



Republika e Kosovës
Republika Kosova - Republic of Kosovo

ZYRA E RREGULLATORIT PËR ENERGIJË
REGULATORNI URED ZA ENERGIJU
ENERGY REGULATORY OFFICE



Pristina, 15 May 2023
ERO Code: V_1737_2023

The Board of Energy Regulatory Office,

Based on:

- Article 9, paragraph 1, sub-paragraph 1.7, Article 25 and Article 26, paragraph 1, sub-paragraph 1.2 of the Law on Energy Regulator (no. 05/L-084);
- Article 22, paragraph 2, sub-paragraph 2.1 of the Rule no. 03/2022 on Authorization Procedure for Construction of Energy Projects;
- Request for extension of validity term of the Decision on Final Authorization V_1211_2019, dated on 26 December 2019 for construction of new generation capacity for electricity production from WIND, WIND PARK – BUDAKOVA -1, located in Budakova, cadastral parcels P-72116004-00933-0 (two flutters) and P-72116004-00935-0 (one flutter) CA Budakova, with an installed capacity of 11 MW, in Municipality of Suhareka, in line with the Construction Permit no. 6937-2/19, dated on 11.12.2029, and permit review number K.III -014/2019, dated on 10.12.2019, issued from the Ministry of Environment and Spatial Planning, of the Bondcom Energy Point LLC, dated on 18.01.2023, no. 019/23, having its address at: St. “Afrim Gashi”, n.n, Landovicë, Prizren, Republic of Kosovo,

in the session held on 05 May 2023 issued the following:

DECISION

- I. REFUSAL** - of the request of the company Bondcom Energy Point LLC on extension of validity term of the Decision on Final Authorization V_1211_2019, dated on 26 December 2019 and at the same time the validity term of this decision is **TERMINATED**.

Reasoning



- ERO, on 19.12.2017 received from the company **“Bondcom Energy Point” LLC** the application for obtaining the authorization for construction of new generation capacities for electricity generation from WIND, Wind Park – BUDAKOVA – 1, located in Budakovë, CA Budakova, with an installed capacity of 11 MW, in Municipality of Suhareka, Republic of Kosovo.
- ERO, following the ascertainment that the applicant has proved its suitability for construction of new generation capacities for electricity generation from wind turbines, on 13 June 2019 issued the Decision on Notice for Preliminary Authorization V_987_2018 and instructed the applicant to fulfil other legal criteria required by the legislation in force in the Republic of Kosovo.
- The Decision on Notice for Preliminary Authorization V_987_2018 did not imply also the issuance of the Final Authorization for Construction, until the fulfilment of the criteria set in the Rule on Authorization Procedure for Construction of New Capacities.
- . The Decision on Notice for Preliminary Authorization is issued for one (1) year and it states that the company **“Bondcom Energy Point” LLC** will be granted the Final Authorization for Construction, if within this term it submits a written request for conversion of the Decision on Notice for Preliminary Authorization into Final Authorization, fulfilling all the criteria determined with the Rule on Authorization Procedure for Construction of New Capacities and the legislation in force.
- ERO, on 11.06.2019, received from the company **“Bondcom Energy Point” LLC** the request for extension of the validity term of the Decision on Preliminary Authorization for completion of the application for obtaining the Final Authorization for construction of wind turbines, located in CA Budakova, with an installed capacity of 11 MW, Municipality of Suhareka, for an additional six (6) months term, namely until 13 December 2019.
- ERO, on 11.12.2019, within the legal term, received from the company **“Bondcom Energy point” LLC** the request for conversion of the Decision on Notice for Preliminary Authorization into Final Authorization for construction of new generation capacities for electricity generation from WIND, Wind Park – BUDAKOVA 1, located in Budakovë, CA Budakova, with an installed capacity of 11 MW, in Municipality of Suhareka, Republic of Kosovo, attaching evidence issued by relevant authorities on fulfilment of all environmental requirements, the right on the use of land, Connection Agreement and the Construction Permit issued by MESP as well as other legal requirements related to the nature of the project in line with the legislation in force.
- ERO Board, on 26 December 2018, issued the Decision on Final Authorization V_1211_2019 to the company **Bondcom Energy Point LLC** for construction of new generation capacities for electricity generation from WIND, Wind Park Bundakova – 1, with an installed capacity of 11 MW, Municipality of Suhareka.
- The Decision on Final Authorization V_1211_2019 determined that the applicant **Bondcom Energy Point LLC** is authorized to construct the generator by 26 April 2023 in line with the



Dynamic Plan for the Execution of Works which is also part and evidence of the application for authorization.

