

Croatian legislative framework regarding RES and EE, a short overview

National legislation regarding RES has been implemented in accordance to 2001/77/EC via the **Energy act** (Official Gazzete 68/01), and the **Electricity Market Act** (Official Gazzete 177/04, 76/07, 152/08) . **The Ordinance on granting the status of eligible electricity producer** (Official Gazzete 177/04) regulates the conditions needed from the RES producers to be fulfilled in order to receive a subsidized **feed-in tariff for production from RES**.

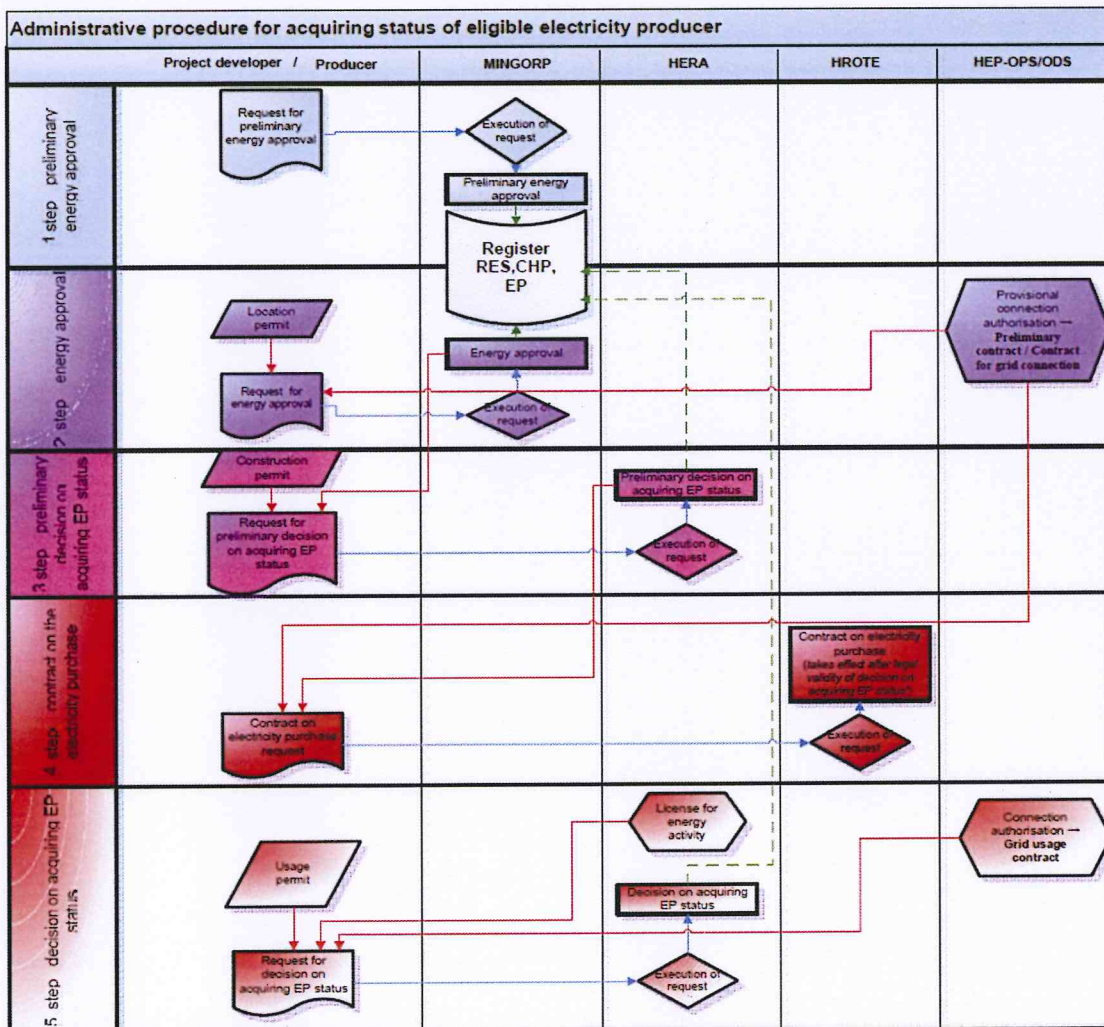


Table 1.

