

REGULATORY COMMISSION FOR ENERGY OF THE REPUBLIC OF SRPSKA
TREBINJE

RULE BOOK ON AMENDMENTS TO THE RULE BOOK ON STIMULATING
GENERATION OF ELECTRICITY FROM RENEWABLE ENERGY SOURCES AND IN
EFFICIENT CO-GENERATION

Trebinje, July 2014

Pursuant to Article 29 of the Law on renewable energy sources and efficient co-generation (Official Gazette of the Republic of Srpska, number 39/13 and 108/13) and Article 28 paragraph (1) of the Law on energy (Official Gazette of the Republic of Srpska, number 49/09), Article 36, paragraph (2) of the Law on electricity (Official Gazette of the Republic of Srpska, number 8/08, 34/09, 92/09 and 1/11), Article 18 paragraph (1) of the Statute of the Regulatory Commission for Energy of the Republic of Srpska – Cleaned text (Official Gazette of the Republic of Srpska, number 6/10) and Article 33 paragraph 3, point a) of the Procedural Rules of the Regulatory Commission for Energy of the Republic of Srpska (Official Gazette of the Republic of Srpska, number 59/10), with the consent of the Republic of Srpska Government, the Regulatory Commission for Energy of the Republic of Srpska, in its 88th regular session, held on 30th July 2014 in Trebinje, made

RULE BOOK ON AMENDMENTS TO THE RULE BOOK ON STIMULATING GENERATION OF ELECTRICITY FROM RENEWABLE ENERGY SOURCES AND IN EFFICIENT CO-GENERATION

Article 1

In the Rule book on stimulating generation of electricity from renewable energy sources and in efficient co-generation (Official Gazette of the Republic of Srpska, number 114/13), and in Article 4, definition of “net metering” is modified and it is:

“net metering” is a difference between the electricity taken and delivered, measured at the two-sided meter of end user who provides a part of consumption for his/her own needs through his/her own generation of electricity in a generation facility which uses renewable energy sources and whose installed capacity does not exceed 50 kW’.

Article 2

In Article 17, paragraph (1) is changed and it is:

“End user connected to the voltage level of 0.4 kV who provides electricity for his/her needs also through his own generation of electricity from generation facilities that use renewable energy sources which installed capacity does not exceed 50 kW, may take over electricity from distribution network and delivery to the distribution network, following the principle of “net metering”, having obtained Decision of the Regulatory Commission”.

Article 3

In Article 19, paragraph (6) is changed and it is:

“Generator of electricity referred to in paragraph (1) of this Article is entitled to the obliged redemption pursuant to provisions of this Article, and not later than 60 days upon obtaining the approval for use”.

Article 4

In Article 23, paragraph (1), after the text “except in case” the following text is added: “Article 16, paragraph (4) and”.

Article 5

In Article 26, after paragraph (1), a new paragraph (2) is added and it is:

“Generator of electricity referred to in paragraph (1) of this Article is obliged to, within 15 days from the date of receipt of decision made by the Regulatory Commission on the right to the incentive, submit an application for conclusion of the contract referred to in paragraph (1) of this Article to the Incentive system operator”.

Paragraphs (2), (3), (4), (5) and (6) become (3), (4), (5), (6) and (7).

Article 6

In Article 27, paragraph (4) is deleted.

Paragraphs (5), (6), (7) and (8) become paragraphs (4), (5), (6) and (7).

In paragraph (7), reference to the paragraph “(6)” is replaced with the reference to the paragraph “(5)”.

A new paragraph (8) is added and it is: “Decision on the right to the incentive is no more valid for generator of electricity that got the right to the incentive, but did not submit an application for the contract conclusion pursuant to Article 26 paragraph (2) of this Rule”.

Article 7

In Article 29, paragraph (3) is changed and it is:

“While concluding the contract on the obliged redemption at the feed in prices, the prices referred to in the Decision, which is effective in the moment of the contract conclusion, are applied and remain unchanged during the contract validity period, except in case of major deviations of the exchange rate of the Convertible Mark compared to the Euro exchange rate in BiH and in also in a case prescribed by provisions of Article 52 of this Rule”.

