

Research RES LEGAL – Access to the grid

Country: Czech Republic

1. Overview of access to the grid

Overview of access to the grid	Operators of renewable energy systems are entitled to priority connection to the grid. The use and the expansion of the grid are subject to the general provisions of energy law.
Statutory provisions	<ul style="list-style-type: none"> • Act No. 458/2000 Sb. (Zákon č. 458/2000 Sb. o podmínkách podnikání a o výkonu státní správy v energetických odvětvích – Energy Act) • Act No. 180/2005 Sb. (Zákon c. 180/2005 Sb. o podpoře výroby elektriny z obnovitelných zdrojů energie – Act on the promotion of the use of renewable energy sources)
Connection to the grid	System operators are contractually entitled against the grid operator to priority connection of a renewable energy system to the grid. The grid operator is obliged to enter into the respective contracts (§ 4 par. 1 Act No. 180/2005 Sb.).
Usage of the grid	System operators are contractually entitled against the grid operator to non-discriminatory use of the grid for the transmission or distribution of electricity from renewable sources. The grid operator is obliged to enter into the respective contracts (§ 24 par. 2 letter b) in conjunction with § 24 par. 10 letter c) and § 25 par. 1 letter b) in conjunction with par. 11 letter d) Act No. 458/2000 Sb.).
Expansion of the grid	System operators are contractually entitled against the grid operator to an expansion of the grid, if the expansion is necessary to satisfy the terms of the connection agreement (§ 45 par. 1 Act No. 458/2000 Sb.). The grid operator is obliged to expand the grid without discriminating against certain system operators.

2. Basic information on legal sources

Name of legal source (English)	Act No. 458/2000 Sb. on Business Conditions and Public Administration in the Energy Sectors and on the Amendment to Other Laws (Energy Act)	Act No. 180/2005 Sb. promoting electricity generation from renewable energy sources and amending several acts (Act on the promotion of the use of renewable energy sources)	
Name of legal source (original language)	Zákon č. 458/2000 Sb. o podmínkách podnikání a o výkonu státní správy v energetických odvětvích a o změně některých zákonů (energetický zákon)	Zákon č. 180/2005 Sb. o podpoře výroby elektřiny z obnovitelných zdrojů energie a o změně některých zákonů (zákon o podpoře využívání obnovitelných zdrojů)	
Abbreviated form	Act No. 458/2000 Sb.	Act No. 180/2005 Sb.	
Type of law	Act of parliament	Act of parliament	
Document structure	Articles, paragraphs, letters, numbers	Parts, chapters, articles, paragraphs, letters	
Entering into force	01/01/2001	01/08/2005	
Latest amendment	04/07/2009		
Future amendments			
Purpose	Act No. 485/2000 Sb. establishes conditions for entrepreneurship, public administration and non-discriminatory regulation of the energy industries.	This Act aims to increase the proportion of renewable energy in total energy supplies to 8% by 2010 to protect the climate and the environment. It also provides guidelines for a further increase in this proportion after 2010 (§1 Act No. 180/2005 Sb.).	
Relation to renewable energy	The Act also applies to the generation of electricity from renewable sources.	This Act promotes renewable energy only.	
Link to full text of legal source (original language)	http://portal.gov.cz/wps/portal/_s.155/701/.cmd/ad/.c/313/.ce/10821/.p/8411/_s.155/701?PC_8411_number1=4	http://portal.gov.cz/wps/portal/_s.155/701?number1=180%2F2005&number2=&name=&text=	

	58/2000&PC_8411_l=458/2000&PC_8411_ps=50#10821		
Link to full text of legal source (English)			

3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Ministerstvo životního prostředí (MŽP) – Ministry of Environment	http://www.mzp.cz/___C1257131004B200D.nsf/index.html		+420 267 121 111	info@mzp.cz
Ministerstvo průmyslu a obchodu (MPO) – Ministry of Industry and Trade	http://www.mpo.cz/default_en.html		+420 224 851 111	posta@mpo.cz
Energetický regulační úřad (ERÚ) – Energy Regulatory Office (ERO)	http://www.eru.cz/dias-read_article.php?articleId=332		+420 564 578 666	eru@eru.cz
Czech RE Agency – Energy Agency	http://www.czrea.org/cs/		+420 575 750 090	info@czrea.org

