

# CONSTRUCTION OF PLANTS AND ELECTRICITY/HEAT GENERATION FROM BIOMASS IN THE REPUBLIC OF SERBIA - GUIDE FOR INVESTORS

Branislava Lepotić Kovačević, PhD Law  
Dragoslava Stojiljković, PhD Mech. Eng.  
Bojan Lazarević, BSc El. Eng

# IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE/TOPLLOTNE ENERGIJE IZ BIOMASE U REPUBLICI SRBIJI - VODIČ ZA INVESTITORE

Dr Branislava Lepotić Kovačević, dipl.prav.  
Dr Dragoslava Stojiljković, dipl.maš.inž.  
Bojan Lazarević, dipl.el.inž.





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Renewable energy, such as biomass, wind, mini-hydro, and geothermal is receiving greater attention from governments, potential investors, and consumers worldwide. In 2007, the European Union (EU) set a combined member country target that 20% of overall energy consumption will come from renewable sources by 2020.

Serbia has significant renewable energy resources to meet this emerging demand, and the Serbian Government has developed a strategy to leverage this opportunity. To support sector growth and investment, and to meet their commitment to the South East Europe Energy Community Treaty, the Serbian government adopted several regulations by decree in November 2009, including:

- Establishment of a “Feed-in Tariff” system whereby the Serbian government will subsidize the cost of renewable electricity;
- Defined the requirements of becoming a “Privileged Electric Power Producer” who uses renewable energy sources to generate electricity;

With the Serbian government’s adoption of “feed-in tariffs” and other key regulation, GTZ Project “Strengthening of the Local Self-Government” (GTZ SLS) has been working with government ministries and the USAID Competitiveness Project private sector investors to encourage investment in renewable energy projects.

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**A key activity has been to create definitive guides to the renewable energy licensing process aimed at encouraging investors and other market actors to become active in the sector. Representatives of the Ministry of Mining and Energy, Ministry of Environment and Spatial Planning and Ministry of Agriculture, Forestry and Water Management together with the GTZ experts have created four such ‘roadmaps’, which explain the licensing process for developing projects in geothermal water, small hydro power, wind power and biomass subsectors. The USAID Competitiveness Project has supported GTZ SLS in the creation of investor roadmaps as part of its activities to encourage investment in the sector by providing technical assistance to prospective investors.**

**Each roadmap is created as a detailed document, which describes administrative procedures and identifies relevant institutions and necessary planning and design documents needed for investors. The roadmaps navigate the legislative and regulatory framework and should be utilized as a baseline for further legislative and regulatory reform. GTZ SLS has also prepared short versions of roadmaps, which are executive summaries that investors can use for fact finding.**

**We hope that this effort will be a vehicle to facilitate dialogue between the private sector and the Government to identify and address barriers to the growth and financial viability of the sector.**

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## Biomass/Biogas Power Plants

Power plants using biomass/biogas as primary fuel for electricity and/or heat generation

- Small power plants - up to 10MW
  - Big power plants - 10 MW and more
- 

## Biomass - Fuel for Electricity/Heat Generation

Biomass, as fuel for electricity/heat generation is considered to be a renewable energy source; it is a biodegradable substance that originates from agriculture, forestry, supporting industries, and households. It includes:

- Plants and plant parts
  - Residues and byproducts of plants originating from agriculture (straw, maize stalks, branches, stones, shells/peels)
  - Residues of animal origin originating from agriculture (feces)
  - Plant residues from forestry (logging residues)
  - Biodegradable residues from food-processing and the timber and wood industry not containing hazardous substances
- 

## Biogas - Fuel for Electricity/Heat Generation

Biogas is produced via an anaerobic process, from biomass, specifically from:

- Residues from agriculture (liquid manure, feces from cattle and poultry farms)
  - Residues of biomass from the primary processing of agricultural products (not containing hazardous substances)
- 

## Investor's Rights

An investor must acquire the following rights:

- I The Right to Construct
- II The Right to undertake electricity/heat production

## Relevant Legislation

- The Energy Law (Official Gazette of the RoS, No. 84/04)
- The Law on Planning and Construction (Official Gazette of the RoS, Nos. 72/09 and 81/09)
- Law on Environmental Protection (Official Gazette of the RoS, Nos. 135/04 and 36/09)
- The Law on Waters (Official Gazette of the RoS, No. 30/10)
- The Law on Concessions (Official Gazette of the RoS, No. 55/03)
- The Law on Public Companies and Performing Activities of Public Interest (Official Gazette of the RoS, Nos. 25/00, 25/02, 107/05 and 108/05)
- The Law on Public Utility Companies (Official Gazette of the RoS, Nos. 16/97 and 42/98)

and other relevant laws and by-laws...

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## Competent Institutions

- The Ministry of Mining and Energy - MME
- A Local Self-government Unit - LSU
- The Energy Agency - EA
- The Republic Geodetic Authority - RGA
- The Ministry of Agriculture, Forestry and Water Management - MAFWM
- The Ministry of Environment and Spatial Planning - MESP
- The Republic Hydrometeorological Service - RHMS
- Electric Grid of Serbia - EMS
- Electric Power Industry of Serbia - EPS

and other competent institutions in each specific case

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## From Idea to Power Plant Construction/ Use

- I Acquiring the Right to Construct and Constructing the Power Plant
- II Acquiring the right to generate electricity/heat

# Main Steps: From Idea to Power Plant Construction/Use (I)

## ■ Acquiring the Right to Construct and Constructing the Power Plant

**I-1 The Information on Location**

**I-2 Acquiring the Energy Permit**

**I-3 Acquiring the Location Permit**

**I-4 Acquiring the Construction Permit**

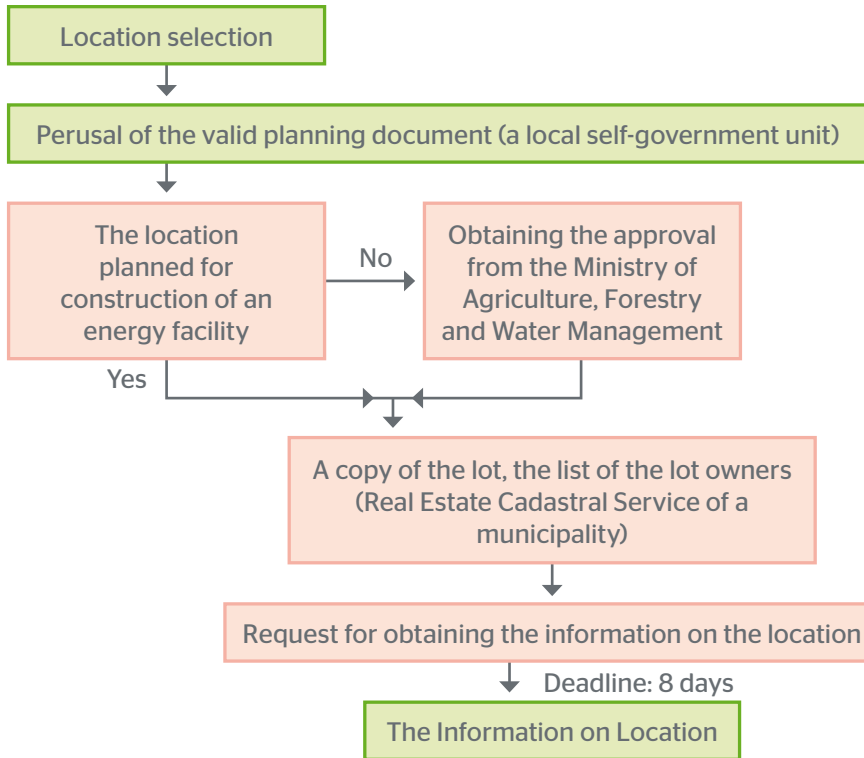
Construction of the Power Plant

**I-5 Acquiring the Operating Permit**



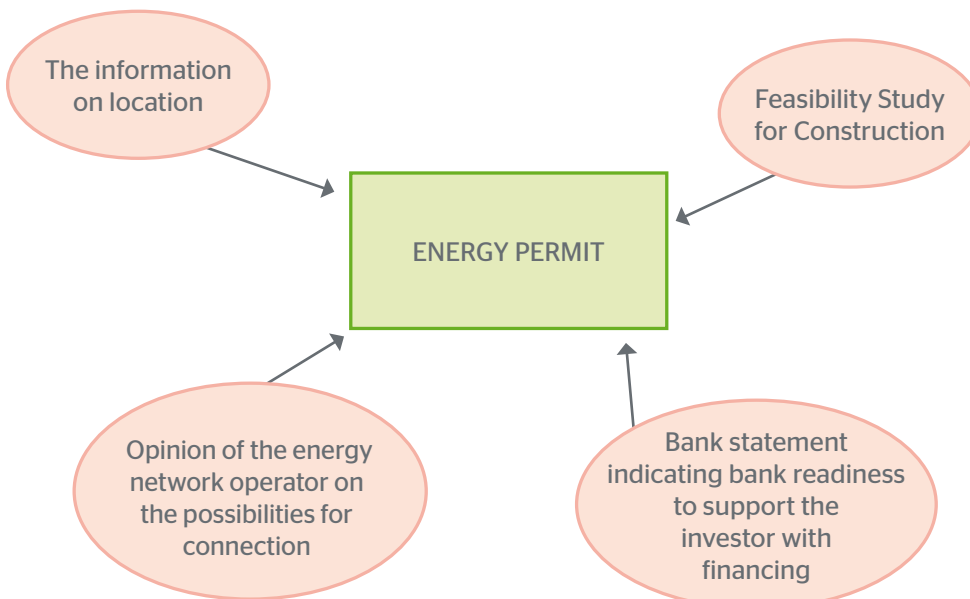
# I-1

## Location Selection, Perusal of Valid Planning Documents, and Information on Location



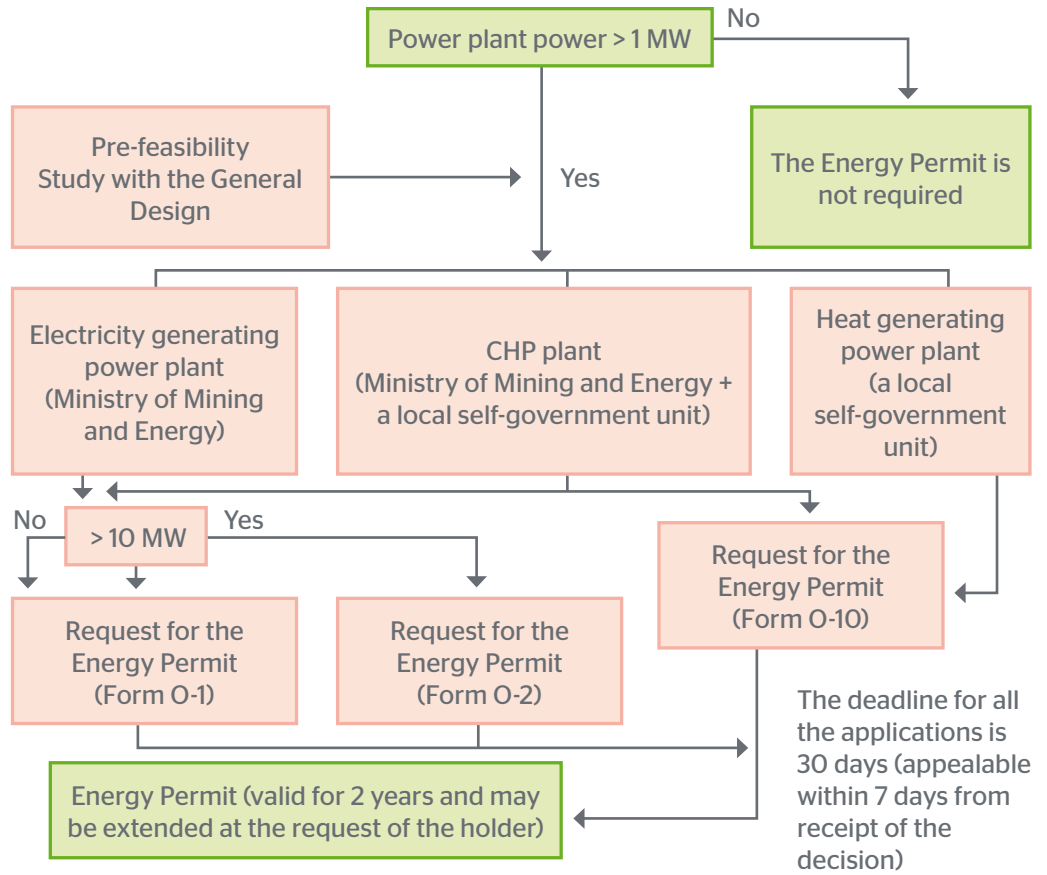
# I-2

## Energy Permit



# I-2

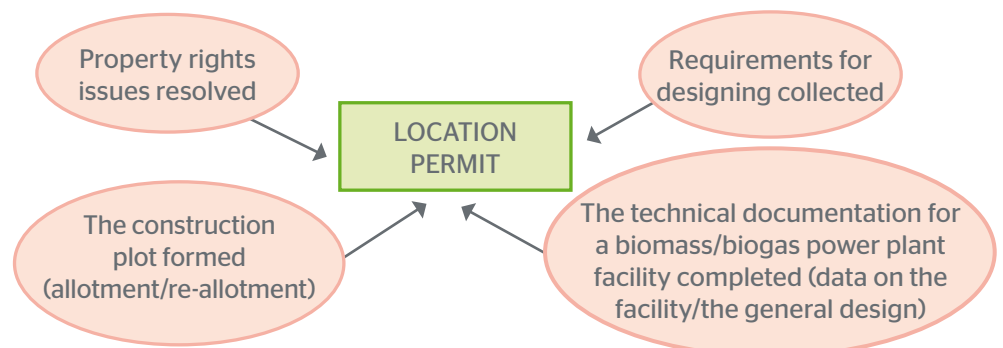
## Obtaining the Energy Permit



# I-3

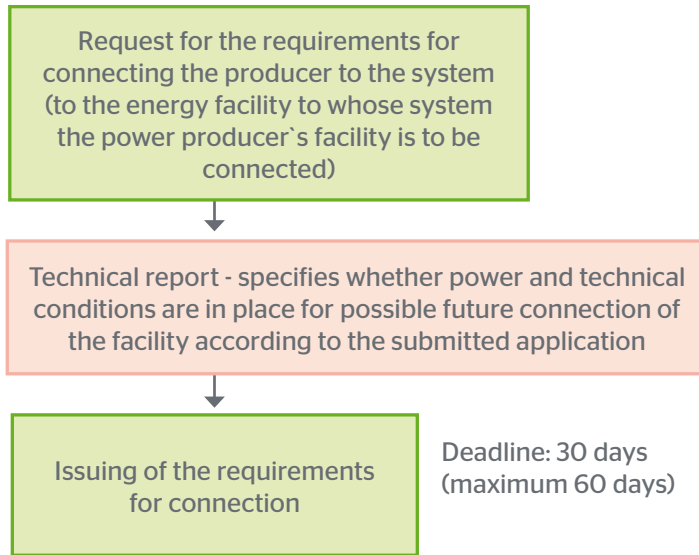
## Location Permit

The location permit contains all the requirements and data needed for preparation of the technical documentation and the main design, in accordance with a valid planning document