Also, in Article 29, paragraph (4), is changed and it is:

“While concluding the first contract on payment of the premium for electricity realized at the market or consumed for one’s own needs, the prices referred to in Decision being effective in the moment of the contract conclusion are applied, whereby the amount of the premium in the

next period is regularly harmonized with the valid decision of the Regulatory Commission on the feed in tariffs and premium in a way prescribed by Article 50, paragraph (2) of this Rule”.

Article 8

Article 30 is changed and it is:

- (1) Generator of electricity/investor from RES or in efficient co-generation which pursuant to provisions of this Rule can realized the right to the incentive of the obliged redemption at the feed in price or premium, may at his own request, before completion of construction of the generation facility and before obtaining the Certificate for such a facility, obtain Decision from the Regulatory Commission on the preliminary right to the incentive provided that the terms and conditions and criteria prescribed by Article 14, namely 15 paragraph (2) of this Rule are met, apart from the requirement that he possesses the Certificate.
- (2) Generator of electricity/investor that has obtained Decision from the Regulatory Commission on the preliminary right to the incentive is obliged to, within 15 days from the date he receives the decision on the preliminary right to the incentive, submit an application for conclusion of the pre-contract on incentive.
- (3) The period of reserving the amounts in the incentive system for the purposes of realization of the full right to the obliged redemption at the feed in price or premium occurs on the date when the pre-contract with the Incentive System Operator is concluded.
- (4) Generator of electricity/investor that has concluded pre-contract on incentive with the Incentive System Operator is granted the right to keep the reserved amounts for the period determined by Decision of the Regulatory Commission which is related to the time required for completion of the facility construction and getting approval for use, namely beginning of operation of a generation facility but which cannot be longer than three years.
- (5) Generator of electricity/investor is obliged to submit to the Regulatory Commission and Incentive System Operator the approval for use proving that he has started operating in the period referred to in paragraph (4) determined in the decision made by the Regulatory Commission.
- (6) Generator of electricity/investor is entitled to contain the reserved amounts additionally for the period which cannot be longer than six months upon expiry of the period referred to in paragraph (4) of this Article, in order to obtain Certificate and Decision on the right to the incentive of the Regulatory Commission in that period and based on decision to conclude the contract with the Incentive System Operator.
- (7) Generators of electricity/investors in the facilities which capacity is more than 250 kW are obliged to, before signing the pre-contract on stimulating referred to in paragraph

(2) of this Article, pay the deposit or submit the bank guarantee to the Incentive System Operator in the amount of 2% of the investment value presented in the Study of the economic justification, namely in business books of the facility owner, being more precisely defined by the Rules of Operation of the Incentive System Operator.

- (8) The purpose of realization of the right referred to in paragraph (1) and (2) of this Article is to reserve the amounts in the incentive system for the purposes of realization of the right to the obliged redemption at the feed in price or premium, while the price of the obliged redemption at the feed in price or premium is determined upon construction of generation facility and having obtained decision on incentive and while concluding the contract on incentives with the Incentive System Operator.

Article 9

In Article 33, the words: “generator of electricity”, namely “generator” is replaced in an appropriate case with the words: “generator of electricity/investor”.

In paragraph (1), the point f) is deleted.

Paragraph (3) is changed and it is:

“The validity period of the preliminary right to the incentive referred to in Article 30, paragraph (4) of this Rule during which the applicant should start operating, is determined based on the planned beginning of operation of the generation facility submitted in the application and accompanying documents, types of sources and technologies of generation facility and period determined by Article 30 paragraph (3) of this Rule and can be three years at maximum from the date of issuance of Decision”.

After paragraph (3), new paragraphs (4), (5) and (6) are added and they are:

“(4) Generator of electricity/investor, that was granted the preliminary right to the incentive for the period which is shorter than three year, may submit an application for extension of the period of the preliminary right to the incentive referred to in Article 30 paragraph (4), for six months at most in case that 50% of the planned investment referred to in the Study on economic justification was realized, whereby total validity period of the preliminary right to the incentive cannot be longer than three years from the date of issuance of the first decision.

