



Republika e Kosovës
Republika Kosova - Republic of Kosovo

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



Pristina, 28 February 2019
ERO Code: V_1109_2019

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 16 of Rule on Authorization Procedure for Construction of New Generation Capacities;
- Decision on Issuance of Final Authorization V_754_2016, dated on 28 January 2016, for "Hidroenergji" LLC, for construction of new generation capacities for electricity generation from water , HPP Lepenci 1, with an installed capacity of 9.98 MW, located at "Uji i Thartë" CA Pustenik, Municipality of Hani i Elezit, and
- Request for extension of validity term of the Authorization V_754_2016, dated on 28 January 2016, for one (1) additional year, for construction of new generation capacities for electricity generation from Water , HPP Lepenci 1, with an installed capacity of 9.98 MW, CA Pustenik, Municipality of Hani i Elezit, dated on 21.01.2019, prot. no. 555/19, of "Hidroenergji" LLC, having its address at: St. "Dëshmorët e Kombit", nn, - Ferizaj, Republic of Kosovo

in its session held on 28 February 2019 issued the following:

DECISION

- I. On **APPROVAL** of the request of "Hidroenergji" LLC and **EXTENSION** of validity term of the Final Authorization V_754_2016, dated on 28 January 2016, extended by Decision V_931_2018, dated on 29 March 2018, for continuing the construction of the hydro power plant HPP Lepenci 1, with an installed capacity of 9.98 MW, located at "Uji i Thartë", CA Pustenik, Municipality of Hani i Elezit, for an additional period of one (1) year, namely until **28 January 2020, for construction of the Hydro Power Plant.**

Reasoning

- o ERO, on 03.06.2013, received from "Hidroenergji" **LLC.** the request/application for obtaining the Authorization for construction of new generation capacities for electricity generation from



Water, in Lepenc River, HPP Lepenci 1, with an installed capacity of 9.98 MW, located at “Uji i Thartë”, Municipality of Hani i Elezit, Republic of Kosovo.

- The Board of Energy Regulatory Office, following the analysis of the evidence presented by “Hidroenergji” LLC, decided that the applicant has proved its suitability for development of the project for construction of new generation capacities from Water, and on 06 September 2013, issued the Decision on Notice for Preliminary Authorization V_557_2013. The Decision on Notice for Preliminary Authorization, has not implied the issuance of the Authorization, until the fulfilment of requirements set by Rule on Authorization Procedure for Construction of New Generation Capacities.
- ERO, on 15.07.2015, received from “Hidroenergji” LLC the request for conversion of Decision on Notice for Preliminary Authorization into FINAL Authorization for construction of new generation capacities for electricity generation from hydro power plant, in Lepenc River, HPP Lepenci 1, with an installed capacity of 9.98 MW, located at “Uji i Thartë” CA Pustenik, Municipality of Hani i Elezit, attaching evidence issued by relevant authorities on fulfilment of environmental and water requirements, the right on the use of land, Construction Permit and other legal requirements, related to the nature of the project, according to legislation in force.
- ERO Board, on 28 January 2016, decided to issue the Decision on Final Authorization V_754_2016, to “Hidroenergji” LLC, for construction of new generation capacities for electricity generation from hydro power plant in Lepenc River, HPP Lepenci 1, with an installed capacity of 9.98 MW, located at CA Pustenik, Municipality of Kaçanik.
- ERO, on 28.12.2017, received from “Hidroenergji” LLC, the request for extension of validity term of Decision on Final Authorization V_754_2016, dated on 28 January 2016, for HPP Lepenci 1, with an installed capacity of 9.98 MW, **for one (1) additional year, namely until 28 January 2019, for continuing the construction.**
- ERO Board, in the session held on 29 March 2018, following the review and evaluation of the request and relevant evidence, approved the request of the company “Hidroenergji” LLC and upon Decision V_931_2018, decided to allow the extension of validity term of Decision on Final Authorization V_754_2016, dated on 28 January 2016, for one (1) additional year, namely until 28 January 2019, in line with legal provisions of Rule on Authorization Procedure.
- ERO, on 21.01.2019, received from “Hidroenergji” LLC, the request for extension of validity term of Decision on Final Authorization V_754_2016, dated on 28 January 2016, extended by Decision V_931_2018, dated on 29 March 2018, for HPP Lepenci 1, with an installed capacity of 9.998 MW, for an additional term for extension of the period for construction, for one (1) additional year, namely until 28 January 2020.
- *“Hidroenergji” LLC, in its request explained that: upon receipt of the decision on the Final Authorization, they immediately started with the preparations for commencement of works on the construction of HPP Lepenci 1, starting with geodetic measurements by field experts, preparations for opening of the road, pipeline tracks and the construction of the facility of the hydro power plant. It has been clarified that despite the willingness to finalize the project as soon as possible in the construction of new generation facilities, they are obliged to address*



