

Prishtina 20/ 09/2006

ERO Code: D_48_2007

Reference No ERO/CPD_R_15_05_07

The Board of the Energy Regulatory Office

Taking into account:

1. Competencies of the Energy Regulatory Office given by Article 15.2 g) and the Article 17.1 of the Law on Energy Regulator;
2. Dispositions in accordance with the Chapter 3 of the Rule on Dispute Settlement Procedures in the Energy Sector;
3. Rule No.2001/17 Amended rule No. 2001/11 on Value Added Tax in Kosovo;
4. Complaint made by the Customer in the Customer Protection Department (CPD) of the Energy Regulatory Office, in accordance with the Article 14.1 of the Rule on Dispute Settlement Procedures in the Energy Sector, registered on 09.11.2006; with the registration number 23/11 2007;
5. Contract No. MIK/CO 002/04 between UNMIK and Mrs. Vitosevic (on behalf of Mrs. Jovica Nedelkovic) signed on 01 July 2003;
6. Agreement for consumption of electric power dated 29.06.2004 respectively 21.06.2004 between UNMIK and KEK
7. Addendum one (1) agreement for consumption of electric power signed on 15th July 2005 between UNMIK and KEK
8. Amendment No. 3 of the Contract No. MIK/CO 002/04 between UNMIK and Mrs. Slavica Vitosevic (on behalf of Mrs. Jovica Nedelkovic) signed on 13.06.2006;
9. Answer of KEK dated 28.10.2006 to the complaint of the customer regarding exclusion from VAT payment.
10. Recommendation of CPD to the Board of ERO, in compliance with Article 14.5 of Rule on Dispute Settlement Procedures in Electricity Sector, dated 23.05.2006 No ERO/CPD_R_15_05_07; and
11. Article 18 of the Rule on Dispute Settlement Procedure

On the session held on 20.09.2006 brought this:

DECISION

The complaint of customer UNMIK ADMIN. H.Q from RAHOVEC, **IS ACCEPTED** due to the reason set forth in Justification of this Decision.

Justification

1. The customer on its complaint addressed to KEK Public Division – Department for Consumers – District in Prizren on 04.10.2006 has requested to be excluded for VAT (Value Added Tax) payment from KEK.
2. On 28.10.2006 Supply Division – District in Prizren (KEK) has replied to customer complaint dated 04.10.2006, by refusing the customer and informing the customer about his rights to appeal the KEK decision to the Energy Regulatory Office.
3. The customer has appealed to the Customer Protection Department of ERO the invoice charged by KEK to the customer for the VAT payment.
4. The customer in its request has explained that UNMIK should not pay VAT.
5. The Customer Protection Department during its analysis and revision made to the documentation submitted by KEK and from the customer, as well as talks with the representatives of KEK and the representatives of customer, has proposed to the Board of ERO to accept the customer complaint No. 23/11 2006 due to the following:
 - 5.1 Customer has presented in the Customer Protection Department of ERO Contract between UNMIK and Mrs. Nedelkovic (on behalf of Mrs. Jovica Nedelkovic it was authorized to sign agreement Mrs. Slavica Vitosevic) for rent, where the commencement date was 01 July 2003 and the expiry date was 30 June 2004
 - 5.2 The customer has presented in the Customer Protection Department of ERO supply contract between KEK and Mrs. Nedelkovic/UNMIK signed from the both sides on the 29.06.2006 respectively 21.06.2006.
 - 5.3 The customer has presented in the Customer Protection Department the agreement between UNMIK and KEK date 15 July 2005 for consumption of electric power (“addendum one (1)”).
 - 5.4 The customer has presented on the CPD also the document signed (Amendment No.3 Contract No. MIK/ CO 002) on the 13.06.2006 where has extended contract until 30 June 2006, although in the contract it was defined that “Expire date” is hereby amended from 30 June 2006 to read 30 June 2007.
6. On the 23.05.2005 Board of ERO has held the session and has reviewed all the document presented and has decide **to accept** the customer complaint due to the reasons forth in point 5 of this decision.
7. Based on the presented facts KEK is obliged that customer UNMIK ADMIN H.Q not to charge with VAT payment on the electric bills. Also KEK is obliged to remove the customer UNMIK ADMIN H.Q the VAT charge from 1st January 2005 and upwards.

Legal Advice

The pair can initiate a court procedure against this decision, in the Competent Court of Prishtina within **fourteen (14) days** upon the date of reception of this decision.

Chariman of the Board of ERO

Members of the Board:
