

**REGULATION FOR HANDLING THE COMPLAINTS SUBMITTED BY
THE CUSTOMERS AND SETTLING THE DISPUTES BETWEEN THE
LICENSEE, ON POWER AND NATURAL GAS SECTORS**

FIRST PART

GENERAL PROVISIONS

ARTICLE 1

Purpose

- 1.1 The purpose of this regulation is to define the terms and procedures, for reviewing and settling the disputes between the licensees on power and natural gas sector and handling the complaints of electricity and natural gas customers.
- 1.2 While reviewing the disputes and complaints, ERE implementing this regulation aims to:
- a) offer quick solution and settle for the disputes and complaints between the licensees on power and natural gas sector
 - b) ensure that there are respected the rights of the parties;
 - c) contribute in fulfilling all the regulatory obligations in power and natural gas sector;
 - d) ensure the functioning of electricity market competitive structures and the integration of the Albanian market in the regional and european one for energy.

ARTICLE 2

Legal Basis

This regulation is supported on:

- Law No.43/2015,“On Power Sector” article 20, letter ë; article 24, point 1 and 2;
- Law No.102/2015 “On Natural Gas” article 16, point 16; article 17, point 1, letter “ë”; article 98, point 1 and 2;
- Law No. 44/2015 “Administrative Procedure Code for the Republic of Albania”
- Regulation on ERE Organization, Operation and Procedures, approved with

ERE Board decision, No. 96, of date 17.06.2016

- Law No. 9902 of date 17.04.2008, “On customer protection”.
- Law No. 9887 of date 10.03.2008, “On protecting the personal data”.
- Law No. 9901, of date 14.04.2008 “For the Traders and the Trading Companies” as amended.

ARTICLE 3

Object

Complaints and disagreements categories, object of this regulation are as follows:

- 3.1 ERE implementing article 24, point 1 and 2 Law No. 43/2015 ”On Power Sector „ and article 98 point 1 and 2 Law No. 102/2015 “On Natural Gas Sector” has the legal authority to:
 - 3.1.1 To handle the Customer complaints to the licensees regarding the offered services
 - 3.1.2 Settle the disagreements between the licensee regarding the exercised activity .
 - 3.1.3 Settle the disputes between the licensee and any customer or system user of distribution/transmission system in the quality of the third party, that requires access in the grid,
 - 3.2.4 Any complaint or disagreement regarding elements of penal offence or for which it is initiated a court process shall not be treated by this regulation.

ARTICLE 4

Definitions

In this regulation the following terms shall have these meanings:

- 4.1 “**Power Law**” shall mean Law No.43/2015 “On Power Sector”;
- 4.2 “**Gas Law**” shall mean Law No.102/2015 “On Natural Gas Sector”;
- 4.3 “**Energy Regulator Authority**” or “ERE” shall mean the regulator authority on power and natural gas sector, which operates in conformity with Law on “Power Sector” and Law on “Natural Gas Sector”;

- 4.4 “**Licensee**” shall mean a person equipped with license to perform the activities on power sector, in conformity with the provisions of power and natural gas law;
- 4.5 “**Complainer**” shall mean a natural/legal person, who submits a complaint at ERE for any action/inaction of the licensee, that is in ERE jurisdiction, for the activities provided on “Power Law” and “Gas Law”;
- 4.6 “**Third parties**” shall mean the other parties, which shall be connected on settling the disputes;
- 4.7 “**Dispute**” shall mean any conflict between the licensee and some other licensees;
- 4.8 “**Complaint**” shall mean any request submitted at ERE, from the customers to the licensees, regarding the service offered by the licensee;
- 4.9 “**Customer**” shall mean a wholesale or end-use customer for electricity and natural gas, as well as any other natural gas company that purchases natural gas;
- 4.10 “**Board**” shall mean ERE decision making body, appointed according to Law No. 43/2015 “On Power Sector” and Law No. 102/2015 “On Natural Gas sector” ;
- 4.11 “**Interconnector**” shall mean a transmission line constructed by Transmission System Operator or a third party, which crosses the border of the Republic of Albania and another country and connects the national transmission systems for both countries;
- 4.12 “**Third party access**” shall mean the right of all system users to use the transmission and distribution system and natural gas deposit, based on defined and published conditions, in conformity with transparency and non-discriminatory principles, with tariffs approved by ERE;
- 4.13 “**Interconnection line**” shall mean a transmission line, connecting transmission systems between two countries.

