

**DRAFT version of 25 May 2008**

Pursuant to the authority given under Chapter 8 of the Law on Energy Regulator the Board of the Energy Regulatory Office on a public session held on \_\_\_\_\_ adopted the:

**RULE ON AUTHORIZATION PROCEDURE  
FOR CONSTRUCTION OF NEW GENERATION CAPACITIES**

**CHAPTER 1**

**GENERAL PROVISIONS**

**Article 1**

**Purpose and Scope**

- 1.1. This Rule establishes the procedure for the authorization of projects for construction of new generating capacities under authority granted to ERO by the Article 38.1 of the Law on the Energy Regulator. This Rule does not cover a tendering procedure, which is prescribed in Article 39 of the Law on the Energy Regulator. However, where new generating capacity is to be constructed as a result of a tendering procedure carried out in accordance with the law (Kosova Law on Public Procurement), no authorization is required for the new generating capacity that is the subject of the tender.
- 1.2. The general aim of this Rule is to create a public, transparent and non-discriminatory procedure that promotes the establishment of a competitive energy market and stimulates investment while ensuring security and stability of the energy sector in Kosovo.
- 1.3. The Rule sets forth the criteria and procedure related to the issuance of Authorizations for the construction of new generation facilities, in order to create conditions for efficient and cost-effective use of electric power with protection for human health, safety and the environment.
- 1.4 Nothing in this Rule overwrites any existing authority of any governmental or other institution to issue permits, consents, or any other document required for Authorization for

new generating capacity or exercise authority granted to the institution under the laws of Kosovo.

## **Article 2** **Definitions**

2.1. The terms used in this Rule shall have the following meaning:

- a) **“Applicant”**- means the legal person requesting an Authorization under this Rule.
- b) **“Authorization Procedure”**- means the procedure set forth in this rule in accordance to Chapter 8 of the Law on Energy Regulator under which ERO grant Authorizations for construction of generation capacities.
- c) **“Notification of Preliminary Decision”**- means a notice provided by ERO, indicating the Applicant’s expected suitability to develop and construct a generation facility, subject to the Applicant meeting certain conditions that ERO may specify. The issue of a Notification of Preliminary Decision does not entitle the holder to proceed with the construction of the generation facility until the holder has satisfied all necessary conditions and an Authorization has been issued by ERO in accordance with this Rule.
- d) **“Generating Facility”**- means ensemble of buildings, installations and equipment set together in order to generate heat, electricity or a combination of heat and electricity such as cogeneration.
- e) **“Feasibility Study”**- means a technical and economic evaluation of a project for the construction of new generation capacities as required to be submitted with an application for an Authorization.
- f) **“Investor”**- means any Kosovar or foreign legal entity, or an association of such entities, engaged in the financing and construction of a generation unit or facility and its operation on commercial basis.
- g) **“Renewable Generating Capacity”** – means any generating capacity powered by water, wind, or solar energy, or thermal generating capacity fuelled by wood or other biomass material, or such other generating technology as ERO may specify in any Rule on Renewable Generation that it may issue from time to time.

## **CHAPTER 2**

### **AUTHORIZATION FOR PROJECTS FOR CONSTRUCTION OF NEW GENERATION PLANT**

#### **Article 3 Obligation for Authorization**

- 3.1. As provided in Article 38 of the Law on the Energy Regulator, no natural and legal person shall construct a generating plant without first obtaining an Authorization from ERO in accordance with the procedures set down in this Rule.
- 3.2 ERO shall consider all applications for Authorization for construction of generating plants in accordance with this Rule, and shall ensure that all such applications are dealt with in an objective, transparent, and non-discriminatory way.

#### **Article 4 Application for Authorizations**

- 4.1. Any person submitting an application for an Authorization to ERO under this Rule shall ensure that it is in writing, and in the form specified in this Rule.
- 4.2 All applications for an Authorization under this Rule shall be accompanied by such application fee as may be specified by ERO for such an application.
- 4.3 When ERO receives an application for an Authorization under this Rule it shall duly consider it in accordance with this Rule, and shall then:
  - a) issue a Notification of Preliminary Decision or grant an Authorization in accordance with the criteria and procedures laid down in this Rule; or
  - b) request that the applicant provides such further information as ERO may consider necessary; or
  - c) decline to issue a Notification of Preliminary Decision or grant an Authorization in accordance with the criteria and procedures laid down in this Rule.

