

# Energy transition

## Czech Republic

### Country Report

***Justice and Environment 2013***

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#### Country Report on Energy Transition CZECH REPUBLIC

*The status report is aimed at presenting how the aspects of energy transition appear in the national legislation and policies in the areas of renewable energy production and of decreasing in energy consumption (including energy efficiency).*

#### I. Promotion of the use of energy from renewable sources

**1. Does the national legislation contain binding or indicative targets of increasing the share of energy from renewable energy sources?**

Yes, Act No. 165/2012 Coll. on supported types of energy refers to the National Renewable Energy Action Plan (NREAP) in § 3 subs. 2 regarding binding and indicative targets.

**2. Has a National Renewable Energy Action Plan (NREAP) been adopted in your country? Does the NREAP cover all the details required by the Art 4 par (1) of the Directive 2009/28/EC (hereinafter: Directive)? Which are main measures to achieve the national targets for the share of energy from renewable sources set out in the NREAP?**

Yes. The most recent National Renewable Energy Action Plan has been adopted on November 11 2012. The plan aims to reach 14% share of energy from renewable sources in gross final energy consumption and 10.8% share of energy from renewable sources in gross final energy consumption in transportation by 2020. The plan is drafted in accordance with the State Energetic Conception to reach and exceed goals set by the Directive 2009/29/EC. Values in tables C, C.1, C.2, C.3 in Annex 1 are binding for determining support of energies from renewable sources in accordance with Act No. 165/2012 Coll. on supported types of energy. The overview of measures for achieving the NREAP targets is to be found in the Annex 2 NREAP. The main measures envisaged are:

- Investment support of research and development in the area of use of geothermal energy, solar heating and cooling, households and non-households solid biomass heating and biogas heating
- Investment support for electricity production from water
- Research and development support for geothermal electricity production
- “Suitable and adequate” operational support of electricity production from PV
- “Suitable and adequate” operational support of electricity production from wind
- “Suitable and adequate” operational support of electricity production from biomass
- Investment and “suitable and adequate” operational support of electricity production from biogas

- Integration of installations using municipal solid waste among renewable energy producers and the provision of adequate operational support
- Create conditions for the research, development and production of second and third generation biofuels)
- Ensure that the authorization procedure for the construction of energy system installations is simplified and shortened

**3. Has the existing national regulation been amended or has new regulation been introduced into the national procedural legislation in order to fulfill Art 13 par 1<sup>1</sup> of the Directive?**

The National Renewable Energy Action Plan sets goals to be accomplished in order to fulfill principles set in the article. Act No. 183/2006 Coll. on zone planning and building code has recently been amended in order to simplify some of the procedures. The most significant change is that land use permitting for all electricity producing installations over 100MW, as well as grid constructions, is now centralized under the competence of Ministry of Regional Development. In addition to that the procedure on adoption of spatial plans has been simplified.

**4. Have any technical specifications - which must be met by renewable energy equipment and systems in order to benefit from support schemes – been clearly defined in the national legislation<sup>2</sup>?**

Yes. Act No. 165/2012 Coll. on supported types of energy and various implementing regulations contain such technical specifications. The NREAP specifies these as following:

“Act No. 180/2005 Coll. currently in force stipulates that the support of renewable energy production differs according to the type of renewable source and the installed capacity of the production plant and in the case of electricity generated from biomass also according to the biomass parameters laid down in the implementing regulation. The implementing regulation is Regulation No. 482/2005 Coll., on the determination of biomass types, methods of its use and parameters to promote the production of energy from biomass, as amended. The Regulation specifies all types of biomass, its parameters and methods of use that are entitled to receive support. Other quality requirements are laid down in the Price Decision of the Energy Regulatory Office. Other technical specifications are determined for the support of heating and cooling from renewable energy sources. Technologies for biomass heating installations, heat pumps and solar collectors as required by Article 13(2) and (6) of the abovementioned Directive shall be incorporated in the new act on supported energy sources.”

