

**Translation from Finnish****Legally binding only in Finnish and Swedish****Ministry of Economic Affairs and Employment, Finland****Act on Guarantees of Origin for Energy**

(1050/2021)

By decision of Parliament, the following is enacted:

**Chapter 1****General provisions****Section 1****Scope of application**

This Act lays down provisions on guarantees of origin for electricity, gas, hydrogen, heating and cooling as well as on certification of the origin of energy with guarantees of origin. In addition, the Act lays down provisions on disclosure of the origin of electricity.

**Section 2****Definitions**

For the purposes of this Act:

- 1) *guarantee of origin* means an electronic document which has the function of providing evidence that a given share or quantity of energy has been produced from renewable energy sources, nuclear power, high-efficiency cogeneration or waste heat or cold;
- 2) *renewable energy sources* means energy from renewable non-fossil sources, namely wind and solar energy, geothermal energy, ambient energy, tide and wave energy and other ocean energy, hydropower as well as biomass, landfill and sewage treatment plant gas, and biogas;
- 3) *renewable gas* means biogas and gas from renewable energy sources, excluding hydrogen;

- 4) *electricity from renewable energy sources* means electricity produced by power plants using only renewable energy sources, as well as the share of electricity produced from renewable energy sources in power plants using renewable and non-renewable energy sources;
- 5) *heating and cooling from renewable energy sources* means heating and cooling produced by energy generating installations using only renewable energy sources, as well as the share of heating and cooling produced from renewable energy sources in energy generating installations using renewable and non-renewable energy sources;
- 6) *waste heat* means unavoidable heat generated as by-product in industrial or electricity generating installations, or in the tertiary sector, which would be dissipated unused in air or water without access to a district heating or cooling system, where a cogeneration process has been used or will be used or where cogeneration is not feasible;
- 7) *waste cold* means unavoidable cold generated as by-product in industrial or electricity generating installations, or in the tertiary sector, which would be dissipated unused in air or water without access to a district heating or cooling system, where a cogeneration process has been used or will be used or where cogeneration is not feasible;
- 8) *cogeneration* means the simultaneous generation in one process of thermal energy and electricity or mechanical energy;
- 9) *high-efficiency cogeneration* means cogeneration meeting the criteria laid down in Annex II of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC;
- 10) *electricity from high-efficiency 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 I of the Directive specified in paragraph 9;
- 11) *auxiliaries* means devices and machinery that a power plant requires to produce electricity or electricity and heat, and to maintain production capacity or to eliminate or reduce adverse environmental effects resulting from the power plant, and provisions on which are laid down in provisions issued under section 2 of the Act on Excise Duty on Electricity and Certain Fuels (1260/1996);
- 12) *heat for own use* means heat used for the purposes of an installation that produces heat and electricity or only heat, such as the heating of buildings relating to heat production, the preheating of the generating installation, the processing, drying and heating of fuel, otherwise

to produce heat and maintain production capacity, as well as the excess heat of the generating installation;

13) *residual mix for electricity* means the total annual energy mix in electricity production for a Member State, excluding the share covered by cancelled guarantees of origin;

14) *electricity user* means a final electricity customer as well as a natural person or legal person that supplies electricity exclusively to enterprises belonging to the same group or via an internal network of a real estate or a corresponding group of real estates;

15) *final electricity customer* means a customer that purchases electricity for own use;

16) *gas user* means a final gas customer as well as a natural person or legal person that supplies gas exclusively to enterprises belonging to the same group or via an internal network of a real estate or a corresponding group of real estates;

17) *hydrogen user* means a customer that purchases hydrogen for own use as well as a natural person or legal person that supplies hydrogen exclusively to enterprises belonging to the same group or via an internal network of a real estate or a corresponding group of real estates;

18) *heating and cooling user* means an end user of heating and cooling as well as a final heating and cooling customer;

19) *energy supplier* means a supplier of electricity, gas, hydrogen, heating and cooling;

20) *assessment body* means an organisation approved by the supervisory authority and operating in the European Economic Area (EEA) that meets the requirements laid down for assessment bodies in section 25, subsection 1.

### **Section 3**

#### **Guarantees of origin for energy**

The registrar of the registry of guarantees of origin for electricity referred to below in section 21, subsection 1 may issue a guarantee of origin for electricity from renewable energy sources and from nuclear power as well as for electricity from high-efficiency cogeneration. Where electricity is produced using high-efficiency cogeneration from renewable energy sources, the registrar for guarantees of origin for electricity shall issue for the electricity produced only a guarantee of origin for renewable electricity. A guarantee of origin for electricity may not be issued for energy consumed by power plant auxiliaries.

