

**ZAKON O POTVRĐIVANJU PROTOKOLA IZMEĐU VLADE CRNE GORE I VLADE ČEŠKE
REPUBLIKE O SARADNJI U OBLASTI ENERGETIKE I INFRASTRUKTURE**

Član 1

Potvrđuje se Protokol između Vlade Crne Gore i Vlade Češke Republike o saradnji u oblasti energetike i infrastrukture

Član 2

Tekst Protokola iz člana 1 ovog zakona, u originalu na engleskom i na crnogorskom jeziku glasi:

**PROTOCOL BETWEEN THE GOVERNMENT OF MONTENEGRO AND THE GOVERNMENT
OF CZECH REPUBLIC ON COOPERATION IN FIELD OF ENERGY AND INFRASTRUCTURE**
Preamble

The Government of Montenegro and the Government of the Czech Republic (referred to as the "Contracting Parties"):

- Expressing the intent to promote bilateral economic cooperation in the area of energy and infrastructure;
- Recognizing the importance of building the energy infrastructure for economic and social development of countries of both Contracting Parties;
- Acknowledging that cooperation in the area of energy infrastructure contributes enlarging the scope of bilateral economic cooperation and raising the level of bilateral cooperation, thus being in accordance with core interests of both countries;
- Taking in consideration the accession of Montenegro to the "Treaty Establishing the Energy Community", which it signed on 25 October 2005 in Athens, pursuant to which Montenegro undertakes to implement the European Union acquis in the area of energy, particularly regulation in the European Union internal energy market;
- Taking in consideration the Article 2, Article 3, paragraph a) and Article 4, paragraph 1 of the Agreement between the Government of Montenegro and the Government of the Czech Republic on Economic and Industrial Cooperation, (hereinafter referred to as "the Agreement") signed on 27 April 2011 in Cetinje, which stipulates that the Contracting Parties shall support the promotion of bilateral economic relations and by which they agree to promote economic and industrial cooperation in the area of energy, which will be further regulated by mutual agreement;
- Taking into consideration the membership of the Czech Republic in the European Union and the future membership of Montenegro in the European Union;
- Acknowledging the existence of Energy Development Strategy of Montenegro by 2030, which provides basic guidelines for improvements in the area of energy and the sustainable development in Montenegro and defines the project of construction of the Thermal Power plant "Pljevlja" Block II as one of the priority energy projects;
- Taking in consideration that the preliminary project, the feasibility study and the environmental impact assessment study have been drafted in 2012 in relation to the construction of Block II of the TPP "Pljevlja" in order to ensure continuous generation of electric energy in the thermal power complex Pljevlja in a more efficient and ecologically more responsible manner in conformity with the requirements of the EU regulations, ensure the energy independence of Montenegro and create preconditions for resolving the key problems in Pljevlja basin through the construction of district heating system;
- Taking in consideration that the construction of undersea HVDC cable between Italy and Montenegro and the construction of 400 kV transmission system of electric energy

"Trans-Balkan electricity corridor", connecting markets of Eastern and Western Europe, establishes the grounds for investments in the energy sector, thus making the project of construction of the TPP "Pljevlja" competitive and sustainable;

have agreed as follows:

ARTICLE 1

1. The aim of this Protocol is the promotion of cooperation between entities of Montenegro and Czech Republic, on the basis of the principle of mutual use, interest and benefit, in accordance with the laws applicable within the territories of both Contracting Parties.

2. This Protocol is without prejudice to the rights and obligations ensuing from applicable bilateral or multilateral international treaties, concluded by Montenegro and third party as well as by the Czech Republic and third party, or to the rights and obligations ensuing from the membership of both countries in the regional and international organizations, including those obligations ensuing from the Contracting Parties' membership in customs, economic or monetary union or to the rights and obligations of the Czech Republic ensuing from its membership in the European Union and the future membership of Montenegro in the European Union.

ARTICLE 2

1. The Contracting Parties shall encourage and support companies from their respective countries to take part in the implementation of the energy and infrastructure projects, which may be realized in the territory of the Contracting Parties by the virtue of this Protocol.

2. The Contracting Parties agree that this Protocol shall provide the institutional support for implementation of large-scale investment ventures in which the companies from both Montenegro and Czech Republic may be engaged in pursuant to this Protocol and the Agreement.

3. The Contracting Parties confirm that, at the time of the conclusion of this Protocol, the first priority project in respect of the Contracting Parties' aims and mutual benefits, that represents the large-scale investments venture, which the Contracting Parties intend to jointly implement and support, is the construction of the thermal power plant "Pljevlja" – block II. This project is intended to be realized by the Montenegrin electricity utility company "Elektroprivreda Crne Gore" AD Nikšić (hereinafter referred to as "EPCG") and the relevant strategic partner.

