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| HERA_logo |
| **HRVATSKA ENERGETSKA REGULATORNA AGENCIJA****Ulica grada Vukovara 14****10000 Zagreb****Croatia** |

**GUIDANCE FOR OBTAINING / EXTENDING THE VALIDITY OF LICENCES FOR GAS / ELECTRICITY TRADING AND/OR SUPPLY**

*- For active gas/electricity traders and suppliers from EU member states following the simplified procedure -
(According to the provisions of Art. 16 and Art. 18 of the Ordinance on
Licenses for Energy Activities* *and Keeping the Register of Issued and Revoked Licenses for Energy Activities, OG 44/22)*

**(I)** In order to **OBTAIN** a license for carrying out the energy activity of gas/electricity trading and/or supply, the applicant should submit the following documentation to the Croatian Energy Regulatory Agency (hereinafter: HERA):

1. A filled out and signed ***ZDOED-II* Form (**[**https://www.hera.hr/hr/docs/ZDOED-II.docx**](https://www.hera.hr/hr/docs/ZDOED-II.docx)**) for obtaining** the license;
2. A proof that the applicant is registered for performing gas/electricity trading and/or gas/electricity supply in the Member State of the European Union where the seat of the applicant is registered;
* *an* *excerpt from the relevant register proving that the natural or legal person is registered for performing gas/electricity trading and/or gas/electricity supply in a public record of the country of its origin*
1. A statement by the responsible person of the applicant on the acceptance of the obligations prescribed by the national legislation governing the energy sector, the laws governing individual energy market and the law regulating the performance of energy activities in the Republic of Croatia and the laws passed on the basis thereof;

Remark: Enclosed please find the recommended template for the written statement (*page 3*), which should be stamped and signed by the responsible person.

**(II)** In order to **EXTEND THE VALIDITY** of a license for carrying out the energy activity of gas/electricity trading and/or supply, the applicant should submit the following documentation to HERA:

1. A filled out and signed ***ZPDOED-PRODUŽENJE-I* Form (**[**https://www.hera.hr/hr/docs/ZPDOED-produzenje-I.docx**](https://www.hera.hr/hr/docs/ZPDOED-produzenje-I.docx)**) for the extension** of the validity of the existing license;
2. A written statement by the responsible person containing the description of all changes that occurred in the period since the licence was issued and which affect the qualification of the energy undertaking and in case no such changes occurred, a written statement by the responsible person is required stating there had been no such changes;

**PAYMENT** - For both (I) and (II) applies the following:

1. The applicant should **pay the fee for issuing of or the extension of the license** prescribed by the *Decision on Fees for the Regulation of Energy Activities* - for gas/electricity trading or gas/electricity supply licenses **the fee is 995.42 EUR** respectively. HERA will confirm the payment by inspection of its own records.

Payment details:

- From: Company title, Company Address
(natural persons use full name for title) \*

- Receiver: HERA, Ulica grada Vukovara 14, 10000 Zagreb, Croatia

Bank: Hrvatska poštanska banka d.d., Jurišićeva 4, 10000 Zagreb, Croatia

IBAN: HR9123900011100027703

BIC code: HPBZHR2X

Reference No.: VAT number of the applicant \*

\* The sending party in the transaction should be the entity submitting the ZDOED-II or ZPDOED-PRODUŽENJE-I Form. The bank transaction charges must be covered by the sending party.

1. The applicant **submits a bank guarantee** issued in an EU Member State to the amount of **2,654.46 EUR** for the energy activity of **gas/electricity trading** and/or **3,981.68 EUR** for the energy activity of **gas/electricity supply**, as set out in Annex II,or alternatively -
* **the applicant can pay the deposit in the same amount**, which HERA will confirm by inspection of its own records. Necessary payment details are provided under 1.