The registrar of the registry of guarantees of origin for gas referred to below in section 21, subsection 2 may issue a guarantee of origin for renewable gas. A guarantee of origin for gas may not be issued for renewable gas consumed in the renewable gas production process.

The registrar of the registry of guarantees of origin for hydrogen referred to below in section 21, subsection 3 may issue a guarantee of origin for hydrogen from renewable energy sources.

The registrar of the registry of guarantees of origin for heating and cooling referred to below in section 21, subsection 4 may issue a guarantee of origin for heating and cooling from renewable energy sources. The registrar for guarantees of origin for heating and cooling may, in addition, issue a guarantee of origin for waste heat and cold. A guarantee of origin for heating and cooling may not be issued for heat for own use.

## **Section 4**

### **Information provided in guarantees of origin**

A guarantee of origin shall specify the production method and the energy sources of the energy for which the guarantee of origin has been issued as well as the dates and place of production. A guarantee of origin issued for electricity from high-efficiency cogeneration shall, in addition, indicate the use of high-efficiency cogeneration.

Further provisions on information that guarantees of origin shall contain may be issued by government decree.

## **Section 5**

### **Standard size and period of validity of guarantees of origin**

A guarantee of origin shall be of the standard size of one megawatt-hour. No more than one guarantee of origin shall be issued in respect of each unit of energy produced.

A guarantee of origin shall be valid for 12 months after the last production date of the relevant energy.

## **Section 6**

### **Residual mix for electricity**

The supervisory authority shall calculate the residual mix for electricity for the period of a calendar year and shall publish it annually by the end of the June of the following year. When calculating the residual mix, it shall be ensured that an energy unit from renewable energy sources as well as an energy unit from nuclear power is taken into account only once.

The supervisory authority shall issue orders concerning time limits applying to the registrar of the registry of guarantees of origin for electricity and to electricity suppliers that are necessary for the calculation of the residual mix and that shall be complied with when allocating used guarantees of origin to a specific calendar year and when reporting information concerning allocation to the supervisory authority.

An electricity supplier, producer and user shall in circumstances provided in section 7 and an electricity supplier shall in circumstances provided in sections 19 and 20 use the most recent residual mix no later than three months after its publication.

Further provisions on the calculation of the residual mix for electricity may be laid down by government decree.

## **Chapter 2**

### **Certification of the origin of energy**

#### **Section 7**

##### **Obligation to certify the origin of electricity with a guarantee of origin**

An electricity supplier that sells to an electricity user electricity from renewable energy sources or from nuclear power shall certify the origin of the electricity from renewable energy sources and from nuclear power that it sells. The quantity or share of electricity from renewable sources and from nuclear power of the electricity sold shall be certified, no later than on the date determined by the supervisory authority, with a corresponding number of guarantees of origin cancelled in accordance with the provisions laid down in section 12.

An electricity producer that in its business activities other than those relating to electricity sales discloses to its customers information about the origin of electricity that it uses shall certify the

origin of electricity from renewable energy sources and from nuclear power in accordance with subsection 1.

An electricity user that in its marketing discloses that the electricity it uses is from renewable energy sources or from nuclear power shall certify the origin of the electricity in accordance with subsection 1 or shall be otherwise able to demonstrate that it has used electricity certified in accordance with subsection 1. An electricity user that produces for its own use electricity from renewable energy sources in an electricity generating facility with a rated power below one megavolt-ampere or a power plant consisting of multiple generating facilities and that discloses in its marketing that the electricity it uses is from renewable energy sources need not certify the origin of the electricity used and produced by itself with a corresponding quantity of cancelled guarantees of origin if no guarantees of origin have been applied for relating to the electricity in question.

## **Section 8**

### **Obligation to certify the origin of gas with a guarantee of origin**

A gas supplier that sells renewable gas to a gas user shall certify the origin of the gas that it sells. The quantity or share of renewable gas of the gas sold shall be certified, no later than on the date determined by the supervisory authority, with a corresponding number of guarantees of origin cancelled in accordance with the provisions laid down in section 12. The renewable origin of gas need not, however, be certified with guarantees of origin if the gas is supplied for consumption via a gas pipeline that is not part of a natural gas network covered by a licence under chapter 2 of the Natural Gas Market Act (587/2017) and no guarantees of origin have been applied for relating to the gas in question. Nor need the renewable origin of gas be certified with guarantees of origin in cases where the gas is used in the same real estate or a corresponding group of real estates where the gas was produced and no guarantees of origin have been applied for relating to the gas in question.

