



Republika e Kosovës
Republika Kosova - Republic of Kosovo

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



Pristina, 15 October 2018
ERO Code: V_1052_2018

The Board of Energy Regulatory Office

Based on:

- Article 9, paragraph 1, sub-paragraph 1.7, Article 15, paragraph 1, subparagraph 1.15, Article 25, Article 26 paragraph 1 subparagraph 1.2 and Article 43 paragraph 1 of the Law on Energy Regulator (No. 05 / L-084);
- Article 16, paragraph 4 of the Rule on Authorization Procedure for Construction of New Capacities;
- Decision on issuance of Final Authorization V_839_2016, dated 3 October 2016 for the company "Birra Peja" JSC, for construction of new generating capacities from solar/photovoltaic panels in the place called Madanaj, CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova;
- Request for extension of validity term of the Decision on Final Authorization V_839_2016, dated 3 October 2016, for an additional period of three (3) months, for the construction of new generation capacities for electricity generation from solar/photovoltaic panels in the place called Madanaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, dated on 21.09.2018 prot. no. 432/18 of the "Birra Peja" JSC., having its address at: St. "Nexhdet Basha" no. 160 Peja, Republic of Kosovo,

in the session held on 15 October 2018 issued the following:

DECISION

- I. APPROVAL** of the request of "Birra Pejës" JSC, and **EXTENSION** of validity of FINAL Authorization V_839_2016, date on 03 October 2016, for continuing the construction of new generation capacities for electricity generation from solar/photovoltaic panels, located in Madanaj CA Kusar, with an installed capacity of **3 MW**, Municipality of Gjakova for an additional period of three (3) months, namely until 3 January 2019, for construction of the solar/photovoltaic park, according to Construction Permit no. 07/351-39701, dated on 17.08.2016, issued by Directorate for Urbanization and Environmental Protection, Municipality of Gjakova.

Reasoning

- o ERO on 04.11.2014, received from the company "Birra Peja" JSC the application for obtaining the authorization for construction of new generation capacities for generation of electricity from solar/ photovoltaic panels, at the place called Madanaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, Republic of Kosovo.
- o The Board of Energy Regulatory Office following the analysis of the evidence presented by the company "Birra Peja" JSC, in the session held on 20 February 2015 decided that the applicant



has proven the suitability for development of the project for construction of new generation capacities from solar/ photovoltaic panels, and issued the Decision on Notice for Preliminary Authorization no. V_701_2015.

- Decision on Notice for Preliminary Authorization has not implied the issuance of the Authorization for Construction, until the fulfilment of the requirements set out in the Rule on Authorization Procedure for Construction of New Capacities.
- ERO on 26.01.2016 has received from the company "Birra Peja" JSC the request for extension of the validity term of Decision on Notice for Preliminary Authorization V_701_2015, dated on 20 February 2015, for an additional legal term, for completion of the application for obtaining the Final Authorization.
- The Board of Energy Regulatory Office, in the session held on 23 February 2016 evaluated the applicant's request, and issued the decision no. V_790_2016 for extension of the validity term of Decision on Notice for Preliminary Authorization V_701_2015, dated 20 February 2015 for an additional period of 6 (six) months, respectively until **20 August 2016**.
- ERO, on 19.08.2016, received from "Birra Peja" JSC, the request for conversion of Decision on Notice for Preliminary Authorization into FINAL Authorization for construction of new generating capacities for electricity generation from solar/photovoltaic panels , in the place called Madanaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, attaching evidence issued by the relevant authorities for the fulfilment of all environmental requirements, the right on the use of land, the Construction Permit issued by the Municipality of Gjakova and other legal requirements related to the nature of the project according to the legislation in force.
- The Board of Energy Regulatory Office, in its session held on October 3, 2016, after evaluating and analyzing the requests, based on the application and permits issued by the relevant institutions, has decided that the company "Birra Peja" JSC should be issued the Decision on FINAL Authorization V_839_2016, for construction of new generating capacities for electricity generation from solar/photovoltaic panels in the place called Madanaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, according to Construction Permit no. 07/351-39701, dated on 17.08.2016 issued by the Directorate for Urbanism and Environmental Protection, Municipality of Gjakova.
- ERO on 21.09.2018, received from the company "Birra Peja" JSC the request for extension of validity term of Decision on FINAL Authorization V_839_2016, dated 3 October 2016 for continuing the construction of new generating capacities from solar/photovoltaic panels, at the place called Madanaj CA Kusar, with an installed capacity of 3 MW **for an additional period of three (3) months or until 3 January 2019, for finalization of the solar/photovoltaic project.**
- *"Birra Pejës" JSC, in its request stated that: they are in the final phase of the project, in fact all the installation works have been completed and the first internal tests have started. They have also explained that they have organized a meeting with the officials of the Municipality of*



Gjakova regarding the issuance of the Certificate of Usage, whose issuance is taking longer than they thought. The project in question had delays for reasons outside the company's influence that took time until they were solved, where the track up to the 6 km to connect to Substation Gjakova 1 went through many different properties and it took a lot of time until the approval of the owners for access to their property was granted, always bearing in mind our mentality and the relationship with the property which has presented an extremely difficult challenge.

- *Therefore, they are quite sure that the project in question can be put into operation during October 2018, so the company "Birra Peja" JSC, requests from ERO Board, in accordance with the legal provisions of Article 16 par. 4 of the Rule on the Authorization Procedure for Construction of New Generating Capacities, to enable the extension of validity term of the authorization for an additional period of three (3) months, respectively until 03 January 2019.*
 - ERO Board, after analyzing the request of the company "Birra Peja" JSC, and the accompanying evidence for extension of the validity term of the Final Authorization for construction of new generating capacities for electricity generation from the solar/photovoltaic panels, in the place called Madanaj CA Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, has evaluated them, and has considered that the justification of the applicant's request is grounded, and based on case files and assessment of the situation in the field has ascertained that the project will be finalized within this period and has decided to allow the extension of validity term of the Final Authorization V_839_2016, dated 03 October 2016 for an additional legal term, based on the legal provisions mentioned in the introductory section of this decision.
- II.** The decision on Issuance of Final Authorization V_839_2016, dated on 3 October 2016 shall be valid until **3 January 2019**, according to the provisions under item I. of this Decision. In case the construction of new generating plant from solar/photovoltaic panels is not completed, or it is not acted in accordance with the legislation in force, the decision will be repealed.
- III.** The Decision is issued in official languages of the Republic of Kosovo.
- IV.** The Decision shall enter into force on the date of approval by the Board and will 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:

Arsim Janova, Acting-Chairman

Besim Sejfijaj, Member

Selman Hoti, Member

This Decision is sent to:

- The party,
- Municipality of Gjakova,



- Secretary General of MESP, and
- ERO Archive



Izet Rushiti, Member