Date: 1 December 2017

Belgrade

Re: Reasoned Request in Case ECS-11/14

Dear Mr. Kopac,

With regard to the Reasoned Request in Case ECS-11/14 of the Energy Community Secretariat, addressed to our attention on 2 October 2017, we are sending you enclosed the Reply to the Reasoned Request.

Yours sincerely,

MINISTER

Aleksandar Antic

Enc: The Reasoned Request in Case ECS-11/14

Energy Community Secretariat Mr. Janez Kopac, Director Am Hof 4 1010 Vienna AUSTRIA

Reply to the Reasoned Request in Case ECS-11/14

In the reasoned request submitted pursuant to Article 90 of the Treaty establishing the Energy Community ("**Treaty**") and Articles 15 and 29 of Procedural Act No. 2015/04/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015 on the Rules of Procedure for Dispute Settlement under the Treaty ("**Request**"), your services have requested a decision from the Ministerial Council that

by the Commission for State Aid Control either not assessing or incorrectly assessing the compatibility of certain State aid measures, the Republic of Serbia has failed to comply with its obligations under the Treaty, in particular Articles 18 and 19 thereof.

The Ministry of Mining and Energy of the Republic of Serbia ("**Ministry**") hereby submits the following preliminary reply to the Request ("**Reply**").¹

I. FACTUAL BACKGROUND

- In June 2014, the Secretariat received a complaint claiming that the state-owned public company Elektroprivreda Srbije ("EPS") had received alleged State aid for different projects related to the Kolubara Mining Basin and Kolubara B power plant project ("Complaint"). The complainant alleged that, by providing State aid which distorts or threatens to distort competition by favouring certain undertakings or certain energy resources, the Republic of Serbia breached the Energy Community rules on State aid, namely Articles 18 and 19 of the Treaty.
- 2. The complainant listed five measures of State support that EPS had allegedly received since 2006 ("Measures"):
 - 1. For the project "*Procurement of the ECS System*", which includes purchasing a coal excavator, a conveyor and a spreader system for the Tamnava West field: State guarantee for a European Bank for Reconstruction and Development (EBRD) loan amounting to EUR 52 million ("**Measure 1**");
 - 2. For the same project: State guarantee for a *Kreditanstalt für Wiederaufbau* (KfW) loan amounting to EUR 25 million and a direct grant of EUR 9 million ("**Measure 2**");
 - 3. For the *Kolubara Environmental Improvement* project: State guarantee for an EBRD loan amounting to EUR 80 million ("**Measure 3**");
 - 4. For the same project: State guarantee for a KfW loan amounting to EUR 65 million and a direct grant of EUR 9 million ("**Measure 4**");

¹ Said Reply is qualified as "preliminary" since the Ministry herein submits a request for a time-limit extension to the Ministerial Council pursuant to Article 10(3) of the Rules, due to Vis Major caused by mandatory public procurement rules based on the EU acquis (as reasoned in more detail in para 128 et al below).

5. Transfer of property (land and buildings) for the construction of Kolubara B with a market value of RSD 1.4 billion (EUR 12.7 million, as per exchange rate on November18, 2013) ("Measure 5").

II. PROCEDURAL MATTERS

- 3. Article 3 of Annex IV to the Act on Ratification of the Treaty Establishing the Energy Community ² prescribes that the Ministry in charge of mining and energy is responsible for the implementation of the Treaty in national law. Therefore, the Ministry is the only authority competent to submit a reply to the Request on behalf of the Republic of Serbia.
- 4. The Reply **is being submitted timely** for the following reasons:
 - As duly acknowledged in two separate letters by the President of the Advisory
 Committee of the Energy Community ("Advisory Committee"), Mr. Wolfgang
 Urbantschitsch, dated October 6, 2017 and November 30, 2017, respectively
 (Appendices 1 and 2), the Request, albeit submitted to the Ministerial Council on
 May 19, 2017, was only duly served to the Ministry on October 2, 2017, due to an
 apparent technical problem.
 - On request of the Ministry (Appendix 3), and taking into account, among others, the fact that the Request was only delivered on <u>October 2, 2017</u>, the Advisory Committee correctly decided and duly postponed the hearing in the present case from October 6, 2017 to <u>February 16, 2018</u> (please see Appendix 1).
 - In light of the Secretariat's claims of an alleged "dispute" on the matter of due delivery, the Republic of Serbia requested from the Secretariat access to the entire case file on two occasions (Appendices 4 and 5), demanding in particular a proof of due delivery of the Request to the Republic of Serbia e.g., an electronic read receipt. However, in its response to said requests, the Secretariat so far failed to deliver to the Republic of Serbia any proof of delivery of the Request on a date earlier than October 2, 2017.
 - This was also confirmed by the Advisory Committee, in its letter dated November 30, 2017, by its President, Mr. Wolfgang Urbantschitsch, who once more emphasized that there was no evidence of the Request being served on the Republic of Serbia at any earlier point in time (please see Appendix 2).
- 5. Consequently, and in accordance with Article 31 of the Consolidated Rules of Procedure for Dispute Settlement under the Treaty ("Rules"), the deadline for the Republic of Serbia to submit its reply to the Request expires on **December 2, 2017**.

_

² The Official Gazette of the Republic of Serbia no. 62/2006

a) LACK OF JURISDICTION OVER EU CANDIDATE COUNTRIES

- 6. The European Union has sole and exclusive jurisdiction to examine State aid matters in an EU candidate country with an association agreement in force, as is Serbia, in terms of the alleged aid's conformity with the EU *acquis* on competition and State aid.
- 7. The Stabilisation and Association Agreement entered into between the Republic of Serbia, on the one side, and the European Union and its Member States, on the other³ ("SAA"), has prevalence over the Treaty. Pursuant to the SAA, as was the case with previous EU candidate countries, Union institutions, primarily the Commission, have exclusive jurisdiction to analyse alleged State aid cases during the EU Negotiation Process, under the auspices of Chapter 8 (link). Consequently, the institutions of the Energy Community do not have any jurisdiction in the subject matter, as the Treaty is inapplicable in State aid/competition matters.
- 8. Article 18 of the Treaty contains a provision pursuant to which EU *acquis* on competition and State aid forms an integral part of the Treaty and is to be directly applied by the institutions of the Energy Community:

"Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the rules of Articles [101, 102 and 107] of the [TFEU] (attached in Annex III)."

- 9. It follows, the Energy Community is generally competent to examine conformity of aid measures granted by a Contracting Party, with the EU *acquis* on competition and State aid. However, this jurisdiction is not absolute and is largely dependent on existence, terms and conditions of the so-called 'mixed agreements', as adequately labelled by the Secretariat itself in paragraph 61 of the Request.
- 10. When it comes to the notion of 'mixed agreements', Article 103 of the Treaty stipulates:

"Any obligations under an agreement between the European Community and its Member States on the one hand, and a Contracting Party on the other hand shall not be affected by this Treaty. Any commitment taken in the context of negotiations for accession to the European Union shall not be affected by this Treaty."

11. The above cited provision governs the mutual relationship between the SAA and the Treaty, given that the SAA fulfills all conditions of a 'mixed agreement' from Article 103, as it was concluded between the EU and its Member States, on the one part, and the Republic of Serbia, on the other. It follows, any and all obligations (and corresponding rights) set forth in the SAA cannot in any manner be affected by the provisions of the Treaty. *Vice versa*, by stipulating obligations, nothing prevents the SAA to affect and/or even derogate the provisions of the Treaty – in case of conflict, the SAA has primacy.

_

³ "Official Gazette of the RS – International Treaties", No. 83/2008.

- 12. Primacy of the SAA in State aid and competition matters has been part of **continued**Commission policy when concluding many subsequent multilateral sectoral agreements –

 State aid and competition rules in case of association agreements in force were always under the exclusive jurisdiction of the Commission vis-à-vis an EU candidate country.
- 13. Consequently, according to Article 14 of the ECAA Agreement⁴, if rules on competition and State aid are included in other agreements between two or more contracting parties, such as association agreements (as this is the case with the SAA), these rules shall exclusively apply between those parties.
- 14. The same provision is also stipulated under Article 17 of Treaty Establishing the Transport Community.⁵
- 15. Under both the ECAA Agreement and the Treaty Establishing the Transport Community (both having the same nature, purpose, legal force and effect as the Treaty, in their respective sectors), competition and State aid matters are, therefore, exclusively governed by the SAA, both in terms of substance and jurisdiction. It follows, under the two agreements, similar to the energy sector, the Commission is solely competent to assess whether the Republic of Serbia, in the fields of transport and aviation, complies with its association agreement obligations in matters of competition and State aid.
- 16. By analogy, the SAA has the legal power to alter and/or even derogate the provisions of the Treaty in case of any conflict. Said conclusion goes also in line with the correct interpretation of Article 103 given by the Secretariat in paragraph 61 of the Request. Namely, the Secretariat correctly stated that **there was no conflict** between the Treaty and the Interim Agreement on trade and trade-related matters entered into between the European Community, of the one part, and the Republic of Serbia, on the other part, given that the latter was not a 'mixed agreement' and did not fall under the scope of Article 103 of the Treaty. It follows, said conflict indubitably exists when it comes to 'mixed agreements', such as the SAA. Moreover, in case of a conflict, pursuant to Article 103 and the Secretariat's own interpretation, the SAA prevails.
- 17. Consequently, the only question that remains is whether conflicting provisions exist or not between the SAA and the Treaty in the present case.
- 18. In this context, it is relevant to take into consideration mutual rights and obligations that arise from the SAA for its contracting parties, primarily with respect to protection of competition and State aid control.

⁴ Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area,

⁵ The proposal on the Act on ratification of the Treaty Establishing the Transport Community was confirmed by the National Assembly on November 24, 2017.

19. On this note, the SAA imposes on the Republic of Serbia a duty under international law to directly apply the EU *acquis* on competition and State aid, and stipulates under its Article 73(2):

"Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the competition rules applicable in the [Union], in particular from Articles [101, 102, 106 and 107] of the [TFEU] and interpretative instruments adopted by the [Union] institutions."

20. Obligations of the Republic of Serbia under Article 73 of the SAA were confirmed in Screening Report for Chapter 8. Namely, instead of directly opening negotiations, the EU Commission **already <u>conditioned</u>** the opening of Chapter 8 with Serbia under the so-called "opening benchmarks" – screening results, as follows (link):

"Serbia complies with its obligation under Article 73(5) and Protocol 5 to the SAA to provide complete information on individual aid cases to the Commission so as to enable the <u>Commission to assess and monitor the compliance</u> of these aid measures with <u>Serbia's obligations under the SAA</u>." [emphasis added.]

21. Moreover, the Commissioner for European Neighborhood Policy & Enlargement Negotiations in office, Mr. Johannes Hahn, in a recent press statement unequivocally confirmed the European Union obligation to assess individual State aid cases in the Republic of Serbia pursuant to EU State aid rules, in accordance with the SAA, as follows (link):

"The Commission was required to conduct this analysis based on the Serbia's obligations under the EU-Serbia Stabilisation and Association Agreement, which commits Serbia to respecting the EU state aid regime, in particular for companies in restructuring." [emphasis added].

- 22. Further, not only that the European Union has powers to assess and monitor State aid granted in Serbia, but it is empowered to, if determines that any aid granted is not compatible with the EU *acquis*, (i) hold Serbia in breach of the SAA, and/or (ii) stop further EU accession negotiations.
- 23. It stems from the above mentioned that, under the SAA, Serbia is directly responsible to the EU in terms of implementation of the EU *acquis* on competition and State aid, while the EU has the corresponding right and power to assess all State aid cases in Serbia, in terms of their conformity with the *acquis*.
- 24. Accordingly, in terms of determining the existence of conflicting provisions between the SAA and the Treaty it is evident that (i) both agreements contain exactly the same provisions on State aid based on the TFEU (SAA, Art. 73 Vs. Treaty, Art. 18), (ii) both agreements invoke the application of the same EU State aid regime, and (iii) under both agreements compliance with said regime is an obligation of the contracting parties, whereas (iv) under the Treaty the Energy Community institutions have jurisdiction to assess said compliance, while the SAA requires the Commission "to conduct this analysis", as cited above.

- 25. Therefore, it is completely legally possible and imaginable that for the **identical** fact pattern and under **identical** EU rules, and against an **identical** party, the Republic of Serbia, two separate and parallel investigations may be commenced, one before the Secretariat, another in front of the Commission (A) sui generis example of lis pendens.
- 26. Moreover, it is also legally possible that one institution commences proceedings earlier in time than the other, and even identifies a breach and imposes measures before the other. However, nothing in the Treaty or the SAA impedes the Commission to subsequently open an investigation of its own and make an independent decision against the same party, the Republic of Serbia, based on the same facts and law. What is more, under the SAA "the Commission is required to conduct this analysis". Consequently, and, in particular, since the Commission must do its own analysis, a Ministerial Council decision, as suggested by the Secretariat in the Request, if adopted in the present case would (B) directly violate the ne bis in idem rule as defined under EU law and the EU Charter of Fundamental Rights.
- 27. Furthermore, it is legally possible and imaginable that a decision of the Ministerial Council and that of the Commission substantially differ, although being based on the exact same facts and law, and against the same party, in this case, the Republic of Serbia. This would constitute a (C) clear breach of the res judicata principle.
- 28. Finally, an entire set of further problems would exist at the time of EU accession, in the context of "new" and "existing aid", as defined under well-established caselaw of the European Court of Justice.
- 29. To resolve the aforementioned conflict, it would suffice to rely on the above said principles of EU law. However, we attest that it is **for this precise reason to secure full clarity and legal certainty in case of said conflict (points A-C above) that Article 103 was introduced in the Treaty. It provides for legal supremacy of the special relationship between the Union and its Member States on one side, and, the EU candidate country on the other, during negotiations until accession** when a candidate becomes represented by the Union itself, under the Treaty.
- 30. By initiating proceedings in case ECS-11/14 against the Republic of Serbia, the Secretariat of the Energy Community breached the provision of Article 103 of the Treaty, given that it adversely affected the obligation and power of the Commission (in particular, DG NEAR and DG COMP) to independently and impartially analyze the existence and compatibility of State aid in the present case. If further breached the obligation and right of the Republic of Serbia to have this matter analyzed by the Commission, instead of the Energy Community institutions.
- 31. Additionally, on the basis of both international treaty law and the Serbian Constitution (Article 194), the SAA, and thus, the jurisdiction of the European Union over State aid cases vis-à-vis Serbia, enjoys clear legal supremacy over the Treaty, on the following grounds: 1) the SAA, being an asymmetric bilateral agreement (so-called "mixed agreement"), has supremacy over any multilateral agreement (including the Treaty) which has the same subject matter; 2) in accordance with Article 30 of the Vienna Convention on Law of

Treaties, the SAA that entered into force on September 1, 2013, as a *lex posterior*, enjoys legal supremacy over the Treaty that entered into force seven years before, on July 1, 2006;

32. It follows from all the above mentioned that, on the basis of both the Treaty and the SAA, as well as principles of international treaty law, EU law, and Serbian law, Union institutions, primarily, the Commission has exclusive jurisdiction to examine State aid cases vis-àvis Serbia as an EU candidate country, and under the auspices of accession negotiations.

b) NO PROOF OF BREACH

- 33. The Secretariat failed to prove the existence of a breach on the part of the Republic of Serbia. Furthermore, the Secretariat applied several negative presumptions and reversed the burden of proof by finding that the Republic of Serbia and its authorities failed to comply with its obligations under the Treaty.
- 34. By way of the Request and in accordance with Article 90 of the Treaty, the Secretariat brought to the attention of the Ministerial Council an alleged failure of the Republic of Serbia to comply with its obligations under the Treaty, in particular obligations stipulated in Articles 18 and 19 thereof.
- 35. However, the Secretariat failed to prove that the Republic of Serbia violated the Treaty, given that it did not perform a substantive assessment of the Measures in terms of their conformity with Articles 18 and 19 of the Treaty, and did not "place before the Ministerial Council the information needed to enable it to determine whether" the Republic of Serbia indeed violated its obligations, albeit instructed to do so under the Treaty and the Rules.
- 36. Namely, Article 67, paragraph 1 of the Treaty stipulates:

"The Secretariat shall:

[...]

(b) review the proper implementation by the Parties of their obligations under this Treaty;

[...]

37. More importantly, Article 4 of the Rules expressly stipulates:

"The burden of proving the allegation of non-compliance by a Party with Energy Community law and to place before the Ministerial Council the information needed to enable it to determine whether the obligation has not been fulfilled shall rest on the initiator of the proceedings."

38. It follows from the above, the burden of proof that the Republic of Serbia breached its obligations under the Treaty <u>lies exclusively with the Secretariat</u>. In other words, it is the Secretariat that must unequivocally establish that the Republic of Serbia behaved contrary

to the relevant provisions of the Treaty, in this case, Article 18 and 19 of the Treaty, and not the other way around.

39. On this note, the Secretariat was under the obligation to prove a breach of Article 18 of the Treat that reads as follows:

"The following shall be incompatible with the proper functioning of the Treaty, insofar as they may affect trade of Network Energy between the Contracting Parties:

[...]

any public aid which distorts or threatens to distort competition by favoring certain undertakings or certain energy resources.

Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the rules of Articles [101, 102 and 107] of the [TFEU] (attached in Annex III)."

- 40. Equally, Article 107, paragraph 1 of the TFEU provides that <u>any aid</u> granted by a Member State or through State resources in any form whatsoever <u>which distorts or threatens to distort competition by favoring certain undertakings or the production of certain goods shall, <u>in so far as it affects trade</u> between Member States, be incompatible with the common market.</u>
- 41. It clearly stems from the two above cited provisions that only aid (i) which **distorts or threatens to distort** competition, and (ii) which **affects, or may affect trade between the parties** to the Treaty, can be deemed incompatible with the Treaty and can be subject to sanctions set forth thereof.
- 42. It follows, <u>only granting aid which fulfills both conditions set forth above is contrary to the relevant provisions and constitutes a Treaty violation and not a lack of assessment or incorrect assessment of alleged State aid measures and/or their compatibility, as incorrectly claimed by the Secretariat in the Request.</u>
- 43. Consequently, to be able to determine whether certain aid measures are compatible with the Treaty, the institutions of the Energy Community, primarily the Secretariat which bears the burden of proof, must conduct a thorough legal and economic assessment of such aid. Only in such manner can the Secretariat duly fulfill its obligation to review the proper implementation by the Parties of their obligations under the Treaty (as instructed by Article 67, paragraph 1 of the Treaty) and place before the Ministerial Council the information needed to enable it to determine whether the violation in fact occurred (as stipulated under Article 4 of the Rules).
- 44. Further, any such assessment **must**, as the Secretariat correctly noted in paragraph 67 of the Request, "<u>reflect the case law of the European Commission as confirmed by the Court of</u>

 Justice, which is of relevance for the case at hand".

- 45. Completely contrary to its very own statement and going directly against the relevant provisions of the Treaty and the Rules, the Secretariat submitted the Request without conducting any, let alone proper analysis of the aid allegedly granted by the Republic of Serbia in terms of its conformity with the Treaty and the EU *acquis*. It merely stated that the Republic of Serbia failed to comply with its obligations from the Treaty only by not assessing or incorrectly assessing the compatibility of certain State aid measures.
- 46. In other words, the Secretariat considers that, by <u>not assessing</u> or <u>incorrectly assessing the compatibility of certain and alleged State aid measures, the Republic of Serbia breached Articles 18 and 19 of the Treaty</u>. However, nowhere in either Article 18 or 19 does the Treaty stipulate that failure of Serbia (or its authorities) to assess aid measures in terms of their conformity with the Treaty and the EU *acquis* constitute violation of the Treaty, to the contrary said Articles stipulate that only granting of aid measures which are incompatible with the Treaty can amount to such violation.
- 47. Moreover, the Secretariat also applied several negative presumptions and reversed the burden of proof, in contrast to the Treaty, the Rules and the well-established caselaw:⁶

"[...] [O] nce it finds that aid has been granted or altered without notification, to adopt a decision on whether the aid is compatible or not with the common market on the basis of the information available, when it is faced with a Member State which does not fulfil its duty to cooperate and has not provided the Commission with the information requested.

However, that opportunity afforded the Commission cannot be interpreted as releasing that institution entirely from the obligation to base its decisions on reliable and coherent evidence to support the conclusions which it arrives at. The Commission is, at the very least, required to ensure that the information at its disposal, even if incomplete and fragmented, constitutes a sufficient basis on which to conclude that an undertaking has benefited from an advantage amounting to State aid.

[...]

Therefore, the Commission cannot assume that an undertaking has benefited from an advantage constituting State aid solely on the basis of a negative presumption, based on a lack of information enabling the contrary to be found, if there is no other evidence capable of positively establishing the actual existence of such an advantage."

48. Procedurally speaking, given that the Secretariat is the initiator of the proceedings (according to Article 12 of the Rules) and the one to claim that the Measures were granted contrary to the relevant provisions of the Treaty, the Secretariat is also the one competent and obliged to perform an assessment of the alleged State aid measures granted by the Republic of Serbia, irrespective of whether the Republic of Serbia (or any of its authorities) had previously performed such assessment or not (in other words, both on a standalone,

⁶ C-520/07 P Commission v MTU Friedrichshafen [2009] ECR I-8555, Summary of the Judgment, (see paras 54-58).

- and a **follow-up** basis) so as to be able to prove that the Republic of Serbia indeed violated its obligations under the Treaty.
- 49. This conclusion also stems from the fact that, under the EU *acquis* as well as the SAA, the Commission is the one to conduct an impartial procedural and substantive examination of any aid. Otherwise, if this power were to be interpreted as being only on a follow-up basis, the Secretariat would have <u>no jurisdiction</u> to assess alleged State aid violations on a standalone basis if the Republic of Serbia and its authorities were to refrain from issuing any decision on said matter (so-called case of administrative silence).
- 50. In accordance with the EU *acquis*, any State aid measure must be examined by the Secretariat **in terms of substance** (*in meritum*) and by using all the criteria set forth in relevant case law of the EU institutions. On the same note, the Secretariat correctly pointed out in para. 86 of the Request: "Thus, allowing State aid [...] requires a thorough and critical assessment of that measure's effect on competition and trade, on both the national and the Energy Community's market."
- 51. In this sense, the Secretariat was, when assessing the existence of an advantage (being only one among five criteria in every State aid assessment) in the present case, obliged to conduct, inter alia, the market economy operator / private investor analysis as the relevant and mandatory method to assess whether a range of economic transactions carried out by public bodies take place under normal market conditions and, therefore, whether they involve the granting of an advantage (which would not have occurred in normal market conditions) to their counterparts (for details see section III(a(ii)) below).
- 52. This is confirmed particularly with regard to State guarantees in the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees:
 - "[I]n order to determine whether an advantage is being granted through a guarantee or a guarantee scheme, the Court has confirmed in its recent judgments that the Commission should base its assessment on the principle of an investor operating in a market economy (hereafter referred to as the 'market economy investor principle')."
- 53. By failing to perform this and other mandatory tests that needed be conducted in order to determine whether the Measures are compatible with the Treaty and the EU *acquis*, the Secretariat completely neglected its obligation under the Treaty and the Rules and, by requesting from the Republic of Serbia to prove a negative fact (that the measures granted did not constitute State aid and/or unlawful State aid) set before it a legal requirement to achieve an impossible proof (the so-called *probatio diabolica*).
- 54. Thus, in the present case, the Secretariat has failed to observe the relevant provisions of the EU *acquis* and has not even engaged in determining whether EPS holds a dominant position, let alone proved this fact, although it made subsequent allegations based thereon.
- 55. To conclude, by applying several negative presumptions, the Secretariat reversed the burden of proof in breach of its obligation under the Treaty, the Rules, the EU *acquis* and well-established caselaw.

c) BREACH OF DUE PROCESS

- 56. Initial review of the complaint against the Republic of Serbia by the Secretariat of the Energy Community lasted several times longer than prescribed under both the current Rules and the 2008 Rules (as defined below). In doing so, the Secretariat violated the principles of equality of arms, fair trial and due process, as guaranteed by the EU *acquis*.
- 57. Inclusion of the Case ECS-11/14 before (i) the Republic of Serbia had a chance to even submit its reply to the Reasoned Request; and (ii) before December 2, 2017 the deadline for submission of said reply; prior to (iii) a mandatory hearing before Advisory Committee scheduled for February 16, 2017 and (iv) a mandatory hearing before the PHLG (still not even duly scheduled), as a (v) breach under Articles 91(1)(a), 81 of the Treaty; and, what is more, as (vi) an "A" item (no discussion) constitutes a flagrant breach of due process, Energy Community law and the pertinent EU acquis.
- 58. **Incorrect service.** As duly acknowledged in two separate letters by the President of the Advisory Committee of the Energy Community, Mr. Wolfgang Urbantschitsch, dated October 6, 2017 and November 30, 2017, respectively (attached for reference), the Reasoned Request in Case ECS-11/14 (**Request**), albeit submitted to the Ministerial Council on May 19, 2017, was only duly served to the Ministry of Mining and Energy of the Republic of Serbia on October 2, 2017, due to an apparent technical problem (e-mail correspondence attached for reference). According to the Rules, the due date for Republic of Serbia to respond to said Request falls not before **December 2, 2017** (step ii above).
- 59. For this reason, the Advisory Committee in its letter dated October 6, 2017 also decided to duly postpone its hearing for **February 16, 2018** (attached for reference) (step iii above). Only following said hearing further procedural steps (iv-vi above), including a potential Ministerial Council decision are possible.
- 60. By contrast, the Secretariat included Case ECS-11/14 as a "A" item (no discussion) for the Ministerial Council to be held on <u>December 14, 2017</u>. What is more, the Secretariat has incorrectly maintained this illegal position even though it has repeatedly not been able to produce any proof of due delivery/ proper service of the Reasoned Request to the Republic of Serbia.
- 61. In light of the Secretariat's unwarranted denials and, subsequent, claims of a dispute on the matter of due delivery, the Republic of Serbia requested from the Secretariat access to the entire case file on two occasions (attached for reference), demanding in particular any proof of due delivery of the Request to the Republic of Serbia e.g.., an electronic read receipt. However, in its response to said requests, the Secretariat so far failed to deliver to the Republic of Serbia any proof of delivery of the Request on a date earlier than October 2, 2017.
- 62. This was also confirmed by the Advisory Committee, in its letter dated November 30, 2017, by its President, Mr. Wolfgang Urbantschitsch, who once more emphasized that there was no evidence of the Request being served on the Republic of Serbia at any earlier point in time (attached for reference).

- 63. Against this backdrop, even if one were to regard the Secretariat's comments on the 5-month deadline for the Advisory Committee to render its opinion to have expired on October 30, 2017, since proper service was not performed and there is no evidence to the contrary, expiration of said deadline would be legally immaterial.
- 64. Notwithstanding the aforementioned, we attest that, under the Rules, the said 5-month deadline for the Advisory Committee to render its opinion is only instructive, given that the Rules do not specify any sanction in case of omission. By contrast, the Advisory Committee President, Mr. Wolfgang Urbantschitsch, in his letter dated November 30, 2017, correctly states that "...it is essential that a hearing takes place before an opinion is handed down" [emphasis added] (attached for reference).
- 65. Conversely, if this deadline were preclusive as the Secretariat claims in the Letter, it would mean that an omission of an unsanctioned deadline by the Advisory Committee to provide its opinion, and not by the Republic of Serbia as a Party, the Party would effectively lose its right to a hearing. In other words, an omission of an unsanctioned deadline by a third independent party, and an Energy Community institution, would relinquish the investigated Party of its right to a hearing to the benefit of the Secretariat, as the other Party to the dispute. It this were correct, it would constitute a flagrant negation of the Republic of Serbia's right to a hearing.
- 66. Furthermore, it is worth mentioning that the aforementioned would also **breach the principles of legal certainty and equality of arms**, bearing in mind the Secretariat was first to miss the prescribed 6-month term for initiating the preliminary procedure stipulated in Art. 26 para. 1 of the exact same Rules, and further protracted the duration of the initial phase of the proceedings by an entire year and a half, i.e. by a period of time **three times longer** than the prescribed term, but nevertheless decided to submit the Request to the Ministerial Council. Thus, if the 5-month deadline for the Advisory Committee to render its opinion would be regarded as preclusive, then the same must apply to the Secretariat's 6-month deadline to initiate preliminary procedure, in which case, **proceedings in the Case ECS-11/14 would be rendered illegal and void** *ab initio*.

d) BREACH OF RIGHT TO A HEARING

67. Contrary to the Secretariat's reassurances that it preserves the Republic of Serbia's right to a fair trial and due process in the present case (Appendix 6), by prematurely including the case ECS-11/14 in the agenda of the PHLG Meeting and the draft-agenda of the Ministerial Council, the Secretariat (together with the Presidency of the Ministerial Council) (as of the date herein), violated the rights of the Republic of Serbia to a hearing, to an effective defence and Due Process, as essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union, and well-established caselaw of the Court of Justice of the European Union. The inalienable right to a hearing is

unequivocally warranted by well-established caselaw of the Court of Justice of the European Union and reaffirmed in most recent cases under the EU *acquis* on competition.⁷

68. Furthermore, in *Feralpi Holding v Commission*, the Court of Justice of the EU unequivocally established that an annulment of a decision in competition/State aid proceedings was to occur if said decision had been adopted without holding an oral hearing, irrespective of whether (i) the hearing itself would have led to a different decision or otherwise influence the course of proceedings, and (ii) any damage was caused to the party concerned:

"It follows that, before adopting the decision at issue, the Commission was required, in application of Articles 12 and 14 of Regulation No 773/2004, to give the parties the opportunity to develop their arguments during a hearing to which the competition authorities of the Member States were invited. [...]

As a result, the General Court made <u>an error in law</u> in holding, in paragraph 142 of the judgment under appeal, that the Commission <u>was not obligated to organize a new hearing</u> before adopting the decision at issue, on the ground that the undertakings concerned had already had the opportunity to be heard orally at the hearings of 13 June and 30 September 2002.

As the Advocate General pointed out in points 56 and 57 of his Opinion, having regard to <u>the importance</u>, in the context of a procedure provided for by Regulations No 1/2003 and 773/2004, <u>of holding an oral hearing</u> to which the competition authorities of the Member States are invited, in accordance with Article 14(3) of the latter regulation, <u>failure to hold such a hearing constitutes infringement of an essential procedural requirement.</u>

In so far as the right to such a hearing, provided for by Regulation No 773/2004, was not respected, it is not necessary for the undertaking, the rights of which have been infringed in this way, to demonstrate that such infringement might have influenced the course of the proceedings and the content of the decision at issue to its detriment."

- 69. In the draft-agenda for the Ministerial Council Meeting scheduled for Thursday, <u>December 14, 2017</u> in Pristina, Autonomous Province of Kosovo and Metohija ("Meeting") the case ECS-11/14 was included in the Appendix I of said agenda as an "A" point (no discussion), indicating that the case would be presented for voting in the Ministerial Council.
- 70. Furthermore, the subject case has also been included under Item 3 of the agenda for the next Permanent High Level Group Meeting scheduled for the same date ("PHLG Meeting") (Proceedings of the PHLG pursuant to Article 33 PA 2015/04/MC-EnC), denoting that

⁷ ECJ, Case C 85/15P Feralpi Holding v Commission, § 43-46; ECJ, Joined cases C 86/15P and 87/15P Ferriera Valsabbia SpA and others v Commission, § 46-49; ECJ, Case C 88/15P Ferriere Nord SpA v Commission, § 51-55; ECJ, Case C 89/15P Riva Fire SpA v Commission, § 44-49.

⁸ ECJ, Case C 85/15P Feralpi Holding v Commission, § 43-46.

- parties to said case and the President of the Advisory Committee are to be heard by the Permanent High Level Group ("PHLG").
- 71. The aforementioned occurrences considerably deviate from Energy Community procedural rules and due process, and may materially prejudice the case ECS-11/14 on the merits, given that: (i) the deadline for the Republic of Serbia to reply to the Reasoned Request only expires on December 2, 2017, and (ii) the hearing before the Advisory Committee is rescheduled for February 16, 2018 (please see Appendix 1).
- 72. In this regard, the Ministry requested for the immediate exclusion of the case ECS-11/14 from the agenda of the PHLG Meeting and the draft-agenda of the Meeting (Appendix 7).
- 73. However, in its letter dated November 27, 2017 ("Letter") (Appendix 8), Mr. Valdrin Lluka on behalf of the current Presidency, informed us on the Secretariat's position on this matter, and suggested as follows:
 - "Having considered both sides arguments, we thus suggest to:
 - 1. **Dispose of the hearing** to take place at the PHLG on the two cases (if the Advisory Committee does not submit an Opinion in either of them beforehand) **but not to remove** the cases from the agenda of the PHLG;
 - 2. Leaving the final decision of whether the Reasoned Request is included as an **A-Point** in the agenda of the Ministerial Council to voting in the PHLG according to Article 33(2) of the Dispute Settlement Procedure.
 - 3. Remove any agenda items only upon presentation of an agreement reached by both parties to the Cases, ie. the Secretariat and the Republic of Serbia." [emphasis added].
- 74. In other words, the Presidency suggested to:
 - 1) dispose of the hearing to take place at the PHLG on the case (if the Advisory Committee does not submit an Opinion beforehand) but not to remove the case from the agenda of the PHLG. This is presumably due to the Secretariat's apparent interpretation as stated in the Letter that the 5-month deadline for the Advisory Committee to render its opinion supposedly expired on October 30, 2017. Consequently, the Presidency in office suggested to dispose of the PHLG hearing without any Advisory Committee opinion being rendered, and
 - 2) leave the final decision of whether the Request should be included as an "A" item in the agenda of the Ministerial Council to voting in the PHLG Meeting that is to take place on <u>December 14, 2017</u>, although the Advisory Committee hearing remains scheduled for <u>February 16, 2018</u>, effectively disposing of this hearing as well.
- 75. However, in terms of the prescribed mandatory course of proceedings, according to Rules, only after the Advisory Committee renders its opinion can the Case ECS-11/14 be legally put on the agenda of the PHLG. The hearing before the Advisory Committee is scheduled for **February 16, 2018.** However, said case has been included in the PHLG meeting agenda

scheduled for <u>December 14, 2017</u>, i.e., more than two months before the hearing even takes place.

