

**LAW No. 05/L -052**

**ON THERMAL ENERGY**

**Assembly of the Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

**LAW ON THERMAL ENERGY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

1. The purpose of this Law is to define the conditions for the development of a sustainable and competitive market of thermal energy for district heating/cooling, in line with a free market economy, fulfilling customer demand and protecting the environment, a safe, sustainable and efficient thermal energy supply, for the cooling/heating of spaces, heating of sanitary and industrial water customers to enjoy the right to connect thermal energy systems and be supplied with thermal energy in line with applicable standards and affordable price.

2. This Law is partially in compliance with the Directive No. 2009/28/EC on promotion of use of energy from renewable sources.

**Article 2  
Scope**

This Law establishes the conditions and standards to conduct energy activities of thermal energy generation, transportation, distribution and supply, through central thermal energy systems, organization of the thermal energy market and access to the network, and rights and obligations of entities operating under this Law.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Cogeneration** – the process of simultaneous generation of electricity and thermal energy from the same energy source during the same technological process.

1.2. **Certificate of origin**– an electronic document issued by the Energy Regulatory

Office which has the sale function, with the purpose of providing the proof to a final customer that a given share or quantity of thermal energy was produced from renewable sources;

1.3. **Unregulated price** – the price charged to the consumer for providing standard services, as defined in the contract;

1.4. **Thermal energy** – energy for heating/cooling of spaces, sanitary hot water and industrial water that transported and distributed through water, steam or gases, benefited from thermal energy facilities, using fuel, geothermal sources, solar energy, unused thermal energy, with which the customers are supplied through central thermal energy systems;

1.5. **Unused thermal energy** – thermal energy generated in technological plants processes and power plants, which is not used, respectively it is lost, and which could be used through an enhanced process efficiency for heating/cooling;

1.6. **Thermal energy from waste** – thermal energy obtained through the combustion of waste which can be used for heating/cooling;

1.7. **Thermal Energy transfer fluid** – hot water, steam, saturated steam, other fluids or gases which are used to transport thermal energy through the distribution network;

1.8. **Supply** – the sale including resale of thermal energy to the consumers;

1.9. **Public supplier** – a thermal energy enterprise licensed by the Energy Regulatory Office to carry out the activity of public supply;

1.10. **Public supply** – the supply of thermal energy to final customers at regulated tariffs in accordance with this Law;

1.11. **Supplier** – the thermal energy enterprise licensed to perform supply activities;

1.12. **Distribution Code** – a summary of technical rules and procedures for operation, maintenance, planning and development of the distribution system development, and connection in the thermal energy distribution system;

1.13. **Metering Code** – a summary of technical rules and procedures that define the manner of the reading of meters, calculation of used thermal energy and billing in the thermal energy sector;

1.14. **Customer** – a legal or natural person supplied with thermal energy, in this way the consumer can be either an end-user, or a legal or natural person supplying the end consumer with thermal energy;

1.15. **Final consumer** – a user thermal energy for own consumption;

1.16. **Priority supply consumer** – consumers that enjoy priority in supply of thermal energy, such as hospitals, schools, and kindergartens, as well as other institutions that can be regulated by sub-legal act;

1.17. **License** – the document issued by the Energy Regulatory Office, which enables the licensee to exercise energy sector activities for which a license is required, pursuant to the provisions of Laws regulating the energy sector.

1.18. **Ministry** – the Ministry responsible for the energy sector.

1.19. **Thermal energy enterprises** – the entity which fulfills one or more thermal energy generation, transportation, distribution and supply activity, based on the license issued, as well as thermal power producers which are connected in the thermal energy systems, which are exempt from licenses, as defined in the Law on the Energy Regulator;

1.20. **Thermal energy substation** – circle of equipment for circulation and regulation of transfer of thermal energy, without thermal energy exchangers, which is an integral part of internal installations of final consumers, placed within the building.

1.21. **District heating/cooling** – thermal energy which is transported through a thermal energy transfer fluid from the generator to the consumer, through the distribution network, for the purpose of heating/cooling of residential and business spaces in the required level, and heating of sanitary and industrial water;

1.22. **Vertically-Integrated Thermal Energy Enterprise** – the thermal energy enterprise which does generation, transportation, distribution and supply of thermal energy;

1.23. **Distribution System Operator** – a licensed legal or natural person, responsible for the operation, maintenance, and development of the transportation and distribution system of thermal energy;

1.24. **Metering equipment** – instruments registered in the registry of certified metering equipment in the Republic of Kosovo, used for measurement of generated, transmitted, distributed, supplied and consumed energy.

