



The Board of Energy Regulatory Office

Based on:

- Article 8 paragraph 1 sub paragraph 1.6, Article 14 paragraph 2 sub paragraph 1.7 and Article 25 of the Law on Energy Regulator (No. 03/L-185);
- Article 6 par. 2.8 of the Rule on Authorization Procedure for Construction of New Generation Capacities;
- Decision on Notification for Preliminary Authorization V-741-2015 issued to N.T.SH. "Eling" on 16 July 2015, that it has proved its compliance regarding the suitability on development of the project for construction of new generation capacities from solar panels/photovoltaic, with an installed capacity of 0.4 MW, in a place called Kuke CA Livagjë, Municipality of Graçanica, Republic of Kosovo;
- Request dated on 31.03.2016, for changing the location for construction of new generation capacities for electricity generation from solar panels/photovoltaic with an installed capacity of 0.4 MW, from the location in Kuke CA Livagjë, Municipality of Graçanica to a new location in CA Drenoc, Municipality of Deçan, of N.T.SH "Eling" Company having its address at: "Dardania" SU 1/1 Ent. 2 No. I-b, 10000, Municipality of Pristina, Republic of Kosovo,

in its session held on 15 July 2016, issued the following:

DECISION

- I. **The request** of N.T.SH. "Eling" Company **for changing the location** for development of the project for construction of new generation capacities for electricity generation from solar panels/photovoltaic, with an installed capacity of 0.4 MW from the location in Kuke CA Livagjë, Municipality of Graçanica to the location in CA Drenoc, Municipality of Deçan, Republic of Kosovo, **is hereby REFUSED.**

Reasoning

- o On 31.03.2016, ERO received from N.T.SH. "Eling" Company the request for changing the location for construction of new generation capacities for electricity generation from solar panels/photovoltaic, with an installed capacity of 0.4 MW, from the place called Kuke CA Livagjë, Municipality of Graçanica to CA Drenoc, Municipality of Deçan.
- o On 26.01.2015, ERO received from **N.T.SH. "Eling"** Company the application for obtaining the authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, with an installed capacity of 0.4 MW, in a place called Kuke CA Livagjë, Municipality of Graçanica, Republic of Kosovo.



- Following the ascertainment that the applicant has proved its suitability for construction of new generation capacities from solar panels/photovoltaic, on 16 July 2015 ERO issued Decision on Notification for Preliminary Authorization V_741_2015 and instructed the applicant to meet other legal requirements which are required by applicable legislation in Kosovo.
- The Decision on Notification for Preliminary Authorization has not implied granting the Authorization as well, until the requirements set by the Rule on Authorization Procedure for construction of new capacities are fulfilled.
- Decision on Notification for Preliminary Authorization is issued for one (1) year time-limit and this decision determines that **N.T.SH. “Eling”** Company shall be granted the Authorization if within this time-limit it makes a written request for conversion of Decision on Preliminary Notification into Authorization, meeting all terms and conditions set by Rule on Authorization Procedure for construction of new capacities and applicable legislation.
- On its request for changing the location, **N.T.SH. “Eling”** explained that: based on the studies, it was concluded that the cost of land for constructing the generator is expensive since it is located in the center of businesses, close to QMI. Taking into consideration the fact that the cost of land reaches nearly the same amount of the whole investment for such a generator, **this is unfavorable having in mind the time-limit for return of investments of such a project.**
- **N.T.SH “Eling”** Company explained in its request that another important reason is that, according to studies, the location where the solar generator was planned to be placed in Livagjë, Municipality of Graçanica, is foggy most of the time and affects the efficiency of solar panels. The pollution from Thermal Power Plant “Kosova A” is present in that region which affects the efficiency of the solar generator as well. Whereas, the location where they want to construct the generator in Municipality of Deçan averts the above-mentioned issues. Therefore, it was emphasized that the request is reasonable and at the same time provides conditions for the successful development of the project.
- The Board of ERO, in its session held on 15 July 2016, evaluated the request of N.T.SH. Eling company, for changing the location from CA Livagjë, Municipality of Graçanica to the location in CA Drenoc, Municipality of Deçan. ERO analyzed all the details and evidence presented with respect to this project and taking into consideration the legal provisions mentioned in the introductory section of this decision, refused the request since upon Decision on Notification for Preliminary Authorization no. V_741_2015 dated on 16 July 2015, the company in question was allowed the development of the project for construction of new generation capacities for electricity generation from solar panels/photovoltaic, with an installed capacity of 0.4 MW, located in Kuke CA Livagjë, Municipality of Graçanica and not in the location in CA Drenoc, Municipality of Deçan.
- ERO Board emphasized that for investments in the appointed location, in order to prevent dual investments, the principle of issuance of Preliminary Authorization is the provision of opportunity to investors for preparing the adequate documentation, whereas the location (ownership right) is ensured upon applying.
- The Board of ERO, also analyzed the legal provisions of Article 6 paragraph 2 sub paragraph 2.8 of the Rule on Authorization Procedure, according to which “Projects shall ensure



property rights and other legal rights for construction in respective location, as proposed in the project for construction of new generation capacities” and based on this, the Decision on Notification for Preliminary Authorization was issued to the applicant.

- The refusal of the request of N.T.SH. Eling company for changing the location for construction of new generation capacities for electricity generation from solar panels/photovoltaic, with an installed capacity 0.4 MW, from the location in Kuke CA Livagjë, Municipality of Graçanica to the location in CA Drenoc, Municipality of Deçan, is based on law and on legal provisions mentioned in the introductory section of this decision.
- I. The Decision shall be issued in Albanian language and shall be translated into Serbian language. In case of any discrepancy between the versions, the Albanian version shall prevail.
- II. The Decision shall enter into force on the date of approval by the Board and shall be published on ERO’s official website.

Legal advice: The party dissatisfied with this Decision may initiate an administrative dispute at the Competent Court, within thirty (30) days from the date of receipt of this Decision or the date of its publication on ERO’s website, whichever occurs last.

ERO Board:

Enver Halimi, Chairman

Krenar Bujupi, Member

Arsim Janova, Member

Qemajl Mustafa, Member

Besim Sejfijaj, Member

This Decision is sent to:

- The Party and
- ERO Archive