

# **CROATIAN ENERGY MARKET OPERATOR**

Pursuant to Article 53, Paragraph 6, Item 15 of the Electricity Market Act (Official Gazette 22/2013), with the prior approval of Croatian Energy Regulatory Agency Class: 310-02/14-01/76, Registration Number: 371-01/14-04) from April 11<sup>st</sup> 2014, CROATIAN ENERGY MARKET OPERATOR Ltd. hereby issues the

## **RULES**

### **ESTABLISHING THE USE OF THE REGISTER FOR GUARANTEE OF ORIGIN OF ELECTRICITY**

#### **I. GENERAL PROVISIONS**

##### **Article 1**

(1) These Rules establishing the use of the register of the guarantee of origin (hereinafter: the Rules) regulate issuing of the guarantee of origin of electricity (hereinafter: the guarantee of origin) and establishing and keeping the register of the guarantee of origin in the Republic of Croatia.

(2) The Rules regulate the manner of issuance, transfer, withdrawal and cancellation of the guarantee of origin and the account holder obligations.

##### **Article 2**

(1) The terms used in the Rules shall have the meanings set out in the Energy Act (Official Gazette 120/2012, 14/2014), the Electricity Market Act (Official Gazette 22/2013) and the Regulation establishing the system of guarantees of origin of electricity (Official Gazette 84/2013, XX/2014) (hereinafter: the Regulation).

(2) The Rules use the terms which have the following meanings:

- AIB EECS FACT SHEET 5 - Table of primary energy sources and technology published by the European umbrella organization that organizes the body for issuing guarantees of origin (Association of Issuing Bodies - AIB), registered in Brussels, Belgium;
- domain – an area where production plants are based for which the issuing body issues the guarantee of origin;
- withdrawal of the guarantee of origin – the procedure for the guarantee of origin in the Register in case of an error at issuance and transfer and in the event of closure of the account;
- working days – days of a week, except Saturdays, Sundays and other holidays and non-working days in the Republic of Croatia.

##### **Article 3**

(1) In accordance with the Regulation establishing the system of guarantees of origin of electricity, the competent issuing body in the Republic of Croatia is CROATIAN ENERGY MARKET OPERATOR Ltd. (hereinafter: the Market Operator).

(2) The Republic of Croatia is one domain.

(3) The Register for the guarantee of origin of electricity of Croatian domain (hereinafter: the Register) may connect with registries for the guarantee of origin of other domains. The legal systems of the other domains shall have incorporated the 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)

## **II. REGISTER FOR THE GUARANTEE OF ORIGIN OF ELECTRICITY**

### **Article 4**

The supervision of issuance, transfer, withdrawal and cancellation of the guarantee of origin within the Register conducts the Market Operator.

### **Article 5**

(1) The Register is used in all procedures in the guarantee of origin, including the issuance, transfer (import and export included), withdrawal and cancellation of the guarantee of origin.

(2) The user account i.e. the user account of the eligible producer within the Register contains:

- issued guarantees of origin;
- imported guarantees of origin with the data of the domain they were imported in;
- exported guarantees of origin with the data of the domain they were exported to;
- cancelled guarantees of origin with the information about the purpose of its cancellation and the data on the account holder of the cancelled guarantees of origin;
- withdrawn guarantees of origin due to a mistake in the process of issuing or transferring;
- expired guarantees of origin whose date expired and they were not repealed within the permitted period of use.

(3) In the Register account holders can access the following data:

- general data on the system of guarantees of origin;
- data about contact people in the Market Operator;
- information about legislation governing the system of guarantees of origin;
- the Register's manual;
- statistics about procedures in guarantees of origin;
- forms;
- other important information for the use of the Register.

### **Article 6**

(1) The Register shall not be available during its maintenance works and while performing works on electronic connections to other registries in different domains. The Market Operator is obliged to notify account holders on its website 3 days prior to the aforementioned works.

(2) The Market Operator shall notify account holders on its website about the re-established connection and availability of the Register.

(3) The Market Operator shall not be responsible for the damage done during the maintenance works described in Paragraph 1 and Paragraph 2 hereof, and the damage done as a result of the malfunction of the Register or electronic connections to other registries in different domains.

