



Republika e Kosovës
Republika Kosova - Republic of Kosovo

ZYRA E RREGULLATORIT PËR ENERGIJË
REGULATORNI URED ZA ENERGIJU
ENERGY REGULATORY OFFICE



Prishtina, 3 October 2016
ERO Code: V_839_2016

The Board of Energy Regulatory Office

Based on:

- Article 9 paragraph 1 sub-paragraph 1.7, Article 15 paragraph 1 sub-paragraph 1.15, Article, Article 25, Article 26 paragraph 1 sub-paragraph 1.2 and Article 43 paragraph 1 of the Law on Energy Regulator (No. 05/L-184);
- Article 4, Article 5, Article 13 paragraph 1 sub paragraph 1.2, Article 14, Article 15 paragraph 1 and Article 16 of Rule on Authorization Procedure for Construction of New Generation Capacities;
- Article 4, Article 8, Article 11 and Article 12 of the Rule on Support Scheme;
- Decision no. V-810-2016 dated on 19 May 2016 on determination of Feed in Tariff for electricity generation from Renewable Energy Sources;
- Application for Authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, in a place called Madanaj-Rrypaj CA Kusar, installed capacity 3 MW, Municipality of Gjakova, dated on 04.11.2014 of "Birra Peja" JSC., having its address at "St. "Nexhat Basha" no. 160 Municipality of Peja, Republic of Kosovo;
- Decision no. V-701-2015 dated on 20 February 2015 on issuance of Decision on Notification for Preliminary Authorization for "Birra Peja" JSC. for developing the project for construction of new generation capacities from solar panels/photovoltaic, in a place called Madanaj-Rrypaj CA Kusar, with an installed capacity of 3MW, Municipality of Gjakova.
- Decision no. 790-2016 dated on 23 February 2016 on extension of validity term of Decision on Notification for Preliminary Authorization V-701-2015 dated on 20 February 2015.
- Request/application for conversion of Decision on Notification for Preliminary Authorization into Final Authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, located in Madanaj-Rrypaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, prot. no. 529/16 dated on 19.08.2016 of "Birra Peja" JSC., having its address at St. "Nexhat Basha" no. 160 -Municipality of Peja, Republic of Kosovo, and
- Contracts, permits, consents and decisions issued by relevant authorities as in Appendix II. of this decision,

in its session held on 3 October 2016 issued the following:



DECISION ON ISSUANCE OF FINAL AUTHORIZATION

- I. Hereby, **“Birra Peja” JSC.** is **granted FINAL AUTHORIZATION** for construction of new generation capacities for electricity generation from solar panels/photovoltaic, located in Madanaj-Rrypaj CA Kusar, with an installed capacity of **3MW**, cadastral parcels no. 69/6, 71/12, 71/13, 71/14 and 73/1 CA Kusar, according to Ruling on Construction Permit issued by Directorate for Urbanization and Environmental Protection in Municipality of Gjakova.
- II. Decision on Authorization is issued to **“Birra Peja” JSC.** for two (2) years and it is obliged, within this period, to construct new generation plants for electricity generation from solar panels/photovoltaic.
- III. ERO shall consider the project as finalized, from the date of issuance of certificate of usage, issued by competent body, pursuant to Law on Construction.
- IV. Following the finalization of the project, according to enacting clause under item III. of this Decision, **“Birra Peja” JSC.** Company shall bond a Power Purchase Agreement with Public Supplier with a duration of twelve (12) years, which shall be bonded at least (30) days prior to the commencement of generating operation, with the feed-in tariff stipulated with Decision no. V-810-2016 dated on 19 May 2016, issued by ERO Board.
- V. **“Birra Peja” JSC.** Company is obliged to own an Environmental Permit (ecological) issued by MESP, prior to operation (production) commencement.

Reasoning

- On 04.11.2014, ERO received from **“Birra Peja ” JSC.** Company the application on obtaining Authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, in a place called Madanaj-Rrypaj CA Kusar with an installed capacity of 3 MW, Municipality of Gjakova, Republic of Kosovo.
- Following the ascertainment that the applicant demonstrated its suitability for construction of New Generation Capacities from solar panels/photovoltaic, ERO, on 20 February 2015, issued Decision on Notification for Preliminary Authorization no. V_701_2015 and instructed the applicant to fulfill other legal requirements required by the applicable legislation in Kosovo.
- The Decision on Notification for Preliminary Authorization has not implied granting an authorization for construction, until the requirements set by the Rule on Authorization Procedure for construction of New Capacities are fulfilled.



