



On Activity A.T. 1.1: International comparison of national legal systems
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Survey of national regulations and legal system of the Slovak Republic from the aspect of energy communities

SYNOPSIS REPORT

In Bratislava, Slovak republic, 22. March 2024

This Summary Report is a detailed analysis and analysis of individual documents that are processed on behalf of Slovakia in the framework of the activities of project partner PP12 and presented in the following text of the National Energy Cluster NEK after the joint meeting and consultations of the project at the international workshop in Budapest on March 13-14, 2024. It contains information on the development and current status and on the current overview, status and application of legislation and legal standards in Slovakia, which affect and are implemented for building energy communities and communities with an emphasis on renewable energy sources and environmental aspects.

Basic concepts and interpretation in Slovakia:

Energy communities are citizen-led initiatives that allow them to take control of local energy production and consumption. They help decentralize **those** energy systems where the grid is owned by local residents with solar and wind farms set up in fields or solar panels installed on rooftops. By doing so, the local residents consume clean and renewable energy that they produce at home, and each household becomes an actor in the energy sector. Citizens actively participate in the decision-making process and participate in management within the local community, as these projects stimulate local employment. In this way, energy communities organize collective and citizen-led energy events that help pave the way for the transition to clean energy and at the same time bring citizens to the fore. They also contribute to increasing public acceptance of renewable energy projects and spark the interest for private investments in the clean energy transition.

The concept of energy communities also offers a solution to energy poverty, one of the biggest problems of our time. In 2018, around 34 million Europeans were unable to keep their homes warm enough. According to a pan-European survey from 2019, 6.9% of EU residents could not afford to heat their home sufficiently. Especially in local areas, energy poverty is a serious problem that can be solved by using the flexibility that energy communities offer to the electricity grid through demand response and energy storage, while improving their energy efficiency and reducing energy bills.

The principles of community energy in Slovakia are generally defined only on the basis of conclusions from a number of important national conferences on the subject, such as:



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Democratization-Community energy is characterized by the fact that power plants are owned by people who democratically decide on their management and development. People **can be involved** within the so-called energy communities or energy cooperatives, participate in the construction of new renewable energy sources and share and consume locally produced energy among themselves, or sell it and partially distribute the profits, for example according to the shares invested, but above all continue to invest in local development.

Decentralization - Thanks to the decentralization of energy, thousands of municipalities and communities can participate in the production and sharing of electricity. Thus, the electrical transmission system does not have to be highly centralized, dependent on a few main, especially fossil, sources. Hundreds of energy communities thus participate in the production of electricity. [4] Energy communities are an integral part of the new energy system based on local production and consumption of energy from renewable sources.

Decarbonisation- Decarbonisation means weaning our energy sector from fossil fuels to switch to renewable energy sources with low or zero emissions.

Digitization- The efficient functioning of community energy is facilitated by new technologies that enable two-way communication between the producer and the consumer through an intelligent network and thus manage the optimization of consumption.

Today, Slovak legislation and especially the general professional public views Energy Communities and Associations as new market participants

The basic definition of the energy community and associations producing energy from RES is based on the law of the European Union. The primary purpose of new players on the energy market is the organization of community activities in the field of energy, namely:

- through a legal entity established by specific people ,
- with democratic management principles and
- for non-commercial purposes and on a non-discriminatory basis in relation to other market participants.

The above-mentioned principles formulated by experts based on European legislation were subsequently transformed into the newly created paragraph. § 11a of the Energy Act. This provision regulates both the energy community and the community producing energy from RES.

The main activities of the energy community are the production of electricity, the supply of electricity, the sharing of electricity, the storage of electricity, the activities of aggregation, distribution of electricity, the operation of a charging station or the performance of other activities, the provision of other services related to ensuring the energy needs of its members or partners.

The main activities of the community producing energy from RES are very similar, but with the difference that the community producing energy from RES can operate not only on the electricity market, but also on markets with other energetic industries, under the condition that it is energy from RES is met.

The goal of carrying out the above-mentioned activities of the energy community and the community producing energy from RES is the implementation of environmental, economic or social community benefits.

Legislative and organizational starting points for creating regulations in Slovakia:

Energy communities can have any legal form in the world, such as an association, cooperative, partnership, non-profit organization or small/medium enterprise. It makes it easier for citizens, together with other market participants, to connect and jointly invest in energy assets. This in turn helps contribute to a more



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decarbonizes and flexible energy system, as energy communities can act as one entity and access all appropriate energy markets on the same terms as other market participants.

The European Parliament has provided funding to the European Commission for the creation of two different projects that should contribute to the dissemination of best practices and provide technical assistance in the development of specific energy community initiatives across the EU:

- Energy Communities Documentation Database, established in April 2022, which aims to help local actors and citizens who want to establish a civil energy community or community for renewable energy in urban areas, through technical and administrative advice and to support their development.
- Advisory Center for Rural Energy Communities, which was launched in June 2022 and aims to help citizens, rural actors and local authorities to establish citizen energy communities or renewable energy communities in rural areas through technical and administrative advice and to support their development.

Through the "Clean Energy for All Europeans" package adopted in 2019, the EU introduced the concept of energy communities into its legislation, in particular as civil and renewable energy communities.

Specifically, the Directive on Common Rules for the Internal Market in Electricity ((EU) 2019/944) contains new rules that allow active participation of consumers, individually or through civil energy communities, in all markets, either by producing, consuming, sharing or selling electricity, or by providing flexibility services through demand response and warehousing. The goal of the guideline is to improve the use of energy communities and facilitate the effective integration of citizens into the electricity system as active participants.

In addition, the revised Renewable Energy Directive (2018/2001/EU) aims to strengthen the role of renewable energy consumers themselves and renewable energy communities. EU countries should therefore ensure that they can participate in available support schemes on the same basis as large participants.

Pursuant to Guideline 2019/944 of the European Union on common rules for the internal electricity market, an energy community, which the guideline defines as a "civil energy community", is a legal entity that

- a) It is based on voluntary and open participation and under the actual control of members or partners who are natural persons, local authorities including municipalities or small businesses;
- b) Has as its main objective the provision of environmental, economic or social community benefits to its members or associates or the local areas in which it operates rather than the creation of financial profit; a
- c) It may engage in production, including production from renewable sources, distribution, supply, consumption, aggregation, energy storage, energy efficiency services or electric vehicle charging services or in the provision of other energy services to its members or associates.

According to the recital, the task of the energy community is to offer all consumers an inclusive opportunity to obtain a direct share in the production, consumption or joint use of energy.

Instead of making a profit, as is the case with traditional energy companies, energy community initiatives focus primarily on providing affordable energy of a certain type (e.g. energy from RES) to its members or associates. The Energy Community could enable participation in electricity markets for certain groups of household electricity customers who would not otherwise be able to do so. In experience, where such initiatives have been successfully implemented, they have brought economic, social and environmental



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benefits to the community in addition to the obvious benefits of providing energy services. Participation in civil energy communities should be open to all categories of subjects. However, decision-making powers in the civil energy community should be limited to those members or partners who do not carry out large-scale commercial activities and for whom the energy sector is not the main area of economic activity. Provisions on civil energy communities do not prevent the existence of other civil initiatives, such as those arising from private law contracts.

Member States should therefore be able to provide that civil energy communities can have any kind of legal form, e.g. association, cooperative, partnership, non-profit organization or small or medium-sized enterprise, as long as such entity can exercise rights and obligations in its own name. Citizen energy communities represent a new type of entity in terms of their membership structure, management requirements and purpose. They should be able to operate on the market under equal conditions without distorting economic competition, and the same rights and obligations relevant to other electricity companies should apply to civil energy communities in a non-discriminatory and proportionate manner. Civil energy communities should not face regulatory restrictions when they use existing or future information and communication technologies for the purpose of sharing electricity from the production capacities of the civil energy community by their members or partners, based on market principles, for example by compensating the energy component of members or partners using production, which is available within the community, including through the public system, provided that both measurement points belong to the community.

The joint use of electricity allows members or associates to supply electricity from production facilities in the community without being in direct physical proximity to the production facility and without being behind the common metering point. The joint use of electricity should not affect the selection of network fees, tariffs and levies applicable to electricity flows. Shared use should be simplified in accordance with obligations and correct deadlines for balancing, metering and billing. This directive stipulates that Member States may allow civil energy communities to become distribution system operators either under the general regime or as "closed distribution system operators". If the civil energy community is granted operator status of the distribution system, it should be treated in the same way as distribution system operators and should be subject to the same obligations.

