Republika e Kosovës
Republika Kosova – Republic of Kosovo
ORGANI SHQYRTUES I PROKURIMIT
TELO ZA RAZMATRANJE NABAVKE
PROCUREMENT REVIEW BODY

Psh. No.596/26

The Review Panel, appointed by the Acting Chairman of the PRB, pursuant to Article 105, 106, and 117 of the Law on Public Procurement of the Republic of Kosova (Law No. 04/L-042, supplemented and amended by Law 04/L-237, Law 05/L-068, supplemented and amended by Law 05/L-092) composed of Vedat Poterqoi – Chairperson, Kimete Gashi and Batisha Ibrahimi – Members, ruling on the complaint filed by the Economic Operator "Petrol Company - SH.P.K." against the Contracting Authority's notification regarding the procurement activity "Fuel Supply" (procurement no. "201/26300-26-2068-1-1-1"), initiated by the Contracting Authority (CA) – Central Procurement Agency., on the 24.09.2026 has issued this:

DECISION

1. The review procedure in this administrative matter is concluded, due to the agreement reached between the parties—the Central Procurement Agency, acting as the contracting authority, and the Economic Operator "Petrol Company" L.L.C. (Ref. No. 2026/0596, dated 13.08.2026)—regarding the procurement activity "Fuel Supply" (Procurement No. 201/26300-26-2068-1-1-1), initiated by the Contracting Authority (CA), the Central Procurement Agency....

2. The refund of funds deposited as the appeal fee is permitted in accordance with paragraphs 4 and 5 of Article 31 of the PRB Rules of Procedure; the appellant has the right, pursuant to paragraph 6 of the cited provision, to request the refund of the funds within sixty (60) days from the date of receipt of this decision; otherwise, the funds shall be forfeited and transferred to the Budget of the Republic of Kosova.

REASONING

On April 8, 2026, the Central Procurement Agency, acting as the Contracting Authority, published the Contract Notice for the procurement activity "Fuel Supply" (procurement no. "201/26300-26-2068-1-1-1").

The Contracting Authority conducted an open procedure; contract type: supply; estimated contract value:

Lot 2 – Supply of fuel for vehicles for the needs of central-level public institutions – 2,710,000.00 €.

Lot 5 - Fuel supply for the Prishtina Region (Local Level) - 2,170,000.00€.

Lot 7 - Fuel supply for the Peja and Gjakova Region (Local Level) - 1,305,000.00 €.

Dissatisfied with the Contracting Authority's contract award decision dated 21.07.2026, the Economic Operator "Petrol Company" L.L.C. filed a complaint with the PRB on 13.08.2026, which was registered under protocol number 2026/0596.

Upon preliminary review, the PRB determined that the complaint in the present case was filed in accordance with Article 109.1 of the PPL, which stipulates that any interested party may lodge a complaint with the PRB against any decision issued by a Contracting Authority, following a preliminary dispute resolution procedure conducted pursuant to Article 108/A of the same Law. Given that the complainant holds the status of an interested party within the meaning of Article 4, paragraph 1.26, and that the complaint contains the essential elements prescribed by Article 111 of the cited Law, it follows that the complaint meets the requirements set forth in the cited provisions and falls within the jurisdiction of this body pursuant to Article 105 of the PPL.

Based on the actions described above, the PRB engaged an expert evaluator in accordance with Article 111, paragraph 5 of the PPL, tasking them—pursuant to Article 113 of the cited Law—with conducting a preliminary review of the file and the complaint allegations regarding the procurement activity described above. In this regard, on August 28, 2026, the reviewing expert submitted an evaluation report with the following recommendations: “Based on the aforementioned clarifications, the reviewing expert proposes to the review panel that the complaining Economic Operator’s complaint be upheld as well-founded, that the contract award notice be cancelled, and recommends that the case be returned for re-evaluation.”

It is preliminarily established that the expert report contains the essential elements required by Article 113, paragraph 3 of the Law on Public Procurement (LPP) and has been accepted by both parties, in accordance with Article 115 of the LPP read in conjunction with Article 20 of the cited Regulation. In this instance, it is noted that both parties (the Contracting Authority and the Economic Operator) are fully apprised of the case file, as required by Article 20, paragraph 2 of the Regulation on the Work of the PRB, and that on September 2, 2026, both parties formally declared their agreement with the reviewing expert's recommendation.

Based on the foregoing, the Panel considers that the review procedure concludes at this stage due to the agreement reached between the parties; consequently, the complaint has lost its subject matter, as expressly required by Article 115 of the LPP. Upon reviewing the case file, its nature, and its purpose, the Review Panel holds that the parties may resolve any potentially contentious issues between themselves in cases where, under the applicable legislation, they are free to dispose of their rights.

The settlement reached between the parties does not conflict with the fundamental principles and provisions of the Law on Public Procurement of the Republic of Kosovo, nor does it infringe upon the institutional independence of the Contracting Authority; rather, it resolves the dispute—as permitted by the nature of the case at hand—in accordance with, inter alia, Article 19, paragraph 4 of the PRB Rules of Procedure No. 01/2020 (as amended).

However, the Panel reminds the parties that Article 19, paragraph 4, of the Rules of Procedure of the PRB stipulates—quoting—that: "In the event that the contracting authority and the complainant agree with the review expert's report, the review panel shall issue a notice requiring the contracting authority to implement the review expert's report within a period of 5 days, while notifying the parties to the proceedings." Furthermore, the parties are informed that this decision is procedural in nature, and under these circumstances, the findings of the report have not been subject to assessment by the Review Panel. Consequently, the Review Panel has not addressed the merits of the complaint's allegations but has merely issued a decision to conclude the proceedings.

Therefore, based briefly on the above, and in accordance with Articles 105, 116, and 117 of the Law on Public Procurement (LPP), the Review Panel has decided as in the provision of this decision.

President of the Review Panel

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Mr. Vedat Poterqoi

Legal advice:

An appeal is not allowed against this decision, but the dissatisfied party can appeal to the Commercial Court,to the Department for Administrative Affairs for annulment of the decision within 30 days from the date of acceptance of the decision.

Decision to be submitted to:

1x1 CA – **Central Procurement Agency;**
1x1 EO **– Petrol Company - SH.P.K..;**
1x1 Archive of the PRB