



# **LICENSE FOR DISTRIBUTION SYSTEM OPERATOR**

**ISSUED TO:**

**KOSOVO ELECTRICITY DISTRIBUTION AND  
SUPPLY COMPANY J.S.C**

**Registration number: ZRRE/Li/Tr\_06/17**

**Pristina, 13 April 2017**

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## **Article 1**

### **Purpose**

1. **Energy Regulatory Office-** ERO (hereinafter “the Regulator”), in line with the authority vested under Article 36 of the Law on Energy Regulator (Law No. 05/L-084), the Law on Energy (Law no. 05/L-081), the Law on Electricity (Law No. 05/L-085) and Rule on Licensing of Energy Activities in Kosovo (ERO/Rule/No. 07/2017) in its session held on 13 April 2017, amends (modifies) the Distribution System Operator License, transferred on 18 July 2012 from Kosovo Energy Corporation JSC- Distribution Division (with transfer number ZRRE/Li/Tr\_06\_12) to “ **Kosovo Electricity Distribution and Supply Company” JSC, now with license number: ZRRE/Li/Tr\_06/17, having its address at: St. “Mother Teresa” , No.36, 10000, Pristina, Republic of Kosovo** (hereinafter “the licensee”).
2. The amendment/modification of this license comes as a result of changes in the primary legislation of the energy sector: Law on Energy Regulator (Law No.05/L-084, which entered into force in July 2016); Law on Electricity (Law No.05/L-085, which entered into force in August 2016); Law on Natural Gas (Law No.05/L-082, which entered into force in July 2016); as well as Rule on Licensing of Energy Activities in Kosovo (ERO/RuleNo.07/2017, which entered into force on 31 March 2017).

## **Article 2**

### **Definitions**

1. Terms used in this license shall have the following meaning:
  - a) **"Compliance Programme"** – programme required to be developed by the Licensee and approved by the ERO, in accordance with Article 27 of the Law on Electricity.
  - b) **"Development Plan"** – any development plan drafted by the Licensee, in line with Article 10 of the Law on Energy, and Article 28 of the Law on Electricity.
  - c) **"Financial Year"** – period from 1 January to 31 December of the same calendar year
  - d) **"Joint Stock Company"** - a company defined as such in accordance with applicable law in Kosovo.
  - e) **"Legislation"** – Law on Energy (Law No. 05/L-081), Law on Energy Regulator (Law No. 05/L-084), Law on Electricity (Law No. 05/L-085) and any other primary or secondary legislation regulating the energy sector.
  - f) **"Market Rules"** - the norms that regulate electricity trade between market participants and relations between parties of the electricity market, Market Operator and Transmission System Operator, with the purpose of maintaining the physical balance in the market.

- g) **"Codes"** – rules that are intended to establish the minimum technical design, operational requirements and standards, and commercial terms for relevant activities in the energy sector, and which are required by Law to be submitted for approval to the ERO.
  - h) **"Affiliated Person"** - any enterprise owned or controlled by another enterprise, as defined in the applicable Law on Business Organizations.
2. Other terms used in this license shall have the same meaning ascribed to them as the terms used in applicable legislation.

### **Article 3** **Rights and Obligations**

1. The Licensee shall enjoy the rights and undertake the responsibilities set down in the applicable laws, regulations, rules and codes, including those set down in Article 28 of the Law on Electricity and shall, inter alia:
  - 1.1 operate, maintain and develop the distribution system in efficient, economical and coordinated manner, as provided in this License;
  - 1.2 ensure long-term availability of system to meet any reasonable requirements for distribution, operation, maintenance and development of electricity as per market conditions, exercising due care to environment protection and energy efficiency;
  - 1.3 facilitate connection and use of system in a non-discriminatory manner and in line with applicable laws, codes and rules;
  - 1.4 adhere to the provisions of the Market Rules.
2. Territory covered by this license is the entire territory of the Republic of Kosovo.
3. The Licensee may not be issued a license for any other electricity activity except to the extent that the Licensee complies with the independence and unbundling requirements of Article 27 of the Law on Electricity and other applicable legislation.
4. The Licensee shall comply with the provisions and conditions specified in this license, the Law on Electricity and other applicable laws, regulations, rules and codes.

