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LAWS & DECREES

Parliament of Romania

Law no.139/2010

concerning the modification and completion of Law no. 220/2008
for establishing the system to promote the production of energy
from renewable energy sources

The Romanian Parliament hereby adopts this law.

Art. 1. - Law no. 220/2008 for establishing the system to promote the production of energy from renewable energy sources published in the Official Gazette of Romania, part I, no. 743 dated 3 November 2008, shall be modified and completed as follows:

1. For article 1, letter a) of paragraph (1) is repealed.

2. For article 1, letters e) and g) of paragraph (1) shall be modified and shall read:

“e) ensuring the necessary co-finance in attracting external financial sources, aimed at promoting renewable sources of energy, within the limit of the sources agreed upon annually through the

government budget law and for the benefit of local public authorities exclusively;

.....
g) establishing the sustainability criteria for biofuels and bio-liquids.”

3. For article 2, letters b) and c) shall modify and shall read:

„b) *biomass* – the biodegradable fraction of products, waste and residues of biological origin from agriculture (including vegetal and animal substances), forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste, classified according to legal provisions;

c) *bio-liquid* – liquid fuel for energy purposes, other than for transport, including electricity and heating and cooling, produced from biomass;”

4. For article 2, after letter c) a new letter shall be introduced, letter c¹), which shall read:

„c¹) *biofuel* – liquid or gaseous fuel for transport, produced from biomass;”

5. For article 2, letters d), f), g), h) and i) shall be modified and shall read:

„d) *power station* – set of installations, buildings and equipment necessary for the production of electricity; it can be built from one or more electric groups;

.....
f) *new plant /new power group* - power station /group that entered in operation after 1st day of January 2004, built entirely from new equipment;

g) *green certificate* – title which certifies the production from renewable sources of energy of a amount of electricity. The green certificate can be traded in a distinct manner from the electricity that it represents on an organized market, according to the legal framework

h) *gross final consumption of electricity* – the amount of electricity produced, including the consumption of electricity in the sector of electricity production, as well as the electricity losses from the transmission and distribution, excluding the electricity produced in electricity plants by means of accumulation through the pumping of water previously pumped in a superior reservoir, to which it is added the difference between the import and export of electricity;

i) *internal technical consumption* – the consumption of electricity by a power station, necessary for the production of electricity;”

6. For article 2, after letter j) there shall be introduced 6 new letters, letters j¹)-j⁶), which shall read:

„j¹) *mandatory annual quotas for the acquisition of green certificates* – target for acquiring green certificates imposed each year on the suppliers of electricity, according to the provisions of this law, under sanction of penalties;

j²) *mandatory annual quotas for the amount of electricity produced from renewable sources which benefit from the promotion system* – the amount of electricity produced from renewable sources in the final gross consumption of electricity, for which there is a mandatory quota system in place, except for the electricity produced in 10 MW or higher hydroelectric plants;

j³) *aerothermal energy* – energy stored in the form of heat in the ambient air;

j⁴) *geothermal energy* – energy stored in the form of heat beneath the surface of solid earth;

j⁵) *hydrothermal energy* – energy stored in the form of heat in surface water;

j⁶) *Environment Fund* – economical and financial instrument managed by the Environment Fund Administration, designed for supporting and carrying out projects and programs for the protection of the environment, as per the legal provisions in power in the field of environment protection, regulated according to the Emergency Government Ordinance no. 196/2005 regarding the Environment fund, approved with modifications to Law no. 105/2006, with subsequent modifications and annotations.”

