

REGULATORY COMMISSION FOR ENERGY OF THE REPUBLIC OF SRPSKA

RULE BOOK ON THE NATURAL GAS SWITCHING

Trebinje, April 2019

Pursuant to provisions of the Article 23, paragraph 9 of the Law on gas (Official Gazette of the Republic of Srpska, number 22/18), Article 10, paragraph 1, point 7 and Article 18 paragraph 1 of the Statute of the Regulatory Commission for Energy of the Republic of Srpska – clean text (Official Gazette of the Republic of Srpska number 6/10) and Article 33, paragraph 1, point a) of the Procedural Rules of the Regulatory Commission for Energy of the Republic of Srpska (Official Gazette of the Republic of Srpska, number 59/10), Regulatory Commission for Energy of the Republic of Srpska, in its 110th regular session, held on 15th April 2019 in Trebinje, made

RULE BOOK
ON THE NATURAL GAS SWITCHING

PART ONE – GENERAL PROVISIONS

Article 1
(Subject)

This Rule book prescribes the terms and natural gas switching procedure as well as the rights and obligations of end users, supplier of end users and system operator in the switching procedure.

Article 2
(Aim)

The aim of making this Rule book is to create the assumptions for efficient functioning of the natural gas market, provision of the customers' protection and equal treatment of all participants in the natural gas market.

Article 3
(Terms and abbreviations)

(1) Terms, expressions and abbreviations which are used in this Rule book have the following meaning:

“Public service” shall mean the obligation of the energy undertakings to, in general economic interest, carry out the activities in the natural gas sector, according to the regulated conditions which may relate to the safety of supply, continuity, quality and price of the service, including energy efficiency and use of energy from RES;

“Public supplier” is the energy undertaking which supplies the households that did not choose the supplier at the market, with natural gas;

“Customer” is the legal person, entrepreneur or physical person which buys natural gas, including natural gas producers and customers at the wholesale market;

“End user” is the customer which buys natural gas for his own needs;

“Customer from the category of households” is the end user or gas customer which procures natural gas for his own household, including commercial or professional activities;

“New supplier” is the supplier whom the end user, in the switching procedure, filed an application for gas supplying;

“General conditions for the natural gas supply” (hereinafter: General Conditions) is a piece of secondary legislation which arrange the terms and method for natural gas delivery which, with the consent of the Regulatory Commission, is made by each natural gas supplier;

“System operator” is the transport system operator or distribution system operator of natural gas;

“Platform for the data exchange” is an electronic format which defines and secures system operator, and through which, the data on the calculating metering point and customer are exchanged between the system operator and existing supplier electronically;

“Existing supplier” is the supplier which supplies the end user in the moment of filing application for switching;

“Rules of operation” are the rules of operation of the natural gas distribution system and/or rules of operation of the natural gas transport system in the Republic of Srpska;

“Supplier” is a legal person or entrepreneur which carries out the activity of supplying;

“Supplier of last resort” is legal person or entrepreneur which carries out the activity of supplying end user with natural gas, if the supplier, which used to supply him with natural gas till that moment, stopped its activity and if the supplying the customer with gas is without protection;

“Law” is the Law on gas;

- (2) Apart from the terms stated in paragraph (1) of this Article, the terms used in this Rule book are covered by the Law and secondary legislation of the Regulatory Commission;

PART TWO – SUPPLYING END USERS WITH NATURAL GAS

Article 4 (Supplying of end users)

- (1) Each end user of natural gas in the Republic of Srpska is free to buy natural gas and conclude the contract on supplying with the supplier of end users of his own choice;
- (2) Supplying of end users with natural gas is done by the supplier at the market, public supplier or supplier of last resort.

Article 5 (Public supplying)

End user of natural gas from the category of household that did not choose the supplier at the market can be supplied with natural gas from the public supplier in the public service system pursuant to provisions

of the Law and secondary legislation which regulate the supplying with natural gas in the public service obligation.

Article 6
(Supplying of last resort)

The end user, is entitled to the supplying of last resort by the supplier of last resort pursuant to provisions of the Law and secondary legislation which regulate the supplying of last resort with natural gas.

Article 7
(Rights of end user to choose and switch)

- (1) End user is entitled to:
 - a) pursuant to the bids at the market, freely choose the supplier and contract the amount and price of natural gas with him, pursuant to the General Conditions;
 - b) switch, free of charge, within 21 days from the day of submission of the regular application for switching, pursuant to provisions of this Rule book;
 - c) access the transport and/or distribution system for the purposes of delivery and taking of natural gas for its own needs pursuant to the Rules of operation;
 - d) regulate the connection and access to the system so that it, in no way, limits him in his choice of supplier or imposes him payment of the special fee in case of switching;

- (2) End user, referred to in Article 5 of this Rule book, is entitled to choose the method of natural gas supply, namely he can choose to:
 - a) choose the right of selection and conclude the contract on supplying with a supplier at the market;
 - b) conclude the contract on supply with public supplier;
 - c) to be supplied again by the public supplier once he has already used his right to choose and been supplied at the supplier of his own choice at the market;

- (3) End user is entitled to be informed by the system operator about all data relevant for his consumption, and data about the possibilities to choose and switching procedure.

