

**RULE BOOK  
ON ISSUANCE OF CERTIFICATES FOR THE GENERATION FACILITY  
WHICH GENERATES ELECTRICITY USING THE RENEWABLE ENERGY SOURCES OR  
IN EFFICIENT CO-GENERATION**

Trebinje, October 2013

Pursuant to Article 9, paragraph 2 of the Law on renewable energy sources and efficient co-generation (Official Gazette of Republic of Srpska, number 39/13), Article 29, paragraph 3 of the Energy Law (Official Gazette of Republic of Srpska, number 49/09), Article 36, paragraph 1 of the Law on Electricity (Official Gazette of Republic of Srpska, number 8/08, 34/09, 92/09 and 1/11), Article 11, paragraph 1, line 8 and Article 18 paragraph 1 of the Statute of the Regulatory Commission for Energy of Republic of Srpska - Cleaned text (Official Gazette of Republic of Srpska, number 6/10) and Article 33 paragraph 1, line 1 of the Procedural Rules of the Regulatory Commission for Energy of Republic of Srpska (Official Gazette of Republic of Srpska, number 59/10), Regulatory Commission for Energy of Republic of Srpska, in its 70th regular session, held on 17 October 2013 in Trebinje, made

**RULE BOOK  
ON ISSUANCE OF CERTIFICATES FOR GENERATION FACILITY WHICH  
GENERATES ELECTRICITY FROM RENEWABLE ENERGY SOURCES OR IN  
EFFICIENT COGENERATION**

**PART ONE - GENERAL PROVISIONS**

**Article 1  
(Subject)**

Rule book on issuance of certificates for generation facility which generates electricity using renewable energy sources or in efficient co-generation (hereinafter: Rule) provides the criteria for issuance of certificates, licensing, content of the certificate, its extension, transfer, cancellation, revocation and update of the issued certificates' Register.

**Article 2  
(The aim of making Rule)**

The aim of making this Rule is to provide efficient and cost-effective procedure for issuance of certificates for generation facility and to make fair decision per the application on the basis of the criteria, known in advance, streamlining the procedure for being entitled to incentive for generation of electricity from renewable energy sources and efficient co-generation and issuance of certificate (guarantee) on the electricity origin.

**Article 3  
(Definitions and abbreviations)**

**(Definitions)**

The terms used in this Rule shall have the following meaning:

**"Applicant"** is a legal or physical person that submits an application to RERS for issuance of certificates for generation facility pursuant to the Law on renewable energy sources and efficient co-generation, Energy law and this Rule which was registered pursuant to the regulations applicable in Republic of Srpska;

**"Generation"** is generation of electricity in the hydro power plants, thermal power plants and other plants connected to the transmission or distribution network, as well generation for one's own needs;

**"Certificate for generation facility"** is a document issued to generator of electricity for generation facility which generates electricity from renewable energy sources or in efficient co-generation, in a cost-effective way, in compliance with regulations defining protection of environment and in which it was provided metering of all energy items;

**"Guarantee on electricity origin"** is a document in an electronic form proving the end user that the amount of electricity was generated in the facility uses the renewable energy sources;

**"Renewable energy sources"** shall mean non-fossil energy sources which are preserved in nature and are renewed totally or partly, such as energy of watercourse, energy of wind, biomass, bio-gas, gas from the facility for waste water treatment, agricultural gas, waste gas, geothermal and non-accumulated sun energy;

**"Electricity generated from renewable energy sources"** is electricity generated in the plant using renewable energy sources only, as well as a part of electricity generated from renewable energy sources in hybrid facilities which which also use the conventional energy sources including electricity generated in the facilities from renewable energy sources used for the accumulation system, but excluding electricity generated as a result of the pump accumulation system (PHE);

**"Biomass"** is meant by biodegradable parts of products, waste and remains of biological origin from agriculture and forestry including vegetal and animal matters and related industries including fishing trade and fish-farming, as well as biodegradable parts of industrial and municipal waste;