7. For article 2, letters l) – o) shall be modified and shall read:

„l) *guarantee of origin* – an electronic document whose sole function of providing proof to a final customer that a given share or amount of energy was produced from renewable sources, as required by Article 3 (6) of Directive 2003/54/EC;

m) *power group* – - technologic unit that produces electricity which can be individualized as achievement, refurbishment and ;

n) *district heating or district cooling* – the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production, through a network to multiple buildings or locations, for the use of space or process heating or cooling;

o) *designated ministry* – Ministry of Economy, Commerce and Business Environment;”

8. For article 2, after letter s) a new letter, letter s¹) with the following content:

„s¹) *National renewable energy action plan* – the plan based on which national targets are drawn regarding the percentage of energy from renewable sources used in transport, electricity, heating and cooling in the year 2020, taking into account the effects of other policies regarding electric efficiency in the end consumer phase and the measures which need to be adopted in order to meet the respective global national targets;”

9. For article 2, letters t) and u) shall be modified and shall read:

„t) *mandatory quota system* – promotion mechanism for electricity products from renewable energy sources by means of applying mandatory annual quotas for the acquisition of green certificates;

u) *promotion system* – any instrument, scheme or mechanism, which promotes the use of energy resulted from renewable sources by reducing the cost of such energy, by increasing the price for which it is sold or by increasing, by means of certain obligations regarding renewable energy or in another way, the acquired quantities of such energy; this includes, but is not limited to the promotion system by means of green certificates, subsidies for investment, waivers for or reduction of taxes, promotion scheme regarding the obligation to buy energy from renewable sources;”

10. For article 2, after letter u) two new letters shall be introduced, letters u¹) and u²) which shall read:

„u¹) *promotion system by means of green certificates* – the mandatory quota system combined with the transaction of green certificates;

u²) *isolated electric energy system* – the local system for the production, distribution and supply of electricity which is not linked to the National Electricity Grid;”

11. For article 2, letter v) is repealed.

12. For article 2, letter x) shall be modified and shall read:

„x) *renewable sources of energy* –energy from renewable non- fossil sources namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, also called *deposit gas*, sewage treatment plant gas and biogases.”

13. For article 2, after letter x) a new letter shall be introduced, letter z) which shall read:

„z) *national targets regarding the percentage of electricity produced from renewable sources of energy* – national objectives regarding the percentage of electricity produced from renewable sources in the final gross consumption of electricity, including besides electricity produced from the renewable sources provided under art. 3 par. (1) also electricity produced in hydroelectric plants with installed power higher than 10 MW.”

14. Article 3 shall be modified and shall read:

Art. 3. - (1) The system of promoting electricity produced from renewable sources of energy, hereinafter *promotion system*, implemented by this law shall be applied for the electricity supplied into the electric grid and/or to the consumers, produced from:

- a) hydraulic energy used in power station with installed power of maximum 10MW ;
- b) wind energy;
- c) solar energy;
- d) geothermal energy;
- e) biomass;
- f) bio liquids;
- g) biogas;
- h) landfill gas resulted from waste processing;
- i) sewage treatment plant gas

(2) The promotion system set up by this law shall be applied for a period of:

- a) 15 years, for electricity produced according to the provisions of par. (1), in new power groups/plants;
- b) 10 years, for electricity produced in modernized hydroelectric plant groups with installed power equal or higher than 10 MW;
- c) 7 years, for electricity produced in groups/plants, which have been used before for producing electricity in other states

should they be used in isolated electricity systems or should they have been operating before the this law came into power, but not older than 10 years and meeting the environmental protection norms;

d) 3 years, for electricity produced in non-modernized hydroelectric groups/plants with an installed power not exceeding 10 MW.

(3) The promotion system shall be applied to the producers, holders of production capabilities mentioned in par. (2), qualified by ANRE in this field, starting with the date when they begin to produce electricity and receive green certificates for electricity, as per art. 5, should the commissioning, respectively refurbishments of stations /groups are made until the end of 2016.

(4) Qualifying for the implementation of the promotion system set up by this law can be made gradually, as each individual electric group within an electric resource of several such electric groups is commissioned, in which case the application period for the promotion system regulated by this law shall be applied distinctly depending on the moment it is qualified.

(5) In the case of electricity produced in multi-fuel electricity plants which use renewable and conventional sources, only that part of electricity benefits from the promotion system which is produced entirely from renewable sources of energy, based on the energy content resulted from renewable sources.