A gas producer that in its business activities other than those relating to gas sales discloses to its customers information about the origin of gas that it uses shall certify the origin of renewable gas in accordance with subsection 1.

A gas user that in its marketing discloses that it uses renewable gas shall certify the origin of the gas in accordance with subsection 1 or shall be otherwise able to demonstrate that it has used gas certified in accordance with subsection 1.

## **Section 9**

### **Obligation to certify the origin of hydrogen with a guarantee of origin**

A hydrogen supplier that sells renewable hydrogen to a hydrogen user shall certify the origin of the hydrogen that it sells. The quantity or share of renewable hydrogen of the hydrogen sold shall be certified, no later than on the date determined by the supervisory authority, with a corresponding number of guarantees of origin cancelled in accordance with the provisions laid down in section 12. The renewable origin of hydrogen need not, however, be certified with guarantees of origin if the hydrogen is supplied for consumption via a gas pipeline that is not part of a natural gas network covered by a licence under chapter 2 of the Natural Gas Market Act (587/2017) and no guarantees of origin have been applied for relating to the hydrogen in question. Nor need the renewable origin of hydrogen be certified with guarantees of origin in cases where the hydrogen is used in the same real estate or a corresponding group of real estates where the hydrogen was produced and no guarantees of origin have been applied for relating to the hydrogen in question.

A hydrogen producer that in its business activities other than those relating to hydrogen sales discloses to its customers information about the origin of hydrogen it uses shall certify the origin of renewable hydrogen in accordance with subsection 1.

A hydrogen user that in its marketing discloses that it uses renewable hydrogen shall certify the origin of the hydrogen in accordance with subsection 1 or shall be otherwise able to demonstrate that it has used hydrogen certified in accordance with subsection 1.

## **Section 10**

### **Obligation to certify the origin of heating and cooling with a guarantee of origin**

A supplier of heating and cooling that sells heating or cooling from renewable energy sources or waste heat or cold to a heating and cooling user shall certify the origin of the energy. The quantity or share of heating and cooling from renewable sources as well as waste heat and cold of the heating and cooling sold shall be certified, no later than on the date determined by the supervisory

authority, with a corresponding number of guarantees of origin cancelled in accordance with the provisions laid down in section 12.

The origin of energy sold as produced from renewable energy sources or as waste heat or cold need not, however, be certified with guarantees of origin if the transmission of the heating or cooling for use takes place technically so that there is no doubt about the origin of the heating or cooling and no guarantees of origin have been applied for relating to the heating and cooling. A further condition is that the energy content of fossil fuels used in maintenance and startup situations by the generating installation that uses renewable energy sources is a maximum of 4 per cent of the sum of the energy contents of the fuels used by the installation.

A heating and cooling producer that in its business activities other than those relating to heating and cooling sales discloses to its customers information about the origin of heating or cooling that it uses shall certify the origin of energy from renewable sources as well as of waste heat and cold in accordance with subsection 1.

A heating and cooling user that in its marketing discloses that the heating or cooling it uses is from renewable energy sources or waste heat or cold shall certify the origin of the energy from renewable sources as well as of waste heat and cold in accordance with subsection 1 or shall be otherwise able to demonstrate that it has used heat or cooling certified in accordance with subsection 1.

## **Section 11**

### **Issue of guarantees of origin**

The registrar of a registry referred to in section 21 below shall issue a guarantee of origin for an energy form that is in accordance with section 3 if:

- 1) the energy production method has been verified in accordance with this Act; and
- 2) the occupier of the energy generating installation has notified the information required for the issue of a guarantee of origin to the registrar of the registry.

A guarantee of origin is issued on the basis of the quantity of energy produced per calendar month. If the production quantity per calendar month is below one megawatt-hour, the guarantee

of origin is issued in the calendar month during which the aggregate production quantity reaches one megawatt-hour.

Further provisions on information that guarantees of origin shall contain may be issued by government decree.

## **Section 12**

### **Cancellation of guarantees of origin**

An energy supplier and an energy user that certifies the origin of energy that it uses with a guarantee of origin shall without undue delay, in writing or by other means accepted by the registrar of the registry, notify the use of the guarantee of origin for a purpose specified in sections 7–10 to the registrar of the registry or to another party designated by the registrar. The registrar of the registry shall cancel the guarantee of origin as soon as it has been notified of the use of the guarantee.

