

CONSTRUCTION OF WIND FARMS AND ELECTRICITY GENERATION FROM WIND ENERGY IN THE REPUBLIC OF SERBIA GUIDE FOR INVESTORS

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IZGRADNJA VETROELEKTRANA I PROIZVODNJA ELEKTRIČNE ENERGIJE IZ ENERGIJE VETRA U REPUBLICI SRBIJI VODIČ ZA INVESTITORE

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ENGLISH

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CONSTRUCTION OF WIND FARMS AND ELECTRICITY GENERATION FROM WIND ENERGY IN THE REPUBLIC OF SERBIA GUIDE FOR INVESTORS

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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.

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.

Wind Farms

- A wind farm: a wind power plant includes a single unit or multiple production units for electricity generation using wind. These units are interconnected and equipped so they can be connected to the electric power grid.

Privileged power producers

- Small power plants of up to 10 MW
 - Power generation from a renewable source
-

Wind Farms - Investor's Rights

An investor must acquire the following rights

- I Right to construct Wind Farms
 - II Right to generate electricity
-

Relevant Legislation

- The Energy Law (Official Gazette of the RoS No. 84/04)
- The Law on Planning and Construction (Official Gazette of the RoS, No. 72/09 and 81/09)
- The Law on Environmental Protection (Official Gazette of the RoS, No. 135/04 and 36/09)
- The Law on Waters (Official Gazette of the RoS, No. 30/10)
- The Law on Air Traffic (Official Gazette of the RoS, Nos. 12/98, 5/99, 44/99, 5/00, 70/01)
- The Law on Concessions (Official Gazette of the RoS, No. 55/03)
- The Law on Public Utility Companies and Performing Activities of Public Interest (Official Gazette of the RoS, No. 25/00, 25/02, 107/05, and 108/05)

and other relevant laws and by-laws.

Competent Institutions

- The Ministry of Mining and Energy - MME
 - A Local Self-Government Unit - LSU
 - The Energy Agency- AE
 - The Republic Geodetic Authority - RGA
 - The Ministry of Agriculture, Forestry and Water Management - MAFWM
 - The Ministry of Environment and Spatial Planning - MESP
 - The Republic Hydro-meteorological Service - RHMS
 - The Electric Grid of Serbia - EGS
 - The Electric Power Industry of Serbia - EPIS
 - The Serbia and Montenegro Air Traffic Services Agency
- and other competent institutions in each concrete case
-

From an Idea to Wind Power Plant (WPP) Exploitation

Prior activity - Selection of location

- Visiting the location
- Checking if the location is included in the planning document
 - *Mandatory requirement: the facility must be included in the planning document

I Steps for obtaining the Right to Construct Wind Farms

II Steps for obtaining the Right to Generate Electricity

Main Steps: From an Idea to Wind Power Plant (WPP) Exploitation (I)

Steps for obtaining the Right to Construct Wind Farms

I-1 Acquiring Information on Location

I-2 Acquiring Energy Permit

I-3 Acquiring Location Permit

Preparation of the Preliminary Feasibility Study including the General Design

Resolving of Property-Rights Issues / Allotment and Re-allotment Plans

Collecting Design Requirements

I-4 Acquiring Building Permit

Preparation of the Feasibility Study including the Preliminary Design/Main Design

Preparation of Environmental Impact Assessment Study

I-5 Acquiring the Water Permit and the Operating Permit

Construction of the Facility



Right to Construct - Acquisition Methods

Note:

- Issuance of construction-related permits for Wind Farms (Location permit, Construction Permit, Operating Permit) is within the jurisdiction of the Local Self-Government Unit - LSU (this case is illustrated in the following diagrams).

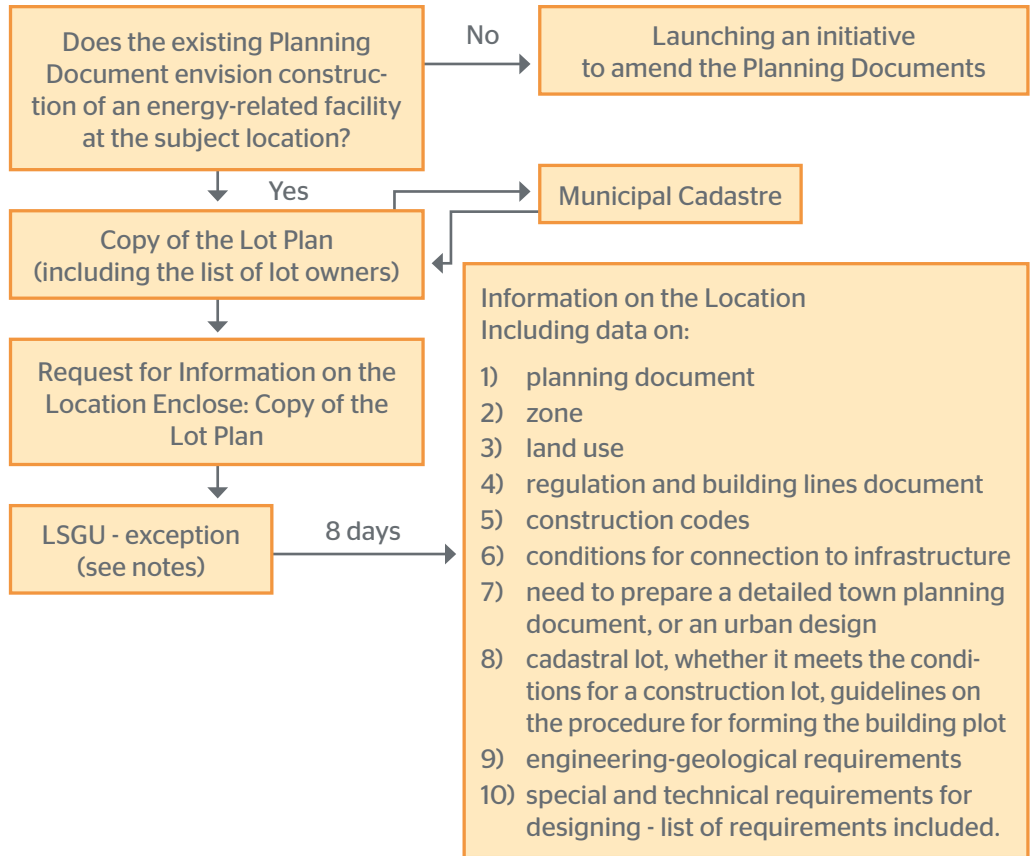
Exceptions:

- when the wind farm is built in a national park or within the boundaries of a protected natural resource of outstanding significance
- when the power equals or exceeds 10 MW
- when the wind turbine/s exceed a height of 50m, in which case it falls under the jurisdiction of the Ministry of Environment and Spatial Planning (MESP), or the competent authority of the autonomous province if it is situated at the territory of the autonomous province (Art. 133. Law on Planning and Construction).

For facilities constructed in accordance with the above article 133 preparation of the Feasibility Study including the General Design and the Feasibility Study including the Preliminary Design/Main Design is mandatory and subject to review by the Review Committee.

I-1

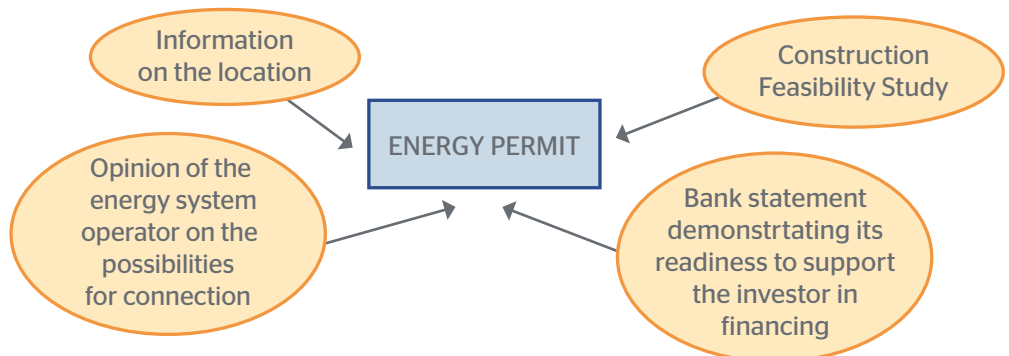
Acquiring Information on the Location



I-2

An Energy Permit is required only for energy-related facilities of 1MW or larger

Energy Permit



I-2

Obtaining the Energy Permit (EP)

Prior to submitting the request for the EP, it is necessary to obtain/provide:

- 1) Information on the location or town planning requirements (if issued)
- 2) Feasibility Study on Construction of the energy-related facility (recommendation: General Design including Pre-feasibility Study), with separate analysis of possible impacts on the environment, including the proposal of protection measures.
- 3) Statement of a bank confirming its readiness to support financing of the construction.
- 4) Opinion of the transmission/distribution system operator on possibilities to connect the facility to the system.

The above documents must be presented together with the Application for issuance of the EP.

The request for an opinion from the Operator:

The request shall include:

- 1) General info on the applicant;
- 2) General info on the facility;
- 3) Main characteristics of the generating units and the whole plant (apparent and active power, designated voltage and power, initial power, power factor, maximum power to be supplied to the DES, maximum power to be taken over from the DES;
- 4) Power plant operating mode with respect to the DES;
- 5) Planned date of connection to the DES;
- 6) Proof of the applicant's ID;
- 7) Layout plan at a scale of 1:500 (1000) on a copy of the cadastral lot plan from the Cadastre, incl. an excerpt from the Cadastre of installations in the ground;
- 8) A copy of the plan of a broader area;
- 9) Description of and possibilities to regulate the power plant;
- 10) Flicker coefficient;
- 11) Higher harmonics of the current, etc.

Request for the EP - using Form O1- (small power plants):

- 1) Data on the applicant;
- 2) Data on the facility;
- 3) Value of the investment;
- 4) Applicant's financial standing (Bank's statement and evidence of applicant's solvency);
- 5) Lifespan of the facility, etc

Ministry of Mining and Energy

30 days

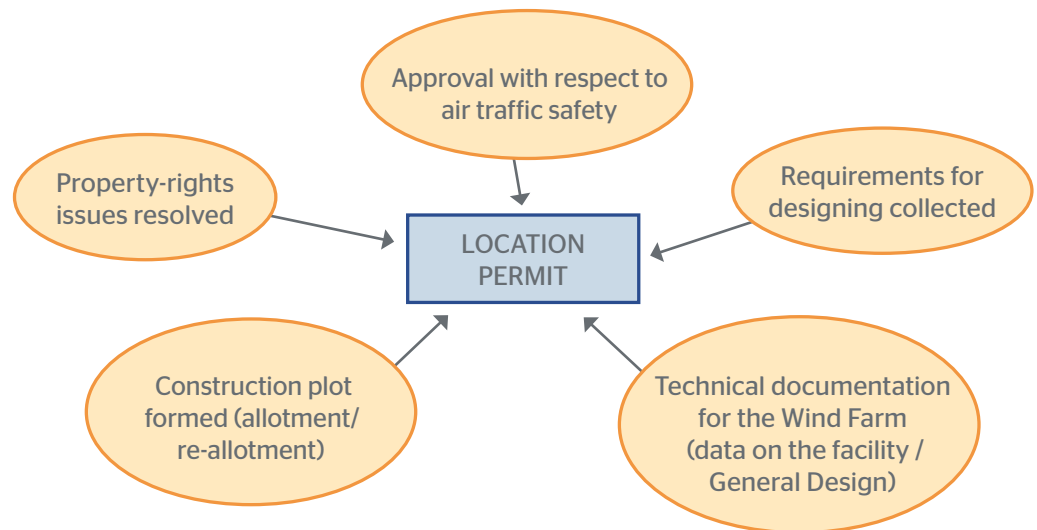
Decision on issuance of Energy Permit
Validity: 2 years

Appeal - to the Government,
Deadline: 8 days

I-3

Location Permit

A Location Permit contains all the requirements and data needed for preparation of the technical documentation and the Main Design, in compliance with the valid planning document



I-3

Preparation of the Pre-feasibility Study including General Design

- Prefeasibility Study shall define, in particular, spatial, environmental, social, financial, market, and economic justification of the investment for possible alternative solutions defined in the General Design, which will serve for decision-making on justification of the investment - in preliminary works for the Preliminary and the Main Design, General Design shall include, in particular, the data on macro location of the facility, general layout, technical-technological concept, provision of infrastructure, possible variants of spatial and technical solutions, environmental conditions, environmental impact assessment, engineering, geological and soil-mechanics features of the terrain from the aspect of a general concept and feasibility of construction, site investigation works for preparation of the Preliminary Design, protection of natural and immovable cultural assets, functionality and cost-effectiveness of the solution.

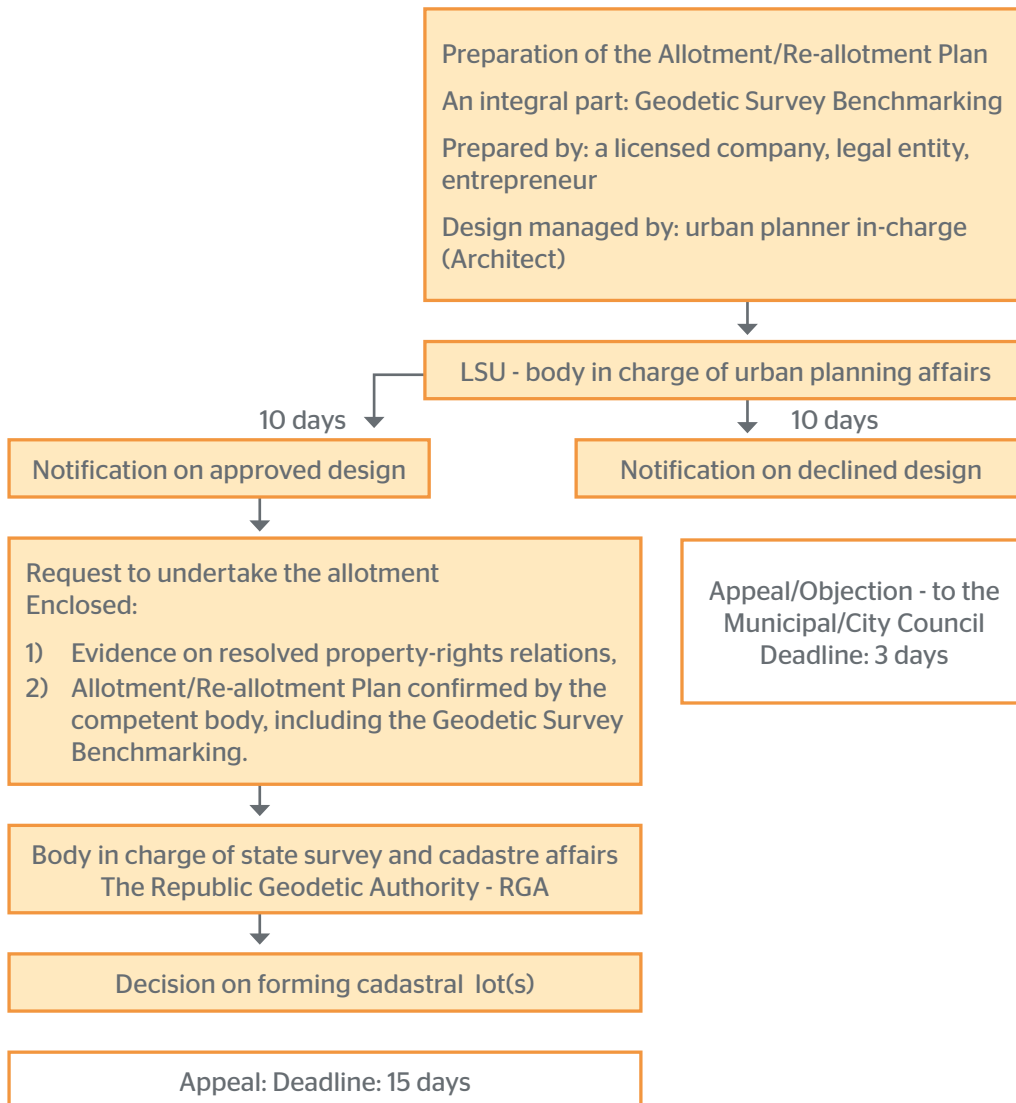
- Sale/Lease Agreement signed with the owner of the lots
- Agreement on the use of land that includes water, use of water facilities and rendering of other services (with JVP Srbijavode, Vode Vojvodine or Water Directorate)

I-3

Resolving Property-Rights Issues

I-3

Allotment/ Re-allotment



I-3

Approval from the Aspect of Air Traffic Safety

- Request for issuing approval for the construction of a wind farm with respect to safety of the Air Traffic and labeling of the Wind Farm must be submitted to the Serbia and Montenegro Air Traffic Services Agency.
- No specific form has been prescribed.
- The request should precisely describe the reasons for submission and the facility to be built with specific indication of its position, height and shape



Serbia and Montenegro Air Traffic Services Agency



Approval with respect to air traffic safety

I-3

Collecting the Design Requirements

Obtaining the design requirements is necessary for the issuance of the Location Permit. If the Investor does not obtain the requirements, the relevant body shall obtain them ex officio, prior to issuing the Location Permit.