1.25. **Supply point** – the thermal substation from which the fluid thermal energy carrier, and eventually also hot sanitary water, is delivered to the final consumer, where the supply with thermal energy is metered, with relevant metered equipment;

1.26. **Generation of thermal energy** – the thermal energy generation from a licensed enterprise for such an activity;

1.27. **Generator** – a legal or natural person that generates thermal energy;

1.28. **Thermal energy distribution network** – the pipeline system, which transports and distributes thermal energy from the generator to the thermal substations (from the metering point of received thermal energy, to the metering point of thermal energy for supply, respectively thermal substations and thermal energy meters);

1.29. **Secondary thermal energy network** – the pipeline system and the following devices which distribute the thermal energy from the metering point of thermal energy for supply, respectively substation, to the final consumer;

1.30. **Thermal energy system** – the technical system comprised of facilities and

equipment for generation of thermal energy, from internal and external installations, which enable the supply of thermal energy, and can be independent, closed, or central thermal energy systems;

1.31. **Independent thermal energy system** – a thermal energy system comprised of furnace, thermal energy meters and internal installations, managed and maintained by the thermal energy consumer;

1.32. **Direct thermal energy system** – is a thermal system which may include more industrial/commercial buildings, or residential buildings, the facilities of which have a common thermal energy system, for which no concession agreements are required;

1.33. **Thermal energy central system** – the connected generation, transportation, distribution and supply system as defined in article 4 of this Law;

1.34. **Heating/cooling season** – the supply period of consumers with thermal energy, depending on the external temperature, which is determined according to the rules defined by the Energy Regulatory Office;

1.35. **Thermal station** – part of the distribution network used for transformation, regulation or circulation of the medium for thermal energy transmission.

1.36. **Distribution** – the process of transportation and distribution of thermal energy through the pipeline network to the consumer's thermal substation;

1.37. **Normative tariffs** – the temporary thermal energy tariff system calculated per square meter of the heated/cooled surface area;

1.38. **Metered tariff** – the temporary tariff system which is based on the used amount of thermal energy, metered in the supply point, supplied to the customer;

1.39. **Direct pipeline of thermal energy** – the concentrated district heating/cooling substation which directly connects generation facilities with the consumer;

1.40. **Hot sanitary water** – hot water for households, heated at least to the temperature defined by hygienic norms;

1.41. **Energy Regulatory Office** – an independent agency established by the Assembly of the Republic of Kosovo, in conformity with the Constitution of the Republic of Kosovo.

2. Other terms used in this Law shall have the meanings stipulated in the Law on Energy, the Law on Electricity, the Law on the Energy Regulator and the Law on Natural Gas.

## **CHAPTER II THERMAL ENERGY CENTRAL SYSTEM**

### **Article 4 Thermal Energy Central System**

1. Thermal energy central system includes a thermal energy generation unit from the relevant licensed enterprise, including power plants which generate thermal energy from cogeneration and the distribution network to the point of supply for customers.
2. Generators, including power plants which operate as a cogeneration unit, may provide supply of thermal energy to the same thermal energy distribution system.
3. The Municipality shall be responsible for drafting the plans and projects on development of thermal energy sector within its territory.

### **Article 5 Activities in the thermal energy sector**

Activities in the thermal energy sector, as defined in this Law, shall be carried out in line with the Law on the Energy Regulator and other sub-legal acts approved by the Energy Regulatory Office.

### **Article 6 Unbundling**

1. Vertically-integrated thermal energy enterprises perform generation, transportation and distribution, and supply activities, with separate functions. Transfer of information between these separate activities is prohibited, except when such information is requested to fulfill the duty of public supplier.
2. Thermal energy enterprises licensed for generation, transportation, distribution and supply activities will have separate internal accounts, to avoid discrimination and distortion of competition.
3. Vertically-integrated thermal energy enterprises shall have separate accounting books for the supply of customers, with tariffs regulated and unregulated prices and for activities not related to thermal energy.

## **CHAPTER III THERMAL ENERGY GENERATION**

### **Article 7 Thermal Energy Generation**

Thermal energy generation shall be carried out by energy enterprises which hold generation license issued by the Energy Regulatory Office, or by legal or natural persons which are exempted from the obligation to obtain a license according to the Law on the Energy Regulator.

