

**LAW No. 05/L – 081****ON ENERGY****Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves:

**LAW ON ENERGY****CHAPTER I  
GENERAL PROVISIONS****Article 1  
Purpose**

1. This law establishes the general principles and rules that will govern activities in the energy sector in the Republic of Kosovo, with the aim to achieve a safe, secure, reliable, and high-quality supply of energy, to provide the conditions for a functioning open energy market, and to also promote a more efficient use of energy, increased renewable energy sources and co-generation, and improved environment protection during energy activities and activities on the basis of which energy policies are implemented and energy sector development is based.

2. This law is partially in compliance with the Directive 2009/72/EC on common rules for the internal market in electricity, the Regulation No.714/2009/EC on conditions for access to the network for cross-border exchanges in electricity, and Directive No. 2009/28/EC concerning promotion of use of energy from renewable energy sources.

**Article 2  
Scope**

1. The scope of this law covers the determination of regulatory framework for the development of policies and strategies, the role of stakeholders in their implementation, with the aim of ensuring sustainable and efficient energy supply.

2. This Law encompasses electricity, thermal energy, natural gas and energy from renewable energy sources, and determines:

2.1.the development and implementation of an energy strategy (hereinafter: Strategy), including forecasting of energy balances and policy on energy efficiency, co- generation and renewable energy sources;

2.2. the role of the Government of the Republic of Kosovo (hereinafter: Government), of local governments, and of other institutions, and provides for wider public participation in the development of energy strategy and its implementation;

2.3. activities for the regulation of the energy sector to be carried out by the Energy Regulatory Office (hereinafter: Regulator);

2.4. the increase of competition in the energy sector;

2.5. the imposition of public service obligations on energy enterprises where appropriate and necessary;

2.6. measures that can be issued in the event of energy emergencies;

2.7. universal services;

2.8. rules on customer protection;

2.9. the issuance of sub-legal acts by the Ministry on matters specified in this Law.

3. In order to advance the public interest by promoting investment in energy enterprises, this Law determines and secures the rights of energy enterprises over property currently in their use or possession necessary for the operation or maintenance of existing energy facilities and property rights which may in future be required by energy enterprises to carry on energy activities.

### **Article 3** **Definitions**

1. Terms used in this Law shall have the following meanings:

1.1. **Energy activities** – performance of one or more activities of energy generation, transmission, distribution, supply or storage;

1.2. **Co-generation** – process of simultaneous generation of electricity and thermal energy by the same energy source and during the same technological process;

1.3. **Energy balance** – official document which presents the estimate of the overall energy demand for a one (1) year or ten (10) year period, as well as measures the implementation of which is planned in order to meet the said energy demand;

1.4. **Bio-fuel** – liquid or gaseous fuels, produced from biomass and used in transport;

1.5. **Renewable Energy Sources** – renewable non-fossil energy sources, such as: wind energy, solar energy, geothermal waters, wave energy, hydro energy, biomass, waste landfill gas, wastewater treatment gas, biogas, as well as every technology that generates electricity and has the certificate of guaranteeing institutions for this technology;

1.6. **Energy from renewable sources** - energy from renewable non-fossil sources, such as energy from water, wind, solar, sea, biomass, aerothermal energy, geothermal energy, energy from landfill gas, sewage treatment plant gas and biogases;

1.7. **Biomass** - biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

1.8. **Renewable energy targets** – policy objectives of reaching a share of energy produced from energy sources in gross final energy consumption until a deadline specified in this Law;

1.9. **Bio liquids** - liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;

1.10. **Gross final consumption of energy** - energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution and transmission;

1.11. **Energy efficiency** – a ratio between an output of performance, service, goods or energy and an input of energy;

1.12. **Energy** – any form of energy generation (electricity, thermal energy or natural gas) for the purpose of supply or sale;

1.13. **Electricity** – form of potential energy of charges in the electric field, which through metallic conductors shall be transmitted to customers;

1.14. **Thermal energy** – energy for heating/cooling, spaces, sanitary hot water and industrial water that transported and distributed through water, steam or gases, benefited from thermal energy facilities, using fuel, geothermal sources, solar energy, unused thermal energy, to supply for customers through central thermal energy systems;

1.15. **Supply** – sale, including resale, of energy to customers;

1.16. **Supplier** – energy enterprise performing the supply activity;

1.17. **Last Opportunity Supply** – mandatory public service of electricity or gas supply under conditions regulated for final consumer who in specific conditions has remained without supplier;

1.18. **Gas** – natural gas and all other kinds of gases (natural liquid gas, petroleum liquid gas, steam petroleum liquid gas, city gas, biogas and gas from biomass), in that level that these gases may, technically and in a secured manner, should be mixed in the flow of natural gas and transported through the gas system;

1.19. **Natural gas** – mixture of hydro-carbonate compositions, in gaseous state or in a mixture with crude petroleum, in underground natural reservoirs. Primary hydro-carbonates commonly found in such mixtures are: methane, ethane; propane; butane and pentane;

1.20. **Interconnector**- a transmission line which crosses or spans a border between Contracting Parties and which connects the national transmission systems of the Contracting Parties;

1.21. **Codes** – rules that are intended to establish the minimum technical design, operational requirements and standards, and commercial terms for relevant activities in the energy sector, and which are required by Law to be submitted for approval to the Regulator;

1.22. **Customer** –a wholesale or final customer of energy;

1.23. **Wholesale customer** - a natural or legal person that purchases and sales energy, inside or outside the system where he is established, excluding the sale of the energy to the final consumer;

1.24. **Final customer**–a customer purchasing energy for its own use;

1.25. **Household customer**- a customer purchasing energy for his own household consumption, excluding commercial or professional activities;

1.26. **Customer in need** –a household customer of energy who due to his social status and/or health condition, shall have the right to be supplied with the energy in certain conditions, determined by the respective Ministry of social welfare, in accordance with the Law on Electricity;

1.27. **Non-household customer** –a natural or legal person purchasing energy which is not for his own household use and includes producers and wholesale customers;

1.28. **Connection to network/system** – physical connection of the facilities of an energy enterprise with the transmission/transport network or distribution/system, according to the determined conditions;

1.29. **License** – document issued by the Regulator which enables the licensee to perform activities in the energy sector for which a license is required, in accordance with the provisions of the Laws related to the energy sector;

1.30. **Tariff methodology** –rules, methods and principles established by the Regulator, and applied when a setting regulated tariffs;

1.31. **Ministry** - Ministry responsible for the energy sector;

1.32. **Energy enterprise** –any natural or legal person generally organized as a joint stock company that performs one or more activities in energy, generation, transmission, distribution, supply, trading, market organization and is responsible for commercial, technical or maintenance related to the stated activities, excluding the final consumer;

