

Pursuant to Article 46, paragraph 1, item 2), subitem (1), with reference to Article 148 and Article 45 of the Energy Law ("Official Gazette of RS", No. 57/11 and 80/11 – correction),

At its 193<sup>rd</sup> session of September 26, 2012, the Council of the Energy Agency of the Republic of Serbia, adopted the following

## RULES ON SUPPLIER SWITCHING

### 1. Subject matter

These rules shall regulate the conditions and procedure for the change of electricity and natural gas suppliers who supply the final customer (hereafter: customer) on the basis of a sales contract for full supply (hereafter: sales contract), as well as the rights and obligations of suppliers and the system operator within the procedure of supplier switching.

### 2. Terms

Some of the terms used in these Rules shall have the following meaning:

- 1) Delivery point – the point which is defined as the delivery point by the regulation regulating general conditions of natural gas delivery and supply, i.e. by the Electricity Market Code;
- 2) New supplier – the supplier with whom the customer wishes to conclude a sales contract at the beginning of the procedure for supplier switching;
- 3) System operator – electricity i.e. natural gas transmission, i.e. distribution system operator, to whose system the delivery point is connected to;
- 4) Supplier – energy entity supplying the customer on the basis of a full supply sales contract;
- 5) Current supplier – the supplier supplying the customer at the beginning of the procedure of supplier switching.

Other terms used in these Rules shall have the same meaning as the ones referred to in the Energy Law ("Official Gazette of RS", No. 57/11 and 80/11 – correction) – hereafter: the Law.

### 3. General provisions

Electricity, i.e. natural gas supplier switching procedure shall be at no cost to customers.

The right to switch suppliers is granted only to customers eligible to freely choose their supplier in line with the Law, regulations regulating the conditions for electricity and natural gas delivery and supply and the relevant sales contract.

The customer and any third party who makes his legal interest plausible shall be eligible to get informed on the course of the procedure.

#### **4. Submission**

Petitions and documents in terms of these rules shall be submitted directly, by express delivery or by telefax.

Upon a customer's application, the person appointed to receive the documents shall confirm the reception.

Submission shall be considered to be valid on the date the document is submitted, i.e. on the date of submission confirmation (telefax) on its validity.

#### **5. Supplier switching procedure upon customer's application**

5.1. Supplier switching procedure upon customer's application as prescribed in this chapter hereof shall be launched in all the cases when a supplier, i.e. public supplier acts either as a new supplier or as a current supplier.

Supplier switching procedure can be conducted with only one supplier at a time.

Supplier switching procedure must not exceed 21 days upon the very date of submission of a valid application.

5.2. Supplier switching procedure shall be launched by a customer, by submitting an application to a new supplier.

The customer who has concluded a fixed term sales contract must submit the application referred to in paragraph 1 hereof at the latest 21 days before the end of the validity period of the sales contract.

5.3. The application for supplier switching shall be submitted by a customer in two copies, in a form published by a new supplier. In particular, the form shall include:

- 1) business name, headquarters, identification number, customer's TIN (for legal persons and entrepreneurs), i.e. name and surname, address and personal identification number (for natural persons);
- 2) identification number of the delivery point as given in metering points database, i.e. in metering data database (hereafter: database);
- 3) approved power, i.e. approved capacity on the delivery point;
- 4) date of application submission;
- 5) business name of the current supplier and the validity period of the contract concluded between the customer and the current supplier.

5.4. Besides the application referred to in item 5.3 hereof, the customer shall submit the following documents in two copies:

- 1) a certificate in the written form issued by the current supplier for the purpose of launching supplier switching procedure, which must not be issued earlier than seven days prior to the day of submission of the application, by which the current supplier confirms that mutual financial liabilities in terms of supply, effective on the day the certificate is issued, have been settled between the supplier and the customer;
- 2) certified statement by which the customer terminates the sales contract with the current supplier which was signed for an indefinite period of time, i.e. terminates the sales contract by stating contractual, i.e. lawful reasons for termination, thereby leading to contract expiration on the date metering data were provided by the system operator on the given point, i.e. on delivery points;

- 3) a written statement on the date of sales contract expiration, submitted by the customer as referred to in item 5.2, paragraph 2 hereof;
- 4) consent of the customer on using his personal data and other data obtained during the supplier switching procedure for these purposes only.

