



REPUBLIKA E SHQIPËRISË  
ENERGY REGULATORY AUTHORITY

BOARD  
DECISION

No. 355, Dated 28.12.2022

ON  
THE PRIOR APPROVAL OF THE COMPLIANCE OFFICER OF "ALBGAZ" COMPANY

Based on article 16, of Law no.43/2015 “On Power Sector” as amended; article 47, point 2, of Law no. 102/2015 “On Natural Gas Sector” as amended; article 15 of the Regulation for ERE Organization, Operation and Procedures, approved with ERE Board decision no. 96, dated 17.06.2016; ERE Board on their meeting dated 28.12.2022, after reviewing the report Protocol no. 2116, dated 21.12.2002 prepared by the Technical Directories “ On the prior approval of the Compliance Officer of “Albgaz” company”,

**Observed that:**

- In article 47, point 2 of Law no.102/2015 “On Natural Gas Sector”, as amended, it is defined that: *The compliance officer shall be appointed by the supervisory board or, if such body is not formed, by the collective management body of the TSO, subject to the prior approval by the ERE.*
- ERE board with decision no.78, dated 26.05.2017, approved the Contract for the Provision of Services of the Compliance Officer of "ALBGAZ" company, whereas with decision no. 223, dated 16.10.2018 ERE board, approved the selection criteria of the Compliance Officer of "ALBGAZ" company.
- ERE board with decision no. 223, dated 16.10.2018, has primary approved the Compliance Officer of the Transmission System Operator of Natural Gas.
- With the official letter protocolled at ERE with Protocol no. 565/8 dated 20.11.2018, "ALBGAZ" company has submitted at ERE the decision of its Supervisory Council no. 11, dated 30.10.2018, "For the appointment of Mr. Elvis Ponari in the position of Compliance Officer of "ALBGAZ" company as well as the Contract on the provision of services for the Compliance Officer with Protocol no. 78/1 dated 13.11.2018, signed between "ALBGAZ" company and Mr. Elvis Ponari, valid for a period of 3 years, until 13.11.2021.

- Following the end of his mandate, ERE with official letter Protocol no. 948/2 dated 07.09.2022, has requested information from "ALBGAZ" company on the reasons why the title of the Compliance Officer has not yet been submitted for approval.
- With official letter protocolled at ERE with Protocol no. 1902 dated 03.11.2022, "ALBGAZ" company submitted the request and documentation for the preliminary approval of the Compliance Officer, Mr. Elvis Ponari, noting that this candidacy was selected after a preliminary process, where the fulfillment of the criteria was verified on his part.
- Pursuant to the provisions of Article 47, point 2 of Law no. 102/2015 "On natural gas sector", as amended, it is evaluated the preliminary approval of Mr. Elvis Ponari as Compliance Officer of "ALBGAZ" company.
- Within 30 (thirty) days from this approval, "ALBGAZ" company must submit at ERE the decision of the Supervisory Council of "ALBGAZ" company for the appointment of Mr. Elvis Ponari as well as the contract signed by him and "ALBGAZ" company.
- In the annual Compliance report of "ALBGAZ" company for 2021, reporting for 14.11.2021-31.12.2021 period shall also be included.

For all of the above mentioned, ERE Board

**Decided:**

1. On the prior approval of Mr. Elvis Ponari as Compliance Officer of "ALBGAZ" company.
2. Within 30 (thirty) days from this approval, "ALBGAZ" company shall submit at ERE:
  - a) Decision of the Supervisory Council of "ALBGAZ" company for the appointment of Mr. Elvis Ponari.
  - b) The contract on the provision of services for the Compliance Officer signed between "ALBGAZ" company and Mr. Elvis Ponari.
3. In the annual Compliance report of "ALBGAZ" company for 2021, the Compliance Officer shall also include reporting for 14.11.2021-31.12.2021 period.
4. This decision is subject to review by ERE.
5. Natural Gas Directory shall inform Mr. Elvis Ponari and the Energy Community Secretariat about ERE Board decision.

This decision enters immediately into force.

Each party involved in this procedure can request ERE, within 7 calendar days from the date of the decision, to review the board's decision in case it has provided new evidence that could lead the board to make a decision different from the previous one or for detected material errors.

This decision can be appealed to the Tirana Administrative Court, within 45 calendar days from the day of publication in the Official Gazette.

This decision shall be published in the Official Gazette.

**ERE CHAIRMAN**

**Petrit AHMETI**