

Pursuant to Article 340 Paragraph 1 of the Law on Energy (“Official Gazette of the Republic of Serbia” no. 145/14 and 95/18 – other law) and Article 42 Paragraph 1 of the Law on Government” no. 55/05, 71/05 – corrigendum, 101/07, 65/08, 16/11, 68/12 – Constitutional Court, 72/12, 7/14 – Constitutional Court, 44/14 and 30/18 – other law),

The Government hereby adopts the following

## REGULATION ON THE SHARE OF BIOFUEL ON THE MARKET

### Subject of the Regulation

#### Article 1

This Regulation shall define in more detail the share of biofuel on the market, the designated subjects for the supply of biofuel to the market (hereinafter: the designated subject) and their obligations, measures and manner of supplying the biofuel to the market, reporting on the system for the supply of biofuel to the market, register of the designated subjects and their reports, as well as other elements of the system for the supply of biofuel to the market.

This Regulation shall not pertain to fuels which are supplied on the market for the purposes of establishing required, commodity and military reserves.

### Share of biofuel on the market

#### Article 2

The share of biofuel on the market shall be the percentage of energy from biofuel in the total fuel energy, which is supplied to the market of the Republic of Serbia.

The fuel referred to in Paragraph 1 of this Article shall be unleaded engine gasoline and fuel oil which are used as fuel for internal combustion engines in accordance with regulations which determine their technical and other requirements.

The biofuels are supplied to the market mixed with petroleum-based fuels in accordance with the regulations which regulate the field of energy.

With respect to this Regulation, for all biofuels which are mixed with petroleum-based fuel it shall be considered as supplied to the market of the Republic of Serbia once these fuels have been labelled (marked) in accordance with the regulations which closely define the labelling (marking) of previous derivatives and supplying the labelled petroleum derivatives to the market of the Republic of Serbia.

The biofuels referred to in Paragraph 1 of this Article must meet the criteria for the sustainability of biofuel and the stipulated technical and other requests for biofuels.

### Decision on the mandatory share of biofuel on the market

#### Article 3

The Government shall determine, as per its Decision, the mandatory share of biofuel for the designated subjects which they are obligated to supply to the market of the Republic of Serbia.

The obligation referred to in Paragraph 1 of this Article shall be established as the percentage of the contents of the biofuel energy in the total energy from fuel and is expressed in %.

The mandatory share of biofuel in circulation is determined no later than the October of the current year for the period of the subsequent three calendar years, taking into account the economic capacities and the planned dynamics of the enlargement of the share of the biofuel in accordance with the document on public policy which determined the said dynamics + in accordance with the law regulating the energy sector.

#### Designated subjects

##### Article 4.

The designated subjects are energy entities which carry out energy activities pertaining to the production of petroleum derivatives and/or energy activities pertaining to the trade of petroleum, petroleum derivatives, biofuels and compressed petroleum gas trade and import petroleum derivatives.

#### Obligation of Supplying the Share of Biofuel on the Market

##### Article 5

The designated subject of the system is obligated to supply a certain amount of biofuel in a calendar year to the market of the Republic of Serbia, so that the total amount of energy from biofuel corresponds to the minimum share of biofuel in the petroleum derivatives determined in accordance with the Decision of the Government referred to in Article 3 of this Regulation.

The amount of energy from biofuel which the designated subject is obligated to supply to the market of the Republic of Serbia in accordance with Paragraph 1 of this Article, is calculated in accordance with the methodology for the calculation of the share of biofuel on the market proscribed in Annex 1 – Methodology for the Calculation of the Share of Biofuel on the Market, which was printed along with this Regulation and constitutes an integral part of this Regulation.

The energy values of the petroleum derivatives and biofuel which are used to calculate the mandatory share of the biofuel in circulation are proscribed in Annex 3 – Energy Values of the Fuel and Biofuel used for the Calculation of the Mandatory Share of Biofuel in Circulation which was printed along with this Regulation and constitutes an integral part of this Regulation.

The raw materials for the production of biofuels whose energy values are calculated double in relation to the biofuels obtained from other raw materials are proscribed in Annex 4 - List of Raw Materials for the Production of Biofuel whose Energy Value is Calculated Double, which was printed along with this Regulation and constitutes an integral part of this Regulation.

#### Reporting on the System for the Supply of Biofuel to the Market

##### Article 6

The designated subject of the system shall prove that they accomplished to supply the mandatory share of biofuel on the market pursuant to the report on meeting the criteria for the supply of mandatory share of biofuel to the market.

The report referred to in Paragraph 1 of this Article shall be delivered to the Ministry in charge of energy (hereinafter: the Ministry), electronically until the end of April in the current year for the previous year in a form proscribed in Annex 2 – Form for the Report on the Meeting of Criteria for the Supply of the Mandatory Share of Biofuel to the Market, which was printed along with this Regulation and constitutes an integral part of this Regulation.

