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Global Legal Group

# The International Comparative Legal Guide to: Gas Regulation 2011

## A practical cross-border insight into Gas Regulation work

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# Kosovo



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### 1 Overview of Natural Gas Sector

**1.1 A brief outline of Kosovo's natural gas sector, including a general description of: natural gas reserves; natural gas production including the extent to which production is associated or non-associated natural gas; import and export of natural gas, including liquefied natural gas (LNG) liquefaction and export facilities, and/or receiving and re-gasification facilities ("LNG facilities"); natural gas pipeline transportation and distribution/transmission network; natural gas storage; and commodity sales and trading.**

Currently, there is no gas market in Kosovo (source: The Future of the Natural Gas Market in Southeast Europe, International Bank for Reconstruction and Development/World Bank, 2010, p.240). The Natural Gas Market in Kosovo is isolated and is not connected with natural gas networks of other countries. Moreover, Kosovo has no natural gas reserves and the development of the gas infrastructure has stalled, hindering the establishment of a natural gas market. Also Kosovo is not linked to any operational natural gas supply networks. According to the Statement of Security of Supply for Kosovo (Electricity and Gas), June 2010, published by Kosovo Ministry of Energy and Mines as part of obligations deriving from article 29 of the Energy Community Treaty. *Gas supplies and consumption in Kosovo is therefore limited to bottled LPG (liquefied petroleum gas).*

Kosovo does not produce natural gas, except as an associated product from lignite mining at the Kosovo A thermal power plant. Yet the quantities are highly insufficient and cannot meet the domestic demand.

Kosovo, with international assistance, is developing a legal and policy framework for gas supply networks.

**1.2 To what extent are Kosovo's energy requirements met using natural gas (including LNG)?**

Kosovo's main sources of energy are imported petroleum products for transport purposes and domestically-produced electricity. The power system has two mine mouth generation plants (Kosovo A and B), fed by lignite mines at Bardh and Mirash supplying approximately 7 million tonnes of lignite per year. There are also two small hydropower plants (source: South East Europe: Regional Gasification Study, World Bank Study, October 2007).

According to MEM, there is no production of gas in Kosovo, nor import capacity by pipelines.

To date there is no published government-based study that indicates to what extent energy requirements are met by using natural gas.

According to government-published data, during 2008 in Kosovo 66.54 ktOE of LPG was supplied to end-user consumers. In the coming years a moderate increase is expected.

**1.3 To what extent are Kosovo's natural gas requirements met through domestic natural gas production?**

As mentioned above in *supra* question 1.1, Kosovo does not produce natural gas except as an associated product from lignite mining in Kosovo. Though, according to World Bank Study, The future of the Natural Gas in Southeast Europe [p.240], the annual demand for natural gas is projected to grow to 0.9 bcm by 2025.

**1.4 To what extent is Kosovo's natural gas production exported (pipeline or LNG)?**

As cited in *supra* question 1.1, Kosovo is an import-based country and has no known natural gas reserves.

### 2 Development of Natural Gas

**2.1 Outline broadly the legal/statutory and organisational framework for the exploration and production ("development") of natural gas reserves including: principal legislation; in whom the State's mineral rights to natural gas are vested; Government authority or authorities responsible for the regulation of natural gas development; and current major initiatives or policies of the Government (if any) in relation to natural gas development.**

Kosovo Law no. 03/L-133 on Natural Gas establishes a legal framework for the granting of authorisations for the transmission, distribution, supply, usage and storage of natural gas. According to the provisions of this Law, the responsible body for developing and implementing policies in the natural gas sector is the Ministry of Energy and Mining ("MEM"). The MEM is responsible for implementing EC directives and obligations deriving from the Energy Community Treaty (Athens Treaty).

Law No.03/L-185 on Energy Regulator established a strong, fully-independent Regulator (Energy Regulatory Office - ERO), completely autonomous from any governmental department to exercise economic regulation in the energy sector (Electricity, District Heating and Natural Gas), and defined its executive powers, duties and functions, primarily amongst which are:

- the conditions and criteria for issuing licences to carry out

energy activities;

- the procedures for granting permits for the construction of new generating and transmission capacity;
- the criteria for regulating network and public supply prices and approving tariffs and the conditions of energy supply;
- monitoring the effective unbundling and development of competition in the energy sector; and
- customer protection, etc.

