



REPUBLIC OF SERBIA

MINISTRY OF MINING AND ENERGY

Based on the Article 17 and Article 111, paragraph 2 of the Law on the Use of Renewable Energy Sources of the Republic of Serbia ("Official Gazette of RS" no. 40/21 and 35/23) (hereinafter: "Law"), Government of the Republic of Serbia's Decision on maximum offered price for electricity for the purposes of auctions within the market premium system ("Official Gazette of RS" no. 45/23) from 2 June 2023, Article 7 of the Decree on market premium and feed-in tariff ("Official Gazette of RS" no. 45/23) (hereinafter: "FiP Decree") and Decree on determining the quota in the market premium system for wind power plants ("Official Gazette of RS" no. 45/23) and Decree on determining the quota in the market premium system for solar power plants ("Official Gazette of RS" no. 45/23), Decision of the Ministry of Mining and Energy no. 011-00-00049/2021-10 from 31 May 2023 on the appointment of the Committee for implementation of the auction (hereinafter: "Committee"), consisting of the following members: Committee president and member Veljko Kovačević phd., member Jovana Joksimović, member Maja Vukadinović, member Ivana Genčić and member Dejan Kocić, the Ministry of Mining and Energy of the Republic of Serbia (hereinafter: "Ministry") hereby publishes this:

PUBLIC CALL no. 312-01-517/2023-10

for participation in

the auction for award of the right to the market premium

The Ministry invites all interested legal entities that meet the requirements of this public call to participate in this auction for award of the right to the market premium and other incentives available within the market premium system pursuant to the Law.

1. Form of implementing the auction

This auction is implemented in the electronic form, through the "RES Portal – auctions" <https://oieaukcije.mre.gov.rs>.

2. Eligible bidders

All domestic legal entities or entrepreneurs who meet the conditions for participation in the auction, set out in Article 11 of this public call, and whose applications relate to wind power plant with capacity of 3 MW and above or solar power plants with capacity of 500 kW and above, are entitled to submit the application for participation in this auction.

An entity which has submitted an application for participation in the auction in accordance with Article 7 of this public call shall be considered as the bidder.

3. **Application submission deadline**

Application submission deadline is 60 days from the date of publication of this public call on the Ministry's website. The deadline for submission of applications for this auction expires on 14 August 2023.

In accordance with Article 14, paragraph 5 of the FiP Decree, any application submitted after the expiration of the application submission deadline specified in this article shall be rejected.

The deadline from paragraph 1 of this Article represents the maximum deadline in accordance with Article 7, paragraph 6 of the FiP Decree and cannot be extended thereafter.

4. **Auction procedure questions' submission deadline**

The bidders may pose questions or requests for clarification regarding the preparation and submission of application, conditions of this auction or content of this public call through the "RES Portal – auctions".

The questions received by the Committee five (5) days or less before the application submission deadline are considered untimely.

The Ministry responds without delay to all timely posed questions and publishes answers on the "RES Portal – auctions" not later than three (3) days before the date of expiration of the application submission deadline.

5. **Available quota as per type and capacity of power plant**

Available quota for this auction is:

- 1) **400 MW for wind power plants with capacity of 3 MW and above**; and
- 2) **50 MW for solar power plants with capacity of 500 kW and above**

The quota is not determined specifically for any geographic area and the right to participate in the auction is therefore granted to applications relating to all wind power plants with capacity of 3 MW and above, i.e all solar power plants with capacity of 500 kW and above, which fulfil the qualification requirements in line with this public call, regardless in which geographic area the construction of these power plants is envisaged.

6. **Maximum offered price and fixed percentage from Article 10a of the Law**

Maximum offered price for the electricity generated in the **wind power plants with capacity of 3 MW and above** in this auction amounts to **105 €/MWh**.

Maximum offered price for the electricity generated in the **solar plants with capacity of 500 kW and above** in this auction amounts to **90 €/MWh**.

Fixed percentage of the maximum offered price paid by the privileged producer to guaranteed supplier on the basis of the fee from Article 10a, paragraph 1 item 1) of the law amounts to 5.81% for wind power plants and 2.65% for solar power plants per each MWh of production.

