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Ministarstvo rudarstva i energetike
Ministarstvo poljoprivrede i zaštite životne sredine



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IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE ENERGIJE U HIDROELEKTRANAMA DO 30 MW U REPUBLICI SRBIJI

Vodič za investitore

CONSTRUCTION OF PLANTS AND ELECTRICITY GENERATION IN HYDRO POWER PLANTS UP TO 30 MW IN THE REPUBLIC OF SERBIA

Guide for investors

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Srpski

English





**IZGRADNJA POSTROJENJA I PROIZVODNJA
ELEKTRIČNE ENERGIJE U HIDROELEKTRANAMA
DO 30 MW U REPUBLICI SRBIJI**

Vodič za investitore

- izmenjena i dopunjena verzija 2016 -

IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE ENERGIJE U HIDROELEKTRANAMA DO 30 MW U REPUBLICI SRBIJI

Vodič za investitore

Sadržaj

Legenda oznaka u šematskim prikazima koraka prikazanih procedura	8
Predgovor	9
I Hidroelektrane	10
I Osnovni koraci od ideje do korišćenja hidroelektrane	12
II Sticanje prava na izgradnju postrojenja	13
II Sticanje prava na izgradnju	14
II-1 Izbor lokacije, uvid u važeće planske dokumente i informacija o lokaciji	15
II-2 Energetska dozvola	17
II-2 Pribavljanje energetske dozvole	19
II-3 Lokacijski uslovi	20
II-3 Formiranje građevinske parcele	22
II-3 Parcelacija/preparcelacija	23
II-3 Uslovi za priključenje na prenosni sistem	24
II-3 Uslovi za priključenje na distributivni sistem	25
II-3 Vodna akta*	26
II-3 Pribavljanje lokacijskih uslova	27
II-4 Građevinska dozvola	28
II-4 Procena uticaja na životnu sredinu	30
II-4 Tehnička dokumentacija za građevinsku dozvolu	33
II-4 Tehnička kontrola projekta i vodna saglasnost*	34
II-4 Pribavljanje građevinske dozvole	35
II-5 Upotrebna dozvola	36
III-5 Građenje objekta	38
II-5 Tehnički pregled	40
II-5 Upotrebna dozvola	41
II-5 Pribavljanje vodne dozvole - ukoliko je predviđeno vodnim uslovima -	42
III Odobrenje za priključenje postrojenja na energetska mrežu	43
III-1 Odobrenje za priključenje elektrane na prenosni sistem	45
III-1 Odobrenje za priključenje elektrane na distributivni sistem	46

IV Sticanje prava na obavljanje delatnosti proizvodnje električne energije	
IV Sticanje prava na obavljanje delatnosti proizvodnje električne energije	47
IV-2 Licenca - za obavljanje energetske delatnosti -	49
V Sticanje statusa ((privremenog) povlašćenog) proizvođača električne energije iz obnovljivih izvora energije	51
V Status proizvođača električne energije iz obnovljivih izvora energije	52
V-1 Status privremenog povlašćenog proizvođača električne energije	53
V-1,2 Sticanje statusa (privremenog)* i statusa povlašćenog proizvođača električne energije	54
V-2 Status povlašćenog proizvođača električne energije	55
V-2 Sticanje statusa povlašćenog proizvođača električne energije	56
V-3 Podsticajne mere	57
V-3 Podsticajna otkupna cena	58
V-3 Sticanje statusa proizvođača električne energije iz obnovljivih izvora energije	59
VI Proizvodnja i prodaja električne energije	60
VI-1 Ugovor o otkupu električne energije sa odložnim uslovom	61
VI-2 Ugovor o otkupu električne energije povlašćenog proizvođača električne energije	62
VII Posebni postupci	63
VII-1 Poseban slučaj izgradnje elektrane	64
VII-2 Garancija porekla	65
VII-2 Izdavanje garancije porekla	66
VII-3 Koncesija* - za sticanje prava na korišćenje prirodnog bogatstva -	67
VII-3 Koncesija – sadržaj ugovora o koncesiji	68
Relevantni zakoni, strateška dokumenta, planovi i podzakonska akta	69

Legenda oznaka u šematskim prikazima koraka prikazanih procedura



Oznaka za zahtev koji podnosi investitor nadležnim organima, ovlašćenim organizacijama, telima ili privrednim subjektima



Oznaka za pitanje, koje se otvara u postupku



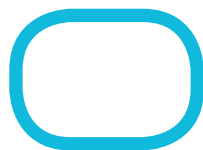
Oznaka za uslove i ulazne elemente dozvole, odnosno akta koji je predmet razmatranja



Oznaka za pozitivnu aktivnost nadležnog organa, odnosno ovlašćenih organizacija, tela ili privrednih subjekata



Oznaka za ostale korake u konkretnoj proceduri



Oznaka za upravni akt koji je rezultat sprovedenog postupka

Predgovor

Program Ujedinjenih nacija za razvoj (UNDP), kao implementaciona agencija Globalnog fonda za zaštitu životne sredine (GEF), sprovodi u partnerstvu sa Ministarstvom rudarstva i energetike i Ministarstvom poljoprivrede i zaštite životne sredine Republike Srbije GEF Projekat: „Smanjenje barijera za ubrzani razvoj tržišta biomase u Srbiji“.

Cilj Projekta je da se poveća udeo energije iz obnovljivih izvora u energetsom bilansu Srbije, odnosno udeo biomase u proizvodnji energije.

Jedna od aktivnosti projekta je izgradnja kapaciteta svih aktera za identifikaciju, pripremu, finansiranje, izgradnju i upravljanje bankabilnim projektima korišćenja obnovljivih izvora energije u okviru koje je izvršena revizija šest postojećih zastarelih vodiča za investiture u postrojenja koja koriste obnovljive izvore energije:

1. IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE/TOPLLOTNE ENERGIJE IZ BIOMASE U REPUBLICI SRBIJI
2. IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE ENERGIJE U MALIM HIDROELEKTRANAMA U REPUBLICI SRBIJI
3. IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE ENERGIJE U VETROELEKTRANAMA U REPUBLICI SRBIJI
4. IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE/TOPLLOTNE ENERGIJE IZ HIDROGEOTERMALNIH IZVORA U REPUBLICI SRBIJI
5. IZGRADNJA POSTROJENJA I PROIZVODNJA ELEKTRIČNE ENERGIJE U SOLARNIM ELEKTRANAMA U REPUBLICI SRBIJI
6. IZGRADNJA SOLARNIH GREJNIH SISTEMA U REPUBLICI SRBIJI

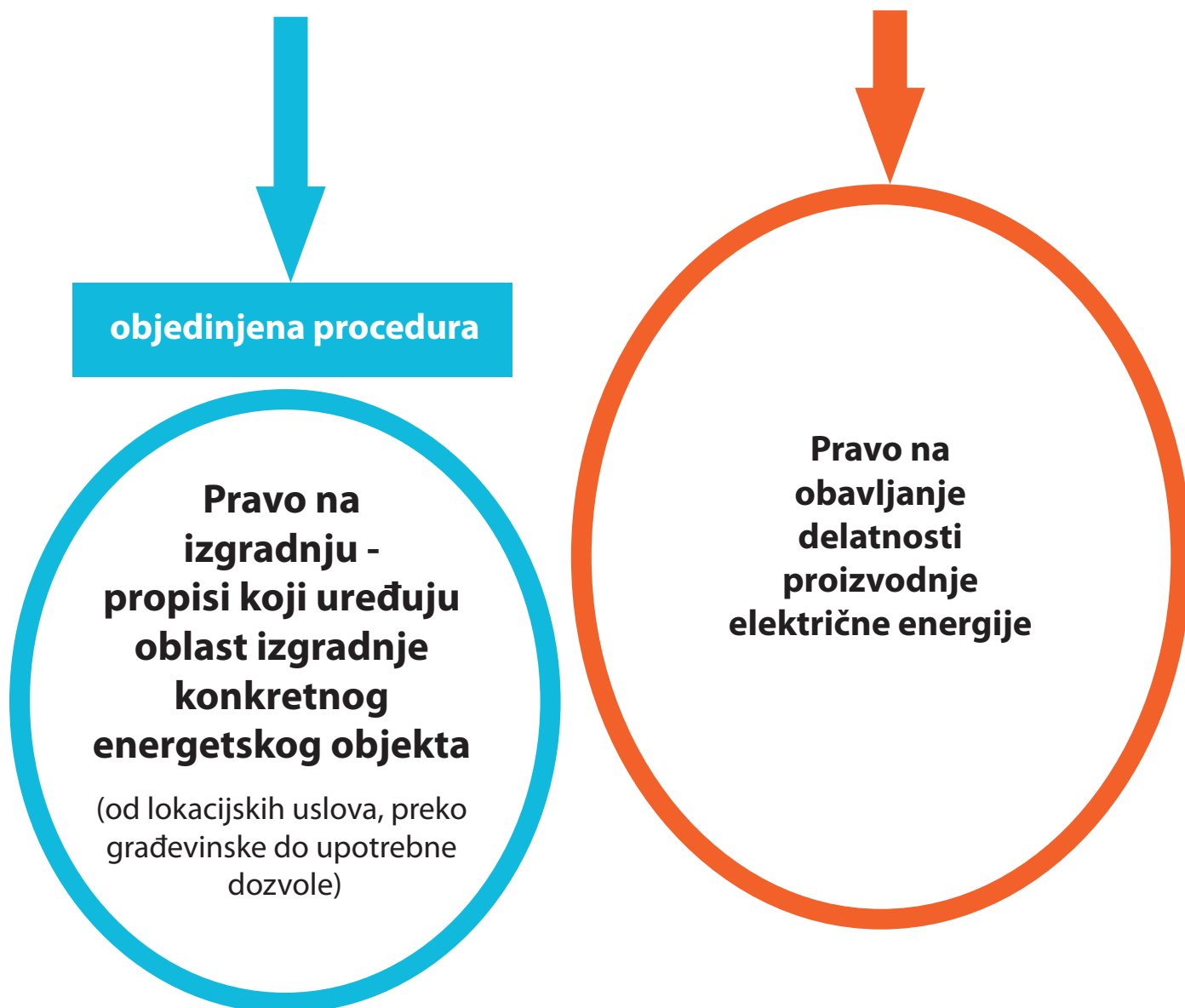
Svi vodiči su dvojezični i, izuzev jednog, izrađeni su u dve verzije. U šest detaljnih vodiča opisane su celokupne složene procedure za izgradnju postrojenja i obavljanje delatnosti proizvodnje energije iz konkretnih obnovljivih izvora, uz upućivanje na odgovarajuće propise i navođenje nadležnih institucija. Detaljni vodiči namenjeni su, pre svega, investitorima i stručnjacima koji rade na razvoju projekata, ali i zaposlenima u različitim nadležnim državnim organima, s obzirom na međusektorski karakter procedura. U pet kratkih vodiča ova složena problematika prikazana je manje detaljno i na slikovit način, čime se tema približava i širem krugu zainteresovanih strana.

Cilj izrade vodiča bio je da se podstaknu i pomognu investitori da ulažu u obnovljive izvore energije u Srbiji, ali i da se, kroz detaljno sagledavanje složenih procedura za izgradnju postrojenja i obavljanje delatnosti proizvodnje energije iz obnovljivih izvora, uoče njihovi nedostaci i da se podstaknu nadležni da kroz zakonodavne i institucionalne aktivnosti ove procedure pojednostave i unaprede. Nadamo se da će ovi Vodiči pokrenuti konstruktivni dijalog između mnogobrojnih zainteresovanih strana i time doprineti boljoj informisanosti i međusobnom razumevanju, što u krajnjoj liniji treba da rezultira povoljnim okruženjem za investicije u sektoru obnovljivih izvora energije.

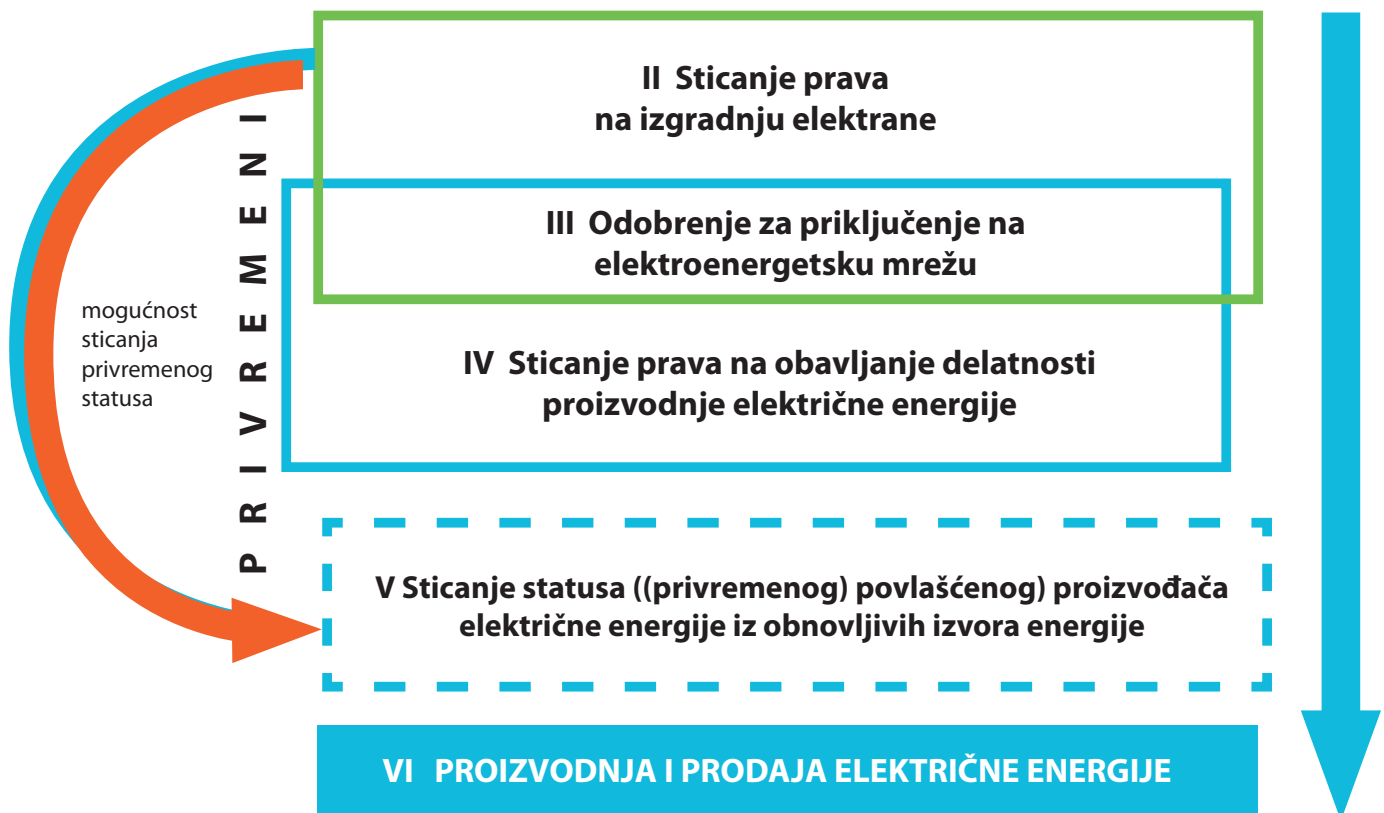
I Hidroelektrane

- **Objekti za proizvodnju električne energije koji energiju prirodnog vodotoka pretvaraju u električnu energiju.**
- **Energetski subjekt i fizičko lice - samo do 30 kW, za hidroelektranu, odnosno deo hidroelektrane instalisane snage do 30MW ili hidroelektrane na postojećoj infrastrukturi instalisane snage do 30MW mogu da steknu:**
 - status privremenog povlašćenog proizvođača električne energije.
 - status povlašćenog proizvođača električne energije.
 - status proizvođača električne energije iz obnovljivih izvora energije

NAPOMENA: Potrebno je ukazati da se ovaj Vodič odnosi na hidroelektrane instalisane snage do 30MW u opštem smislu i da su u njemu opisane procedure pred nadležnim organima i institucijama, ali da pojedini elementi ovih procedura, kao i sprovođenje pojedinih procedura zavisi od veličine objekta, mesta na kome se gradi objekat, konkretne tehnologije za proizvodnju energije i drugih karakteristika samog objekta

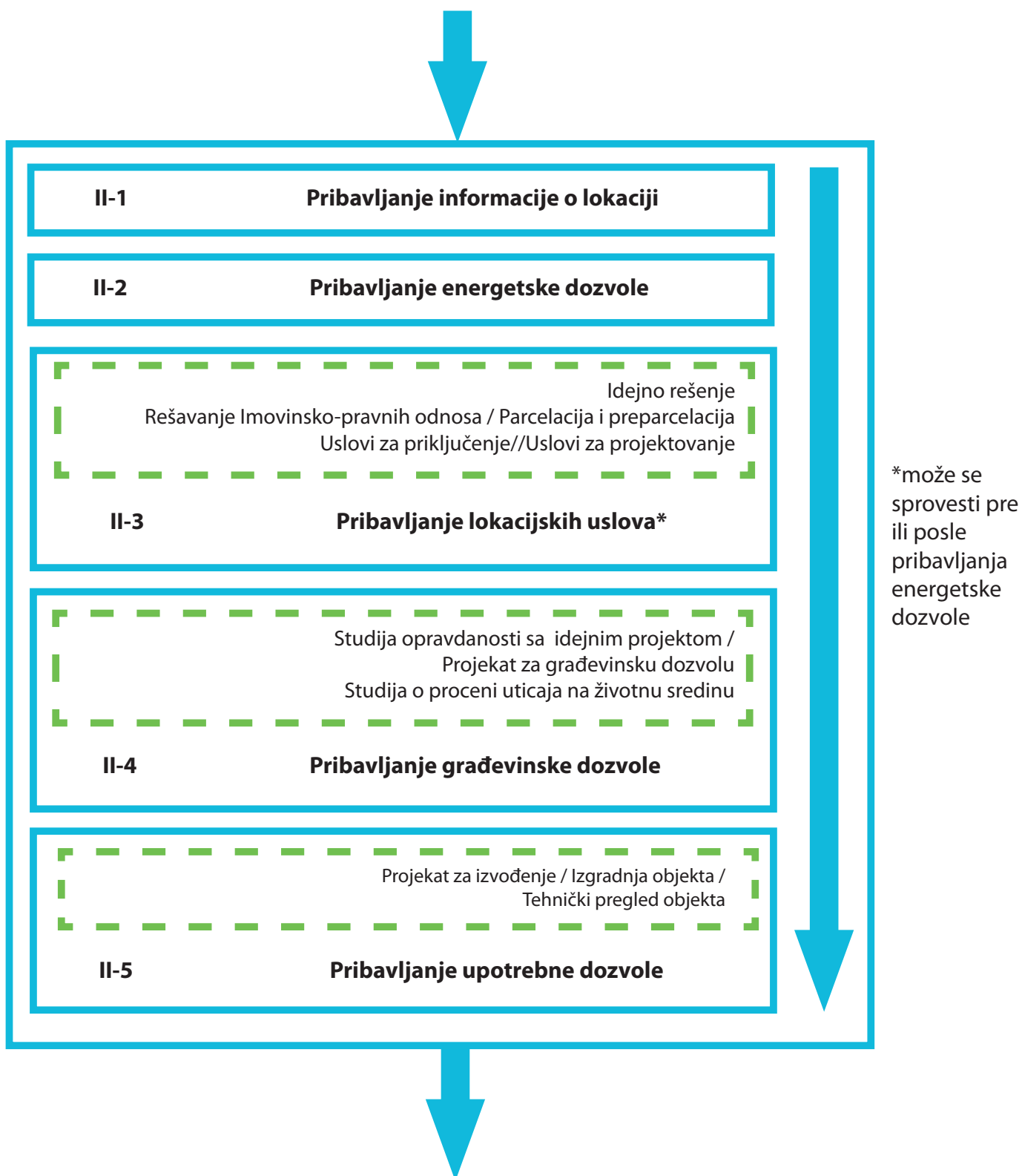
Investitor treba da stekne sledeća prava:

I Osnovni koraci od ideje do korišćenja hidroelektrane



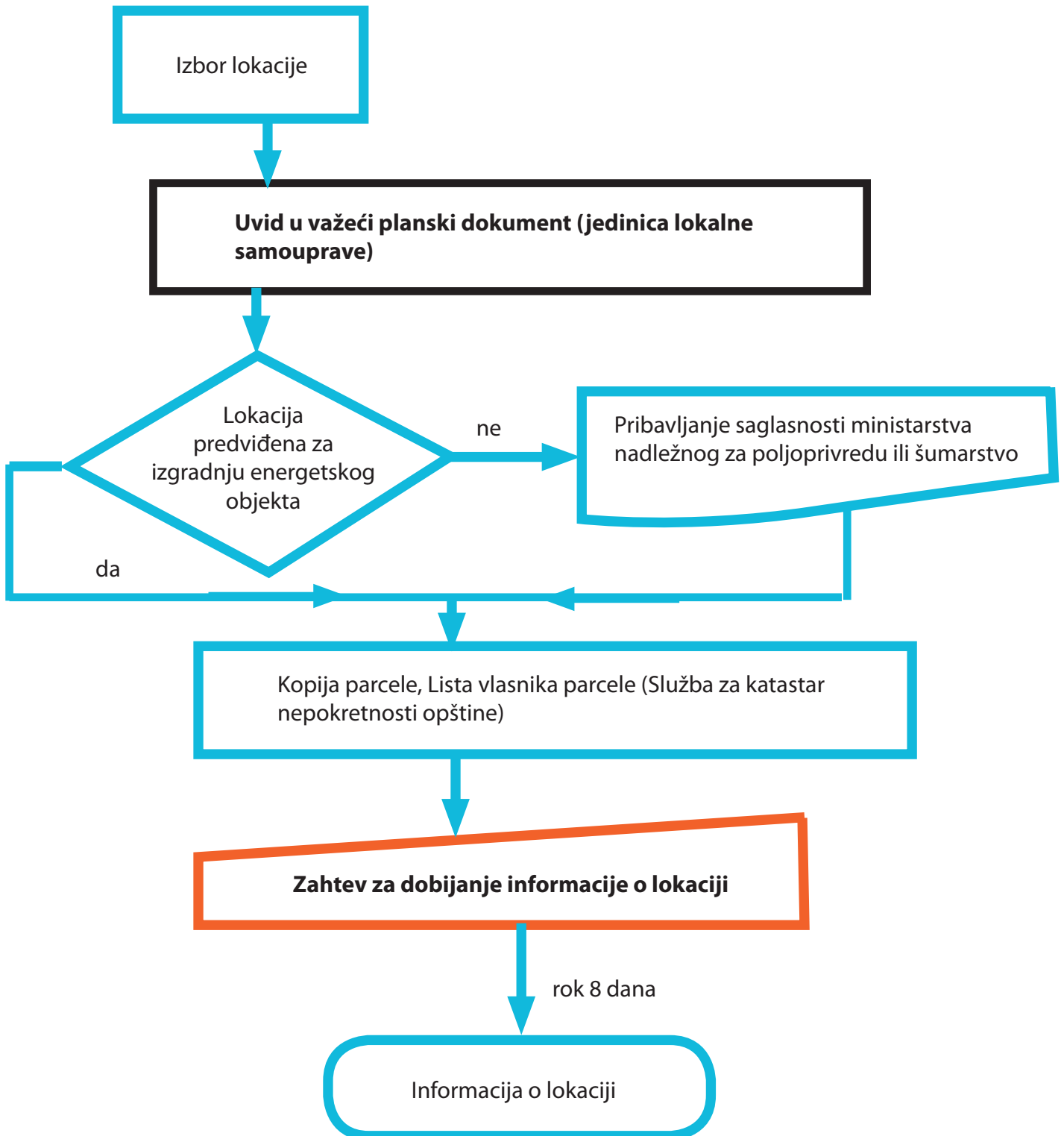
II Sticanje prava na izgradnju postrojenja

II Sticanje prava na izgradnju



II-1 Izbor lokacije, uvid u važeće planske dokumente i informacija o lokaciji

Analiza i izbor potencijalne lokacije za izgradnju elektrane i njen izbor su prvi koraci, koji u značajnoj meri opredeljuju izradu tehničke dokumentacije za izgradnju elektrane



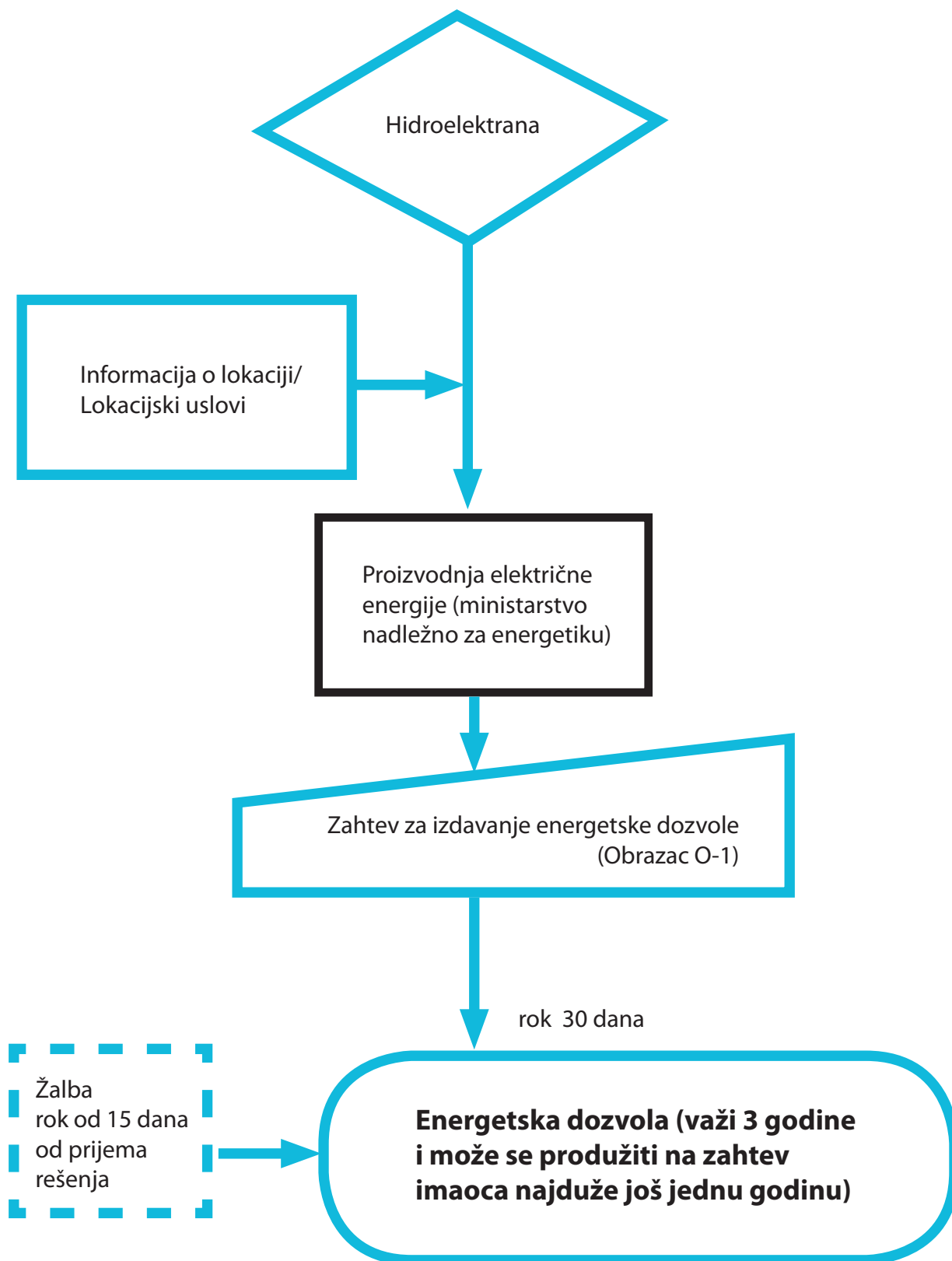
II-2 Energetska dozvola

- **Energetska dozvola je akt neophodan za pribavljanje građevinske dozvole.**
- **Za razliku od ostalih objekata, koji koriste obnovljive izvore, energetska dozvola je potrebna i za objekte snage do 1 MW.**

NAPOMENA: Energetska dozvola nije potrebna ukoliko se elektrana gradi u formi javno-privatnog partnerstva ili koncesije



II-2 Pribavljanje energetske dozvole

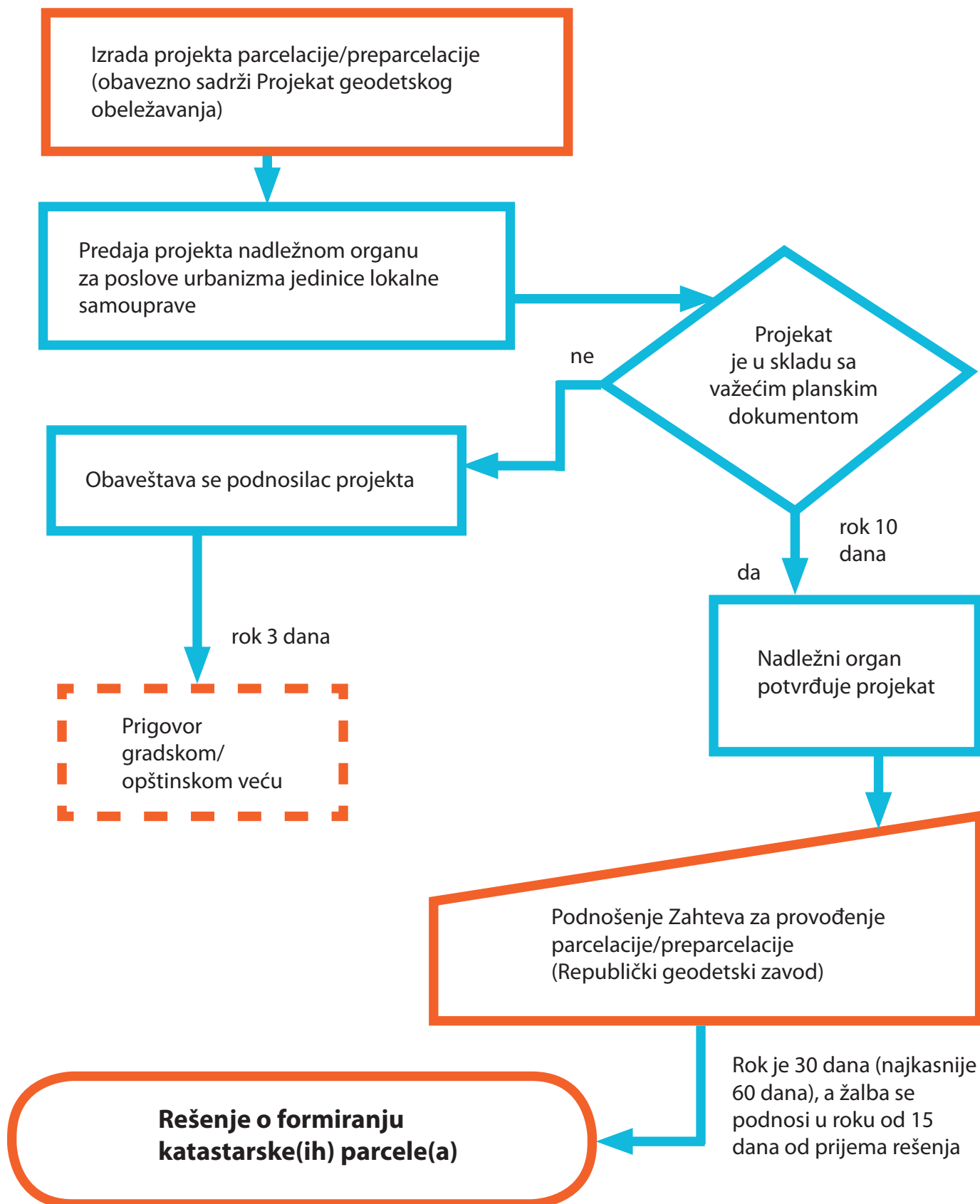


II-3 Lokacijski uslovi

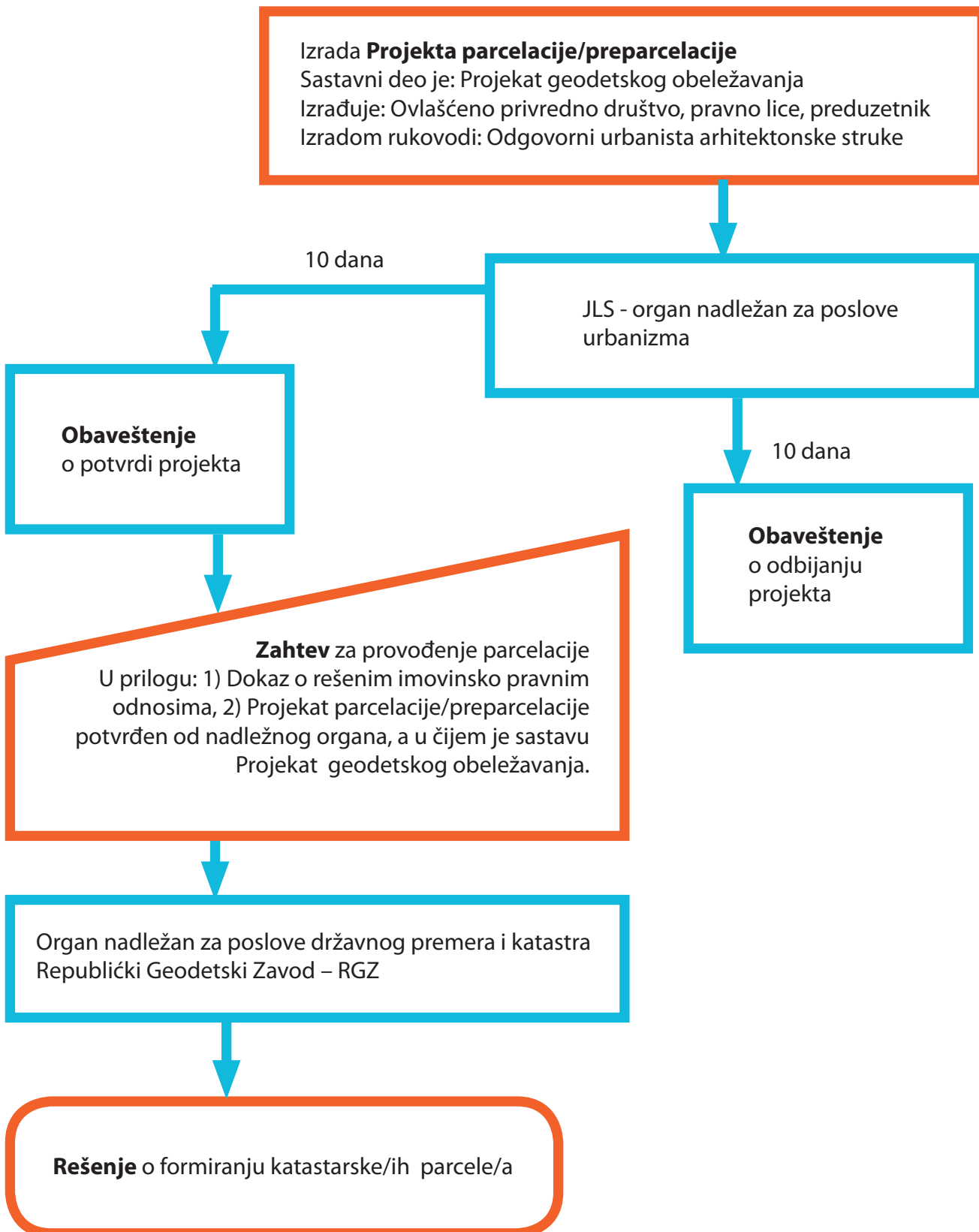
Lokacijski uslovi sadrže sve uslove i podatke potrebne za izradu tehničke dokumentacije, pre svega projekta za građevinsku dozvolu, a u skladu sa važećim planskim dokumentom



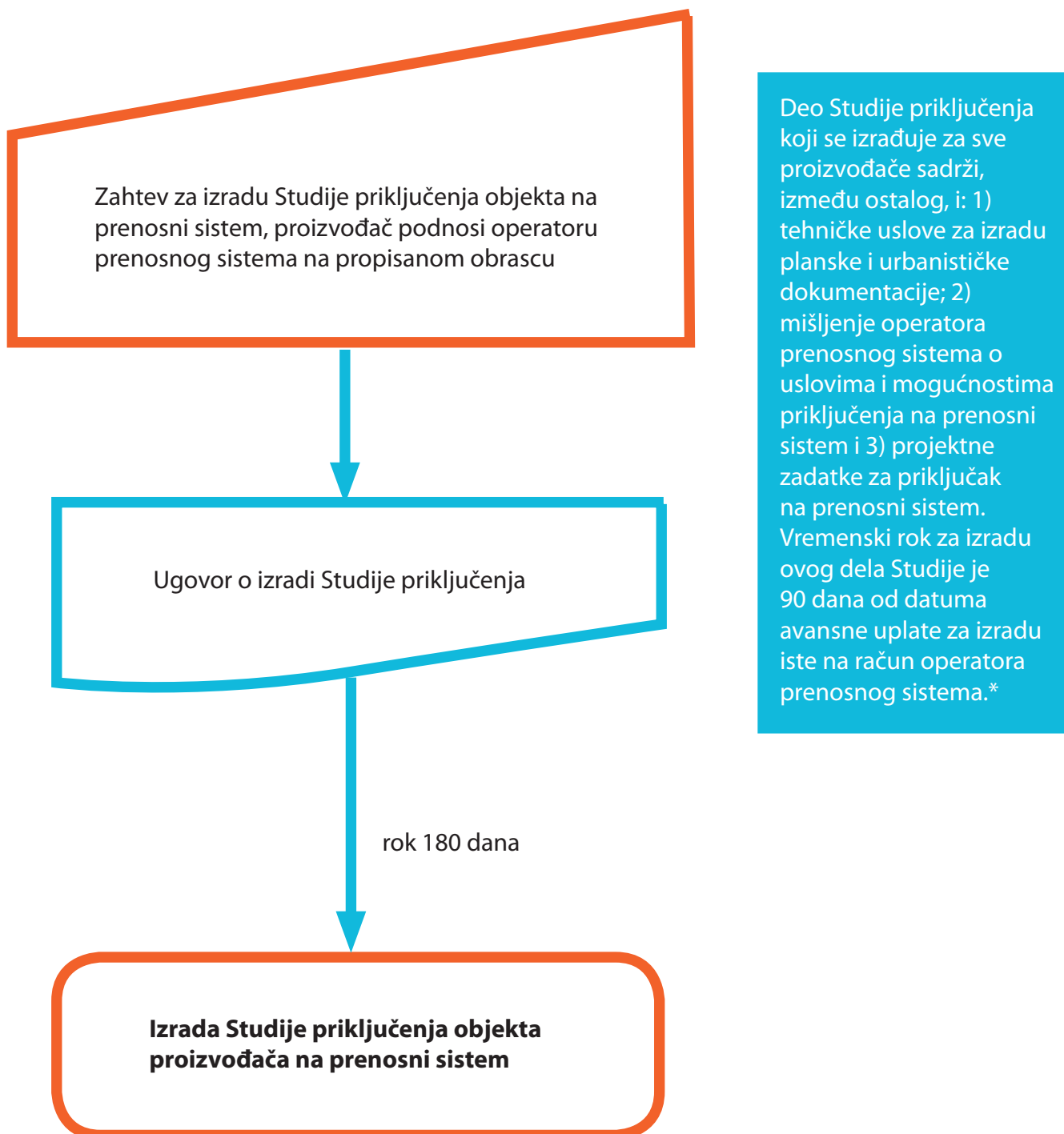
II-3 Formiranje građevinske parcele



II-3 Parcelacija/preparcelacija

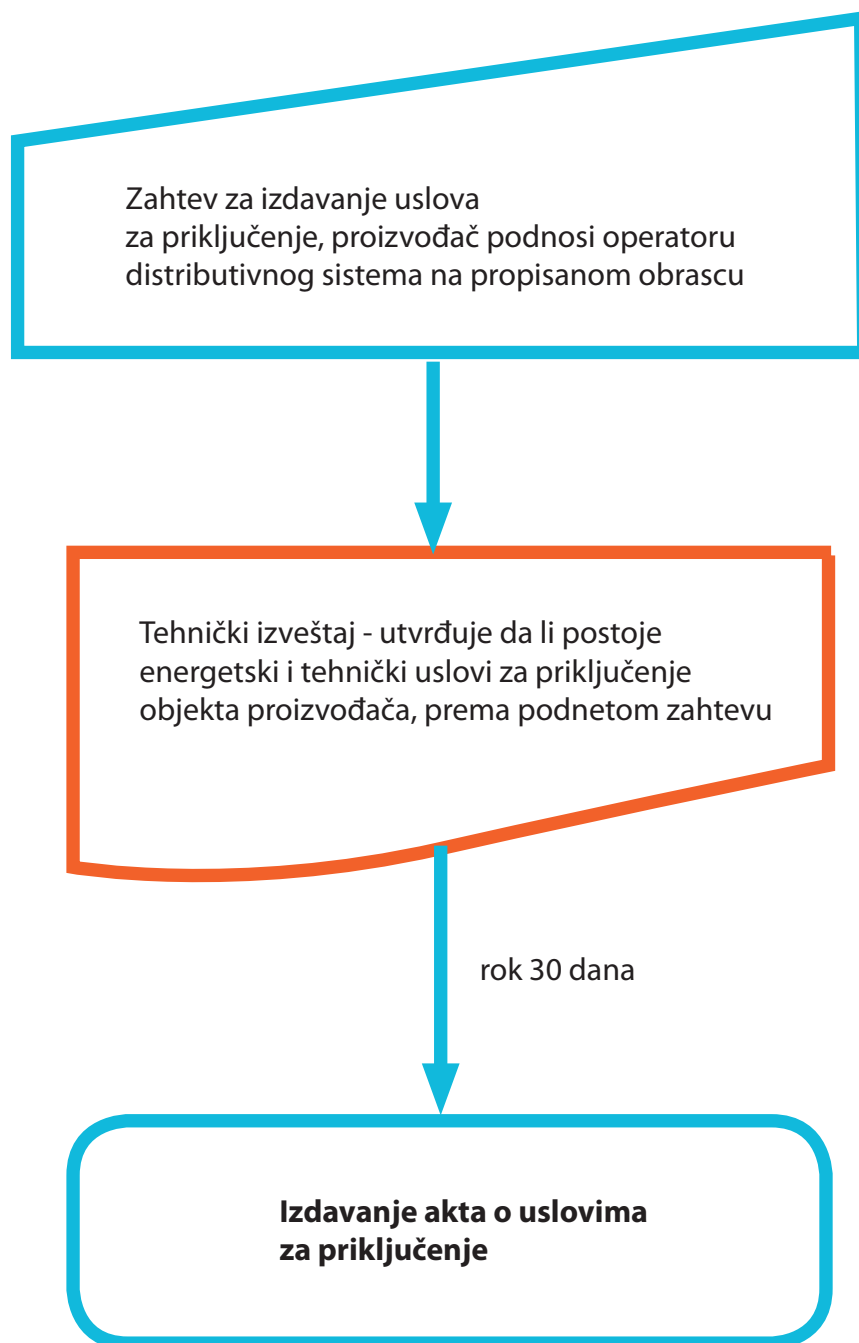


II-3 Uslovi za priključenje na prenosni sistem



*Procedura za priključenje objekata na prenosni sistem, 23. decembar 2015. godine.

