

Pursuant to Article 19, paragraph 1 of the Law on the Government of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, No. 1/94, 8/95, 58/02, 19/03, 2/06 and 8/06) and Article 22, paragraph 2 of the Law on the Use of Renewable Energy Sources and Efficient Cogeneration (Official Gazette of the Federation of BiH, No. 70/13 and 5/14), at the proposal of the FBiH Minister of Energy, Mining and Industry, the Government of the Federation of Bosnia and Herzegovina, at the 118th session held on 5 June 2014, issues

DECREE
ON ENCOURAGING THE PRODUCTION OF ELECTRICITY
FROM RENEWABLE ENERGY SOURCES AND
EFFICIENT COGENERATION AND DETERMINING INCENTIVE FEES
(Official Gazette of the Federation of BiH, No. 48/14)

I. SUBJECT-MATTER OF THE DECREE

Article 1
(Scope)

This Decree regulates:

- a) the manner of determining and collecting the incentive fees from the end customers of electricity,
- b) the manner of distribution of collected funds based on the incentive fee for privileged producers of electricity,
- c) the criteria in terms of size of individual plants for each technology which may have the status of privileged producer and the precise definition of the term “plant” for different technologies of use of RES and EC (renewable energy sources and efficient cogeneration),
- d) the maximum time of construction of plant and its connection to the network, during which the investor shall be guaranteed the status of potential privileged producer, in accordance with APREF (Action Plan for the use of renewable energy sources of the Federation of Bosnia and Herzegovina) for each of the technologies defined in Article 3, paragraph (1), item y) of the Law on RESEC,
- e) the plan of collecting the incentive fee for the use of RES and EC for the period of 10 years in accordance with dynamic quotas under Article 5, 18 and 19 of the Law on RES and EC and guaranteed prices.

Article 2
(Definitions)

Definitions of terms used in this Decree shall have the meanings determined in the Law on RES and EC and the Law on Electricity in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, No. 66/13).

II. DETERMINATION AND COLLECTION OF INCENTIVE FEES

Article 6
(Calculation of the amount of incentive fee)

- (1) The funds for encouraging the production of electricity from renewable sources and efficient cogeneration (hereinafter referred to as the production from RES and EC) are provided from the fees for encouragement of production from RES (hereinafter referred to as incentive fee) which is charged by all end customers of electricity in the Federation of Bosnia and Herzegovina (hereinafter: Federation).

- (2) All end customers of electricity in the Federation shall pay incentive fee in accordance with the Law on RES and EC.
- (3) The supplier of electricity to end customers with shall specify the unit amount and the total amount of the incentive for in the separate item of the invoice issued to the user based on the supplied and sold electricity purchasers shall be obliged to indicate the unit amount and the amount of the total incentive fee in the account that is delivered to the buyer on the basis of the supplied and sold electricity, as a separate item.
- (4) The total amount of the incentive fee paid by the end customer shall be the product of the unit amount of the fee in BAM/kWh and the total measured consumption of active electricity of the end customer in the calculation period expressed in kWh and calculated according to the formula:

$$N_{kk} = JN \times E_{kk}$$

Where:

JN – unit amount of the incentive fee expressed in BAM/kWh

E_{kk} – measured consumption of active electricity of the end customer in the calculation period expressed in kWh.

- (5) The supplier of electricity to customers with shall transfer funds collected/charged based on the incentive fee to the account of the Operator for Renewable Energy Sources and Efficient Cogeneration in accordance with the contract, which regulates in detail all mutual rights and obligations (hereinafter referred to as the Operator for RES and EC).
- (6) Qualified customers that independently purchase the electricity for their own needs from the imports shall pay the incentive fee in accordance with paragraph (4) of this Article and transfer funds to the account of the Operator for RES and EC in accordance with the contract regulating in detail all mutual rights and obligations, while a qualified customer that is supplied by a supplier that has **operating license** valid in the territory of Bosnia and Herzegovina shall pay the incentive fee through the supplier.

Article 4

(Determination of the necessary amount of incentive fee)

- (1) The amount of the fee necessary for incentives NP and the unit amount JN referred to in Article 3, paragraph (4) of this Decree, shall be determined by the decision of the Government of Bosnia and Herzegovina (hereinafter: the Government of the Federation at the proposal of the FBiH Ministry of Energy, Mining and Industry (hereinafter: the Ministry), for each subsequent year,
- (2) The Government of the Federation shall adopt the decision referred to in paragraph (1) of this Article on the basis of:
 - a) determined guaranteed purchase prices,
 - b) determined reference price,
 - c) planned and approved costs of operation of the Operator for RES and EC,
 - d) planned costs of balancing,
 - e) planned production from renewable sources and in efficient cogeneration complied with APREF,
 - f) planned net electricity consumption in the Federation,
 - g) balance of the total funds collected through the incentive fee and the paid funds for incentives in the previous year.
- (3) The amount of the fee necessary for incentives NP expressed in BAM and the unit amount of fee JN expressed in BAM/kWh referred to in paragraph (1) of this Article shall be determined as follows:

$$NP_n = SP_n + TOP_n + TB_n \pm \Delta SPI_{n-1} \quad (i)$$

$$JN_n = NP_n / Netop_{een} \quad (ii)$$

where is:

SP_n the total amount of funds expressed in BAM necessary for payment of the incentive part from the guaranteed price for electricity produced by the privileged producers in the n year,

TB_n related balancing costs (balancing of deviations in the values of planned and produced electricity from the plants of RES and EC expressed in BAM,

TOP_n costs of operation of the Operator for RES and EC expressed in BAM,

$\Delta SPI_{n-1} \pm$ balance of total funds collected through the fee and paid funds for incentives in the previous year,

N year for which the incentive fee is determined,

JN_n unit amount of fee,

$NetoP_{een}$ planned net electricity consumption in the Federation.

