Criteria for the "ok-power" labelling of eco-electricity

Version 9.2
effective from 1 January 2020

EnergieVision e.V.

1 December 2019

This English version of the criteria for ok-power labelling has been published for information purposes. In case of doubt, the criteria for ok-power labelling as laid down in the official German version apply.

History of changes

No.	Date of change	Effective from	Description
1	14.04.2016	09.05.2016	Clarification of the recognition of shares of new plants resulting from re-investment measures under the Supply model; Sections 5.3 and 5.4
2	14.10.2016	01.01.2017	Clarification of ok-power-plus. Definition of the use of mixed forms, Section 8.2
3	24.07.2017	01.08.2017	Adjustment of the certification requirements under the Innovation Support model with regard to initial savings period, level of support, recognition at business area level and PtH measures; Sections 3.1/ 3.2/ 3.6/ 6.1.2.8/ 6.1.3
4	28.02.2018	01.03.2018	Exclusion of guarantees of origin from countries not connected to the integrated power network of Central Europe.
5	19.07.2018	01.01.2019	With Version 9.0, the structure of the criteria becomes more diverse and the criteria can thus be deployed more flexibly. The previous organisation according to three models is removed. In future there are mandatory criteria (which correspond to the former minimum criteria) and elective criteria. 5 elective criteria are available to verify an additional environmental benefit as contribution to energy transition, of which several can be used in parallel for certification.
6	20.08.2018	20.08.2018 and 01.01.2019	Editorial clarifications and more precise definition of tariff customers, more precise definition of the transitional period for the procurement of guarantees of origin (3.1.1.1), and more precise definition of the rules governing the case of non-fulfilment of initiation requirements (5.2.3).
7	01.12.2019	01.01.2020	Version 9.2 includes more precise definitions of the following criteria:

			- 2.5.1.4 Use of biomass in thermal plants - 3.3 Transfer of innovation overfulfilment to subsequent years - Small editorial clarifications

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Abbreviations

BImschV	German Federal Immission Control Act (*Bundesimmissionsschutzverordnung*)
BioSt-NachV	German Biomass Electricity Sustainability Ordinance (*Biomassestrom-Nachhaltigkeitsverordnung*)
DSM	Demand Side Management
EEG	German Renewable Energy Sources Act (*Erneuerbare-Energien-Gesetz*)
EnWG	German Energy Industry Act (*Energiewirtschaftsgesetz*)
EU	European Union
FSC	Forest Stewardship Council
GO	Guarantee of Origin
HkNDV	German Implementing Ordinance on Guarantees of Origin (*Durchführungsverordnung über Herkunftsnachweise für Strom aus erneuerbaren Energien*)
ISM	Innovation Support model
IM	Initiation model
kW	Kilowatt
kWh	Kilowatt hour
RAL	German Institute for Quality Assurance and Certification (*Deutsches Institut für Gütesicherung und Kennzeichnung*)
RES	Renewable Energy Sources
SM	Supply model

1 Introduction

1.1 Background

This document sets out the criteria for the award by EnergieVision e.V. of the ok-power label for eco-electricity.

The first criteria for the certification of eco-electricity defined by EnergieVision e.V. applied to the year 2001. In subsequent years, the criteria were updated regularly. A particular purpose of those updates was to further strengthen the impact of the ok-power scheme on the expansion of renewable energy and its integration into the supply system. In addition, adjustments were made to reflect changes in the statutory setting, especially with regard to the governmental support system. Now that there are substantial shares of renewable energy in electricity production, the need for technical and market integration of fluctuating solar and wind power in the energy system has become increasingly important. Due to these changed circumstances, the promotion of further types of projects and measures for achieving energy transition on the system level – in addition to the construction of new RES plants – was incorporated in the ok-power criteria for 2016. Moreover, the standard was further strengthened in 2016 through new criteria for the ownership structure of eco-electricity providers and through consumer protection criteria. Applicable from July 2018 onwards, the criteria designed to promote and accelerate the expansion of renewable energy sources have been developed further. The choice of which criteria are applied to verify the requisite contribution to energy transition has been made more flexible overall.[1] Moreover, there is the prospect that plants which become exposed to price competition following the expiry of governmental support can be accounted for in ok-power certification if evidence of the need for this is furnished. Ensuring a positive environmental impact through the supply of certified eco-electricity remains central to the certification criteria. Suppliers whose entire quantity of electricity sold to tariff customers is certified are entitled to display the "ok-power-plus" label.

EnergieVision e.V. reserves the right to continue to adapt the certification criteria to developments on the eco-electricity market and to energy policy. Major changes are made with effect from the beginning of each calendar year and are published in a timely manner. In order to meet legitimate expectations, the products which have already been certified are granted appropriate periods of transition.

1.2 Purpose of the label

The ok-power label aims to provide for transparency and uphold consumer protection in the eco-electricity market by granting its use to those products which fulfil the criteria set by EnergieVision e.V. and to those providers which behave irreproachably in terms of consumer protection.

[1] Annex 4 provides a detailled description of the key changes compared to version 8.0.

The labelling criteria shall guarantee that the purchase of ok-power certified eco-electricity products makes a verifiable contribution to energy transition. Eco-electricity products must meet mandatory criteria and elective criteria:

The mandatory criteria are:

- delivery to customers of electricity produced from renewable sources;
- requirements upon the (non-)participation of the energy supplier, in terms of property rights, in the planning and operation of coal and nuclear power plants;
- requirements upon consumer-friendly contractual conditions of the certified eco-electricity product;
- requirement to minimise the negative environmental effects of electricity production plants (see Section 2.5.1);
- independent verification of the information provided by electricity providers during the certification process and correct product information provided to customers (see the document on the certification process and Section 5).

The elective criteria define the contribution of the eco-electricity product to energy transition and comprise:

- contribution to the integration of renewable energies in the energy system by promoting the energy supplier's relevant and innovative projects and measures;
- measures to increase energy efficiency and energy savings; or
- contribution to increasing electricity production from renewable energies beyond existing capacities and, as far as possible, beyond the impact of the current regulatory framework such as governmental support schemes (see Section 3.1).

From the perspective of EnergieVision e.V., when no contribution is made to the integration of renewable energies in the energy system or to the expansion of eco-electricity production, contractual supply of customers with eco-electricity cannot guarantee in itself that the purchase of an eco-electricity product results in an additional contribution to energy transition.

The ok-power label verifies that proof of compliance with the above criteria has been furnished, and attests that the certified product results in a positive incentive to promote energy transition. The label is awarded to individual electricity products marketed to final customers in Germany.[2] To gain the label, the supplier can choose from five different elective criteria (see Sections 3.1.1 to 3.3). The label is valid for one

[2] As a general rule it is possible for ok-power certified electricity to be sold to customers abroad. In all cases this must be agreed in advance with EnergieVision's certification office.

calendar year and always refers to the total quantity of electricity sold in this time frame under a particular product name ("certified quantity" in the following).

1.3 Overview

Table 1 gives an overview of the ok-power criteria. These criteria encompass:

- **Mandatory criteria** applicable to all eco-electricity products. These are general criteria concerning: renewable energy supply; environmental requirements upon the business policy of the supplier; consumer protection aspects; and environmental requirements upon eco-electricity production plants.
- **Elective criteria**. These ensure a particular, additional contribution to energy transition.