1.33. **Public service obligation** –a duty imposed on an enterprise, which may relate to the security of supply, regularity, quality and price of supplies, energy efficiency, energy from renewable sources and environmental and climate protection which is non-discriminatory and does not distort competition beyond what is strictly necessary

in order to achieve the provision of the public service in question;

1.34. **Public Service** - service that is available in any time to final consumers and energy enterprises, with the prize fixed and/or with the conditions of access and use of energy services which should be available, adequate and sustainable, taking into consideration the security, regularity and quality of the service, environmental protection, efficiency of energy use and environmental protection, which shall be performed in compliance with the transparency and non-discriminatory principles and under the supervision of the authorities determined by the Law;

1.35. **Universal Service** – obligatory service of public supply with electricity to provide the certain categories of consumers with the right to be supplied with the electricity of the required quality, with the reasonable, easy comparable, transparent, impartial and non-discriminatory tariffs;

1.36. **Energy Distribution** - distribution of the energy through the distribution network/system;

1.37. **Distribution System Operator** – a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of energy;

1.38. **Transmission System Operator** - a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity;

1.39. **Metering device** –instruments registered in the registry of certified metering equipment in the Republic of Kosovo, used for measurement of generated, transmitted, distributed, supplied and consumed energy;

1.40. **Long-term planning** - planning of the need for investment in generation and transmission and distribution capacity on a long-term basis, with a view to meeting the demand of the system for energy and securing supplies to customers;

1.41. **Generation** – physical or chemical process of converting the fuels or renewable sources of the energy into electricity, in heating or other forms of energy;

1.42. **Producer** –a natural or legal person generating of energy;

1.43. **Gas generation** - production, delivery and sale of gas, excluding the natural gas use;

1.44. **Energy producer** - energy enterprise that produces energy and takes part in the energy market;

1.45. **Energy sector** –activities of energy that include generation, transmission, distribution, transport, storage, sale, resale, purchase and supply;

- 1.46. **Security** –both security of supply and provision of energy and technical safety;
- 1.47. **Security of supply** – ability of energy systems to supply final customers with adequate amounts of energy in order to meet their demand;
- 1.48. **Interconnected system** - a number of transmission and distribution systems linked together by means of one or more interconnectors;
- 1.49. **Energy facilities** –any installation, building, facility, including any auxiliary or related facility, systems and equipment, to include poles, pylons, transmission or distribution lines and pipelines whether underground or over-ground, that are used by an energy enterprise for its energy activities, or form part of a generation plant, transmission system or a distribution system, or are part of any directly connected customer equipment, any interconnectors, or any direct lines, or (for the purposes of Article 28 of this Law only) on the date of entry into force of this law are used by an energy enterprise for its mining activities under the rights held by that enterprise as a licensee or permit holder in respect of those activities;
- 1.50. **Distribution** – transport of energy through distribution systems with a view to its delivery to customers, but not including supply;
- 1.51. **Tariff** – price or set of prices for energy, for use of energy systems, or for other energy related services;
- 1.52. **Public land** – land owned directly or indirectly by the Republic of Kosovo;
- 1.53. **Statistical transfer** – agreement that may be concluded by parties with the purpose of statistical transfer of energy generated from renewable sources;
- 1.54. **Transmission** – transport of energy, through high voltage systems and interconnected high voltage systems, with a view to its delivery to final customers, or to operators of distribution system, but not including supply;
- 1.55. **Transit** – transfer of the energy with the origin from another state, with the destination for a third country, through the network in the territory of Kosovo, or transmission of the energy with the origin from another state, with the destination for that country through the network of Kosovo;
- 1.56. **Trader** – an entity that purchases or sales energy, excluding the sale of the energy for final consumers;
- 1.57. **Energy market** - purchases and sales of the energy, excluding the sale for final clients;
- 1.58. **Energy Regulatory Office (Regulator)** – an independent agency in the energy sector, established by the Law on Energy Regulator;
- 1.59. **Energy Community Secretariat (ECS)** – institution that provides administrative assistance to the Ministerial Council, High Permanent Level Group, Regulatory Board and Forums, in the management of the development process of Energy Community.

2. Other terms used in this Law shall have the meanings defined in the Law on Electricity, Law on Energy Regulator, Law on Natural Gas and Law on Thermal Energy.

#### **Article 4**

##### **Public Service Obligation**

1. Energy enterprises charged with public service obligations shall ensure the discharge of the public service in accordance with the terms determined in their respective licenses.

2. Duties and obligations of energy enterprises charged with public service obligations are set in the Law on Energy Regulator.

#### **Article 5**

##### **Customers in need**

1. The Ministry responsible for social issues, in cooperation with the Ministry responsible for energy, and ministry responsible for finance, in consultation with the Regulator and other relevant stakeholders, shall prepare the Social Energy Action Plan, which shall be approved by the Government.

2. The Social Energy Action Plan should contain conditions, criteria and categories of persons in need which shall be entitled to benefit as customers in need in accordance with Law on Electricity Law on Natural Gas.

### **CHAPTER II**

#### **ENERGY STRATEGY, IMPLEMENTATION PROGRAMS AND ENERGY BALANCES**

#### **Article 6**

##### **Energy Strategy**

1. The Strategy outlines the energy policies and planning for the development of the energy sector in Kosovo.

2. The Strategy shall identify significant challenges faced by the energy sector, orientate the development of appropriate policies for transforming the energy sector into a sustainable and financially viable sector, which provides qualitative and economically favourable energy services for Kosovo customers, and shall identify main policies and measures to be undertaken with the view of advancing sector reforms, in order to attract private investments, protect the environment and integrate Kosovo's energy sector into regional and European systems.

3. The Strategy shall be developed by the Ministry and shall include development goals for the energy sector where appropriate. The Ministry shall ensure that the preparation of the Strategy is carried out in co-ordination with other relevant policy development, both in the Ministry and within the Government.

4. The Strategy shall be submitted by the Ministry to the Government for review and approval. After approval by the Government, the Strategy shall be sent to the Assembly of the Republic of Kosovo for adoption.

5. The Ministry shall, at intervals of not more than three (3) years, carry out a review of the Strategy and prepare an updated Strategy covering the following ten (10) year period, in accordance with the procedure described according to the dispositions in this Article. Any proposed modifications to the Strategy must be submitted for approval to the Assembly of Republic of Kosovo.

6. In developing the Strategy, the Ministry consults with the Regulator, the Transmission System Operator for electricity, thermal energy and natural gas and other entities licensed by the Regulator, representatives of consumers, and other interested public authorities in Kosovo. Upon completion of the draft Strategy, the Ministry shall, subject to ensuring confidentiality of information is maintained; release such draft for public discussions in accordance with the Government Rules of Procedure.