ARTICLE 3

In relation to the activities referred to in the Article 2 of this Protocol, the Contracting Parties agree to provide assistance, depending on the participation and real activities of relevant companies, especially in the following:

- 1) Overall project designing, including the drafting and the development of project technical documentation and environmental impact assessment studies for:
 - (i) the construction of the approx. 250MW lignite-fueled thermal power block, supplying the city with district heating;
 - (ii) adjustment of the existing unit of TPP "Pljevlja"- I to applicable conditions in relation to the environmental protection, whilst implementing technical solutions that will ensure maximum energy efficiency and minimum environmental impacts, in accordance with applicable EU directives and the applicable Montenegrin law in this area;

- 2) implementation of the project through production and supply of equipment and execution of works;
- 3) creation of adequate conditions for financing and implementation of projects;
- 4) optimization of institutional, financial, technical, operational and environmental risks of the planned projects; and
- 5) ensuring technical assistance of experts specialized for training of local employees.

ARTICLE 4

The Contracting Parties shall endeavor to achieve the main objectives of the implementation of this Protocol:

- 1) improvement of the production structure of the Montenegrin energy industry;
- 2) ensuring security of supply to the consumers of electric energy;
- 3) increasing sustainability of projects covered by this Protocol; and
- 4) investigation of possibilities for future cooperation in the area of generation of hydro energy and exploitation of coal resources in Maoča River basin.

ARTICLE 5

Notwithstanding other provisions of this Protocol and the provisions of the Agreement, with the purpose of implementation of the first-priority project mentioned in Article 2, paragraph 3 of this Protocol (i.e. project "Pljevlja" – block II), the Contracting Parties hereby set the special rules for implementation of the project "Pljevlja" – block II and for that purpose agree that the companies and financial institutions involved in implementation of the project "Pljevlja" – block II shall, without formal procedures, enter into direct negotiations and define mutual rights and obligations by concluding separate agreements in connection with such realization of the project.

ARTICLE 6

1. The Contracting Parties shall provide support to the implementation of projects referred to in Article 2 and Article 3 of this Protocol, in accordance with their national regulation.
2. The Contracting Parties hereby affirm and agree that envisaged under Article 5, the implementation of projects referred to in Article 2 and Article 3 under this Protocol shall comply with the international obligations undertaken by the Contracting Parties, without limitation (Agreement on Government Procurement, Stabilization and Association Agreement between Montenegro and the European Union and the Treaty on the Functioning of the European Union).

ARTICLE 7

1. Any dispute between the Contracting Parties arising from the interpretation or implementation of this Protocol shall be resolved amicably through consultations or negotiations between officials of the Joint Committee on Bilateral Economic Cooperation established in accordance with the Article 6 of the Agreement.
2. In case that such dispute is not resolved in accordance with the previous paragraph, the Contracting Parties shall immediately try to resolve such dispute through diplomatic channels.

ARTICLE 8

1. This Protocol shall enter into force on the first day of the following month of the date of receipt of the last written notification by which the Contracting Parties notify each other of the fulfillment of internal legal procedures necessary for its entry into force.
2. This Protocol is concluded for an indefinite period of time. Each Contracting party may terminate this Protocol at any time, by a written notification to the other Contracting Party, through diplomatic channels. The Protocol shall cease to be valid six (6) months after delivery of such notification.

3. If the Contracting Parties have not agreed otherwise, the termination of this Protocol shall not affect the implementation of activities that are ongoing.

Done in on 2016, in two original copies, each in Montenegrin, Czech and English, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

**FOR THE GOVERNMENT
OF MONTENEGRO**

**FOR THE GOVERNMENT
OF THE CZECH REPUBLIC**

PROTOKOL IZMEĐU VLADE CRNE GORE I VLADE ČEŠKE REPUBLIKE O SARADNJI U OBLASTI ENERGETIKE I INFRASTRUKTURE

UVOD

Vlada Crne Gore i Vlada Češke Republike (u nastavku: Ugovorne strane)