#### **Article 5 Obligations and Criteria for New Generating Capacities**

- 5.1. Persons submitting applications for an Authorization for construction of new generation capacities under this Rule must ensure that such projects respect, in all phases, all applicable laws or regulations of Kosovo.
- 5.2. Such projects for the construction of new generation capacities must ensure:

- a) achievement of a safety level that harmonizes with the operations of the energy system in Kosovo and complies with the legal and current best practices regarding personnel, equipment, installations, machinery and environment protection;
- b) achievement of a competitive level of technical and economic performance that is compatible with the development of a liberalized energy market;
- c) compliance with the Energy Sector Strategy approved by the Assembly of Kosovo, including, where appropriate, compliance with programs and secondary legislation regarding renewable energy sources and/or preferential fuels and/or technologies;
- d) compliance with any public service obligations that may be applicable to any specific project, and in respect to the price offered to Public Supplier, if applicable;
- e) the availability of technical and financial capability, human resources, knowledge, and organizational structure for the construction and operation of the facility;
- f) utilization of modern technology appropriate for the particular site and efficient use of the primary fuel supply;
- g) availability of adequate supply of primary fuel used for generation and provision of ancillary services;
- h) plans for disposal of all generation-related wastes and decommissioning and/or removal of generation facilities at the end of its useful lifetime in compliance with technical and environmental requirements;
- i) availability of property rights or other legal rights to construct on the site, as proposed in the project for the construction of new generating capacities.

## **CHAPTER 3**

### **APPLICATIONS FOR AUTHORIZATION**

#### **Article 6 Application Procedure**

- 6.1. An application for an Authorization under this Rule shall be submitted to ERO in the form specified in Annex 1 to this Rule, along with a copy of the receipt showing that the appropriate fee has been deposited in ERO's account.
- 6.2. Applications for Authorizations under this Rule must be accompanied by the following documents, except that ERO may specify simplified requirements for any application in respect of any new generating capacity of power 5MW or less:
  - a) a copy of the registration of the share or equity participation of any shareholders or partners of the Applicant and copies of all relevant documents (articles of association, decision of the court or copy of the book of shareholders, etc.) evidencing such particulars;
  - b) certificate of the Applicant's registration as a Business Organization issued by the agency authorized to register business organizations;
  - c) information/indicators regarding the Applicant's financial situation, prepared in accordance with the model shown into Annex 2 of this Rule, based on the Audited Annual Financial Report for last three (3) years, certified by the competent institution or financial auditors;

- d) any Feasibility Study carried out for the proposed new generating capacity, including the availability of fuel and containing the elements specified in Annex 3;
  - e) evidence of the technical, financial capability and experience of the Applicant in respect of building, owning or operating generation projects of similar size and complexity, as specified in Annex 3;
  - f) certificate that the Applicant is not in a bankruptcy situation, its business is not administrated by a judge, its commercial activities are not suspended or it is not in any other similar situation and/or otherwise can be considered as violation of the law;
  - g) certificate that Applicant has complied with the obligations regarding tax payment in the country where he is registered as a legal entity and has paid them regularly;
  - h) information regarding the management and the organizational structure of the Applicant, as specified in Annex 3;
  - i) CVs of the Applicant's management staff and a list of the other senior staff and their qualifications, as specified in Annex 3.
- 6.3. If the Applicant acts in the name of a "Joint Stock Company", "Consortium", or other such type of association, the investor's eligibility is evaluated based on the information, including financial, related to each member of the association, sent to ERO by its legal representative.
- 6.4. Upon receipt of the application, ERO shall enter it into the register of applications.
- 6.5. ERO shall ensure that the application and all accompanying documents and other information are registered, filed and publicly available at the office of ERO.
- 6.6. ERO may, in consultation with the Applicant, decide which particulars or documents are considered confidential in accordance to the Rule on Confidential Information and such document will not be disclosed to the public.

## **Article 7**

### **Fees for application**

- 7.1. All Applicants for Authorization under this Rule must pay to ERO the fee for its administrative expense in the amount as specified in ERO Decision issued from time to time by the Board of ERO. The Applicant will pay separately the licensing fee for the operation of the new plant, as required by the Schedule of Fees.
- 7.2. Any additional administrative assistance requested from ERO by the Applicant, such as additional copies of the documents, will be charged to the Applicant in accordance to the expense occurred during such assistance.
- 7.3. The Applicant must provide a copy of receipt of the fees paid for the Authorization application within five (5) working days from submittal of the application for authorization.
- 7.4. The fee payment is not refundable even if the Authorization is not granted.