- (4) The Operator for RES and EC shall, as of 30 November, make a calculation and submit to the Ministry:
- estimate of the total funds necessary the payment of the incentive part from the guaranteed price for electricity produced by the privileged producers, that is, the calculation of the estimate costs necessary for the system of encouraging the production of privileged producers for the year in advance (SP) expressed in BAM,
 - estimate of the costs of operation of the Operator for RES and EC (TOP) expressed in BAM,
 - estimate of balancing cost (TB) expressed in BAM, and
 - estimate of the balance of the total collected and paid funds from the incentive fee ΔSPI in the previous year.
- (5) The Operator for RES and EC shall, by 30 November each year, submit to the Ministry the information on:
- total electricity supplied and sold to the customers in the Federation in the previous 12 months,
 - total monetary funds invoiced/charged based on the incentive fee to the customers in the Federation in the previous 12 months,
 - total electricity purchased from each category of privileged producers in the Federation in the previous 12 months;
 - total monetary amounts invoiced/charged from each category of privileged producers for delivered and sold electricity in the Federation in the previous 12 months,
 - the total monetary assets which ate invoiced/charged for balancing of the balance group to the Operator for RES and EC by independent system operator or another fully accountable market participant that has concluded a contract on transfer of balance responsibility with the Operator for RES and EC, in the previous 12 months.
- (6) In accordance with this Decree, the unit fees (JN) referred to in paragraph (3) of this Article, which are determined differently for categories of consumption and which are applicable during 2014 and 2015, amount as follows:
- 0.001 BAM/kWh for the category of customers at the voltage level of 0.4 kV,
 - 0.001 BAM/kWh for the category of customers public lighting,
 - 0.0008 BAM/kWh for the category of customers at the voltage level of 10 kV,

- d) 0.0007 BAM/kWh for the category of customers at the voltage level of 35 kV,
- e) 0.0005 BAM/kWh for the category of customers at the voltage level of 110 kV and more.

Article 5

(Estimation of annual costs for the system of encouraging the production of privileged and potentially privileged producers)

The amount of total funds (*SP*) necessary for the system of encouraging the production of all privileged producers in the following year, including also the costs of encouraging potential privileged producers whose production is planned in the next year, shall be calculated according to the following formula:

$$SP = \sum_p (E_p * (GC_p - RC_p)) + \sum_q (E_q * (GC_q - RC_q)) \quad (iii)$$

Where:

- P* means a privileged producer registered in the database of the Operator for RES and EC with the contract on purchase of electricity, valid for the year in advance
- Q* means a potential privileged producer registered in the database of the Operator for RES and EC with the pre-contract for purchase of electricity, valid for the year in advance
- E* means the electricity expressed in MWh expected to be delivered by the privileged producer "p" or the potential privileged producer "q" (where E_q is compiled with the expected number of months in the year for which the production is expected)
- GC* means the guaranteed purchase price expressed in BAM/MWh which is paid to a privileged producer or which will be paid to a potential privileged producer after it acquires the status of a privileged producer in accordance with the contract/pre-contract on purchase of electricity concluded with the Operator for RES and EC
- RC* indicates the Reference price for the year in advance determined by the Regulatory Commission
- SP* means the calculated total cost for the system of encouraging the production of privileged and potentially privileged producers for the year in advance.

Article 6

(Calculation of operating costs of the Operator for RES and EC)

- (1) The estimate of the annual costs of operation and administration of the Operator for RES and EC (TOP), which is published, in accordance with Article 10 of the Law on RES and EC, shall be an estimate of the necessary funds for operation and administration for the current and next year.
- (2) The Ministry shall conduct an analysis of the cost estimate referred to in paragraph (1) of this Article and determine the amount of necessary funds.
- (3) At the proposal of the Ministry, the Government of the Federation shall approve by the decision the amount of funds referred to in paragraph (2) of this Article.
- (4) The decision referred to in paragraph (3) of this Article shall be published in the Official Gazette of the Federation of BiH.

Article 7

(Estimate of total and net electricity consumption in the Federation)

- (1) The Operator for RES and EC, in cooperation with the Ministry, shall prepare and draft a plan of total consumption and net consumption of electricity in the territory of the Federation for the following year no later than November 30 of the current year.
- (2) The plan referred to in paragraph (1) of this Article shall be complied with the Balance of energy needs of the Federation for the following year.
- (3) Based on the total net electricity consumption in the Federation, the Operator for RES and EC shall perform the calculation and estimate of the total funds (cost) based on the incentive fee, which shall be collected and paid to the account of the Operator for RES and EC by every supplier and every qualified customer that independently purchases electricity for their own needs from import.

Article 8
(Estimate of balancing costs)

- (1) Applying the historical imbalance costs which are estimated according to NOS rules and the rules of Distribution System Operator, as well as the historical and international experience of the RES producers in terms of predictions of deviations from the plan, the Operator for RES and EC shall make an estimate of the net annual imbalance cost and the extent to which the producers may refund the imbalance costs according to individual electricity purchase contracts.
- (2) Pursuant to Article 28, paragraph (6) of the Law on RES and EC, the Operator for RES and EC shall establish by a special rulebook the methodology for distribution of associated balancing costs.
- (3) The Ministry and the Regulatory Commission, each within its competence, shall give the consent to this Rulebook.

III. METHOD OF DISTRIBUTION OF FUNDS FROM FEES

Article 9
(Invoicing and collection of the incentive fees and guarantee from the supplier)

- (1) Invoicing and collection of incentive fee from the end customers in the Federation shall be performed by:
 - a) selected supplier for customers that have selected their supplier and have concluded the supply contract, but are not in the system of public supply or provision of universal service,
 - b) a reserve supplier that has taken over the supply of those qualified customers whose selected supplier has stopped to supply them;
 - c) a public supplier, for customers that are in the system of public supply or provision of universal service, and
 - d) Operator for RES and EC for those qualified customers that independently purchase electricity from imports for their own needs
- (2) Entities referred to in paragraph (1) of this Article shall specify the unit amount and total amount of the incentive fee as a separate item in the electricity bill for the electricity supplied to the end customer.
- (3) The entities referred to in paragraph (1) of this Article shall transfer the collected funds from the incentive fee to the Operator for RES and EC's account no later than the 15th day of the month for the previous month.
- (4) The Operator for RES and EC shall, by 30 November of the current year, calculate for the next year the level of the security guarantee which every qualified customer's supplier or qualified customer that purchases electricity for their own needs from the

imports shall deliver in the form of cash, promissory note, letters of credit from the approved bank or other form of guarantee acceptable to the Operator for RES and EC.

