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HYDROPOWER PLANT SECTOR IN KOSOVO

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INTRODUCTION

The Hydropower plant sector is one of the most important sectors on which the country's economy can rely. The development of such a sustainable sector requires the development of generating capacities, the proper use of water resources, as well as the creation and undertaking of policies planned in advance.

FOL movement, as a member of the Pro OPEN Coalition and with the support of Publish What You Pay (PWYP), has created this summary, the purpose of which is to give a clear picture of the number of licenses that have been issued for carrying out activities during the last five years in Kosovo, the impact of these hydropower plants on the environment, the reactions of activists, civil society and citizens regarding the construction of new hydropower plants, the issue of establishing an investigative commission, as well as the main problems and concerns of local communities in relation to their construction.

This report is mainly based on the data published in the annual reports of the Energy Regulatory Office (ERO), on the data published on the official website of the Ministry of Economy and Environment (MEA), on the data received from the Ministry of Economy and Environment through the Request for Access to Public Documents, as well as in analyses and other reports published by civil society organizations.

It should be noted that the territory of the Republic of Kosovo due to the relief and due to the climate it possesses, is not characterized as a country with high energy potential. Kosovo's climate is medium-continental with an average annual rainfall of 596 mm, while its relief is defined by medium and high mountains. Meanwhile, in terms of water capacity, Kosovo is a poor country and even the use of these waters is extremely limited. Water reserves are located mainly in the western area of Kosovo, while in the south-eastern area of Kosovo water needs are very high. Therefore, the proper protection and use of these resources continues to be one of Kosovo's main challenges.

The main actors related to the operation of hydropower plants in Kosovo are the Ministry of Economy and Environment (MEA) which is the competent institution to ensure the sustainable development and prospects of the country's energy and

mineral resources, as well as the Energy Regulatory Office, which is the competent institution for issuing all permits and licenses for performing energy activities.

GENERAL SITUATION IN THE HYDROPOWER PLANT SECTOR IN KOSOVO

Kosovo is one of the nine signatories to the Energy Community Establishment Treaty, which was signed in October 2005 and began implementation in July 2007. The signing of this treaty has created obligations for the signatory countries in creating a single energy market through the creation of an appropriate legal framework. Among other things, the signing of this treaty has created the mandatory obligation that Kosovo has 25% of energy resources from Renewable Energy Sources (RES) by 2020.

Meanwhile, a higher target (29.47%) is set with the Administrative Instruction on Energy Targets from Renewable Energy Sources. RES targets are planned to be met by photovoltaic energy, solid biomass, wind, existing HCVs, new HCVs and large hydropower plants.¹

To achieve these goals, Kosovo institutions have planned the construction of small hydropower plants in every corner of Kosovo. The Ministry of Economic Development (MED) has identified 77 locations where small hydropower plants can be built to produce clean energy.² Such a trend of depletion of rivers and their introduction through hydropower pipelines means the situation where water supply for the entire territory of the Republic of Kosovo would be difficult to ensure.

The realization of these works, of course, has been followed by numerous protests and dissatisfaction from the citizens of the areas where these hydropower plants will be built. This is due to the lack of drinking water and irrigation of agricultural lands, as one of the main concerns faced by the citizens of Kosovo. We should mention here the protests of the inhabitants of the Municipality of Shterpece, who since 2015 have been constantly protesting against the harmful actions committed in the river Lepenc, which flows through their municipality.³

¹ For more: Energy Strategy of the Republic of Kosovo 2017 - 2026, Ministry of Economic Development, 2017.

² For more:

https://eciks.com/identifikohen-77-lokacione-per-hidrocentrale-te-vogla/?fbclid=IwAR3PxV43LqqkE88WL7DnJWtVo2RsroLPh0_uLSgpahBnw6hzQTcUT9MCk8

³ For more: <https://kdi-kosova.org/aktivitetet/protestohet-ne-mbrojtje-te-lumit-lepenc/>.

The construction of hydropower plants by not respecting the legislation in force, documents and strategic planning of the country, as well as interference in the use of water resources improperly by illegitimate operators, has degraded the water resources that Kosovo possesses.⁴

However, achieving the target of 25% of energy production from RES turns out to be unattainable. According to the report of KOSID⁵ and the Annual Balance of Electricity and Thermal Energy for 2020 of ERO⁶ the annual production of electricity from HPPs, connected to the distribution system in total is 202 MW (HPP Ujmani 97 MW and HPP-Cascade of Lumbardh 105 MW) or 84%, the set target has been met and 16% the set target for hydropower generation has not been reached.

This means that the current power generation capacities from HPPs provide 38 MW less than the set target.

Based on the response to the Request for Access to Public Documents addressed to the Ministry of Economy and Environment, currently there are 20 hydropower plants operating in the territory of Kosovo, with a total capacity of 108,034 MW.

Meanwhile, it should be noted that we have not received any response from the Energy Regulatory Office to the Request for Access to Public Documents regarding the currently operating hydropower plants and those planned to be built, a request sent twice by the FOL Movement (first time on November 10 and the second time on December 9, 2020). So, it has been approximately two months since this institution did not answer our questions and calls.

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⁴ KOSID, Legal violations that are depleting the rivers, November 2020.

⁵ For more, see: <https://www.kosid.eu.com/wp-content/uploads/2020/12/Shkeljet-ligjore-qe%CC%88-po-shterin-lumenj-KOSID.pdf>.

⁶ Annual Balance of Electricity and Thermal Energy for 2020, Energy Regulatory Office.

⁷ KOSID, Legal violations that are depleting the rivers, November 2020.

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LEGAL FRAMEWORK

Regarding the regulation of energy activities, the Republic of Kosovo has created a legal infrastructure compatible with that of the European Union. This has been achieved by issuing a series of laws and bylaws, which regulate in detail these activities.

The general principles and rules through which the activities in the energy sector are conducted are regulated by the Law (No. 05 / L -081) on Energy, which entered into force in July 2016.

The purpose of this law is to ensure and guarantee a sustainable and high quality energy supply, creating conditions for an open, functional, transparent and competitive market, promoting more efficient use of energy, increasing energy from renewable sources and cogeneration, protection of the environment from energy activities and the actions by which energy policy and energy sector development planning are created and implemented.⁸

According to Article 15 of this law, by achieving the target of covering 25% of total gross energy consumption in 2020 from renewable sources, Kosovo will be able to access cooperation mechanisms with other Contracting Parties of the Energy Community or with Member States of the European Union.

The competencies of the Energy Regulatory Office (ERO), as an institution responsible for issuing licenses for performing energy activities are regulated by the Law (No. 05 / L-084) on the Energy Regulator.

According to this law, among the main tasks and competencies of the Energy Regulatory Office are: granting authorizations for the construction of new energy capacities, ensuring the transparent and non-discriminatory functioning of energy markets, monitoring and improving the assurance of electricity supply, with thermal energy and natural gas, ensuring that energy activities are carried out in a transparent and non-discriminatory manner, ensuring that regulated tariffs for energy activities are reasonable, ensuring that consumers have the right to connect their facilities in energy systems and receive energy supply, development of competitive and functional markets within the territory of Kosovo, etc.⁹

The Law on the Energy Regulator defines in detail the conditions and criteria for providing enterprises with licenses. Under this law, a license is issued only for the energy enterprise registered under the laws applicable in Kosovo possesses the technical and financial capability, material and human resources and organizational structure, have ownership or legal right to use the energy facilities with which activities are performed, are not insolvent or in the process of liquidation or bankruptcy, whose license for the same activity has not been revoked within five (5) years before the date of submission of the application, as well as other defined criteria in article 30 of this law.

According to Article 29 of this law, the license is not required for the production of electricity in an energy location with a total capacity not exceeding five (5) MW, the production of thermal energy produced by heating plants for own consumption or with a capacity not exceeding 1 MW, production of electricity for own consumption, where the generation plant or electricity consumers are not connected to the transmission system or distribution system.

According to Article 42 of this law, the license for performing energy activities can be granted for a period of up to forty (40) years.

The rules and measures for the functioning of the electricity sector, to ensure and guarantee, reliable, regular and quality supply of electricity are defined by Law no. 05 / L - 085 on Electricity of Kosovo.

⁹ Neni 15, Ligji Nr. 05/L-084 për Rregullatorin e Energjisë, Gazeta Zyrtare e Republikës së Kosovës.

¹⁰ Neni 2, Ligji Nr. 05/L - 085 për Energjinë Elektrike të Kosovës, Gazeta Zyrtare e Republikës së Kosovës.

This law includes common rules for the production, transmission, distribution, supply, trade and organized electricity market, as part of the regional and European electricity market, as well as defines the rules related to the parties' access to the network, public service obligations, consumer rights and conditions of competition.¹⁰

In 2013, the Law 04 / L-147 on Kosovo Water entered into force, the purpose of which is to ensure the sustainable use of water resources, the establishment of procedures and guiding principles for the optimal distribution of water resources, and the provision of protection of water resources from pollution, over-exploitation and misuse.¹¹

According to the provisions of this law, the right to drinking water is a basic and inviolable right and that the division and realization of the right to water must not lead to negative consequences for water resources. According to article 70 of this law, the acquisition of the water right is secured with a water permit and a concession. Meanwhile, in this law, the activities for which the water permit is issued are defined in detail.