- 76. More precisely, in accordance with Article 33(2) of the Rules, only after the adoption of the Advisory Committee's opinion following its hearing on February 16, 2018, the PHLG, at its next meeting (yet to be scheduled), is to hear both parties to the dispute as well as the President of the Advisory Committee. Textual interpretation of this provision leads to a single conclusion: both hearings before the Advisory Committee and the PHLG are mandatory and cannot be disposed of, contrary to what the Letter suggests.
- 77. Further, the PHLG is the only institution authorized to include a reasoned request on the agenda of the next meeting of the Ministerial Council as an "A" item, and not the Secretariat or the Presidency in office (as incorrectly stated in the Letter). What is more, only if the PHLG, following its own hearing, agrees with a reasoned request, it may include it as an "A" item on the agenda of the Ministerial Council in line with its rules of procedure all, thus, procedurally possible considerably after February 16, 2018 and not before, as both the draft-agenda and the PHLG agenda suggest. The fact that the draft-agenda of the Ministerial Council prepared by the Secretariat and the Presidency beforehand qualifies this case as an "A" item, instead, for example, as a "B" item, before the PHLG even had a chance to hear the case and decide on it, **considerably prejudices** the case and reverses the burden of proof from the Secretariat onto the Republic of Serbia, in breach of Energy Community law, and in particular the EU acquis on competition.
- 78. Namely, under the Consolidated Internal Rules of Procedure of the Ministerial Council of the Energy Community (**MC ProcRules**) (section iv(4)), the overall procedural responsibility to agree on a draft agenda of the meetings lies with the Presidency and the Vice-Presidency (and, again, not the Secretariat) with a 2-week time limit to distribute said draft agenda prior to a meeting.
- 79. As an exception to this general rule, the MC ProcRules (section iv(5)), introduce a special rule in case of "A" items, which are not to be discussed at the Ministerial Council. In the case of said items, "the Permanent High Level Group may identify Measures [Decisions or Recommendations] for adoption by the Ministerial Council without further discussion. The identified Measures shall be included in the draft agenda of the next Ministerial Council as "A" items. The draft Agenda shall specify the Title and Chapter of the Treaty under which the draft Measure identified as an "A" item will be presented for voting in the Ministerial Council. This does not exclude the possibility for any Party to have statements included in the conclusions. (MC ProcRules iv(5))" [emphasis added].
- 80. Consequently, it is the PHLG, who is exclusively authorized (and again not the Secretariat), only after holding its hearing, and in case it agrees with a reasoned request, to include it as an "A" item on the draft-agenda of the Ministerial Council, pursuant to the MC ProcRules and Energy Community law.
- 81. Furthermore, under the MC ProcRules (section iv(4)) it follows that said inclusion of an "A" item, as part of a the draft-agenda "shall be distributed at least two weeks prior to the relevant meeting."

- 82. Consequently, the legally correct sequence of steps is as follows:
 - (i) case ECS-11/14 must first be heard at the Advisory Committee Meeting on February 16, 2018;
 - (ii) after holding the hearing, the Advisory Committee shall render its opinion;
 - (iii) following the adoption of the opinion case ECS-11/14 must be heard before the PHLG;
 - (iv) the PHLG needs then to decide whether the subject case should be presented for voting of the Ministerial Council as an "A" item, or not i.e., as an item "B", to be discussed and/or even removed from said draft-agenda of the next Ministerial Council;
 - (v) following the PHLG decision, in accordance with the Consolidated Internal Rules of Procedure of the Ministerial Council of the Energy Community, the Presidency and Vice-Presidency shall distribute a draft-agenda including the Case ECS-11/14 at least two weeks prior to the next Ministerial Council meeting.
- 83. It follows that it is legally and procedurally impossible to have the subject case included on a draft-agenda of the 15th Ministerial Council meeting and on the agenda of 48th PHLG Meeting. This is particularly the case since both meetings are scheduled for the same date, although the earliest Ministerial Council meeting whose draft-agenda may include Case ECS-11/14 as an "A" item may be scheduled no sooner than two weeks after a due hearing is held before the PHLG (yet to be duly scheduled).
- 84. By contrast, the fact that the draft-agenda of the Ministerial Council prepared by the Secretariat and the Presidency in office beforehand qualifies this case as an "A" item, before the Advisory Committee held a hearing and render its opinion PHLG even had a chance to hear the case and decide on it and other steps (i-v above), considerably prejudices the subject case, the decision-making process and reverses the burden of proof from the Secretariat onto the Republic of Serbia, in breach of Energy Community law, and in particular the EU *acquis* on competition.
- 85. To conclude, this premature inclusion, by the Secretariat (together with the current Presidency of the Ministerial Council), and not the PHLG, not to mention without a hearing before the Advisory Committee or the PHLG, could easily reverse the burden of proof and considerably prejudice the final outcome and decision of the PHLG, in breach of the EU acquis on competition. What is more, it undoubtedly violates the right of the Republic of Serbia to a hearing both before the Advisory Committee and the PHLG, its right to provide an effective defence and Due Process, all being essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union, as well as the well-established case-law of the Court of Justice of the European Union.

III. SUBSTANTIVE MATTERS

a) Relevant Market and Dominance

86. In the Request (paras 1, 86, 87), the Secretariat repeatedly made factually incorrect assertions that EPS holds a dominant position in the markets of generation and supply of electricity, *exempli gratia*, as follows (para 86):

"The Commission's failure to assess the effects of the measure [...] considering the fact that EPS holds a dominant position in both generation and supply of electricity in the Republic of Serbia and that granting State aid in considerable amounts to an undertaking in such a position is likely to greatly affect small private generators and suppliers on the market, potentially even forcing them to leave the market in the future or discouraging the entry of new competitors" [emphasis added].

- 87. The aforementioned assertion by the Secretariat is factually incorrect, unsubstantiated by any evidence, and, thus, illegal, and in direct breach of the governing EU *acquis* on competition, which is integral part of the Treaty.
- 88. Namely, under EU competition rules, a number of criteria needs to be previously assessed to ascertain dominance the degree of market power, competitive structure of the market, and in particular the market position of the dominant undertaking and its competitors, expansion and entry, as well as the countervailing buyer power.⁹
- 89. But before that, for dominance to be established, it is **first necessary to define the relevant market(s)**. Under the relevant EU *acquis* on competition, this entails two components: (a) the relevant product market and (b) the relevant geographic market. Only once both said elements have been factually and economically assessed (based, *inter alia*, on the criterion of substitutability) and defined it is possible to determine the relevant market. Moreover, only once the relevant market has been defined it is possible to determine the market power of an undertaking and other criteria to establish dominance, in this case, of EPS, on said relevant market.
- 90. By contrast, the Secretariat only claims it "a fact" that EPS is dominant "in both generation and supply of electricity", being, presumably, two separate product markets, and continues "in the Republic of Serbia", as presumably the defined geographic market.
- 91. However, in terms of the relevant geographic market, it is necessary to strongly underline that in accordance with the United Nations Security Council resolution 1244, the Serbian Constitution, the international law position of five EU Member States, as well as other Contracting Parties to the Treaty, and under the Treaty itself, the Autonomous Province of Kosovo and Metohija (AP KiM) is an inalienable part of the territory of the Republic of Serbia.

17

⁹ The Guidance on the Commission's enforcement priorities in applying Article 82 of the treaty to abusive exclusionary conduct by dominant undertakings (2009/C 45/02)

- 92. In other words, even in accordance with the Secretariat's own proposed geographic market definition, all undertakings involved in supply and generation of electricity in AP KiM must be included when assessing EPS' alleged dominance. According to the Secretariat's latest annual report, this entails Kosovo Energy Corporation (**KEK**) and the distribution system operator KEDS, to name a few, ¹⁰ as well as entities belonging to EPS both in the north of AP KiM but also in other parts of this Serbian province.
- 93. Therefore, even if one were to apply the Secretariat's own proposed market definition, it is indisputably clear not only that EPS is not the only undertaking in said relevant markets, but that it is not in a position to exercise substantial market power on e.g., KEK and KEDS, and, thus, EPS cannot be dominant.
- 94. Furthermore, under the EU competition *acquis*, in particular, the well-established caselaw of the Court of Justice of the EU and Council Regulation (EC) No 1/2003, dominance is not presumed but needs to be proven in each and every case by the investigating authority, in this case, the Secretariat.
- 95. However, not only did the Secretariat fail to show any evidence of dominance whatsoever, but it even went against its own identified facts, and missed to include two undertakings present on the relevant geographic market of the Republic of Serbia, KEK and KEDS, thus, completely mistakenly asserting that EPS is "dominant".
- 96. All of the aforementioned clearly shows that the Secretariat erred both in fact and law, and failed to provide any analysis whatsoever to substantiate EPS' alleged dominance on the relevant market pursuant to the Secretariat's own market definition; hence, the Secretariat once again acted directly contrary to Article 4 of the Rules, Energy Community law and the EU *acquis* on competition and State aid.

b) Legal Assessment of Measures

- 97. The Secretariat submitted in the Request that by the Commission for State Aid Control ("**KKDP**") either not assessing or incorrectly assessing the compatibility of certain Measures, the Republic of Serbia has failed to comply with its obligations under the Energy Community Treaty, in particular Articles 18 and 19 thereof.
- 98. The Secretariat rightfully noted that not all the Measures should have been assessed by the KKDP.

(i) Measures 1 and 2

99. The Measures 1 and 2 should be left out from any further assessment, given that they were granted before 2010.

¹⁰ Annual Implementation Report, Energy Community Secretariat, 1 September 2017, pp 79-81.

- 100. Namely, the Treaty-based obligation on the Contracting Parties to introduce a prohibition of State aid into their national legal systems has been fulfilled by the Republic of Serbia with the adoption of the State Aid Control Act¹¹ ("Act") in 2009, which entered into force in 2010. The Act transposes the *acquis* on State aid.
- 101. Under Article 26 of the Act, it is stipulated that the Act should come into effect on 1 January 2010. Bearing in mind that the Constitution of the Republic of Serbia¹², in its Article 197 paragraph 1, stipulates that statutes cannot have retroactive effect, whilst paragraph 2 of the mentioned Article allows for exceptional retroactive effect of certain statutory provisions, provided that such effect is clearly regulated and justified by reasons of special significance, it is unequivocally clear that the Act can produce effect only *pro futuro*.
- 102. Moreover, full conditions for implementation of State aid rules were met only on March 20, 2010, when both the KKDP was officially formed and the Regulation on State Aid Rules¹³ came into effect.
- 103. Therefore, under Serbian law, no measures granted before said date can be subject to State aid rules and the KKDP has no jurisdiction to examine any measure adopted prior to said date. In previous SAA cases, this stance was also accepted by the Commission.
- 104. This notion was accepted by the Secretariat it acknowledged in paragraphs 52-57 and 63 of the Request that, with regard to the Measures 1 and 2, the Republic of Serbia did not breach relevant provisions of the Treaty, given that said measures (as granted before 2010) evidently fall outside the temporal scope of the Act. This position goes fully in line with the Secretariat's conclusion: "the Commission should have assessed the support measures [...] as of 2010".

(ii) Measures 3, 4 and 5

- 105. With regard to Measures 3, 4 and 5 it is worth repeating that the Secretariat did not show proof of breach, but instead, applied several negative presumptions and reversed the burden of proof, in violation of the EU *acquis* (as explained in more detail in section II(b) above)
- 106. The Measures 3, 4 and 5 fall inside the temporal scope of the Act. However, said measures should be subject to thorough and careful assessment in order to establish whether they constitute State aid.
- 107. The Measures 3 and 4 represent one hundred percent State guarantees given in favor of EPS without any premium.
- 108. There is no doubt that a State guarantee granted on more favourable terms than market conditions, taking into account the economic situation of the borrower, confers an advantage

¹¹ "Official Gazette of the RS", No. 51/09.

^{12 &}quot;Official Gazette of the RS", No. 98/06.

^{13 &}quot;Official Gazette of the RS", Nos. 13/2010, 100/2011, 91/2012, 37/2013, 97/2013 and 119/2014.

on the latter, since it does not appropriately reflect the risk assumed by the grantor¹⁴. Hence, the State guarantees could be a suitable instrument for granting State aid within the meaning of Article 107(1) TFEU¹⁵, but only if all cumulative requirements for existence of State aid, including but not limited to existence of a selective economic advantage, are fulfilled.

- 109. However, it must be reiterated that under relevant EU State aid rules and well-settled case law¹⁶ for the purpose of establishing whether a public funding granted to an undertaking involves an advantage, the Commission must apply the Market Economy Operator Principle ("MEOP") ¹⁷ or its derivatives: "market economy investor principle" ("MEIP") and "market economy creditor principle" ("MECP").
- 110. Therefore, since MEOP principle forms essential part of the State aid compliance assessment, it also represents integral part of the EU competition *acquis*. In line with this, when competent bodies of the Energy Community are called to assess the compliance of its Contracting Parties with their obligations under the Treaty and in particular Articles 18 and 19, as is in the present case, they are obligated to respect and apply the MEOP principle as well.
- 111. The relevant EU State aid rules expressly provide that "[w]hether a transaction is in line with market conditions must be established through a global assessment of the effects of the transaction on the undertaking concerned without considering whether the specific means used to carry out that transaction would be available to market economy operators. [...]"18.
- 112. The MEOP principle has indeed served as a basis for general exemption from notification to the Commission of State guarantees which met the specific criteria set out in the Commission Notice on State aid in the Form of Guarantees¹⁹ ("**EC Notice**").
- 113. Therefore, regarding individual guarantees (as these provided to EPS), the Commission considers that fulfilment of all following conditions will be sufficient to rule out the presence of State aid: (i) the borrower is not in financial difficulty, (ii) the extent of the guarantee can be properly measured when it is granted (meaning that the guarantee is linked to a specific

 $^{^{14}}$ E.g. See Case T-154/10 France v Commission ECLI:EU:T:2012:452, para 106, and, on appeal, Case C-559/12P France v Commission ECLI:EU:C:2014:217, para 96.

¹⁵ Consolidated version of the Treaty on the Functioning of the European Union, OJ 115, 09/05/2008, p. 0091 – 0092.

¹⁶ See, for instance, Case C-142/87 Belgium v Commission ("Tubemeuse") [1990] ECR I-959, § 29, and Case C-305/89 Italy v Commission ("Alfa Romeo") [1991] ECR I-1603, § 18 and 19; Case T-16/96 Cityflyer Express v Commission [1998] ECR II-757, § 51, Joined Cases T-129/95, T-2/96 and T-97/96 Neue Maxhütte Stahlwerke and Lech-Stahlwerke v Commission [1999] ECR II-17, § 104; Joined Cases T-228/99 and T-233/99 Westdeutsche Landesbank Girozentrale and Land Nordrhein-Westfalen v Commission [2003] ECR II-435.

 $^{^{17}}$ With respect to this particular point see more recent decisions: e.g. ECJ, case C 124/10P, European Commission v EDF, judgment of June 5, 2012, § 88 and EC Decision of November 6, 2015, State aid SA.35956 (2013/C) and State aid SA.36868 (2014/C) implemented by Estonia for AS Estonian Air, § 104-105.

¹⁸Commission Notice on the Notion of State Aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union, OJ C 262/1, July 19, 2016, § 80.

¹⁹Commission Notice on the application of Articles 87 and 88 of the EC Treaty to the State aid in the form of guarantees (2008/C 155/02), OJ C 155/10, June 20, 2008.

financial transaction, for a fixed maximum amount and limited in time), (iii) the guarantee does not cover more than 80 % of the outstanding loan or other financial obligation and a (iv) market-oriented price is paid for the guarantee²⁰.

- 114. It is evident that EPS at the moment of loan subscription and obtaining of State guarantees was not a firm in difficulty within the meaning of the relevant EU state aid rules²¹.
- 115. Additionally, having in mind that the State guarantees served in any case as a collateral for the precisely determined special purpose loans with a limited duration given by the EBRD and the KfW (for specific projects related to the Kolubara Mining Basin and Kolubara B power plant), in spite the fact that they covered the loans in their entirety for a period of several years, it may be concluded that at the moment of the guarantees' issuance, the amount thereof could have been properly calculated.
- 116. However, it is obvious that the last two conditions were not met in terms of the State guarantees issued in favour of EPS.
- 117. While a non-fulfilment of all cumulative criteria set in the EC Notice prevent that State guarantees provided to EPS could automatically be considered as free of State aid and consequently excluded from notification requirement, they could not be automatically considered as State aid either, as was done in the present case. By doing so, the Secretariat applied negative presumptions and reversed the burden of proof in breach of the EU acquis and well-established caselaw.
- 118. As expressly stated by the Commission: "[f]ailure to comply with any one of the conditions set out in points 3.2. to 3.5 [sufficient conditions to rule out the presence of State aid] does not mean that the guarantee or guarantee scheme is automatically regarded as State aid. [...]"²². In such a case, whether a State guarantee constitutes State aid must be duly substantiated on the basis of the arrangement of the whole transaction.²³
- 119. In regard to Measure 4, in particular, when assessing its conformity with the Treaty and the EU *acquis* on competition and State aid, it is **the Secretariat who misguided the KKDP to not perform the MEOP analysis. Consequently, not only did the Secretariat fail to perform the mandatory MEOP assessment but also it openly and incorrectly advised the KKDP to do the same (notwithstanding that the duty to perform an MEOP assessment always rested primarily with the Secretariat**). This is undisputedly inferred from the following:

²⁰EC Notice, Article 3.2.

²¹Reference should be made to the definition set out in the Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2.).

²² EC Notice, Article 3.6.

²³ EC Notice, Article 3.2. (c).

(i) when drafting the KKDP decision in regard to Measure 4, **as instructed** under Article 2 of the Rules and by the Secretariat itself, in e-mail correspondence dated April 4, 2017 (Appendix 9), the **KKDP**, in good faith, closely cooperated with the Secretariat:

"This assessment needs to be carried out by the [KKDP], but in close cooperation with the Energy Community Secretariat under Article 2 of the [...] Rules. In practice, the [KKDP] should consult the Secretariat with regard to any question of Energy Community State aid law in the framework of the assessment.",

and

(ii) in this process, the KKPD was, however, openly and erroneously guided by the Secretariat (in the Quantification of level of State aid in case of state guarantees dated May 3, 2017 and delivered to the Republic of Serbia on the same date (Appendix 10). The Secretariat stated as follows:

"If a guarantee does not fulfil these [EC Notice] conditions, i.e. does not comply with the market economy investor principle, it is deemed to entail State aid. The State aid element therefore needs to be quantified in order to check whether it may be found compatible under a specific State aid exemption."

- 120. Following the aforementioned Secretariat's erroneous guidance, which was presented to the KKDP as mandatory interpretation of Energy Community law, although in direct breach of the EC Notice (see paras 117 and 118 above), as well as, well-established case law of the Court of Justice of the EU (see paras 109-111 above), the KKDP acted accordingly and it too, like the Secretariat, failed to perform the MEOP assessment prior to rendering its decision on the Measure 4.
- 121. For this reason, it is essential to rectify the abovementioned error caused by the Secretariat's misapplication of law, and conduct the MEOP analysis with respect to the Measure 4 as well, so as to establish the arrangement of the whole transaction surrounding this particular Measure and give a substantiated answer as to the whether said Measure entails State aid or not.
- 122. Bearing in mind all of the above, regarding both Measures 3 and 4, notwithstanding the primarily erroneous conclusions by the Secretariat, we attest that it is still legally necessary to determine whether the Republic of Serbia acted in the same manner as the private market operator would act in the decision-making on the issuance of state guarantees in favor of EPS. Furthermore, we are of the opinion, were the MEOP test duly performed, it would have been clear that said guarantees did not constitute State aid.
- 123. In order to assess whether given state guarantees meet the conditions of the said test, it is necessary to provide a sophisticated and detailed economic analysis made by a reputable and independent economic-financial expert / advisor.

124. Moreover, the complexity of the MEOP assessment and delicate difference between MEIP and MECP entirely depending on concrete circumstances of each case and whose misapplication could have considerable negative consequences, require further in-depth legal analysis. Likewise, in case T-386/14, FIH Holding and FIH Erhvervsbank A/S v Commission²⁴:

"In that respect, it must be declared that the contested decision applied an incorrect legal test, namely, the market economy investor principle, instead of examining the measures in the light of the market economy creditor principle, irrespective of the result to which that analysis would have led. The Kingdom of Denmark's conduct, when it adopted the measures at issue in 2012, cannot be compared to that of an investor seeking to maximize its profit, but that of a creditor seeking to minimize the losses to which it is exposed in the event of inaction. In those circumstances, it must be held that the contested decision used an incorrect reference framework for its analysis.

It should be added that it is not for the Court, in the context of the present proceedings, to rule on the result to which the Commission's application of the private creditor test would have led in the circumstances of the present case. Therefore, it is for the Commission, by applying the correct legal test, to draw the appropriate conclusions [...]

[...]

In the light of the foregoing, it must be concluded that the Commission committed an error in law in applying an incorrect legal test."

- 125. Additionally, even if the guarantees provided to EPS were considered State aid, the comprehensive assessment of their compatibility must be made²⁵.
- 126. Consequently, it was primarily the duty of the Secretariat (similar to the Commission) to secure internal or external competition economic expertise in order to duly perform the MEOP/ MECP/ MEIP test.
- 127. However, since the Secretariat's continued failure to do so (and, thus, further shifting the burden of proof), in order to secure the correct analysis of both points of fact and law in the case at hand, EPS and the Republic of Serbia resorted to the engagement of adequate legal and economic experts themselves.

²⁴See for instance, GC, Case T-386/14, FIH Holding and FIH Erhvervsbank A/S v Commission, judgment of September 15, 2016, § 69-71.

 $^{^{25}}$ In that sense, in particular EC Notice, Section 5.

Request for Time-Limit Extension under Article 10(3) of the Rules

- 128. In this connection, the Republic of Serbia examined the need for competition economics expertise. The economists knowledgeable in the field are presently being identified and are to be engaged as soon as practicably possible in accordance with national public procurement rules that were introduced as part of our SAA obligations to align with the European Union *acquis* on public procurement.
- 129. Namely, on the basis of the SAA, the Republic of Serbia undertook an international obligation to harmonize its national rules with the EU *acquis* in the field of, *inter alia*, public procurement (Chapter 5 of accession negotiations Public Procurement). Chapter 5 of EU accession negotiations for Serbia was 'opened' on December 13, 2016, indicating that, already at the time, national procurement rules were largely aligned with the EU *acquis* in this field.
- 130. Accordingly, in late October 2014, the Government of the Republic of Serbia adopted the Strategy for Public Procurement Development in the Republic of Serbia for the period of 2014-2018 ("Strategy") and the accompanying Action Plan, with annual action plans to be adopted thereafter. Among the strategic objectives of the reform of public procurements in the Republic of Serbia is the <u>full harmonization of national legislation with directives and other EU legislation in the area of public procurement</u>.
- 131. The Strategy foresees two stages in the process of harmonizing national legislation of the Republic of Serbia with the EU acquis. In the first stage, envisaged to last till the end of 2015, a partial harmonization has been made, through amendments to the Public Procurement Act, which have entered into force on August 12, 2015. These amendments have improved the provisions of the Public Procurement Act for the purpose of better application of public procurement principles, greater transparency and efficiency in public procurement procedures, and have continued the process of further harmonization with the new Directives 2014/24/EU on Public Procurement ²⁶ and 2014/25/EU on Procurement by Entities Operating in the Water, Energy, Transport and Postal Services Sectors²⁷.
- 132. Further, the Republic of Serbia stated in its Negotiating Position for Chapter 5 Public Procurement²⁸:

"In the coming period, special attention will be given to examples of best practices in the EU, to further incentives for greater use of the criterion of economically most advantageous bid and of framework agreements, preparation of templates, guidelines

²⁷Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance

²⁶Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance.

²⁸The Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on Accession of the Republic of Serbia to the European Union, for Negotiation Chapter 5 - Public Procurement, available at: http://www.mei.gov.rs/upload/documents/pristupni pregovori/pregovaracke pozicije/pg pozicija pg 5 eng.pdf;

and instructions for the purpose of applying EU best practices, undertaking activities for the sake of strengthening competition and increasing the average number of bids in public procurement procedures, followed by intensified monitoring of the control of procedures and studying the public procurement-related case law of the Court of Justice of the European Union."

- 133. With regard specifically to the conduct of public procurement procedure, the Public Procurement Act was, by its latest amendments, brought mostly in line with the EU *acquis*, given that said amendments largely eliminated all mechanisms that unnecessarily extended duration of a public procurement procedure.
- 134. Consequently, EPS as a state-owned enterprise, is only able to engage economic experts pursuant to above-mentioned strict national (EU-based) rules on public procurement. For this purpose, it published the Invitation to Tender *Economic expertise to be Used in Ongoing Matters Governed by the European Union Acquis on Competition and State aid*, on November 17, 2017, with an approximate timeframe of 3 months (by the beginning of February 2018) for the economic analysis of the Measures to be completed.
- 135. Bearing in mind all the abovementioned, it is clear that the Republic of Serbia and EPS are not only prone to, but are obliged to follow EU public procurement procedure, as set forth in relevant regulations and directives.
- 136. For this reason, the Republic of Serbia is only able to give a preliminary reply to the Request, without fully addressing substantive matters, in particular, the results of the MEOP analysis raised above (see para 128 et al for more details).
- 137. Consequently, for the aforementioned reasons, primarily mandatory public procurement deadlines, which unequivocally constitute Vis Major, i.e., a justified reason for extension (and in particular bearing in mind that the MEOP burden of proof is with the Secretariat), the Republic of Serbia hereby request a time-limit extension pursuant to Article 10(3) of the Rules. Furthermore, we request to be allowed to submit the expected competition economic analysis as evidence as soon as practically available, pursuant to public procurement rules.

(iii) Measure 5 is not Aid

- 138. In this preliminary response on substantive matters, several reasons why Measure 5 cannot be considered State aid shall be presented, without prejudice to possible findings of further economic and legal analysis that shall include, but shall not be limited to the application of the MEIP.
- 139. Measure 5 consisted in the conversion of the so-called right of use (a relict from the communist legal system) into ownership of certain land lots for the benefit of EPS, with the specific purpose of realization of Kolubara B project, which was effected by the

Government of the Republic of Serbia in 2010²⁹ ("**2010 Conversion**"). In the Request (para 50), the Secretariat refuted the claim of the KKDP that the subject measure was not selective and argued that the subject measure satisfied all criteria for State aid.

- 140. It should be noted that the right of use of subject land that EPS and its predecessors in title to subject land³⁰ (for easier reference jointly referred to herein as "EPS") had enjoyed prior to the 2010 Conversion was bestowed upon EPS on the grounds of the communist Act on Expropriation of 1984³¹ ("1984 Expropriation Act"). The bestowal was undertaken by virtue of individual decisions³² of competent authorities on expropriation,³³ and possibly in a small number of instances, on administrative transfer,³⁴ that were enacted in the course of several years, starting from 1984 up to approximately 1989.
- 141. Measure 5 did not constitute State aid because it neither entailed transfer of State resources, nor granting of an advantage to EPS in relation to its competitors, nor was it selective, due to a number of reasons that are based on the nature, origin and legal effect of titles to subject land held by EPS (right of use) and the Republic of Serbia (ownership) prior to the implementation of the subject measure, i.e. prior to the 2010 Conversion, and, consequently, on the dynamics of transition of the system of property rights in the Republic of Serbia from a communist, socialist system of self-managed labor to market economy.
- 142. Firstly, the communist right of use of subject land that EPS had held prior to the 2010 Conversion had been **bestowed upon EPS over the course of the period of several years**

²⁹The measure, referred to in para. 23, point 5) of the Request, was effected by virtue of the "Decision on the Amendments to the Decision on the Establishment of the Public Enterprise for Production, Distribution and Trade of Electricity, "Official Gazette of the Republic of Serbia, No. 54/2010.

³⁰The beneficiary of pertinent individual decisions on expropriation and, possibly, administrative transfers, and therefore predecessor in title of EPS in respect of subject land was "Radna organizacija za izgradnju termoelektrane-toplane KOLUBARA-B za kombinovanu proizvodnju električne i toplotne energije u osnivanju, sa potpunom odgovornošću, Ub." According to the Certificate issued by the Business Registers Agency of the Republic of Serbia on 06 June 2016 (Appendix 11), EPS is the legal successor of that entity.

³¹ "Official Gazette of the Socialist Republic of Serbia", Nos. 40/84, 53/78, 22/89, 06/90, 51/95 and Official Gazette of the Federal Republic of Yugoslavia, No. 53/95 – Dec. of the Federal Constitutional Court

³² Due to the fact that all or almost all of the subject land prior to expropriation belonged to individual farmers holding small farming estates, several dozens of individual instruments of expropriation were enacted for the purpose of establishing the right of use for the benefit of EPS. Since those instruments constituted direct grounds for initial recording of right of use of EPS, they form part of public records of titles to real estate in Serbia, which are administered by Republicki geodetski zavod [National Geodetic Authority]. Due to time and organizational constraints, as well as in the interest of coherence of this document, it would not have been practical to list all such instruments herein. We however remain ready to provide, upon request and in due course, further information on such instruments, as well as copies thereof.

³³Pursuant to the 1984 Expropriation Act, expropriation consisted in appropriation of private property for the purpose of realization of a project of general interest, but was conditioned upon payment of either a "fair amount" of compensation, or an amount equal to market value of the expropriated asset, depending on the category of asset, by the beneficiary of the appropriation.

³⁴ Administrative transfer was governed by the same rules and served the same purpose as expropriation, with the key difference resulting from the fact that it pertained to assets that had been "socially owned", so that it entailed transfer of the right of use from one legal entity or organization (municipality, socially-owned company etc) to another. The amount of compensation was limited to cost of replacement or cost of construction of expropriated buildings, or to value invested in land or, in some cases, to cost of acquisition of equivalent land.

starting in 1984 specifically for the purpose of realization of the Kolubara B project, as a project of general interest, and encompassed the widest possible scope of property entitlements available at the time: all assets for industrial production were subject to an ideologically-mandated category of so-called "social ownership" (a special Yugoslav type of communist property), so that the right of disposal thereof belonged to their users, i.e. "organizations of associated labor," whereas private ownership was allowed only to natural persons and only in relation to assets serving personal needs of their owners (chattel, residential real estate and farming land up to certain size). The Constitution of the Socialist Federal Republic of Yugoslavia of 1974, which remained in force until the breakup of the country in 1990, *inter alia* prescribed that:

"The means of production and other means of associated labor, the products of associated labor and income realized by associated labor, the means for satisfaction of common and general societal needs, natural resources and public goods are socially owned." (Article 12 para. 1)

"No one may acquire ownership of socially owned means that are indispensable for execution of labor within basic and other organizations of associated labor or that represent material basis of performance of functions of self-managing interest-based communities and other self-managing organizations and communities and social-political communities." (Article 12 para. 2)

"Ownership of goods for personal consumption, or satisfaction of cultural and other needs, is guaranteed to citizens." (Article 78 para. 1)

"Citizens may possess ownership of residential buildings and apartments for the purpose of satisfying their personal and family needs..." (Article 78 para. 2)

143. The **right of use** of the subject land that EPS held prior to the 2010 Conversion was **established irrevocably**, **subject only to limited possibility of annulment in case of frustration of the purpose for which it had been established**, which in the case at hand would have consisted in failure of EPS to realize Kolubara B project. The **conditions for annulment were severely restricted**: it was possible only upon request of the former owner (in case that the land had been expropriated from a natural person) or holder of right of use (in case that the land had been appropriated by virtue of administrative transfer) if the beneficiary did not perform any material works with the aim of completion of the project within 3 years from the date on which the decision pursuant to which the right of use was granted became final, whereas such request was barred after 5 years from the same date (in case that a pool of land lots was subject to appropriation, these terms were 5 and 6 years, respectively).³⁵

³⁵ Art. 39, paras. 3-6 and Art. 87 of the 1984 Expropriation Act.

- 144. EPS acquired the subject right of use by virtue of individual administrative decisions enacted pursuant to the 1984 Expropriation Act, enacted to the greatest extent pursuant to the expropriation procedure, which was the default procedure under that law and which required that the beneficiary of expropriation (i.e. EPS in the case at hand) pay compensation to former owners, ³⁶ in the amount of market value of land subject to expropriation. ³⁷ The fact that the applicable statute imposed market value of the ownership right of pertinent land as the level of consideration owed by the transferee for the right of use pursuant to the 1984 Expropriation Act is yet another argument for regarding that right, that was originally bestowed upon EPS, as equal in nature and effect to ownership in normal capitalist systems, as is Serbia today.
- 145. The right of use which EPS acquired with respect to subject land by virtue of expropriation and possibly to a small extent by virtue of administrative transfer in the course of the period of several years starting in 1984 was **the widest possible property right EPS could have acquired at the time**, given the system of self-managed labor mandated by the socialist ideology and the corresponding system of property rights, as well as because the right of use bestowed upon EPS was **practically irrevocable and required payment of consideration at market value of underlying asset, as has been shown in paragraphs 142-144 above.** For those reasons, the subject property right acquired by EPS was commensurate to ownership in legal systems that are based on private property.
- 146. On the other hand, the ownership right that the Republic of Serbia transferred to EPS in 2010 had been derived, pursuant to statutory changes referred to in para. 148 below, from an ideological concept of "social ownership", which was merely a title of nominal nature that existed in relation to all assets that were used for any business or economic activity (please see para. 142 above). The "social ownership" title was nominal because in formal terms it had no holder, so that the right of disposal of assets subject to such title belonged to the entities that held the right of use on said assets: land in urban areas was disposed of by municipal authorities, etc.
- 147. While providing a comprehensive outline of the transformation of the system of property rights in the course of Serbia's transition to market economy in this document would be impractical, it should be noted that the process is still ongoing, that it has been far from coherent, as well as that it proceeded by virtue of a number of statutes that pertained different categories to persons, as holders of rights, and assets.
- 148. The first phase of said transformation transpired in 1990-ies, when "social ownership" was transformed into state ownership of many categories of assets, whereas a small portion of assets, almost exclusively apartments used until then by natural persons, were sold to users thereof for symbolic consideration. Small agricultural estates were restituted to their

³⁶ Art. 11 para. 4 of the 1984 Expropriation Act.

