



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**

**ZYRA E RREGULLATORIT PËR ENERGJI**  
**REGULATORNI URED ZA ENERGIJU**  
**ENERGY REGULATORY OFFICE**



**RULE ON AUTHORIZATION PROCEDURE FOR CONSTRUCTION OF NEW  
GENERATION CAPACITIES, INCLUDING THE SIMPLIFIED PROCEDURE FOR  
SMALL-SCALE GENERATION CAPACITIES**

**Pristina, ... 2017**

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Pursuant to authority given under Article 9, paragraph 1, subparagraph 1.7, Article 15, paragraph 1, subparagraph 1.15, Article 26 and Article 43 of Law on Energy Regulator No. 05/L-084, the Board of Energy Regulatory Office in its session held on 10.11.2016, adopted the following:

**RULE ON AUTHORIZATION PROCEDURE FOR CONSTRUCTION OF NEW  
GENERATION CAPACITIES AND SIMPLIFIED PROCEDURE FOR CONSTRUCTION OF  
SMALL-SCALE GENERATION CAPACITIES**

**CHAPTER I  
GENERAL PROVISIONS**

Article 1  
**Purpose**

1. This rule establishes the authorization procedure for construction of new generation capacities, new systems for transport and distribution of gas, including interconnectors and direct electricity lines as well as direct pipelines for distribution of natural gas.
2. This rule establishes the simplified procedure for construction of small-scale generation capacities.

Article 2  
**Scope**

1. The Rule sets forth the criteria and procedure related to issuance of authorization for construction of new generation capacities, new systems for transport and distribution of gas, including interconnection lines, direct electricity lines and direct gas pipeline for distribution of natural gas in order to create conditions for efficient and cost-effective use of energy, considering their limited size and their potential environmental impact.
2. This rule also establishes the simplified procedure for construction of small-scale generation capacities.
3. The Authorization Procedure shall be applied in compliance with objective, transparent and non-discriminatory criteria which promote the establishment of a competitive energy market and stimulate investments while ensuring the security and stability of energy sector in Kosovo.
4. Nothing in this Rule overwrites any existing authority of any governmental or other institution to issue permits, consents or any other document required for project Authorization of new generating capacity, new systems for transport and distribution of gas, including interconnectors, direct electricity lines and direct gas pipelines for transport of natural gas, in conformity with applicable laws in Kosovo.
5. This Rule does not cover a tendering procedure, which is prescribed in Article 44 of Law on Energy Regulator.
6. However, if a new generation capacity, new system for transport and distribution of gas, including interconnection lines, direct electricity lines and direct gas pipeline for transport of natural gas is to be tendered or constructed as a result of implementing a tendering procedure, it shall not be subject to this rule for authorization.

Article 3  
**Definitions**

1. The terms used in this Rule have the following meaning:
  - 1.1. **"Applicant"**- means any natural or legal person organized as a Limited Liability Company or Joint Stock Company, which carries out one or more activities in energy sector, requesting an authorization under this Rule;
  - 1.2. **"ERO"** – Energy Regulator Office;
  - 1.3. **"Decision on Preliminary Authorization"** – a decision issued by Regulator's Board, indicating the applicant's expected suitability for constructing a new generating plant, if the applicant meets certain conditions and other requirements specified by the applicable legislation within specified period of time;
  - 1.4. **"Authorization"** – the issuance of authorization for commencing the construction of new generation capacities, new systems for transport and distribution of gas, including interconnectors, as well as direct electricity lines and direct gas pipelines for distribution of natural gas, within specified period of time, in accordance with this rule;
  - 1.5. **"Generating Facility"** – all buildings, installations and equipment set together in order to generate electricity, heat or a combination of heat and electricity (cogeneration), connected to the respective network;
  - 1.6. **"Feasibility (Implementation) Study"** – means a technical, economic and environmental evaluation of a project for construction of new generation capacities;
  - 1.7. **"Renewable Energy Sources"** – means renewable non-fossil energy sources, such as, wind energy, solar, geothermal energy, water energy, wave energy, biomass, waste gas, water treatment waste gas and biogas; as stipulated in applicable legislation for renewable energy sources.
  - 1.8. **"MESP"** – Ministry of Environmental and Spatial Planning;
  - 1.9. **"Competent Body"**- respective local and institutional bodies of the Republic of Kosovo;
  - 1.10 **"Large-Scale Generation Capacities"**- means new generation capacities with a capacity over 100 kW (> 100 kW), connected to the network;
  - 1.11 **"Small-Scale Generation Capacities"**- means new small-scale generation capacities with a capacity up to 100 kW, connected to the network;
2. The Terminology used in this rule shall have the same meaning as in Law on Energy Regulator, Law on Energy, Law on Electricity, Law on Natural Gas and Law on Central Heating.