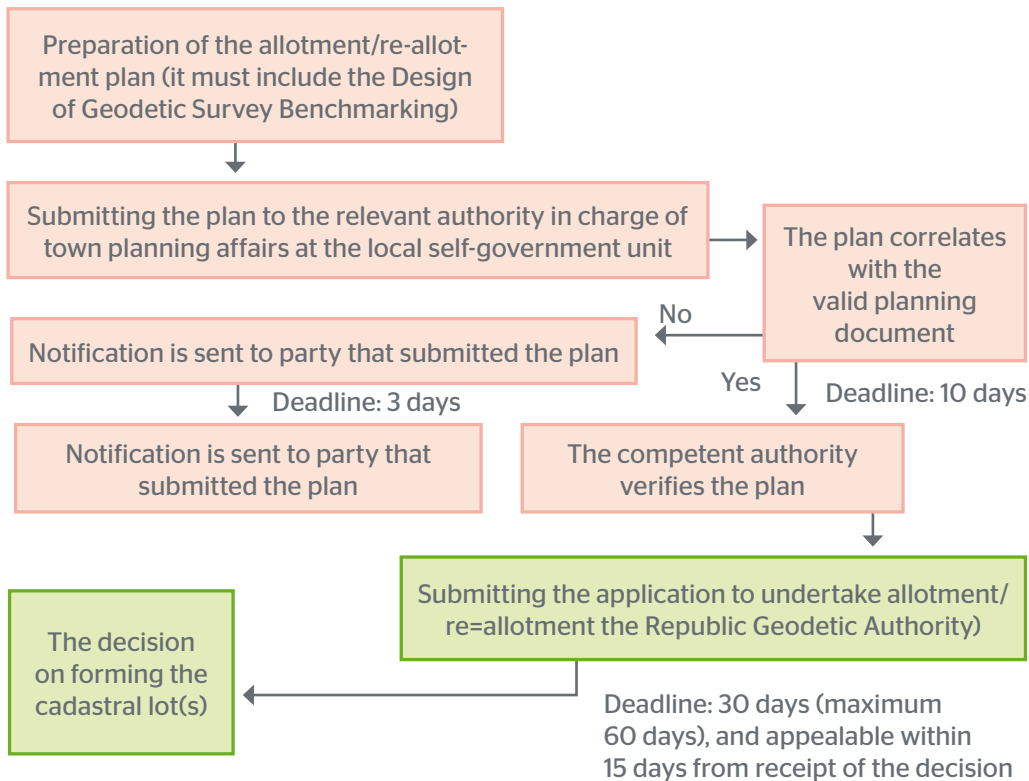
# I-3

## Requirements for connection to the Electricity/DH network



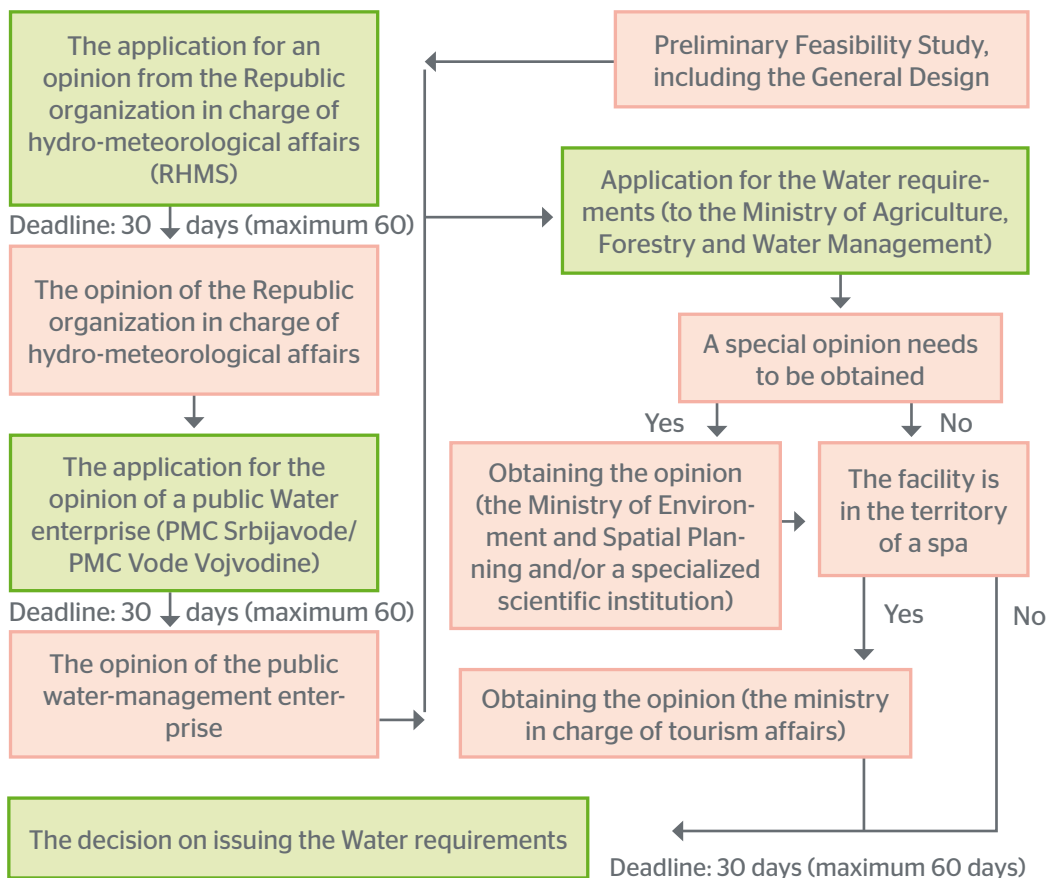
# I-3

## Forming the Building Plot



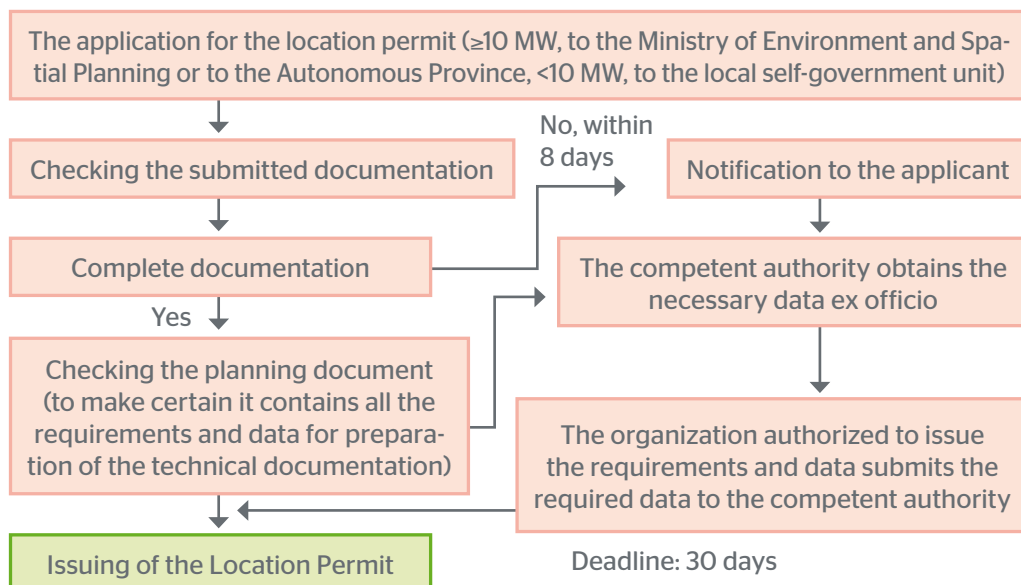
# I-3

## Water Requirements



# I-3

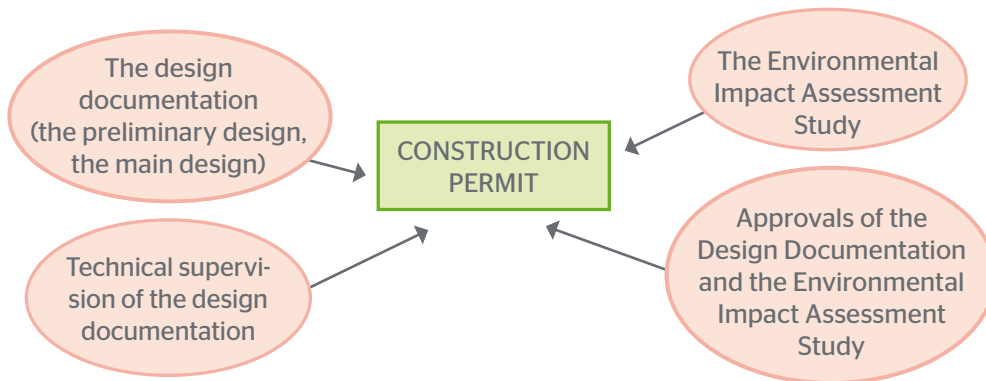
## Obtaining the Location Permit



# I-4

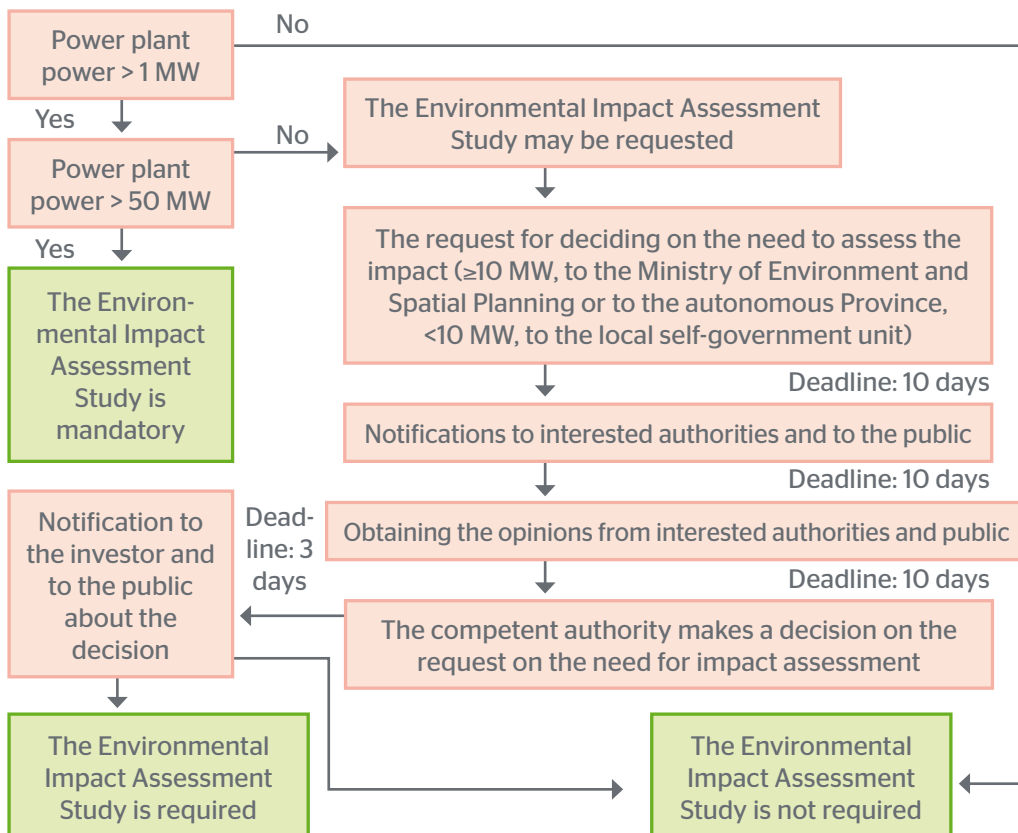
## Construction Permit

After completing the technical supervision of the main design and the positive report on a completed technical supervision, the application must be submitted to the competent authority of the local self-government unit in order to obtain the Construction Permit



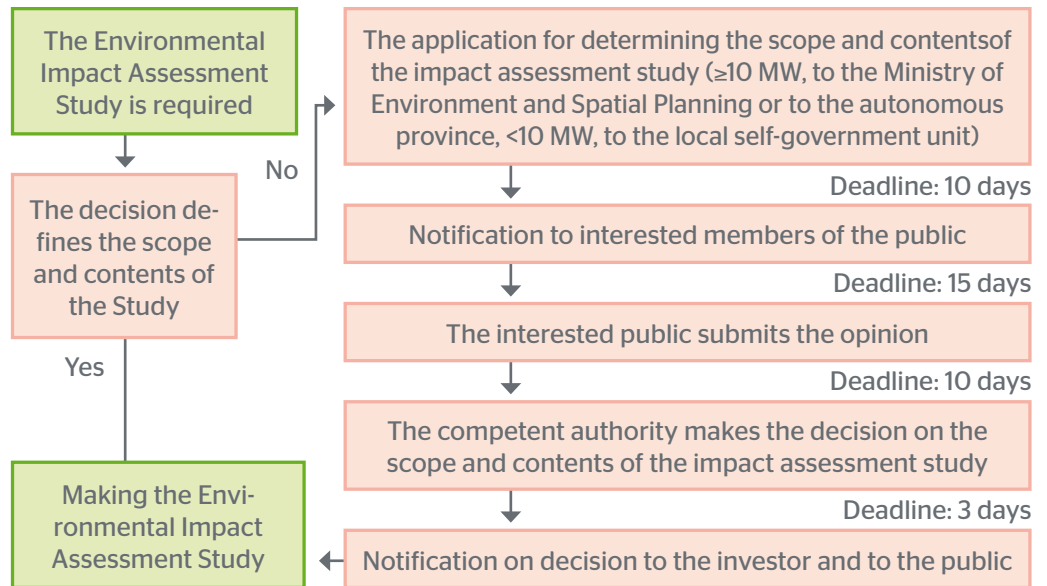
# I-4

## Environmental Impact Assessment (1)



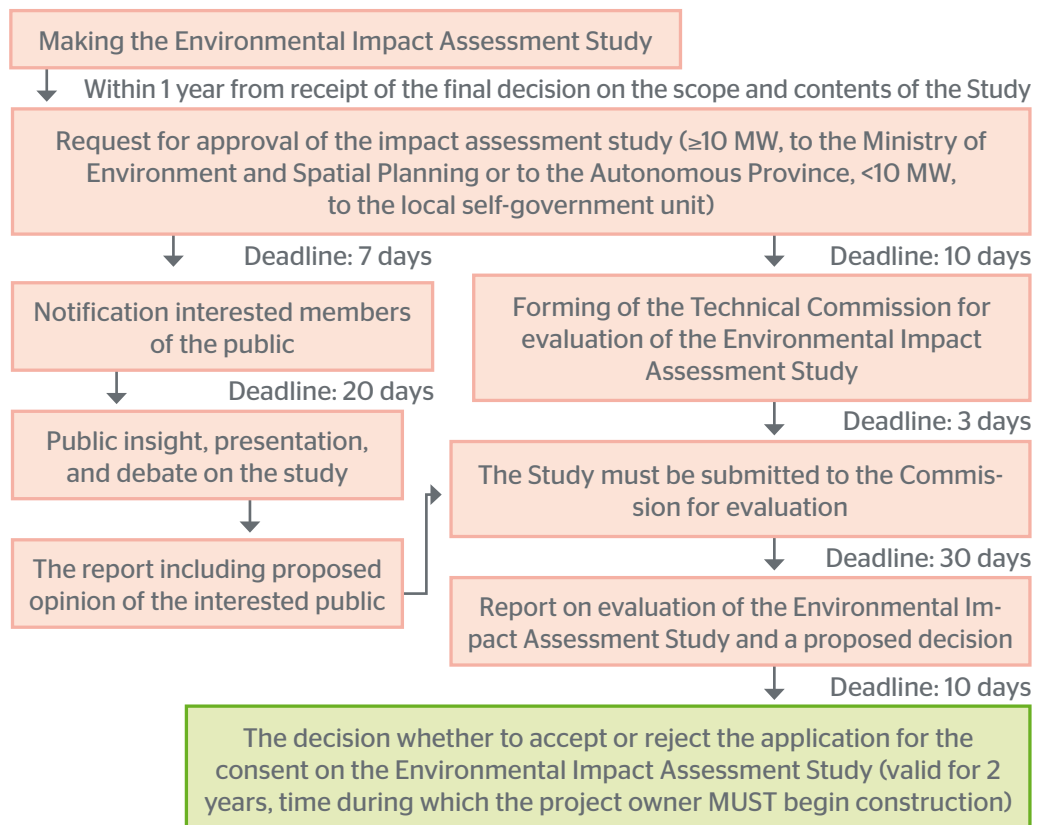
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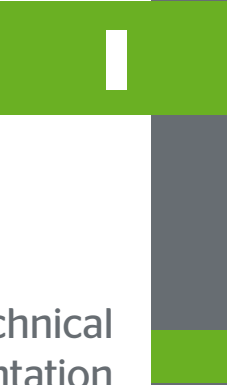
## Environmental Impact Assessment (2)