## **Article 8**

### **Rights of Thermal Energy Generators**

1. A thermal energy generator has the right to:

1.1. use in the thermal energy generation process the primary energy sources which are considered most appropriate, provided that they are in line with the technical, technological, environment and efficiency requirements and standards.

1.2. to connect respective facilities in the distribution grid, in accordance with conditions set in this Law, as well as relevant rules and codes, as adopted by the Energy Regulatory Office;

1.3. conclude a contract for the sale of thermal energy in line with conditions defined with this Law and approved regulations issued by the Energy Regulatory Office;

1.4. transport thermal energy through the distribution network; and

1.5 obtain thermal energy meters, of the energy entering the distribution network, as envisaged in the Metering Code, and bill and collect payments as defined in contracts for all thermal energy sales.

## **Article 9**

### **Obligations of Thermal Energy Generators**

1. The Generator of the thermal energy is obliged to:

1.1. exercise activities in accordance with license conditions determined in the Law on Energy Regulatory Office and other relevant Laws.

1.2. exercise its activities in accordance with the Laws and regulations on environment protection, with the aim of ensuring permanent control on environment impact;

2. For the metering of thermal energy, generators shall use relevant metering devices, in line with technical and other requirements defined in the Metering Code.

3. Thermal energy generator with an installed capacity of over 1 MW<sub>t</sub>, will keep hourly records of the plant's operation for a period five (5) years. Such data shall include, but not limited to, data on the available generation capacity and dedicated reserves, including time and amount of the realization of generation.

## **Article 10**

### **Obligations of generators to provide thermal energy**

Thermal energy generators with a capacity higher more than 1 MW<sub>t</sub> which existed and were in operation until the entry into force of this Law, are obliged to sell the generated thermal energy to the public supplier in regulated tariffs, in line with the Law on the Energy Regulator, if the public supplier needs such energy to fulfill its obligations as a public supplier.

### **Article 11**

#### **Fuel reserves**

1. Thermal energy generator tasked with the public supplier obligation, must keep minimum fuel reserves necessary to maintain a stable generation and, when needed, to increase its reserve generation capacity to ensure sustainable supply for customers.
2. Costs of maintaining minimum fuel reserves and contingency generation capacity shall be treated as operational expenditures incurred by the generator obliged to maintain such reserves.
3. Ministry shall issue a sublegal act related to the type and quantities of minimum fuel reserves, or reserve generation capacities

## **CHAPTER IV**

### **UNUSED THERMAL ENERGY, RENEWABLE SOURCES OF ENERGY AND COGENERATION**

#### **Article 12**

##### **Unused thermal energy, renewable sources of energy and cogeneration**

1. Thermal energy enterprise which uses unused thermal energy, renewable energy sources or waste, as well as cogeneration of electricity and thermal energy to produce thermal energy, has the right to request a certificate of origin from the Energy Regulatory Office.
2. The public supplier gives priority to the purchase thermal energy which is issued a certificate of origin, provided that the cost of thermal energy does not increase the price of heating to an unaffordable level.
3. The public supplier is required to purchase the entire amount of thermal energy in a regulated price for which a certificate of origin is issued, to fulfill the heating demand of consumers, except for any amount which the generator contracted under the provisions of this Law.
4. The Energy Regulatory Office implement arrangements to compensate the costs incurred by the public supplier for the purchase of thermal energy produced from renewable energy sources.

#### **Article 13**

##### **Certificates of origin**

1. With the request of the generator, the Energy Regulatory Office issues a certificate of origin which:
  - 1.1. certifies the capacity of the thermal energy generator which uses renewable sources of energy, urban waste, cogeneration of thermal energy and electricity, and unused thermal energy;
  - 1.2. defines deadlines for the submission of information and declarations of the Energy Regulatory Office.

#### **Article 14**

##### **Measures for the generation of thermal energy from renewable sources**

1. The Ministry with sub-legal act shall set the measures of thermal energy generation using renewable energy sources, including target of the thermal energy generation using renewable energy sources or waste and cogeneration of thermal energy and electricity, and unused thermal energy, as a percentage of total annual generation for each generator in a period of ten (10) years.
2. The Energy Regulatory Office shall impose special and favorable conditions for the priority purchase of thermal energy produced from renewable energy sources and cogeneration of electricity and thermal energy, considering that the price of thermal energy to be at reasonable and affordable level for consumers.

