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ANNEX 1

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SFS [Statute Book] no: 2003:437

Ministry/authority: Ministry of Industry, Employment and Communications

Section: Act (2003:437) on guarantees of origin of electricity produced from renewable energy sources

Issued: 12 June 2003

/Enters into force I: 1 October 2003/

Section 1. This Act contains provisions on the right of electricity producers to be issued with guarantees of origin in respect of electricity produced from renewable energy sources (RES electricity).

'Guarantee of origin' shall mean a document which states that a certain quantity of RES electricity has been produced.

Section 2. The authority which pursuant to Chapter 1, Section 3, of Act (2003:113) on electricity certificates has been appointed to deal with matters for which the accounting authority (guarantee authority) is responsible pursuant to that Act shall deal with matters relating to guarantees of origin.

Section 3. Compliance with this Act and provisions issued pursuant hereto shall be supervised by the authority appointed pursuant to Chapter 1, Section 3, of Act (2003:113) on electricity certificates to deal with matters for which the supervisory authority is responsible pursuant to that Act.

The guarantee authority shall not be subject to supervision.

Section 4. The following shall be entitled to guarantees of origin:

1. persons who are entitled to be awarded electricity certificates pursuant to Chapter 2, Section 1(1)-(4) of Act (2003:113) on electricity certificates,
2. owners of production plants where electricity is produced at hydropower plants, and
3. owners of production plants where electricity is produced from biofuels.

Biofuel shall mean fuel produced from biomass and landfill gas, sewage treatment plant gas and biogases.

Biomass shall mean the biodegradable fraction of products, waste and residues (including vegetal and animal substances) from agriculture, forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste.

Section 5. Owners of production plants wishing to receive guarantees of origin for future use shall notify the supervisory authority accordingly, except if the plant has been authorised pursuant to Chapter 2, Section 5, of Act (2003:113) on electricity certificates.

Section 6. If electricity has been produced at a production plant specified in Section 4 both from energy sources which entitle the plant's owner to guarantees of origin and from other energy sources, guarantees of origin may be issued only in respect of the portion of the electricity which has been produced from the first-mentioned type of energy sources.

Section 7. Guarantees of origin may be issued in respect of RES electricity only if the quantity of such electricity fed in and its distribution over time has been metered and reported to the guarantee authority in accordance with the provisions issued by the Government or the authority appointed by the Government.

If the RES electricity is fed into an electricity grid which is used without a grid licence, the owner of the production plant shall be responsible for the metering and reporting referred to in the first paragraph.

In the cases referred to in Section 6, the owner of the plant shall prepare separate calculations and reports for electricity which has been produced from the energy sources which entitle the plant owner to guarantees of origin.

The Government or the authority appointed by the Government shall issue more detailed rules on the calculation and reporting of electricity production referred to in the third paragraph.

Section 8. The guarantee authority shall issue guarantees of origin at the request of persons entitled to such guarantees.

A guarantee of origin shall specify:

1. the renewable energy source used to produce the electricity;
2. the production plant at which the RES electricity was produced;
3. the quantity of electricity produced and the period of time during which production took place. The period of time shall be one or more calendar months.

If RES electricity has been produced from hydropower, the production plant's installed capacity shall also be specified.

Section 9. The Government may issue provisions laying down fees to be paid for the issue of guarantees of origin.

Section 10. The supervisory authority shall have the right, upon request, to obtain the information and examine the documents required for the purposes of supervision. A penalty clause may be included in such requests.

Section 11. Appeals against decisions taken by an authority under this Act or provisions issued pursuant hereto may be submitted to the General Administrative Tribunal. Leave of appeal is required for appeals to the Administrative Court of Appeal.