**CHAPTER II**  
**AUTHORIZATION FOR CONSTRUCTION OF NEW GENERATION CAPACITIES**

Article 4  
**Obligation for Authorization**

1. As stipulated in Article 43 of Law on Energy Regulator, no natural or legal person shall construct a generating plant (generator) or be connected to the network without first obtaining a written authorization from the Regulator in accordance with procedures stipulated in this Rule.
2. The Regulator shall review all applications for Authorization for construction of new generating plants, in accordance with this Rule, and shall ensure that all applications are dealt with in an objective, transparent, and non- discriminatory manner.

#### Article 5

##### **Application for Authorization**

1. The application for obtaining an authorization for large-scale generation capacities shall be submitted in writing and in the format specified in Appendix 1 of this Rule.
2. The application for obtaining an authorization for small-scale generation capacities shall be submitted in writing and in the format specified in Appendix 2 of this Rule.
3. When the Regulator receives an application for obtaining an Authorization, it shall review it and in accordance with this Rule it shall issue:
  - 3.1 Decision on Issuance of Preliminary Authorization
  - 3.2 Decision on Issuance of Final Authorization; and
  - 3.3 Decision on Refusal of Preliminary or Final Authorization.
4. In exception to paragraph 2, subparagraph 2.1 of this Article, if more than one applicant applies for the same place/location where the new generating facility shall be constructed, the Regulator shall proceed further the application, which ensured relevant evidences on the right on the use of land, while in case of a hydro power plant the application shall contain the water permit issued by the competent body.
5. If the Regulator deems it necessary, it may request the applicant to provide additional information in accordance with this Rule.

#### Article 6

##### **Authorization Criteria**

1. The applicant who applies for an authorization for construction of new generation capacities, under this Rule, shall respect all laws, normative acts and applicable regulations during all phases.
2. The projects must ensure:
  - 2.1. achievement of a safety level regarding personnel, equipment, installations, machinery and environmental protection;
  - 2.2. increase of competition which is compatible with the development of a liberalized energy market;
  - 2.3. compliance with strategy of energy sector of the Republic of Kosovo and applicable legislation for renewable energy sources;

- 2.4. the availability of technical and financial capability, human resources, knowledge and organizational structure for construction and operation of the facility;
- 2.5. utilization of state-of-the-art equipment (with the highest efficiency/generation) for the respective plant;
- 2.6. plans for disposal (decommissioning )of all generation-related waste and decommissioning and/or removal of generation plants at the end of its useful lifespan in compliance with technical and environmental requirements; and
- 2.7. property rights and other legal rights to construct on the respective site, as proposed in the project for construction of new generating capacities.

### **CHAPTER III**

#### **PROCEDURE FOR ISSUANCE OF AUTHORIZATION**

##### Article 7

##### **Application Procedure**

1. An application for authorization for large-scale generation capacities shall be completed and submitted to the Regulator in the format specified in Appendix 1 of this Rule.
2. The application for authorization must be accompanied by the following documents:
  - 2.1 certificate of applicant's registration as a Business Organization, issued by the agency authorized to register business organizations;
  - 2.2 status on foundation of the enterprise;
  - 2.3 information/indicators regarding applicant's financial situation, Audited Annual Financial Report for last three (3) years, certified by the competent institution or certified financial auditors;
  - 2.4. The Feasibility (Implementation) Study carried out for new generation capacities, new systems for transport and distribution of gas including interconnectors, direct electricity lines and direct gas pipelines for transport of natural gas;
  - 2.5. Business Plan, including: total cost of investments and financing manner; Financial-Economic Assessment of the project including Financial Statements of the project; Static Assessment and Dynamic Assessment of investments efficiency (PBP, NPV, IRR and BP); Sensitivity Analysis NPV, IRR, PBP and LDC (marginal unit cost) towards total investments, O&M revenues and costs as well as Conclusions and Recommendations according to the project;
  - 2.6. agreement for connection to the network (technical information, electro-energetic consent) for the new generation capacity;
  - 2.7. evidence on technical, financial capability and applicant's experience to construct, own or conduct generation projects;
  - 2.8. evidence by the competent court that the applicant is not in a bankruptcy situation, its business is not administrated by a judge, its commercial activities are not suspended;

