



**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 on 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 hydro power plant, located at HPP Soponica 2, CA Soponicë, with an installed capacity of 3 MW, Municipality of Kaçanik, Republic of Kosovo;
- Decision no. V\_855\_2016, dated on 11 November 2016, on issuance of Decision on Notification for Preliminary Authorization to “Hidro Forca” LLC, on development of the project for construction of new generation capacities from hydro power plant, located at HPP Soponica 2, CA Soponicë, with an installed capacity of 3 MW, Municipality of Kaçanik;
- Request/application 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, located at HPP Soponica 2 , CA Soponicë, with an installed capacity of 3 MW, Municipality of Kaçanik, dated on 08.12.2017, of “Hidro Forca” LLC, having its address at: St. “Mentor Tolaj” no. 87, Deçan, 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:**

**D E C I S I O N**  
**ON ISSUANCE OF FINAL AUTHORIZATION**



- I. **FINAL AUTHORIZATION** is issued to “**Hidro Forca**” LLC, for construction of new generation capacities for electricity generation from hydro power plant, HPP Saponica 2, with an installed capacity of **3 MW**, in the stream of Lepenc River, in the segment from quote 553 m up to the quote 520 m, in the cadastral parcel No. 465-0, in accordance with Construction Permit 06 351/1-30565/17, dated on 18.04.2018, issued by Directorate for Urbanization, Cadastre and Environmental Protection, Municipality of Kaçanik.
- II. Decision on Final Authorization is issued to “Hidro Forca” LLC, for two (2) years and the later is obliged, within this period, to construct new generation plants for electricity generation from hydro power plant .
- 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. “Hidro Forca” LLC. shall bond a Power Purchase Agreement with the Market Operator (KOSTT) with a duration of 10 (ten) 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. “Hidro Forca” LLC. is obliged to own an Environmental (Ecological) Permit prior to commencement of operation.

## **Reasoning**

- ERO, on 14.07.2016, received from “ Hidro Forca” LLC the application for obtaining the authorization for construction of new generation capacities for electricity generation from hydro power plant, located at HPP Saponica 2, CA Saponicë, with an installed capacity of 3 MW, Municipality of Kaçanik, Republic of Kosovo.
- ERO, following the ascertainment that the applicant has proved its suitability for construction of new generation capacities for electricity generation from hydro power plant, on 11 November 2016, issued Decision on Preliminary Authorization V\_855\_2016 and instructed the applicant to meet other legal requirements required by applicable legislation in Kosovo.
- Decision on Notification for Preliminary Authorization V\_855\_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 1 (one) year and it determines that “Hidro Forca” 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 ten (10) years.
  - ERO, on 03.11.2017, received from "Hidro Forca" LLC the request for extension of validity time-limit of the Decision V\_855\_2016 on Notification for Preliminary Authorization for construction of new generation capacities for electricity generation from hydro power plant, located at HPP Soponica 2, CA Soponicë, with an installed capacity of of 3 MW, Municipality of Kaçanik, 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\_939\_2018 on extension of validity time-limit of Decision on Notification for Preliminary Authorization V\_855\_2016, dated 11 November 2016, for an additional period of six (6) months, namely until 11 May 2018, in order that the application for obtaining the Final Authorization shall be completed within this period.
  - ERO, on 08.12.2017, received from "Hidro Forca" 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 hydro power plant, located at HPP Soponica 2, with an installed capacity of 3 MW, Municipality of Kaçanik, attaching evidence issued by relevant authorities for fulfilling all environmental and water requirements, the right on the use of land 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 Sejfijaj, Member

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Selman Hoti, Member

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Izet Rushiti, Member

**This Decision is sent to:**

- The party,
- Municipality of Kaçanik,
- 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 “**Hidro Forca**” LLC., having its address at: St. “Mentor Tolaj” no.87, Deçan, Republic of Kosovo, on **13 June 2018, issued the following:**

### AUTHORIZATION

1. For construction of new generation capacities for electricity generation from hydro power plant, located at HPP Soponica 2, with an installed capacity of 3 MW, in the stream of Lepenc River, in the segment from quote 553 m up to the quote 520 m, in the cadastral parcel No. 465-0, in accordance with Construction Permit 06 351/1-30565/17, dated on 18.04.2018, issued by Directorate for Urbanization, Cadastre and Environmental Protection, Municipality of Kaçanik.
2. Hereby, “Hidro forca” 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 “Hidro Forca” LLC, for construction of new generation capacities for electricity generation from hydro power plant, at Lepenc River, HPP Soponica 2, with an installed capacity of 3 MW, CA Sopicë, Municipality of Kaçanik.

- **Consent**- no.06. No. 16-16499, dated on 18.05.2016, issued by Directorate for Urbanization, Cadastre and Environmental Protection;

- **Environmental Consent** no. 16/2844/1-495/DMM, dated on 24.11.2016, issued by Ministry of Environment and Spatial Planning (MESP)- Office of Secretary Permanent (OSP);

-**Water Consent**- no. 402/17-ZSP-226/2017, dated on 08.02.2017, issued by Ministry of Environment and Spatial Planning (MESP)- Office of Secretary Permanent (OSP);

- **Energy Approval**- no. 5782, dated on 04.06.2018, issued by KEDS JSC.;

- **CONSTRUCTION PERMIT**- 06 No.351/01-30565, dated on 18.04.2018, on allowing the construction of hydro power plant, HPP Soponica 2, with an installed capacity of 3 MW, in the stream of Lepenc River, in the segment from quote 553 m up to the quote 520 m, in the cadastral parcel No. 465-0, issued by Directorate for Urbanization, Cadastre and Environmental Protection, Municipality of Kaçanik.

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

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

- **Business Plan;**

- **Final Implementation Project.**