Table 1: Overview of the ok-power criteria

<table>
<tr><td colspan="3">Mandatory criteria:

- <u>Ownership structure of the eco-electricity provider:</u> Indicator of the strategic orientation of the supplier with regard to energy transition. A significant financial interest or substantial interconnection of the eco-electricity provider with nuclear power plants, lignite-fired power plants or new hard-coal-fired power plants excludes the provider from eligibility.
- <u>Consumer protection:</u> Protection against unfair tariff terms, including a prohibition of advance payments, minimum purchasing quantities, long contract durations, etc.
- <u>Environmental requirements upon eco-electricity production plants</u></td></tr>
<tr><td colspan="3">Elective criteria:</td></tr>
<tr><td>Innovative projects</td><td>Continued operation of formerly supported plants</td><td>Support for new plants</td></tr>
<tr><td>▪ Criteria for the contribution to energy transition through the mandatory investment of a support amount of 0.3 ct/kWh of the quantity of eco-electricity sold (or 0.2 ct/kWh for suppliers who certify to ok-power standards their sales to all tariff customers).
▪ The support amount is used in innovative projects and measures for improving the quality of as well as accelerating energy transition.
▪ Main areas in which funds can be used include:
- Efficiency and energy saving measures
- Innovative storage technologies
- Virtual power plants and corresponding software development and investment</td><td>▪ Criterion designed to assist the preservation and continued operation of plants that no longer receive governmental support and would otherwise not be economically viable.</td><td>▪ Criteria for the contribution to energy transition based on the need for a particular electricity mix that promotes energy transition; this includes:
▪ Special requirements upon the age structure of plants to enable targeted promotion of new plants; and
▪ No double support funding through governmental support schemes.
▪ Criteria for the contribution to energy transition through activities on the part of eco-electricity providers to plan, finance and establish production plants. The capacity to be established and the corresponding additional RES production quantity are linked to the quantity of eco-electricity sold.</td></tr>
<tr><td colspan="3">Optional:
Special label for certification of the total volume of electricity sales (ok-power-plus)</td></tr>
</table>

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2 Mandatory criteria for all eco-electricity products

2.1 Overview

The goal of the mandatory criteria for all certified eco-electricity products is to assure that the label not only ensures the contribution of the product to energy transition (see Section 3), but moreover that

- business activities of the electricity provider that are contrary to the goals of energy transition are avoided as far as possible (requirements upon the ownership structure of the eco-electricity provider, with regard to, among other things, nuclear and coal-fired power plants),
- the consumer interests of private customers in particular are protected (requirements upon consumer friendliness of the tariff conditions for private household customers),
- the high environmental quality and environmental compatibility of eco-electricity production plants is assured, and
- the electricity mix of the procured quantity of product is composed 100% of renewable sources.

2.2 Electricity mix

Eco-electricity products certified under the ok-power scheme must be sourced 100% from production plants based on renewable energy.

This requirement refers to the complete quantity of electricity delivered to the customers of the certified product notwithstanding the consideration of the disclosure of an electricity quantity under the German EEG in accordance with § 42 of the German Energy Industry Act (Energiewirtschaftsgesetz, EnWG) and § 78 of the German Renewable Energy Sources Act (Erneuerbare-Energien-Gesetz, EEG).

2.3 Ownership structure of eco-electricity providers

2.3.1 Relationships with nuclear power plants and nuclear power plant operators/owners

Downstream investment[3]: An eco-electricity provider that seeks use of the ok-power label for its product is not permitted to have a significant[4] indirect[5] or direct stake in a nuclear power plant[6] or any other type of nuclear plant (e.g.

[3] In the criteria "share/stakes" refers to "commercial stake(s) held in a company", which is defined as a membership right acquired by means of a capital contribution (cash or otherwise) to a corporation or partnership (company).
[4] A "significant" stake is defined as an indirect or direct relationship that encompasses 1% or more of a company's capital. The stake is determined proportionally across all ownership levels. For example: Company A owns 50% of Company B, which owns 50% of Company C. If C is the operating company of a power plant, Company A's stake in the power plant would amount to 25%.
[5] "Indirect stake" is a stake that arises from a chain of commercial stakes.
[6] This also includes power plants that are currently being built.

uranium enrichment) at home or abroad; this rule does not apply if the nuclear power plants or installations are permanently decommissioned.

Upstream investment: If an eco-electricity provider that seeks use of the ok-power label for its product owns either directly or indirectly a nuclear power plant[6] or any kind of nuclear engineering plant[6] at home or abroad, this direct or indirect stake of the eco-electricity provider must be lower than 50%. This rule does not apply if the nuclear power plants or installations are permanently decommissioned.

2.3.2 Relationships with coal-fired power plants and coal-fired power plant operators and owners

2.3.2.1 Lignite

Downstream investment: An eco-electricity provider that seeks use of the ok-power label for its product is not permitted to have a significant[4] indirect or direct stake in a lignite power plant[6] at home or abroad. This rule does not apply if the lignite power plants have been permanently decommissioned.

Upstream investment: If an eco-electricity provider seeks use of the ok-power label for its product and owns either directly or indirectly a lignite power plant[6] at home or abroad, this direct or indirect stake of the eco-electricity provider must be lower than 50%. This rule does not apply if the lignite power plants have been permanently decommissioned.

2.3.2.2 Hard coal

An eco-electricity provider who seeks to acquire the ok-power label for its product is not eligible if it has

- a significant indirect or direct stake in a hard coal power plant at home or abroad, that entered operation as a new power plant after 01.01.2015; or
- acquired a significant indirect or direct stake after 01.01.2011 in a hard coal power plant at home or abroad, irrespective of plant age.

EnergieVision e.V. reserves the right to examine existing contracts in individual cases.

2.3.3 Involvement in planning of new nuclear and coal-fired power plants

Downstream investment[7]: The eco-electricity products of an eco-electricity provider that is indirectly or directly planning to build a nuclear, hard coal or lignite power plant at home or abroad during the period in which the label is to be used are not eligible for ok-power certification.

[7] For the definition of "significant stake", see Footnote 4.

Upstream investment[7]: If a company has either indirectly or directly a stake of at least 50% in the eco-electricity provider and is planning to build a nuclear or coal-fired power plant, the provider will not be eligible for certification.

2.4 Consumer protection

Fair and transparent terms and conditions of the eco-electricity provider are basic components of a good eco-electricity product. ok-power labelled eco-electricity providers are therefore obliged to offer fair tariff conditions, to refrain from the use of hidden clauses and inappropriate/unfair preconditions in relation to the fulfilment of a service commitment to the customer, and to design and communicate their tariff and contractual conditions clearly and comprehensively.

The eco-electricity product submitted for certification must meet the following requirements relating to consumer protection for private customers (households):

- Payments of the private customer to the eco-electricity provider are not to be made in advance. Customary monthly pre-payments are not regarded as advance payments.
- It is not permitted for the contractual conditions to set the customer a minimum purchasing quantity, except for the purpose of granting a new customer bonus.
- The contractual conditions shall not require any purchase of fixed volume packages.
- EnergieVision e.V. reserves the right to deny this minimum qualification after an individual assessment if the provider's contractual conditions deviate from the current legal regulations and relevant case law and in the case of extraordinary contractual conditions.

2.5 Environmental requirements for electricity production plants

2.5.1 Eligible eco-electricity production plants

2.5.1.1 Basic rules

The following criteria apply to electricity produced in Germany. As a rule these requirements apply analogously to foreign power plants.

EnergieVision e.V. reserves the right to set more comprehensive criteria in the light of future experiences gathered with the approval procedure for certain generation plants.

2.5.1.2 General requirements

- Only the following power plants are eligible:
  - power plants that adhere to the prevailing legal provisions for licensing and operation; and
  - power plants that produce electricity from renewable energy sources.

- Power plants that are refused governmental support funds (under the German EEG or comparable mechanisms) for environmental reasons are not eligible.
- Unless otherwise stipulated in the following sections, no additional requirements beyond those specified in the licensing procedure are placed on the properties of the generation plants for electricity from solar power, wind power, sewage gas and geothermal energy.

2.5.1.3 Hydropower

Run-of-river power plants are eligible as a rule.

In the case of pumped storage hydro power plants, the maximum eligible amount is the net electricity production of the power plant, i.e. the electricity production minus all auxiliary energies (including pump current).[8]

Hydroelectricity should come primarily from reactivated or rehabilitated plants, as interference with the natural habitat remains comparatively low in these cases.