7. **Manner and form of applying to the auction**

Application for the auction is performed by way of submitting of the filled-in application for participation in the auction through the "RES Portal – auctions" <https://oieaukcije.mre.gov.rs>.

Application consists of the information on the bidder and the power plant, as further specified in Article 10 of the FiP Decree.

The application form is available and it is automatically generated by accessing the "RES Portal – auctions" by the bidder. In accordance with Article 14 paragraph 5 of the FiP Decree, any application which does not correspond in both the content and form to the application form available in the "RES Portal – auctions", will be rejected.

Bidder in the auction may submit only one application for the same power plant. If a bidder submits multiple applications for the same power plant, all of those applications will be rejected.

Instructions for the access and use of the "RES Portal – auctions" are available at the website of the Ministry, using the following link <https://www.mre.gov.rs/dokumenta/sektor-za-zelenu-energiju/ostalo/prezentacija-portala-oie-aukcije> .

Considering that the application on the "RES Portal – auctions" is done by using electronic certificates (eIDs), it is recommended that all interested bidders, without delay upon publishing of this public call, verify if they can access the "RES Portal – auctions" using their certificates and, as needed, contact the technical support of the Ministry and competent certification body in order to resolve any potential hindrances before the application submission deadline.

For performing this verification, it is not necessary for bidders to register with the "RES Portal – auctions" , instead it is sufficient to initiate the login process on the "RES Portal – auctions" page and pass the "eUprava" control (which involves entering of the PIN and displaying of personal data on the screen – image no. 4 from the Instructions for the access and use of the "RES Portal – auctions" from this Article).

8. Financial bid

Through the "RES Portal – auctions", the bidders shall submit their financial bid which includes the offered price for electricity generated in their respective power plants from the application and which shall be valid for the duration of the entire incentives period.

The offered price must be expressed in euros per MWh.

Financial bids submitted through "RES Portal – auctions" i.e. the amount of the offered price shall be kept in information system with crypto protection, until the moment of opening of the financial bids and beginning of the bidding phase in accordance with this public call.

9. Financial security for seriousness of the bid

The financial security for seriousness of the bid is submitted in the form of a bank guarantee or cash deposit, in the amount of 30 euros per kW of the offered capacity of the power plant, i.e. part of the power plant in relation to which the bidder submitted a financial bid.

Bank guarantee

In case the bidder submits a financial security for seriousness of the bid in the form of a bank guarantee, such bank guarantee must be in accordance with the model provided in Schedule 1 of the FiP Decree and the conditions provided in Article 13 paragraph 1 item 1) of the FiP Decree.

The bank guarantee, with explicit reference to the number of this public call, shall be submitted to the Committee in the original paper form, through the clerk's office of the Directorate for Joint Affairs of the Republic's Authorities at the address Nemanjina 22-26, 11-000 Belgrade, by the application submission deadline. The bank guarantee is submitted in a closed envelope, with the cover letter outside of the envelope on which the bidder shall obtain a receipt stamp of the authority (cover letter with receipt stamp is further provided as a proof through "RES Portal – Auctions" in accordance with Article 10.1 paragraph 1 point 1) of this public call). On the front side of the envelope, the bidder shall indicate the following text (in Serbian): "For the Ministry of Mining and Energy, the Committee for implementation of the auction. The bank guarantee as a security for seriousness of the bid in the auction for award of the market premium in accordance with the Public call number 312-01-517/2023-10. Date of submission _____. ". The envelope must be signed by the statutory representative of the bidder, with certification by a company's stamp (if existing). In the cover letter it is especially required to indicate the number, date and bank of issuance of the bank guarantee, number of this public call and the company information of the bidder. The cover letter must be signed by the statutory representative of the bidder, with certification by a company's stamp (if existing).

Cash deposit

The cash deposit is paid in dinar countervalue at the middle exchange rate of the National Bank of Serbia on the day of payment to the following sub-account of special deposits of the Ministry:

Sub-account of special deposits: 840-998804-46

Reference number: 14820-430-421211

Recipient: Ministry of Mining and Energy, public call no. 312-01-517/2023-10.