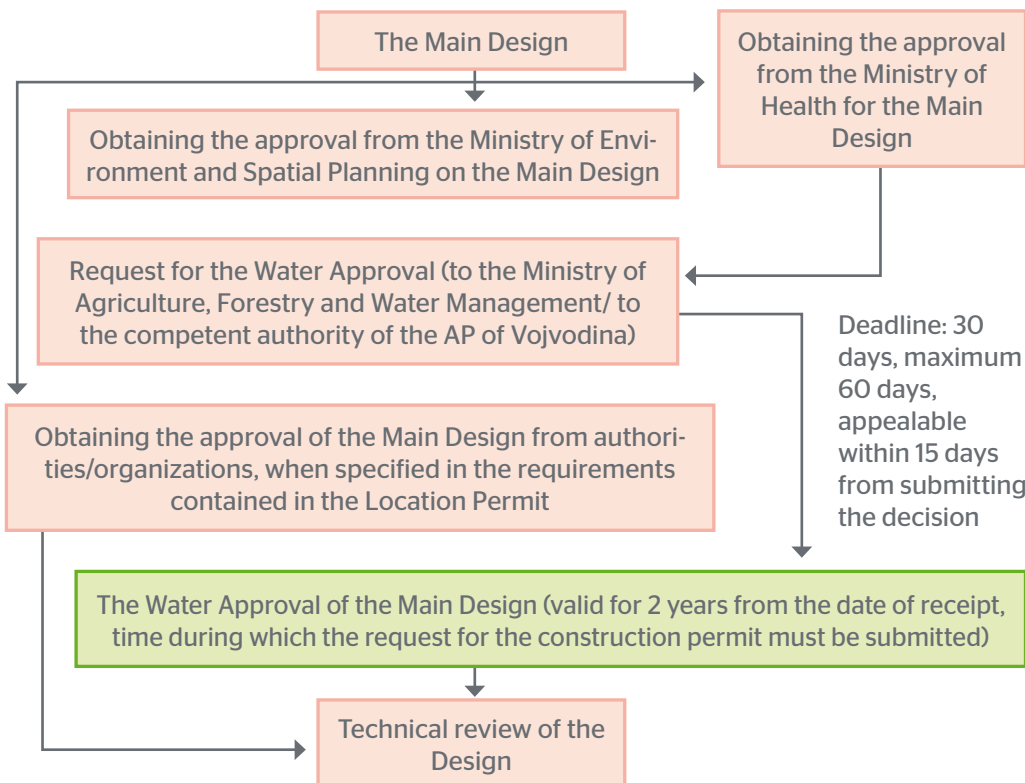
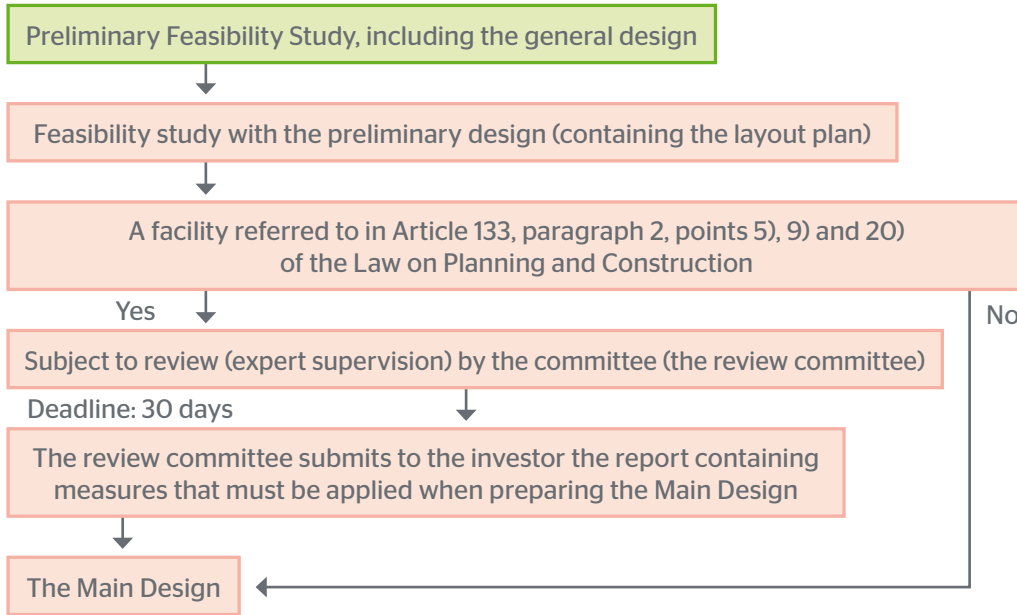
# I-4

## Environmental Impact Assessment (3)





## Technical Documentation



# I-4

## Water Approval and Technical Review of the Design

# I-4

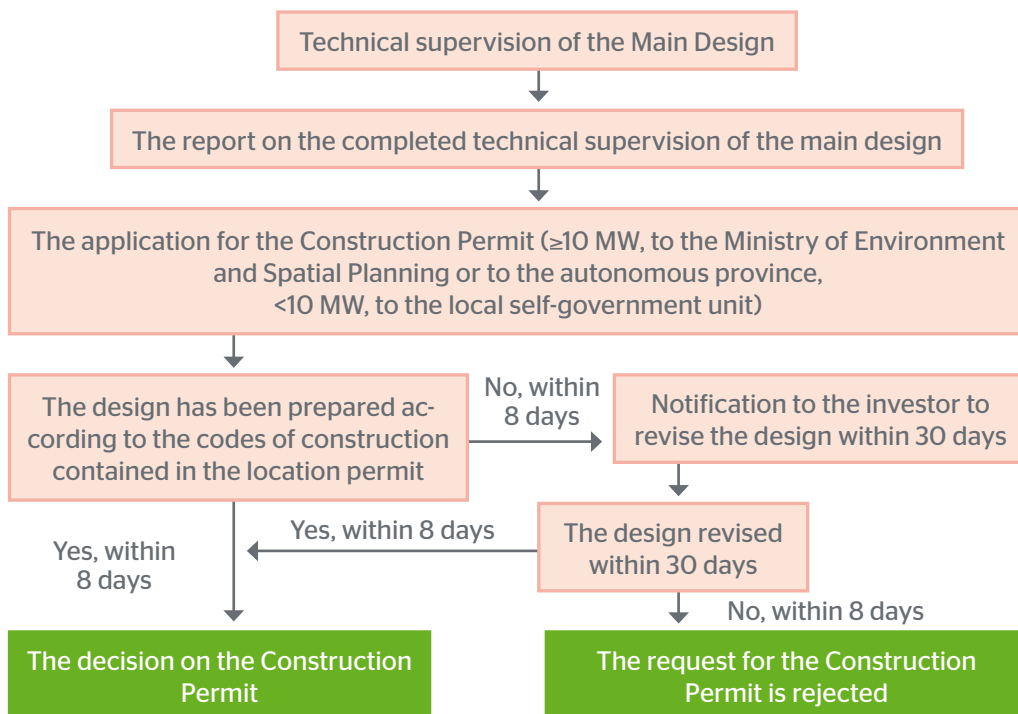
## Construction Permit\* - Attachments to the Request

- The Location Permit
- Three copies of the Main Design, including the report on completed technical supervision and verification that it is correct
- Evidence of ownership right,s or of the right to lease the construction land (submitted for the location permit as well)
- Evidence of a formal relationship regarding payment of the fee for the construction land development
- Evidence of payment of administrative fees and duties
- Energy permit (if the power plant power exceeds 1 MW).

\* For the facilities where the Construction Permit is issued by the Ministry, or by the autonomous province, the report of the review committee is also to be submitted with the request.

# I-4

## Obtaining the Construction Permit

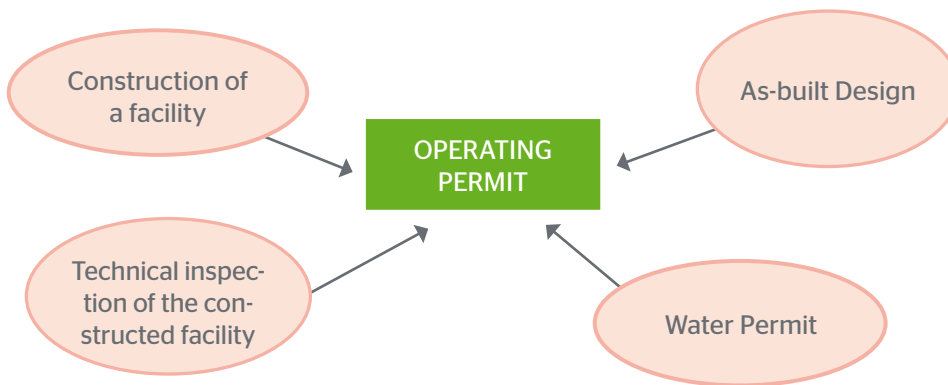




- The technical inspection determines the fitness of a facility for use
- A facility may be used after the Operating Permit has been obtained
- It is necessary to submit the As-built Design during the process of obtaining the Operating permit

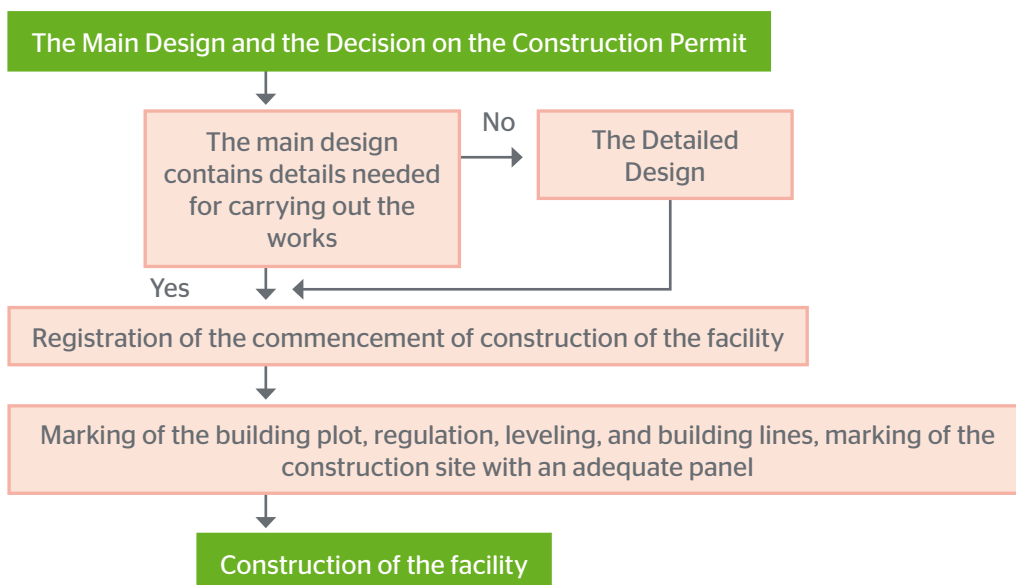
# I-5

## Operating Permit



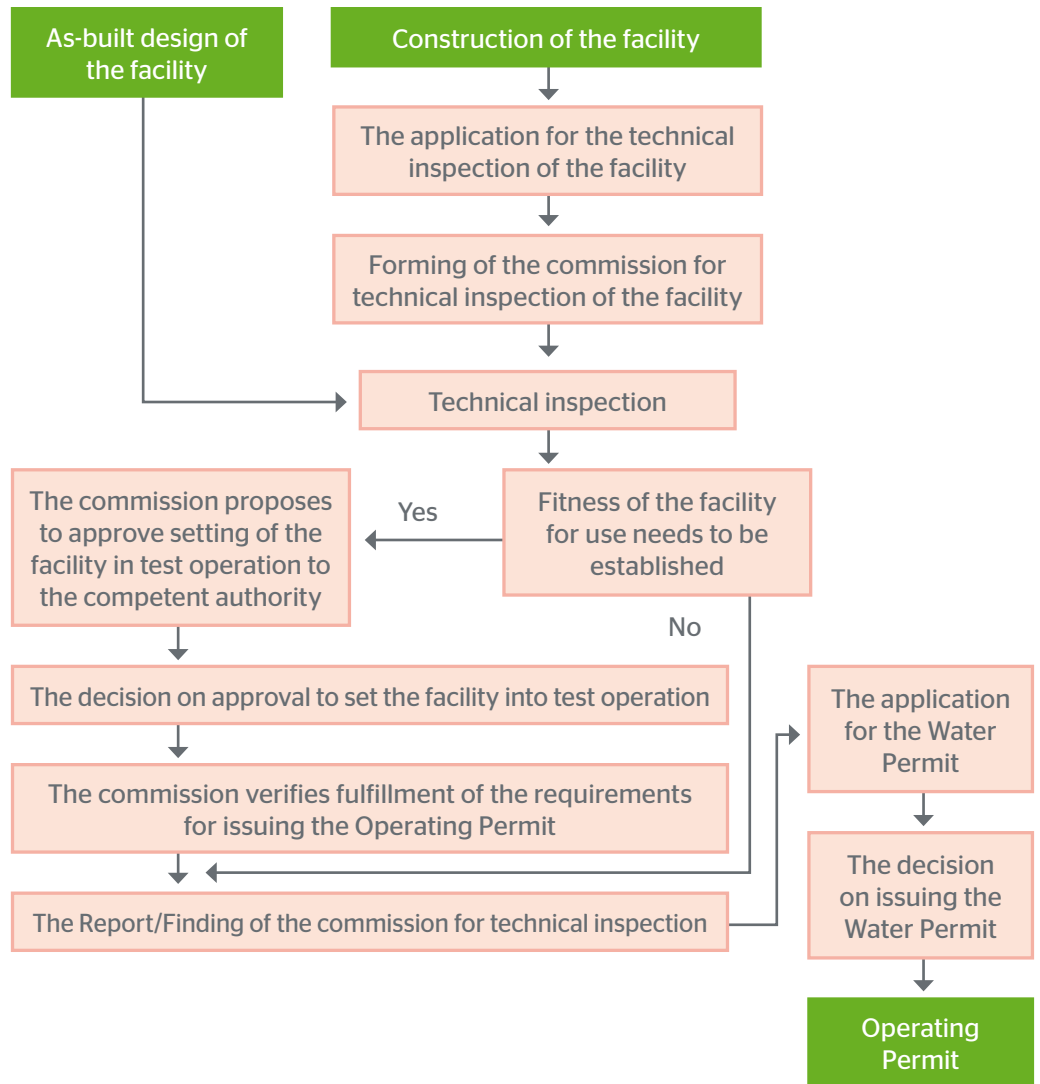
# I-5

## Construction of a Facility



# I-5

## Technical Inspection and the Operating Permit



# Main Steps: From Idea to Power Plant Construction/Use (II)



## Acquiring the Right to Undertake Electricity/Heat Generation

**II-1 Acquiring the Right to Engage in an Activity of Public Interest**

**II-2 License**

**II-3 Approval for Connection**

**II-4 Acquiring the Status of a Privileged Producer**

**II-5 Engaging in Electricity/Heat Generation**

## The Right to Electricity Generation - Acquisition Method

### 1. Investment in the affiliated companies of a public company

- Involves clear and relatively short procedures
- A potential problem - a parent public company is reluctant to allow a major share of the Investor
- Risk - a high degree of discretionary power of the founder of the public company

or

### 2. Assigning the right to engage in an activity of public interest

- The investor acquires the right only after conclusion of the Assignment Agreement, and the Agreement is concluded only after the facility has been constructed
- In practice, a simpler procedure compared to concessions
- Most often applied in practice