**"Geothermal energy"** is the energy obtained from natural underground warm sources;

**"Non-accumulated solar (sun) energy"** is the energy obtained by direct solar (sun) radiation;

**"Photo-voltaic cells"** are semi-conductors, elements which direct transfer non-accumulated solar energy in electricity;

**"Solar thermal-energy plant"** is the plant through which non-accumulated solar energy is indirectly transformed by heat transformation into electricity;

**"Bio-gas"** is the gas obtained by anaerobic degradation or by fermentation of the organic matters;

**"Waste gas"** is meant by all gases which are made by bio-degradation from the waste;

**"Agricultural biogas"** is the gas occurred as a result of the natural biodegrading of the organic matters free of oxygen (farm waste, remains from agricultural generation of e.g. sugar-beet, remains from the pasture ground, especially separated biodegradable municipal waste, specific energy crops and other);

**"Gas from the facility for the communal waste treatment"** in a sense of this Rule is gas from the facility for the communal water treatment;

**"Wind farm"** is the plant which transfers wind energy into electricity, including all individual plants which are connected with generation of electricity from the wind energy, such as one or more wind turbines with accompanying transformer stations or electricity lines, and management of other structures or facilities which are intended for the wind plant operation;

**"System operator"** is meant by Distribution System Operator, namely Transmission System Operator;

**"Generation facility"** shall mean the set of equipment and installations which make independent system for transformation of other energy forms into electricity or more individual sets of that kind which have one, joint place for taking over of the generated electricity.

While issuing the certificate, Regulatory Commission is deciding on what is meant by individual generation facility, taking into account the also: the contract on concession if applicable, approval for construction, documents related to connection, evidence on the project registration, approval for use as well as achievement of purpose-serving quality of the certificate issuance process;

**"Installed capacity of the generation facility"** is a sum of the rated capacities of all turbines in the facility or all generators, provided that the facility does not have the operational machine (turbine), expressed in kW;

**"Hybrid generation facility"** is meant by the facility for generation of electricity of heat energy using two or more different energy items, at least one of which is a renewable energy source;

**"One's own consumption"** shall mean consumption of electricity in one's own electricity generation facility, taken from the generator extension;

**"Consumption for one's own needs"** shall mean consumption of electricity in one's own structures, at the location of generation facility, excluding the one's own consumption of generation facility;

**"Co-generation"** is concurrent generation of heat and electricity and/or mechanical energy in one process;

**"Cogeneration facility"** is the facility that may operate in co-generation;"

**"Micro co-generation facility"** is the facility which maximum installed capacity is less than 50 kWe;

**"Small co-generation facility"** is the facility which installed capacity is equal to or more than 50 kWe but less than 1 MWe;

**"Co-generation of the high efficiency (efficient co-generation)"** is co-generation which meets the requirements of the primary energy saving;

**"Primary energy savings"** is an indicator of energy efficiency of co-generation, which is expressed as relative saving of the fuel energy in cogeneration compared to the equivalent generation in separate facilities for generation of electric and heat energy;

**"Intervener"** shall mean an interested party, which has special interest in participating in the proceedings in which it was recognized the status of intervener by RERS;

Other terms which are used in this Rule, but are not stated in this Article, shall have the meaning as defined by the Law on renewable energy sources and efficient co-generation, Law on Energy and Law on Electricity and secondary legislation of Regulatory Commission.

