

## Research RES LEGAL – Support system

### Country: Austria

#### 1. Overview of support system

<b>Summary</b>	In Austria, electricity from renewable sources is promoted mainly through a feed-in tariff. Furthermore, the construction of small and medium-sized hydro-electric power stations is promoted through subsidies.
<b>Support schemes</b>	<ul style="list-style-type: none"><li>• <b>Feed-in tariff.</b> In Austria, electricity from renewable sources is promoted mainly through a feed-in tariff, which is set out in the Green Electricity Act and the regulations related thereto. The operators of renewable energy systems are entitled against the government purchasing agency, the so-called Ökostromabwicklungsstelle (hereinafter called "Clearing and Settlement Agency"), to the conclusion of a contract on the purchase of the electricity they produce ("obligation to enter into a contract").</li><li>• <b>Subsidy.</b> The construction of small and medium-sized hydro-electric power stations is subsidised by investment grants. The legal basis of these grants is the Green Electricity Act in conjunction with the applicable subsidy directive.</li></ul>
<b>Eligible technologies</b>	All renewable electricity generation technologies are eligible for the Austrian feed-in tariff. In contrast to the tariff, subsidies are available for small and medium-sized hydro-electric power stations only.
<b>Statutory provisions</b>	<ul style="list-style-type: none"><li>• Ökostromgesetz (Green Electricity Act)</li><li>• Subsidy Directive 2010</li><li>• Green Electricity Regulation 2011</li></ul>

## 2. Basic information on legal sources

<b>Name of legal source (original language)</b>			
<b>Name of legal source (full name)</b>	Bundesgesetz, mit dem Neuregelungen auf dem Gebiet der Elektrizitätserzeugung aus Erneuerbaren Energieträgern und auf dem Gebiet der Kraft-Wärme-Kopplung erlassen werden (Ökostromgesetz - ÖSG)	Förderungsrichtlinien 2010 für die Gewährung von Investitionszuschüssen gemäß § 12, § 12a und § 13a Ökostromgesetz für die Errichtung von KWK-Anlagen, Small hydro-power systems und mittleren Wasserkraftwerken	Verordnung, mit der Preise für die Abnahme elektrischer Energie aus Ökostromanlagen auf Grund von Verträgen festgesetzt werden, zu deren Abschluss die Ökostromabwicklungsstelle im Jahr 2011 verpflichtet ist
<b>Name of legal source (English)</b>	Federal Act on the Promotion of Electricity Produced from Renewable Energy Sources (Green Electricity Act)	Subsidy Directive 2010 on the granting of investment subsidies, as set out in § 12, § 12a and § 13a of the Green Electricity Act, for the construction of CHP plants and small and medium-sized hydro-power plants	Regulation setting the prices for the purchase of electricity generated by green power plants as set out in the purchase agreements the Clearing and Settlement Agency is obliged to enter into in 2011
<b>Abbreviated form</b>	Green Electricity Act	Subsidy Directive 2010	Green Electricity Regulation 2011
<b>Entry into force</b>	24.08.2002	20.10.2009	01.01.2011
<b>Latest amendment</b>	20.10.2009	24.03.2011	
<b>Future amendments</b>			every year on 1 January
<b>Purpose</b>	The act regulates the support system for electricity from renewable sources and the use of certificates of origin (§ 2).	Giving a more detailed definition of the conditions for the granting of investment subsidies in accordance with the Green Electricity Act.	The regulation sets out the feed-in tariff rates for electricity from renewable sources.
<b>Relevance for renewable energy</b>	The act aims to promote renewable energy and combined heat and power only.	This directive aims to promote combined heat and power and small and medium-sized hydro-power plants only.	This regulation was designed to promote renewable energy.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ris2.bka.gv.at/GeltendeFassung.wxe?QueryID=Bundesnormen&amp;Gesetzesnummer=20002168&amp;TabbedMenuSelection=BundesrechtTab">http://www.ris2.bka.gv.at/GeltendeFassung.wxe?QueryID=Bundesnormen&amp;Gesetzesnummer=20002168&amp;TabbedMenuSelection=BundesrechtTab</a>	<a href="http://www.oem-ag.at/static/cms/sites/oem-ag.at/media/downloads/Investitionsfoerderung/2011_03_24_Richtlinienaenderung_clean.pdf">http://www.oem-ag.at/static/cms/sites/oem-ag.at/media/downloads/Investitionsfoerderung/2011_03_24_Richtlinienaenderung_clean.pdf</a>	<a href="http://www.pvaustria.at/upload/2767_OekostromVO%202011.pdf">http://www.pvaustria.at/upload/2767_OekostromVO%202011.pdf</a>