II-3 Uslovi za priključenje na distributivni sistem



II-3 Vodna akta*

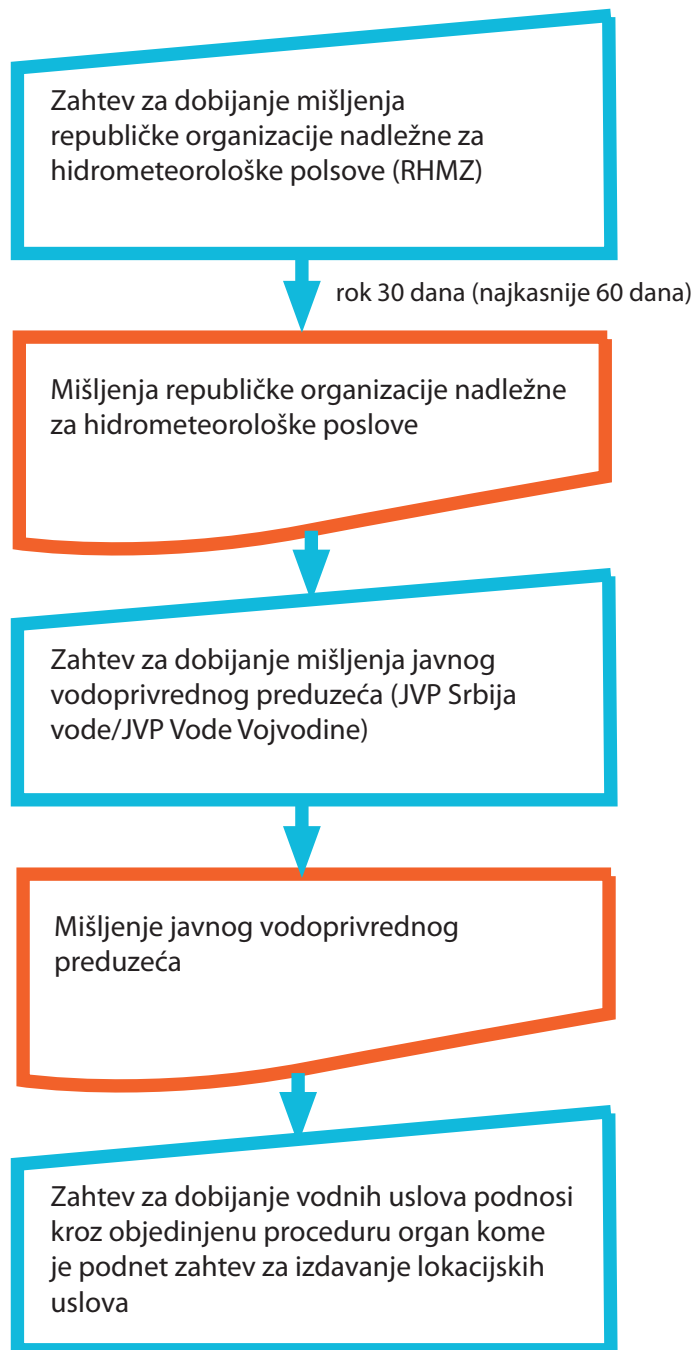
objedinjena procedura

- **Vodna akta**

- vodni uslovi (I-3)
- vodna saglasnost nije potrebna u objedinjenoj proceduri, jer usklađenost tehničke dokumentacije s vodnim uslovima za izdavanje građevinske dozvole proverava i potvrđuje vršilac tehničke kontrole (I-4)
- vodna dozvola - pribavlja se ukoliko je vodnim uslovima naznačeno da je potrebna (I-5)

- **Nadležnost**

- ministarstvo nadležno za vodoprivredu
- nadležni organ autonomne pokrajine (za objekte na teritoriji autonomne pokrajine)
- nadležni organ grada Beograda (za objekte na teritoriji grada)



* Potrebna su ukoliko objekat utiče na vodni režim

II-3 Pribavljanje lokacijskih uslova

objedinjena procedura

Zahtev za izdavanje lokacijskih uslova

(Nadležnost – čl. 133/134 Zakona o planiranju i izgradnji)

Zahtev: 1) podaci o podnosiocu, lokaciji, objektu; 2) idejno rešenje za objekat; 3) dokaz o uplati administrativne takse

Provera priložene dokumentacije

Potpuna dokumentacija

Zaključak o odbacivanju

Prigovor na zaključak

ili

Prigovor rok 3 dana, rešavanje rok 30 dana

Dopuna dokumentacije

10/30 dana

Izdavanje lokacijskih uslova, period važenja 12 meseci od dana izdavanja ili do isteka važenja građevinske dozvole

Nadležni organ proverava da li je zahtev u skladu sa planskim dokumentom

da

Nadležni organ proverava da li na osnovu planskog dokumenta može izdati uslove

da

ne

Nadležni organ po službenoj dužnosti pribavlja podatke: 1) od nadležnog organa za državni premer i katastar, 2) uslove za projektovanje i priključenje (javna infrastruktura osim elektroenergetske*, vodni uslovi, uslovi zaštite životne sredine, prirode i kulturnih dobara, uslovi u pogledu mera zaštite od požara i eksplozija, uslovi u vezi sa odbranom i sl.)

Ovlašćena organizacija za izdavanje uslova i podataka dostavlja potrebne podatke nadležnom organu

rok 5 radnih dana

*NAPOMENA: Pitanje priključenja na elektroenergetsku mrežu, u ulozi kupca električne energije, zavisi od konkretne elektrane

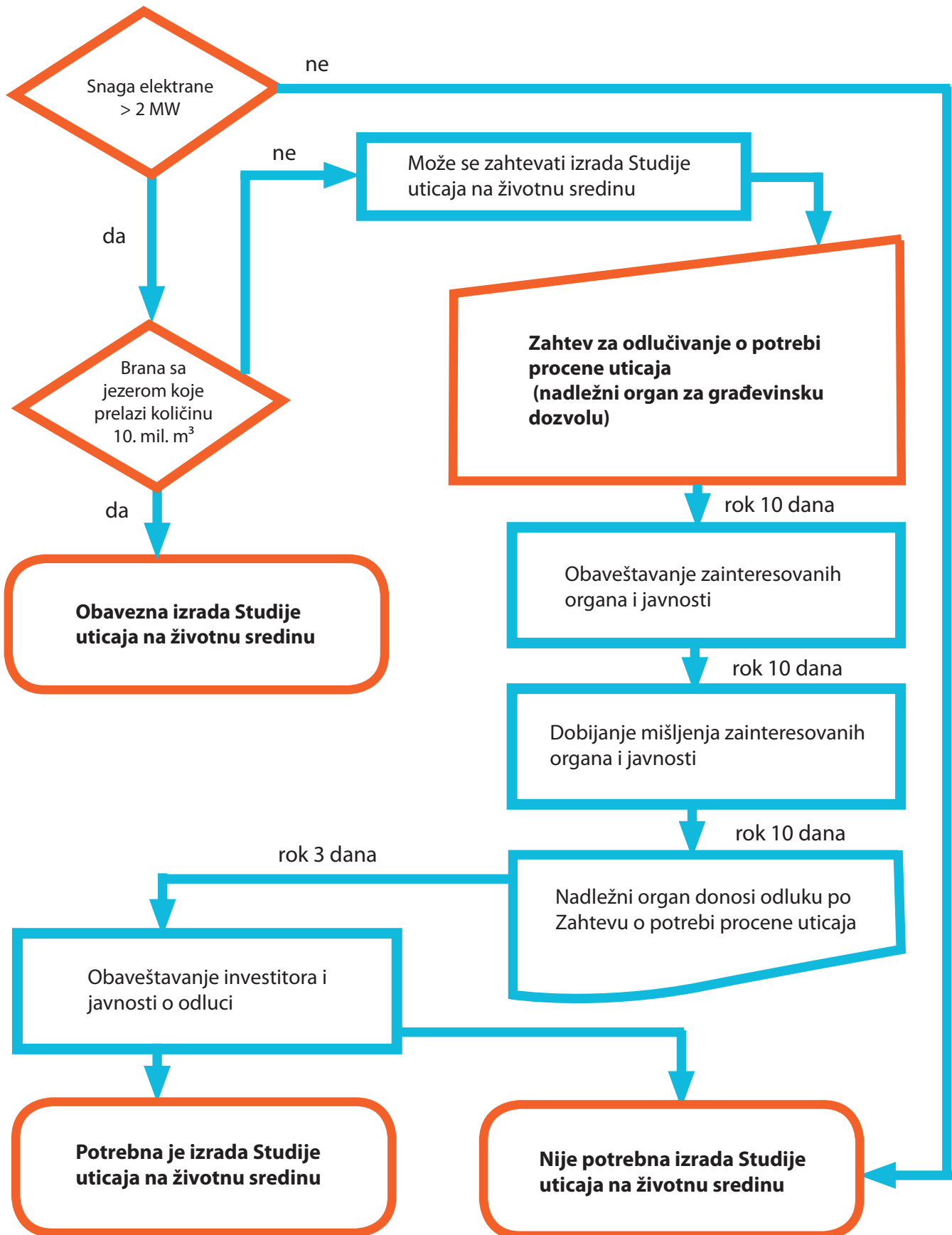
II-4 Građevinska dozvola

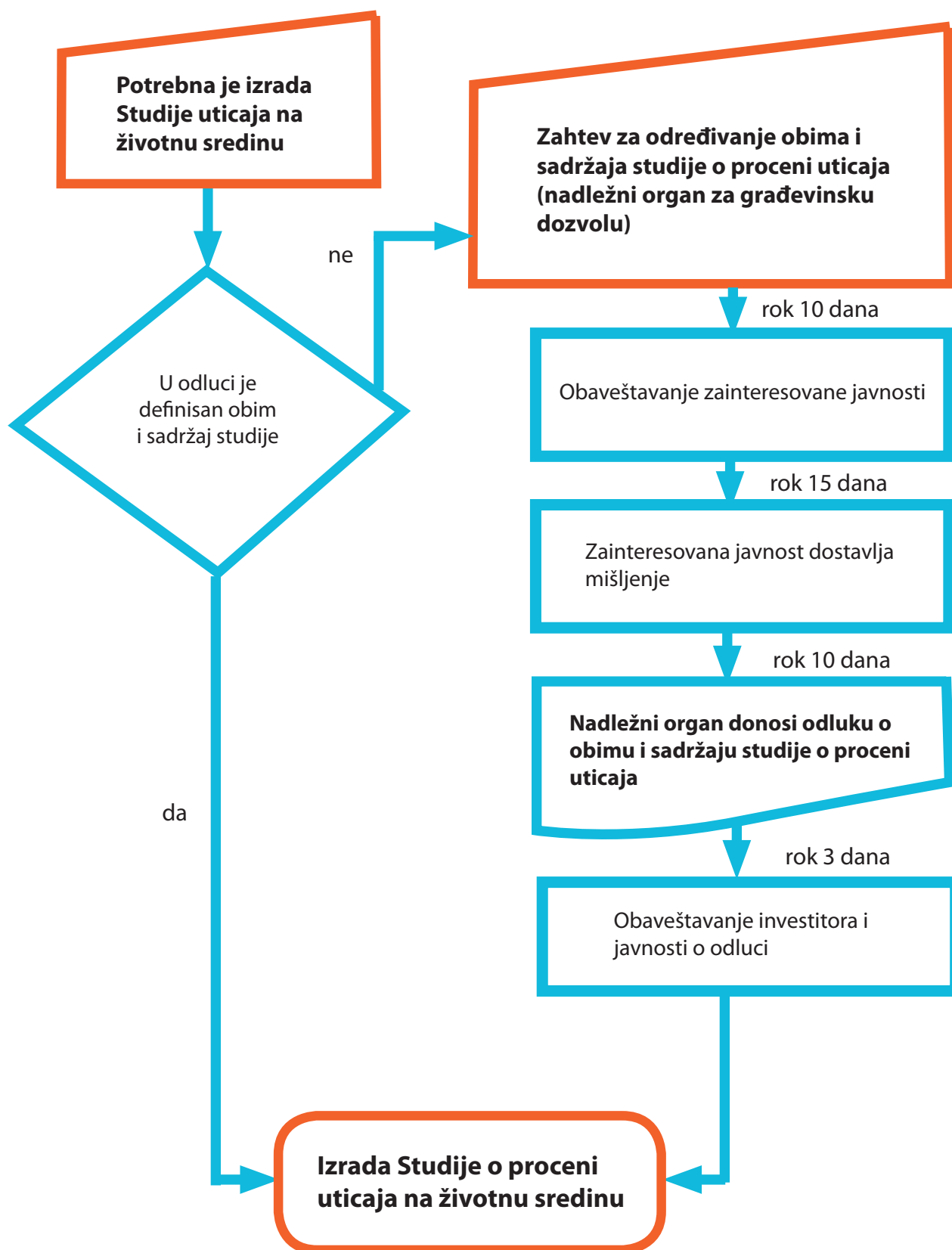
- **Po izvršenoj tehničkoj kontroli projekta za građevinsku dozvolu i pozitivnom izveštaju o izvršenoj tehničkoj kontroli, podnosi se Zahtev za izdavanje građevinske dozvole ministarstvu nadležnom za poslove građevinarstva, odnosno jedinici lokalne samouprave*.**
- **Uslov za sticanje statusa privremenog povlašćenog proizvođača električne energije.**
- **Nakon dobijanja može se podneti zahtev za pribavljanje odobrenja za priključenje na elektroenergetsku mrežu.**

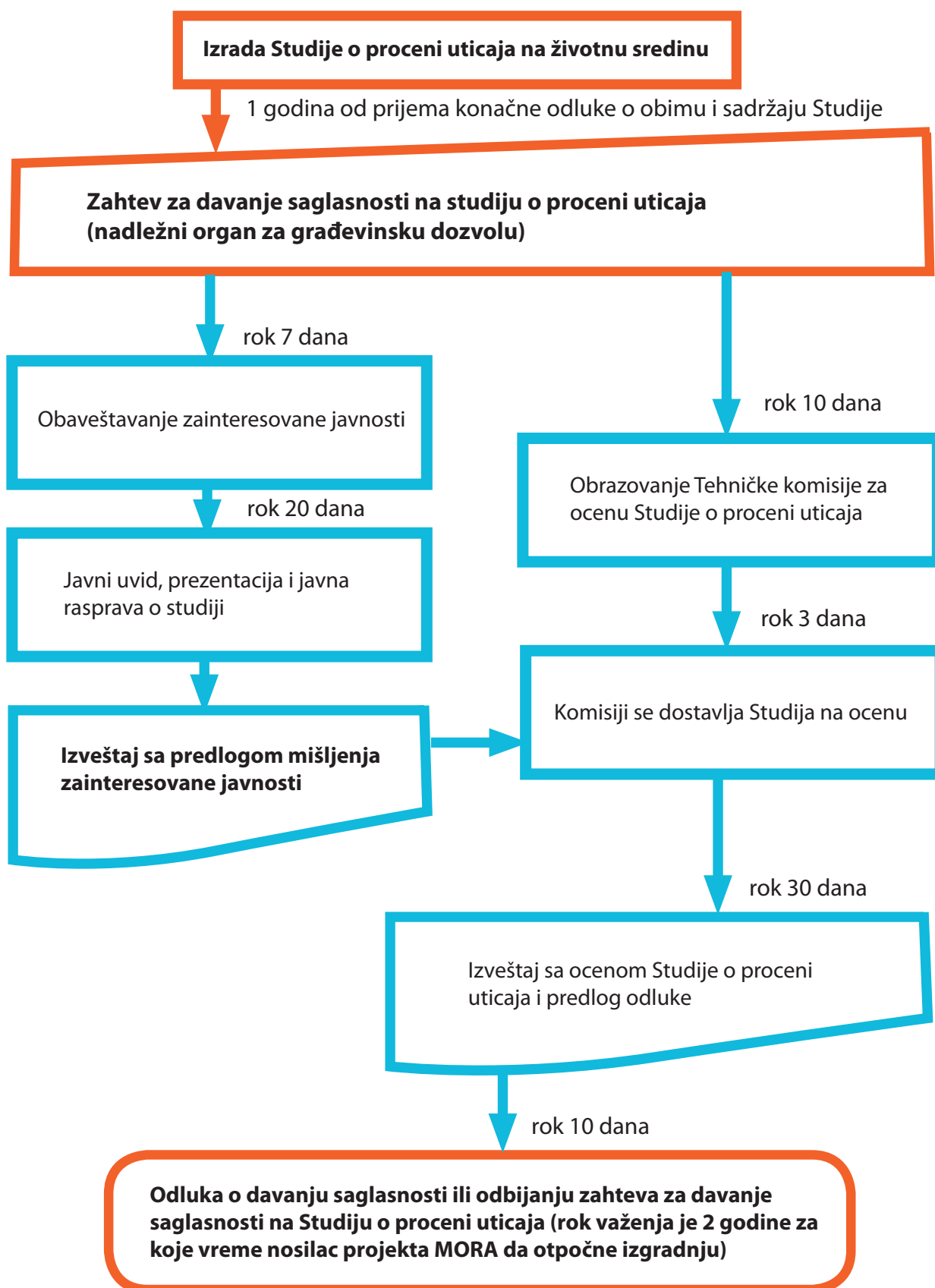
***NAPOMENA:** Više o nadležnosti na slajdu o klasifikaciji elektrana u vezi sa Zakonom o planiranju i izgradnji

Uslov za sticanje statusa privremenog povlašćenog proizvođača električne energije

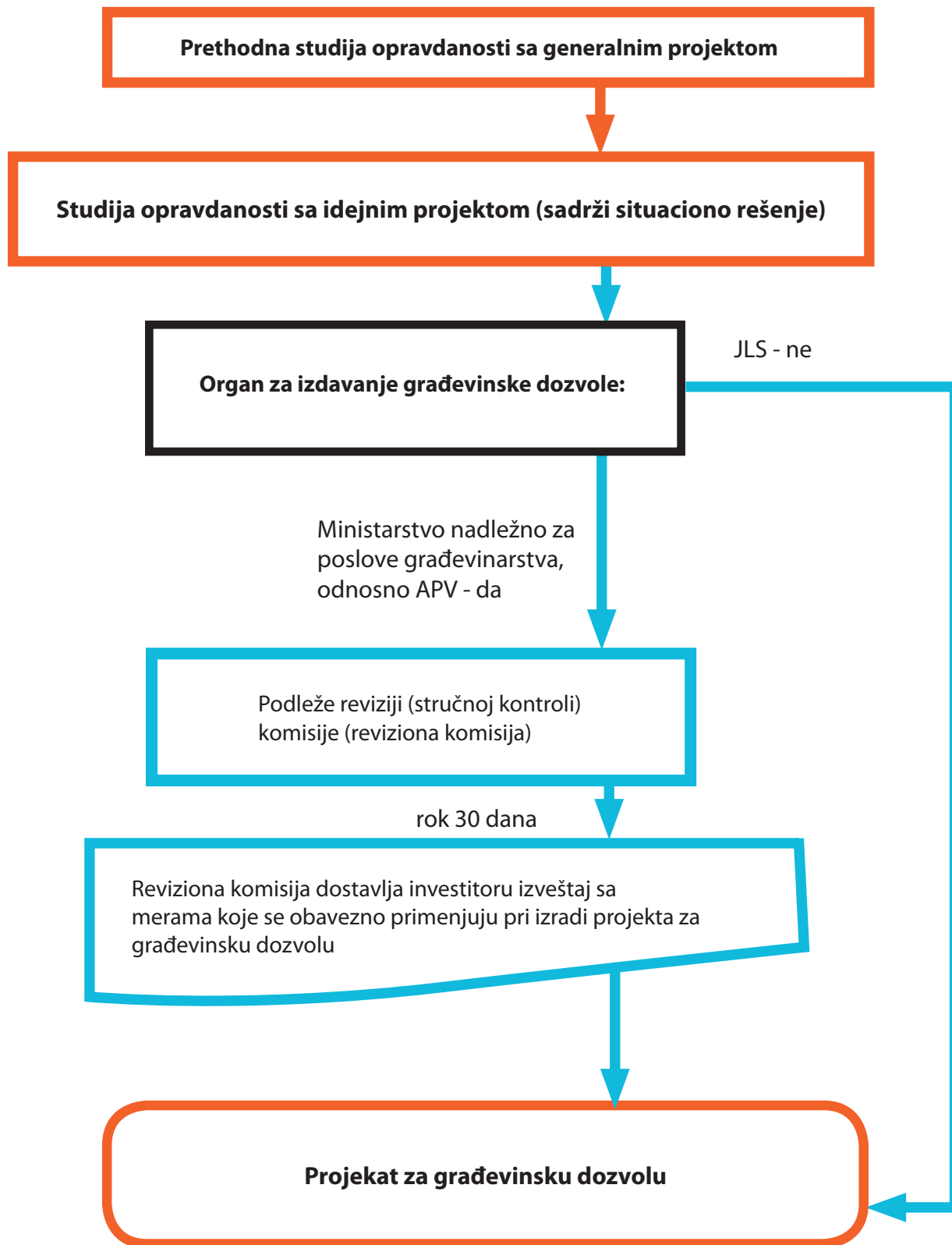
II-4 Procena uticaja na životnu sredinu



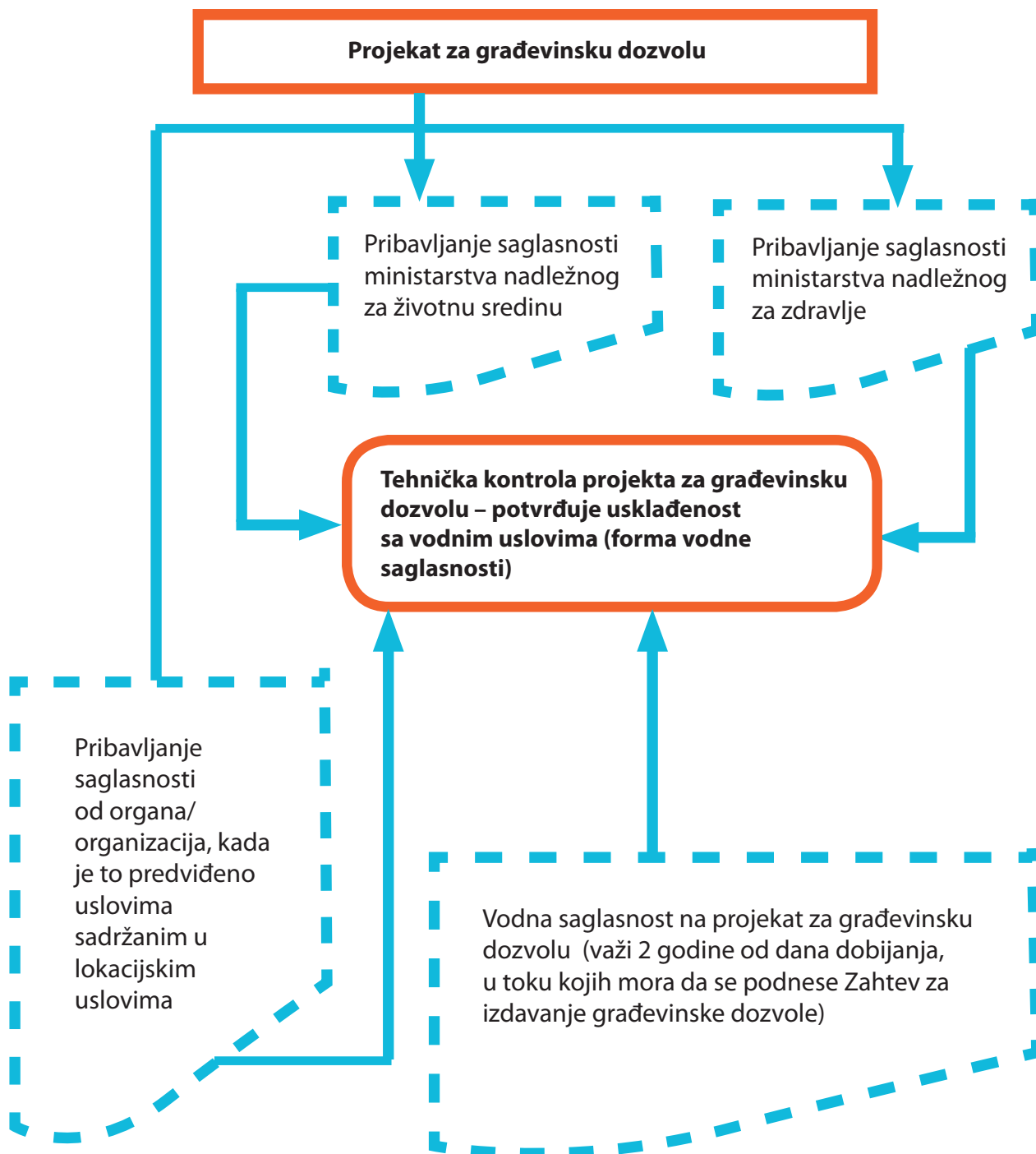




II-4 Tehnička dokumentacija za građevinsku dozvolu



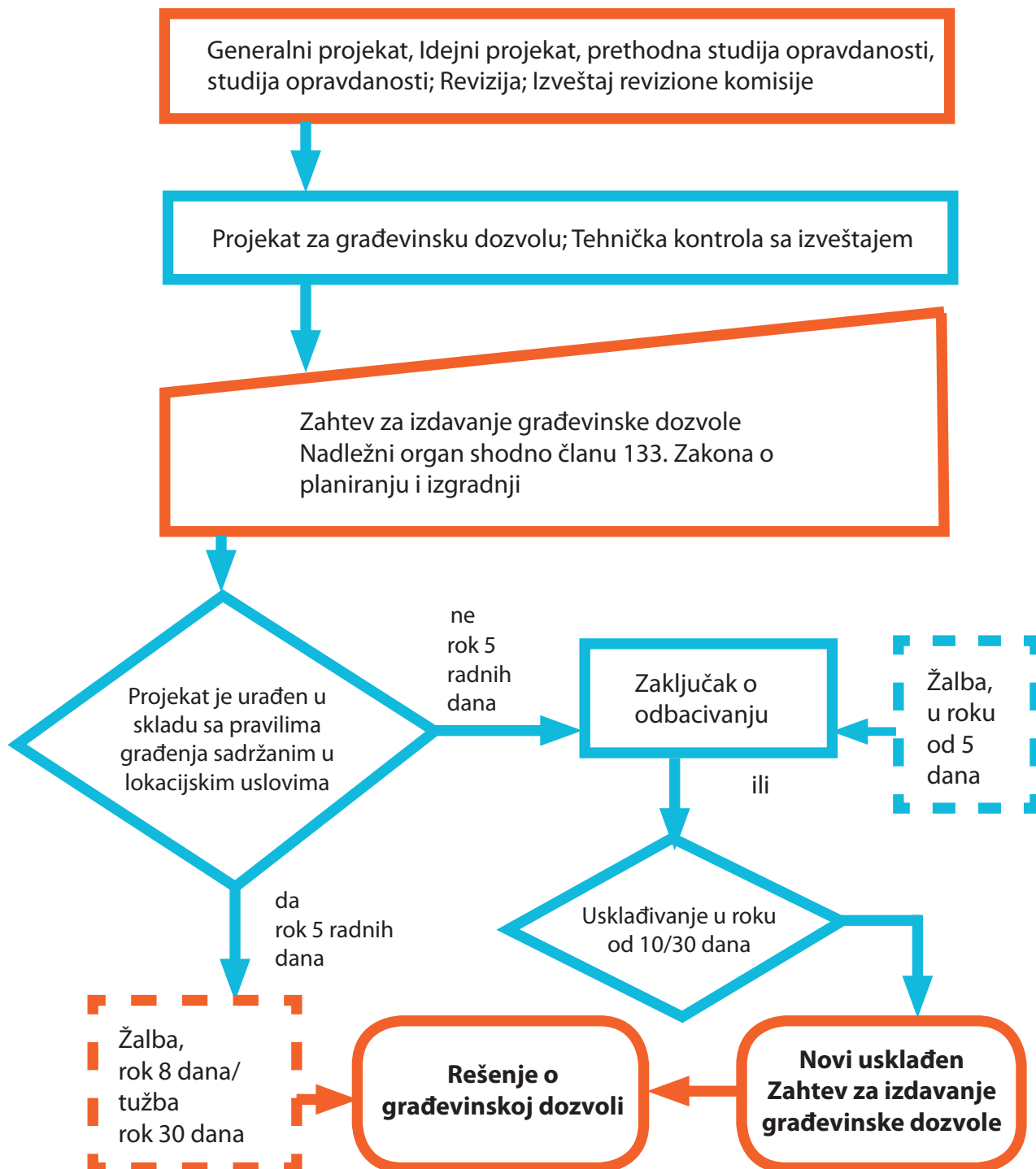
II-4 Tehnička kontrola projekta i vodna saglasnost*



***NAPOMENA:** Vodnu saglasnost investitor može pribaviti i u proceduri po Zakonu o vodama, kako bi imao potvrdu izdatu od strane organa nadležnog za vodni režim

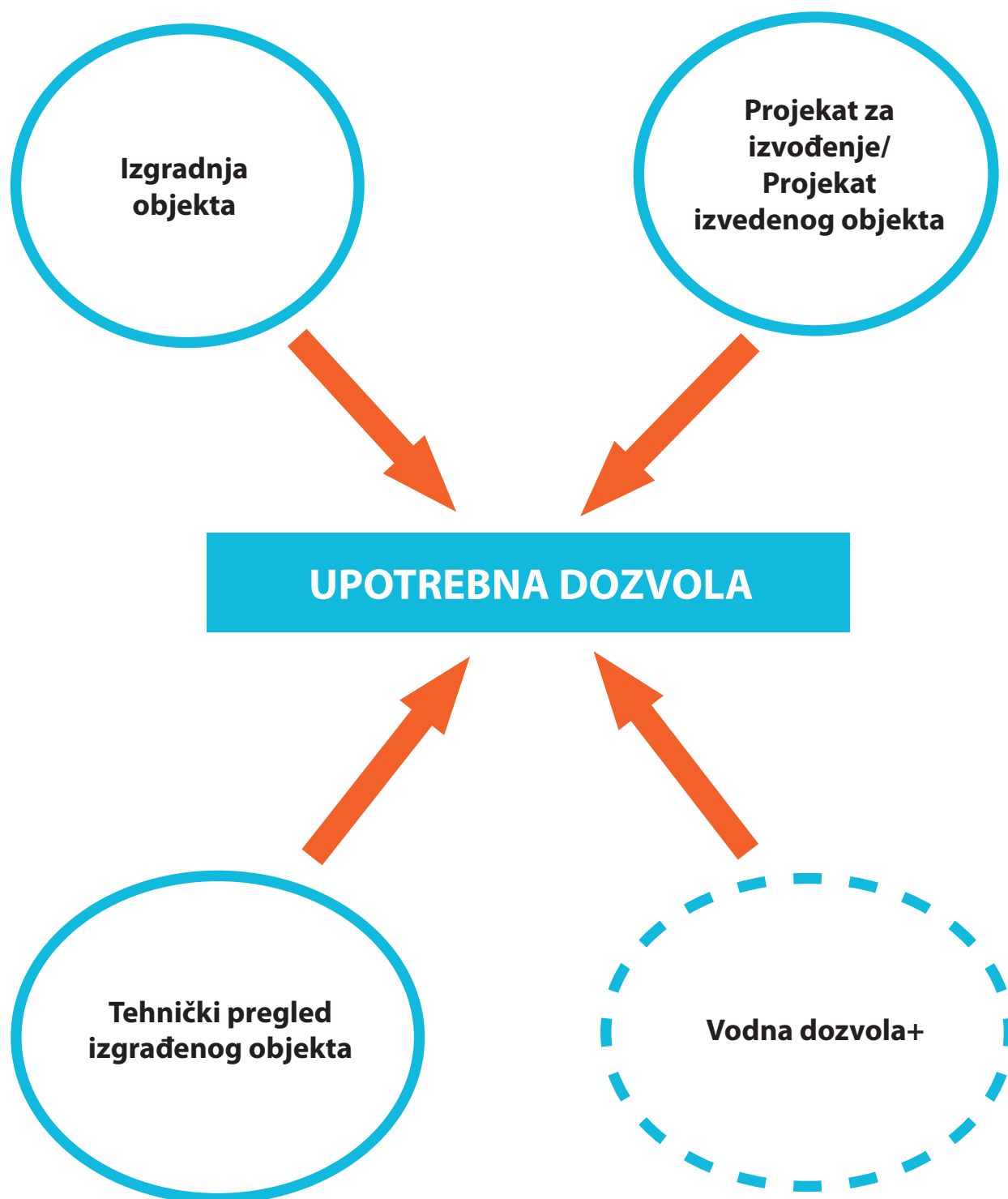
II-4 Pribavljanje građevinske dozvole

objedinjena procedura



II-5 Upotrebna dozvola

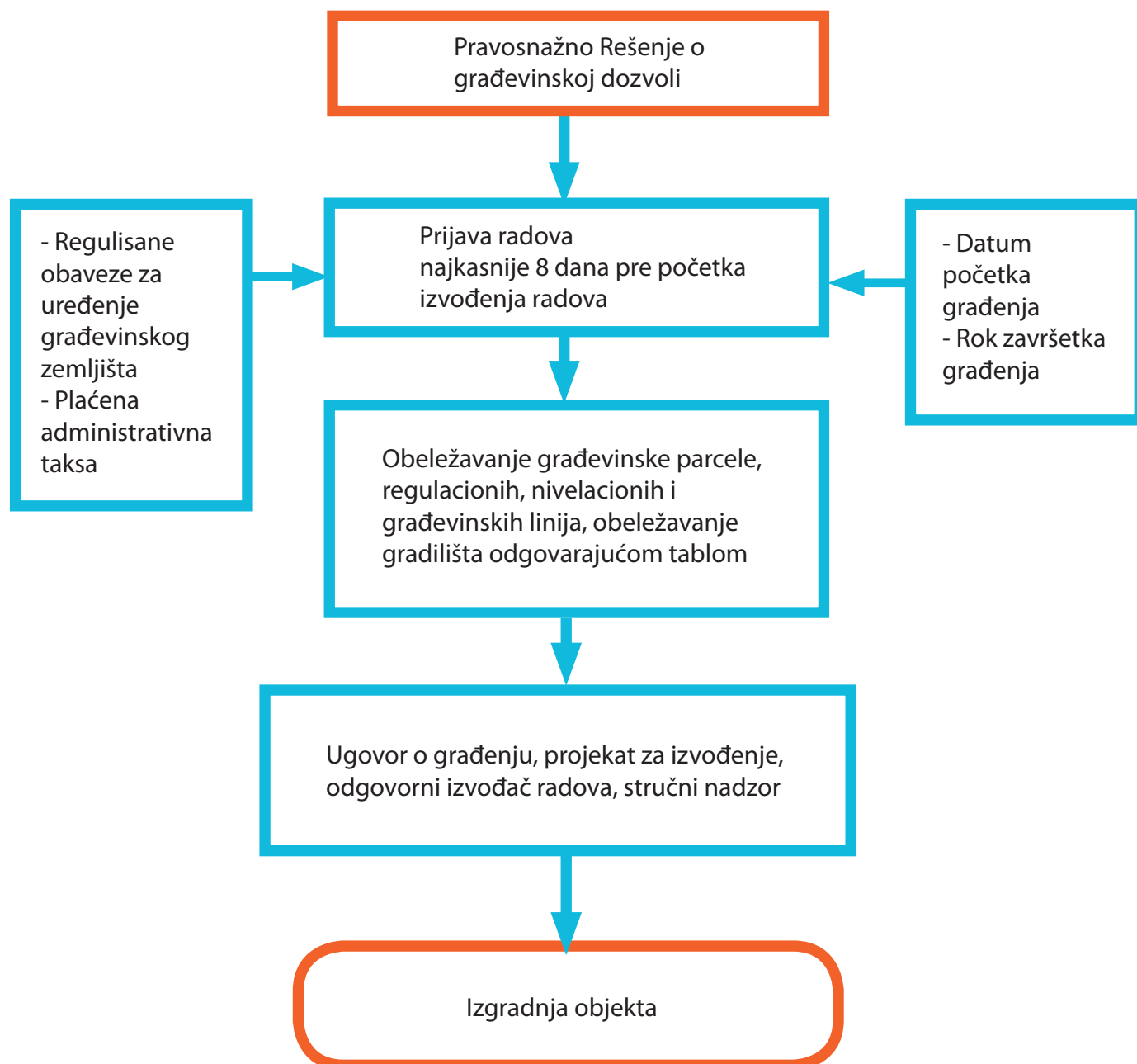
- **Podobnost objekta za upotrebu utvrđuje se tehničkim pregledom**
- **Objekat se može koristiti po prethodno pribavljenoj upotrebnoj dozvoli**
- **U procesu dobijanja Upotrebne dozvole potrebno je priložiti Projekat za izvođenje/Projekat izvedenog objekta**