- (5) The security guarantee referred to in paragraph (4) of this Article shall be introduced in order to secure the collection of funds based on the incentive fee.
- (6) The total coverage of the security guarantee shall be determined proportionally to the percentage share of each supplier in the total supply.

Article 10

(Distribution of funds from the incentive fee)

- (1) The funds collected from the incentive fee are the revenues of the Operator for RES and EC.
- (2) The Operator for RES and EC shall dispose of the funds referred to in paragraph (1) of this Article and use it for:
 - a) payment of the incentive part of the guaranteed price for the produced electricity of the privileged producers,
 - b) covering/financing the costs of operation of the Operator for RES and EC,
 - c) payment/covering the costs of balancing the electricity system due to deviations in the value of the planned and the produced electricity from the REC and EC plant.

Article 11

(Initiative for change of the amount of fee)

- (1) If it is estimated that the funds collected based on the incentive fee are not sufficient to cover the costs referred to in Article 5, 6 and 8 of this Decree, the Operator for RES and EC may submit to the Ministry an initiative to change the amount of incentive fee for privileged producers.
- (2) In addition to the initiative referred to in paragraph (1) of this Article, the Operator for RES and EC shall also submit a detailed report on the collected and spent funds based on the fee to the moment of submission of the request with the projection until the end of the current year.
- (3) The Ministry shall analyse the justification of the initiative referred to in paragraph (1) of this Article and, if it concludes that it is justified, within 15 days from the date of the submission of the initiative, the Ministry shall submit to the Government of the Federation a harmonized proposal for the correction of the amount of fee to be considered and approved.

Article 12

(Obligations of the Operator for RES and EC for the amount of fee higher than necessary)

If it is estimated that the funds collected based on the fee for incentive are higher than the amount of funds necessary for covering the costs referred to in Article 10 of this Decree, the Operator for RES and EC shall spend them for this purpose in the following year.

Article 13

(Reporting)

- (1) Operator for RES and EC shall, no later than by the end of February of the current year, submit to the Ministry a detailed report on the collected and spent funds from the incentive fee for production of privileged electricity producers in the previous year.
- (2) The report referred to in paragraph (1) of this Article shall, inter alia, include the name of each privileged producer, data on the type, kind and installed power of the plant, produced electricity, purchased quantities of electricity from the privileged producer,

data on the total paid funds for the purchased electricity with the disclosure of the funds paid on the basis of encouraging the production of a privileged producer.

- (3) The Operator for RES and EC shall publish the report referred to in paragraph (1) of this Article in the media and on its website.
- (4) The Operator for RES and EC shall, by the end of the first quarter of the current year, prepare reports on operation and business for the previous year, including the report of independent audit.
- (5) The Operator for RES and EC shall submit the reports referred to in paragraph (4) of this Article to the Ministry and the Government of the Federation.

IV. CLASSIFICATION OF PLANTS FOR USE OF RENEWABLE ENERGY SOURCES AND EFFICIENT COGENERATION

Article 14 (Plats for use of RES and EC)

The plant for production of electricity from renewable energy sources or the plant for combined production of electricity and heat energy (hereinafter: RES and EC plants), in accordance with this Decree, shall mean a power plant with one or more production units, which uses the renewable energy sources as a primary source in the process of producing electricity, or which in the plants of efficient cogeneration produces electricity and heat energy combined.

Article 15 (Classification of plants depending on the installed power)

The RES and EC plants referred to in Article 14 of this Decree, depending on the installed power of the plant, are divided into:

- a) Micro plants: from 2 kW up to and including 23 kW,
- b) Mini plants: from 23 kW up to and including 150 kW,
- c) Small plants: from 150 kW to and including 1 MW,
- d) Medium plants: from 1 MW up to and including 10 MW,
- e) Large plants: over 10 MW.

Article 16 (Group of RES and EC plants depending on the primary source of energy and type of technology)

The plants referred to in Article 14 of this Decree, depending on the type of primary energy sources and the type of technology used for the production of electricity or electricity and heat energy, are classified into the following groups:

- a) Group 1 – hydro power plants, which use the energy of watercourses,
- b) Group 2 – wind power plants, which use wind energy,
- c) Group 3 – solar power plant, which use non-accumulated solar (sun) energy,
- d) Group 4 – geothermal power plants, which use geothermal energy,
- e) Group 5 – biomass power plants, which use biodegradable materials from agriculture, forestry and associated industries and households, including: plants and parts of plants, fuel obtained from plants and plant parts, residues and by-products of plants produced in agriculture (straw, corncob, branches, pits, shells), residues of plants in forestry (deforestation residues), animal residues from agriculture (faeces), biodegradable residues in the food and wood industry that do not contain hazardous substances and the separated and biodegradable fractions of municipal waste,
- f) Group 6 – biogas power plants, which use landfill gas, gas from wastewater treatment plants, agricultural biogas from residues in agriculture,

- g) Group 7 – power plants which use the energy of the sea (energy of sea waves and tidal power),
- h) Group 8 – waste power plants (which use municipal waste, liquid and solid waste or waste in combination with some fossil fuel or renewable energy source, if the energy value of used waste is at least 80% of primary energy),
- i) Group 9 – efficient cogeneration plant.

Article 17
(Cogeneration plants)

- (1) Cogeneration plants referred to in Article 14 of this Decree are plants which use one of the following types of technologies:
- a) combined process of gas and steam turbines,
 - b) steam backpressure turbines,
 - c) Steam condensing extraction turbine,
 - d) gas turbines with heat recovery,
 - e) internal combustion engines,
 - f) microturbines,
 - g) Stirling engines,
 - h) Fuel cells,
 - i) Steam engines,
 - j) Organic Rankine processes,
 - k) any other type of technology representing the simultaneous production of heat and electrical/mechanical energy in one process.
- (2) In accordance with this Decree, high efficiency cogeneration is:
- a) micro-cogeneration,
 - b) small-scale cogeneration where, in comparison with separate heat production and separate production of electricity, primary energy savings are created,
 - c) Large-scale cogeneration where, in comparison with separate heat production and separate electricity production, primary energy savings in the amount of at least 10% are generated.

