

RECOMMENDATION OF THE MINISTERIAL COUNCIL

Recommendation No. 2010/01/MC-EnC

of 24 September 2010

on the promotion of the use of energy from renewable sources

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community ("the Treaty") and in particular Articles 2, 24, 25, 76, and 79 thereof,

Whereas Article 20 of the Treaty refers to the following "acquis for renewable energy": (i) Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market and (ii) Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport,

Whereas under Article 20 of the Energy Community Treaty, Contracting Parties committed to and prepared plans for the implementation of the acquis for renewable energy,

Whereas the above mentioned pieces of European Union Law will be repealed and replaced as from 1st of January 2012 by Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ("Directive 2009/28/EC"),¹

Whereas the Ministerial Council established a Task Force with the mission to evaluate the impact of the new Directive on the promotion of the use of energy from renewable sources in the Contracting Parties and candidate Contracting Parties of the Energy Community, and to investigate and propose the modalities for a possible further adoption of Directive 2009/28/EC within the Energy Community Treaty,

Whereas the implementation of Directive 2009/28/EC in the Contracting Parties requires that mandatory national targets are fixed following a fair and adequate allocation that takes into account Contracting Parties' starting points based on reliable and accurate statistical data,

Whereas in line with the method used for setting targets for EU Member States, the mandatory targets of Contracting Parties shall be set on the basis of (i) their share of renewable energy in 2005 and (ii) an additional contribution from renewable energy calculated by using a standard formula,

Whereas because of unreliable biomass consumption data it has not been possible to identify accurate reliable shares of renewable energy for 2005 and because of this it is not yet possible to set renewable energy targets for 2020,

¹ OJ L 140, 5.6.2009, p. 16

Whereas the establishment of reliable statistical data on current renewable energy consumption is being addressed by the Energy Community Secretariat by providing support to Contracting Parties in the course of 2010 on the development of more robust statistical data,

Whereas the main purpose of mandatory national targets is to provide certainty for investors and to encourage continuous development of technologies which generate energy from all types of renewable sources; mandatory national targets should therefore be established as soon as possible for each of the Contracting Parties for the overall share of energy from renewable sources in gross final consumption of energy and for the share of energy from renewable sources in transport,

Whereas it is evident from the standard formula, as discussed in the renewable energy Task Force and as applied in the work of the consultant, what the additional contribution from renewable energy needs to be in each Contracting Party,

Whereas Contracting Parties should start working on the achievement of these objectives by taking the appropriate steps to increase the share of renewable energy and to prepare for the implementation of the Directive,

Whereas the Permanent High Level Group, at its meeting on 29th June 2010, elaborated and proposed to adopt the present Recommendation,

HEREBY RECOMMENDS:

1.

A. In order to better prepare the implementation of Directive 2009/28/EC, Contracting Parties should make an assessment of the available potential for the development of domestic renewable energy sources by June 2011. In that respect Contracting Parties should use tables 1, 3 and 10 of the template of the National Renewable Action Plans as adopted under Directive 2009/28/EC² as a structure to summarize the main findings.

As the mandatory national targets set within the implementation of the Directive 2009/28/EC will necessarily imply the increase of renewable energy share in each Contracting Party, the creation of incentive measures³ based on best practices from EU Member States in that respect, covering different sectors (electricity, heating and cooling and transport) should be envisaged at this stage.

B. Each Contracting Party should take the following steps to promote energy from renewable sources:

² Commission Decision of 30th of June 2009, C(2009) 5175

³ For instance: investment aid, tax exemptions or reductions, tax refunds, direct price support schemes including feed-in tariffs and premium payments.

– **Administrative procedures, regulations and codes**

By 31 December 2011, Contracting Parties should carry out an overview of national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable energy sources.

By 31 December 2011, Contracting Parties should have identified the rules and procedures that could be simplified or improved in this context and should have developed a list of rules and requirements that will be changed. This list should be submitted to the Secretariat.

By 30 June 2012, Contracting Parties should ensure, in relation to national rules that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products that:

(a) the respective responsibilities of national, regional and local administrative bodies for authorisation, certification and licensing procedures including spatial planning are clearly coordinated and defined, with transparent timetables for determining planning and building applications;

(b) comprehensive information on the processing of authorisation, certification and licensing applications for renewable energy installations and on available assistance to applicants are made available;

(c) rules governing authorisation, certification and licensing are objective, transparent, proportionate, do not discriminate between applicants and take fully into account the particularities of individual renewable energy technologies;

(d) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and suppliers are transparent and cost-related; and

(e) review where simplified and less burdensome authorisation procedures, including through simple notification are established for smaller projects and for decentralised devices for producing energy from renewable sources are appropriate.