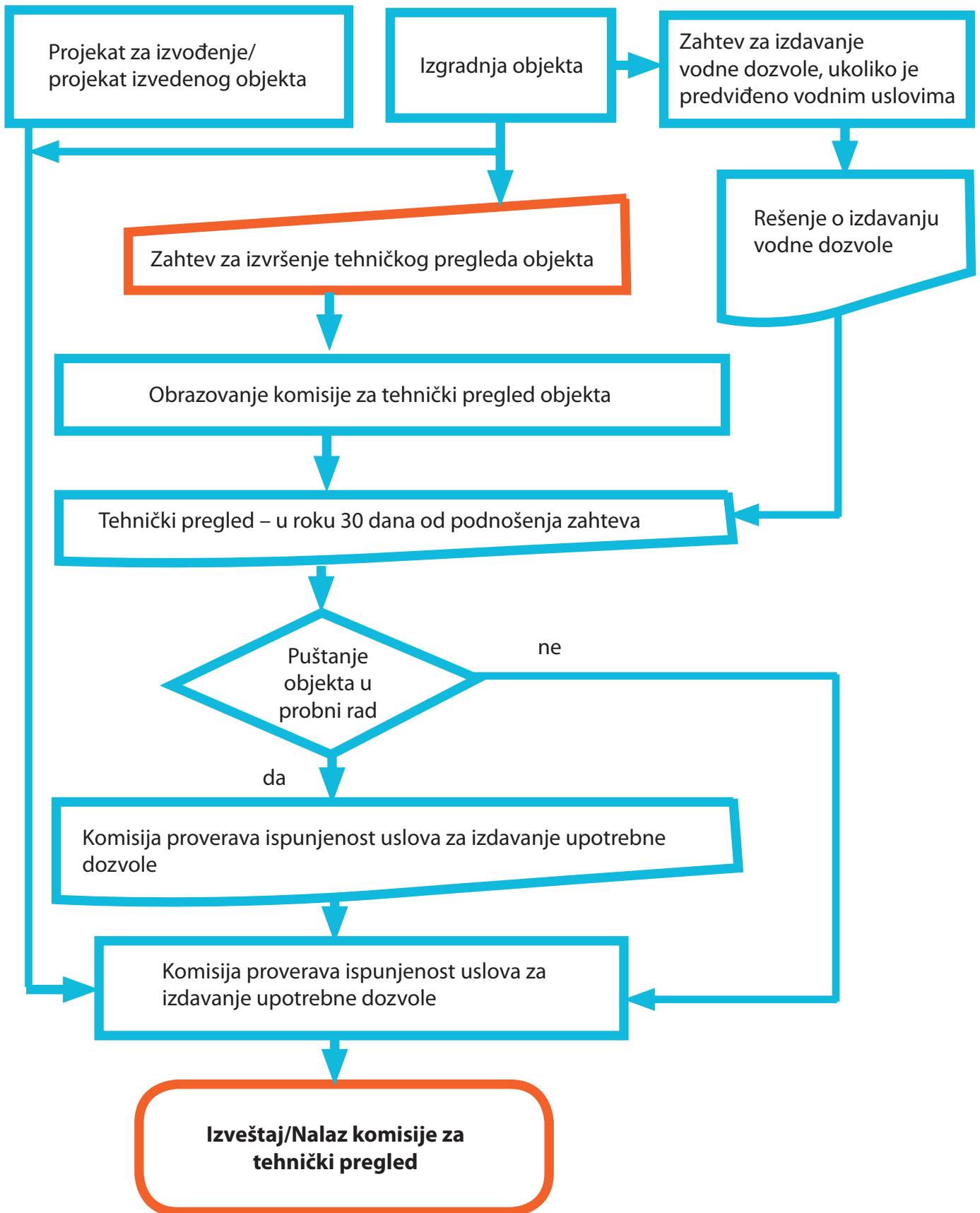
***NAPOMENA:** Poželjno je, ali nije obavezujuće, da investitor pre pribavljanja upotrebne dozvole, pribavi vodnu dozvolu, ukoliko je potrebna za konkretan objekat

II-5 Građenje objekta

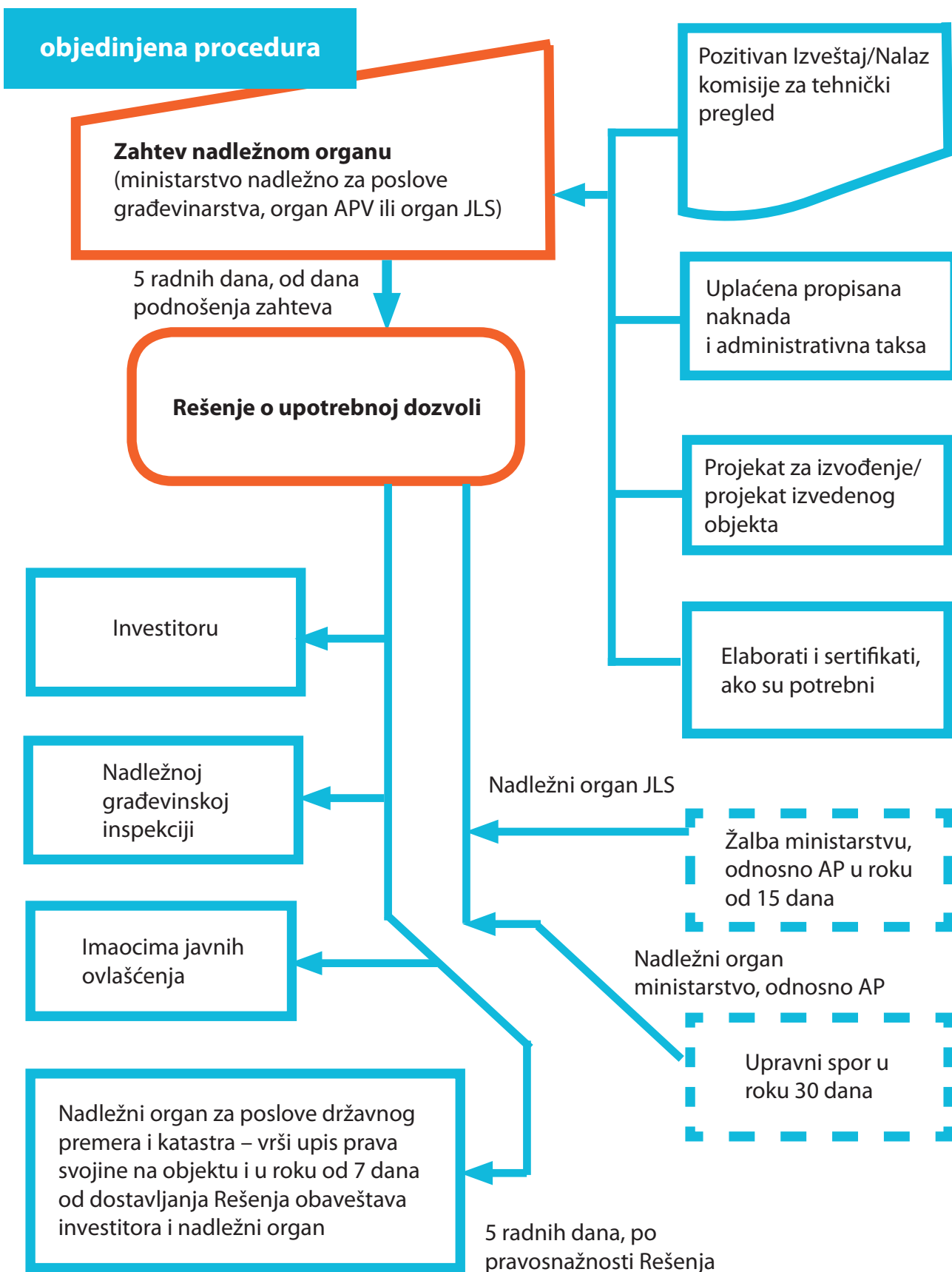
- **Građenje objekata, odnosno izvođenje radova, može da vrši privredni subjekat upisan u odgovarajući registar za građenje objekata, odnosno za izvođenje radova (izvođač radova).**
- **Obaveze izvođača radova su da: pre početka radova potpiše projekat za izvođenje, rešenjem odredi odgovornog izvođača 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.**
- **Na gradilištu je potrebno da se stalno nalazi ugovor o građenju, rešenje o određivanju odgovornog izvođača radova na gradilištu i Projekat za građevinsku dozvolu/projekat za izvođenje.**
- **Investitor obezbeđuje stručni nadzor u toku građenja objekta, odnosno izvođenja radova za koje je izdata građevinska dozvola.**



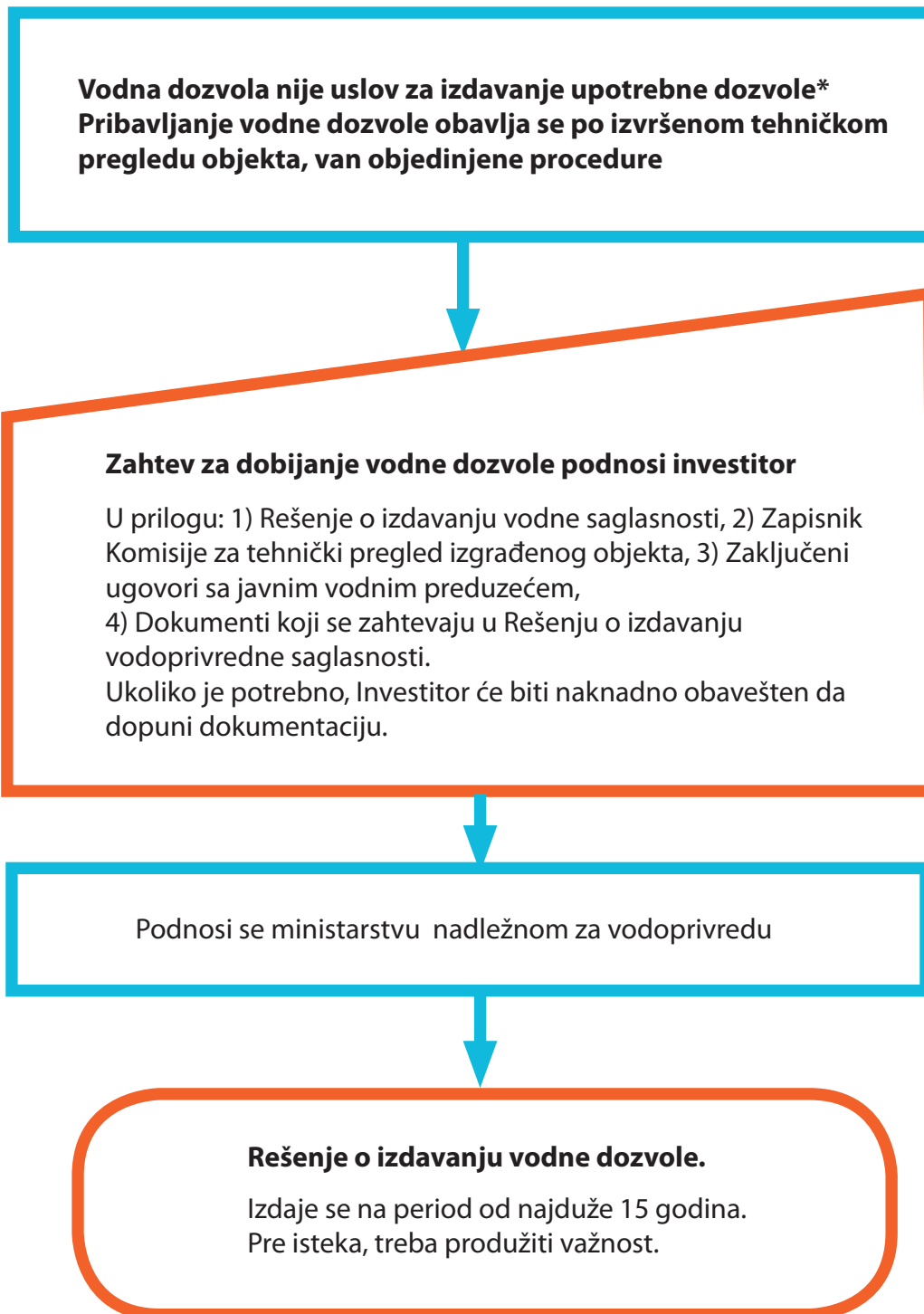
II-5 Tehnički pregled



II-5 Upotrebna dozvola



II-5 Pribavljanje vodne dozvole - ukoliko je predviđeno vodnim uslovima -



***NAPOMENA:** U cilju pravne sigurnosti korišćenja objekta, preporuka je da se vodna dozvola pribavi pre početka korišćenja objekta

III Odobrenje za priključenje postrojenja na energetska mrežu

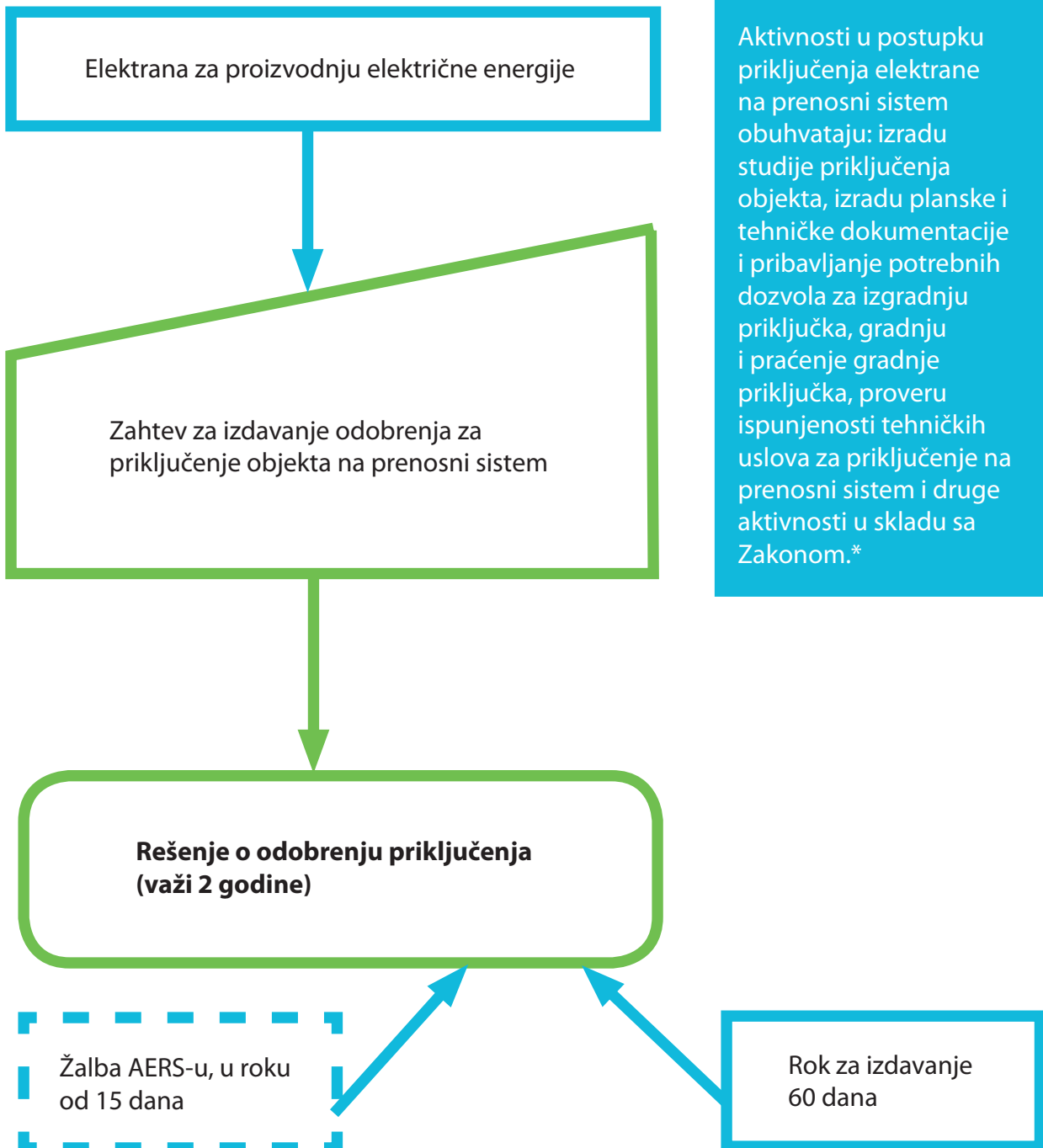
III Odobrenje za priključenje na elektroenergetsku mrežu

Uslov za sticanje statusa povlašćenog proizvođača električne energije



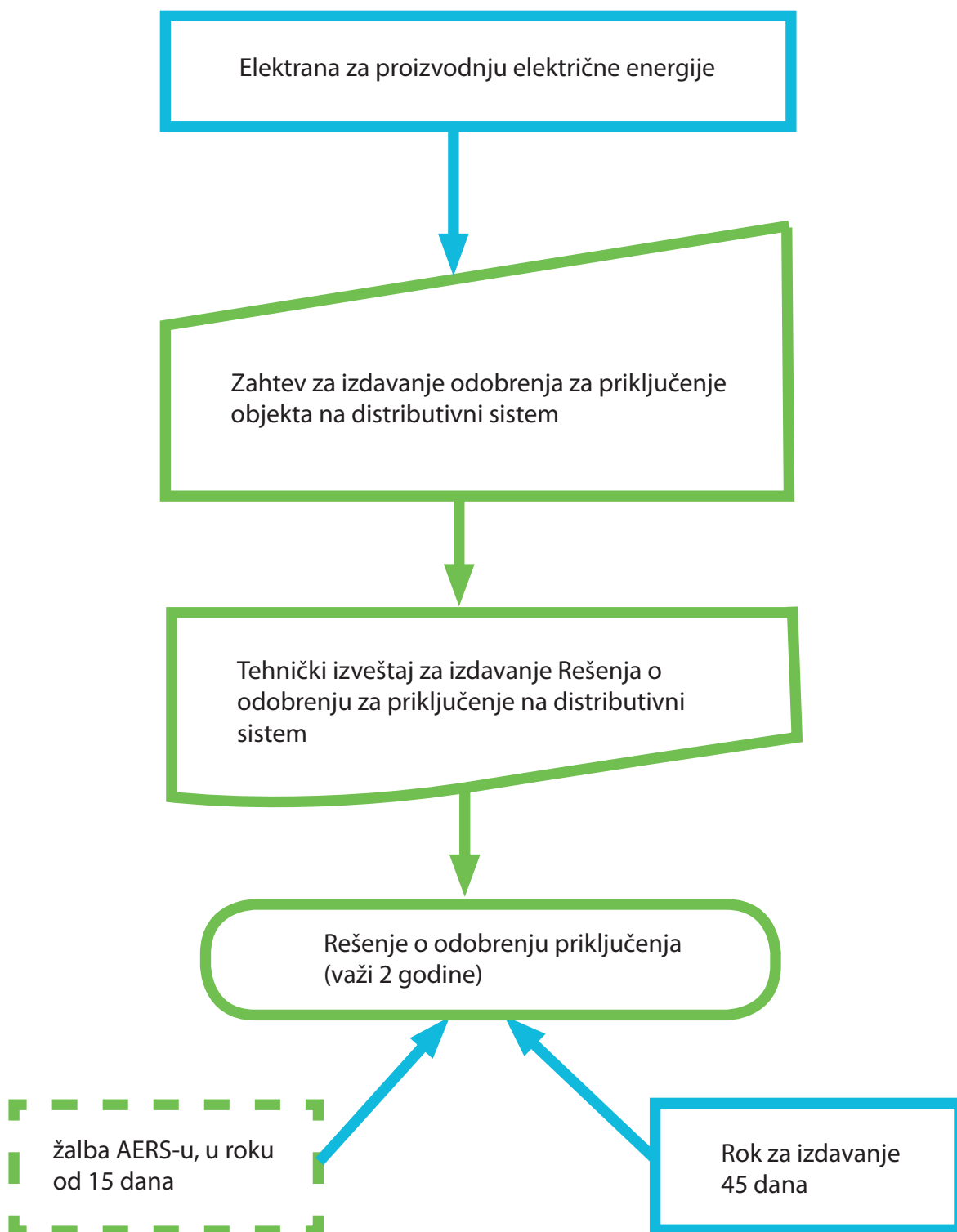
***NAPOMENA:** Investitor procenjuje kada će tražiti ovo odobrenje. Može ga tražiti od momenta pribavljanja građevinske dozvole

III-1 Odobrenje za priključenje elektrane na prenosni sistem



*Procedura za priključenje objekata na prenosni sistem, 23. decembar 2015. godine.

III-1 Odobrenje za priključenje elektrane na distributivni sistem



IV Sticanje prava na obavljanje delatnosti proizvodnje električne energije

IV Sticanje prava na obavljanje delatnosti proizvodnje električne energije

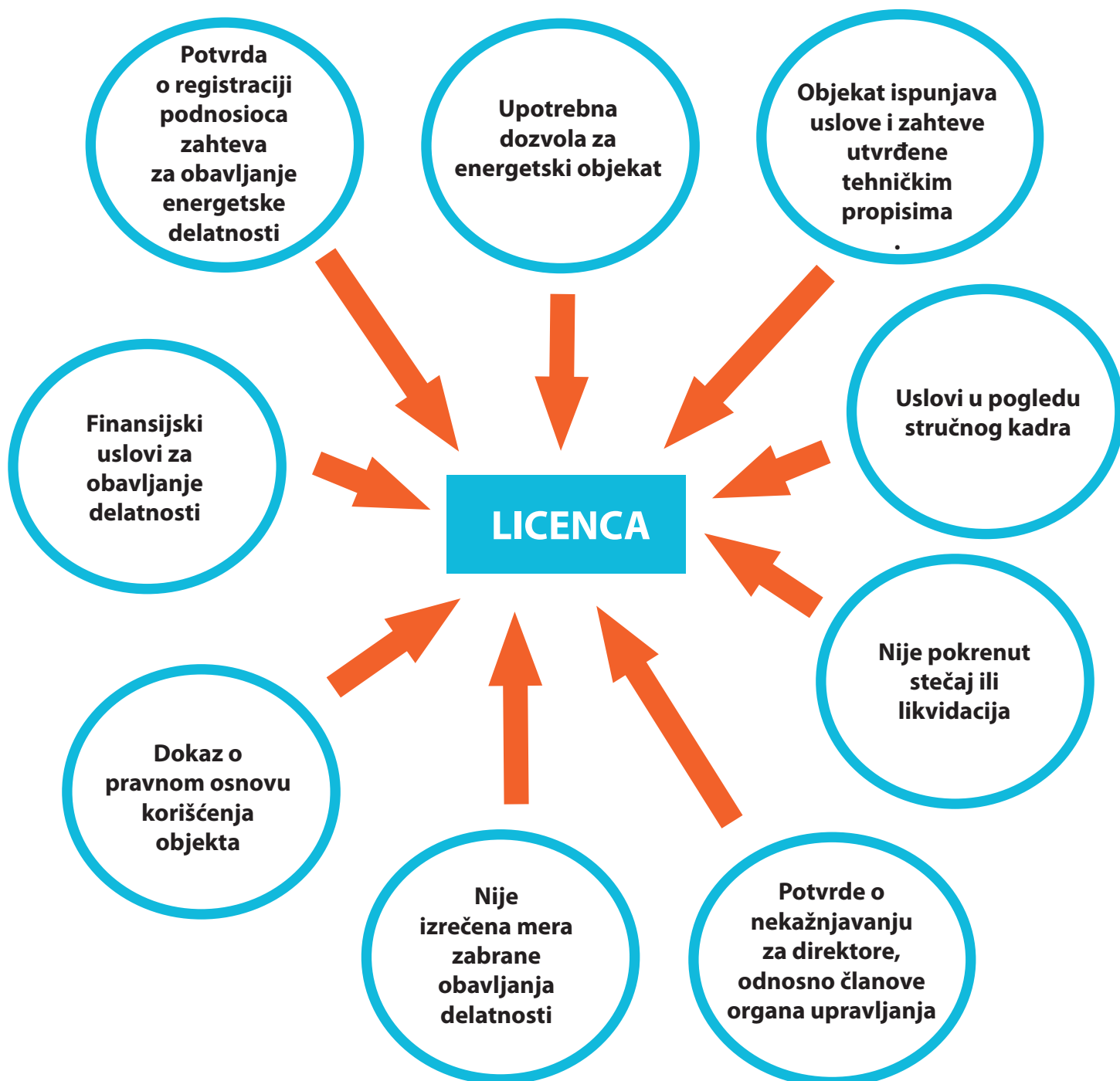
Proizvodnja električne energije

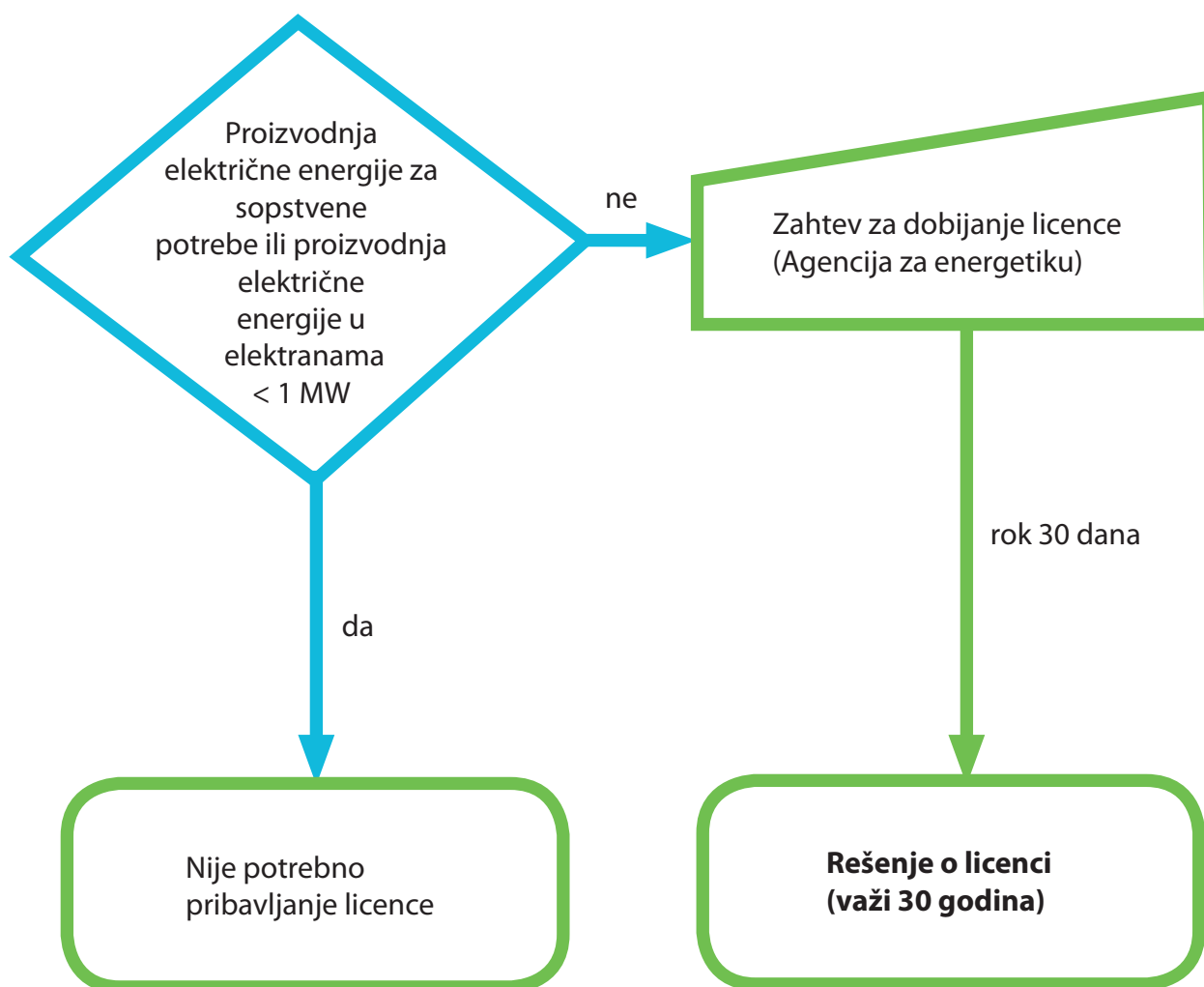


tržišna delatnost

IV-2 Licenca - za obavljanje energetske delatnosti -

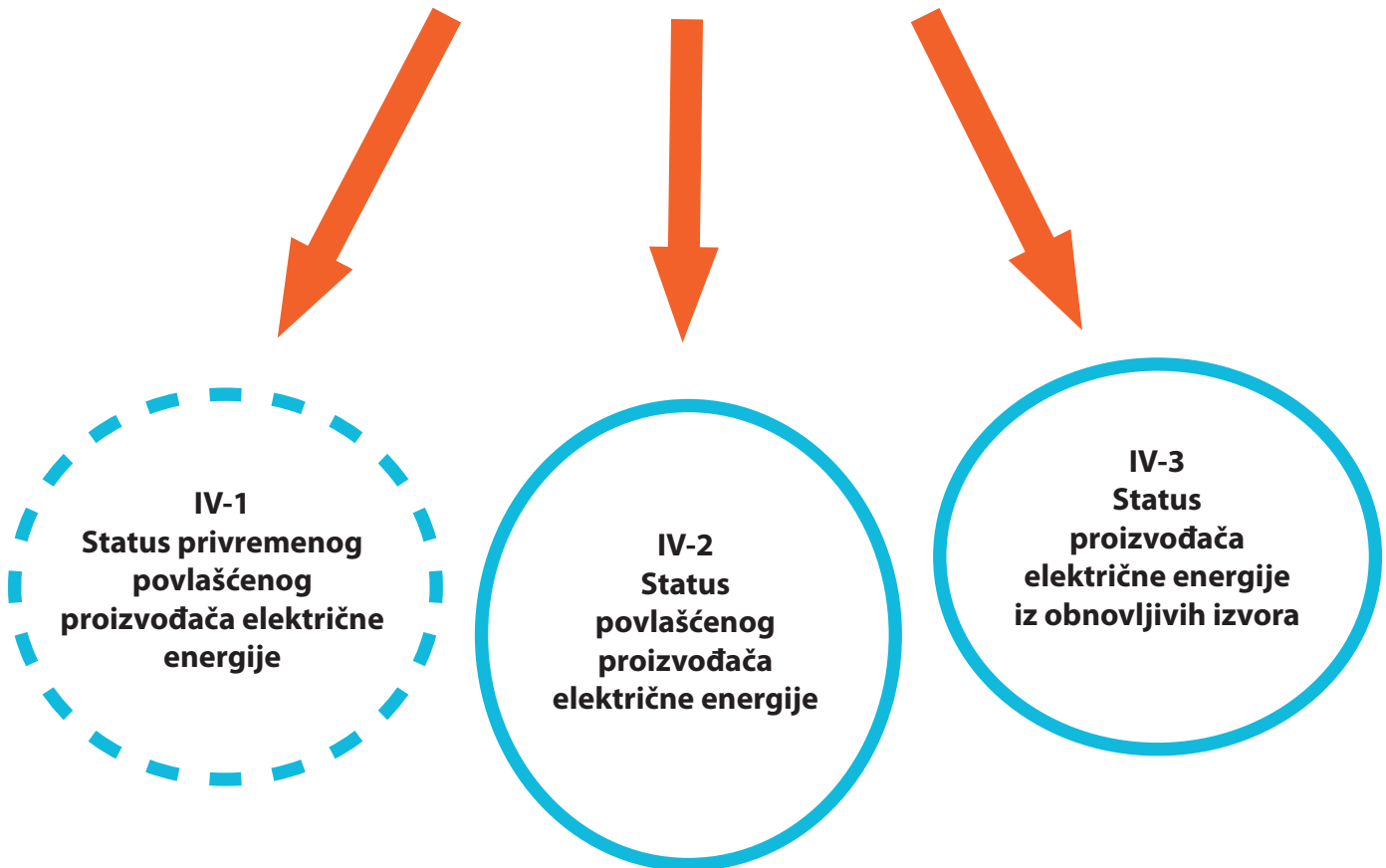
Uslov za sticanje statusa povlašćenog proizvođača električne energije





V Sticanje statusa ((privremenog) povlašćenog) proizvođača energije iz obnovljivih izvora energije

V Status proizvođača električne energije iz obnovljivih izvora energije



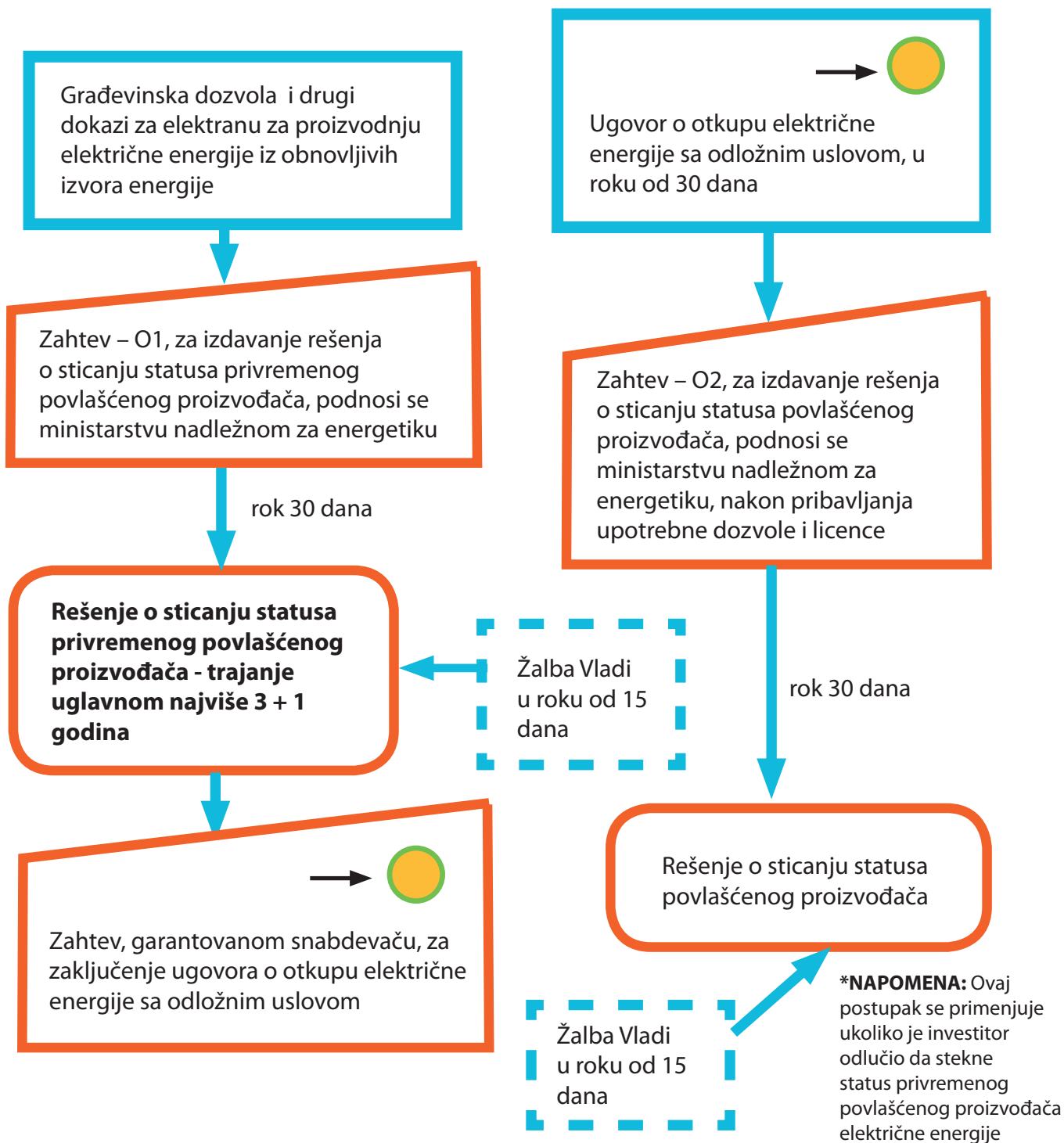
- **Energetski subjekt i fizičko lice – samo za instalisane snage do 30 kW.**
- **Ne može se istovremeno biti nosilac dva ili više statusa.**
- **Navedeni koraci nisu obavezni, ali omogućavaju ostvarenje odgovarajućih prava.**

V-1 Status privremenog povlašćenog proizvođača električne energije

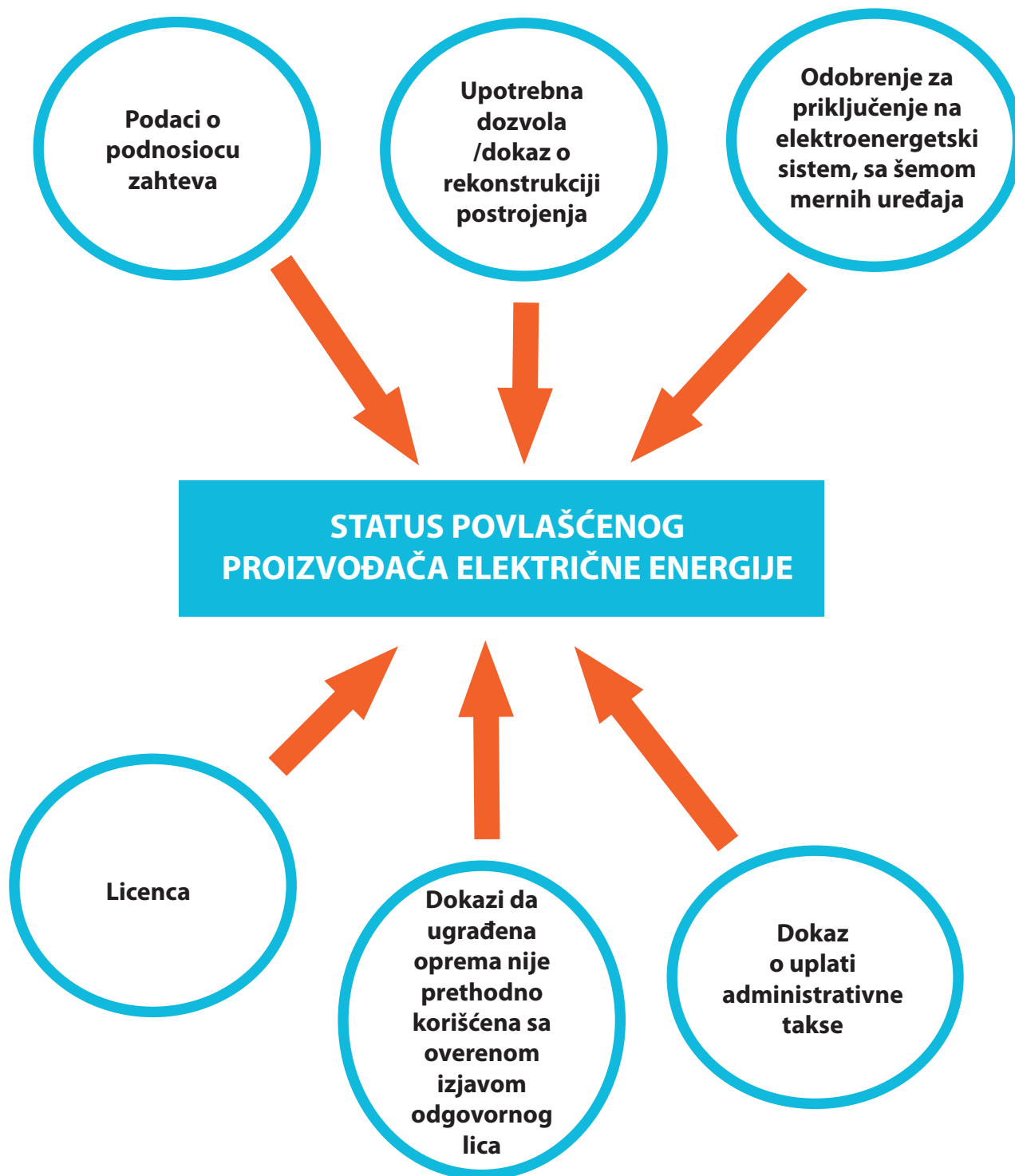


***NAPOMENA:** Za elektranu instalisane snage veće od 100 kW

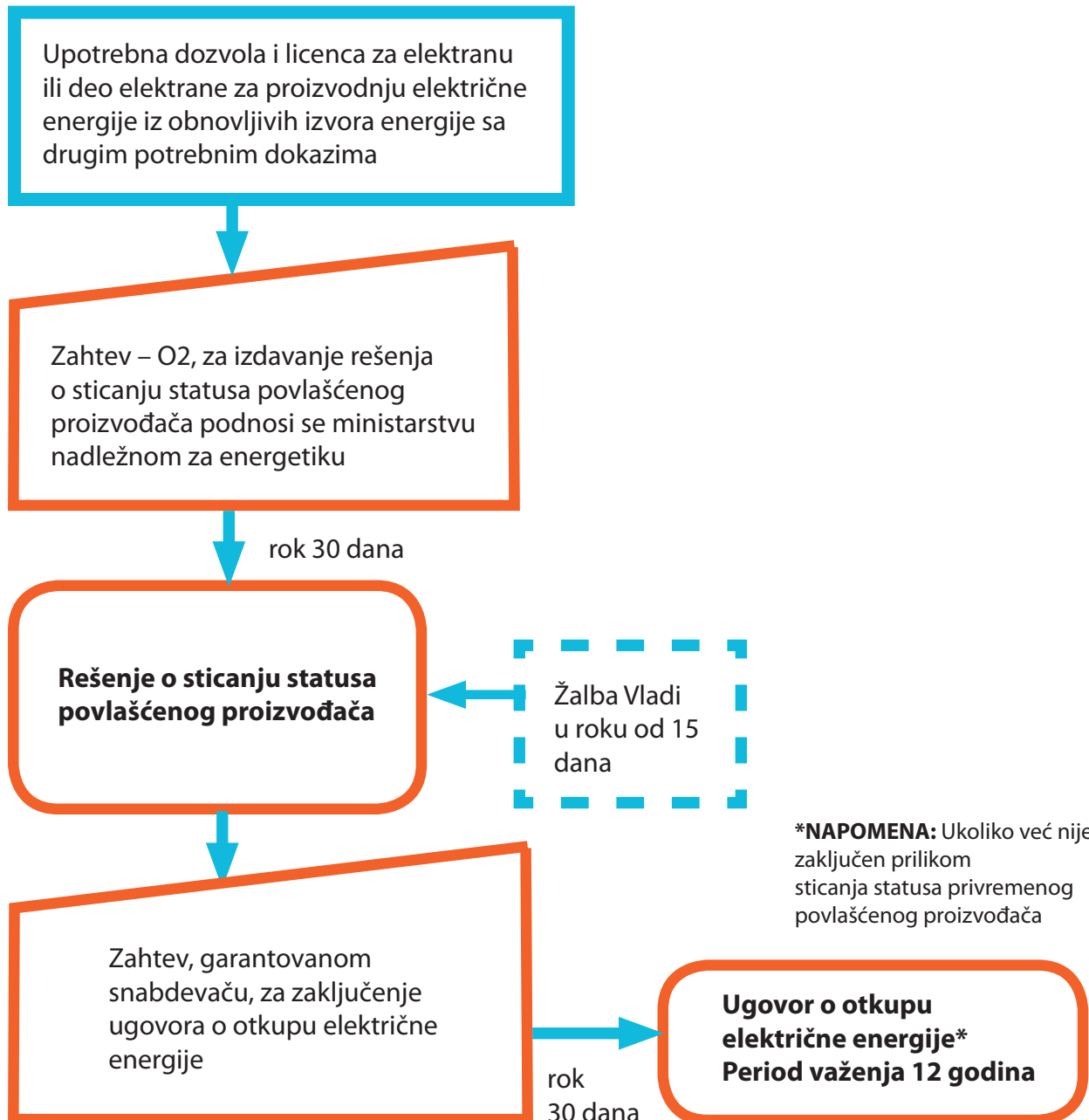
V-1,2 Sticanje statusa (privremenog)* i statusa povlašćenog proizvođača električne energije