### **Article 4** **Separate accounts for Distribution System Operator's activity**

1. The Licensee shall prepare annual financial statements in accordance with Regulatory Accounting Guidelines issued by the Regulator and shall submit to the Regulator a copy of audited financial statements within three (3) months after the end of the financial year. In the event that the licensee, due to objective reasons cannot prepare these statements within three (3) months, then no later than 15



- March, the licensee shall require from the Regulator an extension of the deadline, but no later than 30 April of the actual year, for submission of these statements.
2. Internal accounts should be separate for Distribution System Operator's activities from other accounts for other activities, as if such activities were performed by another enterprise.
  3. The Licensee shall submit to the Regulator the Annual Financial Statements audited by an independent auditor in accordance with International Financial Reporting Standards within the deadlines prescribed by applicable laws for financial reporting. The audit shall verify that the requirements relating to the prohibition of cross-subsidies and discrimination in Articles 5 and 6 of this license have been met.
  4. In its internal accounting, the Licensee will maintain accounting for the overall activity of the Distribution System Operator and, in accordance with the Regulator's requirements, shall submit them in the form and date specified by the Regulator. Regulatory accounting shall be in accordance with Regulatory Accounting Guidelines and, among other, may specify:
    - 4.1 the form of regulatory accounting statements / records, including but not limited to the profit and loss accounts, balance sheets, recognized profit and loss statements, cash flow and statements of the amounts of annual revenues, costs, assets, liabilities, reserves or supplies, which are charged from any other business or established by allocation or apportionment between the consolidated Distribution System Operator activities and any other activity.
    - 4.2 nature and content of regulatory accounting statements/ records, including information on specified types of annual revenues, expenditure, assets or debts, and information on annual revenues, expenditure, assets and liabilities attributable to specified activities
    - 4.3 regulatory accounting principles and policies (including the basis for allocation of costs).
  5. In relation to regulatory accounting statements for the financial year, the Licensee shall not change the basis of charging, apportionment or allocation from those used in previous financial year, unless ERO has previously issued appropriate instructions or written approval thereto.
  6. The Licensee shall act in compliance with every instruction issued by the Regulator and legislation in effect.

## **Article 5**

### **Distribution Charges and Prohibition of subsidies and cross-subsidies**

1. All charges levied by the Licensee related to performance of its licensed activities shall be set in accordance with the Pricing Rule for Distribution System Operator and any applicable charging methodology approved by the Regulator.



2. In carrying out its licensed distribution activities the Licensee shall ensure that its charges for connection and use of system are not increased or reduced as a consequence of receiving or granting any cross-subsidy (direct or indirect) from or on behalf of any other such activity of the Licensee or from any Affiliated Person, corporation or any other legal or natural person.

#### **Article 6 Prohibition on Discrimination**

In setting prices that will be charged to users of the Licensee's system, the Licensee shall not have preference for any user or category of user, shall not unreasonably exercise discrimination against any user or category of user and shall not impose unfair or unreasonably onerous terms and conditions for connection to or use of the system.

#### **Article 7 Distribution Code**

The Licensee shall take all steps within its power to ensure that the Distribution Code in force under this license at [date of grant] remains a code that complies with the requirements of Article 28 of the Law on Electricity and any other applicable legislation.

#### **Article 8 Compliance with Grid Code, Metering Code and Rule on General Conditions of Energy Supply**

The Licensee shall comply with the provisions of the Grid Code, Metering Code and Rule on General Conditions of Energy Supply.

#### **Article 9 Functioning of Distribution System**

1. The Licensee shall plan, operate, maintain and develop the distribution system, in accordance with the applicable legislation, technical Codes and rules in force.
2. The Licensee is responsible for effective, economic and coordinated functioning of the distribution system, in accordance with the applicable legislation.
3. The Licensee shall provide the terms for connection and use of system, in line with the applicable legislation and the Rule on General Conditions of Energy Supply. For any dispute arising in relation to the connection or use of distribution system, provisions of the Rule on Resolution of Disputes and Appeals in the Energy Sector, issued by the Regulator, shall apply.
4. The Licensee shall provide non-discriminatory access to system users or categories of system users, and shall not extend preferential treatment to subsidiaries or stockholders, as shall provide information required for efficient access to the system, in line with Article 28 of the Law on Electricity.



