



THE REGULATIONS OF THE ENERGY CERTIFICATES OF ORIGIN REGISTER

Maintained by Polish Power Exchange

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CHAPTER I

General provisions

§1

1. The Regulations of Certificates of Origin Register, maintained by Polish Power Exchange, hereinafter referred to as the COR Regulations, specifies the rules for registration and filing system of certificates of origin as confirmation of production of electric power in highly efficient cogeneration, in renewable energy sources (RES) and as confirmation of agricultural biogas production and introduction to the gas distribution network, as well as for filing of property rights resulting from the above certificates. A confirmation of electric power generation in highly efficient cogeneration or renewable energy sources or agricultural biogas production and introduction to the gas distribution network is the energy certificate of origin. Certificate of origin is issued by the URE President, pursuant to the provisions of the act.

2. Registration and recording system is understood an organized, maintained and supervised by Polish Power Exchange system for registration of certificates of origin and property rights resulting from them, recording transactions concluded in property rights turnover and status of ownership of property rights resulting from certificates of origin, process of discontinuing of certificates of origin and corresponding property rights, specified in part 1.

§2

Anytime when following terms are used in the hereby Regulations:

1. Act – meaning the act as of the 10th of April 1997 - Energy Act (Journal of Laws as of the 2006, no 89; pos. 625, as amended);
2. Exchange – meaning Polish Power Exchange in Warsaw maintaining Certificates of Origin Register;

3. Register or COR – meaning register of certificates of cogeneration origin maintained by the Exchange;
4. Register IT system – meaning a set of devices and software, in particular a computer program developed for the purpose of the Register through which the Register is maintained;
5. property rights – meaning property rights resulting from certificates of origin from cogeneration and property rights resulting from certificates of origin from RES and property rights resulting from biogas certificates of origin;
6. stock market – meaning Energy Certificates Market maintained by the Exchange, where property rights transactions are concluded;
7. Member of the Register – meaning a subject with a register account at the Register;
8. ERO – meaning the Energy Regulatory Office;
9. RES – meaning a renewable energy source defined by the Act;
10. certificate of origin – meaning certificate of origin from cogeneration specified in art.9l part 1 of the Act (“certificate of origin from cogeneration”) or certificate of origin from RES , specified in art.9e part 1 of the Act(“certificate of origin from RES”) or certificate of origin from biogas, specified in art 9o, par 1 of the Act (“certificate of origin from biogas”),
11. agricultural biogas – meaning agricultural biogas being a fuel gas defined by the Act,
12. equivalent amount of electricity – meaning the amount of electricity produced in RES, equivalent to the amount of agricultural biogas produced in a given installation, calculated in accordance with appropriate regulations,
13. register account – meaning account where property rights operations and property rights ownership statuses are recorded,
14. exchange instrument – meaning property rights existing in exchange turnover:
 - a) basic exchange instrument – meaning exchange instrument appropriate for a given type of property rights, in accordance with appropriate regulations of the Exchange,
 - b) periodical exchange instrument – meaning exchange instrument periodically noted for a given type of property rights in accordance with appropriate regulations of the Exchange.

§3

1. The Exchange Board can adapt resolutions in individual matters in connection with changes of COR functioning.
2. The resolutions, specified in par 1, are made available to the Members of the Register immediately after they have been adapted.
3. Resolutions, specified in par 1, become effective after a week since they have been published in accordance with par 2, unless due to the need of COR functioning their earlier effective date is grounded.

4. The Exchange Board adapts resolutions in individual cases in connection with registration and recording certificates of origin and property rights in the scope of current COR management. Resolutions of The Exchange Board are adapted in the scope of current management of COR become effective on the date they have been adopted unless the resolution specifies other date. Provisions of par 2 are applied as applicable.

§4

1. The periods specified in days do not include holidays on the basis of appropriate regulations and Saturdays, subject to par 3.

2. The Exchange Board shall specify a schedule of days on which COR shall not be working during calendar year and shall submit it to the Members of the Register until the 30th of November of the year proceeding the year which such schedule applies to.

3. If required by COR, The Exchange Board may by means of resolutions introduce additional days which are not subjected to exclusion upon calculation of such periods and indicate such days among the days specified in par 1, which shall be considered upon calculation of such periods. The Exchange shall inform the Members of the Register about such facts at least one week in advance.

4. In cases when the COR Regulations imposes obligation of realisation of an activity or determines a given result upon realisation of such activity without specifying its date in days weeks or in similar manner the activity shall be realized immediately after the event justifying such activity.