COMMUNITIES PRODUCING ENERGY FROM RENEWABLE SOURCES

According to Directive 2018/2001 on the promotion of the use of energy from renewable sources, a community producing energy from renewable sources is a legal entity,

a) which, in accordance with pertinent national law, is based on open and voluntary participation, is independent and effectively controlled by shareholders or members located in the vicinity of renewable energy projects owned and developed by said legal entity;

b) whose shareholders or members are natural persons, SMEs or local authorities, including municipalities;

c) whose main purpose is to provide environmental, economic or social community benefits for its shareholders or members or for the local areas in which it operates, rather than financial gain. According to the recital, Member States are to ensure that communities producing energy from renewable sources can participate in available support schemes under the same conditions as large participants.

To this end, Member States should be allowed to take measures such as providing information, providing technical and financial support, reducing administrative requirements, incorporating community-oriented selection criteria, creating targeted bidding rounds for communities producing energy from renewable sources or rewarding communities producing energy from renewable sources through direct support if they



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meet the requirements for small installations. Providing guidance to applicants during the administrative granting and permitting process through the administrative contact point is intended to reduce complexity for project proponents and increase efficiency and transparency for, among others, self-consumers of renewable energy and renewable energy communities. Such advice shall be provided at an appropriate level of management, taking into account the particularities of the Member States. The single points of contact should guide the applicant and facilitate the entire administrative procedure so that the applicant does not have to contact other administrative authorities during the process of issuing permits if he does not wish to do so.

The tasks of the single point of contact will be performed by the Slovak Innovation and Energy Agency. This new task for SIEA was approved in the amendment to Act. no. 309/2009 Coll. on the support of renewable energy sources and highly efficient combined production and on the amendment and supplementation of certain laws, which Page 7 of 8 of the National Register of the Slovak Republic approved on 19 October 2022, and the paragraph regulating these obligations will enter into force on 1 December 2022.

The specific characteristics of local renewable energy communities in terms of size, ownership structure and number of projects may impair their competitiveness against large entities, namely competitors with larger projects or portfolios. Therefore, Member States should be able to choose any form of entity for communities producing energy from renewable sources, as long as the entity can, when acting in its own name, exercise rights and be subject to obligations. In order to prevent abuse and ensure broad participation, renewable energy communities should be able to maintain independence from individual members and other traditional market actors who participate in the community as members or shareholders, or who cooperate through other means such as investment. Participation in renewable energy projects should be open to all potential local members based on objective, transparent and non-discriminatory criteria. Allowing renewable energy communities to operate in the energy system and facilitating their integration into the market is part of measures to compensate for the disadvantages related to the specific characteristics of local renewable energy communities in terms of their size, ownership structure and number of projects. Communities producing energy from renewable sources should be able to exchange with each other the energy produced by the equipment they own.

However, members of the communities should not be exempt from the relevant costs, fees, levies and taxes that would be borne by non-community end-users, producers in a similar situation, or if any public network infrastructure is used for such transmissions. Households as consumers and communities participating in self-consumption of energy from renewable sources should retain their consumer rights, including the right to contract with a supplier of their choice and to switch suppliers.

The community has a separate section in the law on rights and obligations: § 35a Rights and obligations of the energy community.

However, other rights and obligations are "scattered" in a number of other parts of the energy law. But that follows from the very essence of community. It is a legal entity established for the purpose of:

- ☑ electricity production,
- ☑ electricity supplies,
- ☑ electricity sharing,
- ☑ electricity storage,
- ☑ aggregation activities,
- ☑ electricity distribution,
- ☑ operation of the charging station
- ☑ or performance of other activities



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☒ or provision of other services related to securing the energy needs of its members or associates (hereinafter referred to as "member").

And all this with the aim of realizing environmental, economic or social community benefits. It must not be done for profit. The community can only do some parts of the activities from the list above. The situation is slightly different with the community, as the full name of the community is "Community producing energy from renewable sources", and therefore the production of energy (note, not necessarily electricity) is a basic and therefore mandatory activity and the rest are voluntary.

And it is precisely this broadly defined activity, that implies that a number of rights are transferred to the community, which is fine on the whole, but also a lot of secondary obligations. So, before applying for community registration, you need to be very careful about what is "must".

The community does not carry out activities profit, which in practice can be explained as (Section 11, paragraph (4) of the Act, that is, if according to a special regulation (For example, Act No. 213/1997 Coll. on non-profit organizations providing generally beneficial services as amended.), the founding document or articles of association, the energy community or a community producing renewable energy can distribute a maximum of 50% of the generated profit among the members, for the purposes of this Act, the activities referred to in paragraph 1 letter a) or paragraph 2 letter a) are not considered to be carried out for the purpose of making a profit."

Rights and obligations for energy communities in general in Slovakia

The Energy Community has the obligation to conclude a variation settlement agreement with the variation accountant, which includes the obligation to submit a financial guarantee. This obligation does not apply to a community that has transferred its responsibility for a variation to another participant in the electricity market on the basis of a contract on assuming responsibility for a variation.

The community is also subject to the rights and obligations of - the final consumer of electricity (except for the rights of consumers of electricity in households), - the producer of electricity according to § 27 par. 1 and according to § 27 par. 2 letters a) to d), f), j), k), o) to q), s) to u) - the operator of the electricity storage facility - the electricity supplier - when exercising the right to carry out aggregation activities, the obligation of the aggregator according to § 34a of the Energy Act - when exercising the right to operate a charging station, the energy community is obliged to conclude a new agreement with the operator of the distribution system on connection to the distribution system, if it connects to the distribution system a charging station with a total installed capacity of more than 100 kW at an existing collection point. If the energy community in accordance with this law operates a local distribution system, it is not subject to the prohibition to own, develop, manage or operate an electricity storage facility or a charging station for other than own use according to § 32a par. 1.

The energy community is obliged to enable all its members to use the benefits associated with membership in the energy community, regardless of whether the electrical equipment of a member of the energy community is connected to the local distribution system of the energy community or is connected to another distribution system. If the energy community requests it, the operator of the distribution system to which the local distribution system of the energy community is connected is obliged to ensure the operation or management of the local distribution system for the energy community on the basis of a contract for the operation or management of the local distribution system.



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The remuneration for the operation or management of the local distribution system must ensure the payment of the costs of the distribution system operator. The operator of the distribution system has the right to refuse to enter into a contract to ensure the operation or management of the local distribution system, if safety or health protection at work would be endangered during the operation or management of the local distribution system. If there is no agreement on the content of the contract for the provision of operation or management of the local distribution system, the authority will decide on it at the proposal of the energy community.

Legislation in Slovakia is divided into three essential groups,

namely:

1. Generally applicable main regulations on energy, economy and environment in synergy with the regulations and resolutions of the European Union adopted by the National Council as the supreme legislative bod
2. Implementing rules and technical/organisational standards and guidelines
3. Regional documents, Energy planning and economic concepts and resolutions of regional and municipal authorities in the field of energy and environmental issues.

The legislative system and regulations in Slovakia are characterized by an extensive set of documents at a high legal and professional level and with a tradition of more than 100 years of drafting. They cover all crucial social and economic areas of Slovakia's life.

While community energy is well - established and functioning concept in several European countries, it appears in Slovak legislation it appears only since 2022 in the form of the concepts of energy community and energy community producing energy from renewable energy sources. Their potential for implementation is thus at an early and untapped stage, and neither electricity sharing nor cooperation itself is yet feasible. There is also a lack of appropriate energy management and energy support tools for the application and decentralised deployment of energy communities and communities to ~~h~~ local conditions.

Energy communities and communities generating energy from RES are a hot topic at the moment, where a lot of potential lies. We can therefore expect to see a boom in community energy in the coming years, which should contribute to increased energy efficiency and self-sufficiency.

Energy communities and renewable energy communities are currently a hot topic with great potential. In the coming years, therefore, we can expect a boom in community energy, which should contribute to increasing energy efficiency and self-sufficiency.

Given that the regulation of energy communities and communities producing energy from RES defines only the basic conditions for their establishment and functioning, it can be expected that further mechanisms and processes will only be developed through practice.

Given that the regulation of energy communities and renewable energy communities defines only the basic conditions for their creation and functioning, it can be expected that other mechanisms and processes will be created only by practice.



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The decisive legal regulation is the amendment to the Energy Act, which addresses the concepts and rules for sharing electricity or gas in decentralized systems and thus gives end customers the opportunity to reduce the amount of energy consumed and dependence on the central supplier and locally ensure a certain degree of autonomy with energy management, introducing a flexible energy mix at the community level. However, this has not been possible until now, as Slovakia from the 20th century has built extensive central energy supply systems (heat, domestic hot water and electricity) with relatively inefficient devices. This has an impact on preventing the wider application of renewable energy sources and at the same time on environmental parameters of the environment and nature.