7. The Strategy shall be developed for a ten (10) year period taking into account the relevant developmental circumstances of Kosovo has the purpose:

7.1. to promote security of energy supply within a secure and stable energy sector, including promoting the diversification of energy sources;

7.2. to provide for an adequate balance between supply and demand for energy in the long-term development of the energy sector, taking into account the energy demand forecast and energy sources diversification;

7.3. to provide for a reasonable use of energy resources available in Kosovo, in line with the principles of sustainable development;

7.4. to enable continuity in energy supplies, through a combination of adequate levels of available generation capacity, of sufficient transmission and distribution capacity in Kosovo, and of interconnections with other systems;

7.5. to encourage flexibility in energy contracting and energy use, through the removal of barriers that prevent the use of interruptible contracts or that prevent the conclusion of contracts of varying lengths for producers and customers;

7.6. to provide for an optimal use of energy from renewable sources consistent with targets of energy from renewable sources;

7.7. to improve energy efficiency and encouraging energy conservation measures consistent with energy efficiency targets;

7.8. to encourage the adoption of real-time demand management technologies, such as advanced metering systems;

7.9. to protect the interest of energy customers, in particular vulnerable customers;

7.10. to ensure both the availability of universal service and an ability to choose energy supplier for final customers in accordance with the Law on Electricity;

7.11. to provide for a sustainable environment during the conduct energy activities;

7.12. to promote investments in the energy sector in the function of use the pure

technology for using the lignite, in the function of environmental protection;

7.13. to promote competition in the energy sector consistent with non-discrimination and transparency principles, including the development of active wholesale energy markets within Kosovo;

7.14. to facilitate an appropriate level of co-operation with neighbouring countries, for connection of the Kosovo energy system or its parts with European energy systems or systems of other countries, and for integration of regional energy markets, taking account of the costs and benefits of such connection.

8. The Ministry shall, where appropriate, prepare position papers and guidelines on any matter that is consistent with the Ministry's role in defining energy policy.

9. All position papers and guidelines prepared by the Ministry shall be subject to the same public consultation requirements and approved by the Ministry.

#### **Article 7**

#### **Energy Strategy Implementation Program**

1. Based on the Strategy, the Ministry shall prepare and the Government shall adopt a Strategy Implementation Program for a period of three (3) years. The Ministry is responsible for the execution of the Strategy Implementation Program.

2. The Strategy Implementation Program shall define the measures, programs and activity to be implemented, including the cost estimates and anticipated sources of funding, the time scales for implementation, the entities responsible for implementation of each activity, and arrangements for monitoring and reporting on progress.

3. The Strategy Implementation Program shall also determine the cooperation required with local government bodies and institutions in the area of development planning in the energy sector, and the cooperation required with energy enterprises and international organizations.

4. For the implementation of duties related to the Strategy, the Government shall issue sub-legal acts on establishment, funding and operation of municipal energy offices, which shall address issues related to implementation and monitoring at the local level.

5. Ministries and other Government institutions, including local government bodies, shall advise and assist the Ministry in the implementation of the Strategy Implementation Program, in accordance with their wider duties and powers.

6. Energy enterprises and other persons shall be required to adhere policies and obligations deriving from the Strategy and Strategy Implementation Program to the extent that is specified in the Strategy Implementation Program. Where adherence of such policies or obligations results in additional costs being incurred by energy enterprises, the Ministry shall, in collaboration with the Regulator, ensure that:

6.1. such costs are imposed in a transparent and non-discriminatory way; and

6.2. energy enterprises are able to recover all such costs that they reasonably

incur by means of charges to consumers and other.

7. The Ministry shall submit annual reports to the Government, outlining the progress on the realization of the Strategy Implementation Program, and the implementation level of the Strategy. All such reports shall include details of progress relative to the Strategy Implementation Program in the period covered by the report, and outline developments expected over the remainder of the timescale for the Program.

### **Article 8** **Energy Balance**

1. Estimation of demands on electricity, natural gas and thermal energy, manner and measures for meeting such demands shall be determined in the Annual Energy Balance and Long-Term Energy Balance, adopted and published by the Regulator.

2. Methodology, rules and procedures for the preparation and adoption of Annual and Long-Term Energy Balances shall be set in a special regulation to be drafted and adopted by the Regulator.

3. The regulation as per paragraph 2 of this Article shall regulate issues related to tasks and responsibilities of operators in the preparation of energy balances (electricity, natural gas and thermal energy, obligations of parties involved in the supply of data to respective operators and preparation of balance documents, contents of data, timelines and submission of data, as well as for submission and adoption procedures.

4. Long-term and annual electricity balances shall be developed by the electricity Transmission System Operator and upon receipt of the opinion by the Ministry, shall be submitted for adoption to the Regulator.

5. Long-term and annual natural gas balances shall be developed by the natural gas Transmission System Operator and upon receipt of the opinion by the Ministry, shall be submitted for adoption to the Regulator.

6. Long-term and annual thermal energy balances shall be developed by thermal energy distribution operators and upon receipt of the opinion by the Ministry, shall be submitted for adoption to the Regulator.

7. Ministry shall give its opinion in relation to the compliance of balance documents with strategy documents and their respective implementation plans, within twenty (20) days from the day of their receipt by the operators.

8. The Regulator, upon individual approval of balances, publishes them in a unique document to at latest fifteen (15) December of the current year that precedes the following period.

9. The long-term energy balance is approved for a ten (10) year period. Long-term energy balance updates are approved every two (2) years.

10. Mandatory components of long-term balances, as per paragraphs 4, 5 and 6 of this Article are the following:

10.1. estimates of the demand;

10.2. estimates of the supply to cover the demand;

10.3. manner of meeting the demand;

10.4. a list of required levels of storage and capacity reserves necessary for ensuring an appropriate level of planned supply sustainability (stability).

11. The annual energy balance shall be adopted no later than by fifteen (15) December of the current year, for the next year.

12. Mandatory components of annual energy balances, are the following:

12.1. estimates of the demand for each month of the following year;

12.2. estimates of the supply to cover the demand;

12.3. estimates of the consumption of raw materials, reserve levels and reserve capacities;

12.4. annual level of reserve capacities (reserve limit) of energy facilities and equipment;

12.5. appropriate level of operational reserves for each year, and criteria related to energy efficiency for each year.

13. Annual energy balance for the previous year is prepared, approved and published by the agency responsible for official statistics.

## **Article 9**

### **Role of Local Government**

1. Local government bodies shall plan, in their development documents, the need and the manner of energy supply and shall harmonize those documents with the Strategy Implementation Program, and energy balances.

2. In addition to tasks mentioned in paragraph 1 of this Article, local government bodies shall also cooperate with the Ministry, the Transmission System Operator and the Distribution System Operator on issues of the right of access to lands for the placement of energy equipment and energy facilities.