ERO, for the possibility of extending the validity of the Final Authorization for HPP Lepenci 1 for one (1) additional year, for finalizing the project.

- *In their request, they explained that despite the ongoing efforts to realize the project in the construction of the hydro power plant, they were obliged to stop the works, as they have informed in the previous request, since the Government of the Republic of Kosovo respectively Ministry of Infrastructure during the year 2016 initiated the commencement of the national project for construction of the Highway R6 Prishtina - Hani i Elezit, which is now being executed by the consortium Bechtel Enka.*
- *"Hidroenergji" SH.PK. , in its request clarifies that representatives of the supervising company of the Highway R6 project Prishtina - Hani i Elezit have informed them that the highway route has been changed and the project has been decided not to be realized with a tunnel as was previously thought at the beginning of the realization of the project, but after field measurements and drilling it is decided to be realized through existing road and rail and with bridges where most of the piles and bridges will pass where the pipeline for the construction of HPP Lepenci 1 is located, and seeing that the project of Highway R6 Prishtina - Hani i Elezit is a national project of the Government of the Republic of Kosovo, we have been obliged despite the commencement of the works on the track to stop the works until the part of the road passing through the pipeline for the construction of HC Lepenci 1 is finished.*
- *They also explained that, they were informed by the representatives of the supervising company of the Highway R6 project Prishtina - Hani i Elezit that the highway route has been changed and the project has been decided not to be realized with the tunnel as it was previously planned at the beginning of the project implementation but, after field measurements and drilling, it is decided to be realized through the existing road and rail with bridges and concrete pylons, where most of the piles and bridges will pass where the pipeline was planned to be built for HPP Lepenci Hydropower Plant 1, and seeing that the project of Highway R6 Prishtina - Hani i Elezit is a national project of the Government of the Republic of Kosovo, they have been obliged despite the beginning of the road works to stop the work until the part of the road passing through the pipeline for the construction of HPP Lepenci 1 is finished, namely until the works on the highway are completed.*
- *"Hidroenergji" LLC, has explained that at all times, they have addressed in writing Bechtel Enka Company as executor of the national highway project R6 Prishtina - Hani i Elezi, asking for clarification on when the highway route is expected to be completed, since we have thought that if the route of the highway project is defined, then we will make another choice not to obstruct such a project. Representatives of Bechtel Enka never responded until the change of the highway reached the part of Lepenci 1 pipeline and confirmed that the highway route will pass through the part of the track where the pipelines are expected to be located for the project of the hydropower plant HPP Lepenci 1.*
- *From this situation we were originally forced to wait for the response from Bechtel Enka and stopped the works, as in the same part of the track giant pillars for the Highway R6 Prishtina - Hani i Elezit were placed, they have worked with heavy machinery and until the works are finished, we had to wait for official confirmation from company executing the highway project.*



