



Prishtina, 12 July 2018
ERO Code: V_1004_2018

Board of Energy Regulatory Office,

Pursuant to:

- Article 9, paragraph 1 sub-paragraph 1.7, Article 15 paragraph 1 sub-paragraph 1.15, Article 25, Article 26 paragraph 1 sub-paragraph 1.2 and Article 43 paragraph 1 of the Law on Energy Regulator (No. 05/L-084);
- Article 16 paragraph 5 of the Rule on Authorization Procedure for Construction of New Generation Capacities;
- Decision on issuing the final authorization V_824_2016 dated 23 June 2016 to the Company "Air - Energy" L.L.C., for constructing new generation capacities for electricity generation from WIND, at the location "Wind Park –KITKA", with an installed capacity of 32.4 MW, CZ Hogoshte, Poliçk and Velegllavë e Epërme, Municipality of Kamenica; and
- Request for extension of validity period of the Decision on Final Authorization V_824_2016 dated 23 June 2016, amended with the Decision V_985_2018 dated 13 June 2018 for constructing new generation capacities for electricity generation from WIND, Wind Park - KITKA, with an installed capacity of 32.4 MW, CZ Hogoshte, Poliçk and Velegllavë e Epërme, Municipality of Kamenica, dated 20.06.2018, of the Company "Air -Energy" L.L.C., with the address Str. "Isa Boletini" n.n. Gjilan, Republic of Kosovo,

in the session held on 12 July 2018, issued the following:

DECISION

- I. The request of the Company "Air – Energy" L.L.C. is hereby **APPROVED** and the validity period for the Final Authorization V_824_2016 dated 23 June 2016, amended with the Decision V_985_2018, for continuing the implementation of the project for construction of "Wind Park KITKA" with installed capacity of 32.4 MW, CZ Hogoshte, Poliçk and Velegllavë e Epërme, Municipality of Kamenica, is hereby **EXTENDED** for 1 (one) year, namely up **to 23 June 2019 for project finalization.**

Reasoning

- On 25.09.2013, ERO received from Company "Air - Energy" L.L.C. the application for obtaining authorization for constructing new generation capacities for electricity generation from WIND, with installed capacity of 32.4 MW, at the location "Wind Park - KITKA", Municipality of Kamenica, Republic of Kosovo.



- After ascertaining that the applicant has proved its eligibility for constructing new generation capacities from WIND, ERO issued on 27 December 2013 the Decision on Notification for Preliminary Authorization, whereby instructing the applicant to meet other legal requirements deriving from the applicable legislation in Kosovo. Decision on Notification for Preliminary Authorization did not imply the issuance of the authorization while requirements set out in the Rule of Authorization Procedure for Construction of New Generation Capacities have not been met.
- On 07.12.2015, ERO received from Company “Air - Energy” L.L.C. the request for extending the validity period for the Decision on Notification for Preliminary Authorization V_604_2013 dated 27 December 2013 for another legal time limit in order to complete the application for obtaining the Final Authorization.
- On 28 January 2016, the Board of ERO issued the Decision No. V_765-2016 for extending the validity period for the Decision on Notification for Preliminary Authorization V_604_2013 dated 27 December 2013 for 6 (six) months, namely up to **27 June 2016**.
- On 06.06.2016, ERO received from Company “Air - Energy” L.L.C. the request for modification of the Decision on Notification for Preliminary Authorization into FINAL Authorization for constructing new generating capacities for electricity generation from WIND, at the location “Wind Park - KITKA”, with installed capacity of 32.4 MW, Municipality of Kamenica, attaching the evidences issued by relevant authorities for fulfilling all environmental requirements, the right to use the land, construction permit issued by MESP and other legal requirements related to the nature of the project according to the legislation in force.
- On 23 June 2016, Board of ERO issued the Decision on Final Authorization V_824_2016 to the Company “Air - Energy” L.L.C. for constructing new generation capacities for electricity generation from wind turbine at the location “Wind Park –KITKA”, with installed capacity of 32.4 MW, CZ Hogoshte, Poliçk and Velegllavë e Epërme, Municipality of Kamenica.
- On 20 June 2018, ERO received from the Company “Air - Energy” L.L.C. the request for extending the validity period for the Decision on Final Authorization V_824_2016 dated 23 June 2016, amended with the Decision V_985_2018 for the Project “Wind Park – KITKA”, with installed capacity of 32.4 MW, CZ Hogoshte, Poliçk and Velegllavë e Epërme, Municipality of Kamenica, **for one (1) year, namely up to 23 June 2019, in order to complete the construction.**
- *The Company “Air –Energy” L.L.C. explained in its request that the company is working intensively in the field, where more than 80% of technical works have been completed; foundations for installing 9 wind turbines have been completed under the technical and environmental standards; the entire legal infrastructure has been finalized; works in the electricity transmission line have been completed up to the sub-station KOSTT (Berivojce); and the study on turbines from Durres to the worksite have been completed.*
- *The Company “Air –Energy” L.L.C. explained that they are in process of bringing all the turbines, which are expected to arrive and be finalized by the mid of this year, and electricity generation is expected to commence following the technical commissioning to be carried out by KOSTT. They also explained that “Wind Park – KITKA” is the first project of this size to be implemented*



- in Kosovo; based on the dynamics of works, this project is expected to enter the commercial production.*
- *The Company “Air –Energy” L.L.C. explained that in accordance with the legislation in force, they made a request for amending the Final Authorization only in relation to the number of turbines due to the efficiency and reduction of the number of turbines and adjustment to the plateau of Kitka, where the Board of ERO, in the meeting held on 13 June 2018, approved the request only in relation to the number of turbines, without changing the total capacity of 32.4 MW, and the Project is already in full compliance with the Rule on Authorization of ERO.*
 - *The validity period is extended for one (1) year in order for the project KITKA to comply with the legislation in force, and have the legal basis for implementing this project as this is the largest capacity constructed so far through the Authorization Procedure. Due to terrain specifics and project specifics, we had to be more careful as the value of the project is very large and we had to consider the risks. All these led to delays on the completion of this project up to now, so we had to request the extension from ERO in order to finalize this project.*
 - Board of ERO, after examining the request of the Company “Air Energy” L.L.C. and attached evidences for extending the validity period for the Final Authorization for constructing new generation capacities for electricity generation from WIND “Wind Park – KITKA”, with installed capacity of 32.4 MW, considered the request to be grounded as the construction of new generation capacities from wind turbines is very difficult due to terrains, climate conditions and complexity of these projects, and pursuant to the legal provisions mentioned in the introductory part herein, decided as in the enacting clause of this Decision.
- II.** The Decision on Issuance of the Final Authorization V_824_2016 dated 23 June 2016, amended with the Decision V_985_2016, will be valid up to **23 June 2019** according to the enacting clause under item I of this Decision, in case it fails to construct new generation capacities from Wind Turbines, or fails to comply with the legislation in force, the Decision shall be repealed.
- III.** The Decision shall be issued and published in the official languages in the Republic of Kosovo.
- IV.** The Decision shall enter into force on the day of approval by the Board and will be published in the official website of ERO.



Legal Advice: The party unsatisfied with this Decision may initiate an administrative conflict before the competent court within thirty (30) days from the date the Decision is accepted or published in the website of ERO, whichever occurs last.

Board of ERO:

Arsim Janova, Acting Chairman

Besim Sejfijaj, Member

Selman Hoti, Member

Izet Rushiti, Member

The Decision is submitted to:

- The party,
- Municipality of Kamenica,
- Secretary of MESP, and
- Archive of Regulatory.