Proof of payment of the cash deposit, in form of a bank confirmation confirming that the funds have been transferred from the account of the bidder to the sub-account of special deposits, shall be submitted to the Committee along the application for participation in the auction through "RES Portal – auctions" in accordance with Article 10.1 paragraph 1 point 1) of this public call.

Validity term of the financial security

The validity term of the financial security for the seriousness of the bid is at least five (5) months after the date of the application submission from Article 3 of this public call.

10. List of documents to be submitted with the application and formality requirements

10.1 List of documents

Each bidder is required to submit the following documents with the application:

- 1) the financial security for seriousness of the bid, in accordance with Article 9 of this public call, whereby through "RES Portal – Auctions" the bidders submits the following proofs/documents along its application: (i) if as financial security for seriousness of the bid the bidder has submitted a bank guarantee, along its application the bidder submits the scanned cover letter from Article 9. of this public call, which includes the receipt stamp of the Directorate for Joint Affairs of the Republic's Authorities, or (ii) if as financial security for seriousness of the bid the bidder has paid a cash deposit, along its application

the bidder submits the scanned confirmation of the bank on completed payment of cash deposit from Article 9. of this public call;

- 2) the final and legally binding energy permit, if the power plan falls under the energy facilities for which an energy permit is issued in accordance with the law regulating the energy matters, along with a clause i.e. a confirmation of final and legally binding status issued by the Ministry (in case that a clause, i.e. a confirmation has been issued on a separate document from the decision on issuance of the energy permit, such document must be scanned jointly with the decision as a single .pdf file);
- 3) valid location conditions or valid construction permit, i.e. decision on approval of execution of works, if issued for the power plant. In case the deadline for notification of works has expired according to the laws under which the construction permit, i.e. approval for execution of works was issued, the bidder shall also submit an confirmation of the commencement of construction works issued by competent authority;
- 4) for power plants that shall be connected:
 - i. to the transmission system: confirmation from the transmission system operator that there is a planning basis for construction of the connection,
 - ii. to the distribution, or on the closed distribution system: conditions for design and connection of a power plant;
- 5) statement of the bidder's legal representative, certified by the competent certification authority, which confirms, under criminal and material liability, the identity of the ultimate beneficial owner of the bidder in terms of the law governing the prevention of money laundering and financing of terrorism;
- 6) statement of the bidder's legal representative, certified by the competent certification authority, which confirms, under criminal and material liability, that the power plant, or part of the power plant in relation to which the financial bid was submitted does not benefit from incentives, nor that there is an unresolved request for granting of incentives for the production of electricity from renewable energy sources in accordance with the regulations governing incentives for the production of electricity from renewable energy sources, at the time of publishing of this public call and at the time or after application submission deadline provided in this public call;
- 7) statement of the bidder's legal representative, certified by the competent certification authority, which confirms, under criminal and material liability, that:
 - i. no request for opening of insolvency proceedings has been filed against the bidder, nor decision on initiation of liquidation proceedings has been rendered by competent body of the bidder;
 - ii. the bidder is not a party to any agreement which is distorting or threatens to distort the competition,
 - iii. the bidder has not been penalised, in the period of three years before the date of this public call or from the date of establishment of the bidder until the date of this public call publication, for any violation of law governing protection of competition;

- 8) certificate from competent courts and certificate from competent department of the ministry of interior that, according to the official records maintained by the courts, i.e. competent authorities of Republic of Serbia, no criminal proceedings or investigations have been initiated against the bidder and its legal representative nor they have been convicted of criminal offenses against the economy, criminal acts against environmental protection, criminal acts of receiving or giving bribes, or criminal act of fraud, whereby such confirmation cannot be older than two months from the day of issuance until the application submission deadline provided in this public call;
- 9) confirmations from tax authorities, i.e. the competent bodies of the local self-government unit that the bidder has no debts on the basis of due taxes and contributions in accordance with the regulations governing taxes and regulations governing social insurance;
- 10) statement of the bidder's legal representative, certified by the competent certification authority, which confirms, under criminal and material liability, that the power plant in relation to which the financial bid is submitted is not a power plant for which a certificate of completion of construction works on the foundations has been issued by the competent authority, or that it is not a power plant for which financial resources have been secured for the completion of the construction of the power plant; and
- 11) confirmation from the National Bank of Serbia that the business accounts of the bidder have not been blocked due to enforced collection for more than three days, during the three years preceding the date of this public call or from the date of establishment of the bidder until the date of this public call.

