



EUROPEAN
COMMISSION

Brussels, 7.9.2026
COM(2026) 464 final

ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the Energy Community
Ministerial Council as regards the Mutual Recognition of Guarantees of Origin for
electricity from renewable energy sources issued by Contracting Parties of the Energy
Community and by Member States of the EU**

ANNEX

Decision 2026/xx/MC-EnC on Recognition of Guarantees of Origin issued by Contracting Parties of the Energy Community in the EU

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular Articles 42(1), Article 47, point (b), and Articles 76, 84, and 85 thereof,

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable resources¹, including as adapted to and adopted in the Energy Community by the Ministerial Council Decision 2021/14/MC-EnC and amended by Ministerial Council Decision 2022/02/MC-EnC, in particular its Article 19 thereof,

Having regard to the conclusions of the Ministerial Council of the Energy Community of 15 December 2023 and 12 December 2024 concerning the recognition of guarantees of origin issued by the Contracting Parties of the Energy Community in the European Union,

Whereas:

- (1) The creation of a stable regulatory and market framework capable of attracting investment in generation of electricity from renewable energy sources, fostering the use of renewable energy, setting out the conditions for energy trade in the single regulatory space and developing competition in energy markets on a broader geographic scale and exploiting economies of scale are among the key objectives of the Treaty as set out in its Article 2.
- (2) The achievement of targets set for the share of renewable energy requires substantial progress by the Contracting Parties in increasing renewable energy deployment on their territories.
- (3) Guarantees of origin, by providing evidence for final customers that a given quantity of electricity was produced from renewable energy sources and capable of being transferred independently of the electricity produced, have a market value which can be used to further stimulate investments in production of electricity from renewable energy sources.
- (4) Article 19 of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable resources (‘Directive (EU) 2018/2001’) establishes a system for mutual recognition of guarantees of origin between the European Union Member States and allows for its extension to third countries provided that certain conditions are met.
- (5) Given that the Energy Community has adapted and adopted Directive (EU) 2018/2001 by Ministerial Council Decision 2021/14/MC-EnC (‘adapted Directive (EU)

¹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable resources (OJ L 328, 21.12.2018, p.82).

2018/2001') and the European Union is a party to the Energy Community, it is appropriate to extend the EU system of mutual recognition of guarantees of origin to Energy Community Contracting Parties once they meet the conditions set out in this Decision.

- (6) The mutual recognition of guarantees of origin between the Energy Community Contracting Parties and European Union Member States requires that all Parties align, and continue to comply effectively with, the same principles and legal requirements; It is therefore necessary to lay down the conditions that should be met by each Contracting Party prior to and after granting the recognition.
- (7) A procedure should be laid down regarding the assessment, the decision-making process for recognition and the enforcement of rules pertaining to recognition of guarantees of origin for electricity from renewable energy sources.
- ~~(8)~~ For the purpose of this Decision, the mutual recognition of guarantees of origin between the Energy Community Contracting Parties and European Union Member States does not require direct import and export of energy between the Contracting Parties and the European Union Member States.
- (9) This Decision is without prejudice to the respective systems for the mutual recognition of guarantees of origin within the European Union between the European Union Member States under Directive (EU) 2018/2001 and within the Energy Community between Contracting Parties under the adapted Directive (EU) 2018/2001.
- ~~(10)~~ The Energy Community has adapted and adopted the Electricity Market Directive (EU) 2019/944 by Ministerial Council Decision 2021/13/MC-EnC, obliging the Contracting Parties to implement this Decision and fulfil the obligations arising therefrom. This includes, in particular, the requirement that the minimum information is contained on the bill and in the billing information, and that it includes a reference that the disclosure of electricity from renewable sources is done by using guarantees of origin,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down the conditions and procedures for the mutual recognition, between the Member States of the European Union and Contracting Parties of the Energy Community, of guarantees of origin for electricity from renewable energy sources by a competent body in a Contracting Party of the Energy Community or in a Member State of the European Union.

Article 2

Definitions

For the purposes of this Decision, the following definitions apply:

- (a) “adapted Directive (EU) 2018/2001” means Directive (EU) 2018/2001 as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/14/EnC-MC and amended by Ministerial Council Decision No 2022/02/MC-EnC;

- (b) “disclosure” means the information provided in the context of electricity billing to final customers pursuant to Article 18(6) of and Annex I to Directive (EU) 2019/944/EU, as adapted to and adopted in the Energy Community by the Ministerial Council Decisions 2021/13/MC-EnC and 2022/03/MC-EnC, and referred to in Article 19(8) of Directive (EU) 2018/2001;
- (c) “guarantee of origin” means the document defined by Article 2 point (12) of Directive (EU) 2018/2001;
- (d) “designated competent body” means a body established in a Contracting Party or a European Union Member State which is in charge of the issuance, transfer and cancellation of guarantees of origin electronically in compliance with Article 19 of Directive (EU) 2018/2001;
- (e) “renewable electricity” means electricity produced from energy from renewable sources as listed in Article 2 point (1) of Directive (EU) 2018/2001;
- (f) “Directive (EU) 2018/2001” means Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable resources;
- (g) “renewable energy target for 2030” means a Contracting Party’s minimum share of renewable energy in the gross final energy consumption in Article 3(2) of adapted Directive (EU) 2018/2001.

