

REGULATORY COMMISSION FOR ENERGY OF THE REPUBLIC OF SRPSKA
TREBINJE

RULE BOOK ON CERTIFICATION OF OPERATORS OF THE NATURAL GAS TRANSPORT SYSTEM

Trebinje, March 2019

Based on Article 9, paragraph 4 and Article 44 paragraph 3 of the Law on Gas (Official Gazette of the Republic of Srpska, number 22/18), Article 16 of the Law on Energy (Official Gazette of the Republic of Srpska, number 49/09), Article 18 paragraph 1 of the Statute of the Regulatory Commission for Energy of the Republic of Srpska - Refined text (Official Gazette of the Republic of Srpska, number 6/19) and Article 33, paragraph 1 point a. Rules of Procedure of the Regulatory Commission for Energy of the Republic of Srpska (Official Gazette of the Republic of Srpska, number 59/19), Regulatory Commission for Energy of the Republic of Srpska at the 106th regular session, held on 20th March 2019, made

RULE BOOK

ON THE CERTIFICATION OF NATURAL GAS TRANSPORTATION SYSTEM OPERATORS

PART ONE - GENERAL PROVISIONS

Article 1 (Subject)

The Rulebook on the Certification of Natural Gas Transport System Operators (hereinafter: the Rulebook) prescribes the certification procedure, the content of the necessary documentation for certification, the content of the decision on certification, monitoring and re-certification.

Article (2) (Purpose of adoption)

The aim of adopting this rulebook is to ensure an efficient and economical procedure for the certification of the operator of the natural gas transport system and to make a decision on the request based on previously known criteria, which creates the prerequisites for obtaining a license to carry out the activities of transport and management of the natural gas transport system.

Article 3 (Definitions and Abbreviations)

The terms used in this rulebook, in terms of the provisions of this rulebook, have the following meaning:

"Vertically integrated entity" means an energy entity or a group of such entities that performs activities in the natural gas sector in which the same person has the right of direct or indirect control and where the energy entity, or a group of such entities, performs at least one of the activities of transportation or distribution, and at least one of the activities of production or supply of natural gas;

"Energy subject" is a legal entity or an entrepreneur who performs one of the activities from the gas sector in the natural gas sector;

"Law" in the sense of this regulation means the Law on Gas;

"Transport system operator" is an energy entity that performs the activity of transport and management of the natural gas transport system or its special part and is responsible for its operation;

"Applicant" means a person who submits an application to the Regulatory Commission for the certification of a natural gas transport system operator in accordance with the Law on Gas and this rulebook;

"Secretariat of the Energy Community" is an organ of the Energy Community that provides administrative support to the Energy Community, supervises the proper execution of the obligations of the Energy Community parties and performs other activities defined by the Energy Community Agreement;

"Third country" is any country that is not a party to the Energy Community or a member of the European Union;

"Certification is a procedure that determines the compliance of the transport system operator with the conditions in particular with its independence and separation from the vertically integrated entity, as well as with other relevant requirements from the law.

Other terms used in this rulebook, which are not specified in this article, have the meaning defined by the Law on Gas, the Law on Energy and by-laws of the Regulatory Commission.

(Abbreviations)

Regulatory Commission - Regulatory Commission for Energy of the Republic of Srpska
OB – Form

PART TWO - NATURAL GAS TRANSPORT SYSTEM OPERATOR CERTIFICATION

CHAPTER 1 - Independence, separation and criteria for certification of natural gas transport system operators and certification

Article 4 (Obligation of certification)

The operator of the natural gas transport system is obliged to be certified by the Regulatory Commission before obtaining a license to carry out the activities of transport and management of the natural gas transport system.

Article 5 (Transportation System Operator Independence)

- (1) The operator of the natural gas transportation system is, in the performance of his duties and tasks, independent of all other activities related to natural gas, such as production, distribution, storage, supply of natural gas, management of the liquefied natural gas system, and from related commercial interests, except in the case provided by law.
- (2) The independence of the operator of the natural gas transport system is ensured and the separation of the operator of the transport system is ensured in the manner and under the conditions established by the law and this rulebook.

