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## **Order concerning verification and monitoring of payments in respect of certain forms of electricity production and electricity production plants etc. <sup>1)</sup>**

Pursuant to Section 84, paragraph 2, Section 85a, paragraphs 1 and 3-5, 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 laid down:

### Chapter 1

#### *Scope and definitions*

**Section 1.** Grid and transmission undertakings and the undertaking responsible for the system shall, in accordance with the provisions of Chapter 2, monitor and verify payments they make in respect of the matters specified below and the sharing of the costs relating thereto:

- (1) Payment for services rendered in respect of environment-friendly electricity production in accordance with Chapter 9 of the Electricity Supply Act, rules laid down pursuant thereto and rules laid down pursuant to Section 9a, paragraph 3, of the version of the Electricity Supply Act previously in force;
- (2) Covering the costs of connecting electricity production plants to the grid which, pursuant to Section 67 of the Electricity Supply Act, must be met by the grid undertaking;
- (3) Covering the costs of connecting wind turbines to the grid and costs arising by virtue of a wind turbine being connected to the grid which, under rules laid down pursuant to Section 68 of the Electricity Supply Act, must be met by the grid or transmission undertaking.

2. Sharing of costs shall mean the apportionment of the costs incurred amongst electricity consumers in accordance with Section 9, paragraphs 1 and 3, of the Electricity Supply Act.

### Chapter 2

#### *Monitoring and verification of payments*

**Section 2.** Grid and transmission undertakings and the undertaking responsible for the system shall monitor and verify the payments and the sharing of costs specified in Section 1, paragraph 1. For the purposes of monitoring and verification, the undertakings shall use information communicated to the central data register provided for in Chapter 3.

**Section 3.** Grid and transmission undertakings and the undertaking responsible for the system shall, no later than 5 months following the end of the financial year, submit audited annual accounts accompanied by an audit certificate in respect of the payments and the sharing of costs specified in Section 1, paragraph 1. The audit shall cover economic arrangements and include an assessment of whether the administrative tasks have been performed with due regard to relevant economic considerations.

2. Grid and transmission undertakings and the undertaking responsible for the system shall also draw up a statement describing the steps they have taken to rectify any problems which may have been pointed out in audit certificates.

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<sup>1)</sup> This Order contains provisions 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, cf. OJEC L 283/2001, p. 33.

3. Grid and transmission undertakings shall forward their accounts, accompanied by the audit certificates and reports specified in paragraphs 1 and 2, to the undertaking responsible for the system, which shall decide on the deadline for submission and the presentation of the material submitted.

4. The undertaking responsible for the system or the person authorised by the latter may, for the purposes of auditing an undertaking's accounts with regard to the sharing of costs, request a grid or transmission undertaking to communicate requisite information on the volume of such costs according to the accounts kept by the undertaking concerned.

5. On the basis of annual accounts, audit certificates and the statements specified in paragraph 2, the undertaking responsible for the system shall draw up an overall annual report on the grid and transmission undertakings' and its own performance of the tasks specified in Section 1, paragraph 1.

**Section 4.** Grid and transmission undertakings and the undertaking responsible for the system shall have the annual accounts specified in Section 3, paragraph 1, audited by, and the statements and report specified in Section 3, paragraphs 2 and 5, prepared by an independent chartered or registered auditor in accordance with the audit regulations laid down by the Danish Energy Authority.

### Chapter 3

#### *Central data register of electricity production plants*

**Section 5.** The Danish Energy Authority shall establish a nation-wide central data register of electricity production plants for the purposes of the verification and monitoring of payments in respect of electricity production pursuant to Section 1, paragraph 1, the provision of statistical information on electricity production and electricity production plants and the performance of other similar tasks pursuant to the Electricity Supply Act.

2. The central data register shall, as specified by the Energy Authority, contain information on:

- (1) the ownership of the production plant,
- (2) the location, grid connection, capacity and other technical characteristics of the production plant,
- (3) electricity production, types and quantities of fuel used, etc,
- (4) payment in respect of electricity production and other costs, as specified in Section 1, paragraph 1, and information which is relevant for establishing the amount to be paid and
- (5) other factors of relevance as regards the administration of the Electricity Supply Act, including environmental factors and security of supply.

**Section 6.** The undertaking responsible for the system shall draw up and update the information held in the central data register concerning electricity production and electricity production plants in the coherent electricity supply system. The undertaking shall submit the information, and a monthly update indicating any changes to that information, to the Energy Authority, which may stipulate that information must be submitted in a specified form.