In order to fulfil the obligation deriving from the Treaty for the Establishment of the Energy Community, the Ministry of Economic Development on 30.06.201 had issued Administrative Instruction no. 05/2017 which set the annual and long-term targets for energy consumption by RES. According to Article 4 of this instruction, the mandatory target of energy from renewable sources until 2020, is 25% of gross final energy consumption. The adoption of this instruction abrogated the Administrative Instruction no. 01/2013 on Renewable Energy Targets.

In March 2017, the Ministry of Economic Development (MED) had adopted the Energy Strategy of the Republic of Kosovo 2017-2026 as a ten-year document, which sets out the objectives and measures to achieve goals towards the development of the energy sector.

¹⁰ Article 2, Law no. 05 / L - 085 on Electricity of Kosovo, Official Gazette of the Republic of Kosovo.

¹¹ Law 04 / L-147 on Waters of Kosovo, Official Gazette of the Republic of Kosovo.

The five main strategic objectives set out in this strategy are: ensuring a stable and quality supply of electricity and with the necessary capacities for a stable electricity system, integration in the Regional Energy Market, increasing the existing capacities of thermal systems and building new capacities, development of natural gas infrastructure, as well as meeting targets and obligations in energy efficiency, renewable energy sources and environmental protection.¹²

LICENSES ISSUED FOR PERFORMING ENERGY ACTIVITIES DURING THE LAST FIVE YEARS

Carrying out the activity of electricity generation with a capacity greater than 5 MW requires a license issued by the Energy Regulatory Office, in accordance with Article 29 of the Law on the Energy Regulator.

According to ERO annual reports, since its establishment until now, the Energy Regulatory Office has licensed about seventy (70) enterprises for various energy activities, of which about forty (40) still have active licenses.¹³

The number of licenses issued during the last five years for carrying out energy activities by the Energy Regulatory Office and other details of their issuance are presented in the following text.

In 2015 ERO had issued 3 licenses for import, export and transit of electricity and 3 companies were in the process of licensing for these activities. No license was issued for the production of electricity during this year, while the extension of the license for this activity was given to 1 enterprise. Meanwhile, for electricity supply activities during this time, 2 enterprises were in the process of licensing.

The following table shows the names of companies that are in the process or have obtained licenses during this year, the type of activities and the validity of licenses.

¹² Energy Strategy of the Republic of Kosovo 2017-2026, Ministry of Economic Development.

¹³ Energy Regulatory Office, Annual Report 2019, Prishtina.

Company name:	Type of activity:	License validity:
“EVN TRADING” L.L.C.	Import, export and transit of electricity	15.06.2015- 15.06.2020 license issuance
“ENERGY FINANCING TEAM” L.L.C.	Import, export and transit of electricity	28.01.2016- 27.01.2021 license issuance
“AXPO KOSOVO” L.L.C	Import, export and transit of electricity	28.01.2016- 27.01.2021 license issuance
ENERGY FINANCING GROUP AD - Branch office in Kosovo	Import, export and transit of electricity	in process
“PAN INTERTRADE” SH.P.K.	Import, export and transit of electricity	in process
”EDS International KS” L.L.C	Import, export and transit of electricity	in process
“HEP – KS” SH.P.K	Import, export and transit of electricity	in process
”GSA ENERGJI” SH.P.K.	Import, export and transit of electricity	in process

Table 1. Data regarding the names of enterprises, type of activities and validity of licenses for performing energy activities issued during 2015, obtained from the ERO Annual Report for the respective year.

Among the responsibilities of the Energy Regulatory Office is the issuance of authorizations for the construction of new energy capacities. The procedure for granting these authorizations and the tendering procedure are regulated by Articles 43 and 44 of the Law on the Energy Regulator.

During 2015 for the construction of new generation capacities from Renewable Energy Sources (RES), ERO had issued 1 final authorization (final), with a capacity of 0.6 MW.¹⁴

Furthermore, during 2015 the imported electricity was 684,308 MWh with a value of € 35,416,742, with an average price of € 51.76 / MWh (average price was 1.06% lower compared to 2014). Whereas, electricity exported under commercial contracts during 2015 was 552,520 MWh with a value of € 18,406,441, with an average price of € 33.31 / MWh.¹⁵

In 2016 ERO issued 8 licenses for import, export and transit of electricity, and 1 for wholesale supply (trade) of electricity. In addition, ERO during this year has extended the license for electricity generation to 1 enterprise, while 2 enterprises have been in the process of licensing for these activities.

The following table shows the names of companies that have obtained licenses during this year, the type of activities and the validity of licenses.