Article 6
(Separation of transport system operators)

- (1) In the event that on the date of entry into force of the law, the operator of the natural gas transport system belonged to a vertically integrated entity, he is obliged to separate the operator of the transport system from the vertically integrated entity by applying one of the following organizational models:
 - a) Ownership separation;
 - b) Independent system operator o
 - c) Independent transport operator;
- (2) In all other cases where they cannot be applied from items 2) and 3) of paragraph (1) of this article, the ownership separation model of the natural gas transportation system operator must be applied.

Article 7
(Certification criteria)

The Regulatory Commission, depending on the separation model, can certify the operator of the natural gas transportation system, if the conditions regarding independence and separation are met, that is, the criteria for certification prescribed by law are met.

Article 8
(Validity of the certification decision)

The decision on the certification of the operator of the natural gas transportation system lasts as long as the operator of the transportation system meets the prescribed conditions regarding independence and separation, that is, it meets the criteria on the basis of which the certification was made.

CHAPTER 2 - Transportation system operator certification procedure

Article 9
(Initiation of proceedings)

The certification procedure is initiated at the request of the applicant after the fulfillment of all requirements from the selected model of separation of natural gas transport system operators.

Article 10
(Application form)

- (1) The request for certification is submitted to the Regulatory Commission, on a completed form, which includes a list of necessary documentation, with which the applicant confirms his statements from the request regarding the fulfillment of the conditions regarding independence and separation, i.e. the satisfaction of the criteria for certification.
- (2) Application forms for certification are:
 - a) Form OB.Č. 04.01 - Request for certification of natural gas transport system operator - ownership separation;
 - b) Form OB.C. 04.02. - Application for certification - independent natural gas system operator i
 - h) Form OB.Č. 04.03. - Application for certification - independent natural gas transport operator;

(3) Application forms for certification are available in the premises and on the website of the Regulatory Commission.

Article 11
(Submitting a request)

(1) The applicant for certification is obliged to submit a proper application for certification to the Regulatory Commission in written and electronic form. Directly to the protocol of the Regulatory Commission or by mail.

(2) Under the orderly request from paragraph (1) of this article, is understood the completed form of the request for certification with the attached necessary documentation.

(3) The completed certification request form should be certified and signed by the applicant, i.e. his legal representative or authorized representative.

(4) Necessary documentation with the request, with which the applicant proves his claims from the request, whose statements and evidence determined by this rulebook shall be attached to the same in the original or a certified copy, which is not older than 90 days.

Article 12
(Fees)

The applicant does not pay the Regulatory Commission a fee for processing the certification request.

Article 13
(Review of orderliness of requests and elimination of deficiencies)

- (1) The Regulatory Commission shall review the orderliness of the submitted request for certification,
- (2) If, after the review referred to in paragraph (1) of this article, it is determined that the request for certification contains some defect that prevents further processing of the request, the Regulatory Commission, within 10 days from the date of receipt of the request, informs the applicant in writing of deficiency and sets him a deadline of no longer than 30 days from the date of receipt of the notification, in which the applicant is obliged to eliminate the deficiencies and warns him of the consequences in case of omission and non-remediation of the deficiencies.
- (3) If the applicant does not eliminate the deficiencies within the deadline, the Regulatory Commission shall reject such a request as irregular.

Article 14
(Press release)

- (1) The Regulatory Commission informs the applicant about the duly submitted request for certification and publishes a public notice in one daily newspaper that is available throughout the territory of the Republic of Srpska, on the notice board and on the website of the Regulatory Commission.
- (2) The public notice contains basic information about the request, the way in which interested persons can obtain additional information and leave an insight into the request, the method and order of submitting comments from interested persons, and information related to the possibility of interested persons participating in the tender if they have a special the right or legal interest to participate in the proceedings.

- (3) Information and documentation that, based on the request of the applicant, by the Regulatory Commission, are protected by a confidentiality clause in accordance with the provisions of the Rulebook on confidential information cannot be made available to interested parties.