5.5. Upon the reception of the application on supplier switching, the new supplier shall examine its validity. Once the new supplier receives the application referred to in item 5.2, paragraph 2 hereof, he shall also examine the timeliness of the application.

If the new supplier finds the application incomprehensible or incomplete within three days upon the reception, he shall invite the customer to remove the deficiencies in a timely manner, hereby warning the customer on the consequences arising from failure to comply with the invitation.

If the customer does not comply with the invitation, the new supplier shall inform the customer on non-compliance with the conditions for supplier switching within eight days upon the expiration of the deadline given to the customer.

If the new supplier finds the application referred to in item 5.2, paragraph 2 hereof untimely, he shall inform the customer and the system operator on non-compliance with conditions for the supplier switching.

5.6. Three days upon reception of a valid application, the new supplier shall conclude a sales contract with the customer which shall be applied as of the date the system operator provides the metering data for the customer's exchange point (hereafter: supplier switching date).

At the latest on the following working day as of the day the sales contract is concluded, the new supplier shall submit an application copy with enclosures referred to in item 5.4 hereof to the system operator.

5.7. Within three days upon the date the application is received, the system operator shall check the records and base for the delivery point so as to check the accuracy of the data given in the application.

Once the system operator finds that all the data necessary for the switching accurate, they shall forward the customer's statement referred to in item 5.4 hereof to the current supplier the following working day at the latest.

5.8. Within three days upon the date of reception of the statement referred to in item 5.4, subitem 2) and 3), the current supplier is entitled to state an objection to the system operator if, in terms of general delivery and supply conditions and provisions of the sales contract concluded with the current supplier, the customer is not entitled to cancel, i.e. terminate the contract for the reasons given in the statement, i.e. if the date of contract termination does not match the day given in the customer's statement as the day of contract termination.

If the current supplier files an objection to the system operator, the system operator shall inform the customer and the new supplier on non-compliance with the conditions for supplier switching.

5.9. If the current supplier does not file an objection in terms of item 5.8 hereof, the system operator shall provide metering data for the customer's exchange point, i.e. points for which the procedure is launched upon a application, within eight days upon the deadline for filing an objection, and thereby the day for supplier switching shall come.

For the customer referred to in item 5.2, paragraph 2 hereof, the system operator shall provide the metering data for the delivery point, i.e. points on the day of contract termination.

5.10. If, during the supplier switching procedure, until the day of supplier switching in terms of these rules, the system operator receives several applications from different suppliers for the same exchange point, i.e. points for the same customer, the system operator shall invite the customer within three days upon the day the notification was submitted to decide which submitted application will be proceeded with, while warning him about the consequences of non-compliance with the deadline.

If the customer does not comply with the invitation, the system operator shall inform the customer and all suppliers who have submitted such an application on non-compliance with the conditions for supplier switching.

5.11. If, while complying with the application forwarded as referred to in item 5.6, paragraph 2 hereof, the system operator, having checked the records and database, determines inaccuracy of the data given in the application, he shall inform the new supplier within three days about these inaccuracies. Upon receiving the notification from the system operator, the new supplier shall invite the customer to modify the data given in the application within three days upon the day the customer was invited to modify the data given in the application, while stating an appropriate deadline for data revision.

If the customer revises the application within the given deadline, the new supplier shall forward the revised application to the system operator within three days upon its reception, while the system operator shall act fully in line with items 5.7-5.9 hereof.