The location conditions from item 3) of this Article shall be considered valid if they are not older than two years from the date of issuance until the application submission deadline.

Statements referred to in items 5), 6), 7) and 10) of this Article should be submitted in the form and content specified in the models of these statements that are available on the "RES Portal – auctions".

10.2 Requirements regarding the form of documents submitted along the application

Where required by this public call that a document is certified before the competent certification authority, such authority is considered to be either the public notary or the court.

Any public document (e.g. any document issued by the state authorities, documents certified before a notary public or a court etc.) issued in a country other than the Republic of Serbia, shall be legalized for its further use in the Republic of Serbia. The applicable legalization process depends on the country of issuance of such public document i.e. if the country is a signatory to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, executed in Hague on 5 October 1961 and if there is a ratified international agreement on exemption of certain public documents from any kind of legalization executed between origin country and the Republic of Serbia (or its predecessors) in place. Further information on legalization requirements depending on the country of issuance of public document can be obtained from the official website of the Ministry of Justice of Republic of Serbia at the following link <https://www.mpravde.gov.rs/tekst/861/legalizacija-isprava-.php>.

Any documents within the application that are issued in language other than Serbian must be submitted along with their certified translation of a court sworn interpreter in Republic of Serbia.

The bidders will be responsible for the accuracy of the Serbian translation of documents originally issued in another language.

Documents submitted through the "RES Portal - auctions" which have been originally issued in electronic form shall be delivered in the electronic form in .pdf format along with qualified electronic signature, i.e. a qualified electronic stamp, all in accordance with the law governing electronic documents, electronic identification and trusted services in electronic business operations.

If the document submitted through the "RES Portal - auctions" was originally issued in paper form, for the purposes of the auction it shall be delivered in digitized format (scanned) in .pdf format, by way of which such electronic document shall be considered as the copy of the original document and as such shall satisfy the requirements of the form, in accordance with the law governing electronic documents.

11. Qualification phase and qualification requirements

11.1 Qualification requirements

The bidder passes the qualification phase and qualifies for the bidding phase in the auction if it has submitted all documents in accordance with Article 10.1 of this public call and if it meets the following qualification requirements:

- 1) the power plant in relation to which the bidder has submitted the application is a wind power plant with capacity of 3MW or above or a solar power plant with capacity of 500 kW or above;
- 2) it has submitted the following proofs:
 - i. the final and legally binding energy permit, in accordance with Article 10.1 paragraph 1 point 2) of this public call, only if the power plant falls under the energy facilities for which an energy permit is issued in accordance with the law regulating the energy matters,
 - ii. valid location conditions or valid construction permit, i.e. decision on approval of execution of works, if issued for the power plant, in accordance with Article 10.1 paragraph 1 point 3) of this public call,
 - iii. planning basis for construction of the connection of the power plant to the electricity system, i.e. conditions for design and connection of the power plant, in accordance with Article 10.1 paragraph 1 point 4) of this public call;
- 3) it has submitted a financial security for seriousness of the bid in accordance with Article 9 of this public call;
- 4) it is an active legal entity or entrepreneur, duly registered for business operations in the Republic of Serbia;
- 5) no request for opening of the insolvency proceedings has been filed against the bidder, nor a decision on initiation of liquidation proceedings has been rendered by competent body of the bidder in accordance with Article 10.1 paragraph 1 point 7) item i. of this public call;