Further provisions on the cancellation of guarantees of origin may be issued by government decree.

## **Section 13**

### **Invalidation of guarantees of origin**

The registrar of the registry shall on its own initiative invalidate a guarantee of origin immediately if it has not been used within 12 months after the last production date of the energy relevant to the guarantee of origin.

Further provisions on the invalidation of guarantees of origin may be issued by government decree.

## **Section 14**

### **Verification of the production method of energy generating installations and energy sources used by them**

An assessment body shall verify the production method of an energy generating installation and the energy sources it uses (*verification certificate*) before guarantees of origin may be issued for energy produced by the generating installation. The verification certificate issued by the assessment body shall, in addition, contain a confirmation that the energy produced by the energy generating installation meets the conditions set for the issue of a guarantee of origin.

A verification certificate is valid for a fixed period. The occupier of the energy generating installation shall ensure the renewal of the verification certificate during its period of validity if the technical parameters of the production method of the generating installation or the energy sources it uses change from a previous verification in a manner that affects or may affect the issue of guarantees of origin for energy produced by the generating installation.

Further provisions on verification, the information contained by verification certificates and the period of validity of verification certificates may be issued by government decree. Provisions on equating other verification to verification specified in subsection 1 may be laid down by government decree.

## **Section 15**

### **Notifying of the production method and energy sources of energy generating installations**

The occupier of an energy generating installation shall notify to the registrar of the registry information on the energy production method and the energy sources that the energy generating installation used to produce the quantity of energy to which the guarantee of origin relates.

Further provisions on the notification procedure referred to in subsection 1 may be issued by government decree.

## **Chapter 3**

### **Recognition of guarantees of origin**

## **Section 16**

### **Recognition of guarantees of origin issued in the European Union and in the European Economic Area**

A guarantee of origin issued in another Member State of the European Union or in an EEA state for renewable energy, electricity from nuclear power, waste heat and cold in accordance with Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources shall be recognised for purposes specified in sections 7–10 and 19. A guarantee of origin referred to above need not, however, be recognised where there are well-founded doubts about its accuracy, reliability or veracity.

Upon a separate request, the Ministry of Economic Affairs and Employment may decide whether Finland will recognise guarantees of origin of a specific EU or EEA state referred to in subsection 1 for use for a purpose specified in sections 7–10 and 19. The Ministry of Economic Affairs and Employment shall notify the Commission of any refusal of recognition and its justification. If the supervisory authority or a registrar of a registry considers that the recognition of guarantees of origin of a specific EU or EEA state should be refused, it shall notify the Ministry of Economic Affairs and Employment of the matter.

## **Section 17**

### **Recognition of guarantees of origin issued in the European Union and in the European Economic Area for electricity from high-efficiency cogeneration**

Guarantees of origin issued by another EU or EEA state for electricity from high-efficiency cogeneration shall be recognised as evidence of the elements specified in section 3, subsection 1 and in section 4. A guarantee of origin referred to above need not, however, be recognised where there are well-founded doubts about its accuracy, reliability or veracity.

Upon a separate request, the Ministry of Economic Affairs and Employment may decide whether Finland will recognise guarantees of origin referred to in subsection 1. The Ministry of Economic Affairs and Employment shall notify the Commission of any refusal of recognition and its justification. If the supervisory authority or a registrar of a registry considers that the recognition of guarantees of origin of a specific EU or EEA state should be refused, it shall notify the Ministry of Economic Affairs and Employment of the matter.

## **Section 18**

### **Recognition of guarantees of origin issued in a third country for renewable energy**

A guarantee of origin issued in a third country for energy from renewable sources shall be recognised for purposes specified in sections 7–10 and 19 if the European Union has concluded an agreement with that third country on mutual recognition of guarantees of origin and there is direct import or export of energy from that third country. A guarantee of origin referred to above need not, however, be recognised where there are well-founded doubts about its accuracy, reliability or veracity.

Upon a separate request, the Ministry of Economic Affairs and Employment may decide whether Finland will recognise guarantees of origin of a specific third country referred to in subsection 1 for use for a purpose specified in sections 7–10 and 19. The Ministry of Economic Affairs and Employment shall notify the Commission of any refusal of recognition and its justification. If the supervisory authority or a registrar of a registry considers that the recognition of guarantees of origin of a specific third country should be refused, it shall notify the Ministry of Economic Affairs and Employment of the matter.