2. The undertaking responsible for the system may lay down that grid and transmission undertakings must communicate the necessary information for use by the undertaking responsible for the system in performing the tasks referred to in paragraph 1, and that specified information must be submitted by the appointed deadlines and in a specified form.

3. The undertaking responsible for the system may determine how grid and transmission undertakings are to document the quality of information communicated for entry in the central data register.

**Section 7.** The Danish Energy Authority may lay down requirements concerning the quality of the information which is gathered and compiled for entry in the central data register.

2. The undertaking responsible for the system shall, on the basis of the requirements referred to in paragraph 1, devise a quality management system concerning the gathering and compilation of information by the undertaking for entry in the central data register and the action it takes to ensure the quality of the information provided by the grid and transmission undertakings, cf. Section 6, paragraph 3.

3. The undertaking responsible for the system shall have the quality management system certified in accordance with current ISO standards by an accredited certification body. The undertaking shall submit to the Danish Energy Authority updates of the certification of the quality management system and the certification body's annual report.

4. The Danish Energy Authority may lay down that the undertaking responsible for the system must modify the quality management system if such action is considered necessary to ensure that the information held in the central data register is accurate.

**Section 8.** The undertaking responsible for the system and grid and transmission undertakings may lay down that electricity producers must supply the necessary information for use by the undertakings in carrying out the monitoring and verification specified in Section 1, paragraph 1, and for the purposes of updating the central data register.

2. The undertaking responsible for the system and grid and transmission undertakings may lay down that the specified information referred to in paragraph 1 must be communicated by the appointed deadlines and in a specified form.

3. The undertaking responsible for the system and grid and transmission undertakings may, for the purposes of the monitoring and verification they carry out pursuant to Section 1, paragraph 1, lay down that electricity producers must submit specified documentation concerning requisite information on fuel use etc. at electricity production plants.

4. The Danish Energy Authority may lay down that electricity producers must, by a specified deadline, update a copy which they have been sent of the information held in the central data register concerning their electricity production plant and send the updated information to the grid undertaking.

## Chapter 4

### *Checks on metering for settlement purposes*

**Section 9.** Grid and transmission undertakings shall, in accordance with the rules in force, verify the accuracy of metering for the settlement of accounts with electricity production plants which are connected to the grid in their supply areas. Verification shall include the checking of metering equipment used for the settlement of accounts and equipment used for processing meter readings and forwarding them to the undertaking responsible for the system.

2. Grid and transmission undertakings may, for the purposes of the monitoring and verification carried out by the undertakings pursuant to Section 1, paragraph 1, lay down that electricity producers must submit specified documentation as evidence of the accuracy of metering equipment which is relevant for the calculation of fuel use etc. at electricity production plants.

3. Grid and transmission undertakings shall every year submit a statement to the undertaking responsible for the system describing the verification activity carried out pursuant to paragraph 1. The Danish Energy Authority may decide which subjects are to be addressed in the statement and set the deadline for drawing up the statement and submitting it to the undertaking responsible for the system.

4. Grid and transmission undertakings shall, at the request of the undertaking responsible for the system, state what steps they have taken to rectify errors found in meters used for settlement purposes.

## Chapter 5

### *Appeals and penalties*

**Section 10.** Appeals against decisions taken by the Danish Energy Authority pursuant to this Order may not be submitted to other administrative authorities.

**Section 11.** Unless a more severe penalty is required under other legislation, any person who:

- (1) supplies incorrect information concerning matters on which he is required to provide information pursuant to this Order, or omits to supply the required information;
- (2) infringes the provisions of Sections 3 and 4 on the preparation and auditing of accounts or the provisions of Section 6 concerning the compilation and updating of information for entry in the central data register;
- (3) disregards a decision of the Danish Energy Authority concerning modification of quality management systems referred to in Section 7, paragraph 4; or
- (4) infringes the provisions of Section 9 concerning verification of the accuracy of meters used for the settlement of accounts,

shall be fined.

2. Companies etc. (legal persons) may be held criminally liable under the provisions of Chapter 5 of the Criminal Code [*Straffelov*].

## Chapter 6

### *Entry into force*

**Section 12.** This Order shall enter into force on 1 November 2003

*Ministry of Economic Affairs and Trade, 00 October 2003*

BENDT BENDTSEN

/Knud Pedersen