



**ZAKON O ENERGETSKOJ EFIKASNOSTI I
RACIONALNOJ UPOTREBI ENERGIJE**

**LAW ON ENERGY EFFICIENCY AND
RATIONAL UTILIZATION OF ENERGY**

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UVODNE NAPOMENE

Zakon o energetskej efikasnosti i racionalnoj upotrebi energije (u daljem tekstu: „Zakon o energetskej efikasnosti“) je drugi novi zakon koji je donet energetskeg paketu zakona i koji zamenjuje Zakon o efikasnom korišćenju energije (“Sl. glasnik RS”, br. 25/2013).

Ciljevi za donošenje ovog zakona su predstavljeni prvenstveno kao ostvarivanje uštede energije kroz primenu različitih mera kojima se onemogućava rasipanje energije, zatim obezbeđivanje sigurnosti snabdevanja energije, smanjenje negativnog uticaja na životnu sredinu i sl.

FOREWORD

Law on Energy Efficiency and Rational Utilization of Energy (hereinafter referred to as: “Law on Energy Efficiency”) is the second new law adopted as a part of energy package laws and repeals Law on Efficiency Utilization of Energy (“Official gazette of the RS”, no. 25/2013).

Goals aimed to be achieved with this law are represented mainly as energy saving through application of various measures preventing waste of energy, providing security of energy supply, decreasing negative impact on environment etc.

ZAKON O ENERGETSKOJ EFIKASNOSTI I RACIONALNOJ UPOTREBI ENERGIJE

Radi ostvarivanja mera energetske efikasnosti, Zakon o energetskej efikasnosti je zadržao pojam energetskeg menadžmenta. Pod energetskeim menadžmentom se podrazumeva sistem u kome obveznici energetskeg menadžmenta (privredna društva i javna preduzeća koja obavljaju delatnosti proizvodnje, trgovine i pružanje usluga, pod uslovom da imaju veću potrošnju energije od propisane, kao i državni organi) su dužni da, između ostalog, prate svoju potrošnju energije, utvrđuju ciljeve energetske efikasnosti koje nameravaju da ostvare, sprovode mere energetske efikasnosti itd.

U ovom cilju obveznici energetskeg menadžmenta su u obavezi da donesu program energetske efikasnosti i plan energetske efikasnosti u kojima se na detaljan način određuju ciljevi energetske efikasnosti i načini njihovog ostvarivanja, kao i da podnose Ministarstvu rudarstva i energetike (u daljem tekstu: „Ministarstvo“) godišnji izveštaj o rezultatima sprovođenja programa. Obveznici energetskeg menadžmenta su radi donošenja i sprovođenja programa i plana dužni da angažuju i energetskeg menadžera koji može da bude njihov zaposleni ili lice koje nije radno angažovano kod njih. Ekonomičnosti radi, nije isključena mogućnost da jedan energetskei menadžer bude angažovan od strane više obveznika energetskeg menadžmenta.

LAW ON ENERGY EFFICIENCY AND RATIONAL UTILIZATION OF ENERGY

In order to achieve measures of energy efficiency, Law on Energy Efficiency keeps institute of energy management. Under energy management, it considers the system in which members thereto (companies and public companies performing activities of production, trade and services, provided that they consume more energy than prescribed limit, as well as state bodies) are obliged to, inter alia, monitor their energy consumption, determine goals of energy efficiency intended to be achieved, realize measures of energy efficiency etc.

In this sense, members of energy management are obliged to render energy efficiency program and energy efficiency plan in which goals of energy efficiency and manner of their realization will be set out in details, as well as to submit to the Ministry of Mining and Energy (hereinafter referred to as: “Ministry”) annual report on realization of the program. Members of energy management are obliged to engage energy manager in order to render and implement program and plan. Energy manager may be their employee or person not engaged by them. From the economic reason, option that the same energy manager is engaged by the several members of energy management is not excluded.

Posebno poglavlje je posvećeno unapređenju energetske efikasnosti javnih zgrada gde je ustanovljeno da zgrade u javnoj svojini koje koriste državni organi uprave sa korisnom površinom većom od 250m² moraju da imaju sertifikat o energetske svojstvima zgrade. Međutim ova obaveza mora da se ispuni tek od 01. januara 2025. godine. Određeno je i da zgrade centralne vlasti moraju da budu energetske sanirane, pri čemu će Vlada da napravi spisak zgrada koje moraju da prođu kroz sanaciju i odrediće godišnje koliko procentualno ovakvih zgrada mora da se sanira.