## **Chapter 4**

### **Provisions concerning electricity suppliers**

#### **Section 19**

##### **Obligation to disclose the origin of electricity**

An electricity supplier shall disclose at least once a year in electricity bills delivered to a final electricity customer the share of each energy source of the electricity purchased by the final customer in accordance with the electricity supply contract. This information shall otherwise be kept easily available to the final electricity customer on the website of the electricity supplier or by other similar means indicated clearly to the final consumer in or with bills.

Information shall be provided in or with bills on the contribution of each energy source to the overall energy mix of the electricity sold in Finland by the electricity supplier over the preceding year in a comprehensible and clearly comparable manner. This information may also be provided on the electricity supplier's website or by other similar means in a manner that is easily available to the final electricity customer if this is signposted to clearly in or with bills. This information shall be

provided also concerning electricity sold in the European Union if the electricity supplier operates in more than one Member State.

The contributions of energy sources referred to in subsections 1 and 2 above shall be broken down at least to:

- 1) renewable energy sources;
- 2) nuclear power;
- 3) fossil fuels.

The breakdown of energy sources disclosed by the electricity supplier to final customers shall include all of the sources of electricity sold to electricity users as well as to electricity suppliers, excluding balancing power supplied by the balancing power unit.

The share of electricity certified with guarantees of origin as produced from renewable energy sources or from nuclear power shall be disclosed correspondingly in the breakdown of energy sources as produced from renewable energy sources or from nuclear power. Electricity from non-renewable or non-nuclear sources the origin of which is known may be disclosed in the breakdown either using the actual production method or the residual mix published by the Energy Authority. The shares of electricity from renewable sources or from nuclear power not certified with guarantees of origin as well the shares of electricity of unknown origin shall be disclosed using the residual mix published by the Energy Authority.

## **Section 20**

### **Disclosure of the quantity of carbon dioxide emissions and radioactive waste resulting from the energy sources of electricity**

An electricity supplier shall disclose at least once a year in or with electricity bills information on the quantity of carbon dioxide emissions and radioactive waste resulting from the energy sources used to produce the electricity sold by the electricity supplier over the preceding year. This information may also be provided on the electricity supplier's website or by other similar means in a manner that is easily available to the final electricity customer if it is signposted clearly in or with bills where this information is available.

The disclosure specified in subsection 1 above shall state the following quantities resulting from the energy sources used to produce the electricity sold by the electricity supplier over the preceding calendar year:

- 1) the specific emissions of carbon dioxide in grams per kilowatt-hour;
- 2) the quantity of spent nuclear fuel relative to the total quantity of electricity sold in milligrams per kilowatt-hour.

A disclosure concerning the specific carbon dioxide emissions shall specify the emission factors specific to energy source and to production method used in the calculation of the specific emissions as well as the emission allocation methodology used for cogeneration of heat and power. The data on the quantity of spent nuclear fuel may be based either on the electricity sourcing of the electricity supplier or on the data the supervisory authority used and published for the calculation of the most recent residual mix. As regards electricity of uncertified origin, data from the residual mix calculated by the supervisory authority shall be used in the disclosure of the quantities of carbon dioxide emissions and spent nuclear fuel. The specific emissions of carbon dioxide of electricity from fossil energy sources of known origin may, however, be disclosed using either the actual specific emissions of carbon dioxide or the residual mix.

## **Chapter 5**

### **Registrars of registry and assessment bodies**

#### **Section 21**

##### **Registrars of registry**

The registrar of the registry of guarantees of origin for electricity is the transmission system operator designated as the transmission system operator with system responsibility by the Energy Authority under section 8 of the Electricity Market Act (588/2013).

The registrar of the registry of guarantees of origin for gas is the transmission system operator designated as the transmission system operator with system responsibility for the natural gas system by the Energy Authority under section 8 of the Natural Gas Market Act.

The registrar of the registry of guarantees of origin for hydrogen is the transmission system operator with system responsibility for the natural gas system referred to in subsection 2.

The registrar of the registry of guarantees of origin for heating and cooling is the Energy Authority.

## **Section 22**

### **Duties of registrars of registry**

The registrars of registry have the duties of issuing, transferring, cancelling and invalidating guarantees of origin for energy in a manner that is equal and non-discriminatory for energy market participants. The issue, transfer, cancellation and invalidation of guarantees of origin shall be organised so that the guarantees of origin are accurate, reliable and fraud-resistant, and the requirements imposed on their issue, transfer, cancellation and invalidation shall comply with the standard CEN - EN 16325. The registrars shall to the extent required for the appropriate attendance to their duties monitor the development of the industry nationally and internationally as well as participate in European cooperation relating to the development of the guarantees of origin system.