- Requirements for connection
- Water requirements
- Other requirements (regarding environmental protection, protection of cultural monuments, access to infrastructure facilities, etc.)

*The list of prescribed requirements is provided in the Information on the Location

I-3

Requirements for Connection to the Grid

Requirements for Connection to the Grid

Request for issuance of energy-technical requirements (for connection to the grid) for preparation of technical documentation

Enclosed:

- 1) Info on the Investor;
- 2) Energy Permit for the power plants exceeding 1MW;
- 3) License;
- 4) Copy of the plan - broader plan, if necessary;
- 5) Evidence on regulated property-rights issues;
- 6) Description of the types and method of operation of the main power drive, generators and method of connection to the network;
- 7) Technical Report - Single-pole diagram of the Wind Farm;
- 8) Description of the main protection equipment;
- 9) Evidence on the fee paid for issuance of the requirements



Relevant energy entity where the facility shall be connected (EPS, EMS)



Technical Report for issuance of the technical requirements
/Establishing if energy/technical requirements are met or not./



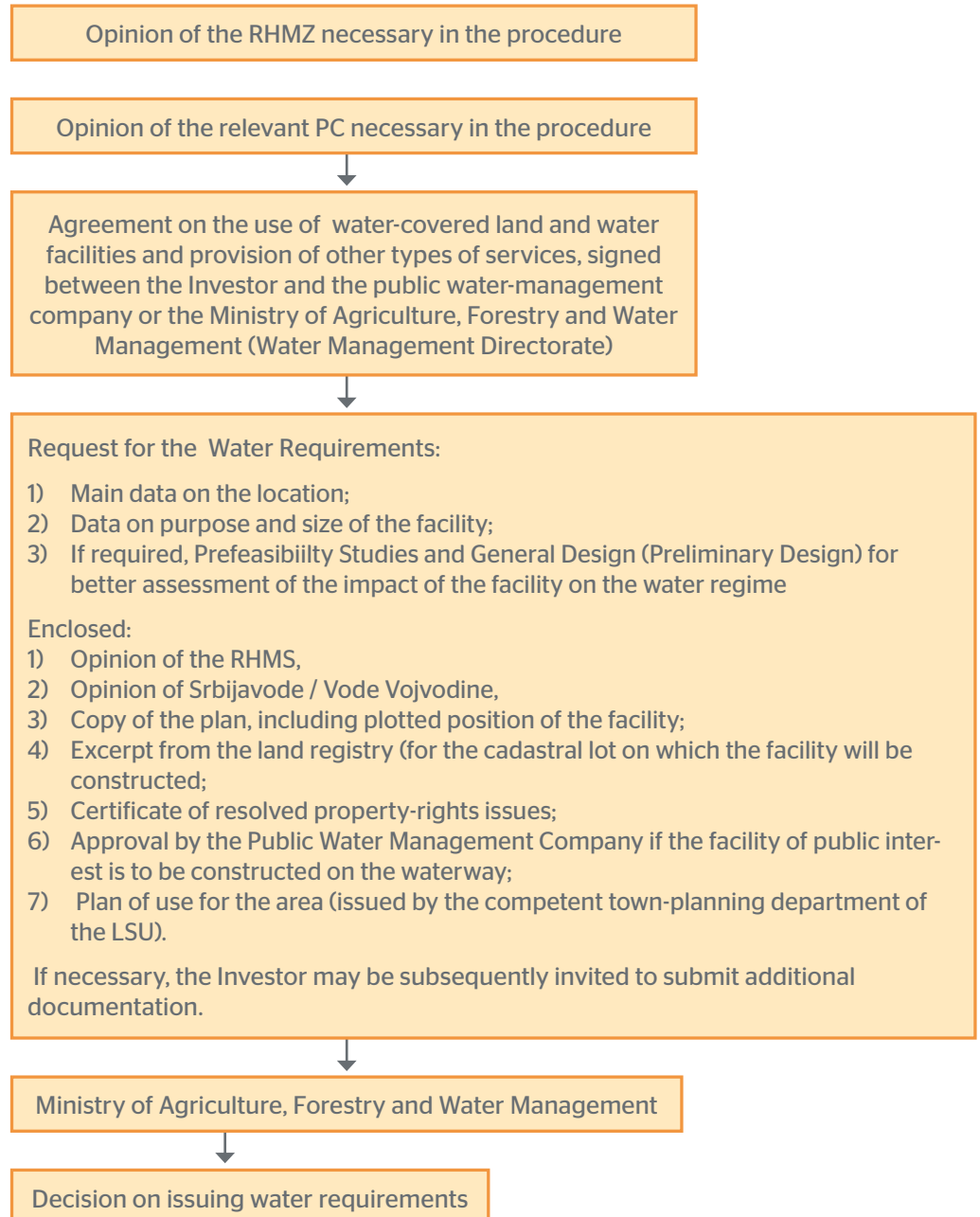
Energy - Technical requirements for connection needed for preparation of the technical documentation.

No appeal/
complaint
allowed

I-3

Water Requirements

Water Requirements



I-3

Acquiring the Location Permit

Request for the Location Permit

Enclosed:

- 1) Copy of the lot plan (the date stamp: max. 6 months old),
- 2) Excerpt from the the cadastre of installations laid in the ground;
- 3) Evidence of ownership rights, or of lease on the construction land;
- 4) Data on the facility (in practice - General Design);
- 5) Collected special and technical requirements.

LSU - Town Planning Authority (exception - see notes)

15 days

Decision on Location Permit

Includes, in particular:

- 1) Data on the Investor;
- 2) Number and square area of the cadastral lot,;
- 3) Data on the existing buildings on the cadastral lot that should be removed;
- 4) Defined access to a public traffic route;
- 5) Use of the facility;
- 6) Building lines;
- 7) Codes of construction;
- 8) Requirements for service connection to the infrastructure;
- 9) Possible and mandatory stages in implementation of the project;
- 10) List of mandatory components of the Main Design,
- 11) Name of the planning document that served as the basis for the Decision, etc.

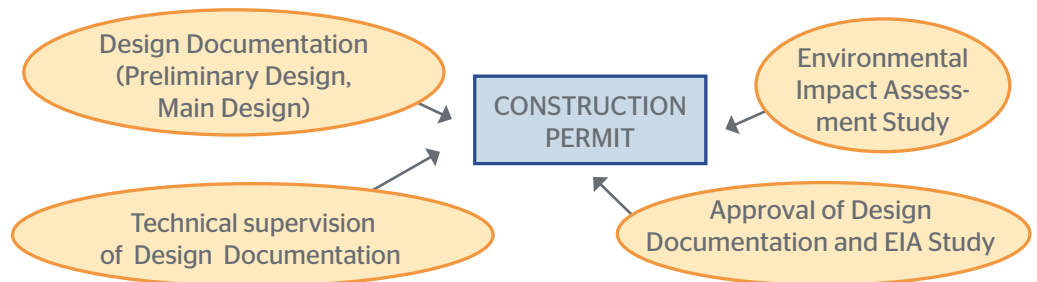
The Location Permit shall cease to be valid unless the Investor files a request for the building permit within 2 years

An Appeal may be lodged to the Ministry of Environment and Spatial Planning
Deadline: 8 days (exception)

I-4

Construction Permit

Upon completion of the technical supervision of the Main Design and a positive report, a request for the Construction Permit must be submitted to the competent authority in the local self-government unit



- The Feasibility Study (FS) specifies the spatial, environmental, social, financial, market, and economic justifiability of the investment for the selected solution defined in the Preliminary Design, based on which a decision on justifiability of the investment should be made
- The Preliminary Design defines: the use, layout, shape, capacity, technical-technological and functional features of the facility, organisational components of the facility and its appearance
- The Preliminary Design includes the General Layout and data on:
 - 1) Micro-location of the facility;
 - 2) Functional, structural, and form-relevant characteristics of the structure;
 - 3) Technical, technological, and exploitation characteristics of the structure;
 - 4) Engineering, geological, and geotechnical characteristics of the terrain and soil including the preliminary analysis of stability and safety of the structure;
 - 5) Design of the foundation of the structure;
 - 6) Technical, technological, and organizational elements of the construction of the structure;
 - 7) Measures for prevention or mitigation of negative impact on the environment;
 - 8) Conceptual design of the infrastructure;
 - 9) Comparative analysis of the alternative technical solutions from the aspect of properties of the soil;
 - 10) Functionality;
 - 11) Stability;
 - 12) Assessment of the impact on the environment;
 - 13) Natural and immovable cultural assets;
 - 14) Rationality of construction and exploitation;
 - 15) The amount of the costs of construction, transportation, maintenance, provisions for energy, and other costs.

I-4

Preparation of the Feasibility Study including the Preliminary Design



- Only for power plants exceeding 10 MW
- List II - Projects for which preparation of the Impact Assessment Study may be required

Steps:

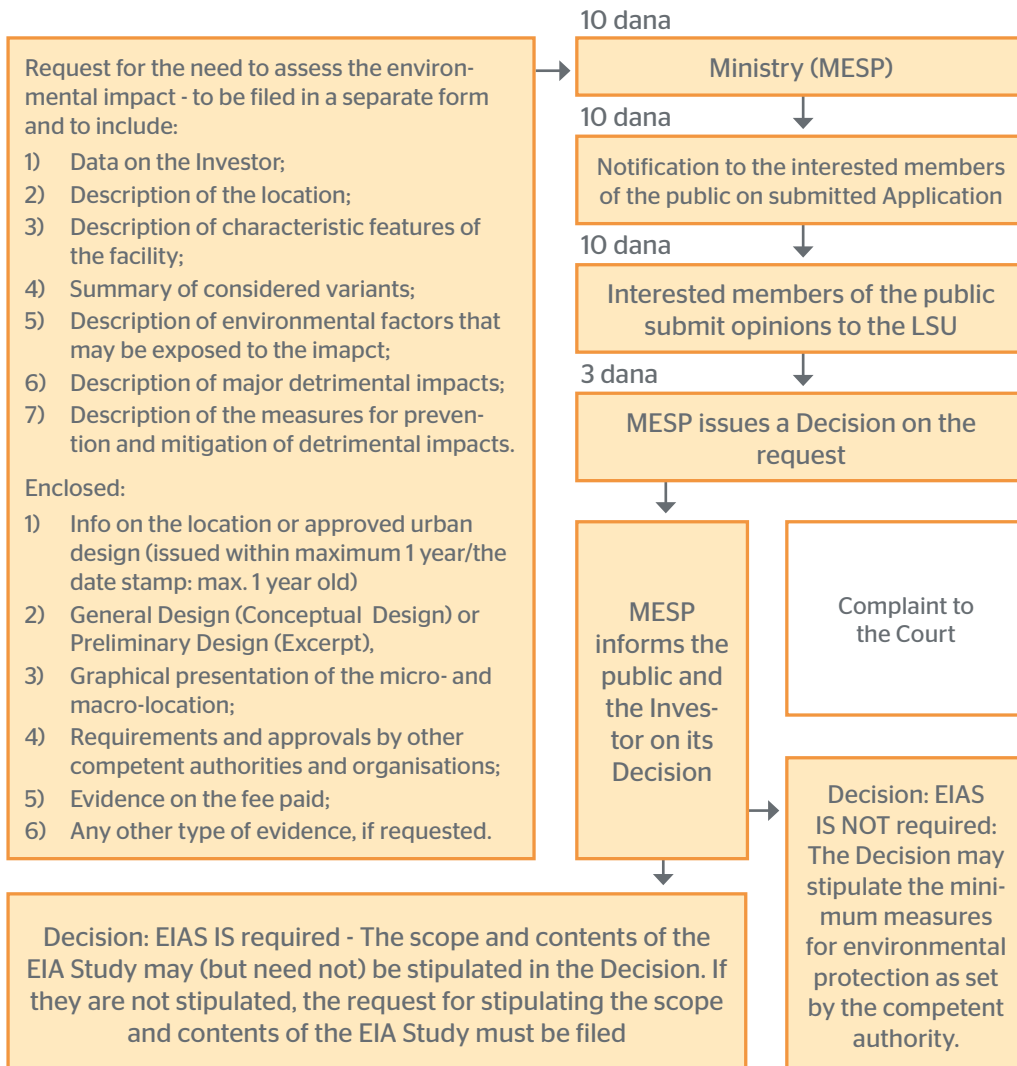
- Application to establish if the EIA Study is required or not (Z1)
- Application to establish the scope and contents of the EIA Study (Z2)
- Preparation of the Study
- Obtaining approval for the Study (Z3)

I-4

Preparation of the Environmental Impact Assessment (EIA) Study

I-4

Application for the Need to Assess the Impact (Z1)



I-4

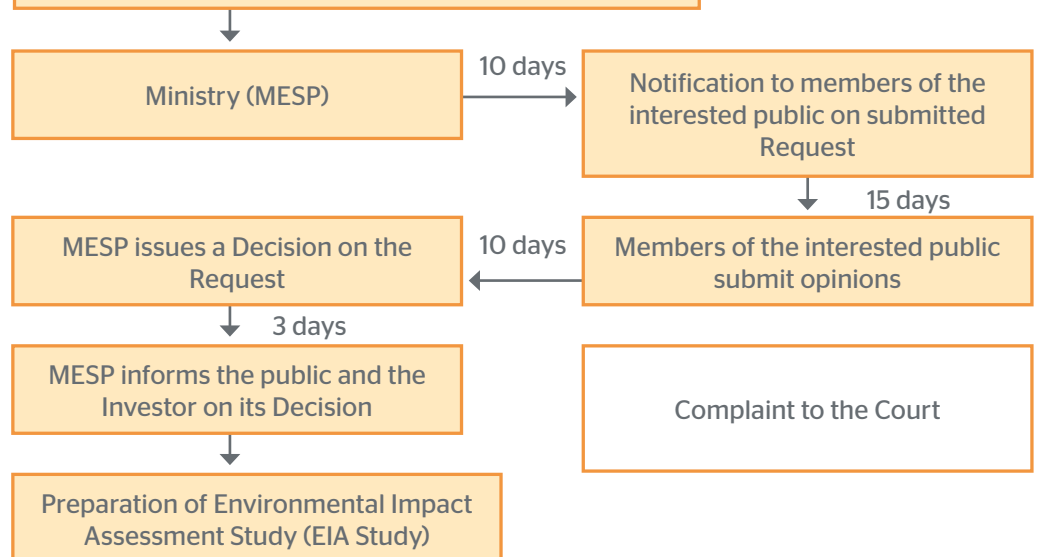
Request for Determining the Scope and Contents of the EIA Study (Z2)

Request for determining the scope and content of the EIA Study, on a prescribed form:

- 1) Data on the Investor;
- 2) Description of the location;
- 3) Description of the project, presentation of the main alternatives
- 4) Description of environmental factors that may be exposed to the impact;
- 5) Description of detrimental impacts;
- 6) Description of measures for prevention and mitigation of detrimental impact;
- 7) Data on difficulties encountered by the Investor in gathering of required data;
- 8) Any other data that may be requested by the competent authority.

