1. Introduction

Directive for the order of procedures of obtaining the necessary permits for wind farm construction projects (hereinafter - Directive) is developed for practical guidance during the implementation of the investment process in the construction of wind power turbines and wind farms (hereinafter - wind farm).

The purpose of this Directive is to determine extended workflow for the implementation of the investment project in the construction of wind farms, revealing the main stages of this process.

This Directive serves as a guideline and is not mandatory. The Directive is developed with the consideration of the current legislation of the Republic of Belarus. The procedures described in this Directive may differ from the procedures required for the implementation of specific projects.

Investment activity for the construction of wind farms in the Republic of Belarus can be divided into three stages:

1. the analytical stage;
2. the pre-investment stage;
3. the investment stage.

Implementation of investment projects on construction of wind farms should be based on the following peculiarities inherent in the construction of wind farms:

1. The need to consider monitoring data of wind characteristics at the site of the wind farm installation;
2. The need to negotiate the construction of a wind farm with the following state agencies:
   a. The Ministry of Defence of the Republic of Belarus;
   b. The Ministry of Communication and Informatization of the Republic of Belarus;
   c. Department of Aviation of the Ministry of Transport and Communications of the Republic of Belarus;

   1. Obtaining technical conditions from RUE “Oblenergo” to integrate the wind farm into state power networks.
   2. Obtaining an approval of SSPA “Scientific and Practical Center of NAS of Belarus for Biological Resources” for the construction of the wind farm in order to determine the possible pathways of migratory birds, wing-handed animals and migration of animals.

It is recommended to use the following guidelines and reminders for the implementation of investment projects on the construction of wind farms:

- Diagram manual determining the sequence of actions for the implementation of the investment project in the construction, which reveal the main stages of the process (from the investment idea to the commissioning of the constructed object and its state registration) and requirements established by the legislation (conditions, administrative procedures), the observance of which is necessary during the passage of these stages, approved by the Decree of the Ministry of Architecture and Construction of Belarus of 27.03.2014 №17 (http://mas.by/uploads/archives/albom-shem.zip);

---

1 The structure of SPA "Belenergo" includes regional republican unitary enterprises: RUE "Brestenergo", RUE "Vitebskenergo", RUE "Gomelenergo", RUE "Grodnoenergo", RUE "Minskenergo", RUE "Mogilevenenergo". The general name RUE Oblenergo will be used for the purposes of this Directive.
2. Analytical stage

Analytical stage includes the following procedures:

1. the choice of potentially suitable sites for the installation of wind farms on the basis of the State Cadastre of renewable energy sources and wind potential of the Republic of Belarus,
2. the conduct of necessary wind measurements, measurements to determine characteristics and suitability of the site for the installation of a wind farm.

Before making changes and measurements by own efforts (the installation of equipment to monitor the wind at the selected sites in the selected areas and carrying out detailed assessments and analysis of wind resource for each site) it is recommended to identify the person who owns the land plot (as a property, in the lease, etc.), where the placement of equipment is planned, receive their consent to the installation of the equipment, arrange the relationship with the owner.

3. assessment of the impact of the terrain, weather conditions and the calculation of the wind power resource.

It is recommended to request topographic maps and plans, etc. from appropriate authorities and organizations to perform the indicated activities.

4. analysis of other factors and conditions which may affect the decision to invest in the construction of the wind farm, assessment of environmental, economic and other potential risks (damage) to agriculture, wildlife and so on. It is recommended to perform a preliminary assessment of the impact on the environment at this stage:
   4.1. To identify such factors it is necessary to apply to the local executive committee, other authorities and organizations to obtain information about the urban development projects of general planning, special planning, detailed planning, architectural projects on building development; presence of water protection zones at the selected sites, specially protected natural territories, zones of historical and cultural value; the required size of the sanitary protection zone, the need to carry out public discussions and others.
   4.2. During the analysis stage it is recommended to send written applications to the Ministry of Defence of the Republic of Belarus, the Ministry of Communication and Informatization of the Republic of Belarus, the Department of Aviation of the Ministry of Transport and Communications of the Republic of Belarus, SSPA “Scientific and Practical Center of NAS of Belarus for Biological Resources” with a request for the possibility of placing a wind farm on the selected potentially suitable sites.
   4.3. In case of receiving the tentative opinion of the above mentioned authorities about the absence of restrictions on the construction of a wind farm, it is recommended to appeal to RUE “Oblenergo” to assess the possibility of connecting the wind farm on the selected potentially suitable sites (in order to calculate the estimated costs of connection to state power network).