- The Decision on Notification for Preliminary Authorization is issued for one (1) year and it determines that “Birra Peja” JSC. Company shall be granted the Authorization for Construction, if within this period it makes a written request to convert the decision on Preliminary Notification into Authorization, fulfilling all requirements set by Rule on Authorization Procedure for construction of new generation capacities and the applicable legislation.
 - On 26.01.2016, ERO received from “Birra Peja” JSC. the request for extension of validity term of Decision on Notification for Preliminary Authorization V-701-2015 dated on 20 February 2015 for an additional legal term, in order to complete the application for obtaining Final Authorization.
 - On 23 February 2016 , ERO issued Decision no. 790-2016 on extension of validity term of Decision on Notification for Preliminary Authorization V-701-2015 dated on 20 February 2015, for six (6) other months, namely until **20 August 2016.**
 - On 19.08.2016, ERO received from “Birra Peja” JSC. the request for conversion of Decision on Notification for Preliminary Authorization into FINAL Authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, located in Madanaj-Rrypaj CA Kusar, with an installed capacity of 3MW, Municipality of Gjakova, attaching evidence issued by relevant authorities for meeting environmental requirements, the right on the use of land, Construction Permit issued by MESP and other legal requirements regarding the nature of project according to applicable legislation
 - Following the evaluation of the attached evidence, permits, approvals and decisions issued by relevant institutions, and based on legal provisions mentioned in the introductory part of this decision, ERO decided as in the enacting clause of this decision.
- II. The Decision shall be issued in Albanian Language and translated into Serbian. In case of any discrepancy between the versions, the Albanian version shall prevail.
- III. This 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.

Enclosed to the Decision: Appendix I and Appendix II.

ERO Board

Krenar Bujupi , Acting Chairman

Arsim Janova, Member



Qemajl Mustafa, Member

Besim Sejfiqaj, Member

This Decision is sent to:

- The party,
- Municipality of Gjakova,
- General Secretary of MESP, and
- ERO Archive .



APPENDIX 1

Energy Regulatory Office (ERO) exerting its powers entrusted to it under Article 38 of the Law on Energy Regulator and in accordance with Article 16 of the Rule on Authorization Procedure for construction of new generation capacities, to “Birra Peja ” JSC. Company, having its address at “Nexhat Basha ”, No.160 Municipality of Peja, Republic of Kosovo, on **03 October 2016, issued the following:**

AUTHORIZATION

1. **For construction of new generation capacities for electricity generation from solar panels/photovoltaic, in a place called Madanaj-Rrypaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, in accordance with the Ruling on Construction Permit 07/351-39701, dated on 17.08.2016 issued by Directorate of Urbanization and Environmental Protection, Municipality of Gjakova.**
2. Hereby, “Birra Peja ” JSC. Company, is authorized to construct generation capacities in the above-mentioned location, in accordance with terms and conditions determined within this Authorization.
3. This Authorization is issued for two (2) years, starting from the day of its issuance. ERO, at the request of the party, may extend the validity of Authorization, pursuant to applicable legislation.
4. The Authorized Party, during the entire validity period of this Authorization, must fulfill the following:
 - 4.1. All conditions set out under this Authorization, and
 - 4.2. All conditions set out under applicable legislation in Kosovo, including those on environment.
5. Energy Regulatory Office may modify this Authorization in accordance with provisions of Article 19 of the Rule on Authorization Procedure for Construction of New Capacities.
6. In case the Authorized party goes bankrupt before the construction of the authorized generation plant, then this Authorization shall be suspended and shall remain as such until ERO determines that the conditions for withdrawal of suspension have been achieved. As long as this Authorization is suspended, the entire further works for constructing the generation plant are to be stopped. Otherwise, administrative measures and fines set out under the applicable legislation may be undertaken against the Authorized party.
7. The validity of this Authorization shall automatically expire upon the expiration of the period set out under item II of the present Decision or upon the expiration of other terms set out by ERO in accordance with item 3 Appendix I of this Authorization.
8. In case the Authorized party violates any of the conditions of this Authorization, and of the applicable legal provisions, ERO shall suspend the Authorization in accordance with provisions of



the Rule on Authorization Procedure for construction of New Capacities. From the date this Authorization is suspended, the entire further works for constructing the generating establishment are to be stopped. In case of noncompliance, administrative measures and fines set out under the applicable legislation may be undertaken against the Authorized party.

9. The authorized party shall inform ERO in writing and ask for prior consent for any changes to the existing elements of generators or any addition of new elements, which are not included in the project being part of the application.

APPENDIX II

List of documents (permits, consents, decisions, contracts etc.) issued by the institutions of Republic of Kosovo related to granting **Authorization for Construction** to "Birra Peja " JSC., for construction of new generation capacities for electricity generation from solar panels/photovoltaic, located in Madanaj-Rrypaj CA Kusar, with an installed capacity of 3MW, Municipality of Gjakova:

- **Contract on sale of right for long term utilization-** Estate renting for 99 years. LRP. No. 2077/2015 REF.No/631/2015.
- **Electro-energetic consent** no. 10432, dt. 08.02.2016 issued by KEDS JSC.
- **Environmental Consent** – no. 15/6451/1-725/ DMM dated on 18.02.2016 issued by Ministry of Environment and Spatial Planning (MESP) –Permanent Secretary Office (PSO);
- **Ruling on Construction Permit – no.07/351-39701 dated on 17.08.2016** for construction of new generation capacities for electricity generation from solar panels/photovoltaic, located in Madanaj-Rrypaj CA Kusar, with an installed capacity of 3MW, in cadastral parcels no. 69/6, 71/12, 71/13, 71/14 and 73/1 CA Kusar, issued by Directorate for Urbanization and Environmental Protection, Municipality of Gjakova.
- **Cadastral Unit Certificate P 70705041- 69/6, 71/12, 71/13, 71/14 and 73/1 CA Kusar.**
- **Technical, environmental and financial Feasibility Study**
- **Business plan.**
- **Main project.**

Stamped with the random stamp of ERO, on: _____

Signature(on behalf of ERO Board): _____