The establishment of ERO falls within the wider framework of energy policy harmonisation in South Eastern Europe. On behalf of Kosovo, UNMIK signed the Energy Community of South East Europe (ECSEE).

According to the MEM, there are currently no investment projects, nor expectation of such projects for the next three years.

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**2.2 How are the State's mineral rights to develop natural gas reserves transferred to investors or companies ("participants") (e.g. licence, concession, service contract, contractual rights under Production Sharing Agreement?) and what is the legal status of those rights or interests under domestic law?**

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The current legislation in force does not actually provide for any regulation or provisions on the rights of investors to develop natural gas reserves, probably as there are no known gas reserves in Kosovo. See also question 2.4 for a brief note on minerals in general.

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**2.3 If different authorisations are issued in respect of different stages of development (e.g., exploration appraisal or production arrangements), please specify those authorisations and briefly summarise the most important (standard) terms (such as term/duration, scope of rights, expenditure obligations).**

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As suggested above there are no rules or provisions regarding the exploration or exploitation of gas as there are no natural gas reserves in Kosovo. The activities related to this energy source that are regulated, pursuant to the Law on Energy, and for which ERO, as the competent authority, issues licences, include:

- (i) The transmission of natural gas.
- (ii) The distribution of natural gas.
- (iii) The storage of natural gas (only if over 10,000 cubic metres).
- (iv) The supply of natural gas.
- (v) The transit, import or export of natural gas.
- (vi) Transmission or distribution system operation of natural gas.
- (vii) The operation of market for electricity or natural gas (this may include trading with natural gas).

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**2.4 To what extent, if any, does the State have an ownership interest, or seek to participate, in the development of natural gas reserves (whether as a matter of law or policy)?**

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As mentioned above, there are no known gas reserves in Kosovo and as such no regulation of any production of such. If, however, we were to draw an analogy in anticipation of any future regulation of such, we may draw from the Law no.03/L-163 on Mines and Minerals, in which it confirms that mineral resources, regardless of their origin, shape or physical state that are under or on the surface and within the territory of Kosovo are property of the Republic of Kosovo. Natural gas is explicitly excluded from the application of this law.

As per participation in the development of natural gas reserves, the

role of the Government of Kosovo is limited to ensuring a suitable natural gas market based on applicable legislation in order to ensure suitable energy resources.

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**2.5 How does the State derive value from natural gas development (e.g. royalty, share of production, taxes)?**

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See questions 2.2 and 2.4.

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**2.6 Are there any restrictions on the export of production?**

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The legislation in force does not set any restriction or limitation on exportation of natural gas.

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**2.7 Are there any currency exchange restrictions, or restrictions on the transfer of funds derived from production out of the jurisdiction?**

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Kosovo applies very open policies as the country uses Euros, and there is no legislative restriction on the transfer of funds derived from operations in Kosovo to outside of the country.

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**2.8 What restrictions (if any) apply to the transfer or disposal of natural gas development rights or interests?**

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There are none stated in the law as there are currently no gas production rights in Kosovo.

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**2.9 Are participants obliged to provide any security or guarantees in relation to natural gas development?**

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This is not applicable in Kosovo.

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**2.10 Can rights to develop natural gas reserves granted to a participant be pledged for security, or booked for accounting purposes under domestic law?**

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This is not applicable in Kosovo.

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**2.11 In addition to those rights/authorisations required to explore for and produce natural gas, what other principal Government authorisations are required to develop natural gas reserves (e.g. environmental, occupational health and safety) and from whom are these authorisations to be obtained?**

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See questions 2.2 and 2.4.

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**2.12 Is there any legislation or framework relating to the abandonment or decommissioning of physical structures used in natural gas development? If so, what are the principal features/requirements of the legislation?**

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There is no specific framework, however all activities affecting the environment, health and safety must be done in accordance with the relevant legislation regulating those fields.