Article 8
(Obligations of end users)

- (1) In order to exercise the right referred to in Article 7 of this Rule, the end user is obliged to:
 - a) conclude the contract on supply, pursuant to the Contract on connection to its system,
 - b) regulate the access to the system pursuant to the Rules of operation;
- (2) Access to the system may be regulated on behalf of end user by his supplier pursuant to the General Conditions;
- (3) End user is obliged to:

- a) comply with provisions of the Contract on supply;
- b) regularly settle the financial obligations arising from the Contract on supply, access to the system and other fees pursuant to the regulations;

Article 9

(Rights and obligations of the supplier)

- (1) Supplier of end users is obliged to supply the customers with natural gas and charge for its service pursuant to the requirements prescribed by the license for doing activity, General Conditions and other rules.
- (2) Supplier is obliged to:
 - a) at the request of end user, submit the information on his prices and other commercial conditions of the natural gas supplying which it offers to its customers;
 - b) at its website, publish the standard application template for the new contract conclusion, namely the application for switching as well as the application for extension and termination of the contract on supply and information on the switching procedure;
 - c) inform the system operator, namely the energy undertaking responsible for balancing on all concluded contracts on supply, including amendment to the contracts, no later than three days before their effective date as well as about the cessation of validity of the contract of supply before the period that it was concluded for;
 - d) regularly submit the necessary data to the system operator regarding the access to the system;
 - e) carry out all other duties prescribed by the license requirements for doing activity, Rules of operation and General conditions;

Article 10

(Additional information for end users)

- (1) Regulatory Commission publishes at its website the list of the natural gas suppliers at the market, public suppliers and suppliers of last resort.
- (2) System operator is obliged to, through the website and call center, give information to the customers on suppliers of end users at its operational area in the form of list published by the Regulatory Commission but it must not give its estimates about any of them.

Article 11

(Platform for exchange of data)

- (1) System operator is obliged to make the platform for exchange of data which also include the standard form for data keeping.
- (2) System operator is obliged to enable the access to the supplier and use of platform for the data exchanging.
- (3)

PART THREE – SWITCHING

Article 12 (Switching procedure)

- (1) Switching procedure is transfer of end user from the supplying at the existing supplier to the supplying at new supplier.
- (2) Switching procedure starts with filing of application of end user to new supplier.
- (3) Switching procedure is carried out separately for each calculative metering point of end user with natural gas.
- (4) Switching procedure may be carried out concurrently for two or more metering points of end user, whereby in the application it is necessary to indicate each metering point separately.
- (5) Switching procedure can be carried out at one metering point only with one supplier.
- (6) Switching procedure cannot last more than 21 days counting from the date of receipt of the complete application by the new supplier.
- (7) Date of switching, namely day of beginning of application of new contract on supply with new supplier and cessation of application of the contract on supply with the previous supplier is the date when the system operator, having met the requirements prescribed by this Rule, makes the reading of the metering data at the takeover points of natural gas whereby it can be any date in the month.

Article 13 (Switching procedure – activities of the end users)

- (1) End user who intends to change the supplier is obliged to submit an application for conclusion of new contract, namely the application for switching (hereinafter: application) in the form prescribed by the supplier, to the new supplier that he would like to be supplied by.
- (2) The end submits to the supplier, along with the filled in form referred to in paragraph (1) of this Article, verified and signed statement, namely authorization for taking all necessary actions on behalf of end user, regarding the switching procedure.
- (3) The end user submits filled in form referred to in paragraph (1) of this Article accompanied by the certificate of the existing supplier not later than seven (7) days, on the status of the due, namely on the status of the settled and non-settled obligations for the existing supplier, arisen from the Contract on supply.
- (4) End user and existing supplier are obliged to arrange the mutual financial obligations before the switching process.
- (5) End user is entitled to cancel the application, already submitted to new supplier, as well as the statement on giving authorization to new supplier in any moment before concluding the contract on supply with new supplier, free of charge to new supplier.

Article 14

(Switching procedure – the actions of the existing supplier)

- (1) The existing supplier is obliged to, at the request of end user who intends to change the supplier within three (3) days from the date of receipt of application, issue the certificate on the status of the due liabilities of the customer arisen from the contract on supply.
- (2) The existing supplier is obliged to put on disposal the data on consumption of the customer to new supplier and system operator at their request.