(6) The promotion system for producing electricity from renewable sources of energy stipulated in this law shall not be applied for:

a) electricity produced from imported industrial and/or city waste, regardless of the installed power of the electric plant;

b) electricity produced in plants which accumulate by pumping the water previously pumped in the superior basin;

c) electricity produced in multi-fuel electric plants which use renewable and conventional sources where the energy content of the conventional fuel represents more than 75% of the total energy content used;

d) electricity related to the internal technical consumption of the plant.

(7) In the case of electricity resulted from renewable sources, produced in cogeneration plants, the promotion system is applied for highly efficient cogenerated electricity qualified according to specific regulations, the producers having the right to choose either the cogeneration promotion scheme or the promotion scheme provided in this law.”

15. Article 4 shall be modified and shall have the following content:

“Art. 4. - (1) For the promotion of electricity produced from renewable energy sources the promotion system provided by this law shall be applied.

(2) The level of national targets regarding the percentage of electricity produced from renewable sources of energy in the final gross consumption of electricity for years 2010, 2015 and 2020 is 33%, 35% and 38% respectively.

(3) In order to achieve the national targets set in par. (2), apart from the electricity produced from renewable sources of energy provided in art. 3 par. (1), the electricity produced in hydroelectric plants with installed power higher than 10 MW shall also be considered.

(4) The annual mandatory quotas for electricity produced from renewable sources of energy which benefit from the promotion system of green certificates for the 2010-2020 period are the following: 2010 - 8,3%; 2011 - 10%; 2012 - 12%; 2013 - 14%; 2014 - 15%; 2015 - 16%; 2016 - 17%; 2017 - 18%; 2018 - 19%; 2019 - 19,5%; 2020 - 20%.

(5) Annual mandatory quotas for electricity produced from renewable sources of energy which benefit from the green certificate promotion system for the 2020-2030 period shall be set by the designated ministry and shall be approved by Government decision and shall be lower than the quota set for year 2020.

(6) ANRE qualifies the producers of electricity from renewable sources of energy in order to benefit from the green certificate promotion system, under the conditions provided in the *Regulations for qualifying producers of electricity from renewable sources, so as to apply the green certificate promotion system.*

(7) In the first decade of December, ANRE publishes on its webpage the annual mandatory quota for the acquisition of green certificates estimated for issue in the following year based on the information regarding the estimated electricity produced from renewable sources of energy for the next year and the final energy consumption estimated for the next year.

(8) ANRE elaborates within 3 months of this law coming into force a methodology for establishing the annual quotas of green certificates, approved by order of the president of ANRE.

(9) By 1 March this year, ANRE shall adjust the annual mandatory quota for the acquisition of green certificates related to last year, based on last year's effective results and shall publish it on its webpage.”

16. After article 4 a new article shall be introduced, article 4¹ which shall read:

“Art. 4¹. - (1) The level of the national target regarding the percentage of energy produced from renewable sources in the final gross consumption of energy in 2020 is 24%.

(2) The final gross energy consumption from renewable sources shall be calculated as the sum of the following:

a) gross final consumption of electricity from renewable energy sources;

b) gross final consumption of energy from renewable sources for heating and cooling; and

c) final consumption of energy resulted from renewable sources in transport.

(3) The methodology for calculating the final gross consumption of energy resulted from renewable sources is set by ANRE within 90 days of this law coming into force.

(4) In order to achieve the target provided in par. (1), the energy policy of Romania shall pursue at least the fulfilment of the mandatory annual quotas for electricity produced from renewable sources of energy, provided in art. 4.

(5) The level of the national target regarding the percentage of energy from renewable sources used in all forms of transport in the year 2020 is at least 10 % from the final national consumption of energy in transport.