- U namjeri da promovišu bilateralnu ekonomsku saradnju u oblasti energetike i infrastrukture;
- Prepoznajući značaj izgradnje energetske infrastrukture za društveno-ekonomski razvoj zemalja obje Ugovorne strane;
- Prepoznajući činjenicu da saradnja u oblasti energetske infrastrukture doprinosi povećanju obima i podizanju nivoa bilateralne ekonomske saradnje i time je u skladu sa ključnim interesima dvije zemlje;
- Imajući u vidu pristupanje Crne Gore „Sporazumu o uspostavljanju energetske zajednice” potpisanom 25. oktobra 2005. godine u Atini, kojim se Crna Gora obavezala da će primjenjivati zakonodavstvo Evropske unije iz oblasti energetike, a posebno propise koji važe na unutrašnjem tržištu energije Evropske unije;
- Imajući u vidu član 2 član 3 stav a) i član 4 stav 1 Sporazuma između Vlade Crne Gore i Vlade Češke Republike o ekonomskoj i industrijskoj saradnji, (u nastavku : Sporazum) potpisanog 27. aprila 2011. godine na Cetinju, kojim je propisano da će Ugovorne strane podržavati unapređenje bilatelarnih ekonomskih odnosa i da će podsticati ekonomsku i industrijsku saradnju u oblasti energetike, koja će biti dodatno regulisana zajedničkim sporazumom;
- Imajući u vidu članstvo Češke Republike u Evropskoj uniji i buduće članstvo Crne Gore u Evropskoj uniji;
- Uvažavajući Strategiju razvoja energetike Crne Gore do 2030. godine, koja obezbjeđuje osnovne smjernice za unapređenja u oblasti energetike i održivog razvoja u Crnoj Gori i definiše projekte izgradnje II bloka Termoelektrane „Pljevlja” kao jednog od prioriternih energetskih projekata;
- Imajući u vidu da su idejni projekat, studija izvodljivosti i studija o procjeni uticaja na životnu sredinu izrađeni 2012. godine u vezi sa izgradnjom II bloka TE „Pljevlja” da bi se osigurala kontinuirana proizvodnja električne energije u kompleksu TE „Pljevlja” na efikasniji i ekološki odgovorniji način u skladu sa regulativom EU i obezbijedila energetska nezavisnost Crne Gore i stvorili preduslovi za rješavanje ključnih problema u basenu Pljevlja kroz izgradnju sistema daljinskog grijanja;
- Imajući u vidu da izgradnja podvodnog HVDC kabla između Italije i Crne Gore i izgradnja Transbalkanskog koridora od 400 kV za prenos električne energije, koji će povezati tržište Istočne i Zapadne Evrope, uspostavlja bazu za investiranje u energetski sektor, čineći time projekat izgradnje TE „Pljevlja” konkurentnim i održivim;

dogovorile su se kako slijedi:

ČLAN 1

1.1 Cilj ovog Protokola je unapređenje saradnje između kompanija Crne Gore i Češke Republike, zasnovane na principima uzajamnog korišćenja, interesa i dobrobiti, u skladu sa važećim zakonima na teritoriji obje Ugovorne strane.

1.2. Ovaj Protokol ne dovodi u pitanje prava i obaveze važećih bilateralnih ili multilateralnih međunarodnih sporazuma, zaključenih između Crne Gore i treće strane, odnosno između Češke Republike i treće strane ili prava i obaveze koje proističu iz članstva obje zemlje u regionalnim i međunarodnim organizacijama, uključujući i one obaveze koje proizilaze iz članstva Ugovornih

strana u carinskoj, ekonomskoj ili monetarnoj uniji ili prava i obaveza Češke Republike koje proističu iz članstva u Evropskoj uniji i budućeg članstva Crne Gore u EU.

ČLAN 2

2.1. Ugovorne strane će podsticati i podržati kompanije iz svojih zemalja da učestvuju u implementaciji projekata u oblasti energetike i infrastrukture, koji mogu biti realizovani na teritoriji Ugovornih strana po osnovu ovog Protokola.

2.2. Ugovorne strane su saglasne da će se ovim Protokolom obezbijediti institucionalna podrška u implementaciji velikih investicionih ulaganja, koja su predviđena da će se ostvariti između kompanija iz Crne Gore i Češke Republike u skladu sa ovim Protokolom i Sporazumom.

2.3. Ugovorne strane potvrđuju da u vrijeme zaključenja ovog Protokola, prvi prioritetni projekat koji predstavlja investiciju velikog obima u smislu ciljeva i uzajamne dobrobiti strana, koji namjeravaju da zajednički realizuju i podrže predstavlja projekat izgradnje II bloka TE „Pljevlja”. Ovaj projekat treba da realizuje „Elektroprivreda Crne Gore” AD Nikšić (u nastavku : EPCG) i relevantni strateški partner.