### **(Abbreviations)**

**RERS** - Regulatory Commission for Energy of Republic of Srpska

**UPE** - Primary energy savings

**OP** - Forms

## **PART TWO - CERTIFICATE FOR GENERATION FACILITY**

### **CHAPTER I - Type of the facility, criteria for issue and validity period of the certificate for generation facility**

#### **Article 4 (Generation facility which uses renewable energy sources)**

According to the primary energy source, generation facility which uses renewable energy source for electricity generation may be:

- a) the facility which uses energy potential of water courses,
- b) the facility which uses the wind energy,
- c) the facility which uses energy obtained from the biomass,
- d) the facility which uses energy obtained from biogas (waste gas, gas from the facility for the waste water treatment and agricultural biogas),
- e) the facility which uses geo-thermal energy,
- f) the facility which uses non-accumulated solar energy (photo-voltaic cells and solar thermal-energy facility);
- g) the facility which uses combination of more renewable energy sources;

#### **Article 5 (Co-generative facility)**

Provisions of this Rule are related to the co-generative facility which uses the following technologies:

- a) gas turbine of the combined cycle with heat re-cuperation;
- b) anti-pressure steam turbine,
- c) condensation steam turbine with the steam deduction,
- d) gas turbine with the heat re-cuperation,
- e) generator with internal burning,
- f) micro-turbine,
- g) Stirling generator,
- h) fuel cells,
- i) steam machine,
- j) organic Rankin processes,
- k) other types of technology which represent the concurrent generation of heat and electricity in one process.

#### **Article 6 (Criteria for obtaining certificate)**

- (1) Generator of electricity may obtain certificate for generation facility which uses renewable energy source or co-generation facility referred to in Article 4 and 5 if:

- a) It has a license for generation of electricity in that generation facility or has met conditions and submitted an application for issuance of that license, provided that such for generation facility has the obligation prescribed to have the license;
- b) Generation facility meets the requirements related to protection of environment pursuant to the Law on protection of environment and other regulations within the scope of the protection of environment;
- c) It has water management documents obtained pursuant to the regulations on protection and use of water;
- d) It possesses the approval for using generation facility pursuant to the regulations on spatial planning;
- e) It has made unbundling of electricity generation from the activities of the system operator of the network which its generation facility is connected to pursuant to the requirements for distribution of electricity, provided that these activities are carried out within the same legal entity;
- f) That in generation facility, depending on the type of generation facility and its purpose (generation of electricity for delivery to the network, generation for one's own needs, generation for one's own needs and delivery to network) there have been metering devices installed, at the metering points, providing:
  - 1) metering and registration of the generated electricity which is delivered to the electric power network (net generated electricity),
  - 2) metering and registration of the electricity generated at the generator clamps (gross generated electricity),
  - 3) metering and registration of electricity consumed for auto-consumption exclusively for the needs of operation of the generation facility,
  - 4) metering and registration of electricity consumed in its own facilities for other purposes,
  - 5) metering and registration of the primary energy used, as well as all energy items which are necessary for calculation of the saving of the co-generation facility,

being proven by technological and one-line scheme of the implemented situation of the generation facility and declaration for each metering point which minimally should contain data on the item which is being measure, generator of device, serial number, volume of metering, year of installation, verification and calibration and place of installation.

One-line scheme and declaration for the metering points which serve for the electricity metering should be verified by the System Operator proving that:

- Necessary electricity metering, required for issuance of certificates for that type of generation facility and its purpose, has been provided,
- Metering points and metering devices have been installed pursuant to regulations defining this area of work,
- Characteristics of the metering devices pursuant to requirements of the regulation defining the metering scope of work.

The schemes of facilities and declarations for the metering points which serve for metering of other energy items in the generation facility (consumption of the primary energy, useful heat and similar) should be verified by the person or institution authorized by the competent authority, and providing as follows:

- Necessary metering of other energy items required for issuance of certificate for that type of the generation facility and its purposes has been provided,
- Metering points and metering devices pursuant to requirements of the regulation defining the metering scope of work.

- g) It has the contract on connection to the distribution network and declaration on connection to the distribution network, namely it has the contract on connection and approval for connection to the transmission network, for newly-constructed generation facility, if connected to the electric power network;
- h) It has the contract on concession pursuant to the regulations on the concession granting,
- i) It has approval for construction for all energy facilities using biomass and biogas, solar facilities with the photovoltaic cells on the structures and facilities of the installed capacity concluded with 250 kW that use these forms of the renewable energy sources and efficient co-generation facilities,
- j) It has proof on the project registration in the register of projects of renewable energy sources and in efficient co-generation with the Ministry in charge for the energy field pursuant to the Law on renewable energy sources and efficient co-generation
- k) It meets technical and organizational conditions for effective and safe work pursuant to the technical regulations.