³⁷ Art. 45, para. 1 of the 1984 Expropriation Act.

former owners. Social ownership of assets with respect to which public enterprises, such as EPS, enjoyed right of use was transformed into state ownership by virtue of the Law on Assets Owned by the Republic of Serbia, of 1995, but that change did not in any way affect the right of use of underlying assets that was held by EPS.³⁸

- 149. After 2000, several statutes enabled conversion of right of use of land depending on the category of land, category of the holders thereof, as well as on the manner in which the pertinent title of right of use had been acquired.
- 150. Since prior to 2006 private ownership of land in urban areas was prevented by Constitution, the Act on Construction and Planning of 2003 provided for restitution of a specific "right of use" to former owners respect of land that had been appropriated in an urban area but remained non-developed, whereby such right of use was freely transferable. Starting from entry into force of that statute, it was not possible to obtain new construction permits and commence construction of new buildings on the basis of the previously acquired right of use of land one could obtain a construction permit only on the basis of ownership and long-term lease of land, as well as on the basis of the specific right of use that was restituted to former owners of land. That statute allowed continuation of existence of right of use of land only as accessory right to ownership of a building developed on pertinent land, and even mandated termination of right of use in a number of situations in which land had been expropriated for a specific project but the realization of that project was not commenced by the time the statute entered into force.
- 151. The Act on Construction and Planning of 2009 provided for the conversion of the right of use into ownership of land in urban areas for the benefit of owners of residential buildings and apartments free of charge.⁴³
- 152. Public enterprises, such as EPS, remained virtually the only category of persons under Serbian law whose entitlements to assets on which they had enjoyed the right of use had not been regulated in a uniform manner at the time of implementation of the 2010 Conversion: the Act on Public Enterprises and Performance of Activities of General Interest of 2000⁴⁴ stipulated that public enterprises could both own assets and enjoy rights of use of

³⁸Art. 1, item 2(3), the Act on Assets Owned by the Republic of Serbia, "Official Gazette of the Republic of Serbia," Nos. 53/95, 3/96 – corr, 54/96, 32/97, 101/2005.

³⁹Art. 84 of the Act on Planning and Construction, Official Gazette of the Republic of Serbia, No. 47/2003, 34/2006 and 39/2009 – Dec. of the Const. Court.

⁴⁰Art. 91 para. 1 item 1 of the Act on Planning and Construction of 2003.

⁴¹Art. 83 of the Act on Planning and Construction of 2003.

⁴²Articles 86 and 87 of the Act on Planning and Construction of 2003.

⁴³Articles 102-104 of the Act on Planning and Construction, "Official Gazette of the Republic of Serbia," Nos. 72/2009, 81/2009 – corr., 64/2010 – Dec. of the Const. Court, 24/2011, 121/2012, 42/2013 – Dec. of the Const. Court, 50/2013 – Dec. of the Const. Court, 98/2013 – Dec. of the Const. Court, 132/2014, 145/2014.

⁴⁴The Act on Public Enterprises and Performance of Activities of General Interest, "Official Gazette of the Republic of Serbia," Nos. 25/2000, 25/2002, 107/2005, 108/2005 – corr., and 123/2007.

state-owned assets,⁴⁵ which means that **the transformation of property rights of public enterprises**, as part of the much wider process of transformation of the entire system of property rights with the aim of transition to a system based on private property, **was not complete in 2010**, when the subject measure was implemented.

- 153. The ownership right of the state with respect to subject land that was terminated by virtue of the 2010 Conversion was thus a transitory step in the overall process of transition from a system based on social ownership to a system based on private ownership, so that its nature and legal effects must be assessed by considering the nominal nature and lack of actual effect of the "social ownership" title which preceded it.
- 154. An important intermediate conclusion may be drawn on the basis of the analysis of the origin, nature and original effects of the entitlements of EPS (right of use) and the Republic of Serbia (ownership right) that existed with respect to subject land immediately prior to the 2010 Conversion: by virtue of the 2010 Conversion no new economic benefit was bestowed upon EPS, while at the same time the Republic of Serbia thereby effectively did not forgo any entitlement in favor of EPS. The Republic of Serbia acquired the ownership right that was subject to the 2010 Conversion by virtue of statutory changes, in succession to "social ownership" that had been originally established at the time when the right of use of subject land had been bestowed upon EPS. Since the **obligation to respect** acquired property rights represents a fundamental principle of EU acquis, as well as of the Constitution of Serbia, the nature and effects of the ownership right that the Republic of Serbia held from 1995 until 2010 must be interpreted in view of the previously acquired property rights of EPS, which is the reason why the 2010 Conversion could not have altered the entitlements of the Republic of Serbia and EPS in any material aspect. In other words, the ownership title to subject land held by the Republic of Serbia prior to 2010 Conversion was purely nominal since it had been derived from the so-called "social ownership", whereas the right of use held by EPS at the same time was tantamount to actual ownership.
- 155. Secondly, since the title of EPS to subject land that was subject to 2010 Conversion had been bestowed upon EPS by operation of statutory mechanisms of **expropriation and administrative transfer**, it is important to consider which property title was the functional equivalent pursuant to the statute setting forth rules of expropriation that was in force at the time of 2010 Conversion. The Act on Expropriation of 1995, as amended subsequently ("1995 Expropriation Law"). 46 provided that

⁴⁵Art. 9, paras. 2 and 3 of the Act on Public Enterprises and the Performance of Activities of General Interest.

⁴⁶The Act on Expropriation, "Official Gazette of the Republic of Serbia" No. 53/95, "Official Gazette of the Federal Republic of Yugoslavia," No. 16/2001 – Dec. of the Federal Const. Court, "Official Gazette of the Republic of Serbia," Nos. 20/2009, 55/2013 – Dec. of the Const. Court, and 106/2016 – auth. interpret.)

"As of the day on which the decision on expropriation becomes final, **the owner** of the expropriated real property is changed (total expropriation)." [emphasis added]

- 156. Therefore, the right of ownership was at the time when subject measure was implemented in 2010 the functional equivalent of the right of use of subject land that had been bestowed upon EPS by virtue of expropriation (predominantly) and administrative transfer in the course of several years starting from 1984.
- 157. The rule that **consideration equaling market value of underlying asset was owed by the beneficiary** under the 1984 Expropriation Act, presented in detail in para. 144 above, supports not only the claim that "social ownership" of land that remained recorded upon completion of procedures under the 1984 Expropriation Act, as was the case with the land subject to Measure 5, was purely nominal, but also **confirms functional equivalence of the right of use bestowed pursuant to procedures provided under the 1984 Expropriation Act and the right of ownership that was protected by the legal system of Serbia at the time when the 2010 Conversion, i.e. Measure 5, was undertaken.**
- 158. The functional equivalence of ownership in 2010 and the right of use at the time of acquisition of subject land by EPS (1980-ies) has a third tenet as well: **the "right of use"** as a standalone property right had ceased to exist in the catalogue of the property rights protected by the legal system of the Republic of Serbia many years before 2010, so that it did not exist as such at the time when the 2010 Conversion was implemented.⁴⁸
- 159. As has already been outlined in paragraphs 147-153 above, since the "right of use" of land was a remnant of the system of property rights that had been based on the so-called "social ownership", its conversion into ownership was a process that was ongoing at the time of the 2010 Conversion and that was being regulated by virtue of several statutes depending on the category of holder of title, the category of pertinent land and the manner of acquisition of the right of use title.
- 160. For reasons stated in paragraphs 153-154 above, it may be concluded that Measure 5, i.e. the 2010 Conversion, did not entail a new transfer of state resources, but that it instead merely brought the formal legal entitlements to subject land in line with the actual rights acquired by EPS at the time the right of use of subject land was bestowed upon it for the purpose of realization of Kolubara B project.
- 161. Moreover, in view of the functional equivalence of the right of use from the perspective of the 1984 Expropriation Act and ownership from the perspective of the legal system of Serbia in 2010, referred to in paragraphs 155-158 above, **Measure 5 eliminated, in respect of**

.

⁴⁷ Art. 4 of the 1995 Expropriation Act.

⁴⁸The following property rights were enumerated in the Act on the Bases of Property Relations: ownership, easement, lien attached to real property and pledge. Art. 7 of the Act on the Bases of Property of Relations, "Official Gazette of the SFRY", Nos. 6/80, 36/90, "Official Gazette of the FRY", 29/96 and "Official Gazette of the R. of Serbia", No. 115-2005.

subject land, a systemic disadvantage hampering EPS property rights in relation to beneficiaries of expropriation under the laws that were in force at the time when Measure 5 was taken, which had been inherited from the period of ideologically-mandated system of self-managed labor.

- 162. Finally, the requirement under the 1984 Expropriation Act that the beneficiary of expropriation (i.e. EPS in the case at hand) had to pay compensation equal to market value of expropriated land to former owner thereof is not material only because it supports the arguments that the right of use originally acquired by EPS was equivalent to ownership in 2010, and that the social ownership that remained recorded upon granting of right of use to EPS was purely nominal, but also because it was complied with by EPS in the case at hand, so that acquisition of most of the subject land by EPS was not in the case at hand without compensation. Since almost all land lots had been expropriated from natural persons for the very purpose of granting EPS the right of use thereof, 49 as beneficiary of expropriation, EPS paid to former owners compensation in the amount of market value of expropriated land. 50
- 163. If the origin, nature and effect of the right of use that EPS enjoyed prior to the 2010 Conversion and the property entitlements that EPS thus acquired, as outlined in paragraphs 142-145 above, as well as the nature of the ownership of the Republic of Serbia that was terminated by virtue of the 2010 Conversion, as explained in paragraphs 146-154 above, are taken into account, it becomes clear that the 2010 Conversion was not an actual bestowal of ownership without compensation, but was a declaratory formalization of previously acquired property rights of EPS in relation to subject land that were commensurate to ownership, as has been explained in paragraphs 155-160 above.
- 164. In short, by virtue of the 2010 Conversion the position of EPS was not strengthened in any respect and EPS was not granted an advantage in relation to its competitors simply because no material change of legal entitlements of EPS vis-à-vis subject land occurred, since the nature and effect of the right of use of subject land that EPS enjoyed prior to the 2010 Conversion has to be interpreted, due to obligation to respect acquired property rights, by taking into consideration its nature and effect at the time when it was bestowed upon EPS by virtue of the 1984 Expropriation Act at that time the said right entailed the widest possible scope of property entitlements that could have been acquired, was subject only to nominal "social ownership" that lacked a holder, was practically irrevocable and could have been acquired, in principle, only upon payment of consideration equal to market value of the underlying land. Consideration of the original nature and effect of the right of use of EPS is warranted also by the fact that the transformation of the system of property rights in the Republic of Serbia was still ongoing in respect of public enterprises at the time Measure 5 was taken. By virtue of expropriation and, to a much lesser extent, administrative transfer, EPS had been originally

⁴⁹A small portion of subject land possibly had not been expropriated from natural persons but had been already owned by the state, in that case the transfer of right of use was effected by virtue of administrative transfer.

⁵⁰Art. 45, para. 1 of the 1984 Expropriation Act.

granted the functional equivalent of ownership, since at the time of the 2010 Conversion a beneficiary of expropriation would have been entitled to ownership, not to right of use, as well as because the 1984 Expropriation Law required payment of market value of underlying land by the beneficiary of expropriation. Finally, in the case at hand EPS paid the market value of most of the subject land in line with the requirements of the 1984 Expropriation Act, in the form of compensation for expropriation, so acquisition of subject land by EPS was not without adequate compensation.

- 165. In view of the reasons referred in paragraphs 160-162 and summarized in paragraph 164 above, it is evident that by virtue of the 2010 Conversion neither an economic benefit, nor an advantage for EPS in relation to its competitors were created. On the contrary, in 1984 and in the course of several years thereafter EPS paid market value as consideration for acquiring the widest property right that was possible at the time in respect of most of the subject land; the 2010 Conversion only removed the disadvantage EPS was put into in relation to its competitors that resulted from said property right due to the fact that the changes of the social, economic and legal system that occurred in the meantime made that property right obsolete.
- 166. Furthermore, having regard to the reasons referred to in para. 163 and also summarized in para. 164 above, it is also evident that Measure 5 was not selective in spite of the fact that it was addressed to EPS as an individual enterprise, since the described unique circumstances of the status of acquired property rights of EPS to subject land warranted a declaratory formalization thereof.
- 167. Not only the 2010 Conversion did not constitute State aid, but it was necessary for untangling property entitlements of the Republic of Serbia and EPS in relation to Kolubara B project, so that all assets and liabilities of EPS could have been assessed and disposed of in line with market based principles. As such, the subject measure was conducive to bringing the business practices and assets of EPS in line with, *inter alia*, EU *acquis*, which makes alleging its unlawfulness under EU State aid rules paradoxical.

IV. CONCLUSION

- 168. Notwithstanding the aforementioned, the Republic of Serbia strongly holds that (i) the Energy Community does not have jurisdiction to decide on State aid matters with regard to EU candidate countries as this is in the exclusive jurisdiction of the Commission; (ii) despite its unequivocal obligations under the EU *acquis* and rules on burden of proof, the Secretariat failed to prove an existence of breach; (iii) the current Secretariat investigation was led in clear violation of Due Process; (iv) the Secretariat failed to perform a mandatory MEOP/MECP analysis as a key procedural and substantive step necessary before qualifying the Measures as State aid, as required under the EU *acquis*.
- 169. Considering all of the above, the Republic of Serbia respectfully proposes that the Ministerial Council of the Energy Community rejects the Reasoned Request submitted by the Secretariat and confirms that the Republic of Serbia has not failed to comply with its obligations under the Energy Community Treaty, in particular Articles 18 and 19 thereof.

List of Appendices:

- 1. Letter from the President of the Advisory Committee dated October 6, 2017
- 2. Letter from the President of the Advisory Committee dated November 30, 2017
- 3. Letter from the Ministry of Mining and Energy dated October 3, 2017
- 4. Request for Access to File dated November 22, 2017
- 5. Request for Access to File dated November 28, 2017
- 6. E-mail correspondence from the Secretariat dated November 28, 2017
- 7. Letter from the Ministry of Mining and Energy dated November 24, 2017
- 8. Letter from Mr. Valdrin Lluka dated November 27, 2017
- 9. E-mail correspondence from the Secretariat dated April 4, 2017
- 10. Quantification of level of State aid in case of state guarantees
- 11. Certificate issued by the Business Registers Agency of the Republic of Serbia dated June 6, 2016

President of the Advisory Committee of the Energy Community Wolfgang Urbantschitsch Am Hof 4 1010 Wien



Ministry of Mining and Energy of the Republic of Serbia Kralja Milana 36 11000 Belgrade Serbia

Energy Community Secretariat Am Hof 4 1010 Wien

6 October 2017

Public hearing in the proceedings of case ECS-11/14

Honourable Excellences,

We were informed that the Republic of Serbia only received the Reasoned Request in case ECS-11/14 on 2 October 2017. As a consequence, the Advisory Committee has taken the decision to postpone the public hearing in case ECS-11/14 to a later date. That date has been as set as Friday, the 16 February 2018.

Yours sincerely,

Wolfgang Urbantschitsch

L. Whentilutie

President of the Advisory Committee of the Energy Community

President of the Advisory Committee of the Energy Community Wolfgang Urbantschitsch Am Hof 4 1010 Wien



Presidency and Vice-Presidencies of the Energy Community c/o the Energy Community Secretariat
Am Hof 4
1010 Vienna

30 November 2017

Honourable Excellences,

The Opinion of the Advisory Committee in case ECS-11/14

The Advisory Committee has had no alternative but to delay the public hearing in case ECS-11/14 to February 2018. At our preliminary meeting on October 5th, the Advisory Committee was notified by the Republic of Serbia that it had only received the documents containing the Reasoned Request on October 2nd. As there was no evidence that the Reasoned Request had been served on the Republic of Serbia any earlier, in the interests of a fair hearing and in order to respect the rights of defence, we had no alternative but to set a later date (now 16th February 2018) for the hearing.

Our dispute settlement rules require a public hearing before we give our opinion making it essential that a hearing takes place before an opinion is handed down. Furthermore, we had no defence document or other papers support the position of the Republic of Serbia responding to the Energy Secretariat's Reasoned Request making it impossible to take even an 'on the papers alone' view of the position of the Republic of Serbia. As a result of these facts and considerations as to the legitimate rights of defence of the Contracting States we will not be able to provide an Opinion of the Advisory Committee for the next Ministerial Council meeting on 14th December 2017.

An Annex to this letter provides a detailed account of the facts and reasons that led to our decision to delay the public hearing to February 2018.

We therefore respectfully suggest that the Ministerial Council in consultation with the parties postpone the decision in case ECS-11/14 to a later date or to find a decision by correspondence.

Yours faithfully,

Wolfgang Urbantschitsch

President of the Advisory Committee of the Energy Community

Myselletale

President of the Advisory Committee of the Energy Community Wolfgang Urbantschitsch Am Hof 4 1010 Wien



Annex in Respect of Case ECS-11/14

The Advisory Committee received the Reasoned Request in case ECS-11/14 on 30 May 2017. According to Article 32 (4) Dispute Settlement Rules as amended on 16 October 2015 (DSR 2015) the Advisory Committee has five months upon being tasked to issue its Opinion. During this time period the Advisory Committee has to conduct a public hearing, the results of which have to be taken into account when issuing this opinion.

As you are aware the public hearing in this case did not take place so far. In order for you to get the entire picture of the procedure after it was forwarded to us, I will take the liberty to describe it in detail: on 19 May 2017 I received an e-mail with the Reasoned Request and all its annexes from the Deputy Director of Energy Community Secretariat. The e-mail was not addressed to the Advisory Committee or its president, but to the Presidency and the Vice-Presidencies of the Energy Community. A copy of this e-mail was addressed to the representative of the Republic of Serbia.

The e-mail said that the Presidency and the Vice-Presidencies of the Energy Community should let the Energy Community Secretariat know within five working days, whether they would like them to ask the Advisory Committee to deliver an Opinion. In case of no response, the Energy Community Secretariat should assume that their consent was given and would forward the Reasoned Request to the Advisory Committee. On 30 May 2017 all Advisory Committee members received the Reasoned Requests and this was the start of the five months' time period for us to deliver an Opinion.

On 2 and 6 June 2017 respectively the Advisory Committee sent a letter to both parties — the Republic of Serbia and the Energy Community Secretariat — asking whether the parties wished to waive their right to a public hearing in this case. The Energy Community Secretariat argued for a public hearing in their e-mail of 7 June 2017. There was no reply by the Republic of Serbia — neither to this letter nor to the invitations for the public hearing on 19 August 2017, 23 August 2017 and 24 September 2017. Instead the Republic of Serbia informed the Director of the Energy Community Secretariat on 29 September 2017 that it had not received the Reasoned Request on 19 May 2017 and asked for clarification on whether it was sent to them. In an e-mail of 2 October 2017 the Republic of Serbia stated that they received the Reasoned Request in case ECS-11/14 on the same day for the first time. This was followed up by a letter from the Ministry of Mining and Energy asking for another two months to prepare for a public hearing. They did not attend the public hearing on 6 October 2017.



Republic of Serbia MINISTRY OF MINING AND ENERGY

No: 337-01-00103/2016-04 Date: 3 October 2017 Belgrade

Re: Invitation to a Public Hearing in the Proceedings of Case ECS-11/14

Dear Mr. Urbantschitsch,

Please accept my kind regards and consideration. I acknowledge with thanks your invitation sent to my Ministry dated August 17, 2017.

In your invitation and aide-mémoire, you provided information regarding the public hearing in case ECS-11/14 scheduled for October 6, 2017. I understand that the purpose of the subject hearing is to establish the factual and legal background of said case, and to give the Republic of Serbia, my Government, and our independent authorities an exhaustive opportunity to express their position on the points of fact and law raised in the reasoned request.

Furthermore, it is our understanding that said rights to be heard and provide an effective defence represent essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union, as well as, well-established case-law of the Court of Justice of the European Union.

To that extent, allow me to update you on the latest developments:

- On June 29, 2017, the new Government of Serbia led by Prime Minister, Ms. Ana Brnabić, was confirmed by Parliament and, officially, took office;
- One of the first tasks of the new Government was to combat the severe droughts that Serbia experienced in the months of July and August, which took a considerable toll on our economic growth, budget, and monetary projections for 2017;
- The national electricity sector, in particular, underwent an unprecedent calamity, with hydropower production coming to a 40-year historic low. This, in turn, resulted in an overall electricity crisis, the resolution of which, was the primary objective of my Ministry in the following months;
- Against this backdrop, the Serbian government, nevertheless, commenced an indepth process of reassessing the facts and legal background in the case ECS-11/14;
- In this connection, the Government examined the need for external legal counsel and competition economics expertise. Legal counsel was engaged at the end of September 2017, while economists knowledgeable in the field are presently being identified to assist them. To that extent, an aide-mémoire was prepared for your consideration (see Annex 1);

Mr. Wolfgang Urbantschitsch President of the Advisory Committee of the Energy Community Am Hof 4 1010 Wien

Austria

- The principle task of external advisors is to identify all relevant facts, legal points, produce necessary evidence and assist both Serbia as well as the Energy Community and its institutions in reaching an objective, transparent and efficient decision in the present case;
- To my surprise, I have been informed that my Ministry received only on October 2, 2017 the full reasoned request from the Secretariat of the Energy Community (the 'Secretariat'), due to apparent technical issues (see <u>Annex 2</u>).

With this regard, I would like to state that Serbia is committed to fully cooperate with the Energy Community and its institutions in the outmost adherence to our Treaty obligations. This especially includes a (i) detailed review and preparation of a factual and legal response to the Secretariat's reasoned request, as well as, (ii) comprehensive preparation in order to effectively participate at the public hearing before the Advisory Committee of the Energy Community.

In this regard, the Government would like to request additional time of two months to adequately prepare our arguments and provide sufficient evidence for our position. This would also include a postponement of the scheduled hearing in case ECS-11/14 for said requested period.

Nevertheless, Serbia will, in the meantime, continue to actively engage the Energy Community and its institutions on the State aid topics that are of concern to you. We expect to be able to suggest a meeting between Elektroprivreda Srbije, the external advisors and our services, with representatives of the Secretariat in the very near future, to structure a constructive dialogue, aimed at addressing the Secretariat's concerns.

Please accept, Mr. President, the expression of my highest consideration.

Yours sincerely,

Aleksandar Antić

Enc: Aide-Mémoire on Preliminary Procedural and Substantive Issues

Ms. Jelena Simovic's e-mails

Cc: Presidency of the Energy Community

Ministry of Economic Development, Square "Zahir Pajaziti", No.36, 10000 Prishtina

Vice Presidency of the Energy Community Ministry of Economy Yuri Gagarin 15, Skopje 1000

Energy Community Secretariat Mr. Janez Kopac, Director Am Hof 4, 1010 Vienna, AUSTRIA

AIDE-MÉMOIRE

on Preliminary Procedural and Substantive Issues

1. <u>Introductory note</u>: importance of Kolubara Mining Basin and Kolubara B project for stability of electricity supply in the Republic of Serbia

The Mining Basin Kolubara is of paramount importance for the generation of electricity in the Republic of Serbia: the lignite from Kolubara Mining Basin is used for the production of about 52% of total electricity generation in Serbia. The Basin is owned and operated by *Elektroprivreda Srbije* (EPS), a state-owned vertically integrated undertaking performing generation, distribution and supply activities.

Kolubara B is an EPS project for development of a new coal-fired power plant, designed for combined generation of electricity and heat for the heating system of Belgrade. The projected new plant should represent a major addition to the existing Kolubara Thermal power plant, which generates electricity using the lignite mined in Kolubara Mining Basin.

2. <u>Note on preliminary procedural issues</u>: initial review of the complaint against the RoS by the Secretariat lasted several times longer than prescribed

The need for additional time for conducting preparations for the public hearing on the part of the RoS is warranted by the protracted duration of the initial phase of the proceedings, whereby the Secretariat missed the 6-month term for initiating the preliminary procedure (the term was stipulated in Art. 26 para. 1 of the Consolidated Rules of Procedure for Dispute Settlement under the Treaty, enacted in October 2015, hereinafter referred to as "the Rules") by an entire year and a half, i.e. by a period of time three times longer than the prescribed term: the Secretariat received the pertinent complaint in June 2014, whereas it sent the opening letter on 14 July 2016.

Although the Rules, pursuant to Art. 46 para. 1, became effective as of the day of enactment thereof, in view of the fact that the Rules were enacted after the Secretariat received the pertinent complaint, but before it sent the opening letter, the possibility that the Secretariat in respect of the subject case continued adhering to the procedural rules that were in force until October 2015 (which were contained in the Procedural Act No 2008/01/MC-EnC of the Ministerial Council of the Energy Community of 27 June 2008 on the Rules of Procedure for Dispute Settlement under the Treaty, hereinafter referred to as "the Old Rules") should also be envisaged. The Old Rules, however, required the Secretariat to either submit a reasoned request to the Ministerial Council or discontinue the case within six months of registration of the complaint.

President of the Advisory Committee of the Energy Community

Mr. Wolfgang Urbantschitsch

Am Hof 4 1010 Wien (Austria)

The Reasoned Request was apparently sent by the Secretariat to the Ministerial Council on 19 May 2017, 35 months after the registration of the complaint, which would have constituted a breach of the term prescribed by the Old Rules by a period of time almost five times longer.

The described breach of time limits for the initial phase of the proceedings, set forth by both the Old Rules and the Rules, constituted a material violation of the procedural rights of the RoS.

Firstly, it is obvious that the Secretariat availed itself of a period of time for preparing the case against the RoS which was several times longer than the periods prescribed by both the Rules and the Old Rules. By doing so, the Secretariat violated the equality of arms principle, which is an essential element of the right to a fair trial stipulated in Art. 47 of Charter of Fundamental Rights of the EU and Art. 6 of the ECHR, and as such well recognized in the case law of both the Court of Justice of the EU¹ and the ECtHR. Such a manifest imbalance between the parties in respect of opportunity provided to them to prepare themselves for the contradictory proceedings could even warrant dismissal of the complaint; absent such dismissal, however, postponement of the public hearing is the least that can be done to remedy the said imbalance on the part of the RoS.

Secondly, the subject time limits for the initial phase have a clear purpose: securing that the proceedings be conducted within reasonable time from the submission of the complaint and, consequently, from the alleged breach of the Treaty/EU acquis, and thus ensuring that requisite evidence remains available. Manifold prolongation of the initial phase means that the passage of time has made it more difficult for the RoS to gather relevant facts and evidence and prepare itself for the public hearing. As concluded in the previous argument, extending the time available to RoS to prepare itself for the public hearing is the least that can be done to compensate the RoS for the described violation of its procedural rights.

The subject request for deferral of the public hearing is submitted in accordance with Art. 10 para. 3 of the Rules, which allows extension of a time-limit by the institution that prescribed it upon a reasoned application.

3. Note on preliminary substantive issues: the necessity of an MEIP analysis

At issue is whether said State guarantees provided for certain loans to Elektroprivreda Srbije ('EPS') constitute State aid, as defined under the Energy Community acquis. Based on our preliminary assessment, all loans and grants, at the time, seem to have been specially purposed with a value-creation aim. Specifically, the State guaranteed loans were used to acquire equipment, mechanisation, and other assets, which were in turn put to use to generate further value within the EPS system but also to other State-owned enterprises and the overall Serbian economy.

As any other private investor, the Serbian Government went into the transaction in question at the time, under favourable market terms, so as to allow the greatest returns on investment. Furthermore, the mandatory application of the private investor principle – the MEIP/MECP test, as

¹ Opinion of Advocate General in Case C-199/11.

the first step in any assessment of alleged State aid, is now unequivocally required by Energy Community law,² as well as by established case-law of the ECJ.³

Moreover, as a separate, but related issue, it is worth noting that EU case law also provides for State guarantees to SGEI undertakings in unlimited amounts.⁴

To conclude, under Energy Community law and the Community's procedural rules, the obligation to perform an in-depth economic and legal analysis, and in particular an MEIP/MECP test, together with the burden of proof, primarily lies with the Secretariat. Notwithstanding, Serbia also has a keen interest to perform the necessary analysis by an international, independent and reputable economics advisor. It is asserted that only in this manner factually and legally correct conclusions may be drawn in the case at hand, in line with Energy Community law.

 $^{^2}$ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/02).

³ Judgment in case T-386/14, FIH Holding v Commission; Judgment Joined Cases C-214/12 P, C-215/12 P and C-223/12 P Bank Burgenland.

⁴ State Aid E 12/2005 - Poland - Unlimited State guarantee in favour of Poczta Polska.

Jelena Simović

From: Jelena Simović < jelena.simovic@mre.gov.rs>

Sent: 2. oktobar 2017 14:28

To: 'Janez Kopac'

Cc: 'EUROPEAN COMMISSION - Mr. Roderic VAN VOORST'; 'Dirk Buschle'; 'Rozeta

Karova'; 'Agata Muellner'; 'Luan Morina'; 'Ismail Luma'; 'Josefine Kuhlmann'; 'Christopher.Jones@ec.europa.eu'; 'Wolfgang.Urbantschitsch@e-control.at';

'mirjana.filipovic@mre.gov.rs'

Subject: FW: Case ECS-11/14

Importance: High

Dear Mr. Kopac,

I was informed today by the phone (I was calling to check) that the answer to the mail below was sent immediately on the same day, on Friday. But I did not receive it. At the same time I was informed that it was resent this morning but I didn't receive it.

When Ms Karova split this mail and attached documentation, I received the documentations and e mails.

<u>I just want to state the fact that we received RR and following documentation on case ECS 11/14 today for the first time.</u>

Best regards, Jelena Simovic

From: Jelena Simović [mailto:jelena.simovic@mre.gov.rs]

Sent: Friday, September 29, 2017 11:26 AM

To:

Cc: 'EUROPEAN COMMISSION - Mr. Roderic VAN VOORST' <Roderic.VANVOORST@ec.europa.eu>; 'Dirk Buschle' <Dirk.Buschle@energy-community.org>; 'Rozeta Karova' <rozeta.karova@energy-community.org>; 'Agata Muellner' <Agata.Muellner@energy-community.org>; 'Luan Morina' <Luan.Morina@rks-gov.net>; 'Ismail Luma' <ismail.luma@economy.gov.mk>; 'christopher.jones@ec.europa.eu'; 'Wolfgang.Urbantschitsch@e-control.at'; 'Josefine Kuhlmann' <Josefine.Kuhlmann@e-control.at>

Subject: Case ECS-11/14

Importance: High

Dear Mr. Kopac,

On 19 May 2017 we have received by electronic mail the information on further proceedings in regards to the Case ECS - 18/16, Reasoned Request and Case ECS - 6/11, Reasoned Request from Ms Muellner.

On the website of the Energy Community Secretariat, regarding Case ECS 11/14, there is information that on the same date, that is on May 19, 2017, a RR was sent in this Case as well. However, we do not have any record of it, so therefore we DO NOT HAVE the material either. Since the material is sent only by electronic mail, we have not received any RR for this case in any way.

If it is our mistake, we kindly ask you to provide us with an EVIDENCE OF THAT YOU HAVE INFORMED US ABOUT FURTHER PROCEEDINGS IN THIS CASE on May 19, 2017. We are still not asking for the material, until it has been determined first whether on May 19, 2017 the material was delivered to us. In Cc of this e- mail there are all of those who were included in that correspondence in regards to the Cases 18/16 and 6/11 on that day, so we assume that they should have the third e-mail if it was sent, or that they do not have it if it was not sent by mistake.

If the e-mail was not sent, we shall consider that we did not receive the RR and accordingly, after you deliver it, please align the terms for the response and the public hearing.

If it was sent to us, we apologize in advance for the inconvenience we may have caused and we ask you to resend it to us.

Thank you for your understanding and please send us your reply during this day.

Sincerely, Jelena Simovic



via e-mail

TO: Mr. Dirk Buschle

Legal Counsel and Deputy Director Secretariat of the Energy Community <u>dirk.buschle@energy-community.org</u>

CC: Mr. Janez Kopač,

Director
Secretariat of the Energy Community (Secretariat)
janez.kopac@energy.community.org

November 22, 2017

Subject: Request for Access to the Case File in Case ECS-11/14

Dear Mr. Buschle:

It is our pleasure to inform you that a team of legal counsel has been instructed by the Ministry of Mining and Energy, the Government of the Republic of Serbia to act on its behalf in the case ECS-11/14. Kindly find enclosed the Power of Attorney of November 22, 2017, enlisting the authorized counsel. In line with Art. 7 of the Consolidated Rules of Procedure for Dispute Settlement under the Treaty (**Rules**), as well as in accordance with instructions of your services given on the Energy Community website (<u>link</u>) we hereby require the access to <u>the entire case file</u> in case <u>ECS-11/14</u>.

