

Subsidiary Legislation made under s. 10.

**ELECTRICITY (HIGH-EFFICIENCY COGENERATION)
REGULATIONS 2010**

Repealed by LN. 2014/090 as from 5.6.2014

(LN. 2010/012)

Commencement **15.1.2010**

Amending enactments	Relevant current provisions	Commencement date
None		

EU Legislation/International Agreements involved:

ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.
2. Scope.
3. Interpretation.
4. Designation of competent body.
5. Issue of GOCs.
6. Request to issue GOCs.
7. Issue of GOCs.
8. Revocation of GOCs.
9. Replacement of GOCs.
10. Recognition of GOCs.
11. Cogeneration Quality Assurance Standard.
12. Analysis of potentials in Gibraltar.
13. Support schemes.

SCHEDULE 1

2003-02

Repealed
Subsidiary
2010/012

Gibraltar Electricity Authority

**ELECTRICITY (HIGH-EFFICIENCY COGENERATION)
REGULATIONS 2010**

Cogeneration technologies

SCHEDULE 2

Information to be supplied with a request for a GOC

SCHEDULE 3

Information to be contained in a GOC

In exercise of the powers conferred upon him by section 10 of the Electricity Authority Act 2003, and after having consulted the Gibraltar Electricity Authority, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as Electricity (High-Efficiency Cogeneration) Regulations 2010 and come into operation on the day of publication.

Scope.

2. These Regulations apply to cogeneration, as defined in regulation 3, and to cogeneration technologies listed in Schedule 1.

Interpretation.

3.(1) In these Regulations—

“cogeneration” means the simultaneous generation in one process of thermal energy and electrical and/or mechanical energy;

“the Cogeneration Directive” means Directive 2004/8/EC of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC, as amended from time to time;

“cogeneration production” means the sum of electricity and mechanical energy and useful heat from cogeneration;

“cogeneration unit” means a unit that can operate in cogeneration mode;

“the Commission Decision” means Commission Decision of 21 December 2006 establishing harmonised efficiency reference values for separate production of electricity and heat in application of the Cogeneration Directive, as amended from time to time;

“competent body” has the meaning given by regulation 4;

“CQAS” means the Cogeneration Quality Assurance Standard, developed in accordance with regulation 11;

“economically justifiable demand” means the demand that does not exceed the needs for heat or cooling and which would otherwise be

satisfied at market conditions by energy generation processes other than cogeneration;

“efficiency” means efficiency calculated on the basis of ‘net calorific values’ of fuels (also referred to as ‘lower calorific values’);

“electricity from cogeneration” means electricity generated in a process linked to the production of useful heat and calculated in accordance with the methodology laid down in Annex II of the Cogeneration Directive;

“GOC holder” means the person to whom the GOC was issued;

“guarantee of origin certificate” and “GOC” mean, except in relation to subregulations (3) to (5) of regulation 10, a certificate issued by the competent body certifying that the electricity in respect of which the certificate is issued was electricity produced from high-efficiency cogeneration;

“high-efficiency cogeneration” means cogeneration of electricity that meets the criteria set out in Annex III of the Cogeneration Directive;

“micro-cogeneration unit” means a cogeneration unit with a maximum capacity below 50 kW_e;

“Minister” means the Minister with responsibility for electricity;

“overall efficiency” means the annual sum of electricity and mechanical energy production and useful heat output divided by the fuel input used for heat produced in a cogeneration process and gross electricity and mechanical energy production;

“small scale cogeneration” means cogeneration units with an installed capacity below 1 MW_e;

“useful heat” means heat produced in a cogeneration process to satisfy an economically justifiable demand for heat or cooling.

(2) Expressions used but not defined in these Regulations and which are also used in the Cogeneration Directive have the meaning they bear in that Directive.

Designation of competent body.

4. The Environmental Agency Limited is designated as the competent body in Gibraltar for the purposes of Article 5(2) of the Cogeneration Directive.

Guarantee of Origin Certificates

Issue of GOCs.

5. GOCs shall be issued by the competent body in accordance with these Regulations.

Request to issue GOCs.

6.(1) A GOC may be requested by a producer of electricity from the competent body.

(2) No request may be made for a GOC—

- (a) where the electricity is produced outside Gibraltar; or
- (b) in respect of a period of less than three months or greater than twelve months.

(3) A request under subregulation (1) shall not be considered duly made until the competent body is provided with all the information specified in Schedule 2 and the statement required under subregulation (4).

(4) The person making the request for a GOC shall ensure that the request is accompanied by a statement confirming that in respect of the electricity which is the subject of the request—

- (a) he is entitled to the issue of a GOC under these Regulations; and
- (b) he has not made and does not intend to make a request in a Member State for the issue of a GOC.

Issue of GOCs.

7.(1) Where the competent body—

- (a) receives a request made in accordance with regulation 6; and
- (b) is satisfied that the electricity to which the request relates was produced from high-efficiency cogeneration,

it shall issue a GOC in respect of that electricity.

(2) A GOC issued under subregulation (1) shall be issued to the person making the request or such other person as that person may request.

(3) A GOC shall contain the matters set out in Schedule 3 together with such other matters as the competent body considers appropriate.

(4) Where a GOC has been issued but not revoked, no further GOC in respect of the electricity to which the GOC relates shall be issued by the competent body.

Revocation of GOCs.

8.(1) The competent body shall revoke a GOC where—

- (a) it is satisfied that the information provided under regulation 6(3) is incorrect in a material particular;
- (b) it decides the GOC is inaccurate following a review under regulation 9; or
- (c) it is otherwise satisfied that the GOC should not have been issued, is inaccurate or was issued to the wrong person.

(2) Where the competent body revokes a GOC, it shall as soon as possible give written notice of the revocation to the GOC holder.

