



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

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



**RULE ON AUTHORIZATION PROCEDURE FOR CONSTRUCTION OF NEW  
GENERATION CAPACITIES FROM RENEWABLE ENERGY SOURCES**

**Pristina, 27 April 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 FROM RENEWABLE ENERGY SOURCES**

### **CHAPTER I GENERAL PROVISIONS**

#### Article 1

##### **Purpose**

1. The purpose of this Rule is the establishment of the authorization procedure for construction of new generation capacities for large generation capacities from Renewable Energy Sources and establishment of simplified procedures for construction of new generation capacities from Renewable Energy Sources.

#### Article 2

##### **Scope**

1. The Rule sets forth the criteria and procedure related to issuance of authorization for construction of new generation capacities from Renewable Energy Sources.
2. This rule also establishes the simplified procedure and criteria for granting the Authorization for construction of new small 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 obtaining the authorization for the project for new generation capacities from Renewable Energy Sources.
5. This Rule does not include the Authorization Procedure for construction of generators with fossils, new systems for transport and distribution of gas, including interconnectors, direct electricity lines and direct gas pipelines for transport of natural gas, which shall be treated with a special rule, pursuant to Article 43 of Law on Energy Regulator.
6. This Rule does not cover a tendering procedure, which is prescribed in Article 44 of Law on Energy Regulator.
7. If a new generation capacity 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. **Energy Regulatory Office** – (hereinafter: the Regulator)-is an independent agency in energy sector, established by Law on Energy Regulator.
- 1.3. **Decision** – a decision issued by Regulator’s Board, indicating the applicant’s successful fulfilment of all requirements that are derived from this Rule.
- 1.4. **Authorization** – the issuance of authorization for commencing the construction of new generation capacities from Renewable Energy Sources, within specified period of time, in accordance with this rule;
- 1.5. **Authorization Procedure** – the procedure that shall be followed in order to authorize the construction of new generation capacities from renewable energy sources.
- 1.6. **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;
- 1.7. **Feasibility (Implementation) Study**” – means a technical, economic and environmental evaluation of a project for construction of new generation capacities;
- 1.8. **National Action Plan for Renewable Energy Sources**- a legal document issued by the relevant Ministry for the energy sector in Kosovo;
- 1.9. **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.
- 1.10. **“MESP”** – Ministry of Environment and Spatial Planning;
- 1.11. **“Competent Body”**- respective local and institutional bodies of the Republic of Kosovo;
- 1.12. **Large-Scale Generation Capacities”**- means new generation capacities with a capacity over 100 kW (> 100 kW), connected to the network;
- 1.13. **“ Small-Scale Generation Capacities”**- means new small-scale generation capacities with a capacity up to 100 kW, connected to the network;
- 1.14 **Final Implementation Project**- the compilation of technical-investment documentation, in line with Law on Construction.
- 1.15 **Certificate of Occupancy**- a document issued by a competent body which demonstrates the compliance of the construction with the construction documentation and applied construction codes, and which indicates that the construction is suitable for utilization.
- 1.16 **Self-Consumption Generators**- are the generating generators which can provide the generated energy at the electricity grid for future consumption or pay to the supplier the consumed energy in the event of negative balance.

2. The Terminology used in this rule shall have the same meaning as in Law on Energy Regulator, Law on Energy and Law on Electricity.

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

Article 4

**Obligation for Authorization**

1. No natural or legal person shall construct new generation capacities from Renewable Energy Sources without first obtaining a written authorization from the Regulator in accordance with the authorization procedure stipulated in this Rule.
2. The Regulator shall review all applications for Authorization for construction of new generation capacities from Renewable Energy Sources, submitted in accordance with this Rule, and shall ensure that all applications are dealt with in an objective, transparent, and non- discriminatory manner.
3. The Authorization Procedure and the criteria implemented by the Regulator are available to the public.

Article 5

**Application for Authorization**

1. The request 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 request 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 3, subparagraph 3.1 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. The requirement for granting additional information shall be non-discriminatory, transparent, timely, and reasonable and shall not limit the rights of each applicant.

