



Pristina, 15 May 2023
ERO CODE: V_1740_2023

Board of the Energy Regulator Office

Based on:

- Article 9 paragraph 1 subsection 1.7, Article 25, Article 26 paragraph 1 subsection 1.2 of the Law on the Energy Regulator (No. 05/L-084),
- Provisions of Rule No. 10/2017 for the Support Scheme for Generators of Renewable Energy Sources,
- Administrative Instruction No. 01/2023 for the Promotion of the Use of Energy from Renewable Sources,
- Decision V_1160_2019 dated June 5, 2019, and
- Decision V_1321-2020 of December 10, 2020,

in the session held on May 15, 2023, issued this:

DECISION

- I. SUSPENDED – implementation of Rule no. 10/2017 for the Support Scheme for Generators of Renewable Energy Sources, and the acceptance of applications to be processed according to this Rule including generators for self-consumption of RES is INTERRUPTED.**
- II. From 15.05.2023, ERO will not accept any application for obtaining authorization for the construction of new generating capacities, to be handled according to the regulated framework and the support scheme for generators for self-consumption.**
- III. Except for the provision under point I. and II., of this Decision, existing applications received before the entry into force of this decision, will be examined in accordance with the Rule in force at the time of application, and will not be affected by this Decision.**
- IV. This Decision will not have a retroactive effect on the applicants under review and producers of electricity from plants that use renewable energy sources.**
- V. The Fund for Renewable Energy Sources will be handled according to Rule No. 03/2017 for setting the Maximum Allowed Revenues of OST/OT, and will not be affected by this Decision.**



VI. This decision will be valid until the issuing of legal acts that will regulate the treatment of Renewable Energy Sources.

Justification

- ERO, assesses that Administrative Instruction no. 01/2023 has defined new obligations for all competent institutions and energy companies as well as other competent authorities that promote the use of energy from renewable sources.
- Administrative Instruction No. 01/2023 determines that power plants that use renewable resources are supported by Support Schemes, defined according to this Administrative Instruction.
- Likewise, the Administrative Instruction has emphasized that electricity producers from power plants that use renewable energy sources can benefit from the guaranteed purchase price or premiums as support measures given in a Competitive Bidding process. Where the Competitive Bidding process will be developed by the Ministry of Economy which is responsible for the initiation, organization and implementation of the Competitive Bidding process. Therefore, the support of energy production from Renewable Sources, from administrative prices is discontinued, to enable the development of energy production from competitive mechanisms.
- ERO assesses that, based on the principle of legal certainty, this Decision will not produce a retroactive legal effect for applications that have submitted an official written application to be processed according to the relevant rule, and the same will be examined in accordance with the Rule in force at the time of application, while for other cases they are not applied.
- The Renewable Resources Fund will continue to be applied as a mechanism to support generators, created on the basis of the Law on the Energy Regulator and Secondary Legislation, so as to enable the appropriate compensation of producers for the production of electricity from the respective generators.
- The Board of ERO, after evaluating and analysing the current situation and legal requirements as above, relying on the legal provisions mentioned in the introduction of this decision, has decided as in the provision of this decision.

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

VIII. The decision enters into force on the date of approval by the Board, and will be published on the official website of ERO.

Legal remedy: unsatisfied party with this Decision may initiate an administrative conflict in the Competent Court, within thirty (30) days from the date of acceptance of the Decision or the date of its publication on the ERO website, whichever occurs last.

ERO Board:

Ymer Fejzullahu, Chairperson



Lutfije Dervishi, member

Gani Buçaj, member

Decision submitted to:

- Archive of ERO.