(2) For the hybrid generation facility which uses non-renewable and renewable energy sources, the certificate is issued only for the part of the facility, appertaining to it, which uses renewable energy sources for generation of electricity;

(3) Apart from fulfillment of criteria stated in the paragraph (1) of this Article Generator of electricity in the co-generation facility, in order to obtain the certificate for generation plant, should meet the criterion for realization of the efficient co-generation, meant by the following:

- a) Generation of heat and electricity in the co-generation facility, apart from micro and small facilities, provides with saving of the primary energy of at least 10% (UPE  $\geq$  0,10), compared to the equivalent generation of heat and electricity in separate facilities,

- b) Generation in micro and small co-generation facilities provides with primary energy saving (UPE>0),
- (4) Primary energy saving of the co-generation facility is calculated according to the Guidelines for calculation of the primary energy saving of the co-generation facility, contained in the Appendix 1, being an integral part of this Rule.

**Article 7**  
**(Provision of metering energy items in the generation facility)**

- (1) Distribution system operator, with the consent of the Regulatory Commission, makes the Rule book determining the method, terms and conditions and procedure for connection to the distribution network of generation facilities which use renewable energy sources and efficient co-generation, method for taking advantages while connecting to the network, rules and criteria for allocation of costs of the electric power network construction and technical adaptation of the existing network between new generators.
- (2) The Rule book referred to in paragraph (1) of this Article defines the principled schemes of generation facilities with disposition of metering points at which metering of items referred to in Article 6 paragraph (1) point f, from 1 to 4 of this Rule book depending on the type of the generation facility and its purposes (generation of electricity for delivery to the network, generation for one's own needs, generation for one's own needs and delivery to the network).
- (3) Metering of the electric power items for the particular generation facility is defined in the electric power consent, whereby the obligations related to the connection of the generation facility to the electric power network is defined by the Contract on connection.
- (4) Metering of other energy items in the generation facility (consumption of primary energy, useful heat and similar) prescribed by Article 6 paragraph (1) point k) under 5) of this Rule is carried out pursuant to the regulations defining this scope of work.

**Article 8**  
**(Reading and calculation of energy items in the generation facility)**

The System Operator is responsible for reading and calculation of electricity delivered to the network and all other energy items in the generation facility which uses renewable energy sources, including also one's own consumption and consumption and consumption for one's own needs.

**Article 9**  
**(Limit for issue of double certificates)**

For co-generation facility which uses renewable energy sources or combination of renewable and non-renewable energy sources, only one certificate may be issued and it is about either the certificate for generation facility for renewable sources or certificates for efficient co-generation facility.



**Article 10**  
**(Certificate validity period)**

Certificate for generation facility is issued for the validity period of:

- a) 15 years for generation facility which uses energy potential of the water courses and energy of wind (hydro power plants and wind farms),
- b) 5 years for generation facility which uses other renewable energy sources,
- c) 1 year for efficient co-generation facility;

**CHAPTER II - Procedure related to issuance of certificates for generation facility**

**Article 11**  
**(Initiating procedure)**

- (1) The procedure related to issuance of certificates for generation facility is initiated at the request of applicant.
- (2) If the applicant has more generation facilities which use renewable energy sources or efficient co-generation, the application for issuance of the certificate for generation facility is submitted for each generation facility.
- (3) On behalf of the applicant, the application may be submitted also by its authorized representative.

**Article 12**  
**(Application form for issue of certificates)**

- (1) Application for issuance of the certificate for generation facility is submitted in filled in forms of Regulatory Commission, OB.04.22 for generation facility which uses renewable energy sources and OB.04.23 for efficient co-generation facility.
- (2) Application form referred to in paragraph (1) contains the list of the accompanying documents submitted by the applicant to confirm the statements made in the application on fulfillment of criteria for the certificate issuance.
- (3) Application forms for issuance of certificates are contained in Appendix 2, which is an integral part of this Rule, and are available in the premises and on the website of the Regulatory Commission.