Organizational and legal structure of the investor:

1. Belarusian investors may carry out the activities in the analytical stage on their own behalf - as an individual, individual entrepreneur or a legal entity;
2. Foreign investors may carry out activities in the analytical stage:
   a. By attracting Belarusian legal entities and individual entrepreneurs without the need for legalization of presence in the Republic of Belarus;
   b. Independently:
      - upon receiving the permit to open a representative office of a foreign organization in the Ministry of Foreign Affairs of the Republic of Belarus;
      - upon the registration of the legal entity in accordance with the established procedure.
3. Pre-investment stage

Pre-investment stage includes the development of pre-project documentation, including feasibility study and project assignment which defines the need, technical capability, environmental impact assessment (in cases stipulated by the legislation on state ecological expertise), the economic feasibility of investing in the construction of a wind farm, requirements for the land plot, alternatives of space-planning and technological solutions, information about the utility loads, as well as the sources and amount of financing, calculations to determine the effectiveness of the implementation of investments, social, environmental and other impact of the construction and operation of a wind farm, obtaining quotas for the establishment of turbines to use renewable energy sources, and the conclusion of the investment agreement if it’s necessary.

During the implementation of the activities at the pre-investment stage, it is recommended to use the Diagram manual determining the sequence of actions in the implementation of the investment project in the construction, revealing the main stages of the process (from the investment idea to the commissioning of the constructed object and its state registration) and requirements established by the legislation (conditions, administrative procedures), compliance with which is mandatory when passing these stages, approved by the Decree of the Ministry of Architecture and Construction of the Republic of Belarus of 27.03.2014 №17.

1.1. Investor’s institutionalization:
- Belarusian investors – registration as an individual entrepreneur or (if unavailable) a legal entity;
- For foreign investors - the registration of a legal entity in accordance with the established procedure.

1.2. Preparation for the development of pre-project documentation:

1.2.1. It is necessary to prepare a declaration of intent and start the procedure for allocation of a land plot for the construction of the wind farm on the basis of the study of the site.

Depending on the type of land rights and the planned procedure to obtain the land plot, an investor may carry out the following steps:
- submit an application to the local executive committee to identify the owner of the land plot and the type of rights for it, as well as its purpose;
- submit an application to the local executive committee on the pre-approval of the accommodation of the land plot, if necessary - on the formation of a land plot for the auction;
- submit an application to the local executive committee on the pre-approval of the accommodation of the land plot and on the formation of the land plot to be included in the List of land plots used for subsequent provision to the investors for construction of the facilities provided by the investment agreements signed with the Republic of Belarus;
- submit an application to change the purpose of the land plot, etc.

1.2.2. Collecting the basic data for the development of pre-project documentation in accordance with the TCP 45-1.02-298-2014 (02250), including change 1.

1.2.3. Analysis of the basic data for exceeding the requirements and unjustified increase in the cost of the related infrastructure.