(3) A GOC that is revoked shall have no effect.

Replacement of GOCs.

9.(1) A producer of electricity may request the competent body to issue a replacement GOC if—

- (a) the producer believes that the GOC issued to it is inaccurate; and
- (b) the request is made in writing to the competent body within 21 days of the issue of the GOC.

(2) A request under subregulation (1) shall state the particulars of the GOC which the producer believes are inaccurate and provide all necessary information in support of that request.

(3) The competent body shall acknowledge receipt of the request within seven days of having received it.

(4) The competent body shall decide whether or not to revoke the GOC and to issue a replacement GOC within 40 days of the receipt of the request.

(5) The period referred to in subregulation (4) may be extended if so agreed by the producer and the competent body.

(6) If the competent body decides to revoke the GOC, it shall—

- (a) give notice under regulation 8(2); and
- (b) as soon as possible issue a replacement GOC in accordance with regulation 7.

(7) If the competent body decides that the GOC shall not be revoked, it shall, as soon as possible after having taken that decision, give written notice to the producer and provide the reasons for its decision.

Recognition of GOCs.

10.(1) A public authority shall recognise a GOC issued by the competent body as proof of the matters referred to in Article 5(5) of the Cogeneration Directive.

(2) For the purposes of this regulation a public authority means any Minister, government department, public body of any description or any person holding public office.

(3) A public authority shall recognise, as proof of the matters referred to in paragraphs (f), (h) and (i) of Schedule 3, a GOC issued in accordance with Article 5 of the Cogeneration Directive in a Member State, unless—

- (a) it has been requested to refuse or withdraw such recognition by the body in the Member State which issued or supervised the issue of the GOC; or
- (b) on the basis of objective, transparent and non-discriminatory criteria, it is satisfied that the GOC should not have been issued or that refusal of recognition is necessary for the prevention of fraud.

(4) Where a public authority has refused to recognise a GOC issued in a Member State, it shall recognise that GOC where the European Commission requires such recognition under Article 5(6) of the Cogeneration Directive.

(5) Nothing in this regulation shall require a public authority to satisfy itself that a GOC issued in a Member State has been properly issued.

Cogeneration Quality Assurance Standard.

11. The competent body shall ensure that there is developed a Cogeneration Quality Assurance Standard setting out the methodology for assessing the quality of cogeneration schemes, and shall, in particular, have regard to the harmonised efficiency reference values set out in the Commission Decision.

Analysis of potentials in Gibraltar.

12.(1) The Minister shall ensure that an analysis of the potential in Gibraltar for the application of high-efficiency cogeneration, including high-efficiency micro-cogeneration, is undertaken as soon as possible after the coming into operation of these Regulations.

(2) The analysis under subregulation (1) must—

- (a) be undertaken in accordance with the requirements set out in Article 6(2) of the Cogeneration Directive; and
- (b) comply with the criteria set out in Annex IV of that Directive.

(3) The analysis referred to in subregulation (1) shall be reviewed by 21 February 2011 and, thereafter, every four years following a request from the European Commission made at least six months before the due date.

Support schemes.

13. Where the Government intends to support a scheme involving cogeneration units (whether existing at the time or not) it shall ensure that its support is conditional upon the matters set out in Article 7(1) of the Cogeneration Directive being addressed.

SCHEDULE 1
Cogeneration technologies

Regulation 2

- (a) Combined cycle gas turbine with heat recovery
- (b) Steam backpressure turbine
- (c) Steam condensing extraction turbine
- (d) Gas turbine with heat recovery
- (e) Internal combustion engine
- (f) Microturbines
- (g) Stirling engines
- (h) Fuel cells
- (i) Steam engines
- (j) Organic Rankine cycles
- (k) Any other type of technology or combination thereof falling under the definition laid down in Article 3(a) of the Cogeneration Directive.

SCHEDULE 2

Information to be supplied with a request for a GOC

Regulation 6(3)

1. The name and address (if a company, the registered office), of the person requesting the issue of the GOC.
2. Where the person signing the statement required under regulation 5(4) is not the person making the request, the name and address of the person signing the statement.
3. Whether the person requesting the issue of the GOC is the producer of the electricity in respect of which the GOC is requested and, if not, the name and address (if a company, the registered office) of the producer.
4. The beginning and end of the period covered by the request.
5. The place where the electricity in respect of which the GOC is requested was produced, and the name, if any, of the plant.
6. The quantity of electricity in respect of which the GOC is requested, together with the total quantity of electricity produced by the plant during the period covered by the request.
7. Such further information as the competent body may, in the particular circumstances of the case, reasonably require for the purposes of ascertaining the accuracy of the information required to be provided under paragraphs 1 to 6 or to enable the competent body to be satisfied that any electricity produced is from high-efficiency cogeneration.

SCHEDULE 3
Information to be contained in a GOC

Regulation 7(3)

The following matters shall be contained in each GOC issued in accordance with regulation 7–

- (a) the name and address (if a company, the registered office) of the person to whom the GOC has been issued;
- (b) the date of issue of the GOC;
- (c) an identifier;
- (d) the beginning and end of the period to which the GOC relates;
- (e) the place where the electricity to which the GOC relates was produced and the name, if any, of the plant;
- (f) the lower calorific value of the fuel source from which the electricity was produced;
- (g) the use of the heat generated together with the electricity produced;
- (h) the quantity of electricity from high-efficiency cogeneration calculated in accordance with Annex II of the Cogeneration Directive;
- (i) the primary energy savings calculated in accordance with Annex III of the Cogeneration Directive based on the harmonised efficiency reference values set out in the Commission Decision;
- (j) the achieved power efficiency;
- (k) the achieved overall efficiency; and
- (l) the total quantity of electricity generated over the period to which the GOC relates.