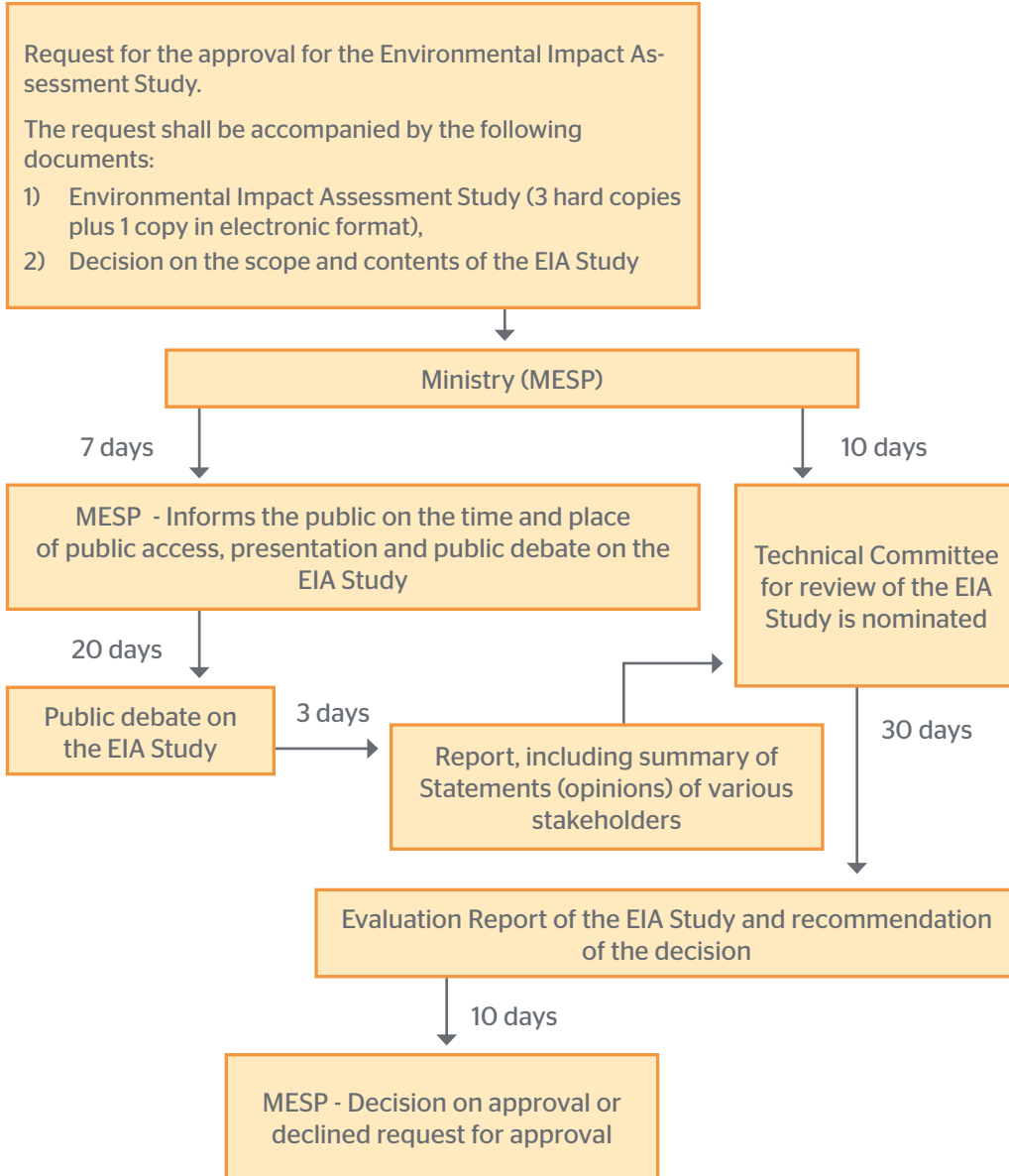
Enclosed:

- 1) Info on the location or approved urban design;
- 2) Preliminary Design (Excerpt),
- 3) Graphical presentation of micro- and macro-location;
- 4) Requirements and approvals by other competent authorities;
- 5) Evidence on the fee paid;
- 6) Any other evidence, as required.



I-4

Obtaining Approval for the EIA Study (Z3)



I-4

Preparation of the Main Design

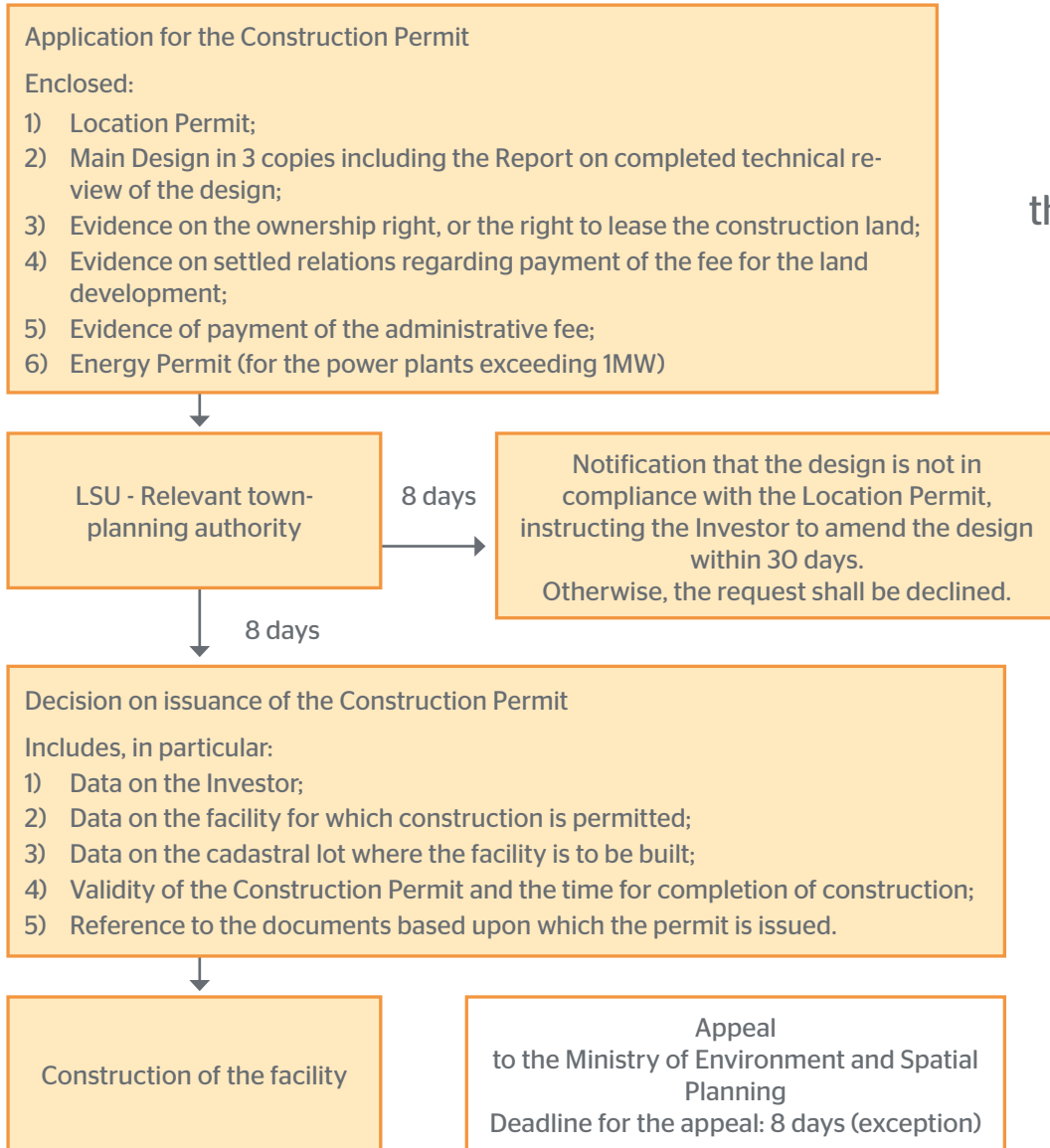
- The Main Design specifies civil engineering, technical and technological exploitation features of the facility, including the equipment and installations, technical-technological and organizational solutions for construction of the facility, cost of the investment and requirements to maintain the facility
 - The Main Design is subject to technical review.
-

Procedure for Obtaining the Water Approval



I-4

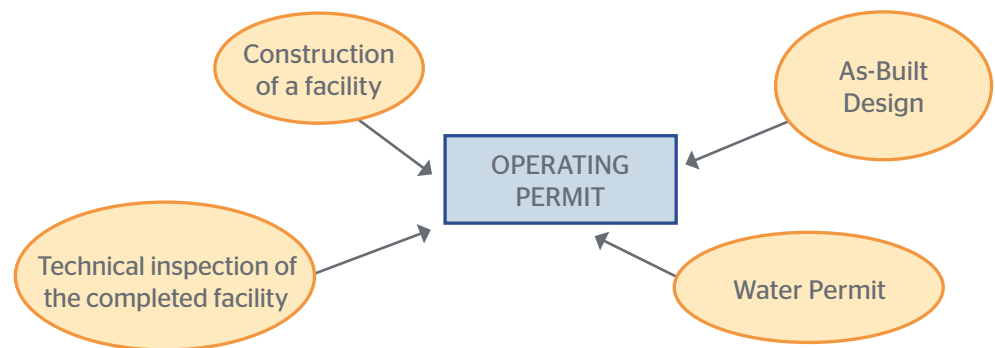
Acquiring the Construction Permit



I-5

Operating Permit

- The technical inspection establishes the fitness of a facility for use
- The 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

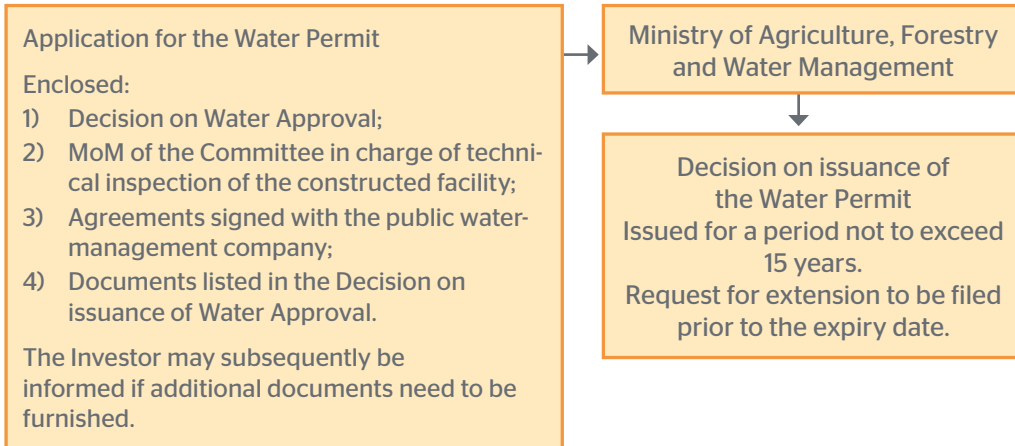
Construction of the Facility

- Construction of facilities or carrying out of works may be done by an economic operator registered in the relevant Registry of Contractors or for execution of the works (the Contractor).
- Duties of the Contractor include: prior to commencement of the works, signing of the Main Design; issue a written decision on nomination of the contractor in charge of carrying out of the work; furnish to the contractor in charge of work, the Construction Contract and the documents based upon which the facility shall be constructed; implement preventive measures for a safe and sanitary operation in accordance with the law; carry out the work fully as outlined in the documents presented for issuance of the Construction Permit; organize the Site enabling appropriate access to the location; ensure safety of the facility and persons engaged on the site and its vicinity; provide evidence of the quality of executed works; keep a Construction Diary, the Construction Log; provide the Inspection Log; safeguard the facilities and the environment in case of suspension of the works.
- The Construction Contract shall be kept on the Site at all times, as well as the Decision on nominating the contractor in charge of the works and the Main Design, i.e. the documents based upon which the project is implemented.
- The Investor shall provide professional supervision of the works throughout construction, i.e. execution of the works for which the Construction Permit has been issued.

The Water Permit is obtained via a completed technical inspection of the facility. An operating Permit shall not be issued without the Water Permit obtained beforehand

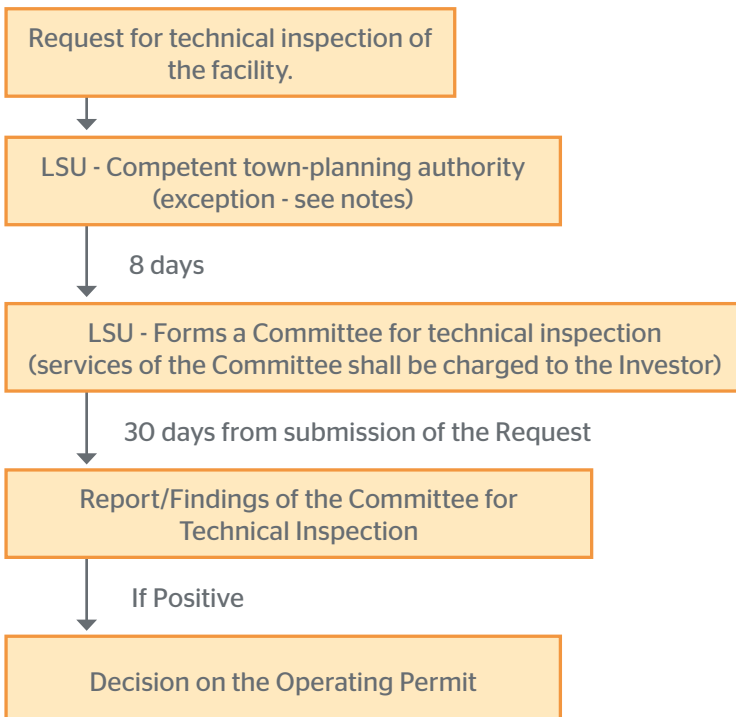
I-5

Obtaining the Water Permit



I-5

Obtaining the Operating Permit



Main Steps: From an Idea to Wind Power Plant (WPP) Exploitation (II)



Steps to Acquire the Right to Engage in Power Generation

II-1 Assignment Agreement

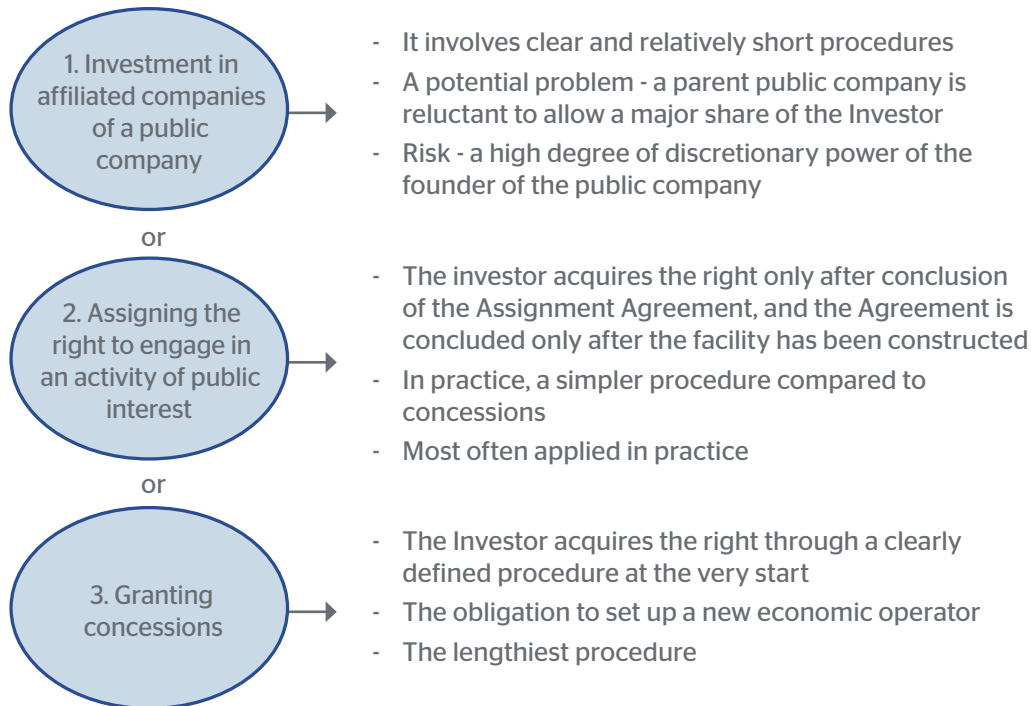
II-2 License

II-3 Approval for Connection

II-4 Status of a Privileged Producer

II-5 Electricity Purchase Agreement

Right to engage in the Activity of Power Generation - Acquisition methods



-
- Any third party may conduct activities related to power generation, provided such a party has fulfilled the prescribed requirements and has concluded an Assignment Agreement with the Government for conducting the activities on power generation as activities of public interest.
 - The procedure for concluding the Assignment Agreement is managed by the Ministry of Mining and Energy.

