



REPUBLIKA E SHQIPËRISË
**ENERGY REGULATORY AUTHORITY
BOARD**

DECISION

No. 317, Dated 08.11.2023

ON

**SOME TEMPORARY AMENDMENTS IN THE PROCEDURES ON ISSUING THE
GUARANTEES OF ORIGIN FOR ELECTRICITY PRODUCED FROM
RENEWABLE RESOURCES**

Based on article 16, of Law no.43/2015 “*On Power Sector*”, as amended; article 22, of Law no.24/2023 “*On the promotion of the use of energy from renewable resources*”; article 15 of the “*Regulation on ERE organization, operation and procedures*”, approved with ERE Board decision no. 96, dated 17.06.2016; ERE Board on their meeting dated 08.11.2023, after reviewing the report Protocol no.2386, dated 07.11.2023, prepared by the Technical Directorates of ERE “*On some temporary amendments in the procedures on issuing the Guarantees of Origin for electricity produced from renewable resources*”,

Observed that:

- The “Regulation on issuing, transferring or cancelation of the Guarantee of Origin for electricity produced from renewable resources” approved with ERE Board decision no.229, dated 20.12.2019 is drafted implementing the definitions of Law no.7/2017 “On the promotion of the use of energy from renewable resources”.
- This law was later repealed by law no. 24/2023 "On the promotion of the use of energy from renewable resources ", published in the Official Gazette no. 64, dated 14.04.2023 and entered into force 15 days after this publication.
- Referring to the provisions of Article 2 and Article 22, point 14, of Law no. 24/2023, provided that guarantees of origin are traded with other contracting parties of the energy community, ERE has the obligation to join the regional system and in this context, the procedures followed for this purpose, except with the national legislation in force, specifically law no. 24/2023, must be in accordance with the legal system of the community, referring to the obligations arising from the Energy Community Treaty (TKE), ratified by the Parliament of Albania with law no. 9501, dated 04.03.2006.

- ERE has signed the agreement with the consultant selected by the Energy Community Secretariat, as defined in point 2 of ERE board decision no. 140, dated 14.04.2023, on the signing of the service agreement and the electronic register of the regional system of the guarantee of origin.
- After the entry into force of this law, the request of a licensee for the qualification of the production plant as a renewable power generating plant was submitted at ERE.
- Given that this application is the first after the entry into force of law no. 24/2023 and in reference to the legal provisions as above, ERE with official letter Protocol no. 1937/2 dated 05.10.2023, addressed to the Energy Community Secretariat, regarding the implementation of the guarantee of origin system for these applications, to clarify not only the elements related to the nature of the production plants, but also with the aspects related to the qualification as a prerequisite or not for the granting of the guarantee of origin or the possible restrictions regarding the operation date of these plants.
- In response, with the e-mail protocolled at ERE with Protocol no. 1397/3 dated 18.10.2023, the Secretariat clarified that according to the provisions of Directive no. 2018/2001 Guarantees of Origin must contain information about "the identity, location, type and installed capacity of the plant from which the electricity was produced", as well as "the source from which the electricity was produced, the start and end date of this production". Also, the Secretariat clarifies that according to the provisions of the Directive, there is no limitation regarding the date of putting the plant into operation, unless otherwise provided by national legislation.
- As clarified by law no. 24/2023, it does not result that the technical qualification procedure has been foreseen and also no time limit was determined regarding the operation or commissioning date of the plant, for the production of electricity of which the equipment with GO is required.
- For all of the above, it is estimated that some temporary rules should be defined regarding the issuing with GOs of electricity produced from renewable sources, until ERE approval and the entry into force of the new Regulation on the issuing, transferring and cancellation of GOs, in accordance with the provisions of law no. 24/2023.
- In reference to the above, the suspension of the implementation of the provisions of article 4.1, article 8 and article 10 of the "Regulation on the issuing, transferring and cancellation of guarantees of origin for electricity produced from renewable sources", approved with ERE Board decision no. 229, dated 20.12.2019, for the reason that the definitions of these articles are based on Directive 2009/28/EC, which with the approval of the new law no. 24/2023 "On promoting the use of renewable resources" is no longer relevant as the new law is partially aligned with Directive (EU) 2018/2001.
- Regarding these amendments, the licensees who submit the application for GO must submit at ERE the documentation required by articles 7.4 and 7.5 of the "Regulation on the issuing, transferring and cancellation of guarantees of origin for electricity produced from renewable sources" , approved with ERE board decision no. 229, dated 20.12.2019 or any similar

document or information.

- ERE Board shall make a decision on issuing or rejecting the GO, within 30 days from the submission of the application at ERE.
- As provided in Article 11.4 of the Regulation and in the circumstances of the amendments proposed above, within the framework of the signing of the agreement for the provision of the service for the regional system of guarantees of origin, the GOs issued by ERE during this transitional period shall be registered in the electronic register of the regional system for the guarantee of origin.

For all of the above mentioned, ERE Board

Decided:

1. To suspend the implementation of the requirements of Article 4.1, Article 8 and Article 10 of the “Regulation on the issuing, transferring and cancellation of guarantees of origin for electricity produced from renewable sources”, approved with ERE Board decision no. 229, dated 20.12.2019”until ERE approval and the entry into force of the Regulation on the issuing, transferring and cancellation of GOs, pursuant to the provisions of law no. 24/2023.
2. The licensees who submit the application for the issuing of GOs until the approval of the new regulation must submit at ERE the documentation required by articles 7.4 and 7.5 of the "Regulation on the issuing, transferring and cancellation of guarantees of origin for electricity produced from renewable sources ", approved with ERE board decision no. 229, dated 20.12.2019 or any similar document or information.
3. For GO applications that shall be submitted at ERE during this transitional period, ERE board shall make a decision on issuing or rejecting GO within 30 days from the submission of the application at ERE.

This decision enters immediately into force.

Any party involved in this procedure may request from ERE, within 7 calendar days from the date of the decision, to review the board decision if it has provided new evidence that could lead the board to obtain a decision different from the previous one or for material errors ascertained. This decision can be appealed in the Administrative Court of Tirana, within 30 calendar days from the day of publication in the Official Gazette.

This decision shall be published on the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI