

January 2011

Project of law for renewable energy

Decision of the Government **approving the implementing of further rules based on Law no. 220/2008** for the establishment of the system to promote energy production from renewable resources and to reach the national objective for renewable energy ("E-RES") based on the joint agreements between Romania and EU member states and non-EU member states.

As to the Directive 2009/28/EC¹, which was partly taken in the legal text of the Law no. 220/2008, as republished in August 2010, is establishing a promotional system for producing E-RES.

Under the above mentioned context the **law maker is now debating a further project of law** which intends to implement additional attractive strategies for the investors and to create legal certainty.

The main objectives of the project of law are the following:

- Stipulating a regulatory framework related to the elements that need to be taken into account when determining the national objective of E-RES²;
- Stipulating a framework of requirements to be met for the interconnection with the non-EU member states as well as the requirements to be met for the fulfilment of the national objective;
- Establishing a **mechanism of taking-over the green certificates in excess** (not sold on the internal market) and including these in the statistic for transfers which shall be organised between the EU member states.

¹ DIRECTIVE 2009/28/EC of the European Parliament and 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.

² Law 220/2008, establishes the national objective of E-RES, as the proportion of the gross consumption of energy for 2020, at 24%.

For the moment, the project of law is only under public debate, but has the approval of the Ministry of Economy, Commerce and Business Affairs. The next steps to be taken, for the project of law to become applicable are:

- to obtain the approval from the President of ANRE and from its Regulatory Committee,
- to obtain the approval from the Head of the Department for European Affairs,
- to obtain the approval from the State Secretary and
- to obtain the approval from the Ministry of Justice.

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)

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