II-1

Assignment Agreement

II-1

Assignment Agreement - Prerequisites

The necessary prerequisites that must be met by any party interested in signing the Assignment Agreement include the following:

- a) Adequate technical prerequisites (ownership or the right to use the Wind Farm that has been constructed in compliance with the Law, technical and other regulations);
 - b) Staff capacity (that persons working at the Wind Farm have the necessary qualifications and other prescribed skills);
 - c) Implementation of the prescribed safety at work;
 - d) Implementation of the prescribed requirements and methods of protection and improvement of the environment.
-

II-1

Assignment Agreement - Contents

The Assignment Agreement shall include provisions on:

- 1) Operation and business of the economic operator to whom the activity is assigned;
- 2) Rights and obligations regarding the use of state-owned assets for conducting an activity of public interest, as provided for under the Law;
- 3) Obligations of the economic operator regarding provision of the conditions for continuously and effectively meeting of needs of the users of the products and services;
- 4) Mutual rights and obligations of the parties to the Agreement in the case economic and other conditions for pursuing the activity of public interest are not provided;
- 5) Rights and obligations in case there is a disruption in business operations of the economic operator;
- 6) Other rights and obligations and important issues to pursue and protect the public interest.

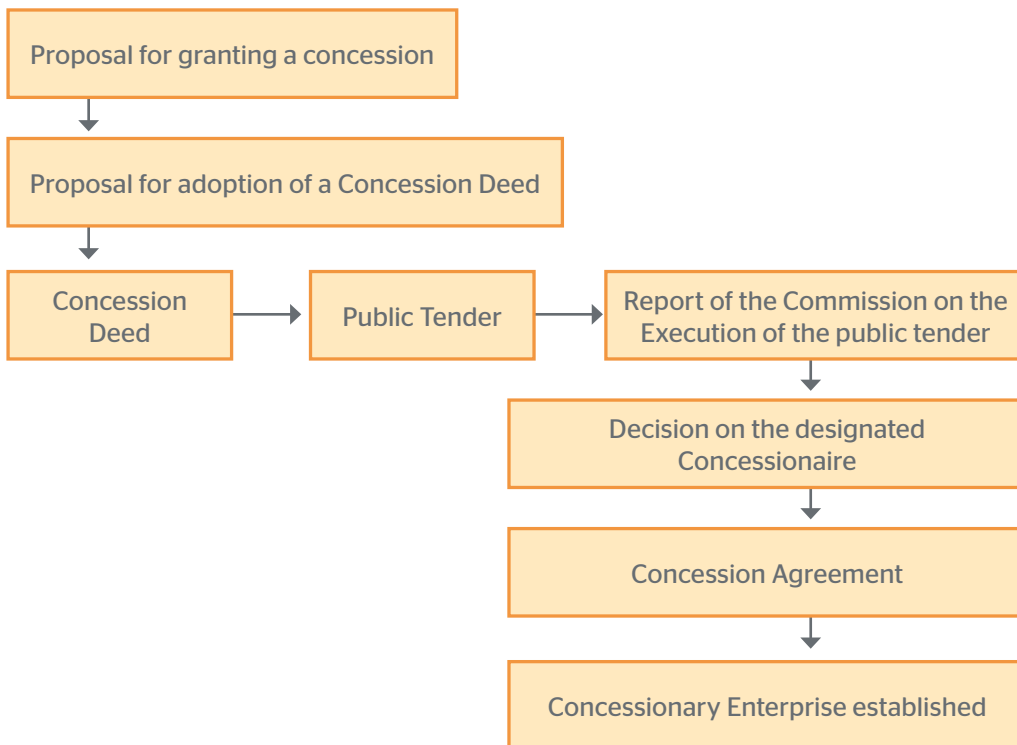


Assignment Agreement:

- No tendering procedure prescribed
- No obligation to specify the place where the power generation activity will take place (unless there is a direct reference to the specific facility in the Agreement)
- No maximum time limit specified for engaging in an activity of public interest (unless defined in the Agreement)
- No obligation to establish the scope of engaging in the activity prescribed
- No obligation to pay any fee for engaging in an activity of public interest prescribed

II-1

Assignment Agreement vs. Concession - Main Differences



II-1

Diagram of a Concession Granting Procedure

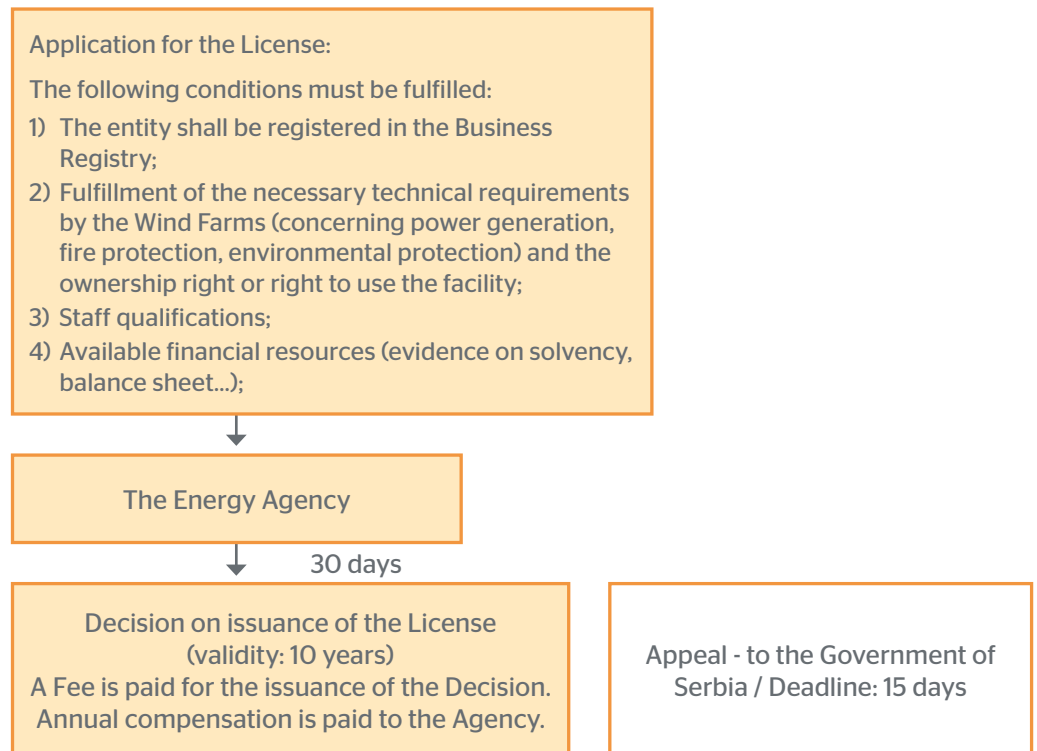
II-2

License

- A license is the permit to perform an energy-related activity; it is issued by the Energy Agency of the Republic of Serbia.
- It is required only for 1MW facilities or larger.

II-2

Obtaining the License



II-3

Approval for the Connection

Request for the Approval to connect the facility to the electric power grid

Enclosed:

- 1) Data on the owner of the facility, or of the holder of the right to use the facility (for a natural person: name and place of residence, personal ID number, and for a legal entity or entrepreneur: business name or title, head office, PIB (VAT) number, official registration number, number of the account, and the responsible person);
- 2) Data on the facility for which the approval for connection is applied for (address, type, location of the facility and its use);
- 3) Estimated time to connect the facility;
- 4) Data on overall installed capacity of the facility, number and power of generating units, generator voltage and block transformer;
- 5) Estimated average annual and monthly production;
- 6) Protection and measuring equipment;
- 7) Energy Permit and License for engaging in electricity generation for facilities exceeding the capacity of 1MW.

For constructed facilities, it is also necessary to submit the Building Permit, as well as evidence of ownership over the facility or of the assigned right to use the facility.



Relevant energy entity whose system will be used to connect the facility (EPIS, EGS)



30 days

Technical Report for issuance of the Approval for the connection to the system



Decision on approval to connect the facility to the system

Appeal - to the Energy Agency
Deadline: 15 days

- The priority right in an organized market specific to other producers offering electricity under equal terms and conditions
- The right to subsidies (tax, customs and other reliefs, as provided by the Law)
- Incentives - Feed-in tariffs :

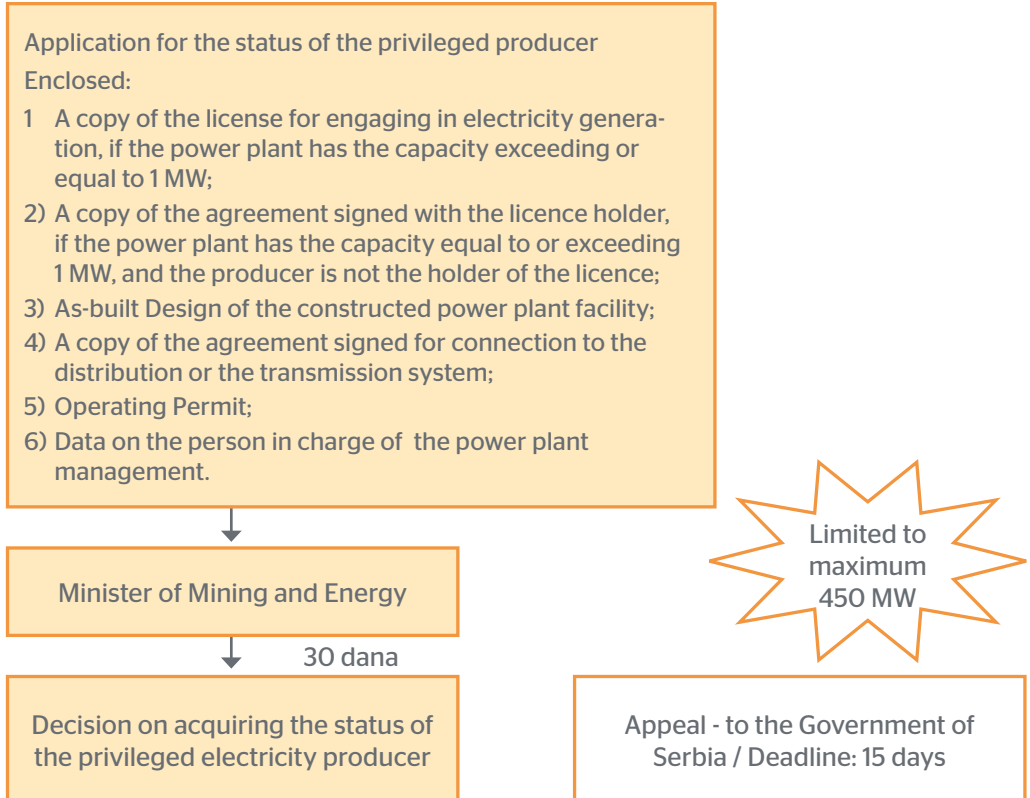
II-4

Status of Privileged Producer

Item	Power Plant Type	Installed capacity P (MW)	Incentive - Feed in Tariff (cEUR/1 kWh)
1.	Wind Power Plant		9,5

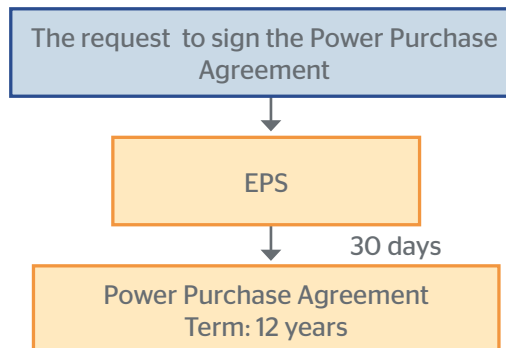
II-4

Acquiring the Status of Privileged Producer



II-5

Power Purchase Agreement



IZGRADNJA VETROELEKTRANA I PROIZVODNJA ELEKTRIČNE ENERGIJE IZ ENERGIJE VETRA U REPUBLICI SRBIJI VODIČ ZA INVESTITORE

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- 34 Elektrane na vetar - Prava investitora
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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.

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.

Energija iz geotermalnih izvora

- Elektrana na vetar - vetroelektrana je jedna ili više proizvodnih jedinica za proizvodnju električne energije na vetar koje su međusobno povezane i opremljene na način da se mogu priključiti na elektroenergetsku mrežu.

Povlašćeni proizvođač energije

- Male elektrane snage do 10 MW
 - Proizvodnja iz obnovljivog izvora
-

Elektrane na vetar - prava investitora

Investitor mora da stekne sledeća prava:

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

Izvori prava

- Zakon o energetici («Sl. Glasnik RSČ br. 84/04)
- Zakon o planiranju i izgradnji («Sl. glasnik RSČ br. 72/09 i 81/09)
- Zakon o zaštiti životne sredine («Sl. glasnik RSČ br. 135/04 i 36/09)
- Zakon o vodama («Sl. glasnik RSČ br. 30/10)
- Zakon o vazdušnom saobraćaju («Sl. glasnik SRJČ br. 12/98, 5/99, 44/99, 5/00, 70/01)
- Zakon o koncesijama («Sl. glasnik RSČ br. 55/03)
- Zakon o javnim preduzećima i obavljanju delatnosti od opšteg interesa («Sl. glasnik RSČ br. 25/00, 25/02, 107/05 i 108/05)

i ostali prateći zakoni i podzakonska akta...