**Article 8**  
**Language and Record Keeping of Applications**

- 8.1. An application shall be submitted in one original and six (6) sets of certified copies. The application shall be submitted in hard copy and electronic form.
- 8.2. The application shall be submitted in one of the languages used in Kosovo, *i.e.*, Albanian, Serbian or. English.
- 8.3. In the case of any document issued in language other than Albanian, English or Serbian, the Applicant must submit its translation in one of the official languages certified by a Court Notary **registered in Kosovo.**

**Article 9**  
**Publication of Applications**

- 9.1. Within two (2) weeks upon submitting application to ERO under Article 5.1, the Applicant shall publish in two (2) daily newspapers of wide circulation published in Kosovo:
  - a) a brief summary of the contents of the application;
  - b) an announcement that an objection to the application or expression of interest in participating in its review by third parties may be made to ERO within two (2) weeks of the date ERO deems the application completed.
- 9.2. Where ERO receives an application for an Authorization, it shall publish on its web site and in two (2) daily newspapers of wide circulation published in Kosovo:
  - a) a brief summary of the applications it has received;
  - b) a description of any process in which third parties may comment on or object to an application.
- 9.3. Where ERO receives any comments on or objection to an application, it shall submit a copy of it to the Applicant and publish it on the web site of ERO.
- 9.4. The Applicant and/or ERO shall not disclose any information that is classified as confidential in accordance to the Rule on Confidential Information.

**Article 10**  
**Submission of Further Information**

- 10.1. Where ERO determines that it requires further information or clarification from an Applicant, ERO must submit any requests for such additional information and data or clarification to the Applicant no later than thirty (30) days after the application has been received and registered;

- 10.2 The notification of the request to the Applicant for clarification or additional information and data shall contain a deadline of not less than fifteen (15) days for the Applicant to submit a response. ERO may extend the deadline upon a showing by the Applicant of a reasonable justification for failure to meet the deadline.
- 10.3 If the Applicant, without a reasonable justification, delays the required response, ERO retains the right to reject the application, without prior notification and without refunding any payment, or decide on the application based on the existing documents and information and notify the Applicant about its decision.
- 10.4. Upon determination that no clarification or additional information and data are required, ERO shall notify the Applicant that the application is deemed sufficient.
- 10.5. Notwithstanding other provisions of this rule, ERO reserves the right to seek from the Applicant additional information and data at any time during the procedure on authorization.

## **CHAPTER 4**

### **DECISIONS ON APPLICATIONS FOR AUTHORIZATION**

#### **Article 11**

##### **ERO Decisions on Applications for Authorization**

- 11.1. ERO shall make a formal decision on every application within [3] months of the date on which ERO notified the Applicant that the application was deemed sufficient under the terms of Article 10.4, except that where ERO considers it necessary it may determine that the period for consideration of the application may be extended by a period of up to 2 months.
- 11.2 Where ERO determines that an Applicant has met, or is likely to meet, all the necessary requirements and criteria of ERO set out in this Rule and the criteria in the Law on the Energy Regulator, ERO will either:
  - a) issue a Notification of Preliminary Decision, in accordance with Article 12, confirming that the Applicant will be granted an Authorization subject to certain conditions being met within the time period specified; or
  - b) grant an Authorization in accordance with Article 14, for construction of the generation plant that was the subject of the application, where ERO is satisfied that all other necessary conditions have been met and it is appropriate to issue the Authorization .
- 11.2. Any decision by ERO that an Authorization or Notification of Preliminary Decision shall be granted to an Applicant under this Rule shall be published by ERO in the same way that details of applications are published under Article 9.2.

#### **Article 12**

## **Issuing a Notification of Preliminary Decision**

12. Where ERO determines that an Applicant has demonstrated its suitability to construct generating plant, but the Applicant has not yet met other requirements arising under other legislation applicable to the generating plant, ERO may issue a Notification of Preliminary Decision. Such a Notification of Preliminary Decision will confirm that the Applicant will be granted an Authorization provided that, no later than **two [2]** years after the date of issue of the Notification of Preliminary Decision, the Applicant:
- a) makes a further application to ERO, requesting that the Authorization be issued;
  - b) provides to ERO all other necessary documentary evidence that ERO may require in order to satisfy ERO that all relevant legislative requirements have now been met;
  - c) meets any other conditions set out in the Notification of Preliminary Decision; and
  - d) pays to ERO the relevant additional fee, as specified in ERO's Decision on fees.

