

REGULATION FOR ERE ORGANIZATION, OPERATION AND PROCEDURES

PART I

GENERAL PROVISIONS

Article 1

Authority

This regulation is drafted pursuant to Law No. 43/2015 “On Power Sector” article 16, point 1, Law No. 102/2015, “On Natural Gas Sector”, Code of Administrative Procedures as well as Law No.8480, date May.27.1999 ”On the Functioning of Collegial Bodies of the State Administrative and Public Entities”.

Article 2

Purpose of the regulation

The purpose of this regulation, is to ensure transparent procedures in performing ERE functions, guaranteeing an equal treatment in licenses issuing, certifications on the power sector, setting the tariffs and prices for the licensees in the regulated activities, settling the disputes between the licensees and the Customers, drafting and approving the secondary acts pursuant to Law No.43/2015,“On Power Sector”, and Law No. 102/2015, “On Natural Gas Sector”.

Article 3

Implementation

- 1.** This regulation sets the general procedures applied by ERE during performing its activity regarding:
 - a.** ERE managing and operation,
 - b.** Handling the applications for license issuing and certification on power and natural gas sector,
 - c.** Handling the applications to define the tariff and prices on power and natural gas sector,
 - d.** Drafting and reviewing the secondary acts,
 - e.** Settling the disputes,
 - f.** Organisation of hearing sessions,
 - g.** Handling the requests of the licensees.
 - h.** Handling the Customers complaints
 - i.** Handling the applications to approve the Investment Plan from the Licensees

2. Procedures not specifically regulated by these rules, will be regulated by Administrative Procedure Code.

Article 4

General principles

These Rules shall be implemented taking into account the principles of:

- a. Compliance with the legislation in force;
- b. Work efficiency of ERE staff;
- c. The opportunity for full and fair hearing sessions for all the interested parties;
- d. Transparent and open process.

Article 5

Definitions

For the purpose of this Regulation the following terms shall mean:

1. **“ERE”** shall mean Energy Regulator Authority and is the regulatory institution on power and gas sector in Albania.
2. **“Board”** shall mean the decision-making body of ERE composed of five members appointed according to the procedures provided by law.
3. **“ERE Chairman”** is ERE general administrator, responsible for managing the institution and leading the board meetings.
4. **“Technical and supporting staff”** shall mean ERE employees and any consultant or contracted expert in conformity with the organizative structure approved by ERE Board.
5. **“Leader Person”** or **“Presiding officer”** shall mean the person designated to direct an ERE proceeding, with the duties and powers provided in this regulation. The preciding officer may be a Board Member or a qualified member of ERE technical staff as determined by the Chairman.
6. **“Secretary”** shall mean the Secretary of the decision-making body.
7. **“Regulations”**, shall mean Regulation for ERE organization, operation and procedures
8. **“Person”** shall mean any natural or legal person, the Government or any state agency, any local authority or other legal entities.

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- 9. “License”** shall mean a right given by ERE, to a person for performing an activity on power and natural gas sector pursuant to the provisions required by law no. 43/2015 “On Power Sector” and law no. 9946 date June.30.2008 “On Natural Gas” as well as ERE licensing procedures.
- 10. “Licensee”** shall mean a person that has a license issued by ERE for the activities on power or Natural Gas sector.
- 11. “Customer”** shall mean a wholesale or end use electricity customer.
- 12. “Household customer”** shall mean a customer that purchases electricity only for household consumption, not including here the consumption for trading or professional activities.
- 13. “End-user customer”** shall mean a customer that purchases electricity only for personal use.
- 14. “Non household customer”** shall mean natural or legal persons that purchases electricity that is not for his household use, the generators or wholesale customers.
- 15. “Small not-household customer”** shall mean a natural or legal person, connected in the voltage level 0,4 kV, that purchases electricity for the environment where he performs his activity and not for resale purposes.
- 16. “Wholesale customer”** shall mean a natural or legal person that purchases electricity, for the purpose of resale inside and outside the country system where he is registered.
- 17. “Vulnerable customer”** shall mean a household customer, that due to his social situation retains special rights concerning electricity supply, guaranteed in exceptional cases, according to the definitions of this law;
- 18 “Natural gas customer”** shall mean a person that is supplied with gas from a natural gas supplier.
- 19. “Request”** shall mean a written request submitted at ERE, from one person for an issue, that is subject to ERE regulation.
- 20. “Applicant”** shall mean any person, other than the complainant, which submits a request that is under ERE authority.
- 21. “Complainant”** shall mean a person who deposits a complaint at ERE, for any action or failure to act of a person in ERE jurisdiction for the activity performed pursuant to Law No.43/2015, “On Power Sector” as amended, and Law No. 102/2015, “On Natural Gas Sector”.

