



REPUBLIKA E SHQIPËRISË

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 235, dated 26.11.2021

ON

APPROVING THE “REGULATION ON THE PROCEDURES AND TERMS FOR RECEIVING AUTHORIZATION FROM ERE TO CHANGE THE LEGAL STATUS OF THE LICENSEE OR TO REPLACE THE PARTNER/SHAREHOLDER IN CHARGE OF THE INTERESTS OF THE LICENSEE AND TO ESTABLISH THE QUOTAS / SHARES OF THE PARTNER / SHAREHOLDER THAT CONTROLS THE INTERESTS OF THE LICENSEE AS A MEANS TO GUARANTEE THE FULFILLMENT OF OBLIGATION/S TO THIRD PARTIES ”

Based on article 16, article 20, letter “g”, as well as article 51, point 2, letter “a”, of Law no. 43/2015 “On Power Sector”, as amended; article 13 of Law no. 102/2015, “On Natural Gas Sector”, as amended; article 26 of the “Rules for ERE Organization, Operation and Procedures” approved with ERE Board Decision no. 96, dated 17.06.2016, Energy Regulatory Authority (ERE) Board on their meeting dated 26.11.2021, after reviewing report Protocol no. 144/7, dated 23.11.2021 prepared by the Working Group, “On approving the “Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee and to establish the quotas / shares of the partner / shareholder that controls the interests of the licensee as a means to guarantee the fulfillment of obligation/s to third parties ”,

Observed that:

- ERE Board with decision no. 163, dated 12.07.2021, decided to open the procedure to review and approve the Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee”.
- ERE with official letter Protocol no. 6/20 dated 14.07.2021, published the announcement in the print media on opening this procedure and submitted the official letter Protocol no. 844 dated 22.07.2021 to the interested parties: the Ministry of Infrastructure and Energy, Competition Authority, Energy Community Secretariat, KESH company, TSO company, DSO company, Universal Service Supplier (FSHU company), the Albanian Association of

Electricity Suppliers (AAES), Foreign Investors Association of Albania (FIAA), Albanian Renewable Energy Association (AREA), Albanian Centre for Energy Regulation and Conservation (ACERC), National Agency of Natural Resources, Trans Adriatic Pipeline AG Albania, ALBGAZ company, ALBPETROL company, PHOENIX PETROLEUM company, CGC company, BALKGAZ company, to receive an opinion regarding the proposed amendments.

- TSO company through official letter protocolled at ERE with Protocol no. 844/1, dated 29.07.2021 and ALBGAZ company via official letter protocolled at ERE with Protocol no. 844/4, dated 27.08.2021, informed that they have no further comments or suggestions regarding this draft.

- AREA Association, through official letter protocolled at ERE with Protocol no. 844/2 dated 09.08.2021, proposed to specify / clarify what is implied by the change of the partner / shareholder who controls the interests of the company (article 4), as well as to specify the term / validity that documents and statements issued by other bodies shall have from the moment of submitting the request at ERE (Article 5, point 4). These proposals were taken into consideration and are reflected in the above mentioned articles in the Regulation.

- KESH company through official letter protocolled at ERE with Protocol no. 844/3 dated 12.08.2021, presented at ERE their suggestions / proposals mainly regarding the title of the regulation, clarifications and additions regarding the setting of quotas / shares as a means to guarantee the fulfillment of the obligation / s, as proposed in (letter c) of Article 2); explanations of definitions (Article 4); document submission form (point 4, of article 5); required documentation (Articles 6 and 7); including an article specifying the necessary documentation for granting the authorization for setting the quotas / shares of the licensee as a means for guaranteeing the fulfillment of the obligation / s towards the third parties; the validity of the authorization and informing ERE on the progress of the transfer according to the authorization granted (Article 9); defining administrative violations and misdemeanors. These proposals / suggestions have been partially considered and reflected in the adaptation of the above mentioned articles in the Regulation.

- After the completion of the term imposed, there are no other comments or suggestions submitted by other interested parties.

For all of the above mentioned, ERE Board

Decided:

1. To approve the “Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee and to establish the quotas / shares of the partner / shareholder that controls the interests of the licensee as a means to guarantee the fulfillment of obligation/s to third parties ”
2. License, Authorization and Supervision Directory shall inform the interested parties about ERE Board Decision.

This decision enters into force 15 days after the publication in the Official Gazette.

About this decision may be required its review at ERE within 7 calendar days and may be complained on Tirana Administrative Court within 30 calendar days for the licensees in Power Sector and within 45 calendar days for the licensees in Natural Gas Sector, from the day of its publication on the Official Gazette.

This decision shall be published on the Official Gazette.

CHAIRMAN

Petrit AHMETI