

Draft Ordinance on guarantees of origin for energy

Introductory provisions

Section 1 This Ordinance contains provisions that align with the Act (2010:601) on guarantees of origin for energy.

Section 2 This Ordinance is issued by virtue of

- Section 19.1 of the Act (2010:601) on guarantees of origin for energy as regards Section 18;
- Section 19.2 of the Act on guarantees of origin for energy as regards Sections 22 and 23;
- Section 20.1 of the Act on guarantees of origin for energy as regards Sections 16 and 17 and Section 24.2.2.
- Section 20.2.1 of the Act on guarantees of origin for energy as regards Sections 5-8, 19 and 20 and Section 24.2.1;
- Section 20.2.2 of the Act on guarantees of origin for energy as regards Sections 10-15 and Section 24.1;
- Section 20.2.3 of the Act on guarantees of origin for energy as regards Section 9;
- Chapter 8, Section 11 of the Instrument of Government as regards Section 24.2.3 and
- Chapter 8, Section 7 of the Instrument of Government as regards other provisions.

Supervisory authorities

Section 3 The Swedish Energy Agency (Energimyndigheten) is the supervisory authority in accordance with the Act (2010:601) on guarantees of origin for energy.

Terms and definitions

Section 4 The following definitions shall apply in this Ordinance

biomass: the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

EECS guarantee of origin: a guarantee of origin issued in accordance with the international regulatory framework Principles and Rules of Operation of the Association of Issuing Bodies (AIB) for the European Energy Certificate System (EECS);

electricity from high-efficiency cogeneration: electricity from cogeneration as defined in the Energy Efficiency Directive;

Energy Efficiency Directive: Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955;

energy from fossil energy sources: electricity, gas, cooling or heating produced from energy sources that are neither renewable nor nuclear, such as coal, oil and natural gas;

energy from renewable energy sources: electricity, gas, cooling or heating from renewable, non-fossil energy sources, namely wind, thermal and photovoltaic solar, osmotic, ambient, geothermal, tide, wave and other ocean energy, hydropower, biomass, biogas, landfill gas and sewage treatment plant gas;

geothermal energy: energy stored in the form of heat beneath the surface of solid earth;

conversion: the production of electricity, gas, cooling or heating by conversion of electricity, gas, cooling or heating whose origin is guaranteed by guarantees of origin;

ambient energy: naturally occurring thermal energy and energy accumulated within a defined area that can be stored in surface or sewage water or in ambient air, excluding exhaust air; and

other energy: electricity, gas, cooling or heating from any energy source other than fossil, renewable, nuclear or peat combustion.

Otherwise, words and expressions used in this Ordinance have the same meaning as in the Act (2010:601) on guarantees of origin for energy.

Energy sources

Section 5 Guarantees of origin may relate to:

- energy from renewable energy sources;
- energy from fossil energy sources;
- electricity from high-efficiency cogeneration;
- electricity from nuclear energy;
- electricity from peat combustion; and
- other energy.

Guarantee of origin issuance

Section 6 The Swedish Energy Agency's decision on the issuance of guarantees of origin shall be valid for five years, unless the Agency decides that the decision shall be valid for a shorter period. Where the decision relates to the issuance of EECS guarantees of origin, this shall be stated in the decision.

A decision on issuance of guarantees of origin may be made subject to the conditions necessary to meet the purpose of the guarantees of origin. If such a condition is not met, the Swedish Energy Agency may decide to temporarily suspend the issuance of guarantees of origin for a facility's production of electricity, gas, cooling or heating.

Section 7 Guarantees of origin may only be issued for net production of electricity, gas, cooling or heating.

Section 8 Guarantees of origin for electricity, gas, cooling or heating produced by conversion may only be issued if guarantees of origin corresponding to the energy used in the conversion are cancelled.

Section 9 A decision to issue guarantees of origin may only be notified if the facility to which the application relates has a production capacity that is 50 kilowatts or higher.

Section 10 The reporting of the electricity, gas, cooling or heating produced shall relate to net production.

The Swedish Energy Agency may allow the reporting of the electricity produced not to relate to net electricity production, but to corrected measurement values.

Section 11 If electricity produced is fed into an electricity network covered by a network concession, the holder of the network concession shall measure the quantity of electricity injected and the distribution of the quantity over time and report the information to the Swedish Energy Agency in accordance with Ordinance (1999:716) on measurement, calculation and reporting of electricity transferred and regulations issued pursuant to that Ordinance.

Section 12 If electricity produced is fed into an electricity grid that is not covered by a network concession, the producer shall measure the amount of electricity fed in during each quarter and report the data to the Swedish Energy Agency.

Section 13 If a guarantee of origin relates to electricity from high-efficiency cogeneration, the producer shall report the information referred to in Section 17 separately to the Swedish Energy Agency.

Section 14 Gas, cooling and heating produced shall be measured and reported to the Swedish Energy Agency.

Section 15 If it is possible at a production facility to produce electricity, gas, cooling or heating using different fuels or energy sources, the producer must calculate and report the production separately to the Swedish Energy Agency.

