

"Official Gazette of RS", No. 15/2015

Pursuant to Article 34, Paragraph 3 of the Energy Law ("Official Gazette of RS", No. 145/14),
the Minister of Mining and Energy issues

THE RULEBOOK

on energy permits

Article 1

This Rulebook shall regulate in more detail the conditions for issuing energy permits, the content of the application for issuing an energy permit depending on the type and intended use of the energy facility, the method of issuing energy permits, as well as the content of the register of issued energy permits and the register of expired energy permits.

Article 2

The conditions for issuing energy permits for the construction of electricity generating facilities with power equal to or exceeding 1 MW, electricity generating facilities with power of up to 1 MW using water as the primary energy resource, and facilities for combined generation of electricity and thermal energy in thermal power plants - heating plants with electrical power equal to or exceeding 1 MW and total thermal power equal to or exceeding 1 MW are the following:

1) in terms of reliable and safe operation of the electric power system - to ensure the application of

technical regulations stipulating the conditions and measures for the safety of facilities, plants and equipment, by the use of technical and technological solutions for designing, construction and utilisation of energy facilities;

2) in terms of conditions for determining the location and land use - that planning documents issued pursuant to the Law regulating planning and construction of facilities do not stipulate any limitations concerning the construction of energy facilities in a specific location, i.e. when there are no appropriate planning documents, that it is possible to create the conditions for the use of land, waters and other resources necessary for the operation of the energy facility in such location;

3) in terms of possible connection of the facility to the system - that there is a procedure in place for creating the conditions for the connection of such facilities to the existing electric power system;

4) in terms of energy efficiency - that there are contemporary technical and technological solutions in place to ensure energy efficiency equal to or exceeding the prescribed minimum requirements concerning energy efficiency of facilities to be constructed;

5) in terms of conditions for the utilisation of primary energy sources:

(1) that the conditions and methods for utilisation of primary sources of energy have been analysed by types and the volume of use, and

(2) that rational use of natural resources is ensured;

6) in terms of occupational safety and security of people and property:

(1) that a global assessment has been carried out concerning possible effects of the energy facility on the health of people from the aspect of harmfulness of gases and other substances representing an accompanying phenomenon in the stage of exploitation of energy facilities, and that the envisaged technical and technological solutions prevent a harmful effect of such facilities on the health of people, and

(2) that fire prevention measures, measures for the protection from explosions, outages and similar

accidents are envisaged to ensure the security of people and property;

7) in terms of environmental protection - that possible consequences of harmful effects of the facility construction on the land, waters, air and other natural resources have been analysed;

8) in terms of economic and financial ability of the applicant to realise the energy facility construction:

(1) that the applicant has made a cash deposit to a dedicated sub-account of the budget of the Republic of Serbia, pursuant to regulations governing the budgetary system, in an amount of 0.5% of the dinar investment value, excluding a value added tax, or

(2) that they have previously made an investment in the construction of the energy facility that is at least equal to the cash deposit under Sub-item (1) of this Item;

9) in terms of the contribution of the electricity generation capacity to the achievement of the total share

of energy from renewable energy sources in the gross final energy consumption, in accordance with the National Action Plan for utilisation of renewable energy sources:

(1) for an energy facility using renewable energy sources - to increase the share of such energy sources in the gross final energy consumption, or

(2) for other energy facilities - to ensure stable operation of the electric power system aiming at the connection of a larger number of energy facilities using renewable energy sources;

10) in terms of the contribution of electricity generation capacities to the reduction of emissions - that the construction of the electricity generating energy facility contributes to the reduction of emissions.

The deposit under Paragraph 1, Item 8), Sub-Item (1) of this Article will be returned upon obtaining the energy permit or upon the energy permit revocation pursuant to Article 35, Paragraph 11 of the Energy Law.

The conditions under Paragraph 1, Item 8) of this Article shall not apply to public enterprises, i.e. their subsidiaries.

