

CROATIAN PARLIAMENT

2401

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

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 6 July 2007.

Class: 011-01/07-01/69

Reg. No.: 71-05-03/1-07-2

Zagreb, 13 July 2007

The President of the Republic of Croatia
Stjepan Mesić, m.p.

ACT

ON AMENDMENTS TO THE ELECTRICITY MARKET ACT

Article 1

In the Electricity Market Act (Official Gazette 177/04), in Article 2 paragraph 2 after item 12, a new item 13 is added and reads:

„13. high-efficiency cogeneration – cogeneration based on the consumption of useful heat and primary energy savings.“

Article 2

In Article 4, the words: „energy undertakings that have licenses for carrying out energy activities“ are replaced by the words: „legal or natural persons“.

Article 3

In Article 8 paragraph 1, the words: „An energy undertaking that“ are replaced by the words: „An energy undertaking or any other legal or natural person that“, and the word: „heat“ is followed by the words: „in a highly efficient manner“.

Paragraph 2 is amended to read:

„(2) The status of eligible producer of electricity shall be acquired on the basis of a decision to be issued by the Agency in accordance with the requirements prescribed by the minister in the Ordinance on acquiring the status of eligible producer of electricity.“

After paragraph 2, a new paragraph 3 is added and reads:

“(3) Prior to acquiring the status of eligible producer of electricity, the energy undertaking or any other legal or natural person referred to in paragraph 1 of this Article shall obtain from the Agency a prior decision on acquiring the status of eligible producer of electricity, in line with the conditions prescribed in the Ordinance referred to in paragraph 2 of this Article.”

The former paragraph 3 becomes paragraph 4.

In the former paragraph 4, which becomes paragraph 5, the word: “incentivizing” is followed by the words: “energy production from”.

The former paragraphs 5 and 6 become paragraphs 6 and 7.

Article 4

Article 9 is amended to read:

„(1) Legal or natural persons may construct facilities for electricity generation (hereinafter referred to as: generation facilities), provided the generation facilities planned to be constructed comply with the criteria defined in the procedure for issuing energy approvals for the construction of generation facilities, prescribed by this Act.

(2) The procedure for issuing energy approvals for the construction of generation facilities shall be based on the principles of objectivity, transparency and non-discrimination, so as to secure the following:

- reliability and safety of the electric power system,
- protection of public health and safety,
- environmental protection criteria and securing permanent environmental impact control,
- use of land and location,
- use of public land,
- energy efficiency,
- type of primary energy,
- technical, economic and financial capabilities of the applicant.

(3) The manner of implementing the principles and criteria referred to in paragraphs 1 and 2 of this Article shall be prescribed by the Government of the Republic of Croatia, upon the proposal of the Ministry, and subject to prior opinion of the Agency.

(4) Apart from the principles and criteria referred to in paragraphs 1 and 2 of this Article, the generation facilities using renewable energy sources and high-efficiency cogeneration shall also comply with special principles and criteria, which shall be determined by the Ordinance on the use of renewable energy sources and cogeneration.

(5) The Ordinance referred to in paragraph 4 of this Article shall also regulate the procedure of issuing an energy approval for the construction of generation facilities which use renewable energy sources and high-efficiency cogeneration.

(6) The energy approval referred to in paragraphs 1 and 5 of this Article shall be issued by the Ministry.

(7) A party that was not approved the construction of the generation facilities referred to in paragraphs 1 and 5 of this Article may file an appeal to the Ministry.

(8) The decision of the Ministry, referred to in paragraph 7 of this Article, shall be final.”

Article 5

In Article 30 paragraph 1, subparagraph 5 is hereby deleted.

The former subparagraphs 6 to 10 become subparagraphs 5 to 9.

The former subparagraph 11 is hereby deleted.

The former subparagraph 12 becomes subparagraph 10.

Article 6

In Article 37 subparagraph 2, the words: „if the“ are followed by the word: „energy“.

Article 7

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

Class: 310-02/07-01/03
Zagreb, 6 July 2007

THE CROATIAN PARLIAMENT
The President of the Croatian Parliament
Vladimir Šeks, m.p.

NON-BINDING UNOFFICIAL TRANSLATION