



**The Board of Energy Regulatory Office**

**Based on:**

- 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 Law on Energy Regulator (No. 05/L-084);  
Article 4, Article 5, Article 13 paragraph 1 sub paragraph 1.2, Article 14, Article 15 paragraph 1 and Article 16 of Rule on Authorization Procedure for Construction of New Generation Capacities;
- Article 11, paragraph 1, 2, 3, 4 and 7 , Article 17, paragraph 5, Article 21, paragraph 1 of Rule No 10/2017 for the Support Scheme for RES Generators;
- Administrative Instruction No. 05/2017 on Renewable Energy Sources Targets;
- Decision no. V-810-2016, dated on 19 May 2016, on determination of Feed in Tariff for electricity generation from Renewable Energy Sources;
- Application for Authorization for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, CA Selac, with an installed capacity of 35 MW, Municipality of Mitrovica, Republic of Kosovo;
- Decision on Notification for Preliminary Authorization V\_866\_2016, dated on 25 November 2016, issued to "SOWI KOSOVO" LLC, for demonstrating its suitability for development of the project for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, CA Selac, with an installed capacity of 35 MW, Municipality of Mitrovica, Republic of Kosovo;
- Request/application for conversion of Decision on Notification for Preliminary Authorization into Final Authorization for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, CA Selac, with an installed capacity of 35 MW, CA Kaqandoll and CA Bajgorë, Municipality of Mitrovica, dated on 25.05.2018, of "SOWI KOSOVO" LLC, having its address at: St. Mujo Ulqinaku, no.12, 10000, Pristina, Republic of Kosovo, and
- Contracts, permits, consents and decisions issued by relevant institutions, as in Appendix II of this Decision,

**in its session held on 13 June 2018, issued the following:**

**DECISION**  
**ON ISSUANCE OF FINAL AUTHORIZATION**



- I. **FINAL AUTHORIZATION** is issued to **“SOWI KOSOVO” LLC**. for construction of new generation capacities for electricity generation from Wind, located at Wind Park Selac 2, with an installed capacity of **34.5** MW, at the cadastral areas No. 00022-2 and 00083-0 CA Bajgorë and cadastral area No. 0099-0 CA Kaqandoll and, according to the Construction Permit No. ZSP-432/2018 and and the permit number K.III-09/2018, dated on 23.05.2018, issued by Ministry of Environment and Spatial Planning.
- II. Decision on Final Authorization is issued to **“SOWI KOSOVO” LLC**, for two (2) years and the later is obliged, within this period, to construct new generation plants for electricity generation from wind turbines.
- III. ERO shall consider the project as finalized, from the date of issuance of the Occupancy Certificate, issued by competent body, pursuant to Law on Construction.
- IV. **“SOWI KOSOVO” LLC**. Company shall bond a Power Purchase Agreement with the Market Operator (KOSTT) with a duration of twelve (12) years, which shall be bonded within thirty (30) days from the issuance of this Decision, with the feed-in tariff stipulated with Decision no. V-810-2016 dated on 19 May 2016, issued by ERO Board.
- V. **“SOWI KOSOVO” LLC**. is obliged to own an Environmental (Ecological) Permit prior to commencement of operation.

## **Reasoning**

- ERO, on 14.07.2016, received from **“ SOWI KOSOVO” LLC** the application for obtaining the authorization for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, CA Selac, with an installed capacity of 35 MW, Municipality of Mitrovica, Republic of Kosovo.
- ERO, following the ascertainment that the applicant has proved its suitability for construction of new generation capacities for electricity generation from Wind, on 25 November 2016, issued Decision on Preliminary Authorization V\_866\_2016 and instructed the applicant to meet other legal requirements required by applicable legislation in Kosovo.
- Decision on Notification for Preliminary Authorization V\_866\_2016 has not implied granting an authorization for construction, until the requirements set by Rule on Authorization Procedure for construction of New Capacities are fulfilled.
- Decision on Notification for Preliminary Authorization is issued for one (1) year and it determines that **“SOWI KOSOVO” LLC**. Company shall be granted the Authorization for Construction, if within this period it makes a written request to convert the decision on Preliminary Notification into Authorization, fulfilling all requirements set by the Rule on Authorization Procedure for construction of new generation capacities and the applicable legislation.



- Decision on Notification for Preliminary Authorization determines the targets availability as well as the applicant's admission to the Support Scheme and automatic guarantee of Feed-in Tariff, as well as the bond of Power Purchase Agreement (PPA) with a duration of twelve (12) years.
  - ERO, on 06.11.2017, received from "SOWI KOSOVO" LLC the request for extension of validity time-limit of the Decision V\_866\_2016 on Notification for Preliminary Authorization for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, CA Selac, with an installed capacity of of 35 MW, Municipality of Mitrovica, for completion of application for obtaining the Final Authorization.
  - ERO Board, following the evaluation of the request and relevant evidence, on 29.03.2018 approved this request with Decision V\_941\_2018 on extension of validity time-limit of Decision on Notification for Preliminary Authorization V\_866\_2016, dated 25 November 2016, for an additional period of six (6) months, namely until 25 May 2018, in order that the application for obtaining the Final Authorization shall be completed within this period.
  - ERO, on 25.05.2018, within the legal term, received from "SOWI KOSOVO" LLC, the request for conversion of Decision on Notification for Preliminary Authorization into FINAL Authorization for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, with an installed capacity of 35 MW, CA Kaqandoll and CA Bajgorë, Municipality of Mitrovica, attaching evidence issued by relevant authorities for fulfilling all environmental and water requirements, the right on the use of land, Connection Agreement and Construction Permit, as well as other legal requirements related to the nature of the project, in accordance with applicable legislation.
  - ERO, following the evaluation of the attached evidence, permits, approvals and decisions issued by relevant institutions, and based on legal provisions mentioned in the introductory section of this decision, decided as in the enacting clause of this decision.
- II. The Decision shall be issued and published in official languages of the Republic of Kosovo.
- III. 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.