- 22. “Complainee”** shall mean a person, to whom is submitted a complaint or ERE has started an investigation.
- 23. “Interested party”** shall mean a person participating in a particular ERE procedure.
- 24. “Submitting the Tariffs and Prices”** consists on the proposed tariffs and prices and the other materials that accompany the application submitted at ERE for approval from the respective applicant, in conformity with these Rules and the tariff methodology.
- 25. “Tariffs and prices”** shall mean the fees to be payed by the Customers or the system users for electricity and natural gas services, ensured by the companies licensed by ERE that perform regulated activities in electricity and natural gas sector. The electricity or natural gas tariffs and prices may be reviewed by ERE with the proposal of the licensees or with ERE initiative according to the principles provided on Law No. 43/2015 “On Power Sector”, and Law no. 102/2015 “On Natural Gas Sector”.
- 26. “Terms and conditions”** shall mean provisions approved by ERE to a licensee, that ensures one or several services in electricity or Natural Gas sector according to which will be provided the Customer’s service/services.
- 27. “Test Year”** is a 12-month period used by a licensee that provides one or several services in electricity or natural gas sector, that serve as a basis to compare the revenues, expenses and the investments, which will assist ERE in calculating the incomes in a tariff approval procedure. A test year may be a calendar year or any other period of 12 consecutive months. Specifically the test year refers to the definitions according to electricity tariff and prices calculation methodologies approved by ERE.
- 28. “Regular Working Day”** shall mean a day that is not Saturday or Sunday or National Holiday pursuant by the legislation in force.
- 29. “Individual act”** shall mean any decision that individually creates legal consequences.
- 30. “Normative act”** shall mean any decision that creates legal consequences for more than one individual.
- 31. “Regulated activities”** shall mean all activities on power sector provided as such on Law no. 43/2015 “On Power Sector”

PART II

ERE ORGANIZATION AND OPERATION

Article 6

ERE Composition

1. Energy Regulator Authority is composed of 5 Board members, one of which is ERE Chairman, as well as from the technical and non technical staff that is appointed and promoted by Law No. 43/2015 “On Power Sector” .
2. ERE internal organization and operation is regulated from the Regulation approved by the Board according to Law no. 43/2015 article 7 point 1 and article 11 point 7.

Article 7

ERE Governing

1. ERE governing bodies are the Board and ERE Chairman.
2. The Board is the only ERE decision - making body that determines the main directions of ERE activity and decides for the issues that require ERE approval. It acts as a collegial body.
3. The Board Member may decide not to vote for different issues when there is in conflict of interest according to the legislation in force.
4. ERE Chairman is the general administrator, responsible to manage the institution and to direct Board meetings.
5. The chairman calls and directs the Board meetings and is responsible for the publication of Board decisions. In cases when the chairman is absent, he authorizes one of the board members to perform the chairman function during this period.

PART III

RULES FOR BOARD MEETINGS

Article 8

Board Meetings

1. In order to organise ERE work and to plan ERE duties and responsibilities in performing its legal authority, the Board holds meetings at least once a month.

