



Pristina, 18 August 2023  
ERO Code: V\_1749\_2023

The Board of Energy Regulatory Office,

Based on:

- Article 9, paragraph 1, sub-paragraph 1.7, Article 15, paragraph 1, sub-paragraph 1.15, Article 25, Article 26, paragraph 1, sub-paragraph 1.2 and Article 43, paragraph 1 of the Law on Energy Regulator (No. 05/L-084);
- Article 8 of the Law on Electricity (No. 05/L-085);
- Article 12, Article 14 and Article 17 of the Law on Energy (No. 05/L-081);
- Article 4, Article 5, Article 6, Article 7, Article 8, Article 11, Article 12, Article 13, Article 16, Article 17, Article 18, Article 19, paragraph 1 and Article 20 of the Rule no. 03/2022 on Authorization Procedure for Construction of Energy Projects;
- Application for authorization for construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 150 MW, CA Bec and Vranic, Municipality of Gjakova, dated on 12.01.2023, prot. no. 011/23, of the company "SOLAR ENERGY GROUP EUROPE" LLC, having its address at St. R 3, nn, Vitomericë, Pejë, Republic of Kosovo; and
- Decisions, permits and consents issued by relevant institutions, as in Appendix II of this decision,

in the session held on 18 August 2023 issued the following:

## DECISION ON ISSUANCE OF AUTHORIZATION

- I. APPROVAL – and issuance of the AUTHORIZATION** to the company "SOLAR ENERGY GROUP EUROPE" LLC with Unique Identification Number (NUI) 811414820 for construction of new generation capacities for the production of electricity from solar/photovoltaic panels, with an installed capacity of 150 MW, in cadastral area in Bec with no. P-70705005: 1030-0, 1031-1, 1032-0, 1033-0, 1035-0, 1036-0, 1037-0, 1038-0, 1040-0, 1041-0, 1043-0, 1044- 0, 1045-0, 1046-0, 1047-0, 1048-9 and 10, and the cadastral area in Vranic with no. P 70705012- 000K-5 CA Vranic, all with an area  $S=2,450,280 \text{ m}^2$ , according to the **DECISION ON CONSTRUCTION PERMIT** - for "150 MW PROJECT - CA BEC and Vranic, Municipality of Gjakova" prot. no. 4300-2/22, dated on. 15.09.2022, issued by the Ministry of Environment and Spatial Planning (hereinafter: MESPI).
- II.** The company "SOLAR ENERGY GROUP EUROPE" LLC is **OBLIGED** that within thirty (30) days from the date of issuance of this decision, to submit a bank guarantee in the amount of 7% of the value of the project, issued by a commercial bank licensed in the Republic of Kosovo, with validity covering the period of sixteen (16) months according to the Dynamic Implementation Plan submitted by the applicant.



- III. The bank guarantee according to point II. of this decision, will be in the amount of €6,022,170.00 (six million twenty-two thousand one hundred and seventy Euros), according to the value of the project presented with the Business Plan, and in case the bank guarantee is not submitted to the ERO within the legal term according to the provision under point II. of this decision, **this Decision on Authorization will be suspended and simultaneously revoked.**
- IV. The authorization, according to the provision under point I. of this decision, is issued to the company "SOLAR ENERGY GROUP EUROPE" LLC, according to the Dynamic Implementation Plan, and it is obliged to build, within this period, the new generating plants for electricity generation from solar/photovoltaic panels.
- V. ERO will consider the project finalized from the date of issuance of the Occupancy Certificate issued by the competent body according to the Law on Construction.
- VI. The Environmental Permit issued by MESPI for the Energy project for the new generating capacities shall be criteria for the commencement of commercial operation.
- VII. The company "SOLAR ENERGY GROUP EUROPE" LLC, prior to entry into operation, shall obtain from ERO an electricity generation license for the energy project.