CHAPTER II

COR membership

§5

The Members of the Register can be:

- a) entities entitled to obtain certificates of origin;
- b) entities entitled to obtain property rights;
- c) entities entitled to intermediate at transactions in property rights turnover (brokerage house, commodity brokerage house);
- d) entities purchasing property rights with intermediary of entities specified in point c).

§6

1. An entity obtains a status of the Member of the Register upon the submission of application to the Exchange for obtaining a status of the Member of the Register in accordance with a template specified in Attachment no 2 to this COR Regulations. The application should include in particular:

- a) basic data of the Applicant, including its activity subject;

- b) surnames and names of persons authorised to represent the Applicant in contacts with the Exchange with specimen signatures, telephone numbers and e-mail addresses and a power of attorney for such persons for the representation of the Applicant, in accordance with a template specified in Attachment no 2 to the COR Regulations;
 - c) a copy of current excerpt from an appropriate register or a copy of business activity register record, confirmed as a true copy
 - d) full copy of a concession issued by the President of ERO, if it is obliged to have such a license, confirmed as a true copy;
 - e) copy of the NIP and REGON (tax and business registers) registration documents, confirmed as a true copy;
 - f) a copy of a letter of attorney for representation by a brokerage house or commodity brokerage house if the Applicant is not a member of the Exchange, confirmed as a true copy;
2. The Application for obtaining a status of the Member of the Register may be submitted to the Register directly or through a brokerage house or a commodity brokerage house.
 3. The Exchange Board shall decide on granting the status of the Member of the Register considering the data contained in the application for obtaining the status of the Member of the Register within 30 days from the date of filing a complete application.
 4. Submission of declarations of intent and transmission of information by the Exchange Member shall be deemed effective only in writing, delivered by mail or in person to the seat of the Exchange.
 5. A Member of the Register shall inform the Exchange about any change in COR membership application form or any changes concerning conditions of concession for electric power generation.

§7

1. A Member of the Register is required to authorise at least one person to perform the following duties:
 - a) the receipt of any information provided by the Exchange, pertaining to in particular the state of the Register Member's account, motions for cancellation of property rights filed by the Member, results of RPM sessions;
 - b) updating data connected with Register membership;
 - c) reporting any irregularities relating to transactions or settlements within the deadlines defined by the Exchange.

§8

1. The Member of the Register shall obtain access to the Register IT system upon being given a personal access code.
2. The right of access to the Register IT system entitles the Member of the Register to use the Register IT system only in carrying out its tasks within the Register.
3. The Member of the Register must exercise due diligence to prevent access to the Register IT system by unauthorized persons.

§9

1. The Member of the Register may make a statement of resignation from membership in the Register at any time with immediate effect, without the requirement to justify it.
2. Filing a declaration by a Member of the Register referred to in par. 1 does not relieve him from the obligation to fulfil all its obligations arising from activities in the Register, in particular making any payments it is obliged to make.
3. If justified, the Exchange Board may revoke a resolution to grant the status of Member of the Register. The Exchange shall immediately notify the Member of the Register of any such decision.

§10

Civil disputes concerning property rights between Members of the Register and between Members of the Register and the Exchange, connected with the Register membership, are settled by arbitrary court at the Exchange.

CHAPTER III

Maintaining record of certificates of origin and resulting property rights

Section I

General provisions

§11

1. Record of the certificates of origin and the resulting property rights is understood as the performance by the Exchange activities involving the registration of certificates of origin and resulting property rights in appropriate instruments, and in particular on:
 - a) making entries in the register of issued certificates of origin,

- b) registration of changes in status of property rights ownership as a result of the concluded transactions,
 - c) realizing the process of discontinuing certificates of origin and discontinuing of resulting property rights.
- 2. Record of property rights is maintained based on the register accounts.
- 3. Register accounts contain the following information:
 - a) number of property rights registered on a register account,
 - b) identification data of entity entitled to property rights and its membership type,
 - c) amount of electricity or equivalent electricity corresponding to such property rights,
 - d) specification of certificates of origin, which property rights entered result from,
 - e) instruments active on a given record account

§12

1. Record of certificates of origin and resulting property rights is maintained on quantity basis with accuracy of 1 kWh, according to the following rules:
 - a) double record,
 - b) separate registration of property rights,
 - c) completeness,
 - d) reliability,
 - e) transparency.
2. The principle of double record means that each operation of a change in status of property rights ownership should be registered on at least two register accounts, whilst a record or a sum of records on a single account must be accompanied by a corresponding, equal in volume, record on other account or accounts.
3. The principle of separate registration means that all operations on property rights are registered on separate register account, created for a given Member of the Register.
4. The principle of completeness means that the recording requirement applies to all operations on certificates of origin and property rights.
5. The principle of reliability means requirement of full and complaint with actual status recording of operations on certificates of origin and resulting property rights.
6. The principle of transparency means that the record should in an unambiguous manner present the status of ownership, by authorized persons, property rights, resulting from given certificates of origin.