Company name:	Type of activity:	License validity:
"ENERGY FINANCING TEAM" L.L.C.	Import, export and transit of electricity	28.01.2016 - 27.01.2021 license issuance
"AXPO KOSOVO" L.L.C.	Import, export and transit of electricity	28.01.2016 - 27.01.2021 license issuance
"EDS International KS" L.L.C	Import, export and transit of electricity	31.03.2016 - 30.03.2021 license issuance
"GSA ENERGJI" SH.P.K.	Import, export and transit of electricity	19.05.2016 - 18.05.2021 license issuance
"PAN INTERTRADE" SH.P.K.	Import, export and transit of electricity	19.05.2016 - 18.05.2021 license issuance
"PETROL TRADE SLOVENIJA" L.L.C.	Import, export and transit of electricity	23.06.2016 - 22.06.2021 license issuance
"FUTURE ENERGY TRADING" SH.P.K	Import, export and transit of electricity	23.06.2016 - 22.06.2021 license issuance
"EnergoSupplier" SH.P.K.	Import, export and transit of electricity	23.06.2016 - 22.06.2021 license issuance
ENERGY FINANCING GROUP AD - Branch office in Kosovo	Import, export and transit of electricity	14.10.2016 - 13.10.2021 license issuance

Table 2. Data regarding the names of enterprises, type of activities and validity of licenses for performing energy activities issued during 2016, obtained from the ERO Annual Report for the respective year.

Furthermore, according to the 2016 annual report of ERO, during 2016 there was an increase in applications for obtaining authorization for construction of new generation capacities submitted to ERO by various legal entities. During this year, ERO had issued 12 final authorizations for the construction of new generators, with a capacity of 82 MW.

So compared to 2015 where ERO had issued only 1 final authorization for construction of a new generator with an installed capacity of 0.6 MW, during this year the number of authorizations issued by ERO has increased significantly.¹⁶

¹⁴ Energy Regulatory Office, Annual Report 2015, Prishtina.

¹⁵ Ibid.

¹⁶ Energy Regulatory Office, Annual Report 2016, Prishtina.

Otherwise, during 2016 electricity imported under commercial contracts was 458,841 MWh with a value of € 21,851,620 and an average price of € 47.62/MWh, while electricity exported under commercial contracts during 2016 was 1,064,184 MWh with a value of € 31,633,212, with an average price of € 29.73/MWh.

In 2017 ERO had licensed 2 enterprises for the activity of wholesale electricity supply, 1 enterprise was in the process of licensing, while 2 other entities were in the process of renewing licenses for this activity. As for the licensing of electricity production, during this year no process was completed.

The following table shows the names of companies that are in the process, have been extended or have obtained licenses during this year, the type of activities and the validity of licenses.

Company name:	Type of activity:	License validity:
"Interenergo d.o.o.-Kosova" SH.P.K.	Wholesale supply (trade) of electricity	27.02.2017- 26.02.2022 license issuance
"MTSP KOSOVO" L.L.C	Wholesale supply (trade) of electricity	13.04.2017- 12.04.2022 license issuance
"Energy & Energy" SH.P.K.	Wholesale supply (trade) of electricity	in the process of licensing
"Danske Commodities Kosovo" SH.P.K.	Wholesale supply (trade) of electricity	in process for license extension
MCM COMMODITIES SH.P.K	Wholesale supply (trade) of electricity	in process for license extension

Table 3. Data regarding the names of enterprises, type of activities and validity of licenses for performing energy activities issued during 2017, obtained from the ERO Annual Report for the respective year.

It is worth mentioning that during 2017 ERO had issued 6 final authorizations for the construction of hydropower plants and 1 final authorization for the construction of solar / photovoltaic panels, with a total installed capacity of 11.3 MW.¹⁸

Regarding the import of electricity, the total amount of electricity imported under contracts in 2017 was 1,162,426 MWh, with an average price of € 59.06 / MWh. So compared to 2016 this amount was 109% higher. Meanwhile, electricity exported under commercial contracts during 2017 was 876,229 MWh, with a value of € 32,757,947 and an average price of € 37.39 / MWh.¹⁹

¹⁸ Energy Regulatory Office, Annual Report 2017, Prishtina

¹⁹ Energy Regulatory Office, Annual Report 2017, Prishtina.

In 2018 ERO had licensed only 1 enterprise to carry out electricity generation activities, 1 enterprise was extended the license to perform these activities, while 4 other enterprises were in the process of licensing and renewing the license for these activities. Meanwhile, for electricity supply activities, during this year ERO had licensed 4 enterprises.

The following table shows the names of companies that have obtained licenses during this year, the type of activities and the validity of licenses.