#### **CHAPTER V**

##### **DISTRIBUTION OF THERMAL ENERGY**

#### **Article 15**

##### **Responsibilities of the Distribution System Operator**

1. The Distribution System Operator, who holds a license to perform activities of thermal energy distribution, shall be in charge of the distribution network.
2. The Distribution System Operator, for the relevant territory covered by the distribution network, shall perform the following services:
  - 2.1. management of the distribution network;
  - 2.2. maintenance of network and facilities in line with the technical requirements;
  - 2.3. harmonization of its projects with economic and municipality urban development projects;
  - 2.4. projection of thermal energy demands in compliance with its projects for economic and municipality urban development projects;
  - 2.5. continuous and safe transportation of thermal energy through the distribution network;
  - 2.6. provision of information to network users which are needed for an efficient network access; and other relevant services.
3. The Distribution System Operator, under its scope of activities, shall also carry out:
  - 3.1. review the plan for distribution network expansion projects in line with economic and municipality urban development parameters;



3.2. draft annual short-term and long-term plans for the distribution network development, and coordination of projects with Ministry and municipalities;

3.3. cooperates with the Ministries and municipalities in drafting development plans, programs and strategies;

3.4. make available for thermal energy generators plans and study analysis.

4. The Distribution System Operator shall allow other thermal energy generator to connect to the distribution network if technical conditions and other requirements envisaged in this Law and other relevant acts are fulfilled.

5. Expansion and reconstruction of the distribution network of thermal energy which, from the point of supply to the generator of thermal energy, is under the responsibility of the Distribution System Operator.

6. The Distribution System Operator give priority connection to the distribution network to generators of thermal energy from renewable energy sources and cogeneration.

7. Conditions and procedures for connection to the distribution network are regulated with the distribution code.

8. The Distribution System Operator operates in line with transparent, non-discriminatory procedures based on principles of the market economy.

9. The Distribution System Operator shall be obliged to install the metering devices of heating which shall enable the regular reading of the energy consumption.

#### **Article 16**

##### **Protection of information**

1. Distribution System Operator maintains the secrecy of commercially sensitive information during the conduct of its activities, and shall prevent the discriminatory disclosure of information on its activities, which may provide different parties with commercial advantages.

2. Notwithstanding provisions of paragraph 1 of this Article, the Ministry or Energy Regulatory Office may require from the Distribution System Operator to provide information required for the implementation of their functions, authorizations, duties and responsibilities.

#### **CHAPTER VI**

##### **THERMAL ENERGY SUPPLY**

#### **Article 17**

##### **Thermal energy supply activity**

1. Thermal energy supply is a sales and resale activity of thermal energy to customers.

2. Thermal energy supply is carried out by the public supplier, other suppliers and thermal energy generators.

**Article 18**  
**Public supply**

1. Supply of customers with thermal energy is carried out by the public supplier who holds a relevant license issued by the Energy Regulatory Office.

2. The Public supplier shall conduct its public service obligation of thermal energy supply for customers in regulated tariffs, in line with the Law on the Energy Regulator.

**Article 19**  
**Rights and responsibilities of the public supplier**

1. Public supplier has the following rights and responsibilities:

1.1. to exclusively supply consumers with thermal energy, at regulated tariffs, in accordance with license conditions and requirements set in the Law on Energy Regulatory Office

1.2. purchase of thermal energy in regulated tariffs from thermal energy generators in line with Article 10 of this Law and in line with relevant provisions of the Law on the Energy Regulator;

1.3. purchase thermal energy from other generators in unregulated prices;

1.4. prepare and submit of bills and collect payments from its customers;

1.5. purchase with priority thermal energy which has been issued a certificate of origin by the Energy Regulatory Office, according to rules issued by the Energy Regulatory Office;

1.6. to establish mechanisms necessary for supporting vulnerable consumers, in consultation with the Energy Regulatory Office.

1.7. draft, submit bills and collect payments from its customers and other energy enterprises. This billing and collection is monitored by the Energy Regulatory Office, according to Law on Energy Regulator or other applicable Laws, and licenses, codes or regulations issued by it.

