

November 2010

Romania

Green Certificates – When do you come? Not prior to Q2/2011?

According to law 220/2008 for the establishment of the system to promote energy production from renewable resources as amended by law 139/2010 the allocation of Green Certificates ("GC") was modified as follows:

- Electricity from **hydropower plants** with installed power of not more than 10 MW:
 - o 3 GC per 1 MWh (new power plants);
 - o 2 GC per 1 MWh (refurbished power plants);
 - o 1 GC for each 2 MWh (old power plants);
- Electricity from the **wind energy** plants:
 - o 2 GC per 1 MWh (until 2017) and
 - o 1 GC per 1 MWh (starting with 2018);
- For the **solar plants**: 6 GC per 1MWh;
- For all the **other** above mentioned **renewable energy sources** 3 GC per 1MWh.

The **prices of the GC remain the same**, within the limits of 27 to 55 Euro/GC.

Within 3 month from the day Law 139/2010 will enter into force, ANRE has to issue the Methodological Norms on implementing Law 220/2008. This term expired on October 9, 2010 without the release of any act.

We have been informed that on 17.11.2010 the European Commission sent a questionnaire to the Romanian government.

Therefore, insiders expect that the approval of the European Commission will not arrive earlier than Q1/2011. Furthermore, it is expected that the Methodological Norms will not be issued by ANRE prior to Q2/2011.

It is time to think whether there is the possibility of a direct claim against the Romanian State related to the promised number of GC for delivered green energy.

For further information on this aspect and any other questions related to renewable energy please feel free to

contact: Mag. Raluca Marinescu, LL.M. (raluca.marinescu@nhbukarest.eu)

NH Niederhuber Hager

Rechtsanwälte GmbH
Wollzeile 24/12
A-1010 Wien
Tel.: +43/1/513 21 24-11
Fax: +43/1/513 21 24-30
office@nhwien.eu
www.nhwien.eu

NH Hager - Niederhuber Advokáti s.r.o.

Mickiewiczova 5
SK-811 07 Bratislava
Tel: +421 2 52 63 63 - 13
Fax: +421 2 52 63 63 - 11
office@nhbratislava.eu
www.nhbratislava.eu

NH Rechtsanwälte – Bukarest**Dr. Monika Hirsch**

Str. Theodor Aman 27B
RO-010779 Bukarest
Tel: +40 728 772482
office@nhbukarest.eu
www.nhbukarest.eu

NH Bernhard Hager

Vlašimská 13
CZ-101 00 Prag
Tel: +420 272 650 462
office@nhpraha.eu
www.nhpraha.eu