A crucial piece of legislation is the amendment to the Energy Act, which addresses the concepts and rules for sharing electricity or gas in decentralised systems, giving end-users the opportunity to reduce the amount of energy consumed and dependence on a central supplier, and locally to secure a degree of autonomy with energy management, introducing a flexible energy mix at the community level. However, this has not been possible so far, as Slovakia has built up extensive central energy supply systems (heat, hot water ,and electricity) with relatively inefficient equipment from the 20th century. This has the effect of hindering the wider application of renewable energy sources and also the environmental parameters of the environment and nature.

Among the crucial supporting regulations in the field of energy with regard to energy communities are the following:

1. Act No. 251/2012 Coll. of 31 July 2012 on Energy and on Amendments to Certain Acts.

This law regulates:

- (a) conditions for doing business in the energy sector,
- (b) market access, rights and obligations of energy market participants;
- (c) measures aimed at ensuring security of electricity and gas supply and the functioning of the internal electricity and gas markets;
- (d) the rights and obligations of persons whose rights and obligations may be affected by energy market participants;
- (e) performance of state administration in the energy sector,
- (f) performance of state supervision and control over energy business.

The definition of the two concepts of Energy Community and Renewable Energy Community examined is contained here in the new § 11a, which transposed into national legislation simultaneously two directives, namely Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity (the term 'energy community') and 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 (the term 'Renewable Energy Community').

1. Act No. 251/2012 Coll. of 31 July 2012 Act on Energy and on Amendments to Additions to Certain Acts.

This law regulates:

- (a) the conditions for doing business in the energy sector,
- (b) market access, rights and obligations of market participants in the energy sector ,
- (c) measures to ensure security of electricity and gas supply and the functioning of the internal electricity and the internal market for gas,
- (d) the rights and obligations of persons whose rights and obligations may be affected by energy market participants;



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- e) performance of state administration in the energy sector,
- f) exercising state supervision and control over business in the energy sector.

The definition of the two terms under review here, Energy Community and Energy Community is contained in the new § 11a, which transposes two directives into national legislation at the same time, namely Directive (EU) 2019/944 of the European Parliament and the Council of 5 June 2019 concerning common rules for the internal market in electricity (the term "Energy Community") and Directive (EU) 2018/2001 of the European Parliament and the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (the term "Renewable Energy Producing Community").

2. Act No. 276/2001 Coll. on Regulation in Network Industries and on Amendments to Certain Acts, as amended (including Act No. 107/2007 Coll.)

This amended Regulation Act regulates:

- the subject, scope, conditions and manner of regulation in network industries,
- establishment, status and competence of the Regulatory Office for Network Industries,
- defines the functions of the President and Vice-President of the Office
- establishes a Regulatory Board
- lays down the terms of the price procedure,
- conditions for the exercise of regulated activities and rights and obligations of regulated entities,
- rules on the functioning of the electricity and gas markets,
- proceedings in cases under this Act,
- administrative offences for breach of the obligations laid down by this Law.

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This amended Regulation Act regulates:

- the subject matter, scope, conditions and manner of regulation in network industries,
- the establishment, status and powers of the Office for Regulation Network Industries,
- defines the functions of the Chairperson and Chairperson of the Authority
- establishes a the Regulatory Council
- lays down the conditions of the pricing procedure,
- the conditions for carrying out regulated activities and the rights and obligations of regulated entities,
- rules for the operation of the electricity and gas markets,
- proceedings in cases under this Act,
- administrative offences for breach of the obligations laid down by this Act.

Act No. 657/2004 Coll. of 26 October 2004 on thermal energy

This law regulates:

- (a) conditions for doing business in the thermal energy sector,
- (b) rights and obligations of heat market participants;
- (c) the economics of operation of the thermal installation system;
- (d) restrictive measures related to the thermal energy emergency;
- e) competence of state administration bodies and municipalities and performance of state supervision in thermal energy,
- e) competence of state administration bodies and municipalities and performance of state supervision in thermal energy,
- (f) the rights and obligations of natural and legal persons whose rights, legally protected interests or obligations may be affected by the exercise of the rights and obligations of heat market participants;



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(g) rights and obligations of natural and legal persons in the production of heat in a decentralised heat source.

Act No. 657/2004 Coll. of 26 October 2004 on thermal energy

This law regulates:

- (a) conditions for doing business in the thermal energy sector/business conditions in the thermal energy sector
- (b) rights and obligations of heat market participants;
- (c) the economics of operation of the thermal installation system;
- (d) restrictive measures related to the state of emergency in the thermal energy sector;
- e) the competence of state administration bodies and municipalities and the exercise of state supervision in the thermal energy sector,
- (f) the rights and obligations of natural and legal persons whose rights, legally protected interests or obligations may be affected by the exercise of the rights and obligations of heat market participants;
- (g) the rights and obligations of natural and legal persons when producing heat in a decentralised heat source.

Act No. 321/2014 Coll. of 21 October 2014 on Energy Efficiency and on Amendments to Certain Acts (including Act No. 419/2020 Coll. of 1 December 2020).

This law provides:

- (a) measures to promote and improve energy efficiency;
- (b) obligations when developing concept papers in the field of energy efficiency;
- (c) the rights and obligations of persons in the field of energy efficiency;
- (d) rules for carrying out energy audits;
- (e) business in the provision of energy services,
- (f) provision of information under this Act.

Act No. 363/2020 Coll. on the Promotion of Renewable Energy Sources

Act No. 363/2022 amending Act No. 309/2009 Coll. on the promotion of renewable energy sources and high-efficiency cogeneration and amending and supplementing certain acts, as amended, also defines the following renewable energy sources as non-fossil energy sources as follows: hydropower, wind power, solar energy, geothermal energy, ambient energy, biomass, biogas, landfill gas, sewage treatment plant gas, and tide, wave and other ocean energy.

Act No. 363/2022 amending Act No. 309/2009 Coll. on the promotion of renewable energy sources and high-efficiency Combined production and Amendments and Additions to certain acts, as amended, also defines the following renewable energy sources as non-fossil energy sources as follows: hydropower, wind energy power, solar energy, geothermal energy, ambient energy, biomass, biogas, landfill gas, gas from wastewater treatment plants and tidal, wave and other ocean energy.

Act No. 17/1992 Coll. Environmental Act (as amended by No. 127/1994 Coll., 287/1994 Coll., 171/1998 Coll., 211/2000 Coll., 332/2007 Coll., 388/2021 Coll.)

The Act defines the basic concepts and establishes the basic principles of environmental protection and the obligations of legal and natural persons in protecting and improving the state of the environment and in the use of natural resources; In doing so, it is based on the principle of sustainable development and defines the following principles:

- The territory must not be burdened by human activity beyond the carrying capacity.



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-The permissible level of environmental pollution is determined by limit values laid down by special regulations; These values shall be determined in accordance with the state of knowledge and in such a way that human health is not endangered and other living organisms and other elements of the environment are not endangered.

-Limit values shall be determined taking into account the possible cumulative action or interaction of pollutants and activities. Where, in the light of all the circumstances, it can be assumed that there is a danger of irreversible or serious damage to the environment, there must be no doubt that such damage will actually occur as grounds for postponing measures to prevent it.

-It is forbidden to import for the purpose of incineration radioactive waste that was not produced in the territory of the Slovak Republic. Everyone may assert in a specified manner before the competent authority his rights under this Act and other regulations governing environmental matters.

-Education, education and training are carried out in such a way as to lead to thinking and action in accordance with the principle of sustainable development, to a sense of responsibility for maintaining the quality of the environment and its individual components, and to respect for life in all its forms.

Note: A detailed analysis of individual regulations will be further elaborated in the main document of analysis on activity AT 1.1.

Energy Community (SE) and Energy Association (SME)

The definition of both terms is contained in the new § 11a, which transposed two directives into national legislation at once, namely Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity (the term 'Energy Community') and 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 (the term 'renewable energy community'). The very concept of **Energy Community** and a renewable **Energy Association** is understood by Slovak legislation as (source SIEA):

The Energy Community shall be a legal entity

(a) which is established for the purpose of generating electricity, supplying electricity, sharing electricity, storing electricity, aggregating activities, distributing electricity, operating a recharging station or performing other activities or providing other services related to meeting the energy needs of its members or associates (hereinafter referred to as "Member") with a view to realising environmental, economic or social community benefits;

(b) which does not carry out the activities referred to in subparagraph (a) for profit,

(c) which may be joined, acquired or other way become a member, and from which participation may be withdrawn, terminated or the membership can be cancelled by decision of a member; and

(d) members, who alone or jointly with other members may exercise control in an energy community, are only individuals, small enterprises and higher territorial units or municipalities in the territorial self-administration district in which the Energy Community has its settlement.

It follows that the Energy Community ('the Community') will be arisen as soon as the abovementioned mandatory conditions have been fulfilled. The formation of a community entitles it to exercise the rights and obligations laid down in § 35a, i.e. to procure, produce, store and supply or share electricity to its members, to carry out aggregation activities for its members or to operate a charging station.