## **Article 10**

### **Development Plans of System Operators**

1. Each year the Electricity Transmission System Operator, Electricity Distribution System Operator, Thermal Energy Distribution System Operator, and Natural Gas Transmission System Operator shall submit to the Regulator the ten (10) year network development plan, based on the current and estimated demand and supply, after consultation with all relevant stakeholders.

The network development plan contains efficient measures, in order to guarantee system adequacy and security of supply.

2. The ten (10) year network development plan shall, in special:

2.1. inform the main market participants for infrastructure which needs to be constructed or improved in the following ten (10) years.

2.2. include all investments under development and identify all new investments to be carried out in the forthcoming three (3) years; and

2.3. provide the timeframe for all investment projects, as per paragraph 2.2 of this Article.

3. During the preparation of the ten (10) year network development plan, the Transmission System Operator shall make reasonable assumptions on the development of generation, supply, consumption and exchanges with other countries, taking into consideration investment plans in the regional networks in the Energy Community.

4. The Regulator shall consult all current and potential system users in relation to the ten (10) year network development plan, in an open and transparent manner. Persons or enterprises claiming to be potential system users may be required to substantiate such claims. The Regulator shall publish results of the consultation process, especially potential investment needs.

5. The Regulator shall review if the ten (10) year network development plan covers all investment needs identified during the consultation process, and if it is in compliance with the non-binding ten (10) year Energy Community network development plan. The non-binding ten-year (10) network development plan in the Energy Community includes generation adequacy assessments, every two (2) years. In the event any suspicions are raised in relation the consistency with the community-level network development plan, the Regulator shall consult with the Regulatory Authority in the Energy Community. The Regulator may request from the transmission system operator to amend and supplement its ten (10) year network development plan. This process does not include the ten (10) year plan of the thermal energy Distribution System Operator.

6. The Regulator monitors and assesses the implementation of the ten (10) year network development plan.

7. In the event that The Transmission System Operator, for reasons other than those outside its control, fails to execute an investment which should have been executed within the forthcoming three (3) years, according to the ten (10) year network development plan, the Regulator shall be obliged to take at least one of the following measures to ensure that the said investment is made, in the event that the said investment is still relevant pursuant to the later ten (10) year network development plan:

7.1. request from The Transmission System Operator to execute the said investments;

7.2. organize an open bidding procedure for the said investments for all investors; or

7.3. oblige The Transmission System Operator to receive capital increases to fund the necessary investments and to allow independent investors to participate in such capital.

8. In the event that the Regulator has utilized its competencies according to paragraph 2.2 of this Article, it may oblige the transmission system operator to agree with one or more measures from the following investments:

- 8.1. financing by third party;
- 8.2. constructions by third party;
- 8.3. self-construction of the said new assets;
- 8.4. self-operation of the said new assets.

9. The Transmission System Operator shall provide investors with all necessary information for the execution of the investment, connect new assets in the transmission system and in general make best efforts to facilitate the implementation of the investment project. Relevant financial arrangements shall be subject for approval by the Regulator.

10. In the event when the Regulator has utilized its competencies according to sub-paragraph 7.1 of this Article, relevant tariff adjustments shall cover the cost of said investments.

11. The development plans prepared by energy operators should be in accordance with Strategy and implementation program of the Strategy and should be published in the website of the Regulator.

### **CHAPTER III ENERGY EFFICIENCY, CO-GENERATION AND RENEWABLE SOURCES**

#### **Article 11 Energy Efficiency and Co-Generation Policies**

1. The purpose of energy efficiency and co-generation policies is to improve energy efficiency through the utilization of energy saving potentials, implementation of energy efficiency measures, and stimulation of co-generation through high-efficiency technologies.

2. Energy efficiency and co-generation shall be regulated with special legal acts.

#### **Article 12 Renewable Energy Policies**

1. The purpose of renewable energy policies is to promote economic and sustainable utilization of local potentials of renewable energy sources, in the function of fulfilling energy needs, enhancing security of supply and improving environmental protection.

2. Renewable energy policies are an integral part of the Strategy.

### **Article 13**

#### **Implementation of Renewable Energy Policies**

1. With the aim of implementing renewable energy policies, the Ministry shall:
  - 1.1. prepare the ten (10) year renewable energy action plan, in accordance with the requirements of the respective directive on renewable energy, and is going to be approved by the Government.
  - 1.2. determine renewable energy targets by means of special sub-legal act, in harmony with the requirements of the respective European Union directive on renewable energy;
  - 1.3. report on the implementation of the action plan and accomplishment of renewable energy targets, in harmony with the requirements of the respective European Union directive on renewable energy;
  - 1.4. draft sub-legal acts on promotion of use of renewable energy;
  - 1.5. identify measures for accomplishing renewable energy targets;
  - 1.6. conclude agreements for international cooperation in project development, or common support schemes for renewable sources, including matters related to statistical transfer of energy from renewable sources.
2. The Ministry responsible for the construction sector shall draft sub-legal act on the use of renewable energy in buildings.
3. The Ministry responsible for the petroleum sector shall draft sub-legal act on the use of biofuels in transport.

### **Article 14**

#### **Access to and operation of the grid for electricity from Renewable Sources and Co-generation**

1. When dispatching of the generated electricity, the Transmission System Operator, or the Distribution System Operator, shall give priority to electricity generated from renewable energy sources and from co-generation, subject to the restrictions specified for purposes of system security by the Grid Code and other rules and codes.
2. Transmission System Operator and Distribution System Operator shall establish and publish standard rules on who bears the costs of technical determinations, such as grid connections and their grid reinforcements, necessary to integrate new electricity producers supplying electricity produced from renewable energy sources into the interconnected system. Such rules shall be submitted for approval to the Regulator and should be consistent with the Strategy, based on objective, transparent and non-discriminatory criteria, taking particular account of all the costs and benefits associated with the connection of these producers to the system.
3. Transmission System Operator and Distribution System Operator shall provide any new electricity producer using renewable energy sources or co-generation wishing to be connected to the system with a comprehensive and detailed estimate of the costs associated with the

connection for which estimate the system operator may levy a charge that reflects its reasonable costs.

4. Transmission System Operator and Distribution System Operator shall establish and publish standard rules relating to the sharing of costs of system installations, such as grid connections and reinforcements, between all electricity producers benefiting from them. Such rules shall be submitted for approval to the Regulator, and shall be consistent with the Strategy as well as other sub-legal acts.

5. The Regulator shall ensure that transmission and distribution fees for connection and for use of the transmission and distribution systems do not discriminate against the operator of electricity from renewable energy sources, including in particular the operator of the electricity from renewable energy sources produced in peripheral regions and of low population density.