5. The Licensee shall give priority to dispatch of electricity generation from renewable energy resources and co-generation, subject to any limits specified for purposes of system security by the Transmission Code and Distribution Code.
6. In its website, the Licensee shall publish the Tariff Methodology on the Use of Distribution System and Connection Fee Methodology, as approved by the Regulator as well as Codes, information and data as required by the the Law on Electricity.

#### **Article 10**

##### **Development Plans**

1. In accordance with Article 10 of the Law on Energy and Article 28, subparagraphs 1.25 to 1.28 inclusive of the Law on Electricity, the Licensee shall develop and publish a medium and long term Distribution System Development Plan, covering periods of five (5) and ten (10) years, respectively.
2. The Licensee shall review the long-term development plan every year in coordination with the TSO, to ensure that the information submitted therein remains substantively accurate. Any proposal to amend to the development plan should be submitted to the Regulator for approval.

#### **Article 11**

##### **Economic Purchase of Assets and Services**

1. The Licensee shall contract and acquire assets and services that are necessary to enable him to perform his obligations under the Grid Code and Distribution Code. Such contracts shall be made in accordance with the Law on public procurement and other relevant legislation applicable in Kosovo.
2. When entering into contracts for acquisition of assets and services in accordance with paragraph 1 of this Article, the Licensee shall purchase or otherwise acquire services from most economic resources available.
3. Given the economic resources available, the Licensee take into account the quantity, nature, diversity, numbers and safety of such assets and services at the time of availability for purchase or acquisition, and shall enable it to perform its obligations under this license, the Distribution Code and other applicable legislation.

#### **Article 12**

##### **Registration and disposal of relevant assets**

1. The Licensee shall develop and maintain a register of all relevant assets and shall submit it to the Regulator, along with any changes not later than 31 January of every year.
2. The Licensee shall not sell or relinquish operational control over any relevant asset, if it affects its ability to perform its duties. In cases where the Licensee wishes to dispose of assets or other inventory used in carrying out the licensed activity, if he value of such assets exceeds one hundred thousand Euros (€ 100,000.00), the



licensee shall notify the Regulator in written. The Licensee may only dispose of assets upon written approval by the Regulator.

3. For purposes of this Article:

**"Disposal"** – shall mean any sale, transfer, donation, rent, lease, mortgage, assignment, restrictions of use (physical or legal) or any other assignment, as well as allowing any assignment towards any other business of the Licensee or any third party.

**"Relevant Asset"** – shall mean:

- a) any equipment of the Distribution System used by the Licensee to perform its functions as prescribed under paragraph 2 herein;
- b) any legal or profitable interest on any land and/or facility that contains such interests, and/or used by the Licensee to perform functions awarded by the License; and
- c) any intellectual property.

### **Article 13**

#### **Supply of metering equipment and data service**

1. In accordance with Articles 53 and 54 of the Law on Electricity, Distribution Code, Grid Code, Metering Code and DSO Market Rules, and upon request of customers, suppliers and Transmission System Operator, the Licensee shall provide the following services
  - 1.1 Supply of metering equipment;
  - 1.2 Installation, metering, testing, repair and maintenance of metering equipment;
  - 1.3 Data collection services;
  - 1.4 Data transfer, data processing, and data collection services.
2. The Licensee may entrust the meter reading to suppliers or other contractors. In this case, the Licensee shall ensure that the entity contracted for meter reading shall perform regular and accurate reading of meters, in line with Metering Code.
3. Where, in line with the Rule on Supplier of Last Resort, the Supplier of Last Resort has issued an instruction to the Licensee regarding the need to read the meters at specified customer premises, the Licensee shall make all reasonable efforts to ensure such meter readings are carried out and the readings notified to the Supplier of Last Resort within fourteen (14) days of such instruction.
4. The Regulator may require the Licensee to collect and retain information, records and documents in accordance with Article 18 of the Rule on Licensing of Energy Activities in Kosovo.