- ERO, on 29.11.2022 and on 18.01.2023, received from “Bondcom Energy Point” LLC the requests for extension of the term of the Final Authorization V_1211_2019, dated on 26 December 2019, for a period of twenty-four (24) months, for construction of the generator “Wind Park Budakova” with an installed capacity of 11 MW, in Budakovë village, MA Suharekë.
- ERO, in the electronic letters dated on 01.12.2022 and 14.02.2023 responded to such requests as follows: “In order to handle and decide in relation to your requests, the commission of ERO shall conduct a visit on the field to highlight the extent to which the project has been realized and then the Report of the Commission along with you request for extension of the term, will be handled by ERO”.
- ERO, in line with the legal responsibilities, through its representatives, carried out a monitoring visit in the field, on the site, in the location of Budakova, Municipality of Suhareka. The monitoring visit aimed to evaluate what was worked during this period (from 26.12.2019 until 31.03.2023) and whether the works were being carried out according to the foreseen Dynamic Plan for execution of works/planned by the investor.
- ERO, following the evaluation of the situation on site, verified that the applicant did not realize the works according to the Dynamic Plan, as the situation in the field is initial, despite the term of more than three (3) years from the time of the issuance of the authorization.
- The company “Bondcom Energy Point” LLC, in its request explained that the situation created by Covid 19 Pandemic and the war in Ukraine, has put them in a difficult position and caused the slowdown of all processes for finalizing the project in time. They have also emphasized that the unstable situation of the banking system has had an impact due to financial instability and other reasons of the same nature.
- ERO with due diligence evaluated the request of the party in relation to the justifications, however following the analysis, evaluation and review of the documents of the case, reached the conclusion that the request for extension is not grounded, given that, despite the justifications of the applicant, the period of more than three (3) years was more than sufficient to finalize the project and the request for extension is not based on relevant facts and as such was proposed to be refused
- Taking into account what was said above, it is verified that the in relation to the legal criteria of the Rule no.10/2017 on the Authorization Procedure, namely Article 16, paragraph 4 and 5, the legal term according to the Dynamic Plan of realization of more than three (3) years presented by the applicant has terminated, and from the situation observed in the field, it is seen that so far nothing has been realized by the applicant.



- ERO Board, following the evaluation and analysis of the request for extension of the validity term of the Decision on Final Authorization, evaluation of the factual situation from the Monitoring Report on site and taking into account that the applicant did not realize the work according to the Dynamic Plan presented by him, evaluated that the request is not grounded and that the obligations of the authorization according to the legal provisions of the Rule on Authorization have not been fulfilled, therefore, based on the legal provisions of the introductory section of this decision has decided as in the enacting clause of this decision.
 - The company Bondcom Energy Point LLC is entitled to apply for obtaining the authorization following the fulfilment of the legal criteria according to the provisions of the Rule no. 03/2022 on Authorization Procedure for Construction of Energy Projects, subject to energy market criteria.
- II.** The Decision on Final Authorization V_1211_2019, dated on 26 December 2019 is **repealed** and does not have any legal effect.
- III.** The decision is issued and published in official languages of the Republic of Kosovo.
- IV.** The decision shall enter into force on the date of approval by the Board and will be published on the official website of ERO.

Legal advice: The party dissatisfied with this decision may initiate an administrative dispute at the competent court, within thirty (30) days from the date of receipt of the decision or its publication on ERO's website, whichever occurs last.

The Board of the Regulator:

Ymer Fejzullahu, Chairman

Lutfije Dervishi, Member

Gani Buçaj, Member

This decision is sent to:

- The party,
- ERO Archive.