Information to be contained in a guarantee of origin

Section 16 A guarantee of origin shall contain information on

1. whether the guarantee of origin relates to electricity, gas, cooling or heating;
2. the energy source from which the electricity, gas, cooling or heating is produced and the start and end dates of production;
3. the name of the facility where the electricity, gas, cooling or heating is produced, its location, the type of facility and its production capacity;
4. whether the production facility or energy unit has benefited from support under a national support scheme and, if so, the type of support scheme;
5. the date on which the production facility was put into service;
6. the date and country of issue;
7. the purpose for which the guarantee of origin has been issued;
8. the distribution of energy;
9. the quantity of energy covered by the guarantee of origin;
10. whether the guarantee of origin has been issued after conversion;
11. whether the guarantee of origin has been issued after storage; and
12. a unique identification number.

A guarantee of origin issued after conversion shall contain the same information as referred to in the first paragraph, points 2 and 7, as the guarantee of origin cancelled pursuant to Section 8.

Section 17 If a guarantee of origin relates to electricity from high-efficiency cogeneration, the guarantee of origin shall, in addition to the provisions of Section 16, contain information on:

1. the lower calorific value of the energy source (the net calorific value);
2. the quantity and use of the heating produced by the cogeneration process;
3. primary energy savings calculated according to set reference values for efficiency and in accordance with Annex III to the Energy Efficiency Directive;
4. the nominal electrical and thermal efficiency of the facility; and
5. that only one guarantee of origin has been issued for the unit of energy produced electricity.

Account for guarantees of origin

Section 18 The Swedish Energy Agency shall

1. set up an EECS guarantees of origin account for electricity or EECS guarantees of origin for gas for a producer of electricity, gas, cooling or heating, an energy supplier or any other person trading in such guarantees of origin, upon application by the producer, supplier or trader; and
2. open an account for guarantees of origin other than EECS guarantees of origin for:
 - a) a producer of electricity, gas, cooling or heating, when the Agency, upon application by the producer, has decided on the issuance of such guarantees of origin, and
 - b) an energy supplier or any other person trading in such guarantees of origin, upon notification by the supplier or trader;

An account referred to in the first paragraph, point 2, shall refer to guarantees of origin for electricity, guarantees of origin for gas or guarantees of origin for cooling and heating.

A decision to create an account may be subject to conditions.

Cancellation

Section 19 A guarantee of origin shall be cancelled by a person entered as the holder in the register of guarantees of origin when it has been used to guarantee the origin of the electricity, gas, cooling or heating produced.

A guarantee of origin containing information pursuant to Section 16.1.8, that the electricity is consumed without being fed into an electricity network covered by a network concession shall be cancelled by the producer. Such a guarantee of origin may only be used to guarantee the origin of electricity that has been taken from the same electricity grid as the electricity to which the guarantee of origin relates has been fed into.

A person entered as a holder in the register of guarantees of origin may cancel a guarantee of origin without it having been used to guarantee the origin.

Section 20 If a guarantee of origin has not been cancelled in accordance with Section 19 within twelve months of the end date of production

specified in the guarantee of origin, it shall be cancelled by the supervisory authority.

SFS

Supervisory authority's duty to provide information

Section 21 The Swedish Energy Agency shall, at the request of the Swedish Energy Markets Inspectorate, disclose the information on cancellation of guarantees of origin necessary for the supervision of the inspectorate pursuant to the Electricity Act (1997:857).

Fees

Section 22 A producer of electricity, gas, cooling or heating, an energy supplier or any other person trading in guarantees of origin shall pay a fee to the Swedish Energy Agency

1. of 10 öre for each guarantee of origin issued by the administration, and

2. of 3 öre for each guarantee of origin transferred from another Member State of the European Union.

A fee in accordance with the first paragraph, point 1, shall be charged only if it exceeds SEK 50 during a calendar year.

Section 23 A person who is covered by a decision on the issuance of guarantees of origin, energy suppliers and other parties trading in guarantees of origin shall pay an account fee to the Swedish Energy Agency of SEK 200 per year.

However, for an account relating to EECS guarantees of origin, the account fee shall be SEK 5,000, unless the account is held by a producer of electricity, gas, cooling or heating covered by a decision to issue such guarantees of origin.

Right to issue regulations

Section 24 The Swedish Energy Agency may issue regulations on metering and reporting pursuant to Sections 10 and 12-15.

The Swedish Energy Agency may issue further regulations on

1. the issuance, transfer and cancellation of guarantees of origin;
2. the information to be included in a guarantee of origin; and
3. the enforcement of the Act (2010:601) on guarantees of origin for energy and this Ordinance.

Appeals

Section 25 Section 40 of the Administrative Procedure Act (2017:900) contains provisions for lodging appeals with a general administrative court.

-
1. This Ordinance shall enter into force on 1 January 2026.
 2. The Ordinance repeals the Ordinance (2010:853) on guarantees of origin for electricity.
 3. A decision to issue guarantees of origin under the repealed Ordinance in respect of a facility whose production capacity is less than 50 kilowatts ceases to apply at the time of entry into force, unless it has previously expired.
 4. A decision to issue guarantees of origin under the repealed Ordinance that is not covered by point 3 shall expire on

31 December 2026, unless it has previously expired. However, if an application for a new decision on the issue of guarantees of origin is submitted by a producer of electricity to the Swedish Energy Agency by 31 August 2026, the decision on the issue of guarantees of origin under the repealed Ordinance shall continue to apply until the application has been finally examined, unless the Swedish Energy Agency decides otherwise.

SFS