The registrars for guarantees of origin for electricity, gas and hydrogen shall ensure that the personnel of the registry carrying out duties involved in maintaining the registry have the appropriate training as well as sufficient depth of expertise in the form of energy in question for the registrar duties referred to in this Act. The registrars for guarantees of origin for electricity, gas and hydrogen shall notify the supervisory authority if they suspect that an occupier of an energy generating installation or any other user of the registry has violated this Act or a provision, order or regulation issued under this Act.

The registrars of for guarantees of origin for electricity, gas and hydrogen may assign the performance of the role to their wholly-owned subsidiary. The provisions of this Act on registrars also apply to subsidiaries where they attend to the duties of the registrar. Registrars for guarantees of origin for electricity, gas and hydrogen may source services required for the organisation of the role fully or in part from a service provider acting as their contractual partner. The registrar shall be responsible for the appropriate performance of the role.

Further provisions on the duties of registrars referred to in subsection 1 may be issued by government decree.

## **Section 23**

### **Requirements set for registries**

The registries of guarantees of origin shall be electronic. The characteristics of a registry shall support the appropriate attendance to the duties of the registrar of the registry.

Further provisions on the requirements set for registries of guarantees of origin as well as for the issue, transfer, cancellation and invalidation of guarantees of origin in registries may be issued by government decree.

## **Section 24**

### **Pricing and conditions of services of registrars of registry**

The pricing of services relating to the issue and transfer of guarantees of origin for electricity, gas and hydrogen shall be reasonable and shall be based on the costs arising from performing the duties referred to in this Act. The registrars for the registry of guarantees of origin for electricity, gas and hydrogen shall aim for cost efficiency in their activities. Service charges may cover the reasonable costs incurred by the registrars for guarantees of origin for electricity, gas and hydrogen from attendance to obligations arising from this Act as well as a reasonable profit for providing the service.

The conditions of services provided by registrars of registry shall take account of the access of smaller producers to the guarantees of origin system.

No separate charge may be levied for the cancellation and invalidation of guarantees of origin. The service prices and conditions shall be published on the website of the registrar.

Further provisions on conditions of services of registrars may be issued by government decree. In addition, further provisions on pricing of services of registrars for guarantees of origin for electricity, gas and hydrogen may be issued by government decree.

## **Section 25**

### **Requirements concerning assessment bodies and their approval**

Assessment bodies shall fulfil the following requirements:

- 1) the body is operationally and financially independent in the duties of an assessment body referred to in this Act;
- 2) the personnel of the body have sound technical and vocational training as well as sufficiently broad experience for the duties of the assessment body referred to in this Act; and
- 3) the body uses a reliable method for verifying compliance of the origin of energy, as well as appropriate guidelines for activities and their monitoring.

The supervisory authority shall approve an organisation that fulfils the requirements as an assessment body referred to in this Act. The approval decision shall define the scope of competence of the assessment body and issue orders concerning the activities of the assessment body necessary to safeguard public and private interests. For a specific reason, approval may be granted for a fixed period.

Further provisions on the requirements laid down for assessment bodies in subsection 1 and on the approval of assessment bodies may be issued by government decree.

## **Section 26**

### **Amending and withdrawing the approval of assessment bodies**

Assessment bodies shall notify the supervisory authority of changes concerning their activities that affect the fulfilment of the requirements laid down in section 25, subsection 1.

The supervisory authority may amend an order issued in an approval decision if necessary to ensure that the duties of the assessment body are performed appropriately. A matter concerning an amendment to an order may also be initiated on application by an assessment body.

If an assessment body acts materially in violation of this Act, provisions issued under this Act or orders of the approval decision or fails to fulfil the requirements laid down for approval in section

25, subsection 1, the supervisory authority may issue the assessment body with a reprimand or warning.

The supervisory authority may withdraw the approval of an assessment body if:

- 1) incorrect or incomplete information that materially affected the approval of the body was provided in the application;
- 2) the assessment body no longer fulfils the conditions set for approval or the assessment body has materially neglected or violated an obligation or restriction laid down in this Act or an order issued in the decision and reprimands and warnings issued to the assessment body have not resulted in the rectification of the shortcomings occurring in the activities.

The supervisory authority shall withdraw the approval of an assessment body if the assessment body submits an application to that effect.

## **Section 27**

### **Duties of assessment bodies**

Assessment bodies shall perform verification referred to in section 14 and issue verification certificates.