Article 15
(Data Verification)

- (1) The Regulatory Commission, in order to determine the facts regarding the fulfillment of the conditions regarding the independence and separation of the operator of the natural gas transport system, i.e. the satisfaction of the criteria for certification prescribed by law, checks all data and, if necessary, inspects facilities, plants and equipment.
- (2) The check can be carried out at any stage of the procedure from the moment of submission of the request until the final decision on the request is made.
- (3) The Regulatory Commission may, during the certification procedure, request additional information and documentation+ from the operator of the transport system or the energy entity that performs the activity of production or supply of natural gas or supply of natural gas as a public service, if this is necessary for making a decision under to the request for certification.
- (4) The applicant and energy entity is obliged to cooperate with the regulatory commission and submit to it the required data and information within a certain period.
- (5) If the requester does not facilitate the verification or inspection from paragraph (1) of this article, or does not submit the required information and documentation from paragraph (3) of this article, the Regulatory Commission rejects the request for certification.

Article 16
(Public hearings)

The Regulatory Commission decides on the type, number and venue of the public hearing by evaluating the submitted request, received comments and requests from interested parties and other information on possible disputed issues in accordance with the Rulebook on Public Hearings and Resolution of Disputes and Appeals of the Regulatory Commission.

Article 17
(Certification decision)

- (1) After considering the fulfillment of prescribed conditions regarding independence and separation, i.e. satisfaction of the criteria for certification, the Regulatory Commission, at its regular session, makes a proposal for a decision on certification with an explanation.
- (2) The proposal for a decision on certification from paragraph (1) of this article shall be made by the Regulatory Commission within four months from the date of submission of the regular request for certification.
- (3) The proposed decision with the explanation from paragraph (1) of this article shall be submitted, without delay, to the Secretariat of the Energy Community for a preliminary opinion.

- (4) The Secretariat of the Energy Community submits a preliminary opinion to the regulatory commission on the fulfillment of the appropriate requirements for the determination and certification of the transport system operator within four months from the receipt of the proposed decision from paragraph (3) of this article.
- (5) If the Secretariat of the Energy Community does not submit its opinion within the time limit of paragraph (4) of this article, it is considered that the Secretariat of the Energy Community has no objections to the proposed decision of the Regulatory Commission.
- (6) The Regulatory Commission, at its regular session, in the form of a decision, makes a final decision on the certification of the transport system operator within two months from the date of receipt of the opinion of the Secretariat of the Energy Community, taking into account the recommendations in the given opinion.
- (7) If the decision referred to in paragraph (6) of this article differs from the opinion of the Energy Community Secretariat, the Regulatory Commission prepares a decision with an explanation containing reasons for a different opinion, and informs the Energy Community Secretariat thereof.

CHAPTER III – Required documents that are attached to the application for certification

Article 18 (Common documents)

The following documents must be attached to the request for certification:

- a) A valid decision on registration in the court register, with attachments,
- b) Personal identification number, unique identification number (JIB),
- č) The founding act of the company with accompanying contracts and statutes,
- d) A concession contract in accordance with the regulations on granting concessions or a legal act entrusting the performance of energy activities as an activity of general interest,
- e) a set of financial reports for the previous three years, which contains: a statement of position (balance sheet), a statement of total results for the period (income statement), a statement of cash flows, a statement of changes in equity, notes to the financial statement and an independent auditor's report auditor or initial report on the financial position for newly formed entities,
- f) statement and proof of ownership or other legal basis for using the transport system or its special part, with a list of buildings, plants, equipment and devices with technical parameters and with a register of fixed assets from accounting records,
- g) a list of permits/licenses and/or other authorizations held by a person who is certified to perform energy activities in the Republic of Srpska, Bosnia and Herzegovina and/or other countries,
- h) A list of co-owners/shareholders, in which it should be clearly indicated how many shares and votes each of the co-owners/shareholders has,
- i) A list of co-owners/shareholders from third countries, if any, in which it should be clearly indicated how many shares and votes each of the co-owners/shareholders has,

