

Decision Enacting the Law on the Amendments to the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation on the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities;

Bearing in mind that the Law on Amendments to the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina was published and entered into force (“Official Gazette of Bosnia and Herzegovina”, no. 76/09, of 28 September 2009), extending the powers of the State Electricity Regulatory Commission in terms of regulating the matters of the activities of electric power generation, supply, distribution and trade in the Brčko District of Bosnia and Herzegovina;

Bearing in mind that the Law on Amendments to the Law on Electricity (of the Federation of Bosnia and Herzegovina) was published and entered into force (“Official Gazette of the Federation of Bosnia and Herzegovina”, no. 61/09 of 28 September 2009), establishing as an obligation for the electric power producer from the Federation of Bosnia and Herzegovina to supply electric power also to the Brčko District at the rate of 50% of the electricity supply required by the Brčko District, whereas the relevant Law of the Republika Srpska stipulates the obligation of the producer from the Republika Srpska to provide for the remaining 50% electricity supply required by the Brčko District;

Noting that the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina has afforded an opportunity to the electric power producers to reach an agreement by a required deadline (set specifically as 30 October the current year for the following year), on an electric power supply rate setting out the quantities with which each of them is to supply Brčko District, other than the rate prescribed as mandatory;

Considering that the legislative framework guiding the matter of electric power supply to the Brčko District of Bosnia and Herzegovina was finalized after the end of the required deadline as a result of the adoption in December 2010 of the Law on Amendments to the Law on Electric Power by the Republika Srpska National Assembly;

Bearing in mind that the Amendments to the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, nos. 07/02, 13/03 and 76/09) are necessary to reflect the results of consultations among OHR, the Supervisor of Brčko District, the European Commission, responsible authorities in BiH, and the relevant Elektroprivredas regarding the supply of safe, sustainable and affordable electricity to the Brčko District, under terms that are transparent and fair.

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Enacting the Law on the Amendments to the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina

(“Official Gazette of Bosnia and Herzegovina”, nos. 07/02, 13/03 and 76/09)

The Law which follows and which forms an integral part of this Decision shall enter into force as provided in Article 2 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts the Law in due form, without amendment and with no conditions attached.

This Decision shall come into effect forthwith and shall be published in the “Official Gazette of Bosnia and Herzegovina” without delay.

Sarajevo, 30 December 2010

Dr. Valentin Inzko
High Representative

LAW ON THE AMENDMENTS TO THE LAW ON TRANSMISSION OF ELECTRIC POWER, THE REGULATOR AND SYSTEM OPERATOR OF BOSNIA AND HERZEGOVINA

(“Official Gazette of Bosnia and Herzegovina”, nos. 07/02, 13/03 and 76/09)

Article 1

Provisions of Article 9.8. (Entry Into Force, Revocation and Interim Provisions) of the Law on Transmission of Electric Power, the Regulator and System Operator of Bosnia and Herzegovina shall be amended by adding a new paragraph 2, reading as follows:

“The deadline contained in Article 8 (Market), paragraph 8.1. (4) (Single electricity market) by which the electric power producers may reach an agreement on a different rate of electric power supply to Brčko District, shall not be applicable in 2010”.

Article 2

This Law shall enter into force upon publication on the official website of the Office of the High Representative and shall be published in the “Official Gazette of Bosnia and Herzegovina” without delay.