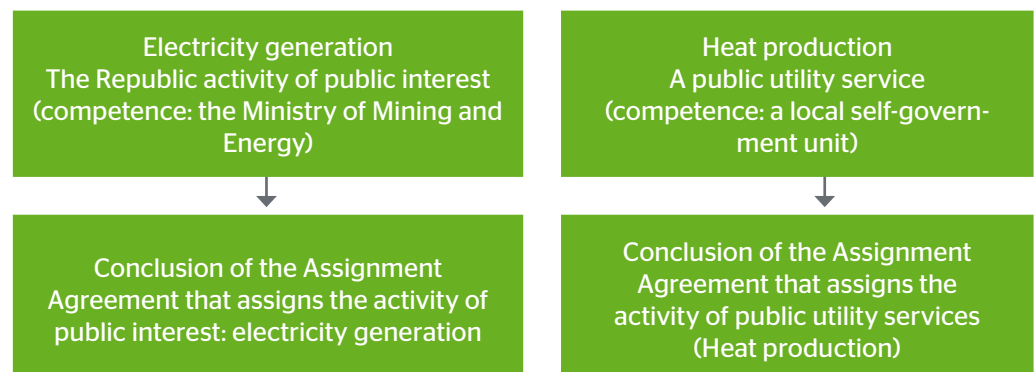
or

### 3. Granting concessions

- The Investor acquires the right through a clearly defined procedure at the very start
- The obligation to set up a new economic operator
- The lengthiest procedure

## II-1

### Assigning the Engagement in an Activity of Public Interest



- Adequate technical prerequisites (the ownership right or the right to use the power plant, which has been constructed according to the law, technical and other regulations).
- Staff capacity (that individuals working in the power plant have the necessary qualifications and other prescribed skills).
- Implementation of the prescribed safety at work.
- Implementation of the prescribed requirements and method of protection and the improvement of the environment.

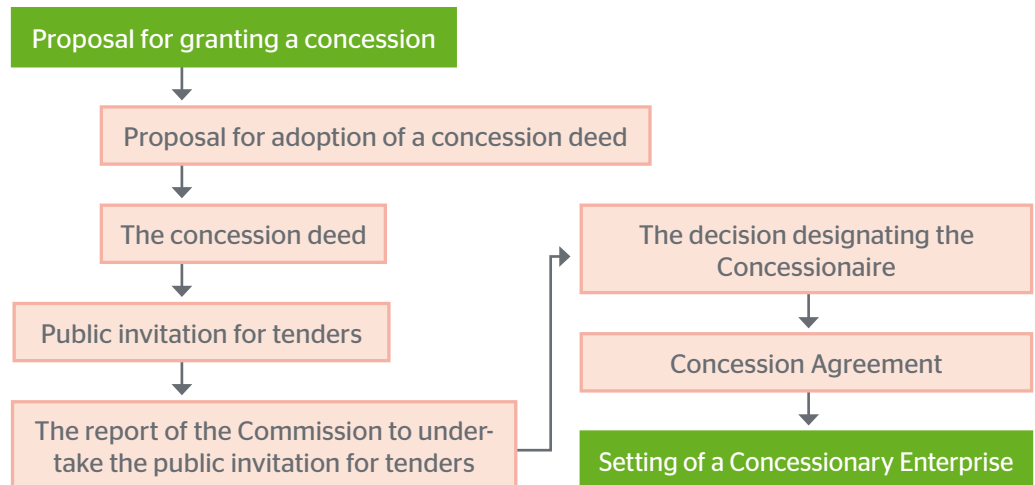
## Assignment Agreement - Requirements

- 
- Operation and business of the economic operator to whom this activity is assigned.
  - Obligations of the economic operator to provide the conditions necessary for continuous, proper, and quality needs of the users of products and services.
  - Mutual rights and obligations of the parties to the Agreement in cases where economic and other conditions for pursuing the activity of public interest are not provided.
  - Rights and obligations in case of a disruption in the economic operator's business operations
  - Other rights, obligations and important issues to protect the public interest.

## Assignment Agreement - Scope and Content

## II-1

### Concession



## II-1

### Concession - Contents of a Concession Agreement

- The parties to the Agreement, the subject matter of the concession, including the description of the facility, equipment, and plants.
- Duration of the concession period and conditions under such terms may be extended for the duration of preparatory operations.
- Manner of and deadlines for securing the funds for financing the concession business (the financial plan) and the time line for their employment, the amount and method of providing guarantees for fulfillment of concessionary obligation.
- The requirements for conducting the concessionary business.
- Standards of products and services, technology transfer.
- Criteria for setting the end-user prices-tariff for products and services.
- The concession fee (the amount, deadlines, conditions, and the method of payment)
- Rights and obligations concerning the undertaking of measures to ensure general safety, protection of health and protection of the environment as well as liabilities for compensation of damage caused by jeopardizing general safety and protection of the environment.
- The right to transfer the concession.
- The time and method of handing over the immovables, the facility, equipment or plants and the condition in which they must be handed over.
- Conditions for amendments or termination of the agreement and their consequences, changed circumstances and force majeure.
- The method of settling disputes and enforcement of applicable law.
- Other provisions mutually agreed upon between the parties to the agreement. The agreement also stipulates the method of exchanging notifications about the performance of the agreement, method of exercising control of the agreement performance, and exercising of the rights and obligations of the contracting parties.

- The tendering procedure is not prescribed
  - The obligation to specify the place of engaging in the activity of electricity generation is not stipulated (if it is not tied to a concrete facility by the agreement)
  - The maximum time period for engaging in an activity of public interest is not specified (if it is not defined in the agreement)
  - The obligation to establish the scope of engaging in an activity is not prescribed
  - The obligation to pay a fee for engaging in an activity of public interest is not prescribed
- 

- The license is a permit to engage in an energy-related activity; it is issued by the Energy Agency of the Republic of Serbia
- It is required only for power plants of one or more 1MW

## II-1

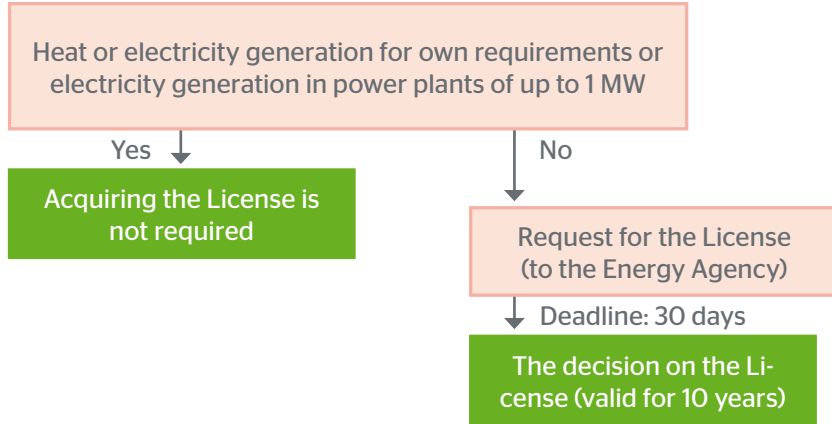
### The Assignment Agreement vs. Concession - Main Differences

## II-2

### License

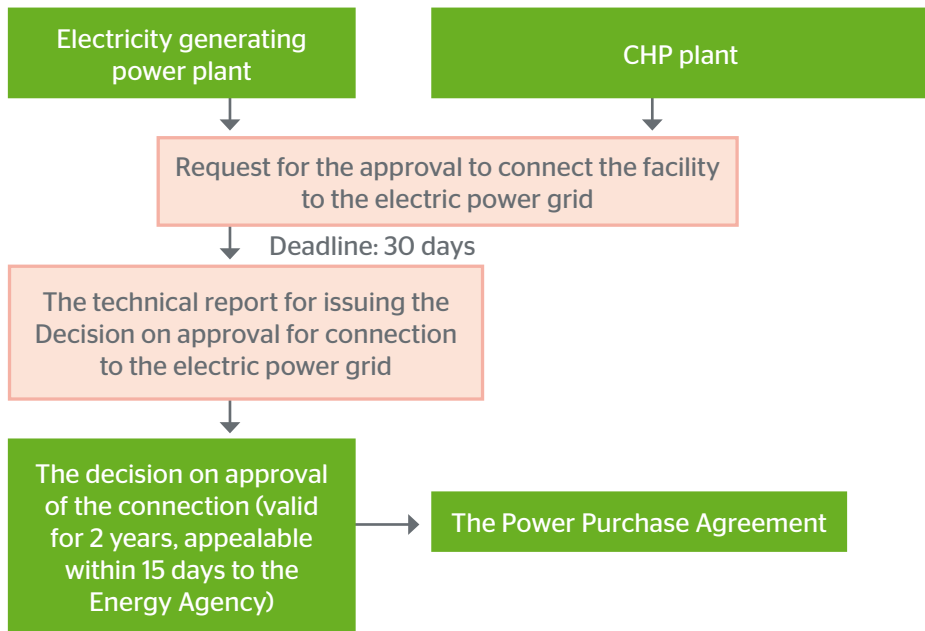
# II-2

## Obtaining the License

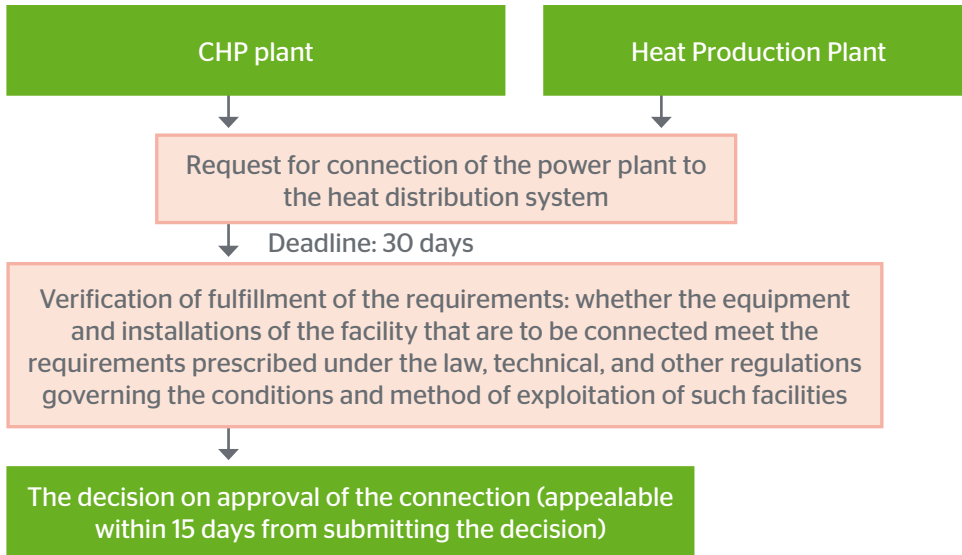


# II-3

## Approval for Connection to the Electric Grid







## II-3

### Approval for Connection to a Heat Distribution Network

- The priority right in an organized market with respect to other producers offering electricity under equal terms and conditions
- The right to subsidies (tax, customs, and other reliefs/facilities)
- Incentives - Feed-in tariffs:

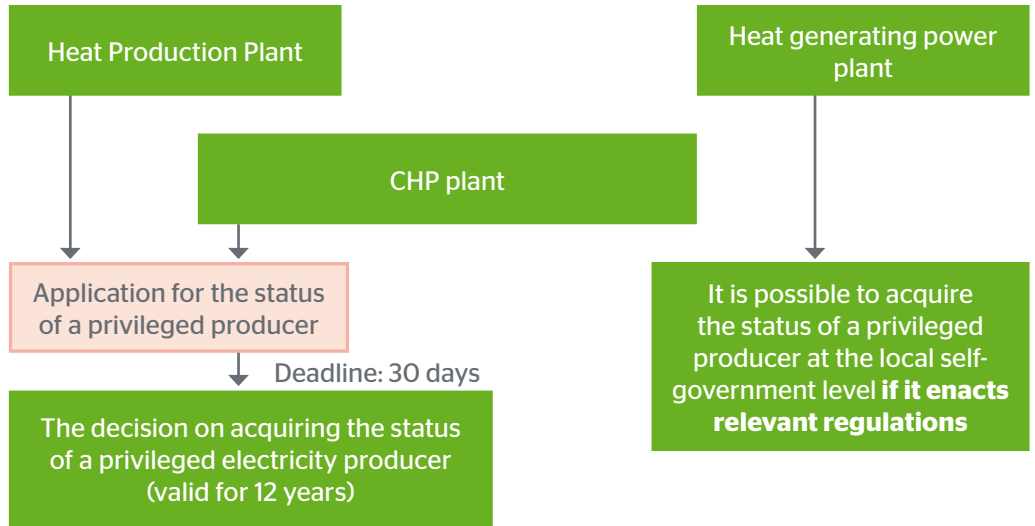
Power plant type	Installed power (MW)	Incentive - feed-in tariff (cEUR/1 kWh)
Biomass power plants	Up to 0,5 MW	13,6
	from 0,5 MW to 5 MW	13,845 - 0,489*P
	from 5 MW to 10 MW	11,4
Biogas power plants	Up to 0,2 MW	16,0
	from 0,2 MW to 2 MW	16,444-2,222*P
	over 2 MW	12,0
Landfill and sewage gas power plants		6,7

## II-4

### The Status of a Privileged Producer

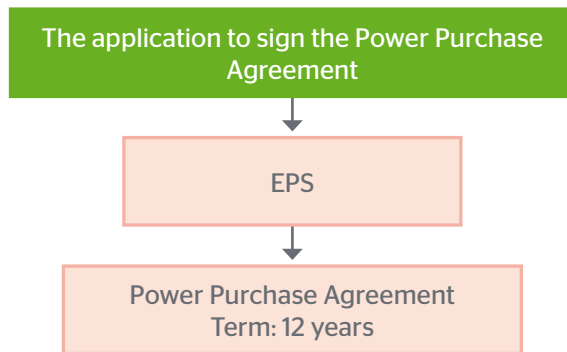
# II-4

## Acquiring the Status of a Privileged Producer



# II-5

## Power Purchase Agreement



# IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE/TOPLLOTNE ENERGIJE IZ BIOMASE U REPUBLICI SRBIJI - VODIČ ZA INVESTITORE

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- 29** Izvori prava
- 29** Nadležne institucije
- 29** Od ideje do korišćenja elektrane
- 30** Osnovni koraci od ideje do korišćenja elektrane (I)
- 30** I Sticanje prava na izgradnju i izgradnja objekta elektrane
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  - 33 I-3 Formiranje građevinske parcele
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- 41** Osnovni koraci od ideje do korišćenja elektrane (II)
- 41** II Koraci za sticanje prava na obavljanje proizvodnje električne/toplotne energije
  - 42 Pravo na obavljanje proizvodnje električne energije - način sticanja
  - 42 II-1 Poveravanje obavljanja delatnosti od opšteg interesa
  - 43 II-1 Ugovor o poveravanju - Uslovi
  - 43 II-1 Ugovor o poveravanju - Sadržaj/Odredbe
  - 44 II-1 Koncesija
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  - 47 II-4 Status povlašćenog proizvođača
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Obnovljiva energija iz biomase, vetra, malih hidroelektrana i geotermalnih izvora je u centru pažnje država, potencijalnih investitora i potrošača u celom svetu. U 2007. godini, Evropska Unija (EU) postavila je cilj zemljama članicama da, do 2020. godine, 20% energije u svakoj od zemalja treba da potekne iz obnovljivih izvora energije.