As the Secretariat was previously informed, the Republic of Serbia only received the Reasoned Request in the case ECS-11/14 (**Reasoned Request**) on October 2, 2017 with a 2-month deadline to respond, i.e., by <u>December 2, 2017</u> (attached letter dated October 3, 2017, for reference). This is also why the Advisory Committee duly decided to postpone the public hearing scheduled from October 6, 2017 to <u>February 16, 2018</u> (**Hearing**) (attached for reference).

By observing the right of the Republic of Serbia as a Party concerned to have an exhaustive opportunity to express its position on the points of fact and of law raised in the Reasoned Request both in its response due by <u>December 2, 2017</u> as well as at the scheduled Hearing, we hereby request to be provided with the access to the case file as soon as practically possible.

Bearing in mind that:

- to our best knowledge, the Procedural Act referred to in Article 7 of the Rules, which was to regulate in more detail and layout the specific rules on access to the case file, was never adopted by the Secretariat;
- the Treaty Establishing the Energy Community (Article 3(a), Chapter IV, and Annex III) mandates the application of the *acquis communautaire* on competition, amongst others



(Comp Acquis), which must be applied directly, in particular in cases of lack of specific rules adopted by the Secretariat as aforementioned;

- pursuant to the Comp Acquis, access to file is primarily governed by the Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004 (Text with EEA relevance) as amended by the Communication from the Commission - Amendments to the Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004 (2015/C 256/03) (Notice);
- alternatively, as part of the Comp Acquis, in State aid cases, under the State Aid Manual of Procedures Internal DG Competition working documents on procedures for the application of Articles 107 and 108, revision 10/7/2013 (**State Aid ManProc**) (attached for reference) (paras 61-67) the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (Regulation 1049/2001) applies for access to documents;
- the Regulation 1049/2001 provides for the "greatest possible access to internal [...] documents", whilst according to the Notice (para 2) "specific right [of access to file] outlined above is distinct from the general right to access to documents under Regulation (EC) No 1049/2001" i.e., by primarily being more restrictive and narrower,

It follows that under the aforementioned, and the Comp Acquis as governing, in particular in State aid cases, such as ECS-11/14, not only that the Party concerned has an unequivocal right to access the case file (as set forth in the Notice), but such right is exceptionally broad and extensive and goes even beyond the Notice, so as to include, essentially, any and all internal documents of the acting authority (as stipulated in the Regulation 1049/2001) - the Energy Community and its institutions, primarily the Secretariat.

For the reasons stated above, we hereby request immediate electronic access to:

- the entire case file in case ECS-11/14, including but not limited to:
 - a copy of the complaint submitted to the Secretariat on 18 June 2014;
 - MEOP and/or any other mandatory, or otherwise, internal analysis performed by the Secretariat in the subject case;
 - any and all correspondence between the institutions of the Energy Community and (i) the complainant, (ii) the Republic of Serbia or any of its bodies and institutions, and/or (iii) any third parties, with regard to the case ECS-11/14;
 - procedural or substantive acts, documents or other letters or statements, irrespective of their sender and/or addressee, in any manner related to and/or in connection with the case ECS-11/14;
- 2. **Any and all other internal documents** of Energy Community institutions with reference to the case ECS-11/14.



Should you have any additional comments or questions, please do not hesitate to contact us. On behalf of the Ministry of Mining and Energy, the Government of the Republic of Serbia,

Yours sincerely,

Bogdan Gecić, attorney at law



Attachments:

- Letter of His Excellency Minister Antić dated 3 October 2017,
- Power of Attorney dated 22 November 2017,
- Letter of the President of the Advisory Committee dated 6 October 2017,
- State Aid Manual of Procedures Internal DG Competition working documents on procedures for the application of Articles 107 and 108, revision 10/7/2013.



via e-mail

TO: Mr. Dirk Buschle

Legal Counsel and Deputy Director Secretariat of the Energy Community dirk.buschle@energy-community.org

CC: Mr. Janez Kopač,

Director
Secretariat of the Energy Community (Secretariat)
janez.kopac@energy-community.org

Mr. Luan Morina

Permanent High Level Group Presidency in Office Luan.Morina@rks-gov.net

Mr. Valdrin Lluka

Presidency and Vice-Presidency of the Energy Community <u>Valdrin.Lluka@rks-gov.net</u>

Mr. Maroš Šefčovič

European Commission, Vice-President for Energy Union <u>cab-sefcovic-web@ec.europa.eu</u>

November 28, 2017

Subject: Access to the Case File in Case ECS-11/14

Dear Mr. Buschle:

Please accept my kind regards and consideration. I would like to thank you for your reply dated November 24, 2017 (**Reply**) to our request for access to the file in case ECS-11/14 dated November 22, 2017 (**Request**).

Firstly, regarding the inquiry on the need to be granted access to specific documents listed in your Reply, particularly:

- Any and all documents containing any kind of analysis performed by the Energy Community Secretariat and/or other Energy Community institutions regarding the case ECS-11/14, including the Opening Letter of July 14, 2016, the Reasoned Opinion of February 28, 2017, the Reasoned Request of May 19, 2017 (including the proof of due delivery of said Reasoned Request i.e., electronic read receipt, from the Republic of Serbia), as well as the assessment of the reply to the Reasoned Opinion of July 24, 2017;
- Any and all correspondence between the Energy Community institutions and the (i) complainant (including the acknowledgement of receipt of the complaint), (ii) the Republic of Serbia and any of its bodies or institutions (including correspondence related to the submission of the above listed analysis), and (iii) the Serbian State aid authority



(particularly the correspondence pertaining to the attempted settlement of the dispute, and the draft decision(s) with counter-comments);

We fully adhere to the Request and kindly ask for access to these documents to be granted as soon as practicably possible. For the sake of clarity and avoidance of any doubt, please find attached the copy of your e-mail dated November 24, 2017, with brief responses to your inquiries (<u>in red</u>), which are further elaborated herein.

Secondly, we would like to shortly address certain issues inspected in your Reply:

1. Confidential treatment of the complaint

Since you informed us that the complainant has asked for confidential treatment in the present case, and that only the non-confidential version of the complaint is accessible, we would like to kindly ask you to provide us with (i) the claim for confidentiality of the complaint, (ii) the reasoned decision of the Energy Community by which the complaint was granted the confidential treatment, and (iii) any and all other documents that contain information on the legal basis pursuant to which such treatment was granted, all in accordance with the governing *acquis communautaire* on competition (for more information on the mandatory application of the EU *acquis*, please revert to our initial Request).

Namely, according to Article 4 of the Regulation 1049/2001¹, confidentiality of a particular document can be granted to the applicant only if: (i) one of the enumerative exceptions set forth thereof is fulfilled (e.g., protection of public interest, privacy and the integrity of the individual, commercial interests of a natural or legal person, including intellectual property, court proceedings and legal advice, the purpose of inspections, investigations and audits, etc.), and (ii) if there is no overriding public interest in disclosure.

On a similar note, the Notice² also prescribes that the information will be classified as confidential only where the person or undertaking in question has made a claim to this effect and such claim has been accepted by the Commission. Also, claims for confidentiality must relate to information which is within the scope of the descriptions of business secrets or other confidential information specified in the Notice. The reasons for which information is claimed to be a business secret or other confidential information must be substantiated.

On the basis of the above mentioned, we urge the Secretariat to provide us with access to the relevant documents that pertain to the confidentiality of the complaint. Otherwise, the alleged confidentiality treatment of the complaint rests groundless pursuant to the governing EU *acquis*.

2. Procedural or substantive acts, documents or letter and statements relating to the case ECS-11/14

In your reply, you informed us that there were no procedural or substantive acts, documents or letter and statements relating to the case ECS-11/14, apart from the ones already falling under the previous points.

However, the case ECS-11/14 was included and referred to in the agenda of the 48th Permanent High Level Group (**PHLG**) and the draft-agenda of the 15th Ministerial Council Meeting, both scheduled for December 14, 2017. These occurrences, however, go directly against the Consolidated Rules of

 $^{^1}$ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

² Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004 (Text with EEA relevance) as amended by the Communication from the Commission - Amendments to the Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004 (2015/C 256/03)



Procedure for Dispute Settlement under the Treaty (**Rules**) given that: (i) the deadline for the Republic of Serbia to reply to the Reasoned Request only expires **on December 2, 2017**, and (ii) the hearing before the Advisory Committee is rescheduled for **February 16, 2018** (please find attached the letter of the President of the Advisory Committee postponing the hearing).

According to the Rules, only after the Advisory Committee renders its opinion (thus, later than February 16, 2018) can the case ECS-11/14 be included in the agenda of the PHLG. The PHLG is the only institution authorized to include a reasoned request on the agenda of the next meeting of the Ministerial Council, and not the Secretariat or the current Presidency (as incorrectly stated in Mr. Valdrin Lluka's letter dated November 27, 2017). What is more, only if the PHLG, following its own hearing, agrees with a reasoned request, it may include it as an "A" item on the agenda of the Ministerial Council in line with its rules of procedure – all, thus, procedurally possible considerably after February 16, 2018 and not before, as both the draft-agenda and the PHLG agenda suggest. The fact that the draft-agenda of the Ministerial Council prepared by the Secretariat beforehand qualifies this case as an "A" item, instead, for example, as a "B" item, before the PHLG even had a chance to hear the case and decide on it, considerably prejudices the case and reverses the burden of proof from the Secretariat onto the Republic of Serbia, in breach of Energy Community law, and in particular the EU *acquis* on competition.

To conclude, any premature inclusion, by the Secretariat (together with the current Presidency the Ministerial Council), and not the PHLG, not to mention without a hearing before the PHLG, is at risk of reversing the burden of proof and considerably prejudicing the final outcome and decision of the PHLG, in breach of the EU acquis on competition.

What is more, it is completely redundant to include the case ECS-11/14 in the 15th Ministerial Council Meeting draft-agenda (especially as an "A" item - no discussion), given that the PHLG is still to make a decision on whether it agrees with the Reasoned Request (on its 48th meeting scheduled for the same date) and, consequently, whether the case should be presented for voting of the Ministerial Council as an "A" item. Although the next meeting of the PHLG is to be held earlier than the Ministerial Council meeting, both meetings will take place on the same day and any conclusions reached by the PHLG (including the ones regarding the subject case) will only be preliminary, given that said conclusions become final only if, within **five working days** from their distribution, no change requests are submitted to the Secretariat (Section V, point 10 of the Rules of Procedure of the Permanent High Level Group of the Energy Community). That said, **it is obvious that the Ministerial Council cannot decide in the present case on the same day the PHLG does, due to prescribed procedural obstacles and deadlines.**

Consequently, including the case ECS-11/14 in the agenda of the PHLG Meeting, let alone in the draft-agenda of the Ministerial Council at this moment is extremely premature, and goes directly against Energy Community law, the Rules and the internal rules of procedure of both PHLG and the Ministerial Council, as mentioned above. What is more, it violates the rights of the Republic of Serbia to be heard, to provide an effective defence and Due Process, as essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union. The inalienable right to a hearing is unequivocally warranted by well-established caselaw of the Court of Justice of the European Union and reaffirmed in most recent cases under the EU acquis on competition³.

For these reasons, we kindly ask to be given access to any and all Energy Community internal documents which preceded the drafting of both PHLG agenda and the Ministerial Council draft-agenda, as well as any communication, minutes of the meetings, or similar documents that could be of use to determine the legal basis of and reasoning for inclusion of the case ECS-11/14 in the subject agenda and draft-agenda. Additionally, we would greatly appreciate if you could provide us with an update on

³ ECJ, Case C 85/15P Feralpi Holding v Commission, § 43-46; ECJ, Joined cases C 86/15P and 87/15P Ferriera Valsabbia SpA and others v Commission, § 46-49; ECJ, Case C 88/15P Ferriere Nord SpA v Commission, § 51-55; ECJ, Case C 89/15P Riva Fire SpA v Commission, § 44-49.



whether the case ECS-11/14 continues to be included in the PHLG agenda and the Ministerial Council draft-agenda or any other relevant information in this regard.

Finally, in its letter dated November 27, 2017 (attached for your reference), Mr. Valdrin Lluka on behalf of the current Presidency informed us on the Secretariat's position, according to which the Ministerial Council was under an obligation to put the case ECS-11/14 on the agenda of the PHLG and subsequently on the agenda of the Ministerial Council since the Secretariat submitted the Reasoned Request to the Ministerial Council on May 19, 2017. The Secretariat also appears to be of the view that the Ministerial Council does not have the competence to remove a case from the agenda of the PHLG if the Reasoned Request has been submitted to it. We kindly request to be provided with guidance and/or any internal documents on the legal basis for said Secretariat's contentions with reference to the specific provision(s) of the Treaty, Rules or other procedural or substantive act of the Energy Community.

3. Means of access

In your Reply, you underlined that, for reasons of confidentiality and transparency, your preference is not to send the requested documents via e-mail. However, the governing EU *acquis* on competition and State aid gives an applicant the right to choose the means of access and explicitly prescribes, among others, the electronic access to the case file.

Namely, according to Article 10 of the Regulation 1049/2001, an applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, **according to the applicant's preference**. On a similar note, the Notice sets forth that the access to documents can be granted by, among others, means of a CD-ROM(s) or any other electronic data storage device as may become available in future.

It follows from the above mentioned that the <u>electronic access to the case file</u>, via e-mail or by means of a CD-ROM(s) or any other electronic data storage device (including e.g. USB, Virtual Data Rooms – **VDR**), is one of the prescribed means of access, and also the <u>preferred one</u>.

Additionally, as per the Secretariat's own statement in the Reply, the majority of requested documents appear to have been already delivered to the Republic of Serbia and its authorities via e-mail, notwithstanding the confidentiality concerns raised. The same must be made available to its attorneys.

Further, in these specific circumstances, any unjustified delays in access to the case file will most certainly, further hinder the right of the Republic of Serbia to provide an effective defense (especially bearing in mind the deadline for reply to the Reasoned Request mentioned above), which is why we consider that consulting the documents on the spot is not an adequate means of access, given that it would unwarrantedly interfere with the preparation of the reply to the Reasoned Request, prolong the access itself and/or impose unnecessary financial and time-consuming costs on the Republic of Serbia, thus obstructing its right to fair trial and Due Process in the present case, in contrast to mandatory EU *acquis*.

Therefore, we maintain the position that the access to documents in case ECS-11/14 should be provided via e-mail. Alternatively, if you are of the opinion that such delivery is not sufficiently secure due to confidentiality concerns, we suggest using other electronic means of access, in accordance with best practices of the European Commission, which offer a higher level of security (such as a VDR), or express delivery of documents via DHL or other express courier (e.g. stored on a USB device).

Minding that the deadline for the Republic of Serbia to submit its reply to the Reasoned Request expires on Saturday, **December 2, 2017**, thus in only **three (3) business days**, we require your <u>immediate reaction</u> to this letter, so as to preserve the right of the Republic of Serbia to fair trial and Due Process guarantees as essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union, as well-established caselaw of the Court of Justice of the European Union.



Should you have any additional comments or questions, please do not hesitate to contact us. On behalf of the Ministry of Mining and Energy, the Government of the Republic of Serbia,

Yours sincerely,

Bogdan Gecić, attorney at law

Attachments:

- 1. Letter of the President of the Advisory Committee dated October 6, 2017
- 2. E-mail dated November 24, 2017 with comments
- 3. Letter of Mr. Valdrin Lluka dated November 27, 2017

From: Marie-Therese Richter [mailto:marie-therese.richter@energy-community.org]

Sent: 28.11.2017 18:16

To: Bogdan Gecić <bogdan.gecic@geciclaw.com>

Cc: cab-sefcovic-web@ec.europa.eu; aleksandar.antic@mre.gov.rs; kabinet@mre.gov.rs; Janez Kopac

<janez.kopac@energy-community.org>; Valdrin.Lluka@rks-gov.net; Luan.Morina@rks-gov.net;

milorad.grcic@eps.rs; Zorana Stojković <zorana.stojkovic@eps.rs>; Miluša Okiljević

<milusa.okiljevic@geciclaw.com>; dusan.rakitic@samardziclegal.rs; Tatjana Sofijanić

<tatjana.sofijanic@geciclaw.com>; Dirk Buschle <Dirk.Buschle@energy-community.org>

Subject: RE: [URGENT] ECS-11/14 Access to File Request

Dear Mr Gecic,

Please find below correspondence which I send to you on behalf of Deputy Director/Legal Counsel Mr. Buschle.

Dear Mr Gecic,

We confirm receipt of your email, dated 28 November 2017 14:38, regarding your request for access to the file in Case ECS-11/14.

At the outset, let me reassure you that the Secretariat preserves the Republic of Serbia's right to a fair trial and due process: The Republic of Serbia has received the Reasoned Request already in May 2017 (which is disputed among the parties), in any event and beyond dispute at the latest on 2 October 2017. Your request for access to the file is dated 22 November, i.e. more than 7 weeks later. We have reacted to your request for access to the file within one day to which you replied four days later and we are immediately responding to it again. We therefore can assure you that the Republic of Serbia's right to be heard is not harmed.

As to your request in detail:

We will provide you with the complaint and acknowledgement of receipt in a non-confidential
version. The complainant has asked for confidential treatment in accordance with Article 23(2) of
the Energy Community Dispute Settlement Procedures. According to this same provision, the
Secretariat has to comply with this request by the complainant; there is no discretion for the
Secretariat in that regard. Confidentiality of complaints is an essential feature of the procedure of
Energy Community dispute settlement.

The complaint and as a consequence the case has been brought under the Energy Community Dispute Settlement Procedures, which are the procedural rules applicable to this case. The Regulation and Notice mentioned in your request are not applicable in this case. They have never been adopted within the Energy Community and as thus form part of the law of one Party to the Treaty, the European Union. Moreover, the Notice concerns cases in which the European Commission acts as competition authority and grants the addressees, i.e. undertakings, of such proceedings for anti-competitive behaviour access to the file. In the present case, the Secretariat does not act as competition authority prosecuting undertakings for anti-competitive behaviour, but acts as guardian of the Energy Community Treaty vis-à-vis Contracting Parties. The Regulation clearly states (Art 2) that it applies to all natural and legal persons residing in a Member State, therefore transparency regulation; thus not to countries for their own case.

 We will also provide you with all analysis performed by the Secretariat and sent to your client (OL, RO, RR, assessment of reply to RO). We do not have any analysis by other Energy Community institutions and would not know of any such document.

- We will also provide you with all communication between the Secretariat and the State aid authority related to assistance provided to them in drafting a decision addressing the previous shortcomings. These discussions took place in the context of cooperation between the Secretariat and national authorities, and are formally not part of the case file.
- Any documents related to the drafting of the PHLG or Ministerial Council agenda and draft agenda are not part of the case file.

As requested and although we do not agree with your opinion in this regard, we will send you these documents and communication via email. However, it is upon you to make sure that your server is able to receive such big number and volume of emails.

Kind regards

Dirk Buschle

From: Bogdan Gecić [mailto:bogdan.gecic@geciclaw.com]

Sent: 28 November 2017 14:38

To: Marie-Therese Richter <marie-therese.richter@energy-community.org>; Dirk Buschle

<Dirk.Buschle@energy-community.org>

Cc: cab-sefcovic-web@ec.europa.eu; aleksandar.antic@mre.gov.rs; kabinet@mre.gov.rs; Janez Kopac

<janez.kopac@energy-community.org>; Valdrin.Lluka@rks-gov.net; Luan.Morina@rks-gov.net;

<u>milorad.grcic@eps.rs</u>; Zorana Stojković <<u>zorana.stojkovic@eps.rs</u>>; Miluša Okiljević

<milusa.okiljevic@geciclaw.com>; dusan.rakitic@samardziclegal.rs; Tatjana Sofijanić

<tatjana.sofijanic@geciclaw.com>

Subject: RE: [URGENT] ECS-11/14 Access to File Request

Importance: High

Privileged & Confidential / Attorney Communication

Dear Ms. Richter and Mr. Buschle:

Kindly find attached our response to your message below. We would also kindly ask you to immediately notify the Presidency and Vice-Presidency, and the Permanent High Level Group of the Energy Community (all copied in).

Since the reply to the Reasoned Request is due by Saturday, December 2, 2017, we would respectfully require your attention with the utmost urgency, and to be allowed access to file by COB today (if possible).

We remain at your entire disposal should you have any questions or comments. Thank you for your time and consideration.

With kind regards,

Bogdan Gecić, attorney

On behalf of the Ministry of Mining and Energy of the Republic of Serbia (PoA in the casefile).

BOGDAN GECIĆ, LL.M. (Harvard)

Partner

M: +381 60 5599 606 E: bogdan.gecic@geciclaw.com



L: Nikole Spasića 2 | 11000 Belgrade | Serbia **T:** +381 11 404 35 70

W: geciclaw.com in: linkedin.com/in/bogdangecic

2013 Antitrust Writing Awards Nominee: http://awa2013.concurrences.com/academic-articles-awards/





Republic of Serbia MINISTRY OF MINING AND ENERGY

No: 337-01-00103/2016-04 Date: 24 November 2017 Belgrade

Re: Exclusion of the Cases ECS-11/14 and ECS-18/16 from the Draft Agenda of the 15th Ministerial Council Meeting and the Agenda of the 48th Permanent High Level Group

Dear Sirs,

We would like to thank you for the invitation to the 15th Energy Community Ministerial Council Meeting (Meeting) and the 48th Permanent High Level Group Meeting (PHLG Meeting).

In the draft-agenda for the Meeting, your services have included the case ECS-11/14 in the Appendix I of said agenda as an "A (no discussion)" point, indicating that the case will be presented for voting in the Ministerial Council. Further, the subject case has also been included in Item 3 of the agenda for the PHLG Meeting (*Proceedings of the PHLG pursuant to Article 33 PA 2015/04/MC-EnC*), denoting that parties to said case and the President of the Advisory Committee are to be heard by the Permanent High Level Group (PHLG).

These occurrences come as a major surprise to the Government of the Republic of Serbia, since they considerably deviate from Energy Community procedural rules and Due Process, and may materially prejudice the case ECS-11/14 on the merits. On this note, please allow us to update you on the most recent developments in the subject case:

- Due to certain technical issues, the complete Reasoned Request, albeit submitted on May 19, 2017, was received by the Ministry only on October 2, 2017. Consequently, in accordance with Article 31 of the Consolidated Rules of Procedure for Dispute Settlement under the Treaty (Rules), the deadline for the Republic of Serbia to submit its reply to said request elapses on December 2, 2017;
- The President of the Advisory Committee of the Energy Community, Mr. Wolfgang Urbantschitsch, unequivocally confirmed that a technical problem in due delivery of the Reasoned Request to the Republic of Serbia had occurred (the Letter enclosed);

Presidency of the Energy Community Ministry of Economic Development Square "Zahir Pajaziti", No.36 10000 Prishtina

- On request of the Ministry and taking into account, among others, the abovementioned circumstance, the Advisory Committee of the Energy Community correctly decided to postpone the hearing in the case ECS-11/14, from October 6, 2017 to <u>February 16</u>, 2018 (the Letter enclosed).
- Against this backdrop, the Serbian Government commenced an in-depth process of reassessing the facts and legal background in the case ECS-11/14 in order to submit an elaborated and well-founded reply to the Reasoned Request and to be able to participate in the constructive dialogue before the Advisory Committee and other Energy Community institutions;
- In this connection, Government of the Republic of Serbia examined the need for external legal counsel and competition economics expertise. Legal counsel was engaged at the end of September 2017, while economists knowledgeable in the field are presently being identified and are to be engaged in accordance with strict EU-based public procurement rules;
- The principal task of external legal and economic advisors is to identify all relevant facts, legal points, produce necessary analyses and evidence, and assist both Serbia as well as the Energy Community and its institutions in reaching an objective, transparent and efficient decision in the present case, all in line with the Energy Community Acquis.

We understand that the purpose of the reply to the Reasoned Request and the scheduled February hearing is to establish the factual and legal background of the case, and to give the Republic of Serbia and our independent authorities an exhaustive opportunity to express their position on the points of fact and law raised in the Reasoned Request. On this note, we acknowledge with appreciation the Advisory Committee's decision to postpone the hearing.

When it comes to the matters of procedure, our understanding is that the Ministerial Council is to make a decision on the Reasoned Request taking into account any reply of the party concerned and the Advisory Committee's opinion (Article 32 of the Rules). Said opinion should serve as "an integral part of the dispute settlement procedure. Before the Ministerial Council may determine the existence of a breach by a Party of its obligations under the Energy Community Treaty, the current Presidency and Vice-Presidency are required to ask the Advisory Committee for its Opinion on the case at hand."

Furthermore, Article 33 of the Rules clearly stipulates that only after the Advisory Committee renders its opinion, the proceedings are to be continued before the PHLG, which should hear both parties to the dispute as well as the President of the Advisory Committee. The PHLG is the one competent to include a reasoned request on the agenda of the next meeting of the Ministerial Council. What is more, only if the PHLG agrees with a reasoned request, it may include it as an "A" item on the agenda of the Ministerial Council in line with its rules of procedure.

In the case ECS-11/14, the deadline for the Republic of Serbia to submit its reply to the Reasoned Request expires on <u>December 2, 2017</u>, that is, only 12 (twelve) days before the Meeting and the PHLG Meeting take place. Moreover, the hearing before the Advisory Committee is to be held only on <u>February 16, 2018</u>.

According to Article 8 of the Rules of Procedure of the Energy Community Advisory Committee, only after the hearing is held the Advisory Committee shall render its opinion on the Reasoned Request. Once such opinion is rendered, proceedings in the present case can be continued before the PHLG, which is to decide whether the Reasoned Request should be included in the Ministerial Council agenda as an "A" item. Only then the Ministerial Council can make a decision on the Reasoned Request – all, thus, procedurally possible considerably after February 16, 2018 and not before, as both the draft-agenda and the PHLG agenda suggest.

Consequently, including the case ECS-11/14 in the agenda of the PHLG Meeting, let alone in the draft-agenda of the Meeting (especially as an "A (no discussion)" item) at this moment, is extremely premature, and goes directly against Energy Community law and the Rules, as mentioned above. What is more, it violates the rights of the Republic of Serbia to be heard, to provide an effective defence and Due Process, as essential rights and fundamental principles under Energy Community law, the Charter of Fundamental Rights of the European Union, as well as, well-established case-law of the Court of Justice of the European Union.

In this regard, we would like to request for the <u>immediate exclusion of the case ECS-11/14</u> from the agenda of the PHLG Meeting and the draft-agenda of the Meeting.

Draft Agenda of the Meeting includes, also, the ECS-18/16 as item "A" in Annex I, which implies that the subject will be voted on within the Ministerial Council, although pursuant to Rule 33 of the Rules, the opinion of the Advisory Board in relation to the present case has not yet been provided and the appropriate procedure before the Permanent High Level Group has not been held yet.

Bearing in mind that the Republic of Serbia, i.e. the Ministry of Mining and Energy submitted its response to the Reasoned Opinion as well as to the Reasoned Request in Case ECS-18/16 within the given deadline, and that it took appropriate further steps to rectify the mentioned case, such as addressing the Minister of Energy of the Russian Federation Mr. A Novak who expressed his readiness to implement the necessary internal procedures in order to amend the Agreement between the Government of the Russian Federation on natural gas supplies from the Russian Federation to the Republic of Serbia (hereinafter: the Agreement) and further adoption of the text of the Protocol amending the Agreement including the authorisation of the Minister of Mining and Energy for the Protocol signing, by the Government of the Republic of Serbia on 26 October 2017, whose signing is expected to be in December 2017 after which procedures for its entering into force will be conducted, and informed thereof Mr. Urbantschitsch the Chairman of the Advisory Board, the inclusion of ECS-18/16 on the agenda of the Meeting prejudices the decision of the Advisory Board and the Permanent High Level Group.

Bearing in mind that the Republic of Serbia, i.e. the Ministry of Mining and Energy received the Minutes from the public hearing of the Advisory Committee in the Case ECS-18/16, where it was not present, we also note that the Ministry submitted a written statement of this Ministry to Mr. Urbantschitsch regarding incorrect interpretations of the Ministry of Mining and Energy's response to the Reasoned Opinion and Reasoned Request by the representatives of the Secretariat of the Energy Community, which, hopefully, will be taken into account in the context of providing the opinion of the Advisory Board and the Permanent High Level Group.

In accordance with the above, we ask for the Case ECS-18/16 to be also excluded from the draft agenda of the Meeting, especially taking into account the efforts of the Republic of Serbia to resolve the case, as well as the activities that have been undertaken and coordinated with Russian side.

Notwithstanding any of the above mentioned, Republic of Serbia will continue to actively engage with the Energy Community and its institutions on the State aid, Competition and other topics that could concern them.

Faithfully yours,

Aleksandar Antic

Enc: two enclosures as stated above

Cc: Vice Presidency of the Energy Community

Ministry of Economy Yuri Gagarin 15 Skopje 1000

Directorate-General for Energy, European Commission Mr. Dominique Ristori

Rue Demot 24 1049 Bruxelles/Brussel.

Energy Community Secretariat

Am Hof 4 1010 Vienna



Republika e Kosovës

Republika Kosova - Republic of Kosovo

Qeveria - Vlada - Government

Ministria e Zhvillimit Ekonomik

Ministarstvo Ekonomskog Razvoja / Ministry of Economic Development

Prishtina, Republic of Kosovo

27 November 2017

Dear colleague,

We consulted your request with the other Party to the two cases, the Energy Community Secretariat. They inform us as follows:

- Since the Energy Community Secretariat submitted a Reasoned Request to the Ministerial Council on 19 May 2017, seeking a Decision from the Ministerial Council in accordance with Article 90 of the Energy Community Treaty, the Ministerial Council is under an obligation to put this item on the agenda of the PHLG and subsequently on the agenda of the Ministerial Council (either as an "A" or a "B" item, depending on the PHLG the current agenda is only a draft agenda). Therefore, the Ministerial Council does not have the competence to remove a case from the agenda of the PHLG if a Reasoned Request has been submitted to it.
- The Secretariat recalls that according to Article 30 of the Dispute Settlement Procedure, the Ministerial Council is to take a decision upon a Reasoned Request. Such decision can only establish the breach by a Party according to the Secretariat's proposal or dismiss the request entirely or partially. Removing it from the agenda of the Ministerial Council is, however, not foreseen by the rules and would amount to denial of justice.
- As to the lack of submission of an opinion by the Advisory Committee, according to the Dispute Settlement Rules, the Advisory Committee shall take an opinion within 5 months upon being tasked, i.e. before the end of October. Should such an opinion not be rendered, the hearing envisaged at the Permanent High Level Group under the first sentence of Article 33(2) of the Dispute Settlement Procedure becomes redundant, as this hearing is to take place on the Advisory Committee's Opinion and in the presence of the latter's President. It does not mean that the Reasoned Request can be removed from the agenda in its entirety. In any event, the second sentence of Article 33(2) of the Dispute Settlement Procedure envisages that the Reasoned Request (not the Opinion) shall be included on the agenda of the next Ministerial Council meeting. Even if one were to read this provision as optional, it is still the Permanent High Level Group in corpore, and not the Presidency and Vice-Presidency to decide.
- On the procedural issues raised, the Secretariat recalls that Serbia cancelled on short notice its participation in the public hearing before the Advisory Committee in Cases ECS-11/14 and ECS-18/16, claiming that they have not received the Reasoned Request on 19 May 2017, when it was sent by the Secretariat.

Serbia has not put forward any evidence for its claim that the Reasoned Requests have not been received. The Secretariat recalled that under Article 29(3) of the Dispute Settlement Procedures, a Reasoned Request is submitted by sending it to the Party concerned, to the Presidency and Vice-Presidency and the President of the Advisory Committee. It is beyond dispute that the Secretariat discharged with this task in accordance with Article 10(4) of the Dispute Settlement Procedures, and that it did not receive any failure message upon sending. In a situation where one (and only one) recipient claims to have not received the electronic message in question, the Secretariat deems that the party to a dispute should sustain its claim in order to avoid the risk of such assertions being used as a pretext for delay. This is even more so as it is beyond dispute that said representative of the Republic Serbia has received several invitations to the public hearing by the Advisory Committee and could have been expected to clarify the alleged lack of reception of the Reasoned Request on the day of sending. In a Letter dated 2 June 2017, the President of the Advisory Committee informed both



Republika e Kosovës

Republika Kosova - Republic of Kosovo

Qeveria - Vlada - Government

Ministria e Zhvillimit Ekonomik

Ministarstvo Ekonomskog Razvoja / Ministry of Economic Development

parties to the case that "the Advisory Committee of the Energy Community was tasked with giving an opinion in case ECS-11/14 pursuant to Article 32 para. 1 of the Dispute Settlement Rules as amended in 2015 (DSR 2015)." In the second Letter of the Advisory Committee, dated 17 August 2017, a date for the public hearing was set for 6 October 2017. Finally, a third Letter from the Advisory Committee, an invitation to the public hearing in case ECS-11/14, has also reached both parties to the case on 24 September 2017.

The Secretariat also recalls that according to Article 32(4) of the Dispute Settlement Rules "the procedure before the AC shall not last longer than five months upon being tasked". That means that even if the party concerned, Serbia, had indeed only received the Reasoned Request on 2 October 2017 (and was not under a duty to inquire) the absolute deadline starts to run from the moment the Advisory Committee has been requested by the Ministerial Council 30 May 2017[1] and hence expires on 30 October 2017. The Dispute Settlement Procedures are very clear in linking the commencement of the 5-month period to the date of request for an Opinion by the Ministerial Council, and not the date of reception of the Reasoned Request by the party concerned. Whether the Party concerned has been "duly informed" or not, is a matter for the Ministerial Council to take into account when deciding whether or not to take a default decision in accordance with Article 35 of the Dispute Settlement Rules.

- As far as case ECS-18/16 is concerned, it will be the Ministerial Council's task to either find that a breach exists or not. If the breach will be rectified, the case will be closed.

