



Republika e Kosovës
Republika Kosova - Republic of Kosovo

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



Pristina, 09 February 2017
ERO Code: V_883_2017

The Board of Energy Regulatory Office

Based on:

- Article 9, paragraph 1, subparagraph 1.7, Article 15, paragraph 1, subparagraph 1.15, Article 25, Article 26, paragraph 1, subparagraph 1.2 and Article 43, paragraph 1 of Law on Energy Regulator (No. 05/L-184);
- Article 16, paragraph 4 of Rule on Authorization Procedure for Construction of New Generation Capacities;
- Decision on Notification for Preliminary Authorization V-771-2016, dated on 28 January 2016, issued to “Çeta – General Invest Group” LLC, ” for proving its compliance regarding project development for construction of new generation capacities for electricity generation from hydro power plant HPP Lubinjë, in Lumbardhi i Prizrenit River, located in Lubinjë, Prizren, with an installed capacity of 3.5 MW, Municipality of Prizren, Republic of Kosovo, and
- Request on extension of validity time-limit of Decision on Notification for Preliminary Authorization for construction of new generation capacities for electricity generation from hydro power plant HPP Lubinjë, in Lumbardhi i Prizrenit River, located in Lubinjë/Reçan, with an installed capacity of 3.5 MW, Municipality of Prizren, dated on 23.01.2017, of “Çeta – General Invest Group” LLC, having its address at: Trbuhovac, Municipality of Istog, headquarters at St. Mother Teresa” no.158, 12000, Municipality of Fushë Kosove/Kosovo Polje, Republic of Kosovo,

in its session held on 09 February 2017, issued the following:

DECISION

- I. The validity time-limit of Decision on Notification for Preliminary Authorization V_771_2016, dated on 28 January 2016, issued to “Çeta – General Invest Group” LLC, for completion of application for obtaining the Final Authorization, is hereby **EXTENDED** for an additional time limit of six (6) months, namely until **28 July 2017**.
- II. “Çeta-General Invest Group” LLC ” is obliged to make a written request within this time-limit for conversion of Decision on Notification for Preliminary Authorization into Final Authorization for construction of new generation capacities for electricity generation from hydro power plant HPP Lubinje, in Lumbardhi i Prizrenit, located in Lubinjë/Reçan, with an installed capacity of 3.5 MW, Municipality of Prizren, namely until **28 July 2017**, meeting all legal requirements determined by the Rule on Authorization Procedure for construction of New Generation Capacities and applicable legislation.



- III. Following the expiration of time limit as in item I. of the enacting clause, Decision V-771-2016, dated on 28 February 2019 on Notification for Preliminary Authorization, shall be automatically repealed and will not be reviewed by ERO Board.

Reasoning

- On 06.10.2015, ERO received from “Çeta – General Invest Group” LLC the application for obtaining the authorization for construction of new generation capacities for electricity generation from hydro power plant HPP Lubinje, in Lumbardhi i Prizrenit River, located in Lubinjë/Reçan, with an installed capacity of 3.5MW, Municipality of Prizren, Republic of Kosovo.
- Following the ascertainment that the applicant has proved its compliance for construction of new generation capacities from hydro power plant , on 28 January 2016 ,ERO issued the Decision on Notification for Preliminary Authorization V_771_2016, and instructed the applicant to meet other legal requirements required by the applicable legislation in Kosovo.
- The Decision on Notification for Preliminary Authorization V_771_2016 has not implied granting authorization until the requirements set by Rule on Authorization Procedure for construction of new capacities are fulfilled.
- Notification on Decision for Preliminary Authorization determines the targets availability and the applicant’s admission to the Support Scheme and automatic guarantee of Feed-in Tariff.
- The Notification on Decision for Preliminary Authorization determines that the applicant is guaranteed the bond of Power Purchase Agreement with Public Suppliers in a ten (10) years period, which shall be concluded at least 30 (thirty) days before the date of commencement of generating operation.
- Decision on Notification for Preliminary Authorization is issued for one (1) year time-limit and this decision determines that “Çeta – General Invest Group” LLC will be granted Authorization if within this time-limit it makes a written request for conversion of Decision on Preliminary Notification into Authorization, meeting all terms and conditions set by Rule on Authorization Procedure for construction of new capacities and applicable legislation.
- The applicant “Çeta – General Invest Group” LLC., on 23.01.2017 submitted the request for extension of validity time-limit of Decision on Notification for Preliminary Authorization and explained in its request that: During the completion of the documentation for obtaining the Final Authorization we have faced several problems: The Ministry of Environment and Spatial Planning- Department of Waters, approved the request of the company in question on issuance of criteria for utilization of waters for construction of HPP Lubinja but not in the locations on which it applied in accordance with the project, but in half of them.
- It also explained that during the compilation of documentation, they went on several visits on the location where the hydro power plant is planned to be constructed, but were continuously prevented by local residents. MESP respective bodies were notified on these barriers and several meetings were held in order to overcome them.



- Therefore, in order to overcome these barriers, they requested ERO to enable the extension of time-limit for submission of documentation for obtaining the Final Authorization for construction of hydro power plant HPP Lubinjë, CA Reçan, Municipality of Prizren.
- Following the analysis of the request for extension of validity time limit of Decision on Notification for Preliminary Authorization, ERO evaluated it and based on legal provisions mentioned in the introductory part of this decision decided as in the enacting clause of this decision.

IV. The Decision shall be issued in Albanian language and shall be translated into Serbian language. In case of any discrepancy between the versions the Albanian version shall prevail.

V. 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.

ERO Board:

Krenar Bujupi, Acting Chairman

Arsim Janova, Member

Besim Sejfijaj, Member

This Decision is sent to:

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