*Enclosed to the Decision: Appendix I and Appendix II.*

**ERO Board:**

\_\_\_\_\_  
Arsim Janova, Acting-Chairman

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Besim Sejfiqaj, Member

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Selman Hoti, Member

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Izet Rushiti, Member

**This Decision is sent to:**

- The party,
- Municipality of Mitrovica,
- General Secretary of MESP,
- ERO Archive



## APPENDIX I

Energy Regulatory Office (ERO) exerting its powers entrusted to it under Article 43 of Law on Energy Regulator and in accordance with Article 16 of Rule on Authorization Procedure for Construction of New Generation Capacities, to “**SOWI KOSOVO**” LLC., having its address at: St. “Mujo Ulqinaku” no.12, 10000, Pristina, Republic of Kosovo, on **13 June 2018, issued the following:**

### AUTHORIZATION

1. For construction of new generation capacities for electricity generation from Wind, located at Wind Park – Selac 2, with an installed capacity of **34.5** MW, at the cadastral areas No. 00022-2 and 00083-0 CA Bajgorë and cadastral area No. 0099-0 CA Kaqandoll and, according to the Construction Permit No. ZSP-432/2018 and and the permit number K.III-09/2018, dated on 23.05.2018, issued by Ministry of Environment and Spatial Planning.
2. Hereby, “SOWI KOSOVO” LLC. Company, is authorized to construct generation capacities in the above-mentioned location, in accordance with terms and conditions determined within this Authorization.
3. This Authorization is issued for two (2) years, starting from the date of its issuance. ERO, upon the request of the party may extend the validity of the Authorization, in accordance with applicable legislation.
4. The Authorized Party, during the entire validity period of this Authorization, must fulfil the following:
  - 4.1. all conditions set out under this Authorization, and
  - 4.2. all conditions set out under applicable legislation in Kosovo, including those on environment.
5. Energy Regulatory Office may modify this Authorization in accordance with provisions of Article 21 of the Rule on Authorization Procedure for Construction of New Capacities.
6. In case the Authorized party goes bankrupt before the construction of the authorized generation plant, then this Authorization shall be suspended and shall remain as such until ERO determines that the conditions for withdrawal of suspension have been achieved. As long as this Authorization is suspended, the entire further works for constructing the generation plant are to be stopped, otherwise administrative measures and fines set out under the applicable legislation may be undertaken against the Authorized party.
7. The validity of this Authorization shall automatically expire upon the expiration of the period set out under item II of this Decision or upon the expiration of other terms set out by ERO in accordance with item 3 Appendix I of this Authorization.
8. In case the Authorized party violates any of the conditions of this Authorization, and of the applicable legal provisions, ERO shall suspend the Authorization in accordance with provisions of Rule on Authorization Procedure for construction of New Capacities. From the date this Authorization is suspended, the entire further works for constructing the generating establishment are to be stopped. In case of noncompliance, administrative measures and fines



set out under the applicable legislation may be undertaken against the Authorized party.

9. The authorized party shall inform ERO in writing and ask for prior consent for any changes to the existing elements of generators or any addition of new elements, which are not included in the project being part of the application.

## APPENDIX II

List of documents (permits, consents, decisions, contracts etc.) issued by institutions of the Republic of Kosovo, related to granting the **Final Authorization for Construction** to “SOWI KOSOVO” LLC, for construction of new generation capacities for electricity generation from WIND, located at Wind Park Selac 2, with an installed capacity of 34.5 MW, CA Kaqandoll and CA Bajgorë, Municipality of Mitrovica.

- **Environmental Consent** – No. 17/6263/1-790/DMMU, dated on 24.01.2018, issued by Ministry of Environment and Spatial Planning (MESP)- Office of Secretary Permanent (OSP);

- **Agreement for Connection to the Transmission Network** no. 630, dated on 18.05.2018, issued by KOSTT;

-**Decision on Construction Criteria** - ZSP- 409/2018, dated on 17.05.2018, issued by Ministry of Environment and Spatial Planning;

-**DECISION ON CONSTRUCTION PERMIT**- ZSO- 432/2018, dated on 23.05.2018 and permit number K .III. -09/2018 on allowing the construction of Wind Turbines, Wind Park- Selac 2, with an installed capacity of **34.5** MW, in the cadastral areas No. 00022-2 and 00083-0 CA Bajgorë and cadastral area No. 0099-0 CA Kaqandoll, Municipality of Mitrovica, issued by Ministry of Environment and Spatial Planning.

- **Consent**- no. 385-03, dated on 11.10.2017, issued by Archaeological Institute of Kosovo;

- **Principled Consent**- no. 09/352/01-0010464/18, dated on 14.02.2018, issued by Directorate for Public Services and Infrastructure, Municipality of Mitrovica;

-**Response** No. 1155-2/18-2, dated on 05.03.2018 on compatibility of the project with the Kosovo Spatial Plan 2010-2020+, issued by Institute for Spatial Planning, MESP;

- **Consent** no. 29/18, dated on 01.03.2018, issued by Emergency Management Agency, Ministry of Internal Affairs;

- **Lease Contracts** concluded with the legal owners for the cadastral parcels;

- **Certificates of Cadastral Parcels and copies of the plan;**

- **Technical, Environmental and Financial Feasibility Study;**



- **Business Plan;**
- **Final Implementation Project.**