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
 - Agencija za kontrolu letenja Srbije i Crne Gore
- i ostale nadležne institucije u konkretnom slučaju
-

Od ideje do korišćenja vetroelektrane (VE)

Prethodna radnja - Izbor lokacije

- Obilazak lokacije
 - Provera da li je lokacija obuhvaćena planskim dokumentom
- *Objekat obavezno mora biti obuhvaćen planskim dokumentom

I Koraci za sticanje prava na izgradnju i izgradnja objekta VE

II Koraci za sticanje prava na obavljanje proizvodnje električne energije

Osnovni koraci od ideje do korišćenja vetroelektrane (VE) (I)

Koraci za sticanje prava na izgradnju i izgradnja objekta VE

I-1 Pribavljanje informacije o lokaciji

I-2 Pribavljanje energetske dozvole

I-3 Pribavljanje lokacijske dozvole

Prethodna studija opravdanosti sa generalnim projektom
Rešavanje imovinsko-pravnih odnosa / Parcelacija i preparcelacija

Prikupljanje uslova za projektovanje

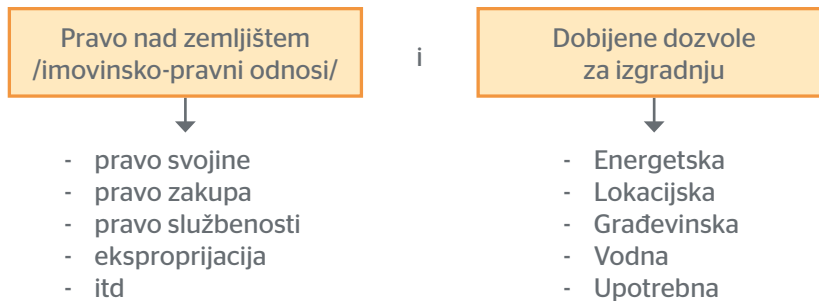
I-3 Pribavljanje lokacijske dozvole

I-4 Pribavljanje građevinske dozvole

Izrada studije opravdanosti sa idejnim projektom/glavnim projektom
Izrada studije o proceni uticaja na životnu sredinu

I-5 Pribavljanje vodne dozvole i upotrebne dozvole

Izgradnja objekta



Pravo na izgradnju - način sticanja

- Izdavanje dozvola za gradnju VE (lokacijske, građevinske, upotrebne) je u nadležnosti Jedinice lokalne samouprave - JLS (ovaj slučaj predstavljen je u dijagramima koji slede),

osim u slučaju:

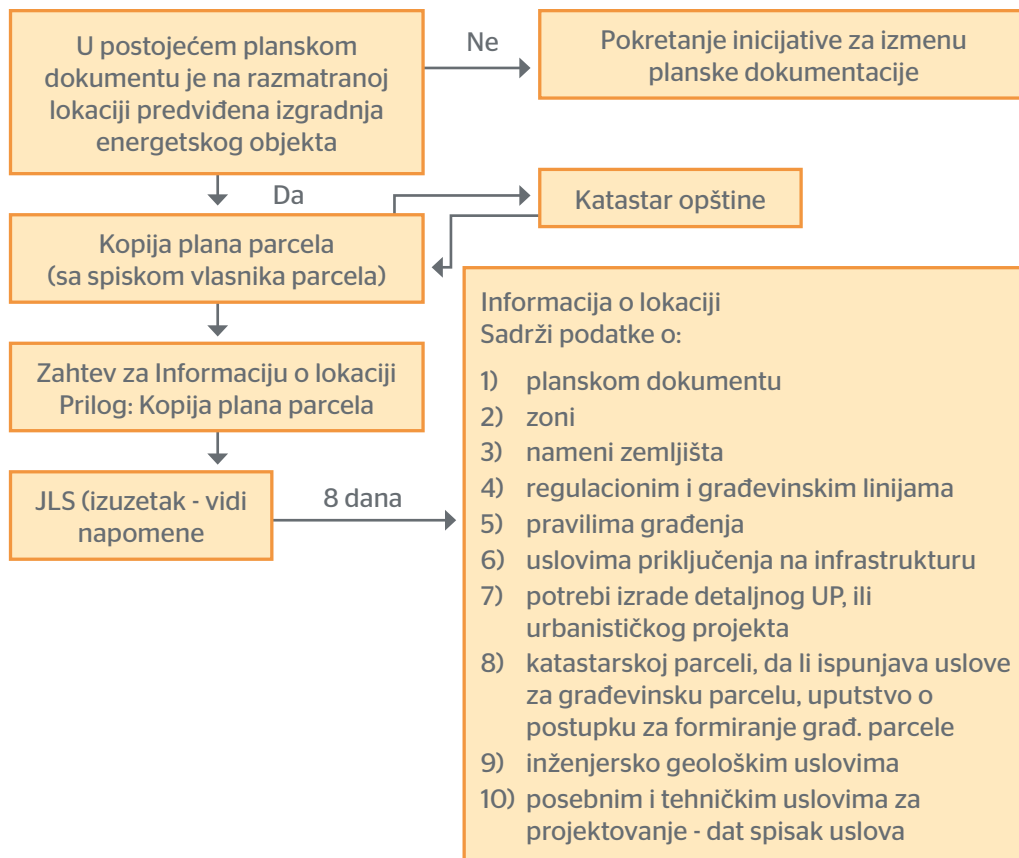
- da se elektrana gradi u granicama nacionalnog parka ili u granicama zaštite zaštićenog prirodnog dobra od izuzetnog značaja
- kada je elektrana snage 10 i više MW
- kao i kada je elektrana visine preko 50m - kada ona spada u nadležnost Ministarstva životne sredine i prostornog planiranja (MŽSPP), odnosno nadležnog organa autonomne pokrajine, ukoliko se nalazi na teritoriji autonomne pokrajine (član 133. Zakon o planiranju i izgradnji).

Za objekte koji se grade u skladu sa navedenim članom 133. obavezna je izrada Generalnog projekta sa Prethodnom studijom opravdanosti i Idejnog projekta sa Studijom opravdanosti, koji podležu pregledu od strane Revizione komisije.

Napomena:

I-1

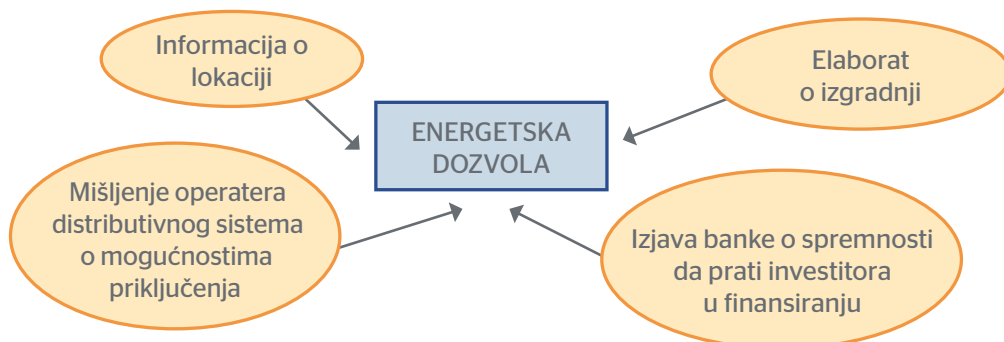
Pribavljanje Informacije o lokaciji



I-2

Energetska dozvola

Energetska dozvola je potrebna samo za energetske objekte snage 1MW i veće



I-2

Pribavljanje Energetske dozvole

Pre podnošenja zahteva za ED potrebno je pribaviti/uraditi:

- 1) Lokacijsku informaciju ili urbanističke uslove (ako su izdati),
- 2) Elaborat o izgradnji energetskog objekta (preporuka Generalni projekat sa prethodnom studijom opravdanosti), koji posebno sadrži analizu mogućih uticaja na životnu sredinu sa predlogom mera zaštite
- 3) Izjava banke da je spremna da prati investitora u finansiranju izgradnje,
- 4) Mišljenje operatora prenosnog/ distributivnog sistema o uslovima i mogućnostima priključenja objekta na sistem

Navedena dokumentacija je obavezan prilog uz Zahtev za izdavanje ED



Zahtev za izdavanje ED - na obrascu O-1 (male elektrane) ili O/2:

- 1) Podaci o podnosiocu zahteva;
- 2) podaci o objektu;
- 3) vrednost investicije;
- 4) finansijsko stanje podnosioca zahteva (izjava banke i dokaz o bonitetu podnosioca);
- 5) vek objekta, itd;



Ministarstvo
rudarstva i
energetike

30 dana

Rešenje o izdavanju
energetske dozvole
Važnost: 2 godine

Žalba Vladi RS, rok
podnošenja 8 dana

Zahtev za mišljenje operatora:

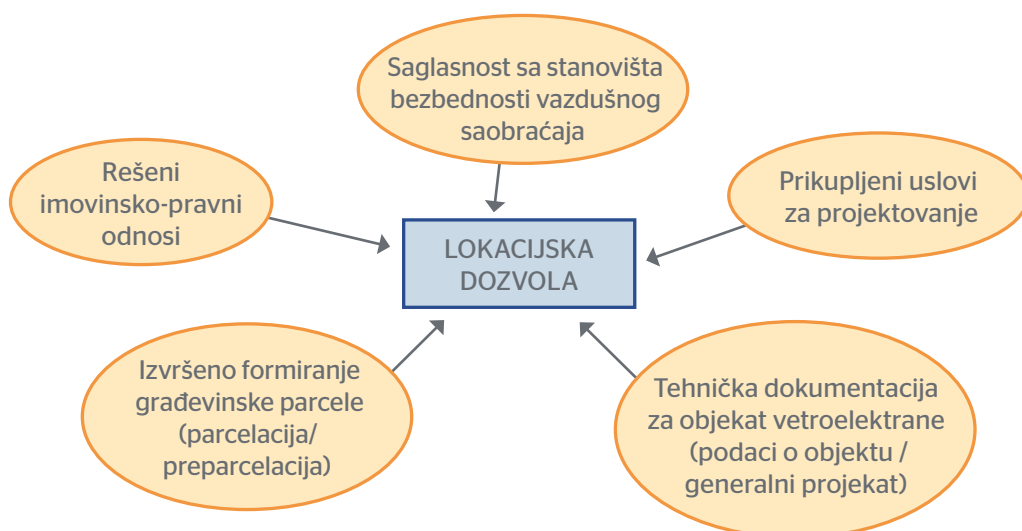
Zahtev pored ostalog sadrži:

- 1) opšte podatke o podnosiocu;
- 2) opšte podatke o objektu;
- 3) karakteristike pojedinačnih generatora i elektrane u celini (prividna i aktivna snaga, naznačeni napon i struja, polazna struja, faktor snage, maksimalna snaga koja se predaje DES, maksimalna snaga koja se uzima iz DES);
- 4) način rada elektrane u odnosu na DES;
- 5) planirani datum priključenja na DES;
- 6) dokaz o identitetu podnosioca zahteva;
- 7) situacioni plan u razmeri 1:500 (1000) na kopiji plana katastarske parcele, sa izvodom iz katastra podzemnih instalacija;
- 8) kopiju plana šireg područja;
- 9) opis i mogućnost regulacije elektrane;
- 10) koeficijent flikera;
- 11) struje viših harmonika, i ostalo.

I-3

Lokacijska dozvola

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



I-3

Izrada prethodne studije opravdanosti sa generalnim projektom

- Prethodnom studijom opravdanosti utvrđuje se naročito prostorna, ekološka, društvena, finansijska, tržišna i ekonomska opravdanost investicije za varijantna rešenja definisana generalnim projektom na osnovu kojih se donosi odluka o opravdanosti ulaganja - u prethodne radove za idejni i glavni projekat
- Generalni projekat sadrži naročito podatke o: makrolokaciji objekata, opštoj dispoziciji, tehničko-tehnološkoj koncepciji, načinu obezbeđenja infrastrukture, mogućim varijantama prostornih i tehničkih rešenja, prirodnim uslovima, proceni uticaja na životnu sredinu, inženjersko geološkim geotehničkim karakteristikama terena sa aspekta utvrđivanja generalne koncepcije i opravdanosti izgradnje, istražnim radovima za izradu idejnog projekta, zaštiti prirodnih i nepokretnih kulturnih dobara, funkcionalnosti i racionalnosti rešenja

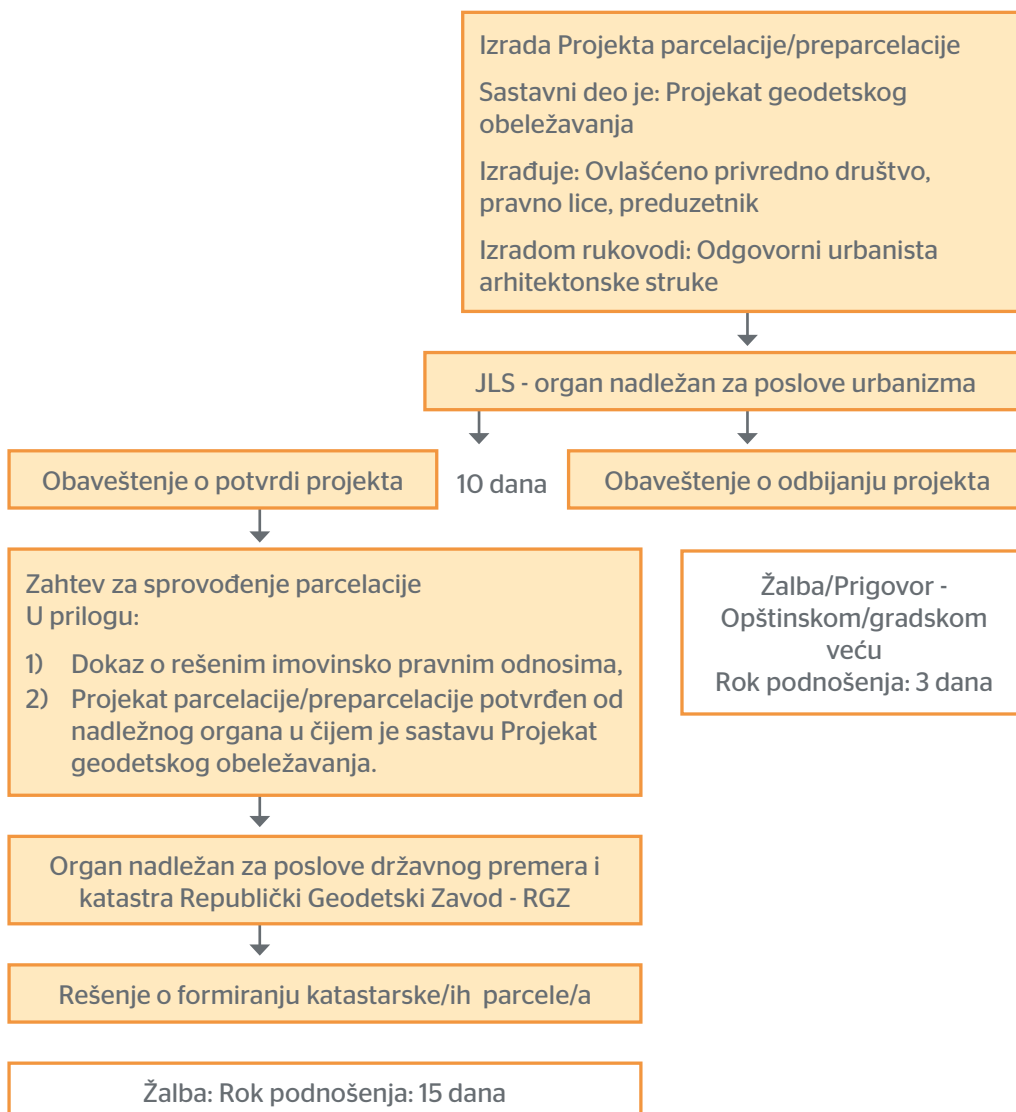
- Ugovor o kupoprodaji/zakupu sa vlasnikom parcela
- Ugovor o korišćenju vodnog zemljišta, korišćenju vodnih objekata i vršenju drugih usluga (sa JVP Srbijavode, Vode Vojvodine ili Direkcijom za vode)

I-3

Rešavanje
imovinsko-
pravnih odnosa

I-3

Parcelacija/
preparcelacija



I-3

Saglasnost sa stanovišta bezbednosti vazdušnog saobraćaja

- Zahtev za izdavanje saglasnosti za izgradnju vetroelektrane sa stanovišta bezbednosti
- Vazdušnog saobraćaja i obeležavanja vetroelektrane, podnosi se Agenciji za kontrolu letenja Srbije i Crne Gore.
- Nije propisana posebna forma.
- U zahtevu treba precizno opisati zbog čega se podnosi zahtev u kome će se opisati objekat sa posebnim naznačenjem položaja, visine i oblika objekta

Agencija za kontrolu letenja
Srbije i Crne Gore

Saglasnost sa stanovišta bezbednosti
vazdušnog saobraćaja

I-3

Pribavljanje uslova za priključenje

Pre izdavanja lokacijske dozvole treba da se pribave uslovi za projektovanje. Ako ih Investitor ne pribavi, nadležni organ za izdavanje lokacijske dozvole ih pre izdavanja lokacijske dozvole pribavlja po službenoj dužnosti.