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 for construction of new generation capacities must ensure the optimal performance and in accordance with the following criteria also (information or evidence that shall be submitted upon application):
  - 2.1. achievement of implementation of standards for protection and safety level regarding personnel, equipment, installations, machinery and environmental protection;
  - 2.2. project potential for 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, including the contribution in achievement of general objectives for the part of energy sector from Renewable Energy Sources, final gross consumption applied through Kosovo National Action Plan 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. nature, type and amount of primary sources utilized for electricity generation, utilization of state-of-the-art equipment (with the highest efficiency/generation) for the respective plant;
  - 2.6. application of technical standards, in accordance with EU;
  - 2.7. application of criteria for general efficiency of energy and expected effects;
  - 2.8. application of standards related to decommissioning, in line with applicable legislation;
- 2.9 property rights and other legal rights to construct on the respective site, as proposed in the project.

## **CHAPTER III PROCEDURE FOR ISSUANCE OF AUTHORIZATION**

### **Article 7 Application Procedure**

1. The application for authorization for new large-scale generation capacities and small-scale generation capacities shall be completed and submitted to the Regulator in the format specified in Appendix 1 or Appendix 2 of this Rule.
2. The application for authorization must be accompanied by the following documents, providing required data and information and verification of conditions, as required in Article 6 of this Rule.
3. Application for authorization shall be accompanied by following documents:
  - 3.1 certificate of applicant's registration as a Business Organization, issued by the agency

- authorized to register business organizations;
- 3.2 status on foundation of the enterprise;
  - 3.3 Audited Financial Report for last three (3) years, certified by the competent institution or certified financial auditors;
  - 3.4 The Feasibility (Implementation) Study carried out for new generation capacities;
  - 3.5 Business Plan, including: total cost of investments and financing manner; Financial-Economic Assessment of the project including Financial Statements of the project;
  - 3.6 Final Implementation Project;
  - 3.7 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;
  - 3.8 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;
  - 3.9 evidence by relevant authorities that confirm that the applicant has fulfilled all applicable requirements in accordance with relevant legislation in Kosovo (depending on the project), including the right on the use of land, where required.
  - 3.10 agreement for connection to the network, for the new generation capacity;
  - 3.11 evidence on technical and financial capability, as well as experience of the applicant to construct, possess or lead generating projects.
  - 3.12 Evidence regarding the right on use use of land for the property status of the land that shall be used for construction of new generation capacities (decision on granting the consent for investments by the competent local or central body, agreements, contracts for utilization of the private or public land, possession documents, copies of the plan, etc.)
  - 3.13 evidence confirming that the planned plant is in accordance with environmental laws in Kosovo (Environmental Consent, Environmental Permit, after construction of new generator);
  - 3.14 evidence on the type, safety, quality of solar panels/photovoltaic as well as Certificate on recycling (TUV Certificate) where required;
  - 3.15 information on the organizational structure, including biographies of the management and professional staff of the applicant;
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 shareholder, submitted to the Regulator by the applicant..
  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, and shall be handled in accordance with Rule on Confidential Information.

7. In consultation with the applicant, the Regulator may decide which data or documents are considered confidential in accordance with Rule on Confidential Information.

#### 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, in accordance with Rule on Taxes.
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 administrative 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 (printed copy) 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 eight (8) days upon completion of the application 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 cease reviewing the application and shall notify the applicant in writing, until the dispute is resolved by competent authorities.
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, which means printed or electronic copies or both, within thirty (30) calendar days from the date of submission of the application. The deadline for submission of such information starts from, the day when the Regulator submits the request to the applicant.
2. The Regulator may extend the term stipulated in paragraph 1 of this Article , following the written justification by the applicant regarding the failure to meet the term. Such written justification may explain the inability of the applicant to provide such information which may be out of the applicant's control.
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. Such application shall be removed from the Register of Applications.
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 authorization process.

#### **CHAPTER IV**

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

#### Article 12

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

1. The Regulator shall make a formal decision on each application within sixty (60) calendar days for large-scale generation capacities and small-scale generation capacities, following the notice to the applicant that the application is considered "complete", in accordance with criteria of Article 11, paragraph 4 of this Rule.
2. The Regulator may extend the term for review of application for an additional period of up to thirty (30) calendar days.

