



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**

**ZYRA E RREGULLATORIT PËR ENERGJI**  
**REGULATORNI URED ZA ENERGIJU**  
**ENERGY REGULATORY OFFICE**



# **ELECTRICITY WHOLESALE SUPPLY (TRADE) LICENSE**

**GRANTED TO:**

**Yildirim Energy Europe Kosovo LLC**

**Registration Number: ZRRE/Li\_92/23**

**Pristina, 01 December 2023**

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## **Article 1**

### **Purpose**

1. **Energy Regulatory Office- ERO** (hereinafter “the Regulator”), in conformity with authority vested under Article 28, paragraph 2, sub paragraph 2.11 and Article 34 of Law on Energy Regulator (Law no. 05/L-084), Article 18, paragraph 2 of Law on Energy (Law no. 05/L-081), Article 32 of Law on Electricity (Law no. 05/L-085) and Rule on Licensing of Energy Activities in Kosovo (Rule ERO/No.07/2017), through this, in the session dated on **01 December 2023**, issued to the company **Yildirim Energy Europe LLC. – Branch in Kosovo, the electricity wholesale supply (trade) license** (with unique identification number KBRA UIN 811982398), **having its address at: St. Besim Mala, no.227, 13000, Glogoc, Republic of Kosovo** (hereinafter “ the licensee”)

## **Article 2**

### **Definitions**

1. Terms used in this license shall have the following meaning:
  - a) **“Member”**- direct or indirect relationship with the licensee, any shareholder company or subsidiary of the licensee, or any subsidiary of a shareholder Company of the Licensee, established under applicable legislation.
  - b) **“Electricity Export”**- transmission of electricity from Kosovo to another country, in the sense that at the same time the electricity will be accepted from that country.
  - c) **“Electricity Import”**- acceptance of electricity in Kosovo from another country, in the sense that at the same time the electricity will be accepted.
  - d) **“Wholesale customer (trader)”**- any legal or physical person purchasing electricity with the purpose of reselling it, within or out of the system where it is established.
  - e) **“Financial Year”** period from 1 January to 31 December of the same calendar year.
  - f) **“Joint Stock Company”** – a company defined as such in accordance with applicable law in Kosovo.
  - g) **“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 other primary or secondary legislation regulating the energy sector.
  - h) **“Market Rules”**- rules adopted by the Regulator, determining the functioning of electricity market and the relationship between the Market Operator and market participants, as well as interactions between these parties and the Transmission System Operator.

- i) **“Codes”** -the technical rules developed by Transmission System Operator and Distribution System Operator under the Law on Electricity and approved by the Regulator, in accordance with Law on Energy.
- j) **“Power Purchase Agreement”**- An agreement for purchase of electricity with the generator of energy in accordance with Article 18 of Law on Electricity.
- k) **“Subsidiary”**- any enterprise owned or controlled by another enterprise, as defined by the applicable law in Kosovo.
- l) **“Transit”**- electricity transport through Kosovo Transmission System, where neither generation nor corresponding acceptance of electricity is not realized in Kosovo.

2. Other terms used in this license shall have the same meaning prescribed to them as the terms used in applicable legislation.

### **Article 3 Rights and obligations**

- 1. The license is issued for sale and purchase of electricity.
- 2. The licensee may:
  - 2.1 purchase capacities and electricity from generators at unregulated prices;
  - 2.2 purchase and sell capacities and electricity from other suppliers at unregulated prices;
  - 2.3 sell capacities and electricity to other suppliers at an unregulated price; and
  - 2.4 transit, import and export capacities and electricity;
- 3. Territory covered by this license is the entire territory of the Republic of Kosovo.

### **Article 4 Prohibition of Subsidies and Cross- subsidies**

The Licensee shall prevent or avoid that the activity for electricity supply, export or import award or obtain any subsidy or cross-subsidy (direct or indirect) from any other activity of the Licensee and or any Subsidiary (partner) or any member and/or from any other person.

### **Article 5 Compliance with the Grid Code, the Distribution Code, the Metering Code and the Rule on General Conditions of Energy Supply**

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

2. The licensee may seek derogation (postponement) in the implementation of provisions which are not possible to be applied, according to paragraph 1 of this Article. Following the review of the request submitted by the licensee, the Regulator may allow or refuse derogation (postponement) of the implementation term.

