



Board of the Energy Regulatory Office

Based on:

- Article 8, paragraph 1, sub-paragraph 1.6, Article 14 paragraph 2, subparagraph 2.16 and Article 25 of the Law on Energy Regulator (No. 03/L-185);
- Article 14 paragraph 7 of the Rule on Authorisation Procedure for Construction of New Capacities; and
- Request for extension of the time-limit of validity of the Decision on Notification for Preliminary Authorization for construction of new generation capacities for generation of electricity from water, with an installed capacity of 11.7 MW, consisting of three (3) generation units, to be installed on the following locations: HPP Mal 6.8 MW, HPP Erenik 2.5 MW and HPP HC Jasiq 2.4 MW, all these in the Municipality of Junik, dated 04.11.2014, by the "Triangle General Contractors - Inc" Branch Kosova Company, having its address at "Fusha e Pejës" Stree, nn. MA Peja, Republic of Kosovo,

in the session held on 23 December 2014, issued the following:

DECISION

- I. The time-limit of validity of the Decision on Notification for Preliminary Authorization V_490_2012, dated 24 December 2012, is hereby **EXTENDED** for another six (6) months time limit, namely until **24 June 2015**.

Reasoning

- o On 29.04.2011, the ERO received from the "**Triangle General Contractors- Inc**" **Branch Kosova** Company the application for granting of authorization for construction of new generation capacities for generation of electricity from water, with an installed capacity of 11.7 MW, consisting of three (3) generation units, to be installed on the following locations: HPP Mal 6.8 MW, HPP Erenik 2.5 MW and HPP HC Jasiq 2.4 MW, all these in the Municipality of Junik.
- o The Decision on Notification for Preliminary Authorization did not imply the issuance of Authorization until the requirements set forth 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 "**Triangle General Contractors- Inc**" **Branch Kosova** Company shall be granted authorization for construction, if, within this time-limit, it will make a written request to convert the Decision on Preliminary Notification into Authorization, by fulfilling all requirements set by the Rule on Authorization Procedure for Construction of New Capacities and the applicable legislation.



- On 04.11.2014, the ERO received from the **“Triangle General Contractors- Inc” Branch Kosova** Company the request for extension of the time-limit of validity of the Decision on Notification for Preliminary Authorization for construction of new generation capacities for generation of electricity from water, with an installed capacity of 11.7 MW, consisting of three (3) generation units, to be installed on the following locations: HPP Mal 6.8 MW, HPP Erenik 2.5 MW and HPP HC Jasiq 2.4 MW, all these in the Municipality of Junik, for an additional time-limit in accordance with the applicable legislation.
 - The **“Triangle General Contractors- Inc” Branch Kosova** Company, in its request, explained that on 18.01.2013 it received a request from the ERO concerning the fulfillment of additional evidence that need to be fulfilled based on the applicable law, in order to be equipped with final Authorization for construction of new generation capacities from water.
 - The Company explained that they have made maximum efforts to complete all additional evidence, however, despite their continuous efforts, they have not been able to ensure three main evidence, important for the implementation of the project, namely: the Water Permit and Land Use Permit which fall under the powers of the Ministry of Environment and Spatial Planning (MESP). Furthermore, they explain that in order to be equipped with Water Permit they must possess the Environmental Permit and in order to be equipped with Environmental Permit it is necessary to be equipped with Forest Land Use Permit and that they have to wait for the zoning to be carried out and thereafter for the development of the Spatial Plan pursuant to the Law on National Park **“Bjeshkët e Nemuna”**, and as a result they have stalled so far in completing the documentation. Therefore, based on the above-mentioned, the **“Triangle General Contractors- Inc” Branch Kosova** Company could not respond to the requests of the ERO, and consequently, requested the extension of the time-limit of the Decision on Notification for Preliminary Authorization, in accordance with the applicable law.
 - The ERO, following the analysis of the request for extension of the time-limit of the Decision on Notification for Preliminary Authorization and based on legal provisions mentioned in the introductory section of this decision, has decided as in the enacting clause of this decision.
- V. The **“Triangle General Contractors- Inc” Branch Kosova** 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 water, with an installed capacity of 11.7 MW, consisting of three (3) generation units, to be installed on the following locations: HPP Mal 6.8 MW, HPP Erenik 2.5 MW and HPP HC Jasiq 2.4 MW, all these in the Municipality of Junik, until 24 June 2015, by fulfilling all requirements set by the Rule on Authorization Procedure for Construction of New Capacities and the applicable legislation.
- VI. Extension of the time-limit of validity of the Decision on Preliminary Notification has been granted in accordance with the Rule on Authorization Procedure, which was in force at the moment when such a request was submitted.
- VII. After the expiry of the above-mentioned time-limit, Decision V-490-2012, dated 24 December 2012 on Notification for Preliminary Authorization **shall be automatically repealed**, and it shall not be reviewed by the ERO Board.



VIII. The Decision shall be issued in Albanian language and will be translated into Serbian. In case of any discrepancy between the versions, the Albanian version shall prevail.

IX. 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.