



ENERGY COMMUNITIES REPOSITORY

Slovakia



OVERVIEW OF THE POLICY FRAMEWORK

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DISCLAIMER

The content of this document aims to establish an overview of the national legal developments in the context of the Clean Energy Package for the Member State mentioned above. **The document includes only final legislation which was published before the end of March 2023. It does not include provisions that are not yet applicable under law (i.e., currently drafted or discussed).**

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Overview

The Act 256/2022 of 22 June 2022 has amended Act 251/2012 on Energy to define Energy Communities and Communities Producing Energy from Renewable Sources. Provisions are applicable from October 2022. The legal framework has been further clarified by an amendment 363/2022 of 19 October 2022 to the Act 309/2009 on Support for Renewable Energy Sources, which empowered the Ministry to develop an enabling framework for Communities Producing Energy from Renewable Sources (CPERS)..

Implementing acts and regulations were still to be published during the overview.

1. Definitions

Slovakia has set two definitions: Energy Community (EC) and Community Producing Energy from Renewable Sources (CPERS), aligned with the definitions of Citizen Energy Community and Renewable Energy Community of the Clean Energy Package. A CPERS is automatically an EC unless the law provides otherwise (e.g., CPERS can act in both electricity and gas sectors, while the EC can only be active in the electricity sector).

The Office for the Regulation of Network Industries (URSO) issues and cancels certificates for establishing ECs and CPERSs. In addition, URISO performs control over the compliance with obligations related to the licensing of an EC, balancing responsibilities, and operation and management of a local distribution system (LDS) by the EC.¹

1.1. Energy Community

An EC is a legal entity that is established for the purpose of specific activities: electricity production, electricity supply, electricity sharing, electricity storage, aggregation activity, electricity distribution, operation of a charging station or performance of other activities or provision of other services related to securing the energy needs of its members.²

These activities aim to provide environmental, economic or social community benefits. An EC should not carry out these activities to make profits. If, according to a regulation, statutes or founding documents, an EC distributes up to a maximum of 50% of its generated profits to its members, the activities listed above are not considered to be carried out for financial profits.³

Members who can exercise control, alone or jointly with other members, can be natural persons, small businesses, local authorities, including higher territorial units (i.e., self-governing regions) or municipalities in the district of the self-governing region in which the EC is based.⁴

¹ § 90a of the Act 251/2012

² § 11a (1) of the Act 251/2012

³ § 11a (4) of the Act 251/2012

⁴ § 11a (1) d) of the Act 251/2012



1.2. Community Producing Energy from Renewable Sources

A CPERS is a legal entity that is established for the purpose of production of electricity from RES or biomethane.⁵ In addition, a CPERS can be established for supplying electricity or gas, sharing electricity from RES or biomethane, storing electricity from RES, or engaging in aggregation, distribution of electricity, operation of charging stations, or other activities or the provision of other services related to the energy needs of its members.

As for an EC, the aim of these activities is providing environmental, economic or social community benefits. A CPERS should not carry out these activities for the purpose of making profits; CPERS cannot distribute more than 50% of its generated profits to its members).

Members of CPERS can only be natural persons, SMEs, local authorities, including higher territorial units (i.e., self-governing regions) or municipalities in the district of the self-governing region in which the CPERS is based.

Members that exercise control over the CPERS must have a permanent residence or headquarters in the territory of the geographical area where the production installation is owned by the CPERS, or where most such facilities are located. If the geographical area cannot be determined, it shall be the one where the headquarters of the CPERS is located.

2. Rights and obligations

2.1. Energy Community

Any member can decide to enter, acquire a share or become a member. Members are also free to decide to withdraw or terminate participation or membership. Final consumers who are members of an EC maintain all their rights as final consumers. Moreover, as active consumers, members can also deliver electricity produced or stored to an EC to which they belong.⁶

An EC has the right to operate the following activities:⁷

- consume electricity on their connection points through contracts on the supply of electricity;
- generate electricity from an installation that is connected or not to the consumption point;
- store electricity in an electricity storage device that is connected or not to the point of consumption;
- supply its members with electricity produced in its production facility or stored in its electricity storage facility, or purchased on the electricity market;
- carry out aggregation activities for its members;
- manage a local distributional system;

⁵ §11a (2) of the Act 251/2012

⁶ § 35 (4) c) of Act 251/2012

⁷ § 35a (1) of Act 251/2012



- operate a charging station.

All rights and obligations applicable to the specific activities must be applied when consuming, generating, storing, supplying or aggregating electricity.⁸ This includes consumption: when consuming electricity from the grid, the rights and obligations of the consumer apply to the EC.⁹ When operating a charging station, the EC must conclude a contract with a Distribution System Operator (DSO) if the installation's capacity exceeds 100 kW under an existing connection point. If the connection takes place under a new connection point, it must notify the DSO about the charging station exceeding 100 kW.