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However, the Community may not carry on with the business for making profit; it must express the services it provides to its members. Members of the community can be individual persons, small enterprises, municipalities or self-governing regions in the territorial district of the self-governing region in which the community has its seat. A community producing energy from renewable energy sources is also considered a community within the meaning of § 11a par. 3 of the Energy Act of the Slovak Republic.

A renewable energy association

is a legal entity,

(a) which is based for the purpose of producing electricity from renewable energy sources or biomethane, and which may at the same time be established for the purpose of supplying electricity or gas, sharing electricity from renewable energy sources or biomethane, storing electricity from renewable energy sources, aggregation, electricity distribution, operating a recharging point or performing other activities or providing other services related to meeting the energy needs of its members, in order to with a view to realising environmental, economic or social community benefits;

(b) which does not carry out the activities referred to in subparagraph for profit,

(c) which may be joined, acquired or otherwise become a member, and from which participation may be withdrawn, terminated or membership by decision of a member;

(d) whose members are only natural persons, small and medium-sized enterprises;28(b) higher territorial units or municipalities in the territorial self-administration district in which the renewable energy community is located; and

(e) whose members allowed, individually or jointly with other members, to exercise control in a renewable energy community, reside or have their permanent residence or seat in the territorial area in which the renewable energy installation or biomethane installation owned by the renewable energy community, or most of such installations, is located; if a renewable energy community If a superior territorial unit cannot be determined according to the previous sentence, it shall be determined by the location of the renewable energy community.

Thus, a renewable energy Association is based on the production of electricity from renewable energy sources and the production of biomethane, and at the same time can be established for the purpose of supplying, sharing or storing electricity or gas, aggregation, distribution or operation of a charging station. Like the Energy Community, the Energy Community cannot conduct business for profit.

Unlike the Community, members of a Association can be not only small but also medium-sized enterprises (as defined in Article 2(1) of Annex I to Regulation No 651/2014). At the same time, the same applies as for a community, i.e. that the formation of a community entitles it to exercise the rights and obligations laid down in Section 70a of the Energy Act.

The essential thing is that members of the Energy Community can only be members who have permanent residence or registered office in the territory of the regional area in which the electricity or biomethane production facility is located.





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Rights and obligations for energy communities in general in Slovakia

A community producing energy from renewable sources has the right - to take gas at its offtake point according to a gas supply contract or a joint gas supply contract - to produce biomethane - to supply its members with biomethane produced in its facility or gas purchased on the gas market, - to share biomethane produced in its biomethane production facility to its members to their collection points for which a contract on access to the transmission network and gas transportation with the transmission

network operator or a contract on access to the distribution network and gas distribution with the distribution network operator is concluded.

The community is subject to rights and obligations - of the gas consumer, except for the rights of the gas consumer in the household, - of the biomethane producer (except for the obligation to conclude a gas supply contract with the gas consumer) - of the gas supplier. Considering the provisions of § 11a, par. 3 of the law, according to which a community producing energy from renewable sources is also considered an energy community, unless this law provides otherwise, the rights and obligations of the community also apply to communities. However, the reverse does not apply. So what are the differences between an energy community and a renewable energy community?

- The energy community can produce electricity from any sources, not only electricity from renewable energy sources - The community can only produce electricity from renewable energy sources and can also produce biomethane.

- Members of the energy community can only be FOs, small and medium-sized company, municipalities and Higher territorial unit (in slovak VÚC) that have their headquarters in the territorial district of the Higher territorial unit (in slovak VÚC) in which the energy community has its headquarters.

- The renewable energy community can be FOs, medium-sized company, municipalities and Higher territorial/regional unit (in slovak „Výšší územný celok“ - VÚC) in the territorial district of which the community has its headquarters, and at the same time its community members must have permanent residence or headquarters in the territorial district of the VÚC, which an installation for the production of electricity or biomethane is located.

A new element in the law on energy

A certain element of decentralization is introduced into the current relatively centralized energy market by the legal regulation of community energy. This gives the end customers the opportunity to reduce the amount of energy consumed and their dependence on the central supplier and to ensure a certain degree of independence with energy at the community level locally.

The amendment to the Act on Energy also brings with it another element, which is the sharing of electricity or gas.

Sharing is defined as the provision of electricity to an active customer or energy community and the provision of gas by a renewable energy community for a reason other than sale.

According to the explanatory report to the amendment, sharing is distinguished from supply primarily in that it is (i) the free provision of electricity/gas, or (ii) the payment for sharing will not be a directly proportional consideration for the provision of electricity/gas.



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The right to share electricity/gas should be regulated in the founding document of the energy community or the community producing energy from RES and will be conditioned, for example, by providing a membership deposit. We note that the sharing of electricity/gas will take place on the basis of a different contract than the contract for the (combined) supply of electricity/gas, since in that case it would be a classic supply, and therefore a sale.

Benefits of energy community and associations

In practice, it may look like, for example, that active customers will not be dependent only on consuming electricity themselves, or storing it in their own storage facilities or selling it to the network. Associated with sharing are wider possibilities in the area of community energy, in which it will be common practice to share surpluses between members, for example neighbors or sharing to local production factories. The actual operating model of the energy community or community will already depend on the mutual agreement of the members and their needs.

A great advantage of the Slovak legislation is that, as regards the energy community or the community producing energy from RES, activities such as electricity production in a facility with an installed capacity of up to 1 MW, the storage of electricity in an electricity storage facility with an installed capacity of up to 1 MW, the aggregation or supply electricity and the production or supply of biomethane for its members are not considered business in the energy sector, and a "simple" notification to the (Úrad pre reguláciu sieťových odvetví Slovenskej republiky – ÚRSO) is sufficient for their implementation.

Unfulfilled potential

The legal regulation of energy communities and communities producing energy from RES is still relatively framework. A number of fundamental matters are left to the ÚRSO decree, which should enter into force in the coming months.

Electricity sharing itself is currently not feasible in Slovakia. A prerequisite for the proper sharing of electricity within the energy community, the community producing energy from RES or by active consumers is primarily a functional electronic system displaying individual data, i.e. the Energy Data Center (EDC).

The launch of the Energy Data Center is currently planned in two phases. According to the operator of the EDC, which is supposed to be corporation OKTE, a.s., the launch of the first phase is expected to be launched at the end of June this year, and at the beginning of July the basic functionality should be operational in order to allow new market participants to participate in electricity sharing and providing flexibility.

The Ministry of Economy of the Slovak Republic should also help the development of community energy, which is expanding its powers to create a support framework for promoting and facilitating development.

In the course of time, a point of contact for guiding the administrative procedure regarding the establishment, operation and development of energy communities and communities producing energy from RES should also be established, whose tasks will be fulfilled by the Slovak Innovation and Energy Agency. Energy communities and communities producing energy from RES are currently a hot topic in which great potential is hidden. In the coming years, we can therefore expect a boom in community energy, which should contribute to increasing energy efficiency and self-sufficiency.

Given that the regulation of energy communities and communities producing energy from RES only defines the basic conditions for their creation and functioning, it can be expected that other mechanisms and processes will only be created through practice.



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The bodies of the state administration of the Slovak Republic for the performance of the energy regulations of the energy sector and specifically energy communities and associations

The decisive central professional and administrative legislative authorities in the Slovak Republic, competent in decision-making and management of processes relevant to energy management and environmental care, and especially for Energy Communities and Energy Communities, are, in particular:

- a) Ministry of Economy of the Slovak Republic
- b) Ministry of Environment of the Slovak Republic
- c) Slovak Innovation and Energy Agency
- d) Slovak Environment Agency
- e) Regulatory Office for Network Industries

with precisely defined competencies and activities in accordance with the Programme Declaration of the Government of the Slovak Republic for the given legislative period.

Current developments and perspectives on energy communities and associations

The Act on Energy did not oblige either the Ministry of Economy of the Slovak Republic or the Office for the Regulation of Network Industries to draft a special decree in connection with energy companies or communities producing energy from RES. § 14 par. 10 of Act no. 309/2009 Coll. on the support of renewable energy sources, in the version effective from 1/12/2022, includes, within the scope definition, the obligation (or role) of the Ministry of the Economy of the Slovak Republic to create a "support framework for the promotion and facilitation of the development of communities producing energy from renewable sources", through which it will ensure, to:

- a) unjustified legal or administrative barriers to renewable energy communities are removed,
- b) the relevant distribution system operator has cooperated with renewable energy communities to facilitate the transmission transfer of energy within renewable energy communities,
- (c) renewable energy communities are subject to non-discriminatory, proportionate and transparent procedures, including registration and licensing procedures, cost reflective network charges and fees, levies and taxes, which ensure that they contribute to the overall cost-sharing in a proportionate, fair and balanced manner.

