

THE CROATIAN PARLIAMENT

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Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass the following

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE ELECTRICITY MARKET ACT

I hereby promulgate the Act on Amendments to the Electricity Market Act, passed by the Croatian Parliament at its session on 15th December 2008.

Classification: 011-01/08-01/198

Reg. No: 71-05-03/1-08-2

Zagreb, 18th December 2008

President of the Republic of Croatia

Stjepan Mesić, m.p.

THE ACT

ON AMENDMENTS TO THE ELECTRICITY MARKET ACT

Article 1

In the Electricity Market Act (Official Gazette no. 177/04 and 76/07) in Article 2, Paragraph 2, after item 11, a new item 12 is added to read:

“12, electricity trader – energy undertakings that buy and sell electricity, excluding to sell electricity to the customer,”

Former items 12 and 13 therefore shall become items 13 and 14.

Article 2

In Article 3, Paragraph 2, Subparagraph 3 is amended to read:

“– electricity trading.”

Article 3

In Article 15, Paragraph 1, Subparagraph 7, the following words are deleted: “those shall be passed in cooperation with the market operator,”

After Paragraph 3, Paragraph 4 is added to read:

“(4) The transmission system operator issues the Rules on Balancing the Electric Power System with the previous approval of the electricity market operator and the Agency.”

Article 4

In Article 16, Paragraph 2 is added to read:

“(2) The transmission system operator issues the Rules on Allocation and Use of Cross-Border Transmission Capacities with the previous approval of the Agency.”

Article 5

In Article 20, Paragraph 2 is amended to read:

“(2) If the transmission system operator or distribution system operator do not comply with the complaints in particular concerning rejection of a connection to the transmission or distribution grid, conditions for connection to the transmission or distribution grid; determining tariffs for connections, increasing connection power to the transmission or distribution grid and determining the price of balancing energy; they must refer the matter for further procedure to the Agency.”

Article 6

In Article 26, Paragraph 3, after the words: “electricity supply of tariff customers”, the words: “in a regulated manner and at a regulated price”, are added.

In Article 26, Paragraph 5, the word: “end” is deleted.

After Paragraph 6, Paragraph 7 is added to read:

“(7) An energy undertaking that performs the activity of distribution system operator in addition to performing the activity of the distribution system operator is as well as responsible performing the activity of tariff customers’ supply.”

Article 7

In Article 27, Paragraph 1, after the words: “supplier”, the words: “tariff customers” are added and the words: “and small customers” are deleted.

Article 8

Article 28 is amended to read:

“(1) The supplier of tariff customers concludes a contract of supply or a contract of supply and use of the transmission and/or distribution grid with electricity tariff customers.

(2) An eligible customer and the supplier that he freely chooses, conclude a contract for the supply of electricity and freely contract the quantity and price of electricity.

(3) The use of the grid, customers contract with the transmission system operator or with the distribution system operator.

(4) Customers must pay the price for using the transmission and/or distribution grid as well as any fee prescribed by the law.

(5) Energy undertakings referred to in Paragraphs 1, 2 and 3 of this Article, are obliged to submit the information in connection with the contract of supply with the exception of commercial data or information in the contract referring to the use of the grid at the request of the electricity market operator.”

Article 9

In Article 30, Paragraph 1, Subparagraph 1, the word: “all” is deleted.

Subparagraph 3 is amended to read:

“– preparation of a market plan and harmonising with allocated cross-border capacities,”

In Subparagraph 5, the word: “supplier” is replaced by words: “undertakings at the electricity market”.

Article 10

Article 32, is amended to read:

“(1) After acquiring the status, the eligible customer needs to choose its supplier within six months, and during that period is entitled to electricity supply from the supplier of tariff customers.

(2) The eligible customer of the household category, who does not want to use his eligible customer right or fails to find the supplier, is entitled to use electricity supply of the tariff customer’s supplier.

(3) An eligible customer whose supplier stops working must find a new supplier within 30 days and during that period is entitled to electricity supply of the tariff customers’ supplier.

(4) An eligible customer left without a supplier or whose supplier stopped working, but within the period referred to in Paragraphs 1 and 3 of this Article has not found a new supplier, shall pay for electricity supply at the price for balancing energy calculated for eligible customers who have not found a supplier.”

Article 11

In Article 33, Paragraph 1 is amended to read:

“(1) Tariff customers are supplied with electricity by the tariff customers’ supplier at the price of the Tariff System for Electricity Generation, with the Exception of Eligible Customers, without the Amounts of Tariff Items or at the price of electricity from public tendering and Tariff System for Electricity Supply, with the Exception of Eligible Customers, without the Amounts of Tariff Items”.

Article 12

Article 34 is amended to read:

“When the openness of the electricity market in the Republic of Croatia is lower than the openness of the electricity market in other countries, the transmission system operator may, taking into account the situation at the electricity market and general interest, approve the access to the grid to undertakings at the electricity market in the Republic of Croatia to supply customers in the country with greater openness of the electricity market at the request of that country, but only with the prior approval of the Agency.”

Article 13

In Article 35, after the word: “interconnections”, a comma is added and the words: “as well as the transmission grid as a whole” are added.

Article 14

In Article 38, Paragraph 1, Subparagraph 18 is amended to read:

“– does not submit information to the electricity market operator at his request (Article 28, Paragraph 5),”

Article 15

In the entire text of the Electricity Market Act (Official Gazette no. 177/04 and 76/07) before the words: “market operator”, the word: “electricity” is added.

Article 16

(1) Small customers must choose a supplier and conclude a contract of supply by 30th June 2009 and in that period are entitled to electricity supply from the tariff customers’ supplier.

(2) Small customers who have not found a new supplier within the period referred to in Paragraph 1 of this Article shall pay the price of balancing electricity calculated for electricity for eligible customers who have not found a supplier.

Article 17

(1) By 1st January 2011 suppliers for tariff customers are obliged to supply electricity to eligible customers referred to in Article 32, Paragraphs 2 and 3 of this Act at the price in the Tariff System for Electricity Generation, with the Exception of Eligible Customers, without the Amounts of Tariff Items and Tariff System for Electricity Supply, with the Exception of Eligible Customers, without the Amounts of Tariff Items.

(2) After the expiry of the period referred to in Paragraph 1 of this Article, the tariff customers' supplier supplies with electricity eligible customers referred to in Article 32, Paragraphs 2 and 3 of this Act at the price for electricity in public tendering invited by the Agency every five years and selecting the most favourable energy undertaking that ensures electricity supply of tariff customers for the electricity supply of eligible customers, and Tariff System for Electricity Supply, with the Exception of Eligible Customers, without the Amounts of Tariff Items.

(3) A tariff customers' supplier supplies electricity to eligible customers referred to in Article 32, Paragraphs 2 and 3 of this Act at the price in the Tariff System for Electricity Generation, with the Exception of Eligible Customers, without the Amounts of Tariff Items and Tariff System for Electricity Supply, with the Exception of Eligible Customers, without the Amounts of Tariff Items until the beginning of the implementation the contract on public procurement of electricity concluded between the tariff customers' supplier and energy undertaking chosen as the most favourable in the public tendering procedure.

Article 18

This Act shall enter into force on the eight day of its publication in the Official Gazette.

Classification: 310-02/08-01/04

Zagreb, 15th December 2008

THE CROATIAN PARLIAMENT

The President of the Croatian Parliament

Luka Bebić, m.p.