**Article 13**  
**(Submission of the application)**

- (1) The application submitted in the form referred to in Article 12 paragraph (1) of this Rule is accompanied by the supporting documents, according to the list referred to in paragraph (2) of the same Article, everything in writing or in an electronic form at the address of Regulatory Commission directly or by mail.
- (2) Filled in application form for issuance of certificates for generation facility with the complete accompanying documents should be verified and signed by the applicant, namely its legal representative or authorized representative.
- (3) The accompanying documents are enclosed in original or in a verified copy.
- (4) The accompanying documents, previously submitted by the applicant to Regulatory Commission while doing activities within the scope of Regulatory Commission competences, needn't be submitted, unless their content changed and/or the validity period expired.

#### **Article 14 (Fees)**

The applicant does not pay any fees to Regulatory Commission for the application processing for issuance or extension of the certificate for generation facility, or for fees during the validity period of the certificate.

#### **Article 15 (Confirmation of the complete application)**

- (1) Upon receipt, Regulatory Commission reviews the application for the issuance of certificate for generation facility and accompanying documents in order to confirm that it is complete.
- (2) Application is considered complete when the filled in application form is submitted along with the all accompanying documents, following the list referred to in paragraph (2) of the Article 10 of this Rule.

#### **Article 16 (Elimination of the application failures)**

- (1) If the application for issuance of the certificate for generation facility contains some failure which prevents proper action on the application, Regulatory Commission shall inform the applicant in writing on the respective failure, determining a period of 30 days during which he is obliged to remove failures and warns him about consequences in case that failures are not removed.
- (2) If the applicant does not act pursuant to paragraph (1) of this Article, Regulatory Commission makes conclusion to reject such an application.

**Article 17**  
**(Notice for the public)**

(1) Having confirmed that the application is complete, Regulatory Commission informs the applicant and publishes notice for the public in at least one daily newspaper which is available on the whole territory of Republic of Srpska, at the notice board and on the website of RERS.

(2) Notice for the public contains the summary of the application for issuance of certificate, the method how interested parties may obtain additional information, place and method of making documents available, method and deadline for submission of comments on the application in writing and information related to getting a status of intervener.

(3) Public may not see the information which is, at the request of the applicant, protected with the clause of confidentiality pursuant to provisions of the Rule on confidential information.

**Article 18**  
**(Overview and Data Checking)**

(1) Regulatory Commission may check all data and if appropriate make an inspection of the facility and equipment of the applicant, in order to determine the fact on fulfillment of criteria prescribed for issuance of certificate for generation facility.

(2) Checking may be done in any phase of the proceedings from the moment of submission of the application till making final decision on the application.

(3) If the applicant does not enable checking or inspection referred to in paragraph (1) of this Article, Regulatory Commission rejects the application for issuance of the certificate for generation facility.

**Article 19**  
**(Public hearings)**

Regulatory Commission decides on the type, number and place of public hearings, analyzing received comments, possible application for getting a status of intervener and evidences supporting such an application and other information on possible disputable issues pursuant to the Rule on public hearing and settlement of disputes and complaints.

**Article 20**  
**(Decision on issuance of the certificate)**

(1) If criteria for issuance of certificates for generation facility are met, Regulatory Commission in its regular session makes final decision on granting certificates

- in the form of decision, which integral part is the certificate for generation facility.
- (2) Decision on the certificate issuance for generation facility is submitted to the applicant and intervener.