Article 18
(Classification of cogeneration plants)

Depending on the installed power of the production units, the plants referred to in Article 17 of this Decree may be:

- a) micro-cogeneration plants – with plants with a maximum power of up to 23 kWe,
- b) mini and small cogeneration plants – with plants whose installed power is greater than 23 kWe and less than 1MWe,
- c) medium cogeneration plants – with plants whose installed power is greater than 1MWe and less than 10 MWe,
- d) large cogeneration plants – with plants whose installed power is greater than 10 MWe.

V. DETERMINATION OF CRITERIA FOR SIZE OF PLANT (FOR EVERY TECHNOLOGY) WHICH MAY HAVE A STATUS OF A PRIVILEGED PRODUCER

Article 19
(Right to incentive of a qualified producer)

- (1) Pursuant to the Law on RES and EC and this Decree, the producer of electricity from RES and EC, that has acquired the status of a qualified producer in accordance with

Article 20, paragraph (2) of the Law on RES and EC, may acquire the following benefits:

- a) priority in the supply, or taking over of the electricity produced from RES and EC in the network – priority in dispatch, in accordance with the applicable regulations and rules on the operation of the electric power system of Bosnia and Herzegovina,
 - b) priority of the supply of electricity to a network which is produced in plants whose installed power is less than 150 kW, without reporting the daily schedule to the Network Operator,
 - c) right to purchase the produced electricity from the RES and EC at the reference price, if its production is included in the binding quotas prescribed by the APREF,
 - d) right to acquire the status of a privileged producer and the guaranteed purchase price of the electricity produced from RES and EC,
 - e) the right to a guarantee on the origin of electricity produced from RES.
- (2) The right to incentive referred to in paragraph (1) of this Article may be exercised by a qualified producer that produces electricity in the following production plants:
- a) hydro power plants,
 - b) wind power plants,
 - c) solar photovoltaic power plants,
 - d) biomass power plants,
 - e) biogas plants,
 - f) geothermal power plants,
 - g) waste power plants,
 - h) plant of efficient cogeneration of the installed power up to and including 5 MWe.

Article 20

(Conditions for acquiring the status a privileged producer)

- (1) The status of a privileged producer may be acquired by legal entities and natural persons whose status of a qualified producer has been established in accordance with Article 20, paragraph (2) of the Law on RES and EC and that possess the Permit for operation for the production of electricity of the Regulatory Commission for the performance of activities of electricity generation for the following types of production plants, or power plants:
 - a) hydro power plants with installed power of up to 10 MW,
 - b) wind power plants,
 - c) solar power plant, with installed power of up to and including 1 MW,
 - d) geothermal power plant with installed power of up to and including 10 MW,
 - e) biomass power plants with installed power of up to and including 10 MW,
 - f) biogas power plants with installed power of up to and including 1 MW,
 - g) waste power plants with installed power of up to and including 5 MW,
 - h) the plant of efficient cogeneration of the installed power up to and including 5 MW.
- (2) The Ministry shall define by special regulation the issues related to the operation and incentive to the production of electricity from the efficient cogeneration plants in accordance with Article 39, paragraph (17) of the Law on RES and EC.
- (3) The Ministry shall adopt the regulation referred to in paragraph (2) of this Article within six months from the date of adoption of this Decree.
- (4) The status of the privileged producer shall be established in accordance with the procedure and in the manner prescribed by Article 23 of the Law on RES and EC and this Decree.
- (5) In order to obtain the status of potential privileged producer, the energy permit for the requested type of plant and installed power should be previously issued, as

prescribed by the Law on RES and EC, the Law on Electricity in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation BiH, No. 66/13) and the Decree on the procedure, criteria, form and content of the request for issuing an energy permit for the construction of new and reconstruction of existing production plants (Official Gazette of the Federation BiH, No. 27/14), and the approval for construction from the competent FBiH or cantonal or municipal authority should be obtained.

Article 21

(Energy values of basic fuel in biomass/biogas plants)

- (1) The energy value of the basic fuel shall annually be at least 80% of the total energy value of the used primary fuel in the biomass plant referred to in Article 20, paragraph (1), item e) of this Decree.
- (2) The energy value of the basic fuel or the used renewable energy source shall be at least 90% of the total energy value of the spent primary fuel in the plant on biogas, biogas of animal origin, landfill gas and gas from the treatment plant for municipal wastewater, geothermal plant and waste plant referred to in Article 20, paragraph (1) item d), f), and g) of this Decree.
- (3) Fossil fuel, waste organic gases with an organic fraction or any other renewable energy source may be used as an additional fuel in the power plants referred to in paragraphs (1) and (2) of this Article.

Article 22

(Limitation of the maximum total installed power of the plant/power plant for acquiring the status of privileged producer)

The maximum total installed power of the plant/power plant referred to in Article 20, paragraph (1), item a) of this Decree for which the status of privileged producer may be obtained shall be determined by APREF in accordance with the Law on RES and EC.

Article 23

(Dynamic quota for plants)

- (1) The status of a potential privileged producer, or the status of a privileged producer, may be acquired for plants referred to in Article 20, paragraph (1), item b) and c) which meet the criteria of this Decree and if such plant, in terms of Article 23, paragraph 9, item a) of the Law on RES and EC, fits/enters the dynamic quota for this type of plant on the day of submission of the request
- (2) If the requirement referred to in paragraph (1) of this Article is not fulfilled, the status of a potential privileged producer, or the status of a privileged producer, may only be acquired for a part of the installed power that fits/enters the dynamic quota for that type of plant.

Article 24

(Submission of the request in the case of several plants)

A qualified producer performing the activities of electricity generation in several plants referred to in Article 20 of this Decree shall apply for acquiring the status of a privileged producer for each plant/power plant separately.