2. In general the meetings are held at ERE premises. In case the meetings are in a different place, it shall be indicated in the meeting notice.
3. ERE Chairman decides for the Board meeting announcement. In his absence, the meeting is announced by the Board member temporarily appointed by the Chairman as ERE administrator.
4. Before the Board meeting, the Chairman prepares an agenda of the issues to be reviewed on the Board. The Secretary deliberates this agenda to the Board members as well as to the directories that has followed a procedure. This agenda is available for the public at ERE premises and on ERE website.
5. The meeting announcement, is communicated to the Board members at least 5 calendar days before the date of the meeting.
6. The period defined on point 5 of this article is not implemented if in the other legal acts that are binding for ERE are defined different periods. In this case the agenda and the necessary accompanying materials for the decision will be sent to the Board at least 24 hours before the Board meeting.
7. On the request of one of the members, the Board may decide to remove or add specific issues from the prepared agenda.

Article 9

Extra-ordinary meetings

In addition to ordinary meetings referred to in Article 8 of these rules, any Board member may take the initiative to organize a Board meeting by submitting to the Chairman a written request which includes the agenda and the subject matter of the meeting at least three days before the date. The Chairman within 24 hours shall inform the other Board members and the Secretary for this meeting and shall take the measures to hold the required meeting not later than 2 working days from the date when the announcement is sent to the Board members.

Article 10

Open meetings

Except the meetings which are subject to ERE internal issues, all Board meetings shall be open to the public. The open meetings for the public are held according to the definitions of the articles as follows.

Article 11

Meeting announcement

ERE provides the announcement to the public 48 hours before the open programmed Board meeting. The notification contains: the date, time, and the place of the meeting as well as the agenda. The notification for the meeting is set in a special place near ERE entrance, and is published on ERE official website.

Article 12

Open meeting organization

1. Before the beginning of any Board meeting, the Secretary registers in a special register the name of the persons that require to participate in the meeting. Any person shall deposit at the Secretary the request to participate in the meeting not later than 24 hours before the date of the meeting announcement.
2. When the meeting starts, the Secretary reads to the participants the procedures for the meeting development, as well as their rights and obligations.
3. In an open meeting the Board has the right to discuss and give opinions, only the Board Members and ERE representatives, as well as with ERE Chairman permission even other persons that are related with the issues in the agenda.
4. On the request of the interested parties, the Board Secretary allows them to be informed with the Board decision after their issuing.

Article 13

Public rights and obligations

1. During a decision-making Board meeting, any participating person has the right to hear and take notes, but not the right to speak or make questions, except of the cases when the Chair of the meeting permits it. It is not allowed to interrupt the speaker, the use of the mobile phones and smoking during the meeting.

The open Board meetings may be registered by authorized representatives of the print audiovisual media after the approval of the Chairman.

2. If any of the participating person in the Board meeting is considered that disturbs the process of the meeting, the chair orders his expulsion from the meeting.
3. The Chairman after being consulted with the Board decides to interrupt the meeting for a defined period of time, or its extension after taking the Board approval.

Article 14
Meeting processing and the necessary materials

1. In the Board meetings as a rule participate the Board members, the technical staff that have reviewed and drafted a certain issue in the agenda, the Board Advisors or the experts as well as other interested persons as well as any ERE employee required from the Board.

2. In each case the issues set in the agenda of the meeting, shall have the accompanying material as follows:
- the explanatory information /report,
 - the draft-decision in case of proposals for decision
 - other necessary materials for the Board decision- making,

Appointing the technical staff that will deal with the draft of arguing relation/information as well as the submission procedure and the responsibility for them, For information issues the accompanying material shall be an informing document for the

3. Board.
4. In cases when the provided issues need time to be reviewed in the meeting, by a Board decision the meeting shall be appointed on another date.

5. For every Board meeting the Board Secretary shall keep the meetings minutes, which shall include the information regarding the place, time when the meeting started, the agenda and possible amendments in it, the Board members present and the ones that are not present, the other persons called to participate that are present or not, the discussions of the meeting participants, the results of the vote, the conclusions of the meeting and any other information discussed during the meeting.

6. The minutes of the Board meeting shall, except of the information handled as confidential or private by the Board, are open for the public.

7. All Board meetings shall be audio recorded.

Article 15
Decision-making process

1. The Board meetings are held with the participation of not less than three members and the decisions are approved with the majority of Board members.

In case the number of votes is equal, the Chairman vote shall be decisive. The Board voting shall be open and only when the Board decides otherwise, the voting shall be secret. All Board Decisions are drafted in three copies signed by each Member of the Board and are kept in the Secretary office, Archive, and in the respective Directory as defined in the Regulation for Internal Organization.

2. All Board decisions published in the Official Gazette are sealed with ERE seal and signed by the Chair of the Board and the Secretary.
3. ERE shall sent the written notification to all the interested parties for the Board decisions within 3 working days from the day when the decision is taken. All ERE decisions are kept in the official decisions register available to be reviewed from the public.

Article 16

Rehearing and Complaining to Board decision

1. For a Board Decision, Any party included in the procedure may require to ERE, within 7 (seven) calendar days from the day of taking the decision regarding that procedure, to review the Board decision in case there are new evidences that can lead the Board in taking a decision different from the previous one or the material errors observed.
2. The Board shall review the new evidence and shall issue its decision within 30 calendar days from the submission of the request for review. This request for review shall not permit the person submitting the review to interrupt the execution of the first Board decision within the defined deadline, unless suspended by the Board under his authority.
3. The request to review the decision does not suspend the implementation of the decision unless the Board decides otherwise.
4. The suspension of act approved by ERE, is made only by the Board, according to a request submitted from an interested company, in conformity with the specific circumstances.
5. The Board may not decide to suspend the implementation of one of his acts, when:
 - The suspension of the act is prohibited by law;
 - Its immediate implementation is in public interest.

Article 17

In conformity with Law no. 43/2015 “On Power Sector” and Law no. 102/2015 “On Natural Gas Sector” any person may make a complaint in the Administrative Court of Tirana, within 30 calendar days, from the publication of the decision in the Official Gazette.

PART IV

REGISTRATION AND DOCUMENTATION

Article 18

Registering the application or request

1. The archive employee shall open a file for each procedure to which these rules are applicable including here the complaints, requests, tariff procedures, prices, licenses, qualifications, certifications and deliberations regarding an amendment, annex, termination, renewal, or license withdrawal etc. Any proceeding shall have a number in the protocol register and shall be accompanied by the cover letter as defined in the Regulation for ERE Internal Organisation and Operation. For the documentations with the same proceeding is created the file from the protocol office in collaboration with the directories charged for handling the request or the application. The Protocol employee shall keep a list for all the filed procedures and provides a copy of this list free of charge to all the parties, including the interested parties requiring it.
2. The Board Secretary shall perform the documentation of all Decisions and supporting materials that have served in a specific decision by the Board.
3. The Protocol employee has the responsibility to register all the official letters and other materials coming out from ERE to the third parties. All the official letters or the materials inside and outside the institution are signed by ERE Chairman and in his absence from the person charged from him.

Article 19

Beginning the procedure

1. The Board takes the decision to begin or not the procedures for reviewing any application that has to do with exercising from ERE the authority for:
 - a. License issuing, modification, renewal, transferring and license termination,
 - b. Certification of Transmission Operators in the power and natural gas sector,
 - c. Setting the tariffs and prices for electricity and natural gas sale to the regulated activities,
 - d. Issuing the certificate of origin for electricity generation from energy renewable resources.
 - e. For the requirements to exempt from third party access of new or existing natural gas infrastructures.
 - f. Approving all secondary acts defined on Law 43/2015 “On Power Sector” and Law no.102/2015 “On Natural Gas Sector”

2. The Board decision to begin or not the procedure is taken not later than 12 working days from registering the licensing application at ERE.
3. The Board takes the decision to begin the reviewing procedures if the application mainly completes the requirements according to the respective regulations.

PART V

APPLICATIONS PROCEEDINGS

Article 20

Proceeding the application for license issue

1. Any person that requires to be licensed in one or more activities pursuant to Law No.43/2015 “On Power Sector” or in the activities pursuant to Law No. 102/2015 “On Natural Gas Sector”, shall submit at ERE an application according to the format required by ERE in the regulation for the procedures of license issue, modification, transferring, renewal and license termination in the power and natural gas sector.
2. After the Board has taken the decision to begin the procedures for reviewing the application for license, the directory in charge to review the application shall prepare the announcement for the license application.