Link to full text of legal source (English)			
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### 3. Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
<b>Federal Ministry of Economy, Family and Youth (BMWFJ), Energy and Mining Department</b>	<a href="http://www.bmwfj.gv.at/ENERGIEUNDBERGBAU/Seiten/default.aspx">http://www.bmwfj.gv.at/ENERGIEUNDBERGBAU/Seiten/default.aspx</a>		+43 171 10 00	service(at)bmwfj.gv.at
<b>Austrian Energy Agency</b>	<a href="http://www.energyagency.at/">http://www.energyagency.at/</a>		+43 158 615 240	office(at)energyagency.at
<b>E-Control Ltd. – Deregulation agency</b>	<a href="http://www.e-control.at/">http://www.e-control.at/</a>		+43 124 72 40	office(at)e-control.at
<b>Dachverband Energie-Klima – Umbrella Organization Energy-Climate Protection</b>	<a href="http://www.energieklima.at/">http://www.energieklima.at/</a>		+43 590 900 34 65	energieklima(at)fmme.at

#### 4. Support schemes

##### 4.1. Subsidies (Investment subsidies)

<b>Legal sources</b>	<ul style="list-style-type: none"> <li>• Green Electricity Act</li> <li>• Subsidy Directive 2010</li> </ul>	
<b>National support system</b>	The investment subsidy scheme promotes the construction of small and medium-sized hydro-power plants that will be put into operation prior to or on 31 December 2014. The scheme aims at establishing water power plants with a total capacity of 150 MW by 2014.	
<b>Promoted technologies</b>	<b>General information</b>	In Austria, only small and medium-sized hydro-power plants are eligible for subsidies (§ 13a par. 1 Green Electricity Act). Other technologies are not eligible.
	<b>Wind energy</b>	
	<b>Solar energy</b>	
	<b>Geothermal energy</b>	
	<b>Biogas</b>	
	<b>Hydro-energy</b>	<p>Eligible if the plant meets the following conditions:</p> <ul style="list-style-type: none"> <li>• The maximum capacity shall not exceed 10 MW („small hydro-power system“). OR</li> <li>• The plant shall have a maximum capacity between 10 MW and 20 MW („medium-sized hydro-power plant“).</li> <li>• The plant shall have been recognized as renewable energy plant (§ 7 par. 1 Green Electricity Act).</li> <li>• The plant shall have been put into operation prior to or on 31 December 2014 (§ 13a par. 1 Green Electricity Act).</li> </ul>
<b>Amount</b>	<b>Biomass</b>	
	<ul style="list-style-type: none"> <li>• Small hydro-power systems with a capacity of up to 500 kW are eligible for grants of up to 30% of the project costs. Grants are subject to a maximum of € 1,500 per kW (§ 11 par. 3 No. 1 Subsidy Directive 2010).</li> <li>• Small hydro-power systems from 500 kW to 2 MW are eligible for up to 20% of the project costs. Grants are subject to a maximum of € 1,000 per kW (§ 11 par. 3 No. 2 Subsidy Directive 2010).</li> <li>• Small hydro-power systems from 2 to 10 MW are eligible for up to 10% of the project costs. Grants are subject to a maximum of € 400 per kW (§ 11 par. 3 No. 3 Subsidy Directive 2010).</li> <li>• Medium-sized hydro-power plants are eligible for up to 10% of the project costs. Grants are subject to a maximum of € 400 per kW. The maximum permissible level of grant aid is 6 million Euros per plant (§ 13a par. 1 Green Electricity Act, § 11 par. 2 Subsidy Directive 2010).</li> </ul>	
<b>Beneficiaries</b>	<p><b>Entitled party.</b> The party entitled to the subsidies are those who construct small and medium-sized power plants (§ 13a par. 1 Green Electricity Act). A “constructor” of a hydro-power plant shall be every natural person or legal entity that is financially responsible for the construction of a plant (§ 5 par. 1 subpar. 6 Green Electricity Act).</p> <p><b>Obligated party.</b> The obligated party is the Federal Minister of Economy, Family and Youth (§ 12 par. 6 Green Electricity Act).</p>	