SECOND PART
ERE ROLE AND PRINCIPLES IN SETTLING THE DISPUTES AND
HANDLING THE COMPLAINTS

ARTICLE 5

ERE role in settling the disputes and handling the complaints

- 5.1 ERE activity in settling the disputes and handling the complaints is provided from Power Sector legislation.
- 5.2 ERE role is connected in defining the terms, conditions and procedures regarding settling the disputes and handling the complaints in Power and Natural Gas Sector, in such a way to:
 - 5.2.1 Ensure equal and non-discriminatory treatment to all the customers and licensees on power sector, respecting and fulfilling their rights and obligations in power and natural gas supply service.
 - 5.2.2 Protect electricity and natural gas customer's supply, by open and transparent procedures, to the ones that has to do with settling the disputes and handling the complains as well as guaranteeing electricity and natural gas supply
 - 5.2.3 To settle the complaints between the customers and the licensees on power and natural gas sector.

ARTICLE 6

Principles for settling the disputes and complaints

6.1 Transparency principle.

ERE shall be based on transparency principle for the right solution for handling the complaints and settling the disputes, which means the information publication regarding the disputes reviewed by ERE, and the argumentation for reaching to settle the dispute.

6.2 Equality principle

ERE shall be based on equality principle for settling the disputes and handling the complaints, ensuring equal and non-discriminatory treatment to all the customers and licensees on electricity market respecting and fulfilling their rights and obligations in electricity and natural gas supply service.

6.3 Confidentiality principle

6.3.1 Implementing article 16, point 4 of "Power Law" and article 16, point 15 of "Gas Law", ERE is obliged to publish the decisions regarding the disputes taking into consideration the obligation to maintain

confidentiality and commercial privacy. The publication shall be on ERE official website, not including the parts dealing with commercial privacy.

- 6.3.2 With the publication of its decisions, ERE shall take into consideration the commercial private principle for the parties, in conformity with law “On Commercial Organizations”. Although, ERE shall not accept as granted the parties claims that their interest would be damaged by the publication of certain information. ERE shall issue clear and argued decisions for settling the disputes, showing the way of reviewing the issue and arguing why ERE has reached that decision.
- 6.3.3 The parties shall declare if, and on what basis, certain information shall be classified as commercially private and sensitive when they provide information to ERE. The publication or not of a certain information is an issue where ERE decides.
- 6.3.4 ERE is obliged to respect the requirements for maintaining confidentiality for any information or document made available by the Customer, implementing the law “On protecting personal data“, regarding a complaint submitted by the last one mentioned.

ARTICLE 7

Information

- 7.1 ERE shall provide in an easily available way for the customers, licensees and other interested parties, the necessary information for the terms, conditions and the deadlines for settling the disputes and handling the complaints.
- 7.2 This information shall be published electronically, in a clear language, for free and in a format accessible for all the persons.

THIRD PART

PROCEDURES FOR HANDLING THE COMPLAINTS OF THE CUSTOMERS TO THE LICENSEES

ARTICLE 8

Accepting and recording the complaints at ERE

8.1 Any Customer has the right to submit a complaint at ERE in these cases:

8.1.1 If the Licensee, by the actions or in-actions undertaken by him, has violated and infringed the general conditions of electricity supply, universal service supply and other acts relating the electricity and natural gas supply, approved by ERE.

8.1.2 When the Customer has completed the procedure for handling the complaint at the Licensee and is not satisfied with the response given by the Licensee;

8.1.3 If the complainer does not receive a response from the Licensee, within the period provided in the licensee regulation for 'Handling the complaints,, and quality of service standards approved by ERE;

The regulation "For handling the complaints" of the licensee shall be published in a significant place at each of their representation.

8.1.4 Any other circumstance that may be the cause for a complaint by the Customer to the licensees and is not provided above.

8.2 Any complaint submitted at ERE, is recorded electronically or in a written form.

8.3 The recording shall contain:

- a. A unique identifying code;
- b. Date of submitting the complain, the complainer identity and his contact details;
- c. Number of the contract for electricity or natural gas supply;
- d. The company to which the complainer is complained;
- e. Object of the complaint and its summary;
- f. If the customer is complained before at ERE or the licensee, for the same problem on which it is made the new complaint.
- g. any information or other document relating the review and handle of the complaint.

- 8.4 In all cases ERE shall accept a complaint only when the complainer submits the minimum information mentioned above.
- 8.5 All the communications between ERE and the Complainer regarding the complain, shall be recorded respecting the unique identifying code.
- 8.6 Accepting and handling the customer's and licensee complains by ERE, shall be a free of charge service.

ARTICLE 9

Handling and settling the complaints

- 9.1 The handling and settling of the complaints by ERE, shall consist in investigating and verificating all circumstances and data regarding the recorded complaint.
- 9.2 ERE, according to the case, shall send for verification the complaint at the complaining company within 15 calendar days.
- 9.3 The licensee, is obliged to respond for the complaint handling within 10 calendar days, from the date of receiving the official letter. If from the Licensee is required additional time for handling the complaint, this period may be extended by other 20 calendar days.
- 9.4 ERE may require additional information from the complainer or from the Licensee to whom it is submitted the complaint, within 10 working days after accepting the complaint.
- 9.5 ERE after having registered the complaint and after beginning to handle it, may decide that it has no jurisdiction over the issue.
- 9.6 In any stage of reviewing the complaint, if it sees necessary ERE may call the parties in a hearing session. To the parties is given a period for not more than 5 days to submit in the hearing session.

The notification for hearing session shall include the issues that will be handled in the hearing session.

- 9.7 After completing to handle the complaint, ERE shall inform the complainer and the licensee to whom it is submitted the complaint, for the actions undertaken to solve the complaint and avoid the problem.
- 9.8 In cases when the complaint is successful, ERE communicates to the licensee, the corrective or compensating actions, which should be undertaken by the customer, in conformity with “*The general conditions of universal service for electricity supply of end-use customers* and “*General conditions for electricity supply service of end-use customers*” as well as the “*Regulation on minimal quality of service conditions for electricity distribution and sale*”.
- 9.9 Actions required by ERE to the Licensee, for handling and settling the complaint to the customers are obligatory for the Licensees, subject of the complaint.
- 9.10 The maximum period for handling and settling the complaint for electricity supply is 30 days from recording the complaint. This period shall be extended with 30 other days, in cases when ERE needs additional information.
- 9.11 The maximum period for handling and settling the complaint for natural gas supply is 30 days from recording the complaint. This period may be extended with 30 other days when ERE needs additional information.

ARTICLE 10

Communicating the decision

The decision or any other undertaking action for handling and settling the complaint, shall be communicated to the Complainer within 5 working days from taking the decision or undertaken action.