For purposes of this Article:





**"Data Services"** - data collection, data processing, data storage services and supply of data;

**"Data transfer"** - transfer of raw data and processed data on measurements to other licensed companies related to energy, as required for final calculations and for billing purposes;

**"Data Processing"** - services that include reviewing, validating, evaluating data from meter reading related to electricity consumption in buildings supplied with electricity through the meter, as well as creation, review and validation of data on electricity consumption in buildings that are not supplied with electricity through the meter; and

**"Data Collection"** - collection of data from the meter reading, comparison (sorting) and sending these data to Market Operator

#### **Article 14**

##### **Identification and Prevention of Unauthorized Use of Electricity**

1. The Licensee shall take all reasonable measures to identify and prevent unauthorized use of electricity, damage to any equipment or meter and other offenses specified in Article 39 of the Law on Electricity.
2. The Licensee shall perform the analysis of losses as required under Article 28, subparagraphs 1.24 and 1.25 of the Law on Electricity and submit to the Regulator no later than 31 December in each financial year its annual plan for the management and reduction of such losses in the following year/s.
3. The Licensee shall apply the Procedure on the identification and prevention of unauthorized use of electricity, and shall take precautions to protect DSO revenues.
4. At the request of the Licensee or the Regulator, Procedure on the identification and prevention of unauthorized use of electricity can be amended from time to time; however, such amendments shall be approved by the Regulator.

#### **Article 15**

##### **Distribution System Safety and Planning Standards**

1. The Licensee shall be held liable for the operation and maintenance of the Distribution System, and, if necessary, its development in accordance with Distribution System Safety and Planning Standards and other planning and operation standards which the Licensee may implement, subject to the Regulator's approval.



2. The Licensee shall periodically review the implementation of Distribution System Safety and Planning Standards, and shall submit to the Regulator:
  - 2.1 a report of review findings; and
  - 2.2 proposals for potential amendments to the Distribution System Safety and Planning Standards
3. The Regulator may issue instructions requiring the Licensee to revise the Distribution System Safety and Planning Standards, in the way that is specified in the instructions.
4. The Licensee shall publish in its official website the Distribution System Safety and Planning Standards.

#### **Article 16 Operation Safety Standards**

1. The Licensee shall, within twelve (12) months from the approval of the modification of this license, develop Operation Safety Standards and shall submit them to the Regulator for approval.
2. The Licensee shall implement the Operation Safety Standards and shall be responsible for the operation of the distribution system in line with these standards.
3. The Licensee shall periodically review the Operation Safety Standards and their implementation, and shall submit to the Regulator:
  - 3.1 a report on findings of such review, and
  - 3.2 proposed amendments to be made to the Operation Safety Standards.
4. The Regulator may issue instructions requiring the Licensee to revise the Operation Safety Standards in such manner as shall be specified in instructions, and the Licensee shall comply with such instructions.
5. The Licensee shall publish the Operation Safety Standards in its official website

#### **Article 17 Standards of Service and Supply Quality of Distribution System Operation**

1. The Licensee shall comply with all standards of service quality and supply of electricity as approved by the Regulator.



2. When required by the Regulator or when the licensee deems reasonable, the Licensee shall review the existing service and supply quality standards, within the deadline specified by the Regulator.
3. The Licensee shall implement the approved standards and submit to the Regulator for approval the procedures for monitoring the compliance of quality and service supply standards. The Licensee shall comply with approved procedures.
4. The Licensee shall submit to the Regulator every year a report on its activities on the standards to be fulfilled. This report shall include information and analysis regarding the implementation of standards under this Article.
5. The Licensee shall publish the Service and Supply Quality Standards, as required by the Regulator, regarding compliance with standards established in this Article, or failure thereof.

#### **Article 18**

##### **Access to lands and/or buildings**

1. The Licensee shall have the rights to access land and / or buildings of third parties where required in the performance of its licensed activities in line with Article 29 of the Law on Energy.
2. Within 3 months of coming into force of this license, the Licensee, shall develop and submit to the Regulator for approval, a Code of Practice which sets out principles and procedures to follow in relation to any person acting on behalf of the Licensee and that requires access to land and / or buildings associated with the performance of licensed activities.
3. The Code of Labour shall include procedures to ensure that the person seeking access to land and / or building, on behalf of the Licensee:
  - 3.1. has the necessary competence to perform the required tasks;
  - 3.2. has been appropriately trained in the company's Code of Practice in respect of third party premises, lands or buildings;
  - 3.3. may be identified by the public; and
  - 3.4 are persons authorized to visit and access premises, lands or buildings.
4. The Licensee shall periodically review the Code of Labour and any change to this Code shall be subject to the Regulator approval.