## **R e a s o n i n g**

- ERO, on 12.01.2023, from the company "SOLAR ENERGY GROUP EUROPE" LLC received the application on obtaining the authorization for construction of new generation capacities for electricity generation from solar/photovoltaic panels with an installed capacity of 150 MW, in the cadastral areas in Bec, with no. P-70705005: 1030-0, 1031-1, 1032-0, 1033-0, 1035-0, 1036-0, 1037-0, 1038-0, 1040-0, 1041-0, 1043-0, 1044-0, 1045-0, 1046-0, 1047-0, 1048-9 and 10, and the cadastral parcel in Vraniq with no. P 70705012- 000K-5 ZK Vraniq, all within the area of S=2,450,280 m<sup>2</sup>, Municipality of Gjakova, Republic of Kosovo.
- The company "SOLAR ENERGY GROUP EUROPE" LLC, on 01.02.2023, published the written notice on written electronic media, informing all the stakeholders that in line with Article 8 of the Rule on Authorization, applied at ERO, following the completion of the documentation on obtaining the authorization, through which the interested parties were notified that they can submit their eventual remarks in relation to this application, to ERO, within eight (8) days from the date of publication.
- ERO, on 31.02.2023, published the Public Notice in ERO's website, in line with Article 13, par. 4 of the rule in force.
- ERO, within this term and until the review of the application by ERO Board has not received any remarks or complaints. The applicant has also submitted the payment of the application review tax on 02.02.2023 at ERO.

ERO, following the analysis of the submitted evidence in line with the application for authorization and their evaluation from ERO, considered that the application "SOLAR ENERGY



GROUP EUROPE” LLC has fulfilled the administrative requirements according to the application as well as the legal ones to be handled and obtain the authorization for construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 150 MW, CA Bec and Vraniq, according to the construction permit for the “150 MW Project – BEC and Vraniq, Municipality of Gjakova”, prot. no. 4300-2/22, dated on 15.09.2022, issued by the Ministry of Environment and Spatial Planning (MESPI), Consent no. 07-351/02-1191, dated on 15.01.2021 issued by the Directorate of Urbanization and Environmental Protection of the Municipality of Gjakova, Environmental Consent no. 20/749/MEW, dated on 15.09.2020, issued by the Ministry of Environment, Notice no. 22/5840/MESPI, dated pm 31.10.2022 on the validity of Environmental Consent, issued by MESPI, Decision on Construction Criteria for the Third Construction Category of Solar Energy Group Europe “150 MW Project – BEC and Vraniq, Municipality of Gjakova”, ref. no. 3148-2/22, dated on 21.07.2022, issued by MESPI, Transmission Network Connection Agreement no. 380/1, dated on 23.02.2021, issued by KOSTT JSC and the Decision no. 333, dated on 16.02.2023 from KOSTT JSC on extension of the term of the Connection Agreement, ownership and legal rights, technical and financial feasibility study, Business Plan, Municipal Development Plan 2022-2030, Declaration on the sale of energy according to market criteria and Dynamic Realization Plan until Q 4 of 2024.

- Following the evaluation of the attached evidence, permits, approvals and decisions issued by relevant institutions, and based on legal provisions mentioned in the introductory part of this decision, ERO decided as in the enacting clause of this decision.

**VIII.** The decision is issued and published in official languages of the Republic of Kosovo.

**IX.** The decision enters into force on the date of approval by the Board and will be published on ERO’s official website.

**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 the date of its publication on ERO’s website, whichever occurs last.

*Attached to the decision are Appendix I and Appendix II.*

**ERO Board:**

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Ymer Fejzullahu, Chairman

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Lutfije Dervishi, Member

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Gani Buçaj, Member

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Arta Isufi, Member

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Adnan Preniqi, Member

**This decision is sent to:**

- The party;



- KOSTT JSC;
- Municipality of Gjakova;
- Secretary General of MESPI; and
- ERO Archive.