Assessment bodies shall notify the supervisory authority if they suspect that an occupier of an energy generating installation or any other user of the registry has violated this Act or a provision, order or regulation issued under this Act.

## **Section 28**

### **Liability for acts in office**

Provisions concerning liability for acts in office apply to persons employed by registrars of the registries of guarantees of origin for electricity, gas and hydrogen as well as by assessment bodies when performing public administrative duties referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

## **Chapter 6**

## **Supervision**

### **Section 29**

#### **Supervisory authority**

The Energy Authority is the supervisory authority referred to in this Act and supervises compliance with this Act and the provisions issued under this Act as well as attends to the other duties laid down for it in this Act.

Notwithstanding this Act or provisions issued under this Act, under the Consumer Protection Act (38/1978) the consumer ombudsman supervises the lawfulness of marketing in the context of the marketing of electricity, gas, hydrogen, heating or cooling to consumers.

### **Section 30**

#### **Methods and conditions confirmed by the supervisory authority**

The supervisory authority shall by its decision confirm, for compliance by the registrars of the registries of guarantees of origin for electricity, gas and hydrogen, the following prior to them being taken into use:

- 1) the methods for defining a reasonable profit from services relating to the issue and transfer of guarantees of origin as well as for defining the charges levied for issue and transfer;
- 2) the conditions of services relating to the issue and transfer of guarantees of origin.

The confirmation decision shall be based on the criteria laid down in section 24 concerning the conditions and pricing of services.

### **Section 31**

#### **The right of the supervisory authority to obtain information**

The supervisory authority shall have the right to obtain from energy suppliers the information essential for the supervision of compliance with this Act and provisions issued under this Act concerning:

- 1) the quantities of energy sold;
- 2) the share of energy sold certified as renewable energy, electricity from nuclear power or waste heat or cold;
- 3) cancelled guarantees of origin;
- 4) the data used to calculate the energy mix.

In addition, the supervisory authority shall, for the supervision of compliance with this Act and provisions issued under this Act, have the right to obtain from electricity suppliers essential information stated in and with bills relating to fulfilment of obligations laid down in sections 19 and 20.

The supervisory authority shall have the right to obtain from occupiers of energy generating installations that have applied for or have been issued guarantees of origin the information essential for the supervision of compliance with this Act and provisions issued under this Act concerning:

- 1) the production method of the generating installation;
- 2) the energy sources used and quantities of energy produced by the generating installation.

Notwithstanding secrecy provisions, the supervisory authority shall have the right to obtain from the registrars of the registries of guarantees of origin for electricity, gas and hydrogen and from the assessment bodies the information essential for the supervision of compliance with this Act and provisions issued under this Act. If the registrar of a registry has assigned, in accordance with the provisions of section 22, subsection 3, the performance of the duties to its wholly-owned subsidiary, the supervisory authority's right to obtain information under the subsection applies also to the subsidiary in question.

## **Section 32**

### **Supervisory authority's right of inspection**

The supervisory authority shall have the right of access to facilities in the possession of an energy supplier, occupier of an energy generating installation, registrar of a registry of guarantees of origin for electricity, gas and hydrogen as well as an assessment body if necessary for supervision referred to in this Act and in there to perform inspections and take any other measures required for supervision. Inspections shall take place in compliance with the provisions of section 39 of the Administrative Procedure Act (434/2003).

Supervisory measures may only be extended to facilities used for residential purposes of a permanent nature if there is reason to suspect that an offence referred to in chapter 16, section 8, chapter 30, section 1 or chapter 33, section 1 of the Criminal Code of Finland (39/1889) has been committed and the inspection is essential to establish the factors being inspected.

The inspectee shall assist the supervisory authority in the performance of the inspection.

When performing an inspection, the supervisory authority shall have the right to take possession of documents and other material of an energy supplier, occupier of an energy generating installation, a registrar of the registry of guarantees of origin for electricity, gas and hydrogen as well as an assessment body if essential for the realisation of the objectives of the inspection. The material shall be returned without delay once the performance of the inspection no longer requires possession of the material.

### **Section 33**

#### **Rectifying a violation or neglect**

The supervisory authority may:

- 1) prohibit anyone who violates this Act or a provision, order or regulation issued under this Act from continuing or repeating the violation of the provision, order or regulation;
- 2) order anyone who violates this Act or a provision, order or regulation issued under this Act to fulfil its obligation or otherwise rectify its violation or neglect.

The supervisory authority may enforce a prohibition or order that it has imposed under this Act by issuing a notice of a conditional fine or a notice of enforced compliance or suspension. Provisions

on the notice of a conditional fine, notice of enforced compliance and notice of enforced suspension are laid down in the Act on Conditional Fines (1113/1990).

