

Številka: 111-14/2018-10/263
Datum: 26. 9. 2018

Agencija za energijo izdaja na podlagi člena 12(4) Uredbe (EU) št. 347/2013 Evropskega parlamenta in Sveta z dne 17. aprila 2013 o smernicah za vseevropsko energetska infrastrukturo in razveljavitvi Odločbe št. 1364/2006/ES in spremembi uredb (ES) št. 713/2009, (ES) št. 714/2009 in (ES) št. 715/2009 (UL L, 115 z dne 25. 4. 2013, str. 39) na zahtevo predlagatelja, družbe ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana, ki jo zastopa direktor Aleksander Mervar, za odločitev o razporeditvi stroškov naložbe za projekt DV 2 x 400 kV Cirkovce–Pince in RTP 400/110 kV Cirkovce, naslednjo

ODLOČBO

1. Strošek naložbe za projekt DV 2 x 400 kV Cirkovce–Pince in RTP 400/110 kV Cirkovce se v celoti razporedi sistemskemu operaterju slovenskega prenosnega sistema električne energije, družbi ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana.
2. Posebni stroški v zvezi z izdajo te odločbe niso nastali.

Obrazložitev:

Agencija za energijo (v nadaljevanju agencija) je 31. 8. 2018 od sistemkega operaterja, družbe ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana, ki jo zastopa direktor Aleksander Mervar (v nadaljevanju predlagatelj projekta), prejela zahtevek za naložbo v zvezi z izgradnjo DV 2 x 400 kV Cirkovce–Pince in RTP 400/110 kV Cirkovce, ki predstavlja slovenski del projekta skupnega interesa PCI 3.9.1. Interkonekcija med Žerjavincem (HR)/Hevizom (HU) in Cirkovcami (SI). Zahtevku za naložbo, ki vsebuje tudi predlog za čezmejno razporeditev stroškov, sta bila priložena analiza stroškov in koristi (CBA) in poslovni načrt. Agencija je v skladu s točko 2.2. in 2.3 dokumenta Recommendation No 5/2015 of the Agency for the Cooperation of Energy Regulators (v nadaljevanju priporočila) opravila oceno popolnosti zahteve za naložbo in preliminarno kvalitativno oceno podatkov v zahtevi za naložbo ter predlagatelja projekta pozvala, da zahtevo za naložbo dopolni s podrobnejšim prikazom deleža koristi med državami, na katere projekt vpliva. Predlagatelj projekta je zahtevani dokument posredoval 12. 9. 2018 skupaj z zapisniki sestankov glede načrtovanja projekta med sistemskimi operaterji Slovenije, Madžarske in Hrvaške.

Na podlagi člena 12(1) Uredbe (EU) št. 347/2013 Evropskega parlamenta in Sveta z dne 17. aprila 2013 o smernicah za vseevropsko energetska infrastrukturo in razveljavitvi Odločbe št. 1364/2006/ES in spremembi uredb (ES) št. 713/2009, (ES) št. 714/2009 in (ES) št. 715/2009 (UL L, 115 z dne 25. 4. 2013, str. 39, v nadaljevanju uredba) dejansko nastale stroške naložbe, ki ne vključujejo stroškov vzdrževanja, povezane s projektom skupnega interesa, ki spada v kategorije iz Priloge II. 1 (a), (b)

in (d) ter Priloge II. 2 uredbe, krijejo operaterji ustreznih prenosnih sistemov ali predlagatelji projektov infrastrukture za prenos v državah članicah, ki jim projekt zagotavlja neto pozitivni učinek, v obsegu, v katerem jih ne krijejo dajatve za prezasedenost ali druge dajatve, plačajo pa jih uporabniki omrežja prek tarif za dostop do omrežja v teh državah članicah. Če je predlagatelj projekta več, skladno z drugim odstavkom člen 12(2) uredbe ustrezni nacionalni regulativni organ od vseh predlagateljev nemudoma zahteva, da zahtevke za naložbe predložijo skupaj v skladu z odstavkom 3 uredbe.