Kao i u Zakonu o efikasnom korišćenju energije, i u novom zakonu je predviđena obaveza investitora da nove zgrade opremi sa uređajima koji regulišu i mere količinu predate toplotne energije. Novina u odnosu na stari zakon jeste da ova obaveza postoji i kada se vrši detaljna energetska sanacija zgrada.

Novim zakonom je uvedena i obaveza da se u nestambenim zgradama sa sistemima grejanja, odnosno hlađenja sa efektivnom snagom većom od 290 kW ugradi sistem za automatsku regulaciju i upravljanje koji će omogućiti da se prati korišćenje energije i vrednovanje energetske efikasnosti, što do sada nije bio slučaj.

Stari Zakon o efikasnom korišćenju energije je predviđao ugovor o energetskej usluzi koja usluga je obuhvatala energetske pregled, projektovanje, građenje, rekonstrukciju, energetske sanaciju, održavanje objekata, kao i upravljanje i nadzor nad korišćenjem energije, dok je novim Zakonom o energetskej efikasnosti ova oblast detaljnije uređena i predviđaju se dve vrste ugovora o energetskej usluzi: i) ugovor o energetskej učinku, i ii) ugovor o efikasnoj isporuci energije. Pored ove dve vrste ugovora moguće je zaključiti i druge ugovore koje imaju za predmet povećanje energetske efikasnosti.

Special chapter is devoted to improvement of energy efficiency of public buildings, whereby it is prescribed that buildings in public property which are used by state bodies with the usable surface of more than 250m², must have certificate on energy characteristics. However, this obligation must be fulfilled from 01 January 2025. It is prescribed that buildings of central government must be energy remediated, whereby the Government shall draft the list of buildings needed to undergo remediation and shall determine percentage of buildings that must be remediated.

As in the Law on Efficiency Utilization of Energy, in the new law is envisaged the obligation of investor to equip new buildings with devices for regulation and measurement of quantity of heat energy. Novelty comparing to the previous law is that such obligation exists in case when performing detail energy remediation of building.

New law introduces obligation that non-residence buildings with the heating i.e., cooling systems with the effective power higher than 290 kW must have system for automatic regulation and management which will enable monitoring of energy utilization and valuing of energy efficiency, which was not the case until now.

Previous Law on Efficiency Utilization of Energy envisaged agreement on energy service encompassing services of energy inspection, projecting, construction, reconstruction, remediation, maintenance as well as management and supervision over utilization of energy, while the new Law on Energy Efficiency regulates this area in more details and envisages two kinds of agreement on energy service: i) agreement on energy performance, and ii) agreement on efficient deliverance of energy. Apart from those two agreements, it is possible to execute other agreements with a subject of improvement of energy efficiency.

Ugovor o energetsom učinku je ugovor između pružaoca energetske usluge kojim se pružalac obavezuje da sprovede mere energetske efikasnosti u cilju uštede energije i/ili vode dok se korisnik energetske usluge obavezuje da plati pružaocu uslugu naknadu za to iz sredstava koje je dobio uštedom potrošnje energije i/ili vode.

Ugovor o efikasnoj isporuci energije je ugovor kojim se pružalac energetske usluge obavezuje da sprovede aktivnosti usmerene ka efikasnoj isporuci energije uz smanjenje primarne energije i/ili smanjenje emisije CO₂, i za to ima pravo na naknadu.

Ustanovljena je i obaveza operatora prenosnog i distributivnog sistema električne energije, kao i operatora transportnog i distributivnog sistema za prirodni gas da prilikom zamene mernih uređaja, ugrađuju napredne merne sisteme koji pružaju veći nivo podataka od sadašnjih mernih uređaja, sve u cilju pružanja potpunih informacija kupcima radi praćenja potrošnje energije. Prilikom izgradnje novih energetske objekata ili njihove rekonstrukcije, neophodno je da se ispunjavaju minimalni zahtevi energetske efikasnosti.