### **Article 15** **Renewable Energy Targets**

1. The Government shall establish annual and long-term renewable energy targets for the consumption of electricity, thermal energy generated from renewable energy sources and from cogeneration and energy from renewable sources used in transport. A National Renewable Energy Action Plan to reach twenty-five percent (25%) share of energy from renewable sources in gross final energy consumption for an agreed in 2020 shall be adopted by the Government. After adoption the National Renewable Energy Action Plan shall be submitted to the Energy Community Secretariat.

2. On reaching the objective of twenty-five percent (25%) share of energy from renewable sources in gross final energy consumption in 2020, Kosovo can enter in cooperation mechanisms with other Contracting Parties of the Energy Community or with European Union Member States. The framework for the cooperation mechanisms shall be adopted by the Government by separate sub-legal act.

3. Long-term renewable energy targets shall be developed for a ten (10) year period, according to the methodology as determined by sub-legal acts, approved by the Ministry.

4. The Ministry shall prepare and issue sub-legal act containing adequate measures intended to achieve the renewable energy targets, and any such measures shall take into account:

4.1. principles of a competitive energy market; and

4.2. the characteristics of renewable energy sources and generation technologies.

5. The Ministry drafts and publishes the report on the realization of long-term renewable energy targets annually, as part of the report on the implementation of the National Renewable Energy Action Plan and Strategy Implementation Program specified in paragraph 7 of Article 7 of this Law. The report shall include a progress analysis of the realization of renewable energy targets, particularly taking into account the impact of climatic factors. This analysis shall also indicate the extent of measures undertaken for the realization of renewable energy targets and possible remedies to be on track of reaching the objectives.

6. The Regulator certifies the origin of energy produced from renewable energy sources according to objective, transparent and non-discriminatory criteria, in accordance with the

provisions of the Law on Energy Regulator.

7. The institutions involved in promotion of renewable energy shall ensure that the information on support measures is made available to all relevant actors, such as consumers, builders, installer, architects and suppliers of heating, cooling and electricity equipment compatible with the use of energy from renewable sources.

8. Local and regional authorities shall develop suitable information, awareness raising, guidance and training programmes in order to inform the citizen of the benefits and practicalities of developing and using energy from renewable sources.

#### **Article 16**

##### **Administrative procedures, regulations and codes for renewable energy**

1. The Government must ensure that all the rules concerning authorization, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating and cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products are proportionate and necessary.

2. The Government shall prescribe the responsibilities of national, regional and local administrative bodies for authorization, certification and licensing procedures including spatial planning to ensure there are clearly coordinated and defined, with transparent timetables for determining planning and building applications. It must ensure that the administrative procedures are streamlined and expedited at the appropriate administrative level.

3. The rules governing authorization, certification and licensing are objective, transparent and proportionate, shall not discriminate between applicants and take fully into account the particularities of individual renewable energy technologies.

4. The administrative charges paid by consumers, planners, architects, builders and equipment and system installers and suppliers shall be transparent and cost-related.

5. Simplified and less burdensome authorization procedures, including through simple notification if allowed by the applicable regulatory framework, are established for smaller projects and for decentralized devices for producing energy from renewable sources, where appropriate.

#### **CHAPTER IV INVESTMENTS**

#### **Article 17**

##### **Promotion of Investments in the Energy Sector**

1. The construction of new energy plants and facilities, and their maintenance and use shall be encouraged, as long as such actions are in compliance with Kosovo's obligations towards the Energy Community and all other laws in force in Kosovo.

2. Encouragement of private investments in the Kosovo energy sector and establishment of a favourable environment for investments, by fulfilling efficient technology and environmental

requirements, in accordance with obligations under the Energy Community and applicable legislation in Kosovo.

3. There should be established the support schemes and facilities for the encouragement and promotion of energy generation from renewable sources and co-generation, including equipment for the construction of new energy facilities.

4. Where investments in new generation units with a capacity of fifty (50) megawatts or more are planned, the investor shall provide to the Ministry an analysis of the potential for the application of cogeneration in such investment, in accordance with Energy Community requirements.

5. If the analysis referred to in paragraph 4 of this Article indicates that cogeneration could be applied in the investment without adversely affecting the profitability of the investment, the Ministry, in line with the aim identified in paragraph 4 of this Article on the creation of a favourable investment environment, may require that cogeneration is considered as an investment component.

6. In order to facilitate investment in the renewable energy sector will establish a One Stop Shop with a special sub-legal act adopted by the Ministry responsible for the energy sector.

## **CHAPTER V ECONOMIC REGULATION OF ENERGY ACTIVITIES**

### **Article 18 Regulation of energy activities**

1. The economic regulation of activities in the energy sector shall be implemented in compliance with the Law on the Energy Regulator, in order:

1.1. to support a stable environment for investment in the energy sector,

1.2. to provide a proper framework for development of competition and averting the monopolistic behaviour, including ensuring transparent and non-discriminatory terms of access to transmission and distribution systems;

1.3. to guarantee the standards and security of energy supply;

1.4. to protect the interests of customers, including provision for the protection of customers in need;

1.5. to establish a transparent and non-discriminatory regulatory framework.

2. All energy activities in the energy sector shall be carried out on the basis of licenses issued by the Regulator, except activities for which no license is required, in accordance with the Law on the Energy Regulator.

## **Article 19**

### **Types of regulated activities**

1. Energy activities shall be carried out as competitive, market-based, activities without prejudice to the right of the Regulator to impose public service obligations, in accordance with the Law on the Energy Regulator, Law on Electricity and Law on Natural Gas.
2. All energy enterprises shall serve the interests of individual customers by providing a safe, efficient, and reliable supply of electricity, thermal energy or natural gas, ensuring the efficient use of energy resources; respecting the protection of the environment; and preserving the health, life, and property of the citizens of Kosovo.
3. The costs and expenses incurred by energy enterprises in connection with the discharge of public service obligations shall, subject to review by the Regulator to ensure their reasonableness, be acknowledged as justified costs and expenses for the purposes of setting tariffs. The compensation for these costs must not exceed the costs incurred in the discharge of public service obligations, except for the profit which the Regulator considers reasonable for such services.

## **Article 20**

### **Performance of Energy Activities**

1. Energy activities of transmission, distribution, market operation are carried out as public services with regulated conditions and tariffs.
2. In accordance with the Law on Electricity, certain categories of customers enjoy the right of universal supply and benefit from guaranteed supply.

## **Article 21**

### **Confidential Information**

1. Energy enterprises which perform energy activities in the areas of electricity, thermal energy, or natural gas shall protect the confidential information obtained in the performance of their activities and tasks under this law, unless other laws require that such information be published or made available to government bodies, in accordance with applicable legislation.
2. The determination of confidential information shall be made in accordance with rules issued by the Regulator and applicable legislation.
3. Notwithstanding paragraph 1 of this article, the Regulator and Ministry, in exercising their powers, functions and duties, may require energy enterprises to provide them with confidential information. Upon receipt of information by the Regulator or the Ministry, if it is considered that such information is registered and confidential, they shall be protected and shall not be subject of laws regulating access to public documents.

