



Pristina, 16 April 2019
ERO Code: V_1142_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 the Law on Energy Regulator (No. 05/L-084);
- Article 4, Article 5, Article 13, paragraph 1 and Article 14 of the Rule No. 11/2017 on the Authorization Procedure for Construction of New Capacities based on RES;
- Administrative Instruction No. 05/2017 for Renewable Energy Sources Targets;
- Article 4, Article 5, Article 6, paragraphs 7,8, 9 and 10, Article 8, paragraphs 3 and 4, Article 9, Article 11 and Article 12 of the Rule No. 10/2017 on the Support Scheme for RES Generators;
- Decision No. V_810_2016, dated on 19 May 2016, for determination of the Feed-in Tariff for generation of electricity from Renewable Energy Sources;
- Application/Request for Authorization for construction of new generation capacities for generation of electricity from solar panels/photovoltaic, Project D-Energy 2, located in CA Pejë, with an installed capacity of 3 MW, in Municipality of Peja, dated on 19.01.2019, prot. no. 325/19, of D-Energy LLC., having its address at: "Dëshmori" , No. 23, Fushë Kosovë, Republic of Kosovo, and
- Application for Admission to the Support Scheme,

in the session held on 05 June 2019, issued the following

DECISION

on Issuance of Preliminary Authorization

- I. Energy Regulatory Office (ERO) concludes that "D-Energy" LLC, has proved the suitability for development of the project for construction of new generation capacities for electricity generation from solar panels/photovoltaic, Project **D-Energy 2**, located in CA Pejë, with an installed capacity of 3 MW, in Municipality of Peja, Republic of Kosovo.
- II. To the applicant "D-ENERGY" LLC, shall be granted the Authorization for construction of new generation capacities from solar panels/photovoltaic, following the fulfilment of requirements deriving from Articles 14 and 15 of the Rule on Authorization Procedure and other requirements of other applicable legislation for construction of new generation capacities.



- III. The Decision on Preliminary Authorization does not entitle the holder to start the construction of the new generating power plant before the fulfilment of all criteria and requirements set in item II. of this Decision and shall be granted the Final Authorization in line with Rule on Authorization.
- IV. The Decision on Preliminary Authorization determines that the process for admission to the Support Scheme shall be stopped until the release of available targets, in line with Administrative Instruction No. 05/2017, issued by Ministry of Economic Development of the Republic of Kosovo.
- V. Upon Decision on Preliminary Authorization, it is determined that the application of the company "D-ENERGY" LLC is considered as a "pending" application for admission to the Support Scheme.
- VI. The Decision on Preliminary Authorization is issued for a twelve (12) months period. Within this period, the applicant is obliged to fulfil the requirements according to item II. of the enacting clause of this Decision, and shall in writing require the issuance of Final Authorization for construction of new generation capacities.
- VII. The term of the Decision on Preliminary Authorization, set in the enacting clause, under item VI. of this Decision, shall commence, not from the date of issuance of this Decision, but from the date of written notice from ERO for admission to the Support Scheme.

Reasoning

- ERO, on 09.01.2019, received from "**D-ENERGY**" LLC, the application for obtaining the authorization for construction of new generation capacities for electricity generation from solar panels/photovoltaic, Project D-Energy 2, located in CA Pejë, with an installed capacity of 3 MW, in Municipality of Peja, Republic of Kosovo.
- ERO, on 09.01.2019, received from "**D-ENERGY**" LLC, the application for admission to the Support Scheme.
- ERO notified "D-ENERGY" LLC that it has received some applications for construction of solar panels, whose capacity has FULFILLED the targets for utilization and support of energy generation from RES, set upon Administrative Instruction no. 05/2017, issued by Ministry of Economic Development. It also notified that upon the Rule on Support Scheme, the Feed-in Tariff shall be guaranteed only to the applicants who have obtained the Preliminary Authorization, within the targets set by Administrative Instruction, issued by MED.
- ERO notified that applicant that if they are interested to continue with the procedures for obtaining the Decision on Preliminary Authorization, it will be specified in the respective decision that the process for admission to the Support Scheme shall be stopped until the release of available targets, according to Administrative Instruction no. 05/2017, and explained that ERO shall notify the applicant by order of applications upon the release of available targets.



- ERO Board, following the evaluation of relevant evidence and requests attached to the application, receipt of additional supplementing evidence, required by ERO, and evaluation of the content of application for admission to the Support Scheme, concluded that the application shall be handled as a “pending” application for admission to the Support Scheme and based on legal provisions mentioned in the introductory section of this decision, decided as in the enacting clause of this Decision.

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

IX. 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 Sejfijaj, Member

Selman Hoti, Member

Izet Rushiti, Member

This Decision is sent to:

- The Party,
- Municipality of Peja,
- Secretary Permanent of MESP, and
- ERO Archive.