



Board of the Energy Regulatory Office

Based on:

- Article 8 paragraph 1 sub-paragraph 1.6, Article 14 paragraph 2 sub-paragraph 2.16, and Article 25 of the Law on Energy Regulator (No. 03/L-185);
- Article 4, paragraph 7 of the Rule on Authorisation Procedure for Construction of New Capacities; and
- the Request for extension of the time limit of validity of the Decision on Notification V_542_2013 for Preliminary Authorisation, dated 28 June 2013 for construction of new generation capacities for generation of electricity from Wind , at "Wind Park - Budakova" Location, with an installed capacity of 30 MW, Municipality of Suhareka & Ferizaj and Shterpce, dated 06.06.2015, submitted by the "Upwind International II GmbH – Branch in Kosovo" Company, having its address at: "UÇK" Str., No. 48/2, I-st Floor, apartment no. 2, Municipality of Prishtina, Republic of Kosovo,

in its session held on 16 June 2015, issued the following:

DECISION

- I. The time limit of validity of the Decision V_542_2013 on Notification for Preliminary Authorization, dated 28 June 2013 is hereby **EXTENDED** for an additional time limit of six (6) months, namely until **28 December 2015**.

Reasoning

- o ERO, on 13.02.2013, received from "**Upwind International II GmbH - Branch in Kosovo**" Company an application for Authorisation for Construction of New generation capacities for generation of electricity from wind, at "Wind Park - Budakova" Location, with an installed capacity of 30 MW, Municipality of Suhareka & Ferizaj and Shterpce.
- o Following the ascertainment that the applicant has demonstrated its suitability for construction of new generation capacity from **Water**, on 28 June 2013, issued a Decision on Notification for Preliminary Authorization V_542_2013, and instructed the applicant to fulfill the other legal requirements required by the applicable legislation in Kosovo.
- o 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.
- o The Decision on Notification for Preliminary Authorization was issued for a two (2) years time-limit, and it determined that "**Upwind International II GmbH - Branch in Kosovo** " 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 06.06.2015, received from "**Upwind International II GmbH - Branch in Kosovo**" Company the request for extension of the time-limit of validity of the Decision on Preliminary Authorisation for Construction of New generation capacities for generation of electricity from Wind, at "Wind Park - Budakova" Location, with an installed capacity of 30 MW, Municipality of Suhareka & Ferizaj and Shterpce, for an additional time-limit pursuant to the applicable legislation.
 - "**Upwind International II GmbH - Branch in Kosovo**" Company, in its request, has explained that they are under the process of finalizing and reaching an agreement with investors concerning the project in question, which is expected to be finalized soon, as it is requiring high precision and security. They also explained that they are in the final stage of technical clarifications (geological measurement of land, preparation of documentation for application for construction permit), which are specific and require inputs from the relevant institutions in order to implement the final project. In addition, they explained that they are in negotiations with the Ministry of Finance and the Tax Administration Authority to find customs facilities and tax exemptions.
 - Following the analysis of the request for extension of the time limit of validity of the Decision on Notification for Preliminary Authorisation, based on legal provisions mentioned in the introductory section of this decision, ERO decided as in the enacting clause of this decision.
- V. "Upwind International II GmbH - Branch in Kosovo"** Company must make a written request for conversion of the Decision on Preliminary Notification into Authorization for construction of new generation capacities for generation of electricity from Wind, at "Wind Park – Budakova" location, with an installed capacity of 30 MW, Municipality of Suhareka & Ferizaj and Shterpce, until **28 December 2015**, fulfilling all requirements set forth by the Rule on Authorization Procedure for Construction of New Capacities and the applicable legislation.
- VI.** Following the expiry of the above-mentioned time limit, Decision V-542-2013, dated 28 June 2013, on Notification for Preliminary Authorization shall be automatically repealed, and it shall not be reviewed by the ERO Board.
- VII.** The Decision shall be issued in Albanian language and will be translated into Serbian language. In case of any discrepancy between the versions, the Albanian version shall prevail.
- VIII.** 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.

ERO Board

Enver Halimi, Chairperson



Merita Kostari, Member

Krenar Bujupi, Member.