Article 21

The applications procedure to set the tariff and prices.

1. The licensee that requires the setting of tariff and prices for electricity and natural gas services for the next year not later than September 1 of the current year shall submit at ERE a written requirement accompanied with the information and documentation required according to this regulation and the respective methodologies.
Late delivery of the data and the tariff application is an administrative infringement within the meaning of article 107 Law no.43/2015 “On Power Sector”

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2. After the preliminary review and in the conditions when the application mainly fulfills the requirements expressed on points 1- 4 article 22, ERE takes the decision to begin the procedures for reviewing the application.
 3. After taking the decision to begin the reviewing procedures the technical directories/the charged working group shall prepare the Board Decision announcement for the Licensee/Licensees.
 4. At any time during the review of the application for setting electricity and natural gas tariffs and prices, ERE has the right to require any information considered necessary for the decision-making regarding the submitted application.

Article 22

General rules for submitting the applications for setting/reviewing/the tariff and prices for electricity and/or natural gas services from the companies that exercise their activity on power sector.

1. When the application for setting/reviewing the tariff and prices for electricity and/or natural gas services, the application is accompanied by the following documentation.
 - 1.1. A statement describing the purpose and the effect of the submitted proposal;
 - 1.2. The expected revenues effect of the company from the proposed tariffs or prices;
 - 1.3. Any change in the tariff and prices structure expected to result from the submitted proposal;
 - 1.4. The applied tariff/prices by the applicant to its customers for any electricity/natural gas service, including:
 - a. The tariff to the Customers for the service performed by the company and any additional tariff for special services;
 - b. Any tariff associated with any special program, including the program description;
 - c. Any other payment applied to the customers, for which the applicant is required to submit his proposals; and
 - d. Any other necessary information to justify the amendments in the tariffs/prices required by the applicant.
 - 1.5. The terms and conditions upon which the electricity and/or natural gas service will be provided to the customers, including:
 - a. The ability to provide the service for different customer classes/groups;
 - b. The type of service provided, including any technical information necessary to differentiate these services from the other ones and according to Customer classes or groups;

- c. Different areas of respective tariffs/prices services that the company applies or proposes for application if any; and
 - d. Any further information necessary to define the terms and conditions of the service.
4. The proposals to set/review the tariffs and prices shall contain, a statement for the test year that is selected to be used by the company, including an annual report of the test year, the expenses, incomes and tariff/prices applied during the test year, as well as the proposed regulations regarding the expenses, revenues and tariff/prices for the test year including the statements, presentations or the working documents that argue any regulation according to the methodologies of calculating the tariffs and prices for electricity and natural gas services approved by ERE.
5. The proposals to set/review the tariff and prices shall contain, when this is applicable, a description for any amendment related to the tariffs and prices, including the reasons for these changes, the effects proposed amendments by different classes/groups of customers, to the other services provided by the applicant or other companies that perform their activity in the power sector, as well as the amendments in the respective invoices for any class/group of Customers.
6. If the applicant claims that any of the required information according to this article or respective methodologies is not possible, he shall submit the reasons of this claim. The failure to give adequate reasons for not submitting any information causes the handling of the proposal as an irregular one.
7. ERE shall announce the decisions for setting/reviewing the tariff and prices within December 15 of the year when it is submitted the application
8. After taking the decision to begin the review procedures the licensee shall inform:
 - a. Within 10 calendar days for the public, by publishing in not less than two/three national newspapers, or in the area where the applicant provides the service, regarding the proposed measure for amending the tariffs and prices, as well as the change in percentage for each class/group of customers expressing clearly their identification. In any case within three calendar days from the publication of the notification the Licensee shall inform ERE for the publication in the newspaper.
 - b. In cases when the applicant does not make the publication according to the above mentioned paragraph, ERE may decide to charge the applicant and make the publication of the application according to the requirements of the above paragraph. The costs of this announcement are transferred to the company that is obliged to implement the first paragraph point 7.

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9. During the application review ERE organizes technical hearing sessions with the applicant, and in any case organizes public hearing sessions according to the regulations for holding the hearing sessions.