1.3. Development of pre-project documentation

Pre-project documentation is developed on the basis of TCP 45-1.02-298-2014 (02250) and should include:
- declaration of intent (if necessary - pre-approval of the accommodation of the land plot, change of purpose of the land plot for construction (reconstruction) of the object);
- feasibility study and project management plan;
- business plan (in certain cases);
- project assignment.
Passing the state ecological expertise of justification of investment (in cases established by the legislation);

1.3.1. Public discussion of architectural and planning concepts of the object (in cases established by the legislation);

1.4. Obtaining quotas for the creation of installations to use renewable sources.

To obtain quotas to create installations to use renewable sources (hereinafter - quota) the investor must send the application regarding the assumed site of the installation to use renewable energy sources to the regional (Minsk city) executive committee according to the form approved by the Council of Ministers of the Republic of Belarus until September, 1 of present year.

The application should include a copy of the plan fragment (map) of the locality with the location of the energy source (wind farm); a copy of the constituent documents (for legal entities); a copy of the certificate of state registration.

Winners are determined up to November 1 following the examination of the application by the Republican interdepartmental commission of the establishment and allocation of quotas for the creation of installations to use renewable energy sources.

2. The conclusion of the investment agreement

In order to create additional conditions for investment, investors have the right to conclude an investment agreement with the Republic of Belarus.

For the conclusion of the investment agreement, the land plot where the construction of the wind park is planned shall be included in the List of land plots designated for the following provision to the investors for the construction of the objects provided by the investment agreements concluded with the Republic of Belarus.

The investment agreement is concluded by the decision of:

- republican body of state administration, other state organizations subordinated to the Department of Presidential Affairs of the Republic of Belarus, the Office of the President of the Republic of Belarus (hereinafter, unless specified otherwise, - state body) , regional (Minsk city) executive committee (hereinafter, unless specified otherwise, - executive committee), if such investment agreement does not specify the provision of additional privileges (preferences) to the investor (investors) and (or) the organization implementing the investment project (hereinafter - organization) except those established by the Presidential Decree of the Republic of Belarus of 06.08.2009 №10 “On creation of additional conditions for investment in the Republic of Belarus” (hereinafter - Decree №10), by other acts of legislation;

- the Council of Ministers of the Republic of Belarus in coordination with the President of the Republic of Belarus, if this investment agreement specifies the provision of additional privileges (preferences) not established by Decree №10 to the investor (investors) and (or) the organization, other acts of legislation. That decision of the Council of Ministers the Republic of Belarus determines the public authority or the executive committee in charge of signing the investment agreement and, if necessary, the procedure for confirming the right to use these privileges and (or) preferences.

The conclusion of the investment agreement providing additional privileges and preferences requires the submission of a business plan and of the investment project and the implementation of the state comprehensive expertise of the investment project in accordance with the procedure established by the Council of Ministers of the Republic of Belarus.

A quota application may be sent either before the development of the pre-project documentation or after its development. There are no requirements of the legislation on the availability of the pre-project documentation at the time of making quota application. However, the presence of the pre-project documentation allows to determine the size of the ratio, the specifications of the wind farm which are considered during the distribution of quotas more efficiently.
Procedure of the conclusion of the investment agreement is set by the Regulations on the order, modification, and termination of investment contracts with the Republic of Belarus approved by the Decree of the Council of Ministers of the Republic of Belarus of 06.08.2011 №1058.

3. Obtaining permits, execution of documents for the land plot.
   Upon obtaining consent documents for provision of the land plot based on the declarative principle:
   1. Conclusion of agreements on the development of land-cadastral documentation, preparation of architectural and planning assignment (APA), technical requirements for engineering and technical support for the wind farm;
   2. Obtaining the act of the land selection, APA, technical requirements for engineering and technical support for the wind farm;
   3. Conclusion of contracts for the development of the project of land allocation and production of a city-planning passport;
   4. Obtaining the decision on seizure and allocation of a land plot. Fulfillment of the conditions of its allocation;
   5. Studying the established boundaries of the land plot with signing of the Act confirming studying the boundaries of the land plot;
   6. Obtaining the document certifying rights for the land plot;
   7. Obtaining the solution about the permission for the design and exploration works and the construction of the object with the application of a city-planning passport including APA, technical specifications for engineering and technical support for the wind farm;