#### 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, as stipulated in Article 15, paragraph 2 of this Rule, or



- 1.2. grant a Final Authorization for construction of new generation capacities, which was the subject of the application, when the Regulator is satisfied that all other necessary conditions have been met therefore the Final 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 capacities, but the applicant has not fulfilled yet other requirements according to paragraph 4, arising under other applicable legislation regarding the construction of new generation capacities.
2. Decision on Preliminary Authorization does not entitle the holder to continue the construction of new generation capacities prior to fulfilling all relevant criteria and conditions as well as obtaining a Final Authorization, in accordance with this Rule.
3. Decision on Preliminary Authorization guarantees the applicant that the energy generated from Renewable Energy Sources shall be included in the Support Scheme, according to legal provisions set in the Rule on Support Scheme.
4. 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. Such evidence 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.
5. 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:
  - 5.1 make a written request requiring the issuance of Final Authorization;
  - 5.2 provide to the Regulator all relevant evidence required by applicable legislation; and
  - 5.3 meet any other conditions set forth in Decision on Preliminary Authorization.
6. 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.
7. 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.
8. 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.

9. In case the applicant reapplies in accordance with paragraph 8 of this Article, 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.

10. In line with paragraph 8 of this Article, in the event of reapplication by the applicant's side for inclusion in the Feed-in Tariff Register , it shall be handled as a new application based on chronological order.

#### 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 capacities 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 of this Rule, which were submitted, or should have been submitted, with the application when the Decision on Preliminary Authorization was issued; and
  - 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 Agreement for connection, depending on the voltage level;
  - 2.2 Water Consent or Water Permit, in case of hydro power plants, pursuant to Law on Waters; and
  - 2.3 Construction Permit issued in accordance with Law on Construction, in 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 Water Consent or Water Permit, in case of hydro power plants, pursuant to Law on Waters; and
  - 3.3 Construction Permit issued in accordance with Law on Construction, in the Republic of Kosovo.
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.

#### 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 and 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 5 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.
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. The Decision on Final Authorization is issued for the respective location and cannot be transferred to any other location.
4. Final Authorization shall stipulate that the applicant shall construct the new generation capacities, in accordance with the dynamic plan of the project presented by the applicant and approved by the Board for large-scale generators and small-scale generators, following the date of issuance of Decision on Final Authorization by the Regulator's Board.
5. The time-limit stipulated under paragraph 4 of this Article may be extended for an additional time limit of no more than twelve (12) months for large-scale generators and for small-scale generators, if the applicant in the written request justifies the extension of the term with the relevant evidence that the barriers were out of the applicant's control, following the evaluation of the request by the Regulator's Board.
6. In case that the owner of Final Authorization does not finish the project within the term stipulated in paragraph 5 of this Article, the Final Authorization shall be repealed and automatically excluded from the Support Scheme, in line with Rule on Support Scheme.
7. The applicant whose Final Authorization has expired, in line with Article 7 of this Rule, is entitled to reapply in accordance with legal provisions of this Rule.
8. The Regulator shall consider the project finalized from the date of submission of Certificate of Occupancy, issued by Competent Body, according to Law on Construction.
9. The decision on issuance of Final Authorization shall determine that the applicant must own an Environmental Permit (Ecological).

10. 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 along with the legal advice which enables the appeal of decision to the Regulator; and
  - 2.2. published on Regulator's website.
3. With respect to refusal on issuance of Preliminary Authorization or Final Authorization, the Regulator shall notify the Energy Community Secretariat , for information purposes, in line with Article 43, paragraph 5 of the Law on Energy Regulator

#### Article 18

##### **Licensing Application**

Prior to completion of construction, but no later than six (6) months prior to finalization of construction of new generation capacities, 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 capacities 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 Regulator's Decision on 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, stipulated as below.
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 new generation capacities;
  - 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. the non-payment of the fine imposed for non-compliance with conditions of the Authorization takes place, as set forth in Article 23 of this Rule.

#### Article 23

## **Punitive Provisions**

1. Where any natural or legal body commences the construction of new generation capacities 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 fourteen (14) 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 capacities 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**

### **APPLICATION PROCEDURE FOR SELF-CONSUMPTION GENERATORS**

#### **Article 25**

##### **Application Procedure**

1. The legal or physical body which plans to construction new generation capacities for self-consumption is obliged to submit a written request to the Regulator, fulfilling the following evidence.
2. The evidence that shall be submitted are:
  - 2.1 Evidence from KEDS on annual energy consumption;
  - 2.2 Evaluation on annual kWh production of installed equipment;
  - 2.3 Consent for connection to the grid, issued by KEDS; and
  - 2.4 Consent from the relevant municipality.