According to secondary legislation any physical or legal entity wishing to construct a new energy solar plant must obtain the following documentation in order to be an eligible energy producer and receive **the incentive feed-in tariff**:

1. **Preliminary energy approval** (to be issued by the Ministry of Economy)
2. **Energy approval for energy plant construction** (to be issued by the Ministry of Economy)
3. **Preliminary decision on acquiring eligible producer status** (to be formalised with HEP -

Distribution system operator or HEP – Transport System Operator, which are both state owned sister companies of Croatian Electrical Company (HEP).

4. **A pre - decision document of eligible energy producer from RES** (to be issued by HROTE, a state energy agency)
5. **The decision on acquiring Eligible energy producer from RES status** (to be issued by HROTE, after the energy plant s construction is complete.

In the case of a solar system not exceeding 30 kW power, the **Energy approval for energy plant construction** is not required. (eliminating only step 2).

Total maximum power a solar plant must have be **under 1 MW** in order for the plant to receive the eligible energy producer from RES status, and thus the incentive tariff.

It is important to emphasize that a number of bylaws has been approved by the state parliament but a number of them are still in the process of drafting. There is also a number of improvements to standing bylaws being drafted taking in account the feedback from legal and technology experts, as well as subjects who applied to be eligible energy producers. They are not only working on improving the secondary legislation but are working on a model which would simplify the procedure required in order to get the eligible energy producer status as the procedure is very complicated and costly, a “one stop shop” solution would greatly improve the time and resource cost in order to obtain the eligible energy producer from RES.

The present procedure is complicated as the various permit and audit prerequisites must be carried from one institution to the other which is complicated and costly.

There are also problems regarding grid connections because there are scarce instruments of the state or national operators regarding co-financing for grid access of small systems. The case studies show that in regard of current legislative restrictions (even for home installed small scale systems) RES projects of small scale result in a non-profit scenario for investors, as state subsidies are scarce and limited (only up to 1600 EUR) and information campaigns

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in smaller communities are needed in regard to awareness building as to obtain public approval for domestic financing at local or regional level (the opportunity cost issue).

At large scale (wind) there should be long term profit because there are a number of completed and ongoing projects of these larger scale RES systems, at several locations mostly focusing on wind energy. Croatia has excellent-to good potential in regard to all 5 (wind, solar, hydro, geothermal, biomass) renewable energy sources

Taking in account the above mentioned facts, in regard to PATRES as it is focused on capacity building for small scale projects of local or regional authorities the activities in Croatia must follow the facts of small awareness for RES and EE at local level of authority, most communities preference for infrastructural or tourism projects, a credit cap for investments at local level (work is being done at Ministry of economy to exclude small RES projects from these restrictions), difficult creation of bipartisan support at local and regional levels as well as restricted insight of benefits offered by RES.

The training programme will be tailored to these national predicaments and emphasis will be given to capacity building, joint venture project benefits and stakeholder forum organisation training, legislative issues (near future aspect included), financing support options at national and EU level, as well as opportunities offered through knowledge platforms such as Energy cities and the Covenant of mayors. Less significance will be given to technical aspects of RES technologies.

Sources:

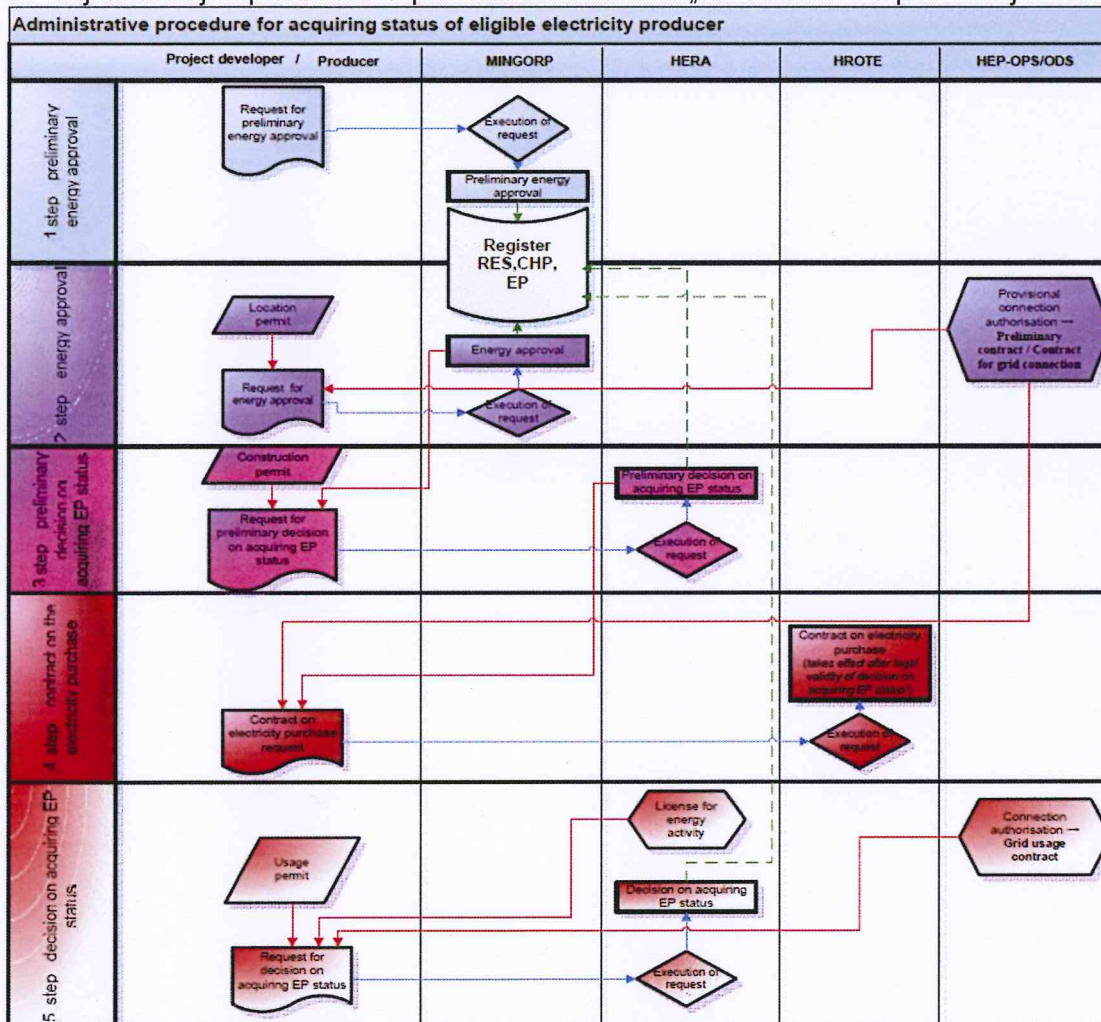
Profitability and the Feasibility of the Photovoltaics in Croatia – Analysis of Technical, Economical and Legal Aspects, Diana Ognjan, Slavica Robić, Nenad Debrecin, Internet http://www.aeee.at/2009-IAEE/uploads/fullpaper_iaee09/P_436_Ognjan_Diana_30-Aug-2009,%2019:15.pdf

RELEEL project: <http://releel.mingorp.hr/default.aspx?id=39>

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Hrvatski zakonodavni okvir o OIE i EE, kratki pregled

Nacionalno zakonodavstvo o obnovljivim izvorima je provedena u skladu s 2001/77/EZ putem **Zakona o energiji** (Službeni glasnik 68/01), te **Zakona o tržištu električne energije** (Službeni glasnik 177/04, 76/07, 152/08). **Pravilnik o dodjeljivanju statusa povlaštenog proizvođača električne energije** (Službeni glasnik 177/04) uređuje uvjete potrebne za dobivanje statusa povlaštenog proizvođača iz OIE koji se moraju ispuniti kako bi primili subvencionirane „ulazne tarife“ za proizvodnju iz OIE.