- 2.9. evidence by the competent institution that the applicant has complied with legal obligations regarding tax payment in the country where he is registered as a legal entity;
  - 2.10. information regarding organizational structure, including biographies of management and professional staff of the applicant;
  - 2.11. evidence regarding the right on the use of land and ownership status of the land that shall be used for construction of new generation plant (decision on granted consent for investments by competent local or institutional body, agreements/contracts for utilization of private or public land, possession statements, plan copies etc.);
  - 2.12. evidence confirming that the planned plant is in accordance with environmental laws in Kosovo (Environmental Consent, Environmental Permit, after construction of new generator);
  - 2.13. evidence by relevant authorities confirming that the applicant has fulfilled all applicable statutory requirements of relevant legislation in Kosovo (depending on the project), including the right on the use of water, where required;
  - 2.14. evidence on type, safety and quality of solar panels/ photovoltaic as well as Certificate on Recycling (TUV certificate), where required.
3. The simplified application for construction of small-scale generation capacities shall be completed and submitted to the Regulator in the format specified in Appendix 2 of this Rule.
  4. If the applicant acts in the name of a Joint Stock Company, partnership or consortium or Limited Liability Company, the investor's eligibility is evaluated based on the information, including financial one, related to each member of the association, submitted to the Regulator by the authorized representative of the enterprise.
  5. Upon receipt of the application, the Regulator shall register it in the register of applications. The Register shall be published on the Regulator's official website.
  6. The Regulator shall ensure that the application and all accompanying documents and other information are registered, filed and publicly available at the Regulator's headquarters.
  7. In consultation with the applicant, the Regulator may decide which data or documents are considered confidential in accordance with Rule on Confidential Information and such documents shall not be disclosed to the public.

## Article 8

### **Application Tax**

1. All applicants who apply for an authorization shall pay to the Regulator the administrative tax for review of application in the amount specified by the Regulator.
2. The applicant must provide a copy of tax payment receipt, within thirty (30) working days following the submission of the application for obtaining the authorization.
3. The tax payment is not refundable in the event of refusal on issuance of authorization.

## Article 9

### **Record Keeping of Applications**

1. An application, along with all supporting documents, shall be submitted in one (1) original and one (1) electronic copy in a CD.
2. The application shall be submitted in one of the official languages used in Kosovo.
3. In case any document attached to the application is not in one of the official languages used in Kosovo, the Regulator may accept it in that way or may request the applicant to submit its translation in one of the official languages of the Republic of Kosovo, certified by a notary.

### **Article 10**

#### **Publication of Applications**

1. Within fifteen (15) days upon completion of the application for large-scale generation capacities under Article 7, paragraph 1 of this Rule, the applicant shall publish in two (2) daily newspapers covering the entire territory of Kosovo:
  - 1.1. a brief summary of application's content;
  - 1.2. an announcement that any interested party can submit to the Regulator any comment or objection regarding the project, within eight (8) calendar days following the date of notice publication.
2. In case the Regulator receives any comments or objection on the application, it shall submit a copy of it to the applicant and publish it on Regulator's website.
3. In case of any objection, under paragraph 2 of this Article, the Regulator shall seize reviewing the application and shall notify the applicant in writing, until the dispute is resolved.
4. The applicant and/or the Regulator shall not disclose any information that is classified as confidential in accordance with Rule on Confidential Information.
5. Provisions of this Article are not applied for construction of small-scale generation capacities.

### **Article 11**

#### **Submission of Additional Information**

1. In case the Regulator determines that it needs further information or clarification from an applicant, it shall require from the applicant the submission in writing of additional information and data within thirty (30) calendar days for large-scale generation capacities and no later than twenty (20) calendar days for small-scale generation capacities.
2. The Regulator's request to the applicant for clarification or additional information and data shall contain a deadline of fifteen (15) calendar days for the applicant to submit the response. The Regulator may extend the deadline upon a written justification by the applicant regarding the failure to meet the deadline.
3. If the applicant, without a reasonable justification, delays the required response, the Regulator retains the right to reject the application without prior notice and without refunding application review tax, or decide on the application based on the existing documents and information and notify the applicant on its decision.

4. Upon determination that no clarification or additional information and data are required for the application, the Regulator shall notify the applicant that the application is deemed sufficient.
5. Notwithstanding other provisions of this Rule, the Regulator is entitled to seek from the applicant additional information and data at any time following the granting of authorization.