Dalje nacionalni regulativni organi skladno s členom 12(4) uredbe najpozneje šest mesecev od datuma, ko zadnji zadevni nacionalni regulativni organi prejmejo zadnji zahtevek, po posvetovanju z zadevnimi predlagatelji projekta sprejmejo usklajene odločitve o razporeditvi stroškov naložbe, pri čemer te stroške projekta krije vsak upravljavec sistema in so vključeni tudi v tarife. Nacionalni regulativni organi se lahko odločijo, da bodo razdelili le del stroškov ali jih razporedili v sveženj različnih projektov skupnega interesa. Pri odločitvi o čezmejni razporeditvi stroškov se upoštevajo ekonomski, socialni in okoljski stroški ter koristi projektov v zadevnih državah članicah ter morebitna potreba po finančni podpori.

Točka 1.4 priporočil navaja, da predlagatelji projekta zahtevek za naložbo naslovijo zadevnim regulativnim organom - regulativnim organom držav članic, v katerih se projekt izvaja, in tudi regulativnim organom držav članic, za katere analiza stroškov in koristi pokaže pomemben neto pozitiven vpliv projekta. V postopku je agencija ugotovila, da je v primeru zahtevka za naložbo DV 2 x 400 kV Cirkovce–Pince in RTP 400/110 kV Cirkovce edini zadevni regulativni organ agencija, ker:

- DV 2 x 400 kV Cirkovce–Pince in RTP 400/110 kV Cirkovce ležita v celoti na ozemlju Republike Slovenije in predstavljata samo slovenski del projekta PCI 3.9.1. Interkonekcija med Žerjavincem (HR)/Hevizom (HU) in Cirkovcami (SI). Preostali del projekta leži na ozemlju Madžarske in Hrvaške in je bil zgrajen že pred letom 2006 s sredstvi madžarskega in hrvaškega systemskega operaterja, kar izhaja tudi iz zapisnikov sestankov glede načrtovanja projekta interkonekcije med systemskimi operaterji Slovenije, Madžarske in Hrvaške;
- iz analize stroškov in koristi za projekt izhaja, da ima projekt pomemben neto pozitiven vpliv samo na Slovenijo. Iz priloženega zahtevka za naložbo in analize stroškov in koristi za projekt je razvidno, da so neto koristi vsake od posameznih držav v regiji manjše od 10 % skupnih koristi projekta.

Glede na to, da je predlagatelj vloge zahtevo naslovil samo na slovenski nacionalni regulativni organ, da se bodo izvedbena dela izvajala izključno v Republiki Sloveniji, saj so izvedbena dela na ozemlju Madžarske in Hrvaške bila izvedena že pred letom 2006, ter da posameznim državam v regiji projekt ne zagotavlja pomembnega neto pozitivnega učinka, agencija zaključuje, da je v tem primeru zadevni regulativni organ samo agencija.

Nadalje je agencija na podlagi predložene dokumentacije ugotovila, da projekt izkazuje zadostno stopnjo zrelosti, saj ugotavlja sledeče:

- koristi projekta v analizi stroškov in koristi so dobro prepoznavne;
- obstajajo zadostne gotovosti glede ocenjenih stroškov v analizi stroškov in koristi;
- dejavniki, ki vplivajo na stroške in koristi, so dobro znani, analiza občutljivosti glede stroškov pa izkazuje visoko stopnjo robustnosti v vseh analiziranih scenarijih;
- postopki za pridobitev dovoljenj za izvedbo projekta v Sloveniji so že sproženi;
- je predvideni rok za dokončanje projekta v prvi polovici leta 2021;

- projekt se navezuje na že vzpostavljeno prenosno infrastrukturo prenosnih omrežij Madžarske in Hrvaške ter zagotavlja popolno interkonekcijo prenosnih sistemov treh držav.