4. Connection to the grid

Abbreviated form of legal source	<ul style="list-style-type: none">• Act No. 458/2000 Sb.• Act No. 180/2005 Sb.	
Legal basis for a claim/addressees	() statutory basis (x) contractual basis	System operators are contractually entitled against the grid operator to priority connection of a renewable energy system to the grid. The grid operator is obliged to enter into the respective contracts (§ 4 par. 1 Act No. 180/2005 Sb.). Wind-power stations that cover an area of 1 km² and whose total installed capacity is more than 20 MW are not eligible to this instrument (§ 3 par. 1 Act No. 180/2005 Sb.). However, they are contractually entitled to connection to the grid according to the principle of non-discrimination as stipulated by the general provisions of energy law (§ 24 par. 10 in conjunction with § 26 par. 11 Act No. 458/2000 Sb.).
	Entitled party	The persons entitled are the producers of electricity from renewable sources. Entitlement is conditional upon the producer's having applied for connection of his system and his compliance with both the conditions for connection, which are set out in a separate legal provision (Notice of the Ministry of Industry and Trade) and the grid operator's terms and conditions on connection and transmission of electricity (§ 4 par. 1 Act No. 180/2005 Sb. and § 24 par. 10 letter a) in conjunction with § 26 par. 11 letter a) Act No.. 458/2000 Sb.).
	Obligated party	The person obligated to grant connection is the grid operator. Both distribution and transmission grid operators are subject to this obligation. If a system is connected to the distribution grid, the distribution grid operator whose connection cost is lowest is obligated to connect the system. If he can provide evidence of a capacity shortage or of the connection threatening the reliable operation of the distribution grid, he is exempt from this obligation (§ 4 par. 2 Act No. 180/2005 Sb.). The transmission grid operator can not make use of this special provision, as he has a monopoly. Thus, his cost is always the lowest.
Priority to renewable energy (qualitative criteria)	(x) Priority to renewable energy () Non-discrimination	Within the area they have a licence for, the transmission grid operator and the distribution grid operators are obligated to give priority connection to the transmission or distribution grid to those systems that generate renewable electricity and are specified as eligible by § 3 Act No. 180/2005, with the aim of transmitting or distributing the electricity generated. In order for his system to be connected, the producer of renewable electricity shall apply for connection and comply with the conditions for the connection and transmission of electricity laid down in Act No 485/2000 (§ 4 par. 1 Act No. 180/2005 Sb.).
Capacity limits	In case of proven capacity shortage, the grid operator is exempt from his obligation to connect a system that generates renewable electricity (§ 4 par. 2 Act No. 180/2005 Sb.).	
Limitations/deadlines	Statutory law does not provide any deadlines for connection to the grid, which may, however, be specified by the contractual terms.	

Arising/enforcement of a claim	A claim for connection to the grid arises on the date on which the producer of electricity from renewable sources has applied for connection and complies with the conditions for the connection and transmission of electricity, which are specified by a separate provision (§ 4 par. 2 Act No. 180/2005 Sb.).	
Funding		
	State	
	Consumers	
	Grid operator	
	System operator	The cost of the connection of a system to the grid is borne by the system operator (§ 23 par. 2 letter a) Act No. 458/2000 Sb.).
	Distribution mechanism	