#### **CHAPTER IV**

##### **DEADLINES AND DECISIONS FOR AUTHORIZATION**

###### Article 12

###### **Deadlines for review of Application for Authorization**

The Regulator shall make a formal decision on each application within sixty (60) calendar days for large-scale generation capacities and forty five (45) calendar days for small-scale generation capacities, following the date of notice to the applicant that the application is deemed “completed”, in accordance with criteria of Article 11, paragraph 4 of this Rule. However, if the Regulator considers necessary, it can extend the application review deadline for an additional period of thirty (30) calendar days for large-scale generators and up to fifteen (15) calendar days for small-scale generators.

###### Article 13

###### **Regulator’s Decisions on Applications for Authorization**

1. In case the Regulator determines that an applicant has met all necessary requirements and criteria set out in this Rule and the Law on Energy Regulator, then it shall:
  - 1.1. issue a Decision on Preliminary Authorization, confirming that the applicant shall be granted a Final Authorization subject to certain conditions being met within the specified period of time; or
  - 1.2. grant a Final Authorization for construction of new generation plant, which was the subject of the application, when the Regulator is satisfied that all other necessary conditions have been met therefore the authorization can be issued.
2. The Regulator’s Decision on issuance of Decision on Preliminary Authorization or Final Authorization shall be submitted to the applicant, in accordance with this Rule, and shall be published on Regulator’s official website.

###### Article 14

###### **Issuance of Decision on Preliminary Authorization**

1. The Regulator shall issue the Decision on Preliminary Authorization to the applicant, if it is verified that the applicant has proved its suitability for construction of new generating plant, but the applicant has not fulfilled yet other requirements according to paragraph 4, arising under other applicable legislation regarding plant construction.
2. Decision on Preliminary Authorization is issued to the legal body that applied for obtaining an authorization and cannot be transferred to another legal body.
3. Decision on Preliminary Authorization is issued for the respective installed capacity and location and cannot be transferred to another location.



4. Decision on Preliminary Authorization does not entitle the holder to continue the construction of new power plant prior to fulfilling all relevant criteria and conditions as well as obtaining a Final Authorization, in accordance with this Rule.
5. Decision on Preliminary Authorization shall give priority to the applicant for admission to the Support Scheme for electricity generation from RES, prepared by the Regulator, and as a result to obtain Feed-in Tariff.
6. Decision on Preliminary Authorization can be issued even if the following requirements have not been met: Agreement for connection to the network, Construction Permit, Water Consent and Water Permit in case of hydro power plants and Final Implementation Project. These documents shall be submitted upon the submission of the request for conversion of Decision on Preliminary Authorization into Final Authorization, according to Article 15 of this Rule.
7. Decision on Preliminary Authorization shall confirm that the applicant will be granted a Final Authorization within twelve (12) months for large-scale generators or within six (6) months for small-scale generators, depending on the time when applicant meets the following requirements:
  - 7.1 make a written request requiring the issuance of Final Authorization;
  - 7.2 provide to the Regulator all relevant evidence required by applicable legislation; and
  - 7.3 meet any other conditions set forth in Decision on Preliminary Authorization.
8. The time limit provided in paragraph 5 of this Article can be extended for another time period of six (6) months for large-scale generators or three (3) months for small-scale generators, if the applicant in its written request convincingly justifies the extension of time limit.
9. Following the expiry of time limit provided in paragraph 6 of this Article, the Decision on Preliminary Authorization shall be repealed by default, and it will not be reviewed by the the Regulator's Board.
10. The same applicant, with the same project, can apply only once for obtaining a Decision on Preliminary Authorization by updating all respective permits according to applicable legislation. Such an application shall be treated according to this Article, except for paragraph 6 of this Article.
11. According to Article 8, in case the applicant reapplies, he shall make a written request justifying his application and providing evidence that due to delays from local or central institutions on issuing a permit for the relevant project, he could not make a request for conversion of Decision on Preliminary Authorization into Final Authorization within the legal time limit.

#### Article 15

##### **Request for Conversion of Preliminary Authorization into Final Authorization**

1. The request for conversion of Preliminary Authorization into Final Authorization for construction of new generation plant must be accompanied by the following documents:
  - 1.1. specified evidence for large-scale generators in accordance with Article 7 paragraph 1 of this Rule and for small-scale generators in accordance with Article 7 paragraph 3 of this Rule, which were submitted, or should have been submitted, with the application when the Decision on Preliminary Authorization was issued.