V-2 Status povlašćenog proizvođača električne energije



V-2 Sticanje statusa povlašćenog proizvođača električne energije



V- 3 Podsticajne mere

- **Pravo na podsticajne mere povlašćeni proizvođač električne energije i privremeni povlašćeni proizvođač ostvaruje zaključenjem ugovora o otkupu električne energije sa garantovanim snabdevačem.**
- **Podsticajne mere: 1) preuzimanje balansne odgovornosti, a od strane garantovanog snabdevača; 2) preuzimanje troškova balansiranja, a od strane garantovanog snabdevača; 3) podsticajni period koji traje 12 godina; 4) besplatan pristup prenosnom/distributivnom sistemu; 5) podsticajna otkupna cena.**

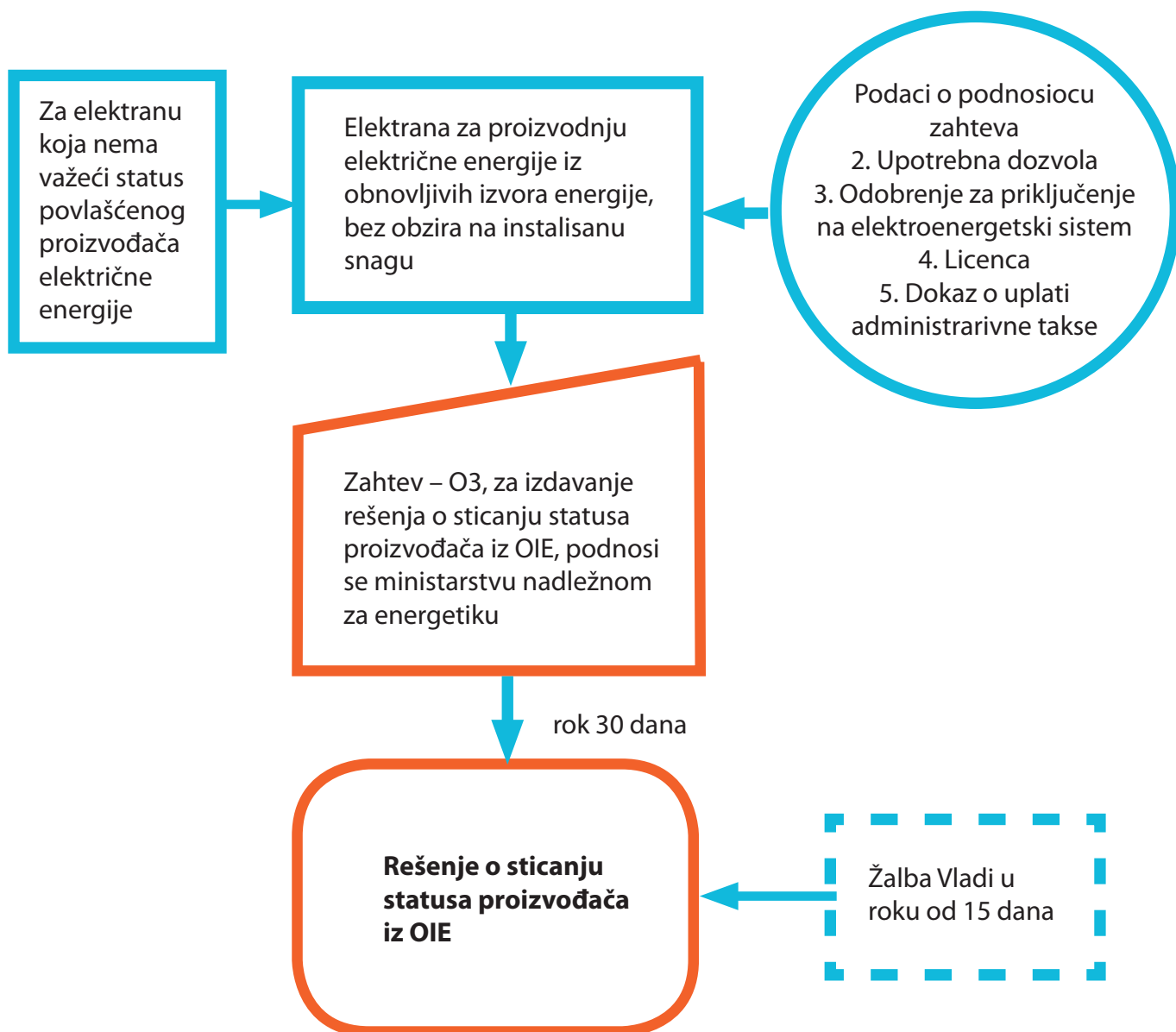
V- 3 Podsticajna otkupna cena

- Podsticajna otkupna cena za proizvedenu električnu energiju utvrđuje se u zavisnosti od vrste i instalisane snage elektrane, kao i maksimalnog efektivnog vremena rada za odgovarajuću vrstu elektrane.

Vrsta hidroelektrane	Instalisana snaga P (MW)	Podsticajna otkupna cena (c€/kWh)	Maksimalno efektivno vreme rada (h)
Nova infrastruktura	do 0,2	12,60	5000 u godini podsticajnog perioda
	0,2 – 0,5	13,933 - 6,667* P	
	0,5 – 1	10,60	
	1 – 10	10,944 - 0,344* P	
	10 – 30	7,50	
Na postojećoj infrastrukturi	do 30	6,0	

- Maksimalna proizvedena električna energija, koja se može otkupiti po podsticajnoj otkupnoj ceni, izračunava se kao: $E_{el\ max} = P * t_{max}$, gde je: $E_{el\ max}$ – maksimalna proizvedena električna energija za koju povlašćeni proizvođač električne energije ima pravo otkupa od strane garantovanog snabdevača po podsticajnim otkupnim cenama datim u tabeli, izražena u kWh; P – instalisana snaga elektrane, odnosno dela elektrane, izražena u kW; t_{max} – maksimalno efektivno vreme rada dato u tabeli, izraženo u h.
- Do isteka svake godine podsticajnog perioda, dodatnu proizvedenu električnu energiju u odnosu na maksimalnu proizvedenu električnu energiju, garantovani snabdevač kupuje po otkupnoj ceni koja iznosi 35% podsticajne otkupne cene. Povlašćeni proizvođači električne energije za rekonstruisane elektrane ostvaruju pravo na podsticajnu otkupnu cenu u iznosu od 70% vrednosti cene iz tabele. Privremeni povlašćeni proizvođač do početka podsticajnog perioda ostvaruje pravo na podsticajnu otkupnu cenu u iznosu od 50% vrednosti cene iz tabele.

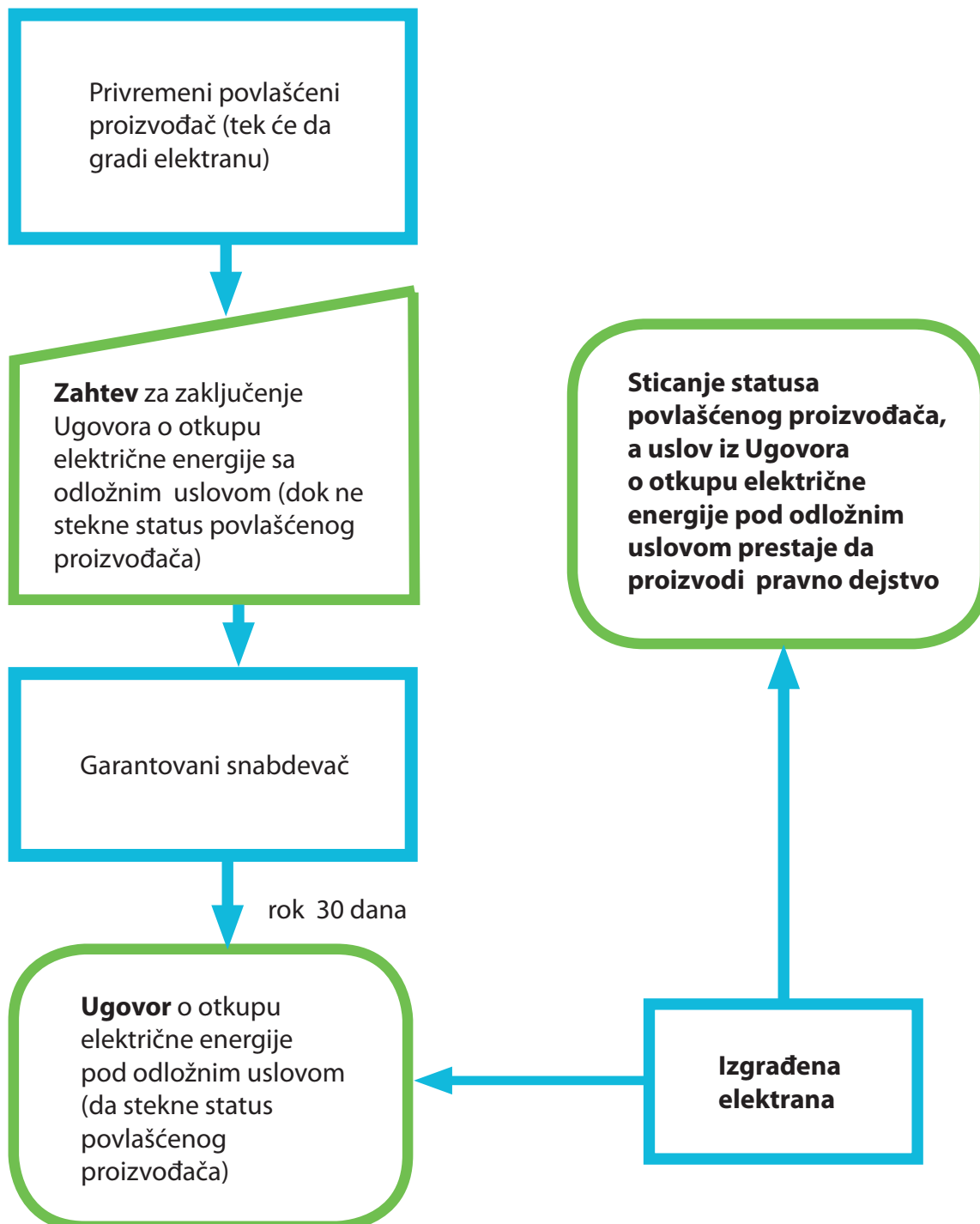
V-3 Sticanje statusa proizvođača električne energije iz obnovljivih izvora energije



***NAPOMENA:** Ostvaruje pravo prvenstva pri preuzimanju ukupno proizvedene električne energije u prenosni ili distributivni sistem, osim u slučaju kada je ugrožena sigurnost rada tih sistema

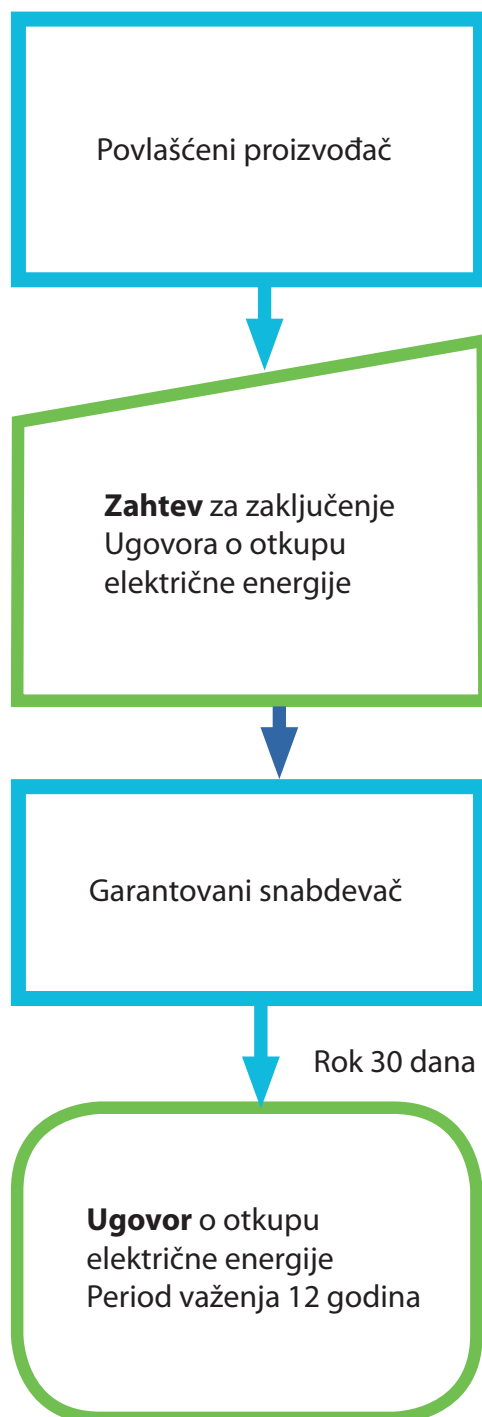
VI Proizvodnja i prodaja električne energije

VI-1 Ugovor o otkupu električne energije sa odložnim uslovom



NAPOMENA: Postoje i slučajevi ugovora o otkupu proizvedene električne energije, pre sticanja statusa, radi realizacije priključenja na mrežu

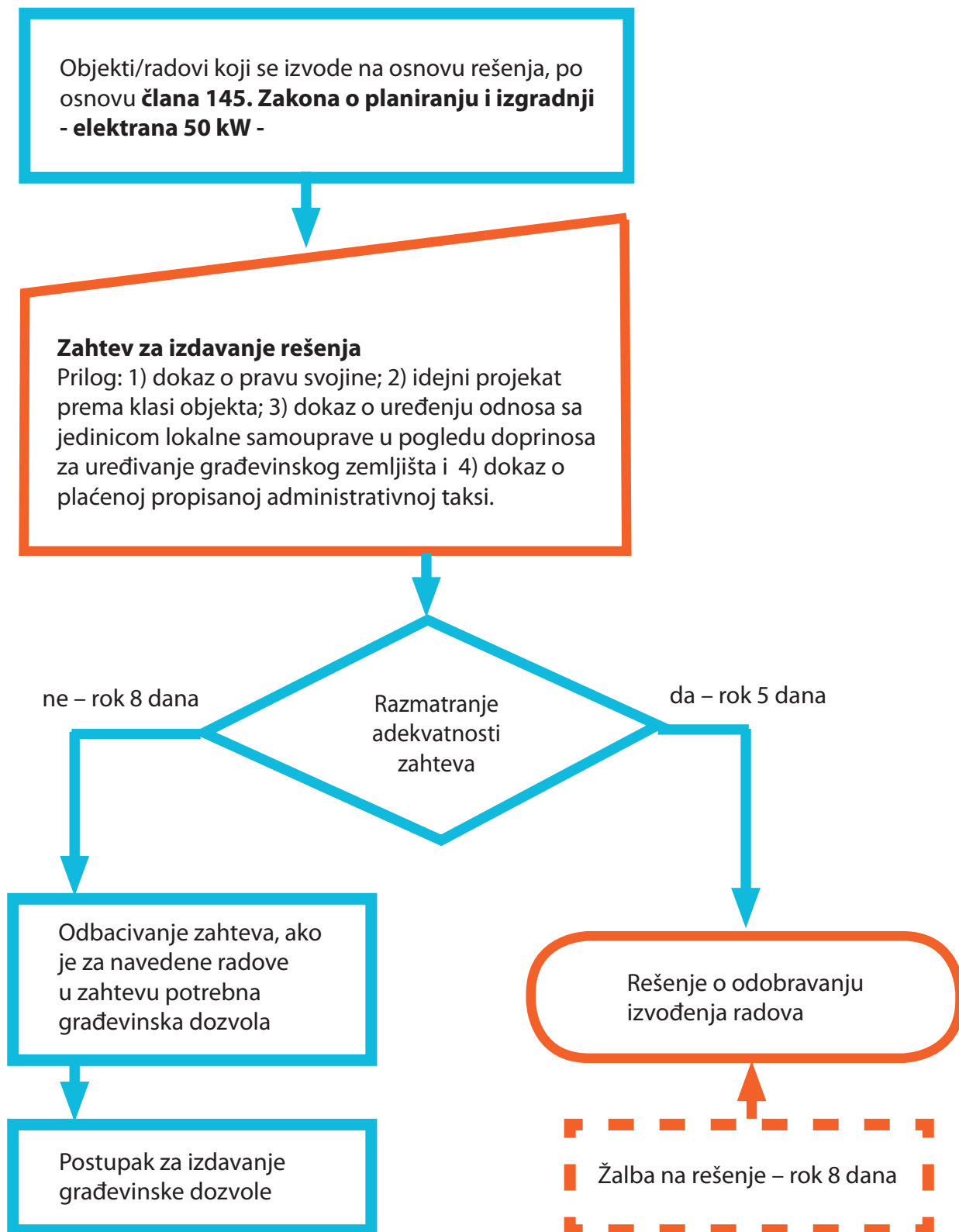
VI-2 Ugovor o otkupu električne energije povlašćenog proizvođača električne energije



NAPOMENA: Postoje i slučajevi ugovora o otkupu proizvedene električne energije, pre sticanja statusa, radi realizacije priključenja na mrežu

VII Posebni postupci

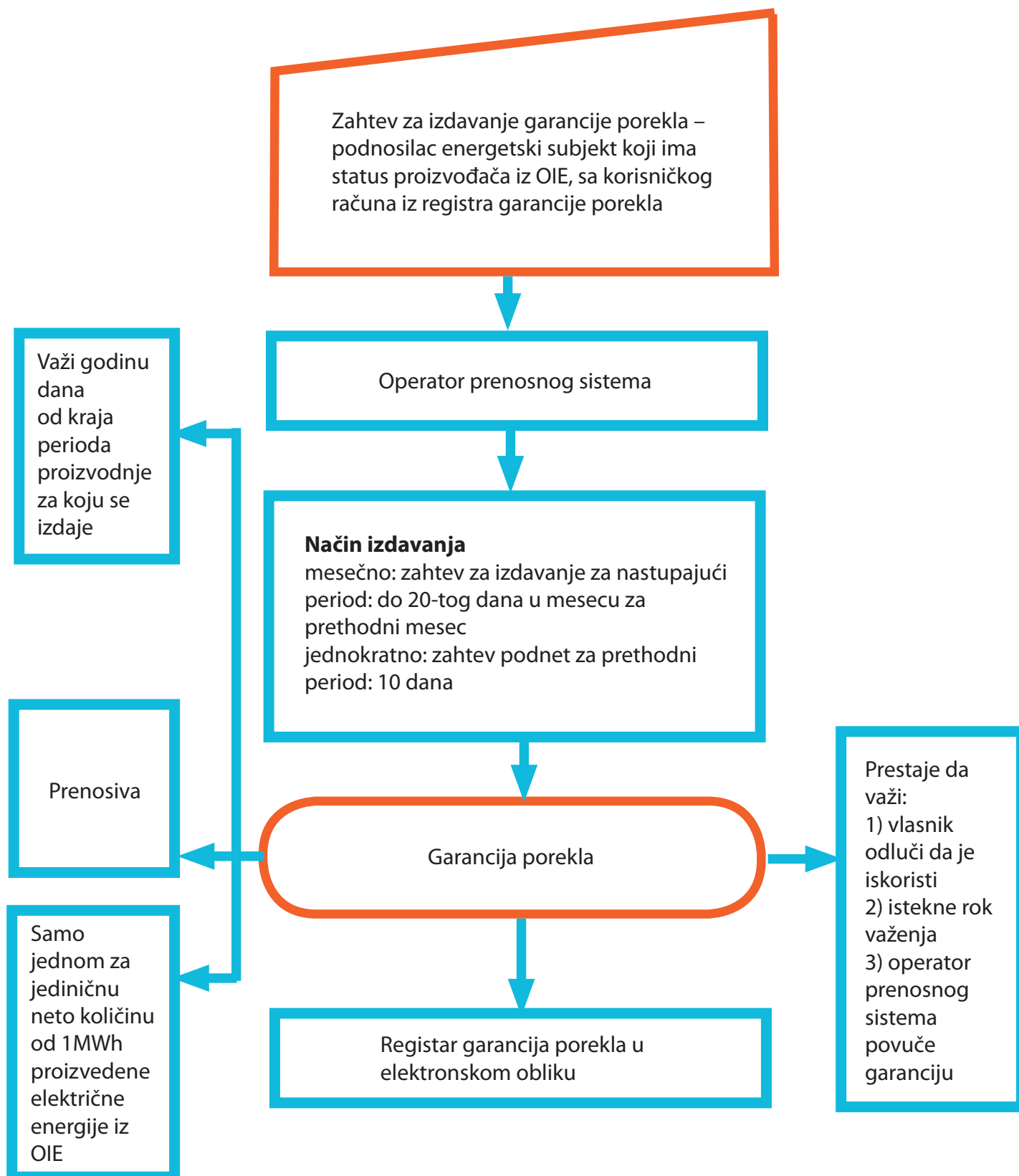
VII-1 Poseban slučaj izgradnje elektrane



VII-2 Garancija porekla

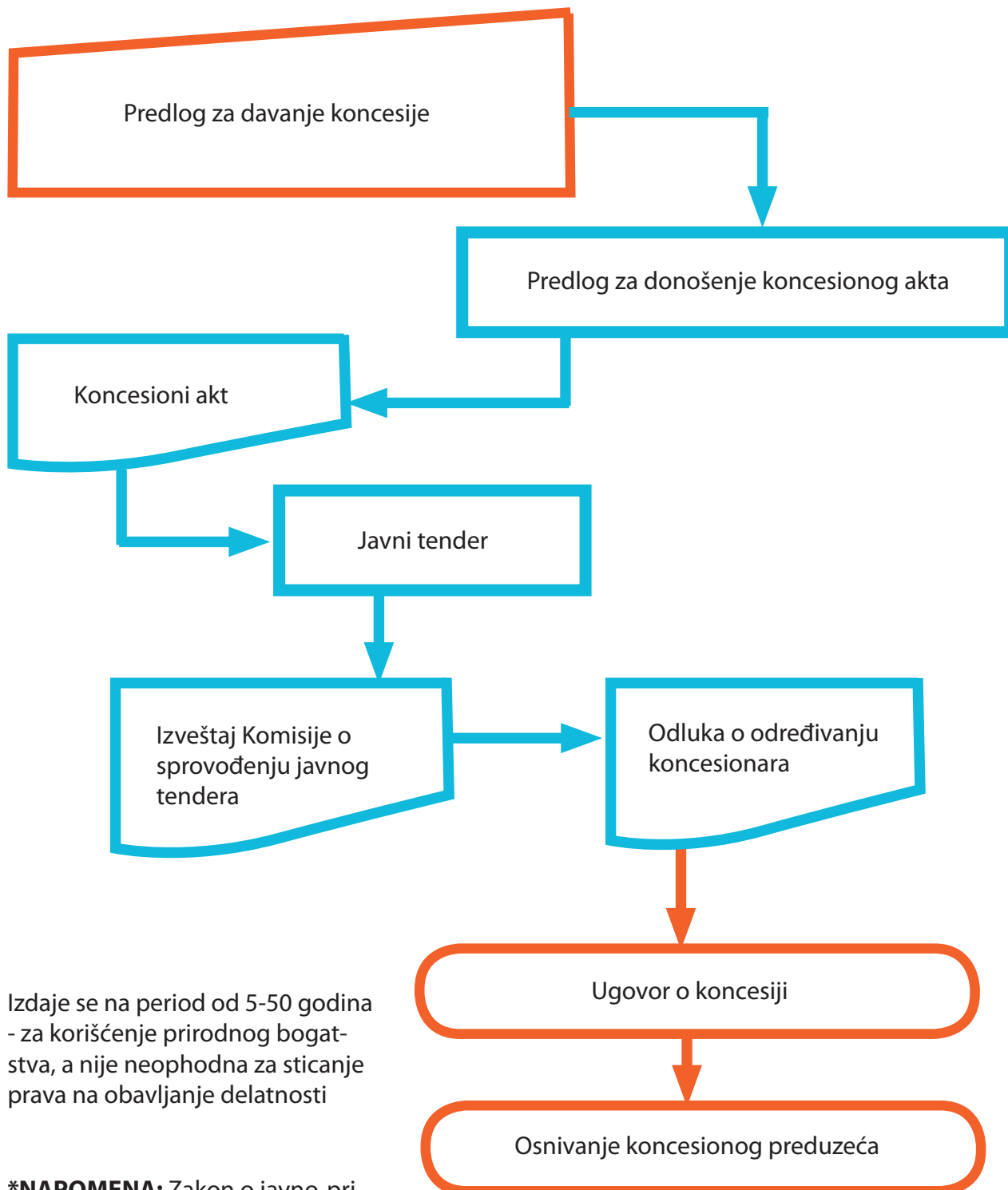
- **Dokument koji ima isključivu funkciju da dokaže krajnjem kupcu da je dati udeo ili količina energije proizvedena iz obnovljivih izvora energije, kao i iz kombinovane proizvodnje električne i toplotne energije sa visokim stepenom iskorišćenja primarne energije**
- **Garancija je dokument u elektronskom obliku**
- **Garancija porekla izdata u drugim državama važi pod uslovima reciprociteta i u Republici Srbiji i u skladu sa potvrđenim međunarodnim ugovorom**
- **Samo za proizvođača električne energije koji ima status proizvođača iz obnovljivih izvora**

VII-2 Izdavanje garancije porekla



VII-3 Koncesija*

- za sticanje prava na korišćenje prirodnog bogatstva -



VII-3 Koncesija–sadržaj ugovora o koncesiji

- **Ugovorne strane, predmet koncesije, uključujući opis objekata, uređaja, postrojenja**
- **Rok trajanja koncesije i uslovi pod kojim se taj rok može produžiti, dužina trajanja pripremnih radnji**
- **Raspodela rizika između privatnog i javnog partnera i obim isključivih prava privatnog partnera**
- **Visina i način obezbeđenja garancija za izvršavanje koncesione obaveze.**
- **Uslovi obavljanja koncesione delatnosti i standardi proizvoda i usluga, transfera tehnologije**
- **Koncesiona naknada (visina, rokovi, uslovi i način plaćanja)**
- **Prava i obaveze u pogledu preduzimanja 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 stanju u kome se oni moraju predati**
- **Uslovi izmena ili raskida ugovora i njihovim posledicama, promenjenim okolnostima i višoj sili**
- **Način rešavanja sporova i primena merodavnog prava**
- **Način međusobnog obaveštavanja o izvršenju ugovora, način vršenja kontrole izvršenja ugovora i ostvarivanja prava i obaveza ugovornih strana**
- **Druge odredbe o kojima se sporazumno dogovore ugovorne strane**

Relevantni zakoni, strateška dokumenta, planovi i podzakonska akta

Zakoni

1. Zakon o energetici, Sl. glasnik RS, br. 145/14
2. Zakon o prostornom planu Republike Srbije, Sl. glasnik RS, br. 88/10
3. Zakon o zaštiti životne sredine, Sl. glasnik RS, br. 135/04, 36/09 i 14/16
4. Zakon o integrisanom sprečavanju i kontroli zagađenja, Sl. glasnik RS, br. 135/04 i 25/15
5. Zakon o planiranju i izgradnji, Sl. glasnik RS, br. 72/09, 81/09, 64/10 - odluka US, 24/11, 121/12, 42/13 - odluka US, 50/13 - odluka US, 98/13 - odluka US, 132/14 i 145/14
6. Zakon o šumama, Sl. glasnik RS, br. 30/10 i 93/12
7. Zakon o vodama, Sl. glasnik RS, br. 30/10 i 93/12
8. Zakon o zaštiti prirode, Sl. glasnik RS, br. 36/09, 88/10, 91/10 i 14/16
9. Zakon o zaštiti vazduha, Sl. glasnik RS, br. 36/09 i 10/13
10. Zakon o proceni uticaja na životnu sredinu, Sl. glasnik RS, br. 135/04 i 36/09
11. Zakon o strateškoj proceni uticaja na životnu sredinu, Sl. glasnik RS, br. 135/04 i 88/10
12. Zakon o opštem upravnom postupku, Sl. glasnik RS, br. 18/16
13. Zakon o javno-privatnom partnerstvu i koncesijama, Sl. glasnik RS, br. 88/11 i 15/16
14. Zakon o zaštiti i održivom korišćenju ribljeg fonda, Sl. glasnik RS, br. 128/14

Strateški dokumenti i planovi

1. Strategija razvoja energetike Republike Srbije, Sl. glasnik RS, br. 101/15
2. Nacionalni akcioni plan za obnovljive izvore energije, Sl. glasnik RS br. 53/13

Uredbe

1. Uredba o uslovima i postupku sticanja statusa povlašćenog proizvođača električne energije, privremenog povlašćenog proizvođača i proizvođača električne energije iz obnovljivih izvora energije, Sl. glasnik RS, br. 56/16
2. Uredba o utvrđivanju Liste projekata za koje je obavezna procena uticaja i Liste projekata za koje se može zahtevati procena uticaja na životnu sredinu, Sl. glasnik RS, br. 114/08
3. Uredba o režimima zaštite, Sl. glasnik RS, br. 31/12
4. Uredba o lokacijskim uslovima, Sl. glasnik RS, br. 35/15
5. Uredba o uslovima isporuke i snabdevanja električnom energijom, Sl. glasnik RS, br. 63/13
6. Uredba o podsticajnim merama za proizvodnju električne energije iz obnovljivih izvora i iz visokoefikasne kombinovane proizvodnje električne i toplotne energije, Sl. glasnik RS, br. 56/16
7. Uredba o ugovoru o otkupu električne energije, Sl. glasnik RS, br. 56/16
8. Uredba o naknadi za podsticaj povlašćenih proizvođača električne energije, Sl. glasnik RS, br. 12/16
9. Uredba o visini posebne naknade za podsticaj u 2016. godini, Sl. glasnik RS, br. 12/16

Pravilnici

1. Pravilnik o energetske dozvoli, Sl. glasnik RS, br. 15/15
2. Pravilnik o sadržini informacije o lokaciji i o sadržini lokacijske dozvole, Sl. glasnik RS, br. 3/10
3. Pravilnik o sadržini, načinu i postupku izrade i način vršenja kontrole tehničke dokumentacije prema klasi i nameni objekata, Sl. glasnik RS, br. 23/15
4. Pravilnik o klasifikaciji objekata, Sl. glasnik RS, br. 22/15
5. Pravilnik o opštim pravilima za parcelaciju, regulaciju i izgradnju, Sl. glasnik RS, br. 22/15
6. Pravilnik o sadržini i obrascu zahteva za izdavanje vodnih akata i sadržini mišljenja u postupku izdavanja vodnih akata, Sl. glasnik RS, br. 74/10, 116/12 i 58/14
7. Pravilnik o sadržini zahteva o potrebi procene uticaja i sadržini zahteva za određivanje obima i sadržaja Studije o proceni uticaja na životnu sredinu, Sl. glasnik RS, br. 69/05
8. Pravilnik o sadržini studije o proceni uticaja na životnu sredinu, Sl. glasnik RS, br. 69/05
9. Pravilnik o sadržini i načinu izdavanja građevinske dozvole, Sl. glasnik RS, br. 93/11 i 103/13 – odluka US
10. Pravilnik o načinu zatvaranja i obeležavanju zatvorenog gradilišta, Sl. glasnik RS, br. 22/15
11. Pravilnik o sadržini i načinu vršenja tehničkog pregleda objekta, sastavu komisije, sadržini predloga komisije o utvrđivanju podobnosti objekta za upotrebu, osmatranju tla i objekta u toku građenja i upotrebe i minimalnim garantnim rokovima za pojedine vrste objekata, Sl. glasnik RS, br. 27/15
12. Pravilnik o minimalnim garantnim rokovima za pojedine vrste objekata odnosno radova, Sl. glasnik RS, br. 93/11
13. Pravilnik o licenci za obavljanje energetske delatnosti i sertifikaciji, Sl. glasnik RS, br. 87/15
14. Odluka o utvrđivanju metodologije za određivanje troškova priključenja na sistem za prenos i distribuciju električne energije, Sl. glasnik RS, br. 109/15
15. Pravilnik o garanciji porekla električne energije proizvedene iz obnovljivih izvora energije, Sl. glasnik RS, br. 24/14





CONSTRUCTION OF PLANTS AND ELECTRICITY GENERATION IN HYDRO POWER PLANTS UP TO 30 MW IN THE REPUBLIC OF SERBIA

Guide for investors

- amended and extended version 2016 -

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Contents

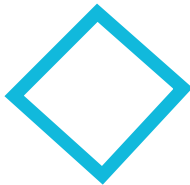
Legend of symbols used in diagrams presenting the steps within the procedures	75
Foreword	76
I Hydro power plants	77
I Key steps from the idea to the operation of the hydro power plant	79
II Acquiring the right to construct the plant	80
II Acquiring the right to construct the plant	81
II-1 Selection of location, perusal of the valid planning documents, and information on location	82
II-1 Selection of location, perusal of valid planning documents and information on location	83
II-2 The energy permit	84
II-2 Acquiring the energy permit	86
II-3 Location requirements	87
II-3 Forming the building plot	89
II-3 Allotment/re-allotment plan	90
II-3 Conditions for connection to the transmission system	91
II-3 Conditions for connection to the distribution system	92
II-3 Water management acts – water requirements	93
II-3 Obtainign the location requirements	94
II-4 Construction permit	95
II-4 Environmental impact assessment	97
II-4 Technical documentation for the construction permit	100
II-4 Technical control of design and water consent*	101
II-4 Obtainign the construction permit	102
II-5 Operation permit	103
II-5 Constructing the structure	105
II-5 Constructing a structure	106
II-5 Technical inspection	107
II-5 Operation permit	108
II-5 Acquiring the water permit - if required by water requirements -	109
III Approval to connect the plant to the energy network	110
III Approval for connection to the transmission system	111
III-1 Approval for connection of the plant to the distribution system	113

IV Acquiring the right to perform the activity of production of electricity	
IV Acquiring the right to perform the activity of production of electricity	115
IV-2 License - to perform electricity producing activity -	116
V Acquiring the status of ((preliminary) privileged) producer of energy from renewable sources	118
V Status of producer of electricity from renewable energy sources	119
V-1 Status of preliminary privileged producer of electricity	120
V-1,2 Acquiring the status of (preliminary)* and the status of privileged producer of electricity	121
V-2 Status of privileged producer of electricity	122
V-2 Acquiring the status of privileged producer of electricity	123
V- 3 Incentives	124
V- 3 Feed-in tariffs	125
V-3 Acquiring the status of electricity producer from renewable energy sources	126
VI Production and sale of electricity	127
VI Power purchase agreement with deferred effect	128
VI-2 Power purchase agreement with privileged electricity producer	129
VII Special procedures	130
VII-1 The special case of plant construction	131
VII-2 Guarantee of origin	132
VII-2 Issuing of guarantees of origin	133
VII-3 Concession* - for acquisition of right to use natural resources -	134
VII-3 Concession – contents of the concession agreement	135
Relevant laws, strategic documents, plans and bylaws	136

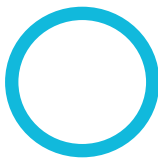
Legend of symbols used in diagrams presenting the steps within the procedures



Symbol denoting the application filed by the investor to the competent authorities, authorized organizations, bodies or enterprises



Symbol denoting a question which opens up in the course of the procedure



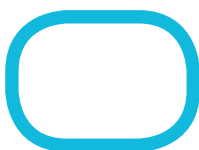
Symbol denoting requirements and input elements of act under consideration



Symbol denoting a positive activity of the competent authority, authorized organization, body or enterprise



Symbol denoting other steps in the specific procedure



Symbol denoting administrative act resulting from the undertaken procedure

Foreword

The United Nations Development Programme (UNDP), acting as an implementing agency of the Global Environment Facility (GEF) is implementing the GEF funded project “Reducing Barriers to Accelerate the Development of Biomass Markets in Serbia” in close partnership with the Ministry of Mining and Energy and the Ministry of Agriculture and Environmental Protection of the Republic of Serbia.

The objective of the Biomass Project is to increase the share of energy from renewable sources in the energy mix of Serbia, namely the share of biomass in power generation.

One of project activities is focused on enhancing the capacity of all relevant stakeholders to develop, finance, construct and operate bankable biomass renewable energy projects. To that end an update and revision of six existing, yet outdated guides for investors in renewable energy facilities has been performed:

1. CONSTRUCTION OF PLANTS AND ELECTRICITY/HEAT GENERATION FROM BIOMASS IN THE REPUBLIC OF SERBIA
2. CONSTRUCTION OF FACILITIES AND ELECTRIC POWER GENERATION IN SMALL HYDRO-POWER PLANTS IN THE REPUBLIC OF SERBIA
3. CONSTRUCTION OF PLANTS AND ELECTRICITY GENERATION IN WIND POWER PLANTS IN THE REPUBLIC OF SERBIA
4. CONSTRUCTION OF PLANTS AND ELECTRICITY/HEAT GENERATION FROM HYDRO-GEO-THERMAL SOURCES IN THE REPUBLIC OF SERBIA
5. CONSTRUCTION OF PLANTS AND ELECTRICITY GENERATION IN WIND POWER PLANTS IN THE REPUBLIC OF SERBIA
6. CONSTRUCTION OF SOLAR HEATING SYSTEMS IN THE REPUBLIC OF SERBIA

All guides are bilingual and, except for one, were delivered in two versions. Six detailed guides describe in details the comprehensive procedure for constructing the energy facilities and performing economic activity of energy generation from renewable sources. Detailed guides are intended primarily to investors and project developers, but also to officials in different competent institutions since the legal procedure is cross-sectoral. In five less detailed guides the comprehensive matter is described in simpler and illustrative manner with an idea to get this topic closer to the wide range of stakeholders.

