



Pristina, 31 October 2023
ERO Code: V_1778_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 the 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 3 MW, CA Kodra e Hutit, Municipality of Gjakova, dated on 07.07.2023, prot. no. 354/23, of the company "VITA ENERGY" LLC, having its address at: Marigona Residence Neighbourhood, Preoce, Graçanicë, Republic of Kosovo, and
- Decisions, permits and consents issued by relevant institutions, as in Appendix II of this decision,

in the session held on 31 October issued the following:

D E C I S I O N O N I S S U A N C E O F T H E A U T H O R I Z A T I O N

- I. **APPROVAL – and issuance of the AUTHORIZATION** to the company "VITA ENERGY" LLC, with Unique Identification Number (UIN) 811159971 for construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 3 MW, in the cadastral parcels P-70705041-00068-10 and P-70705041-00068-12, P-70705041-00071-17, P-70705041-00069-8, P-70705041-00069-10 CA Kodra e Hutit, according to the **DECISION ON CONSTRUCTION PERMIT** no. 07/351/02-9247/2023, dated on 21.06.2023 for construction of the solar energy park, with an installed capacity of 3 MW, issued by the Directorate of Urbanization and Environmental Protection of the Municipality of Gjakova.
- II. The company "VITA ENERGY" L.L.C. 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 twelve (12) 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 123,200.00€ (one hundred twenty-three thousand two hundred 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 "VITA ENERGY" 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 "VITA ENERGY" L.L.C., prior to entry into operation, shall obtain from ERO an electricity generation license for the energy project.

Reasoning

- ERO, on 07.07.2023, from the company "VITA ENERGY" LLC, received the application for obtaining the authorization for construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 3 MW, in the cadastral parcels no. P-70705041-00068-10 and P-70705041-00068-12, P-70705041-00071-17, P-70705041-00069-8, P-70705041-00069-10 CA Kodra e Hutit, according to the DECISION ON CONSTRUCTION PERMIT of the Municipality of Gjakova, Republic of Kosovo.
- ERO, on 31.08.2023, published the Public Notice on the official website of ERO, in line with Article 13. Par. 4 of the rule in force.
- The company "VITA ENERGY" L.L.C., on 02.09.2023, 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, 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 21.09.2023 at ERO.



- ERO, following the analysis of the evidence submitted in line with the Application for Authorization and their evaluation by ERO, considered that the applicant “VITA ENERGY” LLC has fulfilled the administrative and legal requirements according to the application in order to obtain the Authorization for construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 3 MW, in the cadastral parcels no. P-70705041-00068-10 and P-70705041-00068-12, P-70705041-00071-17, P-70705041-00069-8, P-70705041-00069-10 CA Kodra e Hutit, according to the DECISION ON CONSTRUCTION PERMIT No. 07/351/02-9247/2023 dated on 21.06.2023 for construction of the solar energy park, with an installed capacity of 3 MW, issued by the Directorate for Urbanization and Environmental Protection of the Municipality of Gjakova, Decision on Environmental Consent no. 22/2014, dated on 09.06.2022, issued by the Ministry of Environment, Spatial Planning and Infrastructure; Electro-energetic Consent no. 9338, dated on 08.10.2023 issued by KEDS JSC, Evidence on Ownership Rights (Contracts on the Use of Land); Declaration on the sale of energy; Agreement on the sale of energy with private suppliers; Technical and Financial Feasibility Study; Business Plan; and Dynamic Realization Plan for the twelve (12) month period.
- The project is in line with the Energy Strategy and relevant documentations for development of Renewable Energy Sources.
- ERO Board, 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, 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 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 the date of its publication on ERO’s website, whichever occurs last.

Attached to the decision are Appendix I and Appendix II

ERO Board:

Ymer Fejzullahu, Chairman

Lutfije Dervishi, Member

Gani Buçaj, Member



Arta Isufi, Member

Adnan Preniqi, Member

This decision is sent to:

- The party,
- Municipality of Gjakova,
- Secretary General of MESPI, and
- ERO Archive

APENDIX I

- Energy Regulatory Office, exercising its competences provided under Article 43 of the Law on 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 “VITA ENERGY” LLC, having its address at: Marigona Residence Neighbourhood, Preoce, Graçanica, Republic of Kosovo, on 31 October 2023, **issued the following:**

AUTHORIZATION

1. For construction of new generation capacities for electricity generation from solar/photovoltaic panels, with an installed capacity of 3 MW, in cadastral parcels with No. P-70705041-00068-10 and P-70705041-00068-12, P-70705041-00071-17, P-70705041-00069-8, P-70705041-00069-10 CA Kodra e Hutit, according to the **DECISION ON CONSTRUCTION PERMIT** No. 07/351/02-9247/2023, dated on 21.06.2023 for construction of the solar energy park, with an installed capacity of 3 MW, issued by the Directorate for Urbanization and Environmental Protection of the Municipality of Gjakova.
2. Hereby, “VITA ENERGY” L.L.C.. Company, is authorized to construct generation capacities in the above-mentioned location, in accordance with terms and conditions determined in the Rule on 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:
 - 4.1 All conditions set out under this authorization, and
 - 4.2 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, par. 1 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 the 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.

APPENIDX 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 of the company "VITA ENERGY" LLC, for construction of new generation capacities for electricity generation from solar/photovoltaic panels – CA Kodra e Hutit, with an installed capacity of 3 MW, Municipality of Gjakova, as follows:

- **Environmental Consent** No.22/2014/ dated on 09.06.2022 issued by the Ministry of Environment, Spatial Planning and Infrastructure;
- **Decision on Construction Permit** for construction of the solar energy park for generation of electricity with a capacity of 3 MW CA – Kodra e Hutit, Municipality of Gjakova, no. 07/351/02-9247/2023 dated on 21.06.2023, issued by the Directorate for Urbanization and Environmental Protection of the Municipality of Gjakova;
- **Electro-energetic Consent** no. 9338, dated on 08.10.2023 issued by KEDS JSC
- **Evidence on Ownership Rights;**
- **Evidence on Financial Support;**
- **Technical and Financial Feasibility Study;**
- **Business Plan;**
- **Declaration of the Sale of Energy according to Market Criteria; and**
- **Dynamic Realization Plan, namely until twelve (12) months.**