Na podlagi zgornjih ugotovitev je agencija odločila, kot izhaja iz prve točke izreka te odločbe in stroške naložbe v celoti naložila predlagatelju vloge.

Agencija bo o odločitvi o razporeditvi stroškov skladno z drugim odstavkom člen 12(5) uredbe obvestila Agencijo za sodelovanje energetskih regulatorjev.

V postopku izdaje te odločbe niso nastali posebni stroški, zato je agencija na podlagi 118. člena ZUP odločila, kot izhaja iz druge točke izreka te odločbe.

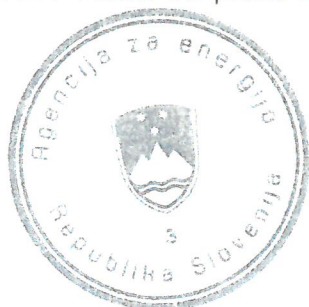
Ta odločba je takse prosta skladno z drugim odstavkom 2. člena Zakona o upravnih taksah (Uradni list RS, št. 106/10 – uradno prečiščeno besedilo, 14/15 – ZUUJFO, 84/15 – ZZelP-J, 32/16 in 30/18 – ZKZaš).



POUK O PRAVNEM SREDSTVU:

Zoper odločbo na podlagi prvega odstavka 418. člena EZ-1 pritožba ni dovoljena, je pa dopusten upravni spor, ki se sproži z vložitvijo tožbe v 30 dneh po prejemu te odločbe, in sicer neposredno pisno pri Upravnem sodišču Republike Slovenije, Fajfarjeva 33, 1000 Ljubljana, ali na zunanjih oddelkih upravnega sodišča glede na sedež ali prebivališče tožnika, lahko pa se pošlje navedenemu sodišču po pošti. Šteje se, da je bila tožba vložena pri sodišču tisti dan, ko je bila priporočeno oddana na pošto. Tožba se vloži v toliko izvodih, kolikor je strank v postopku. Tožbi je treba priložiti upravni akt, ki se izpodbija, v izvirniku, prepisu ali kopiji.

V upravnem sporu je na podlagi Zakona o sodnih taksah (Uradni list RS, št. 37/08, 97/10, 63/13, 58/14 – odl. US, 19/15 – odl. US, 30/16, 10/17 – ZPP-E, 11/18 – ZIZ-L in 35/18 – odl. US) ob vložitvi tožbe treba plačati sodno takso, in sicer po tarifni številki 6111 v znesku 148 evrov. Taksa se plača na transakcijski račun sodišča, št. 01100-8450088976.



Direktorica,
mag. Duška Godina

po pooblastilu: Tomaž Lan, univ. dipl. inž.
vodja sektorja skupnih dejavnosti

Vročiti – osebno:

- družba ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana

Number: 111-14/2018-10/263
Date: 26 September 2018

L.S.
Sent on 26 September 2018

The Energy Agency hereby issues, pursuant to Article 12(4) of Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No. 1364/2006/ES and amending Regulations (EC) No. 713/2009, (EC) No. 714/2009 and (EC) No. 715/2009 (Official Journal L, 115 of 25 April 2013, p. 39), at the request of the promoter, ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana, represented by Aleksander Mervar, CEO, for a decision on the cost allocation of investment for the 2x400 kV transmission line Cirkovce-Pince and the 400/110 kV substation Cirkovce project, the following


DECISION

1. The investment costs for the 2x400 kV transmission line Cirkovce-Pince and the 400/110 kV substation Cirkovce project shall be allocated in their entirety to the operator of the Slovenian electric power transmission system, i.e., ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana.
2. No specific costs related to the issue of this Decision were incurred.

