Pursuant to Article 60 Paragraph 2 of the Law on Energy Efficiency and Rational Use of Energy (“The Official Gazette of the RS”, number 40/21),

 The Minister of Mining and Energy hereby approves

THE RULEBOOK

ОN REQUIREMENTS REGARDING ENERGY EFFICIENCY

 IN PUBLIC PROCUREMENT PROCEDURES

(The Rulebook was published in the “Official Gazette of the RS” number 10/22 оf 28 January 2022;

It came into force on 5 February and has been implemented since)

Article 1

This Rulebook sets forth the rules regarding energy efficiency that contracting authorities as defined by the law regulating public procurement (hereinafter: contracting authorities) are obliged to apply in public procurement of goods or services when developing technical specifications or defining contract award criteria.

Article 2

This Rulebook shall be applied by contracting authorities in public procurement procedures for:

1) goods for which requirements are defined by technical regulations in terms of energy marking, in accordance with the law regulating energy efficiency and rational energy use (hereinafter: the Law);

2) goods for which no requirements regarding energy marking are defined, but the requirements regarding eco-design are defined by technical regulations, in keeping with the Law;

3) the service for the provision of which it is necessary to procure new goods referred to in points 1) and 2) of this Paragraph.

Article 3

In public procurement procedures, national authorities in defence and security sectors shall apply requirements laid down by this Rulebook to the extent that does not make their implementation contravene the primary objective of those authorities’ operations.

This Rulebook shall not be applied to the public procurement procedures for military equipment.

Article 4

Certain terms used in this Rulebook shall mean the following:

1. goods are products/devices that have impact on energy consumption, as well as tyres, for which technical regulations stipulate mandatory energy marking/marking of energy efficiency in keeping with the Law;

2) a product’s energy efficiency class shall designate the product’s belonging to one of the energy efficiency classes presented on the energy marking, depending on its technical characteristics, in accordance with the product’s technical regulation;

3) energy efficiency index/EEI is an indicator of energy efficiency performance of a device, defining its energy efficiency class in accordance with the technical regulation regulating the device’s energy marking.

Other terms used in the Rulebook and not defined by Paragraph 1 of this Article, shall have the meaning in accordance with the Law and the law regulating the rules of public procurement procedures.

Article 5

Contracting authority in public procurement procedure referred to by Article 2, point 1) of this Rulebook shall define in technical specifications the goods belonging to the highest energy efficiency class.

If the contracting authority is not able to procure goods belonging to the highest energy efficiency class due to cost effectiveness, economic justifiability, technical feasibility, sustainability in a broader sense and sufficient competitiveness vis-à-vis the set requirements, it may specify in technical specifications goods referred to in paragraph 1 of this Article to belong to a lower energy efficiency class.

Article 6

 In case the contracting authority does not define the energy efficiency requirements referred to in Article 2, point 1) of this Rulebook within technical specifications in manner referred to in Article 5 of this Rulebook, in a public procurement procedure, the contracting authority shall define those requirements within contract award criteria.

 Depending on the needs of the specific public procurement, contracting authority shall define the minimum requirements regarding the energy efficiency of goods referred to by Article 2, point 1) of this Rulebook, where higher score shall be awarded to tenders offering higher energy efficiency goods.

Article 7

If, for reasons of security or public health, contracting authority procures tyres of the highest class in adhesion to wet ground or external rolling noise, the energy efficiency requirement shall be defined by manner set forth in Article 5 or 6 of this Rulebook, to the highest extent possible.

Article 8

In the procedure of public procurement of goods from Article 2 point 2) of this Rulebook, contracting authority specifies goods with the lowest energy efficiency index in accordance with corresponding technical regulation.

If, for reasons of cost effectiveness, technical feasibility, economic justifiability, sustainability in broadest possible sense, and sufficient competitiveness vis-à-vis the set requirements, contracting authority is not able to procure goods with the lowest energy efficiency index, contracting authority may specify goods referred to in Paragraph 1 of this Article with higher energy efficiency index too.

Article 9

In case contracting authority, in public procurement procedure, does not specify in technical specifications the energy efficiency requirements for goods referred to in Article 8 of this Rulebook, contracting authority shall define those requirements within the contract award criteria.

 Depending on the needs of specific public procurement, contracting authority sets forth the minimum requirements in terms of energy efficiency index for goods referred to in Article 2 point 2) of this Rulebook, with the highest score given to the tenders offering lower energy efficiency index.

Article 10

 In procurement file, contracting authority shall specify the documents where the economic operator proves the fulfilment of energy efficiency requirements in accordance with Articles 5-9 of this Rulebook.

Article 11

In public procurement procedure referred to in Article 2, Paragraph 2, point 3) of this Rulebook, the contracting authority shall specify in technical specifications that, if the service provider uses goods from Article 2 point 1) and/or 2) from the Rulebook to provide the subject services, the goods should meet the requirements of the Rulebook.

 Article 12

On the day of effectuation of this Rulebook, the Rulebook on the Minimum Criteria for Energy Efficiency in Public Procurement Procedures for Goods shall become defunct (The Official “Gazette of the RS”, number 111/15).

 Article 13

This Rulebook shall come into force on the eighth day from the day of publication in the “Official Gazette of the Republic of Serbia ”.

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In Belgrade, 25 January 2022

 MINISTER

 Professor Dr. Zorana Z. Mihajlovic