## **CHAPTER VI COMPETITION IN ENERGY ACTIVITIES**

### **Article 22**

#### **Prohibition on restriction of competition**

1. Energy enterprises are prohibited from entering into, participating in, or taking any action in the furtherance of: any agreement between enterprises, any decision by an association of enterprises, and concerted practice if such agreement, decision or practice has as its object or effect the prevention, restriction or distortion of competition.

2. The prohibition of paragraph 1 of this Article applies, in particular, to any such agreement, decision or practice that:

2.1. directly or indirectly fixes purchase or selling prices or any other trading conditions;

2.2. limits or controls production, markets, technical development or investment;

2.3. shares markets or sources of supply;

2.4. applies dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

2.5. makes the conclusion of contracts subject to acceptance by the other parties of supplementary obligations, which, by their nature or according to commercial usage, have no connection with the subject of such contract.

2.6. all agreements and decisions prohibited pursuant to paragraph 1 of this Article shall be automatically void.

3. The provisions of paragraph 1 of this Article may, in accordance with the Law on Competition, be declared inapplicable in the case of:

3.1. any agreement or category of agreements between enterprises;

3.2. any decision or category of decisions by associations of enterprises;

3.3. any concerted practice or category of concerted practices, which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

3.3.1. impose on the enterprises concerned restrictions which are not indispensable to the attainment of these objectives;

3.3.2. afford such enterprises the possibility of eliminating competition in respect of a substantial part of the products in question.

### **Article 23**

#### **Prohibition on Abuse of a Dominant Position**

1. Any abuse of the dominant position by one or more energy enterprises shall be prohibited.
2. The abuse of the dominant position according to paragraph 1 of this Article in particular, includes:
  - 2.1. directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
  - 2.2. limiting production, markets or technical development to the prejudice of consumers;
  - 2.3. applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
  - 2.4. making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

### **Article 24**

#### **Competencies of regulatory bodies on competition matters**

1. The Regulator shall, within the scope of its authority under the Law on the Energy Regulator, implement measures aimed at preventing violations of the provisions of the Articles 22 and 23 of this Law.
2. If the Regulator acquires reasonable evidence of an actual or suspected violation under the provisions of Article 22 and 23 of this Law by an energy enterprise, the Regulator shall provide such evidence to the Kosovo Competition Authority. The Kosovo Competition Authority shall institute an investigation of the alleged violation, and shall take whatever enforcement measures it deems necessary and appropriate to remedy or otherwise address such alleged violation as provided for by the Law on Competition.
3. Kosovo Competition Authority is conducting an investigation – whether on information obtained from the Regulator or any other source, including on its own motion - of an alleged or potential violation by an energy enterprise of the Law on Competition according to the Article 22 or 23 of this Law, the Regulator shall, provide assistance to the Kosovo Competition Authority with the conduct of such investigation, and the assessment of the alleged violation.
4. Kosovo Competition Authority and Regulator shall sign a memorandum of understanding containing provisions that regulate mutual cooperation on issues stipulated in this Article.

## **CHAPTER VII EMERGENCY MEASURES IN ENERGY SUPPLY**

### **Article 25**

#### **Right to Restrict Energy Supply**

1. The Government may, as an emergency measure, restrict the supply of energy to customers or impose special obligations on energy enterprises, in the following events:

1.1. in extraordinary situations, in accordance with the determination in the Constitution of the Republic of Kosovo;

1.2. in other emergency situations, in the event the Government declares that such emergency situations are necessary in the energy sector;

1.3. any material accident with installations for the generation, transmission, or distribution of electricity, thermal or natural gas;

1.4. any unexpected long-term shortage of energy generation capacity or energy transmission or distribution capacity; or

1.5. any terrorist activity and war act.

2. In the event the Government makes a determination under paragraph 1 of this Article, it shall immediately adopt a decision thereon describing the circumstances justifying such determination and specifying the restrictions and/or special obligations being imposed. The Government may immediately implement such decision, and shall forward such decision to the Assembly within three (3) calendar days after its adoption. Within seven (7) calendar days after receiving the decision, the Assembly shall approve or disapprove such decision by a majority vote of the deputies present in the session. If the Government fails to deliver its decision to the Assembly within three (3) calendar days after its adoption, or if the Assembly fails to approve such decision within seven (7) calendar days after receiving such decision, the decision of the Government shall not valid and shall have no legal effect.

3. The decision taken by the Government under paragraphs 1 and 2 of this Article and consented to by the Assembly shall last only as long as the emergency continues and shall have a maximum duration of sixty (60) days, unless extended by the Assembly. With the consent of a majority vote of the deputies of the Assembly present in the session, the decision may be extended if necessary for successive periods of thirty (30) days up to a total of one hundred and eighty (180) additional days. Thereafter a new Government decision on the emergency measures is required.

4. The Assembly may place limitations on the duration and extent of a Government decision adopted under paragraphs 1 and 2 of this Article.

5. In the event of circumstances determined in paragraph 1 of this Article, the Government decides to imposition of the following measures, in sufficient scope and timeline to treat adverse effects of such circumstances:

5.1. impose constraints on commercial activities in respect of specific energy resources;

- 5.2. prescribe special commercial conditions;
  - 5.3. limit energy trade or prescribe special conditions for energy trading;
  - 5.4. compel energy generation to take place at specified generation facilities; and
  - 5.5. impose an obligation to supply energy to selected customers only in accordance with pre-defined and objective criteria developed by the Transmission System Operator and the Distribution System Operator, and approved by the Regulator;
6. The Ministry shall announce all restrictive measures through public information means and submit them to the Energy Community Secretariat.
7. Ministry, by means of a sub-legal act, shall determine rules on restriction measures for energy supply in emergency situations.
8. Energy enterprises shall not be obligated to pay for any damage caused as a result of the restriction or interruption in the supply of electricity, thermal energy, or natural gas, as per paragraph 1 of this Article, unless it is established by the Regulator that the emergency occurred as a result of negligence by the energy enterprise or any of its employee. The Regulator establishes the procedure for assessing such negligence, the estimated damage caused by such negligence, and eventual compensation payable to customers and/or other energy enterprises. Any such determination by the Regulator shall be subject to judicial review in accordance with the Law on Administrative Procedures.

## **CHAPTER VIII PROPERTY RIGHTS OF ENERGY ENTERPRISES**

### **Article 26 New and Existing Energy Facilities**

New and existing energy facilities for the generation, transmission and distribution of electricity, thermal or natural gas shall be on property on which the concerned energy enterprise enjoys appropriate rights of ownership, use or access. Lines and pipes for the transmission and distribution of energy may pass through, over, on or under any property only if the concerned energy enterprise holds a servitude or right of use or ownership in the concerned property or such a servitude or right of use or ownership is granted to or obtained by the concerned energy enterprise in accordance with this Law and any applicable sub-legal acts approved by the Ministry based on this Law.