- 1.2. evidence from relevant authorities that the applicant has fulfilled all other legal requirements regarding the nature of project, in accordance with applicable legislation.
2. The evidence that shall be submitted for conversion of Decision on Preliminary Authorization into Final Authorization for large-scale generators are as follows:
  - 2.1 The right on the use of land;
  - 2.2 Electro-energetic consent;
  - 2.3 Water Consent in case of hydro power plants;
  - 2.4 Water Permit in case of hydro power plants;
  - 2.5 Final Implementation Project;
  - 2.6 Construction Permit issued in compliance with Law on Construction of the Republic of Kosovo;
3. The evidence that shall be submitted for conversion of Preliminary Authorization into Final Authorization for small-scale generators are as follows:
  - 3.1 Municipal Environmental Permit;
  - 3.2 Construction Permit
4. Following the receipt of the application with attached relevant evidence mentioned in paragraph 2 or 3 of this Article, the Regulator shall:
  - 4.1 register it in the register of applications for authorization;
  - 4.2 ensure that the application and all attached evidence and other documents are registered, filed and publicly available at the Regulator's headquarters;
  - 4.3 decide which documents are considered confidential in accordance with Rule on Confidential Information.
5. Following the assessment of relevant evidence and data, the Regulator shall notify the applicant that the application is evaluated as completed.
6. Notwithstanding other provisions of this Rule, the Regulator is entitled to seek from the applicant additional information and data at any time during the authorization procedure.

## Article 16

### **Granting of Final Authorization**

1. The Regulator shall make a formal decision on each application within sixty (60) calendar days for large-scale generators or within forty five (45) days for small-scale generators, from the date on which the Regulator notified the applicant that the application was deemed completed under the terms of Article 15, paragraph 3 of this Rule, except when the Regulator considers it necessary it may determine that the period for consideration of the application may be

extended for a period of up to thirty (30) calendar days for large-scale generators or fifteen (15) calendar days for small-scale generators.

2. If the Regulator determines that an applicant has met all necessary requirements and criteria in accordance with this Rule, it shall issue a Final Authorization.
3. Final Authorization shall stipulate that the applicant shall complete the construction of new plant within two (2) years for large-scale generators and one (1) year for small-scale generators, following the date of issuance of decision by the Regulator's Board.
4. The time-limit stipulated under paragraph 3 of this Article may be extended for an additional time limit of one (1) year for large-scale generators and six (6) months for small-scale generators, if the applicant in the written request strongly justifies the extension of the time limit.
5. In case of specific projects related to new generation capacities, specific location of construction, etc., the time limit provided in paragraph 4 of this Article, at the request of the applicant, can be extended for a period of up to twelve (12) months by the Regulator's Board, if the applicant justifies such an extension through a request.
6. In the event of projects for large-scale generation capacities, specific locations of construction and in the event when the project is executed for more than 70%, the Regulator's Board, according to justified request of the party, may issue a Decision to allow an additional time limit which is considered sufficient for completion of the project.
7. The Regulator shall consider the project finalized from the date of submission of **Occupancy Certificate**, issued by Competent Body, according to Law on Construction.
8. The decision on issuance of Final Authorization shall determine that the applicant must own an Environmental Permit (Ecological).
9. Any decision by the Regulator on granting the Final Authorization under this Rule shall be delivered to the applicant and published on Regulator's official website.

#### Article 17

##### **Refusal on Granting the Authorization**

1. If the Regulator evaluates that the applicant did not meet the requirements or terms stipulated in this Rule, then it shall refuse issuing a Preliminary Authorization or Final Authorization.
2. Any decision by the Regulator for refusal of Preliminary Authorization or Final Authorization, in compliance with this rule, shall be:
  - 2.1. delivered to the applicant in writing, including the reasons for refusal; and
  - 2.2. published on Regulator's website.

#### Article 18

##### **Licensing Application**

Prior to completion of construction, but no later than six (6) months prior to finalization of new generation plant, the owner of Final Authorization shall apply for a License, for generation capacities over 5 MW, in compliance with Law on Energy Regulator and Rule on Licensing of Energy Activities in Kosovo.

**CHAPTER V**  
**MODIFICATION OF AUTHORIZATION**

Article 19  
**Modification**

1. The modification of an Authorization may be initiated by the Regulator or upon the request of the Authorization holder, within the time-limit determined in Decision on Final Authorization.
2. The terms of the Authorization for construction of new generation facilities may be modified upon decision by the Regulator in the manner specified in this Rule.
3. Modification of an Authorization cannot be applied retroactively.