- Uslovi za priključenje
- Vodni uslovi
- Ostali uslovi (zaštite životne sredine, zaštite spomenika kulture, povezivanje na komunalnu infrastrukturu, itd)

*Spisak potrebnih uslova dat u informaciji o lokaciji

Uslovi za priključenje na elektroenergetsku mrežu

Zahtev za izdavanje energetske-tehničkih uslova (za priključenje objekta na elektroenergetsku mrežu) za izradu tehničke dokumentacije

U prilogu:

- 1) Podaci o investitoru;
- 2) Energetska dozvola za elektrane veće od 1MW;
- 3) Licenca;
- 4) Kopija plana - šira kopija plana ako treba;
- 5) Dokaz o regulisanim Imovinsko-pravnim odnosima;
- 6) Opis vrste i način rada pogonske mašine i generatora i način priključenja na mrežu ;
- 7) Tehnički izveštaj - jednopolna šema postrojenja vetroelektrane;
- 8) Opis osnovnih uređaja zaštite;
- 9) Dokaz o uplati troškova izdavanja uslova;



Nadležni energetski subjekat na čiji sistem se objekat priključuje (EPS, EMS)



Tehnički izveštaj za izdavanje tehničkih uslova /Utvrdjuje da li postoje energetske / tehničke uslovi za priključenje/



Energetsko-tehnički uslovi za priključenje - za izradu tehničke dokumentacije

Žalba/Prigovor - Ne može se uložiti
Samo tužba sudu

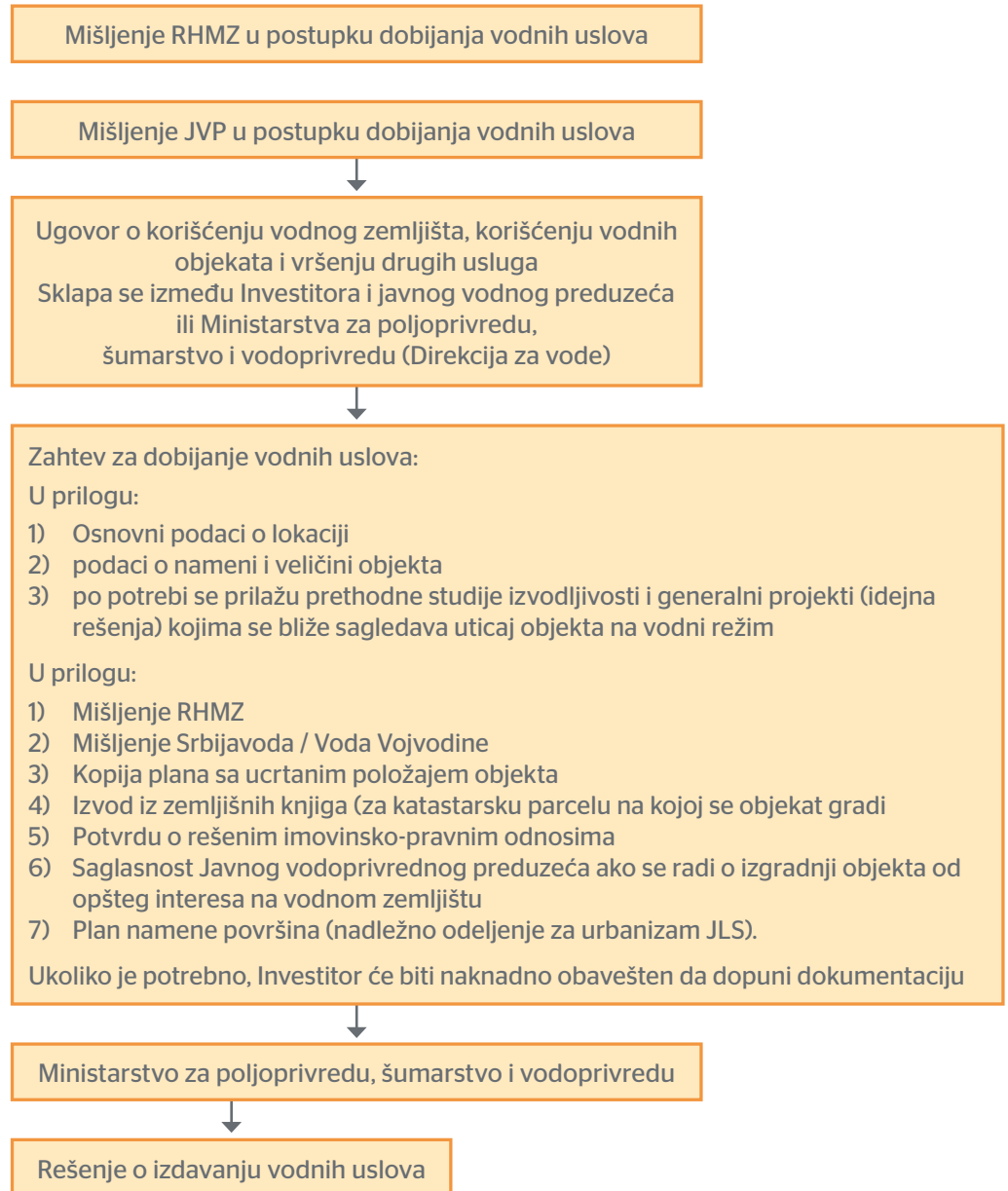
I-3

Uslovi za priključenje na elektroenergetsku mrežu

I-3

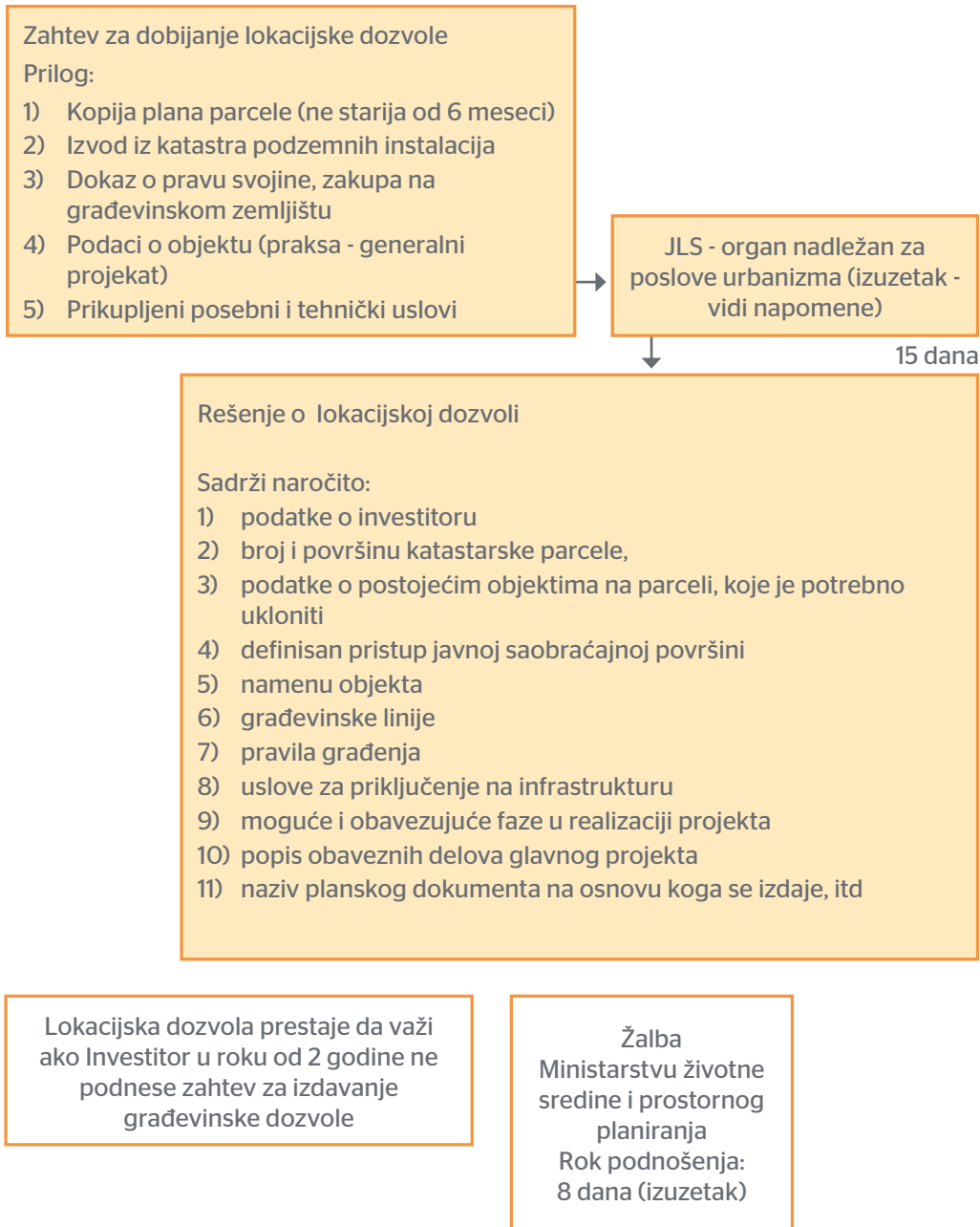
Vodni uslovi

Vodni uslovi



I-3

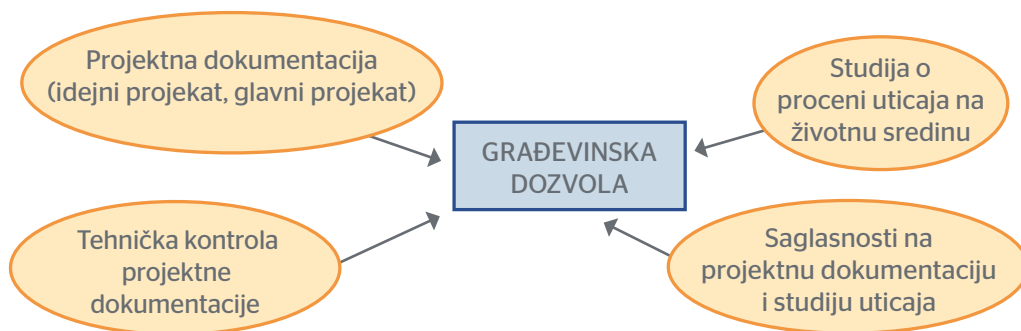
Pribavljanje lokacijske dozvole



I-4

Građevinska dozvola

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



I-4

Izrada studije opravdanosti sa idejnim projektom

- Studijom opravdanosti određuje se prostorna, ekološka, društvena, finansijska, tržišna i ekonomska opravdanost investicije za izabrano rešenje, razrađeno idejnim projektom, na osnovu koje se donosi odluka o opravdanosti ulaganja.
- Idejnim projektom se određuju: namena, položaj, oblik, kapacitet, tehničko-tehnološke i funkcionalne karakteristike objekta, organizacioni elementi objekta i izgled objekta
- Idejni projekat sadrži situaciono rešenje i podatke o:
 - 1) mikrolokaciji objekta;
 - 2) funkcionalnim, konstruktivnim i oblikovnim karakteristikama objekta;
 - 3) tehničko-tehnološkim i eksploatacionim karakteristikama objekta;
 - 4) inženjerskogeološkim-geotehničkim karakteristikama terena i tla sa preliminarnim proračunom stabilnosti i sigurnosti objekta;
 - 5) rešenju temeljenja objekta;
 - 6) tehničko-tehnološkim i organizacionim elementima građenja objekta;
 - 7) merama za sprečavanje ili smanjenje negativnih uticaja na životnu sredinu;
 - 8) idejnom rešenju infrastructure;
 - 9) uporednoj analizi varijantnih tehničkih rešenja sa stanovišta svojstava tla, 10) funkcionalnosti,
 - 11) stabilnosti,
 - 12) proceni uticaja na životnu sredinu,
 - 13) prirodnim i nepokretnim kulturnim dobrima,
 - 14) racionalnosti izgradnje i eksploatacije,
 - 15) visini troškova izgradnje, transporta, održavanja, obezbeđenja energije i drugih troškova.

I-4

Izrada studije o proceni uticaja na životnu sredinu

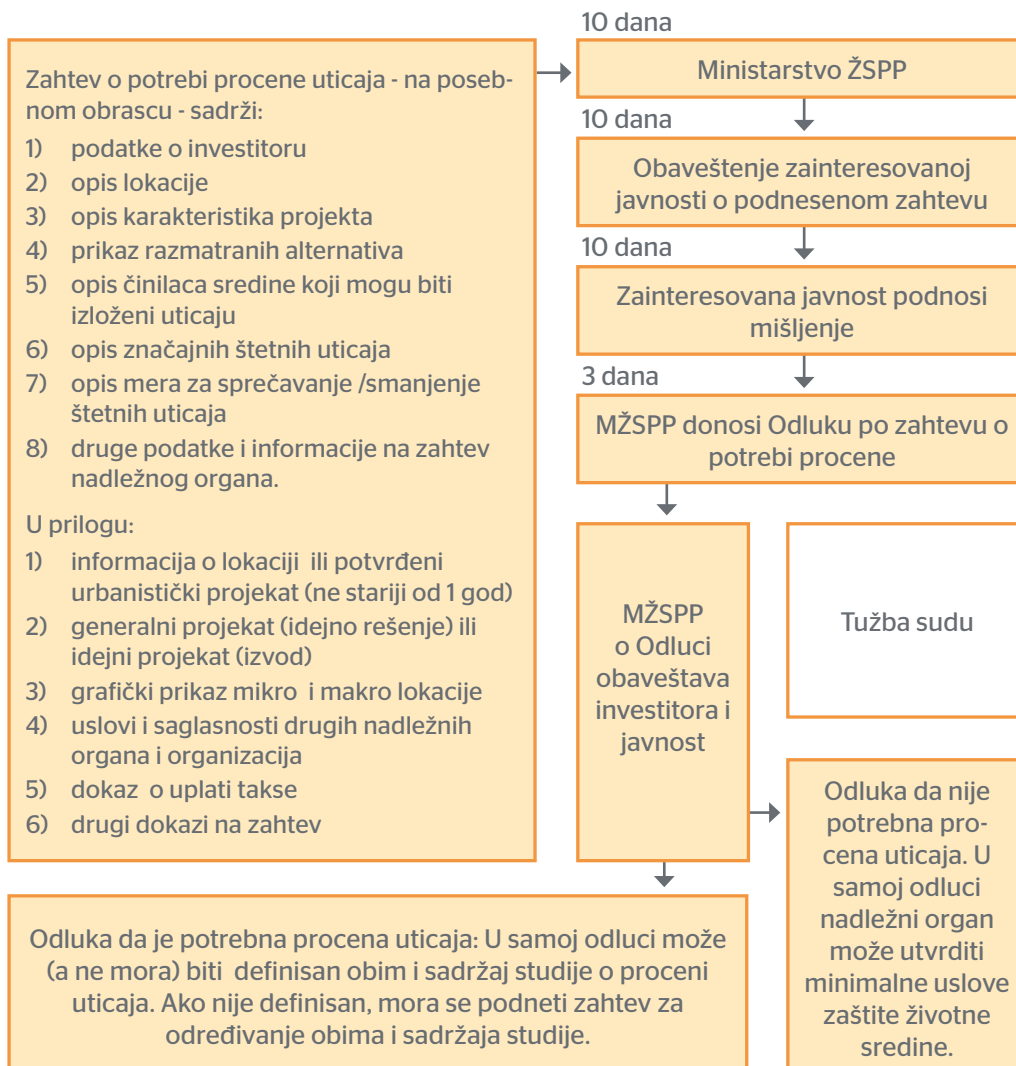
- Samo za elektrane snage preko 10 MW
- Lista II - projekti za koje se može zahtevati izrada studije o proceni uticaja na životnu sredinu