(6) The share of the energy from renewable sources used in all forms of transport in the year 2020 shall be set as follows:

a) for the calculation of the denominator, that is the total amount of energy consumed in transport, only the petrol, diesel, biofuels consumed in road and railway transport and electricity shall be taken into account;

b) for the calculation of the numerator, that is the amount of energy from renewable sources consumed for transport, all types of energy from renewable sources consumed in all forms of transport shall be taken into account ;

c) for the calculation of the contribution from electricity produced from renewable sources and consumed in all types of electric vehicles in the terms of let. a) and b), the percentage of electricity from renewable sources in Romania shall be used, measured 2 years before the year in question. In addition, for calculating the electricity from renewable sources consumed by electric road vehicles, that consumption shall be considered to be 2.5 times the energy content of electricity resulted from renewable sources.”

17. Article 5 shall be modified and shall read:

“Art. 5. - (1) The transmission and system operator issues green certificates to the producers on a monthly basis, for the amount of electricity produced from renewable sources of energy and delivered to the suppliers and/or end consumers.

(2) The producers of energy from renewable sources benefit from a number of green certificates for the electricity produced and delivered according to the provisions of par. (1), including for the amount of electricity produced in the trial operating period of electric groups/plants, as follows:

a) for the electricity from hydroelectric plants with a maximum 10 MW installed power:

(i) 3 green certificates for each 1 MWh produced and shipped if the hydroelectric plants are new;

(ii) two green certificates for each 1 MWh produced and delivered if the hydroelectric plants are refurbished;

b) a green certificate for every 2 MWh from hydroelectric plants with a maximum of 10 MW installed power, which does not fit the conditions provided in letter a);

c) two green certificates until 2017 and one green certificate starting 2018 for each 1 MWh produced and delivered by the producers of electricity from wind power energy;

d) 3 green certificates for each 1 MWh produced and delivered by the producers of electricity from the sources provided in art. 3 par. (1) let. d) - i);

e) 6 green certificates for each 1MWh produced and delivered by the producers of electricity from solar energy.

(3) The isolated electricity system shall also benefit from the green certificate promotion system regulated by this law.

(4) For the high efficiency cogenerated electricity produced in plants which use renewable sources of energy provided in art. 3 par. (1) let. d) - i), in addition to the provisions of par. (2) let. d) one green certificate shall be granted for each 1 MWh produced and delivered.

(5) ANRE has the following attributions:

a) it qualifies the power groups/plants which benefit from the promotion scheme, in the terms of the *Regulations for qualifying producers of electricity from renewable sources, so as to apply the green certificate promotion system*.

b) it elaborates the regulatory guidelines for the monitoring of production costs/revenues of producers from renewable sources which benefit from the promotion scheme by means of green certificates”.

18. For article 6, paragraph (2) shall be modified and shall read:

„(2) The producers who deliver electricity through direct contracts shall send on a monthly basis to the transport and system operator data regarding the amounts of electricity produced from renewable sources.”

19. Article 7 shall be modified and shall read:

“Art. 7. – The suppliers of electricity have the obligation to purchase yearly a number of green certificates equal to the multiplication of the value of mandatory annual quota for green certificates for the year in question, as per the provisions of art. 4 par. (7) and the amount of electricity expressed in MWh, supplied annually to end consumers.”

20. For article 8, paragraphs (2) and (3) shall be modified and shall read:

„(2) The connection of the producers of electricity from renewable sources to the electricity networks shall be done in the terms of the Regulations regarding the connection of users to the public electric networks, issued in the terms of art. 11 par. (2) letter q) from the electricity Law no. 13/2007, with subsequent modifications and annotations.

(3) The investments made by the transport and/or distribution operators in the terms of the provisions of art. (2) shall be considered as regulated assets, recognized as such by ANRE.”

21. For article 8, paragraph (4) is repealed.

22. For article 8, after paragraph (5) there will be another paragraph introduced, paragraph (6), which shall read:

“(6) In case the transmission and system operator or the distribution operators take significant measures to limit the use of renewable sources of energy, in the aim of ensuring the security of the national electric grid and the security of energy distribution, the responsible system operators have the obligation to inform ANRE with regards to these measures and to inform on the corrective measures it plans to take in order to prevent inadequate limitations.”