5. Usage of the grid

Abbreviated form of legal source	<ul style="list-style-type: none">• Act No. 458/2000 Sb.• Act No. 180/2005 Sb.	
Legal basis for a claim/addressees	() statutory basis (x) contractual basis	System operators are contractually entitled against the grid operator to non-discriminatory use of the grid for the transmission or distribution of electricity from renewable sources. The grid operator is obliged to enter into the respective contracts (§ 24 par. 2 letter b) in conjunction with § 24 par. 10 letter c) and § 25 par. 1 letter b) in connection with par. 11 letter d Act No. 458/2000 Sb.). There are no special provisions regulating use of the grid by electricity from renewable sources. The transmission and distribution of electricity are subject to the general provisions of energy law.
	Entitled party	The persons entitled are all market participants that have concluded an agreement on the transmission or distribution of electricity with the transmission grid operator or a distribution grid operator (§ 24 par. 2 letter b) in conjunction with § 24 par. 10 letter c) and § 25 par. 1 letter b) in connection with par. 11 letter d Act No. 458/2000 Sb.).
	Obligated party	The grid operator in charge is obligated to connect the systems of all applicants to the grid and transmit and distribute their electricity, if the applicants comply with the conditions for connection, which are laid down by a separate legal provision. The grid operator is exempt from his obligation in cases of proven capacity shortages or threats to the reliable operation of the grid (§ 24 par. 10 letter a) in conjunction with § 25 par. 11 letter a) Act No. 458/2000 Sb.). If a given system operator chooses promotion of renewable electricity through the feed-in tariff, the grid operator shall purchase the electricity and use it to compensate for power losses. If the amount of electricity the grid operator has bought are larger than the power losses, this miscalculation is deemed the grid operator's responsibility (§ 4 par. 5 Act No. 180/2005 Sb.). The consequences of a given miscalculation depend on the general provisions of energy law.
Priority to renewable energy (qualitative criteria)	() Priority to renewable energy (x) Non-discrimination	The conditions of use of the grid must be non-discriminatory (§ 24 par. 10 letter c) and § 25 par. 11 letter a) Act No. 458/2000 Sb.). Renewable energy systems are not given priority use.
Capacity limits	The grid operator in charge is not obligated to grant to the applicant the connection of a system and the transmission and distribution of electricity if he provides evidence of a capacity shortage (§ 24 par. 10 letter a) in conjunction with § 25 par. 11 letter a) Act No. 458/2000 Sb.).	
Limitations/deadlines	Possible deadlines by which grid use must be granted depend on the terms of the agreement concluded.	
Arising/enforcement of a claim	The claim for use of the grid arises at the date of the conclusion of the agreement.	

Funding		
	State	
	Consumers	
	Grid operator	
	System operator	Producers of electricity from renewable sources are obligated to refund to the grid operator the cost of system services, which depend on the amount of electricity produced (§ 23 par. 2 letter j) Act No. 458/2000 Sb.).
	Distribution mechanism	

6. Expansion of the grid

Abbreviated form of legal source	<ul style="list-style-type: none"> Act No. 458/2000 Sb. Act No. 180/2005 Sb. 	
Legal basis for a claim/addressees	<input type="checkbox"/> statutory basis <input checked="" type="checkbox"/> contractual basis	A given system operator is contractually entitled against the grid operator to an expansion of the grid, if the expansion is necessary to satisfy the connection agreement (§ 45 par. 1 Act No. 458/2000 Sb.).
	Entitled party	The persons entitled are the producers of electricity from renewable sources. Entitlement is conditional upon a producer's holding an electricity production licence and his compliance with the conditions for connection, which are set out in a separate legal provision (Notice of the Ministry of Industry and Trade) and with the grid operator's terms and conditions (§ 23 par. 1 letter a) Act No. 458/2000 Sb.).
	Obligated party	The transmission and distribution grid operator whose cost of connection is lowest is obligated to connect a system that generates renewable electricity to his grid, unless he provides evidence for a capacity shortage or a threat to the reliable operation of the distribution system (§ 4 par. 2 Act No. 180/2005 Sb.).
Priority to renewable energy (qualitative criteria)	<input type="checkbox"/> Priority to renewable energy <input checked="" type="checkbox"/> Non-discrimination	The grid operator is obliged to expand the grid without discriminating against certain system operators. Electricity from renewable sources is not given priority.
Capacity limits	In case of proven capacity shortage, the grid operator is exempt from his obligation to connect a renewable energy system (§ 4 par. 2 Act No. 180/2005 Sb.).	
Limitations/deadlines	Statutory law does not provide any deadlines for an expansion of the grid, which may, however, be specified by the contractual terms.	
Arising/enforcement of a claim	A claim for an expansion arises on the date of conclusion of the grid connection agreement between the grid operator and a system operator (§ 45 par. 1 Act No. 458/2000 Sb.).	
Funding		
	State	
	Consumers	
	Grid operator	The distribution grid operator bears the costs of extension of low-voltage lines in built-up areas and of low-voltage lines of up to 50 m in non built-up areas (§ 45 par. 2 Act No. 458/2000 Sb.).
	System operator	In all other cases, the cost of a grid expansion is borne by the person that derives a benefit from the expansion. Thus, the system operator usually bears the cost (§ 45 par. 2 Act No. 458/2000 Sb.).

	Distribution mechanism	
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