

NEWSLETTER
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Decizia Comisiei Europene privind autorizarea schemei de sprijin prin certificate verzi

Conform informatiilor publicate pe site-ul ANRE, Consiliul Concurentei a primit oficial decizia prin care Comisia Europeana a autorizat schema de sprijin privind energia electrica produsa din surse regenerabile de energie prin sistemul cotelor obligatorii de energie electrica combinat cu tranzactionarea certificatelor verzi (denumita in continuare „Schema”).

Desi Schema mai sus mentionata a fost instituita prin Legea nr. 220/2008 pentru stabilirea sistemului de promovare a producerii energiei din surse regenerabile de energie (denumita in continuare „Legea 220/2008”), aceasta nu a fost aplicata pana in prezent intrucat, conform Consiliului Concurentei, masurile de sprijin prevazute erau de natura ajutorului de stat, pentru aplicarea acestora fiind necesara autorizarea prealabila a Comisiei Europene.

Conform procedurilor comunitare, Decizia CE de aprobare a Schemei va deveni publica in 20 de zile lucratoare.

Schema, notificata informal Comisiei Europene in iulie 2010, a facut obiectul mai multor etape de consultari tehnice si schimburi de informatii cu forul comunitar, in scopul respectarii prevederilor comunitare aplicabile.

Ca urmare a consultarilor dintre autoritatile romane competente si Comisia Europeana, a fost elaborat un Proiect de Ordonanta care modifica si completeaza Legea 220/2008, astfel incat sa fie indeplinite cerintele Comisiei Europene privind compatibilitatea masurilor de

European Commission Decision on authorizing the green certificates support scheme

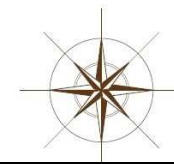
According to the information published on the ANRE site, the Competition Council has officially received the decision through which the European Commission has authorized the support scheme for electricity produced from renewable energy sources through electricity mandatory quotas combined with green certificates transaction (hereinafter referred to as “the Scheme”).

Although the hereinbefore mentioned Scheme was established through Law no. 220/2008 on establishing the promotion system of renewable energy production (hereinafter referred to as “Law 220/2008”), it was not applied until now since as per the Competition Council the support measures provided therein were of state aid nature, for their application being required the European Commission’s authorization.

In conformity with the Community procedures, the EC Decision on approving the Scheme shall become public in 20 working days.

The Scheme, informally notified to the European Commission in July 2010, was subject to several stages of technical consultations and information exchanges with the Community Forum in order to comply with the applicable Community provisions.

As a result of the consultations between the Romanian competent authorities and the European Commission, there was created a Draft Ordinance amending and supplementing Law 220/2008, in the aim of meeting the European Commission’s requirements on the compatibility



sprijin cu legislatia aplicabila in domeniu. Proiectul Ordonantei poate fi consultat pe site-ul ANRE – www.anre.ro si, conform informatiilor publicate, urmeaza sa fie aprobat in aceasta vara.

Modificarile si completarile aduse Legii 220/2008 prin Proiectul de Ordonanta mai sus mentionat, vizeaza, in principal, urmatoarele:

- definirea unor noi termeni, precum: „centrala electrica multicomcombustibil”, „supracompensare”, „analiza cost-beneficiu”, „culturi energetice” etc.;
- evitarea supracompensarii pe ansamblu a producatorilor;
- evitarea cumulului ajutoarelor de stat din mai multe surse;
- reducerea numarului de certificate verzi pentru anumite tehnologii, astfel: (i) de la 3 certificate la 2 certificate pentru energia electrica obtinuta din energie geotermala, biomasa (alta decat cea provenita din culturi energetice), biolichide, biogaz; (ii) de la 3 certificate la 1 certificat pentru gazul de procesare a deseurilor si gazul de fermentare a namolurilor. In ceea ce priveste numarul de certificate verzi pentru energia hidro, eoliana, solara si biomasa obtinuta din culturi energetice, acesta a ramas nemodificat.

of the support measures with the applicable legislation in the field. The Draft Ordinance can be accessed on the ANRE official site – www.anre.ro and, according to the published information, it shall be approved this summer.

The amendments and completions brought to Law 220/2008 through the hereinbefore mentioned Draft Ordinance, mainly aims at the following:

- defining new terms as: “multi-combustible electric station”, “over-compensation”, “price-profit analysis”, “energetic crops” etc.
- avoiding the over-compensation of producers;
- avoiding the state aid cumulus from several sources;
- reduction of the number of green certificates for certain technologies, as follows: (i) from three to two certificates for the electricity obtained from geothermal energy, biomass (other than that obtained from energetic crops), bio-liquids, bio-gas; (ii) from three to one certificate for the waste processing gas and sludge fermentation gas. The number of green certificates for hydro, wind and solar energy and for the biomass obtained from energetic crops was not modified.

Yours sincerely,
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