Reasons


The Energy Agency (hereinafter: the Agency) received on 31 August 2018 from the system operator, i.e., ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja, Hajdrihova ulica 2, 1000 Ljubljana, represented by Aleksander Mervar, CEO (hereinafter: Project Promoter), an investment request in connection with the construction of the 2x400 kV transmission line Cirkovce-Pince and the 400/110 kV substation Cirkovce, which represents the Slovenian part of the project of common interest (PCI) 3.9.1. Interconnection between Žerjavinec (HR)/Heviz (HU) and Cirkovce (SI). Enclosed with the investment request, which also includes a proposal for the allocation of costs across borders, were also a cost-benefit analysis and a business plan. In accordance with items 2.2 and 2.3 of Recommendation No. 5/2015 of the Agency for the Cooperation of Energy Regulators (hereinafter: Recommendation), the Agency performed an assessment of the completeness of the investment request, as well as a preliminary qualitative evaluation of data in the investment request, and called on the Project Promoter to supplement the investment request with a more detailed presentation of the share of the benefits among states affected by the project. The Project Promoter submitted the required document on 12 September 2018, together with the minutes of meetings in connection with project planning among the system operators of Slovenia, Hungary and Croatia.

Pursuant to Article 12(1) of Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No. 1364/2006/ES and amending Regulations (EC) No. 713/2009, (EC) No. 714/2009 and (EC) No. 715/2009 (Official Journal L, 115 of 25 April 2013, p. 39; hereinafter: Regulation), the efficiently incurred investment costs, which exclude maintenance costs related to a project of common interest falling under the categories set out in Annex II.1 (a), (b) and (d) and Annex II.2 of the Regulation, shall be borne by the relevant TSOs or the project promoters of the transmission infrastructure in the Member States to which the project provides a net positive impact, and to the extent not covered by congestion rents or other charges, be paid for by network users through tariffs for network access in that or those Member States. Where a project has several project promoters, the relevant national regulatory authorities shall without delay request, in line with paragraph 2 of Article 12(2) of the Regulation, that all project promoters submit the investment request jointly in accordance with paragraph 3 thereof.



Further, the national regulatory authorities shall, in line with Article 12(4) of the Regulation, within six months of the date on which the last investment request was received by the national regulatory authorities concerned, and after consulting the project promoters concerned, take coordinated decisions on the allocation of investment costs to be borne by each system operator for the project, as well as their inclusion in tariffs. The national regulatory authorities may decide to allocate only part of the costs, or may decide to allocate costs among a package of several projects of common interest. When deciding to allocate costs across borders, the economic, social and environmental costs and benefits of the projects in the Member States concerned and the possible need for financial support shall be taken into account.

Item 1.4 of the Recommendation stipulates that project promoters should address their investment requests to the relevant regulatory authorities – the national regulatory authorities of the Member States hosting the project, as well as to the national regulatory authorities of any other Member States having a potentially significant net positive impact based on the project-specific cost-benefit analysis. In the course of the procedure, the Agency established that in the case of the investment request concerning the 2x400 kV transmission line Cirkovce-Pince and the 400/110 kV substation Cirkovce, the only relevant regulatory authority is the Agency, because:

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- the 2x400 kV transmission line Cirkovce-Pince and the 400/110 kV substation Cirkovce lie in their entirety on the territory of the Republic of Slovenia and represent only the Slovenian part of the project of common interest (PCI) 3.9.1. Interconnection between Žerjavinec (HR)/Heviz (HU) and Cirkovce (SI). The remaining part of the project lies on the territories of Hungary and Croatia, and had already been constructed before 2006 and funded by the Hungarian and Croatian system operators, which is also evident from the minutes of meetings in connection with the planning of the project involving the interconnection between the system operators of Slovenia, Hungary and Croatia;
 - the project's cost-benefit analysis (CBA) indicates that the project has a significant net positive impact only on Slovenia. It is evident from the enclosed investment request and the cost-benefit analysis of the project that the net benefits of each of the countries in the region are less than 10% of the total benefits of the project.