- j) a list of legal entities that are under the discretionary or indirect control of the person being certified with a clearly stated method of control and the rights of the person being certified, which derive from that control,
- k) A list of other energy entities that are connected to the person being certified with a clearly stated type of relationship and level of cooperation,
- l a list of permits/licenses and/or other authorizations possessed by the co-owners/shareholders from point h) and i) of this paragraph for the performance of energy activities in the Republic of Srpska, Bosnia and Herzegovina and/or other countries,
- m) acts governing the organization of the work of the management body of the person to be certified, which includes, but is not limited to, the organizational structure of the applicant (organizational scheme), the systematization of jobs with job descriptions, data on the number of employees and their professional qualifications (including data on passed professional exams and type of employment contract),
- n) The list of members of the management body of persons from points h) and i) of this paragraph,
- o) The decision on the selection of members of the management body of the person to be certified
- p) The decision of the management body on the election of the director, i.e. the legal representative of the person to be certified,
- q) Statement of the director and other persons authorized for representation that they do not participate in the performance of energy activities of production and/or supply of electricity and/or natural gas,
- r) Act and procedures that prevent the provision of confidential business data and information at its disposal,
- s) statement and proof of the employees of the person being certified, who performed management duties or were members of the management body in energy entities that perform the activity of production or supply of electricity or natural gas, in the period of six months before submitting the application for certification,
- t) Statement and proof of public authority representatives who have direct or indirect control or the right to share in the person being certified,
- u) Statement and proof of the manner of fulfilling the provision on independence in cases where the same representative of the public authority directly or indirectly exercises control over energy entities that perform energy activities of production or supply of electricity or natural gas, and at the same time directly or indirectly exercises control or has any other authority over the operator of the transport system or the operator of the transmission system of electricity, as well as over the transport system for natural gas or the transmission system for electricity;

Article 19

(Additional documents accompanying the application for certification of the natural gas transport system operator – ownership unbundling)

Along with the request for certification of the transport system operator - ownership separation, in addition to the documents defined in Article 18, the following documents must also be attached:

- a) a list of all transport systems or their parts that are owned by transport system operators in the Republic of Srpska (including parts under construction), as well as interconnectors,
- b) a list of all transport systems that the transport system operator owns in whole or in part outside the Republic of Srpska,
- c) A list of all other owners of the transport system, i.e. its part, highlighting the entries of each owner,
- d) Contract on renting the transport system, i.e. its share, to other persons (if this is not the case, submit a corresponding statement to that effect),
- e) if the operator of the transport system is part of an energy entity that is the subject of joint investment with another energy entity that owns transport or transmission systems in other countries, state according to which model the operators of the transport system are approved in those countries (ownership separation, independent system operator or independent operator of transport, name those energy entities and indicate the status of the transport system operator), and if this is not the case, submit a corresponding statement,
- f) a list of all persons who directly or indirectly control or have other rights over the operator of the transport system (indicate the nature and method of control - right to vote, right to veto, majority share, right to appoint members of the supervisory board, management board or body that legally represents the energy entity, de facto v. de iure control, sole or joint control),
- g) a list of all persons active on the domestic energy market who are directly or indirectly controlled by the operator of the transport system, i.e. persons who have ownership of the transport system (indicate the nature and method of control - right to vote, right to veto, majority share, right to appoint members of the supervisory board management board or body that legally represents the energy entity, de facto and de iure control, single or joint control),
- h) a list of all energy entities that perform the activity of production or supply of electricity or natural gas, in the event that the same person directly or indirectly exercises control or has any other right over the operator of the transport system and those energy entities (indicate the nature and method of control - the right vote, right of veto, majority share, right to appoint members of the supervisory board, board of directors or body that legally represents the energy entity, de facto and de iure control, single or joint control).