23. Article 9 shall be modified and shall read:

“Art. 9 - (1) The producers of electricity from renewable sources of energy and the suppliers shall trade the green certificates on the centralized market of green certificates, as well as on the green certificate bilateral contract market.

(2) The guidelines for the trade of green certificates on the green certificate market shall be provided by “Electric Energy Market Operator - Opcom” Company, as the electricity market operator according to the regulations of ANRE.

(3) Until meeting the national targets, the green certificates can be traded only on the green certificate internal market.”

24. Article 10 shall be modified and shall read:

“Art. 10. - (1) For the 2008-2025 period, the trade value for green certificates on the markets mentioned in art. 9 par. (1) varies between:

- a) a minimum trade value of 27 euros/certificate; and
- b) a maximum trade value of 55 euros/certificate.

(2) In all cases, the value in lei is calculated at a medium exchange rate set by the National Bank of Romania for December last year.

(3) Starting 2011, the trade values mentioned in par. (1) are indexed annually by ANRE according to the average inflation parameter in the month of December last year, calculated at a level of UE 27, officially communicated by EUROSTAT.

(4) Within 15 days since the average inflation index calculated at UE 27 level is published by EUROSTAT, ANRE publishes on its website the minimum and maximum values established according to the provisions of par. (1) - (3), indexed and applied for the year in question.

(5) After 2025, the trade value for green certificates shall be the one set on the green certificate market but it cannot be lower than the minimum trade value applied in 2025, indexed annually as per the provisions of par. (3).”

25. Article 11 shall be modified and shall read:

“Art. 11. - (1) ANRE establishes, until 15 April each year, for the previous calendar year and for each supplier, based on the number of green certificates acquired and the electricity supplied to the end consumers, the level of compliance with the mandatory annual quota for acquiring green certificates.

(2) The supplier who does not meet the mandatory annual quota has the obligation to pay the equivalent of the green certificates not acquired at a 110 euro rate for each certificate not acquired, calculated in lei at an average exchange rate set by the National Bank of Romania for December of previous year.

(3) Starting 2011, the value provided in par. (2) shall be indexed annually by ANRE according to the average inflation parameter registered in December of the previous year, calculated for a UE 27 level, communicated officially by EUROSTAT.

(4) Within 15 days since EUROSTAT publishes the average inflation parameter calculated for a UE 27 level, ANRE shall publish on its website the value established according to the

provisions of par. (2) and (3), indexed and applicable for the entire year in question.

(5) The amount resulted from the application of the provisions of par. (2) and (3) shall be collected by the transmission and system operator and shall be turned into revenue for the Environment Fund in order to finance the production of energy from renewable sources by natural persons who invest in energy facilities with installed power of up to 100 kW.”

26. Chapter V – „The trade of green certificates” is repealed.

27. Article 13 shall be modified and shall read:

„Art. 13. - (1) The designated Ministry has the following attributions:

a) it elaborates the strategy for capitalizing on and promoting renewable sources of energy;

b) it evaluates the technical, economic and ecological potential for each type renewable source of energy;

c) it structures the potential established according to let. b) for licence areas related to the electricity distribution operators who act as concessionaires in the lease contracts;

d) it elaborates, together with ANRE, the unitary frame of norms and regulations regarding the use of renewable sources of electricity.

(2) The designated Ministry elaborates the National renewable action plan according to the model set by the European Commission in accordance with the provisions of art. 4 par. (4) of Directive 2009/28/CE of the European Parliament and of the Council dated 23 April 2009 regarding the promotion of renewable energy use, modifying and subsequently repealing Directives 2001/77/CE and 2003/30/CE.”

28. Article 14 shall be modified and shall read:

“Art. 14. - (1) The producers of electricity from renewable sources of energy sell the electricity produced on the electricity market at the market price.

(2) The electricity produced from renewable sources of energy in power plants with a maximum installed power of 1 MW/plant can be sold for the prices regulated by the default suppliers in whose licenced areas are situated the plants.

(3) The default suppliers have the obligation, upon request from the producers and consumers who own the electric plants which use renewable sources of energy, to purchase the electricity produced according to par. (2), under the conditions set by ANRE.