Company name:	Type of activity:	License validity:
"Air Energy" Sh.P.K	Production of Electricity	11.10.2018 - 10.10.2019 license issuance
Korporata Energjetike e Kosovës SH.A. (TC Kosova A)	Production of Electricity	04.10.2018-04.10.2019- License Extension
3 "Hydroenergji" SH.P.K. (Lepenci 3)	Production of Electricity	in the process of licensing (2018)
4 "KelKos Energy" SH.P.K (HC Lumbardhi II)	Production of Electricity	in the process of licensing (2018)
"KelKos Energy" SH.P.K. (HC Deçani)	Production of Electricity	in the process of licensing (from 2016)
6 "KelKos Energy" SH.P.K. (HC Belaje)	Production of Electricity	in the process of licensing (from 2016)
JAHA COMPANY" SH.P.K	Electricity supply	13.04.2018-12.04.2023 license issuance
"SharrCem" SH.P.K	Electricity supply	13.04.2018-12.04.2023 license issuance
"Korporata Energjetike e Kosovës" SH.A	Electricity supply	13.04.2018-12.02.2023 license issuance
"Future energy trading and exchange dynamics" SH.P.K	Electricity supply	20.12.2018-19.12.2043 license issuance

Table 4. Data regarding the names of enterprises, the type of activities and the validity of licenses for performing energy activities issued during 2018, obtained from the ERO Annual Report for the respective year.

During 2018 ERO had issued 3 final authorizations for the construction of new generating capacities from hydropower plants and 3 for the construction of wind turbines, with a total installed capacity of 114.8 MW.²⁰

²⁰ Energy Regulatory Office, Annual Report 2018, Prishtina.

Furthermore, electricity imported under commercial contracts during 2018 was 813,134 MWh in the amount of € 53,940,752 and at an average price of € 66.34 / MWh. While electricity exported under commercial contracts during 2018 was 648,841 MWh, with an average price of € 35.88 / MWh.²¹

In 2019 ERO had issued 4 (temporary) licenses for electricity generation from hydropower plants, 1 enterprise was extended its license and another enterprise was in the process of licensing for this activity. In addition, during this year, 1 license was issued for electricity supply activities.

The following table shows the names of companies that are in the process of licensing or have obtained licenses during this year, the type of activities and the validity of licenses.

Company name:	Type of activity:	License validity:
"Hidroenergi" SH.P.K. (HC Lepenci 3)	Electricity generation (from water)	05.06.2019 - 04.06.2020 Temporary license
"KelKos Energy" SH.P.K (HC Deçani)	Electricity generation (from water)	14.10.2019 - 13.10.2020 Temporary license
"KelKos Energy" SH.P.K (HC Belaje)	Electricity generation (from water)	14.10.2019 - 13.10.2020 Temporary license
"KelKos Energy" SH.P.K (HC Lumbardhi II)	Electricity generation (from water)	14.10.2019 - 13.10.2020 Temporary license
Korporata Energjetike e Kosovës SH.A. (TC Kosova A)	Electricity generation (from lignite)	04.10.2019- 04.10.2020 License Extension
"ContourGlobal Kosovo" L.L.C	Electricity generation (from lignite)	in the process of licensing
"Enerco" LLC. SH.P.K.	Electricity supply	16.04.2019- 15.04.2024 license issuance

Table 5. Data regarding the names of enterprises, type of activities and validity of licenses for performing energy activities issued during 2019, obtained from the ERO Annual Report for the respective year..

Meanwhile, regarding the construction of new generating capacities, during 2019 ERO has issued only 2 final authorizations (1 authorization for capacity building from wind turbines and 1 from biomass), with a total capacity of 12.2 MW.²²

²¹ Energy Regulatory Office, Annual Report 2018, Prishtina.

¹² Energy Regulatory Office, Annual Report 2019, Prishtina.

Furthermore, during 2019, electricity imported under commercial contracts was 894,062 MWh in the amount of € 50,132,368, with an average price of € 56.07 / MWh. While it should be noted that the export of electricity during 2019 has increased. Electricity exported under commercial contracts during 2019 was 804,903 MWh, with an average price of € 39.69 / MWh.²³

The Energy Regulatory Office annual report 2020 has not been published yet, and we have not received a response from ERO regarding the number of hydropower plants currently operating, therefore data on licenses issued during this year are not presented in this report.

It should be noted that in October 2020 the Ministry of Economy and Environment and the Energy Regulatory Office had issued an environmental permit for long-term operation (40 years) to the company "KelKoss Energy" for energy production in two hydropower plants (in the mountains of Deçan and Belaje).

This action has been in the focus of reporting and criticism by activists and organizations dealing with environmental protection. According to them, the issuance of this license was done in violation of legal provisions and without meeting all the criteria.

'Issuance of Separate Permits for each hydropower plant is a serious legal violation as these hydropower plants since the application phase have been presented as ONE cascade and their impact on the environment has been assessed as ONE. Therefore, they also have only one Environmental Consent. "So there is neither a legal nor a scientific basis that allows the separation of these hydropower plants from the environmental point of view," said in an announcement published by the organization "Pishtarët/Torches" on social networks.