- "Hidorenergji" LLC also clarifies that after continuous requests to company supervising the project, the Hill International Motorway project from the Ministry of Infrastructure - Department of Road Infrastructure, they have officially received the confirmation for the continuation of project no. 04 nr. prot. 9066 dt. 01.2017, which confirmed that the Ministry of Infrastructure is implementing the construction project of the Highway R6 Prishtina - Hani i Elezit, based on project data submitted by the consortium Bechtel Enka and approved by the Hill International Supervisory Company, it is concluded that there is no conflict between the highway project with the Hydropower Project for HPP Lepenci 1, at the location B 406.
- The Ministry of Infrastructure has confirmed that: the project of "Hidroenergji" LLC does not hinder the realization of the Highway Construction project R6 Prishtina - Hani i Elezit, and the company "Hidorenergji" LLC can continue with the realization of the project in construction of new generation capacities at Lepenc River, HPP Lepenci 1.
- Also in the official announcement of the Ministry it was emphasized that during the implementation of the project, they should coordinate with the representatives of the consortium Bechtel Enka and the Supervisory Company Hill International, for which they are willing and will cooperate in realization of the projects in question without interfering with each other even though the part of the B406 Motorway is now almost on its final stage and will not present any eventual problems.
- Also the Supervisory Company of the Highway Project R6 Prishtina - Hani i Elezit in the document submitted to the Ministry of Infrastructure on 30.11.2017 stated that based on the request of Hidroenergji LLC, dated on 14.11.2017 (prot. no. 8674), regarding the interference of the works for the construction project of HPP Lepenci 1 with the works of the road R6 Prishtina - Hani i Elezit, have explained that on the basis of the available information of the project submitted by Bechtel Enka company, there is no conflict between P9 and P10 piles and B 406 bridge and extension of steel pipelines for the project of HC Lepenci.
- Due to this, despite the answers provided by the supervisory company Hill International and the Ministry of Infrastructure that the implementation of the project Hidroenergji LLC does not conflict and does not hinder the realization of the R8 Highway project - Hani i Elezit, we had to wait for the completion of the part where the HPP Lepenci 1 projects were affected, as the company Bechtel Enka throughout the year 2018 worked on that part and it was very difficult for us to work in opening of the track and extension of the pipeline, the given that any disaster might be caused, and now, according to the information, the part of the highway is expected to be finished, therefore the conditions for realization of the Hydropower project will be established.
- They also informed that on 18.01.2019, they submitted a written request to the Municipal Assembly of Kaçanik and the Directorate of Urbanism - Inspectorate, for being issued a Certificate confirming that Hidroenergji LLC for the Hydro Power Plant HPP Lepenci 1 has started work on construction of this hydropower plant according to the Construction Permit issued by the Municipality of Kaçanik.
- By the Inspectorate of the Municipality of Kaçanik, on 18.01.2019, they have received a written Notice 06 no. 354 / 01-1742 / 19, upon which they were notified that Hidroenergji LLC, has



submitted a written request at DUKMM and the Construction Inspectorate for confirmation of the commencement of works in this hydro power plant. After the visit by the Construction Inspectorate of the Municipality of Kaçanik in the site on 18.01.2019, they have confirmed the commencement of the works, the cleaning of the terrain and the establishment of working conditions at the worksite.

- Therefore, taking into account the above-mentioned justifications "Hidroenergji" LLC, has requested from the Board of ERO, based on the provisions of Article 16 of the Rule on Authorization Procedure for Construction of New Generation Capacities, in force on the date of issuance of the Final Authorization V 754 2016 for construction of the hydro power plant HPP Lepenci 1, with an installed capacity of 9.98 MW, as an important project for generation of energy from Renewable Energy Sources, to be allowed the extension of the validity of the Final Authorization for the construction of the hydro power plant, **for an additional period of one (1) year**, as the delays were caused by the realization of the National Highway R6 project Pristina - Hani i Elezit, regarding which they believe and hope that the highway will soon be completed and that they can continue with construction of this Hydro power Plant

- ERO Board, following the analysis of the request of "Hidroenergji" LLC and attached evidence on extension of validity term of Final Authorization, for construction of new generation capacities for electricity generation from hydro power plant HPP Lepenci 1, in Lepenc River, with an installed capacity of 9.98 MW, Municipality of Hani i Elezit, evaluated them and considered that the request is well grounded since the delays for not completing this Hydro Power Plant have come as a result of the construction of the Highway R6 Prishtina - Hani i Elezit, and based on the documents on this case, has decided to allow the extension of the validity term of Final Authorization V_754_2016 of 28 January 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_754_2016, dated on 28 January 2016 , shall be valid until **28 January 2020**, according to enacting clause under item I of this Decision. In case the construction of the generating plants from water is not finalized, or it is not acted in accordance with applicable legislation, it shall be repealed.

- III. The Decision is issued and published in official languages of the Republic of Kosovo

- IV. 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.

ERO Board

Arsim Janova , Acting Chairman



Besim Sejfiqaj, Member

Selman Hoti, Member

Izet Rushiti, Member

This Decision is sent to:

- The party,
- Municipality of Hani i Elezit,
- General Secretary of MESP, and
- ERO Archive