### **III. TERMS AND CONDITIONS OF REGISTRATION AND USE OF REGISTER**

#### **Article 1**

Account holders use the Register via an Internet interface available through the Market Operator's Internet site.

#### **Article 2**

Account holders may open the user account and the user account of eligible producer.

#### **Article 9**

(1) The account holder is a legal or natural person having the account i.e. the eligible producer account in the Register.

(2) The process of registration in the Register is initiated by submitting an application to open the account i.e. the eligible producer account to the Market Operator.

(3) The application form from Paragraph 2 hereof is included in Annex 1a of the Rules.

(4) The application referred to in Paragraph 2 of this Article, shall be accompanied by:

- Certificate from the Court/Entrepreneur Register, not older than 30 days from the date of application;
- Confirmation of the Ministry of Finance, Tax Administration that there is no debt on the basis of public benefits on which official records are kept by the Tax Administration, not older than 30 days from the date of application

(5) The Market Operator issues within 30 days of submitting a complete application form a decision on the right to participate in the system of guarantees of origin of electricity.

(6) The Market Operator pursuant to the Paragraph 4 hereof shall open the account i.e. the eligible producer account and deliver to the account holder their username and password.

(7) The terms of use of the account i.e. the eligible producer account, the Market Operator and the account holder sign a contract on the use of the register for guarantees of origin of electricity.

(8) The contract on the use of the register for guarantees of origin of electricity regulates the terms of the account holder when using the Register, compensation in the event of irregularities in the use of the Register, mistake correction in case of improper issuance of guarantees of origin, cost incurrence for the fees defined by the Regulation, terms of contract termination, terms of contract amendments, the right for confidentiality of information and intellectual property, the period for which the contract is concluded, and other contractual obligations between the account holder and the Market Operator.

(9) The account holder shall keep the assigned username and password and they are responsible for protecting their confidentiality.

(10) The account holder shall deliver a written notice without delay to the Market Operator, notifying it of any changes regarding the information on plants, contact people, technical contact and other information important for the participation in the system of guarantees of origin.

(11) The Market Operator shall make changes to the Register in the period of 10 working days and notify the account holder of these changes.

#### **Article 10**

(1) The account holder with an opened eligible producer account who wishes to register their production plant in the Register shall submit to the Market Operator an application for the registration of the production plant.

(2) The application form from the Paragraph 1 hereof is included in Annex 2 of the Rules.

#### **Article 11**

(1) The production plant shall be registered in the Register for a 5-year period from the registration day.

(2) For registration renewal of the production plant, the eligible producer shall submit a request in the application form from the Article 10, Paragraph 2 hereby Rules no later than 30 working days before the expiry of the registration.

(3) The request from the Paragraph 2 hereof shall be submitted together with a decision on acquiring the status of eligible producer issued in accordance with the Regulations on the status of eligible electricity producer, which provides audit over the maintenance of technological features and terms of use of the production facilities.

#### **Article 12**

(1) The Market Operator shall close the account i.e. the eligible producer account within 10 working days from the day the request for closing the account i.e. the eligible producer account is received.

(2) The process of closing the account in the Register starts by submitting a request from Paragraph 1 hereof to the Market Operator.

(3) The request from the Paragraph 2 hereof is included in Annex 1b of the Rules.

(4) The Market Operator shall close the account i.e. the eligible producer account in other cases provided by the Regulation.

(5) The account holder may ask for a delivery of confirmation on closing of the account by the Market Operator.

(6) The account holder may perform procedures of guarantees of origin until the moment of closing the account i.e. the eligible producer account.

(7) After the closing of the account i.e. the eligible producer account, the guarantees of origin on the account i.e. the eligible producer account are withdrawn and used to determine the residual mix of

electricity according to the Methodology of determining the origin of electricity passed by the Agency in accordance with the law regulating the energy sector.

(8) The account holder shall pay all receivables to the day of closing the account i.e. the eligible producer account.

### **Article 13**

(1) The account holder in the Register has an access strictly to their own account.

(2) The Market Operator shall enable the Agency an access to the Register through a special account that allows monitoring according to the Methodology of determining the origin of electricity.

(3) The account holder may ask from the Market Operator to list all guarantees of origin where they conducted procedures of issuance, transfer, withdrawal and cancellation, as well as the other data related to their account.