Koraci:

- Zahtev o potrebi procene uticaja (Z1)
- Zahtev za određivanje obima i sadržaja studije o proceni uticaja (Z2)
- Izrada studije
- Dobijanje saglasnosti na studiju (Z3)

I-4

Zahtev o potrebi procene uticaja (Z1)



I-4

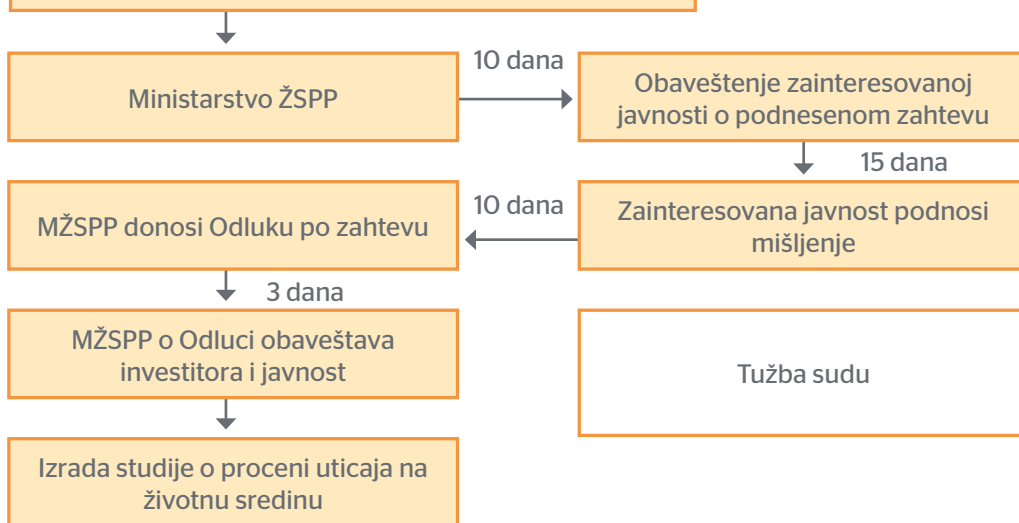
Zahtev za određivanje obima i sadržaja studije o proceni uticaja (Z2)

Zahtev za određivanje obima i sadržaja studije o proceni uticaja - na propisanom obrascu - sadrži:

- 1) podatke o investitoru
- 2) opis lokacije
- 3) opis projekta, prikaz glavnih alternativa,
- 4) opis činilaca sredine koji mogu biti izloženi uticaju
- 5) opis štetnih uticaja
- 6) opis mera za sprečavanje /smanjenje štetnih uticaja
- 7) podatke o teškoćama na koje je naišao investitor pri prikupljanju potrebnih podataka
- 8) druge podatke na zahtev nadležnog organa

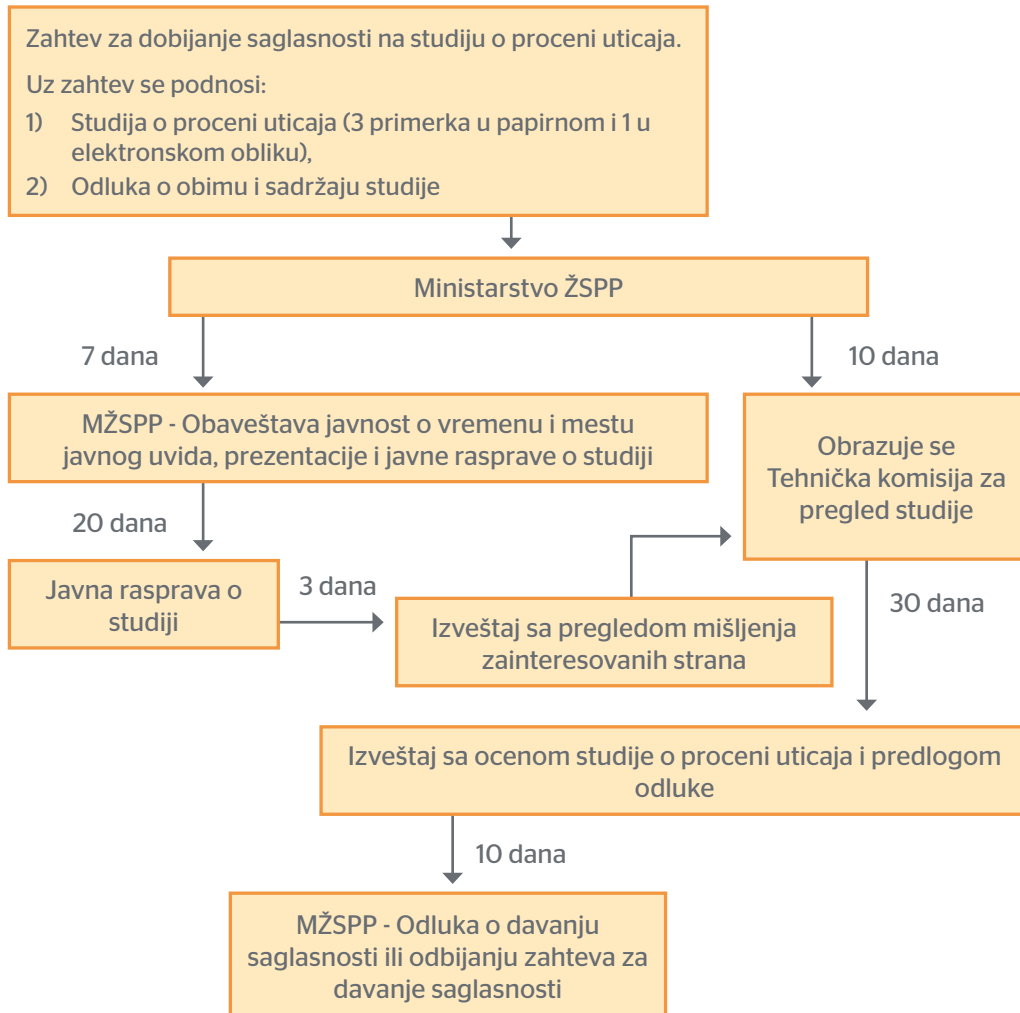
Prilog:

- 1) informacija o lokaciji ili potvrđen urbanistički projekat
- 2) idejni projekat (izvod)
- 3) grafički prikaz makro i mikro lokacije,
- 4) uslovi i saglasnosti drugih nadležnih organa
- 5) dokaz o uplati takse
- 6) drugi dokazi na zahtev.



I-4

Dobijanje saglasnosti na studiju (Z3)

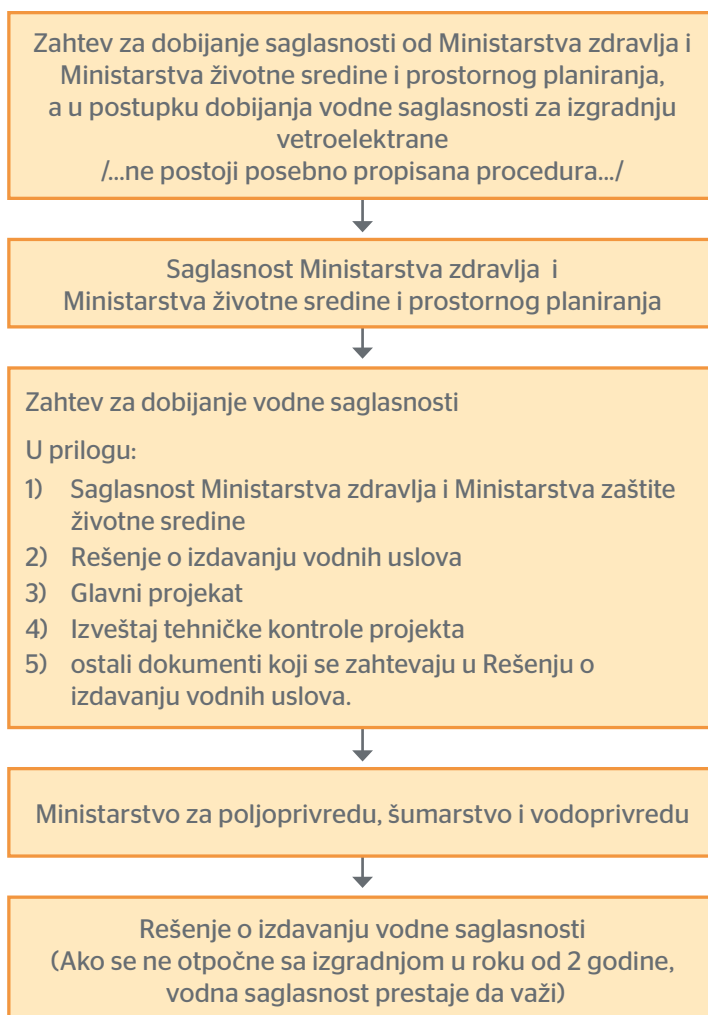


I-4

Izrada glavnog projekta

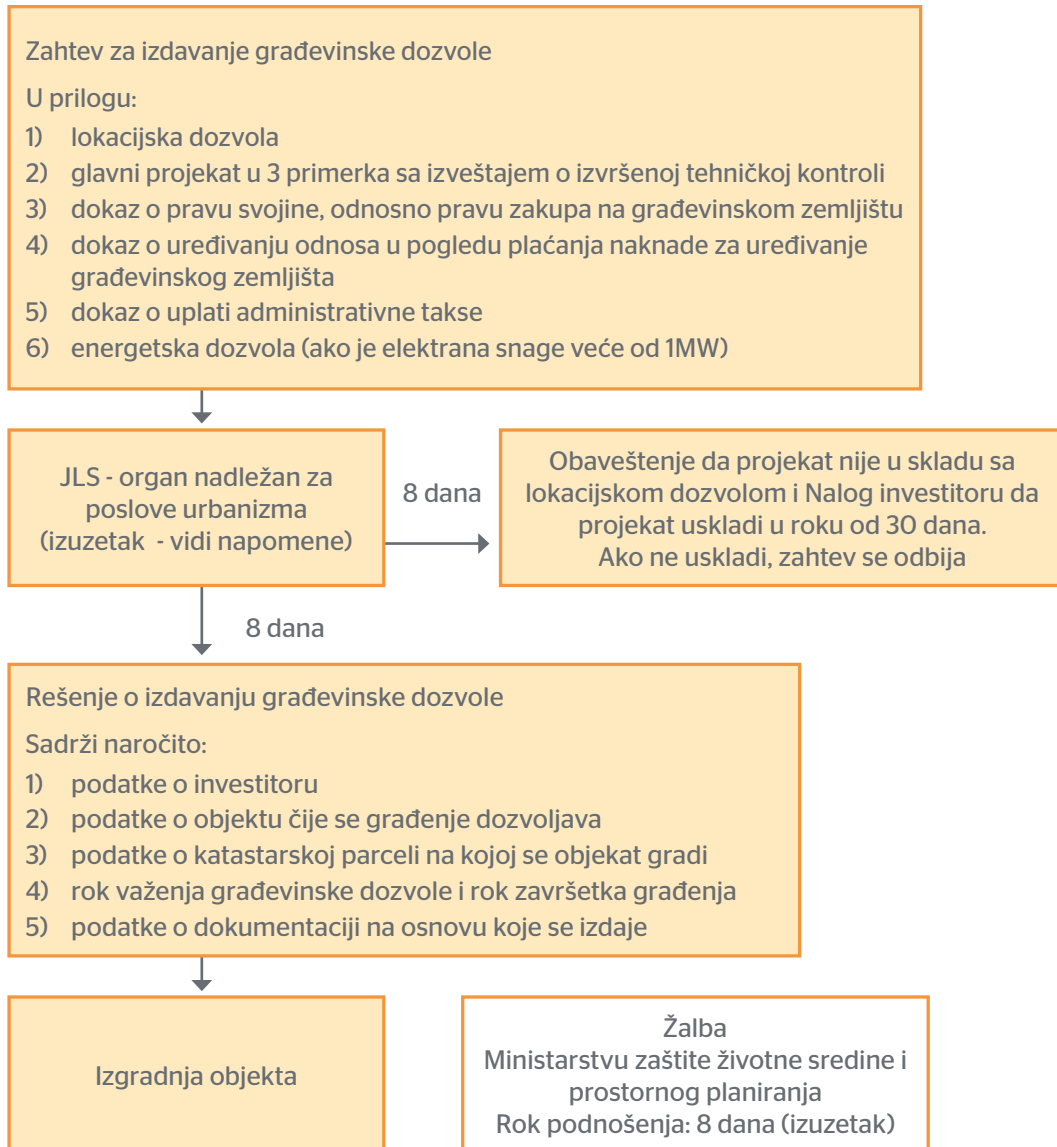
- Glavnim projektom se utvrđuju građevinsko-tehničke, tehnološke i eksploatacione karakteristike objekta sa opremom i instalacijama, tehničko-tehnološka i organizaciona rešenja za gradnju objekta, investiciona vrednost objekta i uslovi održavanja objekta
- Glavni projekat podleže tehničkoj kontroli.

Postupak za dobijanje vodne saglasnosti



I-4

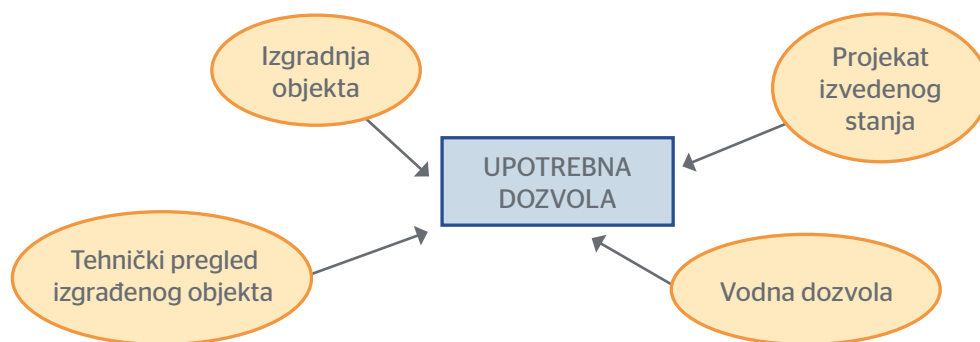
Pribavljanje građevinske dozvole



I-5

Upotrebna dozvola

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



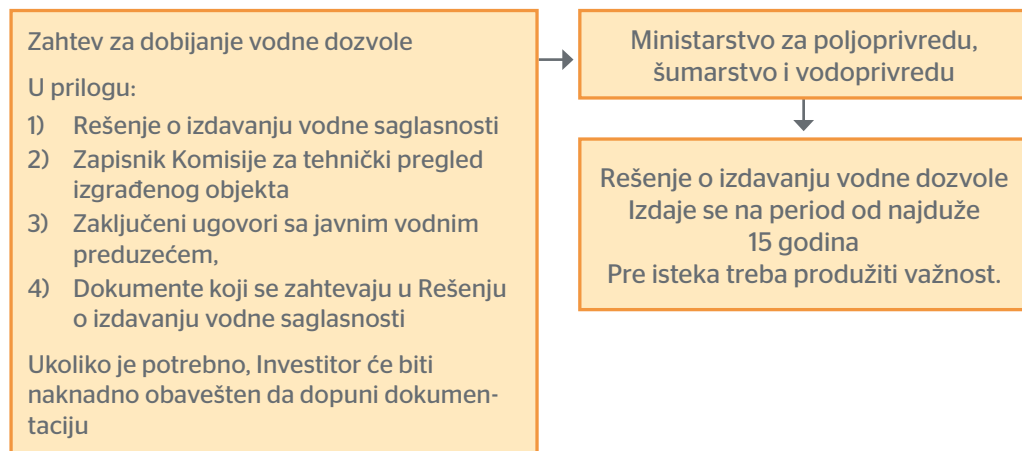
I-5

Izgradnja objekta

- Građenje objekata, odnosno izvođenje radova može da vrši privredni subjekat upisan u odgovarajući registar za građenje objekata, odnosno za izvođenje radova (izvođač radova).
- Obaveze izvođača radova su da: pre početka radova potpiše glavni projekat, rešenjem odredi odgovornog izvođača radova, odgovornom izvođaču radova obezbedi ugovor o građenju i dokumentaciju na osnovu koje se gradi objekat, obezbedi preventivne mere za bezbedan i zdrav rad u skladu sa zakonom, da izvodi radove prema dokumentaciji na osnovu koje je izdata građevinska dozvola, organizuje gradilište na način kojim će obezbediti pristup lokaciji, obezbeđuje sigurnost objekta i lica na gradilištu i okoline, obezbeđuje dokaz o kvalitetu izvršenih radova, vodi građevinski dnevnik, građevinsku knjigu i obezbeđuje knjigu inspekcije, obezbeđuje objekte i okolinu u slučaju prekida radova.
- Potrebno je da se na gradilištu stalno nalazi: ugovor o građenju, rešenje o određivanju odgovornog izvođača radova na gradilištu i glavni projekat, tj. dokumentaciju na osnovu koje se projekat gradi.
- Investitor obezbeđuje stručni nadzor u toku građenja objekta, odnosno izvođenja radova za koje je izdata građevinska dozvola.

