

Law on Amendments and Supplements to the Energy Law

The Law is published in the "Official Gazette of RS", No. 124/2012 of December 29, 2012

Article 1

In the Energy Law ("Official Gazette of RS", No 57/11, 80/11 – correction and 93/12), in Article 20, paragraph 7 shall be added and read as follows:

"The Ministry shall prescribe more detailed conditions in terms of expertise of a person operating an energy facility performing the energy activities referred to in paragraph 6 hereof, the performance of which a licence is not obligatory."

Article 2

In Article 32, following paragraph 5, paragraphs 6 and 7 shall be added and read as follows:

"If the conditions for the extension of the energy permit validity period referred to in paragraph 5 hereof are not met, the Ministry or a competent local self-government body shall issue a decision to decline the application of an energy permit holder for the extension of the energy permit validity date.

An appeal may be filed against the decision referred to in paragraph 6 hereof, 15 days upon its submission. It is filed either in the Government, if the decision was adopted by the Ministry, or in the Ministry, if the decision was adopted by a competent local self-government body."

Article 3

In Article 33, paragraph 1 shall be amended and read as follows:

"If the data based on which permits were issued change during the validity period of an energy permit or consent referred to in Article 34 hereof, the energy permit or consent holder shall be obliged to submit an application to the Ministry for the modification of these data 60 days upon the day the change has occurred."

Article 4

Article 34 shall be amended and read as follows:

"Article 34

Prior to obtaining the construction approval, an approval decision (hereafter: Approval) shall be issued by the Ministry within 30 days upon the submission of application for the construction of a power plant of up to 1 MW which uses water power as its primary energy resource.

The Approval shall be issued if the following conditions are met: the construction of the power plant provides efficient and rational use of hydro potential, the conditions in terms of

financial ability of the applicant enabling him to construct the plant and other conditions prescribed by the Ministry act referred to in Article 31, paragraph 3 hereof.

The Approval shall be valid for three years upon the date of issuance and may be extended up to a maximum of one year.

If the conditions for the issuance of the Approval as prescribed by this Law are not met, the Ministry shall adopt a decision on declining the extension of the Approval validity date.

The Approval shall not transferrable.

An appeal against the decision referred to in paragraphs 1 and 4 may be filed in the Government 15 days upon the submission of the decision.

The Government decision referred to in paragraph 6 hereof shall be final and administrative procedure may be launched against it."

Article 5

Following Article 34, a new Article 34a shall be added and read as follows:

"Article 34a

Energy permit or Approval shall be withdrawn if:

- 1) an energy permit or Approval holder does not submit an application for their extension within the deadline stipulated by this Law;
- 2) an energy permit or Approval holder does not submit an application for location licence or for construction licence, six months upon the date the decision on the issuance of energy permit or the decision on the issuance of Approval becomes valid and does not inform the Ministry on this 30 days upon the submission of an application for licences;
- 3) a holder of energy permit or Approval which were issued one year prior to the date when this Law entered into force does not submit an application for the launch of the procedure for the issuance of location or construction licence six months upon the date when this Law entered into force and does not inform the Ministry 60 days upon the date of application submission;
- 4) an energy permit or Approval holder does not take legal or factual actions aimed at transferring the issued energy permit or Approval to a third legal or natural person;
- 5) Inspection determines that the cadastral lot for which the energy permit or Approval were issued is used for purposes which were not listed in the energy permit or Approval;
- 6) it is established further on that the decision on energy permit or Approval issuance was issued on the basis of inaccurate and false data;
- 7) an energy permit or Approval holder was prohibited from conducting certain activities for which he was holding the licence or Approval for safety reasons;
- 8) during the validity period of the energy licence or Approval, the data referred to in Article 33 and 34 hereof were changed and an energy permit or Approval holder does not submit an application to change them 60 days upon the change has occurred at the latest.

The decision on the issuance of energy permit or Approval shall also include the obligation referred to in paragraph 1, item 2) hereof, as well as the consequences of failure to comply with it.

The decision on energy permit or Approval withdrawal shall be adopted in 30 days by the body who has adopted a decision on energy permit or Approval issuance.

An appeal may be filed 15 days upon the date of submission of the decision on permit or Approval withdrawal in the Government or the Ministry if the decision on energy permit withdrawal has been adopted by the local self-government body.”

Article 6

In Article 56, paragraphs 5 and 6 shall be amended and read as follows:

"Temporary privileged producer status referred to in paragraph 4 hereof shall be determined upon an application of an energy entity using wind power and it may last two years upon the date of the adoption of the decision at most, or one year at most in case of solar energy.

If an energy entity has not gained the privileged producer status in line with the deadline referred to in paragraph 5 hereof, he may apply for the extension of the temporary status for one year more at most if he submits a proof on the submission of a complete application for technical examination of the facility.”

Paragraph 9 shall be amended and read as follows:

"The Government shall prescribe the conditions and procedure for obtaining the status of privileged power producer by a by-law to be adopted three months upon the adoption of the Law. The by-law shall also define the content of the application for privileged electricity producer, proofs on compliance with the conditions for obtaining privileged power producer status, obligations of privileged power producers and control procedure, minimum rate of primary energy use in power plants in combined heat and power plants depending on the type of basic fuel and installed power, maximum total installed power of wind plants and solar plants for which a privileged, i.e. temporary privileged power producer status can be awarded, obligations of a privileged producer and the mechanism of control of compliance with prescribed obligations as well as the content and manner of keeping Register of Privileged Power Producers.”

Article 7

In Article 59, paragraph 6, the words: “manner of calculating the incentive fee, and distribution of funds on that basis” shall be replaced by the following words: “in more detail define the privileged power producers categories, the manner of power reading with in the privileged power producer plant, period during which incentive measures shall be in force (incentive period) and the manner of setting incentive period, determine the rights and obligations arising from these measures that privileged producers and other energy entities are entitled to.”

Following paragraph 7, a paragraph 8 shall be added and read as follows:

“The Government shall prescribe the manner of calculation, invoicing, i.e. payment and collection of funds arising from the charge and the manner of allocation of collected funds arising from the charge meant for creating incentives for privileged power producers.”

Article 8

In Article 184, paragraph 1, following item 1), a new item 1a) shall be added and read as follows:

“1a) if the cadaster lot for which the energy permit or Approval were issued is used for the purposes which were not listed in the issued energy permit or Approval;”

Article 9

Energy permits and Approvals issued up to the date of entry into force of this Law shall remain valid until their original validity date.

Energy permit or Approval holder shall be obliged to inform the Ministry on the actions taken towards launching the procedure for obtaining location permit or construction permit 60 days upon the date of entry into force of this Law.

Article 10

The procedures which have been launched until the date of entry into force of this Law shall be completed in line with the provisions of this Law.

Article 11

This Law shall enter into force on the day following its publication in the "Official Gazette of the Republic of Serbia".