2.5.1.4 Biomass

For electricity from solid, gaseous and liquid biomass, the following restrictions apply:

Biomass from not continuously forested areas (e.g. agricultural areas such as fields or short-rotation plantations or landscape conservation areas) is eligible when the fuels comply with the area-related requirements laid down in the German Biomass Electricity Sustainability Ordinance (Biomassestrom-Nachhaltigkeitsverordnung, BioSt-NachV) in its current version.

Biomass from continuously forested areas is eligible when it originates from FSC-certified forestry.

For liquid biomass the requirements based on the greenhouse gas (GHG) mitigation potential laid down in the German BioSt-NachV in its current version apply. EnergieVision e.V. reserves the right to subject gaseous and solid biomass to comparable requirements based on the GHG mitigation potential, once corresponding procedures have been introduced.

In addition, liquid biomass is only admissible if it has been produced from biomass grown in Europe. EnergieVision e.V. reserves the right to change the criteria for liquid biomass in the future.

Wood residues and pulpwood not related to specific areas (e.g. waste wood) are only allowed to be used in the case of untreated wood or wood that has only been treated mechanically or of recycling products bearing the RAL GZ Quality Label 428. In individual cases it is also possible for quality assurance procedures comparable to the RAL Quality Label to be recognized.

[8] This is in keeping with the regulations of the EECS, as implemented by the updated German Implementing Ordinance on Guarantees of Origin (HkNDV).

Co-firing biomass in thermal power plants is also eligible provided it fulfils the above-stated requirements. The quantity of electricity produced needs to be broken down in calculations according to the heat value of the relevant fuels.

In the case of Guarantees of Origin for electricity produced from biomass in waste incineration plants, it must be demonstrated for the respective quantities that, depending on their applicability

- the regulations of the German Biomass Electricity Sustainability Ordinance (BioSt-NachV) have been complied with,
- or FSC certfication is available for biomass from continuously forested areas,
- or RAL GZ Quality Label 428 is available for wood residues and pulpwood.

Guarantees of Origin for quantities of electricity produced in the aforementioned plants, for which such evidence cannot be provided, or where the biomass used cannot be traced, are not eligible for ok-power labelled products.

According to the current state of knowledge, there is currently no tried and tested procedure for reliable proof of quality criteria in biogenic portions of municipal waste, which is why it is essential to contact the certification office at an early stage if biomass is planned to be certified.

2.5.1.5 Solar radiation energy

Photovoltaic plants located in the open spaces of national parks, nature conservation areas, biosphere reserves and landscape protection areas are not eligible. This also applies to comparable protection areas abroad.

Apart from the applicable licensing conditions for PV plants in open spaces, no additional environmental criteria currently apply for ok-power certification.

Electricity from photovoltaic cells on buildings and from solar thermal generation is eligible.

2.5.1.6 Wind power

Electricity from offshore and onshore wind power plants in national parks and other designated areas of protection is not eligible.

Apart from the applicable approval requirements, no further environmental criteria currently apply for offshore wind power plants.

2.5.1.7 Other energy sources

For electricity from sewage gas and geothermal energy, no conditions beyond the applicable legal requirements apply.

2.5.2 Non-eligible generation plants

For clarification, the production of electricity from energy sources listed in the following is not eligible for ok-power certification:

- Electricity from plants for thermal waste management (known in Germany as *17. BImSchV-Anlagen*) [9] is not eligible, unless confirmation is provided by an expert that the specific quantities of electricity accompanied by Guarantees of Origin are from biomass satisfying the requirements under Section 2.5.1.4.
- Electricity from landfill gas.
- Electricity from mine gas is not eligible since it is (despite promotion under the German EEG) not a renewable energy source.
- Electricity generated from peat.
- Electricity generated from all types of fossil fuel.

2.6 Guarantees of Origin

In accordance with § 42 of the German Energy Industry Act (EnWG) the proof of delivery of renewable electricity from certain power plants has to be provided in the form of Guarantees of Origin, which are cancelled from the German Environment Agency's register for Guarantees of Origin.

The Guarantees of Origin must originate from EU Member States, Switzerland or Norway, and be physically connected to the integrated power network of Central Europe. Thus, the use of Guarantees of Origin from Iceland or overseas territories belonging to EU Member States is not permitted.[10]

2.7 ok-power-plus: A special label for the certification of total sales volume

An eco-electricity provider is awarded the **ok-power-plus label** when it delivers to all its household and small commercial customers with which it has contracts 100% ok-power-certified eco-electricity, while also abstaining from claiming a reduction of burdens through reduced elective-criteria requirements.[11]

[9] This also applies to biomass in power plants covered by the 17th German Immission Control Ordinance (BImSchV), which are recognised as renewable energies within the terms of the German EEG in accordance with the German Biomass Ordinance.

[10] A transitional rule is described in the annex (chapter 6).

[11] Under the ok-power scheme, the group of "household and small commercial customers" is generally defined as comprising such customers whose level of consumption – including aggregration of several delivery points to a customer – does not exceed 30,000 kWh/year.
If in individual cases such a definition is not possible due to the practices of a supplier, or if an alternative definition appears appropriate, ok-power reserves the right to consider and agree a special rule for the individual case that captures in the best possible manner the target group of household and small commercial customers.

3 Elective criteria

The elective criteria ensure that the eco-electricity product makes a contribution to energy transition. Various criteria are available to the supplier. The eco-electricity supplier can choose the share of the electricity quantity to be certified for which the supplier wishes to provide the required contribution to energy transition through one of the elective criteria. For some criteria there are requirements concerning the minimum quantity in relation to the overall turnover of the electricity supplier.[12] Furthermore, the criteria are designed such that they preclude double counting or inappropriate double attribution of their environmental benefit.

3.1 Support for additional new plants

Support for new plants follows two avenues in principle, which can be taken individually or in combination.

1. **Purchasing guarantees of origin from new plants** (3.1.1)
2. **Initiating and operating plants and recognition of new-construction projects that were not awarded contracts** (3.1.2 + 3.1.3)

3.1.1 Purchasing guarantees of origin from additional new plants

In addition to the environmental requirements set out in Section 2.5 the following requirements apply to the "Purchasing from new plants" criterion:

- The age structure of the plants generating the electricity supplied under contract must meet the requirements set out in Section 3.1.1.1.
    - Governmental support for electricity generation is excluded in accordance with Section 3.1.1.2.

The stated requirements refer to the complete quantity of electricity delivered to customers notwithstanding the consideration of the disclosure of an electricity quantity under the German EEG in accordance with § 42 of the German Energy Industry Act (Energiewirtschaftsgesetz, EnWG) and § 78 of the German EEG.

3.1.1.1 Age structure of the electricity mix

In order to provide an incentive to build new eco-electricity production plants based on renewable energy sources, the following rules apply starting from 2019[13]:

The supplier commits, for the quantity of eco-electricity certified pursuant to this criterion, to procure from additional new plants at least 33% of the electricity quantity

[12] These barriers are necessary in order to prevent contributions to energy transition being attributed to a supplier for which the quantity of electricity certified under ok-power is small relative to its overall turnover, which would lead to very simple and, above all, sustained fulfilment of the criteria.
[13] For the 2018 certification year, for the procurement of Guarantees of Origin the requirements of Version 8.4 of the ok-power criteria apply to both already certified and new ok-power products.

supplied annually under contract to final customers. The following age limits apply to additional new plants:[14]

- Hydropower: 8 years
- Wind power: 4 years
- Photovoltaics: 5 years
- Biomass: 4 years
- Geothermal: 8 years

The start of operation is understood as the first feed-in to the grid.

If existing plants are expanded, the additional new generation quantities can be accounted.

Section 3.1.1.3 sets out further details.