The Report referred to in Paragraph 1 of this Article is made on the grounds of records kept by the designated subject of the system and which contains the data on the amounts, types

and origins of biofuel, documents which prove that the biofuels meet the sustainability criteria as well as the amounts and types of fuel which were supplied on the market of the Republic of Serbia.

The records referred to in Paragraph 3 of this Article are kept for at least five years.

If the designated subject of the system does not submit the report in the proscribed deadline referred to in Paragraph 2 of this Article or submits a report which is incomplete, unclear, contradictory, unsigned i.e. if it contains other shortcomings, the Ministry shall inform the designated subject that they must remove all the shortcomings within the deadline which may not be shorter than 8 days or longer than 30 days

If the designated subject of the system fails to remove the shortcomings in accordance with the notice referred to in Paragraph 5 of this Article, it shall be considered that they failed to meet the criteria for the supply of the mandatory share of biofuel on the market for the year for which the report is made.

Should the inspection determine that the report was made on the grounds of invalid data and records, the inspector shall determine the actual amount of the biofuel which the designated subjects supplied to the market in the reporting period.

## Register of the Designated Subjects of the System

### Article 7

The designated subjects of the system are entered into the Register of the Designated Subjects of the System (hereinafter: “the Register”) ex officio on the grounds of registers of issued and revoked licences, which is kept by the Energy Agency of the Republic of Serbia and data from the Customs Administration.

The Register is kept in electronic form.

Data pertaining to the meeting of criteria for the supplying of biofuel to the market for the previous year on the part of the designated subjects shall be entered into the Register until the end of May of the current year for the previous year.

## Contents of the Register

### Article 8

Register referred to in Article 7 of this Regulation shall contain the following data:

- 1) number in the registry, name, registration number, TIN, head office and business activity with a business activity code of the designated subject of the system,
- 2) data on the mandatory share of biofuel on the market of the designated subjects for the current calendar year,
- 3) data on the accomplished share of biofuel on the market of the designated subjects for the previous calendar year,

Reports referred to in Article 6 of this Regulation and issued decisions referred to in Article 10 of this Regulation for each designated subject shall be entered into this Register.

## Availability of Data in the Register

### Article 9

The data in the Register are publicly available and visible on the website of the Ministry, with the exception of reports referred to in Article 6 of this Regulation which constitute a business secret of the designated subject of the system.

Consequences of failure to meet the criteria of supplying the mandatory share of biofuel on the market

#### Article 10

If the designated subjects of the system do not supply to the market the mandatory share of biofuel or if during the inspection procedure it is determined that the report referred to in Article 6 of this Regulation was made on the grounds of invalid data, they shall be obligated to pay penalties due to the failure to meet the criteria of supplying the mandatory share of biofuel to the market (hereinafter: “the Penalty”).

The Penalty shall be determined in a monetary amount per unit of energy depending on the amount of biofuel, which the designated subject of the system failed to supply for the market in relation to the proscribed mandatory share of biofuel on the market.

In cases pertaining to Article 6 Paragraph 7 of this Regulation, the designated subjects shall pay a penalty for the difference between the amount of biofuel which they designated in the report referred to in Article 6 Paragraph 1 of this Regulation and actual amount of the biofuel they supplied to the market.

The methodology for the calculation of penalties is proscribed in Annex 5 – Methodology for the Calculation of Penalties, which was printed along with this Regulation and constitutes an integral part of this Regulation.

The Ministry shall determine the amount of the Penalty for the designated subject in accordance with the Decision reached in an administrative procedure.

The Decision referred to in Paragraph 5 of this Article is final.

The deadline for the payment of the penalty is three months from the date this Decision referred to in Paragraph 5 of this Article was delivered.

The Penalty shall be paid to the budget of the Republic of Serbia.

The Penalty shall be considered public income in accordance with the law regulating the budget system.

#### Penalty Provisions

#### Article 11

A designated subject of the system shall be fined with a penalty in the amount from 1,500,000 to 3,000,000 dinars for an economic offence if they do not submit a report in accordance with Article 6 of this Regulation as well as if they fail to submit a report i.e. remove their shortcomings within the extended deadline in accordance with Article 6 Paragraph 5 of this Regulation.

The liable person who is a designated subject shall be fined for an economic offence referred to in Paragraph 1 of this Article in the amount between 100,000 and 200,000 dinars.

For a committed economic offence referred to in Paragraph 1 of this Article, the legal entity may be issued a protective measure banning them from performing a specific business activity lasting from 6 months to 3 years, if the legal person was penalised for the same economic offence in the last two years.

#### Article 12

The Ministry shall be obligated to establish a Register within one year from the date this Regulation enters into force.

#### Final Provisions

#### Article 13

This Regulation shall enter into force eight days upon being published in the “Official Gazette of the Republic of Serbia” and shall be applicable as of 1<sup>st</sup> January 2021.

05 Number: 110-9682/2019  
In Belgrade, 3<sup>rd</sup> October 2019

THE GOVERNMENT

PRESIDENT

Ana Brnabić, duly signed