2. When the public supplier is assigned by Energy Regulatory Office as the supplier of last resort it has an obligation to perform such tasks as defined in the license, and has the right to return all additional costs incurred as a result of performing these tasks.

3. Public supplier is obliged to provide regular information for its customers in relation to issues regarding their supply with thermal energy, including information on fuel, environmental issues and information on the rights of customers in resolving disputes and complaints.

## **Article 20**

### **Contractual relations and transactions**

1. Public supplier and generators sign long-term agreements or contract for the sale of thermal energy in a duration which guarantees sufficient supply.

2. Agreement or contract for long-term sale and purchase of thermal energy shall include the following items:

2.1. time of supply;

2.2. technical conditions and quality of supply;

2.3. plan of supply and delivery;

2.4. responsibility for supply and delivery;

2.5. pricing and other financial elements;

2.6. payment for supply; and

2.7. sanctions for violation or non-compliance of the contract.

3. The long-term sale and purchase contract for heating concluded for a period of one (1) to five (5) years, with possibility of extension.

4. The contract, as defined in this Article, is approved and monitored by the Energy Regulatory Office.

5. The Public Supplier enters into contracts with all consumers, including end-consumers, on supply of thermal energy, in accordance with rules issued by the Energy Regulatory Office, and in accordance with article 25 of this Law.

6. Transactions between the following categories are carried out in regulated prices for:

6.1. generators and public supplier, in accordance with Article 10 of this Law.

6.2. public supplier and end customer connected in the distribution network;

6.3. public supplier and Distribution System Operator, to compensate technological expenditures for transportation and distribution of thermal energy and losses, using the relevant distribution network.

7. The supplier public, for at least five (5) years, keeps available relevant data related to all transactions and contracts for the purchase of thermal energy and supply of thermal energy; such data is made available, upon request, to the Energy Regulatory Office and other relevant authorities in accordance with applicable legislation.

8. Energy Regulatory Office shall take all necessary measures to ensure that the information and data provided are reliable. Some of such data and information may be made available to relevant participants in the thermal energy sector, respecting the confidentiality of commercially sensitive information.

#### **Article 21**

##### **Secondary network of thermal energy**

1. Thermal energy enterprise may conclude contracts with its customer for installation, servicing, maintenance and expansion of the secondary network from the outlet from the supply point.
2. The format of the contract and its content is approved by the Energy Regulatory Office.
3. Thermal energy enterprise keeps and maintains accounting and separate current accounts for activities envisaged in paragraph 1 of this Article.

#### **Article 22**

##### **Responsibility for the Secondary System**

1. Administration of the secondary thermal energy system in buildings in public or private use is performed by the administrator or owners' association responsible for the operation and maintenance of an unregulated system from the point of secondary system supply, in accordance with relevant legislation.
2. If a building which is under joint or partial possession without the establishment of a relevant housing association has several thermal energy users, where the existing thermal energy enterprise operates and maintains the secondary system based on the contractual arrangements with the owners of the building, according to the tariffs defined by Energy Regulatory Office.
3. The thermal energy enterprise shall bill separately for operation and maintenance costs of the secondary system, in the rates approved by the Energy Regulatory Office.

#### **Article 23**

##### **Consumers with thermal energy supply priority**

1. Thermal energy supply for consumers with thermal energy supply priority customers can be done by all persons holding a license for thermal energy supply issued by the Energy Regulatory Office.
2. Terms and conditions of a license for supply of customers with thermal energy supply priority are defined by the Energy Regulatory Office, requiring that the supplier is an entity with a good, financially stable and possesses thermal energy purchase contracts, supporting the supply activity.
3. Thermal energy enterprise licensed for the supply of customers with the exception of the public supplier licensee has the right to:
  - 3.1. supply consumers with thermal energy supply priority customers with thermal energy in deregulated prices;

3.2. purchase thermal energy from generators in deregulated prices;

3.3. purchase from and sell to other supplier thermal energy in deregulated prices, and to purchase thermal energy from the public supplier in line with provisions of Article 18, 19 and 20 of this Law; and

3.4. bill and collect payments from consumers with thermal energy supply priority customers and other suppliers.

4. Thermal energy enterprise licensed for supply, which also supplies consumers with thermal energy supply priority will undertake the necessary measures for the protection of customers and is obliged to effectively examine all complaints of its customers. The review of complaints is monitored by the Energy Regulatory Office in line with the Law on the Energy Regulator and other applicable Laws, and with relevant provisions of the license, codes and regulations issued by the Energy Regulatory Office.