### **Article 27 Property currently in use or possession of energy enterprises**

1. Any energy enterprise that owns, uses or has the right to use, operates or otherwise possesses energy facilities sited on property over which the energy enterprise has not formally acquired or been granted a servitude, right of use or property ownership right have, shall, if such energy facilities are in the possession or use of the energy enterprise, all necessary servitudes, rights of use and/or other property rights in or to the concerned property. Such servitudes, rights of use or other property rights shall be subject to the applicable terms and conditions set forth in this Article.

2. The property, upon which energy facilities are situated, other than lines or pipes for the transmission and distribution of energy, shall be the subject of a ninety-nine (99) year right of use commencing on the date of entry into force of this Law. Under such right of use, the concerned energy enterprise shall have the right to:

2.1. possess and to use the concerned property for any purpose not prohibited by the legislation of Kosovo;

2.2. have any illegal possessors removed from the property;

2.3. be compensated for damages caused by an illegal possessor to the same extent as an owner of immovable property in accordance with the legislation in force;

2.4. freely sell, transfer or dispose of such right of use or any aspect thereof.

3. The following terms and conditions also applying to such right of use:

3.1. municipalities and other public authorities may levy taxes and fees on the energy enterprise in the same manner and extent as if the energy enterprise were the owner of the property;

3.2. physical changes of the concerned property, including any construction thereon, shall not affect the scope and the conditions of the right of use;

3.3 the right of use shall not be affected by any change to the underlying ownership of the concerned property;

3.4. the right of use shall not be expropriated except in accordance with the conditions, requirements and procedures according to the legislation into force, including the requirement for the payment of compensation;

3.5. the energy enterprise shall appropriately compensate the public owner for the right of use; and

3.6. where necessary, the perimeter of the concerned property shall be determined in accordance with any applicable sub-legal acts promulgated by the Ministry pursuant to this Law.

4. Any lines and pipes for the transmission and distribution of energy that pass through, over, on or under any property shall give rise to a servitude in perpetuity over the affected property held by the concerned energy enterprise commencing from the date of entry into force of this Law. The aforesaid servitudes shall be subject to the mandatory standards and restrictions contained in any sub-legal acts approved by the Ministry pursuant this Law.

5. A right of use or servitude established by this Article shall include rights of access from a public street or highway to the concerned property over other property if and to the extent, in accordance with the legislation in force and applicable decision of the Regulator, such access is required by the concerned energy enterprise to ensure proper operation and maintenance of the concerned energy facilities.

6. Where an energy enterprise holds, on the date of entry into force of this Law, a right of use over public land which is registered by a Municipal Cadastral Office in its own name or in the name of a Predecessor Entity, such right of use shall - by operation of this Law be – subject to the terms and conditions specified in the foregoing provisions of this Article.

7. The property rights established by this article, as well as the property rights over assets granted during the process of incorporation of an energy enterprise that was licensed in 2006 to operate Kosovo's electricity distribution or transmission system, shall, immediately upon the request of the concerned energy enterprise, be registered in such energy enterprise's name in the concerned Immovable Property Rights Register by the concerned Municipal Cadastral Office. Such registration shall be made without regard as to whether there is or is not a contract with respect thereto between the energy enterprise and the registered owner of the property, if any.

8. When making a registration pursuant to paragraph 7 of this Article, the energy enterprise shall include in the Immovable Property Register a notice describing the rights and restrictions provided by paragraphs 9 and 10 of this Article.

9. Subject to paragraph 10 of this Article, any private person who believes that the rights granted to an energy enterprise by this Article negatively affects the property rights of such private person in such a way as to amount to an expropriation for which compensation is due under the Law on the Expropriation of Immovable Property may, at any time within thirty-six (36) months from the date the notice requirement of paragraph 8 of this Article is fulfilled, file a complaint with the competent Court of the Republic of Kosovo seeking payment of such compensation from the Government. The Government shall have the right to reimbursement or indemnification from the concerned energy enterprise for any compensation the court requires to be paid unless a contract to which the Republic of Kosovo is party specifically provides otherwise. In the event that compensation is determined to be payable, the amount of compensation shall be determined in accordance with the compensation provisions of the Law on the Expropriation of Immovable Property and the sub-legal acts issued pursuant there to.

10. No compensation shall be paid under paragraph 9 of this Article to any person if:

10.1. prior to the date on which the complaint seeking compensation is filed, the concerned rights registered by the energy enterprise have already been paid for or have already arisen by the operation of a contract or another law (as by prescription);

10.2. the law applicable at the time the facilities were placed on the property did not require the payment of compensation;

10.3. the law applicable at the time facilities were placed on the property provided for compensation but the affected owner or owners failed, without a compelling and legally cognizable justification, to timely exercise their legal rights to obtain such compensation within the applicable legal time limit, which shall be deemed to have begun running on the date on which the facilities were first placed on the property; or

10.4. at the time the facilities were placed on the property, the property was in social or state ownership.

## **Article 28**

### **Right of Access to Property**

1. Energy enterprises are entitled to construct new facilities, or to expand existing generation, transmission or distribution facilities for which the right of servitude, right of use or other property rights pertaining to public or private rights is required in order to access metering devices or any other equipment on or under public or private land, with the aim of providing supply of electricity, thermal energy and natural gas, in accordance with the provisions of the Law on Expropriation of Immovable Property.
2. When constructing lines, new facilities, or expanding existing generation, transmission or distribution facilities, for which the appropriation of servitudes is required, the energy enterprises shall notify the owner of the private land with the aim of reaching an agreement.
3. The energy enterprise shall notify the owner regarding the facility, timeline of requested use, change of land destination, the plan of regulation upon conclusion of servitude and the proposed value of compensation, in accordance with the provisions of the Law on Expropriation of Immovable Property.
4. In the event that the energy enterprise and the land owner do not reach an agreement on the need to establish and expand servitudes within thirty (30) days from the delivery of the written proposal by the energy enterprise in accordance with paragraph 2 of this Article, the energy enterprise shall request from the Regulator to issue an opinion on the liabilities of the energy enterprise.
5. All servitudes and other property rights agreed between parties shall be registered in the respective municipal Cadastral Office.

## **Article 29**

### **Inspections, Maintenance and Metering**

1. Natural and legal persons shall allow officials carrying out inspections according to this law to enter and pass through a person's property for the purpose of inspecting energy equipment, installations or systems.
2. Natural and legal persons shall allow authorized representatives of energy enterprises to access their property on which there are facilities, apparatus, networks, or energy systems where such access is necessary for the purpose of checking and maintaining them, or cutting trees or other vegetation that might obstruct the operation of facilities, apparatus, networks or the system.
3. Natural and legal persons shall allow authorized representatives of energy enterprises to access their property where such access is necessary to inspect metering devices situated on their property and may not prevent an energy enterprise representative from turning off metering devices or other apparatus used in the energy system.

