph 1 hereof in the register shall be undertaken by the issuing body.

(3) On a request of the issuing body, system operators shall submit thereto the metering data for production plant or production unit for which pursuant to administrative decision under Article 5, paragraph 5 hereof, the eligible producer account is opened, and which designate the initial meter reading of such a production plant or production unit in the register.

(4) The accountability with regard to accuracy of provided metering data referred to in paragraph 1 hereof shall lie with competent system operators providing those.

(5) The method and form of submitting the metering data referred to in paragraph 1 hereof shall be defined by the agreement on provision of metering data between the operator of the system and the issuing body.

(6) Metering data referred to in paragraph 1 hereof shall be submitted before 20th day of the current month from the electricity produced in the preceding month.

(7) The corrections of metering data referred to in paragraph 5 hereof may be undertaken no later than by the last date of current month, with regard to metering data concerning the preceding month.

(8) The electricity produced at the production plant, i.e. the production unit metered at the metering point shall be entered in the registry.

(9) Each metering point of the production plant shall have a unique earmark in compliance with network codes of operators in transmission system and network codes of operators in

distribution system. Operators of the system shall submit to the issuing body the earmark of the metering point upon assigning or changing the earmark of the metering point registered in the registry.

VIII REPORTING

Article 16

(1) The issuing body shall by 30th April of the current year draw up the annual report on the use of the system of guarantees of origin of electricity in the preceding year and submit it to the Ministry for the sake of reporting to the European Commission.

(2) Annual report referred to in paragraph 1 hereof shall include the overview of all production plants or production units entered in the register as well as the overview of all electronic transfers of guarantees of origin of electricity undertaken during the reporting period.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 17

The issuing body shall set up the register within six months from the date of entry of this Regulation and its amendments into force.

Article 18

This Regulation shall enter into force on the eighth day following the date of its publication in the Official Gazette.

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Zagreb, 26 June 2013

President

**Zoran
Milanović, m.p.**