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Order concerning guarantees of origin of RES electricity

ORDER No 1 of 6 January 2004 (in force)

Legislation to which these provisions relate:

[CONSOLIDATED ACT No 151 of 10 March 2003](#)

Subsequent amendments to these provisions

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Order concerning guarantees of origin of RES electricity ¹⁾

Pursuant to Section 55, paragraph 2, Section 63a, paragraphs 1, 2 and 5, Section 68, paragraph 2, Section 84, paragraph 2, Section 88, Section 90 and Section 92 of the Electricity Supply Act, cf. Consolidated Act No 151 of 10 March 2003, the following provisions are hereby laid down:

Chapter 1

Scope

Section 1

1. For the purposes of this Order “guarantee of origin of RES electricity” shall mean a guarantee that a specified quantity of electricity has been produced from:

(1) wind power, hydropower, wave and tidal energy, solar energy, geothermal energy, biogas or biomass, or

(2) the incineration of the biodegradable fraction of waste delivered to an electricity-producing waste incineration plant, as laid down in paragraph 2.

2. For the purposes of this Order, 80% of the electricity produced at a waste incineration plant shall be regarded as RES electricity, unless the electricity producer proves to the undertaking responsible for the system that a higher proportion of the waste delivered is biodegradable as specified in paragraph 1(2).

3. In the case of electricity produced at other plants which use both renewable energy sources and other energy sources, the guarantee of origin shall cover that portion of the

electricity which may be considered to be RES electricity pursuant to paragraph 1, on the basis of information which the undertaking responsible for the system has reported to the Danish Energy Authority's central data register for electricity production plants, cf. the Order concerning verification and monitoring of payments in respect of certain forms of electricity production and electricity production plants, etc.

4. A guarantee of origin does not constitute documentary evidence that the holder is entitled to receive benefits available under the Electricity Supply Act or rules laid down pursuant thereto in respect of the electricity covered by the guarantee.

Chapter 2

Issue of guarantees of origin

Section 2

1. At the request of an electricity producer, the undertaking responsible for the system shall issue a guarantee of origin for RES electricity produced at an electricity production plant which supplies electricity to the coherent electricity supply system, in accordance with the provisions set out below.

2. The guarantee of origin shall include information on the identity of the electricity production plant, the category of RES electricity and the volume of RES electricity production in the period referred to in paragraph 3. In the case of hydropower plants, the electricity production capacity shall also be indicated.

3. The guarantee of origin shall be issued in respect of full, completed calendar months. It may, if the electricity producer so chooses, be issued for the last full completed month or for the most recent completed 3, 6 or 12 months.

4. If the electricity producer so requests, the undertaking responsible for the system shall issue successive guarantees of origin for the same period as specified in paragraph 3.

5. The information specified in paragraph 2 shall be consistent with the information which the undertaking responsible for the system has reported to the Danish Energy Authority's central data register for electricity production plants pursuant to the Order concerning verification and monitoring of payments in respect of certain forms of electricity production and electricity production plants etc.

Section 3

1. The electricity producer shall submit a request for the issue of a guarantee of origin no later than 30 days following the end of the last month in respect of which the guarantee is to be issued.

2. The electricity producer may grant written authority to a third party to request the issue of guarantees of origin and take receipt of them.

Section 4

1. The undertaking responsible for the system shall draw up a certificate concerning the issue of a guarantee of origin as specified in Section 2, paragraphs 1 and 4. The certificate shall be drawn up in printed and electronic form and shall be sent as soon as possible to the electricity producer or the person authorised by the electricity producer as

pursuant to Section 3, paragraph 2. Printed certificates shall be on watermarked paper or paper which carries a hologram.

2. A certificate as referred to in paragraph 1 shall:

- (1) include the information specified in Section 2, paragraph 2,
- (2) indicate the name of the issuer and the date of issue,
- (3) state whether a price supplement has been paid or other benefits have been granted in respect of the electricity concerned under the Electricity Supply Act or rules laid down pursuant thereto, and
- (4) explain what a guarantee of origin implies, as specified in Section 1, with reference to Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market.

3. Undertakings responsible for systems shall jointly draw up a standard form for the certificate and shall decide on the watermark or hologram referred to in paragraph 1.