The Member of the Assembly of Kosovo, Mimoza Kusari, also reacted against this decision. In a post on Facebook she said that 'Despite the fact that the Kelkos company has not met the criteria for environmental permits for the operation of hydropower plants in the mountains of Deçan, despite the fact that the municipality and citizens have opposed the operation without fulfilling the conditions or operating without rehabilitating the damage caused by the company" Kelkos " in these mountains, the Ministry of Economy and Environment has issued an environmental permit (without meeting the criteria) to the company.'

²³ Ibidem.

The legal representative from ERO, Afrim Ajvazi, said that the company Kelkos has met all the conditions and should be issued a long-term operating permit for two hydropower plants, Deçan and Belaje, while the Minister of Economy and Environment, Blerim Kuçi, initially was not notified and denied that the company "KelKoss" was given a permit to operate hydropower plants in the Deçan Mountains. He said that this company is in the process, but that it has not yet met the conditions.²⁴

Further, dissatisfied with these decisions, the non-governmental organizations Pishtarët/Torches and the Group for Legal and Political Studies (GLPS) on December 4, 2020 had sued the Ministry of Economy and Environment and the Energy Regulatory Office for issuing these permits, requesting the court to annul these decisions.

The claimants alleged that during the process of issuing these permits, the citizens of Deçan were deprived of their fundamental right guaranteed by the Constitution, were denied the right to participate in decisions related to the environment in which they live, and that the process of issuing these permits has been non-transparent and the erroneous factual situation has been established.²⁵

²⁴ For more:

<https://bbgreenkosova.com/2020/11/12/kelkosit-i-lejohet-per-40-vite-operime-ne-dy-hidrocentrale-ministri-kuci-e-mohon-lejen/>

²⁵ For more, see: Paditët Ministria dhe ZRrE-ja për lejet e KELKOS-it (kallxo.com) .

REACTIONS OF CITIZENS AND CIVIL SOCIETY TO THE CONSTRUCTION OF NEW HYDROPOWER PLANTS

The construction of new hydropower plants has provoked reactions from citizens, environmental activists and many civil society organizations. Numerous protests and dissatisfactions have been expressed by many citizens of the areas where these hydropower plants have been built, or will be built.

First of all, the signing of the petition to stop the further degradation of the environment by mini hydropower plants and small hydropower plants should be mentioned, initiated by a group of eight organizations, through which the citizens of Kosovo addressed the highest institutions of the country to ban further damage of the environment.²⁶ This petition was signed by 27 thousand citizens of the Republic of Kosovo.²⁷

Against the damage of the flow of the river Lepenc through the construction of new hydropower plants in the Municipality of Shterpce, the inhabitants of this municipality have protested dozens of times, not being stopped even by low temperatures and other unfavourable conditions²⁸, holding placards in their hands, where it was written "Do not bury Lepenci", "Water is life", and others.²⁹

There have been reactions from the civil society organizations of the Pro Open coalition for the suspension of works on the construction of hydropower plants in the Municipality of Shterpce. A press release issued by these organizations states "At a time when Kosovo and the globe are facing the risk and deadly consequences of the Covid-19 coronavirus pandemic, the citizens of the municipality of Shterpce are also facing the burial of the branches of Lepenc river. While life and activity in many areas have ceased due to the pandemic, private companies are quietly continuing to complete projects to build small hydropower plants."³⁰

Through this communiqué, the organizations of the Pro Open Coalition have requested from the Government and the Assembly of the Republic of Kosovo to

²⁶ For more, see: <https://kdi-kosova.org/aktivitetet/fillon-peticioni-per-ndalimin-degradimit-te-metutjeshem-te-ambientit-nga-mini-hidrocentralet-dhe-hidrocentralet-e-vogla/>.

²⁷ For more, see: Peticioni kundër hidrocentraleve dorëzohet javën tjetër në Qeveri - KOHA.net

²⁸ For more, see: <https://kallxo.com/lajm/banoret-e-bitise-kane-kater-dite-pa-uje-protestojne-para-komunes-se-shterpces/>.

²⁹ For more, see: <https://klankosova.tv/edhe-sot-ne-shterpce-proteste-kunder-ndertimit-te-hidrocentralit-video1/>

³⁰ For more, see:

<https://levizjafol.org/reagim-i-oshc-ve-te-koalicionit-pro-open-te-pezulohen-urgjentsht-punimet-ne-ndertimin-e-hidrocentraleve-ne-komunen-e-shterpces/>

urgently take a decision to suspend the works on the construction of mini hydropower plants and small hydropower plants in the municipality of Shterpce. Against the construction of hydropower plants in the Rugova Gorge and against the destruction of Lumbardh and the natural beauties of Peja, in February 2019, many citizens of Peja gathered and protested in the square of this city.