(4) The regulated prices provided in par. (2) are set by ANRE based on a methodology which shall be approved within 60 days of this law coming into power, according to the promotion system provided by the former.

(5) The requests for the selling of electricity by the producers/consumers mentioned in par. (3) shall be addressed to the default suppliers, normally until the end of October of the year previous to the contracting one, the sell-purchase contracts normally being signed for at least one year.

(6) The natural persons, owners of generation units of electricity from renewable sources below 1 MW installed capacity, as well as the public authorities which own electricity capacities from renewable sources, built partially or totally, from structural funds, can benefit from the part of suppliers with whom they have signed electricity supply contracts, upon request, from the financial and/or quantitative regularization service between the energy supplied and the energy used from the grid, according to a methodology elaborated by ANRE, within 60 days of this law coming into force.

(7) The transmission and system operator and/or distribution operators ensure the transmission and distribution respectively, as well as they shall give priority to dispatch the generation units using renewable sources, for all producers of energy from renewable sources, regardless of amount, based on transparent and

non-discriminatory criteria, with the possibility of modifying the notifications during the operation day, according to the methodology set by ANRE, within 90 days of this law coming into force so that the limitation or the curtailment of energy production be applied only in exceptional cases, should this be necessary to ensure the stability and the security of the National Energy System.”

29. Article 15 shall be modified and shall have the following content:

“Art. 15. - (1) In the aim of meeting the national target for energy resulted from renewable sources of energy:

a) Romania via common agreements with member states of the European Union may:

(i) stipulate and agree on transfers of electricity resulted from renewable sources with another member state;

(ii) cooperate in carrying out joint projects regarding the production of electricity from renewable sources of energy;

(iii) harmonize, totally or partially, national promotion schemes;

b) Romania may, via common agreements with third countries, cooperate in carrying out projects relating to the production of electricity from renewable sources of energy.

(2) Agreements of the type mentioned in par. (1) are signed for one or several years and are notified to the European Commission by the designated ministry within a maximum of 3 months since the end of each year they are valid for.

(3) The norms for taking into account the results of the agreements provided in par. (1) when setting the national target are issued by the ministries involved, within 60 days of the Romanian legislation aligning to the specific European legislation, set by Directive 2009/28/CE.”

30. Article 16 is repealed.

31. After Chapter VII a new chapter shall be introduced, Chapter VII¹ which shall read:

**“CHAPTER VII¹
Joint projects**

Art. 16¹. - (1) The regulation guidelines necessary for the cooperation with other member states in all types of joint projects regarding the production of electricity, heating or cooling from renewable sources of energy shall be elaborated by the designated ministry in collaboration with competent authorities, and shall be approved by Government decision within 90 days of this law coming into power. The respective cooperation can involve private operators.

(2) The designated Ministry, based on the data supplied by the competent authorities, shall notify the European Commission with regards to the proportion or amount of electricity, heating or cooling from renewable energy sources produced by any joint project on the Romanian territory, that became operational after 25 June 2009, or by the increased capacity of an installation that was refurbished after that date, which is to be regarded as counting towards the national overall objective of the member state within the joint project.

(3) The notification mentioned in par. (2):

a) describes the installation proposed in the joint project or identifies the refurbished installation;

b) specifies the proportion or amount of electricity, heating or cooling produced by the respective installation which needs to be taken into account for the national overall objective of another member state;

c) identifies the member state in whose favour the notification is made; and

d) specifies the period, in whole calendar years, during which the electricity, or heating or cooling produced by the installation

from renewable sources of energy needs to be considered as being included in the global national objective of the other member state.

(4) The period specified in par. (3) let. d) shall not extend year 2020. The duration of a joint project may extend beyond 2020.

(5) A notification made on the basis of this article shall be varied or withdrawn without the approval of the member state identified according to par. (3) let. c).