**Article 21**  
**(Decision on refusal of the application)**

- (1) Regulatory Commission shall refuse the application for issuance of certificates for the generation facility in the following cases:
- a) if the applicant does not meet criteria for issuance of certificates,
  - b) if the applicant has the safety measure in a sense of prohibition of doing activity of generation of electricity in the generation facility which requires certificate or protection measure of doing activity or duty pursuant to provisions of the Criminal law of Republic of Srpska, namely the Law on crimes of Republic of Srpska.
- (2) Decision on refusal of the application for issuance of certificate for generation facility is made by Regulatory Commission in its regular session.

**CHAPTER III - Content of the certificates for generation facility and decision on its issuance**

**Article 22**  
**(Content of the certificate)**

Certificate for generation facility contains:

1. Data on generator,
2. Data on generation facility,
3. Data on the energy source,
4. Registration number of the certificate,
5. Effective date and validity period.

**Article 23**  
**(Content of Decision on issuance of certificates)**

Decision on issuance of certificates for generation facility necessarily contains:

1. Data on generator,
2. Data on the generation facility,
3. Data on the energy source,
4. Description of the generation facility,
5. Effective Date and Validity period,
6. List and designations of the metering points of energy flows in generation facility.

**Article 24**  
**(Publication of Decision on issuance of certificate)**

Decision on issuance of the certificate for generation facility is published in the "Official Gazette of Republic of Srpska", at the website and notice board of Regulatory Commission.

**PART THREE - SPECIFIC PROCEEDINGS**

**Article 25**  
**(Initiating specific proceedings)**

- (1) The proceedings of extension and transfer of the certificate for generation facility may be initiated at the request of the certificate beneficiary.
- (2) Regulatory Commission may initiate the proceedings of cancellation or revocation of the certificate for the generation facility on its own initiative or if initiated by the person which expresses the facts and has available evidences of importance for fulfillment of criteria based on which the certificate was issued.
- (3) The proceedings related to revocation of the certificate may be initiated at the request of the certificate beneficiary if its generation facility does not meet the criteria based on which the certificate was issued.

**Article 26**  
**(Extension of certificates)**

- (1) Generator of electricity in the generation facility that has the certificate for generation facility has a possibility to, upon expiry of the certificate validity period, extend the certificate, in the proceedings and under requirements stipulated by this Rule;
- (2) Unless there have been changes in the generation facility or changes of the energy items which are used in the process of generation, being the reason for submission of the application for issuance of new certificate for generation facility, the generator referred to in paragraph (1) of this Article submits an application for extension of the validity period for the generation facility no later than one month upon expiry of the validity period of the existing certificate;
- (3) The application for extension of the validity period of the certificate for the generation facility is submitted in the filled in form of Regulatory Commission, OB.04.24, which is contained in Appendix 2 and is an integral

part of this Rule and is available in the premises and at the website of Regulatory Commission;

**Article 27**  
**(Transfer of certificates)**

- (1) During the validity period of the certificate for generation facility, certificate may be transferred to the third party, if generator transfers the ownership, namely the right of using generation facility to that person.
- (2) Generator submits an application to Regulatory Commission for transfer of the certificates for generation facility with accompanying documents about the person which the certificate is transferred to and evidences on fulfillment of requirements referred to in paragraph (1) of this Article.

**Article 28**  
**(Cancellation of certificate)**

- (1) Regulatory Commission may cancel the certificate for generation facility, if the beneficiary of the certificate for generation facility, in the proceedings of its granting, extension or transfer, had given false data, based on which Regulatory Commission made final decision.
- (2) The day the certificate is cancelled make all legal consequences cancelled, caused by Decision on the certificate issuance.
- (3) Generator in the generation facility, which the certificate for generation facility is cancelled for, pursuant to paragraph (1) of this Article, may not be granted the certificate in the period of three years from the date of the status cancellation.