§13

1. The Exchange upon a request of the Member of the Register issues a document confirming ownership of property rights resulting from certificates of origin, by a given Member of the Register, assigned to a given register Member and corresponding amount of electric power or equivalent electric power.

§14

1. In order to begin the process of cancellation of property rights resulting from the certificates of origin, the Member of the Register requests the freezing of property rights in the Register IT system.

2. The Exchange issues a document confirming the freezing of property rights arising from certificates of origin to be cancelled.

3. The Member of the Register submits the document mentioned in par. 2 to the President of the ERO.

4. The cancellation of property rights, resulting from certificates of origin, is carried out , in the Register based on the decision of ERO President, specifying in particular the following:

- a) The Member of the Register,
- b) certificates of origin assigned to a given Member of the Register,
- c) scope in which certificates of origin are subject to discontinuing.

§ 14a

The Exchange is not responsible for whether the President of ERO cancels the property rights defined in the document referred to in par. 2.

Section II

Entry to the Certificates of Origin Register and ISSUING OF property rights

§15

5. The Exchange in the scope of the Register records certificates of origin issued to a given Member of the Register in an appropriate instrument.

6. Record of certificates of origin on a register account of a given Member of the Register is made by decision of the ERO President or by a relevant decision the Exchange on the trading of a given instrument.

7. The Exchange records in the register account, in proper exchange instrument of a given Member of the Register the number of property rights corresponding to the amount of electricity or equivalent electricity assigned to given certificate of origin. If a given exchange

instrument or property rights contained in a given instrument defined by the resolution of the Exchange Board are not traded on the exchange, the Exchange stores these rights in a separate account of the Member of the Register.

8. One property right corresponds to the electricity or equivalent electricity amount of 1 kWh.

§16

1. The Exchange may block the register account of the Member of the Register or property rights belonging to it in case of discrepancies on its register account in the scope of an appropriate instrument until the moment of their clarification. The basis for such blocking of the account or property rights is the information on discrepancies obtained from ERO or from the Member of the Register.

2. The Exchange can also block the register account or property rights upon request of the Member of the Register in any other case than specified in par. 1. Detailed manner of blocking of the register account or property rights upon request of the Member of the Register is specified by the Exchange Board.

§17

1. Transfer of property rights can be realized due to other legal event, in particular by inheritance, enforcement proceedings, liquidation or bankruptcy proceedings.

2. The Exchange makes an appropriate entry (re-accounting) in the Register resulting from the event, specified in par. 1, upon request of one of the parties, provided that the purchaser of such property rights is the Member of the Register.

3. The requesting party must submit to the Exchange the appropriate document or documents confirming a legal event resulting in transfer of property rights, according to appropriate legal regulations.

4. Detailed conditions and manner of re-accounting of property rights, in case referred to part 1, may be specified by the Exchange Board by resolution.

Section III

Recording transactions concluded on property rights

§18

The Exchange in the scope of the Register records all transactions concluded on the exchange market with respect to property rights and organizes and maintains quantity settlements for such transactions in all instruments.

§19

The Member of the Register may conclude sale transaction on property rights in volume not exceeding the status of ownership of property rights at its register account in a given instrument.

§20

Setting of volume of liabilities and receivables of members being the parties to the transactions is carried out on the basis of documents containing transaction conditions.

§21

1. Crediting of the register account of the Member of the Register who purchases property rights is simultaneous with recording sale of property rights on the register account of the other Member of the Register, being a part of settled transaction in a given instrument.
2. Upon completion of actions referred to in par. 1, the transaction shall be deemed settled.

§22

Settlements of transactions concluded on the exchange market are made within the terms defined by the Exchange.

Section IV

Recording processes of cancellation of certificates of origin and termination of the resulting property rights

§23

1. The Exchange in the scope of the Register records certificates of origin discontinued by the President of ERO.
2. Cancellation of certificates of origin results in the expiration of the corresponding number of property rights.
3. A certificate of origin may be cancelled in whole or in part. Upon the cancellation of certificates of origin resulting property rights expire in the scope corresponding to such cancellation.

§24

1. Cancellation of certificates of origin calls for a blockade by a Member of the Register of property rights on the account registered in the relevant instrument of exchange.
2. The blockade referred to in par. 1 is carried out by the Exchange in the Register IT system, according to the amount of energy corresponding to property rights declared in the electronic request by the Member of the Register.
3. The Exchange shall issue, immediately upon the block, a document confirming the status of ownership of property rights to cancellation.