Having considered both sides arguments, we thus suggest to:

- 1. Dispose of the hearing to take place at the PHLG on the two cases (if the Advisory Committee does not submit an Opinion in either of them beforehand) but not to remove the cases from the agenda of the PHLG;
- 2. Leaving the final decision of whether the Reasoned Request is included as an A-Point in the agenda of the Ministerial Council to voting in the PHLG according to Article 33(2) of the Dispute Settlement Procedure.
- 3. Remove any agenda items only upon presentation of an agreement reached by both parties to the Cases, ie. the Secretariat and the Republic of Serbia.

We hope that this answers all questions raised.

Yours sincerely

Valdrin Lluka∕

Minister of Economic Development, Republic of Kosovo

From: Marie-Therese Richter [mailto:marie-therese.richter@energy-

community.org]

Sent: Tuesday, April 04, 2017 7:06 PM

To: Jelena Simović < jelena.simovic@mre.gov.rs>

Subject: RE: Question

Dear Jelena,

Thank you for your email and your effort to find a solution to the open State aid issues.

We explicitly consider this a **compromise** solution because the Secretariat reasserts its position that pursuant to Article 6 and 18 of the Energy Community Treaty the Commission for State Aid Control is under an **obligation** to assess State aid measures since the entry into force and that this obligation does not conflict with Serbia's commitments under its Interim and Stabilisation Agreement with the EU.

However, as the main interest of the Secretariat is lack of assessment of State aid measures, we would accept your proposal for a compromise solution under the following conditions (which apply both for the Kolubara and the Kostolac case):

- The amended decision of the Commission for State Aid Control needs to include in its reasoning a comprehensive and sound legal assessment of all state support measures (in particular the ones granted before 2012) which is in line with the acquis. The Decision itself should refer to that.
- This assessment needs to be carried out by the Commission for State Aid Control, but in close cooperation with the Energy Community Secretariat under Article 2 of the Dispute Settlement Rules. In practice, the Commission for State Aid Control should consult the Secretariat with regard to any question of Energy Community State aid law in the framework of the assessment. The Secretariat could also send a staff member for support to assist in person. Furthermore, the draft amended decision shall be sent to the Secretariat before being adopted, so as to ensure compliance with the acquis.

Until such an amended decision is rendered, the Secretariat will not close Case ECS-11/14.

With regard to the measures concerning Kolubara and therefore Case ECS-11/14, such an amended decision needs to be taken before **15 May 2017**, with no extension of the deadline possible. For the measures concerning Kostolac, the Secretariat agrees to a deadline until **30 June 2017**.

We think this clarified compromise solution is in the interest both of the Serbian government and the Secretariat.

Please let us know whether this path will be followed. In this case, we will wait for the Commission for State Aid Control to get in touch with us.

Kind regards

Dr Marie-Therese Richter

Energy Lawyer



Energy Community Secretariat

Am Hof 4, Level 5, 1010 Vienna, Austria



Download VCF

This message may be privileged and confidential. It is intended only for the use of the addressee named above. If you are not the intended r transmitted. We shall not incur any liability resulting from accessing any of the attached files which may contain a virus or the like.

Please consider the environment before printing this e-mail.













Phone: 0043 (0)1 535 2222 Fax: 0043 (0)1 535 2222 11

Email: contact@energy-community.org Web: http://www.energy-community.org

Quantification of level of State aid in case of state guarantees

On 14 July 2016, the Energy Community Secretariat ("the Secretariat") sent an Opening Letter to the Republic of Serbia for its failure to comply with the Energy Community State aid *acquis*. The Republic of Serbia failed to comply with its obligations under the Energy Community Treaty ("the Treaty"), in particular Articles 18 and 19 thereof, because the Commission for State Aid Control ("the Commission") did either not assess or incorrectly assessed the compatibility of State aid granted to *Elektroprivreda Srbije* (*EPS*) for the Kolubara B power plant project. The measures at issue are four state guarantees by the Republic of Serbia for loans from international financial institutions to *EPS* for the Kolubara B power plant project and the transfer of property and land from the Republic of Serbia to *EPS* for the same project. This Opening Letter was followed up by a Reasoned Opinion on 28 February 2017.

In order to find a solution in this case, the Commission needs to render a decision on these State aid measures which in its reasoning includes a comprehensive and sound legal assessment of all state support measures which is in line with the Energy Community acquis. This assessment needs to carried out by the Commission, in close cooperation with the Secretariat under Article 2 of the Dispute Settlement Rules.

Article 2 of the Dispute Settlement Procedures is entitled "Cooperation between national authorities of the Contracting Parties and the Secretariat". It provides for (i) a duty to inform the Secretariat of any case involving the interpretation or application of Energy Community law and (ii) the option to ask the Secretariat for assistance regarding questions of interpretation or application of Energy Community law. In practice, this means that national authorities, such as the Commission, have the option to request the assistance of the Secretariat in analyzing Energy Community law for the purpose of rendering a decision in a specific case.

In a meeting between the Commission and the Secretariat on 24 April 2017 at the premises of the Serbian Ministry of Mining and Energy, it was agreed that the Secretariat will provide guidance to the Commission on how to quantify the level of State aid in case of state guarantees. The Commission will use this guidance in its final decision.

The following guidance is limited to individual guarantees (excluding guarantee schemes) and does not deal with particularities applicable to small and medium-sized enterprises.

1. Existence of an advantage

An advantage is any economic benefit which an undertaking could not have obtained under normal market conditions, that is to say in the absence of state intervention. In the same way as any other transaction, guarantees granted by public bodies may entail State aid if they are not in line with market terms. Any guarantee granted on terms that are **more favourable than market conditions**, taking into account the economic situation of the borrower, confers an advantage on the latter. This is because it enables the borrower to borrow at a rate that would not have been obtainable on the

¹ Commission Notice on the notion of State aid (2016/C 262/1) para 66; Cases C-39/94, SFEI and Others, ECLI:EU:C:1996:285, para 60; C-342/96, Spain v Commission, ECLI:EU:C:1999:210, para 41.

² Commission Notice on the notion of State aid (2016/C 262/1) para 108.

³ Commission Notice on the notion of State aid (2016/C 262/1) para 110; Case C-559/12 P, France v Commission, ECLI:EU:C:2014:217, para 96.



Phone: 0043 (0)1 535 2222 Fax: 0043 (0)1 535 2222 11

Email: contact@energy-community.org
Web: http://www.energy-community.org

market without the guarantee (or to borrow in a situation where, exceptionally, no loan could have been obtained on the market at any rate).⁴

The benefit of a state guarantee is that the risk associated with the guarantee is carried by the state. Such **risk-carrying** by the State should normally be **remunerated by an appropriate premium**. Where the state forgoes all or part of such a premium, there is both a benefit for the undertaking and a drain on the resources of the state.⁵ The aid is granted at the moment when the guarantee is given, not when the guarantee is invoked nor when payments are made under the terms of the guarantee.⁶

In this context, in order to determine whether an advantage is being granted through a guarantee or a guarantee scheme, the European Court of Justice has confirmed that the European Commission should base its assessment on the principle of an investor operating in a market economy ("market economy investor principle").⁷ Account should therefore be taken of the effective possibilities for a beneficiary undertaking to obtain equivalent financial resources by having recourse to the capital market. State aid is not involved where a new funding source is made available on conditions which would be acceptable for a private operator under the normal conditions of a market economy.⁸

In order to **facilitate the assessment** of whether the market economy investor principle is fulfilled for a given guarantee measure, the European Commission sets out in a **Notice** a number of sufficient conditions for the absence of aid:⁹

- The borrower is not in financial difficulty, as defined in the Community guidelines on State aid for rescuing and restructuring firms in difficulty.
- The extent of the guarantee can be properly measured when it is granted, i.e. it is linked to a specific financial transaction, for a fixed maximum amount and limited in time.
- The guarantee does not cover more than 80% of the outstanding loan (except in case of a company whose activity is solely constituted by a properly entrusted Service of General Economic Interest).
- A market-oriented price is paid for the guarantee, i.e. the price paid for the guarantee is at least as high as the corresponding guarantee premium benchmark that can be found on the financial markets.

If a guarantee does not fulfill these conditions, i.e. does not comply with the market economy investor principle, it is deemed to entail State aid. The State aid element therefore needs to be quantified in order to check whether it may be found compatible under a specific State aid exemption.

⁴ Commission Notice on the notion of State aid (2016/C 262/1) para 109; C-275/10, Residex Capital v Gemeente Rotterdam, ECLI:EU:C:2011:814, para 39.

⁵ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 2.1.

⁶ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 2.1.

⁷ Case C-482/99, France v Commission (Stardust), ECLI:EU:C:2002:294.

⁸ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 3.1.

⁹ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 3.1.



Phone: 0043 (0)1 535 2222 Fax: 0043 (0)1 535 2222 11

Email: contact@energy-community.org Web: http://www.energy-community.org

2. Quantification of the advantage

As a matter of principle, the State aid element will be deemed to be the **difference between the appropriate market price** of the guarantee provided **and the actual price paid** for that measure.¹⁰ The resulting yearly cash grant equivalents should be discounted to their present value using the reference rate, then added up to obtain the total grant equivalent.¹¹

It follows that at a preliminary stage, the authority needs to

(i) identify the actual price/premium paid for the guarantee by the beneficiary.

Then, the authority should

- (ii) identify the appropriate market price for the guarantee.
 - The market premium for a guarantee can either be found on the financial markets. To identify an appropriate benchmark, it is necessary to pay particular attention to the kind of operator concerned, the type of transaction at stake and the market(s) concerned as well as the timing of the transaction. ¹² In the case of loans and guarantees, information on the financing costs of the undertaking may, for example, be obtained from other (recent) loans taken by the undertaking in question, from yields on bonds issued by the undertaking or from credit default swap spreads on that undertaking. Comparable market transactions may also be similar loan or guarantee transactions undertaken by a sample of comparator companies, bonds issued by a sample of comparator companies or credit default swap spreads on a sample of comparator companies. ¹³
 - If no corresponding guarantee premium benchmark can be found on the financial markets, the total financial cost of the guaranteed loan, including the interest rate of the loan and the guarantee premium, has to be compared to the market price of a similar non-guaranteed loan.¹⁴

In both cases, in order to determine the corresponding market price, **the characteristics of the guarantee and of the underlying loan should be taken into consideration**. This includes: the amount and duration of the transaction; the security given by the borrower and other experience affecting the recovery rate evaluation; the probability of default of the borrower due to its financial position, its sector of activity and prospects; as well as other economic conditions. This analysis should notably allow the borrower to be classified by means of a risk rating. This classification may be provided by an internationally recognised rating agency or, where available, by the internal rating

¹⁰ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 4.1 and 4.2. However, pleas also note that some case law suggests that where the State guarantee enables a borrower to obtain a loan which it could not otherwise have obtained at all, the entire amount of the loan may be regarded as aid, regardless of whether the interest rate charged for the loan was normal on the capital market (C-288/96, *Germany v Commission* [2000] ECR I-8237, paras 30, 31, 40, 41.

¹¹ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 4.1.

¹² Commission Notice on the notion of State aid (2016/C 262/1) para 99.

¹³ Commission Notice on the notion of State aid (2016/C 262/1) para 111.

¹⁴ Commission Notice on the notion of State aid (2016/C 262/1) para 111; Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 3.2.

¹⁵ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (2008/C 155/2) 3.2.



Phone: 0043 (0)1 535 2222 Fax: 0043 (0)1 535 2222 11

Email: contact@energy-community.org Web: http://www.energy-community.org

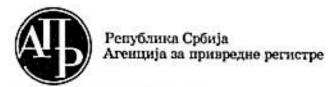
used by the bank providing the underlying loan. The Commission points to the link between rating and default rate made by international financial institutions, whose work is also publicly available. To assess whether the premium is in line with the market prices the authority can carry out a comparison of prices paid by similarly rated undertakings on the market.

This step requires in depth analysis of the transaction at issue and comparable transactions. The appropriate market price needs to be identified and reasoned accordingly.

Finally, the authority

(iii) shall calculate the **yearly cash grant equivalent** and discount it to its present value using the reference rate, and finally add it up to obtain the total grant equivalent.

Vienna, 3 May 2017



Регистар привредних субјеката

БД 10473/2016

Београд, 06.06.2016.

ПОТВРДА

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 1415 свеска III, решењем број Фи-722/55 од 16.02.1955, уписана: Zajednica elektroprivrednih preduzeća N.R. Srbije Beograd, чији је оснивач Извршно веће Н.Р. Србије решењем број 286 од 09.07.1954.

Решењем број Фи-1609/65 од 21.07.1965, уписано је да се брише ова заједница, услед престанка са радом, са даном 30.06.1965 године. Пословање брисане заједнице преузело је новоосновано Združeno elektroprivredno preduzeće Srbije Beograd, Carice Milice 2 (рег. лист 3932 свеска XIV).

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 3932 свеска XIV, решењем број Фи-1368/65 од 29.06.1965, уписано: Združeno elektroprivredno preduzeće Srbije Beograd, чији су оснивачи:

- Limske hidroelektrane Nova Varoš,
- Zvornik hidroelektrana Mali Zvornik,
- "Elektromorava" Čačak,
- Hidroelektrana Vlasina Surdulica,
- "Beograd" elektrana Beograd,
- "Kolubara" elektroprivredno preduzeće termoelektrana Veliki Crljeni,
- "Elektroistok" Beograd,
- Industrijsko energetski kombinat "Kostolac" и
- Rudarski basen "Kolubara" Vreoci,

а по решењу Републичког извршног већа СР Србије број РИВ-580 од 29.06.1965.

Ово предузеће је решењем број Фи-6661/73 од 11.09.1975, пренето у нови регистар код Трговинског суда у Београду, на регистарски уложак број 1-540-00, као: Združeno elektroprivredno preduzeće sa solidarnom odgovornošću Beograd, Carice Milice 2. У оквиру Združenog elektroprivrednog preduzeća sa solidarnom odgovornošću Beograd, Carice Milice 2, била су удружена следећа предузећа:

- Hidroelektrana "Вајіна Ваšta" Регисас, решењем број Фи-927/73 од 27.12.1973.
- "Веоgradske elektrane" Веоgrad, решењем број Фи-5277/73 од 30.12.1973,
- Vlasinske hidroelektrane, Surdulica, решењем број Фи-1960/73,
- Hidroelektrana "Derdap", Kladovo, решењем број Фи-371/73 од 24.12.1973,
- "Elektroistok" Organizacija za prenos električne energije Beograd, решењем број Фи-8264/78 од 07.11.1978.
- Hidroelektrana "Elektromorava" Čačak, решењем број Фи-1437/73 од 31.12.1973,
- Hidroelektrana "Zvornik" Mali Zvornik, решењем број Фи-4425/73 од 24.12.1973.
- Rudarsko-energetsko-industrijski kombinat "Kolubara" Vreoci,
- Industrijsko-energetski kombinat "Kostolac" Kostolac, решењем број Фи-1313/73 од 13.02.1974,
- Limske hidroelektrane Nova Varoš, решењем број Фи-881/73 од 27.12.1973,
- Тегтоеlektrana "Morava" Svilajnac, решењем број Фи-940/73 од 27.12.1973,
- Elektrotehnički institut "Nikola Tesla" Beograd, решењем број Фи-546/78 од 20.01.1978,
- Termoelektrana "Nikola Tesla" Obrenovac, решењем број Фи-4398/76 од 12.10.1976,
- Termoelektrana "Kolubara" Veliki Crljeni, решењем број Фи-52/78 од 04.01.1978,
- RO za proizvodnju lignita "Kolubara-površinski kopovi" Baroševac, решењем број Фи-77/78 од 04.01.1978,
- RO za preradu, oplemenjivanje uglja i transport "Kolubara-prerada" Vreoci, решењем број Фи-71/78 од 04.01.1978.

Združeno elektroprivredno preduzeće sa solidarnom odgovornošću Beograd, Carice Milice 2, је решењем број Фи-9333/78 од 11.07.1979, променило назив и ускладило се са Законом о удруженом раду као: Složena organizacija udruženog rada Združena elektroprivreda sa n.sol.o. Beograd, Carice Milice 2.

Решењем број Фи-4985/90 од 28.12.1990, уписано је да се брише ова СОУР, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd, Carice Milice 2 (ТС Београд рег. ул. бр. 1-7211-00), а на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља број 307 од 28.12.1989, која је објављена у Службеном гласнику СРС број 59/89. Средства, права и обавезе ове СОУР преузима у целости "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00).

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 2992 свеска VII, решењем број Фи-899/61 од 16.06.1961, уписано: Poslovno udruženje preduzeća za distribuciju električne energije Srbije Beograd, Carice Milice 2, које је решењем број Фи-1515/61 од 18.10.1961, променило назив у: Poslovno udruženje elektroprivrednih organizacija Srbije.

Решењем број Фи-2062/64 од 16.10.1964, ово пословно удружење је променило назнв у: Poslovno udruženje elektroprivrednih preduzeća za distribuciju električne energije Srbije Beograd, Carice Milice 2, скраћени назив: "Udruženje elektrodistribucije Srbije" Beograd, Carice Milice 2.

Ово пословно удружење је решењем број Фи-468/73 од 17.04.1973, уписало Уговор о пословном удруживању електропривредних предузећа за дистрибуцију електричне енергије СР Србије у Београду, а који је потписан од следећих чланова:

- Preduzeće "ELEKTROVOJVODINA" Novi Sad,
- Preduzeće "ELEKTRODISTRIBUCIJA" Beograd,

- acon a pad
 - Združeno preduzeće "ELEKTROSRBIJA" Kraljevo,
 - Preduzeće "ELEKTRODISTRIBUCIJA" Niš,
 - Preduzeće "ELEKTROKOSOVO" Priština,
 - Preduzeće "ELEKTROMORAVA" Požarevac,
 - Preduzeće "24. SEPTEMBAR" Titovo Užice,
 - Preduzeće "ELEKTROTIMOK" Zaječar,
 - Preduzeće "ELEKTRODISTRIBUCIJA" Leskovac n
 - Preduzeće "ELEKTRODISTRIBUCIJA" Vranje.

Решењем број Фи-468/73 од 17.04.1973, ово пословно удружење је пренето у нови судски регистар код Трговинског суда у Београду, на регистарски уложак број 1-1740-00, као: Poslovno udruženje elektroprivrednih preduzeća za distribuciju električne energije Srbije Beograd, Carice Milice 2/III, које је решењем број Фи-4316/77 од 30.12.1977, уписало удруживање у пословну заједницу и уписано као: Poslovna zajednica elektrodistribucije Srbije (sa odgovornošću organizacija za čiji račun je pravni posao preuzet) Beograd, Carice Milice 2/III.

Истим решењем уписана је и забележба да престаје да важи Уговор о пословном удруживању у Poslovno udruženje elektroprivrednih preduzeća za distribuciju električne energije Srbije, Beograd, Carice Milice 2/III услед удруживања у Poslovnu zajednicu elektrodistribucije Srbije Beograd, Carice Milice 2/III.

Ова заједница је решењем број Фи-468/90 од 28.02.1990, променила назив и ускладила се са Законом о предузећима као: Poslovno udruženje javnih preduzeća za distribuciju električne energije Srbije г.о. Веоgrad, Carice Milice 2, а решењем број Фи-14393/92 од 30.06.1992, уписано је да се брише ово пословно удружење услед престанка са радом. Средства, права и обавезе овог удружења преузима Javno preduzeće "ELEKTROPRIVREDA SRBIJE" sa p.o. Beograd, Carice Milice 2 (ТС Београд рег. ул. бр. 1-7211-00).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-7211-00, решењем број Фи-3336/90 од 27.04.1990, уписано оснивање: Javnog preduzeća "ELEKTROPRIVREDA" sa potpunom odgovornošću Beograd, Carice Milice 2, а на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља број 307 од 28.12.1989, која је објављена у Службеном гласнику СРС број 59/89.

У саставу овог предузећа као саставни делови били су уписани:

- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: HE "DERDAP" Kladovo, уписан решењем број Фи-14056/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-01.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: НЕ "BAJINA BAŠTA" Регисас, уписан решењем број Фи-14057/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-02.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "LIMSKE HIDROELEKTRANE" Nova Varoš, уписан решењем број Фи-14058/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-03.



- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: VLASINSKE HIDROELEKTRANE Surdulica, уписан решењем број Фи-14059/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-04.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: HE "ZVORNIK" Mali Zvornik, уписан решењем број Фи-14060/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-05.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: HE "ELEKTROMORAVA" Čačak, уписан решењем број Фи-14061/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-06.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: HE "ZAVOJ" Pirot, уписан решењем број Фи-14062/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-07.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE "NIKOLA TESLA" Obrenovac, уписан решењем број Фи-14063/90 од 27.11.1990, на рег. ул.бр. 1-7211-00-08.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE "KOSTOLAC 2 i 3 i В" Kostolac, уписан решењем број Фи-14064/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-09.
- 10. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: ТЕ "KOLUBARA" Veliki Crljeni, уписан решењем број Фи-14065/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-10.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: ТЕ "MORAVA" Svilajnac, уписан решењем број Фи-14066/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-11.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE-TO NOVI SAD, уписан решењем број Фи-14067/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-12, који је брисан решењем Фи-7818/92 од 21.04.1992, услед престанка са радом, с тим што последице брисања теку од 31.12.1991.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE-TO ZRENJANIN, уписан решењем број Фи-14068/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-13.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "ENERGANA" Sremska Mitrovica, уписан решењем број Фи-14069/90 од 27.11.1990, на рег. ул.бр. 1-7211-00-14.
- 15. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE-TO "BEOGRADSKE ELEKTRANE" Novi Beograd, уписан решењем број Фи-14070/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-15.



- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: TE-TO "KOLUBARA В" Ub, уписан решењем број Фи-14071/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-16.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA - POVRŠINSKI KOPOVI" Baroševac, уписан решењем број Фи-14072/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-17.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA PRERADA" Vreoci, уписан решењем број Фи-14073/90 од 27,11.1990, на рег. ул. бр. 1-7211-00-18.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOSTOLAC - POVRŠINSKI KOPOVI" Kostolac, уписан решењем број Фи-14074/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-19.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA - TAMNAVSKI KOPOVI" Zapadno polje-Lajkovac, уписан решењем број Фи-14075/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-20.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnici mrkog uglja "REMBAS" Resavica, уписан решењем број Фи-14076/90 од 27,11.1990, на рег. ул. бр. 1-7211-00-21.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnici mrkog uglja "SOKO" Soko Banja, уписан решењем број Фи-14077/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-22.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "IBARSKI RUDNICI KAMENOG UGLJA" Baljevac, уписан решењем број Фи-14078/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-23.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "ALEKSINAČKI RUDNICI MRKOG UGLJA" Aleksinac, уписан решењем број Фи-14079/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-24.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik mrkog uglja "BOGOVINA" Bogovina, уписан решењем број Фи-14080/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-25.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik mrkog uglja "JASENOVAC" Krepoljin, уписан решењем број Фи-14081/90 од 27,11.1990, на рег. ул. бр. 1-7211-00-26.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik lignita "ŠTAVALJ" Sjenica, уписан решењем број Фи-14082/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-27.



- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik antracita "VRŠKA ČUKA" Avramica, уписан решењем број Фи-14083/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-28.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik lignita "LUBNICA"-LUBNICA, уписан решењем број Фи-14084/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-29.
- 30. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: Rudnik "NOVA MANASIJA" Despotovac, уписан решењем број Фи-14085/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-30, који је брисан решењем број Фи-7978/91 од 26.09.1991, услед престанка са радом.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA - METAL" Vreoci, уписан решењем број Фи-14086/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-31.
- 32. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "PROIZVODNJA, REMONT I MONTAŽA" (PRIM) Kostolac, уписан решењем број Фи-14087/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-32.
- Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA - UNIVERZAL" Veliki Crljeni, уписан решењем број Фи-14088/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-33.
- 34. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA UGOSTITELJSTVO" Vreoci, уписан решењем број Фи-14089/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-34.
- 35. Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2, Deo preduzeća: "KOLUBARA GRAĐEVINAR" Lazarevac, уписан решењем број Фи-14090/90 од 27.11.1990, на рег. ул. бр. 1-7211-00-35.

Решењем број Фи-14412/91 од 31.12.1991, уписано је да се брише Javno preduzeće "ELEKTROPRIVREDA" sa potpunom odgovornošću Beograd, Carice Milice 2, услед престанка са радом због оснивања Javnog preduzeća Elektroprivreda Srbije sa potpunom odgovornošću, Beograd, (ТС Београд рег. ул. бр. 1-23519-00), на основу Закона о електропривреди ("Сл. Гласник Републике Србије" број 45/91).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-23519-00, решењем број Фи-14410/91 од 31.12.1991, уписано оснивање: Javnog preduzeća "ELEKTROPRIVREDA SRBIJE" sa potpunom odgovornošću Beograd, Carice Milice 2, матични број 07033591, скраћени назив фирме: JP "EPS"sa p.o. Beograd, а на основу Закона о електропривреди ("Сл. Гласник Републике Србије" број 45/91).

Решењем Агенције за привредне регистре у Београду, број БД 49061/2005 од 01.07.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE SA POTPUNOM ODGOVORNOŠĆU, BEOGRAD, CARICE MILICE 2, матични број 07033591, које је решењем број БД 80947/2005 од 01.07.2005, брисано услед оснивања два нова привредна субјекта и то JAVNOG PREDUZEĆA ELEKTROPRIVREDA SRBIJE BEOGRAD, CARICE MILICE 2, матични број 20053658, и JAVNOG PREDUZEĆA ELEKTROMREŽA SRBIJE BEOGRAD, KNEZA MILOŠA 11, матични број 20054182, која преузимају права, обавезе, средства, запослене, документацију и предмете у вршењу јавних овлашћења JAVNOG PREDUZEĆA ELEKTROPRIVREDA SRBIJE SA POTPUNOM ODGOVORNOŠĆU, BEOGRAD, CARICE MILICE 2, према Закону о престанку важења Закона о електропривреди, на начин утврђен оснивачким актима наведених предузећа.

Да је у регистру привредних субјеката Агенције за привредне регистре у Београду, решењем број БД 80380/2005 од 01.07.2005, на основу Одлуке Владе Републике Србије број 05-023-396/2005-1 од 27.01.2005, која ступа на снагу 01.07.2005, регистровано оснивање привредног субјекта: JAVNOG PREDUZEĆA ELEKTROPRIVREDA SRBIJE BEOGRAD, CARICE MILICE 2, матични број 20053658, а сада је регистровано под пословним именом: JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD), матични број 20053658, у Агенцији за привредне регистре-Регистар привредних субјеката, у Београду.

Решењем број БД 130545/2009 од 31.07.2009, ово друштво је регистровало промену података и то статусну промену на основу Одлуке о статусној промени одвајања уз припајање, коју је донео управни одбор Јавног предузећа "Електропривреда Србије" на седници од 17. јула 2009. године, којом се одваја део имовине и припадајућих обавеза привредног друштва "Термоелектране Никола Тесла" д.о.о. Обреновац, Богољуба Урошевића-Црног број 44, матични број 07802161, као потпуно подређеног привредног друштва Јавног предузећа "Електорпривреда Србије" и припаја Јавном предузећу "Електорпривреда Србије" Београд, Улица царице Милице бр.2, мат. број 20053658, као матичном предузећу, на коју је Влада Републике Србије дала сагласност решењем 05 број: 023-4763/2009 од 24. јула 2009, године.

Ово друштво је решењем број БД 57176/2015 од 01.07.2015, регистровало промену података и то статусну промену принајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

 PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број 07715226.

 PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,

 Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд матични број 20816244,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC матични број 20114185,

 PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и

 PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Истим решењем регистрована је и промена података о огранцима тако што се уписују:

 ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK НЕ ĐERDAP, са седиштем на адреси: Трг Краља Петра 1, Кладово,

- ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK DRINSKO-LIMSKE HE, ca

седиштем на адреси: Трг Душана Јерковића 1, Бајина Башта,

 ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK TENT, са седиштем на адреси: Богољуба Урошевића-Црног 44, Обреновац,

ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK OBNOVLJIVI IZVORI, ca

седиштем на адреси: Царице Милице 2, Београд-Стари Град,

 ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK TE-KO KOSTOLAC, са седиштем на адреси: Николе Тесле 5-7, Костолац,

- ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK PANONSKE TE-TO, ca

седиштем на адреси: Булевар Ослобођења 100, Нови Сад и

- ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK RB KOLUBARA, са седиштем на адреси: Светог Саве 1, Лазаревац.

Решењем број БД 113220/2015 од 04.01.2016, ово друштво је регистровало промену података и то статусну промену која подразумева издвајање дела имовине и обавеза Оператора дистрибутивног система ЕПС Дистрибуција д.о.о. Београд (матични број 07005466), зависног-контролисаног друштва Јавног предузећа "Електропривреда Србије" Београд, као Друштва препосиоца и пренос имовине и обавеза, односно припајање матичном-контролном друштву Јавном предузећу "Електропривреда Србије" Београд (матични број 20053658), као Друштву стицаоцу.

Ово друштво је решењем број БД 44650/2016 од 01.06.2016, регистровало промену података и то промену података о огранцима тако што се уписује: ELEKTROPRIVREDA SRBIJE JP BEOGRAD - OGRANAK EPS SNABDEVANJE, са седиштем на адреси: Царице Милице 2, Београд-

Стари Град.

Истим решењем регистрована је и статусна промена припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD), матични број 20053658, као друштва стицаоца и његовог потпуно зависног друштва, Привредно друштво за снабдевање електричном енергијом крајњих купаца ЕПС Снабдевање д.о.о. Београд-Стари Град, матични број 20924195, као друштва које престаје припајањем услед чега се брише из Регистра привредних субјеката.

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 46 свеска I, решењем број Фи-1034/54 од 18.12.1954, уписано: "SVETLOST" električno preduzeće Šabac, чији је оснивач Народни одбор градске општине Шабац, решењем број 36433 од 18.12.1947.

Решењем број Фи-1164/57 од 10.06.1957, уписано је да се брише ово предузеће, услед припајања "Hidroelektrani Zvornik" Mali Zvornik (рег. лист 207 свеска I).

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 207 свеска I, решењем број Фи-18/54 од 02.04.1954, уписана: Hidroelektrana na Drini Mali Zvornik, чији је оснивач Влада ФНРЈ IV број 3142-V/11 од 08.08.1947.

Решењем број Фи-2403/62 од 17.10.1967, ово предузеће је променило назив у: Združeno elektroprivredno preduzeće Srbije organizacija u sastavu "HIDROELEKTRANA ZVORNIK" Mali

Zvornik.

Да је у регистру код Трговинског суда у Ваљеву, на регистарском улошку број 1-35-00 (веза ТС Београд рег. ул. бр. 1-939-00), решењем број Фи-4425/73 од 24.12.1973, уписано: Združeno elektroprivredno preduzeće Srbije organizacija u sastavu Hidroelektrana "ZVORNIK" sa potpunom odgovornošću Mali Zvornik, које се решењем број Фи-773/79 од 28.01.1980, ускладило са Законом о удруженом раду као: ZEP Beograd-Radna organizacija hidroelektrana "ZVORNIK" sa potpunom odgovornošću Mali Zvornik, Maršala Tita 46.

Решењем број Фи-566/79 од 29.02.1980, ова РО се удружила у СОУР и уписана је као: ZEP Beograd-Radna organizacija hidroelektrana "ZVORNIK" sa potpunom odgovornošću Mali Zvornik,

Maršala Tita 46.

На основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља (Javno preduzeće "ELEKTROPRIVREDA" Beograd, TC Београд рег. ул. бр. 1-7211-00), број 307 од 28.12.1989, ("Сл.гласник СРС", бр. 59/89 и 22/90), у његов састав између осталих организација ушла је и: ZEP Beograd-Radna organizacija Hidroelektrana "ZVORNIK" sa potpunom odgovornošću Mali Zvornik, Maršala Tita 46, чија средства, права и обавезе у целости преузима новоосновано јавно предузеће.

Да је у старом судском регистру предузећа и радњи за град Крагујевац, на регистарском листу број 50 свеска II, решењем број Фи-6/55 од 29.01.1955, уписано: "ELEKTROMORAVA" preduzeće za proizvodnju, prenos i distribuciju električne energije Ovčar Banja-Čačak, које је основано решењем народног одбора среза љубићко-трнавског у Чачку број 2158/54 од 04.03.1954, и број 18514 од 13.12.1954.

У саставу овог предузећа пословала је и следећа погонска-пословна јединица:

 Pogon za proizvodnju, prenos i distribuciju električne energije Ivanjica, уписан решењем број Фи-326/57 од 17.07.1957, а решењем број Фи-1406/63, уписано је да се брише овај погон из регистра привредних организација.

Да је у регистру код Трговинског суда у Краљеву, на регистарском улошку број 1-36-00, решењем број Фи-1437/73 од 31.12.1973, уписано: Združeno elektroprivredno preduzeće Beograd Radna organizacija hidroelektrana "ELEKTROMORAVA" sa potpunom odgovornošću Čačak, које се решењем број Фи-1627/78 од 05.03.1979, ускладило са Законом о удруженом раду као: Radna organizacija Hidroelektrana "ELEKTROMORAVA" sa p.o. Čačak, Svetozara Markovića 24.

Решењем број Фи-558/81 од 17.11.1981, ова РО је променила фирму, услед удруживања у сложену организацију удруженог рада, као: Složena organizacija udruženog rada "ZDRUŽENA ELEKTROPRIVREDA" Beograd - Radna organizacija Hidroelektrana "ELEKTROMORAVA" sa potpunom odgovornošću Čačak, Svetozara Markovića 24, а решењем број Фи-911/90 од 15.05.1990, уписано је да се брише ова РО, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у старом судском регистру предузећа и радњи град Ужице, на регистарском листу број 347 свеска I, решењем број Фи-205/59 од 14.04.1959, уписано: Preduzeće u izgradnji hidroelektrana Bajina Bašta, чији је оснивач Народна Скупштина НР Србије решењем број 437 од 18.03.1959.