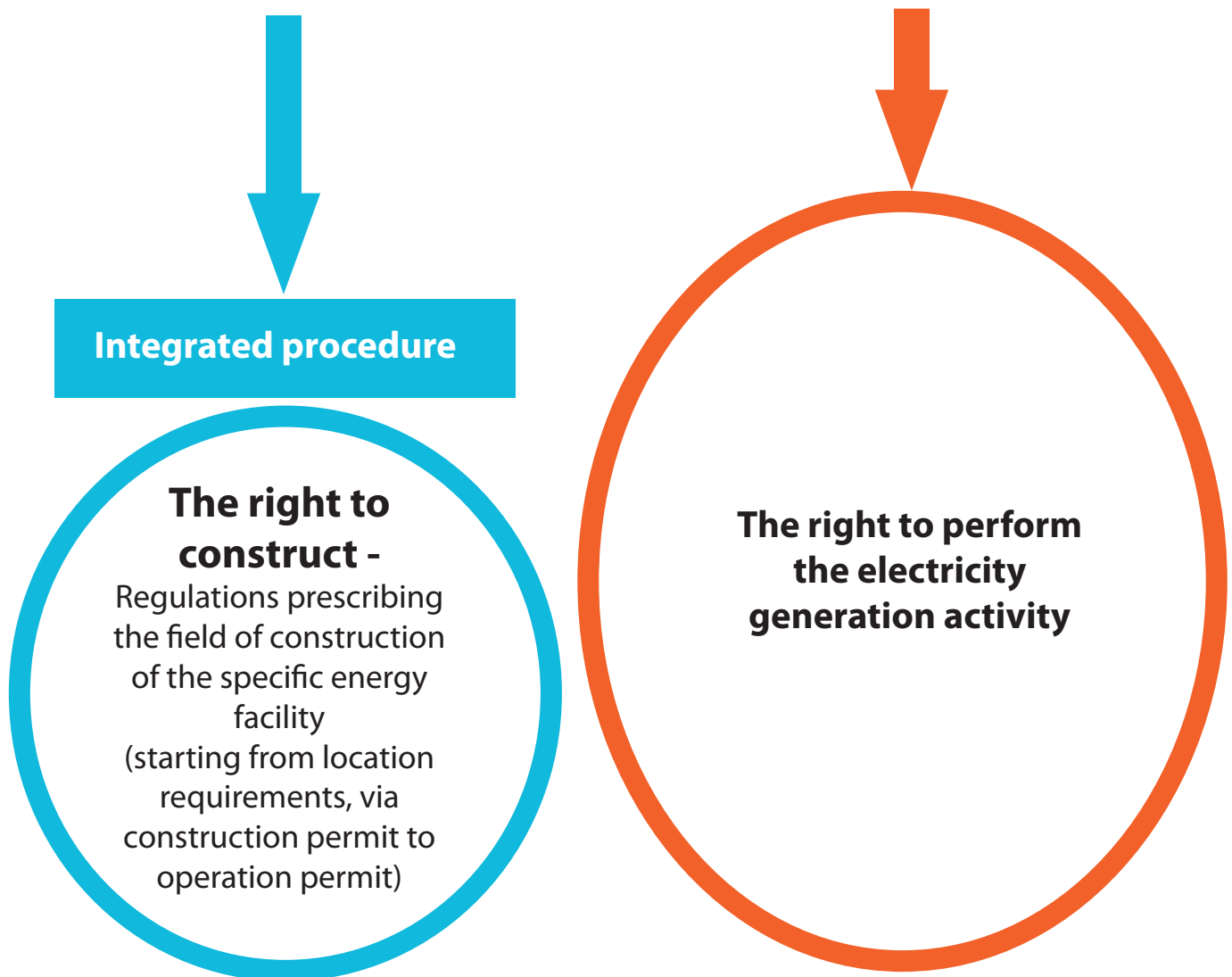
The objective of the guides is to encourage and assist the investors interested in the Serbian renewable energy sector, but also to identify through thorough analysis weakness and inconsistencies of the procedure and to encourage competent institutions to perform legal and institutional improvements. We sincerely hope that the guides will trigger constructive dialog between the numerous stakeholders and thus contribute to their better awareness and mutual understanding, which ultimately should result in favorable environment for investments in renewable energy.

I Hydro power plants

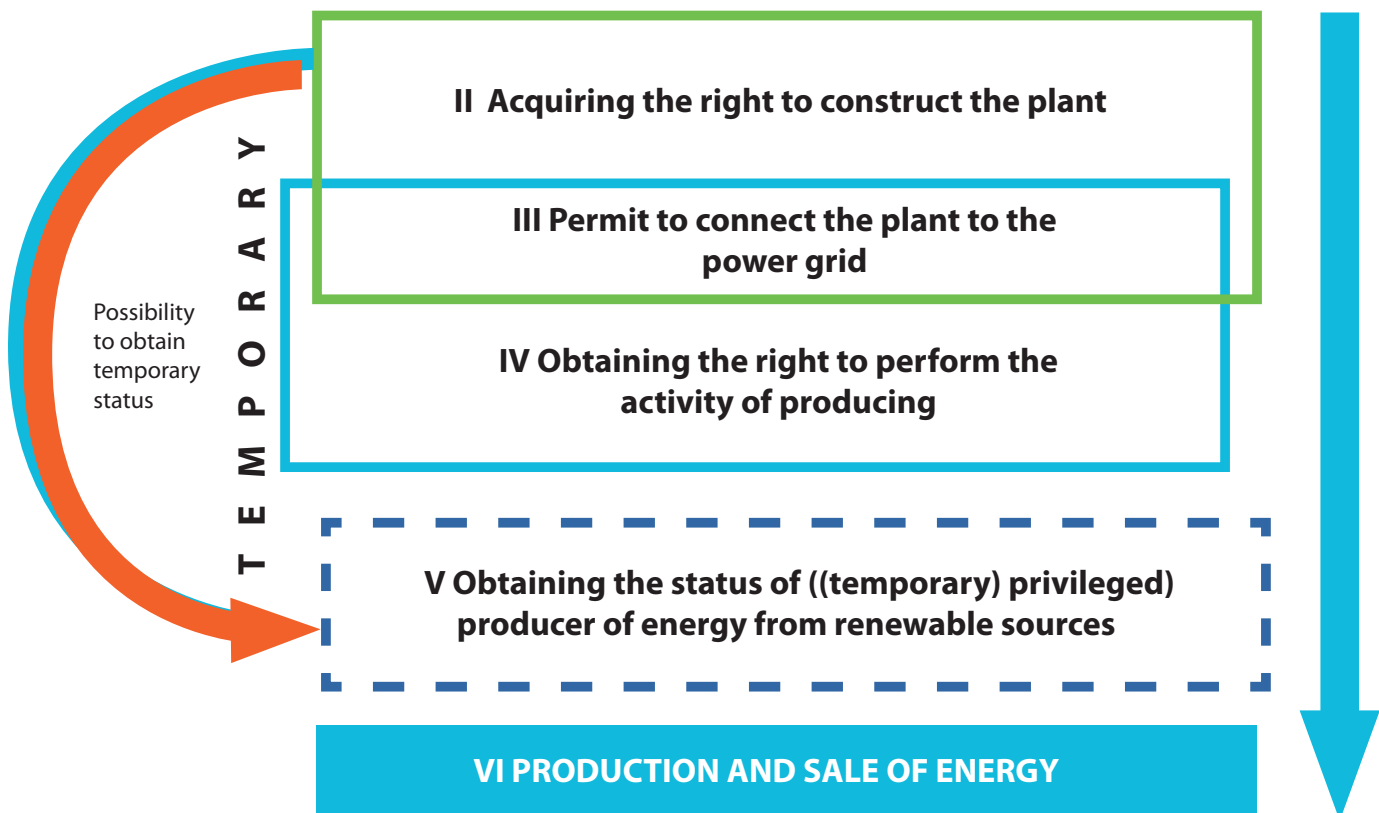
- **Electricity generating facilities transforming the energy of watercourses into electricity.**
- **Energy entity and natural person – only up to 30 kW, for a hydro power plant, or part of hydro power plant of installed capacity up to 30MW or hydro power plants built on existing infrastructure of installed capacity up to 30MW can acquire:**
 - The status of preliminary privileged electricity producer.
 - The status of privileged electricity producer.
 - The status of electricity producer from renewable energy sources

Note: it should be noted that this Guide refers to hydro power plants of installed capacity up to 30MW in the general sense and that it describes procedures before the competent authorities and institutions, while certain parts of these procedures, as well as the implementation of certain procedures depend on the size of facilities, the location where the facility is constructed, the specific technology for energy generation and other characteristics of the facility.

The investor needs to acquire the following rights:

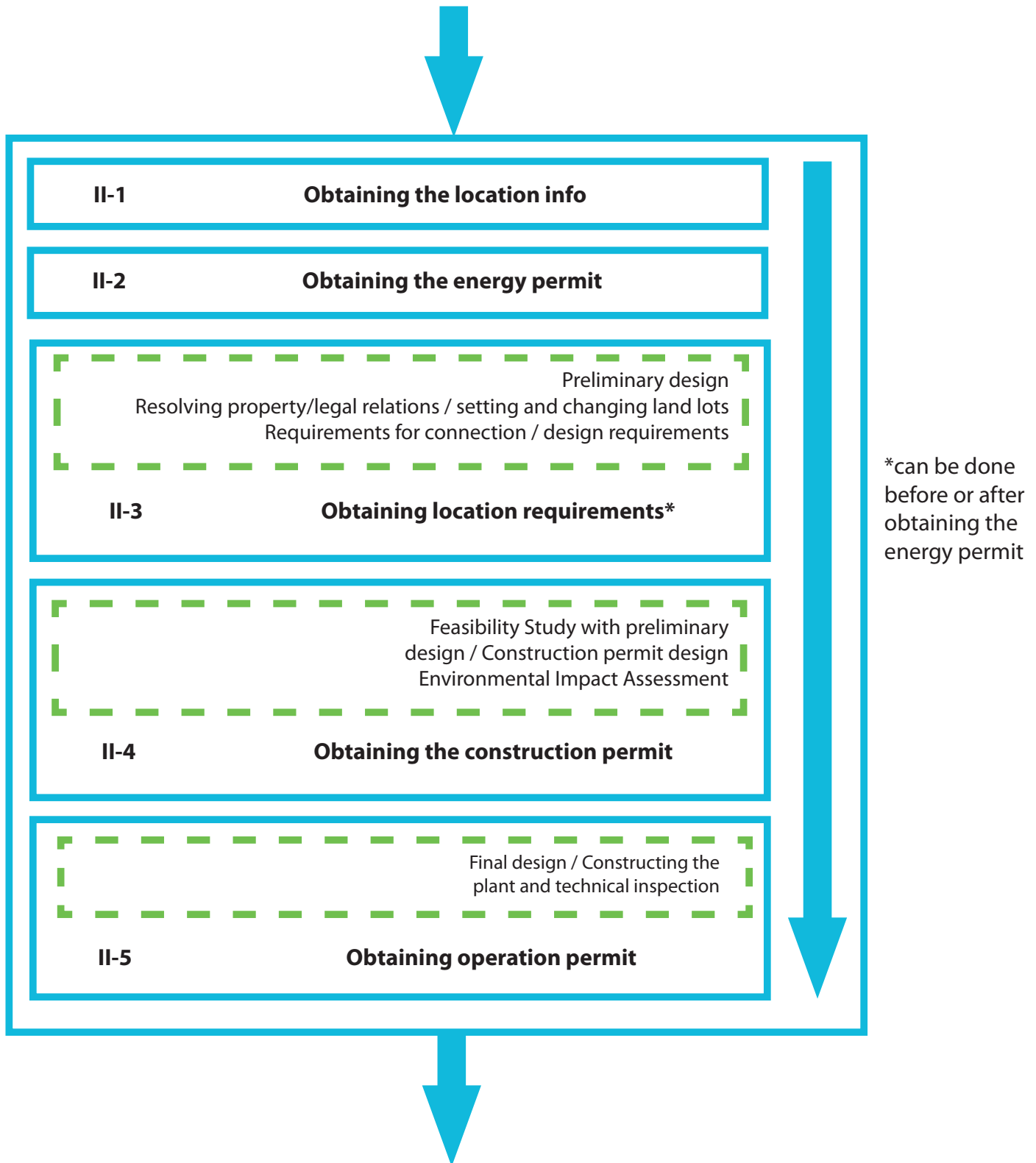


I Key steps from the idea to the operation of the hydro power plant



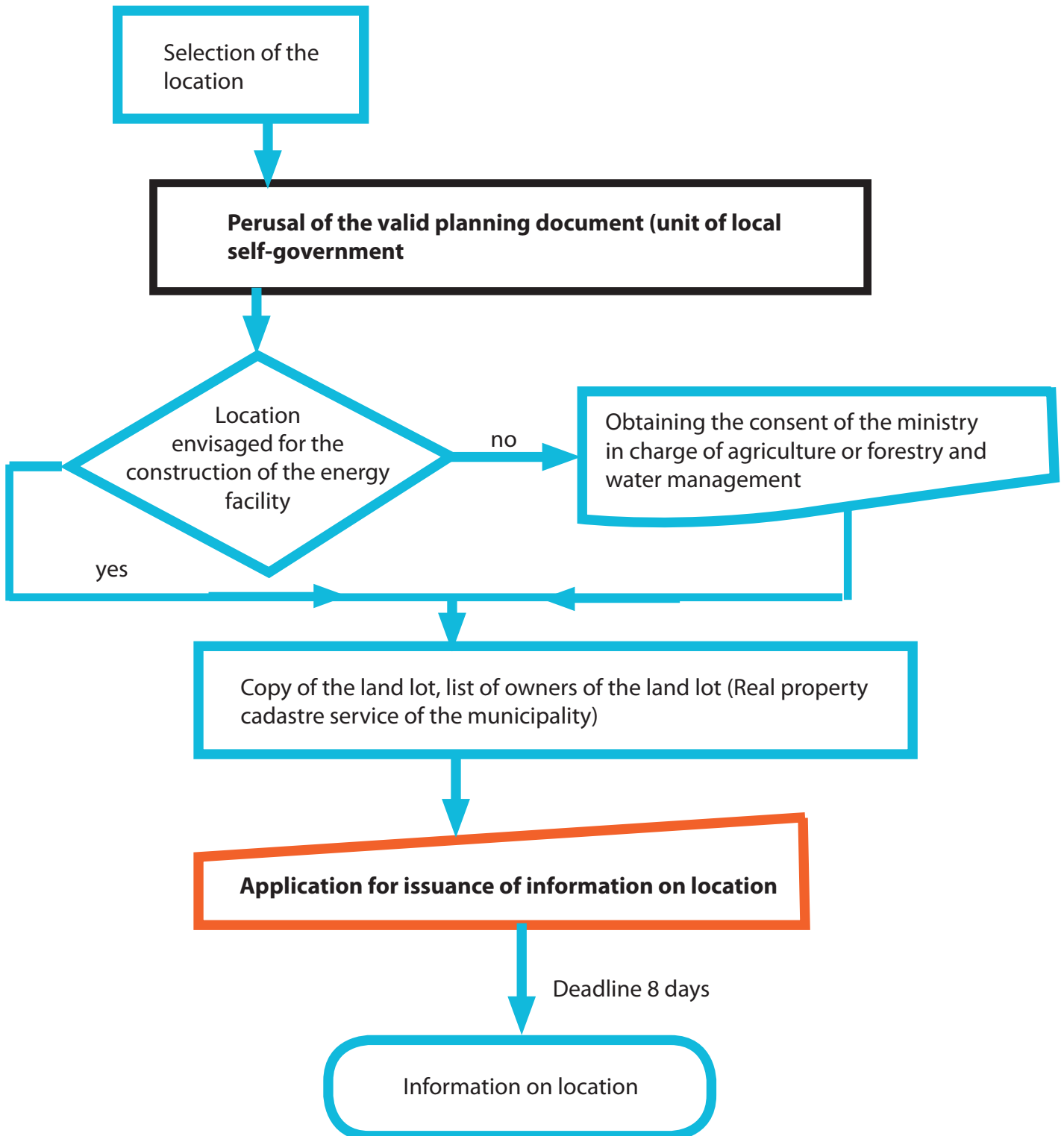
II Acquiring the right to construct the plant

II Acquiring the right to construct the plant



II-1 Selection of location, perusal of the valid planning documents, and information on location

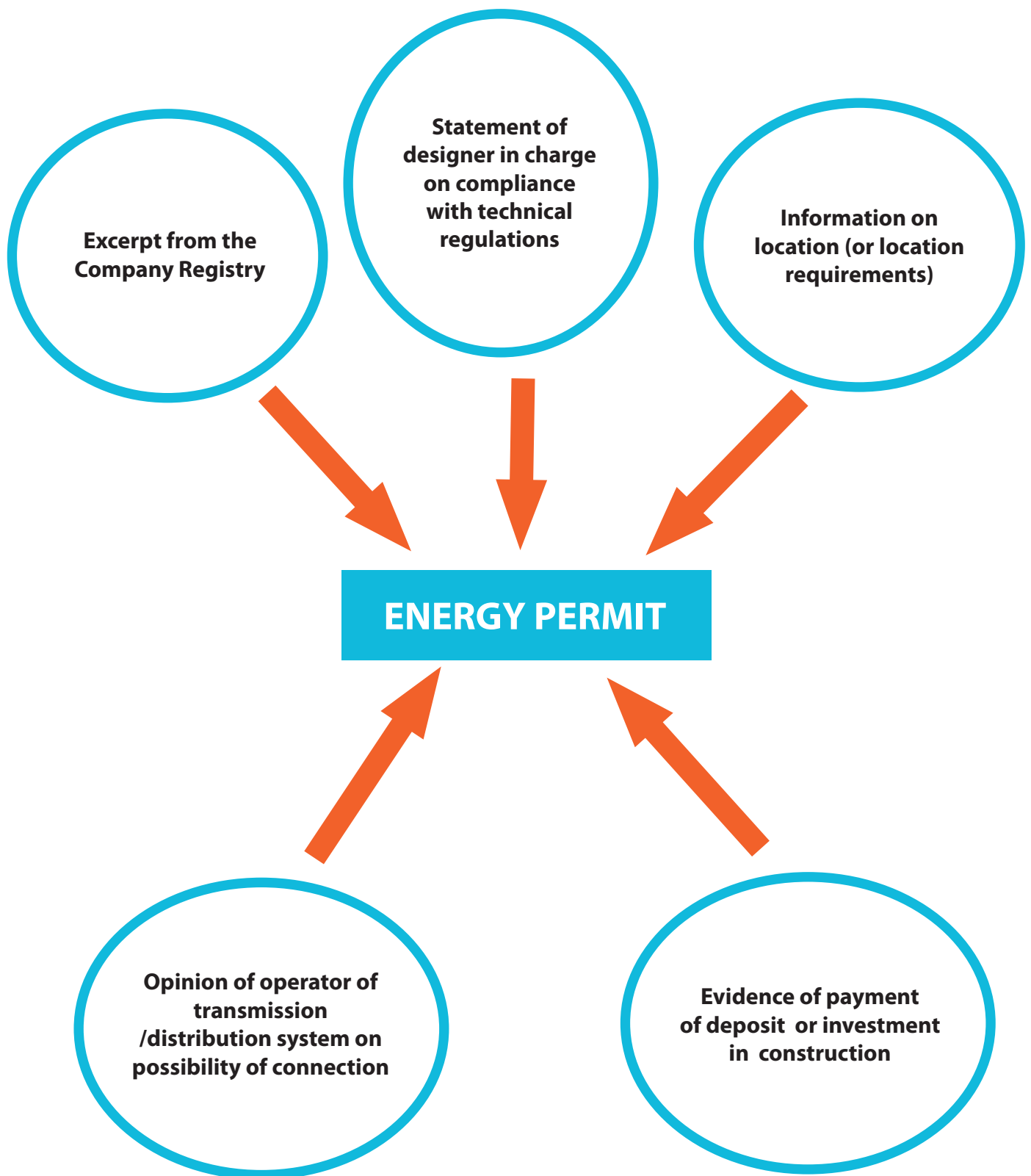
The analysis and selection of the potential location for the hydro power plant are the first steps which can significantly impact the preparation of technical documentation for the construction of the plant



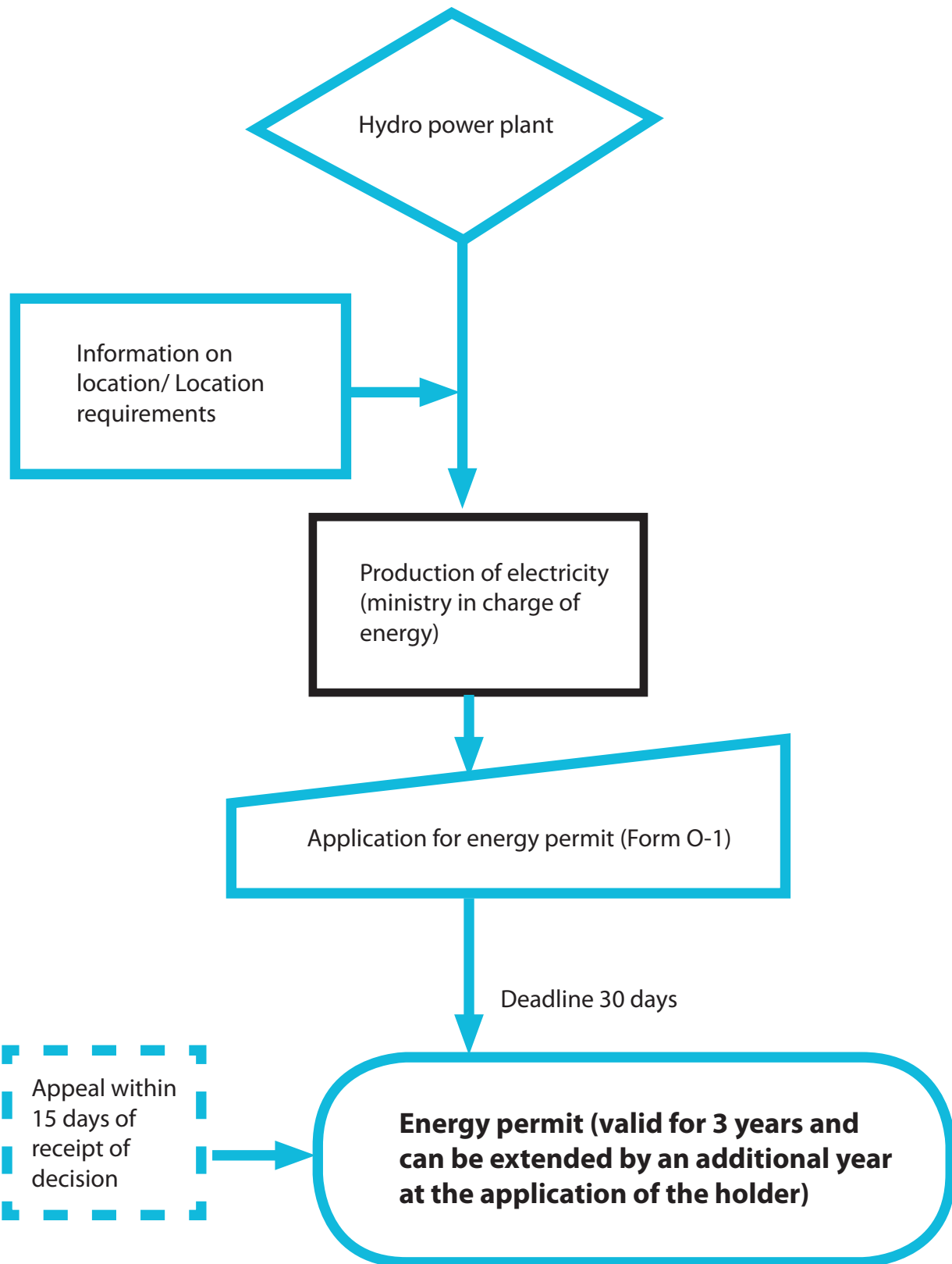
II-2 The energy permit

- **The Energy Permit is an act which is a pre-requisite for obtaining the Construction Permit**
- **In contrast to other facilities using renewable energy sources, energy permit is not required for facilities of capacity up to 1 MW.**

Note: The Energy Permit is not necessary if the facility is constructed through a public/private partnership or concession.

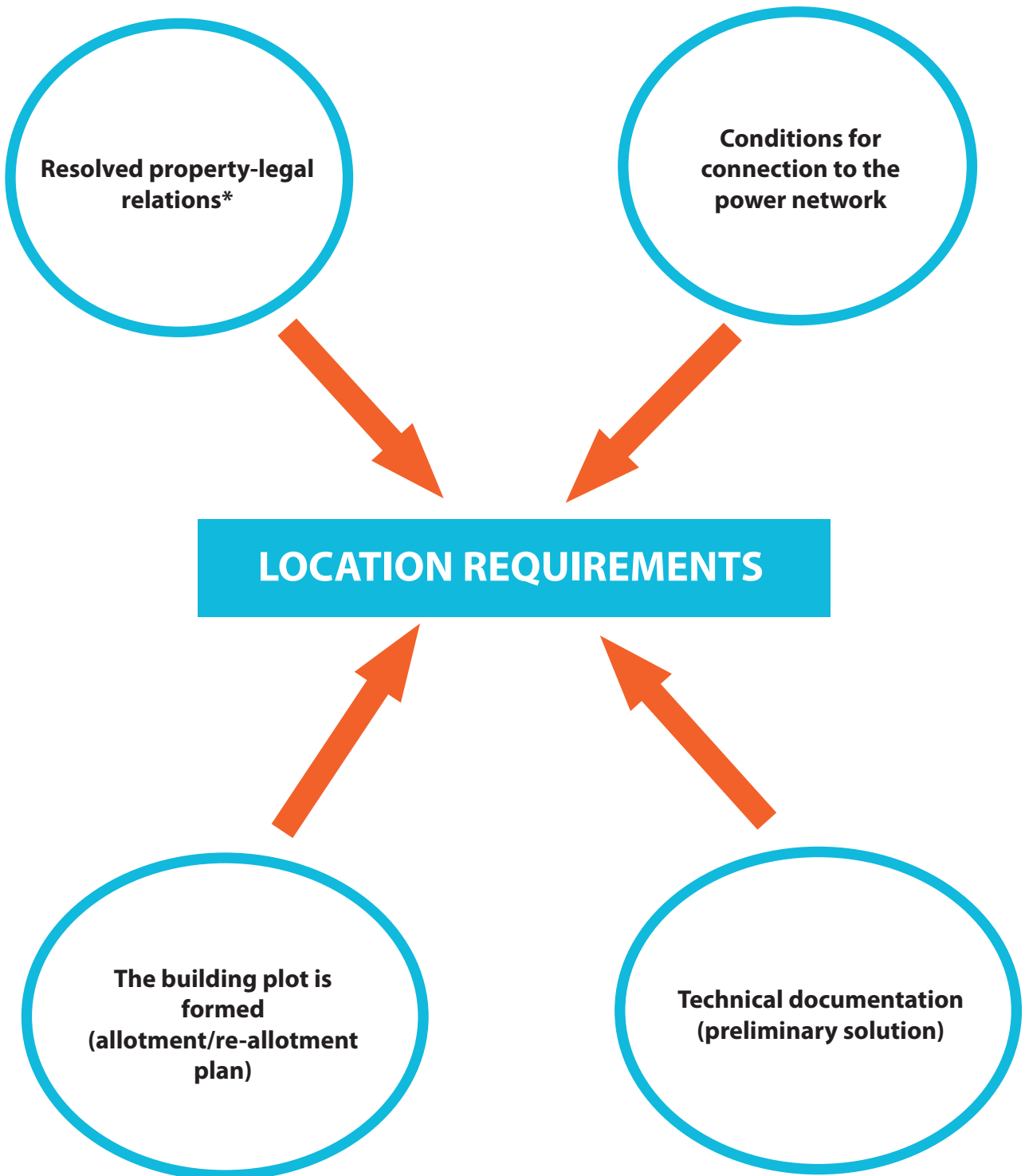


II-2 Acquiring the energy permit

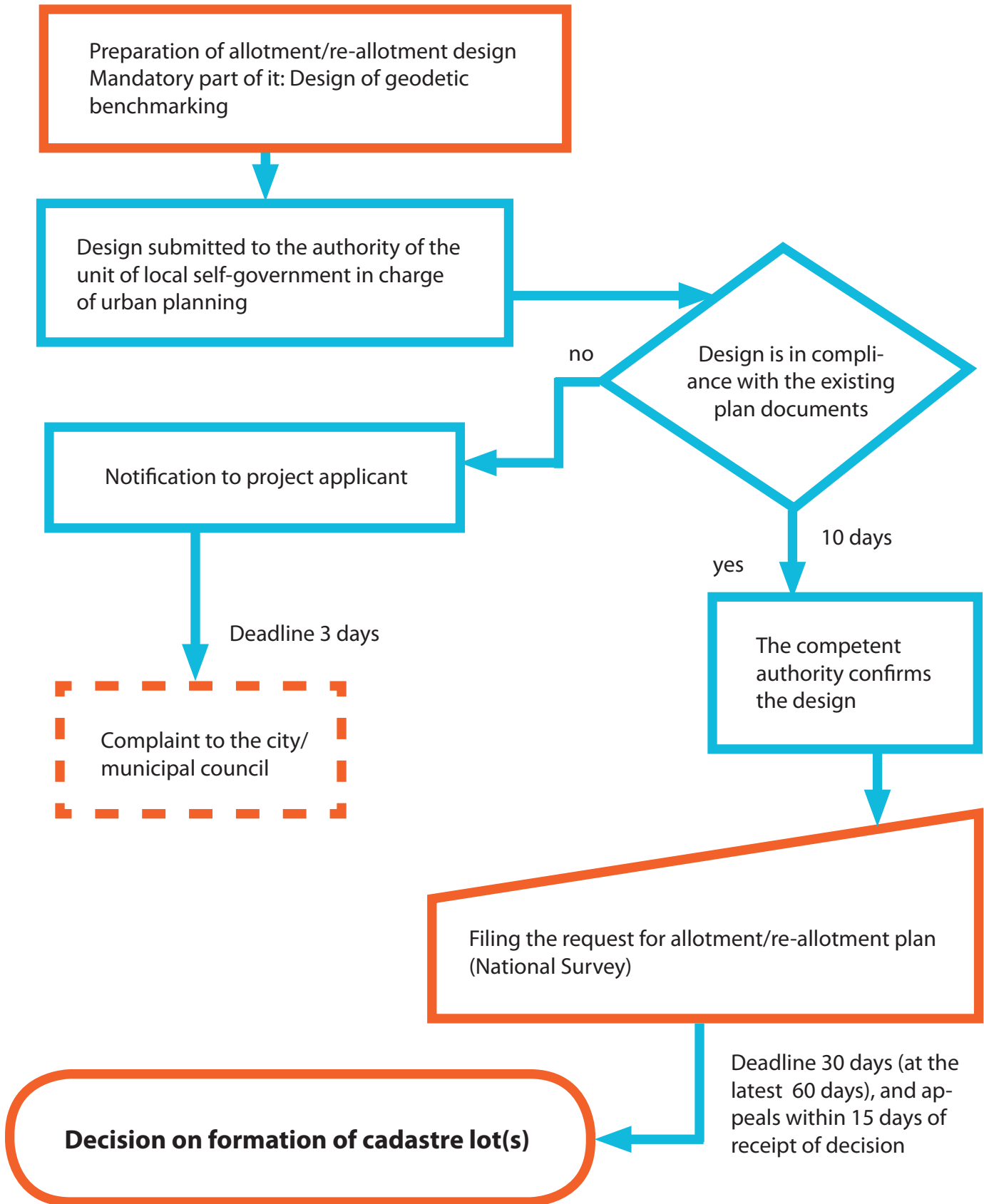


II-3 Location requirements

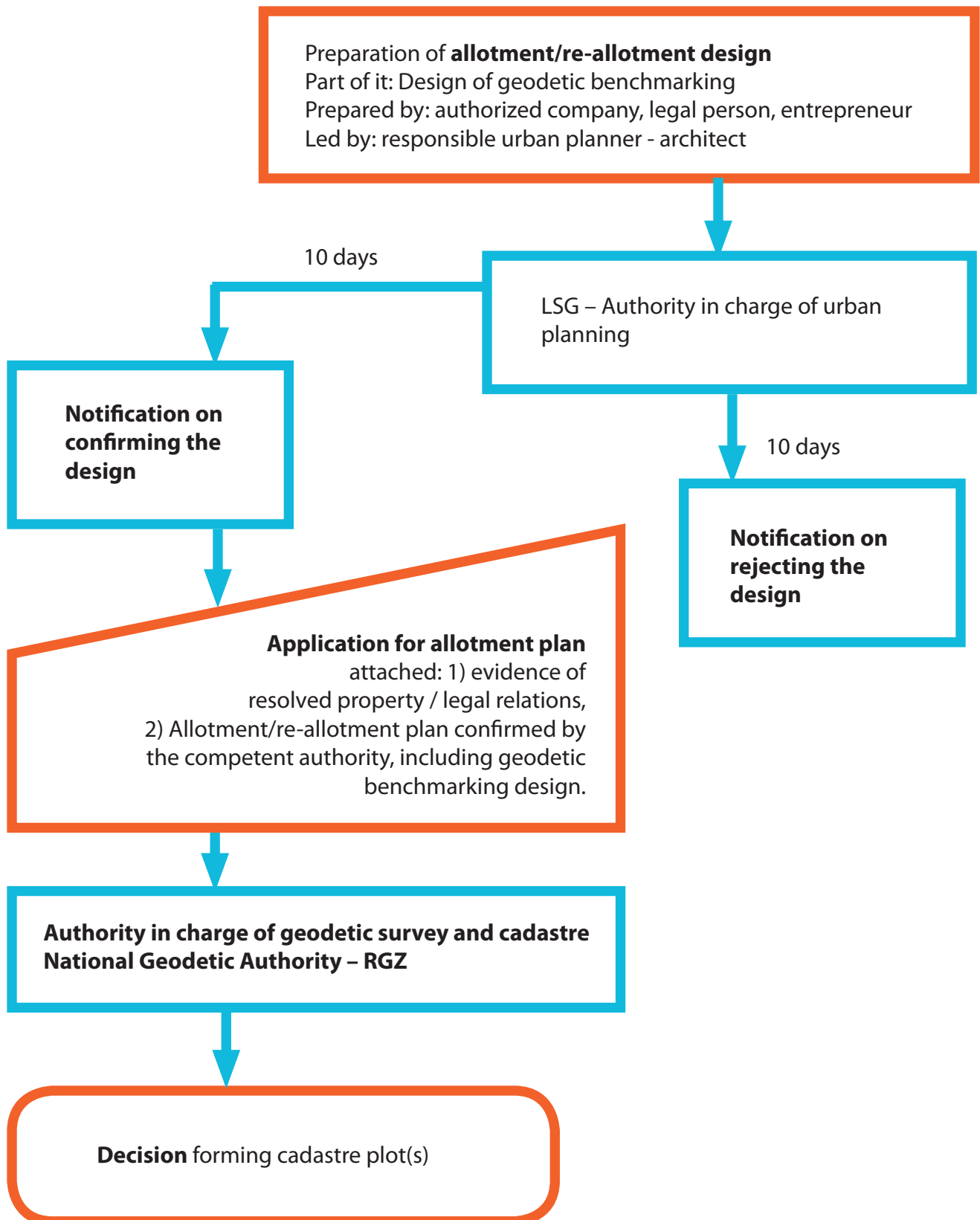
Location requirements contain all requirements and data necessary for preparation of technical documentation, primarily the construction permit, in compliance with the valid plan documents



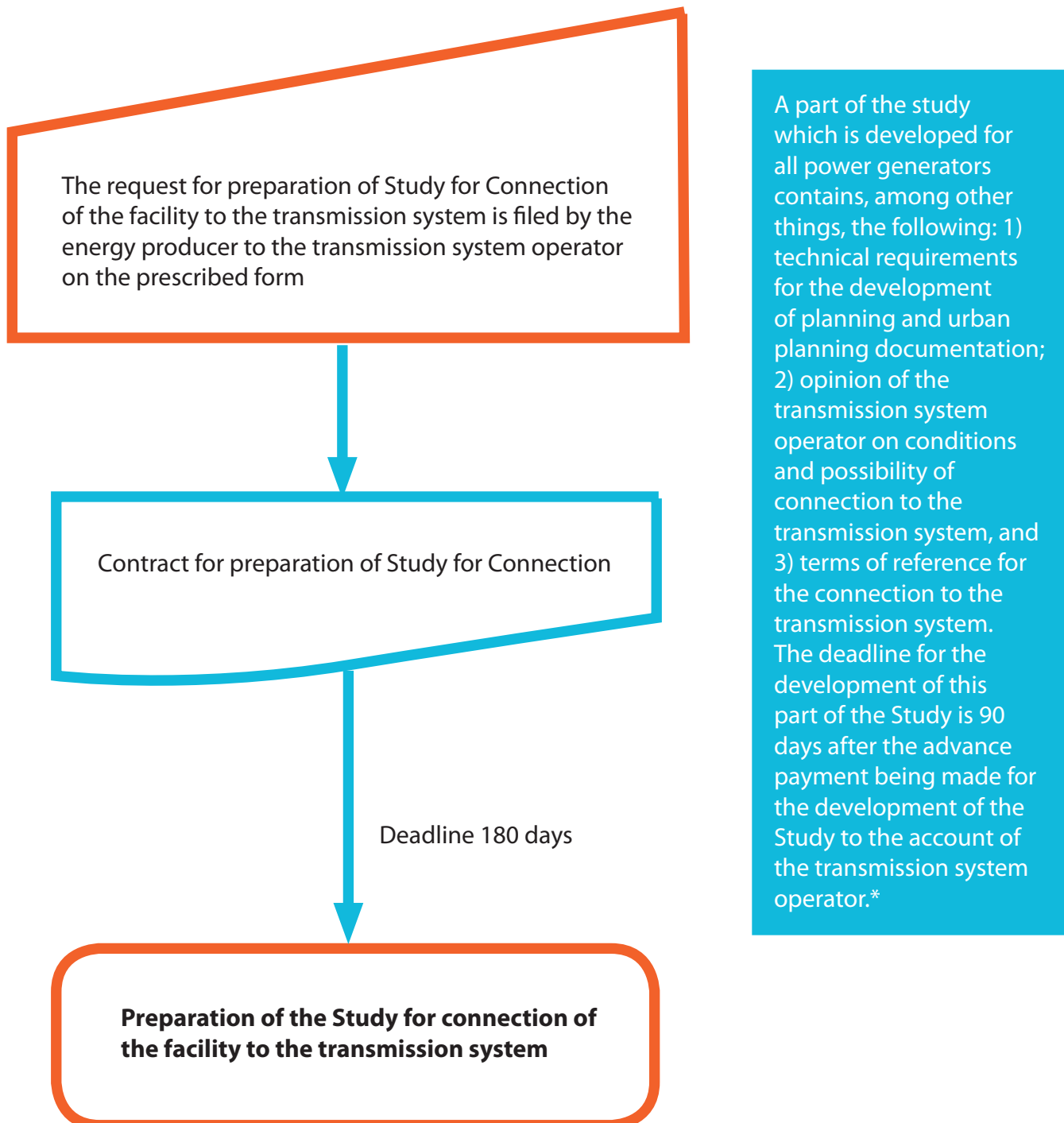
II-3 Forming the building plot



II-3 Allotment/re-allotment plan

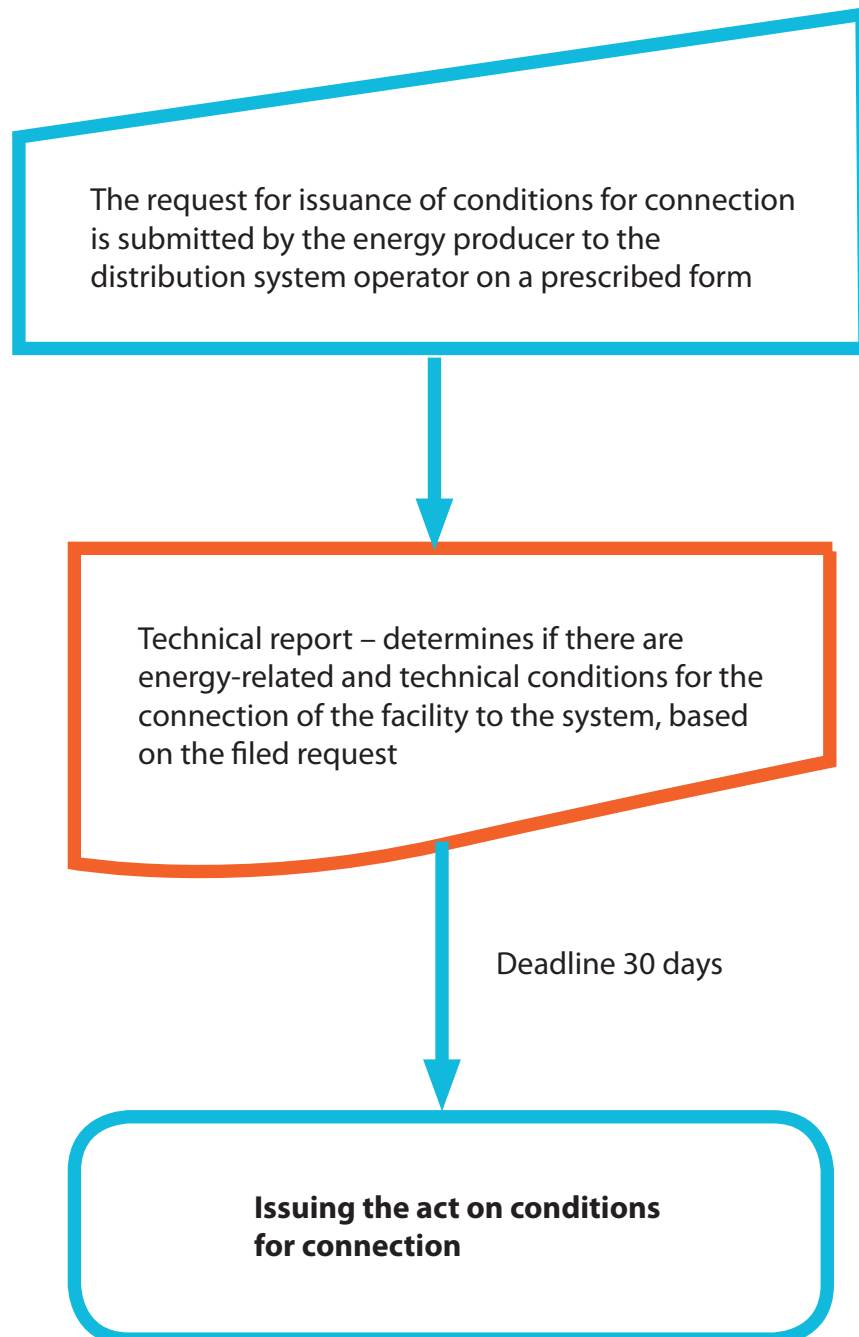


II-3 Conditions for connection to the transmission system



*Procedure for connection of facility to the transmission system, 23 December 2015