Article 20  
**Modification Notice**

1. The notice of intent to initiate a modification of an Authorization for large-scale or small-scale generators shall be published on Regulator's official website.
2. The notice must include:
  - 2.1 the reasons for initiating a modification;
  - 2.2 an estimation of possible effects; and
  - 2.3 an explanation that any interested party may submit comments or objections regarding the modification, at the Regulator, within eight (8) calendar days following the announcement of notice.

Article 21  
**Decisions on Modification**

1. In deciding upon modification of an Authorization, the Regulator shall consider:
  - 1.1. justifications provided by the Authorization holder;
  - 1.2. objections submitted by other parties;
  - 1.3. evidence (permits) submitted by relevant institutions; and
  - 1.4. the consistency of the modification shall be in compliance with the criteria upon which the granting of the Authorization was carried out.
2. The Regulator's Decision on Modification, in accordance with this Rule, shall be delivered to the party and published on Regulator's official website.

Article 22  
**Termination of Authorization**

1. The Authorization may be terminated in accordance with terms and conditions of issuing the Authorization.

2. The Regulator may terminate the Authorization if:
  - 2.1. the Authorization holder commits a breach of terms included in this Authorization, violation of laws in force, violation of this Rule or any other applicable Rules;
  - 2.2. the Authorization was granted on the basis of materially false or misleading information;
  - 2.3. expiration of the Authorization validity period occurs before completion of the generating plant;
  - 2.4. requested by the Authorization holder;
  - 2.5. the legal person holding the Authorization is dissolved;
  - 2.6. court decision is made declaring the insolvency of the Authorization holder or terminating the activity of the Authorization holder;
  - 2.7. the holder of the Authorization carries out activities in contradiction with the Authorization; and
  - 2.8. a fine or penalty imposed by the Regulator for non-compliance with conditions of the Authorization, as set forth in Article 23 of this Rule, is not paid.

#### Article 23 **Punitive Provisions**

1. Where any natural or legal body commences the construction of a new generating facility without having a valid Authorization for that facility, granted in accordance with this Rule, that person may be subject to fines, according to Article 57 of Law on Energy Regulator and Rule on Administrative Measures and Fines issued by the Regulator.
2. If the Authorization holder carries out the construction of new generation capacities contrary to terms of the Authorization, a fine can be imposed pursuant to Rule on Administrative Measures and Fines issued by the Regulator.
3. When imposing a fine under this Article, the Regulator shall notify the person for the violation and give the person an opportunity to respond in writing, within fifteen (15) calendar days from the day of notice.
4. If the fine imposed by the Regulator is not paid within the defined legal term, the Regulator shall commence court proceedings for collection of the fine as a civil debt.
5. If the Authorization holder does not fulfill the criteria determined in the Authorization or does not fulfill any of the requirements stipulated in this Rule, the Regulator shall repeal the Authorization or refuse the granting of a license, for capacities over 5 MW, for operation of the new generation plant for which the Authorization was issued.
6. The abrogation of an Authorization and refusal to grant a License are serious sanctions and should be imposed only after the Authorization holder has been given an opportunity to correct any conducted violation.

#### Article 24 **Appealing the Regulator's Decision**

A decision of the Regulator on granting or refusal on granting an Authorization may be disputed at the competent court, pursuant to applicable law.

## **CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 25**

This rule does not cover the procedure for construction of generators producing energy for own consumption.

### **Article 26**

#### **Official Language**

This Rule shall be issued in Albanian language and will be translated in Serbian language. In case of any discrepancy between the versions, the Albanian version shall prevail.

### **Article 27**

#### **Modification**

1. The Regulator is entitled to change or modify any provision of this Rule.
2. Procedures for change or modification of this Rule shall be the same as for its approval.

### **Article 28**

#### **Interpretation**

In case of any uncertainty concerning the provisions of this Rule, the Board shall issue explanatory information.

### **Article 29**

#### **Abrogation**

This Rule abrogates the Rule on Authorization Procedure for Construction of New Capacities, issued pursuant to Law on Energy Regulator no. 03/L-185 and adopted by the Board of Energy Regulatory Office on 11.11.2014.

### **Article 30**

#### **Entry into Force**

The Rule shall enter into force on the date of approval by the Regulator's Board and shall be published on Regulator's official website.