"No to the burial of Lumi i Bardh /White River", "Stop the Hydropower Plant", "Do not destroy the Rugova Gorge", "Together for Lumbardhi", were some of the banners of this protest.³¹

The lawsuit "SLAPP" (Strategic Lawsuit Against Public Participation) filed by the company "KelKoss Energy" against environmental activist Adriatik Gacaferi, for his post published on the social network Facebook, created a great deal of range and noise from activists, media and civil society organizations.

"Hydropower Plant Lumbardhi 2 in Deçan Gorge, today around 14:30, putting 100% of the water in the pipes, although in the agreement with the Ministry of Environment it is obliged to always leave at least 30% of the water in the riverbed . "If there had been a court that would protect wildlife and fish, Kelkos Energy (the owner of HEC) would have been convicted of genocide against animals and fish", was the post of Adriatik Gacafer, which prompted the company "KelKoss Energy" to sue him with compensation of 10,000 euros, with the allegation that it has damaged the reputation of the company.

The Rapporteur for Kosovo in the European Parliament, Viola Von Cramon, also reacted in this regard. "Kosovo has an increasing number of SLAPP cases where corporations and powerful individuals are suing journalists and environmental activists to silence them. We will not allow them to close the democratic debate. The voices of the citizens will be heard", she wrote on her Twitter account.

There were also reactions from the ad-hoc Coalition of civil society organizations, who held a conference during the submission of the response to the lawsuit by Gacafer's lawyer. "'We will not allow Kelkoss to shut Adriatic Gacafer," said the participants in this conference.³²

³¹ For more, see: <https://rtv21.tv/fillon-protesta-ne-peje-kunder-ndertimit-te-hidrocentraleve/> .

³² For more, see: <http://levizjafol.org/shoqeria-civile-nuk-do-te-lejojme-qe-kelkos-tia-mbyll-gojen-aktivistit-adriatik-gacaferi/>

INVESTIGATION COMMISSION FOR HYDROPOWER PLANTS

In August 2020, the Assembly of the Republic of Kosovo formed the Parliamentary Investigation Commission on the process of licensing, operation, supervision and application for hydropower plants permits in the Republic of Kosovo.

Of course, the formation of this commission was very much welcomed by environmental actors and civil society organizations, who saw its creation as a necessary act to address problems related to hydropower plants.

The formation of the commission was done with the proposal of the LDK MP, Haxhi Avdyli, supported by 41 other signatory MPs. This commission consists of Eliza Hoxhaj - chairwoman, Haxhi Avdyli - vice chairman, and members: Bajrush Xhemaili, Visar Hoti, Besa Gaxherri, Shpejtim Bulliqi, Artan Abrashi, Teuta Haxhiu, Rasim Demiri and Zikreta Halili.³³

The chairwoman of this commission, Eliza Hoxha, in the first meeting of the commission said that the purpose of forming this commission is to investigate the process of licensing, operation, supervision and application for permits for hydropower plants. “Let's approach this issue kindly to understand the interventions and impacts that have had on the environment in Kosovo”, she said.³⁴

The initial mandate of this commission was three months, but at the request of Chairwoman Eliza Hoxha, the Assembly of Kosovo extended its mandate for another three months. According to Hoxha, the request for extension of the mandate was made due to the voluminous work that this commission has.

In a discussion organized by the FOL Movement, the chairwoman of this commission said that “it is too early to give an assessment but the very creation of this commission has created an effect on the environment as its establishment is the voice of citizens and civil society organizations”.³⁵

³³ For more, see: <https://kallxo.com/lajm/te-premten-mblidhet-kuvendi-ne-rend-dite-formimi-i-komisionit-hetimor-per-hidrocentralet/>

³⁴ For more, see: <https://telegrafi.com/konstituohet-komisioni-hetimor-parlamentar-lidhur-lejet-e-hidrocentraleve/>

³⁵ For more, see: <http://levizjafol.org/roli-i-komisioneve-hetimore/> .

The Commission has so far held 10 meetings, which interviewed actors, activists and witnesses of issuing permits for the operation of hydropower plants. At the beginning of the meetings, the commission had approved the Draft Action Plan and the Draft Budget Plan. These plans also envisaged the persons who would be invited before the commission to be interviewed, the engagement of five external experts, etc.³⁶

In addition, in the meetings of the commission was discussed the recommendation to suspend the issuance of permits for the construction of new hydropower plants, but the members of the Commission had opposing views on this proposal.