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<sup>1</sup> Art 13 par 1 of the Directive Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary

<sup>2</sup> Art 13 par 2 of the Directive

5. **Do any policy document and/or legislative measure recommend to local and regional administrative bodies to ensure equipment and systems are installed for the use of electricity, heating and cooling from renewable energy sources and for district heating and cooling when planning, designing, building and renovating industrial or residential areas?**

In in the provision of §5 of Act No. 406/2000 Coll., on energy management, support for the use of electricity, heating and cooling from renewable energy sources is envisaged as measure to be considered in the National Programme for the Promotion of Energy Saving Measures and the Use of Renewable Energy Sources.

Ministry of Environment issued several documents about renewable energy sources targeted at representatives of regional administrative bodies. Renewable Energy Sources: Examples of Good Practice encourages regional administrative bodies to utilize equipment and systems for the use of electricity, heating and cooling from renewable energy sources based on practical examples.

6. **Does the national legislation encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure?**

Yes. Act No. 406/2000 Coll. on energy management states that utilization of heating and cooling from renewable energy sources in the planning of city infrastructure shall be evaluated in Regional Energetic Conception.

7. **Have legislative measures been introduced in the national building regulations and codes in order to increase the share of energy from renewable sources in the building sector<sup>3</sup>?**

Yes. Although *Act No. 183/2006 Coll. on zone planning and building code does not contain any regulation directly related to increasing share of renewable energy*, *Act No. 406/2000 Coll. on energy management* and *Regulation No. 78/2013 on energetic demand of buildings* contain such regulations. There are several types of measures included in the law:

- Energetic Conceptions (§7 Act No. 406/2000 Coll.) - are prepared by regional or municipal authorities. Energetic conceptions must contain assessment of potential of utilization renewable energy sources in local infrastructure. The law requires spatial planning authorities to consider energetic conceptions within spatial planning procedures.
- Assessment of feasibility alternative energy supply (§4 Act No. 406/2000 Coll.) – for new buildings or buildings undergoing a “significant reconstruction” such assessment must be provided by developers to a building authority. According to §7 subs. 1 Act No. 406/2000 Coll. Such assessment is contained in Energy Performance Certificate for Buildings.

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<sup>3</sup> Regarding the questions No. 5-7. see: Art 13 par 3 of the Directive

8. **In case of biomass, which national legislation or policy documents promote the conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications and at least 70 % for industrial applications<sup>4</sup>?**

*Action Plan for Biomass in the Czech Republic* adopted by the Ministry of Agriculture.

9. **Does the national legislation provide that information on support measures<sup>5</sup> as well as on the net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable energy sources<sup>6</sup> are made available?**

This subject is not implemented in national legislation as of June 2013. The *Ministry of industry and trade* operates a website ([www.mpo-efekt.cz](http://www.mpo-efekt.cz)) providing information about the subject. An amendment of *Act No. 406/2000 Coll. on energy management* is supposed to contain such information *pro futuro*.

10. **How were the certification schemes laid down in Art 14 par 3 of the Directive made available by 31 December 2012?**

Yes. The certification schemes were made available by Act No. 406/2000 Coll. on energy management and Act No. 455/1991 Coll. on trade business before 31 December 2012. According to §10d Act No. 406/2000 Coll. installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps must:

- Hold an authorization issued by Ministry of Industry and Trade
- Graduate from a training programme as it is defined in §10e Act No. 406/2000 Coll.
- Each five years to attend a refresher seminar
- Fulfil qualification requirements according to Act No. 455/1991 Coll. on trade business

11. **Where and when have guidelines<sup>7</sup> - helping to consider the optimal combination of renewable energy sources, of high-efficiency technologies and of district heating and cooling - been published?**

Various guidelines have been published by the Ministry of Environment and Ministry for Regional Development but they do not focus on the specific areas identified in Art. 14 par 5 of the Directive.

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<sup>4</sup> Art 13 par 6 subpar 2 of the Directive

<sup>5</sup> Art 14 par 1 of the Directive

<sup>6</sup> Art 14 par 2 of the Directive

<sup>7</sup> Art 14 par 5 of the Directive

**12. Have any policy documents or legislative action been taken in order to develop guidance or training programs informing citizens of the benefits and practicalities of developing and using energy from renewable sources<sup>8</sup>?**

Seminars on Renewable Energy Sources and their Authorization were organized by the Ministry of Environment between November 2009 and November 2010. State Program on Support of Energy Saving and Use of Renewable and Secondary Energy Sources implemented in § 5 of Act No. 406/2000 Coll. on energy management presupposes courses and seminars on using energy from renewable sources.