If the customer does not revise the data within the given deadline although he was invited to do so in a valid manner, the new supplier shall inform the customer on non-compliance with the conditions for supplier switching within the deadline not longer than three days upon application submission.

5.12. The metering data from the delivery point, i.e. points which are provided by the system operator in line with item 5.9 hereof, must include the date they refer to, which is considered to be the day of supplier switching.

5.13. As of the day the supplier was switched, the sales contract concluded between the customer and the new supplier shall enter into force, the sales contract with the current supplier shall cease to be valid and balance responsibility for the exchange point is transferred to the new supplier.

## **6. Supplier switching procedure in cases of switching to the supplier of last resort**

6.1. In case of switching to the supplier of last resort due to bankruptcy or liquidation of the current supplier, the day of supplier switching shall be considered to be the day when legal consequences of initiating bankruptcy, i.e. liquidation procedures become effective.

The current supplier is obliged to inform the customers, system operators and suppliers of last resort on the day legal consequences of bankruptcy, i.e. liquidation have become effective, without delay, at the latest eight days upon the day he became aware of his inability to supply the customers.

Within eight days upon the submission of the notification by the current supplier, the system operator shall provide metering data for the delivery point, i.e. delivery points and submit them to the customer, current supplier and the supplier of last resort.

6.2. In case the licence held by the current supplier expires, is rescinded or permanently revoked, without delay, at the latest eight days since the decision on expiration, rescindment or permanent revocation becomes final, the Energy Agency of the Republic of Serbia shall inform all system operators,

the current supplier and the supplier of last resort on the fact that the day of supplier switching has come into effect.

The supplier switching day shall be the day the decision of the Agency on expiration, rescindment or permanent revocation of the licence becomes final.

The system operator shall provide the metering data for the delivery point, i.e. points within eight days upon the submission of the Agency notification and inform the customer, the supplier whose licence expired, was rescinded or revoked and the supplier of last resort.

6.3. The customer entitled to the supply of last resort, who has not found a new supplier upon the termination of the sales contract with the previous one, shall be entitled to file an application with the supplier of last resort within 60 days during which he is entitled to supply of last resort, as of the date the sales contract with the previous supplier ceased to be valid, except if the sales contract ceased to be valid due to non-payment.

The application shall be submitted by the customer in the form published by the supplier of last resort, including in particular:

- 1) business name, headquarters, identification number, customer's TIN (for legal persons and entrepreneurs), i.e. name and surname, address and personal identification number (for natural persons);
- 2) identification number of the delivery point as given in metering points database;
- 3) date of application submission;
- 4) approval of the customer on using personal data and other data acquired during the supplier switching procedure for this purpose only.

Together with the application referred to in paragraph 2 hereof, in two copies, issued for the purpose of supplier switching procedure, not issued earlier than seven days upon the submission of the application, the customer shall enclose a written confirmation of the supplier, whose contract was terminated, thus confirming that he has settled mutual financial liabilities with the customer in line with the sales contract, i.e. on the day the contract was terminated.

6.3.1. Without delay, at the latest within three days upon submission of the application for the supply of last resort, the supplier of last resort shall conclude a sales contract with a customer, which shall enter into force and start being implemented on the day of supplier switching. Without delay, but at the latest within three days, the supplier of last resort shall inform the system operator on this.

6.3.2. Without delay, at the latest eight days upon submission of a notification from the supplier of last resort, the system operator is obliged to provide metering data for the delivery point, i.e. points and inform the supplier of last resort and the customer on these.

Without exception, metering data shall include the date they relate to and that date shall be considered as the date of supplier switching.

## **7. Supplier switching in cases when the sales contract is terminated with a customer entitled to public supply**

7.1. In cases when a sales contract is terminated due to cancellation, i.e. termination by the supplier, if the customer is entitled to public supply, the current supplier shall inform the system operator and the public supplier on contract termination within three days upon the day the contract is cancelled, i.e.

terminated and shall be obliged to continue the supply until the day of supplier switching, in line with these rules.