Meanwhile, during the next work of the commission, the Minister of Economy and Environment, Blerim Kuçi was also invited. After explaining the procedure for obtaining a permit for the construction of hydropower plants before the MPs, Kuçi had stated that renewable energy should be given priority, adding that his vision is not to continue with the construction of hydropower plants.³⁷

The Commission, in addition to officials of the Energy Regulatory Office, had continued to interview activists of civil society organizations and residents of Deçan. Activists and residents had complained that state institutions had acted in the service of companies and not in the service of citizens.³⁸

³⁶ For more, see: Komisioni hetimor për hidrocentralet shqyrton planin e punës, edhe qytetarët pjesë e hetimit | Ekonomia Online

³⁷ For more, see: Kuçi raporton në Komisionin hetimor, thotë se është kundër ndërtimit të hidrocentraleve | Ekonomia Online

³⁸ For more, see: Aktivistë e banorë të Deçanit: Institucionet në shërbim të kompanive që po ndërtojnë hidrocentrale | Ekonomia Online

RECOMMENDATIONS

Taking into account the steps to be taken to build a fruitful and efficient environment for energy development between hydropower plants in the territory of the Republic of Kosovo, we can conclude that the field of energy production from hydropower plants requires special attention. The main reason for this attention lies in the aspect of protection of state interest, protection of the environment, as well as guarantee of efficient production of electricity. Thus, this report presents the pragmatic, legal and statistical aspects of the hydropower plants situation in Kosovo. Consequently, based on the findings of this inclusive summary, as well as the current situation regarding hydropower plants in the country, the FOL Movement gives these recommendations:

- Prohibit the construction of hydropower plants in national parks and protected nature zones. Construction of new generation capacities to be done in more suitable environments.
- The assessment of water capacities in the country and the impacts on the environment should be done as soon as possible, before the construction of new hydropower plants is continued.
- Perform a detailed analysis before licensing companies regarding the impacts that the increase of energy activities has on the environment.
- The Energy Regulatory Office should be more accessible and more responsive to questions and requests for citizens' access to information related to the scope of activity of this institution.
- Increase communication / cooperation between key environmental actors and local communities regarding the concerns that concern them.
- Achieve the full involvement of citizens in public consultations and debates that enable them to be informed about the hydropower plants that are planned to be built.

REFERENCES

- Law no. 05 / L -081 on Energy. Official Gazette of the Republic of Kosovo.
- Law no. 05 / L-084 on the Energy Regulator, Official Gazette of the Republic of Kosovo.
- Law no. 05 / L - 085 on Electricity of Kosovo, Official Gazette of the Republic of Kosovo.
- Law 04 / L-147 on Waters of Kosovo, Official Gazette of the Republic of Kosovo.
- Energy Strategy of the Republic of Kosovo 2017 - 2026, Ministry of Economic Development, 2017.
- Annual Balance of Electricity and Thermal Energy for 2020, Energy Regulatory Office.
- Legal violations that are draining the river, KOSID, November 2020.
- Energy Regulatory Office, Annual Report 2019, Prishtina.
- Energy Regulatory Office, Annual Report 2018, Prishtina.
- Energy Regulatory Office, Annual Report 2017, Prishtina.
- Energy Regulatory Office, Annual Report 2016, Prishtina.
- Energy Regulatory Office, Annual Report 2015, Prishtina.
- <<http://levizjafol.org/shoqeria-civile-nuk-do-te-lejojme-qe-kelkos-tia-mbyll-gojen-aktivitet-adriatik-gacaferi/>>
- <<https://rtv21.tv/fillon-protesta-ne-peje-kunder-ndertimit-te-hidrocentraleve/>>
- <<https://levizjafol.org/reagim-i-oshc-ve-te-koalicionit-pro-open-te-pezullohen-urgjentisht-punimet-ne-ndertimin-e-hidrocentraleve-ne-komunen-e-shterpces/>>
- <<https://kallxo.com/lajm/banoret-e-bitise-kane-kater-dite-pa-uje-protestojne-para-komunes-se-shterpces/>>

- <<https://klankosova.tv/edhe-sot-ne-shterpce-proteste-kunder-ndertimit-te-hidrocentrali-t-video1/.>>
- <<https://kdi-kosova.org/aktivitetet/fillon-peticioni-per-ndalimin-degradimit-te-metutjes-hem-te-ambientit-nga-mini-hidrocentralet-dhe-hidrocentralet-e-vogla/.>>
- <Paditet Ministria dhe ZRrE-ja për lejet e KELKOS-it (kallxo.com)>
- <<https://bbgreenkosova.com/2020/11/12/kelkosit-i-lejohet-per-40-vite-operime-ne-dy-hidrocentrale-ministri-kuci-e-mohon-lejen/>>
- <<https://kdi-kosova.org/aktivitetet/protestohet-ne-mbrojtje-te-lumit-lepenc/> .
- https://eciks.com/identifikohen-77-lokacione-per-hidrocentrale-te-vogla/?fbclid=IwAR3PxV43LqqukE88WL7DnJWtVo2RsroLPh0_uLSgpahBnw6hzQTcUT9MCk8