Article 20

(Additional documents accompanying the application for certification – natural gas independent system operator)

Along with the request for certification - independent system operator, in addition to the documents defined in Article 18, the following documents must also be attached:

- a) a list of all persons who directly or indirectly control or have other rights over the operator of the transport system (indicate the nature and method of control - right to vote, right to veto, majority share, right to appoint members of the supervisory board, management board or body that legally represents the energy entity, de facto and de iure control, single or joint control),

- b) a list of all persons active on the domestic energy market who are directly or indirectly controlled by the operator of the transport system, i.e. persons who have ownership of the transport system (indicate the nature and method of control - right to vote, right to veto, majority share, right to appoint members of the supervisory board board, management board or body that legally represents the energy entity, de facto and de iure control, single or joint control),
- c) a list of all energy entities that perform the activity of production or supply of electric energy or natural gas, in case the same person directly or indirectly exercises control or has any other right over the operator of the transport system and those energy entities (indicate the nature and method of control - the right vote, right of veto, majority share, right to appoint members of the supervisory board, management board or body legally representing the energy entity, de facto and de iure control, single or joint control),
- d) The applicant's statement that he has the financial, technical, material and personnel resources needed to perform his tasks,
- e) The applicant's statement on compliance with the ten-year plan for the development of the natural gas transport system,
- f) he applicant's statement that he will perform the activity of transport and management of the transport system in accordance with the law, which includes providing evidence of the ability to fulfill obligations in connection with providing the conditions for access to the transport system and the ability to cooperate with other operators of transport systems on a regional and wider level,
- g) Evidence and ability to perform obligations from the draft of the contracted arrangements,
- h) statement and act/agreement with the owner of the transport system on cooperation and the way of providing support to the independent operator of the system to fulfill its tasks, including the necessary information,
- i) deed/agreement with the owner of the transport system on the financing of investments chosen by the independent system operator and approved by the Regulatory Commission, or proof that he has given consent for financing from some other interested party, including the independent system operator,
- j) A statement that they will submit financial contracts or agreements for approval to the Regulatory Commission, in consultation with the interested party,
- k) Proof of the transport system owner's ability to finance the expansion of the transport system, in accordance with point z) of this paragraph,
- l) Proof that the persons responsible for the management of the transport system do not participate in the structures of the vertically integrated entity that are, directly or indirectly, responsible for the daily work, production and supply of natural gas,
- m) Non-discriminatory behavior program;

Article 21

(Additional documents accompanying the application for certification – natural gas independent transport operator)

Along with the request for certification - independent natural gas transport operator, in addition to the documents defined in Article 18, the following documents must also be attached:

- a) Request that he has provided personnel, technical and financial resources for fulfilling the obligations prescribed by law and performing his activities,

- b) Statement and request that the funds are necessary for the transportation of natural gas, administrative-financial affairs and IT services in his ownership,
- c) statement and proof of the applicant that the persons who perform the activity of transport and management of the transport system, including the performance of administrative and financial tasks and IT services, are directly employed or engaged in another way and that they are not employed by a vertically integrated entity,
- d) deed/agreement with a vertically integrated entity that, in a timely manner, will make appropriate financial resources available to the applicant for future financial projects or for the replacement of existing means of work, i.e. in accordance with the law,
- e) Statement and proof of the applicant that in its corporate identity, communication, branding and business premises it differs from the vertically integrated entity or any of its parts,
- f) The applicant's statement and proof that he does not share IT services and equipment, and access to security systems,
- g) Statement and evidence that the applicant's accounts are not controlled by an auditor controlling a vertically integrated entity or some part of it,
- h) statement and proof of the applicant that, independently of the vertically integrated entity, it makes decisions on the necessary funds for the operation, maintenance and development of the transport system, and that it has the authority to provide money on the capital market,
- i) statement and proof that the management structure of the applicant has no direct or indirect participation in the distribution of shares and dividends or other financial benefits with the business units of the vertically integrated entity that perform production or supply,
- j) statement and proof that the persons responsible for management or members of the management body of the applicant and representation do not have any other professional position or responsibility, interest or business relationship, nor do they receive financial compensation, directly or indirectly, from part of the vertically integrated energy entity or from its controlling shareholders,
- k) statement and proof of the applicant that in the period of three years before the appointment, the persons responsible for the management or the members of the management and representation bodies of the applicant did not have any professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated entity, any of its partly or with controlling shareholders,
- l) Program of non-discriminatory behavior,
- k) Data on the person in charge of monitoring the Non-Discriminatory Behavior Program;