Article 3

The conditions for issuing energy permits for other energy facilities are the following:

- 1) in terms of reliable and safe operation of the electric power system - to ensure the application of technical regulations stipulating the conditions and measures for the safety of facilities, plants and equipment, by the use of technical and technological solutions for designing, construction and utilisation of energy facilities;
- 2) in terms of conditions for determining the location and land use - that planning documents issued pursuant to the Law regulating planning and construction of facilities do not stipulate any limitations concerning the construction of energy facilities in a specific location, i.e. when there are no appropriate planning documents, that it is possible to create the conditions for the use of land, waters and other resources necessary for the operation of the energy facility in such location, except if the construction of the energy facility is stipulated by an international treaty concluded by the Republic of Serbia;
- 3) in terms of possible connection of the facility to the system - that there is a procedure in place for creating the conditions for the connection of such facilities to the existing electric power system;
- 4) in terms of energy efficiency - that there are contemporary technical and technological solutions in place to ensure energy efficiency equal to or exceeding the prescribed minimum requirements concerning energy efficiency of facilities to be constructed;
- (5) in terms of occupational safety and security of people and property - that fire prevention measures, measures for the protection from explosions, outages and similar accidents are envisaged to ensure the security of people and property;
- 6) in terms of environmental protection - that possible consequences of harmful effects of the facility construction on the land, waters, air and other natural resources have been analysed;
- 7) in terms of economic and financial ability of the applicant to realise the energy facility construction:

(1) that the applicant has made a cash deposit to the dedicated sub-account of the budget of the Republic of Serbia or the budget of a self-government unit for the facilities under Article 32, Paragraph 2 of the Energy Law, pursuant to regulations governing the budgetary system, in an amount of 0.5 % of the dinar investment value, excluding a value added tax, or

(2) that they have previously made an investment in the construction of the energy facility that is at least equal to the cash deposit under Sub-item (1) of this Item;

8) in terms of the contribution of the natural gas transport or storage capacities to an increase in the security of supply - that the construction of the energy facility for natural gas transport and storage contributes to an increase in the security of supply.

The deposit under Paragraph 1, Item 7), Sub-Item (1) of this Article will be returned upon obtaining the energy permit or upon the energy permit revocation pursuant to Article 35, Paragraph 11 of the Energy Law.

The conditions under Paragraph 1, Item 7) of this Article shall not apply to public enterprises, i.e. their subsidiaries.

Article 4

Depending on the type and intended use of the energy facility for which an energy permit is obtained, applications for issuing energy permits are enclosed with this Rulebook and constitute its integral part, namely:

1) Form O-1 - Application for issuing - extending the validity period of an energy permit for the construction of an electricity generating facility with power equal to or exceeding 1 MW, electricity generating facility with power of up to 1 MW using water as the primary energy resource, and a facility for combined generation of electricity and thermal energy in thermal power plants - heating plants with electrical power equal to or exceeding 1 MW and total thermal power equal to or

exceeding 1 MW;

2) Form O-2 - Application for issuing - extending the validity period of an energy permit for the construction of a direct electricity transmission line and for the construction of a direct gas pipeline;

3) Form O-3 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for the production of oil derivatives;

4) Form O-4 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for the transport of oil (oil pipeline) and oil derivatives (oil derivatives pipeline);

5) Form O-5 - Application for issuing - extending the validity period of an energy permit for the construction of a facility for the storage of oil, oil derivatives, biofuels, compressed natural gas and liquefied natural gas, with a total storage capacity exceeding 10 m³

;

6) Form O-6 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for natural gas transport and a facility for natural gas distribution;

7) Form O-7 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for natural gas storage;

8) Form O-8 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for the production of thermal energy with power equal to or exceeding 1 MW;

9) Form O-9 - Application for issuing - extending the validity period of an energy permit for the construction of an energy facility for the production of biofuels with a capacity exceeding 10 t a year;

Article 5

As a proof of the fulfilment of conditions under Articles 2 and 3 of this Rulebook, enclosed with the application for issuing an energy permit the following shall be submitted:

- 1) for a legal entity, i.e. entrepreneur: an excerpt on registered data (business name, legal form, headquarters, activity, tax identification number, company registration number);
- 2) for a natural person: a copy of the ID card, certificate of citizenship and a copy of the passport, if the applicant is a foreign citizen;
- 3) information of the location or the locational conditions;
- 4) a certified statement of the responsible designer concerning the application of technical regulations under Articles 2 and 3 of this Rulebook, if the technical documentation under Paragraph 2 of this Article is not subject to audits pursuant to the law regulating planning and construction of facilities;
- 5) a certificate of payment of the deposit under Article 2, Paragraph 1, Item 8), Sub-item (1) and Article 3, Paragraph 1, Item 7), Sub-item (1) of this Rulebook, or a certified document proving an investment in the construction of the energy facility under Article 2, Paragraph 1, Item 8), Sub-item (2) and Article 3, Paragraph 1, Item 7), Sub-item (2) of this Rulebook;
- 6) an opinion of the system operator concerning the conditions and possibilities for the connection of the energy facility to the electric power system;
- 7) for electricity generating facilities using water as the primary energy resource - water requirements pursuant to the law regulating waters.

Enclosed with the information of location or the locational conditions under Paragraph 1, Item 3) of this Article, a pre-feasibility study with the general design or a feasibility study with the conceptual design shall be submitted, pursuant to the law regulating planning and construction of facilities, and the report of the audit commission, if the general design, i.e. the conceptual design is subject to audit pursuant to the law regulating planning and construction of facilities.

In addition to the evidence under Paragraph 1 of this Article, the procedure of proving the fulfilment of conditions under Articles 2 and 3 of this Rulebook shall be regulated by relevant provisions of the law governing general administrative procedure.

Article 6

Upon the receipt of an application for issuing an energy permit it shall be checked whether the application

is regular and submitted on the appropriate form under Article 4 of this Rulebook, as well as whether the

evidence under Article 5 hereof is enclosed with the application.

If an application for issuing a new energy permit is submitted and the applicant has not previously used the option to extend the validity period of the issued energy permit under Article 35, Paragraph 10 of the

Energy Law, the application shall be rejected by a conclusion.

In case that an application for issuing an energy permit is incomprehensible or incomplete, further steps shall be taken pursuant to the law regulating administrative procedure.

Article 7

An energy permit shall be issued by a decision, within 30 days as of the date of submission of the application for issuing the energy permit, which shall particularly comprise:

- 1) name of the applicant (business name, legal form, headquarters, tax identification number, company registration number);
- 2) name and surname of the natural person, address of residence;
- 3) technical information of the energy facility;

- 4) information of the location, i.e. the area in which the energy facility is to be constructed;
- 5) notification that the applicant is obliged to inform the Ministry responsible for energy issues about the commencement of the execution of works eight days before the commencement of the facility construction.

Article 8

The register of issued energy permits and the register of expired energy permits contain particularly the following:

- 1) number and date of the decision on issuing the energy permit;
- 2) information about the applicant to whom the energy permit is issued;
- 3) information about the type of the energy facility;
- 4) main technical and other information of the energy facility;
- 5) information about the location of the energy facility;
- 6) information about the investment value of the energy facility;
- 7) validity period of the issued, i.e. extended energy permit.

The registers under Paragraph 1 of this Article shall be published on the website of the Ministry responsible for energy issues and shall be updated once in three months.

Article 9

As of the date of coming into force of this Rulebook, the Rulebook on detailed conditions for issuing energy permits, the content of applications and the method of issuing energy permits, as well as the conditions for giving consent for energy facilities for which energy permits are not issued ("Official Gazette of RS",

No. 60/13), shall cease to be valid.

Article 10

This Rulebook shall come into effect on the eighth day of its publication in the "Official Gazette of the Republic of Serbia".

Number 119-01-00004/2015-04

In Belgrade, on 2 February 2015

Minister,

Aleksandar Antić, signed

Form: O-1

Application

for issuing - extending the validity period of an energy