Prema sekundarnom zakonodavstvu bilo koje fizičke ili pravne osobe koje žele graditi nova energetska solarna postrojenja moraju pribaviti slijedeću dokumentaciju, kako bi ostvarili pravo povlaštenog proizvođača energije i dobili poticajne tarife:

- 1. Prethodno energetska odobrenje za izgradnju postrojenja** (izdaje se od strane Ministarstva gospodarstva)
- 2. Energetska odobrenje za izgradnju postrojenja** (će biti izdano od strane Ministarstva)

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gospodarstva)

3. Ugovor ili predugovor o priključenju ne elektroenergetsku mrežu (biti će izdano od HEP-a

Operatora distribucijskog sustava ili HEP - Operatora transportnog sustava)

4. **Prethodno rješenje o statusu povlaštenog proizvođača** (koje će izdati HROTE, Agencija stanje energije)

5. **Rješenje o statusu povlaštenog proizvođača** (koje će izdati HROTE, nakon gotove izgradnje energetskog postrojenja).

U slučaju solarnih sustava koji ne prelazi 30 kW, Energetska suglasnost za gradnju energetskih postrojenja nije potrebna. (Eliminirajući samo korak 2).

Ukupna maksimalna snaga solarnog postrojenja mora imati **ispod 1 MW** snage, kako bi se za postrojenje mogao ishodovati status povlaštenog proizvođača, a time i poticajna tarifa. Važno je naglasiti da je velik broj podzakonskih akata odobren od strane državnog sabora, ali veliki broj njih su još uvijek u procesu izrade.

Tu je i niz poboljšanja sekundarne legislative na temelju povratnih informacija od pravnih stručnjaka i tehnologa, kao i subjekata koji su se prijavili za postupak dobivanja statusa povlaštenog proizvođača.

Ministarstvo Gospodarstva ne samo da radi na poboljšanju sekundarnog zakonodavstva, već radi i na modelu koji bi trebao pojednostaviti proceduru potrebnu kako bi se ishodovao status povlaštenog proizvođača energije. Kako je postupak vrlo kompliciran i skup, "one stop shop" rješenje bi uvelike smanjilo vrijeme i uoštak resursa, pri dobivanja statusa povlaštenog proizvođača energije iz OIE.

Sadašnji postupak je kompliciran jer se razne dozvole i odobrenja moraju ishodovati obilazeći mnoge državne ustanove što je komplicirano i skupo.

Tu su i problemi u vezi spajanje na mrežu, jer postoje rijetki financijski instrumenti države ili nacionalnog operatera u vezi sufinanciranja pristupa na mrežu ovih malih sustava OIE.

Studije slučaja pokazuju da u odnosu na postojeći zakonodavna ograničenja (čak i za kućno instalirane male sustave) projekti OIE malih razmjera rezultiraju u neprofitnom scenariju za investitore, pošto su državne subvencije nedovoljne i ograničene (samo do 1600 eura).

Hrvatska ima odličan do - dobar potencijal u odnosu na svih 5 (vjetar, solarna energija, hidro, geotermalna, biomasa) obnovljivih izvora energije.

Uzimajući u obzir gore navedene činjenice, u odnosu na PATRES jer je usmjeren na izgradnju kapaciteta za male projekte lokalnih ili regionalnih vlasti u Hrvatskoj, mora se raditi na dizanju svijesti za OIE i EE na lokalnoj razini vlasti, većina lokalnih zajednica preferira infrastrukturne projekte i turizam, a za sva ulaganja na lokalnoj razini postoji kreditni limit (Ministarstvo Gospodarstva radi na legislativi koja će isključivati male projektie OIE i kogeneracije od tih ograničenja). Teško se ostvaruje dvostranačka podrška na lokalnoj i regionalnoj razini, kao što postoji i ograničen uvid pogodnosti koje nude OIE.

Program obuke će biti prilagođen tim nacionalnim preprekama i naglasak će se dati izgradnji kapaciteta administracije, *joint venture* projektima, koristi organiziranja javnih tribina, zakonodavnim pitanjima (kao i onima u bliskoj budućnosti), mogućnosti financiranja projekata na nacionalnoj i EU razini, kao i mogućnostima koje se nude kroz tzv. platforme znanje kao što su Energy Cities i Covenant of Mayors.

Manji značaj će se staviti na tehničke aspekte tehnologija OIE.

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