- 6) the bidder and its legal representative/representatives have not been convicted for any criminal act as a member of an organized criminal group, have not been convicted for white collar crimes, criminal acts against environmental protection, criminal acts of receiving or giving bribes or the criminal act of fraud, nor the criminal proceedings or investigations have been initiated against them for these criminal acts, in accordance with Article 10.1 paragraph 1 point 8) of this public call;
 - 7) it has paid all due taxes, contributions and other public fees, in accordance with Article 10.1 paragraph 1 point 9) of this public call;
 - 8) the power plant or the part of the power plant in relation to which the financial bid was submitted does not benefit from incentives for production of electricity from renewable energy sources in accordance with regulations governing incentives for production of electricity from renewable sources nor that in relation to the power plant or part of the power plant there is an unresolved request for granting of incentives in accordance with Article 10.1 paragraph 1 item 6) of this public call;
 - 9) the bidder has not been penalised in the period of three years before the date of publication of this public call or from the date of establishment of the bidder to the date of publication of this public call, for any violation of the provisions of the law governing the protection of competition in accordance with Article 10.1 paragraph 1 point 7) item iii. of this public call;
 - 10) the bidder is not a party to any agreement which is distorting or threatens to distort the competition in accordance with Article 10.1 paragraph 1 point 7) item ii. of this public call; and
 - 11) the power plant in relation to which the financial bid is submitted is not a power plant for which a certificate of completion of construction works on the foundations has been issued by the competent authority, or it is not a power plant for which financial resources have been secured for the completion of the construction of the power plant, in accordance with Article 10.1 paragraph 1 point 10) of this public call;
 - 12) the business accounts of the bidder have not been blocked due to enforced collection for more than three days, during the three years preceding the date of publication of the public call or from the date of establishment of the bidder until the date of publication of public call, in accordance with Article 10.1 paragraph 1 point 11) of this public call; and
 - 13) the offered capacity of the power plant is equal or above 70% of the power plant's capacity.
- The bidder submits the documents listed in Article 10.1 as proof that it meets the qualification requirements from this Article 11.1, as applicable.

11.2 Opening of the applications

The Committee opens the applications in accordance with Article 16 of the FiP Decree within five (5) working days from the day of expiration of the application submission deadline.

11.3 Implementation and completion of the qualification phase

The qualification phase lasts from the opening of the applications from Article 11.2 of this public call until the opening of the financial bids from Article 12.1 of this public call, and in any event shall not last longer than five (5) working days from the opening of applications.

The Committee performs the qualification phase by evaluating whether the bidders meet all the qualification requirements from Article 11.1 of this public call and whether all the proofs from Article 10.1 of this public call have been submitted.

After opening and evaluating the applications, the Committee prepares and publishes the Report on fulfilment of qualification requirements on the RES Portal - auctions, within five (5) working days from the opening of applications. The Report on fulfilment of qualification requirements contains data on the performed qualification phase, as prescribed in more detail by Article 17 paragraph 5 of the FiP Decree. Thereby, the qualification phase will be considered completed.

12. Bidding phase and filling of auction quota

12.1 Opening of the financial bids

Within a maximum of five (5) working days from the end of the qualification phase, the Committee shall open financial bids of those bidders whose applications have passed the qualification phase in accordance with this public call and the FiP Decree.

The applications of the bidders who meet the qualification requirements and contain the offered price that is higher than the maximum offered price referred to in Article 6 of this public call shall be rejected.

12.2 Bidding requirements

The bidders whose applications have passed the qualification phase and whose financial bids do not exceed the maximum offered price referred to in Article 6 of this public call meet the requirements for bidding.

12.3 Bidding procedure

Bidding phase and filling of quota is carried out by opening of financial bids and ranking the bids of the bidders who meet the bidding requirements based on the offered price from their financial bid, in accordance with the rules on filling of quota from Article 12.4 below.

12.4 Filling of quota - Evaluation and ranking of financial bids

The quota is filled by power plants or parts of the power plants with the offered capacity for which the bidders submitted a financial bid, according to the following rules:

- 1) based on the offered price from the financial bid, from the lowest to the highest;
- 2) in case that two or more bidders have offered the same offered price (tied bids), all their power plants enter the quota if the total offered capacity of their power plants or parts of power plants is less than or equal to the remaining quota;
- 3) in case that two or more bidders have offered the same offered price, and their total offered capacity is higher than the remaining quota, the quota is filled pro rata to the offered capacities according to the following formula:

$$\text{Pro-rated capacity for a tied bid (kW)} = \frac{\text{Offered capacity of the tied bid (kW)} \times \text{remaining quota (kW)}}{\text{Total offered capacity of all tied bids (kW)}}$$

- 4) if a part of the offered capacity of the power plant enters the quota, the market premium may be awarded to the bidder only for that part of the capacity;
- 5) if the total offered capacity of the power plants that meet the bidding requirements is less than or equal to the quota, the right to the market premium shall be awarded to all such bidders.

