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Number: 35401-1/2021-2550

Date: 25 October 2022

COMPETITIVE TENDERING FOR THE PURCHASE OF SURPLUS AEA UNITS

1 Legal nature and purpose of the call:

Pursuant to Article 2a of the Decree on the implementation of the Decision (EU) on the efforts of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emissions reduction commitments by 2020 (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 15/17, 55/17, 23/18, 25/19, 22/20, 16/21, 38/22 and 112/22), The Ministry of the Environment and Spatial Planning, Dunajska 48, 1000 Ljubljana calls on EU Member States to submit binding bids for the purchase of a surplus of no more than 12,661,232 Annual Emission Allocation Units (hereinafter: AEA units).

2 Legal basis:

- Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5 June 2009, page 136);
- Decree on the implementation of the Decision (EU) on the efforts of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emissions reduction commitments by 2020 (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 15/17, 55/17, 23/18, 25/19, 22/20, 16/21, 38/22 and 112/22);
- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18 June 2013, page 13);
- Decree implementing the Regulation (EU) on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at the national and Union level relevant to climate change (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 88/15);
- Commission Implementing Decision (EU) 2022/1953 of 7 October 2022 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2020 for each Member State (OJ L 269, 17 October 2022, page 17);
- Environmental Protection Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 44/22);
- Public Finance Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 11/11 – official consolidated text, 14/13 – corr., 101/13, 55/15 – ZFisP, 96/15 – ZIPRS1617, 13/18 and 195/20 – Constitutional Court Decision).

3 Description of the object of sale:

The object of sale is a maximum of 12,661,232 surplus AEA units. The Ministry of Environment and Spatial Planning will conclude a sales contract with the selected bidders on the transfer of an agreed quantity of surplus AEA units for payment, a total of no more than 12,661,232 AEA units.

4 Obtaining more detailed information on the subject of sale to prepare a bid:

Interested Member States can request more detailed information on the subject of sale in writing by e-mail to gp.mop@gov.si with reference to case number 35401-1/2021-2550 or to mateja.pitako@gov.si with reference to case number 35401-1/2021-2550.

5. Format and terms for the submission of bids:

Bids must be completed on a form that is available on the website of the Ministry of the Environment and Spatial Planning:

<https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-okolje-in-prostor/javne-objave/>

The deadline for receiving bids is no later than noon on 21/11/2022. Bids are considered as timely if, regardless of the type of transfer, they are received before the deadline at the following address: Ministry of the Environment and Spatial Planning, Dunajska cesta 48, 1000 Ljubljana – Main office, Slovenia. Bids must be submitted in a sealed envelope. "DO NOT OPEN!" must be written in capital letters on the front of the envelope. The back of the envelope must contain the sender's information.

The review and opening of bids are not public.

Bids must specify the quantity of AEA units to be sold, the price of each AEA unit, the price for the total quantity of AEA units and the contact persons with their email addresses for additional clarifications regarding the provided bid.

If a bid is incomplete, the expert committee will ask the bidder to supplement or clarify the bid within eight (8) days from the end of the opening of bids.

Language of bids: Slovenian or English.

Price: in EUR, rounded to two decimal places.

6. Selection method of the most successful bidder:

Based on the bids received, the Ministry of the Environment and Spatial Planning will select the bidder who offers the highest purchase price for AEA units. The purchase price is the product of the quantity of AEA units and the price per AEA unit. If several bidders offer the same purchase price, the bid with the higher price per AEA unit is selected. If several bidders submit a bid for the same quantity at the same price, the bid that arrived first is selected.

If the number of available AEA units is sufficient to accept the next most favourable bid as a whole, the next most favourable bidder will also be selected. If it is not possible to select the whole bid of the next most favourable bidder, the remaining AEA units can be offered for purchase in an quantity that is smaller than the desired quantity stated in the bid.

The Ministry of Environment and Spatial Planning reserves the right to conduct a new call for the sale of surplus AEA units for the unsold quantity of AEA units.

The Ministry of the Environment and Spatial Planning will conduct negotiations with the selected bidders regarding the time frame and any other conditions under which the transfer of the agreed quantity of AEA units will be carried out and draft a contract. It will specify the quantity of AEA units sold, the price of each AEA unit, a more detailed time frame and transfer method of the purchase price, the transfer of sold AEA units in the Union Registry, and any other conditions under which the agreed quantity of AEA units will be transferred at the offered purchase price.

The Ministry of the Environment and Spatial Planning will forward a proposal for a decision on the selection of the most favourable bidders together with a proposal for a sales contract to the Government of the Republic of Slovenia. If the consent of the Government of the Republic of Slovenia is not obtained, the concluded sales contract is null and void, and the initiated procedure is halted by the Government of the Republic of Slovenia.

After concluding the contract, the selected bidder transfers the funds in accordance with the contract no later than 16 January 2023 to the sub-account for the implementation of the budget of the Republic of Slovenia 01100-6300109972.

Uroš Brežan
MINISTER