



## Meet the Law Newsletter

Energia / Energy

### Ordinance No. 268-B/2016, of 13 October

In the past 13th of October, Ordinance No. 268-B/2016, of the Secretary of State of Energy, was published in the Official Journal. This ordinance is addressed to power plants included in the special regime which, in addition to feed-in-tariffs, have received public support funds for the promotion and development of renewable energy in the past.

The promoters of these power plants are required to return to the National Electric System the "excessive" amounts received due to the accumulation of feed-in-tariffs and public support funds, in a global estimated amount of 140 million euros.

Such reimbursement will take effect through the deduction of the amount to be returned in the feed-in-tariff to be paid by the supplier of last resort, as quickly as possible and in the tariff year of 2017.

Regarding the reasoning for the reimbursement of such amounts, the preamble of the ordinance says that the accumulation of such public support funds for the promotion and development of renewable energy with feed-in-tariffs was not "*foreseen, nor is it consistent with the economic calculation of the (...) feed-in-tariff*" of power plants benefiting from guaranteed remuneration schemes.

It further determines that the excessive amounts received by each power plant shall be identified by a ministerial order to be issued in a 30-day term and shall be amended in favor of the National Electric System. Only this order will also allow for the specific identification of which public support funds for the promotion and development of renewable energy the ordinance refers to, given that they have not been specified herein.

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