3.1.1.2 Recognition of eligible plants, and exclusion of plants already financed under support schemes

The supplying power plants must not receive any governmental support. In the case of price-controlling governmental support schemes like the German EEG, plants must not be eligible for support under those schemes. It is permissible, however, for plants to be eligible for such support in principle if a long-term commitment applies to the plant to not claim governmental support, notably in the case of new construction without award in connection with EEG calls for tenders in Germany, or if the quantities generated are not accounted under existing quota-based systems.

Non-supported electricity quantities from plants which receive support for a part of their production under a quota-based support model (such as the EI Certificate system in Norway and Sweden) can be recognized as electricity from additional new plants if the following conditions are met: It must be proven that the electricity quantity in question is not taken into account to fulfil the quota under the support system, i.e. that the support is not claimed. In the case of plants that are entirely new, this proof can be furnished definitely through a "non-supported" mark in the guarantees of origin, in combination with uniform plant quality.

This applies equally to electricity quantities from new power plant shares due to re-investment measures. In such cases the support given to the specific re-investment measure determines ok-power recognition. However, re-investment plants supply electricity that cannot be attributed to specific plant qualities by means of guarantees of origin. Further evidence must therefore be furnished, e.g. through reports by accredited environmental verifiers. Consideration of the eligibility for support and of the actually received support of re-investment plants is not performed at plant level, but rather on the basis of specific re-investment measures. To gain recognition for a new plant share, the operator of a re-investment plant must prove that the specific

[14] The technology-specific criteria for new plants follow one-quarter of the depreciation period of plants, whereby within each technology average values were formed from the partly differing depreciation periods per component.

re-investment measure on which the new plant share seeking recognition is based does not receive governmental support. Eligibility for support for a re-investment under a quota-based support model such as the EI Certificate system does not automatically cause recognition to be refused, as long as the support is not actually claimed.

If support under a quota-based scheme (e.g. EI Certificates) is claimed for periods less than a year, the plant operator must state the quantity produced during the eligible period and the period in which governmental support was not claimed. This can be recognized as an electricity quantity from additional new plants. Plant operators are obliged to notify the certification office without delay and without being prompted of any changes in the support situation of a recognized plant.

Recognition of plants with a contract award for a 0ct tender will be considered in detail as soon as the first such cases are submitted for certification to EnergieVision e.V.; so will recognition of non-supported electricity from new plants under long-term Power Purchase Agreements.[15]

Plants abroad are assessed analogously with due regard to the specific rules and regulations in each country.

3.1.1.3 Recognition of additional shares of new/re-investment plants

If major re-investment measures (rehabilitation, capacity increase through turbine improvement etc.) or large investments in maintenance that are significantly higher than the usual costs for operation and maintenance of the plant have been made within the age limit pursuant to Section 3.1.1.1 prior to the year of eco-electricity certification and the power plant cannot be considered a new power plant according to the above rule, some of the electricity production can be recognized as electricity from new power plants.

The extent to which such power plants can be assessed as new plants on the basis of re-investment can be calculated using one of the following methods:

Amount of re-investment: The relative share of the new power plant corresponds to the relation of the current value of the re-investment to a comparable new investment for the entire power plant including all plant components adopted from the existing power plant. The calculation can summate all substantial and eligible investments performed within the age limit pursuant to Section 3.1.1.1. If the power plant was taken out of operation completely for the time period of the re-investments, all investments can be assigned to the year in which operation resumed.

[15] As there is currently no such case in practice, there is no basis for defining this criterion in further detail. When assessing the eligibility of plants with 0ct tenders or of supplies under long-term Power Purchase Agreements (PPAs) it should be considered to what extent these plants are accounted for within the terms of the EEG goals, and how long the plants abstain from claiming support – this is necessary in order to prevent "cherry picking" through rapidly switching EEG claims.

$$\textit{New power plant share} = \frac{\textit{current value of investment}}{\textit{value of new investment for whole power plant}}$$

Increase in capacity: The share of the new power plant is determined by the difference between the installed plant capacity (that is technically usable at least in the short term) before and after re-investment. (Increases in capacity that cannot be used because additional investments are pending are not eligible to be recognized under this criterion). This increase is converted to the share of the electricity fed into the grid in the year concerned.

$$\textit{New power plant share} = \frac{\textit{capacity after investment} - \textit{capacity before investment}}{\textit{capacity after investment}}$$

New power plants (including ones partially recognized as new power plants based on re-investments) must meet the requirements of Section 3.1.1.2 (exclusion from governmental support schemes).

Recognition of new power plant shares arising from re-investments that are wholly or partially financed by investment- or production-related support schemes is not possible. Re-investment power plants are considered differenciated. For the recognition of new power plant shares under the ok-power criteria, the respective reinvestment measure is considered.

If a re-investment is eligible under a quota-based support model but this support is not claimed, the new power plant share in question can still be recognized. If, however, for a certain re-investment measure investment- or production-related support (e.g. EL certificates) is claimed, this re-investment is excluded from certification as a new power plant share. Though, if it can be proven that no support has been or is being claimed for a different re-investment measure in the same power plant, this can be recognised as a new power plant share.

A new power plant share can be recognised if the reinvestment measure is not eligible for governmental support or if the support in a volume-controlling system such as EL-cert is not claimed. If this situation changes because such support is subsequently claimed, recognition under the ok-power criteria is withdrawn for the time frame in which the quota-based support is used. Plant operators are therefore obliged to notify Energievision e.V. without delay and without being prompted if there are any changes in the support situation of a power plant certified under the ok-power criteria. If quota-based support has been claimed or ended during the year, the electricity quantities must be precisely specified and it must be proven that no support was claimed for the rest of the relevant time frame. The electricity quantity from a partially new power plant is calculated by multiplying the new power plant share with the electricity produced during the eligible periods of the year.

If a power plant share is eligible for support within a price-controlling governmental support scheme like the German EEG, this reinvestment is not recognised as a partial new power plant in accordance with paragraph 3.1.1.2 of the criteria.

3.1.2 Initiation and operation of new renewable energy production plants

This criterion honours above-average commitment by an eco-electricity provider in developing, financing and operating renewable energy production plants.

The former Initiation model (under Criteria V8.4) can continue to apply as elective criterion if the provider chose this criterion before 1 January 2019.

The eco-electricity provider must furnish proof of an eligible amount of electricity production attributable to the initiation and operation of newer renewable energy plants that corresponds overall to at least 50% of the eco-electricity sales certified under this criterion. In addition, in the case of eco-electricity providers who do not have their entire sales to household and small commercial customers[16] certified under ok-power the eligible production quantity must correspond to a minimum share of 33% of the overall sales to household and small commercial customers.

Initiated plants are accounted by recognising their projected annual production as "annual initiation contribution". Over the duration of the term after commencement of operation in which this contribution is accounted – 10 years at most – the following accounting quotas result, depending on plant status:

Table 2: Accountability of renewable electricity production by self-initiated plants

Contribution	Year after com-mence-ment of operation	Recognised production in year
Initiation + own operation	1st - 4th	100%
	5th – 10th	66%
Initiation (with subsequent sale / with-out own operation)	1st - 4th	100%

Example 1: If an eco-electricity provider keeps an initiated plant in his own operation, that provider can have 100% of the projected annual output recognised each year over a period of four years; in years 5 to 10, 66% of the projected annual output is recognised.

Example 2: If an eco-electricity provider sells a plant after initiating it, 100% of the projected annual output can be recognised each year over a period of four years.

[16] This generally includes all customers with an annual electricity purchase up to 30,000 kWh (see Footnote 11).

Project development contributions for plants that have not been awarded a contract after submitting a tender can be recognised as initiation contributions nonetheless. This is regulated as a separate criterion in Section 3.1.3.

In the event that a contract is awarded following a call for tenders but the plant is not actually installed within the term prescribed by law,

- the period of delay can be covered by means of other criteria.
- the establishment of a "surplus/shortfall account" can be applied for. Shortfalls are "booked" on such an account and can be balanced later by "surplus amounts". This approach can only be taken if such balancing at a later date appears realistic and certification is continued accordingly.