Remarks:

* Please find enclosed a sample bank guarantee (*Pages 4-5*) with all the information that need to be included in the bank guarantee issued by the bank of the natural or legal person submitting the ZDOED-II or ZPDOED-PRODUŽENJE-I Form;
* It is possible to submit a bank guarantee issued to a shorter validity period (e.g. 1 year), together with a written statement signed by the responsible person of the company applying for or holding the license that a new valid bank guarantee will be submitted no later than 30 days before the expiry of the current bank guarantee.

**IMPORTANT: All documents previously listed in this Guidance, submitted along with the ZDOED-II or ZPDOED-PRODUŽENJE-I Form,** **should be in Croatian language. The alternative is to submit the documentation in a language of the country of origin with a certified translation into Croatian,** **while public documents must be apostilled, when applicable.**

**HR**

Mjesto, Datum

IZJAVA

Ja, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(ime i prezime), (adresa)*, izjavljujem da trgovačko društvo \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)* prihvaća obveze propisane zakonom kojim se uređuje energetski sektor, zakonima kojima se uređuju pojedina tržišta energije i zakonom kojim se uređuje obavljanje energetskih djelatnosti u Republici Hrvatskoj i podzakonskim propisima donesenim na temelju tih zakona.

Naziv trgovačkog društva, adresa

Ime i prezime odgovorne osobe

*(potpisano i ovjereno pečatom)*

**ENG**

Place, date

STATEMENT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(name and surname), (address),* hereby declare that the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(company name)* accepts the obligations prescribed by the law governing the energy sector, the laws governing individual energy markets and the law regulating the performance of energy activities in the Republic of Croatia and the legislation passed on the basis thereof.

Company Name, Address

Name and surname of the responsible person

*(Signed and stamped)*

*PRIMJERAK ZA ENERGETSKU DJELATNOST TRGOVINE PLINOM/ELEKTRIČNOM ENERGIJOM*

Naziv i adresa banke

Hrvatska energetska regulatorna agencija

Ulica grada Vukovara 14

10000 Zagreb

Republika Hrvatska

Mjesto i datum

**BANKARSKA GARANCIJA**

BR.:

Obaviješteni smo da je društvo \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv, adresa trgovačkog društva)* Hrvatskoj energetskoj regulatornoj agenciji (u daljnjem tekstu: HERA) podnijelo zahtjev za izdavanje/produženje dozvole za obavljanje energetske djelatnosti \_\_\_\_\_\_\_ *(navesti energetsku djelatnost).*

Sukladno odredbama članka 16. točka 2. alineja 5. Pravilnika o dozvolama za obavljanje energetskih djelatnosti i vođenju registra izdanih i oduzetih dozvola za obavljanje energetskih djelatnosti, HERA izdaje dozvolu za obavljanje energetske djelatnosti \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(navesti energetsku djelatnost)* trgovcu iz države članice Europske unije ako isti priloži dokaz da posjeduje bankarsku garanciju iz države članice Europske unije na iznos od 2.654,46 eura.

Mi, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv i adresa banke)* (u daljnjem tekstu: Banka) odričući se svih prava na prigovore, proteste ili obranu od obveze koja proizlazi iz Garancije, ovim neopozivo preuzimamo obvezu da Vam u cijelosti ili djelomično (u visini predviđenoj pismenim zahtjevom) platimo, u roku od 5 radnih dana, ukoliko dobijemo Vaš zahtjev, maksimalan iznos od

**2.654,46 eura (riječima: dvijetisućešestopedesetčetiri eura i četrdesetšest centa)**

po prijemu Vašeg prvog poziva u pisanoj formi i Vaše pismene Izjave u kojoj navodite da je \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)* prekršio svoje obveze, te u kom pogledu je \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)* izvršio prekršaj.

**Ova garancija važi od datuma potpisa do \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (*navesti datum*) **ili najmanje šest mjeseci nakon isteka važenja dozvole za obavljanje energetske djelatnosti\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (navesti energetsku djelatnost).