Srbija ima značajne izvore obnovljive energije kojima bi mogla da zadovolji novonastale zahteve. Vlada Srbije je razvila strategiju kako bi iskoristila ovu priliku. Da bi podstakla razvoj i investicije u ovaj sektor i ispunila obavezu po Ugovoru o energetske zajednici Jugoistočne Evrope, Vlada Srbije je usvojila nekoliko propisa po direktivi od novembra 2009, uključujući:

- Uspostavljanje sistema “podsticajnih tarifa” u kom će Vlada Srbije subvencionisati trošak obnovljive struje;
- Definisanje zahteva za sticanje statusa “Povlašćenog proizvođača električne energije” koji koristi obnovljive izvore energije za proizvodnju struje;

Od usvajanja podsticajnih tarifa i ostalih ključnih propisa od strane Vlade Srbije, GTZ Projekat “Jačanje lokalne samouprave” (GTZ JLS) je saradivao sa relevantnim ministarstvima, USAID Projektom za razvoj konkurentnosti i investitorima u privatni sektor, kako bi podstakao investicije u obnovljive izvore energije.

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**Ključna aktivnost je bila kreiranje konačnih vodiča za proces izdavanja dozvola za obnovljive izvore sa ciljem podsticanja investitora i drugih tržišnih učesnika da postanu aktivni u ovom sektoru. Predstavnici Ministarstva rudarstva i energetike, Ministarstva zaštite životne sredine i prostornog planiranja i Ministarstva poljoprivrede, šumarstva i vodoprivrede zajedno sa stručnjacima GTZ-a su kreirali četiri takva “vodiča”, koji objašnjavaju proces dobijanja dozvola za razvijanje projekata za podsektore geotermalne vode, malih hidroelektrana, energije vetra i biomase. USAID Projekat za razvoj konkurentnosti je podržao GTZ JLS u kreiranju vodiča za investitore kao deo svojih aktivnosti vezanih za podsticanje investicija u sektor kroz pružanje tehničke pomoći perspektivnim investitorima.**

**Svaki vodič je kreiran u vidu detaljnog dokumenta, koji opisuje administrativne procedure i identifikuje institucije od značaja i dokumenta vezana za planiranje i izradu projekata koja su neophodna za investitore. Vodiči obuhvataju i zakonski i regulatorni okvir i treba da se koriste kao osnova za dalje zakonske i regulatorne reforme. GTZ JLS je takođe pripremio kraću verziju vodiča, koji predstavljaju sažetke vodiča koje investitori mogu da koriste za nalaženje podataka.**

**Nadamo se da će ovaj korak biti podstrek za dalji dijalog između privatnog sektora i Vlade kako bi se identifikovale i uklonile prepreke razvoju i finansijskoj održivosti sektora.**

---

## Elektrane na biomasu/biogas

Elektrane koje kao većinsko gorivo koriste biomasu/ biogas za obavljanje delatnosti proizvodnje električne i/ili toplotne energije

- Male elektrane - snage do 10MW
  - Velike elektrane - snage od 10 MW i više
- 

## Biomasa - gorivo za proizvodnju energije

Biomasa, u smislu goriva za proizvodnju energije (električne i toplotne) koje se smatra obnovljivim izvorom, jeste biorazgradljiva materija nastala u poljoprivredi, šumarstvu i pratećoj industriji i domaćinstvu i obuhvata:

- biljke i delove biljaka
  - ostatke i nusproizvode biljaka nastale u poljoprivredi (slama, kukuru-zovina, granje, koštice, ljuske)
  - ostatke životinjskog porekla nastale u poljoprivredi (izmet)
  - ostatke biljaka u šumarstvu (ostaci pri seči šuma)
  - biorazgradljive ostatke u prehrambenoj i drvnoj industriji koji ne sadrže opasne materije
- 

## Biogas - gorivo za proizvodnju energije

Biogas nastaje u anaerobnim postupcima od biomase i to:

- ostataka u poljoprivredi (tečni stajnjak, izmet sa stočarskih i živinarskih farmi)
  - ostataka biomase nastalih primarnom preradom poljoprivrednih proizvoda (koji ne sadrže opasne materije)
- 

## Prava investitora

Investitor mora da stekne sledeća prava:

- I Pravo na izgradnju
- II Pravo na obavljanje proizvodnje električne/toplotne energije

## Izvori prava

- Zakon o energetici ("Sl. Glasnik RS" br. 84/04)
- Zakon o planiranju i izgradnji ("Sl. glasnik RS" br. 72/09 i 81/09)
- Zakon o zaštiti životne sredine ("Sl. glasnik RS" br. 135/04 i 36/09)
- Zakon o vodama ("Sl. glasnik RS" br. 30/10)
- Zakon o koncesijama ("Sl. glasnik RS" br. 55/03)
- Zakon o javnim preduzećima i obavljanju delatnosti od opšteg interesa ("Sl. glasnik RS" br. 25/00, 25/02, 107/05 i 108/05)
- Zakon o komunalnim delatnostima ("Sl. glasnik RS" br. 16/97 i 42/98)

i ostali prateći zakoni i podzakonska akta...

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## Nadležne institucije

- Ministarstvo rudarstva i energetike - MRE
- Jedinica lokalne samouprave - JLS
- Agencija za energetiku - AE
- Republički geodetski zavod - RGZ
- Ministarstvo poljoprivrede, šumarstva i vodoprivrede - MPŠV
- Ministarstvo životne sredine i prostornog planiranja - MŽSPP
- Republički hidrometeorološki zavod - RHMZ
- Elektromreža Srbije - EMS
- Elektroprivreda Srbije - EPS

i ostale nadležne institucije u konkretnom slučaju

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## Od ideje do korišćenja elektrane

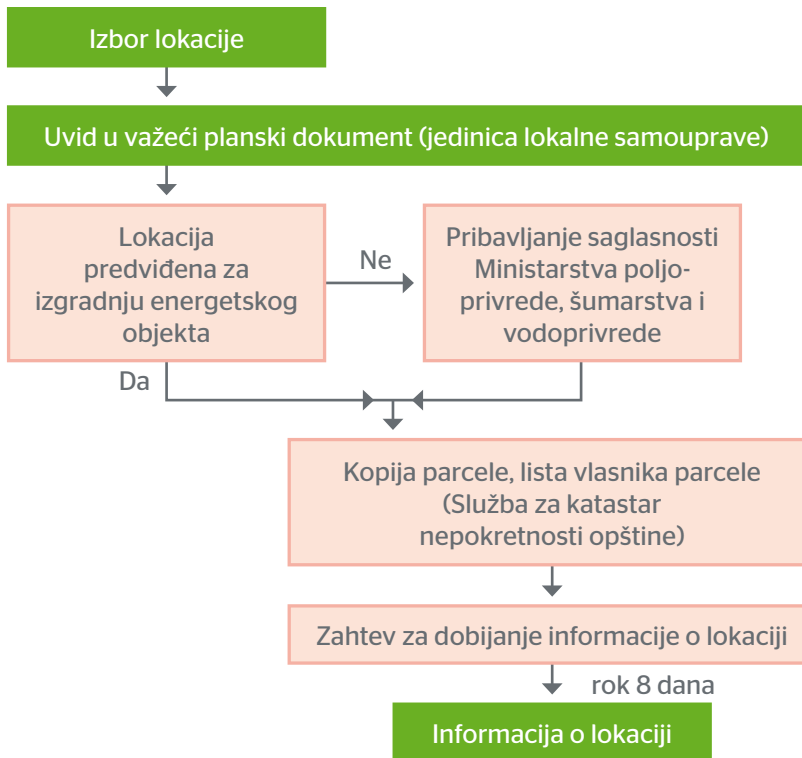
- I Sticanje prava na izgradnju i izgradnja objekta elektrane
- II Sticanje prava na obavljanje proizvodnje električne/toplotne energije

# Osnovni koraci od ideje do korišćenja elektrane (I)

## ■ Sticanje prava na izgradnju i izgradnja objekta elektrane

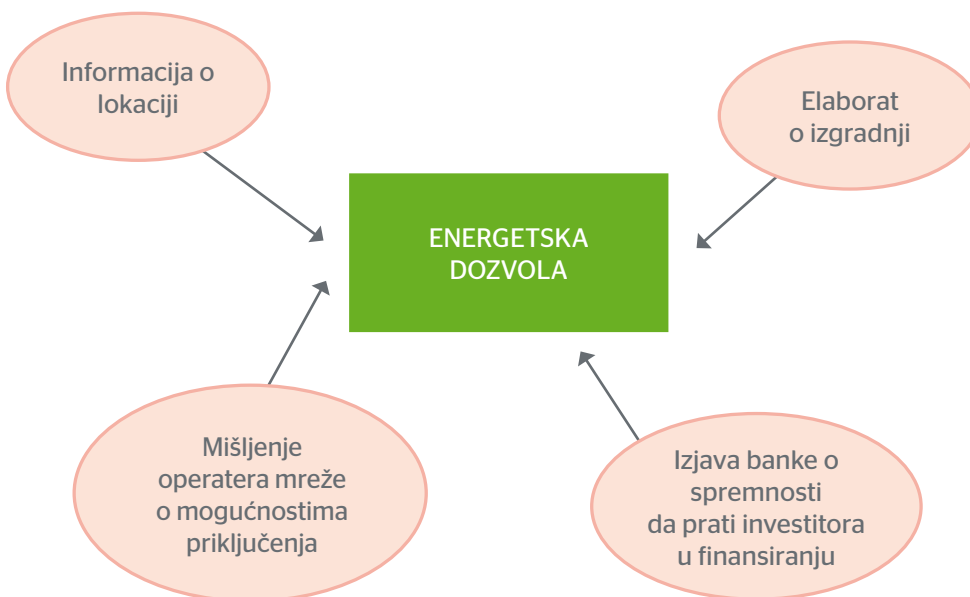
- I-1 Informacija o lokaciji
- I-2 Pribavljanje energetske dozvole
- I-3 Pribavljanje lokacijske dozvole
- I-4 Pribavljanje građevinske dozvole  
Građenje objekta
- I-5 Pribavljanje upotrebne dozvole