Article 3

Mutual recognition of guarantees of origin for electricity from renewable energy sources

1. If, pursuant to Article 9, the European Commission assesses that a Contracting Party has fulfilled the conditions set out in Articles 4 to 8, it may propose that the Permanent High-Level Group decides on the mutual recognition of guarantees of origin between that Contracting Party and the Member States of the European Union by listing that Contracting Party in the Annex to this Decision.
2. Upon adoption of a decision by the Permanent High-Level Group by simple majority, on the basis of the European Commission proposal submitted in accordance with paragraph 1, the guarantees of origin for electricity from renewable energy sources issued by a competent body of a Contracting Party listed in the Annex shall be recognised by competent bodies, registries and market participants in the European Union Member States. The competent body, registries and market participants of the Contracting Party listed in the Annex shall recognise guarantees of origin for electricity from renewable energy sources issued by a competent body of an EU Member State.
3. The rights and obligations under this Article are without prejudice to Article 10.

Article 4

Conditions related to the *acquis communautaire* on renewable energy

A Contracting Party shall demonstrate that it:

- (a) has fully transposed in its domestic legislation and implemented the adapted Directive (EU) 2018/2001 and the obligation to achieve its renewable energy targets

for 2030. Full implementation shall be confirmed by the Secretariat in its annual implementation report; and

- (b) is on track with the indicative trajectory for achieving its national renewable energy targets for 2030, by means of its integrated national energy and climate progress report to be provided pursuant to Article 17(1) of Regulation (EU) 2018/1999 of 11 December 2018 on the Governance of the Energy Union and Climate Action, as adapted to and adopted in the Energy Community by the Ministerial Council by Decision 2021/14/MC-EnC and amended by the Ministerial Council Decision 2022/02/MC-EnC.

Article 5

Conditions related to the *acquis* communautaire on electricity

A Contracting Party shall demonstrate that it has fully transposed and implemented the Electricity Market Directive (EU) 2019/944 as adapted and adopted in the Energy Community. Full implementation shall be confirmed by the Secretariat in its annual implementation report.

Article 6

Conditions related to the establishment and maintenance of a system of guarantees of origin by national competent bodies

A Contracting Party shall demonstrate that it has established a competent body pursuant to Article 19 of the adapted Directive (EU) 2018/2001. The competent body shall:

- (a) have all the necessary human, financial and technical resources it needs for discharging the tasks assigned to it pursuant to Article 19 of that Directive;
- (b) be functionally and legally independent from private entities, and in particular from production/generation, trade and supply activities, take decisions independently ensure its staff and the management act independently from any market interest or private entity;
- (c) dispose of the appropriate internal mechanisms to ensure that its activities related to discharging the tasks assigned to it pursuant to Article 19 of the adapted Directive (EU) 2018/2001 are carried out accurately and reliably, and in a fraud-resilient manner, including but not limited to adequate Know-Your-Customer (KYC) and assessment procedures for the account holders of the registry that prevent fraudulent account holders, and include provisions on conflict of interest, on confidentiality obligations, a code of conduct including effective and transparent audit, procedures for detecting and handling cases of misconduct and fraud, and has an independent compliance officer publishing annual compliance reports;
- (d) be subject to effective procedures for the prevention and detection of money laundering and market manipulation as well as Missing Trader Intra-Community (MTIC) fraud;
- (e) ensure that each guarantee of origin issued complies with the requirements of Article 19(7) of the adapted Directive (EU) 2018/2001 and that there is appropriate validation of the information contained therein;

- (f) ensure at all times that no more than one guarantee of origin to the value of 1 MWh is issued in respect of each MWh of electricity generated from renewable energy sources, and that the same MWh of electricity so generated is taken into account only once for the purposes of disclosure;
- (g) ensure that guarantees of origin are valid for 12 months after the generation of the relevant MWh of electricity from renewable energy sources, that all guarantees of origin that have not been cancelled expire at the latest eighteen months after the generation of the relevant MWh of electricity, and that, for the purposes of disclosure, guarantees of origin are cancelled by market participants at the latest six months after the end of the validity of the guarantee of origin;
- (h) ensure that the electronic issuance, transfer and cancellation are at all times traceable, tracked and accounted for in compliance with European Standard CEN-EN 16325 in its most recent version;
- (i) sign and implement an agreement with the service provider of electronic registry services and participate actively in the regional system established under the Energy Community;
- (j) have the competence to recognise guarantees of origin issued by a competent body of each Member State of the European Union and to notify the Secretariat and the European Commission; and
- (k) be member of the Association of Issuing Bodies (AIB), adhere to the relevant regular periodic assessments for quality and transparency required pursuant to the rules governing membership of the AIB electricity scheme group, share these assessments with the Energy Community Secretariat and allow feedback and input from other EU Member States' competent bodies for mutual learning and exchange of good practice, or engage an external auditor selected from a reputable international audit company for an annual external financial, procedural, functionality, compliance and quality audit of the national competent body to be submitted to the Secretariat and publish it on its website. On the basis of the results of the external audit, the Secretariat shall publish a compliance report as part of its annual implementation report.