U tom cilju, zajedno sa podnošenjem zahteva za dobijanje energetske dozvole (ili građevinske dozvole ukoliko energetska dozvola nije potrebna) neophodno je da se dostavi i elaborat o energetskej efikasnosti za taj energetski objekat kojim se dokazuje da će objekat ispunjavati propisane uslove energetske efikasnosti.

Novina u odnosu na stari Zakon o efikasnom korišćenju energije je da nakon izgradnje energetske objekta, u toku njegovog probnog rada investitor je dužan da izvrši termotehnička ispitivanja energetske objekta kako bi se utvrdilo da li izgrađeni objekat zaista i ispunjava uslove iz elaborata o energetskej efikasnosti.

Izveštaj o termotehničkim ispitivanjima se zatim prilaže prilikom podnošenja zahteva za dobijanje upotrebne dozvole.

Agreement on energy performance is agreement between provider of energy service, in which provider is obliged to perform measures of energy activity in order to save energy and/or water, while user of energy service is obliged to pay to the provider fee from the funds acquired by saving energy and/or water.

Agreement on efficient deliverance of energy is agreement in which provider of energy service is obliged to undertake activities aiming to efficient deliverance of energy with decrease of primarily energy and/or decrease of CO₂ emission, and has right to be compensated for it.

Obligation of operator of transmission and distribution system for electric energy, as well as operator of transmission and distribution system for natural gas is established i.e., to build in improved measurement devices when changing measurement devices, which devices are providing more data comparing to the current measurement devices, all in order to provide full information to the costumers so they can monitor energy consumption. When constructing new energy object or reconstructing it, it is necessary that minimal requirements of energy efficiency are met.

In this sense, along with the submission of request for obtaining energy approval (or construction permit in case energy permit is not mandatory) it is necessary to submit elaborate on energy efficiency for such energy object, proving that object meets prescribed requirements of energy efficiency.

Novelty, comparing to the old Law on Efficiency Utilization of Energy, is that after construction of energy object, during its probatory work, investor is obliged to conduct thermo-technical examination of energy object to determine whether constructed object meets requirements from the elaborate on energy efficiency.

Report on thermo-technical examination is submitted when applying for obtaining usage permit.

Ostala je i mogućnost da se za pravna i fizička lica koja proizvode i stavljaju u promet proizvode koji doprinose efikasnijem korišćenju energije mogu utvrditi poreske i carinske olakšice.

Jedna od većih novina koje se uvode jeste osnivanje Uprave za finansiranje i podsticanje energetske efikasnosti koja će se baviti poslovima finansiranja efikasnog korišćenja energije u šta, između ostalog, spada i priprema predloga godišnjeg programa finansiranja aktivnosti vezanih za energetske efikasnost, priprema predloga projekata energetske efikasnosti i realizacija projekata koji se finansiraju iz sredstava EU, sprovođenje aktivnosti dodele podsticaja, praćenje realizacije uštede energije i smanjenja emisija CO₂ i sl.

Takođe Zakon o energetskej efikasnosti je, za razliku od starog Zakona o efikasnom korišćenju energije, na mnogo detaljniji način predvideo podsticaje kod sprovođenja aktivnosti na poboljšanju energetske efikasnosti. Tako, sada se podsticaji dele na dve grupe:

1. nefinansijski i
2. finansijski.

Pod nefinansijskim podsticajima se podrazumeva pravo na garanciju porekla za električnu energiju (kod visokoefikasne kogeneracije električne i toplotne energije), prioritetni pristup prenosnom odnosno distributivnom sistemu, pravo na pojednostavljenu proceduru pristupa prenosnom odnosno distributivnom sistemu, uređivanje balansne odgovornosti i pravo na pristup bilo kom tržištu električne energije.

The possibility remains that for legal entities and individuals, who produce and put on market products contributing to efficient utilization of energy, tax and custom privileges may be determined.

One of the biggest introduced novelties is the establishment of Administration for finance and incentive of energy efficiency, which will perform activities in connection to the finance of efficient utilization of energy in which, inter alia, belongs preparation of proposal of annual program for financing of activities related to energy efficiency, preparation of proposal of energy efficiency projects and realization of projects which are financing from the EU funds, activity of granting incentives, monitoring realization of energy savings and decrease of CO2 emissions etc.