5. Thermal energy enterprise licensed for supply, which also supplies the consumers with thermal energy supply priority is obliged to provide regular information to its customers on issues related to their supply with thermal energy, including information on fuel, environmental issues and information on the rights of customers in resolving disputes and complaints.

6. Thermal Energy Enterprise licensed for supply, which also supplies the consumers with thermal energy supply priority for at least five (5) years, shall keep available all relevant data related to all transactions of contracts for the purchase of thermal energy and supply with thermal energy; these data are made available, upon request, to the Energy Regulatory Office and other relevant authorities in line with the legislation in force.

7. Energy Regulatory Office shall undertake all necessary measures to ensure that the information and data are reliable. Some elements from such data and information may be made available to relevant participants in the thermal energy sector, respecting the conditions of confidentiality of commercially sensitive information.

8. Ministry of Health and Ministry of Education separately compile the list of institutions that shall enjoy priority in uninterrupted thermal energy supply.

#### **Article 24**

##### **Direct pipelines**

1. Thermal energy enterprises, respectively thermal energy generators, can connect their facilities with facilities of subordinate units, or facilities of customers through direct pipelines to supply with thermal energy.

2. All customers are entitled to be supplied with thermal energy through direct pipelines for thermal energy from the generator or another enterprise for supply with thermal energy, if it is possible from a technical and economic perspective.

3. The criteria for granting authorization for direct pipelines for thermal energy shall be established objectively and non-discriminatorily by the Energy Regulatory Office.

4. Energy Regulatory Office authorizes the construction of direct pipelines for thermal energy in line with the Law on the Energy Regulator.

5. If an customer is supplied through the direct pipeline, it will not affect its right to contract a selected supplier and delivery of supply through the distribution system in line with provisions of this Law.

## **CHAPTER VII RIGHTS AND RESPONSIBILITIES OF CUSTOMERS**

### **Article 25 Fulfilment of conditions**

1. Customer, placed in the service area covered by the thermal energy enterprise, is entitled to be supplied if it fulfills the following conditions:

1.1. is the owner, or is authorized to act and use the whole or one part of the internal secondary network and fulfill the technical and operational security requirements;

1.2. fulfills the connection requirements for the distribution network;

1.3. has signed a written agreement with the supplier; and

1.4. has provided access for the placement of heating metering devices.

2. Consumers in an area covered by a thermal energy distribution network shall be entitled to connection therein, if conditions set in relevant codes issued by the Energy Regulatory Office are fulfilled.

3. The thermal energy company may temporarily refuse to connect a customer to the thermal energy system, if it concludes that the building, equipment or network distribution does not meet the technical standards or other conditions according in the legislation in force, and has economic reasonability.

4. The customer is informed in writing of the reasons for refusal of the connection in the thermal energy system.

5. If the consumer makes illegal connection and unauthorized intervention on the thermal energy system, then he/she bears responsibility in line relevant legal acts;

6. If the customer, with the actions specified in paragraph 5 of this Article, causes damage to Distribution System Operator, he is obliged to compensate the damage.

7. The customer is obliged to provide a space free of charge for the fitting of the distribution point and free access to workers of the thermal energy enterprise for control of such equipment.

8. The consumer shall be obliged to provide the placement of heating metering devices in internal, dwelling or commercial facilities, for reading from distance, and free access of employees of thermal energy enterprises for controlling and maintaining this devices.

**Article 26****Contract and billing procedure**

1. Supply of final consumers with thermal energy is done according to the contract signed in line with rules adopted by Energy Regulatory Office.
2. Customers are obliged to pay thermal energy bills, whereas the billing and collection procedure and sanctions in case of non-payment are applied according to relevant rules.