#### **Board of the Regulator:**

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Krenar Bujupi, Acting Chairman

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Arsim Janova, Member

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Qemajl Mustafa, Member

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Besim Sejfić, Member



## APPENDIX 1

### APPLICATION FOR AUTHORIZATION- LARGE-SCALE GENERATORS

<b>GENERAL INFORMATION OF THE APPLICANT</b>					
APPLICANT'S NAME (LEGAL PERSON)					
HEADQUARTERS					
ADDRESS					
REGISTRATION NO.					
PHONE NO.				FAX NO.	
EMAIL					
NAME AND SURNAME OF CONTACT PERSON:					
ADDRESS					
PHONE NO.				FAX NO.	
EMAIL					
<b>SPECIFIC INFORMATION ON THE GENERATOR, BY UNITS</b>					
NAME OF UNIT	LOCATION	MUNICIPALITY	ENERGY SOURCE	INSTALLED CAPACITY (MW)	PRODUCTION (ANNUAL)

#### Filling Instructions

- 1) The applicant must attach all documents/evidence below and submit them to the Regulator, along with the application, in accordance with this Rule.
- 2) Each attached document must be clearly marked to indicate the respective referring document.
- 3) The application must be signed by the applicant or the applicant's legally authorized representative.
- 4) A stamped and signed statement of the applicant shall be attached supporting each item, from 1-24,

#### **A: General Requirements**

No.	Evidence/documents to be attached:	Write YES or NO	
		YES	NO
1.	Certificate of Registration as a business company issued by KBRA.		





No.	Evidence/documents to be attached:	Write YES or NO	
		YES	NO
2.	Evidence on establishment of association, partnership or consortium, (Status of the enterprise/ Contracts etc.);		
3.	Evidence from competent court proving that the applicant is not involved in a liquidation/ bankruptcy procedure; that his/her business is not administered by the court and his/her commercial activities are not suspended;		
4.	Evidence from competent authority proving that the applicant meets legal obligations on tax payments in the country where the same is registered as a legal person;		
5.	Evidence on authorized legal representative of the applicant, (Board Decision or any other document proving person's competencies);		
6.	Evidence on the role of each Partnership member regarding the project: a) Financial Agreements, b) Execution of Engineering, Procurement and Construction Contract (EPC). In case Partnership members do not provide all principal services of the Project, then please attach Evidence/Contract on proposed partnership (i.e. , for construction, technology supply etc.);		
7.	Evidence on the experience of the applicant/ members of the Partnership, according to item 6 mentioned above (List of Reference Projects, specifying the location, start date, end date etc.);		
8.	Evidence on funding manner of the project by the applicant, (Attach Dedication letter from any lender);		
9.	Evidence confirming that the applicant or other members of the partnership represent entities established properly in accordance with the laws of the country where they were established;		
10.	Evidence (information/financial indicators) on financial situation of the applicant (attach Audited Financial Report of the last three (3) years, certified by competent institution or certified Financial Auditors).		

## ***B: Technical and Organizational Requirements***

No.	Evidence/documents to be attached:	Write YES or NO	
		YES	NO
11.	Organizational Structure of the applicant for implementation of the project/plant;		
12.	CVs of authorized representatives, management staff and other senior staff of the applicant;		
13.	<b>Business Plan</b> including: total investment cost and financing manner; Economic – financial assessment of the project, including financial statements; static and dynamic evaluation of investment efficiency (PBP, NPV, IRR and BP); Sensitivity analysis NPV, IRR, PBP and LDC (marginal unit		



No.	Evidence/documents to be attached:	Write YES or NO	
		YES	NO
	cost) versus the total investment, O & M cost and revenues as well as conclusions and recommendations;		
14.	Evidence (or statement) describing to whom does the applicant propose to sell the energy to;		
15.	Agreement on electricity network connection (connection offer, Electro-energetic consent, etc.);		
16.	Evidence on the right to use the land and property state of the land that shall be used for construction of the new plant ( Decision on granted consent by municipal body, possession list, plan copies, agreements/contracts on use of private/public land etc.);		
17.	<b>Construction Permit;</b>		
18.	<b>Environmental Requirements;</b> Evidence confirming that the plant which is planned to be constructed is in full conformity with Environment laws in Kosovo (Environment Consent and Environment Permit, after the construction of new generator etc.);		
19.	<b>Other relevant legislation requirements, including the right on use of water</b> Evidence from relevant authorities confirming that the applicant has met all applicable statutory requirements in accordance with relevant Kosovo legislation (depending on the project), including the right on use of water whenever applicable;		
20.	<b>Evidence on type, safety, quality of solar/photovoltaic panels and certificate on recycling (TUV Certificate).</b>		