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**2.13 Is there any legislation or framework relating to gas storage? If so, what are the principal features/requirements of the legislation?**

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Principles relating to storage of natural gas including LNG are as

follows:

- (i) Principle features/requirements arising from the Law on Natural Gas in regard to gas storage is that each storage system or operator of natural gas or LNG shall operate, maintain, and develop, under economic conditions, secure, reliable and efficient storage facilities with due regard to environment.
- (ii) Refrain from discrimination between system users particularly in favour of its related undertakings.
- (iii) Provide any other storage operator with sufficient information to ensure that the storage of natural gas may take place in accordance with secure and efficient operation of the interconnected system.
- (iv) Provide system users with necessary information for efficient access to the system.
- (v) Principle of autonomy of the storage system operator.
- (vi) Principle of confidentiality to ensure information regarding commercial advantage remains confidential.

### 3 Import / Export of Natural Gas (including LNG)

#### 3.1 Outline any regulatory requirements, or specific terms, limitations or rules applying in respect of cross-border sales or deliveries of natural gas (including LNG).

There are no specific requirements, limitations or rules applicable in respect to cross-border sales or deliveries of natural gas (including LNG), as the goal of the Government of Kosovo, as part of the energy strategy, is to open the Kosovo market to other regional and European markets.

### 4 Transportation

#### 4.1 Outline broadly the ownership, organisational and regulatory framework in relation to transportation pipelines and associated infrastructure (such as natural gas processing and storage facilities).

The transportation pipeline system, for the purpose of this section, is referred to in the Kosovo legislation, "Upstream pipeline network", as any pipeline or network of pipelines operated and/or constructed as part of an oil or gas production project, or used for transmission of natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal. Transportation pipelines are primarily regulated by the Law on Natural Gas. Third party access shall be regulated in a similar manner by ERO to that for transmission and distribution networks. Specific operation and ownership issues related to the upstream pipeline network is not specifically regulated but would be expected to be dealt with in more detail in secondary legislation and in accordance with obligations deriving from the Energy Community Treaty.

#### 4.2 What Governmental authorisations (including any applicable environmental authorisations) are required to construct and operate natural gas transportation pipelines and associated infrastructure?

Under the law on Natural Gas, criteria for the granting of authorisation for the construction or operation of direct lines shall be determined by ERO. ERO shall take into consideration matters of safety efficiency, the integrity of transmission and the distribution system. Such rules shall be transparent, non-

discriminatory and objective in application.

The construction of gas projects that are subject to Environmental Permit are activities listed in Annex I, such as: (i) crude oil refineries and installation for gasification with a capacity of more than 100,000 tonnes per year; and (ii) pipelines with a diameter of 500 mm or more and a length of 10 kilometres for the transport of natural gas. In order to obtain an Environmental Permit issued by the Ministry of Environment, participants are obliged to conduct an Environmental Impact Assessment for the abovementioned projects. According to article 6 of the EIA Law, the Ministry will not issue a construction permit or any other permit until the person has been given environmental consent by the Ministry.

#### 4.3 In general, how does an entity obtain the necessary land (or other) rights to construct natural gas transportation pipelines or associated infrastructure? Do Government authorities have any powers of compulsory acquisition to facilitate land access?

Pursuant to the Law on Energy, lines and pipes for the transmission and distribution of energy are approved only if the concerned energy enterprise holds servitude of use or ownership in the concerned property.

In accordance with the Law on Exportation of the Immovable Property no.03/L-139, the Government of Kosovo is entitled to expropriate any immovable property if the expropriation is directly related to the accomplishment of legitimate public purposes and if the legitimate public purpose cannot practically be achieved without expropriation.

Under the Law on Property and Other Related Rights, a real right may be established by a legal transaction, a decision of the state or by law, and in practice it may be considered that the government authorities are empowered to facilitate land access for an entity constructing natural gas transportation pipelines.