The distinction between year of operation of a plant and year of certification is as follows: The year of commencement of operation is taken into account by including all full months of operation in that calendar year plus the 4 full years of operation, whereby the recognisable quantity is determined by the share of the full months in the annual projection[17]. Subsequently, the shares of a plant's production set out in Table 2 are accounted over a period of 4 (plus 6) full calendar years.

The initiation contribution is broken down into various phases of project development and financing as follows: Generally, the standard case of RES project development is broken down into the phase up to approval under planning law (BImSchV) (1), followed by the phase up to tender submission (2) and – if a contract is awarded – the structuring of financing (equity capital, borrowed capital) (3). To reflect the responsible commitment of a provider up to the award of contract, 50% of the initiation contribution is recognised; the other 50% is for the phase from award of contract to commencement of operation.

Assessment of the equity share: Borrowed capital is generally the capital provided by banks. The future owners of the plant contribute equity capital. These future owners can be further stakeholders beside the certified. Rules therefore govern the case in which an eco-electricity provider does not hold a 100% equity stake. This is illustrated by the following examples:

- Example I: Provider performs project development up to award of contract and sells the project to a third party: Recognition of 50% of initiation contribution.
- Example II: Provider performs project development up to commencement of operation, but provides only 50% of equity capital and involves an investment company for the remaining 50%: 50% for Phase 1 and 25% for Phase 2 = 75% recognition for Years 1-4, thereafter 50% of 66% of the projected annual output = 33%.

[17] For example, if a plant commences operation on 15 June 2019, then the projected production amounts for the months of July to December 2019 are counted. This results in 6 months plus the production of 2020, 2021, 2022 and 2023.

If the provider only performs a part of the initiation, for instance through a project development company with further shareholders, the initiation contribution is reduced (in the example: in proportion to the stake in the project development company).

Crediting the involvement of private individuals (citizen-owned energy projects): If the eco-electricity provider involves private individuals in the project as holders of equity, their shares are counted as equivalent to those of the provider. It is incumbent upon the provider to furnish proof of the involvement of private individuals or the non-involvement of other third parties.

3.1.3 Crediting new-construction projects that did not gain contracts

If an eco-electricity provider was not successful in gaining a contract after submitting a tender for a given plant, the provider can have the project development costs credited as a stranded investment to meet criteria. In this case a flat rate of 4% of the planned total investment is counted as project development cost. The contribution to fulfilment of criteria is determined by means of conversion of the support contributions to the amount of 0.3 or, respectively, 0.2 eurocents per kilowatt-hour. Project development costs can be counted only once and may be spread over a period of 4 years at most. Criteria fulfilment by means of crediting an unsuccessful tender can make up 50% of the certified quantity at most per calendar year; this limit is set in order to ensure that a provider definitely generates an actual, additional benefit to energy transition by fulfilling other criteria.

If the provider only performs a part of the initiation, for instance through a project development company with further shareholders, the initiation contribution is reduced (in the example: in proportion to the stake in the project development company).

3.2 Eligibility of generation from existing, previously supported plants

EnergieVision considers contributions by eco-electricity suppliers designed to prevent the dismantling of renewable-energy facilities without repowering and thus to prevent the reduction of installed renewable capacity to be eligible in principle. At the present point in time it is not yet possible to configure in a purposeful manner a criterion for plants that drop out of the German EEG scheme. This would above all have to consider the actual need for support of each specific technology, taking account of the current market price. ok-power will address this issue in due time and will then determine the mechanisms for such a criterion.

The following criteria apply to plants abroad that have already dropped out of support schemes:

The supplier commits to procure guarantees of origin from wind power plants whose support has expired that cover at least 33% of the certified quantity pursuant to this criterion. The basic need for support for wind power following the end of support periods in each generating country will be assessed by the certification body, as will

the attribution of such plants to national renewable energy expansion. Eligibility for recognition will be determined on that basis in a country-by-country manner.

525 This rule initially applies to wind power plants, as EnergieVision currently only sees a need for support for that technology. Upon application, however, the eligibility of other technologies will also be assessed.

3.3 Support for innovative energy transition projects

3.3.1 Overview

Under this criteria category, the support contributions of eco-electricity customers are deployed to promote innovative technologies and future business models which substantially advance energy transition and meet the requirements of Energie-Vision e.V. (see Section 3.3.5). Innovation support focuses on the diverse measures necessary for energy transition that lie outside the scope of energy production and that cannot currently be implemented under competitive conditions due to lack of market maturity or profitability and are therefore in need of support. Measures for energy production are only eligible under innovation support in exceptional cases (see Section 4.1.2.7).

Measures promoted under innovation support contribute to energy transition by, for example,

- reducing electricity demand by means of energy efficiency measures;
- matching electricity supply and demand more efficiently over time by means of innovative storage technologies, demand side management measures and smart management (virtual power plants);
- fostering PV expansion and energy transition acceptance through arrangements under which electricity is produced on-site and supplied directly to tenants (*Mieterstrommodelle*);
- enabling societal and business players to become active in energy transition via educational measures.

In addition to the general requirements specified in Section 2, the following requirements apply to quantities certified in the innovation support category:

- Eco-electricity providers undertake:
  - To transfer a fixed support contribution in ct/kWh (see Section 3.3.2) for each kWh sold of the certified eco-electricity product to a reserve account on a monthly basis ("innovation fund") and manage it (see Section 3.3.3).
  - To invest promptly the support contributions collected in the innovation fund in energy transition measures that have been pre-approved by EnergieVision e.V. As a general rule, the support contributions must be so invested by the end of the third following year at the latest. In this way, a higher investment amount can be achieved and securely planned financing commitments can be made; and
  - The projects/measures geared to energy transition have to be implemented in accordance with the milestones agreed with EnergieVision e.V. in the project application.
- The use of the funds must be in keeping with the general rules of Section 3.3.4.
- The energy transition projects/measures supported must comply with the requirements of Section 3.3.5.

3.3.2 Support contribution

The eco-electricity provider undertakes to transfer, for each kilowatt-hour of eco-electricity sold to its customers, a support contribution amounting to at least 0.3 ct/kWh to a reserve account for innovations ("innovation fund"). For providers whose entire sales to household and small commercial customers[18] are ok-power certified, the minimum support contribution is 0.2 ct/kWh.

3.3.3 Management of reserved funds

The reserved funds are managed by the eco-electricity providers and entered as a rule in the accounting records into a special reserve account. The input of all support contributions and all withdrawals for the supported projects are recorded in this reserve account and checked by independent auditors.

It is determined in the project plan whether and to what extent revenues from projects are fed back into the innovation fund.

No support contributions will be managed by EnergieVision e.V. itself on behalf of the eco-electricity providers.

3.3.4 Rules for the use of funds in innovative projects

The amounts in the innovation fund may be used by the eco-electricity providers for projects of their own, for projects of third parties and for joint projects with third parties. The amounts may also be used to finance an innovative business area or an innovation department or similar business unit, if work in that unit mainly conforms to the criteria set out in Section 3.3.5.

The reserved funds can be used to subsidise investment costs or operating costs. Other support structures are possible after consultation with EnergieVision e.V.

The certified eco-electricity provider can pool funds from its own innovation fund with those from the innovation funds of other ok-power certified eco-electricity providers, thereby increasing the investment volume and making projects more effective and possibly more efficient. For this purpose EnergieVision e.V. creates a platform on which the eco-electricity providers can search and offer projects, measures and unutilised innovation funds.

The support funds may only be used within the scope and according to the purpose stated in the approved project proposal. The permissible amount of funds is set by EnergieVision e.V. in cooperation with the respective eco-electricity provider as part of the project plan for each project based on the calculated need for funds.