Supplying electricity to the system refers to the physical flow of electricity from the electricity producer, the operator of the electricity storage facility, the active consumer or the EC into the transmission or the distribution grids.¹⁰ A supplier is not responsible for the deviation of its imbalance caused by the activation of flexibility mechanisms by one of its consumers, except if the supplier is an active consumer or an EC.¹¹

In the case of supply, the following rights and obligations of an energy supplier apply to the EC:

- The active consumer can access the transmission and distribution grids;
- It is responsible for imbalances (and provides data and corrections about it for balancing and market operators);
- It may have interruptions and limitations of its supply.

Moreover, the EC must comply with the following obligations related to consumers rights:

- Provide information on energy sources (this information must appear on the bills and must be reliable, clear and comparable), price changes, and alternatives to disconnection;
- Allow for flexibility providers to operate;
- Inform the consumers about the risks of dynamic pricing;
- Collect the levy;
- Allow for change in the energy supplier and flexibility operator free of charge; and
- Provide information to other energy providers upon request of the consumer.

An EC is considered an electricity market participant¹² with rights to access the markets. URSO will determine specific conditions and procedures for the organiser of the short-term electricity market to be able to grant access to its data and the electronic functional interface to ECs, active consumers and operators of storage facilities no later than 1 July 2024.¹³

An EC is responsible for its imbalances to the extent it is a market participant. An EC can delegate its balancing responsibility to a third party.¹⁴ It must enter into an agreement to cover these balancing responsibilities. The agreement includes the obligation to submit a financial guarantee. This obligation can be transferred to another party in the electricity market.

⁸ §35 a (4) to (7) of Act 251/2012

⁹ §35a (3) of the Act 251/2012

¹⁰ § 2(b) 40 of the Act 251/2012

¹¹ § 3 (b) 6 of the Act 251/2012

¹² § 15 (2) j of the Act 251/2012

¹³ § 37 (13) of the Act 251/2012

¹⁴ § 15 (7) and following paragraphs and § 35a (2) of Act 251/2012



Adjustment in the location of the meters is provided to ECs and other users (consumers, producers, storage operators) at their own expense. All these users are obliged to allow the Transmission System Operator (TSODSO or an authorised person to access the designated meter and the installation. Any interruption of this service must be notified.¹⁵

An EC is allowed to manage a LDS. Unlike traditional TSO and DSO, ECs that manage a LDS are allowed to own, develop, manage and operate a storage facility or charging station for purposes other than their own consumption. Moreover, regardless of whether they are connected to the same LDS or another distribution system, an EC should allow all its members to take advantage of the benefits associated with their membership.¹⁶

2.2. Community Producing Energy from Renewable Sources

Being also an EC, a CPERS has all the rights to produce, consume, store, sell, supply and share electricity under the same terms of the EC (see subsection on energy community).

Moreover, it benefits from specific rights related to the gas sector:¹⁷

- The right to produce biomethane;
- The right to consume gas at their metering point according to the gas supply contract or the contract for combined gas supply;
- The right to supply to its members biomethane produced in its biomethane production facility, and gas purchased on the gas market;
- The right to share the biomethane produced in its biomethane production facility with its members to their collection points.

When producing, consuming and supplying gas and biomethane, a CPERS is subject to the rights and obligations applicable to the specific activities, including those related to the signature of a gas supply contract with gas customers. Biomethane can be shared only if a contract on access to the transmission network and gas transportation is concluded with the TSO or a contract on access to the distribution network and gas distribution with the DSO.

A CPERS is considered an electricity market and a gas market participant and has the right to access the markets.¹⁸ It is responsible for its unbalances for its gas and electricity segments of activities and can delegate this responsibility.

¹⁵ §40 (5) and (12) of the Act 251/2012

¹⁶ § 35a (9) of the Act 251/2012

¹⁷ § 70a (1) b) of the Act 251/2012

¹⁸ § 15 (2) j) of the Act 251/2012



3. Assessment of obstacles, potential and removal of unjustified barriers

The Ministry has the authority to assess the existing obstacles in the development of CPRES and their potential for development.¹⁹ The same Act 309/2009 states that the Ministry will create an enabling framework to promote and facilitate the development of CPRES removing unjustified legal or administrative obstacles.²⁰ More details on the enabling framework are outlined in section 4.

4. Enabling framework

4.1. Energy Community

An EC is not considered an energy operator (i.e., subject to permits, license, and proof of capacity) if it fits under either of the following criteria:

- It can be engaged in production of electricity in a facility with an installed capacity of up to 1 MW,
- It can provide electricity storage in a facility with an installed capacity of up to 1 MW.