Решењем број Фи-160/65 од 06.08.1965, ово предузеће се организовало као: Preduzeće u izgradnji Hidroelektrana Bajina Bašta, које је решењем број Фи-108-109/67 од 21.04.1967, променила фирму и седиште у: Hidroelektrana Bajina Bašta, Perućac organizacija u sastavu Združenog elektroprivrednog preduzeća Srbije, Beograd.

Решењем број Фи-927/73 од 27.12.1973, ово предузеће је пренето у нови судски регистар код Трговинског суда у Ужицу, на регистарски уложак број 1-148-00, као: Hidroelektrana "BAJINA BAŠTA" Perućac, која се решењем број Фи-468/79 од 18.09.1979, удружила у SOUR Združena elektroprivreda Beograd (ТС Београд 1-540-00) и уписана је као: Radna organizacija Hidroelektrana "BAJINA BAŠTA" sa potpunom odgovornošću Perućac.

Ова РО је решењем број Фи-20/85 од 18.02.1985, променила фирму у: Radna organizacija HIDROELEKTRANE "BAJINA BAŠTA" sa potpunom odgovornošću Perućac, а решењем број Фи-330/90 од 08.05.1990, уписано је да се брише ова РО, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља,које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у старом судском регистру предузећа и радњи за град Ужице, на регистарском листу број 2 свеска III, решењем број Фи-18/54 од 18.03.1954, уписана: Hidroelektrana Kokin Brod Nova Varoš, чији је оснивач Извршно веће Народне Републике Србије решењем број 347/1 од 15.01.1954.

Решењем број Фи-347/60 од 14.09.1960, ово предузеће је променило назив у: Preduzeće u izgradnji LIMSKE HIDROELEKTRANE Nova Varoš.

Решењем број Фи-881/73 од 27.12.1973, ово предузеће је пренето у нови судски регистар код Трговинског суда у Ужицу, на регистарски уложак број 1-139-00, као: Združeno elektroprivredno preduzeće Srbije Beograd Radna organizacija LIMSKE HIDROELEKTRANE Nova Varoš, која се решењем број Фи-1097/78 од 07.08.1979, ускладила са Законом о удруженом раду као: Radna organizacija za proizvodnju električne energije "LIMSKE HIDROELEKTRANE" sa potpunom odgovornosti Nova Varoš, Živka Ljujića 5.

Решењем број Фи-253/89 од 25.10.1989, ова РО је променила седиште и ускладила се са Законом о предузећима као: Društveno preduzeće za proizvodnju električne energije "LIMSKE HIDROELEKTRANE" Nova Varoš, Trg Maršala Tita 4, а решењем број Фи-329/90 од 08.05.1990, уписано је да се брише ово предузеће услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Јаvno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља,које послује под фирмом Јаvno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Ужицу, на регистарском улошку број 1-1996-00, решењем број Фи-66/92 од 20.01.1992, уписано: "ELEKTROPRIVREDA SRBIJE" - Javno preduzeće za proizvodnju hidroelektrične energije "LIMSKE HIDROELEKTRANE" sa potpunom odgovornošću Nova Varoš, матични број 07845081.

Решењем Агенције за привредне регистре у Београду, број БД 21650/2005 од 22.08.2005, ово друштво је преведено у Регистар привредних субјеката, под пуним пословним именом: ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE LIMSKE HIDROELEKTRANE SA P.O. NOVA VAROŠ, TRG VOJVODE BOJOVIĆA 4,

матични број 07845081.

Решењем број БД 102700/2005 од 01.01.2006, регистровано је да се БРИШЕ овај привредни субјект из Регистра привредних субјеката, услед статусне промене спајање уз оснивање привредних субјеката Јавно предузеће LIMSKE HIDROELEKTRANE-NOVA VAROŠ, матични број 07845081, EPS Јавно предузеће DRINSKE HIDROELEKTRANE-ВАЈІNA BAŠTA, матични број 07833024, као PRIVREDNO DRUŠTVO DRINSKO-LIMSKE спајањем и престају пруштва HIDROELEKTRANE DOO BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1, матични број 20114207, као друштва које се услед ове статусне промене оснива и услед које се привредни субјект ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE LIMSKE HIDROELEKTRANE SA P.O. NOVA VAROŠ, TRG VOJVODE BOJOVIĆA 4, матични број 07845081, брише из регистра.

Да је у регистру код Трговинског суда у Ужицу, на регистарском улошку број 1-1986-00, решењем број Фи-55/92 од 20.01.1992, уписано: "ELEKTROPRIVREDA SRBIJE" - Javno preduzeće "DRINSKE HIDROELEKTRANE" sa potpunom odgovornošću Bajina Bašta, матични број 07833024.

У саставу овог предузећа као делови пословали су:

 HIDROELEKTRANE "BAJINA BAŠTA" Bajina Bašta, уписана решењем број Фи-289/92 од 03.03.1992, на рег. ул. бр. 1-1986-01.

- HIDROELEKTRANA "ZVORNIK" Mali Zvornik, уписана решењем број Фи-289/92 од

03.03.1992, на рег. ул. бр. 1-1986-02.

 HIDROELEKTRANA "ELEKTROMORAVA" Čačak, уписана решењем број Фи-289/92 од 03.03.1992, на рег. ул. бр. 1-1986-03.

Решењем Агенције за привредне регистре у Београду, број БД. 38937/2005 од 27.06.2005, ово друштво је преведено у Регистар привредних субјеката, под пуним пословним именом: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE DRINSKE HIDROELEKTRANE SA POTPUNOM ODGOVORNOŠĆU BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1, матични број 07833024.

Истим решењем регистровани су огранци:

 ELEKTROPRIVREDA SRBIJE-JP DRINSKE HIDROELEKTRANE SA POTPUNOM ODGOVORNOŠĆU BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1-HIDROELEKTRANE BAJINA BAŠTA, са седиштем на адреси: Перућац,

 ELEKTROPRIVREDA SRBIJE-JP DRINSKE HIDROELEKTRANE SA POTPUNOM ODGOVORNOŠĆU BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1-HIDROELEKTRANA ZVORNIK MALI ZVORNIK, са седиштем на адреси: Краља Петра 1, Мали Зворник и

 ELEKTROPRIVREDA SRBIJE-JP DRINSKE HIDROELEKTRANE SA POTPUNOM ODGOVORNOŠĆU BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1HIDROELEKTRANA ELEKTROMORAVA ČAČAK, са седиштем на адреси: Господар Јованова 24, Чачак.

Решењем број БД 102702/2005 од 01.01.2006, регистровано је да се БРИШЕ овај привредни субјект из Регистра привредних субјеката, услед статусне промене спајање уз оснивање привредних субјеката Јавно предузеће LIMSKE HIDROELEKTRANE-NOVA VAROŠ, матични број 07845081, EPS Јавно предузеће DRINSKE HIDROELEKTRANE-ВАЈІNA BAŠTA, матични број 07833024, као DRUŠTVO PRIVREDNO DRINSKO-LIMSKE друштва која престају спајањем и HIDROELEKTRANE DOO BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1, матични број 20114207, као друштва које се услед ове статусне промене оснива и услед које се привредни субјект EPS Јавно предузеће DRINSKE HIDROELEKTRANE-ВАЈІNA BAŠTA, матични број 07833024, брише из регистра.

Да је решењем Агенције за привредне регистре у Београду, број БД 102708/2005 од 30.12.2005, у Регистру привредних субјеката регистровано оснивање привредног друштва под пуним пословним именом: PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1, матични број 20114207.

Истим решењем регистрована је и статусна промена спајање уз оснивање привредних субјеката Јавно предузеће LIMSKE HIDROELEKTRANE-NOVA VAROŠ, матични број 07845081, EPS Јавно предузеће DRINSKE HIDROELEKTRANE-BAJINA BAŠTA, матични број 07833024, као друштва која престају спајањем и PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO BAJINA BAŠTA, TRG DUŠANA JERKOVIĆA 1, матични број 20114207, као друштва које се услед ове статусне промене оснива.

Ово друштво је решењем број БД 107265/2006 од 14.02.2006, регистровало промену

података и то промену података о огранцима, тако што се уписују:

- DRINSKO-LIMSKE HE DOO BAJINA BAŠTA - HE ELEKTROMORAVA, са седиштем на адреси: Господар Јованова 24, Чачак,

DRINSKO-LIMSKÉ НЕ DOO BAJINA BAŠTA - НЕ ZVORNIK, са седиштем на адреси:

Трг Краља Петра I 40, Зворник,

 DRINSKO-LIMSKE HE DOO BAJINA BAŠTA - LIMSKE HE, са седиштем на адреси: Војводе Бојовића 4, Нова Варош и

DRINSKO-LIMSKE HE DOO BAJINA BAŠTA - HE BAJINA BAŠTA, са седиштем на

апреси: Трг Душана Јерковића 1, Бајина Башта.

Решењем број БД 57169/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA, матични број 20114207, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

1. PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број

07715226.

 PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,

3. Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори

доо Београд матични број 20816244,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC матични број 20114185, PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и

 PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 2987 свеска VII, решењем број Фи-791/61 од 30.05.1961, уписано: Preduzeće и izgradnji hidroelektrana "ĐERDAP" Beograd, Carice Milice 2, (касније са седиштем на адреси Булевар Владимира Илића Лењина 9 и Поп Стојанова 2а), чији је оснивач Извршно веће Народне скупштине НРС решењем број 116 од 03.03.1961.

У саставу овог предузећа пословала је и следећа погонска-пословна јединица:

 Pogon pratećih delatnosti kao posebne jedinice Preduzeće u izgradnji hidroclektrana "DERDAP" Kladovo, уписан решењем број Фи-185/65 ОПС Зајечар, а решењем број Фи-326/71 од 15.11.1971, уписано је да се овај погон брише услед престанка са радом.

Preduzeće u izgradnji hidroelektrana "ĐERDAP" Beograd, Carice Milice 2, је решењем број Фи-1371/73 од 15.06.1973, променило седиште у: Preduzeće u osnivanju hidroelektana "ĐERDAP" Beograd, Pop Stojanova 2a.

Решењем број Фи-1371/73 од 15.06.1973, уписано је да се брише ово предузеће, услед конституисања у Radnu organizaciju Hidroelektrana "ĐERDAP" Kladovo, а по решењу ОПС Зајечар бр. Фи-121/73 од 15.05.1973.

Да је у регистру код Трговинског суда у Лесковцу, на регистарском улошку број 1-278-00, (веза ТС Ниш рег. ул. бр. 1-676-00), решењем број Фи-1960/73 од 08.03.1974, уписана: Radna organizacija VLASINSKE HIDROELEKTRANE sa osnovnim organizacijama udruženog rada u svome sastavu-ima sva ovlašćenja u okvirima zaključenih ugovora o prometu robe Surdulica.

- OOUR "PROIZVODNJA" Surdulica, уписана решењем број Фи-1960/73 од 08.03.1974, на рег. ул. бр. 1-278-01, а решењем број Фи-319/75 од 14.01.1976, уписан је престанак ове ООУР услед спајања у Radnu organizaciju VLASINSKE HIDROELEKTRANE Surdulica (ТС Лесковац рег. ул. бр. 1-278-00).
- OOUR "DRUŠTVENI STANDARD" Surdulica, уписана решењем број Фи-1960/73 од 08.03.1974, на рег. ул. бр. 1-278-02, а решењем број Фи-319/75 од 14.01.1976, уписан је престанак ове ООУР услед спајања у Radnu organizaciju VLASINSKE HIDROELEKTRANE Surdulica (ТС Лесковац рег. ул. бр. 1-278-00).
- OOUR "GRADEVINSKO MONTAŽNI POSLOVI" Surdulica, уписана решењем број Фи-1960/73 од 08.03.1974, на рег. ул. бр. 1-278-03, а решењем број Фи-319/75 од 14.01.1976, уписан је престанак ове ООУР услед спајања у Radnu organizaciju VLASINSKE HIDROELEKTRANE Surdulica (ТС Лесковац рег. ул. бр. 1-278-00).

Radna organizacija VLASINSKE HIDROELEKTRANE sa osnovnim organizacijama udruženog rada u svome sastavu-ima sva ovlašćenja u okvirima zaključenih ugovora o prometu robe Surduluca, се решењем број Фи-319/75 од 14.01.1976, конститунсала као: VLASINSKE HIDROELEKTRANE ротрипа odgovornost Surdulica, која се решењем број Фи-1061/78 од 20.07.1979, ускладила са Законом о удруженом раду као: "VLASINSKE HIDROELEKTRANE" sa potpunom odgovornošću Surdulica, Kej Rada Cvetkovića 15.

Решењем број Фи-443/90 од 13.11.1990, уписан је престанак субјекта уписа услед промене у организовању радне организације у ново Javno preduzeće "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2 (TC Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља,које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Нишу, на регистарском улошку број 1-238-00, решењем број Фи-853/78 од 23.06.1978, уписана: Radna organizacija Hidroelektrana "ZAVOJ" u osnivanju sa potpunom odgovornošću Pirot, Branimira Ćirića bb, која је решењем број Фи-28/85 од 21.01.1985, променила седиште у: Radna organizacija Hidroelektrana "ZAVOJ" u osnivanju sa potpunom odgovornošću Pirot, Berilovački put bb.

Решењем број Фи-670/90 од 17.05.1990, уписано је да се брише ова РО услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Зајечару, на регистарском улошку број 1-1475, решењем број Фи-977/91 од 01.01.1992, уписано: "ELEKTROPRIVREDA" Srbije-Javno preduzeće za proizvodnju hidroelektrične energije "ĐERDAP" sa potpunom odgovornošću Kladovo, Trg Moše Pijade 1, матични број 07715226.

У саставу овог предузећа као саставни делови били су уписани:

- "VLASINSKE HIDROELEKTRANE" Surdulica, уписана решењем број Фи-977/91 од 01.01.1992, на рег. ул. бр. 1-1475-01 и
- HIDROELEKTRANA "PIROT" Pirot, уписана решењем број Фи-977/91 од 01.01.1992, на рег. ул. бр. 1-1475-02.

Решењем Агенције за привредне регистре у Београду, број БД 32079/2005 од 16.06.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE DERDAP KLADOVO, TRG MOŠE PIJADE 1, матични број 07715226.

Истим решењем као огранци регистровани су:

- ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE DERDAP KLADOVO, TRG MOŠE PIJADE 1-VLASINSKE HIDROELEKTRANE Surdulica ii ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE ĐERDAP KLADOVO, TRG MOŠE PIJADE 1-HIDROELEKTRANA PIROT, PIROT.

Ово друштво је решењем број БД 88398/2005 од 16.06.2005, регистровало промену података и то промену седишта у: ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE ĐERDAP KLADOVO, TRG KRALJA PETRA 1, матични број 07715226, које је решењем број БД 102734/2005 од 01.01.2006, регистровало промену података и то промену правне форме и пуног пословног имена у: PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO, TRG KRALJA PETRA 1, матични број 07715226.

Истим решењем регистрована је и промена података о огранцима тако што се бришу:

- ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE ĐERDAP KLADOVO, TRG MOŠE PIJADE 1-VLASINSKE HIDROELEKTRANE Surdulica ii

 ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE ZA PROIZVODNJU HIDROELEKTRIČNE ENERGIJE ĐERDAP KLADOVO, TRG MOŠE PIJADE 1-

HIDROELEKTRANA PIROT, PIROT.

Решењем број БД 114568/2006 од 04.04.2006, ово друштво је регистровало промену података и то промену података о огранцима, тако што се уписују:

- HE DERDAP DOO KLADOVO HE PIROT PIROT, са седиштем на адреси: Бериловачки

пут бб, Пирот,

- HE DERDAP DOO KLADOVO VLASINSKE HE SURDULICA, са седиштем на адреси: Кеі Раде Цветковић 15, Сурдулица,

- HE DERDAP DOO KLADOVO HE DERDAP 2 NEGOTIN, са седиштем на адреси:

Краљевића Марка 2, Неготин и

- HE DERDAP DOO KLADOVO HE DERDAP 1 KLADOVO, са седиштем на адреси: Трг

Краља Петра 1, Кладово.

Решењем број БД 57157/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO HIDROELEKTRANE DERDAP DOO KLADOVO, матични број 07715226, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

1. PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број

07715226,

 PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,

3. Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори

доо Београд матични број 20816244.

 PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,

5. PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO

KOSTOLAC матични број 20114185.

 PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и

 PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је решењем Агенције за привредне регистре у Београду, број БД 41832/2012 од 02.04.2012, у Регистру привредних субјеката регистровано оснивање привредног друштва под пословним именом: Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Ужице, матични број 20816244.

Ово друштво је решењем број БД 69166/2013 од 21.06.2013, регистровало промену података и то промену седишта тако што се брише адреса: Димитрија Туцовића 40, Ужице, а уписује адреса: Царице Милице 2, Београд-Стари Град, као и промену пословног имена у: Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд, матични број 20816244.

Решењем број БД 57110/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд, матични број 20816244, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

- PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број 07715226.
- PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207.
- Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд матични број 20816244,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC матични број 20114185,
- PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и
- PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је у старом судском регистру предузећа и радњи за град Београд, на регистарском листу број 3981 свеска XIV, решењем број Фи-2075/65 од 28.09.1965, уписано: Тегтоеlektrana "OBRENOVAC" и osnivanju Beograd, Carice Milice 2 (касније са седиштем на адреси Дунавски кеј 10, Обреновац), чији је оснивач Združeno elektroprivredno preduzeće Srbije Beograd, а по решењу број 1771 од 21.09.1965.

Решењем број Фи-5653/73 од 05.01.1974, ово предузеће је пренето у нови судски регистар код Трговинског суда у Београду, на регистарски уложак број 1-276-00, као: Termoelektrana "OBRENOVAC" radna organizacija sa potpunom odgovornošću Obrenovac u sastavu Združenog elektroprivrednog preduzeća Srbija, Beograd, која је решењем број Фи-4398/76 од 03.11.1976, променила назив у: Termoelektrane "NIKOLA TESLA" sa potpunom odgovornošću svim svojim sredstvima Obrenovac u sastavu Združenog elektroprivrednog preduzeća, Beograd.

Решењем број Фи-6611/78 од 26.07.1979, ова РО се ускладила са Законом о удруженом раду као: Radna organizacija termoelektrane "NIKOLA TESLA" sa potpunom odgovornošću Obrenovac, Breska bb.

Решењем Фи-1236/81 од 15.04.1981, уписана је забележба да се Radna organizacija termoelektrane "NIKOLA TESLA" sa potpunom odgovornošću Obrenovac, Breska bb, удружила у SOUR "ZDRUŽENA ELEKTROPRIVREDA" Beograd (TC Београд рег. ул. бр. 1-540-00).

Решењем број Фи-4987/90 од 28.11.1990, уписано је да се брише ова радна организација услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd, Carice Milice 2 (ТС Београд рег.ул.бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 242 свеска II, решењем ОПС Београд број Фи-17/54 од 02.06.1954, уписано: "KOLUBARA" Termoelektrana Veliki Crljeni, чији је оснивач Извршно всће Н.Р. Србије, бр. 347/3 од 15.01.1954.

У саставу ове термоелектране као погонске-пословне јединице пословале су:

- Pogon "II SREZA" termoelektrana "KOLUBARA" Veliki Crljeni, уписана на рег. лист 242 свеска II.
- Termoelektrana metal. pogon "KOLUBARA" Veliki Crljeni, уписана на рег. лист 242 свеска II и
- Fabrika GAS-BETON Veliki Crljeni u izgradnji, уписана решењем број Фи-3144/68 на рег. лист 242 свеска II.

Решењем број Фи-1809-1811 и 2346/69 од 03.06.1969, уписано је да се брише "KOLUBARA" Termoelektrana Veliki Crljeni, услед спајања у јединствену радну организацију Rudarsko - energetsko - industrijski kombinat "KOLUBARA" Vreoci, у саставу Združenog elektroprivrednog preduzeća Srbije, Beograd (рег. лист 646 свеска IV).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 646 свеска IV, решењем број Фи-1809-1811 и 2346/69 од 03.06.1969, уписан: Rudarsko-energetski industrijski kombinat "KOLUBARA" Vreoci, који је основан на основу одлуке Радничког савета RB "KOLUBARA" Vreoci и Termoelektrane "KOLUBARA" Veliki Crljeni од 24.03.1969, Одлуке Združenog elektroprivrednog preduzeća Srbije, Vreoci од 27.05.1969, анализе економске оправданости о оснивању овог комбината, предлога конкурсне комисије за именовање генералног директора комбината од 16.06.1969, и Одлуке комбинта од 18.06.1969.

У саставу овог комбината пословали су следени делови:

Projektantski biro Vreoci, уписан решењем број Фи-1334/70 од 01.06.1971,

 Predstavništvo Beograd, Beograd, Internacionalnih brigada 1, уписан решењем број Фи-2862/70 од 30.10.1970.

 Radna jedinica za gazdovanje stambenim zgradama Vreoci, уписан решењем број Фи-61/71 од 18.01.1971,

- Radna jedinica za maloprodaju uglja Junkovac, уписан решењем број Фи-1751/71 од 21.05.1971.
- Metalopreradivački pogon Veliki Crljeni, уписан решењем број Фи-1883/71 од 28.05.1971,

- Radna jedinica uglja Vreoci, уписан решењем број Фи-4302/71 од 11.01.1972,

- Radna jedinica prodavnica uglja Vreoci, уписан решењем број Фи-4302/71 од 11.01.1972 н
- SOUR pravno lice "PROGRES-GRAĐEVINAR" Lazarevac, уписан решењем број Фи-299-301/72 од 13.03.1972.



Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-539-00, решењем број Фи-1530/75 од 02.09.1975, уписан: Rudarsko energetsko industrijski kombinat "KOLUBARA" sa solidarnom odgovornošću Vreoci.

У саставу ове радне организације, између осталих, пословала је и следећи ООУР:

 OOUR TE "KOLUBARA" Veliki Crljeni, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-09, а решењем број Фи-51/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- TERMOELEKTRANA" Veliki Crljeni (TC Београд рег. ул. бр. 1-2294-00).

Решењем број Фи-44/78 од 04.01.1978, уписано је да се брише Rudarsko energetsko industrijski kombinat "KOLUBARA" sa solidarnom odgovornošću Vreoci, услед организовања у SOUR Rudarsko energetsko industrijski kombinat "KOLUBARA" Lazarevac (ТС Београд рег. ул. бр. 1-2303-00).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2294-00, решењем број Фи-52/78 од 04.01.1978, уписана: Radna organizacija za proizvodnju termoelektrične energije "KOLUBARA-TERMOELEKTRANA" sa potpunom odgovornošću Veliki Crljeni, која је настала прерастањем OOUR-а ТЕ "KOLUBARA" Veliki Crljeni из састава Rudarsko energetsko industrijskog kombinata "KOLUBARA" sa solidarnom odgovornošću Vreoci, у радну организацију.

Ова РО се решењем број Фи-3717/79 од 30.10.1979, удружила у Složenu organizaciju "Združena elektroprivreda" n.sol.o. Beograd и уписана је као: Radna organizacija za proizvodnju termoelektrične energije "KOLUBARA-TERMOELEKTRANA" p.o. Veliki Crljeni, која се решењем број Фи-1051/81 од 06.04.1981, удружила у Složenu organizaciju udruženog rada Rudarsko eneregetsko industrijski kombinat "KOLUBARA" n.sol.o.Lazarevac и уписана је као: Radna organizacija za proizvodnju termoelektrične energije "KOLUBARA-TERMOELEKTRANA" p.o. Veliki Crljeni.

На основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља (Javno preduzeće "ELEKTROPRIVREDA" Beograd, TC Београд рег. ул. бр. 1-7211-00), број 307 од 28.12.1989, ("Сл.гласник СРС", бр. 59/89 и 22/90), у његов састав између осталих организација ушла је и: Radna organizacija za proizvodnju termoelektrične energije "KOLUBARA-TERMOELEKTRANA" p.o. Veliki Crljeni, Maršala Tita 46, чија средства, права и обавезе у целости преузима новоосновано јавно предузеће.

Да је у регистру код Трговинског суда у Ваљеву, на регистарском улошку број 1-638-00, решењем број Фи-483/83 од 23.12.1983, уписано оснивање: Radne organizacije za izgradnju termoelektrane-toplane "KOLUBARA-В" za kombinovanu proizvodnju električne i toplotne energije u osnivanju, sa potpunom odgovornošću, Ub.

Решењем број Фи-751/90 од 08.05.1990, уписано је да се брише ово предузеће, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Веоgrad, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Ваљеву, као суда уписа, на регистарском улошку број 1-15351-00, решењем Трговинског суда у Београду, као регистарског суда, број Фи-14071/90 од 27.11.1990, (ТС Београд рег. ул. бр. 1-7211-00-16), уписано: Javno preduzeće "ELEKTROPRIVREDA" sa potpunom odgovornošću Beograd, Carice Milice 2, Deo preduzeća: TE-TO "KOLUBARA B" - UB.

Да је у старом судском регистру предузећа и радњи за град Крагујевац, на регистарском листу број 796 свеска III, решењем број Фи-306/64 од 10.04.1964, уписано: Termoelektrana "MORAVA" preduzeće u izgradnji Svilajnac, чији је оснивач Zajednica elektroprivrednih preduzeća Srbije, Beograd решењем број 1613 од 29.02.1964.

Ово предузеће је решењем број Фи-777/70 од 17.06.1970, променило фирму у: Združeno elektroprivredno preduzeće "Srbija" Beograd Termoelektrana "MORAVA" Svilajnac.

Решењем број Фи-940/73 од 26.12.1973, ово предузеће је пренето у нови судски регистар код Трговинског суда у Крагујевцу, на регистарски уложак број 1-9-00, као: Združeno elektroprivredno preduzeće Srbije Termoelektrana "MORAVA" sa potpunom odgovornošću Svilajnac, која се решењем број Фи-1180/78 од 07.12.1978, конституисала као: Združena elektroprivreda Termoelektrana "MORAVA" sa p.o. Svilajnac.

Ово предузеће се решењем број Фи-712/89 од 28.12.1989, организовало као: Preduzeće

Termoelektrane "MORAVA" sa potpunom odgovornošću Svilajnac.

Решењем број Фи-842/90 од 14.05.1990, уписано је да се брише ово предузеће, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Веоgrad, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, у регистарском улошку број 1-24496-00, решењем број Фи-1093/92 од 05.02.1992, уписано: "ELEKTROPRIVREDA SRBIJE" Javno preduzeće "TERMOELEKTRANE NIKOLA TESLA" sa potpunom odgovornošću Obrenovac.

У саставу овог предузећа, као делови, пословали су:

 ТЕRMOELEKTRANE "NIKOLA TESLA" OBRENOVAC, уписана решењем број Фи-8435/92 од 26.05.1992, на регистарски уложак број 1-24496-01,

 TERMOELEKTRANA "KOLUBARA" VELIKI CRLJENI, уписана решењем број Фи-8434/92 од 26.05.1992, на регистарски уложак број 1-24496-02,

 ТЕRMOELEKTRANA-TOPLANA "KOLUBARA В" UB, KALENIĆ, уписана решењем број Фи-8432/92 од 26.05.1992, на регистарски уложак број 1-24496-03 и

 ТЕRMOELEKTRANA "MORAVA" SVILAJNAC, уписана решењем број Фи-8433/92 од 26.05.1992, на регистарски уложак број 1-24496-04.

"ELEKTROPRIVREDA SRBIJE" Javno preduzeće "TERMOELEKTRANE NIKOLA TESLA" sa potpunom odgovornošću Obrenovac, се решењем број IV-Фи-951/03 од 10.03.2003, организовало као: "ELEKTROPRIVREDA SRBIJE" Javno preduzeće "TERMOELEKTRANE NIKOLA TESLA" sa potpunom odgovornošću Obrenovac, матични број 07802161.

Решењем Агенције за привредне регистре у Београду, број БД 50456/2005 од 17.06.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: ELEKTROPRIVREDA SRBIJE JAVNO PREDUZEĆE TERMOELEKTRANE NIKOLA TESLA - SA PO OBRENOVAC, BOGOLJUBA UROŠEVIĆA-CRNOG BB, матични број 07802161.

Истим решењем, као огранци, регистровани су:

- TERMOELEKTRANE NIKOLA TESLA OBRENOVAC, са седиштем на адреси: Богољуба Урошевића-Црног 44, Обреновац,

- TERMOELEKTRANA - TOPLANA KOLUBARA В UB-KALENIĆ, са седиштем на

адреси: 7. јула 11, Уб,

- TERMOELEKTRANA MORAVA SVILAJNAC, са седиштем на адреси: Ђуре Ђаковића 63, Свилајнац и

- TERMOELEKTRANA KOLUBARA VELIKI CRLJENI, са седиштем на адреси: 3.

октобра 146, Велики Црљени.

Ово предузеће је решењем број БД 102822/05 од 01.01.2006, регистровало промену података и то промену правне форме, седишта и пуног пословног имена у: PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA DOO OBRENOVAC, BOGOLJUBA UROŠEVIĆA-CRNOG 44, матични број 07802161.

Решењем број БД 108436/2006 од 06.03.2006, ово друштво је регистровало промену података

и то промену података о огранцима, тако што су бришу:

TERMOELEKTRANE NIKOLA TESLA OBRENOVAC,

- TERMOELEKTRANA TOPLANA KOLUBARA B UB-KALENIĆ,
- TERMOELEKTRANA MORAVA SVILAJNAC II
- TERMOELEKTRANA KOLUBARA VELIKI CRLJENI,

а уписују:

- TENT DOO OBRENOVAC TERMOELEKTRANE NIKOLA TESLA OBRENOVAC,
- TENT DOO OBRENOVAC TERMOELEKTRANE KOLUBARA B UB-KALENIĆ,
- TENT DOO OBRENOVAC TERMOELEKTRANE MORAVA SVILAJNAC H
- TENT DOO OBRENOVAC TERMOELEKTRANE KOLUBARA VELIKI CRLJENI.

Ово друштво је решењем број БД 6797/2007 од 26.02.2007, регистровало промену података и то промену података о огранцима, тако што се брише: TENT DOO OBRENOVAC - TERMOELEKTRANE NIKOLA TESLA OBRENOVAC, а уписују:

- TENT DOO OBRENOVAC - TERMOELEKTRANA NIKOLA TESLA B, са седиштем на

адреси: Обреновац, Ушће, Београд,

 ТЕМТ DOO OBRENOVAC - ŽELEZNIČKI TRANSPORT, са седиштем на адреси: Богољуба Урошевића-Црног 44, Обреновац и

TENT DOO OBRENOVAC - TERMOELEKTRANA NIKOLA TESLA A, са седиштем на

адреси: Богољуба Урошевића-Црног 44, Обреновац.

Решењем број БД 130535/2009 од 31.07.2009, ово друштво је регистровало промену података и то промену података о огранцима, тако што се брише: TENT DOO OBRENOVAC - TE KOLUBARA B, UB-KALENIĆ.

Истим решењем регистрована је и статусна промена на основу Одлуке о статусној промени одвајања уз припајање, коју је донео управни одбор Јавног предузећа "Електропривреда Србије" на седници од 17. јула 2009. године, којом се одваја део имовине и припадајућих обавеза привредног друштва "Термоелектране Никола Тесла" д.о.о. Обреновац, Богољуба Урошевића-Црног број 44, матични број 07802161, као потпуно подређеног привредног друштва Јавног предузећа "Електорпривреда Србије" и припаја Јавном предузећу "Електорпривреда Србије" Београд, Улица царице Милице бр. 2, мат. број 20053658, као матичном предузећу, на коју је Влада републике Србије дала сагласност решењем 05 број: 023-4763/2009 од 24. јула 2009. године. Услед одвајања

долази до смањења неновчаног капитала друштва дељеника за изное од 264.723.958,00 евра.

Ово друштво је решењем број БД 124181/2010 од 05.11.2010, регистровало промену података и то промену података о огранцима, тако што се брише: TENT DOO OBRENOVAC - ТЕ MORAVA, са седиштем на адреси: Ђуре Ђаковића 63, Свилајнац, а уписује: TENT DOO OBRENOVAC - ТЕ MORAVA, са седиштем на адреси: Кнеза Милоша 89, Свилајнац.

Решењем број БД 57125/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC, матични број 07802161, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

- PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број 07715226,
- PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,
- Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд матични број 20816244,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC матични број 20114185,
- PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и
- PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је у старом судском регистру предузећа и радњи за град Пожаревац, на регистарском листу број 264 свеска I, решењем број Фи-3269/55 од 02.11.1955, уписано: Rudnici i elektrane Kostolac, чији је оснивач Привредни савет секретаријата за привреду НРС решењем број 14809 од 18.09.1952.

Истим решењем уписана је и погонска-пословна јединица:

Trgovinsko predstavništvo Beograd.

Rudnici i elektrane Kostolac, су решењем број Фи-227/59 од 29.03.1959, променили назив у: Industrijsko-energetski kombinat Kostolac.

У саставу овог комбината пословале су следеће погонске-пословне јединице:

- Građevinska sekcija Kostolac, уписана решењем број Фи-470/60, на рег. лист 264 свеска I.
- Pogon za privredno poslovanje stambenim zgradama Kostolac, уписан решењем од 18.12.1965, на рег. лист 264 свеска I, који је решењем број Фи-301/68 од 03.04.1968, брисан услед припајања Preduzeću za gazdovanje stambenim zgradama Požarevac.

Да је у регистру код Трговинског суда у Пожаревцу, на регистарском улошку број 1-108-00, решењем број Фи-1313/73 од 13.02.1974, уписано: Združeno elektroprivredno preduzeće Srbije Industrijsko energetski kombinat "KOSTOLAC" sa solidarnom odgovornošću svim sredstvima Kostolac, чији је оснивач Привредни савет секретаријата за привреду НРС, Београд, решењем бр. 14809 од 18.09.1952.