Procedure	Procedure	<ul style="list-style-type: none"> <li>• <b>Application.</b> Applications shall be submitted in writing to the Clearing and Settlement Agency for Investment Subsidies (OeMAG) prior to construction and by 30 September 2012 (§ 4 par. 2 and 3 Subsidy Directive 2010). The applications will be processed in order of receipt.</li> <li>• <b>Selection.</b> Evidence of the investment costs for the plant and its eligibility for subsidies shall be provided by the report of an independent expert who shall be appointed by the Provincial Governor. Moreover, compliance with the conditions laid down in the Green Electricity Act and the Subsidy Directive 2010 is assessed. The advisory body for investment subsidies gives a recommendation.</li> <li>• <b>Subsidy contract.</b> If all the conditions are met, the Federal Minister of Economy, Family and Youth shall grant the subsidy and conclude a contract. The investment grant shall be paid as soon as the plant has been commissioned at its full capacity and the final report has been submitted and examined (§§ 12f Green Electricity Act).</li> </ul>
	Competent authority	
Flexibility mechanism		
Funding	State	
	Consumers	The costs of the subsidy scheme are borne by the consumers.
	System operator	
	Grid operator	
	Distribution mechanism	<ul style="list-style-type: none"> <li>• <b>Consumer – grid operator.</b> In addition to the grid use fees, the grid operators charge different amounts of support fees, which depend on the voltage level and are to be paid by the users of all voltage levels (large enterprises, private households), (§§ 22, 22 a Green Electricity Act). The support fee shall be shown separately on the electricity bills. On the whole, the means arising from the support fee shall not exceed 7.5 million Euros (§13 a Green Electricity Act).</li> <li>• <b>Grid operator – Clearing and Settlement Agency.</b> The grid operator shall transfer the income from the support fee to the Clearing and Settlement Agency every three months.</li> </ul> <p>From 2007 until and including 2012, the support fee amounts to the following:</p>

		<ul style="list-style-type: none"> <li>• Grid users connected to voltage levels 1 to 4 shall pay € 15 000 per year.</li> <li>• Grid users connected to voltage level 5 shall pay € 3 300 per year.</li> <li>• Grid users connected to voltage level 6 shall pay € 300 per year.</li> <li>• Grid users connected to voltage level 7 shall pay € 15 per year (§ 22a par. 1 Green Electricity Act).</li> </ul> <p>From 2010 onwards, the support fee will be determined by a regulation for and every three years (§ 22a par. 2 Green Electricity Act).</p>
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#### 4.2. Feed-in tariff (Green Electricity Act)

<b>Legal sources</b>	Green Electricity Act Green Electricity Regulation 2011	
<b>National support system</b>	Electricity from renewable sources is promoted mainly through a feed-in tariff. The operators of renewable energy systems are entitled to the conclusion of a contract with a government purchasing agency, the Clearing and Settlement Agency, on the purchase of and payment for electricity as long as funds are available (§ 10 Green Electricity Act). The Clearing and Settlement Agency distributes the electricity purchased among all electricity traders, who have to pay a price that is fixed by law and exceeds the market price for electricity (§ 19 par. 1 in connection with § 22b par. 2 and 3 Green Electricity Act). The Green Electricity Act stipulates different feed-in tariffs for the different renewable technologies (§ 11 par. 1 Green Electricity Act).	
<b>Eligible technologies</b>	<b>General information</b>	<p>The Clearing and Settlement Agency is obliged to purchase electricity from renewable sources regardless of the generation technology used, under the following conditions:</p> <ul style="list-style-type: none"> <li>• There are still funds available for the current year (§ 10 Green Electricity Act).</li> <li>• The system in question has been commissioned and the contract with the Clearing and Settlement Agency has been concluded within the periods stipulated in § 10 Green Electricity Act.</li> <li>• The producer in question is obliged to supply green electricity for at least twelve calendar months (§ 10a par. 2 Green Electricity Act).</li> <li>• The producer is obliged to join the eco-balance group (§ 10a par. 2 Green Electricity Act).</li> </ul> <p>Due to the amendment of the Green Electricity Act of 20 October 2009, further funds were provided. € 2.1 million were designated for photovoltaic systems (§ 21b Green Electricity Act).</p> <p>The feed-in tariff is allocated on a "first come – first served" basis. Applications received after the funds for the year have been completely disbursed will be considered in the following year; applications become invalid after three years (§ 10a par. 7 Green Electricity Act).</p>
	<b>Wind energy</b>	Eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act).
	<b>Solar energy</b>	<p>Eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act) under the following condition:</p> <ul style="list-style-type: none"> <li>• The system capacity must exceed 5 kWp (§ 2 par. 2 no. 2 Green Electricity Act).</li> </ul>