**Article 27****Suspension of supply disconnection and reconnection for customers**

1. The supplier may temporarily suspend the customer's supply with thermal energy in line with the Rules and relevant codes.
2. The supplier issues a notice to the customer informing him of the suspension of supply. Notice shall describe the reason for and duration of the suspension with thermal energy supply and will determine the measures to be undertaken for the suspension of supply.
3. The supplier may make temporarily suspend the service for the customer, if the customer does not fulfill its obligations under the contract including the repair of technical problems that occurred in the network and metering devices or other heating devices installed within customer's facilities.
4. Temporary disconnection can last up to fifteen (15) days. If, within this period, the causes that have brought temporary disconnection are not eliminated, the supplier has the right to undertake a permanent disconnection, while connection costs are borne by the consumer.
5. The thermal energy enterprise shall reconnect the consumer to the thermal energy system within three (3) days after fulfillment of obligations and after the cause of the suspension is avoided.
6. Suspension rules for customers shall be specified in the supply contract with the supplier.
7. If the suspension of the customer of the supply with thermal energy is not the customer's fault, the customer will be compensated for the damaged as ascertained by the respective Commission established by the thermal energy Enterprise.
8. In case of non-compensation according to paragraph 7 of this Article, the unsatisfied party shall have the right to complain at the Energy Regulatory Office according to the Law on Energy Regulator.

## **CHAPTER VIII ACCESS TO THE NETWORK**

### **Article 28 Right of access**

1. The Distribution System Operator provides each generator, supplier or consumer with access in the thermal energy system, based on sublegal acts issued by the Energy Regulatory Office.
2. Distribution System Operator shall publish in a network access conditions and prices and tariffs approved by the Energy Regulatory Office.

### **Article 29 Rejection of the request**

1. Distribution System Operator may reject the request of the customer for connection in the thermal energy system if it lacks the necessary capacity for distribution. Rejection of the request for connection to the thermal energy system must be done and reasoned in writing within thirty (30) days from the day the request for access.
2. The person who is rejected for any reason for access to the thermal power network has the right to file a complaint within fifteen (15) days from the date of written notification.
3. The complaint is submitted to the Energy Regulatory Office, which is obliged to issue a decision on the appeal within thirty (30) days of receipt of the complaint.
4. If the access to the distribution network for customers or generators that wish to contract customers is not allowed, they may apply to the Energy Regulatory Office for permission to build a direct pipeline for supply with thermal energy.

## **CHAPTER IX METERING AND METERING DEVICES**

### **Article 30 Metering Devices**

1. Thermal energy supply is measured with metering devices, whereas installation, operation, maintenance or replacement of metering devices is done in line with the Metering Code.
2. Thermal energy used by customers is calculated through the metering device which is owned by the Distribution System Operator.
3. To final individual consumers - individual dwelling and commercial objects – metering devices should be located at the point of supply, as close to the customer's property boundary as possible.
4. To final consumers at collective buildings - dwelling and commercial objects – metering devices should be located at the facilities of each consumer, if it is technically possible and the



reading should be carried out without having access to the dwelling facilities of the consumer.

5. Property boundary, the responsibility for thermal facilities and location for the placement of metering devices and for all other metering aspects shall be determined with the Metering Code.

## **CHAPTER X TECHNICAL CODES**

### **Article 31 Technical rules**

1. Codes as per article 3 of this Law shall include the technical rules which determine minimal technical projections, operational requirements and standards for thermal energy for:

- 1.1. connection of customer equipment in distribution system installations and direct pipelines of thermal energy;
- 1.2. structure of the supply stations of thermal energy, equipment and network pipeline;
- 1.3. management of the thermal energy system;
- 1.4. maintenance and development of the distribution network;
- 1.5. management of the distribution network;
- 1.6. metering of thermal energy, including metering principles, reading principles, manner and location of meters, deadlines and inspection procedures, calibration and reading of meters, development and maintenance of the database which include data recorded from any commercial reader .

2. Codes listed in article 3 of this Law are compiled from thermal energy enterprises, and approved by the Energy Regulatory Office.

## **CHAPTER XI SUPERVISION**

### **Article 32 Administrative Supervision and Inspection**

Administrative supervision of the implementation of this Law and regulations issued in line with this Law shall be carried out by the Energy Inspectorate which operates within the Ministry.

**Article 33**  
**Energy Inspectorate Powers**

1. Inspectors, if in the course of inspection find that the energy entity has failed to perform services in accordance with the provisions of this Law and applicable standards required by the technical codes, in addition to competencies in line with the legislation in force, shall have the following powers:

- 1.1 to order the elimination of observed irregularities and set a date to eliminate them;
- 1.2. to stop the construction of the generation facility if a construction permit has not been issued;
- 1.3. to order the suspension of further construction, namely termination of supply with thermal energy or use of thermal energy, if such facilities are not constructed, not used or maintained in accordance with the approved documents or certified with special or other technical regulations and because they represent an immediate threat to the stability and security of energy facilities, health or life, and traffic safety or safety of adjacent buildings.