VI. REQUEST FOR ACQUIRING THE STATUS OF A POTENTIAL PRIVILEGED PRODUCER AND THE STATUS OF A PRIVILEGED PRODUCER

Article 25

(Request for acquiring the status of potential privileged producer)

- (1) An investor that has obtained an energy permit and an approval for construction/building permit for the construction of a plant referred to in Article 20, paragraph (1) of this Decree may acquire the status of a potential privileged producer under the conditions prescribed by the Law on RES and EC.
- (2) The request for obtaining the status of a potential privileged producer shall be submitted to the Operator for RES and EC on the form: OZSSPPP-1 - Request for acquiring the status of a potential privileged electricity producer, which is an integral part of this Decree and is attached.
- (3) With the request referred to in paragraph (2) of this Article, the applicant shall submit:
 - a) an energy permit,
 - b) a final approval for construction / building permit from the competent FBiH or cantonal or municipal authority,
 - c) a certified copy of a part of the technical documentation from the Main Project and the decision on the approval of construction, which contains technical data, technical solutions, and economic and financial analysis of the project, including the value of the investment,
 - d) proof of the possibility of secured cash deposit or bank guarantee in the amount up to 1% of the value of the investment.
- (4) An investor's request for acquiring the status of a potential privileged producer referred to in paragraph (2) of this Article may be rejected by the Operator for RES and EC in accordance with Article 23, paragraph 9, item c) of the Law on RES and EC.
- (5) A legal entity or natural person, or an investor that has acquired the status of a potential privileged producer by the decision of the Operator for RES and EC, has the right to conclude a pre-contract with the Operator for RES and EC for the purchase of the total quantity or a part of the produced electricity in plants using renewable sources and efficient cogeneration (hereinafter: pre-contract for the purchase of electricity produced).
- (6) A pre-contract for the purchase of electricity produced shall be concluded in accordance with the Law on RES and EC, the Law regulating contractual relations and this Decree, and it shall contain in particular:
 - a) the contracting parties, the type and the installed power of the planned power plant,
 - b) the subject of the contract, the date of conclusion and the date of termination of the contract,
 - c) the obligations of the persons referred to in paragraph (1) of this Article regarding the deadlines for the construction of power plant and the acquisition of the status of a privileged producer,
 - d) the obligations of the Operator for RES and EC regarding the purchase of all energy produced and the assumption of balance responsibility,
 - e) the guaranteed price of electricity determined in accordance with the law,
 - f) the obligations of the potential privileged producer regarding the connection of the plant to the network and the technical data on the installation and the planned production.
 - g) manner of communication between the parties,
 - h) reasons for the early termination of the pre-contract,
 - i) conditions for the transfer of rights and obligations from the pre-contract to third parties.
- (7) The Operator for RES and EC shall prescribe a standard model for the pre-contract on the purchase of electricity produced.

Article 26

(Request for acquiring the status of privileged producer)

- (1) Legal entities and natural persons whose status of qualified producers was established in accordance with Article 20, paragraph (2) of the Law on RES and EC and that own a Permit for electricity production of the Regulatory Commission for performing electricity production activities in the production facilities referred to in Article 20, paragraph (1) of this Decree shall submit the request for acquiring the status of a privileged producer to the Operator for RES and EC on the OZSSPP-2 Form - Request for acquiring the status of a privileged electricity producer, which is an integral part of this Decree and is attached.
- (2) In addition to the request referred to in paragraph (1) of this Article, the applicant shall provide proof of the fulfilment of conditions for acquiring the status of privileged producer, as follows:
 - a) a copy of the Permit for work-License for performing the activity of electricity production,
 - b) the use permit for the plant which is the subject of the request,
 - c) a certified copy of the document about the connection to the transmission or distribution system, with the certificate of the competent operator that the measurement point of the plant being the subject of the request has been executed in accordance with the applicable regulations and rules on this area,
 - d) a certified copy of the contract on the sale of heat energy, or the applicant's certificate that the produced heat is used for its own needs, if the requirement relates to a cogeneration plant,
 - e) a certified copy of a part of the Main Project where the degree of usefulness of the plant is calculated, if relates to the cogeneration plant,
 - f) information about the person/persons responsible for the operation of the power plant (name, position, telephone, fax, e-mail).
- (3) A qualified producer that, by the decision of the Operator for RES and EC, has acquired the status of a privileged producer, has the right to conclude a contract with the Operator for RES and EC for the purchase of the total amount or the part of the electricity produced in installations using renewable sources and in efficient cogeneration (hereinafter: Contract for the purchase of electricity produced).
- (4) The rights and obligations of the privileged producer and the Operator for RES and EC, during the incentive period, shall be regulated by the contract referred to in paragraph (3) of this Article, which shall be concluded in written form.
- (5) The content of the contract referred to in paragraph (3) of this Article shall be determined in accordance with the Law on RES and EC, the Law regulating the contractual relations and this Decree, and it shall contain in particular:
 - a) contracting parties and the category of the privileged producer,
 - b) subject of the contract, the date of conclusion and the date of termination of the contract,
 - c) place of purchase of energy,
 - d) location and method of measurement,
 - e) manner of determining losses between the place of sale and the place of measurement, if they are not in the same place,
 - f) manner of making an objection to the values read,
 - g) method of determining production in case of failure of the measuring device,
 - h) the price of electricity determined by the Methodology adopted by the Regulatory Commission in accordance with the Law on RES and EC,
 - i) Technical data on the installation
 - j) manner and dynamics of calculation, invoicing and payment,
 - k) interest in case of untimely payment,
 - l) manner of securing payment guarantee,
 - m) method of communication between the parties,
 - n) obligations of the Operator for RES and EC in respect of assuming the balance responsibility and the privileged producer concerning the planning of the operation of the power plant,

- o) obligations of the privileged producer concerning the issuance and transfer of guarantees of origin to the supplier;
 - p) list of data whose secrecy is guaranteed,
 - q) liability for damage occurred,
 - r) manner and place of arbitration,
 - s) list of events considered to be caused by force majeure in accordance with applicable regulations,
 - t) reasons for the temporary suspension and conditions for the continuation of the contract,
 - u) reasons and conditions for the permanent termination of the contract,
 - v) conditions for the transfer of rights and obligations from the contract to third parties.
- (6) The Operator for RES and EC shall prescribe the standard models of the contract for the purchase of electricity produced.
- (7) The contract for the purchase of the total amount of electricity produced may deviate from the standard models of the contract referred to in paragraph (6) of this Article, with the mutual agreement of the contracting parties and with the previously obtained consent of the Ministry in written form.