**Article 29**  
**(Revocation of certificate)**

- (1) Certificate for generation facility may be revoked in the following cases:
  - a) if the certificate beneficiary, namely the generation facility, which the certificate was issued for, does not meet criteria based on which the certificate was issued;
  - b) if the certificate beneficiary for generation facility does not do the activity of electricity generation in the generation facility pursuant to the law and other regulations;
  - c) in case of initiating the proceedings of liquidation,
  - d) in case of termination of the Contract on concession for generation facility,
  - e) if the certificate beneficiary for generation facility does not enable authorized persons of Regulatory Commission to have a direct access to generation facility and documents;

- (2) Generator in the generation facility which the certificate for generation facility is revoked for pursuant to paragraph (1) of this Article, may not obtain the certificate in the period of three years from the day of its revocation, unless the proceedings of revocation was initiated by the certificate beneficiary.

**Article 30**  
**(Public notice on specific proceedings)**

- (1) Regulatory Commission publishes the public notice on initiating the proceedings of extension, transfer, revocation and cancellation of the certificate.
- (2) Regulatory Commission may decide to hold one public hearing for the purposes of deciding on the type, number and place of the hearing holding, taking into account information on possible disputable issues related to conducting the proceedings of extension, transfer, revocation and cancellation of certificate.
- (3) If, according to the available information, there have not been any changes regarding fulfillment of criteria based on which the certificate was issues, the public hearing shall not be held.

**Article 31**  
**(Final deciding in specific proceedings)**

Regulatory Commission, in its regular session, makes final decision on extension, transfer, cancellation and revocation of the certificate for generation facility in the form of Decision.

**Article 33**  
**(Publication of decisions on specific proceedings)**

Decision on extension, transfer, cancellation or revocation of the certificate for generation facility is published in the "Official Gazette of Republic of Srpska", at the website and notice board of Regulatory Commission.

**PART FIVE - KEEPING OF REGISTER/RECORDS**

**Article 35**  
**(Register of certificates for generation facility)**

- (1) Regulatory Commission keeps register of the issued certificates for generation facility;

- (2) Each certificate for generation facility issues, is given the registration number pursuant to the Rule on office and archive activities and Regulatory Commission Decision on coding;
- (3) Registration file of the issued certificate contains:
- a) application for issuance of certificates for generation facility with the attached documents,
  - b) decision for adoption or refusal of the application for issuance of certificate for generation facility,
  - c) issued certificate for generation facility,
  - d) application for extension of the certificate for generation facility with accompanying documents,
  - e) decision on extension of certificate,
  - f) application for transfer of certificate for generation facility with accompanying documents,
  - g) decision on transfer of certificate,
  - h) decision on cancellation of certificate,
  - i) application for revocation of the certificate for generation facility with accompanying documents,
  - j) decision on revocation of certificate,
  - k) documents related to the public hearing,
  - l) legal remedy for the respective authorities on decisions made by Regulatory Commission regarding issuance of certificates, refusal of application for issuance of certificates, extension, transfer, cancellation or revocation of certificate,
  - m) other documents regarding each process separately;
- (4) Regulatory Commission keeps collective register on the issued certificates for generation facility in the electronic form which contains as follows:
- a) name of the beneficiary,
  - b) registration number of certificate,
  - c) name, location, type, basic parameters of generation facility which the certificate is issued for,
  - d) date of the certificate issuance,
  - e) date of expiry of the certificate validity;
- (5) Regulatory Commission keeps a special register on all submitted applications for the certificate issuance for generation facility.

#### **Article 34 (Availability of data)**

Data from the register of the issued certificates for generation facility are transparent while the collective register of all issued certificates is available at the website of Regulatory Commission.