CHAPTER IV – Certification of transport system operators in relation to third countries

Article 22

(Certification in relation to third countries)

- (1) The Regulatory Commission informs the Secretariat of the Energy Community about the request for certification of the operator of the transport system, which is controlled by a person or persons from a third country or third countries.
- (2) The Regulatory commission, without delay, informs the Secretariat of the Energy Community about all circumstances that result in the taking over of control over the

operator of the transport system or the transport system by a person from a third country or third countries.

- (3) The operator of the transport system informs the Regulatory Commission about all circumstances that could affect the takeover of control over the operator of the transport system or the transport system by a person from a third country or third countries.
- (4) The certification procedure in relation to third countries is carried out in accordance with the procedure prescribed by law and this rulebook.
- (5) The Regulatory Commission can certify a transport system operator that is under the control of a person from a third country or third countries, if the conditions for that are met, i.e. the criteria prescribed by law are met,
- (6) At the request of the Regulatory Commission, the Ministry gives its opinion on the key issues regarding the certification of the operator of the transport system that is under the control of a person from a third country or third countries,
- (7) The Regulatory Commission takes into account such an opinion when making a decision on the certification of the transport system operator,
- (8) The proposal for a decision on the certification of the transport system operator with a rationale shall be submitted, without delay, to the Secretariat of the Energy Community, together with all the necessary documentation on the basis of which the decision was made,
- (9) The Regulatory Commission, after the certification procedure, at its regular session, in the form of a resolution, makes a final decision on the certification of the transport system operator in relation to third countries.

CHAPTER V – Content of the Decision on certification of the transport system operator

Article 23

(Content of Decision on certification)

Decision on certification necessarily contains:

- a) full name of the entity that is being certified,
- b) head-office and address of the entity that is being certified,
- c) organizational model,
- d) The number and date of issuing the opinion of the competent authority in accordance with the obligations arising from confirmed international agreements and
- e) The explanation containing the established factual situation regarding the fulfillment of the conditions regarding independence and separation, i.e. the satisfaction of the criteria for certification in accordance with the law and this Rule book;

Article 24

(Publication of Decision on certification)

The decision of the Regulatory Commission on the certification of the transport system operator together with the opinion of the Secretariat of the Energy Community and the possible explanation of the Regulatory Commission are published in the Official Gazette of the Republic of Srpska and on the website of the Regulatory Commission.

PART THREE – MONITORING AND RE-CERTIFICATION

Article 25 (Monitoring requirements)

- (1) The Regulatory Commission monitors the fulfillment of the requirements regarding the independence and separation of the transport system operator, i.e. the satisfaction of the criteria on the basis of which the certification was carried out, established by law,
- (2) Monitoring the fulfillment of the conditions regarding the independence and separation of the transport system operator, i.e. the satisfaction of the criteria based on which the certification of the transport system operator was carried out, is carried out by monitoring the use of the license for the performance of transport activities and management of the natural gas transport system,
- (3) The user of the permit for carrying out transport activities and management of the natural gas transport system is obliged to cooperate with the staff of the Regulatory Commission when monitoring the fulfillment of the conditions regarding the independence and separation of the transport system operator, regarding the independence and separation of the transport system operator, i.e. the satisfaction of the criteria based on which certification of the transport system operator has been carried out and reporting in accordance with the Rulebook on reporting, other acts and license conditions in this regard.
- (4) The authorized staff of the Regulatory Commission performs regular and extraordinary inspections of the licensee for carrying out activities of transport and management of the natural gas transport system and has the right of access to facilities, all records and documents by which the transport system operator proves the fulfillment of the prescribed conditions regarding the independence and separation of the transport system operator, that is, the satisfaction of the criteria on the basis of which it was certified.
- (5) Verification of the fulfillment of the prescribed conditions regarding the independence and separation of the transport system operator, i.e. the satisfaction of the criteria on the basis of which it is certified, can be performed independently of the verification of the license conditions.
- (6) If there has been a change in the data or evidence on the basis of which the decision on the request for certification has been made, the transport system operator is obliged to inform the Regulatory Commission of the changes without delay.
- (7) In the case of objections and requests from a third party regarding the fulfillment of the conditions of independence, it examines the justification of the transport system operator, the Regulatory Commission examines the justification of the objections and requests and checks whether the business practices of the transport system operator are in accordance with the decision on certification and whether they have been violated certification criteria.

