

Although the Constitutional Court made a decision at the end of July that the decree on wind power plants U-N no. 49/20, is not in accordance with the current law on energy and the Constitution and was repealed, it did not change anything in the system of incentives for renewable energy sources (RES), i.e. wind power plants (BE). That is, citizens and the economy will continue to pay incentives for RES.

Last week, Action for Social Justice (ASP) informed the public that the decree had been repealed, and based on that information from the Day, they asked the Official Gazette when that decision was published and the Ministry of Capital Investments what that decision would mean for citizens. MKI explained that incentives for RES are still in force and are being paid, despite the repealed regulation.

The relevant ministry pointed out that the repealed regulation was not in accordance with the current law on energy, and that the law on the basis of which this regulation was adopted ceased to be valid after the Assembly of the 24th convocation at the fifth session of the first regular session on April 22, 2010. passed the new Law on Energy, which entered into force on May 14, 2010.

- After that, the law from 2010 ceased to be valid as the Assembly of the 28th convocation, at the second session of the second regular session on December 29, 2015, passed the new Law on Energy, which entered into force on January 28, 2016. , according to the provisions of Article 261 of that law. Based on the fact that, in accordance with Article 235 paragraph 1 of the Law on Energy, the deadline for harmonizing regulations with that law expired on January 28, 2017, and the challenged Regulation was not harmonized within the time limit set by that law, the Constitutional Court found that it is not in compliance with the law and that the conditions for its abolition have been met - the Ministry of Capital Investments pointed out.

The department headed by Minister Ervin Ibrahimović states that the regulation on wind power plants regulated the procedure for measuring and researching wind potential, defining the land for measuring and researching wind potential, the procedure for building a wind power plant and connecting it to the power system, as well as the acquisition and purchase of electricity Energy.

As the provisions of the current law regulate the issue of measuring and researching the potential of renewable energy sources, the procedure for connecting the wind farm to the power system, taking over and buying electricity from the wind farm, the further validity of the Regulation on Wind Farms in the legal system made no sense, said the Ministry of Interior.

The Ministry of Interior emphasizes that during the implementation of the construction of wind farms, the investors complied with the regulations that were in force at that time.

- Also, we note that the producers of electricity from wind farms have achieved the right to the status of a privileged producer, and therefore the right to an incentive price, based on

the existing Law on Energy and its by-laws, which makes their right to the achieved incentive measures unquestionable – they concluded from MKI.

In Montenegro, they have two wind farms, Krnovo and Možura. Both are privately owned, and citizens, the economy, and the government pay multimillion-dollar incentives for both. Incentives are paid through the electricity bill, item OIE1 and OIE2.

### **Fees effective from 2013**

Incentives for RES have been paid since 2013 and refer to small hydroelectric power plants (mHE) and wind power plants (VE), i.e. for renewable energy sources. Until 2016, the fee was 0.47316 cents per kilowatt hour, but as of January 2019, the fee for OIE1 is 0.47320 cents, while for OIE2 it is 0.9439 cents per kilowatt. The fee was introduced to encourage the production of electricity from renewable sources, and in Montenegro it is problematic, because it concerns private producers whose business is financed from the citizens' budget, through electricity bills, eKapija writes.