Article 15

(Switching procedure – the actions of new supplier)

- (1) Upon receipt of the application, new supplier checks its regularity and if he determines that application contains the failure which prevents further action on the application, within three days from the date of receipt of application, he informs the customer accordingly and invites him to, within the period of seven days, remove all failures in the application.
- (2) If the end user does not remove the failures in the application within the given deadline, new supplier informs the customer, within three days from the expiry of deadline for removal of failures in the application, that there are no conditions for the switching.
- (3) New supplier, within three days from the date of receipt of regular application, submits the draft contract on supply to end user which shall be applicable upon completion of the switching procedure.
- (4) New supplier is obliged to provide the compliance of the draft contract on supply, contract on connection, requirements for access to the transport system and/or distribution system, including their amendments before beginning of application of new contract, which is being checked by the system operator.
- (5) New supplier is obliged, at latest four days from the date of receipt of the regular application, to submit a copy of application of the end user to the system operator for the switching referred to in Article 13 paragraph (1), draft contract as well as authorization on representation of the customer referred to in Article 13 paragraph (2).
- (6) Upon expiry of the deadline for checking of fulfillment of requirements for switching by the system operator and existing supplier, pursuant to provisions of Articles 16 and 17 of this Rule book, new supplier invites the end user to conclude the contract on supply.
- (7) New supplier with whom the end user has concluded the contract, submits a copy of the contract to the system operator.
- (8) While submitting a draft contract or contract on supply to the system operator, new supplier may omit commercial or confidential data or ask for protection of their confidentiality.

Article 16

(Switching procedure – activities of the system operator)

- (1) System operator is obliged to, within three days from the date of receipt of application, draft contract on supply and authorization of the end user referred to in Article 15 paragraph (5),

make the checking of accuracy of data, namely within the same deadline, to inform new supplier on the required amendments in the application, namely draft contract on supply if there is lack of harmonization of data related to connection and access to the system, leaving a new supplier the deadline of three days for amendment and harmonization of the data.

- (2) Having checked the harmonization of data pursuant to the paragraph (1) of this Article, the system operator within three days, namely seven days in case that additional harmonization is needed, submits the certificate on the data harmonization to new supplier.
- (3) The certificate on the data harmonization is submitted to the new supplier along with other data required for conclusion of the contract on supply such as:
 - a) characteristics of metering devices of end user,
 - b) natural gas consumption of end user for the period of 12 months which precedes the date of the application submission,
 - c) category of the licensees, namely the group in which the end user is categorized and
 - d) possibly, other data;
- (4) System operator is obliged to, upon the checking referred to in paragraph (1) of this Article, within three days, namely seven days, from the date of receipt of the application, inform the existing supplier on receipt of the application and leave him the deadline of three days to submit the complaint, if in a sense of General Conditions and provisions of the existing contract on supply, the end user is not entitled to termination of the contract;
- (5) If the existing supplier files a complaint to the system operator, the procedure is continued pursuant to provisions of the Article 17 of this Rule.
- (6) If the existing supplier within the prescribed deadline does not file a complaint to the system operator, system operator provides for reading of the calculating items for the takeover points of the customer within seven days from the date of expiry of the deadline for submission of the complaint and submit the read data to the existing and new supplier.

Article 17

(Switching denial)

- (1) The existing supplier whose contract on supply is may in the procedure of termination deny the contract termination pursuant to provisions of that contract, along with compliance to provisions of this Rule, whereby the contract on supply cannot contain provisions which limit the right of the customer to the switching.
- (2) The existing supplier whose contract on supply in the procedure of termination cannot impose special additional requirements which are not covered by the contract, including the unsettled liabilities of the customer and is obliged to keep on supply of end user until completion of the switching procedure, what the competent system operator will inform him about.
- (3) The existing supplier who intends to deny the contract termination is obliged to, within three days from the notice receipt from the system operator referred to in Article 16 paragraph (4) of this Rule book submit the complaint to the system operator and new supplier.
- (4) Dispute between the supplier and customer cannot postpone the switching procedure and application of new contract on supply.
- (5) Provision of paragraph (2) of this Article is not applied in case when the existing supplier before the notice receipt referred to in Article 16 paragraph (4), pursuant to General Condition, filed an

application to the competent system operator to terminate natural gas supply to end user because of non-payment of the delivered natural gas or if the customer who asks for the contract termination had already been disconnected because of non-payment of the delivered natural gas, namely if the mutual financial relationships between the customer and existing supplier have not been arranged pursuant to Article 13 paragraph (4) and Contract.

- (6) If the existing supplier has filed application for termination of the natural gas delivery to the competent system operator before the notice on switching or if the end user has already been disconnected due to non-payment, the competent system operator cannot approve the application for switching.

Article 18

(Transfer from the market to the public supplying)

- (1) End user from the category of household is left without supplier automatically goes to the supplying at the public supplier.
- (2) In case referred to in paragraph (1) of this Article, system operator is obliged to read the metering point based on which the public supplier will, within the period of seven days at most, conclude the contract with end user referred to in paragraph (1) of this Article.

Article 19

(Transfer from the market to the supply of last resort)

The supplier of last resort supplies the end user, except the customer from the category of household who is entitled to public supply but was left without supplier and he is entitled to that type of supply, automatically pursuant to the law and secondary legislation which regulate the supply of last resort with natural gas.

Article 20

(Monitoring)

Regulatory Commission monitors the application of provisions of this Rule book.

PART FOUR – TRANSITIONAL AND FINAL PROVISIONS

Article 21

(Interpretation of the Rule book)

- (1) Interpretation of provisions of this Rule book is given by the Regulatory Commission.
- (2) Amendments to this Rule book are made applying the same procedure which are applied for their making.

Article 22
(Effective Date)

This Rule book becomes effective on the eighth day from the day of publication in the Official Gazette of the Republic of Srpska.

President

Vladislav Vladicic

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