#### 4.4 How is access to natural gas transportation pipelines and associated infrastructure organised?

Access for third parties to natural gas transportation pipelines according to the Law on Natural Gas should be non-discriminatory, including access to facilities for supplying technical service. This access shall be provided for achieving a competitive market in the natural gas industry, taking security and regularity of supplies capacity which is or can reasonably be made available and environmentally protected into consideration. In accordance with this, the following should be taken into account:

- the need to refuse access where there is incompatibility of technical specifications which cannot be reasonably overcome;
- the need to avoid difficulties which cannot be reasonably overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;
- the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and
- the need to apply their laws and administrative procedures, in conformity with the legislation in force, for the granting of authorisation for production or upstream development.

If access agreements cannot be secured, the ERO is entitled to approve rules for dispute settlement related to access or refusal to allow access to every facility set forth in this law.

**4.5 To what degree are natural gas transportation pipelines integrated or interconnected, and how is co-operation between different transportation systems established and regulated?**

Currently, as indicated in *supra* question 1.1, the Kosovo natural gas market is isolated from regional market and there are no existing pipelines.

**4.6 Outline any third-party access regime/rights in respect of natural gas transportation and associated infrastructure. For example, can the regulator or a new customer wishing to transport natural gas compel or require the operator/owner of a natural gas transportation pipeline or associated infrastructure to grant capacity or expand its facilities in order to accommodate the new customer? If so, how are the costs (including costs of interconnection, capacity reservation or facility expansions) allocated?**

According to the Law on Natural Gas, transmission and distribution system operators should allow natural gas undertakings and eligible consumers, including suppliers, to have non-discriminatory access to the transmission and distribution system.

Access to third parties as abovementioned shall also be permitted to upstream pipeline networks, including facilities supplying technical services, except for the part of such networks or facilities which are used for local production operations at the site where the gas is produced.

**4.7 Are parties free to agree the terms upon which natural gas is to be transported or are the terms (including costs/tariffs which may be charged) regulated?**

There is no restriction applicable that limits the contractual capacity of parties for the transport of natural gas. According to the Energy Community Treaty (*see article 43 of the Energy Community Treaty*), the Energy Community may take measures necessary for the regulation of imports and exports of Network Energy to and from third countries with a view to ensuring equivalent access to and from third country markets in respect of basic environmental standards or to ensure the safe operation of the internal energy market.

## 5 Transmission / Distribution

**5.1 Outline broadly the ownership, organisational and regulatory framework in relation to the natural gas transmission/distribution network.**

Pursuant to the Law on Natural Gas, ERO establishes the criteria to ensure all users freedom of access to the gas transmission/distribution network under the same conditions and specifies the duties of the pipelines operators. ERO is the regulator authority that issues the licences for transmission and distribution activities, and these licences are granted to only one entity in a specified territory. Only in cases where operation is through direct lines is a license by ERO not required.

Natural gas transmission and distribution is of public interest and is performed respectively by the Transmission System Operator ("TSO") and the Distribution System Operator ("DSO"). These operators own, operate, construct and maintain the transmission/distribution systems. They act with transparency and objectivity, avoiding discrimination between the system users. The

TSO and the DSO have to grant everyone access to the pipeline infrastructure on a non-discriminatory basis.

Access can only be refused if such access is technically or economically impossible or unreasonable. ERO may review such decisions and may, in case of an unjustified refusal, order the granting of access. The TSO/DSO publishes the terms and conditions approved by ERO for granting access to the transmission/distribution system to the third parties.

Building and operating new gas networks for transmission and distribution, building direct pipeline systems for transit of natural gas, and the supply of natural gas to wholesale customers shall be done in accordance with the Law on PPPs and the Law on Energy Regulatory.

**5.2 What Governmental authorisations (including any applicable environmental authorisations) are required to operate a distribution network?**

ERO shall issue only one licence for each licensed territory in Kosovo for the distribution of natural gas. There may be one or several licensed territories for the distribution of natural gas. The Law on Natural Gas also envisages that an energy enterprise which holds a licence as a distribution system operator of natural gas may not obtain a licence for any other activity in the natural gas sector. In order to obtain a construction permit for a natural gas "distribution network", an environmental permit is required. The Ministry of Environment will examine whether an EIA is required for the construction of a distribution network. A construction permit in accordance with the Law on Construction shall also be required.