## APPENDIX I

- The Energy Regulatory Office (ERO) exercising its competences granted under Article 43 of the Law on the Energy Regulator and in line with Article 17 of the Rule No. 03/2022 on the Authorization Procedure for Construction of Energy Projects, to the company “SOLAR ENERGY GROUP EUROPE” LLC, having its address at St. R 3, Vitomericë, Pejë, Republic of Kosovo, on 18 August 2023, issued **the following:**

### AUTHORIZATION

1. For construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 150 MW, in cadastral areas in Bec, with No. P-70705005: 1030-0, 1031-1, 1032-0, 1033-0, 1035-0, 1036-0, 1037-0, 1038-0, 1040-0, 1041-0, 1043-0, 1044-0, 1045-0, 1046-0, 1047-0, 1048-9 and 10 and the cadastral area in Vraniq with No. P 70705012- 000K-5 ZK Vraniq, in a total area of S=2,450,280 m<sup>2</sup>, according to the **DECISION ON CONSTRUCTION PERMIT** – for the “150 MW Project – Bec and Vraniq, Municipality of Gjakova”, prot. no. 4300-2/22, dated on 15.09.2023 issued by the Ministry of Environment and Spatial Planning (MESPI).
2. Hereby, “SOLAR ENERGY GROUP EUROPE” LLC. Company, is authorized to construct generation capacities in the above-mentioned location, in accordance with terms and conditions determined within this authorization.
3. This authorization is issued according to the Dynamic Plan of Realization, starting from the date of its issuance. ERO, upon the request of the party may extend the validity of the Authorization, in accordance with applicable legislation.
4. The Authorized Party, during the entire validity period of this Authorization, must fulfil the following:
  - 2.1. All conditions set out under this Authorization, and
  - 2.2. All conditions set out under applicable legislation in Kosovo, including those on environment.
5. In case the authorized party goes bankrupt before the construction of the authorized generation plant, then this authorization shall be suspended and shall remain as such until ERO determines that the conditions for withdrawal of suspension have been achieved. As long as this authorization is suspended, the entire further works for constructing the generation plant are to be stopped. Otherwise, administrative measures and fines set out under the applicable legislation may be undertaken against the authorized party.
6. The validity of this authorization shall automatically expire as per Article 19 of the Rule no. 03/2022 on Authorization Procedure for Construction of Energy Projects or upon the expiry of the additional term set by ERO.



7. In case the authorized party violates any of the conditions of this authorization, and of the applicable legal provisions, ERO shall suspend the authorization in accordance with provisions of Rule on Authorization Procedure for construction of New Capacities. From the date this authorization is suspended, the entire further works for constructing the generating establishment are to be stopped. In case of noncompliance, administrative measures and fines set out under the applicable legislation may be undertaken against the authorized party.

## APPENDIX II

List of documents (permits, consents, decisions etc.) issued by the institutions of the Republic of Kosovo in relation to obtaining the Authorization for Construction to the company "SOLAR ENERGY GROUP EUROPE" LLC for construction of new generation capacities for electricity generation from solar/photovoltaic panels – CA Bec and Vraniq, with an installed capacity of 150 MW, Municipality of Gjakova, as follows:

- **Consent** - no. issued by the Directorate of Urbanization and Environmental Protection of the Municipality of Gjakova;
- **Environmental Consent** - No.20/749/MEA dated on 15.09.2020 issued by the Ministry of Environment;
- **Notice** No. 22/5840/MMPHI dated on 31.10.2022 on the validity of the Environmental Consent issued by MESPI;
- **Decision on Construction Criteria for Third Construction Category** Solar Energy Group Europe LLC." Project 150 MW – BEC and Vraniq Municipality of Gjakova" Ref. no. 3148-2/22 dated on 21.07.2022 issued by MESPI;
- **Decision on Construction Permit** – for the "Project 150 MW – BEC and Vraniq Municipality of Gjakova" Prot. No. 4300-2/22 dated on 15.09.2022 issued by MESPI;
- **Transmission Network Connection Agreement** - No. 380/1, dated on 23.02.202, issued by KOSTT JSC;
- **Decision on extension of validity term of the Connection Agreement** no. 333, dated on 16.02.2023, issued by KOSTT JSC.,
- **Evidence on ownership rights (Contracts on the use of land);**
- **Evidence on financial support;**
- **Technical and financial feasibility study;**
- **Business Plan;**
- **Municipal Development Plan 2022-2030;**
- **Declaration on the sale of energy by market criteria, and**
- **Dynamic Realization Plan, namely until Q 4 of 2024.**