Article 26 (Initiation of recertification procedure)

- (1) The Regulatory Commission, ex officio, restarts the certification procedure in the following cases:
 - 1) When he receives a notification from the transport system operator about all planned transactions that may require a re-verification of the fulfillment of the conditions for the independence and separation of the transport system operator,
 - 2) When he finds out that the ownership structure change is planned,

- 3) When the influence of non-operators of the transport system may lead to a violation of the conditions of independence and separation of the transport system operator, or there is an evidence that such violations have occurred, or
 - 4) At the reasoned request of the Secretariat of the Energy Community;
- (2) The Regulatory Commission makes a decision on fulfilling the criteria for independence and separation from the transport system operator within four months from the day of receipt:
 - 1) Of the notice made by the transport system operator,
 - 2) Requests from the Secretariat of the Energy Community or
 - 3) Notification of the Regulatory Commission about the start of the inspection of the operator of the transport system on official duty;
 - (3) In case that the Regulatory Commission considers that there has been a violation of the conditions for the independence or separation of the transport system operator, the transport system operator is obliged to remove those violations within the time limit set by the Regulatory Commission, and then submit all documents, data and information that prove that the deficiencies have been eliminated.
 - (4) Based on the documentation, data and information referred to in paragraph (3) of this article, the Regulatory Commission conducts the re-certification procedure of the transport system operator.
 - (5) In case that the transport system operator does not remedy the deficiencies recorded by the Regulatory Commission referred to in paragraph (3) of this article, the Regulatory Commission may issue a decision on the temporary revocation or cancellation of the license for carrying out the activities of transport and management of the natural gas transport system to the transport system operator.
 - (6) In case of temporary revocation or cancellation of the license of the transport system operator, the Regulatory Commission ensures that the activity of transport and management of the transport system continues to be carried out continuously and without interruption in the manner and under the conditions prescribed by law.

Article 27
(Communication)

- (1) Official communication between the transport system operator and the Regulatory Commission is carried out in writing.
- (2) The transport system operator is obliged to submit to the Regulatory Commission information and documentation in the original (certified and signed by a person authorized for representation) or in a certified photocopy within the prescribed deadline and at the special request of the Regulatory Commission,
- (3) Documentation and information may be submitted by fax or electronically, provided that the original or a certified photocopy is delivered in person or by mail to the address of the Regulatory Commission, no later than seven days from the date of delivery by fax or electronically.
- (4) Reports and data for which the Regulatory Commission has prescribed forms shall be submitted in the prescribed form and manner.

PART FOUR – TRANSITIONAL AND FINAL PROVISIONS

Article 28

(Cooperation with other regulatory authorities and Energy Community Secretariat)

- (1) The Regulatory Commission can cooperate with other regulatory commissions in the field of energy in Bosnia and Herzegovina, enabling the smooth exchange of information on submitted requests for certification of transport system operators and decisions based on those requests.
- (2) The Regulatory Commission cooperates with the Energy Community Secretariat o in accordance with the law.

Article 29

(Legal protection)

- (1) Decision made by the Regulatory Commission on the transport system operator certification is final.
- (2) The party dissatisfied with the decision may initiate an administrative dispute with the competent court.

Article 30

(Effective Date)

This Rule book enters into force on the eighth day from the day of its publication in the Official gazette of the RS.

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Trebinje, 20th March 2019

President
Vladislav Vladicic