3. Following the receipt of relevant evidence, as in paragraph 2 of this Article, if the Regulator evaluates that they are completed, it shall issue a decision related to construction of new generation capacities for self-consumption within the legal term stipulated in Article 16 of this Rule

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

### **Article 26**

1. The applicants who own a Decision on Preliminary Authorization or Final Authorization, issued prior to entry into force of this Rule, shall be handled in accordance with Rule on Authorization Procedure, issued by ERO on 11.11.2014, and shall remain in force until the expiry of the legal term set forth in the respective decisions.
2. The applicants who have applied prior to entry into force of this Rule, who did not obtain a Preliminary Authorization shall continue the process in accordance with legal provisions of Rule on Authorization Procedure, issued by ERO on 11.11.2014.

### **Article 27 Amendment**

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 Regulator's 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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Besim Sejfijaj, Member





**APPENDIX 1**

**APPLICATION FOR AUTHORIZATION- LARGE SCALE GENERATORS**

GENERAL INFORMATION OF THE APPLICANT					
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					
SPECIFIC INFORMATION ON THE GENERATOR, BY UNITS					
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.
- 4) A stamped and signed statement of the applicant shall be attached supporting each item.

**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.		
2.	Evidence on establishment of the enterprise (Status of the enterprise)		



No.	Evidence/documents to be attached:	Write YES or NO	
		YES	NO
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.	In case of Partnership:  Evidence in certain areas related to implementation of the contract/s		
6.	Reference on the business experience of the applicant or partners in the field of RES or similar		
7.	Support letter from the bank or any lender.		
8.	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
9.	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 as well as Organizational Structure of the Applicant and CVs of the staff. The Feasibility Study shall, among other, include the Business Plan (Total cost of investments and financing manner, Economical-Financial Evaluation of the Project).		
10.	Final Implementation Project		
11.	Technical information on connection issued by KEDS or KOSTT, depending on the level.		
12.	Evidence on the right to use the land and property state of the land that shall be used for construction of the generator (Decision on granted consent by municipal body, possession list, plan copies, agreements/contracts on use of private/public land etc.);		
13.	Environmental Consent by MESP		
14.	<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
15	Request for Admission to the Support Scheme for Renewable Energy Sources.		

### ***D: Requirements for Final Authorization***

No.	Evidence/Documents to be attached for conversion of Preliminary Authorization into Final Authorization	Write YES or NO:	
		YES	NO
1.	Agreement for Connection to the network, depending on the voltage level.		
2.	Water Consent or Water Permit by MESP, in the event of hydro power plants		
3.	Construction Permit issued in accordance with Law on Construction in the Republic of Kosovo.		
4.	Dynamic Plan of the project on execution of works		

## **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.
- 4) For each item of the application attach a statement stamped and signed by the applicant.

**A: General Requirements**

	Evidence/Documents to be attached	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;		



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

	<b>Evidence/documents to be attached:</b>	Write YEA or NO	
		YES	NO
6.	Technical Information for Connection issued by KEDS, depending on the level.		
7	Business Plan/ including: total investment cost and financing manner; economic- financial assessment of the project		
8.	Evidence on the right to use the land and property state of the land that will be used for construction of the new generator (Decision on granted consent by municipal body, possession list, plan copies, agreements, contracts on use of private/public land etc.)		
9	<b>Other relevant legislation requirements including the right on use of water</b> Request for application for municipal Environmental Permit.		
10	Final Implementation Project		
11	Evidence on type, safety, quality of solar/photovoltaic panels as well as certificate on recycling (TUV certificate)		

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

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

## ***D: Requirements for Final Authorization***

No.	<b>Evidence/Documents to be attached for conversion of Preliminary Authorization into Final Authorization</b>	Write YES or NO:	
		YES	NO
1.	Agreement for Connection to the network		
2.	Municipal Environmental Permit		
3.	Water Consent or Water Permit by MESP, in the event of hydro power plants		
4.	Construction Permit issued in accordance with Law on Construction in the Republic of Kosovo.		
5.	Dynamic Plan of the project on execution of works.		