VII. REFERENCE AND GUARANTEED PRICE

Article 27

(Reference and Guaranteed Price)

- (1) In addition to the benefits referred to in Article 20, paragraph (3) of the Law on RES and EC, the privileged producer shall acquire the right to sell the produced electricity at a guaranteed purchase price for a period of 12 years, which is more closely defined and regulated by a special contract on purchase of electricity with the Operator for RES and EC.
- (2) The guaranteed purchase price referred to in paragraph (1) of this Article shall be determined depending on the type and the installed power of the plant/power plant for which the producer has acquired the status of the privileged producer, and shall be calculated as the product of the relevant tariff coefficient and the reference price:
- $$G = C * R$$
- Where:
- C – tariff coefficient
- R – reference price
- (3) The methodology for determining the guaranteed electricity prices for different technologies, or depending on the type and installed power of the plant, which the privileged producers use for the production of electricity, as well as the criteria for their change shall be adopted by the Regulatory Commission with a special rulebook.
- (4) The guaranteed purchase prices of electricity prepared by the Regulatory Commission shall be submitted to the Government of the Federation at the proposal of the Ministry and shall be published in the Official Gazette of the Federation of BiH.
- (5) The reference price referred to in paragraph (2) of this Article, based on the methodology, shall be determined by the Regulatory Commission and published in the Official Gazette of the Federation of BiH.
- (6) The tariff coefficient referred to in paragraph (2) of this Article, in accordance with Article 3, item ii) of the Law on RES and EC is the numerical value associated with each group and type of the plant for production of electricity from RES, which shall serve for calculation of the guaranteed purchase price, in accordance with Article 25, paragraph (6) of the Law on RES and EC and the Regulatory Commission's Rulebook on the methodology for determining the guaranteed purchase prices of

electricity from the plants for the use of RES and EC, and they are adopted once in 18 months.

VIII. DETERMINATION OF MAXIMUM TIME FOR CONSTRUCTION AND CONNECTION TO THE NETWORK WITH THE GUARANTEE OF THE STATUS OF A POTENTIAL PRIVILEGED PRODUCER

Article 28

(Rejecting the status of a potential privileged producer)

The Operator for RES and EC may reject the investor's request for acquiring the status of a potential privileged producer in accordance with Article 23, paragraph (9), item c) of the Law on RES and EC and this Decree, if the planned plant fails to meet the criteria for the total time required for its construction and connection to power energy network.

Article 29

(Determining the time for construction and connection)

- (1) If the investor acquires the right to the status of a potential privileged producer in accordance with Article 23, paragraph (14) of the Law on RES and EC, and the right to conclude with the Operator for RES and EC a pre-contract on the purchase of electricity produced from renewable energy sources and in efficient cogeneration, the investor shall begin the construction of the plant within a period no longer than 12 months, counting from the date of the conclusion of the pre-contract.
- (2) The potential privileged producer referred to in paragraph (1) of this Article shall construct and connect the plant to the power energy system within the period prescribed in the energy permit and this Decree, and which is determined in provisions of the pre-contract on the purchase of electricity.
- (3) The pre-contract referred to in paragraph (2) of this Article shall define the conditions and circumstances under which the Operator for RES and EC may extend the deadline for construction and connection of the plant to the electric power system by a special annex to the pre-contract.

Article 30

(Determining the time for the construction of a plant according to technologies and the size of the plant)

- (1) Depending on the technology used and the size of the plant, the time necessary for construction, the connection of the plant to the network and the obtaining of the use permit is:
 - a) not more than 3 years for a hydro power plant with a maximum installed power of 1 MW,
 - b) not more than 5 years for a hydro power plant with a maximum installed power higher than 1 MW, and less than 10 MW,
 - c) no more than 3 years for a wind power plant,
 - d) no more than 2 years for a solar photovoltaic power plant,
 - e) no more than 5 years for a geothermal power plant,
 - f) 3 to 5 years for all other technologies referred to in Article 15 and 20 of this Decree.

Article 31

(Construction of the plant in phases)

The deadlines for construction and connection defined in Articles 29 and 30 of this Decree shall relate to each phase of the project, which will be treated as separate plants for the purpose of acquiring the status of a privileged producer.

IX. DETERMINING THE TEN-YEAR PLAN FOR COLLECTION OF FEES

Article 32 (Consultations of Operator for RES and EC)

Every year by 30 November, the Operator for RES and EC shall consult the Ministry on potential changes that will be made in the current Action Plan on the use of renewable energy sources and efficient cogeneration, in order to take into account potential changes in the development of the term plan for the next 10 years concerning the quantity of production capacities which could be added for each year by privileged producers entitled to the guaranteed price in each technology and the quantity of additional energy that could be produced from these capacities. The Operator for RES and EC in consultation with the Ministry shall propose up to three (3) scenarios of potential development of capacities by privileged producers.

Article 33 (Predictions of the Operator for RES and EC)

- (1) For each combination of scenarios referred to in Article 32 paragraph (1) of this Decree, the Operator for RES and EC shall calculate the annual cost to support RES (in millions of BAM) and the cost per MWh delivered to end customers (in BAM/MWh) using the following Formula:

$$SP_{y,a,b,c} = \sum_p (E_{y,p} * (GC_p - RC_{y,c})) + \sum_q (E_{y,q} * (GC_q - RC_{y,c})) + \sum_n (MWh_{y,a,n} * (GC_{y,b,n} - RC_{y,c}))$$

$$MWh_{y,a,n} = DQ_{y,a,n} - \sum_p E_{y,p,n} - \sum_q E_{y,q,n}$$

$$NPP_{y,a,b,c} = \frac{SP_{y,a,b,c}}{NetoP_{ee,y}}$$

Where all costs are expressed in BAM/MWh and all energy is measured in MWh and:

- Y* means the year of prediction (from 1 to 10)
- a* means the dynamic quota scenario for each year of the prediction "y"
- b* means the guaranteed price scenario for each year of the prediction "y" and each category of production technologies
- c* means the reference price scenario for each year of the prediction "y"
- p* means a privileged producer which is registered in the database of the Operator for RES and EC with a contract on the purchase of electricity valid for the year of prediction "y"
- q* means a potential privileged producer which is registered in the database of Operator for RES and EC with a provisional pre-contract on the purchase of electricity valid for the year of prediction "y"
- n* means the renewable technology for which the guaranteed price and dynamic quotas are predicted within the relevant scenarios
- E* means the energy expected to be supplied in year "y" by the privileged producer "p" or the potential privileged producer "q" registered in the database of the Operator for RES and EC