саставу овог предузећа пословали су следећи ООУР-и:

- OOUR Termoelektrana "Kostolae" Kostolae, уписана решењем број Фи-1313/73 од 13.02.1974, на рег. ул. бр. 1-108-01, која се решењем број Фи-1008/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada Termoelektrane "Kostolae" n.sol.o. Kostolae. Ова ООУР се решењем број Фи-93/83 од 14.02.1983, конститунсала као: Osnovna organizacija udruženog rada TERMOELEKTRANE "KOSTOLAC" n.sol.o. Kostolae. Решењем број Фи-477/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolae" Kostolae, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).
- 2. OOUR Površinski otkop "Kostolac" Kostolac, уписана решењем број Фи-1313/73 од 13.02.1974, на рег. ул. бр. 1-108-02, која се решењем број Фи-1007/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada Površinski otkop "Kostolac" n.sol.o. Kostolac. Ова ООУР се решењем број Фи-94/83 од 14.02.1983, конституисала као: Osnovna organizacija udruženog rada POVRŠINSKI OTKOP "KOSTOLAC" n.sol.o. Kostolac. Решењем број Фи-83/86 од 22.01.1986, уписано је да се брише ова ООУР, услед удруживања у ООИР "Ćirikovac" Kostolac (ТС Пожаревац рег. ул. бр. 1-108-06).
- 3. OOUR Proizvodno-remontni pogon, Kostolac, уписана решењем број Фи-1313/73 од 13.02.1974, на рег. ул. бр. 1-108-03, која је решењем број Фи-1006/78 од 25.12.1978, променила назива и ускладила се са Законом о удруженом раду као: Osnovna organizacija udruženog rada "Proizvodnja, remont i montaža" n.sol.o. Kostolac. Решењем број Фи-95/83 од 14.02.1983, ова ООУР се организовала као: Osnovna organizacija udruženog rada "PROIZVODNJA, REMONT I MONTAŽA" n.sol.o. Kostolac, а решењем број Фи-479/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).
- 4. OOUR Fabrika mašina "Могаva" Роžагеvac, уписана решењем број Фи-1313/73 од 13.02.1974, на рег. ул. бр. 1-108-04, која се решењем број Фи-1005/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada "Могаva" n.sol.o. Роžагеvac. Решењем број Фи-96/83 од 14.02.1983, ова ООУР се конституисала као: Osnovna organizacija udruženog rada Fabrika mašina "МОRAVA" n.sol.o. Роžагеvac.
- 5. OOUR Pogon za društveni standard Kostolac, уписана решењем број Фи-1313/73 од 13.02.1974, на рег. ул. бр. 1-108-05, која је решењем број Фи-1011/78 од 25.12.1978, променила назив и ускладила се са Законом о удруженом раду као: Osnovna organizacija udruženog rada "Društveni standard" n.sol.o. Kostolac. Ова ООУР се решењем број Фи-97/83 од 14.02.1983, конститунсала као: Osnovna organizacija udruženog rada "DRUŠTVENI STANDARD" n.sol.o. Kostolac. Решењем број Фи-480/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (ТС Београд рег. ул. бр. 1-7211-00).

- 6. OOUR Površinski otkop "Ćirikovac" sa solidarnom odgovornošću Kostolac, уписана решењем број Фи-155/76 од 23.02.1976, на рег. ул. бр. 1-108-06, која се решењем број Фи-1014/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada Površinski otkop "Ćirikovac" n.sol.o. Kostolac. Ова ООУР се решењем број Фи-98/83 од 14.02.1983, конституисала као: Osnovna organizacija udruženog rada POVRŠINSKI OTKOP "ĆIRIKOVAC" n.sol.o. Kostolac, која је решењем број Фи-145/87 од 16.02.1987, променила назив у: Osnovna organizacija udruženog rada POVRŠINSKI OTKOPI "KOSTOLAC" n.sol.o. Kostolac. Решењем број Фи-478/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (ТС Београд рег. ул. бр. 1-7211-00).
- 7. OOUR Autotransport Kostolac, уписана решењем број Фи-326/76 од 20.05.1976, на рег. ул. бр. 1-108-07, која се решењем број Фи-1009/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada "Autotransport" n.sol.o. Kostolac. Ова ООУР се решењем број Фи-99/83 од 14.02.1983, конституисала као: Osnovna organizacija udruženog rada "AUTOTRANSPORT" n.sol.o. Kostolac. Решењем број Фи-481/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).
- 8. OOUR "Odvodnjavanje i geološki radovi" Kostolac, уписана решењем број Фи-327/76 од 20.05.1976, на рег. ул. бр. 1-108-08, која се решењем број Фи-1010/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Osnovna organizacija udruženog rada "Odvodnjavanje i geološki radovi" n.sol.o. Kostolac. Oba OOYP се решењем број Фи-100/83 од 14.02.1983, конституисала као: Osnovna organizacija udruženog rada "ODVODNJAVANJE I GEOLOŠKI RADOVI" n.sol.o. Kostolac. Решењем број Фи-482/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).
- 9. Osnovna organizacija udruženog rada "REKULTIVACIJA I OZELENJAVANJE" n.sol.o. Kostolac, уписана решењем број Фи-123/78 од 24.03.1978, на рег. ул. бр. 1-108-09, која се решењем број Фи-1013/78 од 25.12.1978, ускладила са Законом о удруженом раду као: Оsnovna organizacija udruženog rada "Rekultivacija i ozelenjavanje" n.sol.o. Kostolac. Ова ООУР се решењем број Фи-101/83 од 14.02.1983, конститунсала као: Osnovna organizacija udruženog rada "REKULTIVACIJA I OZELENJAVANJE" n.sol.o. Kostolac. Решењем број Фи-483/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).
- 10. Radna zajednica za obavljanje zajedničkih poslova Kostolac, уписана решењем број Фи-81/79 од 09.05.1979, на рег. ул. бр. 1-108-10, која се решењем број Фи-373/83 од 13.07.1983, конституисала као: Radna zajednica za obavljanje zajedničkih poslova Kostolac. Ова заједница се решењем број Фи-373/83 од 13.07.1983, конституисала као: Radna zajednica za obavljanje zajedničkih poslova Kostolac. Решењем број Фи-484/90 од 18.06.1990, уписано је да се брише ова Радна заједница из састава Radne organizacije

Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (TC Београд рег. ул. бр. 1-7211-00).

- 11. Radna zajednica za izgradnju površinskog otkopa "DRMNO" Kostolac, уписана решењем број Фи-82/79 од 09.05.1979, на рег. ул. бр. 1-108-11. Решењем број Фи-446/83 од 20.09.1983, уписано је да се брише ова Радна заједница по одлуци ООУР-а.
- 12. Radna zajednica za zaštitu, obezbeđenje i telekomunikacije, Kostolac, уписана решењем број Фи-361/79 од 17.09.1979, на рег. ул. бр. 1-108-12, која се решењем број Фи-109/84 од 22.03.1984, организовала као: RADNA ZAJEDNICA ZA ZAŠTITU, OBEZBEĐENJE I TELEKOMUNIKACIJE, Kostolac. Решењем број Фи-485/90 од 18.06.1990, брисана је ова Радна заједница из састава Radne organizacije Industrijsko energetski kombinat "Kostolac", Kostolac, због оснивања Javnog preduzeća "Elektroprivreda", Beograd (ТС Београд рег. ул. бр. 1-7211-00).
- Radna zajednica za izgradnju termoelektrane "DRMNO" Kostolac, уписана решењем број Фи-144/81 од 31.03.1981, на рег. ул. бр. 1-108-13. Решењем број Фи-447/83 од 20.09.1983, уписано је да се брише ова Радна заједница по одлуци ООУР-а.
- 14. Osnovna organizacija udruženog rada Termoelektrana "KOSTOLAC В" n.sol.o.Kostolac, уписана решењем број Фи-362/88 од 28.12.1988, на рег. ул. бр. 1-108-14. Решењем број Фи-486/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (ТС Београд рег. ул. бр. 1-7211-00).
- 15. Osnovna organizacija udruženog rada POVRŠINSKI OTKOP "DRMNO" n.sol.o. Kostolac, уписана решењем број Фи-361/88 од 28.12.1988, на рег. ул. бр. 1-108-15. Решењем број Фи-487/90 од 18.06.1990, уписано је да се брише ова ООУР из састава Radne organizacije Industrijsko energetski kombinat "Kostolac" Kostolac, због оснивања Javnog preduzeća "Elektroprivreda" Beograd (ТС Београд рег. ул. бр. 1-7211-00).

Združeno elektroprivredno preduzeće Srbije Industrijsko energetski kombinat "KOSTOLAC" sa solidarnom odgovornošću svim sredstvima Kostolac, се решењем број Фи-1003/78 од 25.12.1978, ускладно са Законом о удруженом раду као: SOUR "ZDRUŽENA ELEKTROPRIVREDA" Beograd, Industrijsko-energetski kombinat "KOSTOLAC" n.sol.o. Kostolac.

Решењем број Фи-476/90 од 18.06.1990, уписано је да се брише ова радна организација са ООУР-има и радним заједницама, осим ООИК "Могаva" Роžarevac (рег. ул. бр. 1-108-04) и ООИК "Тransport" Kostolac, део који се односи на транспорт радника до енергетског објекта, услед оснивања Javnog preduzeća "Elektroprivreda" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО, осим средстава, права и обавеза ООИК "Могаva" Роžarevac и ООИК "Тransport" Kostolac, део који се односи на транспорт радника до енергетског објекта, преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља,које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Пожаревцу, на регистарском улошку број 1-2608-00, решењем број Фи-36/92 од 17.01.1992, уписано оснивање: "ELEKTROPRIVREDA SRBIJE" - Javnog preduzeća "POVRŠINSKI KOPOVI KOSTOLAC" sa potpunom odgovornošću Kostolac, Borisa Kidriča 5-7, матични број 07833300.

Решењем Агенције за привредне регистре у Београду, број БД 19359/2005 од 23.05.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE POVRŠINSKI KOPOVI KOSTOLAC KOSTOLAC, NIKOLE TESLE 5-7, матични број 07833300.

Решењем број БД 102716/2005 од 01.01.2006, регистровано је да се БРИШЕ овај привредни субјект из Регистра привредних субјеката, услед статусне промене спајање уз оснивање привредних субјеката Јавно предузеће POVRŠINSKI KOPOVI-KOSTOLAC, матични број 07833300, Јавно предузеће TERMOELEKTRANE-KOSTOLAC, матични број 07833296, као друштва која престају спајањем и привредног друштва TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC, NIKOLE TESLE 5-7, матични број 20114185, као друштва које се услед ове статусне промене оснива, и услед које се привредни субјект Јавно предузеће POVRŠINSKI KOPOVI-KOSTOLAC, матични број 07833300, брише из регистра.

Да је у регистру код Трговинског суда у Пожаревну, на регистарском улошку број 1-2609-00, решењем број Фи-37/92 од 17.01.1992, уписано оснивање: "ELEKTROPRIVREDA SRBIJE" - Javnog preduzeća "TERMOELEKTRANE KOSTOLAC" sa potpunom odgovornošću Kostolac, Borisa Kidriča bb, матични број 07833296.

Решењем Агенције за привредне регистре у Београду, број БД 19380/2005 од 23.05.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE TERMOELEKTRANE KOSTOLAC KOSTOLAC SA PO, NIKOLE TESLE BB, матични број 07833296.

Решењем број БД 102711/2005 од 01.01.2006, регистровано је да се БРИШЕ овај привредни субјект из Регистра привредних субјеката, услед спајања уз оснивање привредних субјеката Јавно предузеће POVRŠINSKI KOPOVI-KOSTOLAC, матични број 07833300, Јавно предузеће ТЕRMOELEKTRANE-KOSTOLAC, матични број 07833296, као друштва која престају спајањем и привредног друштва ТЕRMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC, NIKOLE TESLE 5-7, матични број 20114185, као друштва које се услед ове статусне промене оснива, и услед које се привредни субјект Јавно предузеће TERMOELEKTRANE-KOSTOLAC, матични број 07833296, брише из регистра.

Да је решењем Агенције за привредне регистре у Београду, број БД 102722/2005 од 01.01.2006, у Регистру привредних субјеката регистровано оснивање привредног друштва под пуним пословним именом: PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC, NIKOLE TESLE 5-7, матични број 20114185.

Истим решењем регистрована је и статусна промена спајање уз оснивање приврених субјеката Јавно предузеће POVRŠINSKI KOPOVI-KOSTOLAC, матични број 07833300, Јавно предузеће TERMOELEKTRANE-KOSTOLAC, матични број 07833296, као друштва која престају спајањем и привредног друштва TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC, NIKOLE TESLE 5-7, матични број 20114185, као друштва које се услед ове статусне промене оснива. Решењем број БД 57143/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC, матични број 20114185, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

1. PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број

07715226,

 PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,

3. Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори

доо Београд матични број 20816244,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,

5. PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO

KOSTOLAC матични број 20114185,

 PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и

 PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је у регистру код Трговинског суда у Сремској Митровици, на регистарском улошку број 1-401, решењем број Фи-304/81 од 16.11.1981, уписано организовање и конституисање: Radne organizacije "ENERGANA" sa potpunom odgovornošću Sremska Mitrovica, Jarački put bb, која је настала издвајањем OOUR "ENERGANA" n.sub. o. Sremska Mitrovica, из састава RO Fabrika celuloze i papira "Milan Stepanović Matroz" n.sol.o Sremska Mitrovica (ТС Сремска Митровица рег. ул. бр. 1-253).

Ова РО је решењем број Фи-212/87 од 20.05.1987, променила назив и удружила се у СОУР као: SOUR "ELEKTROVOJVODINA" Novi Sad-Radna organizacija "ENERGANA" p.o. Sremska Mitrovica, а решењем број Фи-612/89 од 31.12.1989, уписано је да се брише ова радна организација, услед организовања Društvenog preduzeća za proizvodnju termoelektrične energije "ENERGANA" p.o. Sremska Mitrovica (ТС Сремска Митровица рег. ул. бр. 1-621).

Да је у регистру код Трговинског суда у Сремској Митровици, на регистарском улошку број 1-621, решењем Фи-611/89 од 31.12.1989, уписано организовање: Društvenog preduzeća za proizvodnju termoelektrične energije "ENERGANA" potpuna odgovornost Sremska Mitrovica, Jarački put bb.

Решењем број Фи-355/90 од 08.05.1990, уписано је да се брише ово предузеће, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2 (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Новом Саду, на регистарском улошку број 1-795, решењем број Фи-2158/75 од 06.05.1976, уписано: "TE-TO Novi Sad" Preduzeće za proizvodnju električne i toplotne energije и "osnivanju" Novi Sad, Dimitrija Tucovića 5, које је решењем број Фи-1714/82 од 31.12.1982, променило седиште и конституисало се као: Termoelektrana-toplana "NOVI SAD" sa potpunom odgovornošću Novi Sad, Severna industrijska zona bb.

Решењем број Фи-1687/87 од 19.11.1987, ова РО се конституисала као: Termoelektranatoplana "NOVI SAD" sa potpunom odgovornošću Novi Sad, Severna industrijska zona bb, а
решењем број Фи-940/90 од 07.05.1990, уписано је да се брише ова радна организација, услед
оснивања Javnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2 (ТС Београд рег.
ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće
"ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању
Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом
Јаvno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Зрењанину, на регистарском улошку број 1-262, решењем број Фи-978/73 од 31.01.1974, уписано: TERMOELEKTRANA Radna organizacija za proizvodnju toplotne i električne energije Zrenjanin, u sastavu "Servo Mihalj" IPK, која је решењем број Фи-708/78 од 30.01.1979, променила фирму у: "TERMOELEKTRANA" Radna organizacija za proizvodnju termoelektrične energije p.o. Zrenjanin, u sastavu IPK "Servo Mihalj" Zrenjanin.

Ова РО је решењем број Фи-63/88 од 03.03.1988, променила фирму у: SOUR "ELEKTROVOJVODINA" "TERMOELEKTRANA" Radna organizacija za proizvodnju termoelektrične energije p.o. Zrenjanin, која се решењем број Фи-232/89 од 09.11.1989, ускладила са Законом о предузећима као: "TERMOELEKTRANA" Društveno preduzeće za proizvodnju termoelektrične energije, sa potpunom odgovomošću, Zrenjanin.

Решењем број Фи-342/89 од 31.12.1989, уписано је да се брише ово предузеће, услед поделе

на:

- DP "TERMOELEKTRANA" Zrenjanin (TC Зрењанин рег. ул. бр. 1-694) и

DP "GREJANJE" Zrenjanin (ТС Зрењанин рег. ул. бр. 1-695).

Да је у регистру код Трговинског суда у Зрењанину, на регистарском улошку број 1-694, решењем број Фи-340/89 од 31.12.1989, уписано: "TERMOELEKTRANA" Društveno preduzeće za proizvodnju termoelektrične energije sa potpunom odgovornošću, Zrenjanin, а решењем број Фи-521/89 од 03.01.1990, уписано је да се брише ова радна организација услед припајања DP "TERMOELEKTRANA-TOPLANA" р.о. Zrenjanin (TC Зрењанин рег. ул. бр. 1-565).

Да је у регистру код Трговинског суда у Зрењанину, на регистарском улошку број 1-565, решењем број Фи-443/78 од 28.07.1978, уписано: "TERMOELEKTRANA-TOPLANA" Radna organizacija za proizvodnju termoelektrične energije i toplote u osnivanju Zrenjanin, Pančevački drum bb, која се решењем број Фи-339/89 од 31.12.1989, организовала као: "TERMOELEKTRANA-TOPLANA" Društveno preduzeće za proizvodnju termoelektrične energije i toplote sa potpunom odgovornošću Zrenjanin.

Решењем број Фи-304/90 од 08.05.1990, уписано је да се брише ово предузеће, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за

производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Зрењанину, као суда уписа, на регистарском улошку број 1-1393-00, (веза 1-7211-00-13, ТС Београд као регистарског суда), решењем Трговинског суда у Београду број Фи-14068/90 од 27.11.1990, уписано: JAVNO PREDUZEĆE "ELEKTROPRIVREDA" BEOGRAD SA POTPUNOM ODGOVORNOŠĆU BEOGRAD, CARICE MILICE 2, DEO PREDUZEĆA TE-TO ZRENJANIN.

Да је у регистру код Трговинског суда у Зрењанину, као суда уписа, на регистарском улошку број 1-2293-00, (веза 1-4792-02, ТС Нови Сад као регистарског суда), решењем Трговинског суда у Новом Саду број Фи-482/92 од 12.02.1992, уписано: "ELEKTROPRIVREDA SRBIJE – JAVNO PREDUZEĆE PANONSKE ELEKTRANE", sa potpunom odgovornošću Novi Sad, Bulevar 23. oktobar broj 100, DEO PREDUZEĆA TE-TO ZRENJANIN, Zrenjanin, ulica Pančevačka broj bb.

Да је у регистру код Трговинског суда у Новом Саду, на регистарском улошку број 1-4792, решењем број Фи-185/92 од 23.01.1992, уписано оснивање предузећа: "Elektroprivreda Srbije - Javno preduzeće PANONSKE ELEKTRANE" sa potpunom odgovornošću Novi Sad, Bulevar 23. oktobra 100.

У саставу овог предузећа, као делови, пословали су:

 ТЕ-ТО "Novi Sad" Novi Sad, VII ulica 102, уписана решењем број Фи-481/92 од 12.02.1992, на рег. ул. бр. 1-4792-01.

- TE-TO "Zrenjanin" Zrenjanin, Pančevačka bb, уписана решењем број Фи-482/92 од

12.02.1992, на рег. ул. бр. 1-4792-02 и

 ТЕ-ТО "Sremska Mitrovica" Sremska Mitrovica, Jarački put bb. уписана решењем број Фи-483/92 од 12.02.1992, на рег. ул. бр. 1-4792-03.

"Elektroprivreda Srbije - Javno preduzeće PANONSKE ELEKTRANE" sa potpunom odgovornošću Novi Sad, Bulevar 23. oktobra 100, је решењем број Фи-2012/94 од 02.06.1994, променило седиште у: "Elektroprivreda Srbije - Javno preduzeće Panonske elektrane", sa potpunom odgovornošću Novi Sad, Bulevar Oslobođenja 100, матични број 08271259.

Решењем Агенције за привредне регистре у Београду, број БД 74774/2005 од 06.07.2005, ово друштво је преведено у Регистар привредних субјеката под пуним пословним именом: ELEKTROPRIVREDA SRBIJE-JAVNO PREDUZEĆE PANONSKE ELEKTRANE SA POTPUNOM ODGOVORNOŠĆU NOVI SAD, BULEVAR OSLOBOĐENJA 100, матични број 08271259.

Истим решењем, као огранци, регистровани су:

- TE-TO SREMSKA MITROVICA, са седиштем на адреси: Јарачки пут бб, Сремска Митровица,
- ТЕ-ТО ZRENJANIN, са седиштем на адреси: Панчевачка бб, Зрењанин и
- ТЕ-ТО NOVI SAD, са седиштем на адреси: VII улица 102, Нови Сад.

Ово друштво је решењем број БД 102738/2005 од 01.01.2006, регистровало промену података и то промену правне форме, назива и пуног пословног имена у: PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD, BULEVAR OSLOBOĐENJA 100, матични број 08271259.

Решењем број БД 107301/2006 од 27.03.2006, ово друштво је регистровало промену података

и то промену назива огранака, тако што су уписани:

 PANONSKE TE-TO DOO NOVI SAD - TERMOELEKTRANA-TOPLANA SREMSKA MITROVICA, са седиштем на адреси: Јарачки пут бб, Сремска Митровица,

 PANONSKE TE-TO DOO NOVI SAD - TERMOELEKTRANA-TOPLANA ZRENJANIN, са седиштем на адреси: Панчевачка бб. Зрењанин и

 PANONSKE TE-TO DOO NOVI SAD - TERMOELEKTRANA-TOPLANA NOVI SAD, са седиштем на адреси: VII улица 102, Нови Сад.

Решењем број БД 57135/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD, матични број 08271259, из регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број

07715226.

 PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,

3. Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори

доо Београд матични број 20816244,

 PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,

5. PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO

KOSTOLAC матични број 20114185,

 PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и

 PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 178 свеска I, решењем број Фи-25/54 од 23.01.1954, уписано: "KOLUBARA" rudnici nemetala Baroševac, чији је оснивач Народни одбор среза Колубарског Лазаревац решењем бр. 18760 од 30.12.1953.

Решењем број Фи-1347/69 од 27.05.1963, уписано је да се брише ово предузеће, услед припајања Preduzeću za izvođenje građevinskih radova i proizvodnju građevinskog materijala "PROGRES" Lazarevac (рег. лист 285 свеска II).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 285 свеска II, решењем број Фи-1795/58 од 22.09.1958, уписано: "PROGRES" preduzeće za izvođenje građevinskih radova i proizvodnju građevinskog materijala Lazarevac, чији је оснивач бивши Народни одбор среза Колубарског - Лазаревац, решењем број 915 од 04.02.1951.

Ово предузеће је решењем број Фи-734/65 од 08.04.1965, променило назив у: Industrija

gradevinskog materijala i prerada metala "PROGRES" Lazarevac.

Решењем број Фи-299-301/72 од 13.03.1972, уписано је да се брише ова индустрија, услед спајања у новонасталу Samostalnu organizaciju udruženog rada-svojstvo pravnog lica-"PROGRES-GRADEVINAR" Lazarevac, а које ће пословати у саставу Rudarsko-energetskog industrijskog kombinata "KOLUBARA" Vreoci (рег. лист 646 свеска IV).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 191 свеска I, решењем број Фи-420/54 од 28.09.1954, уписано: KOLUBARSKI RUDNICI LIGNITA, Vreoci, чији је оснивач Влада НРС решењем број 824.

Решењем број Фи-703/60 од 25.04.1960, уписано је да се брише ово предузеће, услед

припајања предузећу Površinski kopovi i sušara lignita, Vreoci (рег. лист 238 свеска II).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 320 свеска II, решењем број Фи-505/60 од 01.04.1960, уписано: Lignitski kombinat "KOLUBARA" Vreoci, чији је оснивач Preduzeće Površinski kopovi i sušara lignita Vreoci одлуком Радничком савета број 149 од 21-23.03.1960.

У саставу овог комбината пословала је и следећа погонска-пословна јединица:

 Projektantski biro preduzeća u izgradnji Vreoci, уписан решењем број Фи-797/61 од 09.04.1961, на рег. лист 320 свеска II.

Решењем број Фи-2277/62 од 28.12.1962, уписано је да се брише Lignitski kombinat "KOLUBARA" Vreoci са својим погоном услед припајања Rudarskom basenu "KOLUBARA" Vreoci (рег. лист 238 свеска II).

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 238 свеска II, решењем број Фи-2015/56 од 17.08.1956, уписано: Površinski kopovi i sušara lignita, Vreoci, чији је оснивач Извршно веће НР Србије решењем бр. 541 од 31.07.1956.

Решењем број Фи-1454/60 од 24.8.1960, ово предузеће је променило назив у: Rudarski basen "KOLUBARA" Vreoci, које је решењем број Фи-2483/65 од 11.12.1965, је променило фирму и конституисало се као: Združeno elektroprivredno preduzeće Srbije rudarski basen "KOLUBARA" Vreoci.

У саставу овог предузећа пословале су и следеће погонске-пословне јединице:

- Građevinski pogon, Vreoci, уписан решењем број Фи-190/63 од 16.01.1963.
- Pogon autotransport Vreoci, уписан решењем број Фи-107/67, а решењем број Фи-19/68, уписано је да се брише овај погон, услед иступања у Auto transportno preduzeće "LASTA" Beograd.

Решењем број Фи-1809-1811 и 2346/69 од 03.06.1969, уписано је да се брише Združeno elektroprivredno preduzeće Srbije Rudarski basen "KOLUBARA" Vreoci, услед припајања истих у јединствену радну организацију Rudarsko-energetsko industrijski kombinat "KOLUBARA" Vreoci, од 01.04.1969, у саставу Združenog elektroprivrednog preduzeća Srbije, Beograd.

Да је у старом судском регистру предузећа и радњи за град Ваљево, на регистарском листу број 646 свеска IV, решењем број Фи-1809-1811 и 2346/69 од 03.06.1969, уписан: Rudarsko-energetski industrijski kombinat "KOLUBARA" Vreoci, који је основан на основу одлуке Радничког савета RB "KOLUBARA" Vreoci и Termoelektrane "KOLUBARA" Veliki Crljeni од 24.03.1969, одлуке Združenog elektroprivrednog preduzeća Srbije, Vreoci од 27.05.1969, анализе економске оправданости о оснивању овог комбината, предлога конкурсне комисије за именовање генералног директора комбината од 16.06.1969, и одлуке комбинта од 18.06.1969.

У саставу овог комбината пословали су следећи делови:

Projektantski biro, Vreoci, уписан решењем број Фи-1334/70 од 01.06.1971.

- Predstavništvo Beograd, Beograd, Internacionalnih brigada 1, уписано решењем број Фи-2862/70 од 30.10.1970.
- Radna jedinica za gazdovanje stambenim zgradama Vreoci, уписана решењем број Фи-61/71 од 18.01.1971.
- Radna jedinica za maloprodaju uglja Junkovac, уписана решењем број Фи-1751/71 од 21.05.1971.
- Metalopreradivački pogon, Veliki Crljeni, уписан решењем број Фи-1883/71 од 28.05.1971.
- Radna jedinica uglja, Vreoci, уписана решењем број Фи-4302/71 од 11.01.1972.
- Radna jedinica prodavnica uglja, Vreoci, уписана решењем број Фи-4302/71 од 11.01.1972.
- SOUR-pravno lice "PROGRES-GRAĐEVINAR" Lazarevac, уписана решењем број Фи-299-301/72 од 13.03.1972.

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-539-00, решењем број Фи-1530/75 од 02.09.1975, уписан: Rudarsko energetsko industrijski kombinat "KOLUBARA" sa solidarnom odgovornošću Vreoci.

- OOUR POVRŠINSKI KOP POLJE "B" sa ograničenom supsidijarnom odgovomošću Rudovci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-01. Решењем број Фи-72/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO za proizvodnju lignita "KOLUBARA-POVRŠINSKI KOPOVI" Baroševac (TC Београд рег. ул. бр. 1-2295-00).
- OOUR POVRŠINSKI KOP POLJE "D" sa ograničenom supsidijarnom odgovornošću Zeoke, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-02, а решењем број Фи-31/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO za proizvodnju lignita "KOLUBARA-POVRŠINSKI KOPOVI" Baroševac (TC Београд рег. ул. бр. 1-2295-00).
- OOUR POMOĆNA MEHANIZACIJA sa ograničenom supsidijarnom odgovornošću Rudovci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-03, а решењем број Фи-55/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO za proizvodnju lignita "KOLUBARA-POVRŠINSKI KOPOVI" Baroševac (ТС Београд рег. ул. бр. 1-2295-00).

- OOUR SUVA SEPARACIJA sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-04, а решењем број Фи-41/78 од 04.01.1978, уписано је да се брише ова ООУР услед удруживања у RO prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" Vreoci (TC Београд рег. ул. бр. 1-2297-00).
- OOUR MOKRA SEPARACIJA sa ograničenom supsidijamom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-05, а решењем број Фи-29/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" Vreoci (TC Београд рег. ул. бр. 1-2297-00).
- OOUR SUŠARA sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-06, а решењем број Фи-36/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" Vreoci (TC Београд рег. ул. бр. 1-2297-00).
- OOUR TOPLANA sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-07, а решењем број Фи-64/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" Vreoci (TC Београд рег. ул. бр. 1-2297-00).
- OOUR ODRŽAVANJE U PRERADI UGLJA sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-08, а решењем број Фи-68/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" Vreoci (ТС Београд рег. ул. бр. 1-2297-00).
- OOUR TE "KOLUBARA" Veliki Crljeni, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-09, а решењем број Фи-51/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- TERMOELEKTRANA" Veliki Crljeni (TC Београд рег. ул. бр. 1-2294-00).
- OOUR Jama "JUNKOVAC" sa ograničenom supsidijarnom odgovornošću Junkovac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-10, а решењем број Фи-109/77 од 13.01.1977, уписано је да се отвара поступак ликвидације, а на основу решења број L-34/76.
- 11. OOUR "CENTRALNI REMONT" sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-11, а решењем број Фи-53/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA-METAL" Vreoci (ТС Београд рег. ул. бр. 1-2296-00).
- OOUR "ŽELEZNIČKI TRANSPORT" sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-12, а решењем број Фи-61/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- PRERADA" Vreoci (ТС Београд рег. ул. бр. 1-2297-00).

- 13. OOUR "MONTAŽA" sa ograničenom supsidijamom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-13, а решењем број Фи-57/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA-METAL" Vreoci (ТС Београд рег. ул. бр. 1-2296-00).
- 14. OOUR "GRADEVINSKA OPERATIVA" sa ograničenom supsidijamom odgovomošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-14, а решењем број Фи-66/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00).
- 15. OOUR "GRAĐEVINSKO ZANATSTVO" sa ograničenom supsidijamom odgovornošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-15, а решењем број Фи-2034/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00).
- 16. OOUR "TRANSPORT, MEHANIZACIJA I RADIONICA" sa ograničenom supsidijarnom odgovornošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-16, а решењем број Фи-59/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00).
- 17. OOUR "PROIZVODNJA GRAĐEVINSKIH MATERIJALA I NEMETALA" sa ograničenom supsidijarnom odgovornošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-17, а решењем број Фи-48/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00).
- 18. OOUR "METALOPRERAÐIVAČKI POGON" sa ograničenom supsidijarnom odgovomošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-18, а решењем број Фи-25/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- METAL" Vreoci (ТС Београд рег. ул. бр. 1-2296-00).
- 19. OOUR "DRUŠTVENA ISHRANA" sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-19, а решењем број Фи-27/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA-UGOSTITELJSTVO" Vreoci (TC Београд рег. ул. бр. 1-2300-00).
- 20. OOUR "BIRO ZA PROJEKTOVANJE I INŽENJERING" sa ograničenom supsidijarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-20, а решењем број Фи-33/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- PROJEKT" Lazarevac (ТС Београд рег. ул. бр. 1-2293-00).
- 21. OOUR "ELEKTRONSKO RAČUNSKI CENTAR" sa ograničenom supsidijarnom odgovornošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-21, а решењем број Фи-38/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "KOLUBARA- PROJEKT" Lazarevac (ТС Београд рег. ул. бр. 1-2293-00).