The above, therefore, currently implies certain ambivalence in action and ambiguity in the further legislative procedure for the introduction and development of energy communities and communities in Slovakia.



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ANNEX TO THE SYNTHESIS REPORT

On Activity A.T. 1.1: International comparison of national legal systems

Table - overview of legislation in the Slovak Republic on the topic **Autors: National Energy Cluster NEK, (PP12), Slovak Republic**

Prescription:	Issued:	Validity:	Content of the regulation:	Applicability for EC and RES + Environment topic:
Act No. 251/2012 Coll. of 31 July 2012 on Energy and on Amendments to Certain Acts	National Council of the Slovak Republic	Valid since 5 May 2023	This law regulates: (a) conditions for business in the energy sector, (b) market access, rights and obligations of energy market participants; (c) measures aimed at ensuring security of electricity and gas supply and the functioning of the internal electricity and gas markets; (d) the rights and obligations of persons whose rights and obligations may be affected by energy market participants; (e) performance of state administration in the energy sector, (f) performance of state supervision and control over energy business.	Within the meaning of this Act, energy generally means: electricity, gas, transport of fuel or oil by pipeline, filling of pressure vessels with liquefied gaseous hydrocarbon (hereinafter referred to in the law as "pressure vessel") and distribution of liquefied gaseous hydrocarbon. The Act tackles the with business in the energy sector (professional competence, authorization to conduct business in the energy sector) and sets precise conditions for the establishment and functioning of energy communities and communities producing energy from renewable sources (e.g. construction of an energy facility, construction of a direct gas pipeline, record keeping, protection of electricity customers, gas customers and universal service, protection of household electricity customers or household gas customers) for distance and off-premises contracts of an electricity supplier or gas supplier, the supply of electricity and gas to vulnerable customers at a price regulated by the authority, obligations in the general economic interest, or the financing of an obligation imposed in the general economic interest, etc.).
Act No. 656/2004 Coll. of 26 October 2004 on	National Council of the Slovak Republic	Valid since 1 August 2013	Legislation transposing EU directives on internal market rules with electricity and gas.	The Energy Act sets a timetable for liberalization of the electricity and gas market, increases the transparency of relations between market participants and introduces some new rules.



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<p>energy and amending certain laws</p>				<p>The Act creates a prerequisite for the functioning of an open energy market, as well as third-party access to electricity and gas systems. It creates space and rules for market behaviour of energy market participants.</p> <p>The law also regulates the general economic interest and provides for the possibility of imposing a permit on holders to conduct business in energy sectors obligations in the general economic interest.</p> <p>The bill transparently separates the supply of electricity and gas from the energy transport route, from the transmission and distribution of electricity, and from the transmission and distribution of gas. It shall enable the customer to choose its energy supplier and respect the need for non-discriminatory access to energy and energy systems.</p> <p>At the same time, it introduces conditions for ensuring the monitoring of electricity and gas supplies.</p> <ul style="list-style-type: none"> - to conclude an electricity supply contract with a household final supplier providing universal service (a service provided to households by a household final supplier of electricity covering both electricity distribution and electricity supply), - to provide information on any adjustment of the price of electricity and gas and on the modification of the conditions of supply of electricity and gas and related services at least 30 days before the adjustment is made, - to choose the form and method of payment for the supply of electricity and gas and related services, - for payment for the supply of electricity and gas in the form of advance payments agreed with the supplier (the gas supplier is obliged to justify the refusal of the agreement on payment in the form of advance payments).
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				It follows from the provisions concerning the electricity and gas market that, within the timetable for opening the electricity and gas market from the entry into force of the new Energy Act, all customers except households are eligible.
Act No. 276/2001 Coll. on Regulation in Network Industries and on Amendments to Certain Acts, as amended (including Act No. 107/2007 Coll.)	National Council of the Slovak Republic	Valid since 1 August 2001	This amended Regulation Act regulates: <ul style="list-style-type: none"> - the subject, scope, conditions and manner of regulation in network industries, - establishment, status and competence of the Regulatory Office for Network Industries, - defines the functions of the President and Vice-President of the Office - establishes a Regulatory Board - lays down the terms of the price procedure, - conditions for the exercise of regulated activities and rights and obligations of regulated entities, - rules on the functioning of the electricity and gas markets, - proceedings in cases under this Act, - administrative offences for breach of the obligations laid down by this Law. 	<p>On the basis of this Act, a regulatory body – the Regulatory Office for Network Industries – was created. Competences in technical and substantive regulation were transferred to the Regulatory Office for Network Industries from the Ministry of Economy of the Slovak Republic back in time Establishment of the Office, i.e. from 1 August 2001.</p> <p>Competence in price regulation was transferred to the Regulatory Office for Network Industries from the Ministry of Finance of the Slovak Republic from 1 January 2003. The amendment from February 2007 responds to findings from the application of the law in practice and, in accordance with the Programme Declaration of the Government of the Slovak Republic, regulates in particular the competence of the Office in price proceedings.</p>
Act No. 657/2004 Coll. of 26 October 2004 on thermal energy	National Council of the Slovak Republic	Valid since 1 December 2002	This law regulates: <ul style="list-style-type: none"> (a) conditions for doing business in the thermal energy sector, (b) rights and obligations of heat market participants; (c) the economics of operation of the thermal installation system; (d) restrictive measures related to the thermal energy emergency; e) competence of state administration bodies and 	<p>Until the end of 2004, the field of thermal energy was regulated by Act No. 70/1998 Coll. on Energy, as amended, which as a unified legal regulation, regulated the conditions for doing business in electricity, gas and thermal energy.</p> <p>The reasons for the change in the law were recent changes in the energy sector, the unsatisfactory current state of the heat market model and in general, the shortcomings of the current legal framework based on practical</p>

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			<p>municipalities and performance of state supervision in thermal energy,</p> <p>(f) the rights and obligations of natural and legal persons whose rights, legally protected interests or obligations may be affected by the exercise of the rights and obligations of heat market participants;</p> <p>(g) rights and obligations of natural and legal persons in the production of heat in a decentralised heat source.</p>	<p>knowledge.</p> <p>Since the field of business in the thermal energy sector has its peculiarities, which consist mainly in the fact that the production and distribution of heat have only a local character and therefore in these activities there is no dominant position of a heat producer or supplier in the whole territory of the Slovak Republic, the field of thermal energy is dealt with by a separate law.</p>
<p>Act No. 658/2004 Coll. of 26 October 2004 amending Act No. 276/2001 Coll. on Regulation in Network Industries and on Amendments and Supplements to Certain Acts, as amended (including Act No. 107/2007 Coll. of 7 February 2007 amending Act No. 276/2001 Coll.)</p>	<p>National Council of the Slovak Republic</p>	<p>Valid since 1 January 2005 and amended since 15 March 2007 as Act No.107/2007 Coll</p>	<p>This law regulates:</p> <p>a) subject, scope, conditions and method of regulation in network industries,</p> <p>b) establishment, status and competence of the Regulatory Office for Network Industries,</p> <p>(c) the conditions for the exercise of regulated activities and the rights and obligations of regulated entities;</p> <p>(d) rules on the functioning of the electricity and gas markets;</p> <p>(e) proceedings in cases under this Act;</p> <p>f) administrative offenses for breach of obligations laid down by this Act.</p>	<p>The main aim of the Act is to align the competences of the Regulatory Office for Network Industries in the field of energy, gas and heating with those of the Ministry of Economy under the Competence Act, to solve some shortcomings in the Authority's activities and decision-making, to ensure transparency and objectivity in the Authority's decision-making.</p> <p>After the entry into force of Act No. 276/2001 Coll., several directives and regulations of the European Parliament and of the Council were adopted in the field of energy. These include in particular:</p> <ul style="list-style-type: none"> – Directive 2003/54/EC of 26.6.2003 concerning common rules for the internal market in electricity, which repealed Directive 96/92/EC, – Directive 2003/55/EC of 26.6.2003 concerning common rules for the internal market in natural gas, which repealed Directive 98/30/EC, – Council Directive 90/377/EEC concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users, as amended by Directive 93/87/EEC, as amended, and – Regulation 2003/1228/EC of the European Parliament and of the Council of 26.6.2003 on conditions for access to the network for cross-border exchanges in electricity.