Suglasno tome, poziv za plaćanje po ovoj garanciji Banka mora primiti najkasnije do tog datuma, ili prije tog datuma.

Sa svakim plaćanjem po ovoj garanciji naša obveza će biti razmjerno reducirana.

Garancija je sačinjena u tri istovjetna primjerka, od kojih se prvi primjerak daje HERA-i, drugi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)*, a treći ostaje u arhivi Banke. Naplata po garanciji može se izvršiti samo na osnovu originala prvog primjerka.

U slučaju spora po ovoj Garanciji nadležan je stvarno nadležni sud u Zagrebu, Republika Hrvatska.

 M.P. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Potpis)

*SAMPLE FOR ENERGY ACTIVITY OF GAS/ELECTRICITY TRADING*

Bank name and address

Croatian Energy Regulatory Agency

Ulica grada Vukovara 14

10000 Zagreb

Republic of Croatia

Place and date

**BANK GUARANTEE**

No.:

We are informed, that the Company\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's name and address) submitted a request to the Croatian Energy Regulatory Agency (hereinafter: HERA) for a license for carrying out the energy activity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify energy activity).

According to the provisions of the Article 16 point 2, indent 5th of the Ordinance on Licenses for Energy Activities and Keeping the Register of Issued and Revoked Licenses for Energy Activities, HERA shall issue a license for carrying out the energy activity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify energy activity) to the trader from a EU Member State, if the trader submits a proof that he owns a bank guarantee from a EU Member State in the amount of 2,654.46 euros.

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Bank name and address) (hereinafter: the Bank) renouncing all the rights on to complaints, protests or defence against liability arising from this Guarantee, hereby irrevocably undertake to you in fully or partially (up to the amount envisaged by written request) to pay, within 5 working days upon receipt of your request, the maximum amount of

**2,654.46 EUR (words: twothousand, sixhundred fifty-four euros and forty-six cents)**

Upon receipt of your first invitation in writing and your written statement saying that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company’s Name) it had violated its obligations, and in what respect had \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's Name) committed violation.

**This guarantee is valid from the date of signature until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (indicate the date) **or at least until 6 months after the expiry of the license for carrying out the energy activity of \_\_\_\_\_\_\_\_\_\_\_\_\_** (specify the energy activity).

Accordingly, the invitation for payment under this guarantee must be received by the Bank no later than that date, or before that date.

With each payment under this guarantee our obligation will be proportionally reduced.

This guarantee is made in three identical copies, of which the first copy of the guarantee is given to HERA, the second copy is given to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's name), and the third remains in the archives of the Bank. Payment under the guarantee can only be made on the basis of the original first copy.

In the event of a conflict the competent court in Zagreb, the Republic of Croatia, shall have jurisdiction.

 (stamp here) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Signature)

*PRIMJERAK ZA ENERGETSKU DJELATNOST OPSKRBE PLINOM/ELEKTRIČNOM ENERGIJOM*

Naziv i adresa banke

Hrvatska energetska regulatorna agencija

Ulica grada Vukovara 14

10000 Zagreb

Republika Hrvatska

Mjesto i datum

**BANKARSKA GARANCIJA**

BR.:

Obaviješteni smo da je društvo \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv, adresa trgovačkog društva)* Hrvatskoj energetskoj regulatornoj agenciji (u daljnjem tekstu: HERA) podnijelo zahtjev za izdavanje/produženje dozvole za obavljanje energetske djelatnosti \_\_\_\_\_\_\_ *(navesti energetsku djelatnost).*

Sukladno odredbama članka 16. točka 2. alineja 5. Pravilnika o dozvolama za obavljanje energetskih djelatnosti i vođenju registra izdanih i oduzetih dozvola za obavljanje energetskih djelatnosti, HERA izdaje dozvolu za obavljanje energetske djelatnosti \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(navesti energetsku djelatnost)* opskrbljivaču iz države članice Europske unije ako isti priloži dokaz da posjeduje bankarsku garanciju iz države članice Europske unije na iznos od 3.981,68 eura.