ČLAN 3

3.1 Ugovorne strane su saglasne da će u vezi sa radnjama navedenim u članu 2 ovog Protokola, pružati pomoć, u zavisnosti od učešća i stvarnih radnji preduzetih od strane relevantnih kompanija, a posebno u sljedećim aspektima:

- 1) U cjelokupnom procesu projektovanja, uključujući izradu nacrtu i kreiranje projektno-tehničke dokumentacije i studija o procjeni uticaja na životnu sredinu za:
 - (i) izgradnju bloka termoelektrane na mrki ugalj snage od oko 250MW, a koja će putem sistema za daljinsko grijanje snabdijevati cijeli grad;
 - (ii) prilagođavanje postojeće jedinice TE „Pljevlja“- I odgovarajućim uslovima u pogledu zaštite životne sredine, uz primjenu tehničkih rješenja koja će osigurati maksimalnu energetska efikasnost i minimalni uticaj na životnu sredinu, u skladu sa odgovarajućim EU direktivama i crnogorskim zakonima koji su na snazi u ovoj oblasti;
- 2) sprovođenje projekata kroz proizvodnju i dobavljanje opreme i izvođenje radova;
- 3) stvaranje adekvatnih uslova za finansiranje i sprovođenje projekata;
- 4) optimizaciju institucionalnih, finansijskih, tehničkih, operativnih i ekoloških rizika planiranih projekata; i
- 5) obezbjeđivanje tehničke pomoći eksperata specijalizovanih za obuku lokalnih radnika.

ČLAN 4

4.1 Ugovorne strane će nastojati da postignu glavne ciljeve primjene ovog Protokola:

- 1) unapređenje energetske proizvodne strukture Crne Gore;
- 2) obezbjeđivanje sigurnosti snabdijevanja potrošača energetska energijom;
- 3) povećanje održivosti projekata predviđenih ovim Protokolom i
- 4) ispitivanje mogućnosti za dalju saradnju u oblasti proizvodnje hidroenergije i iskorišćavanja resursa uglja iz basena rijeke Maoče.

ČLAN 5

5.1 Bez obzira na ostale odredbe ovog člana i odredbe Sporazuma sa ciljem sprovođenja najprioritetnijeg projekta pomenutog u Članu 2.3 ovog Protokola (tj. projekat II bloka TE

„Pljevlja“), Ugovorne strane ovim postavljaju posebna pravila za sprovođenje projekta I bloka TE „Pljevlja“ i za tu svrhu su saglasni da će kompanije i finansijske institucije koje su uključene u sprovođenje projekta II bloka TE „Pljevlja“, bez formalnih procedura, ući u direktne pregovore i definisati međusobna prava i obaveze, zaključivanjem zasebnih ugovora koji su u vezi sa realizacijom ovog projekta.

ČLAN 6

6.1 Ugovorne strane će podržati sprovođenje projekta navedenog u čl. 2 i 3 ovog Protokola, u skladu sa njihovim nacionalnim propisima.

6.2 Ugovorne strane ovim potvrđuju da će se projekat naveden u čl. 2 i 3 ovog Protokola, sprovoditi u skladu sa međunarodnim obavezama koje su preuzele bez ograničenja, Sporazumom o javnim nabavkama, Sporazumom o stabilizaciji i pridruživanju između Crne Gore i Evropske unije i Ugovorom o funkcionisanju Evropske unije, kao što je predviđeno članom 5.1.

ČLAN 7

7.1 Bilo koji spor između Ugovornih strana koji proizilazi iz tumačenja ili primjene ovog Protokola riješiće se prijateljski, putem konsultacija ili pregovora između predstavnika Mješovite komisije za ekonomsku saradnju, uspostavljenu u skladu sa članom 7 Sporazuma.

7.2 U slučaju da se spor ne riješi na način naveden u prethodnom stavu, Ugovorne strane će odmah pokušati da spor riješe diplomatskim putem.

ČLAN 8

8.1 Ovaj Protokol stupa na snagu prvog dana narednog mjeseca od dana prijema posljednjeg pisanog obavještenja kojim Ugovorne strane obavještavaju jedna drugu o ispunjavanju unutrašnjih pravnih procedura potrebnih za njegovo stupanje na snagu.

8.2 Ovaj Protokol se zaključuje na neodređeno vrijeme. Svaka Ugovorna strana može raskinuti Protokol bilo kada, pisanim obavještenjem upućenim drugoj Ugovornoj strani putem diplomatskih kanala. Protokol prestaje da važi šest (6) mjeseci nakon dostavljanja tog obavještenja.

8.3 Ukoliko se Ugovorne strane nijesu drugačije dogovorile, raskidanje ovog Protokola neće uticati na sprovođenje radnji koje su u toku.

Sačinjen u dana 2016. godine u dva originalna primjerka, svaki na crnogorskom, češkom i engleskom jeziku, pri čemu je svaki tekst jednako autentičan. U slučaju razlike u tumačenju, mjerodavan je tekst na engleskom jeziku.

**ZA VLADU
CRNE GORE**

**ZA VLADU
ČEŠKE REPUBLIKE**

Član 3

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom listu Crne Gore – Međunarodni ugovori“.