**13. Does the national legislation ensure that a guarantee of origin will be issued in response to a request from a producer of electricity from renewable energy sources<sup>9</sup>?**

Yes. § 45 subs. 1 of Act No. 165/2012 Coll. on supported types of energy states that a guarantee of origin will be issued in response to a request from a producer of electricity from renewable energy sources. Operator of a renewable energy source can have issued guarantee of origin not later than 12 months after the electricity is produced.

**14. Are the guarantees of origin to be issued in case of heating and cooling from renewable energy sources as well<sup>10</sup>?**

The guarantees of origin are not issued in case of heating and cooling from renewable energy sources.

**15. Does the national legislation provide that no support be granted to a producer when that producer receives a guarantee of origin for the same production of energy from renewable sources?**

Act No. 165/2012 Coll. on supported types of energy does not prohibit granting support to a producer who has received a guarantee of origin for the same production of energy from renewable sources.

**16. Which authority has been designated for supervising the issuance, transfer and cancellation of guarantees of origin?**

The responsible authority is the “Market Operator” (Operátor Trhu a.s.), a joint-stock company owned by the Czech Republic. It does fulfill the requirements laid down in Art 15 paragraphs 5-6.

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<sup>8</sup> Art 14 par 6 of the Directive

<sup>9</sup> Art 15 par 2 of the Directive

<sup>10</sup> Art 15 par 2 of the Directive

**17. Which legislation has guaranteed the transmission and distribution of electricity produced from renewable energy sources? The electricity produced from renewable energy sources has priority access or guaranteed access to the grid-system<sup>11</sup>?**

*Act No. 165/2012 Coll. on supported types of energy.* § 7 subs. 1 states that the transmission system operator or distribution system operator is obliged to give the producer of electricity from renewable energy sources priority access to the grid-system in case the producer requests it and fulfills the legal requirements. The priority access can be refused in case of demonstrated lack of transmission or distribution capacity or danger to safe and reliable service of the grid-system.

**18. With regard to the previous point, how does the national legislation define “priority access” or “guaranteed access”? Under which conditions might be the priority access refused?**

The transmission system operator or distribution system operator is obliged to connect preferentially to the transmission or distribution grid installations generating electricity from renewable sources. The operator must fulfill the following conditions:

- Submit a request for access to the grid
- Provide the Assessment of Grid Connection as the document defined in Decree of the Energy Regulatory Authority No. 51/2006 Coll. on conditions connection to the power system
- Sign a contract on grid connection with relevant transmission or distribution grid operator

The connection can be denied in case there is a:

- Demonstrable lack of capacity of equipment for the transmission or distribution or
- The connection would endanger the safe and reliable operation of power system.

**19. Which national legislation has ensured that the charging of transmission and distribution tariffs does not discriminate against electricity/gas from renewable energy sources?**

*Act No. 165/2012 Coll. on supported kinds of energy* implements the institute of compulsory purchase of energy from renewable sources. As to the distribution and transmission tariffs these are set indifferently to the source of electricity. Costs of financial (feed in tariffs) support for renewable sources are established as separate item in the final price of electricity for consumers.

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<sup>11</sup> Art 15 par 2 of the Directive

## II. Energy efficiency and decreasing in energy consumption

### 20. Have been produced political documents or an overarching legislation covering the issue of energy efficiency and/or decreasing energy demand?

The issue of energy efficiency and decreasing energy demand is covered by State Energy Conception and National Energy Efficiency Action Plan. § 5 of Act No. 406/2000 Coll. on energy management also implements the State Program on Support of Energy Saving and Use of Renewable and Secondary Energy Sources.

### 21. Does your country have any specific legislation on energy efficiency/decreasing energy demand?

Act No. 406/2000 Coll. on energy management, Regulation No. 441/2012 Coll. on assessment of minimal efficiency of electricity and heat production.

