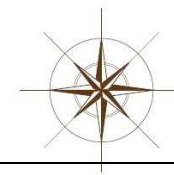


NEWSLETTER
January 2012

<p>Regulamentul de emitere si urmarire a garantiilor de origine pentru energia electrica produsa din surse regenerabile de energie</p> <p>In data de 04/01/2012 a fost publicat Regulamentul de emitere si urmarire a garantiilor de origine pentru energia electrica produsa din surse regenerabile de energie (denumit in continuare „Regulamentul”) prin care a fost instituit cadrul de organizare si functionare a sistemului garantiilor de origine a productiei de energie electrica din surse regenerabile.</p> <p>1) <u>Definirea unor termeni si expresii</u></p> <p>Pentru aplicarea corecta a prevederilor Regulamentului, s-a impus definirea unor termeni si expresii, precum:</p> <ul style="list-style-type: none">▪ garantie de origine – document electronic cu functie unica de a furniza unui consumator final dovada ca o pondere sau o cantitate de energie data a fost produsa din surse regenerabile;▪ etichetarea energiei electrice – totalitatea activitatilor desfasurate de catre un furnizor de energie electrica in vederea informarii clientilor sai existenti sau potentiali in mod transparent asupra contributiei fiecarei surse de energie primara la producerea energiei furnizate, precum si a impactului asupra mediului inconjurator;▪ eticheta – document intocmit de furnizorul de energie electrica care specifica structura surselor primare de energie utilizate la producerea energiei electrice furnizate si care ofera consumatorilor informatii privind impactul surselor respective asupra mediului;	<p>The Regulation for issuing and tracking the guarantees of origin for electricity produced from renewable energy sources</p> <p>On 04/01/2012 the Regulation for issuing and tracking the guarantees of origin for electricity produced from renewable energy sources (hereinafter referred to as the “Regulation”) was published, which by the organizational and functioning framework of the guarantees of origin for electricity production from renewable sources system was established.</p> <p>1) <u>Definition of some terms and expressions</u></p> <p>For the right application of the Regulation’s provisions, the definition of some terms and expressions was mandatory:</p> <ul style="list-style-type: none">▪ guarantee of origin – electronic document with the sole function of providing to the final customer the proof that a share or a quantity of energy was produced from renewable sources;▪ labeling the electricity – all activities carried out by an electricity supplier in order to inform his current or potential clients in a transparent manner on the contribution of each primary energy source to the supplied energy production, and also on the impact over the environment;▪ label – document drafted by the electricity supplier that specifies the structure of the primary energy sources used to produce the supplied energy and that provides the consumers with information regarding the impact produced by those sources on the environment;
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2) Emiterea garantiilor de origine

Garantiile de origine se emit de ANRE la cererea scrisa a unui producator de energie electrica pentru energia electrica produsa din surse regenerabile de energie si livrata in retelele electrice in perioada pentru care se solicita emiterea garantiilor de origine, perioada mentionata putand fi de o luna, un trimestru sau un semestru.

In situatia in care documentatia transmisa de solicitant este corecta si completa ANRE va emite, in termen de 10 zile, garantiile de origine solicitate. Garantiile de origine emise sunt valabile pe o perioada de un an de la data producerii energiei electrice la care se refera.

Pentru fiecare unitate de energie electrica (1MWh) produsa din surse regenerabile de energie si livrata in reseaua electrica ANRE va emite, in format electronic, o garantie de origine care va contine informatii precum: (i) data emiterii, organul emitent si tara de origine a acestuia, precum si un numar de identificare unic; (ii) sursa de energie din care a fost produsa energia electrica si data initiala si finala a producerii acesteia; (iii) identitatea, amplasarea, tipul si capacitatea instalatiei unde a fost produsa energia; (iv) daca si in ce masura instalatia a beneficiat de un sprijin pentru investitii etc.

3) Transferul garantiilor de origine

La cererea detinatorului garantiei de origine, aceasta va putea fi transferata de catre ANRE unei terte parti, transferul considerandu-se efectuat la data inregistrarii electronice a acestuia in registrul unic al garantiilor de origine, ANRE avand obligatia de a inregistra transferul in termen de maximum 5 zile lucratoare de la data solicitarii.

Conform prevederilor Regulamentului, garantiile de origine pot fi transferate, separat sau impreuna cu transferul fizic de energie electrica,

2) The issuance of the guarantees of origin

The guarantees of origin are issued by ANRE at the written request of an electricity supplier for the electricity produced from renewable energy sources and delivered in the electric networks within the period for which the issuance of the guarantees of origin is requested; the mentioned period may last a month, a trimester or a semester.

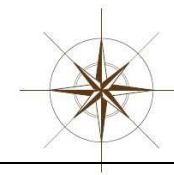
If the documentation transmitted by the solicitor is correct and complete, ANRE will issue, within 10 days, the requested guarantees of origin. The issued guarantees of origin are valid for a period of one year as of the date of electricity production that is referred to.

For each electricity unit (1MWh) produced from renewable energy sources and delivered in the electric network, ANRE will issue, in electronic format, a guarantee of origin that will contain information as: (i) date of issuance, the issuing authority and its origin country, and also an unique identification number; (ii) the energy source from which the electricity was produced and the initial and final dates of its production; (iii) the identity, the location, the type and capacity of the installation where the electricity was produced; (iv) if and to what extent the installation has received support for investments etc.

