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# Legal Bulletin



## Energy

In this issue:

1. New amendment to the support scheme for the generation of power from renewable energy sources applicable to the photovoltaic projects

### New amendment to the support scheme for the generation of power from renewable energy sources applicable to the photovoltaic projects

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Government Emergency Ordinance No. 79 of 26 June 2013 for the amendment and supplement of Land Improvement Law No. 138/2004, for the supplement of Government Emergency Ordinance No. 82/2011 on certain measures for organising the land improvement activity, as well as for the amendment of letter e) of paragraph (6) of article 3 of Law No. 220/2008 establishing the support scheme for the generation of power from renewable energy sources ("Law No. 220/2008") has been published in the Official Gazette, Part I, No. 390 dated 29 June 2013 („GEO No. 79/2013").

In addition to amending and supplementing several enactments related to the land improvement activity, GEO No. 79/2013 amends a provision of Law No. 220/2008 which was introduced by the recent Government Emergency Ordinance No. 57 of 4 June 2013 for the amendment and supplement of Law No. 220/2008 („GEO No. 57/2013"). The provision under discussion is Article 3 paragraph (6) letter e) of Law No. 220/2008 which excludes from the support scheme the photovoltaic plants built on lands which, when GEO No. 57/2013 came into force (*i.e.* 1 July 2013), were classified as agricultural lands.

The new GEO No. 79/2013 amended this provision in the sense of postponing from 1 July 2013 to 31 December 2013 the date when the classification of the land as agricultural land triggers the exclusion of the photovoltaic plants from the support scheme.

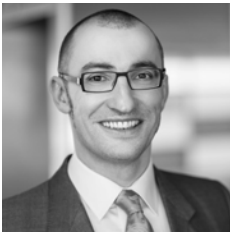
This amendment is beneficial considering that the short notice exclusion from the support scheme introduced by GEO No. 57/2013 significantly affected the developers of photovoltaic plants having projects in progress.

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## Editors

Tuca Zbârcea & Asociații's Energy Practice Group provides the full range of legal services to major electric power producers, renewable and alternative energy companies. Our lawyers advise on the regulatory components of M&A and other transactional work arising from the energy sector, including restructuring/de-regulation arising out of the wholesale and retail electricity/power market, as well as development of energy projects (such as electric, nuclear and hydro-electric plants, etc). The team also covers financing, development and regulatory issues surrounding wind generation, solar, biomass energy generation and co-operates closely with the firm's Real Estate, Finance, Environment, Corporate practice groups in relation to multi-billion large-scale investment projects.



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