   Upon obtaining consent documents for provision of the land plot by auction:
   1. Initiation of the development of a city-planning passport of the land plot, the project of the allocation of a land plot (if the is a scheme of the land planning of the region, city-planning project of detailed planning (a suburban area of the city)) or preparation of the land-cadastral documentation for the selection of a land plot and execution of the materials for the preliminary agreement on its location (in the absence of the specified scheme and the city-planning project);
   2. Initiation of publication of the information about conducting auctions for the sale (lease) of the land plots associated with the implementation of the investment projects in the electronic resources;
   3. Submission of the application for participation in the auction and the conclusion of the agreement on the conditions of their participation (deposit, the amount of the fine);
   4. Participation in the auction for the right to sign the land lease contracts or the sale of the land plots to the private ownership;
   5. Payment for the land plot or the right to conclude the lease contract, compensation of expenses for the organization of the auction, the fulfillment of other conditions of the organization of the auction;
   6. Obtaining the protocol and the permission documentation from the organizers of the auction and the conclusion of the land lease contract (upon obtaining the land plot for rent);
   7. Obtaining the document certifying the rights for the land plot.

   Provisional list of documents that the investor should have for the design:
   1. The act of selecting the placement of a land plot for placement of the object;
   2. The extract from the state city-planning cadastre;
   3. Data on the taxation of green plantations;
   4. Conclusion of the Ministry of Economy on the results of the state complex examination of the investment project (only in cases stipulated by the legislation);
   5. Conclusion of The Ministry of Emergency Situations (State Fire Supervision);
   6. Conclusion of heat networks;
7. Conclusion of the Center for Hygiene and Epidemiology;
8. Investment Agreement;
9. Report on engineering-geological surveys;
10. Report on engineering and topographic surveys;
11. The resolution of the local executive committee for the production of design and survey works;
12. The resolution of the local executive committee for the production of construction works;
13. Approval of the UE "BelNIPIGradostroitelstva";
14. Note from the Department of Geology about the lack of natural resources on the construction site;
15. Specifications of Beltransgaz;
16. Specifications of GAI ATC;
17. Specifications of MES;
18. Technical requirements for gas supply (Oblgas);
19. Specifications for the sewer system and water supply;
20. Specifications for storm sewer system;
21. Specifications for gardening and landscaping;
22. Specifications for the design of outdoor lighting;
23. Specifications for the installation of telephone system;
24. Specifications for heat supply;
25. Specifications for the power supply of their own needs;
26. Specifications of Oblgas GAP "Beltopgas";
27. Specifications of Obldorstroy;
28. Specifications of RUE Oblenergo for the electricity metering system (EMS);
29. Specifications of the Civil defence unit;
30. The requirement of RUE Oblenergo on relay protection;
31. The requirement of RUE Oblenergo on telemetry and remote signaling;
32. The approved design assignment approved by the Energy Efficiency Department of State Standardization Committee of the Republic of Belarus;
33. Environmental conditions for the design.

4. Investment stage

The investment stage includes the development of project documentation necessary for project support of the implementation of the investment project on construction, the construction of the object and its commissioning, obtaining the certificate of origin to confirm the energy origin, the state registration of the creation of the property unit and the emergence of the rights for it, the conclusion of an agreement for the supply of energy to the public power supply organization.

4.1. Development of project documentation

4.1.1. Collection of the basic data and technical conditions for the start of the design taking into account the legislation of the Republic of Belarus. The application to the following agencies and organizations for receiving technical conditions is obligatory for the projects on the design of wind parks:

− The Ministry of Defence of the Republic of Belarus;
− The Ministry of Communication and Informatization of the Republic of Belarus;
− Department of Aviation of the Ministry of Transport and Communications of the Republic of Belarus;
− RUE Oblenergo.

