Dear Visitor,

welcome to Clearingstelle EEG|KWKG!

The Clearingstelle clarifies disputes and questions regarding the sector of the EEG (the abbreviation for “Erneuerbare-Energien-Gesetz” or “The Renewable Energy Sources Act”), the KWKG (short for “Kraft-Wärme-Kopplungsgesetz“ or “Combined Heat and Power Act“).

The Renewable Energy Sources Act increases the use of Renewable Energies whereas the Combined Heat and Power Act pushes combined heat and power (CHP). This is being achieved by establishing the core elements of a support system:

- First, the act provides for priority access to the grid system of electricity produced from renewable energy sources or with a combined heat and power plant;
- second, such electricity has to be purchased, transmitted, and distributed with priority;
- third, a market premium, or feed-in tariff for electricity produced by rather small renewable power plants or small and big CHP plants, has to be paid by grid operators. Big renewable power plants and medium size CHP plants have to participate in a tender.

Also ambiguities within the MsbG (“Messstellenbetriebsgesetz“ or “Metering Point Operation Act“) concerning power plants of the EEG or KWKG lie within the responsibility of the Clearingstelle.

The Clearingstelle EEG|KWKG has nothing to do with a clearing house as known in financial services. Rather, section 81 of the Renewable Energy
Sources Act ("EEG") 2017 and section 32a of the Combined Heat and Power Act ("KWKG") define the purpose of the Clearingstelle as a facilitator, helping "to avoid and to settle any disputes".

The ordinary courts usually settle disputes through litigation that is often costly and time consuming. However, the Clearingstelle EEG|KWKG offers alternative dispute resolution options that may prove more efficient and cost-effective to settle disputes. Such options include mediation, joint dispute resolution, arbitration. Thereby, opposing parties can avoid costly litigation and lengthy court action, but yet achieve a feasible and mutually acceptable solution. This is usually achieved through one of the following formal Alternative Dispute Resolution proceedings:

1. moderated discussions (mediation)
2. assessment of the matters of fact and the legal situation in individual cases (‘Vote Action’)
3. arbitration under the code of civil procedure

Furthermore, the Clearingstelle EEG|KWKG provides general advice on how to apply the provisions of the Renewable Energy Sources Act and the Combined Heat and Power Act. This outreach helps to avoid problems before they occur. Thus, in particular plant and grid operators may benefit from our services by avoiding disputes. This is achieved through one of the following proceedings:

1. assessment of the legal situation upon request of an ordinary court with pending action (‘Advisory Action’)
2. general clarification on questions of application or legal interpretation (‘Recommendation Action’, or – in less complex cases – ‘Indication Action’).

Energy industry associations may also take part in proceedings of fundamental significance.

The Clearingstelle EEG|KWKG is commissioned and partly funded by the [German Federal Ministry for Economic Affairs and Energy](https://www.bmwi.de). The staff of the Clearingstelle EEG|KWKG consists of an interdisciplinary team of lawyers and engineers with expertise in the field of renewable energies as well as office and IT staff. Our office is located in central Berlin, close to Gendarmenmarkt, in Charlottenstrasse 65.
Please notice that our service is only for grid operators, plant operators, direct sellers and metering point operators enforcing their claims from EEG or KWKG.

You will find more information in English on Renewable Energies in Germany at the following websites of the German Federal Ministry for Economic Affairs and Energy:

http://www.erneuerbare-energien.de/english (currently unavailable)

and


What might be of further interest for you is the website of the German Energy Blog. Please note that the German Energy Blog is not related to the Clearingstelle EEG|KWKG whatsoever. However, it does provide further information on German Energy Law and on the proceedings of the Clearingstelle EEG|KWKG in English which is available at

http://www.germanenergyblog.de/.

If you are interested in learning about the different actors, institutions and stakeholders in the German renewable energy sector you may want to have a look at the brochure "Who ist who of the Energiewende in Germany" provided by the Federal Foreign Office available at


Renewable energy policy database and support website provides furthermore comparative overview on European support schemes:

http://www.res-legal.eu/

If you need further information, please feel free to send an e-mail to post@clearingstelle-eeg-kwkg.de or send a letter to our postal address:

Clearingstelle EEG|KWKG
Charlottenstrasse 65
D-10117 Berlin
GERMANY
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**Quellen-URL:** https://relaunch.clearingstelle-eeg-kwkg.de/english