## **Article 13**

### **Applications for Conversion of Notifications of Preliminary Decision to an Authorization**

- 13.1. Any application from the holder of a Notification of Preliminary Decision for the issue of an Authorization in respect of the construction of generating plant must be accompanied by the following documents:
- a) any documents detailing any changes, necessary updating, or completion to the documents specified in Article 6.2 that were submitted or should have been submitted with the application when the Notification of Preliminary Decision was issued, providing that the applicant shall not be required to resubmit any documents already submitted unless the circumstances have materially changed since the issue of the Notification of Preliminary Decision;
  - b) documentary evidence from the relevant authorities that the Applicant has now satisfied all environmental and other statutory requirements under relevant legislation in Kosovo, including where applicable holding any necessary water rights.
- 13.2. Upon receipt of the application, ERO shall:
- a) enter it into the register of applications;
  - b) ensure that the application and all accompanying documents and other information are registered, filed and publicly available at the office of ERO;
  - c) in consultation with Applicant, decide which particulars or documents are considered confidential in accordance to the Rule on Confidential Information and such document will not be disclosed to the public; and
  - d) publish it in the way specified in Article 9.

- 13.3. Upon determination that no clarification or additional information and data are required, ERO shall notify the Applicant that the application is deemed sufficient.
- 13.4. Notwithstanding other provisions of this rule, ERO reserves the right to seek from the Applicant additional information and data at any time during the procedure on authorization.

#### **Article 14**

##### **Granting an Authorization**

- 14.1. ERO shall make a formal decision on every application within [3] months of the date on which ERO notified the Applicant that the application was deemed sufficient under the terms of Article 13.3, except that where ERO considers it necessary it may determine that the period for consideration of the application may be extended by a period of up to 2 months.
- 14.2. Where ERO determines that an Applicant has met all the necessary requirements and criteria of ERO set out in this Rule for the granting of an Authorization, ERO will grant an Authorization for construction of the generation plant that was the subject of the application.
- 14.3. Any decision by ERO that an Authorization shall be granted to an Applicant under this Rule shall be published in accordance with Article 11 and shall be subject to:
  - a) the Applicant satisfying, and continuing to satisfy all environmental and other statutory requirements under relevant legislation in Kosovo;
  - b) modification or revocation in accordance with the provisions of this Rule; and
  - c) a commitment by ERO that, subject to any relevant conditions of the Authorization being met, it will issue an electricity generation licence to the applicant on completion of the generating plant.

#### **Article 15**

##### **Refusal to Grant an Authorization**

- 15.1. Where ERO determines that an Applicant has failed to meet the requirements or criteria set out in this Rule, ERO may refuse to grant a Notification of Preliminary Decision or an Authorization for construction of generation plant.
- 15.2. Any decision by ERO that a Notification of Preliminary Decision or an Authorization shall be refused under this Rule shall:
  - a) be notified to the Applicant in writing, including the reasons for refusal; and
  - b) be published on ERO's web site.

## **CHAPTER 5**

### **AUTHORIZATION AND LICENSE APPLICATION**

#### **Article 16**

##### **License Application**

- 16.1. At the time that an application for Authorization is submitted under this Rule, or at any time subsequently, the Applicant may also submit to ERO an application for a license for the generating plant, in accordance with the relevant requirements as set forth in the Rule on Licensing of Energy Activities in Kosovo.
- 16.2. ERO shall review any such application and submitted documents and consider the issue of a license for operation in accordance with the Rule on Licensing of Energy Activities in Kosovo within the deadline set forth in the Rule of Licensing of Energy Activities in Kosovo.
- 16.3. If ERO determines that a licence may be issued, or that circumstances are likely to exist on completion of the plant such that a licence can be issued, it shall issue the licence or notify the Applicant accordingly. Such a licence or notification shall specify such conditions as may be necessary to be met on completion of construction of the generating plant to ensure that the licence will continue to be valid or will be issued.
- 16.4. If ERO determines that the conditions to issue the license have not been met and are unlikely to be met, it shall notify the Applicant of its refusal to issue a licence, and shall specify which conditions the Applicant has failed to meet and any measures that the Applicant should take to comply with the conditions.