**5.3 How is access to the natural gas distribution network organised?**

The Distribution System Operators should allow gas undertakings and eligible consumers including suppliers to have access based on non-discriminatory principles in accordance with rules and tariffs approved by ERO (such tariffs should be transparent and non-discriminatory). The DSO is obliged to provide stem users with the information they need for efficient access to the system. ERO shall issue rules for the settlement of the disputes related to access or refusal to allow access to every facility, and shall publish information on flow, methodology and structure of tariffs.

**5.4 Can the regulator require a distributor to grant capacity or expand its system in order to accommodate new customers?**

According to the Law on Natural Gas, ERO is entitled to require a distributor to expand its system in order to accommodate new customers in cases when ERO is acting as the dispute settlement body related to access to or refusal from every facility set forth in the present Law.

**5.5 What fees are charged for accessing the distribution network, and are these fees regulated?**

The competent authority for setting the fees for access to the distribution network is ERO. Fees shall be transparent and non-discriminatory, and to date there are no known tariffs published for the distribution of natural gas. However, in reference to third party access tariffs for network access, they shall not restrict market liquidity nor distort trade across borders of different transmission systems. Where differences in tariff structures or balancing

mechanisms would hamper trade across transmission systems, transmission system operators and ERO shall cooperate to actively pursue convergence of tariff structures and charging principles, including in relation to balancing.

**5.6 Are there any restrictions or limitations in relation to acquiring an interest in a gas utility, or the transfer of assets forming part of the distribution network (whether directly or indirectly)?**

There are no specific rules on change of control or transfer of assets or business in this specific sector.

## 6 Natural Gas Trading

**6.1 Outline broadly the ownership, organisational and regulatory framework in relation to natural gas trading. Please include details of current major initiatives or policies of the Government or regulator (if any) relating to natural gas trading.**

Energy trade, including natural gas trading, is regulated by the Athens Community Treaty, as the present treaty creates a single regulatory space for trade in Network Energy that is necessary to match the geographic extent of the concerned product markets. This treaty has created a single energy market among signatory parties (the signatory parties to this treaty are the European Community Members, Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo as UNMIK). The primary governing legislation is the Law on Natural Gas and the Law on Energy; and a licence is required for this activity.

**6.2 What range of natural gas commodities can be traded? For example, can only "bundled" products (i.e., the natural gas commodity and the distribution thereof) be traded?**

This is not applicable in Kosovo.

## 7 Liquefied Natural Gas

**7.1 Outline broadly the ownership, organisational and regulatory framework in relation to LNG facilities.**

Much of the same regulatory framework and conditions for natural gas are equally applicable to the construction and operation of LNG facilities.

**7.2 What Governmental authorisations are required to construct and operate LNG facilities?**

As stipulated in *supra* question 4.2, for the construction of the LNG facilities, the investor shall be required to be equipped with an environmental permit and a construction permit.

**7.3 Is there any regulation of the price or terms of service in the LNG sector?**

Based on the Law on Natural Gas, Distribution System Operators of LNG should allow gas undertakings and eligible consumers, including suppliers, to have access based on a non-discriminatory principle in accordance with the rules and tariffs approved by ERO. The tariffs should be transparent and non-discriminatory.

**7.4 Outline any third-party access regime/rights in respect of LNG Facilities.**

The third party access regime in respect of LNG facilities is governed by the Law on Natural Gas. LNG operators (Transmission or Distribution Operators of LNG) should allow natural gas undertakings and eligible customers to have non-discriminatory access.

