



STATUTORY INSTRUMENTS.

**S.I. No. 499 of 2009**

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EUROPEAN COMMUNITIES (HIGH EFFICIENCY COMBINED HEAT  
AND POWER) REGULATIONS 2009

**(Prn. A9/1805)**

## EUROPEAN COMMUNITIES (HIGH EFFICIENCY COMBINED HEAT AND POWER) REGULATIONS 2009

I, EAMON RYAN, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving effect to Article 8(1) of Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (High Efficiency Combined Heat and Power) Regulations 2009.

2. In these Regulations—

“Act of 1999” means Electricity Regulation Act 1999 (No. 23 of 1999);

“Act of 2006” means Energy (Miscellaneous Provisions) Act 2006 (No. 40 of 2006);

“certificate” means a certificate certified by the Commission appointed under, to calculate actual power to heat ratios as specified in, the Electricity Act 1999 (Appointment of Person to Calculate Power to Heat Ratios of Combined Heat and Power Units) Order 2009 (S.I. No. 299 of 2009);

“combined heat and power”, “generating station”, “high efficiency combined heat and power” and “transmission” have the meanings assigned to them, respectively, by section 2 (as amended by section 6(a) of the Act of 2006) of the Act of 1999;

“commission” means Commission for Energy Regulation;

“transmission system operator” means the holder of a licence granted under section 14(1)(e) (inserted by Regulation 16(a) of the European Communities (Internal Market in Electricity) Regulations 2005 (S.I. No. 60 of 2005)) of the Act of 1999.

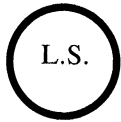
3. Where the Commission calculates and certifies the actual power to heat ratio of a combined heat and power generating station in accordance with section 7 (inserted by section 6(b) of the Act of 2006) of the Act of 1999, the Commission shall also—

- (a) calculate the relative amount of primary energy savings for that combined heat and power generating station in accordance with section 7(5) of the Act of 1999,

<sup>1</sup> OJ No. L52, 21.2.2004

- (b) based on the calculation referred to in paragraph (a) include a statement in the certificate as to whether the combined heat and power generating station produces high efficiency combined heat and power, and
- (c) ensure that the transmission system operator concerned is provided with a copy of the certificate or any amendment to the certificate.

4. Where a transmission system operator is provided with a certificate which states that a combined heat and power generating station produces high efficiency combined heat and power, the transmission system operator, in dispatching generating stations, shall give priority to that generating station insofar as the operation of the electricity transmission system permits.



GIVEN under my Official Seal,  
11 December 2009.

EAMON RYAN,  
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

*(This note is not a part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to the provisions of Article 8.1 of Directive 2004/8/EC by providing that high efficiency combined heat and power generating stations are given priority dispatch by the transmission system operator.

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