## **CHAPTER 6**

### **MODIFICATION OF AUTHORIZATION**

#### **Article 17**

##### **Modification**

- 17.1. Modification of an Authorization may be initiated by ERO or upon request of the Authorization holder.
- 17.2. The terms of an Authorization for Construction of New Generation Facility may be modified upon decision by ERO in the manner specified in the Rule on Licensing of Energy Activities in Kosovo.
- 17.3. Modification cannot apply retroactively to an Authorization.

#### **Article 18**

##### **Modification Notice**

18.1. Notification of intent to initiate a modification of an Authorization shall be published on ERO` official web site. Notice shall also be published in two (2) daily newspapers of wide circulation published in Kosovo:

- a) by ERO if it is initiating the modification, or
- b) by the Authorization holder if it has requested the modification.

18.2. The publications must include:

- a) the reasons for initiating a modification
- b) an estimate of the possible effects
- c) a deadline of not less than fifteen (15) days from the date of publication of the notice within which objections, with justification, may be submitted.

18.3. If ERO determines it necessary, it may extend the deadline for submission of objections.

### **Article 19 Modification Decisions**

19.1. In deciding upon modification of an Authorization, ERO shall consider:

- a) justifications provided by the Authorization holder;
- b) objections submitted by other parties;
- c) any other information it considers necessary;
- d) the consistency of the modification with the criteria upon which the granting of the Authorization was based.

19.2. ERO shall publish its decision and justification for the decisions according to the law and applicable rules adopted by ERO.

### **Article 20 Revocation of an Authorization**

20.1. An Authorization may be revoked in accordance with its terms and conditions.

20.2. ERO may terminate an Authorization if:

- a) the Authorization holder commits any breach of the Law, this Rule, or any terms, conditions or restrictions included in its Authorization; or
- b) the Authorization was granted on the basis of materially false or misleading information;
- c) expiration of the period of validity of Authorization occurs before completion of the generating plant;
- d) requested by the Authorization holder;
- e) the legal person holding the Authorization is dissolved;
- f) a court decision is made declaring the insolvency of the Authorization holder or terminating the activity of the Authorization holder;

- g) a fine or penalty imposed by ERO for non-compliance with conditions of the Authorization, as set forth in Article 21 of this Rule, is not paid.

**Article 21**  
**Penalties imposed by ERO**

- 21.1. Where any person commences the construction of a new generating facility without holding a valid Authorisation for that facility granted in accordance with this Rule, that person may be subject to fines levied by ERO in accordance to the Article 57 of the Law on Energy Regulator or based on the Rule on Administrative Measures and Fines issued by ERO
- 21.2. When imposing a fine under this Chapter, ERO shall notify the person of the infringement and give the person an opportunity to respond, in writing, within fourteen (14) calendar days of the day of notification.
- 21.3. If a fine imposed by ERO is not paid, ERO shall initiate court proceedings for the collection of the fine as a civil debt.
- 21.4. Where the holder of an Authorisation fails to comply with the conditions of that Authorisation or fails to comply with any requirements set forth in this Rule ERO may terminate the Authorisation or refuse to grant a Licence in respect of the new generating facility to which the Authorisation relates. Termination of an Authorisation and refusal to grant a Licence are serious sanctions and should be imposed only after the Authorization holder has been given an opportunity to correct any violation.

**Article 22**  
**Appeal of an ERO Decision**

- 22.1. The decision by ERO to grant or to deny an Authorization may be disputed by interested parties within thirty (30) working days from the date of the decision is published.
- 22.2. ERO`s response on the appeal will be sent to the disputing party within fifteen (15) calendar days from the date of the acceptance and registration of the complaint.
- 22.3. If ERO`s response is unacceptable to the disputing party, the party may appeal the decision in the court of competent jurisdiction.

**CHAPTER 7**

**FINAL PROVISIONS**

**Article 23**  
**Amendment or modification of the Rule**

- 23.1. Any proposal for amendment or modification of this Rule shall be sent to ERO in writing or initiated by ERO itself.

23.2. The amendment or modification shall be made by the Board of ERO only if it is necessary to further the objectives of ERO and it is in general interest.

23.3. The decision shall be published on ERO's website and whenever possible in daily newspapers, television and radio, at least thirty (30) calendar days prior to the entrance into the force.