The support funds are to be used efficiently. For this purpose EnergieVision e.V. checks, among other things, the cost components of the planned project within the scope of the project proposal. EnergieVision e.V. can, for example, set rules and rates for administrative costs or reject proposed uses for the funds if the project's planned

[18] This generally includes all customers with an annual electricity purchase up to 30,000 kWh (see Footnote 11).

cost components exceed standard market costs. Costs for the direct implementation of approved measures are eligible. Project planning costs are not eligible.

Costs are permissible if their funding makes implementation of a measure feasible compared to the situation without support provided by ok-power funds.

An innovation that exceeds the innovation requirement in the certification year (overfulfilment of the criterion) can be credited to the following three years for the overfulfilled amount. This is done exclusively upon prior application to and a detailed examination by the certification office. In principle, overfulfilment resulting from a singular extraordinary event can be taken into account, but only on condition that it can be proven that this event has made a contribution to energy transition that meets the criteria.

Events which the provider did not initiate or is not responsible for itself, but which resulted from changed framework conditions or externally caused events (e.g. transferred innovation projects due to a merger, organisational restructuring of the company) are excluded from this transfer of innovation overfulfilment.

3.3.5 Requirements upon innovative measures/projects

To ensure that a contribution to energy transition is made, all measures promoted under the innovation support model must fulfil the criteria specified in this section.

Measures under the innovation support model must be approved by EnergieVision's certification office in advance.

Measures can be approved by EnergieVision's certification office if they meet all of the following requirements:

- The measures are included in the positive list of the catalogue of measures for the innovation support model (see Section 4) or they are proposed by the eco-electricity provider as "other measures" (according to Section 4.1.2.10) and do not feature in the negative list of the current catalogue of measures (see Section 4.1.3).
- In addition, the measures have to fulfil the general criteria of the catalogue of measures which apply to all measures (see Section 4.1.1).

In the current version of the catalogue of measures, EnergieVision e.V. has made an initial selection of measures and projects that seem appropriate for promotion under the innovation support model (positive list). These measures have, in the view of EnergieVision e.V., a substantial and/or accelerating effect on energy transition and their potential has – due to a current lack of profitability, among other things – not yet been tapped.

By contrast, the negative list of the catalogue of measures contains measures that are not eligible under the innovation support model because they generally do not, from the viewpoint of EnergieVision e.V., make a substantial or accelerating contribution

to energy transition or they can be realised in an economically feasible way without the promotion of eco-electricity customers.

EnergieVision e.V. will continually re-evaluate and, if appropriate, adjust the lists of measures according to the course of energy transition; the changes will only apply to future measures (thus ensuring planning security for the investing eco-electricity provider).

3.3.6 Requirements upon crediting the costs of entire innovation departments

As an alternative to investments in individual projects, a provider can also have investments in a business unit or department that concentrates innovative activities credited at a flat rate if:

- the electricity quantity certified in the "innovative measures" category amounts to at least 25% of the provider's entire electricity sales to household and small commercial customers,
- the unit/department clearly mainly carries out projects that are eligible but cannot be demarcated and accounted for separately, and
- the unit/department is clearly separated for accounting purposes from the other units/departments and this can be verified by audits.

If the above criteria are met, 50% of the expenditure for the unit/department is credited. This limitation does not apply to providers whose entire sales to household and small commercial customers is ok-power certified. If that is the case, expenditure for the unit/department can be credited fully as serving fulfilment of the criterion.

If projects assigned to the unit/department generate revenue, the provider can take in 80% of that revenue. The remaining 20% must be allocated to the support volume that is to be invested.

4 Annex 1: Catalogue of suitable innovative measures and projects

This catalogue of measures sets out innovative and therefore eligible measures. Measures that are explicitly not eligible are also listed.

4.1.1 General criteria

The innovation support criterion is to ensure that an additional benefit for energy transition is brought about.

- The projects must have a qualitative or accelerating effect on energy transition.
- The projects, particularly in the field of efficiency measures, must meet exemplary quality standards. The eco-electricity providers must ensure that these quality standards are used and in the process meet at least the quality criteria of governmental support programmes.
- Measures are not eligible if they are already the industry standard.
- The measure is not allowed to be required by law: If the measure is expected to be required by law in the near future, it is also not eligible under this model. Therefore, the only measures which qualify are those that go beyond the effect of measures required by law.
- Ongoing projects can also be approved in full or in part. This is based on case-by-case appraisals by the certification office, taking account of: project commencement, project duration, and project volume.
- Projects within the terms of the innovation support model that are not achieving market maturity under current conditions must have a degree of technology maturity of at least 5 (see Figure 1). The promotion of basic research is therefore excluded.
- The existence and availability of support programmes has to be checked in the case of each measure. Governmental support funding and ok-power funding can be combined under the point of view that the ok-power support funds are used efficiently with an additional effect for energy transition. Governmental support funding should therefore be exhausted where possible. However, governmental support funding does not have to be used if it does not make sense in justified cases (e.g. very limited support funds or significant delays to the project). If the governmental funding body permits this, ok-power funds can be used in advance of the expected support contributions.

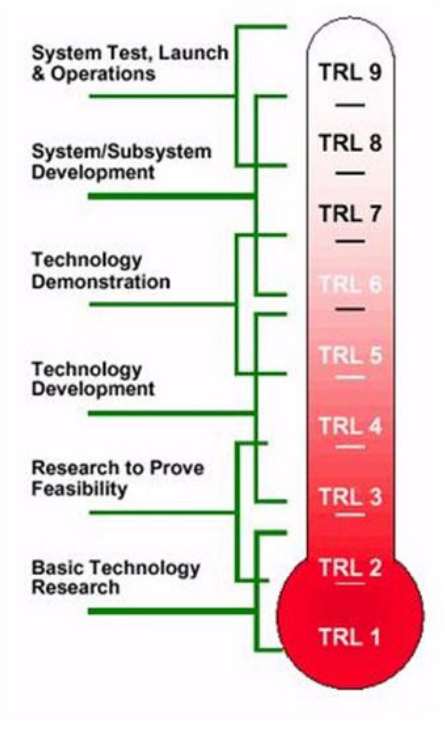

Figure 1: Degree of technology maturity

Source: Forschungszentrum Jülich

4.1.2 Suitable measures ("positive list")

4.1.2.1 Efficiency measures

The environmental benefit of efficiency measures lies above all in a reduction of electricity consumption, resulting in a conservation of resources. Energy saving is always preferable to production because electricity production from renewable energy sources also consumes resources. With energy saving, the goal of a 100% renewable electricity supply is achieved more quickly since the quantity of fossil energies to be displaced decreases.

In addition to the environmental benefit, there is also an economic benefit for the customer as a result of the decrease in energy costs.

The following measures should ideally be implemented in combination. For example, one measure can be a subsidisation of the purchase of energy-efficient appliances in order to fulfil a provider's self-imposed energy-saving target.

Suitable measures:

- Efficiency consulting,
- Energy saving contracting,
- Direct subsidisation of measures of an eco-electricity customer.

In the case of direct subsidisation, a maximum of 20% of the total investment for each efficient end-use plant should be subsidised. The efficient new appliances/plants must satisfy a very exacting efficiency standard.

In view of frequently changing legal programmes and funding opportunities, EnergieVision e.V. will examine and, where necessary, adjust – in close dialogue with the provider – the framework conditions under which the support contributions can be used for efficiency measures in the innovation model.

4.1.2.2 Storage

By means of innovative storage technologies, the very variable availability of electricity from fluctuating renewable energies can be harmonised with electricity demand. Since renewable energy sources can then be used more flexibly, the electricity production of fossil-fuelled power plants can be reduced.

Energievision e.V. shares the view of most experts that storage only becomes necessary on a large scale when the share of renewable energies in the electricity grid is far higher than it currently is. It is nevertheless important today to advance the different storage technologies and bring them to market maturity.