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				<p>These new EC Directives and Regulation were not included in the amendment of the Act in 2002. At the same time, their implementation into Slovak law in full was a priority for the Slovak Republic arising from the Regular Report of the European Commission on the State of Preparedness of the Slovak Republic for EU Membership of 9.10.2002. The amendment of the Act on Regulation in Network Industries was also included among the Priority Tasks of the Government for 2004.</p> <p>With the adoption of the Act, all the above-mentioned Directives of the European Communities and the European Union were fully transposed into Slovak law.</p> <p>Therefore, the main purpose of amending the Act was:</p> <ol style="list-style-type: none"> 1. to incorporate into law the above-mentioned secondary EU legislation so that the subject area of Slovak law is fully compatible with EU law, 2. align the competences of the Authority in the field of energy, gas and heating with those of the Ministry of Economy under the Competence Act, 3. address certain shortcomings in the Authority's activities and decision-making, including clearly defining its responsibilities for the consequences of its decision-making; 4. to ensure transparency and objectivity in the Authority's decision-making, in particular by introducing the possibility of applying legal remedies against wrongful and unlawful decisions, and to lay down, in this connection, in particular, clear rules for decision-making in all cases decided by the Regulatory Office for Network Industries.
Act No. 321/2014 Coll. of 21 October 2014 on	National Council of the Slovak Republic	Valid since 1 January 2021 and since 1 February	This law provides: (a) measures to promote and improve energy efficiency; (b) obligations when developing concept papers in	Based on the mandate of the Ministry of Economy of the Slovak Republic, the Slovak Innovation and Energy Agency (SIEA) performs technical assistance in the preparation of guaranteed energy



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<p>Energy Efficiency and on Amendments to Certain Acts (including Act No. 419/2020 Coll. of 1 December 2020)</p>		<p>2019 on Act No.419/2020 Coll.</p>	<p>the field of energy efficiency; (c) the rights and obligations of persons in the field of energy efficiency; (d) rules for carrying out energy audits; (e) business in the provision of energy services, (f) provision of information under this Act.</p>	<p>efficiency services (GES) projects in the public sector. The subject of the provided technical assistance is assistance to public administration entities, primarily state administration, in the preparation and implementation of projects increasing the energy efficiency of buildings implemented through GES.</p> <p>When providing technical assistance, SIEA will use the model contract and GES methodology for the public sector, which was prepared by the Ministry of Finance of the Slovak Republic in cooperation with the Ministry of Economy of the Slovak Republic in accordance with Act no. 321/2014 Coll. on energy efficiency, as amended by Act no. 4/2019 Coll. and according to the uniform methodology valid for the European Union.</p>
<p>Act No. 4/2019 Coll., amending and supplementing Act No. 321/2014 Coll. and amending certain acts</p>	<p>National Council of the Slovak Republic</p>	<p>Valid since 1 January 2019</p>	<p>The aim of this amendment to Act No. 321/2014 Coll. is to explicitly allow public administration entities to enter GES projects, in such a way that there is no need to increase the public debt of the Slovak Republic. This required, inter alia, establishing the scope of rights and obligations of the owner or manager of the property when leaving the property to the GES provider.</p>	<p>Energy Performance Contracting (EPC) is a contractual agreement that allows to increase energy efficiency (e.g. buildings) and finance it from future savings. The GES provider undertakes to implement measures on the building (e.g. replacement of the boiler room, windows, insulation) that will lead to energy savings and at the same time guarantees the amount of this savings. Instead of paying for energy, the GES beneficiary pays for a savings guarantee. The benefit for the GES beneficiary is lower expenditure on energy consumed.</p> <p>GES have a lot in common with PPP projects (Public Private Partnership). Cooperation between the public and private sectors is an essential common feature. If a number of conditions are met, dominating in particular the transfer of most of the risks of a project to the private partner (GES provider) implementing the project, GES can be removed from the balance sheet of general government. This means that such a project does not affect the Maastricht debt calculated according to the ESA 2010 methodology.</p>



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				<p>Advantages of GES from the point of view of the state:</p> <ul style="list-style-type: none"> • Immediate appreciation of public property, without the need for public resources. • Renovation of public buildings combined with a more environmentally friendly approach. • The investment is financed by a private company – a GES provider, not a public entity. • The project risk (failure to achieve guaranteed energy savings) remains with the GES provider. • The public entity repays the investment only from saved energy costs. <p>No energy savings = no payments.</p>
Act No. 363/2020 Coll. on the Promotion of Renewable Energy Sources	National Council of the Slovak Republic	Valid since 31 December 2022	Act No. 363/2022 amending Act No. 309/2009 Coll. on the promotion of renewable energy sources and high-efficiency cogeneration and on amendments and supplements to certain acts, as amended, and amending certain acts, also defines the following renewable energy sources as non-fossil energy sources as follows: hydropower, wind power, solar energy, geothermal energy, ambient energy, biomass, biogas, landfill gas, sewage treatment plant gas and tide, wave and other ocean energy.	The law defines the types of renewable energy sources, specifies their applicability and use in precisely defined models and schemes. It characterizes and emphasizes the need for a declaration of origin and the characteristics of the procedures used to obtain them. The Act defines the rights and obligations of participants in the creation of energy communities, sets statutory deadlines for the creation of access points when connecting demand points to the network.
Act No. 79/2015 Coll. on waste and amending certain laws	National Council of the Slovak Republic	Valid since 21. April 2015 with effect since till 31 March 2024	This law regulates: programming documents in waste management, waste prevention measures, rights and obligations of legal and natural persons in waste prevention and management, --extended producer responsibility, -management of dedicated products and waste streams, -municipal waste	The subject of the Act are program documents in waste management, waste prevention measures, rights and obligations of legal entities and natural persons in waste prevention and management, extended producer responsibility, management of dedicated products and waste streams. In addition, municipal waste management, cross-border movement of waste, waste management information system, competence of



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			<p>management, transboundary movements of wastes,</p> <ul style="list-style-type: none"> -waste management information system, -competence of state administration bodies and municipalities in matters of state waste management, -liability for breach of waste management obligations. 	<p>state administration bodies and municipalities in matters of state waste management, liability for breaching of obligations in the field of waste management and activities of the Recycling Fund, the process of its cancellation and termination.</p>
<p>Act No. 17/1992 Coll. Environmental Act (as amended by Nos 127/1994 Z., 287/1994 Z., 171/1998 Z., 211/2000 Z., 332/2007 Z., 388/2021 Z.z.)</p>	<p>National Council of the Slovak Republic</p>	<p>Act adopted 16 January 1992 with effect since 1 January 1992</p>	<p>The Act defines the basic concepts and establishes the basic principles of environmental protection and the obligations of legal and natural persons in protecting and improving the state of the environment and in the use of natural resources; In doing so, it is based on the principle of sustainable development and defines the following principles:</p> <ul style="list-style-type: none"> -The territory must not be burdened by human activity beyond the carrying capacity. -The permissible level of environmental pollution is determined by limit values laid down by special regulations; -These values shall be determined in accordance with the state of knowledge and in such a way that human health is not endangered and other living organisms and other elements of the environment are not endangered. -Limit values shall be determined taking into account the possible cumulative action or interaction of pollutants and activities. -Where, in the light of all the circumstances, it can be assumed that there is a danger of irreversible or 	<p>Obligations in the protection of the environment.</p> <ul style="list-style-type: none"> -Everyone is obliged, in particular by measures taken at source, to prevent pollution or damage to the environment and to minimize the adverse consequences of his activities on the environment. -Anyone who uses land or natural resources, designs, carries out or removes constructions is obliged to carry out such activities only after assessing their effects on the environment and the burden on the territory, to the extent stipulated by this Act and special regulations. -Anyone who intends to introduce into production, circulation or consumption technologies, products and substances, or who intends to import them, is obliged to ensure that they meet the conditions of environmental protection and that, in the cases provided for by this Act and special regulations, they are assessed for their possible effects on the environment. -Anyone who pollutes or damages the environment by their activities or who uses natural resources is obliged to monitor these activities at their own expense and to know their possible consequences. -Anyone who becomes aware that there is a threat of damage to the environment or that it has already occurred is obliged, within the limits of



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			<p>serious damage to the environment, there must be no doubt that such damage will actually occur as grounds for postponing measures to prevent it.</p> <p>It is forbidden to import for the purpose of incineration radioactive waste,¹⁾ which was not produced in the territory of the Slovak Republic. Everyone may assert in a specified manner before the competent authority his rights under this Act and other regulations governing environmental matters.</p> <p>Education, education and training are carried out in such a way as to lead to thinking and action in accordance with the principle of sustainable development, to a sense of responsibility for maintaining the quality of the environment and its individual components, and to respect for life in all its forms.</p>	<p>his possibilities, to take the necessary measures to avert the threat or to mitigate the consequences and to report these facts to the state administration without delay;</p> <p>The obligation to intervene is not incumbent on those who would thereby endanger the life or health of themselves or a loved one.</p>
39/2013 Coll., Act on Integrated Pollution Prevention and Control and on Amendments to Certain Acts, as amended on 1.4.2024	National Council of the Slovak Republic	Act amended with Act No.146/2023 since 31 January 2013	<p>This law regulates:</p> <ul style="list-style-type: none"> (a) the rights and obligations of persons in the field of integrated pollution prevention and control; (b) competence to provide expert advice on integrated pollution prevention and control; (c) procedures in the integrated authorisation process; (d) integrated pollution prevention and control information system; e) competence of state administration bodies in the field of integrated pollution prevention and control, (f) penalties for infringement 	<p>The process of integrated permitting shall result in an integrated permission ('the licence').</p> <p>A permit is a decision which authorises the operator to carry out an activity in the operation or part thereof and which determines the conditions for carrying out the activity in the operation and which is issued instead of decisions and consents issued pursuant to special regulations¹⁰⁾ in the field of the environment, protection of public health, agriculture, veterinary protection of the territory and building permit.</p>