PART VI

General rules for handling the Complaints

Article

Settling the disputes

1. For the disputes between the licensee and his customers and between the licensees themselves, any complainer shall submit at ERE the request by using the standard form attached to these Regulations.
2. The complainant in any case except the standart form may submit at ERE only the request for settling the disputes with the information as follows:
 - a. To clearly identify the party/parties that it is believed are responsible for the issue handled in the complaint.
 - b. To clearly identify the action or inaction, that is contrary with the applicable laws or the regulation requirements and to explain such action or inaction.
 - c. To sumbit a calculation of the financial impact or burdens, if any, created for the complainant, as well as to show the practical, operational and other non-financial impacts caused as the result of the action or inaction, including where applicable, the environmental, security, or the reliability of supply impacts.
 - d. To define the corrective action, the required remedy or relief for the injustice or the damage caused.
3. The complainer shall attach all the documents and facts owned or that may be ensured from him including, but not limiting only with the contracts and official declarations, that support the complaint.
4. For the disputes of the customer with the licensee, the customer prior to submitting the request for settling the dispute with a supply company, the customer shall try to settle the dispute by discussing the issue in the Customer's complaint office of the supply company. For the disputes between the licensees, the complaining licensee shall try to settle the dispute with understanding with the licensee in conflict.
5. Any person may submit a complaint to a licensee to require ERE action, against a person that are thought to be in contraversion or violation of any law, regulation, order or any other legal acts administered by ERE, or any other error thought, upon which ERE may have jurisdiction.
6. The complaint at ERE may be submitted by mail or handly at ERE Protocol Office. It shall be registered and protocolled on the date that it has arrived at ERE.

- 7.** The complaints that contain offensive or derogatory materials are not handled by ERE, without prejudicing if the complainer may have submitted a legal complaint. ERE informs the complainer for the reasons of not handling his complaint.
- 8.** ERE within 10 (ten) working days from receiving the complaint, shall send a copy of it to the party/parties considered as responsible for the handled issue (the complainee).
- 9.** The complainee shall answer to the complaint within 15 working days after the complaint announcement. The complainee shall send a copy of the answer to ERE and another copy to the complainant.
- 10.** In each case ERE preserves the right to hold public hearing sessions and/or to make verifications or inspections.
- 11.** For the disputes between the licensees or between the licensee and the Customer subject of which is simultaneously connected with another process decision from the Board, then the above mentioned deadlines or the possible development of hearing sessions will be within different deadlines other than specified in this article, to enable the complaint handle within the deadline of reviewing the issue in process from the Board, connected with the subject of the complaint.
- 12.** For the repeated complaints that are submitted by the licensee or the Customers, with the same party and the same subject, the Board members are informed for the dispute represented at ERE. The Chairman shall held a Board meeting, that defines how will be proceeded with the complaint or the dispute. The Board meetings foreseen according to this point shall have an informative and guideline character to settle the issue subject to the disputes and complaints from ERE technical staff . For the repeated complaints submitted by the Customers to the licensees, the Board may decide case by case on the request of the Chairman for further settling the complaint.
- 13.** At any time when it is considered necessary the Chairman may require the Board to handle a complaint submitted at ERE, within the power and competence given by the legislation in force.
- 14.** The specific rules for handling the complaints and settling the disputes are subject of approval by ERE.

Article 24
Other requirements

1. If a person submits a request different from what is provided in these regulations then ERE shall proceed in conformity with the provisions that regulate the issue according to the legislation in force.
2. Any person that submits a request at ERE may send it by official mail or electronically in conformity with the legislation in force.
3. The request shall be made in a written form and shall contain the name, address and telephone number of the person that submits the request as well as a short and clear statement with his justifications.
4. In any case of submitting the requests for ERE opinion on its secondary legislation interpretations, this opinion shall be the result of the discussion and the position held by ERE in the Board meeting.