- 22. ZOOUR "POVRŠINSKI KOPOVI" sa solidarnom odgovornošću Zeoke, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-22. У саставу овог ЗООУР-а, пословале су и: OOUR Površinski kop "Polje B" Rudovci, OOUR "Polje D" Zeoke и OOUR "Pomoćna mehanizacija" Rudovci. Решењем број Фи-76/78 од 04.01.1978, уписано је да се брише ова ЗООУР, услед удруживања у RO "KOLUBARA POVRŠINSKI KOPOVI" Baroševac (ТС Београд рег. ул. бр. 1-2295-00). Сва средства, права и обавезе ЗООУР-а, преузимају: OOUR "Polje B" Rudovci, OOUR "Polje D" Zeoke и OOUR "Pomoćna mehanizacija" Rudovci.
- 23. ZOOUR "PRERADA UGLJA" sa solidarnom odgovornošću Vreoci, уписана решењем број Фи-1530/75 од 02,09.1975, на рег. ул. бр. 1-539-23. У саставу овог ЗООУР-а, пословале су и: ООИК "Suva separacija" Vreoci, OOUR "Mokra separacija" Vreoci, OOUR "Sušara" Vreoci, OOUR "Торlana" Vreoci и OOUR "Održavanje u preradi uglja" Vreoci. Решењем број Фи-70/78 од 04.01.1978, уписано је да се брише ова ЗООУР, услед удруживања у RO "KOLUBARA-PRERADA" Vreoci (ТС Београд рег. ул. бр. 1-2297-00). Сва средства, права и обавезе ЗООУР-а, преузимају: ООИК "Sušara" Vreoci, OOUR "Mokra separacija" Vreoci, OOUR "Suva separacija" Vreoci, OOUR "Toplana" Vreoci, OOUR "Održavanje i prerada" Vreoci и OOUR "Železnički transpor" Vreoci.
- 24. ZOOUR "PROGRES-GRAĐEVINAR" sa solidarnom odgovornošću Lazarevac, уписана решењем број Фи-1530/75 од 02.09.1975, на рег. ул. бр. 1-539-24. У саставу овог ЗООУР-а, пословале су и: OOUR "Građevinska operativa" Lazarevac OOUR "Građevinsko zanatstvo" Lazarevac, OOUR "Transport, mehanizacija i radionica" Lazarevac и OOUR "Proizvodnja građevinskih materijala i nemetala" Lazarevac. Решењем број Фи-46/78 од 04.01.1978, уписано је да се брише ова ЗООУР-а, услед удруживања у RO "KOLUBARA GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00). Сва средства, права и обавезе ЗООУР-а, преузимају: OOUR "Proizvodnja građevinskog materijala" Lazarevac, OOUR "Visokogradnja" Lazarevac, OOUR "Niskogradnja" Lazarevac и OOUR "Završni radovi u građevinarstvu" Lazarevac.
- 25. OOUR "KOLUBARA-PROMET" Vreoci, уписана решењем број Фи-2350/76 од 30.06.1976, на рег. ул. бр. 1-539-25, која се решењем број Фи-4806/77 од 22.02.1977, конститунсала као: ООИК "КОLUBARA-PROMET" sa ograničenom supsidijarnom odgovornošću Vreoci. Решењем број Фи-74/78 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања у RO "КОLUBARA-PROMET" Vreoci (ТС Београд рег. ул. бр. 1-2298-00).

Решењем број Фи-44/78 од 04.01.1978, уписано је да се брише Rudarsko energetsko industrijski kombinat "KOLUBARA" sa solidarnom odgovornošću Vreoci, услед организовања у SOUR Rudarsko energetsko industrijski kombinat "KOLUBARA" Lazarevac (ТС Београд рег. ул. бр. 1-2303-00).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2293-00, решењем број Фи-40/78 од 04.01.1978, уписано организовање и конститунсање: Radne organizacije za projektovanje, inženjering i elektronsku obradu podataka "KOLUBARA-PROJEKT" n.sol.o. OOUR-a Lazarevac, која је настала удруживањем OOUR-a "Biro za projektovanje i inženjering" Lazarevac и OOUR-a "Elektronski računski centar" Lazarevac, из састава RO REIK "KOLUBARA" Vreoci (TC Београд рег. ул. бр. 1-539-00).



- OOUR Biro za projektovanje i inženjering Lazarevac, уписана решењем број Фи-34/78 од 04.01.1978, на рег. ул. бр. 1-2293-01, а решењем број Фи-1656/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.
- OOUR "Elektro-računski centar" Lazarevac, уписана решењем број Фи-39/78 од 04.01.1978, на рег. ул. бр. 1-2293-02, а решењем број Фи-1655/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.

Radna organizacija za projektovanje, inženjering i elektronsku obradu podataka "KOLUBARA-PROJEKT" n.sol.o. OOUR-a Lazarevac, се решењем број Фи-3723/79 од 29.10.1979, удружила у SOUR REIK "Kolubara" Lazarevac и уписана је као: Radna organizacija za projektovanje, inženjering i elektronsku obradu podataka "KOLUBARA-PROJEKT" n.sol.o. OOUR-a, Lazarevac, која се решењем број Фи-1657/87 од 07.09.1987, конституисала као: Radna organizacija za projektovanje "KOLUBARA-PROJEKT" sa potpunom odgovornošću, bez OOUR-a Lazarevac.

Решењем број Фи-3689/90 од 01.04.1990, уписано је да се брише ова радна организација, услед оснивања Jedinstvenog javnog preduzeća za upravljanje elektroenergetskim sistemom, promet električne energije, prenos i razvoj Beograd, Carice Milice 2 (TC Београд рег. ул. бр. 1-6571-00), које преузима средства, права и обавезе брисане радне организације.

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2295-00, решењем број Фи-77/78 од 04.01.1978, уписано организовање и конститунсање: Radne organizacije za proizvodnju lignita "KOLUBARA-POVRŠINSKI KOPOVI" n.sol.o. OOUR-a Baroševac, која је настала удруживањем ООИR-a Polje "В" Rudovci, OOUR-a Polje "D" Zeoke и OOUR-a "Pomoćna mehanizacija" Rudovci из састава Rudarsko energetsko industrijskog kombinata "KOLUBARA" sa solidarnom odgovornošću Vreoci (TC Београд рег. ул. бр. 1-539-00).

У саставу ове РО пословали су следећи ООУР-и:

- OOUR Polje "В" Rudovci, уписана решењем број Фи-73/78 од 04.01.1978, на рег. ул. бр. 1-2295-01.
- OOUR Polje "D" Zeoke, уписана решењем број Фи-32/78 од 04.01.1978, на рег. ул. бр. 1-2295-02.
- OOUR Pomoćna mehanizacija Rudovci, уписана решењем број Фи-56/78 од 4.01.1978, на рег. ул. бр. 1-2295-03, која је решењем број Фи-381/84 од 05.04.1984, променила седиште у: OOUR "Pomoćna Mehanizacija" Zeoke.
- OOUR "Таmnava-Istočno polje" Stepojevac, уписана решењем број Фи-3125/83 од 05.03.1984, на рег. ул. бр. 1-2295-04.

Radna organizacija za proizvodnju lignita "KOLUBARA-POVRŠINSKI KOPOVI" n.sol.o. OOUR-а Baroševac, је решењем број Фи-3719/79 од 29.10.1979, уписала забележбу о удруживању у SOUR REIK "KOLUBARA", Lazarevac, са основним организацијама.

Решењем број Фи-4270/79 од 28.12.1979, ова РО је уписала забележбу о удруживању у: Složenu organizaciju udruženog rada "Združena elektroprivreda" sa n.sol.o. Beograd, Carice Milice 2.

Решењем број Фи-4991/90 од 27.04.1990, уписано је да се бриш ова РО, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2302-00, решењем број Фи-63/78 од 04.01.1978, уписана: Radna organizacija - u osnivanju - Za proizvodnju i separaciju lignita "KOLUBARA-TAMNAVSKI KOPOVI" n.sup.o. Lazarevac, Slobodana Kozareva bb, а решењем Фи-3126/83 од 05.03.1983, уписано је да се брише ова РО, услед удруживања са RO "KOLUBARA POVRŠINSKI KOPOVI" Baroševac (TC Београд рег. ул. бр. 1-2295-00) и конституисања као OOUR "TAMNAVA ISTOČNO POLJE" Stepojevac (TC Београд рег. ул. бр. 1-2295-04).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2296-00, решењем број Фи-43/78 од 04.01.1978, уписано конституисање: Radne organizacije za proizvodnju, montažu i remont "KOLUBARA-METAL" n.sol.o. OOUR-a, Vreoci, која је настала удруживањем OOUR-a "Montaža" Vreoci, OOUR-a "Centralni remont" Vreoci и OOUR-a "Metalopreradivački pogon" Vreoci из састава Rudarsko energetsko industrijskog kombinata "KOLUBARA" sa solidarnom odgovornošću Vreoci (TC Београд рег. ул. бр. 1-539-00).

- OOUR Montaža Vreoci, уписана решењем број Фи-58/78 од 04.01.1978, на рег. ул. бр. 1-2296-01.
- OOUR "CENTRALNI REMONT" Vreoci, уписана решењем број Фи-54/78 од 04.01.1978, на рег. ул бр. 1-2296-02.
- 3. OOUR Metaloprerdivački pogon Vreoci, уписана решењем број Фи-26/78 од 04.01.1978, на рег. ул. бр. 1-2296-03, која је решењем број Фи-206/84 од 08.02.1984, променила назив у: OOUR "МЕТALOPRERAÐIVAČ" Vreoci. Решењем број Фи-202/85 од 18.02.1985, уписано је да се брише ова ООУР, услед удруживања у ООUR "Fabrika energetske opreme" Vreoci у саставу RO "KOLUBARA-METAL" Vreoci. Средства, права и обавезе брисане ООУР преузима ООUR "Fabrika energetske opreme" Vreoci, у саставу RO "KOLUBARA-METAL" Vreoci (ТС Београд рег. ул. бр. 1-2296-00).
- OOUR "Fabrika energetske opreme" Vreoci, уписана решењем број Фи-3855/80 од 31.12.1980, на рег. ул бр. 1-2296-04. Решењем број Фи-203/85 од 18.02.1985, уписана је забележба о удруживању OOUR-а "METALOPRERAĐIVAČ" Vreoci, у OOUR "Fabrika energetske opreme" Vreoci.
- OOUR za elektromašinske, montažne i proizvodne radove "ELMONT" Lajkovac, уписана решењем број Фи-3511/82 од 18.02.1983, на рег. ул. бр. 1-2296-05, која је настала



удруживањем RO "ELMONT" Valjevo у RO "KOLUBARA-METAL" Vreoci и конститунсала се као ООУР.

Radna organizacija za proizvodnju, montažu i remont "KOLUBARA-METAL" n.sol.o. OOUR-a Vreoci, је решењем број Фи-2764/81 од 31.07.1981, уписала забележбу о удруживању у SOUR REIK "KOLUBARA" Lazarevac (TC Београд рег. ул. бр. 1-2303-00).

Решењем број Фи-4996/90 од 27.04.1990, уписано је да се брише ова РО услед оснивања Јаvnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Јаvno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2297-00, решењем број Фи-71/78 од 04.01.1978, уписано организовање и контститунсање: Radne organizacije prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" n.sol.o. OOUR-a Vreoci, која је настала удруживањем ООУР-а: OOUR "Sušara" Vreoci, OOUR Mokra separacija Vreoci, OOUR Suva separacija Vreoci, OOUR "Toplana" Vreoci, OOUR "Održavanje i prerada" Vreoci и OOUR "Železnički transport" Vreoci, из састава RO REIK "KOLUBARA" Lazarevac (TC Београд рег. ул. бр. 1-539-00).

- OOUR "SUŠARA" Vreoci, уписана решењем број Фи-37/78 од 04.01.1979, на рег. ул. бр. 1-2297-01, а решењем број Фи-3041/83 од 04.01.1978, уписано је да се брише ова ООУР, услед удруживања са ООУР-има: OOUR "Mokra separacija" Vreoci, OOUR "Održavanje u preradi" Vreoci и OOUR "Toplana" Vreoci.
- OOUR "МОККА SEPARACIJA" Vreoci, уписана решењем број Фи-30/78 од 04.01.1979, на рег. ул. бр. 1-2297-02, која је брисана решењем број Фи-3040/83 од 31.12.1983, услед удруживања са ООУР-има: OOUR "Sušara" Vreoci, OOUR "Toplana" Vreoci и OOUR "Održavanje u preradi" Vreoci.
- OOUR SUVA SEPARACIJA Vreoci, уписана решењем број Фи-42/78 од 04.01.1979, на рег. ул. бр. 1-2297-03.
- OOUR TOPLANA Vreoci, уписана решењем број Фи-65/78 од 04.01.1978, на рег. ул. бр. 1-2297-04, а решењем број Фи-3039/83 од 31.12.1983, уписано је да се брише ова ООУР, услед удруживања са ООУР-има: OOUR "Sušara" Vreoci, OOUR "Мокга separacija" Vreoci и OOUR "Održavanje u preradi" Vreoci.
- OOUR ODRŽAVANJE U PRERADI Vreoci, уписана решењем број Фи-69/78 од 04.01.1978, на рег. ул. бр. 1-2297-05, а решењем број Фи-3038/83 од 31.12.1983, уписано је да се брише ова ООУР, услед удруживања са ООУР-има: OOUR "Sušara" Vreoci, OOUR "Mokra separacija" Vreoci и OOUR "Toplana" Vreoci.
- OOUR ŽELEZNIČKI TRANSPORT Vreoci, уписана решењем број Фи-62/78 од 04.01.1978, на рег. ул. бр. 1-2297-06.



 OOUR "OPLEMENJIVANJE UGLJA", Vreoci, уписана решењем број Фи-3037/83 од 31.12.1983, на рег. ул. бр. 1-2297-07, која је настала удруживањем OOUR-а: OOUR "Sušara" Vreoci, OOUR "Toplana" Vreoci, OOUR "Mokra separacija" Vreoci и OOUR "Održavanje u preradi" Vreoci.

Radna organizacija prerade, oplemenjivanja i transporta lignita "KOLUBARA-PRERADA" n.sol.o. OOUR-a Vreoci, је решењем број Фи-3701/79 од 29.10.1979, уписала забележбу о удруживању у SOUR REIK "KOLUBARA" Lazarevac (ТС Београд рег. ул. бр. 1-2303-00), са основним организацијама.

Решењем број Фи-4989/90 од 27.04.1990, уписано је да се брише ове РО, услед оснивања Јаупод preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Јаупо preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Jayno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2298-00, решењем број Фи-75/78 од 04.01.1978, уписана: Radna organizacija za promet robe, usluga i komercijalne poslove u zemlji i inostranstvu "KOLUBARA-PROMET" P.O. Vreoci.

Решењем број Фи-3715/79 од 01.11.1979, ова РО је уписала забележбу о удруживању у SOUR REIK "KOLUBARA" Lazarevac (TC Београд рег. ул. бр. 1-2303-00).

Решењем број Фи-4993/90 од 27.04.1990, уписано је да се брише ова РО, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. уп. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2299-00, решењем број Фи-47/78 од 04.01.1978, уписана: Radna organizacija za proizvodnju građevinskog materijala i građevinarstvo "KOLUBARA-GRAĐEVINAR" n.sol.o. OOUR-a Lazarevac, која је настала удруживањем ООUR-а "Niskogradnja" Lazarevac, OOUR "Visokogradnja" Lazarevac, OOUR-a Za proizvodnju građevinskog materijala Lazarevac, OOUR-a Za završne radove u građevinarstvu Lazarevac из састава RO REIK "KOLUBARA" Lazarevac.

- OOUR za niskogradnju Lazarevac, уписана решењем број Фи-60/78 од 04.01.1978, на рег. ул. бр. 1-2299-01, а решењем број Фи-1697/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.
- OOUR za visokogradnju Lazarevac, уписана решењем број Фи-67/78 од 04.01.1978, на рег. ул. бр. 1-2299-02, а решењем број Фи-1695/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.



- OOUR za proizvodnju građevinskog materijala Lazarevac, уписана решењем број Фи-49/78 од 04.01.1978, на рег. ул. бр. 1-2299-03, а решењем број Фи-1694/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.
- OOUR za završne radove u građevinarstvu Lazarevac, уписана решењем број Фи-35/78 од 04.01.1978, на рег. ул. бр. 1-2299-04, а решењем број Фи-1696/87 од 07.09.1987, уписано је да се брише ова ООУР, услед конституисања радне организације у радну организацију без основних организација.

Radna organizacija za proizvodnju građevinskog materijala i građevinarstvo "KOLUBARA-GRAĐEVINAR" n.sol.o. OOUR-a Lazarevac, се решењем број Фи-3708/79 од 01.11.1979, удружила у SOUR REIK "KOLUBARA" Lazarevac и уписана је као: Radna organizacija za proizvodnju građevinskog materijala i građevinarstvo "KOLUBARA-GRAĐEVINAR" n.sol.o. OOUR-a Lazarevac, која се решењем број Фи-1693/87 од 07.09.1987, конституисала као: Radna organizacija za proizvodnju građevinskog materijala i građevinarstvo "KOLUBARA-GRAĐEVINAR" p.o. Lazarevac.

Решењем број Фи-9208/90 од 12.09.1990, уписано је да се брише ова РО, услед оснивања Јаvnog preduzeća za proizvodnju električne energije i proizvodnju uglja "ELEKTROPRIVREDA" Веоgrad, на основу чл. 1. Одлуке о измени и допуни Одлуке о оснивању Javnog preduzeća "ELEKTROPRIVREDA" Веоgrad ("Сл. Гласник СР Србије" број 22/90) од 12.05.1990 (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО, осим ЈУР за производњу грађевинског материјала, преузима у целости Јаvno preduzeće "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Јаvno preduzeće "ELEKTROPRIVREDA" Веоgrad, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2300-00, решењем број Фи-28/78 од 04.01.1978, уписана: Radna organizacija za društvenu ishranu i ugostiteljstvo "KOLUBARA-UGOSTITELJSTVO" p.o. Vrcoci, која је решењем број Фи-3718/79 од 01.11.1979, уписала забележбу о удруживању у SOUR REIK "KOLUBARA" Lazarevac (ТС Београд рег, ул. бр. 1-2303-00).

Решењем број Фи-4994/90 од 27.04.1990, уписано је да се брише ова РО, услед оснивања Јаупод ргеduzeća "ELEKTROPRIVREDA" sa p.o. Beograd, Carice Milice 2. Средства, права и обавезе ове РО преузима у целости Јаупо preduzeće "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Jayno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-2303-00, решењем број Фи-105/78 од 04.01.1978, уписана: Složena organizacija udruženog rada rudarsko energetsko inustrijski kombinat "KOLUBARA" n.sol.o. Lazarevac (скраћена ознаке фирме: REIK "KOLUBARA" n.sol.o. Lazarevac)

У саставу ове СОУР биле су удружене следеће радне организације:

RO "KOLUBARA-POVRŠINSKI KOPOVI" Baroševac (ТС Београд рег. ул. бр. 1-2295-00), уписана решењем број Фи-77/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 589 од 04.04.1984,

 RO "KOLUBARA-PRERADA" Vreoci (ТС Београд рег. ул. бр. 1-2297-00), уписана решењем број Фи-71/78 од 04.01.1978, на основу Самоуправног споразума о удруживању

број 589 од 04.04.1984,

 RO "KOLUBARA-TERMOELEKTRANA" Vreoci (ТС Београд рег. ул. бр. 1-2294-00), уписана решењем број Фи-52/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 589 од 04.04.1984,

 RO "KOLUBARA-METAL" Vreoci (ТС Београд рег. ул. бр. 1-2296-00), уписана решењем број Фи-43/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 589 од 04.04.1084

04.04.1984,

 RO "КОLUBARA-PROJEКТ" Lazarevac (ТС Београд рег. ул. бр. 1-2293-00), уписана решењем број Фи-40/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 589 од 04.04.1984,

 RO "KOLUBARA-GRAĐEVINAR" Lazarevac (ТС Београд рег. ул. бр. 1-2299-00), уписана решењем број Фи-47/78 од 04.01.1978, на основу Самоуправног споразума о удруживању

број 589 од 04.04.1984,

 RO "KOLUBARA-PROMET" Vreoci (ТС Београд рег. ул. бр. 1-2298-00), уписана решењем број Фи-75/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 589 од 04.04.1984,

 RO "KOLUBARA-UGOSTITELJSTVO" Vreoci (ТС Београд рег. ул. бр. 1-2300-00), уписана решењем број Фи-28/78 од 04.01.1978, на основу Самоуправног споразума о удруживању број 680 ст. 04.04.1084

број 589 од 04.04.1984,

 RO "KOLUBARA - AZBEST" Stragari (ТС Крагујевац рег. ул. бр. 1-266-00), уписана решењем број Фи-105/78 од 04.01.1978, удружена на основу Самоуправног споразума о удруживању број 20115/2 од 04.08.1978,

 RO "KOLUBARA-GRANIT PEŠČAR" Ljig (ТС Ваљево рег. ул. бр. 1-449-00), уписана решењем број Фи-5067/79 од 14.02.1980, на основу Самоуправног споразума о

удруживању број 2578 од 22.11.1979,

 RO "KOLUBARA INDUSTRIJA GRAĐEVINSKIH MATERIJALA" Vreoci (ТС Београд рег. ул. бр. 1-2876-00), уписана решењем број Фи-1043/84 од 21.06.1984, на основу Самоуправног споразума о удруживању број 292 од 24.02.1984,

 RO "KOLUBARA-UNIVERZAL" Veliki Crljeni (ТС Београд рег. ул. бр. 1-898-00), уписана решењем број Фи-2348/82 од 26.07.1982, на основу Самоуправног споразума о

удруживању број 971 од 21.05.1982 и

 RO "OBRAZOVNI CENTAR" Lazarevac (ТС Београд рег. ул. бр. 1-2433-00), уписана решењем број Фи-1006/87, на основу Самоуправног споразума о удруживању број 169 од 30.01.1987.

Решењем број Фи-4990/90 од 27.04.1990, уписано је да се брише Složena organizacija udruženog rada rudarsko energetsko inustrijski kombinat "KOLUBARA" n.sol.o. Lazarevac, услед оснивања Javnog preduzeća "ELEKTROPRIVREDA" Beograd, Carice Milice 2 (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО, осим RO "KOLUBARA-GRANIT PEŠČAR" Ljig (ТС Ваљево рег. ул. бр. 1-449-00), RO "KOLUBARA INDUSTRIJA GRAĐEVINSKIH MATERIJALA" Vreoci (ТС Београд рег. ул. бр. 1-2876-00), и RO "ОВRAZOVNІ СЕNТАR" Lazarevac (ТС Београд рег. ул. бр. 1-2433-00), преузима у целости Javno preduzeće "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу

и зелектричне енергије и производњу угља, које послује под фирмом Javno preduzeće "ELEKTROPRIVREDA" Beograd, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Ваљеву, на регистарском улошку број 1-613-00, решењем број Фи-262/82 од 25.05.1982, уписана: Radna organizacija za proizvodnju i separaciju lignita "KOLUBARA-TAMNAVSKI KOPOVI – ZAPADNO POLJE" u osnivanju, Lajkovac, а решењем број Фи-856/90 од 30.05.1990, уписано је да се брише ова радна организација, услед оснивања Јачнод ргефиzеćа "ELEKTROPRIVREDA" Beograd (ТС Београд рег. ул. бр. 1-7211-00). Средства, права и обавезе ове РО преузима у целости Јачно ргефиzеćе "ELEKTROPRIVREDA" Веоgrad (ТС Београд рег. ул. бр 1-7211-00), на основу Одлуке о оснивању Јавног предузећа за производњу електричне енергије и производњу угља, које послује под фирмом Јачно ргефиzеćе "ELEKTROPRIVREDA" Веоgrad, ("Сл.гласник СРС", бр. 59/89 и 22/90).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-23901-00, решењем број Фи-511/92 од 20.01.1992, уписано: "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac, Slobodana Kozareva 1 (скраћена ознака фирме: EPS JP RB "Kolubara" sa p.o. Lazarevac). Као оснивач овог предузећа уписано је Javno preduzeće "Elektroprivreda Srbije" sa potpunom odgovornošću Beograd, на основу акта о оснивању број 42/3-3 од 21.12.1991.

У саставу овог предузећа као делови предузећа били су уписани и:

- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-POVRŠINSKI KOPOVI" Baroševac, уписан решењем број Фи-2219/92 од 20.02.1992, на рег. ул. бр. 1-23901-01.
- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-PRERADA" Vreoci, уписан решењем број Фи-2218/92 од 20.02.1992, на рег. ул. бр. 1-23901-02.
- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-METAL" Vreoci, уписан решењем број Фи-2222/92 од 20.02.1992, на рег. ул. бр. 1-23901-03.
- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-TAMNAVSKI KOPOVI– ZAPADNO POLJE" Lajkovac, уписан решењем број Фи-2223/92 од 20.02.1992, на рег. ул. бр. 1-23901-04, који је брисан решењем број V-Фи-3372/03 од 30.04.2003.
- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-UNIVERZAL" Veliki Crljeni, уписан решењем број Фи-2220/92 од 20.02.1992, на рег. ул. бр. 1-23901-05, који је брисан решењем број XI-Фи-4602/04 од 20.05.2004,

- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-PROJEKT" Lazarevac, уписан решењем број Фи-2224/92 од 20.02.1992, на рег. ул. бр. 1-23901-06.
- "ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac - Deo "KOLUBARA-GRAĐEVINAR" Lazarevac, уписан решењем број Фи-2221/92 од 20.02.1992, на рег. ул. бр. 1-23901-07, који је брисан решењем број V-Фи-4510/04 од 28.05.2004, услед престанка са радом.

"ELEKTROPRIVREDA SRBIJE" Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac, Slobodana Kozareva 1, је решењем број IV-Фи-2411/04 од 05.03.2004, променило седиште у: "ELEKTROPRIVREDA SRBIJE" - Javno preduzeće RUDARSKI BASEN "KOLUBARA" sa potpunom odgovornošću Lazarevac, Svetog Save 1, матични број 07788053.

Решењем Агенције за привредне регистре у Београду, број БД. 2021/2005 од 20.05.2005, ово друштво је преведено у Регистар привредних субјеката под пословним именом: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA POTPUNOM ODGOVORNOŠĆU LAZAREVAC, SVETOG SAVE 1, матични број 07788053.

Истим решењем, као огранци, регистровани су:

 ELEKTROPRÍVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-PROJEKT-LAZAREVAC.

 ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-POVRŠINSKI KOPOVI-BAROŠEVAC.

 ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-PRERADA-VREOCI.

 ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA METAL-VREOCI.

Ово друштво је решењем број БД 102741/05 од 01.01.2006, регистровало промену података и то промену правне форме и пуног пословног имена у: PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO LAZAREVAC, SVETOG SAVE 1, матични број 07788053.

Решењем број БД 148116/2007 од 03.12.2007, ово друштво је регистровало промену података и то промену података о огранцима, тако што се брише: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA METAL-VREOCI.

Ово друштво је решењем број БД 162404/2009 од 21.10.2009, регистровало промену података и то промену података о огранцима, тако што се брише: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-POVRŠINSKI KOPOVI-BAROŠEVAC, а уписује: RUDARSKI BASEN KOLUBARA - OGRANAK POVRŠINSKI KOPOVI BAROŠEVAC.

Закључком број БДСЛ 149/2010 од 22.02.2010, исправљена је техничка грешка, у погледу промене података о огранцима, начињена приликом доношења решења број БД 148116/2007 од 03.12.2007, тако да уместо: брише се: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-METAL-

VREOCI, треба да стоји: брише се: RB KOLUBARA DOO LAZAREVAC - KOLUBARA-METAL-VREOCI.

Закључком број БДСЛ 150/2010 од 22.02.2010, исправљена је техничка грешка, у погледу промене података о огранцима, начињена приликом доношења решења број БД 162404/2009 од 21,10.2009, тако да уместо: брише се: ELEKTROPRIVREDA SRBIJE - JAVNO PREDUZEĆE RUDARSKI BASEN KOLUBARA SA PO LAZAREVAC, SVETOG SAVE 1 - KOLUBARA-POVRŠINSKI KOPOVI-BAROŠEVAC, треба да стоји: брише се: RB KOLUBARA DOO LAZAREVAC - KOLUBARA-POVRŠINSKI KOPOVI-BAROŠEVAC.

Решењем број БД 139082/2013 од 31.12.2013, ово друштво је регистровало промену података и то промену података о огранцима, тако што се уписује: RB KOLUBARA DOO LAZAREVAC - OGRANAK KOLUBARA METAL VREOCI.

Истим решењем регистрована је и статусна промена припајања код привредног друштва PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053; као друштва стицаоца и његовог потпуно зависног друштва PRIVREDNO DRUŠTVO ZA PROJEKTOVANJE PROIZVODNJU MONTAŽU I ODRŽAVANJE RUDARSKE I ENERGETSKE OPREME KOLUBARA METAL DOO VREOCI матични број 20087951, као друштва које престаје припајањем услед чега се брише из Регистра привредних субјеката.

Решењем број БД 57188/2015 од 01.07.2015, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC, матични број: 07788053, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва JAVNO PREDUZEĆE ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD) матични број 20053658, као друштва стицаоца и привредних друштава:

- PRIVREDNO DRUŠTVO HIDROELEKTRANE ĐERDAP DOO KLADOVO матични број 07715226.
- PRIVREDNO DRUŠTVO DRINSKO-LIMSKE HIDROELEKTRANE DOO, BAJINA BAŠTA матични број 20114207,
- Привредно друштво за обновљиве изворе електричне енергије ЕПС обновљиви извори доо Београд матични број 20816244,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE NIKOLA TESLA D.O.O. OBRENOVAC матични број 07802161,
- PRIVREDNO DRUŠTVO TERMOELEKTRANE I KOPOVI KOSTOLAC DOO KOSTOLAC матични број 20114185.
- PRIVREDNO DRUŠTVO PANONSKE TERMOELEKTRANE-TOPLANE DOO NOVI SAD матични број 08271259 и
- PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053,

као друштава која престају припајањем услед чега се бришу из Регистра привредних субјеката.

Да је решењем Агенције за привредне регистре у Београду, број БД 92345/2005 од 10.10.2005, у Регистру привредних субјеката регистровано оснивање привредног друштва под пуним пословним именом: PRIVREDNO DRUŠTVO ZA PROJEKTOVANJE, PROIZVODNJU, MONTAŽU I ODRŽAVANJE RUDARSKE I ENERGETSKE OPREME KOLUBARA METAL DOO VREOCI, D. ĐURĐEVIĆA RUSA 32, матични број 20087951.

Решењем број БД 139067/2013 од 31.12.2013, регистровано је да се БРИШЕ привредни субјект PRIVREDNO DRUŠTVO ZA PROJEKTOVANJE PROIZVODNJU MONTAŽU I

ODRŽAVANJE RUDARSKE I ENERGETSKE OPREME KOLUBARA METAL DOO VREOCI, матични број 20087951, из Регистра привредних субјеката, услед статусне промене припајања код привредног друштва PRIVREDNO DRUŠTVO ZA PROIZVODNJU, PRERADU I TRANSPORT UGLJA RUDARSKI BASEN KOLUBARA DOO, LAZAREVAC матични број 07788053, као друштва стицаоца и његовог потпуно зависног друштва PRIVREDNO DRUŠTVO ZA PROJEKTOVANJE PROIZVODNJU MONTAŽU I ODRŽAVANJE RUDARSKE I ENERGETSKE OPREME KOLUBARA METAL DOO VREOCI матични број 20087951, као друштва које престаје припајањем услед чега се брише из Регистра привредних субјеката.

Да је у старом регистру предузећа и радњи за град Београд, на регистарском листу број 4067 свеска XIV, решењем број Фи-69/66 од 10.01.1966, уписана: Zajednica jugoslovenske elektroprivrede Beograd, Balkanska 13-15, скраћена ознака фирме: "Jugel" Beograd, која је основана Законом о електропривреди ("Сл. лист СФРЈ" број 17/62).

Да је у регистру код Трговинског суда у Београду, на регистарском улошку број 1-1906-00, решењем број Фи-310/75 од 05.02.1975, уписана: ZAJEDNICA JUGOSLOVENSKE ELEKTROPRIVREDE, BEOGRAD, Balkanska 13, која се решењем број Фи-3598/91 од 16.12.1981, ускладила са Законом о удруженом раду као: ZAJEDNICA JUGOSLOVENSKE ELEKTROPRIVREDE sa odgovornošćiu organizacija udruženog rada za čiji račun su obaveze preuzete, Beograd, матични број 07027222.

Решењем Агенције за привредне регистре у Београду, број БД 45450/2005 од 01.07.2005, ова заједница је преведена у Регистар привредних субјеката под пуним пословним именом: ZAJEDNICA JUGOSLOVENSKE ELEKTROPRIVREDE SA ODGOVORNOŠĆU ORGANIZACIJA UDRUŽENOG RADA ZA ČIJI RAČUN SU OBAVEZE PREUZETE, BEOGRAD, BALKANSKA 13, матични број 07027222.

Решењем број БД 197564/2009 од 24.12.2009, регистровано је да се **БРИШЕ** овај привредни субјект из Регистра привредних субјеката, а на основу Закона о престанку важења Закона о удруживању у Заједницу југословенске електропривреде ("Службени гласник" број 104/09).

Закључком број БДСЛ 1527/2011 од 09.09.2011, исправљена је техничка грешка начињена приликом доношења решења број БД 197564/2009 од 24.12.2009, у погледу забележби, тако да је уместо забележбе: Привредни субјект брисан на основу Закона о престанку важења Закона о удруживању у Заједницу југословенске електропривреде ("Службени гласник" број 104/09), уписано: Привредни субјект брисан на основу Закона о престанку важења Закона о удруживању у Заједницу југословенске електропривреде ("Службени гласник" број 104/09). Даном ступања на снагу овог закона права, обавезе, средства, документацију, предмете и запослене у Заједници југословенске електропривреде преузимају Јавно предузеће "Електропривреда Србије", Београд и Јавно предузеће "Електропривреда Србије", Београд и јавно предузеће средства, документације и запослених Заједнице југословенске електропривреде, који су закључили Јавно предузеће "Електропривреда Србије", Београд и Јавно предузеће "Електропривреда Србије", Београд и Јавно предузеће "Електромрежа Србије" Београд, 2007 године.

JAVNO PREDUZEĆE субјекта издаје захтев привредног Потврда на ELEKTROPRIVREDA SRBIJE BEOGRAD (STARI GRAD).

Висина накнаде за издавање потврде одређена је у складу са чланом 6. став 1. тачка 4. тачка 5. Одлуке о накнадама за послове регистрације и друге услуге које пружа Агенција за привредне регистре ("Службени гласник РС" број 119/2013, 138/2014, 45/2015 и 106/2015).