### ***C: Financial Requirements***

No.	Evidence/Documents to be attached	Write YES or No	
		YES	NO
21.	Technical Feasibility Study based on real data and measurements carried out in project implementation area, including: general description of the project, climate and meteorological conditions for the project area according to the type of generator, technical description of selection of each element of the generator based on the above data: calculations on which the selections are based, the study, calculations and selection of equipment for connection to energy network, a study and analysis of geological-engineering conditions of the area where the project shall be implemented.		
22.	Request for Admission to the Support Scheme, in accordance with Appendix 1 of Rule on Support Scheme for Renewable Energy Sources.		

### **Acronyms**

PBP – Pay Back Period

NPV – Net Present Value

IRR - Internal Rate of Return



## Appendix 2

### APPLICATION FOR AUTHORIZATION –SMALL-SCALE GENERATORS

GENERAL INFORMATION ON THE APPLICANT					
NAME OF THE APPLICANT (LEGAL BODY):					
HEADQUARTERS:					
ADDRESS					
REGISTRATION NO.					
PHONE NO.			FAX NO.		
E-MAIL					
NAME AND SURNAME OF CONTACT PERSON:					
ADDRESS					
PHONE NO.			FAX NO.		
E-MAIL					
SPECIFIC INFORMATION ON THE GENERATOR, BY UNITS					
NAME OF THE UNIT	LOCATION	MUNICIPALITY	ENERGY SOURCE	INSTALLED CAPACITY (MW)	PRODUCTION (ANNUAL)

#### Guidance for filling

- 1) The applicant shall attach all documents/evidence below and submit them to the Regulator, along with the application, in accordance with this Rule.
- 2) Each attached document shall be clearly marked with an indicator referring to the respective document.
- 3) The application shall be signed by the applicant or legal representative of the applicant.
- 4) For each item from 1 to 11, attach a statement stamped and signed by the applicant.



## ***A: General Requirements***

	<b>Evidence/Documents to be attached</b>	Write YES or No	
		YES	NO
1.	Certificate of registration as a business entity issued by KBRA.		
2.	Evidence on establishment of the enterprise ( Status of the enterprise)		
3.	Evidence from the competent court proving that the applicant is not involved in a liquidation/bankruptcy procedure; that his/her business is not administered by the court and that his/her commercial activities are not suspended;		
4.	Evidence from competent authority proving that the applicant meets legal obligations on tax payments in the country where the same is registered as legal person;		
5.	Evidence on Authorized Legal Representative of the applicant (Board Decision or any other document proving person's competences.)		

## ***B: Technical and Organizational Requirements***

	<b>Evidence/documents to be attached:</b>	Write YEA or NO	
		YES	NO
6.	Agreements for connection to the network (connection offer, electro-energetic consent, etc)		
7	Business Plan/ including: total investment cost and financing manner; economic- financial assessment of the project including financial statements; static and dynamic assessment of investment efficiency (PBP, NPV, IRR and BP); Sensitivity Analysis NPV, IRR, PBP and LDC (marginal unit cost) versus the total investment, O&M cost and revenues as well as conclusions and recommendations.		
8.	Evidence on the right to use the land and property state of the land that will be used for construction of the new plant (Decision on granted consent by municipal body, possession list, plan copies, agreements, contracts on use of private/public land etc.)		
9.	<b>Environmental requirements</b>  Evidence confirming that the plant which is planned to be constructed is in full conformity with environmental laws in Kosovo (Environmental Consent, Environmental Approval after the construction of the new generator etc.)		
10.	<b>Other relevant legislation requirements including the right on use of water</b>  Evidence form relevant authorities confirming that the applicant has met all statutory applicable requirements according to relevant legislation in Kosovo (depending on the project), including the rights on use of water where applicable.		
11	<b>Construction Permit</b>		
12.	<b>Evidence on type, safety, quality of solar/photovoltaic panels as well as certificate on recycling (TUV certificate)</b>		



### ***C: Financial Requirements***

	Evidence/ documents to be attached	Write YES or NO	
		YES	NO
13.	Application for Admission to the Support Scheme, according to Appendix 1 of the Rule on Support Scheme for Renewable Energy Sources.		