The part of the quota that remains unallocated in this auction procedure can be allocated within the next auction.

In the case referred to in paragraph 1 item 3) and 4) of this Article, the Committee requests from the bidder to state, within seven (7) days, whether it accepts the award of the market premium for part of the offered capacity of the power plant. The Committee sends the request via email to the email address of the bidder specified in the application form, with the delivery receipt for the email, or in the other appropriate way.

If the bidder refuses the award of the market premium for part of the offered capacity or does not respond within the deadline referred to in paragraph 3 of this Article, the quota remains unallocated and will be allocated within the quota for the next auction, while the financial security for seriousness of the bid shall be returned to such bidder.

If the bidder referred to in paragraph 3 of this Article accepts award of the market premium for the part of the offered capacity, the bidder has the right to reduce the amount of the financial security for seriousness of the bid *pro rata* to the part of the offered capacity of the power plant which entered the quota. In case that the bidder has submitted a cash deposit as the financial security for seriousness of the bid, the Ministry shall be obliged to release the funds *pro rata* to the offered capacity which did not enter the quota within 10 working days from receipt of a request of the bidder. In case that the bidder has submitted a bank guarantee as a financial security, the bidder shall be obliged to submit the annex of the bank guarantee with the reduced amount in accordance this paragraph or a new bank guarantee with the reduced amount in accordance with this paragraph in case of replacing of the bank guarantee. Upon the bidders' request, the Ministry shall return the original bank guarantee within 5 working days upon receiving the new bank guarantee with the reduced amount in accordance with this paragraph. The returning of the financial security i.e. release of the funds from the cash deposit by the Ministry to the bidder in accordance with this paragraph, shall not affect the further course of the auction procedure and the deadlines for rendering decisions on the performed auction.

12.5 Completion of the bidding phase and preparing of a ranking list

After completion of the bidding phase and filling of the quota, the Committee prepares the ranking list for the award of the market premium with the report on the performed auction and submits them to the Ministry.

13. Award of market premium and rendering of decisions on the performed auction

Within 15 days from the day of submitting the ranking list, with the report on the performed auction by the Committee, on the basis of such ranking list and the report on the performed auction, the Ministry shall issue decisions on awarding the right to market premium, or decisions on rejection of the right to market premium pursuant to Article 18 of the FiP Decree, to each bidder that has submitted the application in this auction.

The Ministry publishes decisions on the performed auction on the RES Portal - auctions without delay after the expiration of the deadline for rendering decisions from paragraph 1 of this Article.

Publication of decisions on the performed auction in the manner specified in this Article shall be considered as delivery of decisions to the bidders.

14. Conclusion of a market premium agreement

Within 30 days from the day on which the decision on award of the right to market premium from Article 13 of this public call becomes final, in terms of the administrative procedure law, the bidder to which market premium was awarded is obliged to submit a request for conclusion of the market premium agreement to the authorised contractual party in accordance with the Law.

15. Financial security for acquiring the privileged producer status

The bidders which have been awarded with the right to market premium and which have accordingly acquired the temporary privileged producer status shall submit to the Ministry a financial security for acquiring of the privileged power producer status, within 30 days as of the day on which the decision on award of the right to market premium becomes final i.e. as of acquiring the temporary privileged producer status.

The financial security for acquiring the privileged producer status shall be submitted in the form of a bank guarantee or cash deposit, in the amount of 60 euros per kW of the capacity of the power plant, i.e. part of the power plant for which the bidder has acquired the right to market premium.