Moreover, the aggregation or supply of electricity and the production or supply of biomethane for its members is not considered as doing "energy business".²¹

However, a specific license applies to ECs. By law, URSO must issue a certificate for establishing an EC (or a CPERS) within 30 days on the basis of a written request. This certificate allows ECs to enter in agreement with other participants of the energy markets, including for the supply of its members. The certificate includes the designation of the office, the name or business name of the EC, the address of the registered office and the identification number of the legal entity, a declaration that the applicant is an EC or a CPERS, date of issuance of the certificate, as well as a signature indicating the name, surname and function of the authorised person and an official stamp. An EC should immediately notify the office if it ceases to meet the conditions of definition for it. Should the office find that an EC does not fill the eligibility conditions (i.e., fits in the definitions), it will invite the EC to operate the necessary corrections within a reasonable period to be defined by URSO. The certificate can be cancelled in case of false declaration, if it fails to meet the conditions of the definition, is carrying out an activity contrary to the purpose of the EC, or has not provided the corrections asked by URSO in due time. URSO registers the certificates and publishes a list of the EC and CPERS on its website.

Electricity sharing is defined as providing electricity to active consumers or ECs for a reason other than selling electricity.²² An EC can share the electricity produced or stored with its members to their collection points for

¹⁹ § 14 (4) of the Act 309/2009

²⁰ § (10) of the Act 309/2009

²¹ §4 (5) of Act 251/2012

²² § 2b (19) of the Act 251/2012



which a contract on access to the transmission system and transmission of electricity is concluded with the TSO or a contract on access to the distribution system and distribution of electricity with the DSO.²³

Moreover, a member of an EC can share the electricity produced or stored with an EC of which he is a member and with the other members through their connection points, provided that a contract on access to the transmission system and transmission of electricity with the TSO or a contract on access to the distribution system and electricity distribution with the DSO is concluded.²⁴ The implementing act of these provisions were still to be published at time of writing.

Slovakia establishes a contract for ensuring the operation or management (O&M) of the LDS, where the DSO guarantees the O&M of the LDS of the EC, and the EC has to pay the DSO the agreed price.²⁵ If the EC requests it, the DSO to which the LDS of the EC is connected is obliged to ensure the O&M of the LDS for the EC on the basis of a contract mentioned above. The remuneration for the O&M of the LDS must cover the costs of the DSO. The DSO can refuse to enter into such an agreement for the following motives: if safety or health protection at work is put at risk during the O&M of the LDS, or if there is no agreement on the contract's content for the security of the O&M of the LDS.²⁶

4.2. Community Producing Energy from Renewable Sources

The enabling framework to be put in place by the Ministry shall ensure that:²⁷

- The relevant DSO cooperates with CPERS in order to facilitate the sharing of energy;
- CPERS are subject to non-discriminatory, fair and transparent procedures, including for registration and permitting procedures;
- CPERS are subject to cost-relevant network charges and fees, levies and taxes, ensuring that they contribute to the overall cost-sharing of the energy system in an appropriate, fair and balanced way;
- CPERS are subject to all network charges and levies based on a transparent costs-benefit analysis of distributed energy resources;
- CPERS are subject to non-discriminatory treatment with regard to their activities, rights and obligations as end-customers, producers, suppliers, DSO or other market participants;
- All consumers, including those from low-income or vulnerable households, can participate
- Tools are made available to facilitate access to funding and information;
- Public authorities are offered support in the field of regulation and capacity building in supporting and establishing CPERS, and in helping these authorities to participate directly;
- Rules have been put in place to ensure equal and non-discriminatory treatment of consumers involved in the CPERS.

²³ § 35a (1) e) of the Act 251/2012

²⁴ § 35 (4) d) of the Act 251/2012

²⁵ § 26 (20) of the Act 251/2012

²⁶ § 35a (10) of the Act 251/2012

²⁷ § 14 (10) of the Act 309/2009



5. Access to financing and support

The Ministry will publish on its website information about support measures.²⁸ When designing support systems, the Ministry will take into account the specificities of CPERS so that they can apply for support on a level playing field with other market participants.²⁹

6. Other provisions

The Ministry will designate a contributory organisation for guiding citizens through the administrative procedures (contact point). The contact point will provide information regarding the establishment, operation and development of ECs and CPERSs.³⁰ It will publish on its website a manual of procedures for applicants for issuing different production and active consumer organisations and a list of contact points for applying.

References

- Act 251/2012 of 31 July 2012 on Energy, as amended by the Act 256/2022 of 22 June 2022 and by the Act 433/2022 of 6 December 2022. Consolidated version: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2012/251/>
- Act 309/2009 of 19 June 2009 on the support of renewable energy sources and highly efficient combined production, as amended by the Act 363/2022 of 19 October 2022. Consolidated version: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2009/309/>

²⁸ § 14(5) of the Act 309/2009

²⁹ § 14(4) of the Act 309/2009

³⁰ § 13b of the Act 309/2009