When a fixed-term contract is concluded with a customer referred to in paragraph 1 hereof, within a deadline not longer than 15 days, at the latest eight days before the day when the sales contract expires, the current supplier is obliged to inform the system operator on the fact that the supply shall be terminated to the customer whose contract is expiring.

7.2. Within eight days upon the reception of a notification on termination of the contract referred to in item 7.1 paragraph 1 hereof, the system operator shall provide metering data for the delivery point, i.e. points and inform the customer, the current supplier and the public supplier. Metering data must include the date they refer to and that date shall be considered to be the date of supplier switching.

Within eight days upon the reception of notification referred to in item 7.1 paragraph 2 hereof, the system operator shall provide metering data for the delivery point, i.e. points for the day when the contract is terminated and shall inform the customer, current supplier and public supplier on these and that day shall be considered to be the day of supplier switching.

7.3. In case of bankruptcy, liquidation, termination, rescindment, i.e. permanent revocation of the licence of the current supplier of the customer entitled to public supply, the provisions given in items 6.1 and 6.2 hereof shall be applicable.

## **8. Supplier switching in case of sales contract termination due to non-payment**

For the metering point of a customer whose supply contract is terminated due to unsettled liabilities pursuant to the sales contract, upon submission of the supplier's notification on contract termination due to unsettled effective debt, the operator shall provide the metering data on the day of contract termination, when the operator shall stop the delivery on the delivery point, in line with regulations.

In this case, when the supply is reestablished, the provisions on supplier switching upon customer application as stipulated by these rules shall be applicable. The supplier who terminated the sales contract as referred to hereof shall be considered to be the current supplier.

## **9. Obligations of a new supplier, of the supplier whose contract is terminated and of the system operator**

9.1. An electricity supplier shall be entitled to participate in the supplier switching procedure as a new supplier as stipulated by these rules, if the supplier is registered in the balance responsibility register, in line with the Law and the Electricity Market Code.

9.2. The new natural gas supplier shall ensure access to capacity at the point of exit from the transmission system for the purpose of natural gas delivery to the new customer whose delivery point is within the transmission system.

Upon conclusion of a natural gas sales contract with the customer whose facility is connected to the distribution system, the new supplier shall submit an updated list of customers to the system operator and the data on contracted natural gas sales for the new customer to the transmission system operator.

If the transmission system operator establishes a need to harmonise the existing transmission contracts, he shall inform the distribution system operator before the day the supplier is switched in the written form and invite the current and new supplier to harmonise the existing transmission contracts.

9.3. If a customer demands issuing the confirmation referred to in item 5.4 hereof, and mutual effective liabilities in terms of supply are not settled between the current supplier and the customer, the current supplier shall issue a confirmation on the total due unsettled liabilities to the customer.

9.4. Without delay, at the latest three days upon the day of supplier switching, the system operator shall update the database on the new and former supplier for the delivery point, i.e. points for which the supplier switching was made as stipulated hereof.

Upon data update as referred to in paragraph 1 hereof, without delay, the distribution system operator shall inform the transmission system operator on this. This notification shall in particular include the data on the following: customer, delivery point (identification number of the metering point from metering points base on the distribution system and other data on the delivery point), supplier and balancing responsible party.

Pursuant to the Electricity Market Code, i.e. Transmission System Code, without delay, at the latest three days upon the date of supplier switching, the system operator shall update the balancing responsibility register.

## **10. Transitional and final provisions**

Until January 1, 2015, the deadline of 8 days for the provision of data on the delivery point, i.e. points as stipulated in items 5.9 and 7.2 shall be read as 45 days.

These Rules shall enter into force on the 8<sup>th</sup> day upon their publication in the "Official Gazette of the Republic of Serbia".

Council of the Energy Agency of the Republic of Serbia

Number: 475/2012-Д-II  
Belgrade, September 26, 2012

PRESIDENT

Ljubo Maćić