Bank guarantee

In case the bidder i.e. the temporary privileged producer submits a financial security for acquiring the privileged producer status in the form of a bank guarantee, such bank guarantee must be in accordance with the model provided for in Schedule 2 of the FiP Decree and the conditions provided for in Article 23 paragraph 1 item 2) of the FiP Decree

The bank guarantee is submitted by expiry of the deadline from paragraph 1 of this Article to the Ministry in the original paper form, through the clerk's office of the Directorate for Joint Affairs of the Republic's Authorities at the address Nemanjina 22-26, 11-000 Belgrade. The bank guarantee is submitted in a closed envelope, with the cover letter outside of the envelope on which the temporary privileged producer shall obtain a receipt stamp of the authority. On the front side of the envelope, the bidder shall indicate the following text (in Serbian): "For the Ministry of Mining and Energy. The bank guarantee as a security for acquiring privileged producer status in accordance with the decision on award of the market premium i.e. granting of the temporary privileged producer status no. _____, from _____. Date of submission _____. ". The envelope must be signed by the statutory representative of the

temporary privileged producer, with certification by a company's stamp (if existing). In the cover letter it is especially required to indicate the number, date and bank of issuance of the bank guarantee, number and date of the decision on award of the market premium i.e. granting of the temporary privileged producer status and the company information of the temporary privileged producer status which has submitted the bank guarantee. The cover letter must be signed by the statutory representative of the temporary privileged producer, with certification by a company's stamp (if existing).

Cash deposit

The cash deposit is paid in dinar equivalent at the middle exchange rate of the National Bank of Serbia on the day of payment to the following sub-account of special deposits of the Ministry:

Sub-account of special deposits no.: 840-998804-46

Reference number: 14820-430-421211

Recipient: Ministry of Mining and Energy

Proof of payment of the cash deposit, in form of an original bank confirmation confirming that the funds have been transferred from the account of the temporary privileged producer to the sub-account of special deposits, shall be submitted to the Ministry through the clerk's office of the Directorate for Joint Affairs of the Republic's Authorities at the address Nemanjina 22-26, 11-000 Belgrade, by expiry of the deadline from paragraph 1 of this Article.

Validity term of the financial security

The validity term of the financial security for acquiring the status of a privileged producer is at least two (2) months longer than the duration of the term of the temporary privileged producer status.

Grounds and manner of payment under financial security

Reasons for and consequences of triggering the payments under the financial security for acquiring the privileged producer status are provided for in Article 24 of the FiP Decree.

Right to change type of financial security for acquiring privileged producer status and right to top-up financial security for seriousness of the bid

The temporary privileged power producer is entitled to switch the type of financial security for acquiring the status of privileged producer during the term of the temporary privileged producer status (switch cash deposit for bank guarantee and vice versa), as well as to top-up the amount of financial security for seriousness of the bid up to the amount required for financial security for acquiring privileged producer status in the manner prescribed in Article 23 paragraph 5 of the FiP Decree.

16. Expected deadline for completion of projects for which the right to market premium was awarded

Bearing in mind the maximum duration of the temporary privileged producer status from Article 26 of the Law, the completion of projects in relation to which the bidders acquired the right to a market premium in this auction is expected within maximum of four years as of the date on which the bidders have acquired temporary privileged producer status, for the power

plants for which a construction permit was obtained before acquiring the temporary privileged producer status, or within maximum of six years as of the date on which the bidders have acquired temporary privileged producer status, for power plants for which a construction permit was not obtained before acquiring the temporary privileged producer status. In case of occurrence of a force majeure event during the validity of the temporary privileged producer status, the completion of the projects may be expected within the additional one year.

17. Legal remedies in the auction procedure

The decision on award of the right to market premium, i.e. the decision on rejecting the right to market premium is final in the administrative procedure. Each bidder has the right to initiate an administrative dispute against the decision resolving its own right i.e. the decision resolving its own application, within 30 days from the day of receiving the decision on award of the right to market premium, i.e. the decision on rejecting the right to market premium. The instruction on the legal remedy with the necessary information will be specified in the decision on award of the right to market premium, i.e. in the decision on rejecting the right to market premium.

The rights of other bidders will remain unchanged and in force regardless of the outcome of the administrative dispute initiated by another bidder against the decision of the Ministry resolving the rights i.e. the application of that bidder.

If the outcome of the final and legally binding decision in the administrative dispute is such that the bidder who initiated the administrative dispute is entitled to a market premium, the Ministry will award to that bidder the right to a market premium outside the quota of this auction, all in accordance with the Law.

This public call is prepared and published in Serbian and English language. In case of discrepancy between the two language versions, the Serbian language version shall prevail.

Public Call no: 312-01-517/2023-10

In Belgrade, on this 13 June 2023.

MINISTER



Dubravka Đedović