		Act).
	<b>Geothermal energy</b>	Eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act) under the following condition: <ul style="list-style-type: none"> <li>Systems must reach an efficiency of at least 60%. The required efficiency may be increased by order if the increase is deemed economically reasonable (§11 par. 1 Green Electricity Act).</li> </ul>
	<b>Biogas</b>	Eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act) under the following condition: <ul style="list-style-type: none"> <li>Systems must reach an efficiency of at least 60%. The required efficiency may be increased by order if the increase is deemed economically reasonable (§ 11 par. 1 Green Electricity Act).</li> </ul>
	<b>Hydro-energy</b>	The following systems are eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act): <ul style="list-style-type: none"> <li>Small-scale hydro-power systems whose maximum capacity does not exceed 10 MW (§ 2 par. 2 no. 1 in connection with § 5 par. 1 no. 16 Green Electricity Act).</li> <li>The systems must have been put into operation after 1 January 2008 or modernised after 1 January 2008. They must not be eligible for investment grants pursuant to § 12a Green Electricity Act and must not be the subject of an application for an investment grant as defined in to § 32d par. 9 Green Electricity Act.</li> </ul>
	<b>Biomass</b>	Eligible (§ 10 in conjunction with § 5 par. 1 no. 11, 27 Green Electricity Act) with the following restrictions: <ul style="list-style-type: none"> <li>Electricity produced from spent liquors, meat-and-bone meal, sewage sludge or waste is ineligible, except waste with a high proportion of biogenic substances (§ 2 par. 2 no. 1 Green Electricity Act).</li> <li>Systems must reach an efficiency of at least 60%. The required efficiency may be increased by order if the increase is deemed economically reasonable (§ 11 par. 1 Green Electricity Act).</li> <li>Systems fuelled by solid biomass are ineligible unless measures were taken to prevent particulate matter emissions (§ 10a par. 1 Green Electricity Act).</li> </ul>
<b>Amount</b>	<b>General information</b>	The amount of tariff is determined for each source of energy by the Minister of Economy, Family and Youth (§ 11 par. 1 Green Electricity Act). Letzter Satz gelöscht
	<b>Wind energy</b>	€ct 9.7 per kWh (§ 6 Green Electricity Regulation 2011)
	<b>Solar energy</b>	PV systems installed on a building or a noise barrier: <ul style="list-style-type: none"> <li>capacity over 5 kWp, up to 20 kWp: €ct 38 per kWh</li> <li>capacity over 20 kWp: €ct 33 per kWh</li> </ul> Other PV systems:

		<ul style="list-style-type: none"> <li>capacity over 5 kWp, up to 20 kWp: €ct 35 per kWh</li> <li>capacity over 20 kWp: €ct 25 per kWh</li> </ul> (§ 5 Green Electricity Regulation 2011)
	<b>Geothermal energy</b>	€ct 7.5 per kWh (§ 7 Green Electricity Regulation 2011)
	<b>Biogas</b>	Biogas systems/plants: €ct 13 – 18.5 per kWh, depending on the maximum capacity (§ 10 Green Electricity Regulation 2011) Sewage gas plants: €ct 6 per kWh (§ 11 Green Electricity Regulation 2011) Landfill gas plants: €ct 5 per kWh (§ 11 Green Electricity Regulation 2011)
	<b>Hydro-energy</b>	
	<b>Biomass</b>	According to maximum capacity: €ct 10 – 14.98 per kWh
<b>Degression</b>	<b>General information</b>	The tariff for new systems may be gradually reduced to reflect the development of costs for a certain technology. The amount of annual reduction is determined by order of the Minister of Economy, Family and Youth (§ 11 par. 1 Green Electricity Act). However, the feed-in tariff applicable on the date on which a given contract is concluded applies to the entire grant period (§ 11 par. 2a Green Electricity Act).
	<b>Wind energy</b>	
	<b>Solar energy</b>	
	<b>Geothermal energy</b>	
	<b>Biogas</b>	
	<b>Hydro-energy</b>	
	<b>Biomass</b>	
<b>Cap</b>		
<b>Eligibility period</b>	Entitlement to the tariff is time-limited, regardless of the source of energy used. <ul style="list-style-type: none"> <li><b>Biomass and biogas technologies.</b> A given operator of a system fuelled by solid or liquid biomass or biogas is entitled to the purchase of all electricity he exports to the grid and to the payment of the tariff applicable on the date on which the contract is concluded, for 15 years starting on the date on which the system is put into operation (§ 11 par. 2a Green Electricity Act). After this period, the operator is entitled to the purchase of his electricity at the market price (less the reserve capacity costs charged by the Clearing and Settlement Agency) (§ 10 no. 4 in connection with § 20 Green Electricity Act).</li> <li><b>Other systems.</b> A given operator of any other renewable energy system is entitled to the purchase of electricity exported and to the payment of the tariff applicable on the date on which the contract is concluded, for 13 years starting on the date on which the system is put into operation (§ 11 par. 2a Green Electricity Act). After this period, he is entitled to the purchase of his electricity at the market price (less the reserve capacity costs charged by the Clearing and Settlement Agency) (§ 10 no. 3, 4 in conjunction with § 20 Green Electricity Act).</li> </ul>	
<b>Beneficiaries</b>	<b>Entitled party.</b> The persons entitled to the tariff are the operators of renewable energy systems (§ 10 Green Electricity Act). In order for a system operator to be entitled to the tariff, the system he claims tariff for must be licensed as a "green electricity system". Systems are licensed by the governor (§ 7 par. 1 Green Electricity Act). <b>Obligated party:</b>	

