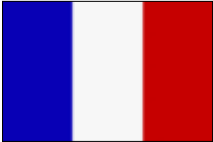


Summary of the assessment of national guarantees of origin for electricity produced from renewable sources (GO) and disclosure systems for the purpose of decisions about the recognition of imported GO

On behalf of the German Federal Ministry for Economic Affairs and Energy

France	
<div style="display: flex; flex-direction: column; gap: 10px;"> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 0 auto;"></div> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 0 auto;"></div> <div style="background-color: #00b050; width: 60px; height: 40px; margin: 0 auto;"></div> </div>	<p>Introduction</p> <p>The German Federal Ministry for Economic Affairs and Energy (BMWi) and the German Federal Environment Agency (UBA) are currently assessing general questions on whether guarantees of origin for electricity produced from renewable sources (GO) from other Member States of the European Union and further states can be recognized in the course of Article 15 of the Directive 2009/28/EC. The evaluation of the legal and practical set-up of the national systems for GO and electricity disclosure is performed by a consortium of external lawyers (Becker Büttner Held Rechtsanwälte (BBH)) and consultants (Öko-Institut e. V.).</p> <div style="text-align: right; margin-top: 10px;">  </div> <p>General</p> <p>As of 19.06.2014, assessment of available information regarding system-related issues does not result in well-founded doubts about accuracy, reliability or veracity of GO issued in and imported from France, so that in accordance with Article 15 Directive 2009/28/EC, there seems to be no reason at present for non-recognition of such GO.</p> <p>Specifics</p> <p>French GO meet all the criteria mentioned in Article 15 Directive 2009/28/EC. GO relate to 1 MWh electricity. GO are only used for electricity disclosure, and producers can only receive GO for electricity which did not receive any financial support.</p> <p>It was confirmed that for 2013 a robust residual mix will be calculated and thus that the system of electricity disclosure will be reliable, while this may not have been the case in the past and reference was made to the UCTE mix instead. Further, according to the Energy Law L314-16, GO are the only way to prove to the consumer that a certain amount of electricity was generated from renewable sources. There are no indications that France is using GO in order to reach their binding national renewable energy target under the Directive 2009/28/EC or in the course of the calculation of the gross energy consumption. French law provides that GO have to be used within 12 months after the start of the production period. According to the Regulation 2006-1118, GO can be used only once. This is also ensured by the EECS rules which are applied in France, and there is no indication that Powernext, the responsible issuing body in France, is in breach of the rules. Since April 2013, Powernext is the only issuing body according to the Decision of 19 December 2012, thus taking over the task from the regulator, RTE. Powernext is a private undertaking with shareholders active in the energy markets. However, Powernext was nominated after a certain selection procedure in the course of which potential conflicts of interests were considered, and there are internal codes of conducts as well as external control mechanism in place which are assumed to safeguard the independent operation of Powernext. GO are issued, used and transferred</p>

Summary of the assessment of national guarantees of origin for electricity produced from renewable sources (GO) and disclosure systems for the purpose of decisions about the recognition of imported GO

On behalf of the German Federal Ministry for Economic Affairs and Energy

	<p>electronically, which is again also ensured through the EECS rules, and Powernext uses the AIB hub. There are mechanisms in place to control the issuance, transfer and expiry of GO. In particular, issuance is based on the metering data collected by the grid operators and takes place within 7 days after the end of the production period to ensure that the data is final and correct. Powernext monitors all transfers and in case of doubt contacts also foreign authorities. There are mechanisms implemented to correct mistakes. Producers are obliged to register their installation and renew the registration every three years, everytime being contractually obliged to submit and update data. In case of fraud, producers can be excluded from the registry, and it is assumed that French criminal law would foresee sanctions as well in such cases. GO contain all the information required by the Directive 2009/28/EC.</p> <p>Therefore, for the moment and regarding system-related issues, there are no well-founded doubts as regards the accuracy, reliability or veracity of French GO, so that according to the assessment done, we have concluded that they can generally be recognized.</p> <p>Critical issues</p> <p>In the past, an ENTSO-E mix seems to have been used, which did contain energy from renewable sources without making a distinction on whether GO had been issued or not. However, for 2013 it was confirmed that a robust residual mix will be calculated by Powernext.</p> <p>There are some questions relating to the interpretation of Art. L314-16 of the Energy Law, i.e. whether GO are really the only way to prove that electricity was generated from renewable sources, however, the authorities at least seem to interpret it that way.</p> <p>Further, it may depend on the interpretation of “independent” whether Powernext is regarded as being independent in the sense of Directive 2009/28/EC, though in practice this may not give rise to reasoned doubts.</p> <p>Reasons for non-recognition</p> <p>none</p>
--	---

Please note

This summary, published by the German Federal Environment Agency (UBA), was prepared on the basis of the project-related contractual relationships between the Federal Ministry for Economic Affairs and Energy (BMWi) and Becker Büttner Held (BBH) and the Öko-Institut e.V. The publication or dissemination of the summary to third parties shall not create any legal relationships between BBH and/or the Öko-Institut e.V. and the respective third party; in particular, no legal mandate or consultancy contract shall be established. While all due care has been taken in the preparation of these summaries, neither BBH nor Öko-Institut e.V. assume any guarantee, liability or responsibility as regards their content towards third parties. BBH and Öko-Institut e.V. are not obliged towards third parties to submit any additional information or explanations as regards the content of the summaries.