It is recommended to use the relevant questions in section 4.2 of the template of the National Renewable Action Plans as adopted under Directive 2009/28/EC⁴ as a guide to assess the administrative procedures, regulations and codes.

– **Grids for energy from renewable sources**

By 31 December 2011, Contracting Parties should take the appropriate steps for transmission and distribution grid infrastructure which, where appropriate, includes interconnection capacity, intelligent networks and storage facilities, in order to allow the secure operation of the electricity system as it accommodates the further development of electricity production from renewable energy sources. This plan should be submitted to the Secretariat.

By 31 December 2011, Contracting Parties should review the authorisation procedures for grid infrastructure and accelerate these where possible, including ensuring the coordinate approval of grid infrastructure with administrative and planning procedures.

⁴ Commission Decision of 30th of June 2009, C(2009) 5175

By 31 December 2012, Contracting Parties should ensure that appropriate grid and market-related operational measures are taken in order to minimise the curtailment of electricity produced from renewable energy sources.

By 30 June 2011, Contracting Parties should make sure that transmission system operators and distribution system operators set up and make public their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, improved operation of the grid and rules on the implementation of the grid codes.

Those rules should be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of those producers to the grid and of the particular circumstances of producers located in peripheral regions and in regions of low population density.

Contracting Parties should require transmission system operators and distribution system operators to provide any new producer of energy from renewable sources wishing to be connected to the system with the comprehensive and necessary information required, including:

- (a) a comprehensive and detailed estimate of the costs associated with the connection;
- (b) a reasonable and precise timetable for receiving and processing the request for grid connection;
- (c) a reasonable indicative timetable for any proposed grid connection.

Contracting Parties should ensure that the charging of transmission and distribution tariffs does not discriminate against electricity from renewable energy sources, including in particular electricity from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density.

It is recommended to use the relevant questions in section 4.2 of the template of the National Renewable Action Plans as adopted under Directive 2009/28/EC⁵ as a guide to assess the rules on the permitting of building energy infrastructure as well as the access to and operation of the grids.

– Sustainability criteria for biofuels and bioliquids

By 30 June 2012, Contracting Parties should set up a mechanism through which economic operators [using] biofuels and bioliquids can show their compliance with the sustainability regime set out in Article 17 and 18 of the Directive by using proof from a voluntary scheme that has been recognised by the Commission.

It is recommended to use the two relevant Communications⁶ the Commission has issued on sustainability requirements for biofuels and bioliquids.

– Provisions on guarantees of origin

By 31 December 2012, Contracting Parties should set up a body that supervises the issuance, transfer and cancellation of guarantees of origin in accordance with the requirements of the Directive.

By 31 December 2012 Contracting Parties should set up a body that issues guarantees of origin on the request from a producer of electricity from renewable energy sources and if appropriate in response to a request from producers of heating and cooling from renewable energy sources in accordance with the requirements of the Directive.

⁵ Commission Decision of 30th of June 2009, C(2009) 5175

⁶ http://ec.europa.eu/energy/renewables/biofuels/doc/biofuels/2010_06_10_biofuels_communication_practical_implementation.pdf
http://ec.europa.eu/energy/renewables/biofuels/doc/biofuels/2010_06_10_biofuels_communication_voluntary_schemes.pdf

– Information and training

By 30 June 2011, Contracting Parties should ensure that information on support measures is made available to all relevant actors, such as consumers, builders, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.

By 31 December 2012, Contracting Parties should ensure that information on the net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable energy sources is made available either by the supplier of the equipment or system or by the national competent authorities.

2.

The Contracting Parties should submit reports on the steps undertaken in accordance with this Recommendation to the Secretariat that compiles and forwards them to the Ministerial Council upon expiry of the relevant deadlines.

The Secretariat is invited to assist the Contracting Parties in the preparation and implementation of the measures to be taken under this recommendation.

3.

Measures taken by the Contracting Parties under point 1B should be in line with Articles 2 and 13 to 22 and of Annexes II to VII of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources.

4.

The Ministerial Council, upon proposal from the European Commission, will endeavour, as soon as possible, but after reliable and accurate data on current renewable energy consumption, in particular biomass, has been established, to take a Decision on the implementation of Directive 2009/28/EC.

That Decision should establish mandatory national targets that respect the principle of equivalent ambition of the targets for Contracting Parties compared to the targets of EU-Member States. The Decision should also provide sufficient guarantees that the application in the Contracting Parties of the provisions on cooperation will not put at risk the achievement of the objectives of the Directive.

5.

This Recommendation enters into force upon its adoption and is addressed to the Contracting Parties.

Done in Skopje, on 24 September 2010

For the Ministerial Council:

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Presidency