Article 7

Conditions related to the monitoring and enforcement of the system of guarantees of origin

1. Contracting Parties shall designate national bodies to monitor and control the disclosure of guarantees of origin pursuant to Article 19(8) of adapted Directive (EU) 2018/2001 and Annex I of Directive (EU) 2019/944 as adapted to and adopted in the Energy Community by Ministerial Council Decision No 2021/13/MC-EnC and No 2022/03/MC-EnC.
2. A Contracting Party shall ensure compliance with Article 19(10) of the adapted Directive (EU) 2018/2001 with respect to opinions issued by the Secretariat and, to the extent that Member States or their market participants are involved, with decisions of the European Commission adopted pursuant to Article 19(10) of Directive (EU) 2018/2001

Article 8

Conditions related to a pilot phase

The competent bodies of a Contracting Party shall have successfully completed at least three technical tests of transfers of guarantees of origin for electricity from renewable energy sources with a competent body of a Member State of the European Union before that Contracting Party may request the assessment by the Commission pursuant to Article 9.

Article 9

Assessment by the European Commission

1. Upon request of a Contracting Party, the European Commission, with the support of the Energy Community Secretariat, shall assess whether that Contracting Party has fulfilled the conditions set out in Articles 4 to 8 of this Decision. The Contracting Party shall provide to the European Commission and the Energy Community Secretariat, together with the request, written evidence demonstrating the fulfilment of the conditions.
2. Within six months of the date of receipt of a request referred to in paragraph 1, the European Commission shall perform the assessment, with the support of the Energy Community Secretariat. To that end, the Energy Community Secretariat shall provide its initial assessment within two months and submit it to the European Commission. The European Commission shall provide its opinion within four months from the date of reception of the Energy Community Secretariat's opinion. The assessment shall be launched up on the submission of a complete set of documentary evidence by the requesting Contracting Party. The assessment may involve a third-party verification. During the assessment, the European Commission's services or the Energy Community Secretariat may request the Contracting Party to provide further clarifications to enable it to perform the assessment effectively. The Contracting Party shall respond to the European Commission or Energy Community Secretariat request without delay.
3. The period for assessment referred to in paragraph 2 may be prolonged by mutual agreement but shall not be longer than nine months.
4. The assessment by the European Commission shall be duly reasoned. The European Commission shall communicate its assessment to the Secretariat, which shall transmit it to the requesting Contracting Party.
5. If the assessment by the European Commission referred to in paragraph 4 is positive, Article 3(1) shall apply.
6. If the assessment by the European Commission referred to in paragraph 4 is negative, the Commission shall provide relevant recommendations to the Contracting Party. The Contracting Party may request a new assessment not earlier than nine months from the date of receipt of the assessment.

Article 10

Safeguard measures

1. A Member State of the European Union or, respectively, a Contracting Party may refuse to recognise a guarantee of origin of a Contracting Party or, respectively, a Member State of the European Union where it has well-founded doubts about its accuracy, reliability or veracity.

A Member State of the European Union may also refuse to recognise a guarantee of origin of a Contracting Party where there are elements of evidence that compliance by a Contracting Party with the conditions set out in Articles 3 to 7 is no longer ensured or the Contracting Party continues to refuse a guarantee of origin of an EU Member State despite the opinion of the Secretariat issued pursuant to paragraph 3.

2. If a guarantee of origin of a Contracting Party is refused, the refusing Member State of the European Union shall notify the European Commission and the Energy Community Secretariat of such refusal and its justification. If the European Commission, in consultation with the Energy Community Secretariat, finds that a refusal by the Member State to recognise a guarantee of origin is unfounded, it may adopt a decision requiring the Member State in question to recognise it. Decisions adopted by the Commission shall be open to remedies available under European Union law.

3. If a guarantee of origin of an EU Member State is refused, the refusing Contracting Party shall notify the Energy Community Secretariat and the European Commission of such refusal and its justification. If the Energy Community Secretariat, in consultation with the European Commission, finds that a refusal by the Contracting Party to recognise a guarantee of origin of an EU Member State is unfounded, it may adopt an opinion on the need for the Contracting Party to recognise it.

4. The procedures set out in paragraphs 1 to 3 are without prejudice to the rules on dispute settlement set out in Title VII of the Treaty.

Article 11

Application and review

This Decision shall apply for an initial period of five years extendable each time for a period 5 years, unless a Party opposes such extension, at the latest two months before its expiry. The Ministerial Council shall also review the application of this Decision each time before it expires.

Article 12

Addressees and entry into force

This Decision is addressed to the Parties and the institutions under the Energy Community Treaty. It enters into force upon its adoption.

Done in Vienna on 30 November 2026

For the Ministerial Council

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Presidency