Art. 16² - (1) In case of joint projects as per art. 16¹, within 3 months since the end of each year of the period specified in art. 16¹ par. (3) let. d), the designated ministry shall send a notification letter to the European Commission, in which it shall mention:

a) the total amount of electricity or heating or cooling produced during the year from renewable sources of energy by the installation which was the object of the notification; and

b) the amount of electricity or heating or cooling produced during the year from renewable sources of energy by that installation which is to count towards for the national overall target of another member state in accordance with the conditions of the notification.

(2) The notification letter shall be sent both to the member state for which the notification was made as well as to the European Commission.

(3) The amount of electricity or heating or cooling from renewable sources of energy notified according to par. (1) let. b) shall be:

a) deducted from the amount of electricity or heating or cooling from renewable sources of energy that is taken into account in measuring compliance by the member state which sends the notification letter in the terms of par. (1); and

b) added to the amount of electricity or heating or cooling from renewable sources of energy that is taken into account in measuring compliance by the member state receiving the notification letter in the terms of par. (2).

Art. 16³. – The electricity from renewable sources of energy produced in a third country is taken into account for the national overall objective only if the following conditions are met:

a) the electricity is consumed within the Community, a requirement that is deemed to be made where :

(i) an equivalent amount of electricity to the electricity accounted for has been firmly nominated to the allocated interconnection capacity by all transmission and system operators in the country of origin, the country of destination and, if relevant, in each third country of transit;

(ii) an equivalent amount electricity to the electricity accounted for has been firmly registered in the schedule of balance by the responsible transmission and system operator on the Community side of an interconnector; and

(iii) the nominated capacity and the production of electricity from renewable sources of energy by the installation mentioned in let. b) refers to the same time period;

b) the electricity is produced by a newly built installation which became operational after 25 June 2009 or by the increased capacity of an installation that was refurbished after that date, under a joint project as mentioned in let. a); and

c) the amount of electricity produced and exported has not receive support from a support scheme of a third country other than investment aid granted to the installation.

Art. 16⁴. - In the terms of art. 16¹ par. (2) and art. 16³ let. b), units of energy from renewable sources imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred.”

32. For article 17, after paragraph (1) a new paragraph shall be introduced, paragraph (1¹) which shall read:

„(1¹) ANRE publishes annually on its website until 30 March the proportion of electricity produced from renewable sources in the final gross consumption of electricity, except for the electricity produced in hydroelectric plants with installed power higher than 10 MW, for the previous year.”

33. For article 17, paragraph (3) and letter a) of paragraph (4) shall be modified and shall read:

“(3) The designated Ministry elaborates once every 2 years, starting October 2010, the report regarding the modalities of meeting the national targets and the measures taken in order to facilitate the access to the grid by the electricity produced from renewable sources of energy, based on the ANRE reports.

.....

a) the implementation and functioning of the promotion system for electricity from renewable sources, as well as taking the measures stipulated in the National action plan;”

34. After article 17 (3) new articles shall be introduced, articles 17¹ – 17³, which shall read:

“Art 17¹. - (1) The designated Ministry elaborates and notifies the European Commission until 30 June 2010 the National action plan in the field of renewable energy.

(2) The national action plan in the field of renewable energy mentioned in par. (1) sets the national objectives regarding the proportion of energy from renewable sources used in transport, electricity, heating and cooling in the year 2020, taking into account the effects of other policy measures regarding electricity efficiency of the final energy consumption, and the measures which need to be adopted in order to fulfil the national overall objective, including the cooperation between local, regional and national authorities, statistical transfers or the planned common projects, the national strategies for developing biomass resources and mobilizing new biomass sources destined for different uses, as well as the measures which need to be taken according to this law.

Art. 17². – In case the proportion of energy from renewable sources decreases under the value set by the guidelines provided in art. 4¹ for a period of 2 years, the designated ministry elaborates and notifies to the European Commission a National action plan in the field of renewable energy, modified by 30 June of the following year, a National plan which sets appropriate and proportional measures in order to achieve in a reasonable period of time the value set in the guidelines.