#### **Article 6 Market Rules**

1. The Licensee shall act in conformity with the applicable Market Rules.
2. The licensee may seek derogation (postponement) in the implementation of some provisions of Market Rules. Following the review of the request from the licensee, the Regulator may allow or refuse the derogation (postponement) of the implementation term.

#### **Article 7 Health and Safety**

The Licensee shall take any action necessary to protect persons from injuries that may be caused by the Licensee while performing the licensed activity, in accordance with applicable legislation.

#### **Article 8 Labour**

Regarding the employment relationships and safety at work, the Licensee shall act in conformity with applicable legislation in Kosovo.

#### **Article 9 Change in Control of the Licensee**

1. The Licensee shall notify the Regulator of any changes expected in control at least sixty (60) days in advance. Change in control shall not take effect until it is 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 ERO not later than three (3) days from the date of any such change.

#### **Article 10 Provision of information to the Regulator**

1. The Licensee shall submit to the Regulator information and reports related to energy contracts with other enterprises licensed by the Regulator, in the manner and on time-frames that the Regulator will require.
2. If the Licensee, in compliance with the Rule on Confidential Information requires certain information to be considered as confidential, it is obliged to mark such information as confidential and to justify its request to the Regulator. The Regulator will review such request pursuant to Rule on Confidential Information.
3. Energy Regulatory Office is entitled to ask from the Licensee any confidential information, necessary for performance of its functions and duties in accordance with Article 12 of Law on Energy Regulator.
4. The Licensee shall appoint a person through whom it will communicate with Transmission System Operator and Market Operator. The address, phone number, fax number or electronic mail address of this person shall be submitted to the Transmission System Operator and Market Operator.
5. The Licensee shall hand over to the Regulator details of any changes in information submitted in the course of application for this license.

In this Article:

**"Information"** – material in any form and shall include, without limitation, any contract, book, document, record, accounting, calculation (statutory 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 11**

### **Renewal, Modification, Suspension, Transfer and Termination of the License**

1. The Regulator may renew, modify, suspend, and 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 Law on Energy Regulator and Rule on Licensing of Energy Activities in Kosovo, ensuring that the license obligations may be performed by another Licensee and if the customers will not be be harmed due to such a transfer.

## **Article 12**

### **Taxes**

The Licensee shall pay to the Regulator any initial and annual tax, determined pursuant to Rule on Taxes, issued by the Regulator.

### **Article 13** **Administrative Measures and Fines**

1. In case of violation of provisions of applicable legislation including the rules issued by the Regulator, Articles of this License or instructions given by the Regulator to the licensee, the Regulator has the power to impose administrative measures and fines to the Licensee, in accordance with Article 52 of Law on Energy Regulator and Rule on Administrative Measures and Fines.
2. Administrative measures and fines may be imposed to the enterprise as a legal entity as well as to responsible people within the enterprise.
3. The amount of fine shall be assessed in accordance with Law on Energy Regulator and Rule on Administrative Measures and Fines.

### **Article 14** **Dispute Settlement**

1. Any dispute that may arise or is related to licensed activities shall be resolved in accordance with Rule on Resolution of Complaints and Disputes in Energy Sector, issued by the Regulator.
2. Decisions of the Regulator related to renewal, modification, suspension, termination and transfer of the license as well as decisions on fines as a consequence of violations of license conditions or violations of applicable legislation, may be contested by the Licensee at the competent Court, in conformity with applicable laws.

### **Article 15** **Entry into force**

1. In accordance with Articles 9, 28, 32 and 34 of the Law on Energy Regulator no. 05/L-084,, this license with number **ERO/Li\_92/23** is issued to the company **Yildirim Energy Europe LLC** for the electricity wholesale supply (trade) activity, and enters into force starting from **01.12.2023**.
2. The license shall continue to be valid for a period of five (5) years, until **30.11.2028**, with the possibility of extension if the licensee applied for license extension **no later than six (6) months** prior to the expiry of the license term and fulfils the criteria for license extension, in line with Article 32, paragraphs 2 and 3 of the Law on Energy Regulator and Rule on Licensing of Energy Activities in Kosovo (Rule ZRRE/No. 07/2017, amended on 29.07.2022, Rule no. 02/2022).

3. The enterprise is obliged to submit to the Regulator any document issued by different institutions to **Yildirim Energy Europe LLC** which can have any impact on the validity and validity period of the issued license, or any document which may differ from the ones submitted during the application for obtaining the license.

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

On behalf of ERO Board, Ymer Fejzullahu Chairman of the Board: \_\_\_\_\_.

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