The funds from the support contributions can be used to develop the market and technology maturity of storage technologies that are not included in the negative list (Section 4.1.3).

Suitable measures:

- Subsidisation of investment costs to build a grid-connected storage system, which is otherwise not profitable to operate.
- Subsidisation of operating costs for the ongoing operation of a storage system which fulfils the conditions stated in Section 4.1.2.2 if it cannot generate a sufficient contribution margin.
- Other measures for developing the market and technology maturity of storage technologies.

4.1.2.3 Demand side management (DSM)

Demand side management is the demand side adaptation of electricity demand, typically in the case of large, commercial and industrial customers. For this purpose, technology is, for example, installed that automatically switches on and off large electricity consumers dependent on the quantity of electricity available in the grid at that time. Large industrial enterprises are already participating in the balancing energy market with corresponding power plants. Based on the optimised adjustment of demand to the available electricity supply, DSM also promotes adaptation to the fluctuating electricity production from renewable energy sources, thereby conserving fossil fuel resources.

Suitable measures:

- Practical implementation of necessary technical measures to equip eco-electricity customers on the demand side in such a way (e.g. with smart meters) that enables switching off and on.
- The investment can, to a certain extent, also include premiums to the customers if they make their plant available for load control and do not make use of any other sources of revenue (e.g. on the part of the network operators).
- The development of DSM control software.

4.1.2.4 E-mobility measures

Measures in the field of e-mobility have a special environmental benefit if the demand for additional renewable electricity is thereby increased and fossil fuels are displaced. The use of renewable energies is thereby expanded by such measures.

High-quality eco-electricity must be used for e-mobility measures. As a rule, a promotion of e-mobility measures that does not take into account the electricity mix is not allowed.

Suitable measures:

- The expansion of infrastructure for battery charging (charging stations) when the electricity is produced from renewable energy sources.
- The integration of electric vehicles in demand side management. For example, control software can be promoted that is connected to and controls the electricity storage for the electric vehicles. The software allows charging when there is too much renewable electricity in the network. Since the benefit for energy transition in this case comes from the DSM, the use of eco-electricity is not absolutely necessary.

4.1.2.5 On-site electricity production with direct supply to tenants

Grants for and/or investments in arrangements under which electricity is produced on-site and supplied directly there to tenants (*Mieterstrommodelle*) are particularly purposeful in situations where they involve expansion of renewable energy production.

4.1.2.6 Educational measures

Educational measures geared to energy transition should empower actors and strengthen their competences to actively initiate and/or implement energy transition measures themselves.

Suitable measures:

- For private individuals: the funds must be used for measures that go significantly beyond the legal requirements and standard industry measures;
- The training of individuals who, for example, work from home (in a field other than the energy sector) and who are highly committed to energy transition, e.g. entrepreneurs or employees who want to use the energy potential of a company's property in a useful way (to build a PV plant, etc.);

- Promotion of the exchange of experiences among relevant parties, e.g. energy cooperatives;
- Training of municipal councils, supervisory boards, etc.

An average of 10% of an eco-electricity provider's innovation fund may be used each year for educational measures. These measures must be kept separate from PR and marketing measures as well as commercial conferences.

4.1.2.7 New energy production plants with EEG support

The promotion of the construction of new renewable energy generation plants is not a key objective of the innovation support model. In this case eco-electricity providers can use the initiation model. Nevertheless, projects for the building of renewable energy generation plants can be approved in individual cases if it can be proven that the amount of EEG support is not sufficient for economic operation of the specific project and generally for this type of power plant. Only power plants and technologies that have a high potential for innovation but which are not yet ready for mass production (e.g. novel solar cells) should be able to benefit from this rule. In the Innovation Support model, the ok-power label does not want to support generation plants subsidised under the German EEG for which economic operation is not possible in individual cases due, for instance, to poor location (e.g. lack of wind or sun).

4.1.2.8 Power-to-heat measures

Power-to-heat measures can be recognised on the basis of a case-by-case appraisal, if they develop or implement innovative, forward-looking solutions in support of energy transition. In particular, power-to-heat measures can be eligible if they:

- involve technical and market interplay between power-to-heat plants, storage systems and generation plants (electricity-heat) and, in the process, innovative and forward-looking solutions are developed,
- flexibility control is a priority,
- primary energy demand is effectively reduced, for which, for instance, it may be necessary to determine seasonal performance factors,
- they involve a focus on specific grid sectors or application cases in order, for instance, to avoid RES feed-in being rejected,
- they advance integration into electricity trading, for instance through optimisation of spot markets or control energy markets.

Developing such know-how can be purposeful even if today there is not yet any essential technical need to couple the electricity grid with the heat sector in order to absorb surplus renewable energy. However, structural negative effects (such as increasing overall consumption across the year) do need to be excluded.

4.1.2.9 Marketing platforms

New forms of marketing can create impetus for an accelerated expansion of renewables and for matching production with consumption more efficiently and intelli-

gently and coupling energy sectors. Proposals by eco-electricity providers for recognition in this field of innovation must contain a precise description of and reasoning for the additional environmental benefit that the proposed measure is to generate for energy transition.

4.1.2.10 Other measures proposed by the eco-electricity provider

Each eco-electricity provider can request that its own measures and projects (not listed in this catalogue) receive support from its own innovation fund. This brings about a certain degree of flexibility, which enables measures that have not yet been considered to be approved. The use of funding contributions for projects in other countries is also possible in individual cases.

In all cases, a measure proposed by an eco-electricity provider must contain a clear description of the additional environmental benefit that should arise from the proposed measure.

EnergieVision e.V. will discuss the measure proposed in each case and make a decision in a timely manner.

4.1.3 Non-eligible measures (“negative list”)

- Storage to increase own consumption,
- Pumped (hydro) storage,
- In general, all measures that are located exclusively in the heat sector and have no connection to the power sector are not eligible. Background: Although there is no doubt about the need for energy transition in the heat sector, EnergieVision e.V. wants to limit the power ok label to the electricity sector. An extension of the ok-power label to the heat sector would substantially increase the complexity of certification. Therefore, measures should always be closely related to the eco-electricity product and/or the eco-electricity customer.

5 Annex 2: Terms of label use

5.1 Rules for the communication and public use of the ok-power label

5.1.1 References to elective criteria

All the elective criteria available for the label are designed in such a way that they ensure a similar contribution to energy transition. Therefore a standard designation for the label is used for all products ("ok-power"); no distinction is made in the designation according to fulfilment of different elective criteria. However, EnergieVision e.V. will refer in its publications (e.g. on the internet) to the different elective criteria and will publish the category to which each certified product is assigned.

5.1.2 Product communication by eco-electricity providers

Eco-electricity products are distinguished from other electricity products in their presentation to the customer mainly through advertising and communication with customers. In the contractual agreement governing use of the ok-power label, electricity providers commit to complying with provisions for correctly informing their customers about the delivered product; these provisions ensure sufficient transparency and prevent unfair competition. In particular the requirements in the judgment of the Munich High Court of 29 July 2001 (AZ 29 U 1534/01) are to be respected. In accordance with this judgment, the electricity providers must avoid giving customers the impression of physical delivery of eco-electricity (i.e. separate transmission of eco-electricity in the electricity grid).

The external communication of each company must clearly identify and state the specific contributions that have been recognised in fulfilment of the elective criteria.

In particular it is not permitted for the impression to arise – also in the case of possible customers of the company's other electricity products – that customers are also making a contribution to the company's recognised initiation effort by purchasing their (non-ok-power certified) electricity product.[19] Furthermore, the eco-electricity provider must ensure that other companies or parts of the company do not represent the initiation efforts ascribed to the eco-electricity provider as the effort of these respective companies or parts of companies.[20]

Examples of permissible product advertisements are found in the following table.

[19] In the case that special affiliated eco-electricity companies are outsourced, they must be clearly differentiated from the overall company by name in order to ensure that the customer correctly attributes the initiation effort to the respective part of the company.