Art. 17³. – The designated Ministry shall elaborate and notify the European Commission before the deadline for the elaboration of the National action plan in the field of renewable energy, a provisional document which indicates:

a) the estimated excess in the production of energy from renewable sources as compared to the national objective, which could be transferred to other member states, according to art. 16¹-16⁴, as well as its estimated potential for common projects until the year 2020; and

b) the estimated request of energy from renewable sources which needs to be satisfied in another way than by means of internal production by year 2020.”

35. Chapter IX – „Facilities” is repealed.

36. After Chapter IX a new chapter shall be introduced, Chapter IX¹ which shall read:

“CHAPTER IX¹

Origin guarantees for electricity, heating and cooling produced from renewable sources of energy

Art. 19¹. - (1) For the purpose of proving to final customers the share or the amount of energy from renewable

sources in the mix of energy from a supplier, the system of origin guarantees for the production of energy from renewable sources shall be set, according to objective, transparent and non-discriminatory criteria.

(2) ANRE elaborates the Regulations for the issue and pursuit of origin guarantees, which shall be approved via Government decision within 3 months of this law coming into force.”

37. Article 20 shall be modified and shall read:

“Art. 20. - (1) The producers of electricity from renewable sources of energy have priority access to the network for transport/distribution of electricity, as long as the security of the National Energy Grid is not affected.

(2) The grid operators shall provide to any new producers of energy from renewable sources who wish to connect to the system the complete necessary information, including:

- a) a full and detailed estimation of the costs related to the connection;
- b) a reasonable and precise deadline for receiving and analysing the request of connection to the electric grid;
- c) a reasonable guiding schedule for any proposed connection to the electric grid.”

38. Article 21 is repealed.

39. Article 22 shall be modified and shall read:

“Art. 22. - (1) ANRE adapts the regulatory framework necessary for applying this law within 60 days since its coming into force.

(2) ANRE elaborates the *Regulations for qualifying producers of electricity from renewable sources, so as to apply the green certificate promotion system* approved by the order of the president of ANRE, within 60 days of this law coming into force.”

40. Article 23 shall be modified and shall read:

“Art. 23. – If within 2 years the level of mandatory annual quotas for electricity produced from renewable sources, which benefit from the promotion system, is not met, the Government shall take incentive measures for investments in order to meet the dispositions of this law.”

41. After article 23 a new article shall be introduced, article 24 which shall read:

“Art. 24. - (1) The regulatory framework regarding the promotion of biofuels and bio liquids, as well as the manner in which their use is taken into account when performing the objectives set by this law, shall be elaborated by Government decision, within 90 days of this law coming into force.

(2) The regulation framework regarding the reception of excess of green certificates and statistical transfers of electricity from renewable sources, provided in art. 15 par. (1) let. a) shall be elaborated by the designated ministry and shall be approved by Government decision within 90 days of this law coming into force.”

42. The ANNEX to this law is repealed.

Art. II. – Law no. 220/2008 for establishing the promotion system for the production of energy from renewable sources of energy, published in the Official Gazette of Romania, Part I, no.743 dated 3 November 2008, with modifications and annotations brought by this law, shall be republished, the texts being given a new number.

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This law transposes art. 1- 4, art. 5 par. (1), art. 6 - 10, art. 12, art. 15 par. (1) and art. 16 par. (2) - (6) from Directive no. 2009/28/CE of the European Parliament and Council dated 23 April 2009 regarding the advertisement of the use of energy

resulted from renewable sources, modifying and subsequently repealing Directives 2001/77/CE and 2003/30/CE, published in the Official Gazette of the European Union no. L140 dated 5 June 2009. The other provisions of the mentioned directive which are not transposed in this law shall be transposed through ulterior Government decisions.

This law was adopted by the Romanian Parliament, in the terms of art. 75 and art. 76 par. (2) of the Constitution of Romania, republished.

PRESIDENT OF THE HOUSE
OF REPRESENTATIVES

Roberta Alma Anastase

PRESIDENT OF
THE SENATE

Mircea Dan Geoană

Bucharest,
No.