



Prishtina, 12 October 2012

ERO Code: V_465_2012

The 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 11, paragraphs 3 and 17 of the Rule on Authorization Procedure for Construction of New Generation Capacities;
- Application dated 29.07.2011 of the enterprise "United Albania Energy" LLC, for the construction of new generation capacities from Water in the Brod River (lower flow of the River), two (2) generation units (2900 kW and 2100 kW) and Plava River one (1) generation unit with a capacity of 1400 kW, Dragash Municipality, Republic of Kosovo,

in the session held on 12 October 2012, issued the following:

DECISION

- I. **IT IS REJECTED granting of preliminary authorization** to the enterprise "United Albania Energy" LLC, for the construction of new generation capacities from Water in the the Brod River (lower flow of the River), two (2) generation units (2900 kW and 2100 kW) and Plava River one (1) generation unit with a capacity of 1400 kW, Dragash Municipality, Republic of Kosovo.

Justification

- o ERO on 29.07.2011 received from the enterprise "United Albania Energy" LLC., the application for authorization to construct small hydro power plant generation units in rivers Brod and Plava, Dragash Municipality, Republic of Kosovo.
- o ERO on 10.10.2011 issued a request for clarification of the documents issued by the municipal authorities of the Dragash Municipality regarding the implementation of investments in the construction of small hydro power plants.
- o ERO on 17.10.2011 received written responses from the local authorities regarding the documents issued for the implementation of investment in the construction of small hydro power plants.
- o ERO on 26.10.2011 issued a request for clarification of procedures relating to allocation for use municipal immovable property, where it requested from the Directorate of Urbanism, Cadastre and Environmental Protection, MA Dragash, to inform the ERO regarding the



procedures that are being implemented for allocation for use of municipal immovable property.

- ERO on 08.11.2011 received a written response from the DUCEP, MA Dragash and explained that allocation for use of the municipal immovable property shall be implemented in accordance with Law No. 03/L-226 on allocation and exchange of real property of municipality.
- ERO on 14.11.2011, improved on 16 11.2011 issued a notice where it notified the applicant regarding the application of the enterprise "United Albania Energy" LLC, and explained that the process of evaluation of the application will not proceed until you provide the relevant evidences (Contracts) on the right of use of the land concluded with the competent authority.
- ERO notified the applicant that for the same or approximately the same locations in the Rivers Bord and Restelica it has received another application for authorization to construct SHPP from another legal entity.
- ERO on 16.11.2011 notified also the competent municipal authorities and explained that according to Article 5, paragraph 3 of the Rule on Authorization Procedure "if more than one applicant applies for the same place/location where the new generating facility will be constructed, the ERO shall proceed further with such application, which ensured relevant evidences on the right to use the land", and it will not proceed with the evaluation of applications of legal entities until it is defined the issue of allocation for use of the public-municipal land for construction of new generation SHPP in the Municipality of Dragash.
- ERO on 17.11.2011 received a request for clarification regarding the letter dated 14.11.2011 issued by the ERO regarding the application of the enterprise "United Albania Energy" LLC for construction of new generation capacities from water.
- ERO on 23.11.2011 issued the response regarding the request dated 17.11.2011 of the "United Albania Energy" LLC, where it explained all the requests submitted by the applicant and notified that the application has not been repealed, but is awaiting the relevant evidences (the contract) on the right of use of the land, concluded with the competent body of the Municipal Assembly of Dragash.
- ERO on 03.07.2012 received the request regarding the response to the letter dated 30.03.2012 for reviewing the decision V_395_2012 dated 10 February 2012.
- ERO on 05.07.2012 issued the letter explaining that the decision remains in force until the Municipal Assembly of Dragash or the Competent Court do not repeal the Decision of the Municipal Assembly of Dragash on declaring the special interest zone as an economy zone.
- ERO on 29 August 29 2012 issued the notification for submission of additional information explaining that so far it has not received the relevant evidences (Contracts) on the right to use public-municipal land from the enterprise "United Albania Energy" LLC for construction of new generation capacities from water in Brod River (lower flow of the River), two (2) generation units (2900 kW and 2100 kW) and Plava River one (1) generation unit with a capacity of 1400 kW, Dragash Municipality, Republic of Kosovo.



- ERO has notified the applicant that seeing the unjustified delay in meeting the requirements of the ERO, pursuant to Article 11 paragraph 3 of the Rules on Authorization Procedure, it has the right **to reject the review of the application of the enterprise "United Albania Energy" LLC.** or to decide on the application, based on the existing documents and information and to notify the applicant of its decision.
 - ERO on 19.09.2012 received a request for extension of the deadline for the submission of evidences required from the enterprise "United New Energy" LLC.
 - ERO, has considered that the request for extension of the deadline for submission of required evidences does not contain convincing justification for failing to meet the deadline and it considers that the applicant did not meet the requirements or conditions set out under the Rule on Authorization Procedure for construction of new generation capacities.
 - ERO after the evaluation of the application, as well as based on the legal provisions mentioned in the introduction of this decision, has decided as in the enacting provision of this decision.
- II.** The Decision shall be issued in Albanian language and will be translated into Serbian and English. In the event of any discrepancy between the versions, the Albanian version shall prevail.
- III.** This Decision shall enter into force on the date of approval by the Board of ERO and shall be published in the official website of ERO.

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 the Decision or the date of its publication in the ERO website, whichever occurs last.

ERO Board

Enver Halimi, Chairman

Përparim Kabashi, Member

Blerim Koci, Member

Merita Kostari, Member

Krenar Bujupi, Member