



**CRITERIA FOR GRANTING DEROGATIONS FROM REQUIREMENTS
FOR CONNECTION OF DEMAND FACILITIES**

March 2019

The basis for adoption of the Criteria for granting derogations

On 12 January 2018, the Permanent High Level Group adopted the decisions incorporating the connection network codes into the Energy Community *acquis* on electricity, that is Commission Regulation (EU) 2016/631, Commission Regulation (EU) 2016/1388 and Commission Regulation (EU) 2016/1447. For this reason, the issue of transposition and implementation of the network codes and guidelines was imposed as one of the key activities in the work of the relevant institutions in Bosnia and Herzegovina, primarily the State Electricity Regulatory Commission (SERC) and the Independent System Operator in Bosnia and Herzegovina (NOS BiH), which were recognised by the ministry of Foreign Trade and Economic Relations as the key bodies in charge of these activities.

In this context, in June 2018 the State Electricity Regulatory Commission passed a Decision on transposition of network codes on connection (Official Gazette of BiH, 42/18) defining for the electricity sector in Bosnia and Herzegovina the terms and conditions for transposition of the three mentioned Regulations as adapted to the Energy Community legal framework.

Respecting the Energy Community requirements regarding the deadlines for transposition and implementation of the provisions of the mentioned Regulations which have been prioritised by the Permanent High Level Group decisions and required the implementation without delay, on 27 February 2019 SERC adopted the Rules on Connection Network Codes (Official Gazette of BiH 19/19). In line with the competences of the State Electricity Regulatory Commission defined pursuant to Article 4.2 of the Law on Transmission of Electric Power, Regulator and System Operator of Bosnia and Herzegovina (Official Gazette of BiH, 7/02, 13/03, 76/09 and 1/11), by these Rules one part of the connection network codes has been transposed into the legal system of Bosnia and Herzegovina. This pertains to the provisions which, pursuant to the relevant Permanent High Level Group decisions, are to be implemented without delay.

The provisions to be implemented without delay include, inter alia, Article 51(1) of Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a network code on demand connection as adapted to the Energy Community legal framework by the Permanent High Level Group Decision 2018/05/PHLG-EnC of 12 January 2018. In accordance with this provision of the adapted Regulation, each regulatory authority shall specify, after consulting relevant system operators and demand facility owners, distribution system operators, closed distribution system operators and other stakeholders whom it deems affected by this Regulation, the criteria for granting derogations pursuant to Articles 52 and 33 of the Regulation. In line with this, the provision of Article 11 of the Rules on Connection Network Codes specifies that SERC shall specify the criteria for granting derogations from the requirements for the connection of demand facilities by a separate decision. Furthermore, it has been laid down that SERC may, at the request of a demand facility owner or prospective owner, or distribution system operator/closed distribution system operator or prospective operator, Public Utility “Komunalno Brčko” Brčko, NOS BiH or Elektroprenos BiH (Transmission Company), grant derogations from the requirements for the connection of demand facilities, or revoke the derogations already granted.

The specified criteria shall be published on the SERC official website www.derk.ba and notified to the Energy Community Secretariat no later than 12 April 2019.

I - Criteria for granting derogations

1. When deciding upon the submitted request for derogations from the requirements for the connection of demand facilities (hereinafter: the request for derogation), SERC shall take into consideration whether the consistent application of some or all provisions of the adapted Commission Regulation (EU) 2016/1388 of 17 August 2016 may have any adverse effect on operational security and the power system stability.
2. Irrespective of this, the request for derogation shall be refused if there are elements of the discriminatory behaviour of the relevant system operator with regard to the identical cases of connection of similar or identical demand facilities, demand units and distribution systems.

II – Additional recommendation for applicants

SERC recommends prospective applicants for derogations to consult the recommendations from the document of the European Network of Transmission System Operators for Electricity (ENTSO-E) titled *Cost Benefit Analyses – ENTSO-E Guidance document for national implementation for network codes on grid connection* available on the ENTSO-E website, under section “Connection Network Codes”.

https://www.entsoe.eu/network_codes/cnc/cnc-igds/

III - The requests for derogation shall be filed using the forms which are annexed to the document as follows:

ANNEX 1 - Request form for derogation by demand facility owner, distribution system operator or closed distribution system operator,

ANNEX 2 - Request form for derogation by relevant system operator for facilities connected or to be connected to its network.