## I-1

Izbor lokacije, uvid u važeće planske dokumente i informacija o lokaciji

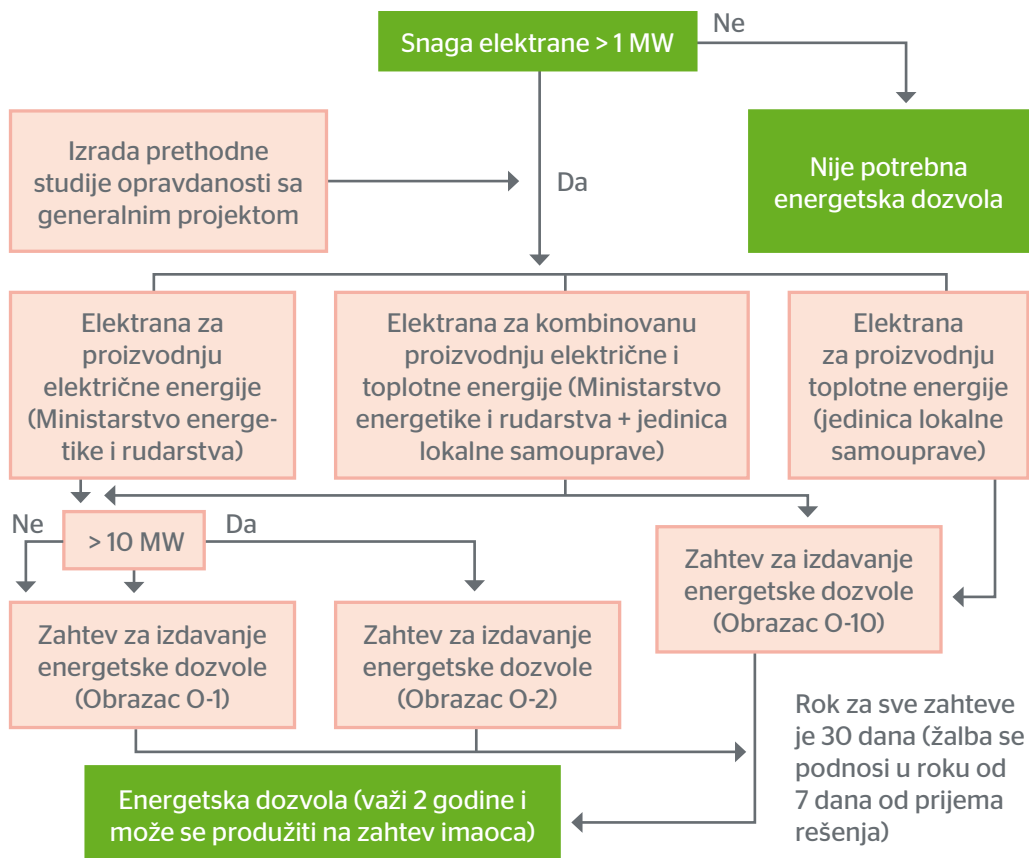


## I-2

Energetska dozvola

## I-2

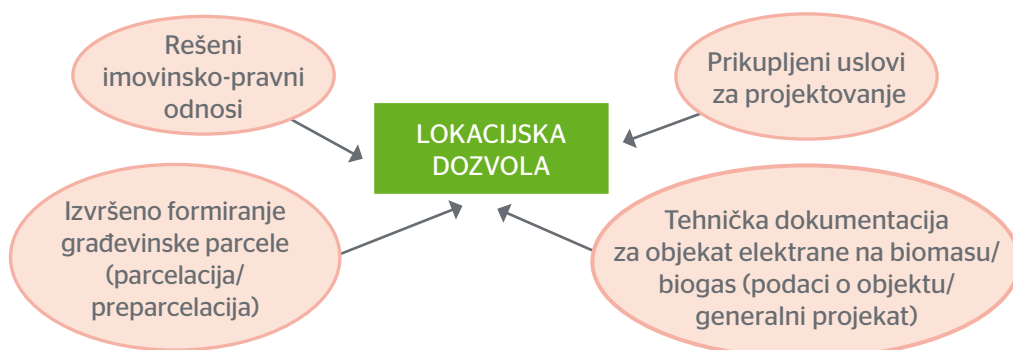
### Pribavljanje energetske dozvole

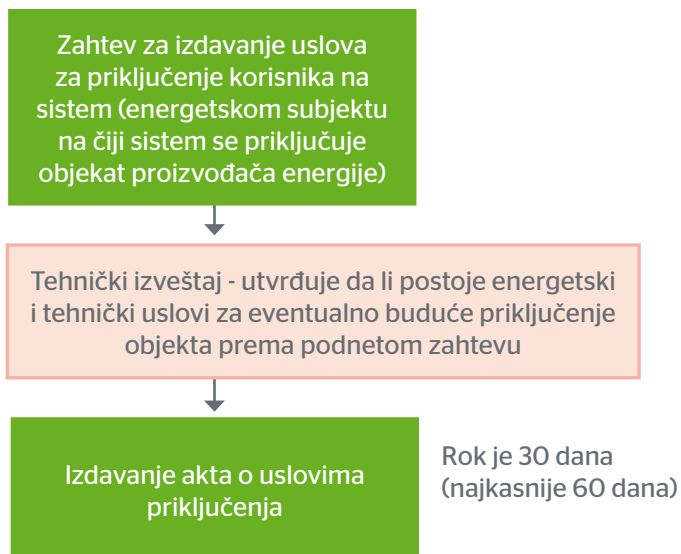


## I-3

### Lokacijska dozvola

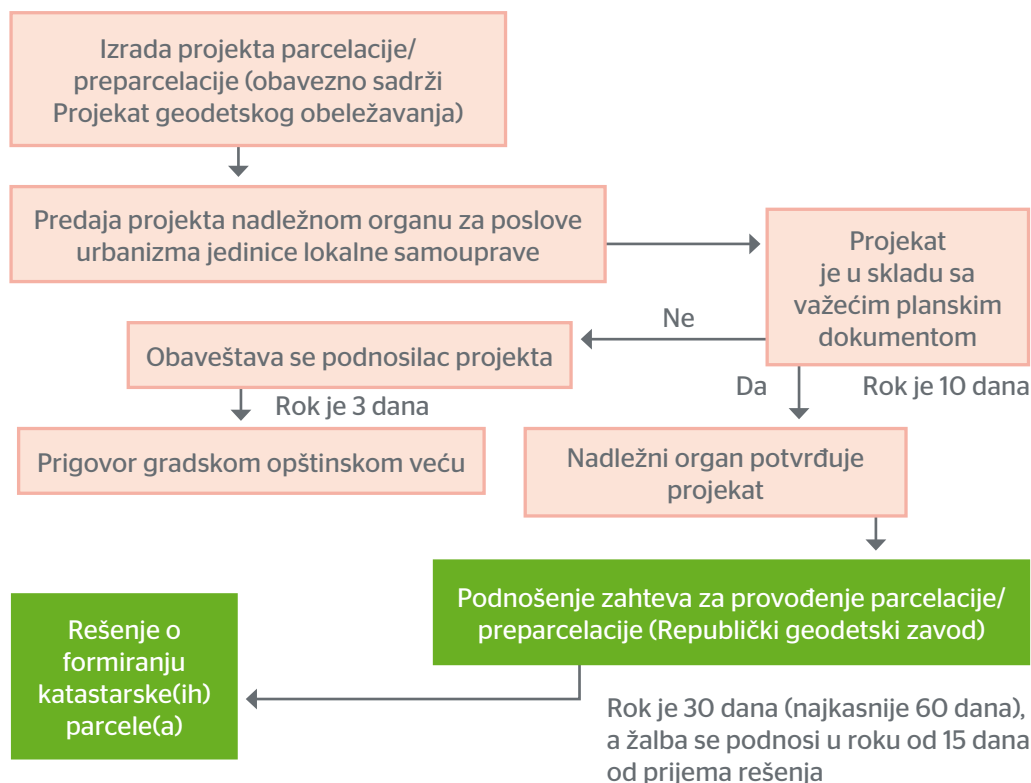
Lokacijska dozvola sadrži sve uslove i podatke potrebne za izradu tehničke dokumentacije dokumentacije, glavnog projekta, a u skladu sa važećim planskim dokumentom





## I-3

Uslovi za priključenje na elektroenergetsku i/ili mrežu daljinskog grejanja

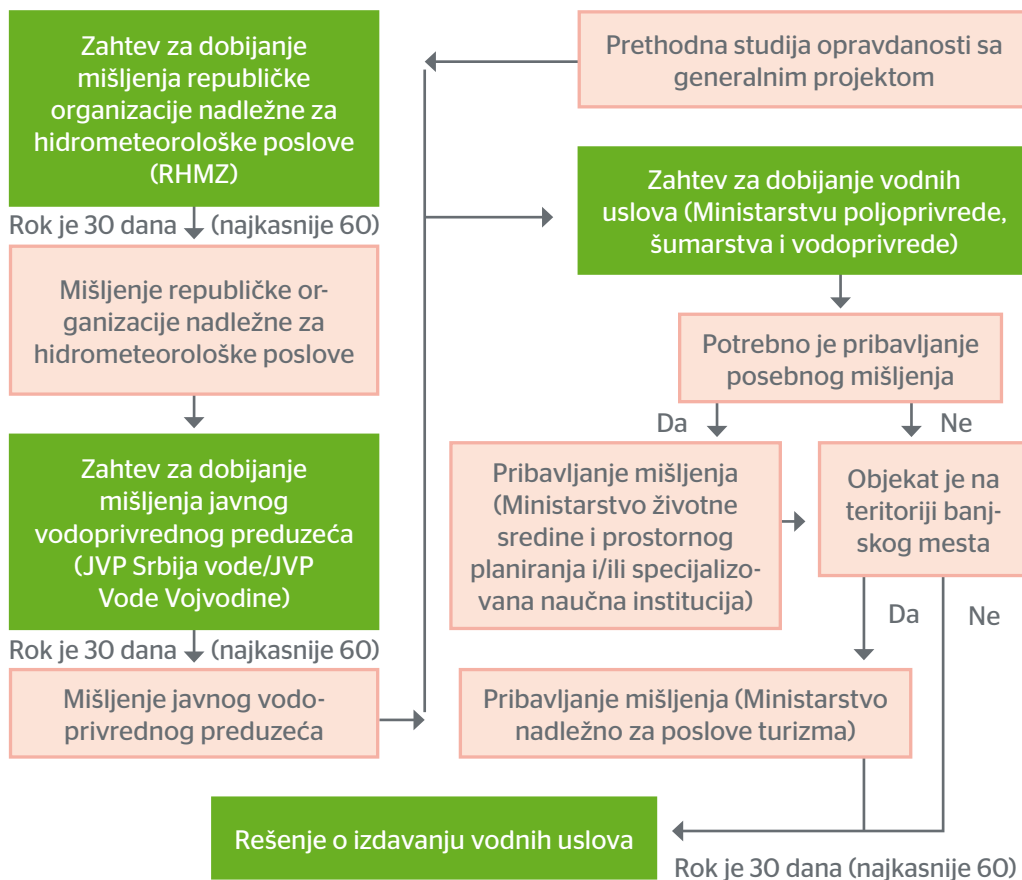


## I-3

Formiranje građevinske parcele

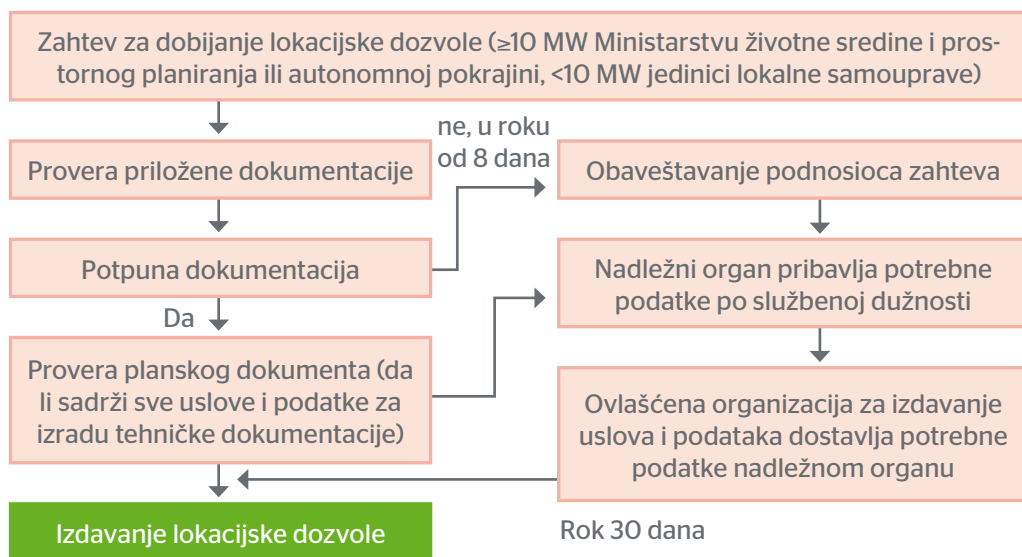
# I-3

## Vodni uslovi



# I-3

## Dobijanje lokacijske dozvole

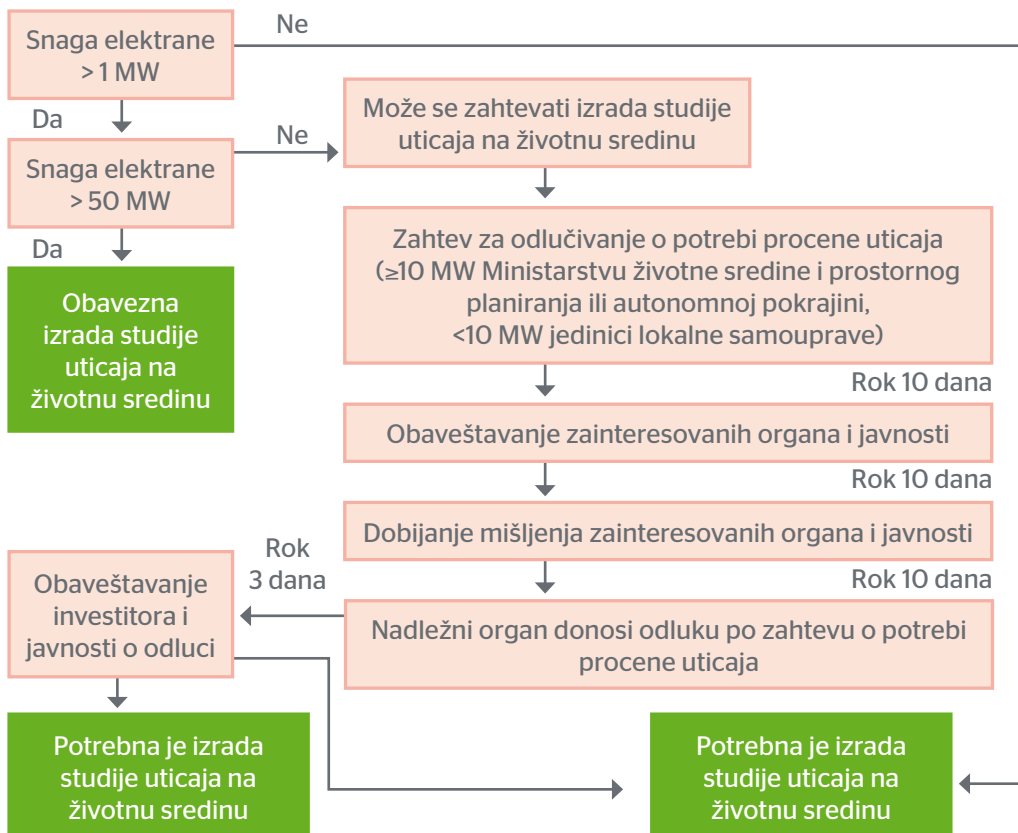
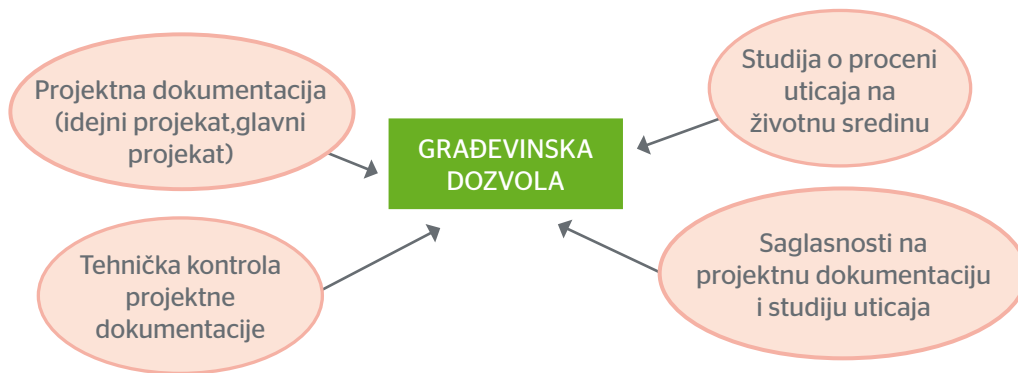




Po izvršenoj tehničkoj kontroli glavnog projekta i pozitivnom izveštaju o izvršenoj tehničkoj kontroli, nadležnom organu jedinice lokalne samouprave podnosi se zahtev za izdavanje građevinske dozvole