§25

Property rights terminate immediately after the Exchange has received decision from the ERO President on discontinuing of certificates of origin, for which blocking of resulting property rights was carried out.

Section V

Assimilation of instruments

§26

In cases provided for in appropriate Exchange regulations assimilation of exchange basic and periodical instruments in the Register is performed. As a result of such assimilation the record of exchange periodical instrument is closed and state of records is transferred from such record to a record of basic exchange instrument.

CHAPTER IV

FEES

§27

1. Types, rules for determining and the level of fees not covered by the provisions of this chapter contains attachment no 1 to the COR Regulations, hereinafter called the Table of Fees.
2. The rates of fees contained in the Table of Fees do not include VAT.
3. Change of the amount of fees specified in the Table made after the establishment of public and legal liabilities, which such fees apply to, does not change the status of fees as the fees to which amounts of possible public and legal liabilities must be added.

§28

The Exchange Board can, for a specified period of time, change the amount of fees specified in the Table of Fees.

§29

1. Members pay the fee within 14 days from the date of invoice. The term of payment is to be understood the term in which the funds are to be credited to the Exchange account indicated on the invoice.
2. If the due fee is not settled, The Exchange can refuse to perform activities connected with transfer of property rights and discontinuing of certificates of origin with respect to the Member of the Register failing to fulfil such obligation until any due payment has been settled.
3. Invoices with respect to such fees specified in the Table of Fees shall be issued according to Detailed Rules for Calculation and Collecting of Exchange Fees and Charges applicable at the Exchange.

4. The Exchange reserves the right to withdraw from charging the fee against the Member of the Register in case a cost of its charging exceeds its amount.

Attachments to the Regulations of the Certificates of Origin Register

Attachment 1

Table of Fees

- 1. fee for recording of the certificates of origin into the Register and for issuing of property rights:**
 - a) for certificates of origin from RES: 0.50 PLN/MWh
 - b) for certificates of origin from biogas: 0.50 PLN/MWh
 - c) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1 of the Act: 0.25 PLN/MWh
 - d) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 2 of the Act: 0.06 PLN/MWh
 - e) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1a of the Act: 0.25 PLN/MWh
- 2. recording transaction fee for a party increasing a balance of property rights on the recording account:**
 - a) for certificates of origin from RES: 0.20 PLN/MWh
 - b) for certificates of origin from biogas: 0.20 PLN/MWh
 - c) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1 of the Act: 0.15 PLN/MWh
 - d) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 2 of the Act: 0.04 PLN/MWh
 - e) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1a of the Act: 0.15 PLN/MWh
- 3. fee for cancellation of certificates of origin:**
 - a) for certificates of origin from RES: 0.20 PLN/MWh
 - b) for certificates of origin from biogas: 0.20 PLN/MWh

- c) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1 of the Act: 0.15 PLN/MWh
- d) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 2 of the Act: 0.04 PLN/MWh
- e) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1a of the Act: 0.15 PLN/MWh

4. fee for issuing a document specified in § 27 par. 1:

- a) for certificates of origin from RES: 50.00 PLN/pcs.
- b) for certificates of origin from biogas: 50.00 PLN/pcs.
- c) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1 of the Act: 50.00 PLN/pcs.
- d) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 2 of the Act: 50.00 PLN/pcs.
- e) for certificates of origin from cogeneration, specified in Art. 9 l) par. 1 point 1a of the Act: 50.00 PLN/pcs.

Attachment 2

The Member of Certificates of Origin Register status application form

We signed hereunder, acting on behalf of on the basis of § 6 1 of the Regulations of the Certificates of Origin Register, apply to the Polish Power Exchange to assign a status of a Member of Certificates of Origin Register.

We hereby declare we are aware of provisions of the Regulations of the Certificates of Origin Register (the COR Regulations) and we undertake to observe them.

We also undertake to inform the Polish Power Exchange about any changes introduced to this application and to submit other information upon its request.

Moreover, we hereby declare that we agree for, in accordance with the COR Regulations, handing over civil disputes which might result from our Register membership, to an arbitrary court operating at the Polish Power Exchange.