Mi, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv i adresa banke)* (u daljnjem tekstu: Banka) odričući se svih prava na prigovore, proteste ili obranu od obveze koja proizlazi iz Garancije, ovim neopozivo preuzimamo obvezu da Vam u cijelosti ili djelomično (u visini predviđenoj pismenim zahtjevom) platimo, u roku od 5 radnih dana, ukoliko dobijemo Vaš zahtjev, maksimalan iznos od

**3.981,68 eura (riječima: tritisućedevetstoosamdesetjedan euro i šezdesetosam centi)**

po prijemu Vašeg prvog poziva u pisanoj formi i Vaše pismene Izjave u kojoj navodite da je \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)* prekršio svoje obveze, te u kom pogledu je \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)* izvršio prekršaj.

**Ova garancija važi od datuma potpisa do \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (*navesti datum*) **ili najmanje šest mjeseci nakon isteka važenja dozvole za obavljanje energetske djelatnosti\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (navesti energetsku djelatnost).

Suglasno tome, poziv za plaćanje po ovoj garanciji Banka mora primiti najkasnije do tog datuma, ili prije tog datuma.

Sa svakim plaćanjem po ovoj garanciji naša obveza će biti razmjerno reducirana.

Garancija je sačinjena u tri istovjetna primjerka, od kojih se prvi primjerak daje HERA-i, drugi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(naziv trgovačkog društva)*, a treći ostaje u arhivi Banke. Naplata po garanciji može se izvršiti samo na osnovu originala prvog primjerka.

U slučaju spora po ovoj Garanciji nadležan je stvarno nadležni sud u Zagrebu, Republika Hrvatska.

 M.P. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Potpis)

*SAMPLE FOR ENERGY ACTIVITY OF GAS/ELECTRICITY SUPPLY*

Bank name and address

Croatian Energy Regulatory Agency

Ulica grada Vukovara 14

10000 Zagreb

Republic of Croatia

Place and date

**BANK GUARANTEE**

No.:

We are informed, that the Company\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's name and address) submitted a request to the Croatian Energy Regulatory Agency (hereinafter: HERA) for a license for carrying out the energy activity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify energy activity)

According to the provisions of the Article 16 point 2, indent 5th of the Ordinance on Licenses for Energy Activities and Keeping the Register of Issued and Revoked Licenses for Energy Activities, HERA shall issue a license for carrying out the energy activity \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify the energy activity) to the supplier from a EU Member State, if the supplier submits a proof that he owns a bank guarantee from a EU Member State in the amount of 3,981.68 euros.

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Bank name and address) (hereinafter: the Bank) renouncing all the rights on to complaints, protests or defence against liability arising from this Guarantee, hereby irrevocably undertake to you in fully or partially (up to the amount envisaged by written request) to pay, within 5 working days upon receipt of your request, the maximum amount of

**3,981.68 EUR (words: threethousand, ninehundred eighty-one euro and sixty-eight cents)**

Upon receipt of your first invitation in writing and your written statement saying that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company’s Name) it had violated its obligations, and in what respect had \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's Name) committed violation.

**This guarantee is valid from the date of signature until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (indicate the date) **or at least until 6 months after the expiry of the license for carrying out energy activity of \_\_\_\_\_\_\_\_\_\_\_\_\_** (specify the energy activity).

Accordingly, the invitation for payment under this guarantee must be received by the Bank no later than that date, or before that date.

With each payment under this guarantee our obligation will be proportionally reduced.

This guarantee is made in three identical copies, of which the first copy of the guarantee is given to HERA, the second copy is given to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Company's name), and the third remains in the archives of the Bank. Payment under the guarantee can only be made on the basis of the original first copy.

In the event of a conflict the competent court in Zagreb, the Republic of Croatia, shall have jurisdiction.

 (stamp here) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Signature)