# I-4

## Građevinska dozvola

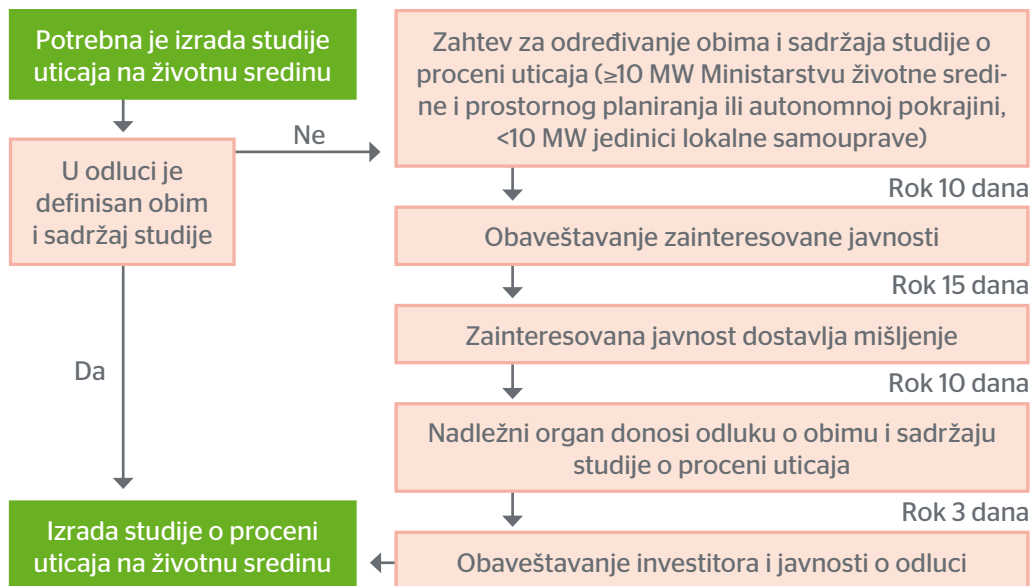


# I-4

## Procena uticaja na životnu sredinu (1)

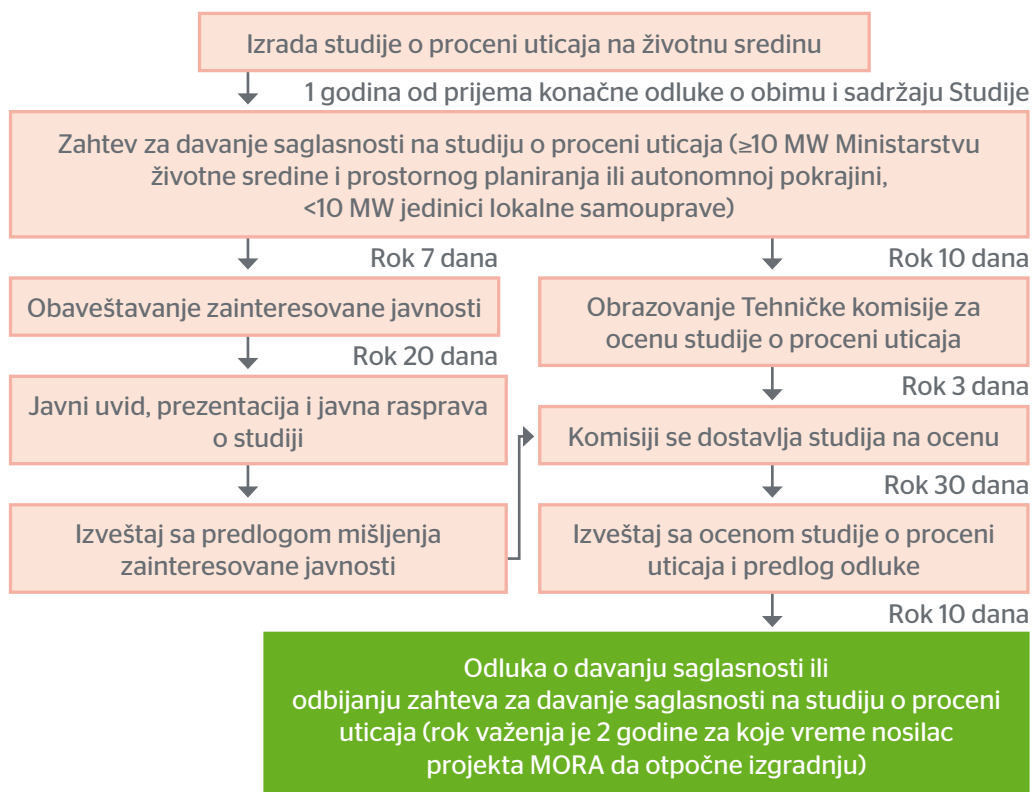
# I-4

## Procena uticaja na životnu sredinu (2)

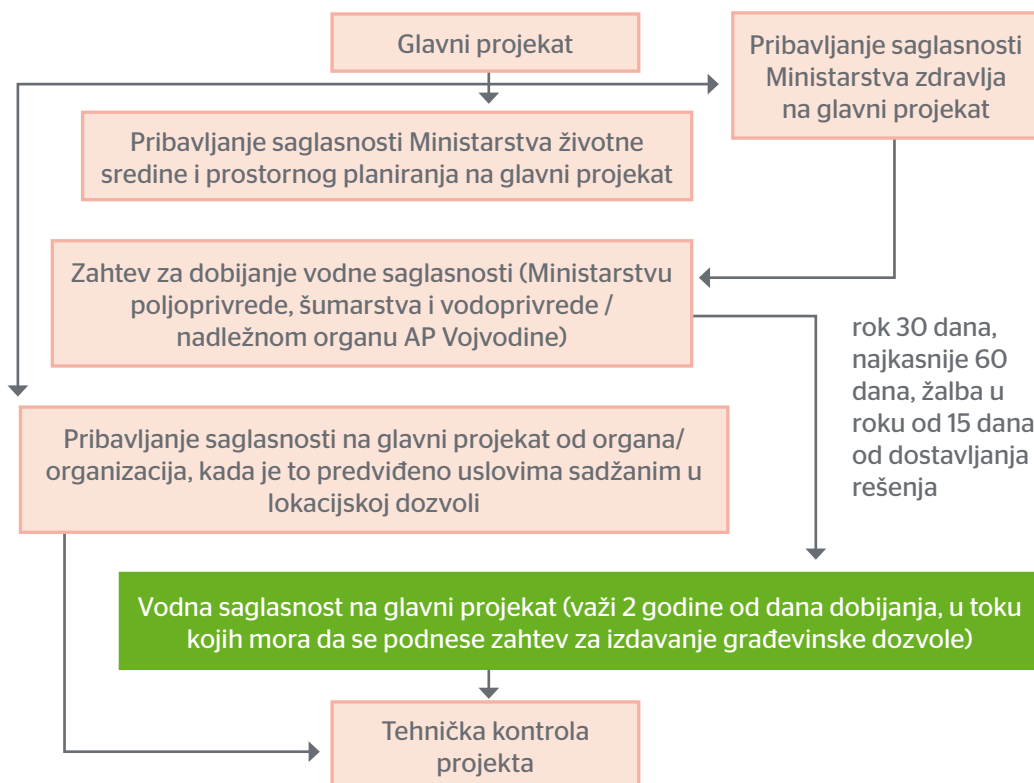
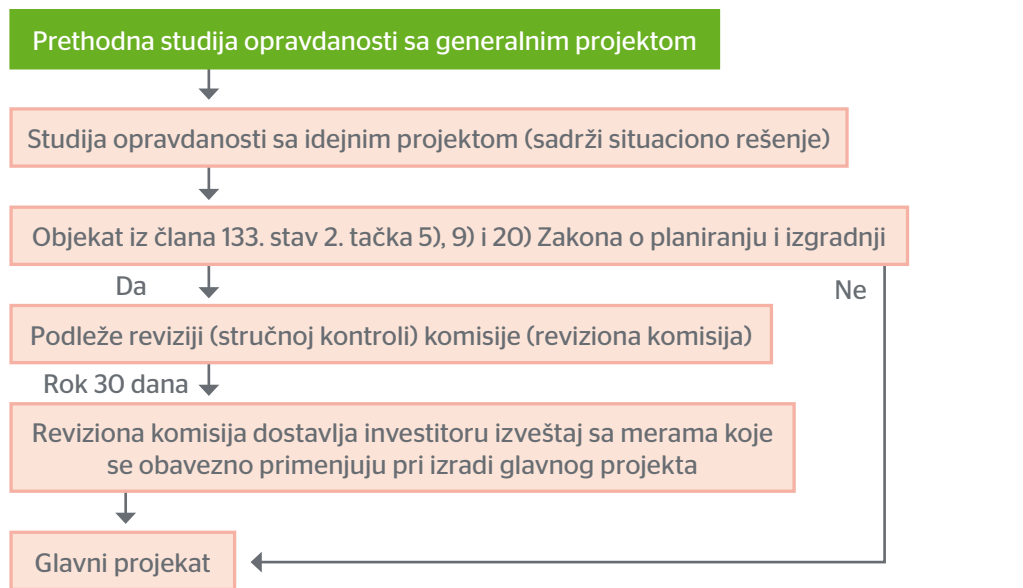


# I-4

## Procena uticaja na životnu sredinu (3)



## Tehnička dokumentacija



## I-4

### Vodna saglasnost i tehnička kontrola projekta

## I-4

### Građevinska dozvola\* - prilozi uz zahtev

- Lokacijska dozvola
- Glavni projekat u tri primerka sa izveštajem o izvršenoj tehničkoj kontroli i potvrdom o ispravnosti
- Dokaz o pravu svojine, odnosno pravu zakupa na građevinskom zemljištu (priloženo i za lokacijsku dozvolu)
- Dokaz o uređivanju odnosa u pogledu plaćanja naknade za uređivanje građevinskog zemljišta
- Dokaz o uplati administrativne takse
- Energetska dozvola (ako je snaga elektrane veća od 1 MW).

\* Za objekte za koje građevinsku dozvolu izdaje Ministarstvo, odnosno autonomna pokrajina, uz zahtev se podnosi i izveštaj revizione komisije.

## I-4

### Dobijanje građevinske dozvole

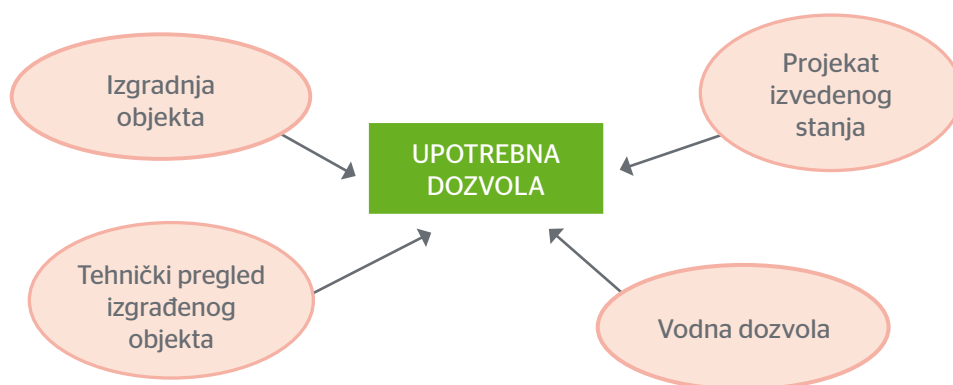




- Podobnost objekta za upotrebu utvrđuje se tehničkim pregledom
- Objekat se može koristiti po prethodno pribavljenoj upotrebnoj dozvoli
- U procesu dobijanja upotrebne dozvole potrebno je priložiti projekat izvedenog stanja

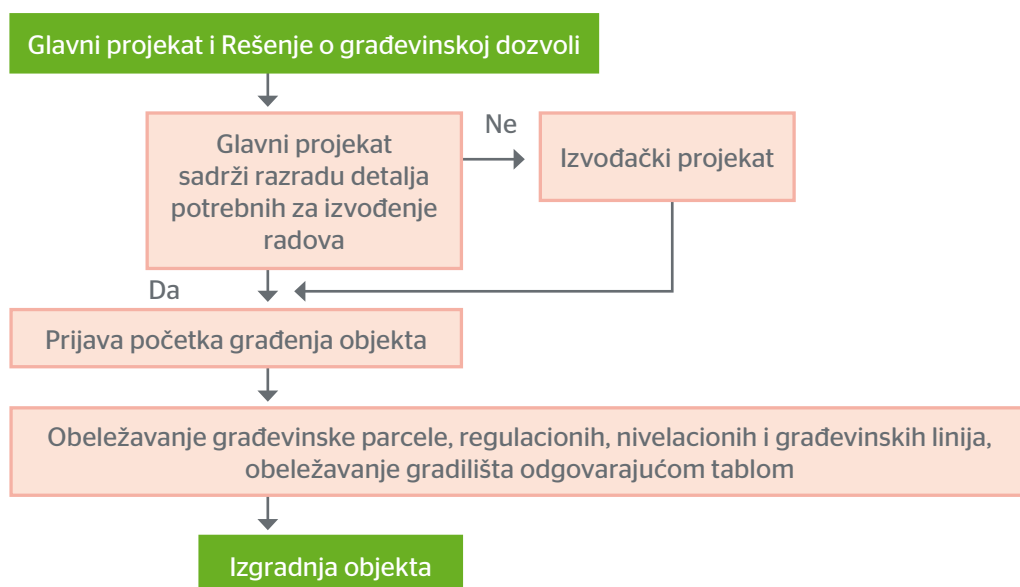
## I-5

### Upotrebna dozvola



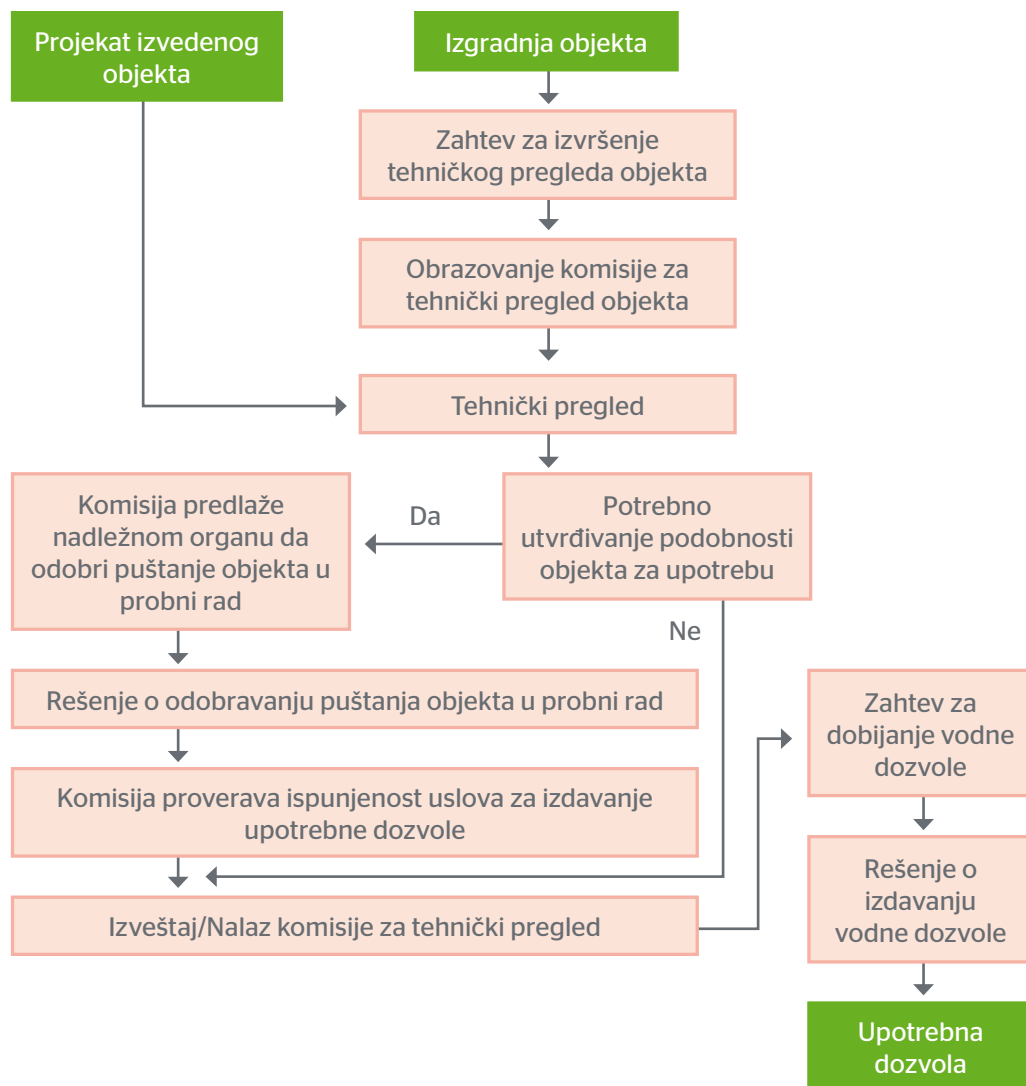
## I-5

### Izgradnja objekta



# I-5

## Tehnički pregled i upotrebna dozvola



# Osnovni koraci od ideje do korišćenja elektrane (II)



## Koraci za sticanje prava na obavljanje proizvodnje električne/toplotne energije

**II-1 Sticanje prava na obavljanje delatnosti od opšteg interesa**

**II-2 Licenca**

**II-3 Odobrenje za priključenje**

**II-4 Sticanje statusa povlašćenog proizvođača**

**Građenje objekta**

**II-5 Obavljanje delatnosti proizvodnje električne/toplotne energije**

## Pravo na obavljanje proizvodnje električne energije - način sticanja

### 1. Ulaganje u zavisna društva javnog preduzeća

- Ima jasne i relativno kratke procedure
- Potencijalni problem - matično javno preduzeće teško dozvoljava većinski udeo Investitora
- Rizik - velik stepen diskrecione vlasti osnivača javnog preduzeća

ILI

### 2. Poveravanje prava obavljanja delatnosti od opšteg interesa

- Investitor stiče pravo tek po zaključivanju ugovora o poveravanju, a ugovor se zaključuje tek posle izgradnje objekta
- Jednostavnija procedura u praksi u odnosu na koncesije
- Najčešće primenjivano u praksi

ILI

### 3. Dodeljivanje koncesija

- Investitor stiče pravo kroz jasno definisanu proceduru na samom početku
- Obaveza osnivanja novog privrednog subjekta
- Najdugotrajniji postupak

## II-1

### Poveravanje obavljanja delatnosti od opšteg interesa

Proizvodnja električne energije  
 republička delatnost od opšteg interesa  
 (nadležnost: Ministarstvo rudarstva i  
 energetike)



Zaključenje ugovora o poveravanju  
 delatnosti od opšteg interesa  
 proizvodnje električne energije

Proizvodnja toplotne energije  
 komunalna delatnost  
 (nadležnost: jedinica lokalne  
 samouprave)



Zaključenje ugovora o poveravanju  
 obavljanja komunalnih delatnosti  
 (proizvodnja toplotne energije)

- Adekvatna tehnička opremljenost (pravo vlasništva ili pravo korišćenja elektrane, koja je izgrađena u skladu sa zakonom, tehničkim i drugim propisima).
- Kadrovska osposobljenost (da lica koja rade u elektrani imaju neophodnu stručnu spremu i druga propisana znanja).
- Sprovođenje propisane zaštite na radu.
- Ostvarivanje propisanih uslova i načina zaštite i unapređenja životne sredine.