II-3 Conditions for connection to the distribution system



II-3 Water management acts – water requirements

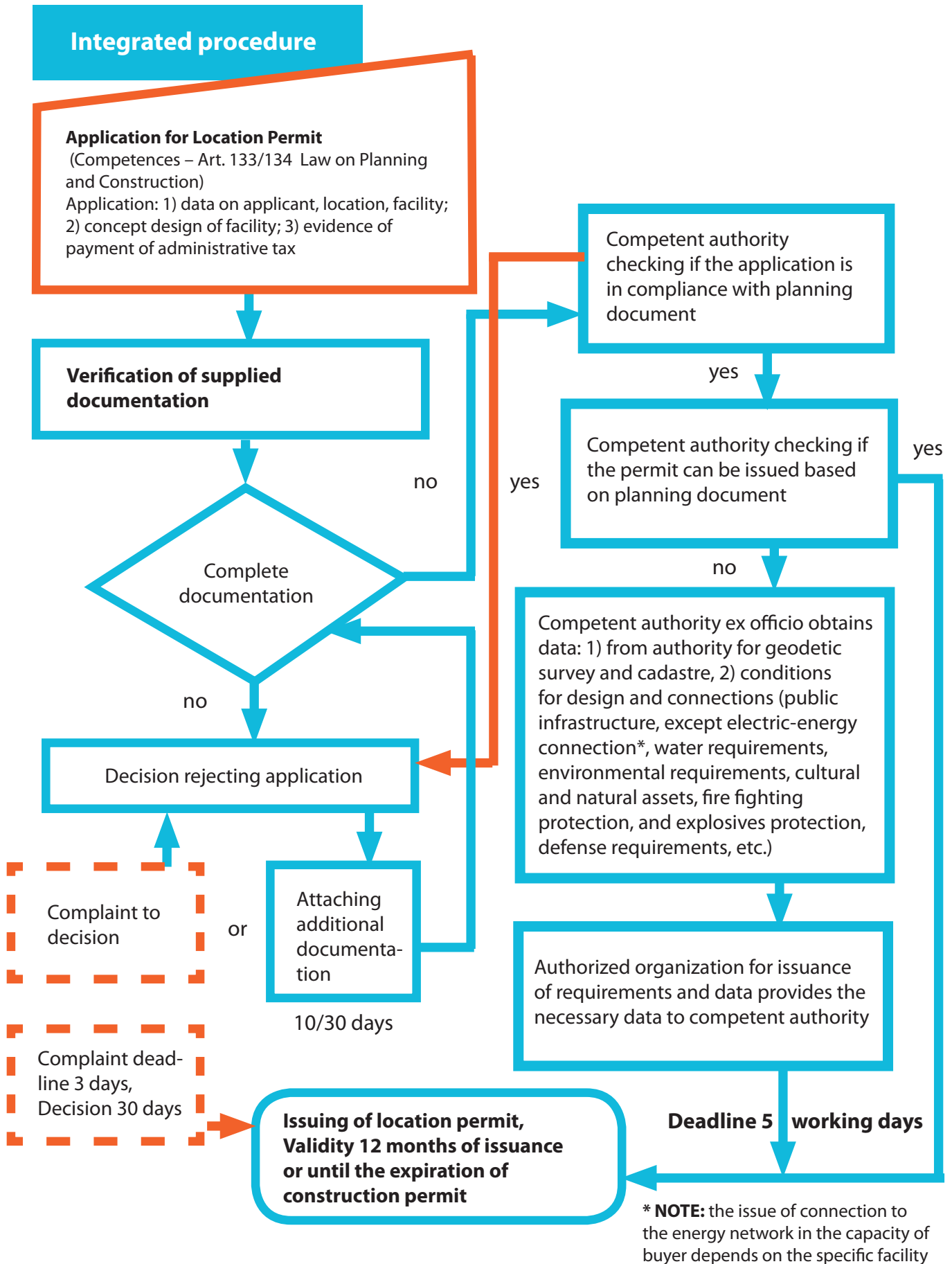
Integrated procedure

- **Water management acts**
 - Water requirements (I-3)
 - Water requirements not necessary in integrated procedure, since compliance with water requirements for the issuing of construction permit is checked by technical control (I-4)
 - Water permit – to be acquired if water requirements request it (I-5)
- **Competence**
 - Ministry in charge of water management
 - Competent authority of the autonomous province (for plants to be constructed in the AP)
 - Competent authority of the City of Belgrade (for plants in its territory)



* It is required if the structure has impact on the water regime

II-3 Obtaining the location requirements

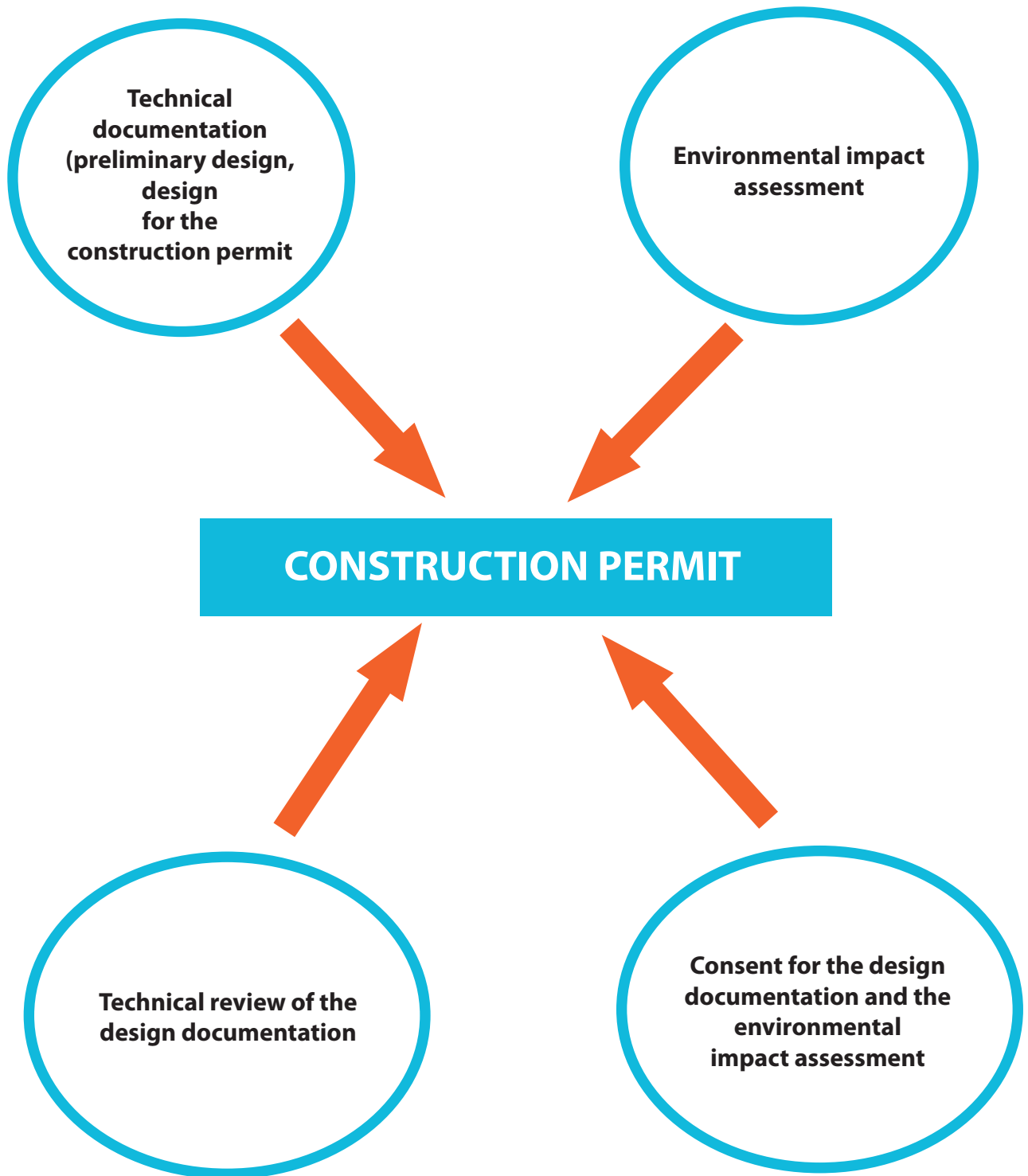


II-4 Construction permit

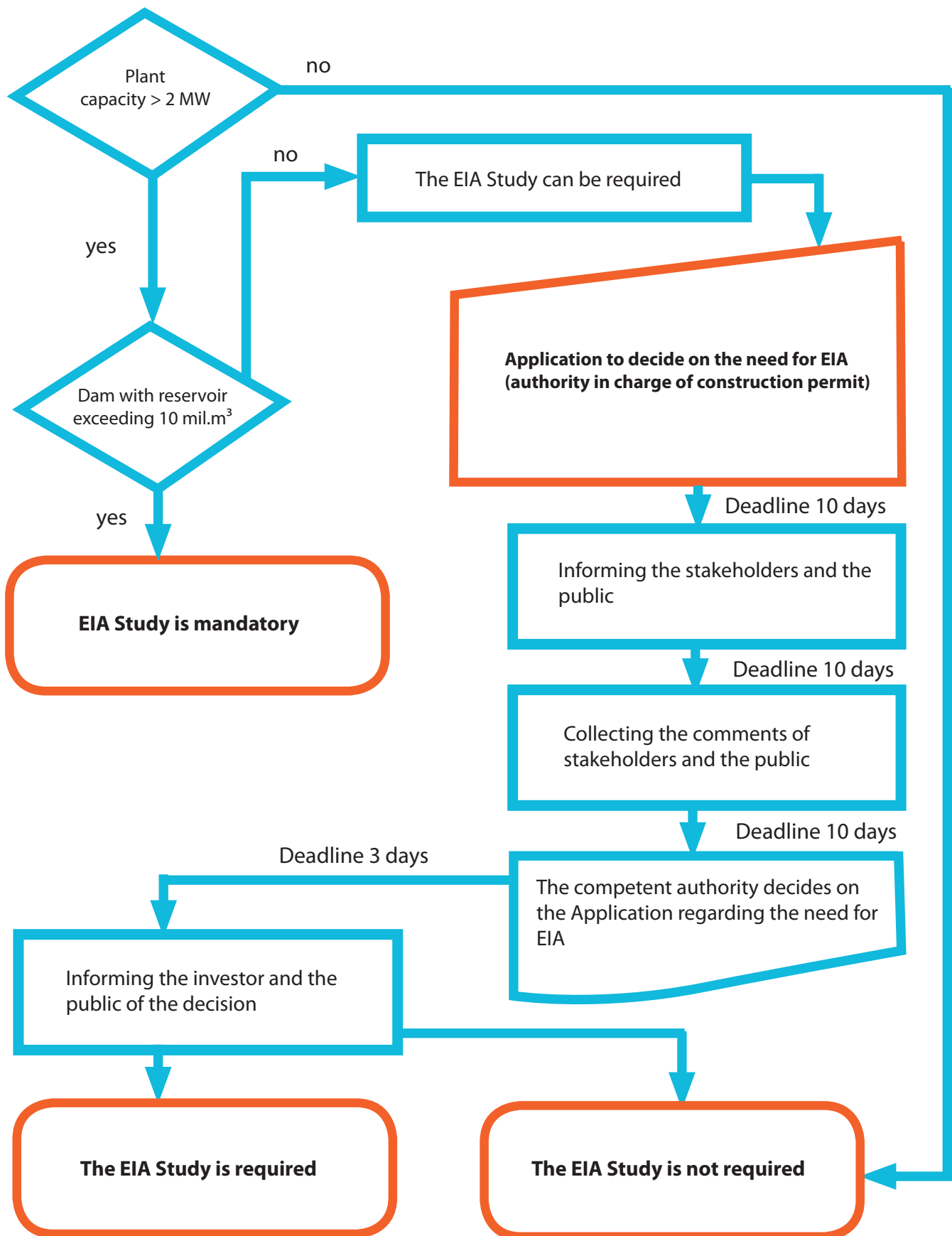
- **After the technical review of the design for the construction permit and the positive report on technical review, a request is to be filed for the issuing of the construction permit to the ministry in charge of construction, or the unit of local self-government*.**
- **Requirement for acquiring the status of preliminary privileged electricity producer.**
- **After receiving the construction permit, a request can be filed for connection to the energy network**

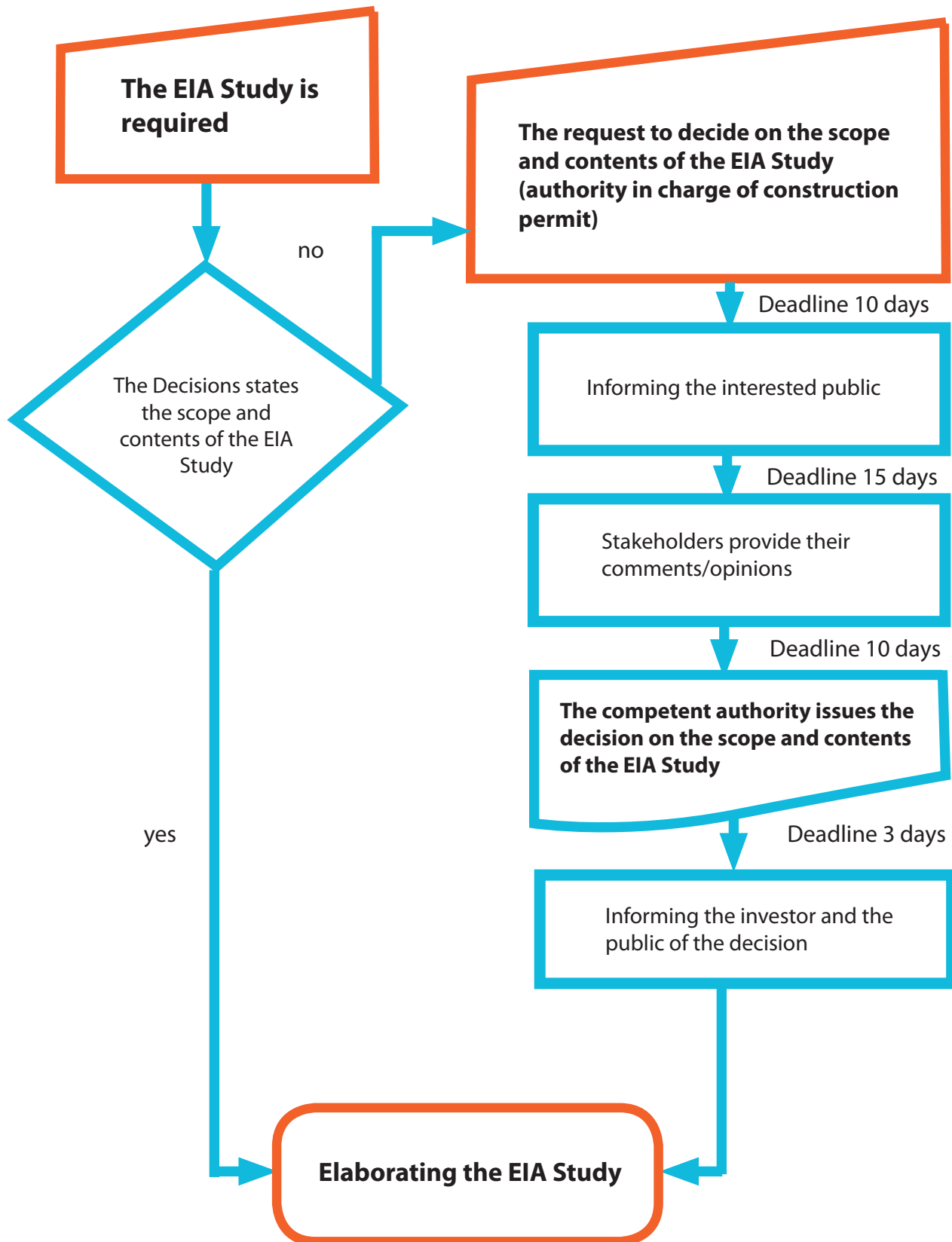
***Note:** more details regarding classification of plants in the Law on Planning and Construction

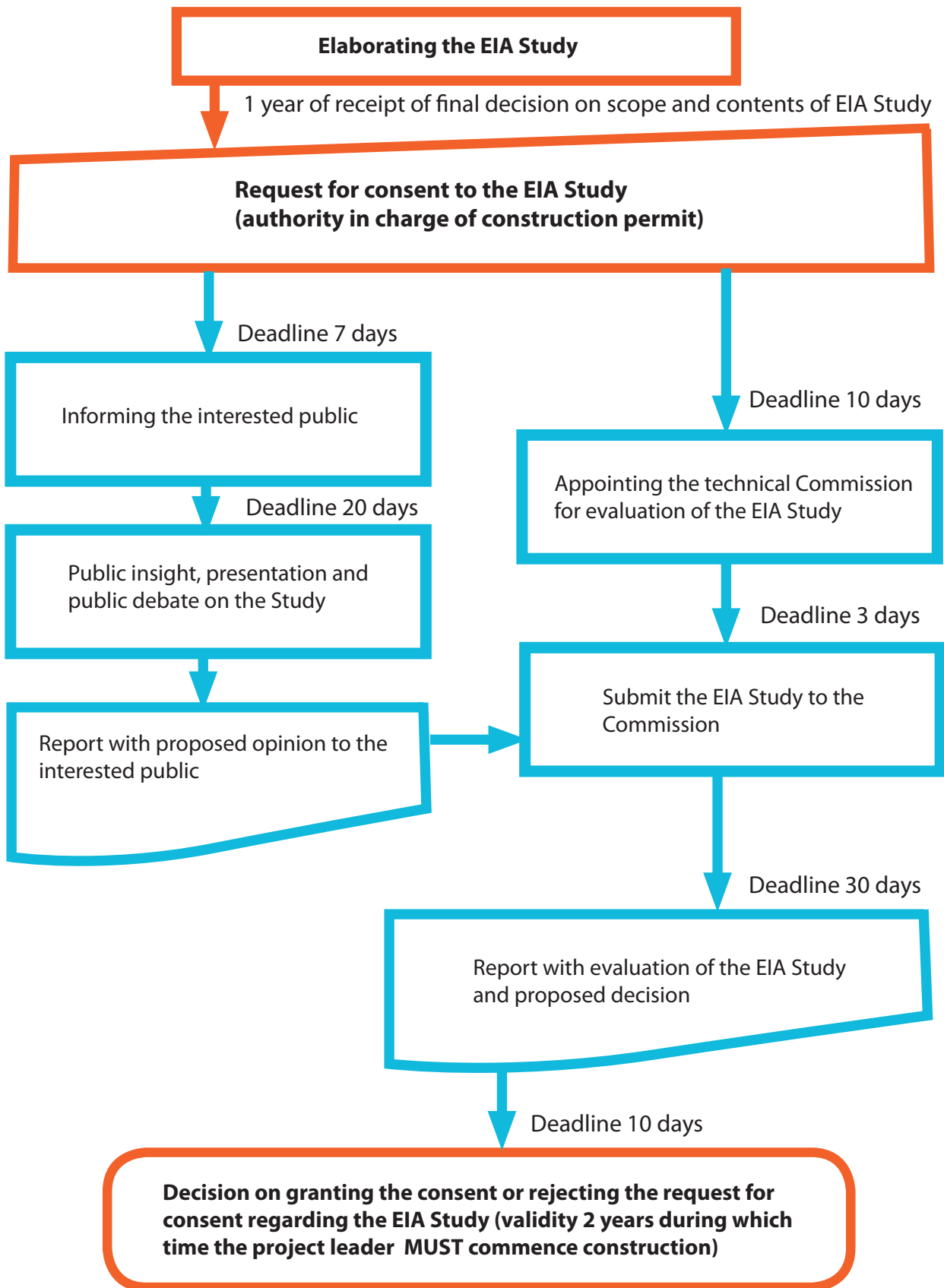
A pre-requirement for Acquiring the status of preliminary privileged electricity producer



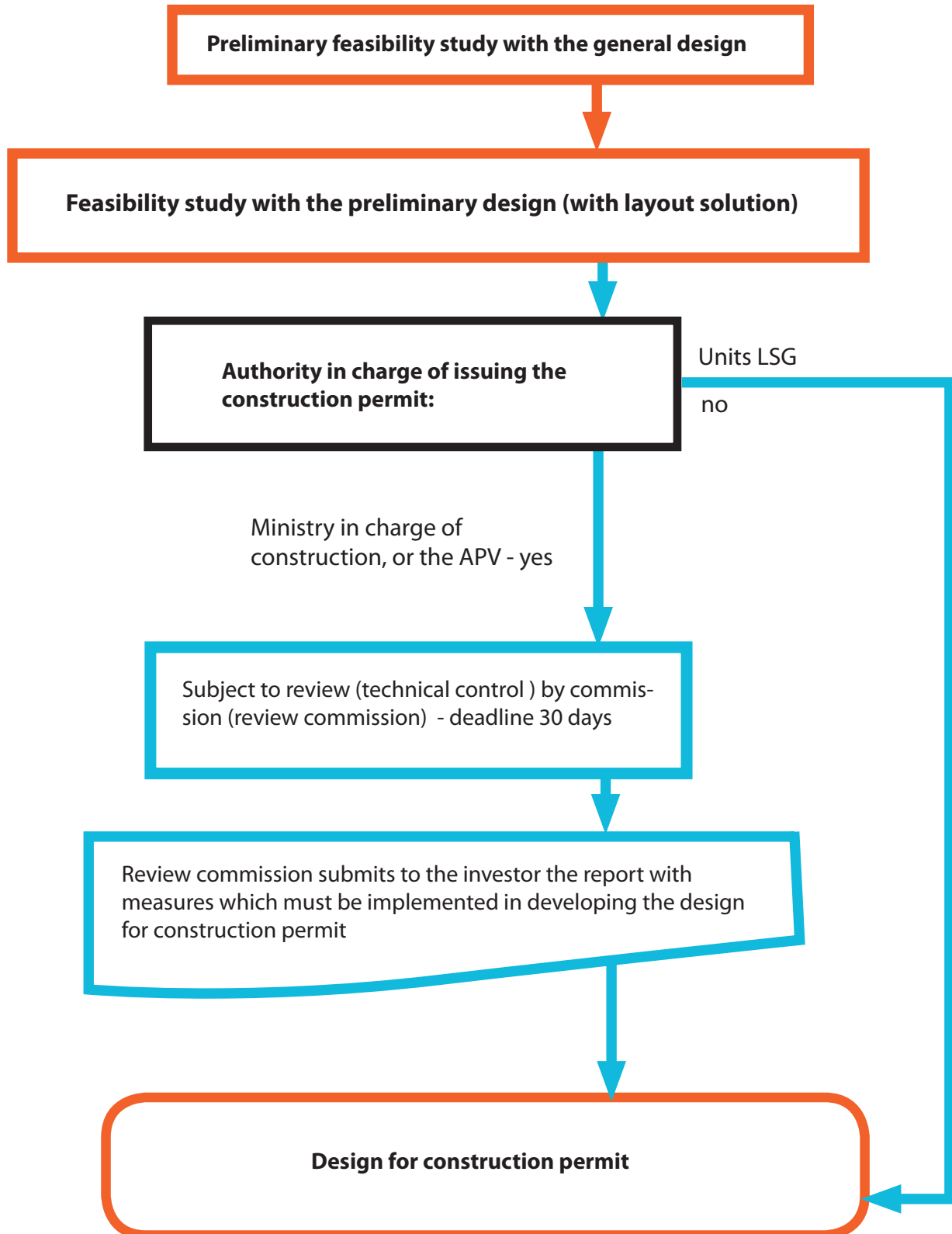
II-4 Environmental impact assessment



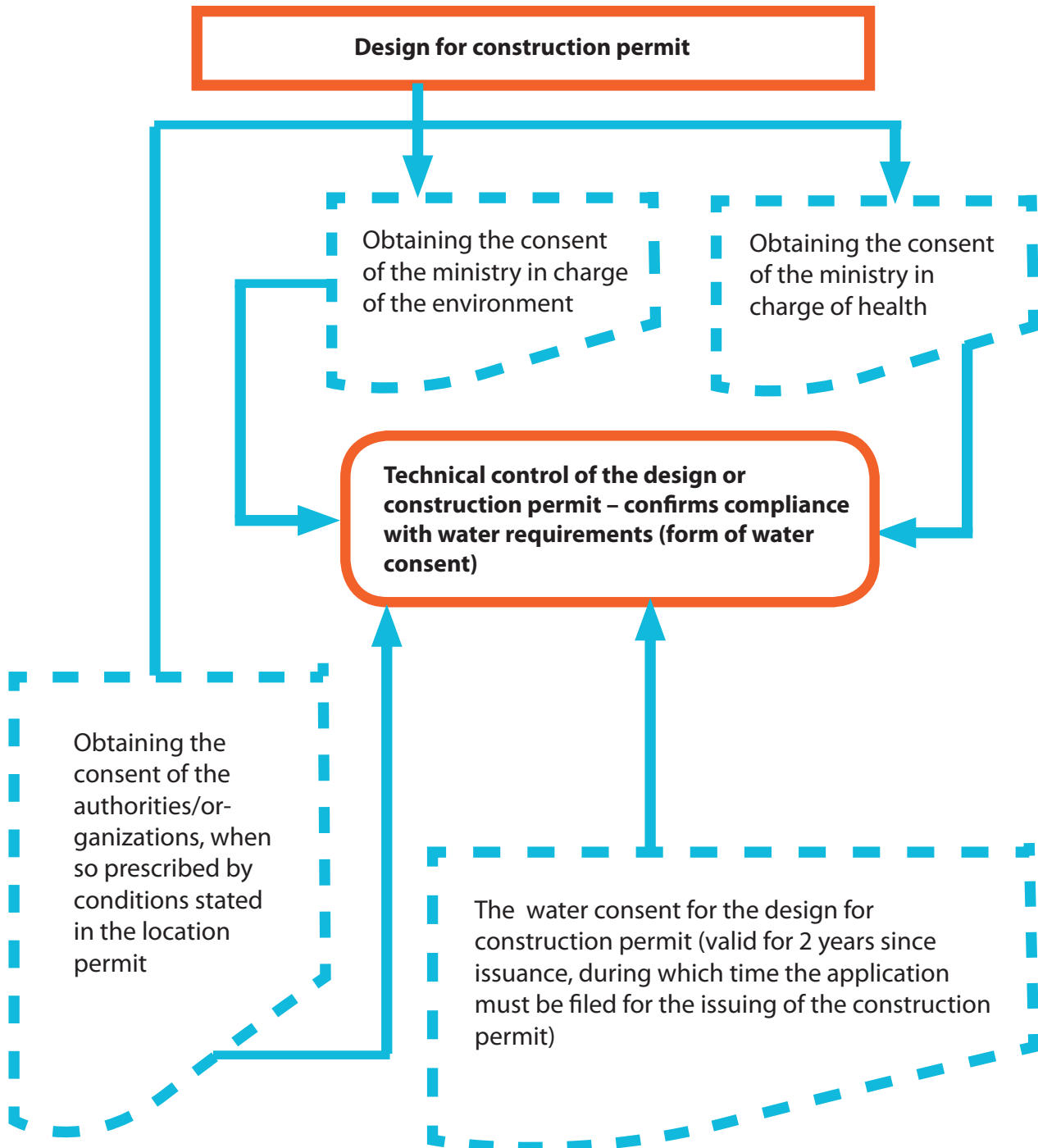




II-4 Technical documentation for the construction permit



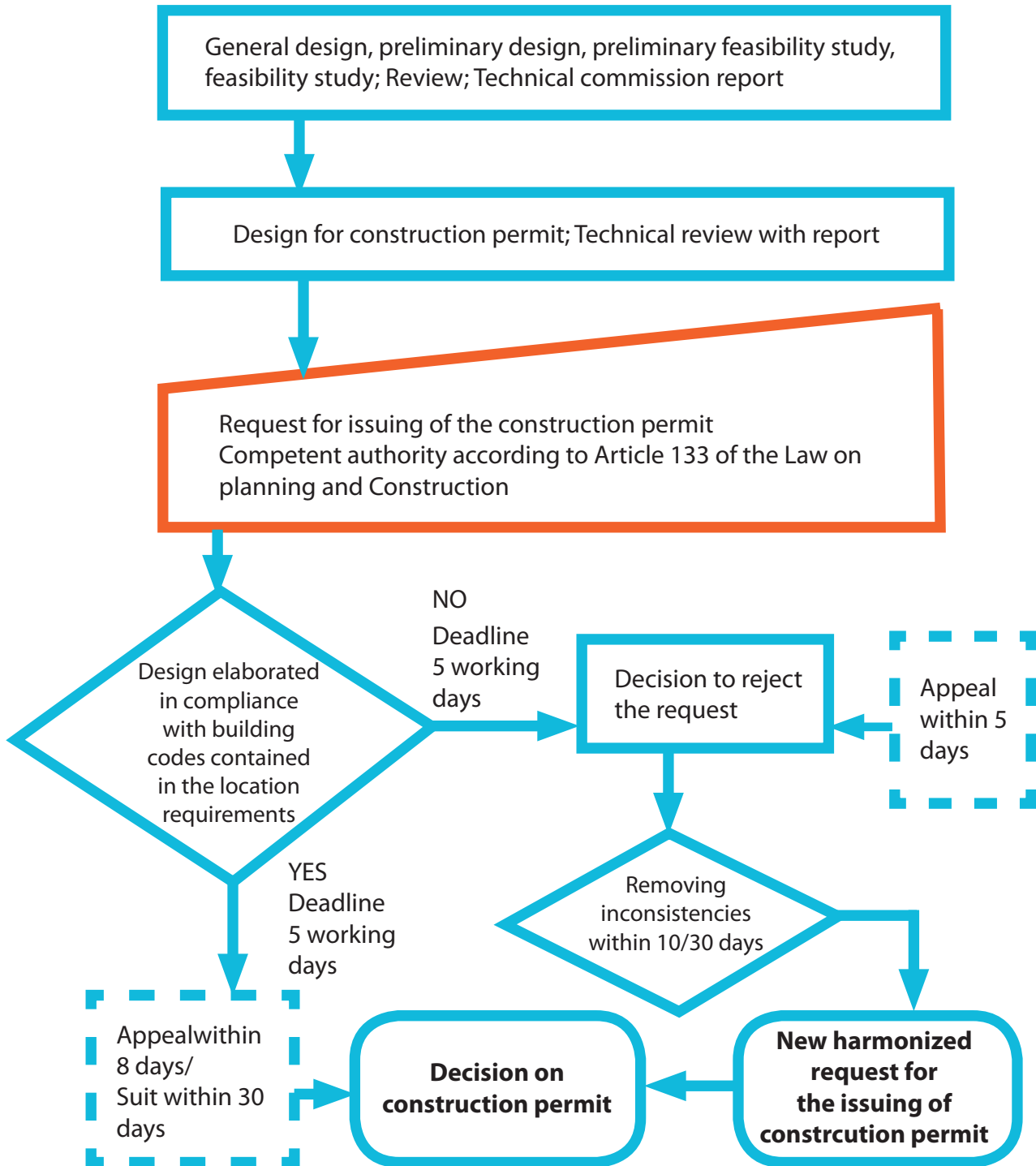
II-4 Technical control of design and water consent*



***Note:** the water consent is necessary if the structure affects the water regime, and the investor can obtain it also under the procedure prescribed in the Law on Water, in order to have a confirmation issued by the authority in charge of water regime

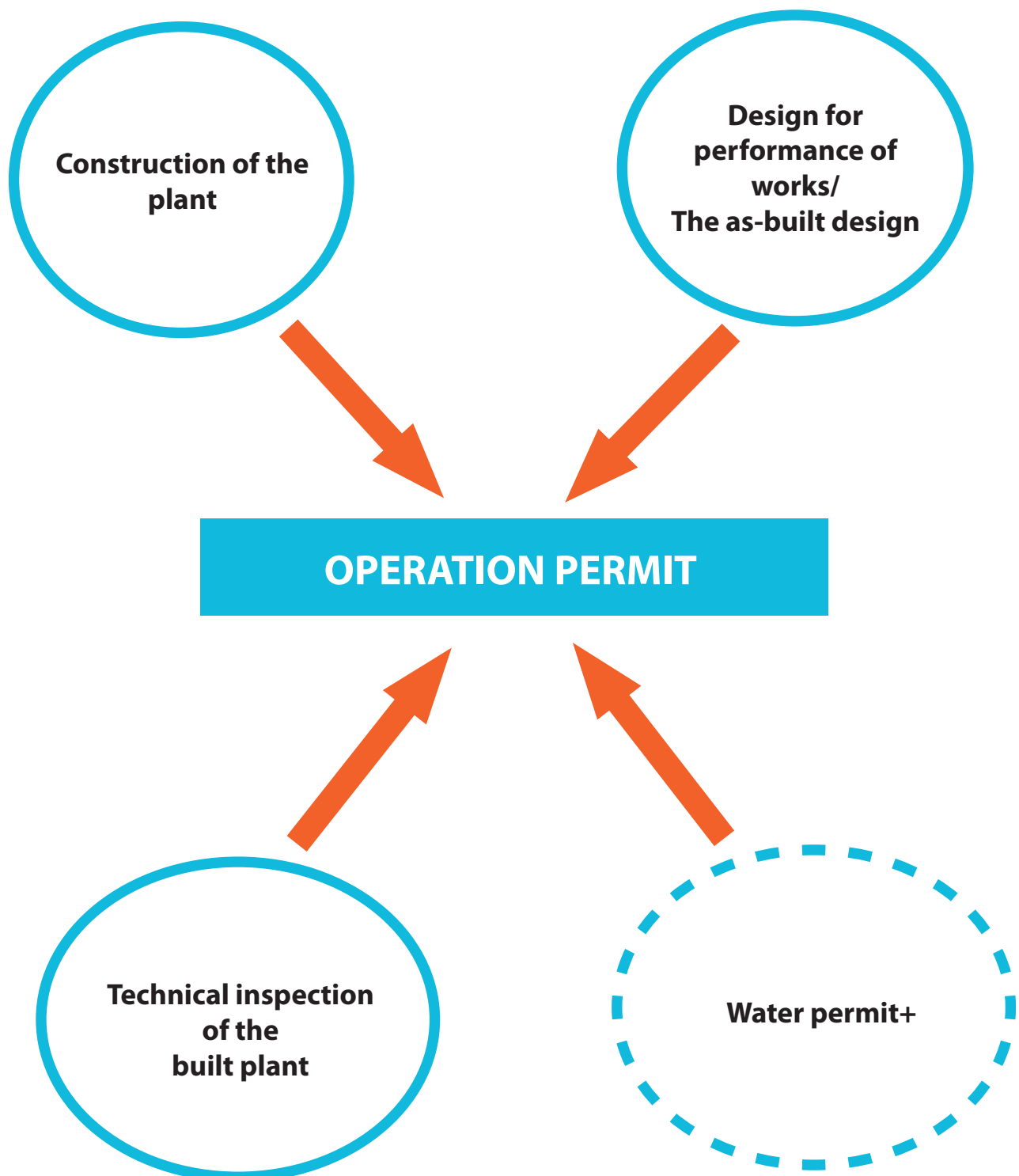
II-4 Obtaining the construction permit

Integrated procedure



II-5 Operation permit

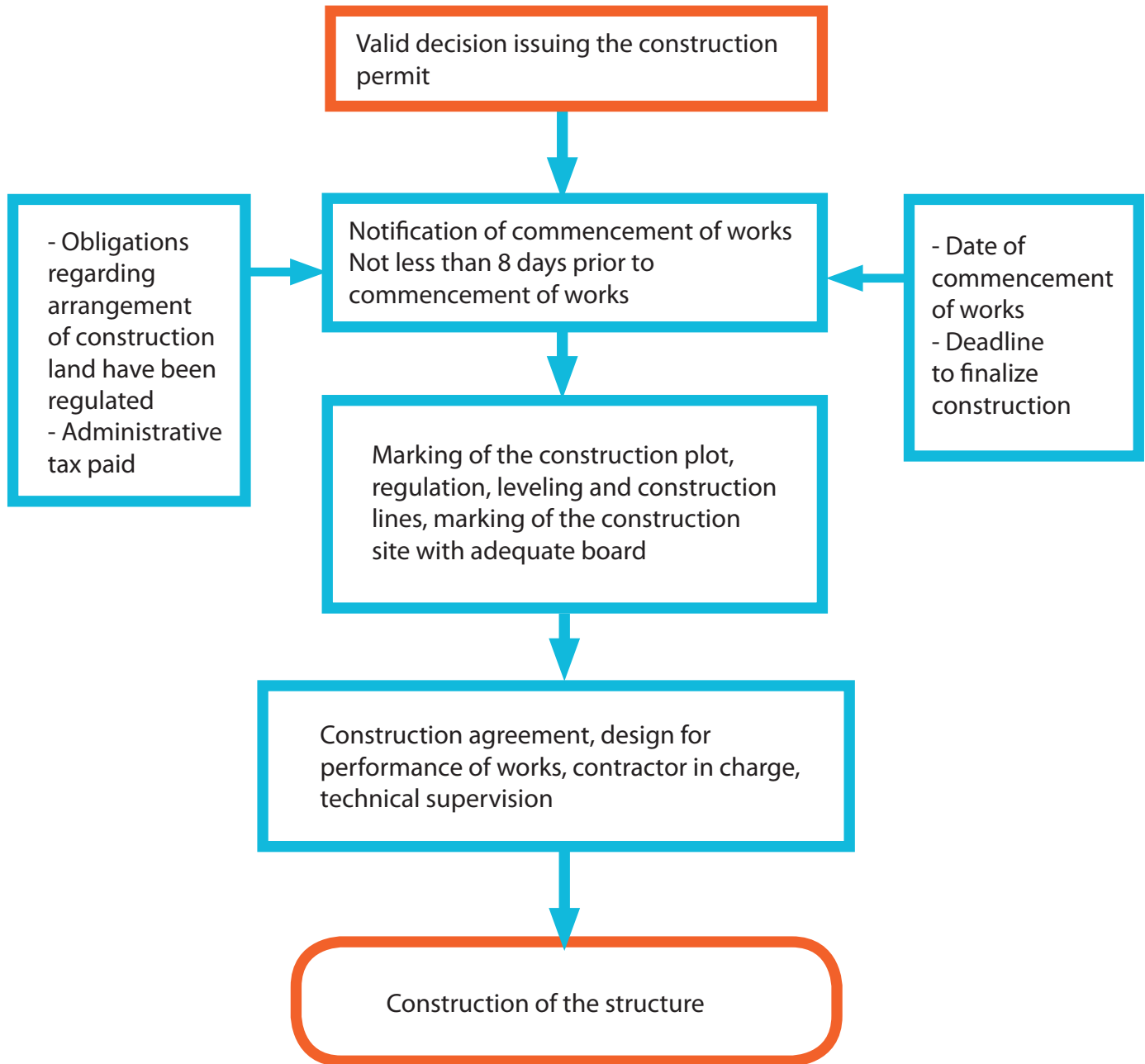
- **The fitness fo the structure is determined by technical inspection**
- **The structure can be sued after acquiring the operation permit**
- **In the process of obtaining the operation permit it is necessary to apply the design for performance of works/the as-built design**