### 22. Does existing and/or planned legislation contain a binding or indicative energy efficiency target?

Existing legislation does not directly contain binding or indicative energy efficiency targets.

### 23. Has a second National Energy Efficiency Action Plan been adopted in your country? If yes, does it contain the information necessary according to Art 14 par 2<sup>12</sup> of Directive 2006/32/EC on energy end-use efficiency and energy services?

A second National Energy Efficiency Action Plan has been adopted in August 2011. It does contain the information necessary according to Art 14 par 2 of the directive. The analysis and evaluation of the preceding EEAP, however, does not appear to be very thorough.

#### *Energy efficient public procurement*

### 24. Have at least two energy efficient public procurement measures<sup>13</sup> been incorporated into national public procurement legislation?

Yes. Energetic audits (Annex VI (e)) in § 9 of Act No. 406/2000 Coll. on energy management, requirement to purchase or rent of energy efficient buildings (Annex VI (e)) through building energy certificate in § 7a of Act No. 406/2000 Coll. on energy management.

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<sup>12</sup> According to this Article the second and third EEAPs shall:

- include a thorough analysis and evaluation of the preceding EEAP;
- include the final results with regard to the fulfilment of the energy savings targets set out in Article 4(1) and (2);
- include plans for — and information on the anticipated effects of — additional measures which address any existing or expected shortfall vis-à-vis the target;
- in accordance with Article 15(4), use and gradually increase the use of harmonised efficiency indicators and benchmarks, both for the evaluation of past measures and estimated effects of planned future measures;
- be based on available data, supplemented with estimates.

Please check if these requirements are fulfilled and possibly provide a short assessment of the quality of information.

<sup>13</sup> Art 5 and Annex VI of Directive 2006/32/EC.

**25. Have guidelines on energy efficiency and energy savings as a possible assessment criterion in competitive tendering for public contracts<sup>14</sup> been published?**

§ 46 of Act No. 137/2006 Coll. on public procurement likely allows to use energy efficiency as one of the technical requirements. However, there is no direct reference to the energy efficiency and energy savings as assessment criterion.

*Energy distributors, distribution system operators and retail sellers*

**26. Are regulations in place, which ensure that energy distributors, distribution system operators and retail sellers are ready to provide the information defined in Art 6 par 1 a of Directive 2006/32/EC?**

According to § 11 subs 3 of Act. 458/200 Coll. Energy Act, license holders have the duty to provide information needed for pricing and preparing and executing programs to increase energetic efficiency to the Energetic Regulation Office. Failure to comply with this duty constitutes an offence according to § 91 subs. 1 c) of the Act.

**27. Has one of the requirements referred to in Art 6 par 2 a of Directive 2006/32/EC been implemented?**

Act No. 458/2000 Coll. Energy Act implements the requirement referred to in Art 6 par 2 a), i). § 11a subs. 1 of the Act states that licensed energy producers and distributors are obliged to make prices and conditions of their services available through remote access. Energy producers, Energy distributors, distribution system operators and retail sellers also have the explicit duty to ensure the offer to their final customers, and the promotion, of competitively priced energy services.

**28. Are energy audit schemes in place as foreseen in Art 12 of Directive 2006/32/EC?**

Energy audit schemes are not in place as foreseen in Art 12 of the Directive. Energy audits are implemented in § 9 of Act No. 406/2000 Coll. on energy management, but these don't seem to fully comply with the criteria set in Art 12.

*Energy Consumption Labelling*

**29. Has legislation been put in place, which obliges suppliers to provide technical information as well as labels and fiches (standard table of information relating to the product) in accordance with Art 5 of Directive 2010/30/EU<sup>15</sup>?**

Yes. The supplier has these duties in accordance with § 8 subs. 2 of Act No. 406/2000 Coll. on energy management.

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<sup>14</sup> Art 5 of Directive 2006/32/EC.

<sup>15</sup> Directive 2010/30/EU on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products

**30. Has legislation been put in place which ensures that dealers (retailers) display labels properly and provide for fiches in accordance with Art 6 of Directive 2010/30/EU?**

Yes. Dealers/retailers are obliged to display labels properly and provide for fiches in accordance with § 8 subs. 3 of Act No. 406/2000 Coll. on energy management.

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