



**Board of Energy Regulatory Office**

**Based on:**

- Article 8, paragraph 1, sub-paragraph 1.6, Article 14 paragraph 2, subparagraph 16.2 and Article 25 of the Law on Energy Regulatory (03 / L-185);
- Article 17 and Article 22, paragraph 2, sub-paragraph 2.3 of the Rules of Authorisation Procedure for the Construction of New Capacities;
- Request for extension of validity period regarding the Decision on Notice for Preliminary Authorisation for construction of new generating capacities for generation of electricity from water, for units: HP “Brod” 1062 kW, HP “Brod II” (Kukalane) 3120 kW and HP “Restelica III” (Globoqicë) 1498 kW, in Dragash Municipality, dated 06.08.2014, no. 3070/14 the company “Eurokos JH” LLC, with street address 20 “Zenun Beqa”, Ferizaj, Republic of Kosovo

**In the session held on 3<sup>rd</sup> of October 2014 issued the following:**

**DECISION**

- I. The request for extension of validity regarding the Decision on Preliminary Authorisation V\_395\_2012 dated 10<sup>th</sup> of February 2012 is **rejected**, and the validity period of Decision on Preliminary Authorisation V\_395\_2012 dated 10<sup>th</sup> of February 2012 **ends**, regarding the construction of new generating capacity for generation of electricity from water, for units: HP “Brod” 1062 kW, HP “Brod III” (Kukalane) 3120 kW and HP “Restelicë III” (Globoqicë) 1498 kW, in Dragash Municipality.

**Reasoning**

- On 29.09.2011 ERO received a request/application from “Eurokos JH” LLC for construction of new generating capacities for generation of electricity from water, with installed capacity of 9.33 MW consisting of six (6) generating units to be installed in the following locations: HP “Brod I” (Brod ) 1062 kW; HP “Brod II” (Dikancë) 1250 kW; HP “Brod III” (Kukalane) 3120 kW; (total 5432 kW) and HP “Restelicë” 1200 kW; HP “Restelicë II” (Krusheve) 1200 kW and HP “Restelicë III” (Globoqicë) 1498 kW (Total 3898 kW), all in Dragash Municipality.
- Following the ascertainment that the applicant demonstrated its suitability for construction of new generating capacity from water, on 10<sup>th</sup> of February 2012 issued a decision on Notice of Preliminary Authorisation V\_395\_2012, and instructed the applicant to meet other legal requirements arising from applicable legislation in Kosovo.
- Decision on Notice of Preliminary Authorisation did not mean granting authorisation, unless requirements set out in Rule of Authorisation Procedure for the construction of new capacity are met.



- Decision on Notice of Preliminary Authorisation is issued for period of two (2) years, and this decision foresees that the company “Eurokos JH” LLC, will be granted authorisation for construction, if within this period, it makes a written request for substituting a Decision on Notice of Preliminary Authorisation, meeting all requirements set forth in Rule of Authorisation Procedure for construction of new capacities and applicable legislation.
- On 08.07.2013 ERO initially received a request for substituting a Decision on Notice of Preliminary Authorisation for construction of new generating capacities for generation of electricity from water in the Authorisation for two (2) generating units HP- “Brod II”, capacity of 1.25 MW and HP “Restelicë II” with a capacity of 1.2 MW, having relevant evidence attached.
- On 21.10.2013 ERO received a request with changes for replacing Decision on Notice of Preliminary Authorisation with Authorisation for construction of new generating capacities for generation of electricity from water, for HP “Brod II” with change of installed capacity from 1.25 MW to 3.89 MW and HP “Restelicë I” and II, merging into one hydropower facility with an installed capacity of 28.2 MW, attaching evidence issued by the relevant authorities for meeting all environmental requirements, the rights for use of land, rights for use of water, construction licenses and other legal requirements related to the project according to the applicable legislation.
- On 24.10.2013 the Board of the Energy Regulatory Office, under decision V\_572\_2013 decided that the company “Eurokos JH” LLC is granted an authorisation for construction of new generating capacity for producing electricity from water, for HP “Brod II” (Mlik) with an installed capacity of 3.89 MW, in river Brod and HP “Restelicë I” and HP “Restelicë II” (Krusheve) are merged into one hydropower facility, with an installed capacity of 28.2 MW, in River Restelica, Dragash Municipality.
- ERO concluded that technical solution no. 4517 dated 09.09.2011 covers only the capacities defined by this authorisation. If the applicant applies for HP “Brod I” HP “Brod III” and HP “Restelicë III”, therefore technical solution for these units should be rendered.
- When it comes to unit HP “Brod” 1062 kW, HP “Brod III” (Kukalane) 3120 kW and HP “Restelicë III” (Globoqicë) 1498 kW, which are part of the application, ERO will review and decide after the water permit is brought in for HP “Restelicë III” technical solution for connecting to the distribution network, construction licenses and meeting other requirements under applicable legislation.
- On 21.01.2014 ERO received an application for extension of the validity period of Decision on Notice of Preliminary Authorisation V\_395\_2012 dated 10<sup>th</sup> of February, 2012 from the company ERO “Eurokos JH” LLC, for generating unit HP “Brod” 1062 kW, HP “Brod III” (Kukalane) 3120 kW and HP “Restelicë III” (Globoqicë) 1498 kW, in Dragash Municipality, for one additional term.
- On 12 March 2014, the Board of the Energy Regulatory Office, under decision V-605/1-2014, decided to postpone the validity period of the Decision on Notice of Preliminary Authorisation V-395-2012 dated 10<sup>th</sup> of February, 2012, for an additional six (6) months, i.e. until 10<sup>th</sup> of August 2014, and announced that within this period, it must make a written request for replacing Decision on Preliminary Notice with authorisation, by meeting all the conditions prescribed by Rule of Authorisation Procedure for construction of new capacities and applicable legislation.



Following the expiration of this last deadline, decision no. V\_395\_2012 dated 10<sup>th</sup> of February 2012 on Notice of Preliminary Authorisation for generating the remaining unit will be repealed.

- On 06.08.2014 ERO received a second application from the company “Eurokos JH” LLC for extension of validity period of Decision on Notice of Preliminary Authorisation for the construction of new generating capacities for generation of electricity from water, for units: HP “Brod” 1062 kW, HP “Brod III” (Kukalane) 3120 kW and HP “Restelicë III” (Globoqicë) 1498 kW, in Dragash Municipality, for additional period of one (1) year.
  - ERO, after analysing the application for extension of the validity period of the Decision on Notice of Preliminary Authorisation, and based on the Rule on Authorisation Procedure, Article 16, paragraphs 3 and 4, which applies to the Notice of Preliminary Authorisation, **assessed that the request is ungrounded and that all possible deadlines have expired as defined by the concerning Regulation**, therefore relying on legal provisions mentioned in the introductory part of this decision, and decided as in the enacting clause of this decision.
- II. Decision on Notice of Preliminary Authorisation V\_395\_2012 dated 10<sup>th</sup> of February 2012 is repealed.
  - III. The Decision shall be issued in Albanian language and translated into Serbian and English. In the occasion 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 ERO Board and published in the 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 when receiving this Decision or the date of its publication in the ERO website, whichever occurs last.

**ERO Board:**

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Enver Halimi, Chairman

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Merita Kostari, member

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Krenar Bujupi, member