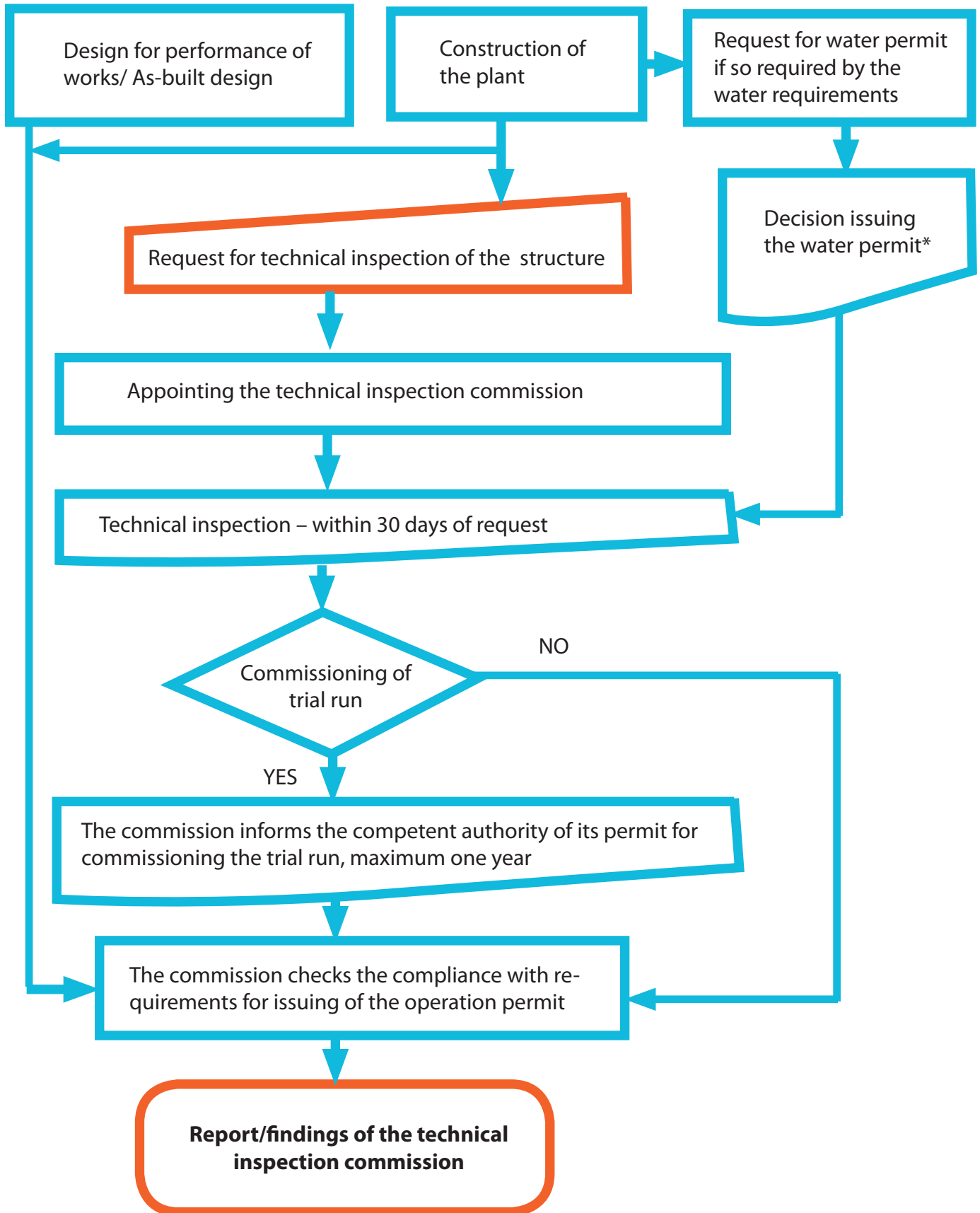
***Note:** It is desirable, but not mandatory, that the investor should, prior to obtaining the operation permit, to obtain the water permit, if it is necessary for the specific structure

II-5 Constructing the structure

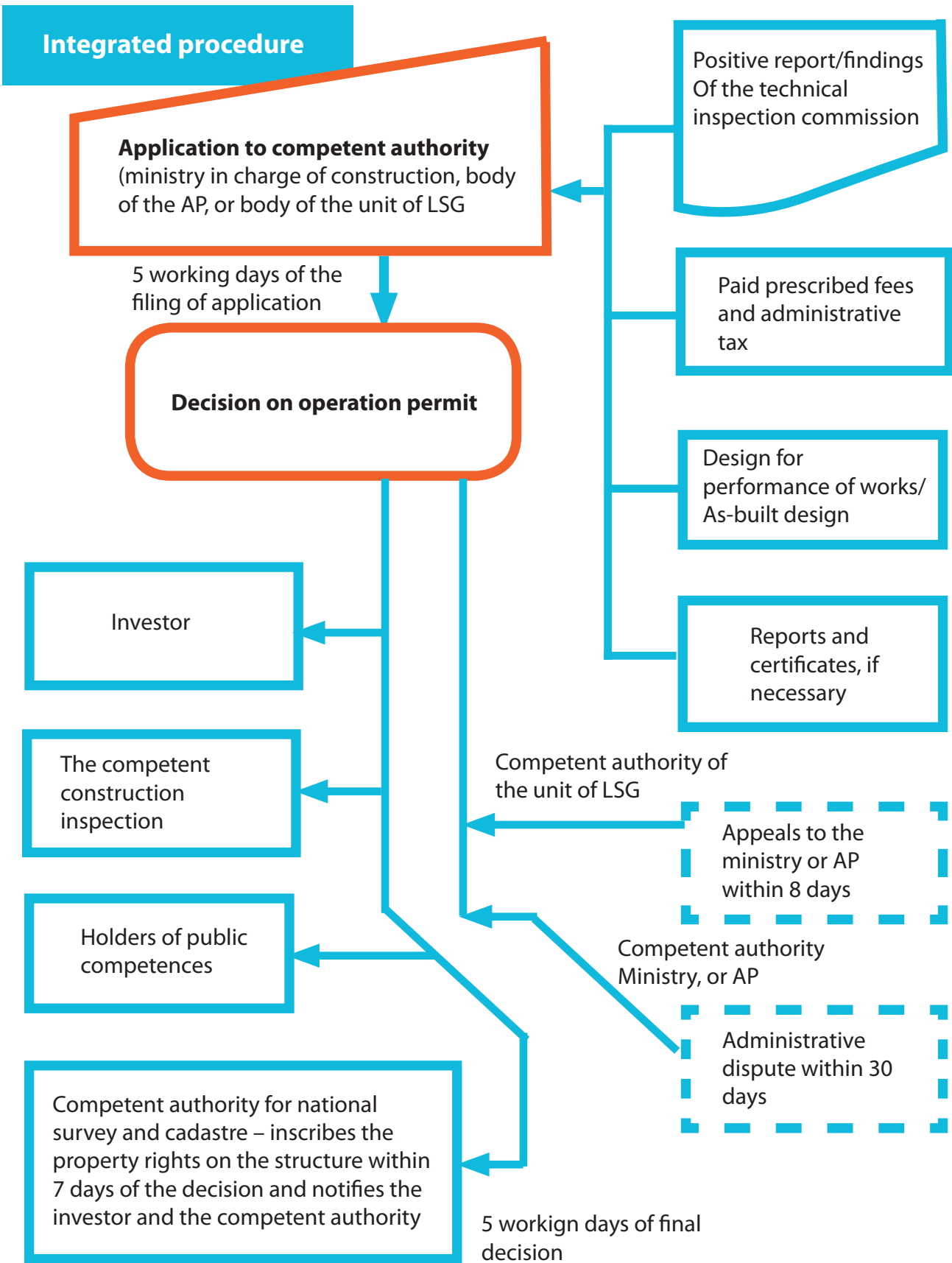
- **The construction of the structure, or the performance of works, can be performed by a company inscribed in the relevant registry of construction companies (contractor).**
- **The obligations of the contractor are as follows: prior to commencement of works to sign the designs for the performance of works, to issue a decision appointing the contractor-in-charge at the construction site, 3) ensure for the contractor-in-charge the construction contract and the documentation based on which the structure is to be constructed, 4) ensure preventive measures for health and safety at work in compliance with the law, perform the works in compliance with the documentation based on which the construction permit is issued, organize the construction site in a manner ensuring access to the site, ensure the safety of the structure and persons in the site and its surroundings, ensure evidence of the quality of performed works, maintain the daily building records, the building log, and ensure the inspection records, ensure the structures and the environs in case of suspension of works.**
- **The contract on construction, the decision appointing the contractor in charge and the design for the performance of works shall at all times be available at the building site.**
- **The investor shall ensure technical supervision during the construction or performance of works for which the construction permit has been issued.**



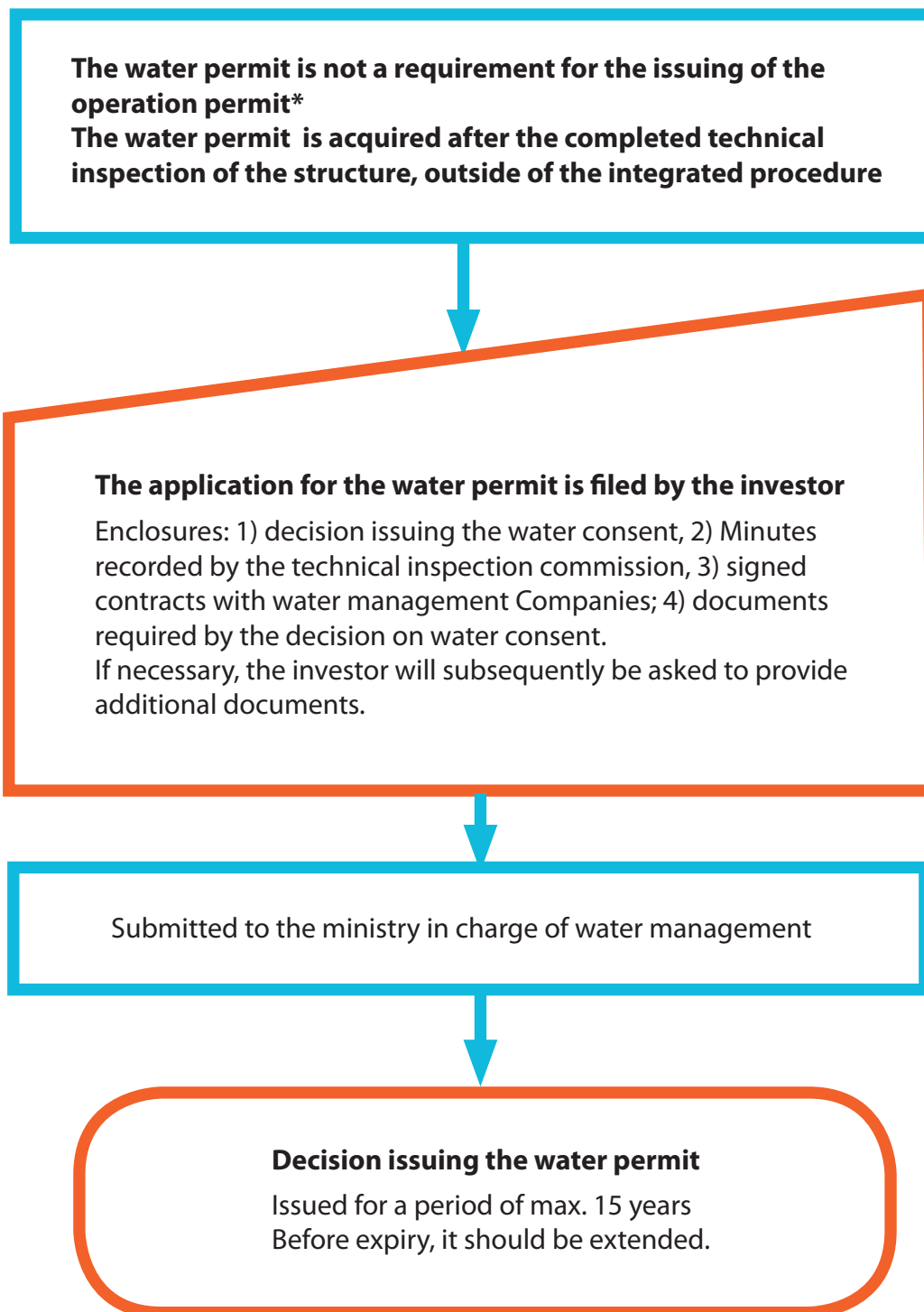
II-5 Technical inspection



II-5 Operation permit



II-5 Acquiring the water permit - if required by water requirements -

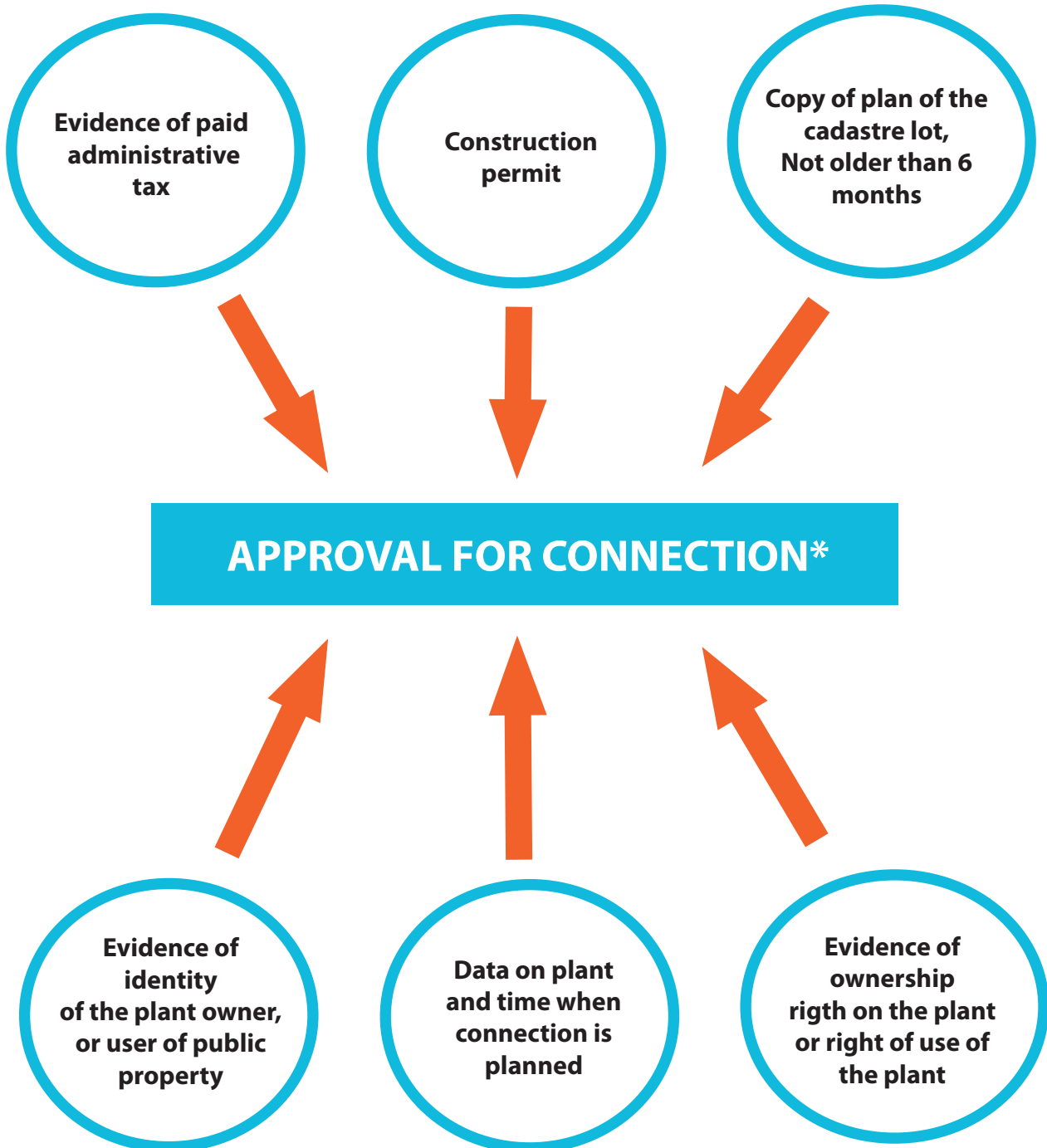


***Note:** in order to ensure legal certainty in plant operation, it is advisable to obtain the water permit before the commissioning of the plant.

III Approval to connect the plant to the energy network

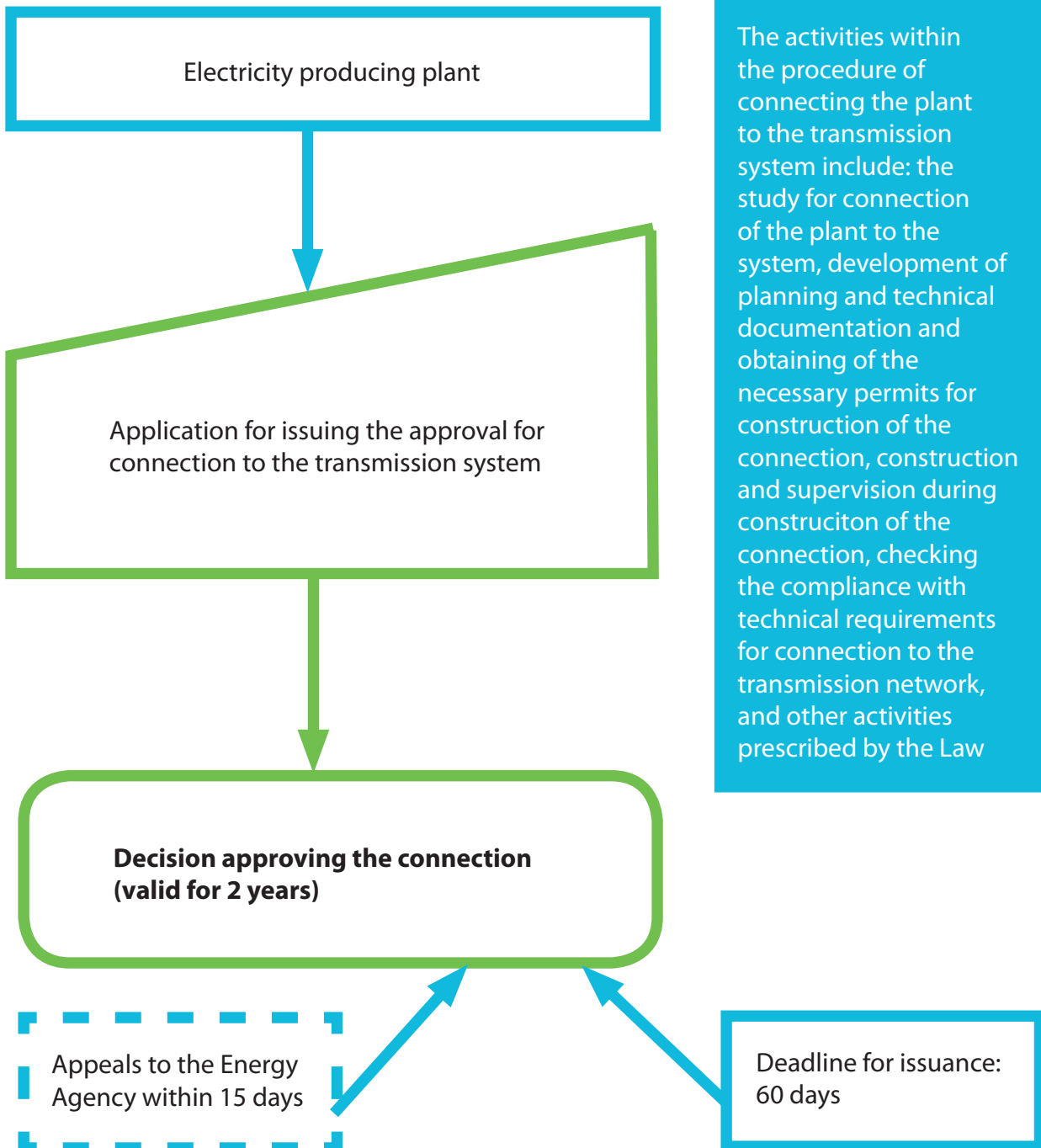
III Approval for connection to the transmission system

Pre-requisite for status of privileged electricity producer



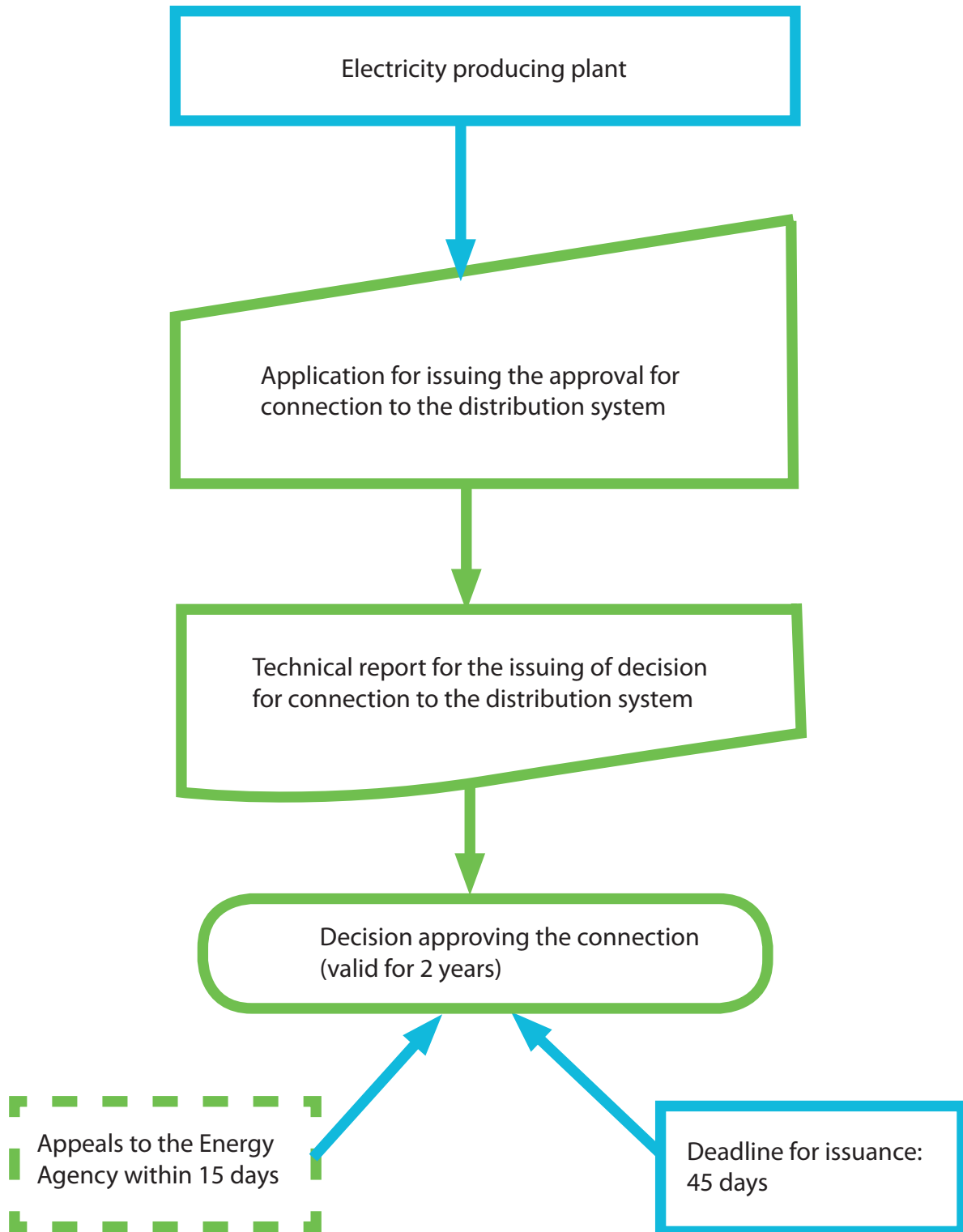
***Note:** the investor decides when to apply for this approval, starting from the moment of receiving the construction permit

III-1 Approval for connection to the transmission system



*Procedure for connection of structures to the transmission system, 23 December 2015.

III-1 Approval for connection of the plant to the distribution system



IV Acquiring the right to perform the activity of production of electricity

IV Acquiring the right to perform the activity of production of electricity

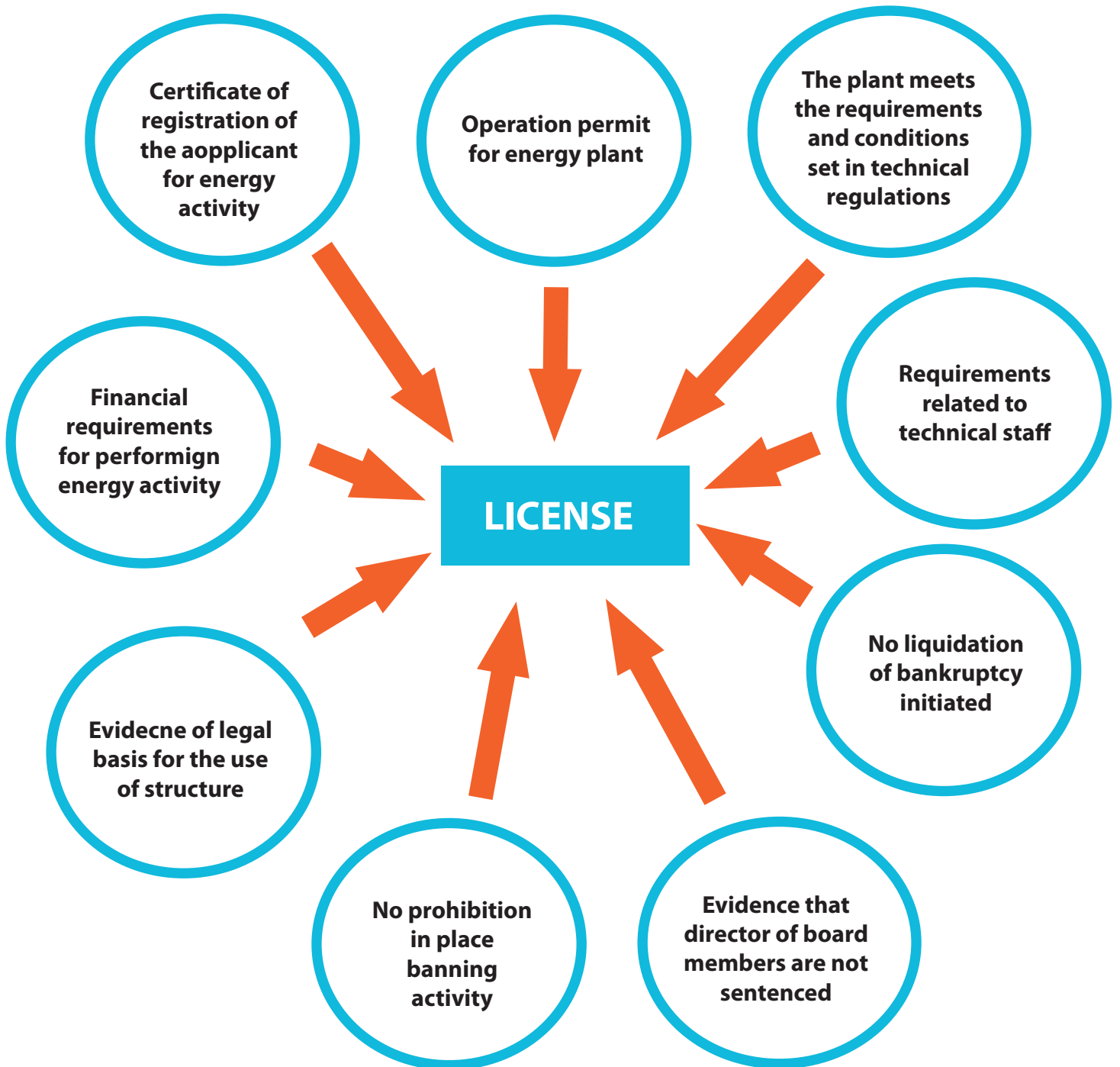
Production of electricity

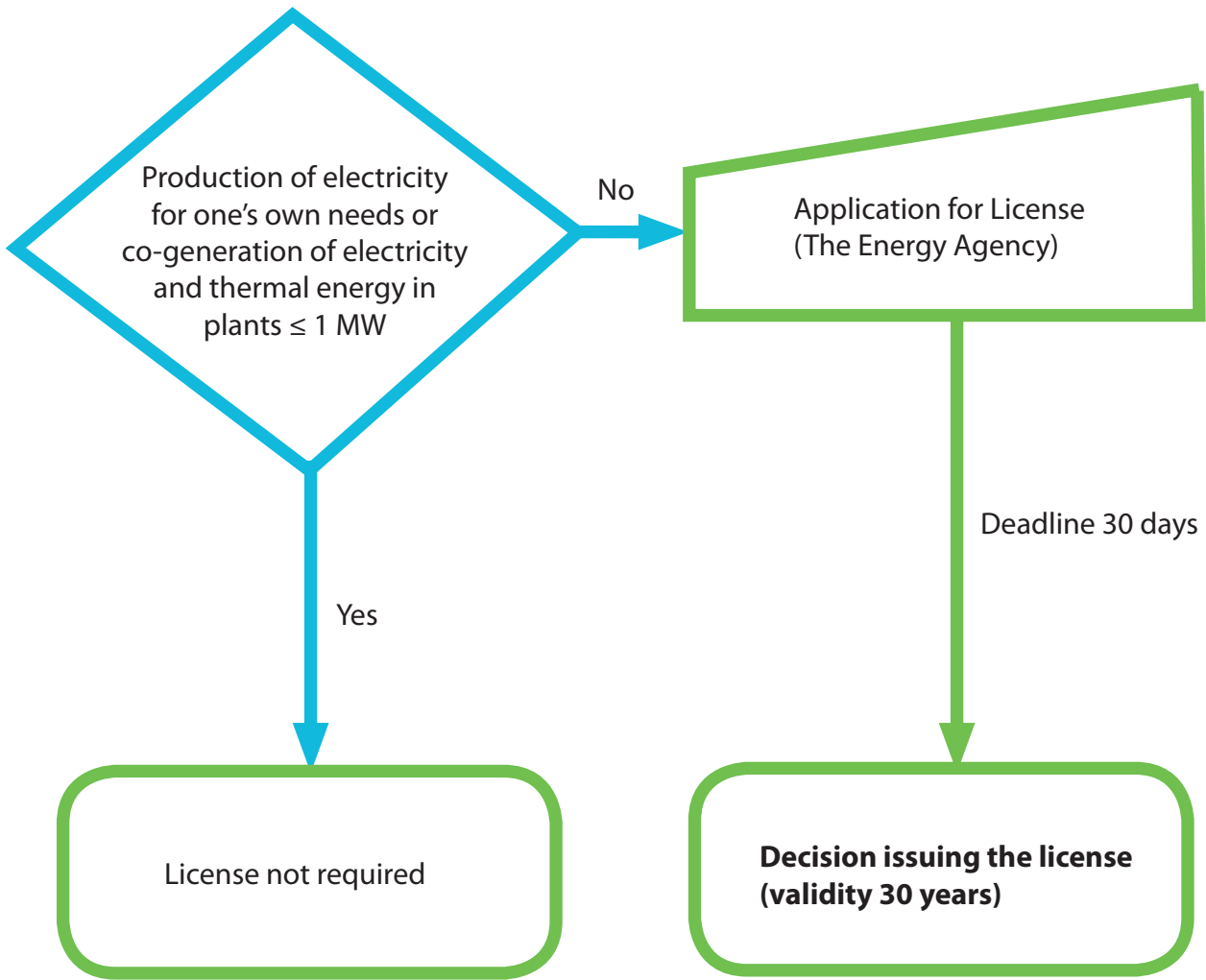


Market activity

IV-2 License - to perform electricity producing activity -

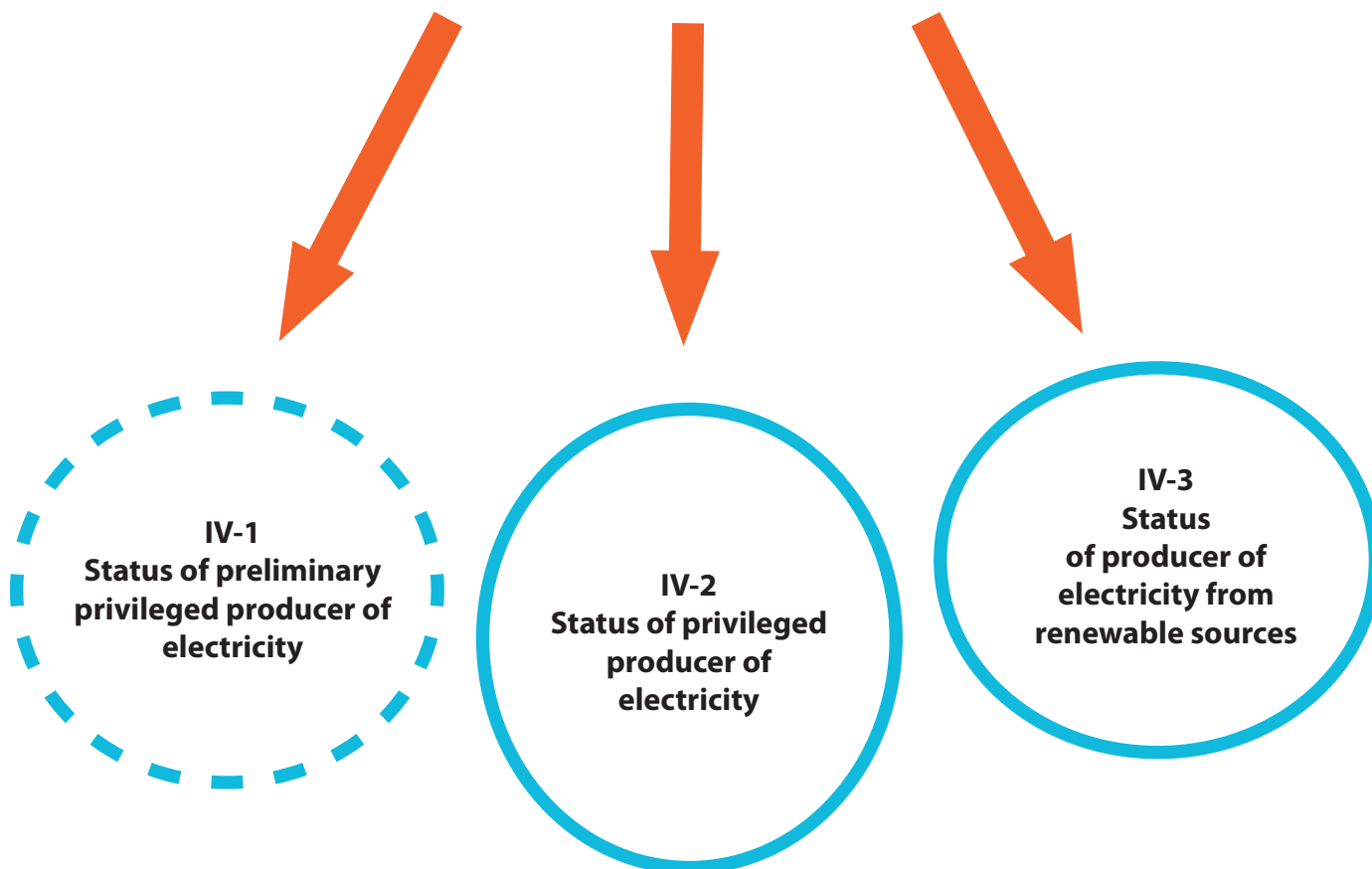
Pre-requisite for status of privileged electricity producer





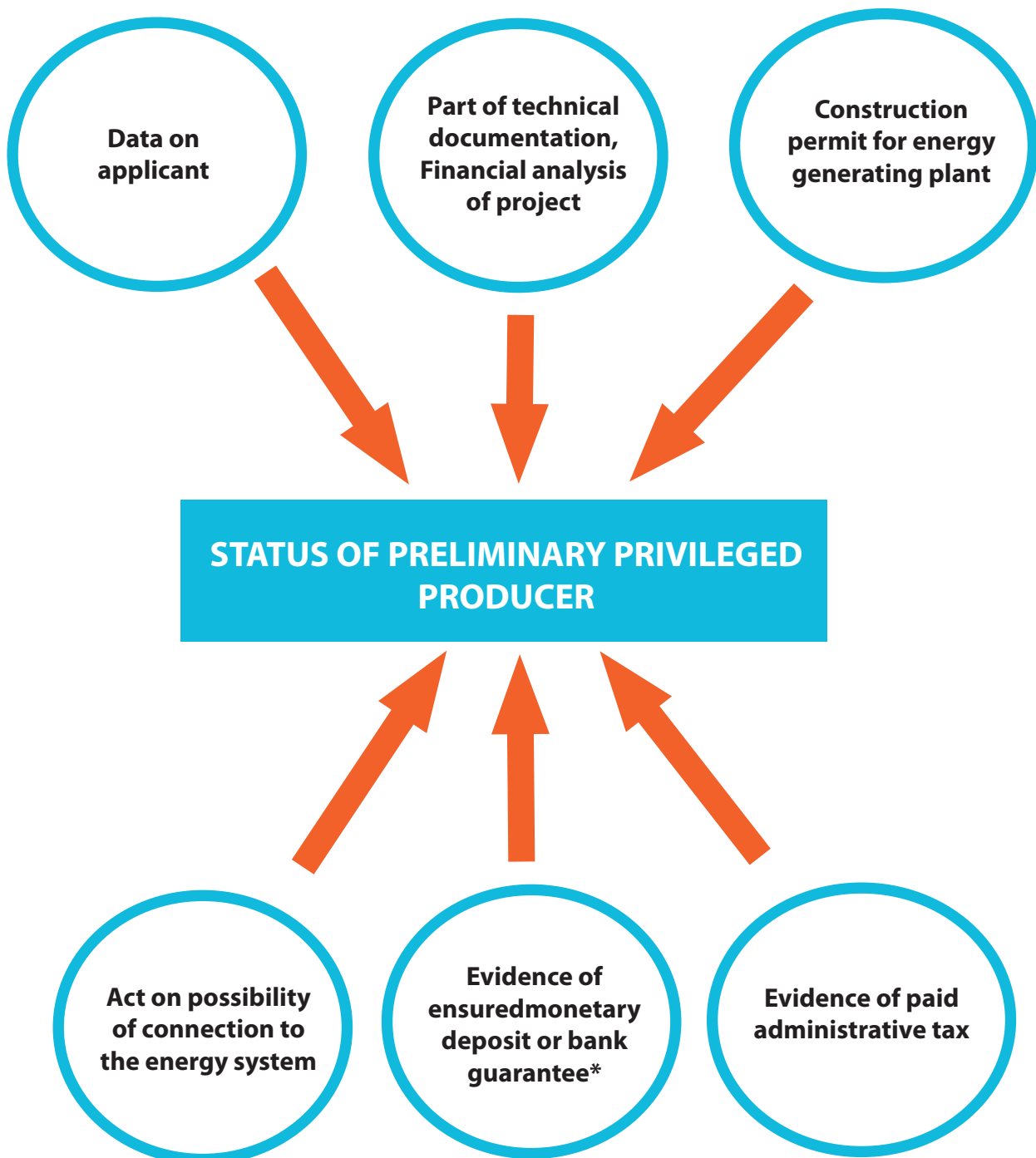
V Acquiring the status of ((preliminary) privileged) producer of energy from renewable sources