Hereunder we specify application data required by the COR Regulations:

Data of the Applicant

Company name of the applicant	
Company's name abbreviation used	
Address of the applicant	
Post code/city	

Telephone/fax number	
e-mail address	
Tax identification number (NIP)	
Statistic number REGON	
Number of concessions for trading or production of electricity, if the entity is required to own such concessions.	
Is the applicant an entity specified in art. 9e par. 18 of the Act as of April 10, 1997 Energy Act (RES producer of total electric power ≤ 5 MW)?	YES/NO*
Is the applicant a producer of electric power of total electric power > 5MW and produces electric power from renewable resources?	YES/NO*
Does the applicant produce electric energy in cogeneration unit specified in art. 9l par. 1 point .1 of the Act? PMGM	YES/NO*
Does the applicant produce electric energy in cogeneration unit specified in art. 9l par. 1 point 2 of the Act? P MEC	YES/NO*
Does the applicant produce electric energy in cogeneration unit specified in art. 9l par. 1 point .1a of the Act? PMMET	YES/NO*
Does the Applicant produce agriculture biogas and introduce it to the gas distribution network? PMBG	YES/NO*
Is the applicant an entity specified in art. 9a par. 8 or in art. 9a par. 1 of the Act (obliged entity)?	YES/NO*

*) delete as appropriate

.....
Signatures of persons authorized for representation of the Date and place:
 Applicant

Additionally required documents as attachments to the Application Form:

1. Identifying documents of the Applicant:

a) copy of an up-to-date excerpt from proper register of the Applicant, confirmed as a true copy,

b) copy of the NIP and REGON (tax and business registers) registration documents, confirmed as a true copy,

C) full copy of a concession issued by the President of ERO, if the entity is obliged to have such a license, confirmed as a true copy.

2. Data of persons authorised for representation of the Applicant in contacts with COR (in accordance with template no 1).

3. A letter of attorney for representation by brokerage house or commodity brokerage house signed by the COR applicant and acknowledged by the indicated brokerage house/commodity brokerage house (in accordance with template no 2).

Template No 1: Data of persons authorised for representation of the Applicant in contacts with the Register

List of persons authorised by the Applicant to perform actions defined in § 7 of the COR Regulations

.....
Full name of the Applicant

No	Name and surname	Specimen signature
1	_____ tel. (xx) xxxxxxxx; e-mail:	
2	_____ tel. (xx) xxxxxxxx; e-mail:	
3	_____ tel. (xx) xxxxxxxx; e-mail:	
4		
5		

6		
7		

.....
Stamps and signatures of persons authorised for representation of the Applicant.

* delete as appropriate

A Letter of Attorney for the Registry Members – template

date,.....

A Letter of Attorney

(subject name)....., hereby grants power of attorney to Mr/Mrs..... and Mr/Mrs....., for representation of *(subject name)*....., for Polish Power Exchange seated in Warsaw, in the scope of all activities connected with our membership in the registry of Certificates of Origin (Registry). The hereby power of attorney entitles in particular to:

- a) Sign all documents in connection with membership of *(subject name)*.....in Registry.
- b) Submit and accept declarations of will in the scope of relations of *(subject name)*.....with Polish Power Exchange.

Each of the proxies is entitled to independently realize the aforementioned activities.

The hereby power of attorney is valid until its withdrawal date.

.....
(signatures of persons authorised for representation of the Applicant.)

Template No 2: Powers of attorney covering **representation of the Applicant** by a brokerage house or commodity brokerage house

date,

A Letter of Attorney for Brokerage House / Commodity Brokerage House

I/We signed hereunder (name and surname), acting on behalf of (the company name, regon, nip numbers), residing at/seated in hereby grant power of attorney to the commodity * **Brokerage House** (name), to act on *my/our** behalf on the Property Rights Market operated by the Polish Power Exchange with registered headquarter in Warsaw.

This power of attorney authorises in particular to:

1. conclude transactions on Property Rights Market for the following instruments:
 - a) PMOZE/PMOZE_A*
 - b) PMGM*
 - c) PMEC*
 - d) PMMET*
 - e) PMBG*
2. submit purchase and sale orders concerning that / those* instrument / instruments* on the Property Rights Market, in accordance with the Regulations of the Polish Power Exchange,
3. lodge other instructions in accordance with the Regulations of the Polish Power Exchange as well as the Regulations of the Certificates of Origin Register,
4. carry out all activities indispensable for clearing of the transactions in my/our* recording account kept in the Certificates of Origin Register,
5. carry out activities aimed at cancellation of the certificates of origin, in accordance with the Regulations of the Certificates of Origin Register.

At the same time I/We* undertake not to appoint other proxies authorized to act within the scope of the exchange instruments specified above.

The present Power of Attorney shall be valid till the moment of withdrawing it.

.....
(signatures of persons authorized by the Applicant)

We acknowledge the granting of the above attorney:

.....
(Brokerage House/Commodity Brokerage House)

* delete as appropriate