**Article 24**  
**Official Language of the Rule**

This Rule is issued in one of three languages in use in Kosovo. In the event of a dispute regarding the meaning of terms, and where such dispute results from the different translations of this Rule, the **English** version shall prevail.

**Article 25**  
**Entry into Force and Applicability**

This Rule shall enter into force thirty (30) calendar days of its adoption by the Board of ERO and its publication on ERO website.

Chairman of the Board of ERO:

\_\_\_\_\_

Members of the Board:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## ANNEX No. 2

Financial statement (model)

We confirm

.....  
(Name, Institution, Signature, Stamp)

### Financial Indicators

*Applicant* .....  
(Name of the legal entity)

#### A. Financial indicators:

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Indicators calculated in accordance

Nr.	Indicator	from annual reports			
		year	year -1	year -2	year -3

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1. Current ratio %
  2. Solvency ratio %
  3. Profit margin %
  4. Working capital turnover
- 

1. Current Ratio% = current assets/current debts  $\times$  100 (%), in which:

- current assets = company stock + other circulating assets;
- current debts (within one fiscal year) = suppliers and similar accounts + short term loans + wages and salaries + taxes and duties.

2. Solvency Ratio % = equity /total liabilities, less small customer creditors and actual accounts and similar  $\times$  100 (%)

3. Profit Margin % = gross profit or loss for financial year/turnover  $\times$  100 (%)

B. Indicators for *Applicant* financial capacity, as of ..... (date)

1. TOTAL ASSETS (Thousands €) ....., from which:
  - 1.1. Current assets - TOTAL (Thousands €) .....

2. Liabilities - Total (Thousands €) ....., in which:
  - 2.1. Debts - TOTAL (Thousands €) .....
  - 2.1.1. Debts to be paid within one year (Thousands €) .....,
    3. Working capital (item 1.1 - item. 2.1.1) - TOTAL (Thousands €) ....
    4. Banking Accumulations - TOTAL (Thousands €) .....
    5. Current credits - TOTAL (Thousands €) .....
    6. Other credits (not yet consumed) - TOTAL (Thousands €) .....
    7. Income (from operations) - TOTAL (Thousands €) .....

Finance Manager,

General Manager,

.....

.....

(Name and signature)

(Name and signature, Stamp)

**NOTE:**

Foreign Investors may present, for the affiliate company in Kosovo, the financial situation related to the “parent-company” from outside, as long as all its financial commitments were unconditionally assumed. The information must be presented in either in Albanian, Serbian or English language. ERO may also consider other information regarding the proposed new generating capacity’s financial viability.

## ANNEX No. 3

### QUESTIONNAIRE

#### *Instructions for fulfilling*

1. The Applicant must complete each section of this **QUESTIONNAIRE** and attach all justifying documents before submitting it to ERO, together with the request, in accordance with this Rule.
2. Each document attached to this **QUESTIONNAIRE** must be clearly marked to indicate the associated Section/Question.
3. The **QUESTIONNAIRE** must be signed by the Applicant or the Applicant's legally authorized representative, and in the latter case it must be accompanied by a document to prove that person's competences.

#### *Section I: Financial Requirements*

Nr. crt. (nr.)	Question	Recommended documents
1.	The Applicant's name or Names of each member of the Applicant consortium in the case of a partnership or an association.	- Certificate of the Applicants registration as a business company - Association Contract/Statute
2.	The Applicant's legally authorized representative, address, telephone and fax number(s), e-mail address.	-Decision of the Board of Administration or other document to prove that person's competences.
3.	State each Partner member's role relating to: a) financial arrangement, b) execution of the Engineering, Procurement and Construction (EPC) contract(s). In the case that members of the Partnership do not provide all the main services for the Project, please provide the names of the proposed suppliers (ex. technologies, etc.), but no more than 5 per each item.	
4.	Please describe Applicant/members (identified at #3) experience and their consultants (if necessary), in obtaining finance for power plant projects.	List of reference projects
5.	Please describe how Applicant proposes to finance the project	Attach the Letters of intent from potential Lender(s), if available

Nr. crt. (nr.)	Question	Recommended documents
6.	Please specify any contingency financing available for the proposed new generating capacity	Attach the Letters of intent from potential Lender(s), if available
7.	Credit Rating of the Applicant or partners	Please state credit rating type and level, the name of the Rating Agency and attach documentation supporting for all equity providers.
8.	Please confirm and provide supporting evidence that the Applicant/ Members is/are properly constituted entities under the laws of the country in which they are established.	Correlation with #1
9.	Financial information.	Please provide the financial indicators, calculated for last 3 years in accordance with the model shown in Annex No.2 certified by a fiscal institution.