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			<p>of obligations;</p> <p>g) reporting to the European Commission related to integrated pollution prevention and control by the Slovak Republic,</p> <p>(h) a system of exchange of information on best available techniques, the establishment and operation of technical groups and a forum for the exchange of information on best available techniques.</p> <p>(2) This Act shall not apply to environmental pollution caused by:</p> <p>(a) ingress into the environment of radioactive substances and ionising radiation (1);</p> <p>(b) the deliberate release into the environment of genetically modified organisms or genetically modified micro-organisms²;</p> <p>(c) installations for research, development and testing of new products and production processes;</p> <p>2(a) (d) mobile sources of environmental pollution.</p>	
<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 155/2005 Coll.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid Since 1 May 2005</p>	<p>This Decree lays down the method for calculating the damage caused by unauthorised consumption of gas.</p>	<p>The damage caused by the unauthorised of gas shall be calculated as the product of the quantity of unauthorised gas abstracted, determined in accordance with paragraph 2, and the rate per 1 m³ of gas, which is</p> <p>(a) in the case of unauthorised consumption of gas for households, a list price for household customers at the highest tariff;</p> <p>(b) in other cases of unauthorised gas abstraction, at the rate used for the settlement of network deficiency deviations in connection with balancing of the transmission or distribution network, applicable during the period of unauthorised gas abstraction; the relevant rate per 1 m³ of gas used for the settlement of network deficiency</p>



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				deviations of the a transmission or distribution network shall be applied for the entire period of unauthorised gas abstraction.
Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 156/2005 Coll.	Ministry of Economy of the Slovak Republic	Valid since 1 May 2005	This Decree lays down details on the scope of and the procedure for provision of information necessary for the performance of state administration.	Information necessary for the performance of state administration under the act is information for (a) developing and updating energy policy; b) ensuring the fulfilment of commitments undertaken in the field of energy -resulting from treaties to which the Slovak Republic is bound and from membership in international organizations, (c) ensuring the monitoring of compliance with security of electricity and gas supply and fulfilling the obligation to publish a report on the results of monitoring security of electricity and gas supply; (d) compliance with the obligation to publish a report; (e) compliance with the obligation to inform the European Commission; (f) the imposition of measures; g) public authorities in other cases where the obligation to provide such information is established by law.
Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 206/2005 Coll.	Ministry of Economy of the Slovak Republic	Valid Since 1 June 2005	This Decree lays down details of the procedure when declaring a state of emergency, for declaring restrictive measures in state of emergency and for measures aimed at removing the state the emergency.	(1) The Ministry of Economy of the Slovak Republic (hereinafter referred to as the "Ministry") shall declares a state of emergency on the basis of a proposal of the transmission system operator's dispatching centre or proposal of the gas dispatching centre. The proposal to declaring a state of emergency, including its justification, shall be delivered by the transmission system operator's dispatching office or gas dispatching office to the Ministry by telefax or electronic mail and confirmed in writing within 24 hours. (2) The Ministry, after verifying the received proposal for declaring a state of emergency, shall immediately declare a state of emergency in the demarcated area or in a part of the demarcated area by means of public mass media.



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<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 337/2005 Coll.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 August 2005</p>	<p>This Decree lays down details on the scope of the technical conditions for access, connection to the system and network and operation of the system and network.</p>	<p>The technical conditions for access to and connection to the transmission system shall be determined by:</p> <ul style="list-style-type: none"> (a) technical – constructional , operational and safety requirements for access to and connection of power-generating facilities; (b) technical– constructional, operational and safety requirements for access to and connection of off taking aequipmment and electrical connections , direct and connecting lines; (c) conditions for the operation and maintenance of electricity facilities; (d) the connection point, the measuring location, the method of measurement and the type of 0,0,.
<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 465/2005 Coll., supplementing the Decree of the Ministry of Economy of the Slovak Republic No. 206/2005 Coll.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 August 2006</p>	<p>This Decree lays down details of the procedure for declaring a state of emergency, for declaring restrictive measures in states of emergencies and measures aimed at removing the state of emergency.</p>	<p>The standard for security of gas supply is to ensure a safe and reliable gas supply of gas to final gas customers in cases of</p> <ul style="list-style-type: none"> (a) interruption or limitation of gas supplies for at least 10 weeks amounting to 30 % of the total sum of the daily gas supply volume under all gas supply contracts to final gas customers or contracts for the purchase of gas from a gas producer or a gas supplier within the territory of the European Union or from the territory of third countries; (b) gas consumption on five consecutive days during which extremely low outdoor temperatures are measured; an extremely low outdoor temperature is the day on which the average daily temperature in a defined area falls below -12 °C, (c) the need to cover gas consumption in the defined area caused by the development of low outdoor temperatures during the coldest period occurring in the last 20 years preceding the year in question in the period from 1 October to 31 March.
<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 May 2005</p>	<p>This Decree lays down rules for the production of heat and electricity by combined heat and power production.</p>	<p>(1) Types of combined heat and power plants shall mean:</p> <ul style="list-style-type: none"> (a) micro-devices, devices for combined production with an installed electrical capacity of up to 50 kW; (b) small-devices, combined production



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<p>Act No. 136/2005 Coll.</p>				<p>installations with an installed electricity capacity between 50 kW to 0,5 MW; (c) medium-sized devices , cogeneration instalations with an installed electricity capacity between 0,5 MW to 5 MW; (d) large-instalations, cogeneration plants with an installed electricity capacity of 5 MW or more. (2) Combined production of heat and electricity is considered to be the simultaneous production of heat and electricity on technological equipment or their combinations capable of producing heat and electricity simultaneously, which are: (a) a combined cycle gas turbine with heat recovery; (b) a back-pressure steam turbine; (c) a condensing steam turbine with steam extraction; (d) a heat recovery gas turbine; (e) an internal combustion engine; (f) microturbine; (g) Stirling engine; (h) fuel cells; (i) steam engines, (j) Rankine organic cycles. (3) The installations referred to in paragraph 2 shall allow the simultaneous use of heat and electricity for the purpose of supplying them to customers and final consumers.</p>
<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 151/2005 Coll.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 May 2005</p>	<p>This Decree lays down the procedure for preventing the occurrence and elimination of the consequences of an emergency in the thermal energy sector.</p>	<p>Heat producers and heat suppliers producing or supplying heat (hereinafter referred to as 'the permit holder' shall prevent the occurrence of a thermal energy emergency, which may arise as a result of an accident or malfunction of thermal equipment, a long-term shortage of thermal energy sources or a smog situation (hereinafter referred to as an 'emergency') by: (a) ensure the operation of the thermal installation system in accordance with the approved operating rules drawn up and updated by the owner or operator; (b) carry out regular maintenance, renewal or development of the thermal installation system on the basis of approved annual and long-term plans; (c) draw up an emergency plan in the</p>



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				<p>thermal energy sector for each system of thermal installations operated by them, which also determines the extent and manner of limitation or interruption of production, supply and consumption of heat in the form of control stages for unforeseeable situations;</p> <p>(d) they check compliance with the operating rules, the regularity of maintenance and compliance with the conditions laid down in the emergency plan.</p>
<p>Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 152/2005 Coll.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 May 2005</p>	<p>Decree on the specified time and on the specified quality of heat supply to the final consumer.</p>	<p>(1) The specified time of supply of heat for heating (hereinafter referred to as the "heating season") shall as a rule begin on 1 September of the relevant calendar year and ends on 31 May of the following calendar year.</p> <p>(2) The heat for heating shall be supplied by the heat supplier(1) (hereinafter referred to as the supplier) if:</p> <p>(a) the outdoor average daily air temperature in the heating season falls below 13 °C for two consecutive days and, according to the weather forecast, the outdoor average daily temperature is not be expected to rise above this value in the following day; and</p> <p>(b) the outdoor average daily temperature, which is one quarter of the sum of outdoor temperatures measured at 7.00 a.m., 2.00 p.m., and 9.00 p.m. in the shade, excluding the effect of radiation from the surrounding walls of the dwelling- houses, the temperature measured at 9.00 p.m. being counted twice is not higher than 13 °C.</p> <p>(3) The supplier shall interrupt heating if the outdoor average daily air temperature in the heating season rises above 13 °C for two consecutive days and the weather forecast does not indicate that the outdoor average daily temperature is not expected to fall below this value in the following day. The supplier shall resume heating in the heating season after the conditions for the supply of heat pursuant to paragraph 2 have been fulfilled.</p>