Article 25

Mandatory Intervention

1. After submitting a request to intervene in one ERE proceeding, there will be allowed to intervene as party in the processing: (a) any person that is or may be member of a group that is or may be directly affected and in a considerable way by the proceeding; as well as (b) any state institution.
2. The Board may not deny the intervention of any person that has submitted a request to intervene on time according to paragraph 1 of this article, on the basis that the person submitting the request does not have any direct and essential interest in the proceeding.
3. The Board may limit the participation of any person that submits the request to intervene according to this article when the Board judges that the person has the right to intervene only relating to one part of the proceeding issue.
4. When the participation of any person is limited or denied according to this Article, ERE shall include in the registration a note regarding this fact and its reasons.

PART VII
DRAFTING THE SECONDARY LEGISLATION

Article 26

**Rules for drafting, reviewing and approving the secondary legislation with the status
Regulation, Guideline, Methodology, License**

1. For drafting or reviewing a secondary legislation that has to do on performing ERE authority regarding the approval of secondary legislation, with its own initiative or with the proposal of other companies that has the right to draft an act subject to ERE approval, the Chairman after being consulted with the Board members, orders the establishment of a working group which prepares the draft and proposes it for review by the Board.
2. The other procedures until approving the draft or review of the act approval with ERE initiative or the proposal of the companies that have the right to draft such an act begins only after taking the Board decision to begin the procedures.
3. After preparing the draft, or after the draft analysis in case of the proposals from the companies that have the right of a proposal ERE publishes within 2 (two) working days an announcement in 2 (two) national newspapers by inviting the interested parties or other persons to be informed with the draft - act and to send their comments in a written form. ERE shall inform the affected parties by providing a copy of the draft-act for which have began the procedures with Board Decision.
4. ERE may decide case by case to organize hearing sessions to have the opinion of the other parties for a draft-act.
5. After taking the request to recognise the review and aproval procedures of the secondary legislation by ERE, it shall provide a copy of the draft-act to any affected party or interested person.
6. All the interested persons shall send their comments in the written form for the draft act within the deadlines defined by ERE in the announcement for the company and in the public announcement in the newspaper.
7. ERE shall sent a copy of the drafted act to all the parties that have expressed their comments or are interested in the process.
8. In any case ERE publishes on its official website a copy of the approved act.

PART VIII

HEARING SESSIONS

Article 27

Types of hearing sessions

1. In conformity with the authority given by Law no. 43/2015, “On Power Sector”, and Law no.102/2015, “On natural gas sector”, ERE during performing its powers and responsibilities in electricity and natural gas sector may organize hearing

sessions as follows:

- technical sessions;
 - formal public sessions.
3. ERE Chairman in consultation with the Board decides on the public hearing session that will be held in compliance with the problems and the issues to be treated.

Article 28

Formal public sessions

ERE holds formal public hearing sessions to take the comments from the interested parties regarding the tariffs and prices of electricity and natural gas sale.

Article 29

Technical sessions

ERE holds technical hearings case by case with the licensees that have applied for the review of the tariffs, prices, license issuing, modification, transferring, renewal and license termination, approving the other secondary legislation by ERE, as well as in case of disputes for the implementation of an ERE act or decision, or during reviewing the agreement of the regulated market and other issues under ERE responsibility.

Article 30

Beginning of the hearing sessions

1. A hearing session begins based on ERE Chairman order.
2. Any order or notification according to point 1 of this article defines:
 - a. The authority and jurisdiction under which the hearing session should be held;
 - b. The type of the hearing session;
 - c. The person that leads the hearing session
 - d. Other persons charged for the issue subject of the hearing session
 - e. Calling external experts as may be the case.
 - f. The date, time and location of the hearing session; and
 - g. Any other appropriate issue.
4. The Leading Person shall provide the announcement for the Board members for the location and the time of the hearing session. At the end of the hearing session the Leading Person and other persons that have followed the hearing session shall inform the Board about it.

Article 31
Announcements

1. For the technical hearing sessions ERE shall inform each party that has expressed their interest as well as the parties identified as necessary for the process, not later than 3 calendar days from the date planned for the hearing session. The announcement provides information on the date, time, the location and purpose of the hearing session for the subject issue of the hearing session.
2. For public hearing sessions to review the proposals from the licensees for the tariffs and prices ERE informs the parties identified as necessary for the process not later than 7 working days from the planned date for the hearing session. ERE publishes for two days in two national newspapers the hearing session that will be held.
4. The interested parties shall confirm their participation in the public formal hearing session, at least 2 (two) working days before the hearing session.