[20] This applies when, for example, an eco-electricity sales company wishes the initiation of an eco-electricity generation company within the overall company to be counted in the context of ok-power certification. That is only permissible if no other units of the overall company publicy communicate the inititation effort in question as a contribution attributable to the entire company.

Table 3: Examples of permissible product advertisements

Characterisation of elective criterion	Name of label	Permissible product advertisements (examples)
Promotion of innovations	ok-power	- (ok-power-) certified eco-electricity - Promotion of an innovation fund for energy transition - Support for innovative energy transition projects - Meeting your electricity requirements with electricity from renewable sources
Initiation of plants	ok-power	- (ok-power-) certified eco-electricity - Meeting your electricity requirements with electricity from renewable sources - Supporting the expansion of eco-electricity production through the initiation and new construction of eco-electricity plants
Support for existing plants whose previous support has expired	ok-power	- (ok-power-) certified eco-electricity - 100% renewable - Meeting your electricity requirements with electricity from renewable sources - Supporting the viability of economically jeopardised existing plants by procuring electricity from those plants
Promotion of new construction through purchasing	ok-power	- (ok-power-) certified eco-electricity - 100% renewable - Meeting your electricity requirements with electricity from renewable sources - Supporting the expansion of eco-electricity production through purchasing from newly constructed eco-electricity plants

5.1.3 Publication of information by EnergieVision e.V.

EnergieVision e.V. wants to further improve the transparency of information for interested parties and customers of the certified eco-electricity. For this reason, EnergieVision e.V. will publish the following information regarding the elective criteria for certified eco-electricity products on its own website:

- name of the product
- contact data of the provider (name, address, service telephone and fax numbers, website, email)
- elective criteria
- quantity of certified electricity, and

- information on the power plants which produce substantial shares of the eco-electricity. The following information will be published as a minimum:
  - name of plant
  - energy source used and plant type (e.g. wind power plant, gas-fired CHP plant)
  - installed capacity (in MW)
  - plant site (the country at least and, in general, also the federal state or region).

The above-mentioned information is published for the following power plants:

- For the elective criteria "support for additional new plants with purchasing of guarantees of origin", the power plants which produce at least 7.5% of the quantity of electricity sold in each case shall be listed individually. Power plants with a production under this threshold are summarised (e.g. "x small PV plants in Berlin").

For power plants certified under elective criteria 3.1 and 3.2 the following information shall be published (according to the current status of planning where appropriate):

- name and location of the plant (for confidentiality reasons it is possible in individual cases for this information to be published only after the contract between the relevant parties has been signed);
- energy source used and plant type (e.g. wind power plant, run-of-river power plant);
- installed / planned capacity of the whole power plant;
- annual forecasted electricity production of the power plant (only 3.1.2);
- eco-electricity provider's share of the total initiation efforts in accordance with Section 3.1.2;
- (planned) start of operation (month/year); and

In case of certification based on "innovative measures", the projects that have been approved shall also be listed on Energievision's website. To this end, the following information is published after the contract has been signed:

- short description of the project/measure including its contribution to energy transition,
- amount of resources used, the financing structure or the funding share,
- complete information on the amount of other applicable support funds,
- significant project participants,
- status of the respective projects and date of their completion, and
- where appropriate, other information that is agreed upon in the communication concept of the project proposal.

After the preview (*Vorschau*) of each calendar year has been checked, this information will be published according to the planning stage reached. As far as possible, the planning information will be updated mid-year. It will be indicated on the website

that the eco-electricity provider may make short-term changes to the plans. After the review (*Rückschau*) has been checked, the information based on the actual product configurations of the certification year in question is subsequently published for products certified under the elective criteria "support for new plants with purchase of guarantees of origin".

5.2 Sanctions in the case of non-fulfilment of the requirements

5.2.1 General procedure in the case of non-fulfilment of obligations

If an eco-electricity provider has not met the obligations stated in the certification contract, it should contact EnergieVision e.V. without delay. In all cases, cooperation between the respective eco-electricity provider and EnergieVision e.V. is sought with the aim of subsequent fulfilment of the obligations. Only in cases where an agreement is not possible will further action be taken.

5.2.2 Rules in the case of non-fulfilment of obligations under the elective criteria "support of innovations"

If funds cannot be used in time within the scope of the innovation support model or there are funds remaining in the innovation fund, the following options apply after case-by-case approval by EnergieVision e.V. (these options also apply in the event of termination of the ok-power contract by the eco-electricity provider):

- extension of the deadline in justified cases (e.g. in circumstances for which the provider is not responsible),
- transfer of funds to a project of another eco-electricity provider (pooling).

<u>Non-fulfilment of project goals</u>

It is possible that the project goals are not fulfilled for a number of reasons:

Non-fulfilment by the deadline:

- The eco-electricity provider does not achieve the project goals within the intended time frame.

Non-fulfilment based on the budget:

- The eco-electricity provider cannot realise the project goals within the planned budget.

Non-fulfilment of project goals / project quality:

- The eco-electricity provider deviates from the planned project goals.
- The quality of the implemented projects is below the quality expected and agreed upon.
- The eco-electricity provider discontinues an approved project after using the support contributions.
- The eco-electricity provider cancels the ok-power contract before the project is completed.

If the eco-electricity provider deviates from the agreed project goals, it must first of all explain the reasons for these deviations. Based on this justification and a comparison with the most recent status of the project given to EnergieVision e.V. by the provider, EnergieVision e.V. can then specify additional measures.

5.2.3 Rules in the case of non-fulfilment of elective criteria "Initiation and operation of new plants"

Both the failure to meet the minimum quantitative requirements (minimum initiation quantity and entry threshold) and exceeding the relevant deadlines (according to the terms of Section 3.1..2) can result in non-fulfilment of the initiation requirements.

If the initiation effort achieved is not sufficient for the portion of the electricity quantity delivered to eco-electricity customers in a year, the eco-electricity provider should supply its customers with electricity produced from power plants that fulfil the requirements specified in Section 3.1..1. This rule can be drawn upon when the relevant deadlines specified in Section 3.1..2 are exceeded by a maximum of three years.

If the deadlines specified in Section 3.1..2 are exceeded by up to two years, the requirement according to the previous section applies, i.e. during the period exceeding the deadline, the quantity of initiation effort that is lacking is fulfilled through the use of eco-electricity under the elective criteria for support of additional new plants with purchase of guarantees of origin. In the third year of non-fulfilment, both requirements apply cumulatively, i.e. the requirements in Section 5.2.3 and all requirements applicable under the initiation model (particularly in the transition from the status of a new customer to an existing customer) must be fulfilled.

5.2.4 Rules in the case of non-fulfilment of requirements under the elective criteria "support of additional new plants with purchase of guarantees of origin"

If the requirements pertaining to the age structure of the guarantees of origin are not met under the supply model, the provider must purchase the lacking guarantees of origin and submit proof of this to EnergieVision e.V. without delay. This also applies in the event that a larger eco-electricity amount has been sold than that covered by the corresponding guarantees of origin.

6 Annex 3: Transitional rules and grandfather policy

6.1 Grandfather policy rules

1000 Providers certified under the previous initiation model can continue to select this model without any time limitation. If providers switch to the new "initiation" elective criterion, their entitlements established by their initiation efforts under the previous model are of course retained. The details of transition are agreed individually with the certification office.

1005 Transitional rules for guarantees of origin from states that are not connected to the integrated power network of Central Europe (see 2.6):

Guarantees of origin from states that are not connected to the integrated power network of Central Europe will be recognised, out of goodwill, up to 31 December 2020 at the latest as long as the supply contracts were verifiably concluded prior to
1010 1 March 2018 or supply orders were exercised prior to 1 March 2018. Purchase options under existing framework contracts may no longer be exercised after 1 March 2018.