#### **Article 19**

##### **Restrictions in Use of Certain Information**

1. The Licensee shall, where necessary for the performance of licensed activities, disclose any information other than confidential information, which are kept and /



or obtained in the course of performance of its functions as Distribution System Operator. Notwithstanding, the Licensee shall provide any information that the Regulator may ask with respect to performance the duties vested by the law in effect, and Article 29 of this License.

2. The Licensee shall ensure that any document containing confidential information, must clearly identify the information as confidential (mark it as confidential information).
3. The Licensee shall take adequate measures, in accordance to the Rule on Confidential information, to prevent disclosure of confidential information from any person and such information may not be used or disclosed for any purpose other than provided under the relevant provisions of applicable laws.

#### **Article 20**

##### **Provision of Information to Transmission System Operator**

1. In order to ensure efficient operation, coordinated development and cross-functioning of related systems, the Licensee shall submit any necessary information to the Transmission System Operator, in the manner and time as may be reasonably required by that operator.

#### **Article 21**

##### **Distribution System Operator Compliance Programme**

1. The Licensee shall, in accordance with Article 27 of the Law on Electricity, develop a compliance program which sets out measures to be taken on unbundling the distribution business from other businesses not related to distribution in terms of legal, organization and decision making form. The Regulator shall approve such program.
2. The program referred to in paragraph 1 of this Article shall also set out measures to eliminate discriminatory behavior and ensure that the program is monitored adequately.
3. The program shall determine the specific obligations of Distribution System Operator employees for accomplishing the objectives mentioned above. An annual public report that describes the measures that are taken shall be submitted by the person or body responsible for monitoring the compliance program with the Energy Regulatory Office.
4. The Licensee shall publish the compliance program in its official website.

#### **Article 22**

##### **Legal and Managerial Independence**

1. To ensure independence of the Licensee, in accordance to the Article 27.5 of the Law on Electricity, the following minimum criteria shall apply:



1.1. persons responsible for managing the Licensee shall not participate in the structure of any enterprise responsible, directly or indirectly, for the day-to-day operational control of enterprises involved in the generation, transmission or supply of electricity;

1.2. the Licensee shall take all necessary measures to ensure that the professional interests of the persons responsible for the management of a Licensee are taken into consideration in a manner that ensures that they are capable of acting independently;

2. Within 3 months of coming into force of this license, the Licensee, shall develop and submit to the Regulator for approval a Code of Conduct for the Distribution System Operator, specifying measures necessary to ensure the prohibition of discriminatory behavior. This code shall also contain specific obligations of directors and other employees in issues relating to confidentiality, conflict of interest, etc.
3. The Licensee shall periodically review the Code of Conduct and any change to this Code shall be subject to the Regulator's approval.
4. The Licensee shall publish its approved Code of Conduct on its official web site.

### **Article 23**

#### **Market Rules**

The Licensee shall act in conformity with the Market Rules in force.

### **Article 24**

#### **Health and Safety**

1. The Licensee shall take all actions necessary to protect persons from injuries and damages that may be caused by the Licensee while carrying out Distribution System Operator activities, in accordance with applicable legislation.
2. The Licensee shall, in accordance with applicable law, perform technical and security checks (audits) of distribution system on an annual basis, and shall submit the results of such inspection to the Regulator, whenever required by the Regulator.

### **Article 25**

#### **Labour**

With respect to labour and safety at work, the Licensee shall act in conformity with the applicable legislation in Kosovo.

### **Article 26**

#### **Insurance Obligation**



1. The Licensee shall insure all assets in accordance with the applicable legislation in Kosovo.
2. The Licensee shall enter into contracts for insurance of distribution system assets for equipment used for distribution of electricity. Such contracts shall be submitted to the Regulator for review on annual basis.

#### **Article 27**

##### **Changes in control of Licensee**

1. The Licensee shall notify the Regulator of any changes expected in control at least sixty (60) days in advance. Changes in control shall not take effect unless approved by the Regulator.
2. The Licensee shall notify the Regulator of any change in the organizational structure of the Licensee. Such notice shall be given to the Regulator not later than three (3) days from the date of any such change.