FOURTH PART

THE PROCEDURE FOR SETTLING THE DISPUTES BETWEEN THE LICENSEE

ARTICLE 11

Accepting and recording the disputes at ERE

- 11.1 Any Licensee has the right to submit in the written form at ERE, a request on reviewing a dispute, between him and one or more other licensees, when:
- 11.1.1 By another Licensee, with the actions or inactions taken by him, are violated and infringed the general conditions for electricity or natural gas supply, approved by ERE.
 - 11.1.2 If to the licensee and the user it is refused the grid access
 - 11.1.3 If it is not reached the agreement for the access in the grid and the interconnection
 - 11.1.4 Any other circumstance that may constitute the reason for a dispute between the licensees and it is not provided above.
- 11.2 Any request submitted at ERE, for reviewing a dispute, shall be recorded electronically or in a written form. The registration shall include:
- a. A unique identifying code;
 - b. Date of submitting the request for reviewing the dispute;
 - c. The identity of the complainer that has submitted the request and his contact details;
 - d. Object of the request and its summary;
 - e. Any other information or document relating with the review and handle of the complaint.
- 11.3 In all cases ERE shall accept a request for reviewing the dispute, only when the complainer submits the minimum information defined above.
- 11.4 ERE after accepting the request for reviewing the dispute and after beginning to

review it, may decide that it has no jurisdiction over the issue.

- 11.5 All communications between ERE and the Licensee regarding his request, shall be registered respecting the unique identifying code.
- 11.6 Accepting and handling the licensee requests, for reviewing a dispute by ERE, shall be a service offered for free.

ARTICLE 12

The procedure for handling the dispute

ERE shall perform a procedure for settling the disputes in these stages:

12 .1 Accepting the dispute

- 12 .1.1 ERE accepts the written request for reviewing the dispute, a request that contains the required information described on article 11 of this regulation.
- 12 .1.2 ERE shall decide if the information is in conformity with the definition of the dispute, shall evaluate the legal basis for reviewing the dispute.
- 12.1.3 The maximum period for accepting or rejecting the notification is 15 days after depositing the notification. Within this period ERE shall request the completion of all the necessary information.

12 .2 Hearing sessions from ERE

- 12.2.1 Before taking the decision, if ERE deems necessary may call the parties in a hearing session. To them it is given the deadline for not more than 5 days to submit in the hearing session. The notification for the hearing session shall include the issues that will be handled by ERE in the hearing session.
- 12.2.2 In the hearing session, the parties in the dispute may give their argument orally or in the written form and have the right to be legally represented.

12.2.3 At the end of the hearing session, ERE shall express its attitude regarding the dispute and if necessary, by ERE Board Decision

12.2.3 ERE Board may be expressed with a decision if the circumstances for settling the dispute are the same and repeated between the same parties. The final decision for settling the dispute shall be approved from ERE Board and notified to the parties according to the definitions in the Regulation for ERE Organization and in “Administrative Procedure Code”, approved by ERE with Law no. 43/2015.

12.2.4 Final decision shall contain full and clear reasons for ERE Board decision.

12.2.5 ERE shall publish on its official website the the public version of the Final Decision regarding the disputes, taking in consideration the obligation for not-publishing commercial parties privacy.

12.3 Deadline for settling the disputes.

12.3.1 The maximum period for reviewing and settling the disputes for electricity supply/transmission is 45 calendar days from recording the complaint. This period shall be extended with other 30 days, when ERE needs additional information.

12.3.2 The maximum period for reviewing and settling the disputes for gas supply/transmission is 45 calendar days from recording the complaint. This period shall be extended with 30 other days, when ERE needs additional information.

ARTICLE 13

Review of ERE Board decision

Any party involved in settling the dispute procedure may require ERE within 7 calendar days from taking the decision regarding this procedure, the review of

Board decision if there are provided new evidences that may lead the board to take different decision from the previous one or for observed material errors. ERE shall review the request implementing the provisions of the “Regulation for ERE organization, operation and procedures”.

ARTICLE 14

Publication of the data regarding the settlement of the disputes and handle of the complaints

ERE shall publish on its official website, the number of submitted complaints, their object and the taken measures, actions to eliminate them.

FIFTH PART

GENERAL PROVISIONS

ARTICLE 15

Appealing

Against ERE Board decision may be the complaint in the Administrative Court of Tirana within 30 calendar days from publishing the decision in the Official Gazette.

ARTICLE 16

Reviewing and amending the rules

This regulation is object of review and amendments with ERE Board decision

ARTICLE 17

Entry into force

This regulation enters immediately into force after the approval from ERE Board.