	<ul style="list-style-type: none"> <li>• <b>Clearing and Settlement Agency.</b> The Clearing and Settlement Agency is obliged to the purchase of all electricity generated from renewable energy sources as long as funds are available (§ 10 Green Electricity Act). The Clearing and Settlement Agency is a private enterprise that has a state licence and is responsible for the purchase and sale of electricity from renewable sources within the territory of Austria (§ 14 ff Green Electricity Act).</li> <li>• <b>Electricity trader.</b> The second party obligated to satisfy a claim for the feed-in tariff are the electricity traders, who are obliged to purchase the quantities of electricity assigned to them by the Clearing and Settlement Agency at the transfer price set by law (§ 19 par. 1 Green Electricity Act).</li> </ul>	
<b>Procedure</b>	<b>Procedure</b>	
	<b>Competent authority</b>	
<b>Flexibility mechanism</b>		
<b>Funding</b>	<b>State</b>	
	<b>Consumers</b>	The costs of the support system are borne by the end users (§ 22 par. 1 Green Electricity Act).
	<b>Grid operator</b>	
	<b>System operator</b>	
	<b>Distribution mechanism</b>	<p><b>1. Support fee.</b> On the one hand, the costs are passed on to the consumers, who have to pay a support fee.</p> <ul style="list-style-type: none"> <li>• <b>Consumers – grid operator.</b> The grid operators charge all users (large-scale consumers, private households) a support fee (Zählpunktpauschale), which differs according to the level of consumption, on top of the grid use fee. The support fee must be listed separately on the bill (§§ 22 par. 1 Green Electricity Act).</li> <li>• <b>Grid operator – Clearing and Settlement Agency.</b> The grid operator is obliged to transfer the income from the support fee to the Clearing and Settlement Agency every quarter (§ 22 par. 1 Green Electricity Act). From 2007 up to and including 2012, the support fee is as follows (§ 22a par. 1 Green Electricity Act): <ul style="list-style-type: none"> <li>• For users connected to voltage levels 1 to 4: € 15,000 per calendar year.</li> <li>• For users connected to voltage level 5: € 3,300 per calendar year.</li> <li>• For users connected to voltage level 6: € 300 per calendar year.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• For users connected to voltage level 7: € 15 per calendar year.</li> </ul> <p>After 2012, the support fee will be determined by order for a period of three years (§ 22a par. 2 Green Electricity Act).</p> <p><b>2. Profit from sales.</b> On the other hand, the feed-in tariff is financed from the profits made by the Clearing and Settlement Agency from the sale of electricity from renewable sources to the electricity traders. The profit results from the difference between the market price and the higher price electricity traders have to pay according to § 5 par. 1 no. 32 Green Electricity Act (§ 22b Green Electricity Act). Electricity traders may pass on to the final consumers the difference between the price they pay and the market price they charge.</p> <p><b>3. Other profits.</b> Other costs incurred by the Clearing and Settlement Agency, like administrative costs, investments related to the execution of its tasks (e.g. reserve capacity costs), the costs of support for new technologies and energy efficiency programmes, or bonus payments for renewable energy systems fuelled by liquid biomass or biogas (§ 21 Green Electricity Act), are recovered through the following payments (§ 23 par. 2 Green Electricity Act):</p> <ul style="list-style-type: none"> <li>• income earned from administrative fines</li> <li>• other income</li> <li>• income from interest payments.</li> </ul>
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