

Transparency issues in AERS

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General transparency of AERS operation

- **General obligation of transparent operation**

Article 23 Para 1 (Energy Law)

“The Agency shall ensure transparency of its operations and accessibility of information to interested entities having business and other legal interest, and which as per the Law or Agency’s Statute are not of confidential nature.”

General transparency of AERS operation (2)

- **AERS General Information Publication (Dec, 2007)**

- List of most common information requests
- Rights and obligations of AERS
- Organizational structure of AERS
- Financing and property of AERS
- Data carriers
- Data in possession of AERS
- Date made public by AERS
- Access to information
- Contact

General transparency of AERS operation (3)

- **Responsibility towards the Parliament**
 - **Report on operations (annual as a rule)**
 - **Financial Plan**

Article 21 (Energy Law):

“The President and the Council members are responsible for the Agency operation and their own work to the National Parliament of the Republic of Serbia and submit the Report on the Agency operation at least once a year.

The Report referred to under Para 1 hereof includes in particular the Report on financial operation verified by independent auditor and the Financial Plan for next year.”

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Article 22 (Energy Law)

“The financial plan defines total revenues and expenditures of the Agency, including fund for contingencies as well as elements for determining salary expenses.

Total expenditures of the Agency covered by the Financial Plan, including fund for contingencies shall not exceed costs required for successful fulfilment of Agency’s tasks within its competences.

Should annual accounting of revenues and expenditures of the Agency show that total Agency revenues exceed total effected expenditures, the balance is transferred into the Financial Plan as revenue for the following year, but revenue sources and amounts for the following year are adjusted to actual Agency’s expenditures for that year.

The National Parliament approves the Financial Plan.

The Financial Plan is submitted to the National Parliament by the end of October of the current year for the following year.

The Financial Plan, after winning National Parliament’s approval, is published in the "Official Gazette of the Republic of Serbia".

General transparency of AERS operation (4)

- Availability of all data to AERS for performing its activities
- Obligation to preserve confidentiality

Article 16 (Energy Law):

“The Agency is authorized to request from energy entities data and documents necessary for conducting its activities stipulated by this Law. Energy entities are obliged to deliver these data to the Agency within eight days from the date of request for data submission.

Pursuant to the Law and other regulations, the Agency is obliged to keep as confidential commercial and other confidential business data, submitted to it for performing tasks within its competence.”

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ART. 38 (LAW ON COMMERCIAL ENTITIES)

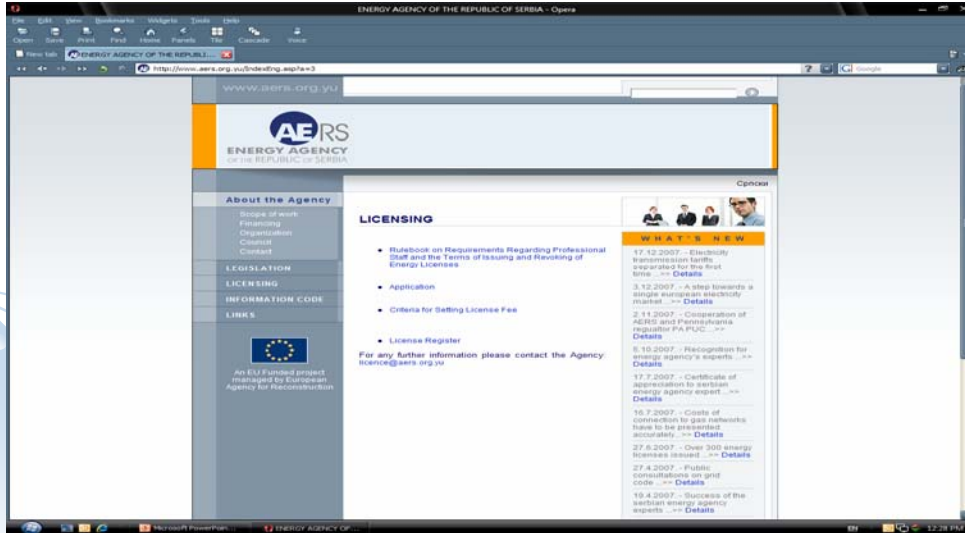
“Information on operations of a company determined by company’s Articles of Association, company agreement or by-laws, which would obviously result in significant damage to a company if known by a third party are considered to be business secrets.

Information which is required to be disclosed by law or relates to violation of laws, good business practices and principles of business ethics, including information which is grounds for suspicion of corruption, will not be regarded as business secrets. Disclosure of such information is legal if its purpose is to protect the public interests.”