## **Article 30**

### **Compensation of damages**

1. Energy enterprises shall compensate the owners or users of property for any damage caused in the course of their activities which may result with a limitation of the use of their property, or

reduction of its fair market value.

2. The criteria and conditions of compensation shall be regulated with the applicable law.

### **Article 31**

#### **Security Zones**

1. Security zones should be established around energy sites

2. Within any established security zones, it shall be prohibited or subject to restrictions to construct or erect any building, to cut plants or trees, or to perform activities that may pose a threat to the security or uninterrupted operation of the energy installation, the safety of the property or the safety, life or health of persons.

3. The Ministry, by means of a sub-legal act, shall determine conditions and manner of setting the location, size, boundaries of the safety areas, their regulation and owners' rights and obligations.

### **Article 32**

#### **Violation of Security Zones**

1. Where owners or users of property perform unauthorized building development, enclosure, cutting, or other activity that violates rules for the security zones, and fail to remove such illegal construction or cease performing the unauthorized activity within a deadline set by an energy enterprise. The energy enterprise shall have the right to request that the municipality remove the illegal construction or stop the activity at the expense of the owner or user.

2. Municipality receiving such a request by the energy enterprise shall, within seven (7) days, perform actions to demolish the illegal construction or to stop the illegal activity.

## **CHAPTER IX**

### **SUPERVISION**

### **Article 33**

#### **Supervision and Inspection**

1. Administrative supervision of the implementation of the Laws on energy and sub-legal acts is carried out by the Ministry.

2. Inspections necessary for supervision of the implementation of this Law will be carried out by the Energy Inspectorate, operating within the Ministry. The Energy Inspectorate, where it considers it necessary, carries out inspections of energy facilities and prepares reports on the inspection.

3. If the Regulator considers it necessary, it may request the Energy Inspectorate to carry out, without charge, inspections of energy facilities and provide the Regulator with a written report on the inspection.

4. All natural or legal persons owning or operating energy facilities, equipment, buildings, systems or energy installations to which this Law applies are obliged to promptly inform the Energy Inspectorate of any damage or error that has occurred or may occur as a result of energy supply outage or other cause, or of any hazard to life or human health, traffic, or to neighbouring buildings or surrounding environment.

5. In the course of any inspection which it is to be carried out under the terms of this Law, the Energy Inspectorate shall be entitled to access to equipment and facilities for the purposes defined in sub-paragraphs 5.1 to 5.5 of this Article. Any energy enterprise or other natural or legal person shall provide such access where requested to do so by an authorized representative of the Energy Inspectorate that:

5.1. inspect equipment, materials, and technical documentation in compliance with the purpose of inspection or supervision;

5.2. collect or require provision of necessary evidence or samples;

5.3. inspect documents or other data from energy enterprises or professional organizations or individual experts;

5.4. examine energy services under their responsibility; and

5.5. undertake inspections of the technical condition and safety of energy equipment, on a regular basis or whenever required;

6. If inspectors of the Inspectorate notice, during their supervisory inspection that an energy enterprise or any energy customer is not carrying out operations in accordance with the provisions of this Law and other related acts, in addition to the general authorizations according to general acts the Energy Inspectorate shall have the authority to issue written decisions to:

6.1. instruct the elimination of the confirmed deficiencies within a determined period of time;

6.2. prevent the construction of generation facilities, if all the necessary construction permissions have not been obtained;

6.3. instruct the suspension of further construction or use of the energy facility;

6.4. .instruct the discontinuation of energy supply or use of energy if the equipment or facility is not generating or the facilities are not constructed, used or maintained in line with the technical requirements of codes, rules or legal or sub-legal acts, and if there is a direct threat to the energy facility and the security of the building, health, life, security of circulation and security of neighbouring buildings.

7. Where, as a result of its inspection, the Energy Inspectorate believes that any energy enterprise or any other natural or legal person is in violation of the provisions of this Law, the Law on Electricity, the Law on Thermal Energy, the Law on Natural Gas, or the Law on the Energy Regulator, or other sub-legal acts deriving from these laws, the Energy Inspectorate may undertake the following actions:

7.1. issue a written notice containing mandatory instructions on correction of violations within a set deadline;

7.2. propose to the Regulator to suspend, amend or revoke the relevant license;

7.3. propose to the Regulator to impose administrative fines and penalties pursuant to the provisions of the Law on the Energy Regulator;

7.4. file the case before the competent judicial authorities for further proceedings which fall beyond the Inspectorate's mandate; or

7.5. inform the public on any such illegal activity.

8. The inspections activities carried out by the Energy Inspectorate shall not prevent or limit inspections of any premises by any other authorities whose powers are provided by other laws, particularly with regard to inspections in connection with compliance of Laws and standards on environmental protection and public health.

#### **Article 34**

#### **Safeguarding Information**

1. Inspectors of the Energy Inspectorate shall keep confidential any official or commercial information which may become known to them during or in connection with the performance of their inspections.

2. Inspectors of the Energy Inspectorate shall exercise their activities alone, or, if so required, accompanied by specialized control bodies, in accordance with legislation in force.

### **CHAPTER X**

#### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 35**

#### **Transitional Provisions**

1. Nine (9) months after entry into force of this Law, all acts, decisions, rules or other documents adopted or promulgated in accordance with the Law No. 03/L-184 on Energy shall be harmonized with this Law.

2. With the purpose of implementing this Law, the Ministry shall issue the sub-legal acts as set forth by this Law, within nine (9) months after entry into force of this Law.

#### **Article 36**

#### **Repealing provisions**

1. This Law shall repeal:

1.1. The Law No. 03/L-184 on Energy;

- 1.2. Administrative Instruction No.07/2011 on rules on energy balance;
- 1.3. Administrative Instruction No. 2005/6 on rules on restrictive measures on energy supply;
- 1.4. Administrative Instruction 2005/7 on rules on security zones;
- 1.5. Administrative Instruction No. 2005/2 on rules determining the right of construction or the expansion of the existing energy sites for the transmission and distribution of electricity, heat or natural gas on non-private land;
- 1.6. Administrative Instruction nr. 2005/3 on rules on right of way and access to private land criteria and condition for compensation;
- 1.7. Administrative Instruction nr.2005/1 on energy Inspectorate.

**Article 37**  
**Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in Official Gazette of the Republic of Kosovo.

**Law No.05/L - 081**  
**16 June 2016**

**Promulgated by Decree No.DL-025-2016, dated 01.07.2016, President of the Republic of Kosovo Hashim Thaçi**