Also, Law on Energy Efficiency, contrary to the previous Law on Efficiency Utilization of Energy, in more detailed manner envisages incentives for activities on improvement of energy efficiency. Now, incentives are divided in two groups:

1. non-financial and
2. financial.

Under non-financial incentives are considered right on guarantee of origin for electric energy (from the highly effective cogeneration of electric and heat energy), priority access to the transmission i.e., distribution system, right on simplified procedure of access to the transmission i.e., distribution system, regulation of balancing responsibility and right to access any electric energy market.

Druga vrsta podsticaja za proizvodnju električne energije iz OIE jesu feed-in tarife koje su i do sada postojale u našem zakonodavstvu. Zakon o energetici je propisivao osnov za uvođenje feed-in tarifa, dok je Vlada uredbama određivala uslove za sticanje statusa povlašćenog proizvođača električne energije, kao i sam sistem podsticaja za povlašćene proizvođače električne energije.

Finansijski podsticaji podrazumevaju, kao i u Zakonu o upotrebi obnovljivih izvora energije, pravo na feed-in tarifu i pravo na tržištu premiju.

Pravo na feed-in tarifu imaju proizvođači električne energije u maloj i mikro kogeneraciji. Sam način, uslove i proceduru sticanja statusa privremenog povlašćenog i povlašćenog proizvođača električne energije Vlada će naknadno odrediti podzakonskim aktom.

Po dobijanju statusa privremenog povlašćenog proizvođača električne energije, zaključuje se ugovor o feed-in tarifi sa garantovanim snabdevačem koji na mesečnom nivou isplaćuje feed-in tarifu. Iznos feed-in tarife se ne određuje putem aukcije kao što je to slučaj kod OIE, već Agencija za energetiku donosi posebnu metodologiju na osnovu koje se određuju feed-in tarife.

Pravo na tržišnu premiju imaju proizvođači u visokoefikasnoj kogeneraciji instalisane snage od 500 kWe do 10 MWe. Tržišna premija se dodeljuje u postupku aukcije, koje se sprovode na način kako je opisano i za OIE, odnosno Vlada propisuje maksimalan iznos tržišne premije iznad kog ponuđači ne mogu da idu, a ponuđači licitiraju sa najnižom tržišnom premijom. Vlada propisuje i raspoložive kvote za kapacitete kojima će biti dodeljene tržišne premije. Po dobijanju statusa privremenog povlašćenog proizvođača električne energije, zaključuje se ugovor o tržišnoj premiji sa garantovanim snabdevačem koji na mesečnom nivou isplaćuje tržišnu premiju.

Podsticajni period i za feed-in tarifu i za tržišnu premiju iznosi dvanaest godina.

Second kind of incentives for production of electric energy from RES are feed-in tariffs, which already exist in our legislation. Energy law represented the basis for feed-in tariffs, while the Government determined conditions for acquiring status of privileged producer of electric energy by regulations, as well as the system of incentives for privileged producers of electric energy.

Financial incentives are considered, as in the Law on Utilization of Renewable Energy Resources, right on feed-in tariff and right on market premium.

Right on feed-in tariff have producers of electric energy in small and micro cogeneration. Manner, conditions and procedure of acquiring status of temporary privileged and privileged producer of electric energy, the Government will regulate with a bylaw.

Upon acquiring status of temporary privileged producer of electric energy, agreement on feed-in tariff is concluded with the guaranteed supplier who, on a monthly basis, pays feed-in tariff. Amount of feed-in tariff is not determined on auctions, as it is the case with renewable energy resources, but Energy Agency renders special methodology on the basis of which feed-in tariff will be determined.

Producers in highly effective cogeneration with installed power from 500 kWe to 10 MWe, have the right on market premium. Market premium will be granted on auctions, which are conducted in a same manner as for the renewable energy resources, i.e., Government prescribes maximum amount of market premium above which bidders cannot bid, and then they bid for the lowest market premium. Government prescribes available quotas for capacities for which market premium will be granted. Upon obtaining status of temporary privileged producer of electric energy, agreement on market premium is executed with guaranteed supplier who pays market premium on a monthly basis.

Incentive period for feed-in tariff as well as for market premium is twelve years.

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