



Board of the Energy Regulatory Office

Based on:

- Article 8 paragraph 1 sub-paragraph 1.6, Article 14 paragraph 2 sub-paragraph 2.7, and Article 25 of the Law on Energy Regulator (No. 03/L-185);
- Article 4, 5 and 13, paragraph 1, sub-paragraph 1.2, Article 14, Article 15 paragraph 1 and Article 16 of the Rule on Authorization Procedure for Construction of New Capacities (applicable from 11.11.2014);
- Application for Authorisation for construction of new generation capacities for generation of electricity from water, in "Morava e Binçës" River, HPP Binça, with an installed capacity of 0.6 MW, in Municipality of Vitia, Republic of Kosovo, dated 13.08.2014, submitted by the "EKO - ENERGIJ" LLC Company, having its address at: "Pozharan", nn. - Municipality of Vitia, Republic of Kosovo,
- Decision on Notification for Preliminary Authorization No. V_671_2014, dated 23 December 2014;
- Request/Application for conversion of Decision on Notification for Preliminary Authorisation in Authorization for construction of new generation capacities for generation of electricity from water, in "Morava e Binçës" River, HPP Binça, with an installed capacity of 0.6 MW, in Municipality of Vitia, dated 20.05.2015, submitted by the "EKO - ENERGIJ" LLC Company, having its address at: "Pozharan", nn. - Municipality of Vitia, Republic of Kosovo,
- Contracts, permits, authorizations and decisions issued by the responsible institutions, as in Annex II of this decision,

in its session held on 15 June 2015, issued the following:

DECISION ON GRANTING AUTHORIZATION

- I. Hereby, the "**EKO -ENERGIJ**" LLC Company is granted authorization for construction of new generation capacities for generation of electricity from water, for HPP Binça, with a capacity of **0.6 MW**, in "Morava e Binçës" River, in the quote (hydro power plant facility) -550,0 m, cadastral parcel no. 1792-2, CZ Binçë and intake in the quote – 595,0, cadastral parcel no. 1845 -0, CZ Binçë, Municipality of Vitia.

Reasoning

- On 13 August 2014, ERO received from the "**EKO - ENERGIJ**" LLC Company the application for authorisation for construction of new generation capacities for generation of electricity from water, in "Morava e Binçës" River, HPP Binça, with an installed capacity of 0.6 MW, in Municipality of Vitia, Republic of Kosovo.
- Following the ascertainment that the applicant demonstrated its suitability for construction of new generating capacities from water, ERO, on 23 December 2014, issued the Decision on Notification for Preliminary Authorization no. V_671_2014, and instructed the applicant to fulfill other legal requirements required by the applicable legislation in Kosovo.
- The Decision on Notification for Preliminary Authorization has not implied granting authorization until the requirements set by the Rule on Authorization Procedure for Construction of New Capacities are fulfilled.



- The Decision on Notification for Preliminary Authorization was issued for a one (1) year time-limit, and it determined that "EKO - ENERGI" LLC Company shall be granted authorization for construction, if it will make a written request, within this time-limit, to convert the Decision on Preliminary Notification into Authorization, fulfilling all requirements set by the Rule on Authorization Procedure for Construction of New Capacities and the applicable legislation.
 - ERO, on 20.05.2015, received from "EKO - ENERGI" LLC company a request for conversion of the Decision on Notification for Preliminary Authorization into FINAL Authorization for construction of new generation capacities for generation of electricity from water, for HPP Binça, with an installed capacity of 0.6 MW, in Municipality of Vitia, attaching evidence issued by the relevant authorities for meeting all environmental requirements, the right on use of land, the rights on use of water, construction permit and other legal requirements related to the project in accordance with the legislation.
 - On 20.05.2015, ERO received from "EKO-ENERGI" LLC Company the construction permit for construction of HPP Binça with a capacity of 0.6 MW, CZ Binçë, no. 19/2015, dated 31.03.2015, issued by the Department of Urbanism, Planning and Environment of the Municipality of Vitia.
 - Following the evaluation of the attached evidence, permits, approvals and decisions issued by relevant institutions, and based on legal provisions mentioned in the introductory part of this decision, ERO decided as in the enacting clause of this decision.
- II.** Decision on Authorization is granted to the "EKO-ENERGI" LLC company, for **two (2) years**, and the latter is obliged to build, within this period, new generation capacities from water.
- III.** The Decision shall be issued in Albanian language and translated into Serbian. In case of any discrepancy between the versions, the Albanian version shall prevail.
- IV.** This Decision shall enter into force on the date of approval by the Board and will be published in the ERO's official website.