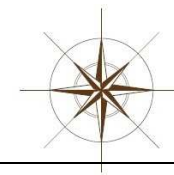
3) The guarantees of origin transfer

At the guarantee of origin holder's request, the guarantee may be transferred by ANRE to a third party, the transfer being considered carried out on its electronic registration date in the unique guarantees of origin register, ANRE having the obligation to register the transfer within maximum 5 working days from as of the date of request.

According to the Regulation's provisions, the guarantees of origin can be transferred, separately or together with the transfer of electricity, as



<p>astfel:</p> <ul style="list-style-type: none">▪ de la un producator la alt producator de energie electrica;▪ de la un producator la un furnizor de energie electrica;▪ de la un furnizor detinator de garantii de origine la alt furnizor. <p>Cantitatea de energie electrica produsa din surse regenerabile corespunzatoare garantiilor de origine transferate de catre un furnizor de energie electrica unei terte parti se va deduce din ponderea de energie din surse regenerabile din cadrul mixului sau energetic la etichetarea energiei pentru consumatorii finali.</p> <p>4) <u>Conditii privind utilizarea garantiilor de origine</u></p> <p>Garantiile de origine se considera utilizate in situatia in care un furnizor de energie electrica le intrebuinteaza, la cererea unui consumator final, pentru a proba corectitudinea informatiilor continute in eticheta energiei electrice, furnizorul de energie electrica avand obligatia de a notifica ANRE utilizarea garantiei in termen de 15 zile de la utilizare.</p> <p>Garantiile de origine vor fi retrase de catre ANRE din registrul unic al garantiilor de origine in urmatoarele situatii:</p> <ul style="list-style-type: none">▪ a expirat data de valabilitate a garantiei de origine;▪ garantia de origine a fost utilizata inainte de expirarea duratei de valabilitate. <p>ANRE are obligatia de a anula garantiile de origine din registrul unic al garantiilor de origine in situatia in care, in urma verificarii, se dovedeste ca informatiile furnizate de producatorul de energie electrica si utilizate in procesul de emitere a garantiilor, sunt incorecte.</p>	<p>follows:</p> <ul style="list-style-type: none">▪ from one producer to another electricity producer;▪ from a producer to an electricity supplier;▪ from one supplier holder of guarantees of origin to another supplier. <p>The electricity produced from renewable sources corresponding to the guarantees of origin transferred by an electricity supplier to a third party shall be deducted from the share of electricity from renewable sources from its energetic mix at the electricity labeling for the final consumers.</p> <p>4) <u>Conditions regarding the use of the guarantees of origin</u></p> <p>The guarantees of origin are considered to be used if an electricity supplier uses them at the request of a final consumer, in order to verify the accuracy of the information contained by the electricity label, the supplier having the obligation to notify ANRE on the usage of the guarantee within 15 days from using it.</p> <p>The guarantees of origin will be withdrawn by ANRE from the unique guarantees of origin register in the following situations:</p> <ul style="list-style-type: none">▪ the validity date of the guarantee of origin expired;▪ the guarantee of origin was used before the expiry date. <p>ANRE has the obligation to cancel the guarantees of origin from the unique guarantees of origin register in the situation in which, after the verification, the information provided by the electricity supplier and used in the guarantee issuance process, are proven incorrect.</p>
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5) Registrul unic al garantiilor de origine

Conform prevederilor Regulamentului, ANRE are obligatia de a infiinta si actualiza un registru unic al garantiilor de origine, in format electronic, in care vor fi cuprinse informatii referitoare la garantiile de origine emise, transferate sau retrase. Mai mult, pe site-ul ANRE va fi publicata lunar lista detinatorilor de garantii de origine si numarul detinut.

6) Consideratii finale

Pana la data de 30 martie a fiecarui an, ANRE are obligatia de a intocmi si publica pe site-ul propriu, un raport privind garantiile de origine emise in anul anterior pentru energia electrica produsa din surse regenerabile de energie si livrata in retelele electrice.

Detinerea de garantii de origine in baza Regulamentului nu confera unui producator de energie electrica si dreptul de a beneficia de un sistem de promovare a energiei electrice produse din surse regenerabile de energie, in acest scop fiind necesara indeplinirea conditiilor suplimentare de eligibilitate prevazute de lege.

In termen de 6 luni de la data de 04.01.2012 – data intrarii in vigoare a Regulamentului – ANRE va aproba Procedura privind implementarea, functionarea si mentenanta sistemului informatic necesar emiterii, transferului si retragerii garantiilor de origine, precum si celelalte proceduri administrative necesare punerii in aplicare a prevederilor Regulamentului.

5) The guarantees of origin register

According to the Regulation's provisions, ANRE has the obligation to set up and update a sole register of guarantees of origin, in electronic format, that will contain information regarding the issued, transferred or withdrawn guarantees of origin. Moreover, on the ANRE site the list of holders of guarantees of origin and the hold number will be monthly published.

6) Final remarks

Until March, 30 of every year, ANRE has the obligation to draft and publish, on its site, a report regarding the guarantees of origin issued in the previous year for electricity produced from renewable energy sources and delivered in electric networks.

Holding guarantees of origin according to the Regulation does not confer to an electricity supplier also the right to benefit from a promoting system of electricity produced from renewable energy sources, in this respect complying with the additional eligibility conditions provided by the law being necessary.

Within 6 months as of 04.01.2012 – the entering into force date of the Regulation – ANRE will approve the Procedure regarding the implementation, functioning and maintenance of the software system required for issuing, transferring and withdrawing the guarantees of origin, and also the other administrative procedures necessary for the application of the Regulation's provisions.

Yours sincerely,
Almaj & Albu, attorneys at law