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				<p>(4) The supplier and the customer who budgets the quantity of heat supplied to the final consumer may agree, on the basis of a heat supply and offtake contract, on heating outside the heating season.</p> <p>(5) The supplier is obliged to supply heat for the preparation of domestic hot water daily from 4.00 a.m. to 11.00 p.m., unless otherwise agreed with the customer.</p> <p>(6) The supplier is obliged to supply hot water daily between 5.00 a.m. and 11.00 p.m. or at another time agreed in the heat supply and consumption contract.</p> <p>(7) The supplier is obliged to supply heat for uses other than those referred to in paragraphs 5 and 6 in accordance with the consumption schedule agreed in the heat supply and offtake contract.</p>
Decree of the Ministry of Economy of the Slovak Republic to the Energy Act No. 159/2005 Coll.	Ministry of Economy of the Slovak Republic	Valid since 1 May 2005	This Decree lays down the scope of training and the required knowledge for the examination of professional competence, details of the establishment and operation of examination boards and the content of the certificate of professional competence.	<p>(1) The training shall be at least 32 hours and shall be aimed at acquiring knowledge of the law and knowledge of</p> <p>(a) The specified time and quality of heat supply to the final consumer;</p> <p>(b) The rules for the production of heat and electricity by combined heat and power generation;</p> <p>(c) The rules for calculating of the quantity of heat supplied for the preparation of domestic hot water and the temperature of the domestic hot water at the point of use;</p> <p>(d) The rules for calculating the quantity of heat supplied;</p> <p>(e) the extent of economically justifiable costs caused by the disconnection of the customer or the final user from the supplier's thermal installation system and the method of their calculation ;</p> <p>(f) The method of verifying the economic efficiency of the operation of the heat equipment system and the energy efficiency indicators of heat distribution equipment, the normative indicators of heat consumption and the extent of economically justifiable costs</p>



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				<p>for verifying the economic efficiency of the operation of the heat equipment system, as well as the method of payment of these costs ;</p> <p>(g) The procedure for preventing the occurrence and eliminating the consequences of a thermal energy emergency;</p> <p>h) The legal regulation of environmental protection in relation to thermal power industry;</p> <p>(i) Technical conditions for the production of heat or for the production and distribution of heat, or for heat distribution;</p> <p>(j) The field of work and safety of technical installations,</p> <p>k) cooperation with the municipality in the elaboration of the municipal development concept in the thermal energy sector.</p> <p>(2) Professional knowledge is demonstrated by passing an examination before an examining board.</p>
<p>Decree of the Ministry of Economy of the Slovak Republic No. 179/2015 Coll. on Energy Audit</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 August 2015</p>	<p>This Decree regulates</p> <p>(a) the procedure for carrying out an energy audit;</p> <p>(b) the content of the written energy audit report;</p> <p>(c) the form of the summary information sheet;</p> <p>(d) a data set for the energy efficiency monitoring system.</p>	<p>Energy auditor when performing an energy audit</p> <p>(a) identify the subject matter of the energy audit;</p> <p>(b) identify and evaluate the current state of the subject of the energy audit,</p> <p>(c) Develop a proposal for measures to reduce energy consumption (hereinafter referred to as 'the measure');</p> <p>(d) Develop an economic evaluation of the measures and an environmental evaluation of the measures;</p> <p>(e) compile a set of recommended measures;</p> <p>(f) draw up a written energy audit report;</p> <p>(g) draw up a summary information sheet;</p> <p>(h) develop produce a data set for the monitoring system.</p>
<p>Decree of the Ministry of Economy of the Slovak Republic No.</p>	<p>Ministry of Economy of the Slovak Republic</p>	<p>Valid since 1 December 2015</p>	<p>This Decree governs</p> <p>(a) the content of the application for passing the examination of professional competence to perform the</p>	<p>The scope of the exam is aimed at demonstrating knowledge of</p> <p>a) the generally applicable legislation governing energy audits,</p> <p>(b) technical regulations in the field of</p>



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319/2015 Coll. on the test of professional competence to perform the activity of energy auditor			activities of an energy auditor, (b) the establishment and operation of an the examination board; (c) the scope, conduct and method of evaluation of the examination; and (d) the model of the certificate of competence to act as an energy auditor.	energy efficiency; (c) the technical parameters and operation of energy conversion sources, energy distribution systems and major energy consumers.
Methodological Guideline of the Ministry of Economy of the Slovak Republic on the Act on Thermal Power Engineering No. 952/2005-200	Ministry of Economy of the Slovak Republic	Valid since 15 April 2005	This methodological guideline determines the procedure for the creation of a municipal development concept in the field of thermal energy.	(1) The Ministry of Economy of the Slovak Republic issues pursuant to § 29 of Act No. 657/2004 Coll. Methodological Guideline for the creation of municipal development concept in the field of thermal energy, which determines its minimum content and scope of processing. The elaborated municipal development concept in the thermal energy sector becomes part of the municipality's spatial planning documentation after approval by the municipal council. (2) Content of the municipal development concept in the field of thermal energy: I. Analysis of the current situation II. Proposal for the development of the thermal equipment system and the future heat supply of the municipal III. Conclusions and recommendations for the development of thermal energy in the territory of the municipality.
URSO Decree to the Act on Thermal Power Engineering No. 212/2005 Coll.	Regulatory Office for Network Industries	Valid since 1 June 2005	This Decree lays down a model for the application for a permit.	This Decree regulates a) a the model application of a natural person entrepreneur for the issue of a permit to carry out for business in thermal energy sector, b) the model application of a legal person for the issue of a permit for business in the thermal energy sector.
URSO Decree to	Regulatory Office for	Valid since 1 August	This Decree determines the method of verifying the	This Decree regulates (a) the method of verifying the economy

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the Act on Thermal Power Engineering No. 328/2005 Coll.	Network Industries	2005	economic efficiency of the operation of the system of heat installations, the energy efficiency indicator of heat production and heat distribution installations, the normative indicators of heat consumption and the range of economically justified cost for verification the economic efficiency of the operation of the system of thermal installations and the method of payment of these costs.	of operation of the system of thermal installations down to the points of consumption (hereinafter referred to as 'verification of economy'); (b) energy efficiency indicators for heat production distribution installations; (c) normative heat consumption indicators; (d) the extent of the economically justified costs for verifying performance and the method of payment of those costs.
URSO Decree to the Act on Thermal Power Engineering No. 630/2005 Coll. (as amended by amendment 358/2009 Coll.)	Regulatory Office for Network Industries	Valid since 1 January 2006 (change since 15 September 2009)	This Decree established the temperature of domestic hot water at the point of consumption, the rules for calculating the quantity of heat supplied for the preparation of domestic hot water and the budgeting of the quantity of heat supplied.	This Decree lays down (a) the temperature of domestic hot water at the point of consumption; (b) the rules for the budgeting of the quantity of heat supplied for domestic hot water preparation and for heating.
Regulation of the Government of the Slovak Republic at the proposal of the URSO to the Regulation Act No. 317/2007 Coll.	Government of the Slovak Republic	Valid since 15 July 2007	This Government Regulation lays down the rules for the operation of the electricity market.	This Government Regulation lays down rules for the functioning of the electricity market in (a) connections of an electricity market participant to the grid; (b) the access of the electricity market participant to the system; (c) the transmission of electricity; (d) cross-border exchange of electricity pursuant to a special regulation, ¹⁾ (e) distribution of electricity; (f) the supply of electricity, including the supply of balancing electricity and the supply of electricity to households; (g) the provision of support services; (h) the provision of system services, (i) assumption of responsibility for deviation; evaluating, clearing and settling electricity market participant's deviation and of system deviation; (j) how to prevent and deal with system congestion;



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				(k) the organisation of the short-term electricity market.
Regulation of the Government of the Slovak Republic at the proposal of the URSO to the Regulation Act No. 409/2007 Coll.	Government of the Slovak Republic	Valid since 1 September 2007 Effective since 1 January 2011	This Government Regulation lays down rules for the functioning of the gas market.	This Government Regulation lays down rules for the operation of the gas market, namely for (a) access to the network; (b) connection to the distribution network; (c) connection to the transmission network; (d) the transmission of gas; (e) distribution of gas; (f) the supply of gas and the supply of gas to households; (g) how to prevent and deal with congestion in on the transmission network and the distribution network; (h) gas storage; (i) network balancing.

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