- $GC_{p,q}$ means the guaranteed purchase price expressed in BAM/MWh paid to the privileged producer or to be paid to the potential privileged producer when it acquires the status of a privileged producer in accordance with the contract / pre-contract on electricity purchase concluded with the Operator for RES and EC
- $RC_{y,c}$ means the prediction of the reference price for year "y"
- $GC_{y,b,n}$ means the guaranteed price predicted for the "n" technology in the "b" scenario
- DQ means the prediction of the dynamic quota for the year "y" within the "a" scenario for the "n" technology
- MWh means the annual energy expected to be delivered from new capacities to be built within the "a" scenario for each "n" technology
- SP means to calculate the total cost for support of privileged producers in the year "y" under the "a" scenario for the dynamic quota, the "b" scenario for the guaranteed price and the "c" scenario for the reference price
- $NetoP_{ee}$ means the prediction of total electricity consumption in the territory of the Federation in the year "y"
- NPP means the costs for support of privileged producers in the year "y" in BAM/ Wh within the "a" scenario for the dynamic quota, the "b" scenario for the guaranteed price and the "c" scenario for the reference price.

- (2) The Operator for RES and EDC shall submit the results of its analysis within each scenario to the Ministry by 30 November.

Article 34 (Effects of predictions of the Operator for RES and EC)

The Ministry shall use the results of the analysis in order to base its decisions on determination of dynamic quotas, but shall not be obliged to apply any scenario developed by the Operator for RES and EC.

X. ADMINISTRATIVE SUPERVISION

Article 35 (Administrative supervision)

Administrative supervision includes the supervision of application of the provisions of this Decree and other regulations, supervision of the performance of the tasks prescribed by this Decree, supervision of the legality of administrative and other documents issued by the competent authorities, as well as the supervision of their acting by the Ministry and the Regulatory Commission, each of them in accordance with the powers prescribed by this law, the Law on the Organization of Administration Bodies in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation BiH, No. 35/05) and the Law on Administrative Procedure (Official Gazette of the Federation BiH, No. 2/98 and 48/99). This shall not exclude the cooperation with other competent authorities and organizations.

XI. ENTRY INTO FORCE

Article 36 (Entry into Force)

This Decree shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Federation of BiH.

**BOSNIA AND HERZEGOVINA
FEDERATION OF BOSNIA AND HERZEGOVINA
OPERATOR FOR RENEWABLE ENERGY SOURCES AND EFFICIENT COGENERATION
MOSTAR
Adema Buće 34, 88000 Mostar**

**REQUEST OF ACQUISITION OF THE STATUS OF POTENTIAL PRIVILEGED
ELECTRICITY PRODUCER**

Applicant:
(Name and seat of the applicant)

.....
.....
.....
.....

We submit the request for acquisition of the status of potential privileged electricity producer in accordance with Article 23, paragraph (7) of the Law on the Use of Renewable Energy Sources and Efficient Cogeneration (Official Gazette of the Federation of BiH, No. 70/13 and 5/14) and Article 28, paragraph 2, 3 and 4 of the Decree on encouraging the generation of electricity from renewable sources and efficient cogeneration and determining the incentive fee (Official Gazette of the Federation BiH, number _____ / 14)

A. APPLICANT'S GENERAL INFORMATION	
Name (applicant's name)	
Seat	
Address	
Registration number (MB)	
Unique identification number (JIB)	
Telephone	Telefax
Email	
Responsible person	First name
	Surname
	Address
Contact person	First name
	Surname
	Address

Have you performed electric power industry activity of electricity generation so far?	
	YES NO
The existing electric power industry activities of the Applicant:	1
	2
	3

B. BASIC TECHNICAL DATA

- 1 Please fill in the data with a blue pen or typewriter.**
2 If you wish, you can find this form on our website and fill it in online.
3 Please initial each page of the request.

B1. LOCATION AND TYPE OF POWER PLANT

- Specify the exact location of the power plant and describe in detail the wider geographical area where the construction of plant is planned.
- For hydropower plants, describe the basin of watercourse, accumulation, specify the names of settlements which will possibly be flooded by the accumulation, specify the roads which will possibly be flooded.
- For biomass and waste power plants, in addition to the location of the plant itself, describe the area intended for ash disposal as well as the manner of ensuring primary fuel.
- For wind power plants and solar power plants, specify the area of the space to be used.
- Attach the revised investment and technical documentation of the planned production plant, the energy permit and other documentation specified under D, the approval for construction/building permit for the production plant.
- Attach to the request a geographical map in a suitable scale with the mapped location of the facility.

B2. DESCRIPTION OF THE PRODUCTION PART OF THE POWER PLANT					
I. For hydro power plants					
Name of power plant					
Name of basin					
Type of power plant					
Type of dam		Height of dam		Width of dam	
Name of accumulation		Area and volume			
Name, length and cross section of the profile of water supply					
Name, length and cross section of the profile of water drainage					
Type of turbine			Nominal power of turbine		
Type of generator			Nominal power of generator		
Projected annual production of electricity (MWh)					
Planned year of commissioning					
Possibility to start the plant without external supply			YES		NO
Projected time of annual operation of HPP (hours)					
Contribution to CO ₂ reduction (tons)					
If the power plant has several production units, specify the same data for each production unit					
II. For biomass and waste power plants					
Name of power plant					
Number and unit power of each block					
Planned year of commissioning					
Type of fuel			Calorific power of fuel		
Producer and type of fuel					
Type of turbine			Nominal power of turbine		
Type of generator			Nominal power of generator		
Projected annual production of electricity (MWh)			Projected annual production of heat energy (MWh)		
Specific fuel consumption per produced kWh of electricity for each block					
Degree of useful effect of each block					
Projected time of annual operation (hours)					