**CHAPTER XII**  
**PENALTY PROVISIONS**

**Article 34**  
**Fines**

1. A fine in the amount of two thousand (2.000.00) up to ten thousand (10.000.00) euro shall be issued to the thermal energy enterprise if it:

- 1.1. contracts the sale of thermal energy with consumers, without the consent of the energy enterprise which provides distribution of thermal energy;
- 1.2. performs distribution or supply of thermal energy without a license for such activities;
- 1.3. fails to provide services in line with terms and relevant conditions and doesn't review customer complaints;
- 1.4. creates and allocates assigns costs for production distribution and supply of thermal energy of the tariff methodology determined by Energy Regulatory Office;
- 1.5. denial of access in the distribution network in line with the general conditions for supply with thermal energy ;
- 1.6. has obtained the right to perform energy activities for thermal energy distribution, but has not provided security of supply with thermal energy;
- 1.7. performs services of supply with thermal energy without the consent of Energy Regulatory Office;

1.8. connects a building which has no construction permit, or other relevant documents which allow such construction;

1.9. fails to act in line with the decision of the inspector.

2. A minor offence fine in the amount of three hundred (300.00) up to one thousand (1.000.00) Euros is issued to the person responsible in the energy company, who has violated the provisions of this Law.

3. In addition to the monetary penalty imposed, the energy enterprise may be prohibited from conducting energy activities up to one (1) year if the year has committed two (2) or more violations set forth in this Article. In addition, the person in charge of the enterprise may be prohibited from performing the same activities for up to one (1) year.

4. Revenues collected under this Article shall be deposited in the Budget of the Republic of Kosovo.

### **CHAPTER XIII TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 35**

##### **The obligation for installing the devices and establishing commercial relations**

1. Distribution System Operator shall install metering equipment for customers connected in the thermal energy system within five (5) years after the entry into force of this Law.

2. Distribution System Operator purchases metering equipment from the customer, which are owned by the customer, in the current market value, within five (5) years from the date of entry into force of this Law.

3. If the Distribution System Operator for reasons of standardization and unification installs its own metering devices to replace existing ones, there is no obligation to purchase the equipment according to paragraph 2 of this article.

4. In accordance with this Law, commercial relations between suppliers and consumers shall be established in accordance with sub-legal acts approved by Energy Regulatory Office.

5. The Supplier prepares and proposes a commercial contract for supply with thermal energy for the customer, according to provisions of this Article and Article 20 of this Law and shall hold a registry of customers and all valid contracts.

6. If the contract for supply is not concluded within the period under this Article, in customer's default, the supplier makes its disconnection that was illegally supplied with thermal energy.

7. A normative tariff shall be applied for customers with no metering equipment, until the installment of equipment according to paragraph 1 of this Article.

8. If, on the date of entry into force of this Law, the point of supply is not equipped with metering

equipment, customer connected to the supply point shall be billed according to normative tariff charged in proportion to the total surface area of the facility of the customer.

9. No later than thirty (30) days from the installation of metering equipment at the supply point by the Distribution System Operator, the consumer connected shall be billed as per the energy tariff established for the year in which the metering equipment is installed.

10. In facilities with multiple individual thermal energy consumers, billing of individual consumers shall be billed for the consumption metered in the final supply point, proportionally with the residential space allocated to each end-consumer.

11. In new facilities, thermal energy installed is designed for each apartment and business premise separately. Respective institutions issuing building permits shall ensure such compliance.

### **Article 36**

#### **Transitional Provisions**

1. Within twelve (12) months from the entry into force of this Law, all sublegal acts, decisions, rules and other documents adopted or promulgated on the basis of Law No. 03/L-116 on Central Heating, shall be harmonized with this Law.

2. Ministry and Energy Regulatory Office shall, for the implementation of this Law, issue the sub-legal acts within six (6) months from the day of entry into force of this Law.

### **Article 37**

#### **Repealing provisions**

With the entry into force of this Law there shall be repealed the Law No.03/L-116 on Central Heating.

### **Article 38**

#### **Entry into force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No.05/L - 052**  
**14 December 2015**

**Promulgated by Decree No.DL-045-2015, dated 29.12.2015, President of the Republic of Kosovo Atifete Jahjaga**