Given that the Project Promoter addressed its request solely to the Slovenian national regulatory authorities and that the relevant works will be carried out exclusively in the Republic of Slovenia, since the works on the territories of Hungary and Croatia had already been completed before 2006, and that the project does not ensure any significant net positive impacts on individual countries in the region, the Agency has concluded that in this case the relevant regulatory authority is only the Agency.

Further, the Agency has established, on the basis of submitted documentation, that the project demonstrates a sufficient level of maturity, as it establishes the following:

- the benefits of the project are well recognisable in the cost-benefit analysis;
- the cost-benefit analysis provides sufficient certainty regarding estimated costs;
- the factors impacting the costs and benefits are well known, while the sensitivity analysis with respect to costs demonstrates a high level of robustness in all analysed scenarios;
- the procedures for obtaining permits for the project's implementation in Slovenia have been initiated;
- the foreseen deadline for project completion is in the first half of 2021;
- the project is linked to the already constructed transmission infrastructure of the transmission networks of Hungary and Croatia, and provides for the full interconnection of transmission systems of three countries.

On the basis of the findings specified above, the Agency has decided as stated in item one of the wording of this Decision, and ordered the promoter to bear the full costs of the investment.

In accordance with paragraph two of Article 12(5) of the Regulation, the Agency shall notify the Agency for the Cooperation of Energy Regulators of its cost allocation decision.

No specific costs having been incurred in the procedure of issuing this Decision, the Agency has, pursuant to Article 118 of the General Administrative Procedure Act (ZUP), decided as stated in paragraph two of the wording of this Decision.

This Decision is exempt from tax duty in accordance with paragraph two of Article 2 of the Administrative Tax Act (Official Gazette of the Republic of Slovenia, nos. 106/10 – official consolidated text, 14/15 – ZUUJFO, 84/15 – ZZelP-J, 32/16 and 30/18 – ZKZaš).

Legal instruction:

No appeal is allowed against this Decision under paragraph one of Article 418 of the Energy Act (EZ-1). However, an administrative dispute is allowed and may be initiated by filing an action within 30 days after receipt of this Decision. The action is to be filed in writing directly with the Administrative Court of the Republic of Slovenia, Fajfarjeva 33, 1000 Ljubljana, or with any external department of the Administrative Court with respect to the plaintiff's registered office or address, or sent to the above-named court by post. The action shall be deemed to have been filed with the court on the day when it was sent by registered mail. The action is to be filed in as many copies as there are parties to the proceedings. The original, transcript or copy of the administrative act being contested is to be enclosed with the action.

Pursuant to the Administrative Tax Act (Official Gazette of RS, nos. 37/08, 97/10, 63/13, 58/14 – CC Dec., 19/15 – CC Dec., 30/16, 10/17 – ZPP-E, 11/18 – ZIZ-L, and 35/18 – CC Dec.), tax duty is payable upon filing an action in an administrative dispute which, under tariff no. 6111,

amounts to EUR 148.00. Tax duty is to be paid to the court's bank account, no. 01100-8450088976.

Duška Godina, MSc
Director

By authority: Tomaž Lah, BSc
Head of Common Services Department
(signature illegible)

L.S.
Energy Agency of the Republic of Slovenia

To be served – in person:

- ELES, d.o.o., sistemski operater prenosnega elektroenergetskega omrežja
Hajdrihova ulica 2, 1000 Ljubljana



No.: 134-S/18

The undersigned Suzana Mary Stančič, Court Interpreter for the English language, appointed on 26 June 1990 by Decree no. 756-15/90 of the Ministry of Justice and Administration, Republic of Slovenia, hereby declares that this translation completely corresponds to the original Slovene text.

Podpisana Suzana Mary Stančič, z odločbo Ministrstva za pravosodje in upravo RS z dne 26.06.1990 št. 756-15/90 imenovana za sodnega tolmača za angleški jezik, potrjujem, da se ta prevod popolnoma ujema z izvornikom, ki je sestavljen v slovenskem jeziku.

Kamnik, 04 October 2018



AGENCIJA ZA
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