



Brussels, 7 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF GUARANTEES OF ORIGIN OF ELECTRICITY FROM RENEWABLE ENERGY SOURCES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all stakeholders concerned⁴ are reminded of certain legal repercussions stemming from currently applicable rules of Union law which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, Directive 2009/28/EC on the promotion of the use of energy from renewable sources⁵ and Directive 2012/27/EU on energy efficiency⁶ will no longer apply to the United Kingdom. This has in particular the following consequences in the areas of Guarantees of Origin and Certification of Installers.

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ Renewable energy producers, producers of electricity from high efficiency Combined Heat and Power (CHP), issuing bodies and suppliers using Guarantees of Origin, certified installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and pumps.

⁵ 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, OJ L 140, 5.6.2009, p. 16.

⁶ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, OJ L 315, 14.11.2012, p.1.

1. GUARANTEES OF ORIGIN

In accordance with Article 15(2) of Directive 2009/28/EC, Member States must ensure that a guarantee of origin is issued in response to a request from a producer of electricity from renewable energy sources. The guarantees of origin are issued for the purposes of proving to the final customers the share or quantity of energy from renewable energy sources in an energy supplier's energy mix pursuant to Article 3(9) of Directive 2009/72/EC.⁷ In accordance with Article 15(9) of Directive 2009/28/EC, Member States must recognise guarantees of origin issued by other Member States.⁸

Guarantees of origin that have been issued by designated bodies in the United Kingdom in accordance with Article 15(2) of Directive 2009/28/EC will no longer be recognised by the EU-27 Member States as of the withdrawal date.

In accordance with Article 14(10) of Directive 2012/27/EU, Member States must ensure that the origin of electricity produced from high-efficiency cogeneration can be guaranteed according to objective, transparent and non-discriminatory criteria and to this end issue electronically guarantees of origin of a standard size of 1MWh which contain at least the information specified in Annex X. Member States shall mutually recognise their guarantees of origin.⁹

Guarantees of origin that have been issued by designated bodies in the United Kingdom in accordance with Article 14(10) of Directive 2012/27/EU will no longer be recognised by the EU-27 Member States as of the withdrawal date.

2. CERTIFICATION OF INSTALLERS

In accordance with Article 14(3) of Directive 2009/28/EC, Member States shall ensure that certification schemes or equivalent qualification schemes are available for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps, which shall be based on criteria established in Annex IV of said Directive. Member States shall recognise certification awarded by other Member States in accordance with those criteria.

Certifications of installers awarded by the United Kingdom in accordance with Article 14(3) of Directive 2009/28/EC will no longer be recognised by the EU-27 Member States as of the withdrawal date.

The website of the Commission on energy policy (<https://ec.europa.eu/energy/en/home>) provides general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Energy

⁷ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity, OJ L 211, 14.8.2009, p. 55.

⁸ Subject to the exception set out in Article 15(9) of Directive 2009/28/EC, whereby a Member State may refuse to recognise a guarantee of origin only if it has well founded doubts about its accuracy, reliability or veracity.

⁹ Subject to the exception set out in Article 14(10) of Directive 2012/27/EU.