## **Chapter 7**

### **Miscellaneous provisions**

#### **Section 34**

##### **Guidance and monitoring**

The Ministry of Economic Affairs and Employment is tasked with the general guidance, monitoring and development of the implementation of this Act.

#### **Section 35**

##### **Retention of information**

Energy suppliers shall ensure that the reliability of information referred to in section 31, subsections 1 and 2 can be verified for six years after the end of the calendar year to which the information relates.

Occupiers of energy generating installations shall ensure that the reliability of information referred to in section 31, subsection 3 can be verified for six years after the end of the calendar year to which the information relates.

Registrars of registry shall ensure that the reliability of information concerning the issue, transfer, cancellation and invalidation of guarantees of origin can be verified for six years after the end of the calendar year to which the information relates.

Assessment bodies shall ensure that the reliability of information material to the performance of duties laid down in section 27 can be verified for six years after the end of the calendar year to which the information relates.

#### **Section 36**

## **Appeal against decisions of the Ministry of Economic Affairs and Employment and the supervisory authority**

Provisions on requesting a judicial review by appeal in an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

### **Section 37**

#### **Appeal against decisions by registrars of registry and assessment bodies**

Decisions made by registrars of registry and assessment bodies under this Act are eligible for a request for an administrative review. Provisions on requesting an administrative review are laid down in the Administrative Procedure Act.

Provisions on requesting a judicial review by appeal in an administrative court are laid down in the Administrative Judicial Procedure Act.

### **Section 38**

#### **Enforcement of decisions**

Decisions made by the supervisory authority under section 33, subsections 1 and 2 shall be complied with notwithstanding appeal unless otherwise ordered by an administrative court.

### **Section 39**

#### **Charges**

Provisions on charging for performances by the Energy Authority and on the general criteria for the size of the charges made for performances as well as on other criteria related to charges are laid down in the Act on Criteria for Charges Payable to the State (150/1992). Notwithstanding the provisions of section 6, subsection 1 of the Act on Criteria for Charges Payable to the State, charges relating to the registry of guarantees of origin for heating and cooling may be set at a level lower than the cost price of the performance.

Charges levied by the Energy Authority in accordance with this Act are directly enforceable. Provisions on their collection are laid down in the Act on the Enforcement of Taxes and Public Payments (706/2007).

## **Chapter 8**

### **Entry into force**

#### **Section 40**

##### **Entry into force**

This Act enters into force on 20 .

This Act repeals the Act on Verification and Notification of Origin of Electricity (1129/2003), hereinafter *the repealed act*.

The obligation laid down in section 7 of this Act to certify the origin of electricity from nuclear power as well as sections 8–10 of this Act shall, however, only apply from 1 July 2022.

In addition, section 19, subsection 5 of this Act shall apply to disclosure of electricity from nuclear power only from 1 July 2022. Electricity from non-renewable sources the origin of which is known may be disclosed either using its actual production method or the residual mix until 30 June 2022.

The registrars of registry referred to in section 21 above shall take into use the registry of guarantees of origin in accordance with section 23 no later than on 1 April 2022. The registrars shall issue guarantees of origin for energy produced after the entry into force of this Act. Guarantees of origin for electricity produced prior to 1 January 2022 shall be issued in accordance with the repealed act.

Notwithstanding the provisions of section 14, an occupier of an energy generating installation may until 30 June 2022 indicate, already before verification in accordance with or equivalent to section 14, subsection 1, the production method and energy sources used by its energy generating installation as verified as required by this Act if it can reliably demonstrate that the production

method and energy sources used by the energy generating installation in question fulfilled the conditions set for issuing a guarantee of origin.

## **Section 41**

### **Biogas certificates**

The registrar of the registry of guarantees of origin for gas may not issue guarantees of origin for renewable gas for which a biogas certificate has been issued. Upon notification submitted by a holder of a biogas certificate, the registrar of the registry of guarantees of origin for gas may convert a biogas certificate entered into the Biogas Certificate Register on or after the entry into force of this Act into a guarantee of origin for gas specified in section 8. The notification shall be submitted no later than on 31 May 2022.

Notwithstanding the provisions of section 13, the registrar of the registry of guarantees of origin for gas shall on its own initiative invalidate a biogas certificate converted into a guarantee of origin in accordance with subsection 1 immediately if it has not been used within 18 months after the last production date of the energy relevant to the guarantee of origin.