## 8 Competition

**8.1 Which Governmental authority or authorities are responsible for the regulation of competition aspects, or anti-competitive practices, in the natural gas sector?**

ERO and the Kosovo Competition Commission (KCC) are responsible for ensuring the creation and maintenance of a competitive market when practicable, and the prevention and sanctioning of anti-competitive conduct. Based on Energy Legislation (i.e. the Law on Natural Gas, Law on Energy and Law on Energy Regulatory Office), ERO and KCC are responsible for monitoring and prohibiting anti-competitive practices conducted by energy enterprises by applying measures envisaged in the Energy Legislation and Competition Law.

**8.2 To what criteria does the regulator have regard in determining whether conduct is anti-competitive?**

As the main criteria for determining anti-competitive behaviour, ERO and KCC shall take into account the existence of an agreement between undertakings. A decision by an association of undertakings, or a concerted practice by undertakings is prohibited if: (i) it may affect trade within Kosovo; (ii) it has as its purpose or effect an appreciable prevention, restriction or distortion of competition in Kosovo; and (iii) it is, or is intended to be, implemented in Kosovo.

ERO, as the competent authority to monitor and to regulate the gas industry in Kosovo, shall be responsible for ensuring non-discriminatory practices and effective functioning of the natural gas market in Kosovo. In performing this function, ERO shall monitor the effective unbundling of accounts to ensure that there are no cross subsidies between the transmission, distribution, storage, LNG and supply activities.

**8.3 What power or authority does the regulator have to preclude or take action in relation to anti-competitive practices?**

ERO and KCC are the competent authorities for implementing measures in order to prevent violations prohibiting restrictions of competition and prohibiting abuse of a dominant position. Under the Law on Energy, if ERO acquires reasonable evidence of any activity that restricts competition or any abuse of dominant position by a natural gas enterprise, ERO is responsible for providing KCC with such evidence. Also ERO is responsible for providing assistance to KCC with the conduct of investigation and the assessment of the alleged violation. Moreover ERO is obliged to provide KCC with its opinions regarding the violation practices of competition in the energy market, including the gas market.

KCC, under the Competition Law, is entitled to impose administrative fines and other remedies in amount of up to EUR 100,000.

**8.4 Does the regulator (or any other Government authority) have the power to approve/disapprove mergers or other changes in control over businesses in the natural gas sector, or proposed acquisitions of development assets, transportation or associated infrastructure or distribution assets? If so, what criteria and procedures are applied? How long does it typically take to obtain a decision approving or disapproving the transaction?**

Pursuant to the Law on ERO, the energy enterprises licensed by ERO are obliged to apply to KCC for decisions regarding a merger or any other change of control of the licensed enterprise. KCC shall duly take into account the opinion of ERO.

Also, energy enterprises must apply to ERO for approval of any intended disposal of capital equipment and rights to real property used for licensed activities.

The procedures for approval or disapproval for the abovementioned merger agreements or any other agreements that involve changes in control, currently are not covered by the Competition Law. According to KCC officials the amended Law on Competition will cover the issue of approval of merger agreements with detailed procedure.

## 9 Foreign Investment and International Obligations

**9.1 Are there any special requirements or limitations on acquisitions of interests in the natural gas sector (whether development, transportation or associated infrastructure, distribution or other) by foreign companies?**

No. There is no limitation or any special requirements on acquisitions of interest in the natural gas sector by foreign companies. According to the Law on Public Procurement, the foreign legal person may compete equally in public tender procedures.

Foreign investments enjoy broad protection under the Law on Foreign Investments.

**9.2 To what extent is regulatory policy in respect of the natural gas sector influenced or affected by international treaties or other multinational arrangements?**

The United Nations Mission in Kosovo, on behalf of Kosovo has signed the Energy Community Treaty (Athens Treaty). Also the Kosovo gas sector is influenced by EU directives because Kosovo, as a potential candidate, is obliged to enforce EU energy policies in order to adhere to the EU.