4. The standard form for the certificate shall be approved by the Danish Energy Authority. If so warranted with regard to the form's use and current circumstances, the Danish Energy Authority may decide that a form must be amended.

Section 5. Pursuant to Section 63a, paragraph 3, of the Electricity Supply Act, the Danish Energy Authority may require the issuer to correct information contained in a guarantee of origin.

Chapter 3

Verification and monitoring of guarantees of origin

Section 6

1. The undertaking responsible for the system shall record the guarantees of origin which have been issued. When a guarantee of origin is recorded, it shall be proven to be consistent with the information which the undertaking responsible for the system has reported to the Danish Energy Authority's central data register for electricity production plants.

2. The provisions of the Order concerning verification and monitoring of payments in respect of certain forms of electricity production and electricity production plants etc. which relate to the development of a quality management system for the central data register shall apply *mutatis mutandis* to the recording of guarantees referred to in paragraph 1.

3. The undertaking responsible for the system shall, as specified by the Danish Energy Authority, draw up an annual report on the guarantees of origin it has issued.

Section 7

1. An electricity producer who applies for or has received a guarantee of origin shall, if so requested, notify to the undertaking responsible for the system all information which the latter considers necessary with regard to the guarantee of origin.

2. The undertaking responsible for the system may specify how the electricity producer is to prove that the proportion of biodegradable waste as referred to in Section 1, paragraph 2, exceeds 80%.

Section 8. The necessary costs incurred by the undertaking responsible for the system in issuing guarantees of origin as provided for in Sections 2 and 4 and in recording such guarantees pursuant to Section 6, paragraph 1, shall be borne by the electricity producer in accordance with the principles laid down in Section 73 of the Electricity Supply Act.

Chapter 4

Foreign supervisory authorities

Section 9

1. Any person in Denmark who holds a certificate concerning a guarantee of origin issued in another Member State of the European Union pursuant to rules implementing Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market may address a query regarding the accuracy of the guarantee to the undertaking responsible for the system. The undertaking responsible for the system shall ask the public authority or another competent body which supervises the issue of guarantees of origin in the Member State concerned to reply to the holder and inform it of the answer given to the holder's query.

2. The undertaking responsible for the system shall answer queries from public authorities or other competent bodies in other Member States of the European Union, cf. paragraph 1, regarding the accuracy of guarantees of origin it has issued.

3. The undertaking responsible for the system shall inform the Danish Energy Authority of the outcome of the queries referred to in paragraphs 1 and 2.

Chapter 5

Appeals, penalties

Section 10

1. The electricity producer may submit an appeal to the Danish Energy Authority against a decision taken by the undertaking responsible for the system concerning the proportion of biodegradable waste as referred to in Section 1, paragraph 2. The appeal shall be submitted in writing within four weeks following notification of the decision.

2. Appeals against rulings given by the Danish Energy Authority pursuant to paragraph 1 and requirements imposed pursuant to Section 63a, paragraph 3, of the Electricity Supply Act may not be submitted to other administrative authorities.

Section 11

1. Unless a more severe penalty is laid down in other legislation, any person who:

(1) provides incorrect information for use in connection with the issue of guarantees of origin or fails to provide such information as he is required to provide pursuant to Section 7, or

(2) disregards the tasks which are incumbent on the undertaking responsible for the system when issuing guarantees of origin pursuant to Sections 2 and 4,

shall be liable to a fine.

2. Companies etc. (legal persons) may be held criminally liable pursuant to the provisions of Chapter 5 of the Criminal Code.

Chapter 6

Entry into force etc.

Section 12

1. This Order shall enter into force on 15. January 2004.

2. Notwithstanding the provisions of Section 3, paragraph 1, electricity producers may, until 29 February 2004, request the issue of guarantees of origin for December 2003, the last quarter or the last six months of 2003 or the whole of 2003.

3. The undertaking responsible for the system shall not be required to draw up and send certificates in respect of guarantees of origin, as laid down in Section 4, paragraph 1, before 15 February 2004.

Ministry of Economic Affairs, Trade and Industry, 6 January 2004

Bendt Bendtsen

/Knud Pedersen

Official notes

¹⁾ This Order contains provisions implementing parts of Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market (OJEC 2001 L 283, p.33).