#### **Article 28**

##### **Public service obligations**

1. The Licensee shall perform any public service obligation that may be determined by the Regulator, in accordance with Article 51 of the Law on the Energy Regulator.
2. Where the decision of the Regulator, imposing a public service obligation on Licensee, establishes conditions for the discharge of that obligation, then such conditions shall be considered as an integral part of this license.

#### **Article 29**

##### **Provision of information to the Regulator**

1. The Licensee shall submit to the Regulator information and reports in the manner and time as ERO may deem appropriate.
2. The Licensee shall submit to the Regulator reports on Distribution System Operator activities and on compliance with conditions of license, in line with Reporting Manual for Energy Sector, approved by the Regulator, as well as requirements of the Regulator.
3. If the Licensee, in accordance with Rule on Confidential Information, requires that any specific information should be treated as confidential, it is his duty to mark such information as confidential and justify its request to the Regulator. The Regulator will review the application in accordance with the Rule on Confidential Information.
4. The Regulator is entitled to request from the Licensee any confidential information, necessary for the performance of its functions and duties, in accordance with Article 12 of the Law on Energy Regulator.

5. The Licensee shall hand over to the Regulator details of any changes in information submitted in the course of application for this license.

For purposes of this Article:

**"Information"** – shall mean any material in any form and shall include, without limitation, any contract, book, document, record, accounting, calculation (status or other), assessment, return or report of any description or any explanation (verbal or written) with respect to these information that may be requested from the Regulator.

### **Article 30**

#### **Fees**

The Licensee shall pay any initial or annual fees to the Regulator, as prescribed under Rule on Fees adopted by the Regulator.

### **Article 31**

#### **Extension, modification suspension, termination and transfer of license**

1. The Regulator may extend, modify, suspend or terminate this license in accordance with the Law on Energy Regulator and the Rule on Licensing of Energy Activities in Kosovo.
2. The Regulator may transfer this license in accordance with the Law on Energy Regulator and Rule on Licensing of Energy Activities in Kosovo, subject to requirement that the license obligations shall be performed by another Licensee or that the transfer may not be to the detriment of customers.

### **Article 32**

#### **Administrative measures and fines**

1. In case of violation of provisions of applicable legislation including the rules issued by ERO or Articles and conditions of this License or the instructions given to the Licensee by the ERO, ERO has the power to cite administrative measures and penalties to Licensee, in accordance with Article 57 of Law on Energy Regulator and the Rule on Administrative Measures and Fines.
2. Administrative measures and fines may be cited to the enterprise as a legal entity as well as to responsible persons within the enterprise.
3. The amount of the fine shall be assessed in accordance with the Law on Energy Regulator and the Rule on the Administrative Measures and Fines.

### **Article 33**

#### **Dispute Resolution**



1. Any dispute that may arise on or is related to licensed activities shall be resolved in accordance with Article 17 of the Law on Electricity and the Rules on Resolution of Complaints and Disputes in the Energy Sector, issued by ERO.
2. Decisions of ERO related to extension modification, suspension, termination and transfer of license as well as decisions on fines as a consequence of license terms violations or violations of applicable legislation, may be challenged by the Licensee in the competent court, in line with the applicable legislation.

#### **Article 34 Entry into force**

1. In line with Article 36 of Law on Energy Regulator, this amended (modified) license, with registration number ZRRE/Li/Tr\_06/17 is issued to **Kosovo Electricity Distribution and Supply Company JSC.**, for the activity of electricity distribution , and shall enter into force on **13.04.2017.**
2. The license issued on **04 October 2006** (License No. ERO/Li\_06/06), modified on 18.07.2012 (License No. ZRRE/Li\_06/12), transferred on 01.03.2013, which entered into force on 03.05.2013 (License No./ERO/Li/Tr\_06/12) now modified on 13.04.2017 (License No. ERO/Li/Tr\_06/17) shall continue to be valid for a period of thirty (30) years, namely until **04 October 2036.**

Stamped with the common stamp of Energy Regulatory Office on: \_\_\_\_\_

Signed (on behalf of the Regulator's Board) Acting-Chairman Krenar Bujupi:

\_\_\_\_\_

Signed on: \_\_\_\_\_

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