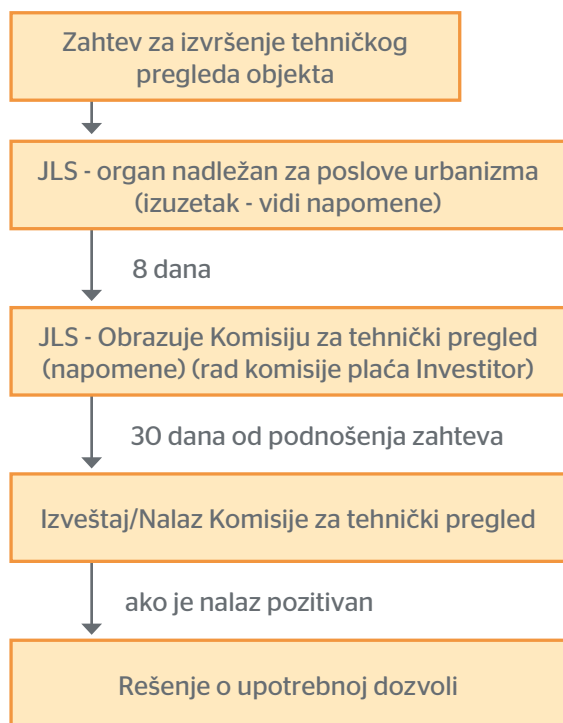
Pribavljanje vodne dozvole obavlja se po izvršenom tehničkom pregledu objekta.

Upotrebna dozvola se ne može izdati bez prethodno dobijene vodne dozvole



I-5

Pribavljanje vodne dozvole



I-5

Pribavljanje upotrebne dozvole

Osnovni koraci od ideje do korišćenja vetroelektrane (VE) (II)



Koraci za sticanje prava na obavljanje delatnosti proizvodnje električne energije

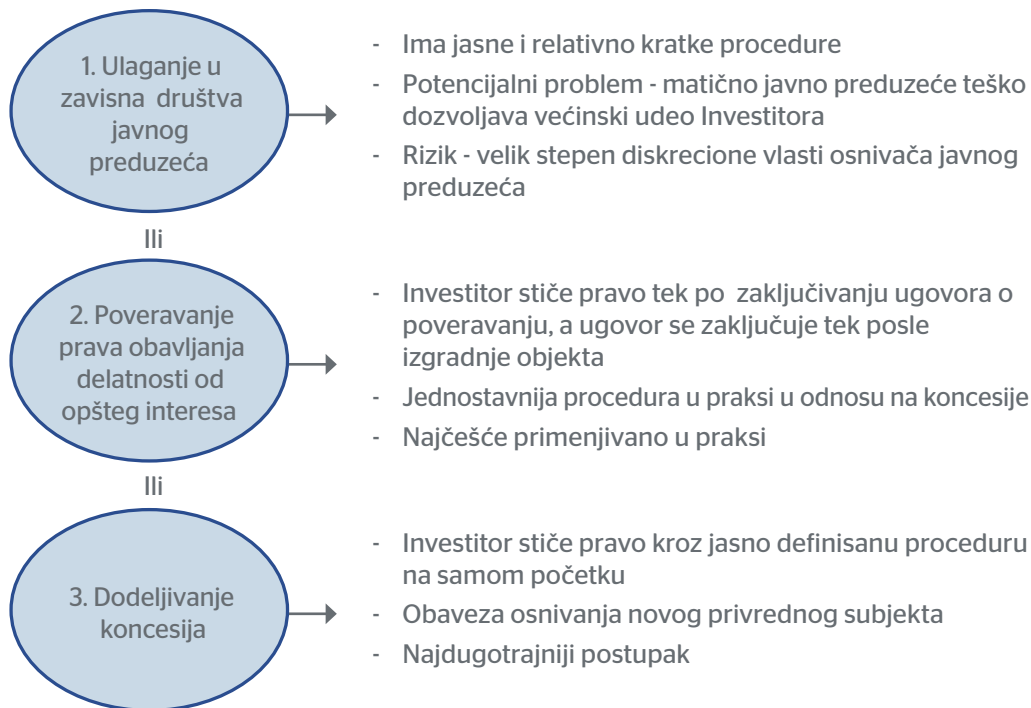
II-1 Ugovor o poveravanju

II-2 Licenca

II-3 Odobrenje za priključenje

II-4 Status povlašćenog proizvođača

II-5 Ugovor o otkupu električne energije



Pravo na obavljanje proizvodnje električne energije - način sticanja

- Delatnost proizvodnje električne energije može da obavlja bilo koje treće lice, ako ispuni neophodne uslove i zaključi sa Vladom ugovor o poveravanju delatnosti od opšteg interesa - proizvodnje električne energije
- Postupak zaključivanja ugovora o poveravanju sprovodi Ministarstvo rudarstva i energetike

II-1

Ugovor o poveravanju

II-1

Ugovor o poveravanju - uslovi

Neophodni uslovi koje treba da ispuni lice zainteresovano za zaključenje Ugovora o poveravanju su:

- a) adekvatna tehnička opremljenost (pravo vlasništva ili pravo korišćenja vetroelektrane, koja je izgrađena u skladu sa zakonom, tehničkim i drugim propisima);
 - b) kadrovska osposobljenost (da lica koja rade u vetroelektrani imaju neophodnu stručnu spremu i druga propisana znanja);
 - c) sprovođenje propisane zaštite na radu;
 - d) ostvarivanje propisanih uslova i načina zaštite i unapređenja životne sredine.
-

II-1

Ugovor o poveravanju - sadržaj

Ugovor o poveravanju sadrži odredbe o:

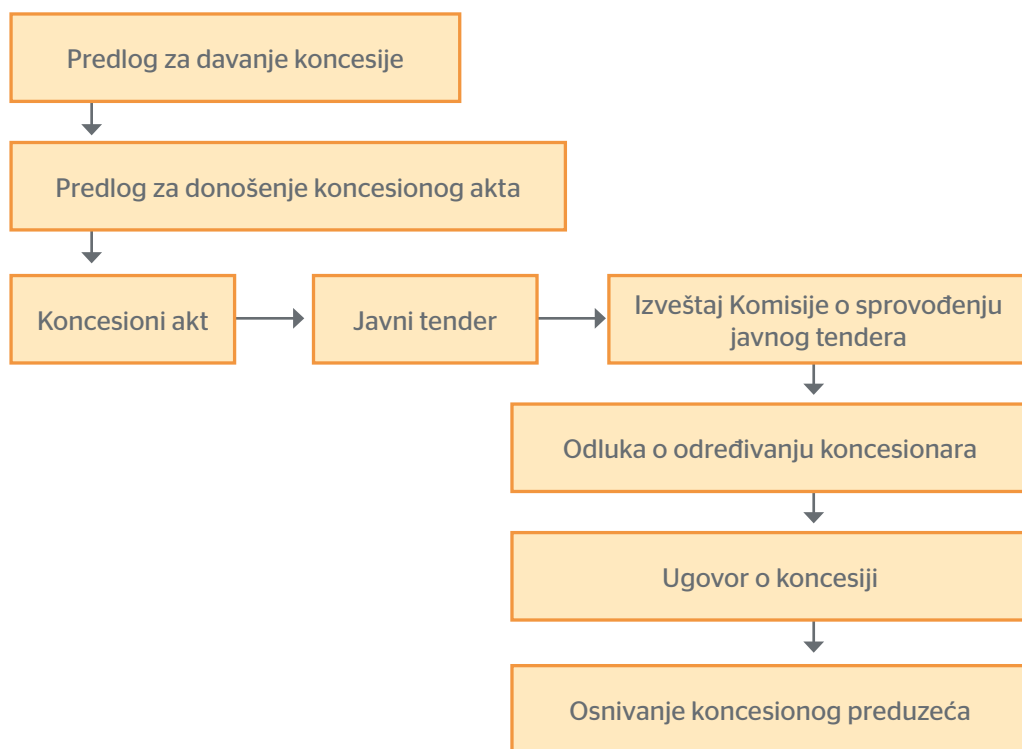
- 1) radu i poslovanju privrednog subjekta kome se poverava ova delatnost;
- 2) pravima i obavezama u pogledu korišćenja sredstava u državnoj svojini za obavljanje delatnosti od opšteg interesa, u skladu sa zakonom;
- 3) obavezama privrednog subjekta u pogledu obezbeđivanja uslova za kontinuirano, uredno i kvalitetno zadovoljavanje potreba korisnika proizvoda i usluga;
- 4) međusobnim pravima i obavezama ugovornih strana u slučaju kada nisu obezbeđeni ekonomski i drugi uslovi za obavljanje delatnosti od opšteg interesa;
- 5) pravima i obavezama u slučaju poremećaja u poslovanju privrednog subjekta;
- 6) drugim pravima i obavezama i pitanjima koja su od značaja za ostvarivanje i zaštitu opšteg interesa.

U ugovoru o poveravanju:

- nije propisana tenderska procedura
- nije utvrđena obaveza utvrđivanja mesta obavljanja delatnosti proizvod-nje 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



II-1

Šema postupka za dobijanje koncesije

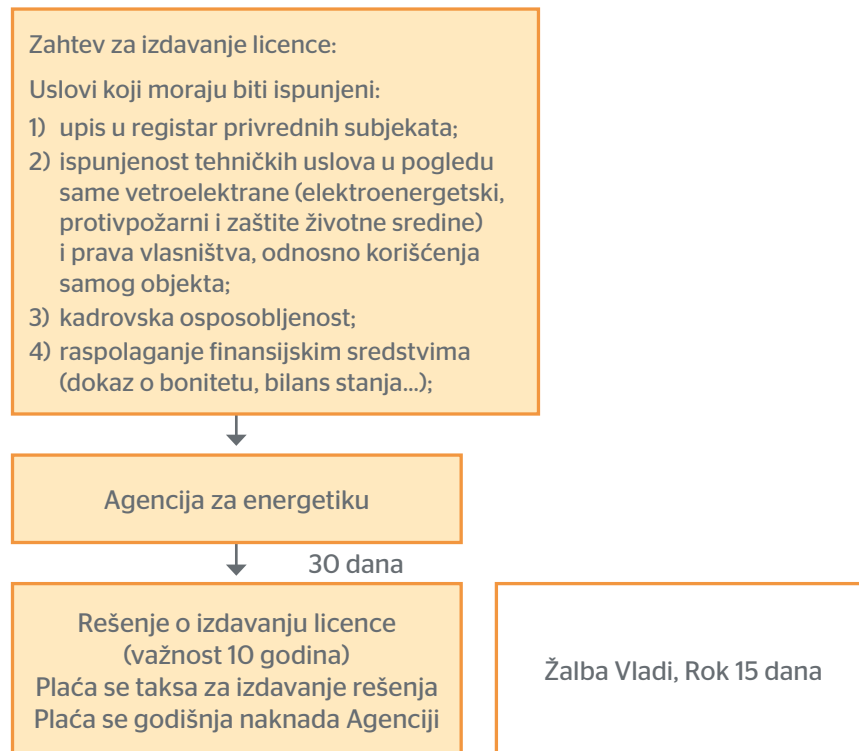
II-2

Licenca

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

II-2

Pribavljanje licence



II-3

Odobrenje za priključenje

Zahtev za izdavanje Odobrenja za priključenje objekta na elektro-energetsku mrežu

U prilogu podaci o:

- 1) vlasniku objekta, odnosno nosiocu prava korišćenja objekta (za fizičko lice: lično ime i prebivalište, JMBG, a za pravno lice odnosno preduzetnika: poslovno ime odnosno naziv, sedište, PIB, matični broj, račun i odgovorno lice)
- 2) objektu za čije se priključenje traži izdavanje odobrenja za priključenje (adresa, vrsta, lokacija objekta i namena objekta)
- 3) vremenu kad se predviđa priključenje objekta
- 4) ukupnoj instalisanoj snazi objekta, broju i snazi generatorskih jedinica, generatorskom naponu i blok transformatoru
- 5) očekivanoj godišnjoj i mesečnoj proizvodnji
- 6) uređajima za zaštitu i merenje
- 7) energetska dozvola i licenca za obavljanje delatnosti proizvodnje električne energije za objekte snage veće od 1 MW.

Za izgrađene objekte se podnosi i građevinska dozvola, kao i dokaz o pravu svojine na objektu ili pravu korišćenja objekta

Nadležni energetska subjekat na čiji sistem se objekat priključuje (EPS, EMS)

30 dana

Tehnički izveštaj za izdavanje Rešenja o odobrenju za priključenje na sistem

Rešenje o odobrenju za priključenje na sistem

Žalba - Agenciji za energetiku / Rok 15 dana

- pravo prioriteta na organizovanom tržištu u odnosu na druge proizvođače koji nude energiju pod jednakim uslovima
- pravo na subvencije (poreske, carinske i druge olakšice u skladu sa zakonom)
- podsticajne mere - feed-in tarife:

Redni broj	Vrsta elektrane	Instalisana snaga P (MW)	Mera podsticaja - otkupna cena (cEUR/1 kWh)
1.	Elektarna na vetar		9,5

II-4

Status povlašćenog proizvođača

II-4

Pribavljanje statusa povlašćenog proizvođača

Zahtev za sticanje statusa povlašćenog proizvođača

U prilogu:

- 1) kopija licence za obavljanje delatnosti proizvodnje električne energije, ukoliko je elektrana snage veće ili jednake 1 MW;
- 2) kopija ugovora sa nosiocem licence, ukoliko je elektrana snage 1 MW ili veća, a proizvođač nije nosilac licence
- 3) projekat izvedenog objekta elektrane
- 4) kopija ugovora o priključenju na distributivnu mrežu, odnosno prenosni sistem;
- 5) upotrebna dozvola
- 6) podaci o licu odgovornom za rad elektrane

Ministar rudarstva i energetike

30 dana

Rešenje o sticanju statusa povlašćenog proizvođača električne energije

Ograničeno na maksimalno 450 MW

Žalba - Vladi Srbije / Rok 15 dana

II-5

Ugovor o otkupu električne energije

Zahtev za potpisivanje Ugovora o otkupu električne energije

EPS

30 dana

Ugovor o otkupu električne energije
 Rok važenja 12 godina

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

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