



Pristina, 27 November 2019
ERO Code: V_1194_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 4, Article 5, Article 13 paragraph 1 sub paragraph 1.2, Article 14, Article 15 paragraph 1 and Article 16, paragraph 3 of Rule on Authorization Procedure for Construction of New Generation Capacities;
- Article 11, paragraphs 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 BIOMASS, located at CA Rezina, with an installed capacity of 1.2 MW, Municipality of Gjakova, Republic of Kosovo;
- Decision on Notice for Preliminary Authorization V_1133_2019, dated on 16 April 2019, issued to NP "Ngrohtorja e Qytetit" JSC- GJAKOVA, through which was demonstrated the suitability for development of the project for construction of new generation capacities for electricity generation from BIOMASS, located at CA Rezina, with an installed capacity of 1.2 MW, Municipality of Gjakova, Republic of Kosovo;
- Request/application for conversion of Decision on Notice for Preliminary Authorization into Final Authorization for construction of new generation capacities for electricity generation from BIOMASS, located at CA Rezina, with an installed capacity of 1.2 MW, Municipality of Gjakova, dated on 14.11.2019, of NP "Ngrohtorja e Qytetit" JSC- GJAKOVA, having its address at: "Transit" Street , nn, Gjakova, 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 27 November 2019, issued the following:

DECISION
ON ISSUANCE OF FINAL AUTHORIZATION



- I. **FINAL AUTHORIZATION** is issued to NP “Ngrohtorja e Qytetit” JSC- GJAKOVA for construction of new generation capacities for electricity generation from BIOMASS, located at CA Rezina, at the cadastral area No. 4611-4, 4611-6 and 46114-2 CA Rezina, with an installed capacity of **1.2 MW**, Municipality of Gjakova, in line with the Construction Permit No. ZSP-1493/2019 and the permit number K.III-012/2019, dated on 14.11.2019, issued by Ministry of Environment and Spatial Planning.
- II. Decision on Final Authorization is issued to NP “Ngrohtorja e Qytetit” JSC- GJAKOVA, for two (2) years and the latter is obliged, within this period, to construct new generation plants for electricity generation from BIOMASS.
- III. ERO shall consider the project as finalized, from the date of issuance of the Certificate of Occupancy, issued by competent body, pursuant to Law on Construction.
- IV. NP “Ngrohtorja e Qytetit” JSC- GJAKOVA shall bond a Power Purchase Agreement with the Market Operator (KOSTT) with a duration of ten (10) 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. NP “Ngrohtorja e Qytetit” JSC- GJAKOVA. is obliged to own an Environmental (Ecological) Permit issued by MESP.

Reasoning

- ERO, on 20.04.2016, received from “Ngrohtorja e Qytetit” JSC the application for obtaining the authorization for construction of new generation capacities for electricity generation from BIOMASS, CA Rezina, with an installed capacity of 1.2 MW of electricity and an installed capacity of 15 MW of thermal energy, in Municipality of Gjakova, Republic of Kosovo.
- ERO, following the ascertainment that the applicant has proved its suitability for construction of new generation capacities for electricity generation from BIOMASS, on 16 April 2019, issued Decision on Preliminary Authorization V_1133_2019 and instructed the applicant to meet other legal requirements required by applicable legislation in the Republic of Kosovo.
- Decision on Notice for Preliminary Authorization V_1133_2019 has not implied granting the Final Authorization for Construction until the requirements set by Rule on Authorization Procedure for construction of New Capacities are fulfilled.
- Decision on Notice for Preliminary Authorization is issued for one (1) year and it determines that NP “Ngrohtorja e Qytetit” JSC- GJAKOVA Company shall be granted the Final Authorization for Construction, if within this period it makes a written request to convert the decision on Preliminary Notice into Final Authorization, fulfilling all requirements set by the Rule on Authorization Procedure for construction of new generation capacities and the applicable legislation.



- Decision on Notice 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 14.11.2019, within the legal term, received from NP "Ngrohtorja e Qytetit" JSC-GJAKOVA, the request for conversion of Decision on Notice for Preliminary Authorization into FINAL Authorization for construction of new generation capacities for electricity generation from BIOMASS, located at Rezina, with an installed capacity of 1.2 MW, CA Rezinë, Municipality of Gjakova, 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. The 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

Besim Sejfijaj, Member

Selman Hoti, Member

Izet Rushiti, Member



This Decision is sent to:

- The party,
- Municipality of Gjakova,
- 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 **NP “Ngrohtorja e Qytetit” JSC- GJAKOVA.**, having its address at: St. “Transite” nn.Gjakova, **Republic of Kosovo, on 27 November 2019 issued the following:**

AUTHORIZATION

1. For construction of new generation capacities for electricity generation from BIOMASS, located at cadastral areas No. 4611-4, 4611-6 and 46114-2 CA Rezina, with an installed capacity of 1.2 MW, Municipality of Gjakova, according to Construction Permit No. ZSP 1493/2019 and the permit number K.III-012/2019, dated on 14.11.2019, issued by Ministry of Environment and Spatial Planning.
2. Hereby, NP “Ngrohtorja e Qytetit” JSC- GJAKOVA 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 NP "Ngrohtorja e Qytetit" JSC- GJAKOVA, for construction of new generation capacities for electricity generation from BIOMASS, located at CA Rezina, with an installed capacity of 1.2 MW, CA Rezinë, Municipality of Gjakova:

-**Decision on Announcement of Public Interest**- 01 No.011-23742/2016, dated on 26.04.2016, issued by Municipal Assembly- Gjakova;

- **Notice for connection of the new heating plant to the water supply and sewage network**- No. 2631, dated on 19.09.2017, issued by Regional Water Company RADONIQI JSC;

- **Final Decision**- No. 07/10, dated on 30.09.2016 from the Government of the Republic of Kosovo;

- **Environmental Permit** – No.18/289/1-36/DMMU, dated on 10.04.2018, issued by Ministry of Environment and Spatial Planning (MESP) – Office of Secretary Permanent (OSP);

- **Electro-energetic Consent** No. 7248, dated on 24.10.2019, issued by KEDS

- **Construction Criteria** – ZSP- 4848-2/2019, dated on 23.10.2019, issued by Ministry of Environment and Spatial Planning;

- **DECISION ON CONSTRUCTION PERMIT-ZSP**- 1493/2019, dated on 14.11.2019 and the permit number K.III.12/2019 on allowing the construction of the power plant from BIOMASS, in the cadastral area No.4611-4,4611-6 and 46114-2, CA Rezina, with an installed capacity of 1.2 MW, Municipality of Gjakova, issued by Ministry of Environment and Spatial Planning.

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

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

- **Business Plan;**

- **Final Implementation Project.**