Contribution to CO ₂ reduction (tons)	
If the power plant has several blocks, specify the same data for each block	
III. For solar power plant	
Name of power plant	
Type of power plant	
Location of power plant	
North latitude for the location	
East longitude for the location	
Number of cadastral plot where SPP is located	
Manner of execution (on the plant or on the ground)	
Planned year of commissioning	
Total annual irradiance for the location (kWh/m ²)	
Total number of PV panels (pcs.)	
Unit power of PV panel (Wp)	
Total area of PV panel (m ²)	
Total installed power of SPP DC (kW _p)	
Total installed power of SPP AC (kW)	
Number and unit power of the converter (kW)	
Projected annual production of electricity (MWh)	
Projected time of annual work of SPP (hours)	
Contribution to CO ₂ reduction (tons)	
IV. For wind power plants	
Name of power plant	
Type of power plant	
Location of power plant	
North latitude and east longitude of wind turbine	
Planned year of commissioning	
Number of wind turbines	
Number and unit power of the turbine (MW)	
Number and unit power of the generator (MW)	
Projected annual production of electricity (MWh)	
Total area covered by WPP (m ²)	
Projected time of annual work of WPP (hours)	
Contribution to CO ₂ reduction (tons)	
V. For other power plants from renewable sources	
Name of power plant	
Type of power plant	
Location of power plant	
North latitude for location	
East longitude for location	
Number of cadastral plot where SPP is located	
Planned year of commissioning	
Number and unit power of the generator	
Projected annual production of electricity (MWh)	
Projected time of annual work (hours)	
Contribution to CO ₂ reduction (tons)	

B3. CONNECTION TO ELECTRIC POWER SYSTEM
--

- Specify the voltage level and location of connection of the power plant to the electric power system
- Specify the measurement point and the voltage of supply of electricity
- Specify the transmission ratio, the installed power, the type and kind of transformer station
- Describe the characteristics of the measurement point of the supply of electricity

B4. INFORMATION ON CUSTOMERS OF HEAT ENERGY OR TECHNOLOGICAL STEAM

- If the power plant supplies the customers with heat energy or technological steam, specify the names of customers, the heat supply mode, the thermal and equivalent of electricity supplied.
- Describe the measurement points and characteristics of the measurement points of heat energy

D. PROOFS ATTACHED TO THE REQUEST

No.	PROOF (original or certified copy)	ATTACHED (mark with a cross)	
1	Excerpt from the court register of the competent court, an excerpt or a certificate of registration in another appropriate register issued by the competent institution		
2	Registration or tax number of the applicant		
3	The applicant's statement on the structure of sources of funding which is complied with the feasibility study or the Certificate of business/commercial bank or credit institution on the applicant's solvency and possibility to finance the construction of production plant with own funds and/or to have access and possibility to provide credit funds for the construction of production facility,		
4	The Applicant's statement on all transaction accounts with commercial bank and the banking certificate of their status		
5	Main project or part of the technical documentation from the Main Project from the decision on the approval of construction, which contains technical data, technical solutions and economic and financial analysis of the project, including the value of the investment		
6	Energy permit issued by the FBiH Ministry of Energy, Mining and Industry		
7	Final approval for construction / building permit from the competent FBiH or cantonal or municipal authority		
8	Proof of the possibility of secured cash deposit or bank guarantee in the amount up to 1% of the investment value		
9	Prior energy permit for connection to the distribution network, and/or opinion, general consent or elaborate of the technical solution and conditions of connection to the transmission network		
10	Proof of settled property and legal relations connected with the real estate where the production plant is intended to be built		

**BOSNIA AND HERZEGOVINA
 FEDERATION OF BOSNIA AND HERZEGOVINA
 OPERATOR FOR RENEWABLE ENERGY SOURCES AND EFFICIENT COGENERATION
 MOSTAR
 Adema Buće 34, 88000 Mostar**

**REQUEST OF ACQUISITION OF THE STATUS OF PRIVILEGED ELECTRICITY
 PRODUCER**

Applicant:
 (Name and seat of the applicant)

.....

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Email	
Responsible person	First name
	Surname
	Address
Contact person	First name
	Surname
	Address

Have you performed electric power industry activity of electricity generation so far?	
	YES NO
The existing electric power industry activities of the Applicant:	1
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Type of turbine			Nominal power of turbine						
Type of generator			Nominal power of generator						
Projected annual production of electricity (MWh)									
Planned year of commissioning									
Possibility to start the plant without external supply					YES		NO		
Projected time of annual operation of HPP (hours)									
Contribution to CO ₂ reduction (tons)									
If the power plant has several production units, specify the same data for each production unit									
II. For biomass and waste power plants									
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Number and unit power of each block									
Planned year of commissioning									
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Producer and type of fuel									
Type of turbine			Nominal power of turbine						
Type of generator			Nominal power of generator						
Projected annual production of electricity (MWh)					Projected annual production of heat energy (MWh)				
Specific fuel consumption per produced kWh of electricity for each block									
Degree of useful effect of each block									
Projected time of annual operation (hours)									
Contribution to CO ₂ reduction (tons)									
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Contribution to CO ₂ reduction (tons)	
V. For other power plants from renewable sources	
Name of power plant	
Type of power plant	
Location of power plant	
North latitude for location	
East longitude for location	
Number of cadastral plot where SPP is located	
Planned year of commissioning	
Number and unit power of the generator	
Projected annual production of electricity (MWh)	
Projected time of annual work (hours)	
Contribution to CO ₂ reduction (tons)	

B3. CONNECTION TO ELECTRIC POWER SYSTEM
<ul style="list-style-type: none"> - Specify the voltage level and location of connection of the power plant to the electric power system - Specify the measurement point and the voltage of supply of electricity - Specify the transmission ratio, the installed power, the type and kind of transformer station - Describe the characteristics of the measurement point of the supply of electricity

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- Describe the measurement points and characteristics of the measurement points of heat energy

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4	The Applicant's statement on all transaction accounts with commercial bank and the banking certificate of their status		
5	Main project or part of the technical documentation from the Main Project from the decision on the approval of construction, which contains technical data, technical solutions and economic and financial analysis of the project, including the value of the investment		
6	Energy permit issued by the FBiH Ministry of Energy, Mining and Industry		
7	Use permit		
8	Permit for operation-licences for performance of the activity of production of electricity		
9	Document/contract on the connection to the transmission or distribution system, with the certificate by the competent operator that the measurement point of the plant which is the subject-matter of the request was executed in accordance with the applicable regulations and rules which regulate this area		
10	Contract on sale of hear energy, or certificate of the applicant that the produced heat energy is sued for own purposes if the request relates to the cogeneration plant		
11	A part of the Main project which includes the calculation of the degree of usefulness of the plant in case of cogeneration plant		
12	Date on person/persons responsible for the operation of power plant (name, function, telephone, fax, email)		