Legal advice: The party dissatisfied with this Decision may initiate an administrative dispute with the Competent Court, within thirty (30) days from the date of receipt of this Decision or the date of its publication in the ERO website, whichever occurs last.

Enclosed to the Decision: Annex I and Annex II.

ERO Board

Enver Halimi, Chairperson

Merita Kostari, Member

Krenar Bujupi, Member.



APPENDIX I

Energy Regulatory Office (ERO), exercising its powers entrusted to it under Article 38 of the Law on Energy Regulator and in accordance with Article 16 of the Rule on Authorisation Procedure for Constructing New Capacities, to the "EKO - ENERGI" LLC company, having its address at: "Pozharan", nn. – Municipality of Vitia, Republic of Kosovo, on **15 June 2015, grants the following:**

AUTHORIZATION

1. **For construction of generation capacities for generation of electricity from water, for HPP Binça, with a capacity of 0.6 MW, in "Morava e Binçës" River, in the quote (hydro power plant facility) -550,0 m, cadastral parcel no. 1792-2, CZ Binçë and intake in the quote – 595,0, cadastral parcel no. 1845 -0, CZ Binçë, Municipality of Vitia.**
2. Hereby, the "EKO - ENERGI" LLC Company is authorized to construct generation capacities at the above-mentioned location, under the terms and conditions set herein.
3. This Authorization is issued for two (2) years. ERO, at the request of the party, may extend the validity of Authorization, pursuant to the applicable legislation.
4. The Authorized Party, during the entire validity period of this Authorization , must fulfill the following:
 - 4.1. all conditions set out under this Authorization, and
 - 4.2. all conditions set out under the applicable legislation in Kosovo, including those on environment.
5. Energy Regulatory Office may modify this Authorization in accordance with provisions of Article 19 of the Rule on Authorization Procedure for Construction of New Capacities.
6. In case the Authorized party goes bankrupt prior to the authorized generation establishment will have been constructed, then this Authorization shall be suspended and shall remain as such until ERO has established 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 can be undertaken against the Authorized party.
7. The validity of this Authorization shall automatically expire upon the expiration of the time-limit set out under item II of the present Decision or upon the expiration of other time-limits set out by ERO in accordance with item 3 of the present Authorization.
8. In case the Authorized party violates any of the conditions of the present Authorization, and the applicable legal provisions, ERO will suspend the Authorization in accordance with provisions of the 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 in relation to obtaining the **Authorization** by the "EKO - ENERGI" LLC Company for constructing new generation capacities from water, for HPP Binça, with an installed capacity of **0.6 MW**, location: "Morava e Binçës", in the quote (hydro power plant facility) -550,0 m, cadastral parcel no. 1792-2, CZ Binçë and intake in the quote – 595,0, cadastral parcel no. 1845 -0, CZ Binçë, Municipality of Vitia:

- **Decision on Granting Consent to "EKO - ENERGI" LLC Company**, no. 01 -013 441 dated 01.04.2014 MA Vitia;
- **Decision on Long-term Lease of Immovable Property of the Municipality to the "EKO - ENERGI" LLC Company**, for Construction of Mini Hydro Power Plant, with a capacity of 0.60 MW, no. 01 -013 1688 dated 24.11.2014;
- **Decision on Environmental Consent** - no. 14/1680/1-164/DMM, dated 04.06.2014, issued by the Ministry of Environment and Spatial Planning (MESP) - Office of the Secretary Permanent (OSP);
- **Water Consent** - No. 382/15–ZSP-/2015, dated 27.04.2015, to "EKO - ENERGI" LLC Company for construction of Hydro Power Plant HPP Binça, with an installed capacity of 0.6 MW in the upper part of "Morava e Binçës" River, Municipality of Vitia, issued by the Ministry of Environment and Spatial Planning (MESP) - Office of the Secretary Permanent (OSP);
- **Electricity Connection Consent** - for the HPP Binça, issued by KEDS, no. 2986, dated 23.04.2015;
- **Construction Permit** - no. 19/2015, dated 31.03.2015, for construction of the facility HPP Binça, in the quote (facility of hydro power plant) -550,0 m, cadastral parcel no. 1792-2, CZ Binçë and intake in the quote – 595,0, cadastral parcel no. 1845 -0, CZ Binça, issued by the Department of Urbanism, Planning and Environment of the Municipality of Vitia.
- **Main project for development of HPP Binça Project.**

(Stamped with the random stamp of ERO, on): _____

(Signature (on behalf of the ERO Board): _____