#### Section II: Technical and Organizational Requirements

Nr. crt. (nr.)	Question	Recommended documents
10.	Please provide the Applicant's proposed Organizational Chart for the realization of the proposed new generating capacity.	
11.	Please provide the name of the Applicant's designated representative.	Please provide CVs or minimal requirements regarding their qualification and relevant experience
12.	Please provide the name of the Applicant's designated project managers for the project.	Please provide CVs or minimal requirements regarding their qualification and relevant experience
13.	Please provide references regarding Applicant's experience in similar projects: a) realized by the Applicant as Investor b) in which the Applicant was involved in long term contracts for energy sale	Please provide references specifying the project location, date of start and date of finish.
14.	Please provide the name of the Consultants for Engineering and state the disciplines they are selected for.	- Agreement/ Contract/ Letter of Intention/ Invitation to tender/Technical Specification(s) - Please provide references or requirements regarding Consultants' experience

Nr. crt. (nr.)	Question	Recommended documents
15.	Please provide the name of the designated or proposed EPC Contractor (individual company or JV/consortium with multiple members) and identify lead EPC Contractor, or, if it was not yet designated, specify the mode and the requirements for selection.	<ul style="list-style-type: none"> <li>- Agreement/ Contract/ Letter of Intention/ Invitation to Tender/ Technical Specification(s)</li> <li>- Please provide references or requirements regarding Contractors experience in similar projects.</li> </ul>
16.	Please provide details of the requirements for the experience of EPC Contractor's Project Manager	<ul style="list-style-type: none"> <li>- Position description</li> <li>- CV</li> </ul>
17.	Provide the business plan for the commercial operation of the generation facility.	<ul style="list-style-type: none"> <li>- Operation and Maintenance Business Plan</li> </ul>
18.	To which organisations or persons does the applicant propose to sell the electrical energy or other services that will be provided by the generation facility, and on what terms?	<ul style="list-style-type: none"> <li>- Summary of any actual or proposed contracts in respect of the output of the plant, identifying prices, quantities, and counter party of the contract.</li> </ul>
19.	Describe plan for connection with electricity/heat transmission or distribution network.	<ul style="list-style-type: none"> <li>- Please specify the planned scope of work for connection to the grid</li> <li>- work to be done at the place of connection</li> <li>- work to be done to extend and/or enlarge the grid lines due to the connection realization or alteration;</li> <li>-</li> </ul>
20.	Land acquisition	Please provide information regarding the legal situation of the land to be used for the site of the Generation Facility and its vicinities (owned by others) and other activities to be restricted, if necessary, by the siting of the Generation Facility .
21.	Environmental Requirements.	Please provide documentary evidence confirming that the Generating Facility planned to be constructed shall comply with Environmental Law in Kosovo and secondary legislation issued by the relevant Ministry, and that the relevant Ministry have confirmed compliance with that legislation.
22.	Other Relevant Legislative Requirements, including water rights	Please provide documentary evidence from the relevant authorities confirming that the Applicant has satisfied all other applicable

Nr. crt. (nr.)	Question	Recommended documents
		statutory requirements under relevant legislation in Kosovo including, where applicable, holding any necessary water rights.

*Section III: Financial Parameters*

Nr. crt. (nr.)	Question	Recommended documents
23.	Investment value (€).	Capital Cost Estimates
24.	Duration of the construction period and the annual percentages of the total Investment value.	
25.	Financing sources (own capital, loans), the financing plan: draw down and payment schedule (related to the execution schedule), loan pay-back terms and associated financial costs (interest rates, taxes and fees, others).	Stated sources of funding or other related documents.
26.	The generating plant.	<p>State the expected values for:</p> <ul style="list-style-type: none"> <li>- Installed Electric Power (MW)</li> <li>- Net Electric Power (MW)</li> <li>- Unit availability (%)</li> <li>- Plant capacity factor (%)</li> <li>- Prediction of annual electricity and heat sales.</li> <li>-</li> </ul> <p>Copies of any technical or commercial feasibility studies carried out for the project.</p>