Request form for derogation by demand facility owner, distribution system operator or closed distribution system operator

I - General data about the applicant

Name	Click here to enter text.
Seat	Click here to enter text.
Address	Click here to enter text.
E-mail address	Click here to enter text.
Telephone	Click here to enter text.
Fax	Click here to enter text.
Applicant: (please mark as appropriate)	<input type="checkbox"/> Demand facility owner, distribution system operator or closed distribution system operator <input type="checkbox"/> Third party
Data provided pertain to: (please mark as appropriate)	<input type="checkbox"/> Demand facility owner, distribution system operator or closed distribution system operator <input type="checkbox"/> Third party

II - Applicant's contact person

First name and surname	Click here to enter text.
Position	Click here to enter text.
E-mail address	Click here to enter text.
Telephone numbers	Click here to enter text.
	Click here to enter text.
Data provided pertain to: (please mark as appropriate)	<input type="checkbox"/> Demand facility owner, distribution system operator or closed distribution system operator <input type="checkbox"/> Third party

III – Basic data about the facility, unit or system

Name	
Location	Click here to enter text.
Installed capacity [kW]	Click here to enter text.
Voltage of connection [kV]	Click here to enter text.
Expected lifetime	Click here to enter text.
Expected commencement of operation	Click here to enter text.
Provisions for which derogation is requested	Click here to enter text.
Proposed period for duration of derogation	From Click to enter text. To Click to enter text.

Criteria for granting derogations from requirements for connection of demand facilities

IV – List of documents

a) Basic documents

Evidence	Submitted (Please mark as appropriate)
Description of transmission-connected demand facility, transmission-connected distribution facilities, distribution system or demand unit for which derogation is requested	<input type="checkbox"/> YES <input type="checkbox"/> NO
Detailed description of the requested derogation	<input type="checkbox"/> YES <input type="checkbox"/> NO
Detailed reasoning with relevant supporting documents and cost-benefit analysis. Reasoning may include, for example: <ul style="list-style-type: none"> - detailed description of the problem, - detailed description of the scope of problem, - cause or initiator of the problem, - clearly stated assumptions, and existing risks and uncertainties, - description of a solution to the problem through the derogation from the requirements of connection codes, - impossibility of applying some other measures which would enable the avoidance of derogations from the requirements, - unsuitability or unacceptability of shorter deadlines for derogations than the requested ones. 	<input type="checkbox"/> YES <input type="checkbox"/> NO
Demonstration that the requested derogation would have no adverse effect on cross-border trade	<input type="checkbox"/> YES <input type="checkbox"/> NO

b) Other documents

No.	Title
1.	Click here to enter text.
2.	Click here to enter text.
3.	Click here to enter text.
4.	Click here to enter text.
5.	Click here to enter text.

Place and date of filing the request	Click here to enter text.
First name and surname of responsible person	Click here to enter text.
Signature of responsible person and seal	

Request form for derogation by relevant system operator for facilities connected or to be connected to its network

I - General data about the system operator

Name	Click here to enter text.
Seat	Click here to enter text.
Address	Click here to enter text.
E-mail address	Click here to enter text.
Telephone	Click here to enter text.
Fax	Click here to enter text.

II - System operator's contact person

First name and surname	Click here to enter text.
Position	Click here to enter text.
E-mail address	Click here to enter text.
Telephone numbers	Click here to enter text. Click here to enter text.

III - Basic data about the facility, unit or system

Name	
Location	Click here to enter text.
Number of power-generating modules	Click here to enter text.
Total installed capacity [kW]	Click here to enter text.
Voltage of connection [kV]	Click here to enter text.
Expected lifetime	Click here to enter text.
Expected commencement of operation	Click here to enter text.
Provisions for which derogation is requested	Click here to enter text.
Proposed period for duration of derogation	From Click to enter text. To Click to enter text.

IV – List of documents

a) Basic documents

Evidence	Submitted (Please mark as appropriate)
Description of transmission-connected demand facility, transmission-connected distribution facilities, distribution system or demand unit for which derogation is requested and total installed capacity and number of transmission connected demand facilities, transmission-connected distribution facilities, distribution systems or demand units	<input type="checkbox"/> YES <input type="checkbox"/> NO
Detailed description of the requested derogation	<input type="checkbox"/> YES <input type="checkbox"/> NO
Detailed reasoning with relevant supporting documents	<input type="checkbox"/> YES <input type="checkbox"/> NO
Demonstration that the requested derogation would have no adverse effect on cross-border trade	<input type="checkbox"/> YES <input type="checkbox"/> NO
Cost-benefit analysis (if applicable, cost-benefit analysis is done in coordination with the relevant TSO and all neighbouring DOSs)	<input type="checkbox"/> YES <input type="checkbox"/> NO

Criteria for granting derogations from requirements for connection of demand facilities

b) Other documents

No.	Title
1.	Click here to enter text.
2.	Click here to enter text.
3.	Click here to enter text.
4.	Click here to enter text.
5.	Click here to enter text.

Place and date of filing the request	Click here to enter text.
First name and surname of responsible person	Click here to enter text.
Signature of responsible person and seal	