(5) Application for extension of the preliminary right to the incentive is submitted no later than 30 days before expiry of the validity period of the preliminary right to the incentive which was determined by decision of the Regulatory Commission.

(6) Applicant for extension of the preliminary right to the incentive is obliged to submit evidences on reasons for the requested extension based on which the Regulatory Commission will make decision on justification of application”.

The past paragraph (4) is deleted.

The past paragraph (5) becomes paragraph (7), it is changed and it is:

“Generator of electricity/investor that gets the preliminary right to the incentive concludes the pre-condition of incentive with the Incentive System Operator and starts operating in the period determined by decision on the preliminary right to the incentive and obtains Certificate, has a possibility of realization of the right to the incentive pursuant to the procedure prescribed by Articles 21, 22 and 23 of this Rule and to the return of the deposited means, namely bank guarantees referred to in Article 30 paragraph (4) of this Rule”.

Article 10

Article 34 is changed and it is:

“(1) The Regulatory Commission may cancel Decision referred to in Article 33 of this Rule in the following cases:

- a) if Decision was made pursuant to the false data,
- b) if Generator/Investor does not meet the requirements referred to in the pre-contract on incentives and
- c) at the request of generator;

(2) Decision on the preliminary right is no more valid for generator of electricity/investor that was granted the preliminary right to the incentive, and does not submit an application for conclusion of the pre-contract pursuant to Article 30 paragraph (2) of this Rule. He also loses the reservation of the amounts of electricity in the incentive system.

(3) Decision on the preliminary right to the incentive is no more valid for generator of electricity/investor that was granted the preliminary right to the incentive and does not start operating within the period determined by Decision on the preliminary right to the incentive, namely validity period of the preliminary right to the incentive pursuant to Article 33 paragraph (4). He also loses the reservation of amounts of electricity in the incentive system.

(4) The preliminary right to the incentive and pre-contract are no more valid for generator of electricity/investor that has concluded the contract but does not realize the right to the incentive for some other reason does not conclude the contract with the Incentive System within the period prescribed by Article 30 paragraph (6). He also loses the reservation of amounts of electricity in the incentive system.

(5) In case that generator of electricity/investor referred to in paragraph (2), (3) and (4) of this Article, pursuant to Article 30, paragraph (4) of this Rule, paid the amounts or submitted bank guarantee to the Incentive System Operator, he loses the right to the return of the deposited means, namely he is charged for the bank guarantee”.

Article 11

In Article 37, after paragraph (1), a new paragraph (2) is added and it is:

“Incentive System Operator is obliged to continuously harmonize rules of operation with primary and secondary legislation regulating this field”.

The past paragraph (2) becomes paragraph (3), and point n) of this paragraph is changed and it is:

“Method of calculation and method of handling the means deposited for the purposes of getting preliminary right to the incentive”.

The past paragraph (3) becomes the paragraph (4).

Article 12

In Article 50, in paragraph (2), after the text: “feed in prices”, the following text is added: “which is effect in the moment of the concluding the contract on incentive with the Incentive System Operator”.

Article 13

In Article 54, paragraph (2) is changed and it is:

“The Incentive System Operator” is obliged to publish decision of the Regulatory Commission feed in price and premium at its website”.

Article 14

In the Annexes to the Rule book on incentives for generation of electricity from RES and in efficient co-generation, Annex 1.1, Template 03.03, EK, Annex 1.2. Template 03.03 RES and Annex 2, Template 03.04, RES and EC, Table “B. Data on generation facility”, text: “Nominal active capacity of generation facility at the turbine (if applicable) is replaced with the text: “Nominal active capacity of generation facility at the turbine (operational machine)”.

Article 15

This Rule becomes effective on the eighth date from publication in the Official Gazette of the Republic of Srpska.

President
Milenko Cokorilo

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Trebinje, 30th July 2014