#### **PART FIVE - MONITORING**



**Article 35**  
**(Monitoring requirements)**

- (1) Regulatory Commission monitors the generation facility which the certificate is issued for in order to overview fulfillment of criteria under which the certificate is issued.
- (2) Generator being the certificate beneficiary for generation facility is obliged to cooperate with the Regulatory Commission staff during monitoring process.
- (3) Authorized persons of Regulatory Commission carry out regular and extraordinary monitoring processes of the generation facility and is entitled to access to the generation facility and all records and documents, used by generator being the certificate beneficiary for such facility, to prove fulfillment of the prescribed criteria based on which the certificate was issued.
- (4) Monitoring of the generation facility in a sense of fulfillment of criteria based on which the certificate for generation facility was issued for, may be carried out also during monitoring process of the license requirement for generation of electricity, if the generation facility is covered by the license.
- (5) In case of filing complaint of the third party against generator being the certificate beneficiary for generation facilities, Regulatory Commission checks justification of complaints and checks whether the licensee violated criteria which fulfillment made him get the certificate for generation facility.
- (6) If, for the generation facility, there have been changes of data or evidences based on which it was decided per the application for issuance of certificates and which are stated in the certificate namely Decision on its issuance, the certificate beneficiary for generation facility is obliged to, without delay, inform Regulatory Commission on the occurred changes and submit an application for issuance of a new certificate.
- (7) Generator being certificate beneficiary for generation facility, is obliged to, no later than 31 January, submit to Regulatory Commission, the Statement on fulfillment of requirements for the certificate issuance for generation facility in the previous calendar, in the form OB.04.25 contained in Appendix 3 and is an integral part of this Rule and is available in the premises and on the website of Regulatory Commission.
- (8) The statement referred to in paragraph (7) of this Article is made by the beneficiary to confirm that the generation facility which possesses the valid certificate in the previous calendar year met the prescribed criteria for generation facility which uses renewable sources, namely for efficient co-generation facility.

**Article 36**  
**(Communication)**

- (1) Official correspondence between generator being the certificate beneficiary for generation facility and Regulatory Commission is made in writing.
- (2) Generator being the certificate beneficiary for generation facility is obliged to submit to Regulatory Commission information and documents in original (verified and signed by the person for representation) or in verified copy

within the prescribed forms and at the special request of Regulatory Commission.

- (3) Documents and information may be submitted also by fax or electronically, provided that the original or verified copy is submitted in person or by mail to the Regulatory Commission address, no later than seven days from the date of submission by fax or electronically.
- (4) Reports and data which Regulatory Commission prescribed the forms for, are submitted in a form and in a way as prescribed.

## **PART SIX - TRANSITIONAL AND FINAL PROVISIONS**

### **Article 37**

#### **(Compilation of proceedings related to the certificate issuance and proceedings related to the license issuance for doing activity)**

- (1) Application for issuance of the application for generation facility may be submitted concurrently with the application for issuance of the license for doing the activity of electricity generation, with necessary accompanying documents in one copy;
- (2) If the requirement related to fulfillment of one and more applications is met, Regulatory Commission shall compile the proceedings regarding the certificate issuance for generation facility and license for doing that activity.

### **Article 38**

#### **(Cooperation with other regulatory commissions)**

Regulatory Commission cooperates with other regulatory commissions within the scope of the energy field in Bosnia and Herzegovina in order to share information on the submitted applications for issuance of certificates for generation facility and decisions made on those applications.

### **Article 39**

#### **(Legal protection)**

- (1) Regulatory Commission decision on issuance of the certificate for generation facility, Decision on revocation of the application for issuance as well as Decision on extension, transfer, cancellation and revocation for generation facility is final.
- (2) The party, not satisfied with decision, may initiate the administrative dispute at the competent court.

### **Article 40**

#### **(Interpretation of the Rule)**

- (1) Interpretation of provisions of this Rule is done by Regulatory Commission.
- (2) Amendments of this Rule are made following the same proceedings as applied for its making.

**Article 41**  
**(Effective date)**

- (1) This Rule becomes effective on the eight day from the day of its publication in the "Official Gazette of Republic of Srpska".
- (2) When this Rule becomes effective, the Rule book on issuance of certificate for generation facility which generates electricity using renewable energy sources or in efficient cogeneration (Official Gazette of Republic of Srpska" number 25/11) and Guidelines for calculation of savings of primary energy of the co-generation facility (Official Gazette of Republic of Srpska, number 25/11) shall not be valid any more.

President  
Milenko Cokorilo

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Trebinje, 17 October 2013