Article 32
The procedures of developing the hearing sessions

1. The leading person at the beginning of the hearing session shall explain to the parties the procedure as well as other rules for the hearing session and also submits the issue that will be handled.
2. All the hearing sessions organized by ERE shall be registered and informed to the parties at the beginning of each hearing session.
3. The files of the formal hearing sessions are open for public inspection and are kept according to the rules in conformity with the legislation in force.
4. During the hearing session, to all the interested parties shall be given the opportunity to submit their opinions and reasons regarding the discussed issue and the solutions.
5. The voice registrations and other mechanical or electronic equipments, except those used as appropriate by the Secretary are permitted in a public formal hearing session.

At the end of the technical hearing session the person charged from the leading person drafts a summary of the issues discussed and the conclusions. This summary is delivered to all the persons in the hearing session for comments, suggestions and approval.

In any case a copy of the summarized report for this hearing session shall be sent to ERE Board.

Article 33

Rules for holding the hearing session

1. During the held of the hearing session the leading person shall provide the right to speak for each party present in the hearing session that requires this right.
2. For the progress of the hearing session, when there are many parties in the process and for the account of a certain party are submitted more than two persons, then ERE shall ensure the participation in the main panel of two persons appointed by the participating party itself.
3. Any person that participates in the hearing session has the right to listen, take notes, and make questions according to the row decided by the leading person of the hearing session.
4. It is not allowed to interrupt the speaker, the use of the mobile phones and smoking.
5. If any of the participants is considered that he disturb the progress of the hearing session, the leading person orders his exclude from the hearing session.
6. At the beginning the right to speak is given to the representatives of the licensee to present the application and then the parties are invited to express their comments and different questions regarding the application.
7. After hearing the responses of the licensee representatives, the leading person declares the end of the hearing session.
8. If the hearing session require more time than planned, the leading person being consulted with the present parties, may decide to continue the session in another day.
9. If one hearing session fails to finish all the planned issues, it may continue on another date that shall be communicated by ERE at the end of the hearing session, or through another communication, that shall be announced to the interested parties not later than one calendar day before the organization of the next session.

Article 34

Documentation

The parties during the hearing session may submit commnets in a written form that are part of the hearing session file and object to public access in ERE documents.

Article 35
Transcripts

1. Any declaration made at a hearing session is transcribed in an accurate report, without removing anything except when in limited circumstances, the leading person may order in a written form the remove from the registrations of the offensive statements.
2. After closing a registration, the changes in the transcript are not permitted, except the cases provided in point 3 of this Article.
3. Any correction in the transcript of a hearing session may be possible, only if the leading person decides that the correction is in conformity with the transcript of the evidence submitted in the hearing session.

Article 36
Reporting

1. In case of formal and public hearing sessions, the Leading Person and the persons charged for the subject issue of the hearing session, prepare the report on the hearing session that is part of the final report submitted to the Board.

PART IX

GENERAL PROVISIONS

Article 37
Accelerating the deadlines and amending the proceeding requests

For the requirements submitted at ERE to accelerate a process subject to Board decision, to the extent permitted by the law, where there is a justifiable reason, the Board shall permit the technical staff to treat an issue with accelerating procedure or with a procedure different from the proceeding request defined by specific rules, when they may not be implemented, they are inadequate or unnecessary, so that this process shall not limit the rights of the party, subject to the procedure treated by the Board.

Article 38
Conflict with Legal or Institutional Functions

These rules are drafted in conformity with the legislation in force, the authority and ERE legal functions. In case of conflict between the legislation in force that deals with ERE authority and powers as well as these regulations, shall prevail this legislation.

Article 39
Reviewing and amending the rules

These Rules are object of review and amend with Board decision.

Article 40
Entry into force

These Rules enter immediately into force and are published in the Albanian Official Gazette.