## **V. PROCEDURES IN GUARANTEES OF ORIGIN IN THE REGISTER**

### **Article 14**

(1) Guarantees of origin are issued strictly on the eligible producer account.

(2) The account holder with an opened eligible producer account shall submit a request for issuing the guarantee of origin to the Market Operator.

(3) A request form from Paragraph 2 hereof is included in the Annex 3 hereby Rules.

(4) With a request form from Paragraph 2 of this Article, the user registry determines the manner of issuing guarantees of origin, where decisions are made for one of the following issue:

- Monthly after the end of the month for a specified period,
- Individually for a particular month or
- For all the given period of production.

(5) A statement of the manner of issuing guarantees of origin referred to in paragraph 2 of this Article may be submitted not later than 12 months from the end of the period of production of electricity which is issued guarantees of origin.

(6) The issuing of guarantees of origin for the eligible producer account is preformed strictly by the Market Operator pursuant to the metering data from the metering point of the production plant.

(7) A request from Paragraph 2 hereof may refer to ahead defined monthly periods for the electricity production for which the guarantees of origin are issued or individually for a particular month or a production period.

(8) The issuing of guarantees of origin in the Register is conducted in a current month for the previous month or more past months when the production is carried out according to the request from Paragraph 2 hereof.

(9) In case of issuance of the guarantees of origin for biomass power plants and use of different types of primary sources of fuel which are not renewable sources, it is necessary prior to the issuance of the guarantees of origin to submit an application form from Annex 4 hereby Rules.

(10) In case of issuance of the guarantees of origin for pumped-storage hydro power plants, it is necessary prior to the issuance of the guarantees of origin to submit an application form from Annex 5 hereby Rules.

### **Article 15**

(1) The account holder may transfer their guarantees of origin from their account i.e. eligible producer account to another account i.e. eligible producer account within the Register, and to the accounts of the account holders of the registries in other domains (export).

(2) The account holder may on their account i.e. eligible producer account import the guarantees of origin from the accounts of the account holders from the registries of other domains (import), provided that the imported guarantees of origin are in compliance with Directive 2009/28/EZ.

(3) After the completion of the transfer, the account holder may not conduct procedures on transferred guarantees of origin.

### **Article 3**

(1) In case of incorrect issuance or transfer of the guarantees of origin, the Market Operator shall immediately after an error notify an account holder and withdraw the guarantees from the account i.e. the eligible producer account, before the guarantees shall be transferred on the account of the account holder in other domain.

(2) In case of incorrect guarantees of origin transferred from the eligible producer account within the Register in Croatian domain, the Market Operator shall insure withdrawing of guarantees of origin in accordance with Article 9, Paragraph 5 hereof.

(3) In case of an error in guarantees of origin transferred to another domain, the Market Operator shall notify the issuing body from that domain, in order to enable the withdrawal of the guarantees in question.

(4) An account holder shall notify the Market Operator either in a written or electronic way about all errors in the Register. The Market Operator shall eliminate all the errors within 20 working days.

(5) The account holder may ask from the Market Operator to deliver a confirmation about a correction of an error in the account i.e. the eligible producer account.

### **Article 4**

(1) The guarantees of origin are cancelled with the purpose of reporting to end users about the origin of electricity on the supplier's account.

(2) The account holder inflicts electronic order within the Registry for the cancellation of the guarantee of origin.

(3) The Market Operator shall give its approval for the cancellation of the guarantee of origin in the Register.

(4) The Market Operator will approve the cancellation of guarantees of origin if the same were issued in accordance with the Directive and if the conditions for the cancellation are fulfilled according to the Regulation and the Methodology for determining the origin of electricity. In case the Market Operator

does not approve the cancellation of the guarantees of origin, guarantees of origin return to the account.

(5) The account holder can print a confirmation about the cancellation of the guarantee of origin independently, or ask the Market Operator for the delivery of the confirmation.

#### **Article 5**

The guarantees of origin which are not cancelled within 12 months from the date of the end of production, for which they were issued in the Register are used for establishing the residual mix of electricity according to the Methodology for determining the origin of electricity, passed by the Agency in accordance with the law regulating the energy sector.

### **V. FINAL PROVISIONS**

#### **Article 6**

These Rules shall enter into force on the eighth day following the date of its publishing on the website of the Market Operator.

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Zagreb, April 16<sup>th</sup> 2014