## II-1

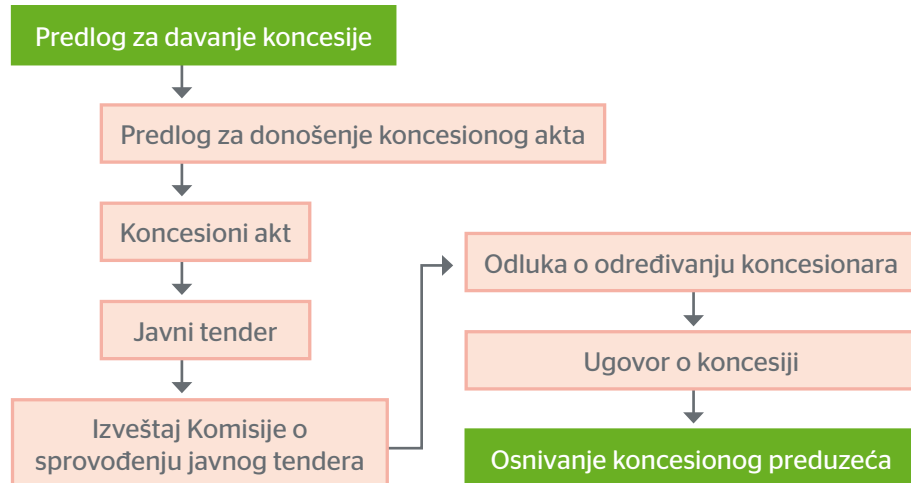
### Ugovor o poveravanju - Uslovi

- 
- Rad i poslovanje privrednog subjekta kome se poverava ova delatnost.
  - Obaveze privrednog subjekta u pogledu obezbeđivanja uslova za kontinuirano, uredno i kvalitetno zadovoljavanje potreba korisnika proizvoda i usluga.
  - Međusobna prava i obaveze ugovornih strana u slučaju kada nisu obezbeđeni ekonomski i drugi uslovi za obavljanje delatnosti od opšteg interesa.
  - Prava i obaveze u slučaju poremećaja u poslovanju privrednog subjekta.
  - Druga prava i obaveze i pitanja koja su od značaja za ostvarivanje i zaštitu opšteg interesa.

## II-1

### Ugovor o poveravanju - Sadržaj/ Odredbe

## II-1 Koncesija



## II-1 Koncesija - sadržaj ugovora o koncesiji

- Ugovorne strane, predmet koncesije, uključujući opis objekata, uređaja, postrojenja.
- Rok trajanja koncesije i uslovima pod kojim se taj rok može produžiti, dužini trajanja pripremnih radnji.
- Način i rokovi obezbeđivanja sredstava za finansiranje koncesione delatnosti (finansijski plan) i dinamika njihovog ulaganja, visini i načinu obezbeđenja garancija za izvršavanje koncesione obaveze.
- Uslovi obavljanja koncesione delatnosti.
- Standardi proizvoda i usluga, transferu\ tehnologije.
- Kriterijumi za određivanje cena-tarifa proizvoda i usluga za krajnje korisnike.
- Koncesiona naknada (visina, rokovi, uslovi i način plaćanja)
- Prava i obaveze u pogledu preuzimanja mera obezbeđivanja opšte sigurnosti, zaštite zdravlja i zaštite životne sredine kao i odgovornosti za naknadu štete prouzrokovane ugrožavanjem opšte sigurnosti i zaštite životne sredine.
- Prava na prenos koncesije.
- Vreme i način predaje nepokretnosti, objekta, uređaja ili postrojenja i stanje u kome se oni moraju predat.
- Uslovi izmena ili raskida ugovora i njihovim posledicama, promenjenim okolnostima i višoj sili.
- Način rešavanja sporova i primena merodavnog prava.
- Druge odredbe o kojima se sporazumno dogovore ugovorne strane. Ugovorom se određuje i način međusobnog obaveštavanja o izvršenju ugovora, načinu vršenja kontrole izvršenja ugovora i ostvarivanja prava i obaveza ugovornih strana.

- Nije propisana tenderska procedura
  - nije utvrđena obaveza utvrđivanja mesta obavljanja delatnosti proizvodnje električne energije (ukoliko se ugovorom ne veže za konkretan objekat)
  - nije utvrđen maksimalan rok obavljanja delatnosti od opšteg interesa (ukoliko se ugovorom ne definiše)
  - nije propisana obaveza utvrđivanja obima obavljanja delatnosti
  - nije propisana obaveza plaćanja bilo kakve naknade za obavljanje delatnosti od opšteg interesa
- 

## II-1

Ugovor o poveravanju u odnosu na koncesiju - osnovne razlike

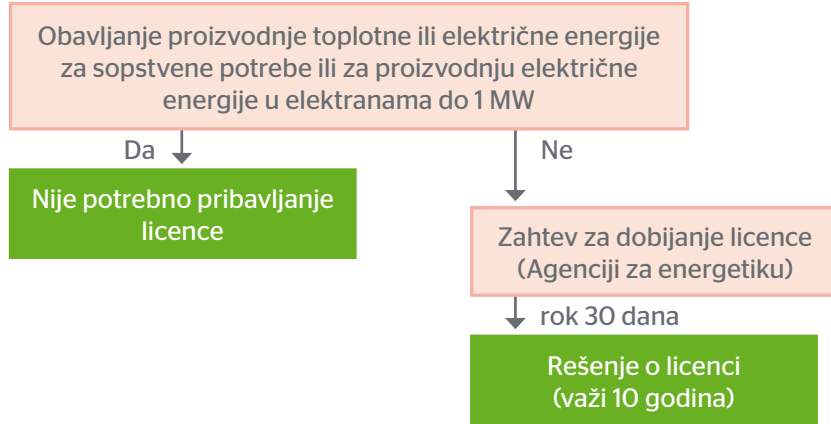
- Licenca je dozvola za obavljanje energetske delatnosti koju izdaje Agencija za energetiku Republike Srbije
- Potrebna samo za elektrane snage od 1MW i veće

## II-1

Licenca

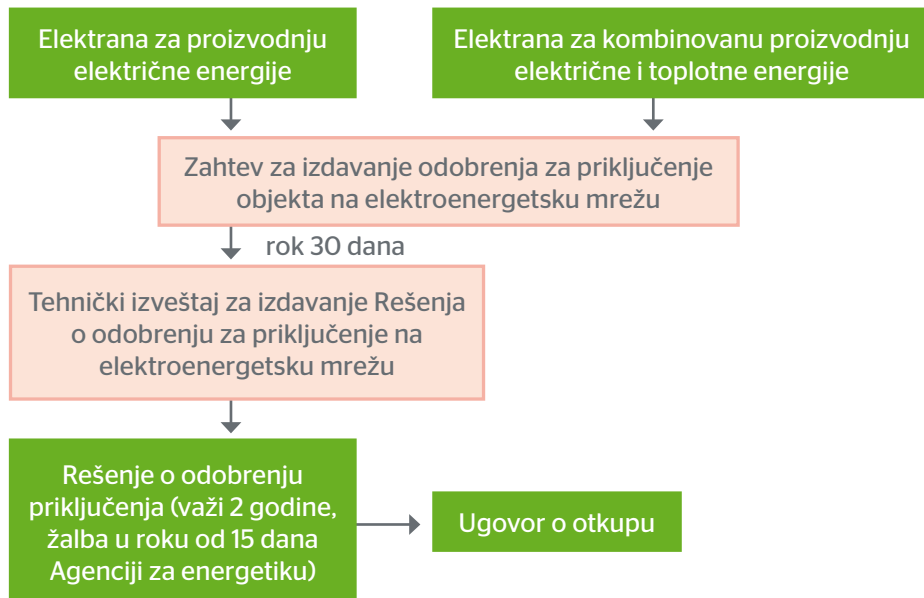
## II-2

### Dobijanje licence



## II-3

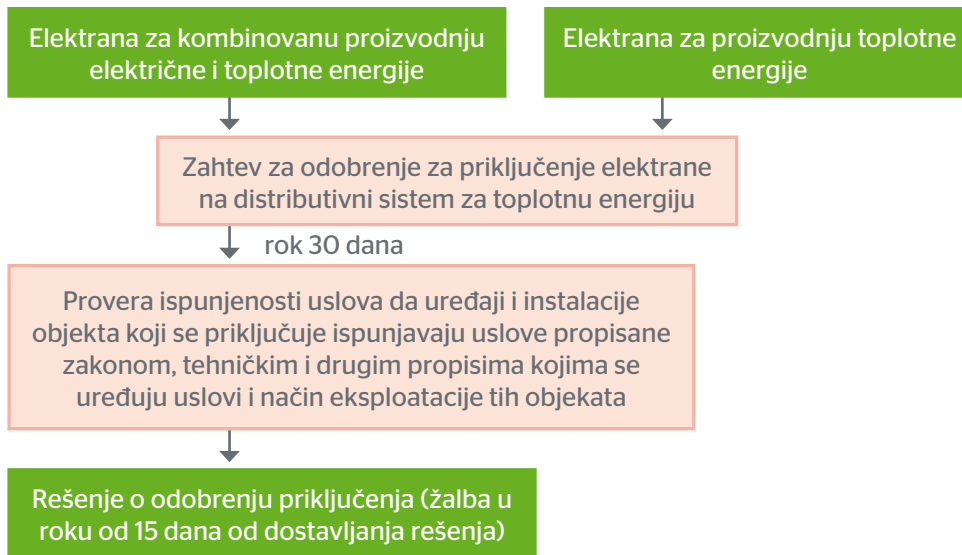
### Odobrenje za priključenje elektrane na elektroenergetsku mrežu





## II-3

### Odobrenje za priključenje elektrane na mrežu za distribuciju toplotne energije



- Pravo prioriteta na organizovanom tržištu u odnosu na druge proizvođače koji nude energiju pod jednakim uslovima
- Pravo na subvencije (poreske, carinske i druge olakšice)
- Mere podsticaja - Feed-in tarife:

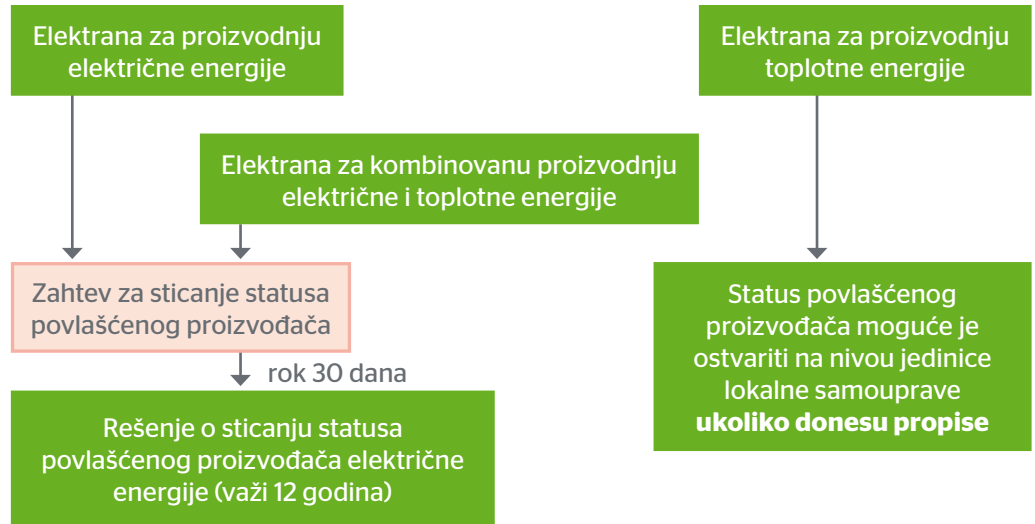
## II-4

### Status povlašćenog proizvođača

Vrsta elektrane	Instalisana snaga (MW)	Mera podsticaja - otkupna cena (cEUR/1 kWh)
Elektrane na biomasu	do 0,5 MW	13,6
	od 0,5 MW do 5 MW	13,845 - 0,489*P
	od 5 MW do 10 MW	11,4
Elektrane na biogas	do 0,2 MW	16,0
	od 0,2 MW do 2 MW	16,444-2,222*P
	preko 2 MW	12,0
Elektrane na deponijski gas i gas iz postrojenja za tretman komunalnih otpadnih voda		6,7

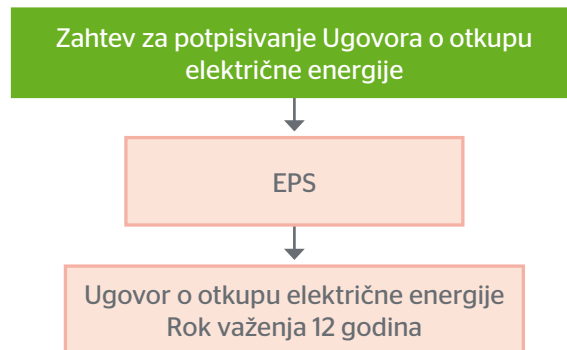
## II-4

### Sticanje statusa povlašćenog proizvođača



## II-5

### Ugovor o otkupu električne energije



See the detailed text of the Guide for Investors at the web site of the Ministry of Mining and Energy  
Detaljno uputstvo za investitore možete pronaći na web sajtu Ministarstva rudarstva i energetike  
[www.mre.gov.rs](http://www.mre.gov.rs)

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