V Status of producer of electricity from renewable energy sources



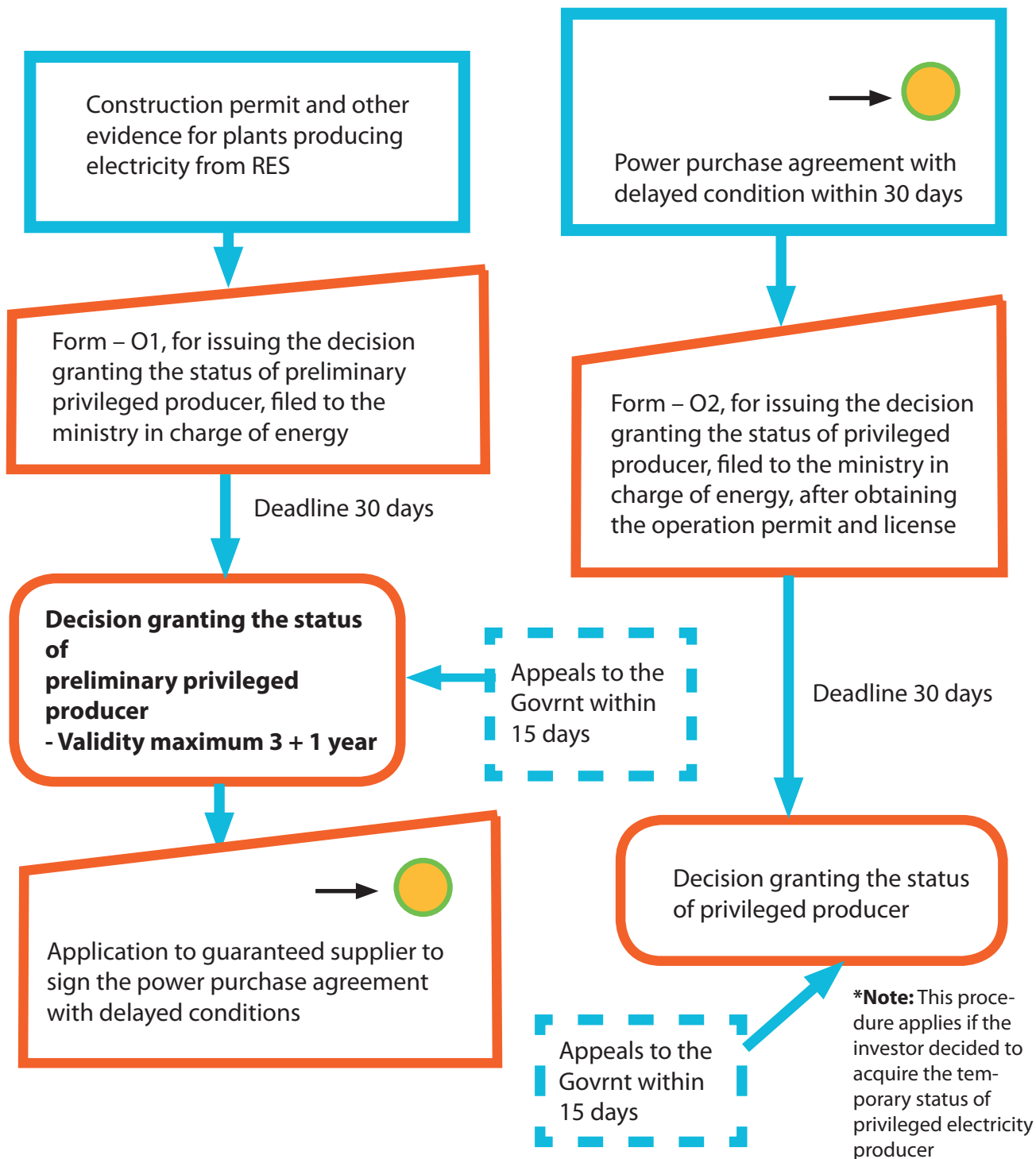
- **Energy entities and natural persons – only for installed capacity up to 30 kW.**
- **Cannot at the same time have two or more types of status.**
- **The above steps are not mandatory, but they do enable the acquiring of certain rights.**

V-1 Status of preliminary privileged producer of electricity

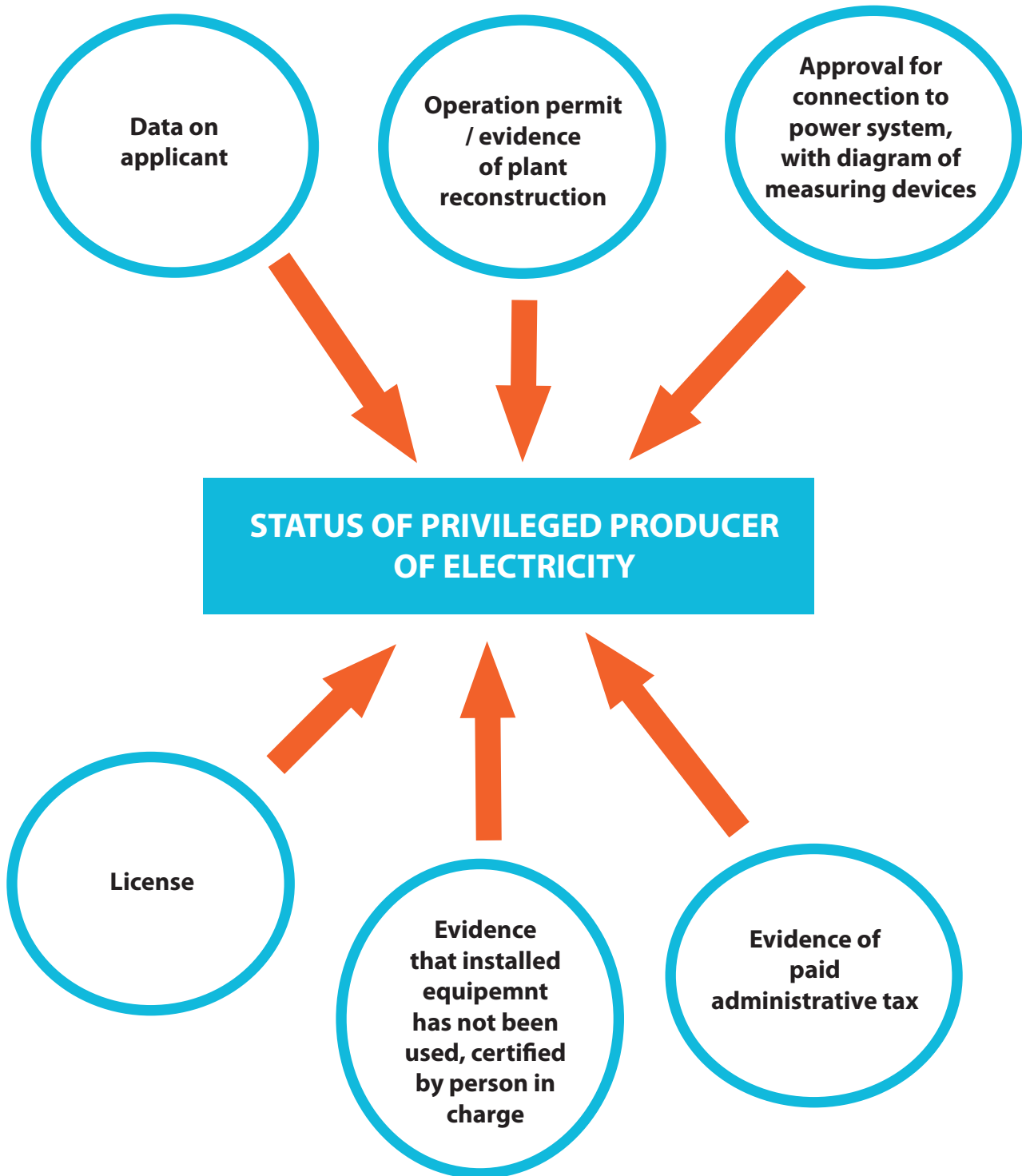


***Note:** for power plant of capacity exceeding 100 kW

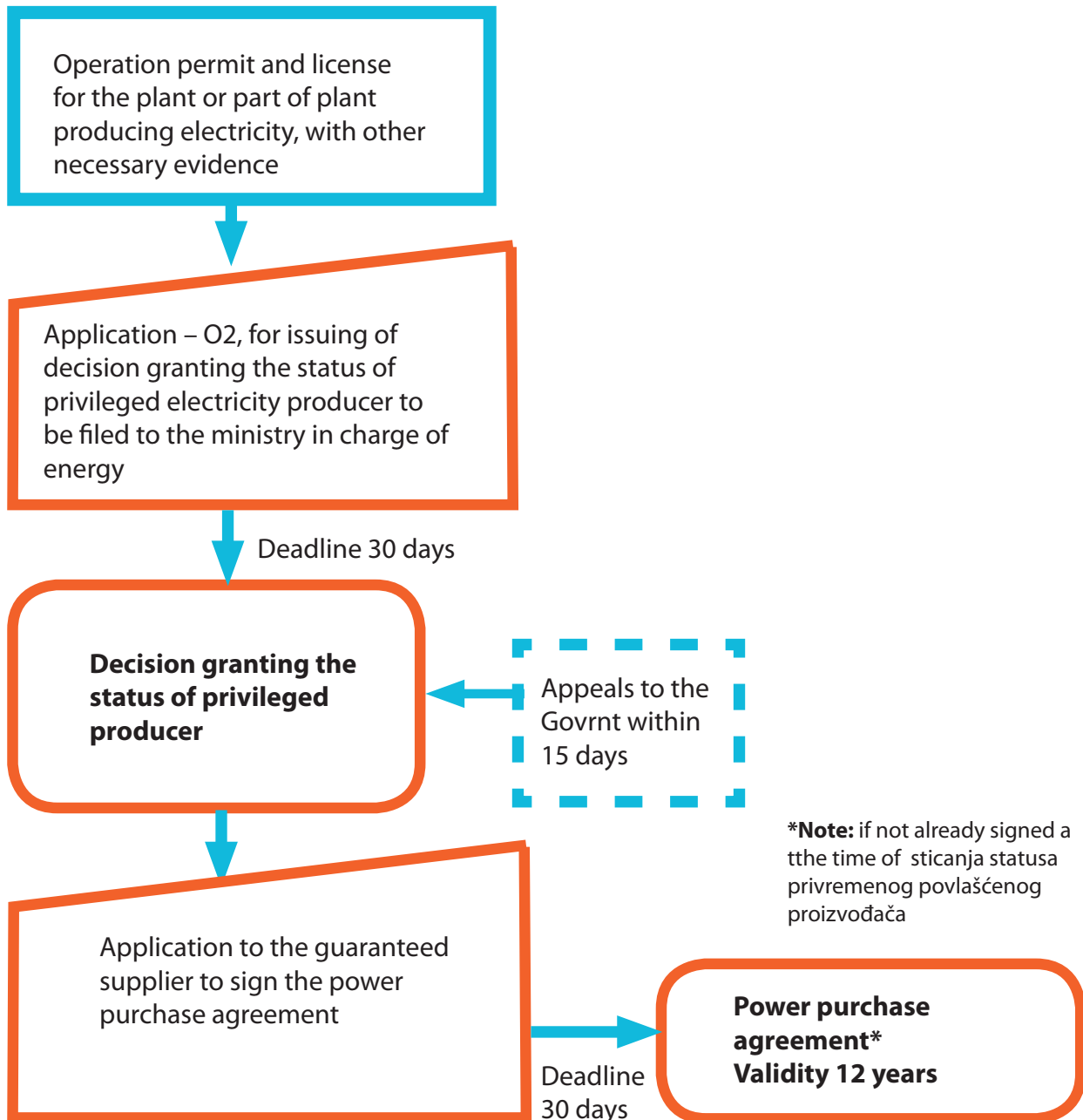
V-1,2 Acquiring the status of (preliminary)* and the status of privileged producer of electricity



V-2 Status of privileged producer of electricity



V-2 Acquiring the status of privileged producer of electricity



V- 3 Incentives

- **The privileged electricity producer and the preliminary privileged producer shall acquire the rights to incentives by signing the power purchase agreement with the guaranteed supplier.**
- **Incentives: 1) taking over the balancing obligation by the guaranteed supplier; 2) taking over the costs of balancing, by the guaranteed supplier; 3) incentives period lasting for 12 years; 4) free access to transmission/distribution system; 5) privileged feed-in tariffs.**

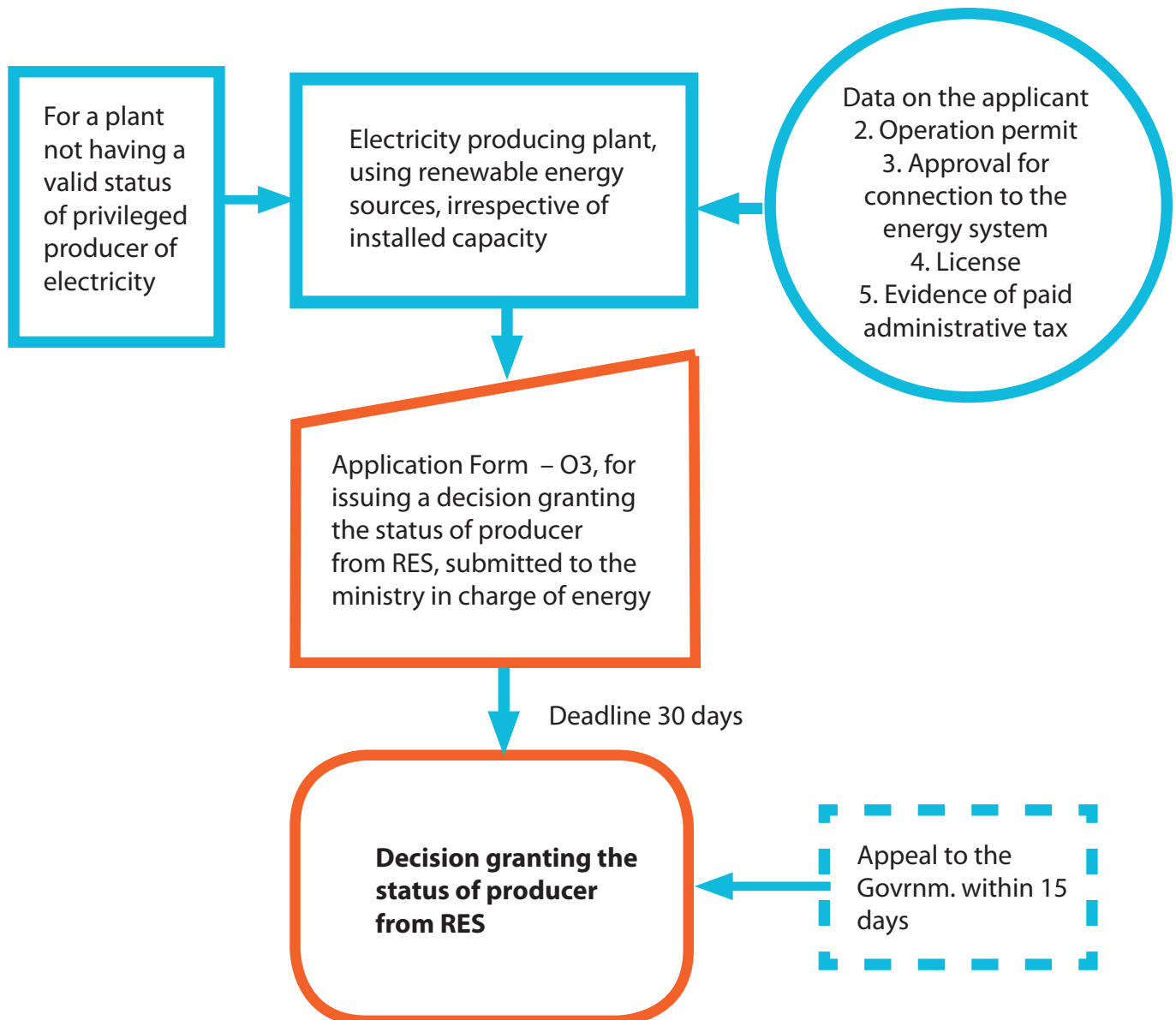
V- 3 Feed-in tariffs

- Feed-in tariffs for produced electricity are determined depending on the type and installed capacity of the plant, and the maximum effective operation time for the relevant type of plant.

Type of hydro power plant	Installed capacity P (MW)	Feed-in tariff (c€/kWh)	Maximum effective operation time (h)
New infrastructure	Up to 0.2	12.60	5000 per year of incentive period
	0.2 – 0.5	13.933 - 6.667* P	
	0.5 – 1	10.60	
	1 – 10	10.944 – 0.344* P	
	10 – 30	7.50	
On an existing infrastructure	Up to 30	6.0	

- The maximum produced electricity which can be purchased at incentive feed-in tariffs is calculated as $E_{el\ max} = P * t_{\ max}$, where: $E_{el\ max}$ – maximum produced electricity for which the privileged producer is entitled to incentive feed-in tariffs by the guaranteed supplier at tariffs stated in the above table, expressed in kWh; P – installed capacity of the plant or part thereof, expressed as kW; $t_{\ max}$ – maximum effective time of operation as stated in the table, expressed in h.
- Until the expiration of each year of the incentive period, the additional produced electricity above the maximum produced electricity, shall be purchased by the guaranteed supplier at the price equivalent to 35% of the feed-in tariff. The privileged producer of electricity for reconstructed plants is entitled to the right to feed-in tariffs equivalent to 70% of the amount stated in the table. The preliminary privileged producer since the beginning of the incentive period exercises the right to feed-in tariffs equivalent to 50% of the value from the table.

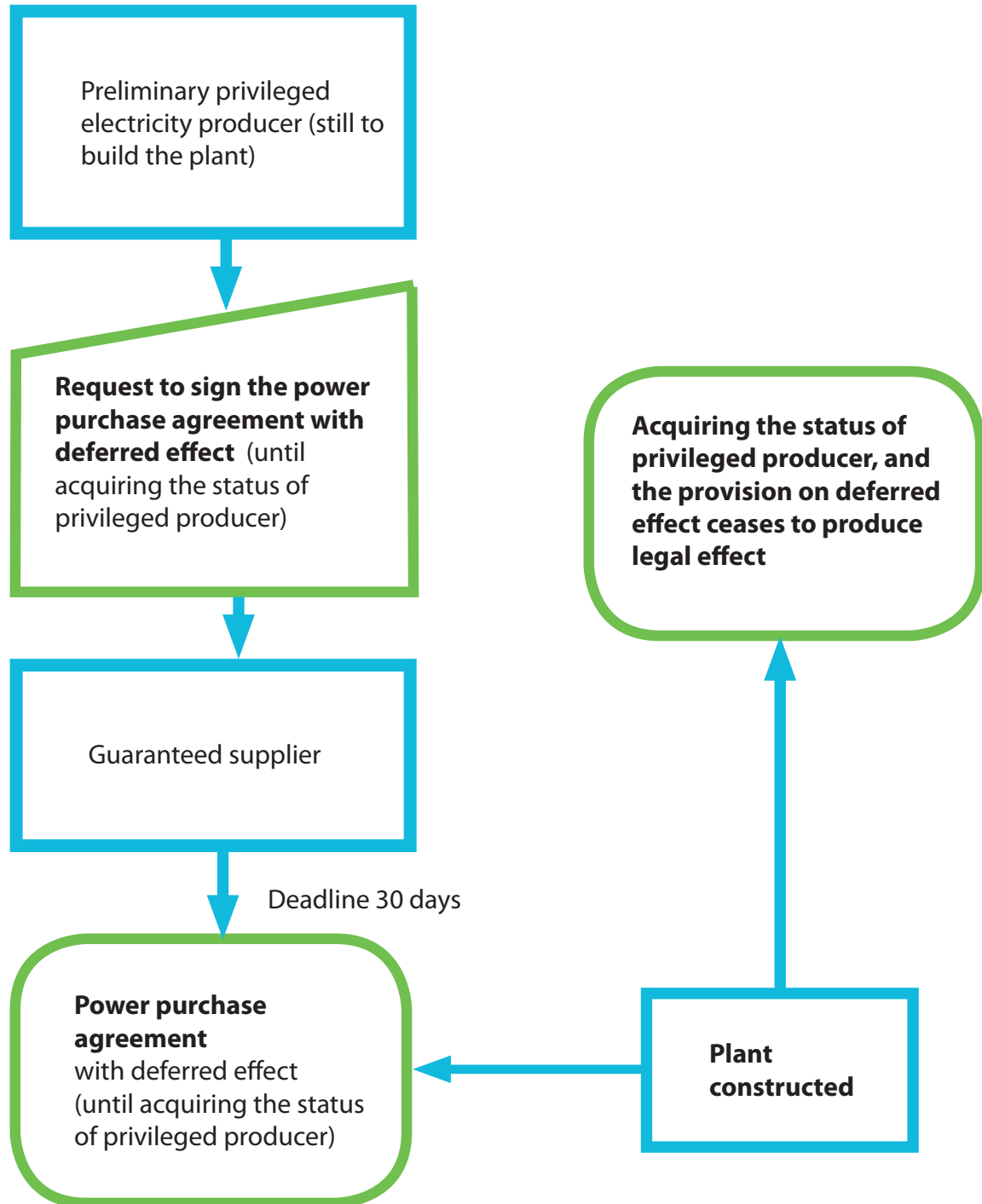
V-3 Acquiring the status of electricity producer from renewable energy sources



***Note:** exercising the prior right in taking over the total amount of produced electricity to the transmission and distribution system, except in cases when the safe operation of these plants is at risk

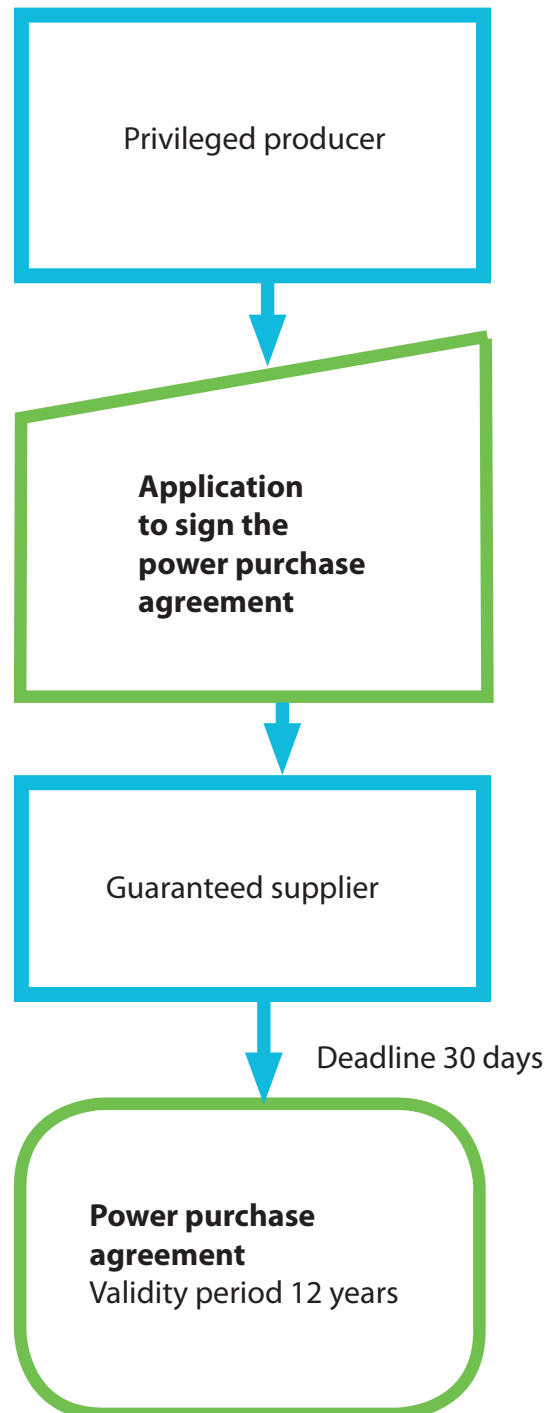
VI Production and sale of electricity

VI Power purchase agreement with deferred effect



Note: there are power purchase agreements signed before acquiring the status for the purpose of connection to the network

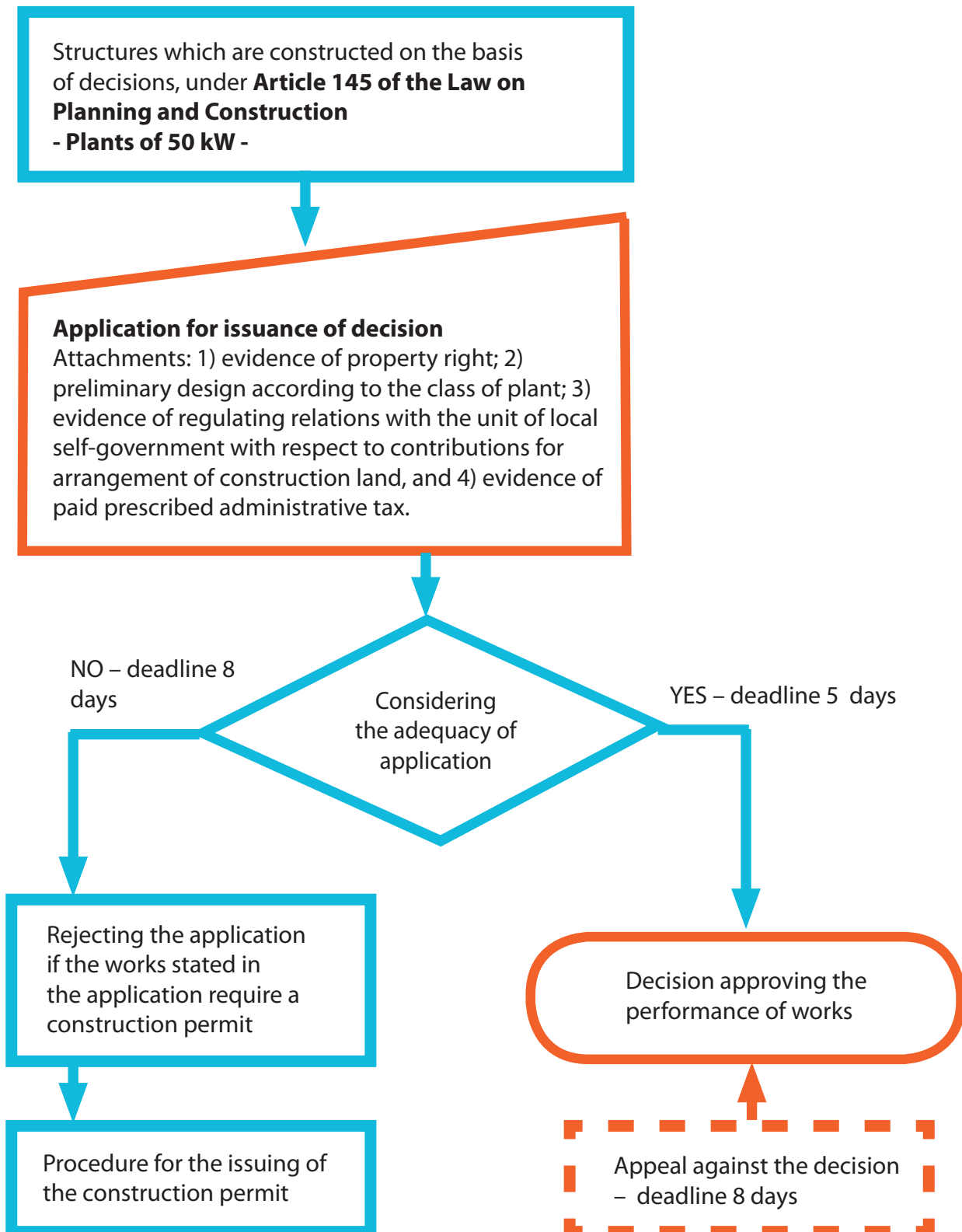
VI-2 Power purchase agreement with privileged electricity producer



Note: there are also cases of power purchase agreements before the acquiring of status in order to implement the connection to the network

VII Special procedures

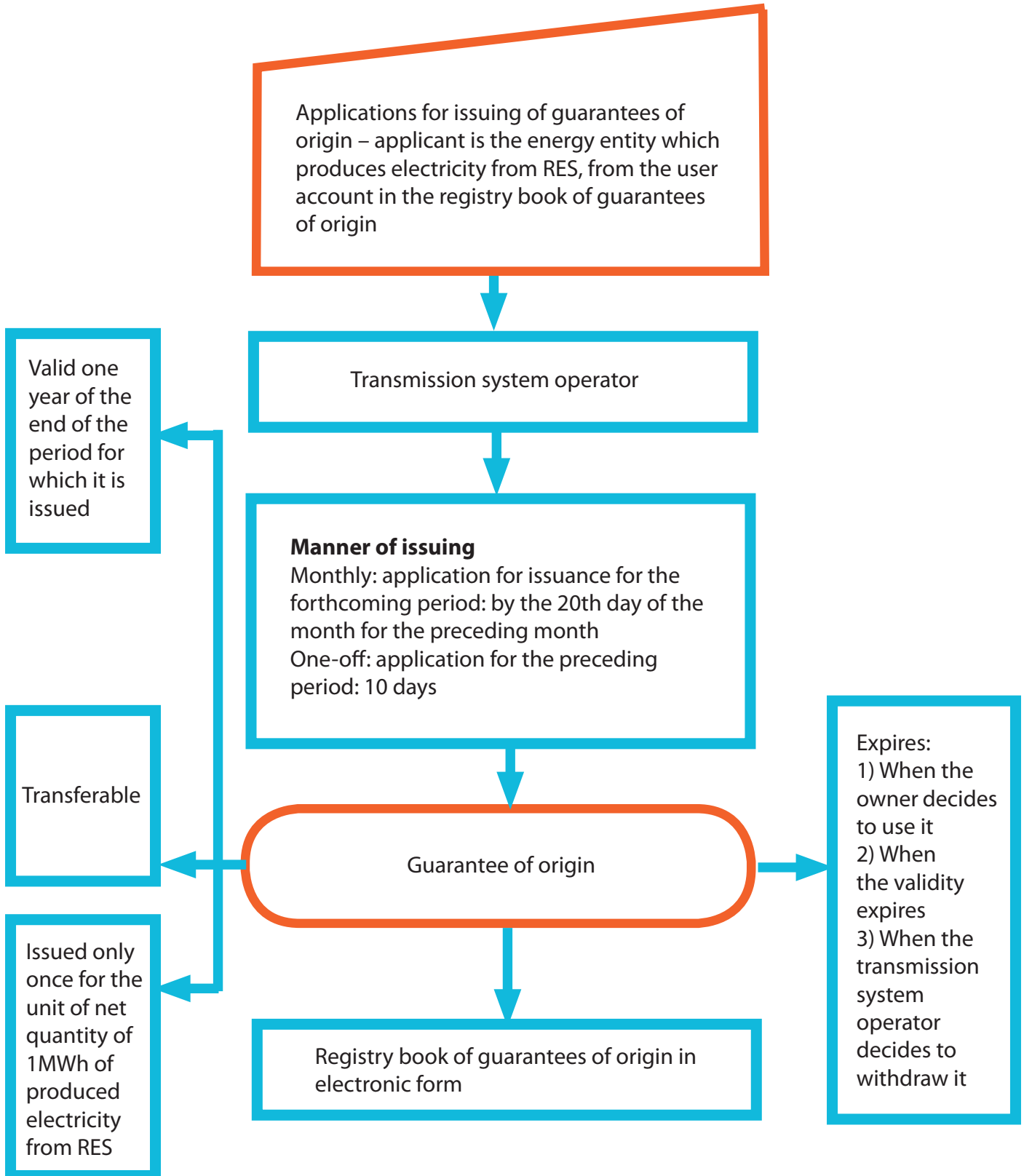
VII-1 The special case of plant construction



VII-2 Guarantee of origin

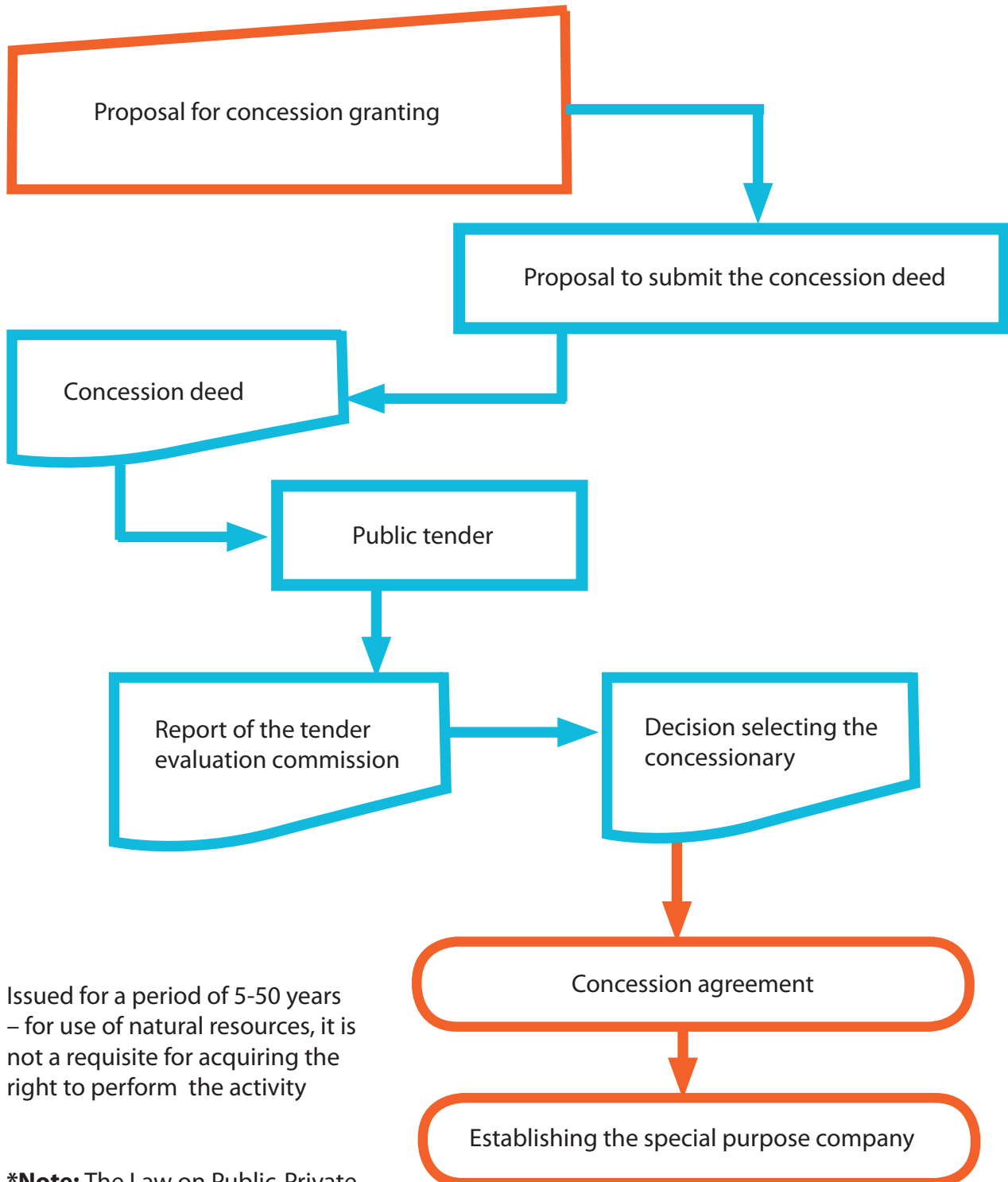
- **Document the exclusive function of which is to prove to the end buyer that the given share or quantity of energy has been generated from renewable energy sources, as well as from combined heat-and-power generation plants with a high efficiency coefficient of the primary energy.**
- **Guarantee is an electronic document**
- **Guarantees of origin issued in other states are valid under the conditions of reciprocity also in the Republic of Serbia and in line with ratified international agreements**
- **Only for electricity producers having the status of producer from renewable sources**

VII-2 Issuing of guarantees of origin



VII-3 Concession*

- for acquisition of right to use natural resources -



***Note:** The Law on Public-Private Partnership

VII-3 Concession

– contents of the concession agreement

- **Parties to the agreement, the scope of the concession, including description of structures, facilities, plants**
- **Duration of the concession and conditions on how this duration can be extended, duration of preparatory actions**
- **Distribution of risks between the private and public partner and the scope of exclusive rights of the private partner**
- **The amount of and the manner of ensuring guarantees for execution of obligations under the concession**
- **The conditions for performance of the concession activity and standards of products and services, technology transfer**
- **Concession fees (amount, deadlines, conditions and method of payment)**
- **Rights and obligations regarding the undertaking of measures for ensuring general safety, public health and environmental protection, as well as liability for compensation for damages caused by violating public safety and the environment**
- **The right to transfer the concession**
- **Time and manner of handing over the immovable property, structures, facilities and plants and the state in which they are to be handed over**
- **Condition for amendments or termination of agreement and their consequences, changed circumstances, or force majeure**
- **Resolution of disputes and applicable law**
- **Notification on execution of agreement, manner of exercising control and rights and obligations of parties to the agreement**
- **Other provisions mutually agreed between parties to the agreement**

Relevant Laws, Strategic Documents, Plans and Bylaws

Laws

1. The Energy Law, Official Gazette of RS No. 145/14
2. The Law on the Spatial Plan of the Republic of Serbia, Official Gazette of RS No. 88/10
3. The Law on Environmental Protection, Official Gazette of RS No. 135/04, 36/09, and 14/16
4. The Law on Integrated Pollution Prevention and Control, Official Gazette of RS No. 135/04 and 25/15
5. Law on Planning and Construction, Official Gazette of RS No. 72/09, 81/09, 64/10 – decision of the Constitutional Court 24/11, 121/12, 42/13 - decision of the Constitutional Court 50/13 - decision of the Constitutional Court 98/13 - decision of the Constitutional Court 132/14 and 145/14
6. The Law on Forests, Official Gazette of RS No. 30/10 and 93/12
7. The Law on Waters Official Gazette of RS No. 30/10 and 93/12
8. The Law on Nature Protection, Official Gazette of RS No. 36/09, 88/10, 91/10 and 14/16
9. The Law on Air Pollution, Official Gazette of RS No. 36/09 and 10/13
10. The Law on Environmental Impact Assessment, Official Gazette of RS No. 135/04 and 36/09
11. The Law on Strategic Environmental Impact Assessment, Official Gazette of RS No. 135/04 and 88/10
12. General Administrative Procedure Law, Official Gazette of RS No. 18/16
13. The Law on Public-Private Partnership and Concessions, Official Gazette of RS No. 88/11 and 15/16
14. The Law on Protection and Sustainable Use of Fish Fund, Official Gazette of RS, No. 128/14

Strategies and Plans

1. The Strategy of Development of the Energy Sector of the Republic of Serbia until 2025 with Projections until 2030, Official Gazette of RS No. 101/15
2. National Renewable Energy Action Plan of the Republic of Serbia, Official Gazette of RS No. 53/13

Decrees

1. The Decree on Requirements and Procedure for Acquiring the Status of Privileged Electricity Producer, Preliminary Privileged Electricity Producer and Electricity Producer from Renewable Energy Sources, Official Gazette of RS No. 56/16
2. The Decree on the List of Projects for which the Environmental Impact Assessment Is Mandatory and on the List of Projects for which the Environmental Impact Assessment May be Requested, Official Gazette of RS No. 114/08
3. The Decree on Protection Regimes, Official Gazette of RS No. 31/12

4. The Decree on Location Requirements, Official Gazette of RS No. 35/15
5. The Decree on Conditions of Supply and Procurement of Electricity, Official Gazette of RS No. 63/13
6. Decree on Incentive Measures for Production of Electricity from Renewable Energy Sources and from High-efficiency Combined Production of Electricity and Heat, Official Gazette of RS No. 56/16
7. Decree on Power Purchase Agreement, Official Gazette of RS No. 56/16
8. The Decree on Fees for Incentives for Privileged Electricity Producers, Official Gazette of RS No. 12/16
9. The Decree on the Amount of Special Fee for Incentives for the Year 2016, Official Gazette of RS No. 12/16

Bylaws

1. The Rulebook on Energy Permit, Official Gazette of RS No. 15/15
2. The Rulebook on Contents of Information on Location and on Contents of Location Permit, Official Gazette of RS No. 3/10
3. Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Structure, Official Gazette of RS No. 23/15
4. Rulebook on Classification of Structures, Official Gazette of RS No. 22/15
5. Rulebook on General Rules of Parcelization, Regulation and Construction, Official Gazette of RS No. 22/15
6. Rulebook on Contents and Form of the Application for Issuing Water acts and Contents of Opinion in the Procedure of Issuing Water acts, Official Gazette of RS No. 74/10, 116/12 and 58/14
7. Rulebook on Contents of the Application Concerning the Need for Impact Assessment and Contents of the Application for Determining Scope and Contents of the Environmental Impact Assessment Study, Official Gazette of RS No. 69/05
8. Rulebook on Contents of Environmental Impact Assessment Study, Official Gazette of RS No. 69/05
9. The Rulebook on the Content and Manner of Issuing the Construction Permit, Official Gazette of RS No. 93/11 and 103/13 – decision of the Constitutional Court
10. Rulebook on Closing and Marking of Closed Construction Site, Official Gazette of RS No. 22/15
11. Rulebook on Content and Manner of Technical Inspection of Structures, Composition of the Commission, Content of Proposed Decision of the Commission Regarding the Fitness of the Structure for Use, Surveillance of Soil during Construction and Use, and Minimum Guarantee Periods for Different Types of Structures, Official Gazette of RS No. 27/15
12. The Rulebook on Minimum Guarantee Periods for Different Types of Structures and Works, Official Gazette of RS No. 93/11
13. The Rulebook on Licenses for Performing Energy Activity and Certification, Official Gazette of RS No. 87/15
14. The Rulebook on Guarantees of Origin for Electricity Produced from Renewable Sources, Official Gazette of RS No. 24/14
15. Decision Determining the Methodology for Calculation of costs of Connection to the Electricity Transmission and Distribution System, Official Gazette of RS No. 109/15