



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_1053_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 the issuance of Final Authorization V_840_2016, dated 3 October 2016, for the company "Frigo Food Kosova" LLC, for construction generation capacities from solar/ photovoltaic panels, at 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_840_2016, dated 3 October 2016 for an additional period of three (3) months for the 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, dated 21.09.2018 prot. no. 433/18 of the company "Frigo Food Kosovo" LLC., address: str. "Lidhja e Prizrenit" OB. Dino, Lam A28, nr. 4 Fushë Kosovë, Republic of Kosovo, and

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

DECISION

- I. **APPROVAL** of the request of "Frigo Food Kosovë" LLC and **EXTENSION** of validity term of the FINAL Authorization V_840_2016, dated 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, in line with the Construction Permit no. 07/35139698, 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 "Frigo Food Kosovo" LLC, the application for obtaining the 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, Republic of Kosovo.



- The Board of Energy Regulatory Office after analyzing the evidence presented by Frigo Food Kosovo LLC ", 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 a Decision on Notice for Preliminary Authorization no. V_704_2015.
- The 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, received from "Frigo Food Kosovë" LLC, the request for extension of validity term of the Decision on Notice for Preliminary Authorization V_704_2015, dated on 20 February 2015, for an additional legal period, for completion of the application for obtaining the Final Authorization.
- The Board of the Energy Regulatory Office, in the session held on 23 February 2016 evaluated the applicant's request and issued the decision no. V_792_2016 for extension of the validity term of the Notice on Preliminary Authorization V_704_2015, dated on 20 February 2015 for an additional period of six (6) months, respectively until **20 August 2016**.
- ERO, on 19.08.2016, received from the company "Frigo Food Kosovo" LLC, the request for conversion of the 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 the evidence issued by relevant authorities for the fulfillment of all environmental requirements, the right on the use of land, the construction permit issued by 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 meeting held on October 3, 2016, after evaluating and analyzing the requests of the application and permits issued by relevant institutions, has decided that the company "Frigo Food Kosovo" shall be granted the Decision on FINAL Authorization V_840_2016, for construction of new generating capacities for electricity generation from solar/photovoltaic panels at the place called Madanaj ZK Kusar, with an installed capacity of 3 MW, Municipality of Gjakova, according to Construction Permit no. 07/351-39698, dated on 17.08.2016, issued by the Directorate for Urbanization and Environmental Protection, Municipality of Gjakova.
- ERO, on 21.09.2018, received from the company "Frigo Food Kosovo" LLC, the request for extension of validity term of the Decision on FINAL Authorization V_840_2016, dated on 03 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, namely until 03 January 2019 for finalization of the solar/photovoltaic project.**
- o "Frigo Food Kosova" LLC, 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 officials from the Municipality of Gjakova regarding the issuance of the Certificate of Usage, which is taking longer than they had projected. The project in question had delays for reasons beyond the company's influence, which took time until they were solved, where the track up to the 6 km lead to the connection 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. The above-mentioned reasons have presented an extraordinary challenge. Climatic conditions have also had an impact on this because during this year there have been heavy rains that have reduced working days as well.

- *Therefore, being convinced that the project in question can be put into operation during October 2018, the company "Frigo Food Kosovo" LLC, requests from the Board of ERO that 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 the validity term of the authorization for an additional period of three (3) months, respectively until 03 January 2019.*
 - The ERO Board, following the analysis of the request of "Frigo Food Kosovo" LLC, and the attached evidence for extension of validity term of the 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, has evaluated them, and considered that the justifications in the applicant's request are grounded, and based on the case files and evaluation 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 the validity term of the Final Authorization V_840_2016, dated 03 October 2016 for an additional legal term, based on the legal provisions mentioned in the introduction to this decision.
- II. The decision on Issuance of Final Authorization V_840_2016, dated on 3 October 2016 shall be valid until **03 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 and published 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 in the official website of ERO.

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:



The Decision is sent to:

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

Arsim Janova, Acting-Chairman

Besim Sejfiqaj, Member

Selman Hoti, Member

Izet Rushiti, Member