4.1.2. Before the start of the design of the wind farm investor should determine the type or analogue of main and auxiliary equipment to be used in the project
documentation. If there are no technical normative legal acts establishing the requirements for the development of project documentation for the development of project documentation for the construction of a wind farm, special technical conditions reflecting the specificity of their design, construction and operation of the wind farm should be developed.

4.1.3. Development of an architectural project in accordance with TCP 45-1.02-295-2014 "Construction. Project documentation. The composition and procedure of development ". If there are deviations from TRLA and technical conditions, it is necessary to coordinate the architectural project with interested bodies and organizations.

4.1.4. Coordination of the architectural project with the territorial division of architecture and city planning. If it is necessary to perform the state examination of the architectural project, this project should receive a positive opinion of the state examination.

4.1.5. The development of the construction project for the object as a whole or in turns of construction (with the release of launch complexes).

4.1.6. State expertise of the construction project including, if necessary:
   - state expertise of energy efficiency;
   - state ecological expertise,
   - state expertise of working conditions.

According to the results of state examination, the investor should receive a positive conclusion.

4.1.7. Preparation of the declaration on the project documentation and its registration

Registration of the declaration on the project documentation is carried out in the compliance with TCP 5.2.25-2012 "National System of Conformity of the Republic of Belarus. Registration of declarations of compliance of project documentation of buildings and constructions".

4.2. Obtaining a permit for construction and installation work.

To obtain a permit it is necessary to apply to the inspection of the Department of control and supervision of construction of the State Committee for Standardization of the Republic of Belarus of regions and Minsk city or a specialized inspection of the Department of control and supervision of construction of the State Committee for Standardization of the Republic of Belarus.

4.3. Procedures for the purchased equipment for wind farms
   Exemption from value added tax (VAT)

4.3.1. If the investor signed an investment agreement, then upon acquisition of equipment for the wind farm the investor has the right to appeal to the body which signed this investment agreement in order to coordinate list of goods (works, services), property rights acquired (imported into the territory of the Republic of Belarus) and used for the design, construction (reconstruction), equipment facilities provided in the investment project implemented in accordance with the investment agreement with the Republic of Belarus for the purpose of deducting the full amount of VAT paid on the acquisition (importation into the territory of the Republic of Belarus) of goods (works, services), property rights used for the design, construction (reconstruction), equipment facilities provided in this investment project.
4.3.2. If the investor implements the investment project without the conclusion of the investment agreement the investor has the right to appeal to the State Committee for Standardization of the Republic of Belarus for the conclusion of designation of the imported goods to the installations, accessories and spare parts to them for the use of renewable energy sources, in order to get the exemption from VAT.

Conformity assessment of equipment regarding technical regulations of the Customs Union and the Republic of Belarus

4.3.3. When importing the equipment to be installed during the construction of wind farms the investor shall receive the documents confirming the compliance of the equipment with the requirements of technical regulations of the Customs Union or the technical regulations of the Republic of Belarus (certification, declaration of conformity, other procedures if available).

4.4. The procedures for commissioning the wind farm into operation:

4.4.1. Preparation and registration of the declaration of conformity of the building, the construction to the ТС 5.2.25-2012;

4.4.2. Applying for acceptance of the wind farm into operation and the application for obtaining the certificate to confirm the origin of power in the territorial body of the MNRE;

4.4.3. Getting the opinions of public oversight bodies of compliance with the approved wind farm project documentation, requirements of operational reliability and safety;

4.4.4. Signing of the act of acceptance of the object into operation;

4.4.5. Obtaining a certificate for confirmation of the origin of power;

4.5. Connection to power networks of the power supplying company.

Connection of the wind farm to the power network of the power supplying company is carried out by a branch "Electrical networks" in the framework of the administrative procedure provided in paragraph 3.31. of the consolidated list of administrative procedures carried out by public bodies and other organizations in relation to legal entities and individual entrepreneurs, approved by the Decree of the Council of Ministers of the Republic of Belarus of 17.02.2012 № 156. The contract for the purchase of electric power is concluded after the consideration of the application.