Transparency related to administrative procedure

- **Licensing**
 - Application forms and instructions
 - License fees
 - Register of issued, revoked and suspended licenses and excerpts

Transparency related to administrative procedure (2)



Transparency related to administrative procedure (3)

The screenshot displays the website of the Energy Agency of the Republic of Serbia. The page is titled "License application" and contains the following information:

- About the Agency:** Scope of work, Planning, Organization, Contact.
- LEGISLATION**
- LICENSING**
- INFORMATION CODE**
- LINKS**
- As EU Funded project Managed by European Agency for Reclaim Work**

License application

Energy license application, that are within the competence of the Energy Agency of Serbia, should be submitted in form P-1 in accordance with the **Rulebook on Amendments to Rulebook on Requirements Regarding Professional Staff and the Terms of Issuing and Revoking of Energy Licenses** - Official Gazette RS, 40/2006 from May 12, 2006 (Rulebook).

Energy entities should submit License Application in three cases:

Form P-1 can be downloaded here (all documents are in MS Word 2002 format)

- License application and general data on license applicant
- Hydro Power Plants
- Thermal Power Plants
- Combined Heat and Power Generation
- Transmission Network - General and specific data
- Transmission Network - Sub-stations
- Transmission Network - Transmission lines by voltage levels
- Distribution Networks - General data
- Distribution Networks - Customers data
- Distribution Networks - Sub-stations (total)
- Distribution Networks - Sub-station 110kV
- Distribution networks - Length of distribution network
- Oil derivatives production
- Oil transport via oil pipelines
- Oil and oil derivatives storage
- Oil derivatives retail (gas stations)
- Natural gas transport - Natural gas transport system operation
- Natural gas distribution - Natural gas distribution system operation
- Natural gas storage - Natural gas storage operation
- Required Professional Competence for Carrying out energy activity
- Statements of applicants and required documentation
- Instructions for the filling of application forms

WHAT'S NEW

- 17.12.2007 - Electricity transmission tariffs separated for the first time. -> [Details](#)
- 3.12.2007 - A step towards a single wholesale electricity market. -> [Details](#)
- 2.11.2007 - Cooperation of AERIS and Pennsylvania regulator PA.PUC. -> [Details](#)
- 5.10.2007 - Recognition for energy agency's experts. -> [Details](#)
- 17.7.2007 - Certificate of appreciation to Serbian energy agency expert. -> [Details](#)
- 16.7.2007 - Costs of connection to gas networks have to be presented accurately. -> [Details](#)
- 27.6.2007 - Over 300 energy licenses issued. -> [Details](#)
- 27.4.2007 - Public consultations on grid code. -> [Details](#)
- 19.4.2007 - Success of the Serbian energy agency experts. -> [Details](#)
- 2.3.2007 - 15 more energy licenses. -> [Details](#)
- 19.2.2007 - Licenses for 9 more natural gas distribution companies. -> [Details](#)
- 14.2.2007 - ERRA meeting for licenses and tariffs. -> [Details](#)

Transparency related to administrative procedure (4)

The screenshot shows the website of the Energy Agency of the Republic of Serbia (AERS). The main content is a table titled "License Register" with the filter "Natural gas trade on free market (10)". The table lists 10 licenses with columns for license number, license holder, company ID, place, address, registration date, and validity date.

License number	License holder	Company ID number	Place	Address	Reg. date	Date of validity
001-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	00553307	Београд	Милутинка Бугар	11.01.2008.	18.02.2008.
004-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	20049890	Нови Сад	Немањини	21.01.2008.	18.02.2008.
002-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	20088000	Нови Сад	Немањини	21.01.2008.	18.02.2008.
005-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	17122900	Београд	Јака Јаковска 5	21.01.2008.	18.02.2008.
007-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	08101132	Нови Сад	Немањини	21.01.2008.	18.02.2008.
008-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	08188110	Нови Сад	Раднички пут	21.01.2008.	18.02.2008.
013-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	17342142	Крупањ	Крупањска	21.01.2008.	18.02.2008.
014-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	08701100	Суботица	Суботица	21.01.2008.	18.02.2008.
015-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	08788098	Београд	Радничка 143	21.01.2008.	18.02.2008.
016-01-01-04-001-0001	ПРЕДУЗЕЋЕ ЗА ПРОЈЕКTOVANJE I INŽENJERING "PROJEKT" BEOGRAD, Ulica Kralja Milana 111, 110 000, BEOGRAD	17021223	Београд	Илићева 10	21.01.2008.	18.02.2008.

Transparency related to administrative procedure (5)

- **Resolution of appeals (Connection and TPA)**
 - **Proof of legal interest for third parties in the procedure**

Art. 70 Para 1 and 2 (Law on General Administrative Procedure)

“Parties may examine, and at their own expense transcribe and/or photocopy the briefs of the proceedings. The examination or the transcription of the briefs is conducted under the supervision of a designated official.

The right to examine, and to transcribe and/or photocopy the briefs of the proceeding is granted to any third party which makes its legal interest probable.”

Transparency in rule-setting

- **Drafts**
 - No formal procedure
 - Public sessions not obligatory but sometimes conducted on AERS initiative (round tables and web-consultations)
- **Adopted rules**
 - Publication in OJ and on web-site

Additional Public Outreach

- **Communication with public (and industry) on specific issues:**
 - **Mail**
 - **Telephone**
 - **E-mail**

***Thank you for your
attention***

Contact:

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