## 10 Dispute Resolution

**10.1 Provide a brief overview of compulsory dispute resolution procedures (statutory or otherwise) applying to the natural gas sector (if any), including procedures applying in the context of disputes between the applicable Government authority/regulator and: participants in relation to natural gas development; transportation pipeline and associated infrastructure owners or users in relation to the transportation, processing or storage of natural gas; and distribution network owners or users in relation to the distribution/transmission of natural gas.**

According to the Law on ERO, ERO shall establish procedures for resolving disputes in the energy sector, including complaints:

1. by customers against licensees concerning the services provided;
2. between energy enterprises; and
3. regarding third party access to the electricity transmission or distribution system concentrated on heating or natural gas systems and transmission, and cross-border flows of electricity or natural gas.

**10.2 Is Kosovo a signatory to, and has it duly ratified into domestic legislation: the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards; and/or the Convention on the Settlement of Investment Disputes between States and Nationals of Other States ("ICSID")?**

Kosovo is not a signatory to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) ("*The NY Convention*"), however, in accordance with point 9 of the Declaration of Independence, the Kosovo authorities have recognised all international obligations of Kosovo including those of the United Nation Interim Administration in Kosovo (UNMIK) and other obligations of the Former Socialist Federal Republic of Yugoslavia. As a matter of fact, *The NY Convention* was not specifically mentioned in the Declaration of the Independence of Kosovo

As per ICSID, Kosovo is a signatory party to the present Convention and submitted ratification instruments for this treaty in 2009.

**10.3 Is there any special difficulty (whether as a matter of law or practice) in litigating, or seeking to enforce judgments or awards, against Government authorities or State organs (including any immunity)?**

There is no formal or legal difficulty in litigating or enforcing judgments or awards against state organs.

**10.4 Have there been instances in the natural gas sector when foreign corporations have successfully obtained judgments or awards against Government authorities or State organs pursuant to litigation before domestic courts?**

This is not applicable in Kosovo.

## 11 Updates

**11.1 Please provide, in no more than 300 words, a summary of any new cases, trends and developments in Gas Regulation Law in Kosovo.**

There are no new cases, trends or developments in gas regulation law in Kosovo.

**Ahmet Hasolli**

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Mr. Hasolli is a qualified Kosovo lawyer with many years of experience. After having practiced as a successful sole practitioner covering mostly real estate's disputes, he was involved in the establishment, together with Kalo & Associates, of the Pristina office, and continues to be a partner of the office. He provides legal advice on a range of property matters, including sale & acquisition, commercial leases, property litigation, etc. Mr Hasolli also advises on a range of other core corporate matters, and further banking and financial matters; also he is a licensed Representative for Trade Marks. He finished the Continuous Legal Education Programmes in Prishtina in 2006, the Bar Exam, Department of Justice in Pristina in 2003, and Legal Studies, Faculty of Law of University of Pristina in 1990. He is fluent in Albanian, Serbian and English.

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Mr. Gazmend Nushi is a reputable and valued qualified Kosovar lawyer working in Pristina, who has practiced law for over 12 years. Mr. Nushi has been a partner of Kalo & Associates Pristina's office since the opening of the office. He deals with all litigation matters and provides amongst other services, legal advice in commercial property matters, enforcement proceedings, regulatory issues (various sectors including energy, mining, construction), and contractual matters. He has a solid and high level of expertise in the field of litigation and enforcement and is greatly familiar with the court system in Kosovo. He finished the Bar Exam, Department of Justice, Belgrade in 1995 and Legal Studies, Faculty of Law of University of Pristina in 1988.



Established in 1994 KALO & ASSOCIATES has long been a leading law practice in Albania and now also in Kosovo. The firm provides a full range of services in all commercial and corporate law for foreign and multinational companies and agencies. The firm delivers exceptional value, providing high quality, efficient and cost-effective legal solutions bringing innovative perspectives to clients' needs.

Our diverse work force with international experience and specialisation serves to truly enhance the service provided to our clients, combining comparative approaches and local legal knowledge in finding the appropriate solutions. The firm is very often a first choice as reflected by its impressive client portfolio (including a considerable number of Fortune 500 companies) of such industries as banking and financial services, aviation, energy resources, infrastructure, general manufacturing, healthcare, insurance, commercial property, retailing, sports and entertainment, technology and telecom, and transportation.

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