



REPUBLIKA E SHQIPËRISË

**ENERGY REGULATORY AUTHORITY  
BOARD**

**DECISION**

**No. 86, of date 27.03.2026**

**ON**

**AN AMENDMENT ON THE “REGULATION ON NEW CONNECTIONS IN NATURAL GAS SECTOR”, APPROVED WITH ERE BOARD DECISION NO. 176, OF DATE 14.11.2019**

Based on Article 16 of Law no. 43/2015, “*On Power Sector*”, as amended; Articles 13, 16 and 17 of Law no. 102/2015 “*On Natural Gas Sector*”, as amended; Article 144 of Law no. 44/2015, “*Administrative Procedures Code of the Republic of Albania*”; ERE Board Decision no. 27, of date 01.03.2013 “*On approving the conditional exemption of TAP AG from the implementation of Articles 9, 32 and 41, paragraphs (6), (8) and (10) Directive 2009/73/CE for Trans Adriatic Pipeline project*”, as amended; ERE Board Decision no. 64, of date 13.06.2013 “*On approving the Final Joint Opinion of the Regulators on the application of TAP AG exemption*”; European Commission Decision C(2013) 2949 final, of date 16.05.2013; the “*Regulation for new connections in natural gas sector*” approved with ERE Board Decision no. 176, of date 14.11.2019; as well as Article 15 of the “*Regulation on ERE organization, operation and procedures*”, approved with ERE Board Decision no. 96, of date 17.06.2016; ERE Board, on their meeting of date 27.03.2026, after reviewing the report prepared by Legal and Settling the Disputes Directory as well as Natural Gas Regulation Directory Protocol no. 403/1, dated 24.03.2026, “*On approving the request of “Trans Adriatic Pipeline AG” (TAP AG) for an amendment of the “Regulation for new connections in natural gas sector”, approved with ERE Board Decision no. 176, of date 14.11.2019*”,

**Observed that:**

- “Trans Adriatic Pipeline AG” (TAP AG) company, with the official letter protocol no. 403, of date 28.01.2026, submitted the request for the amendment of the “Regulation for new connections in natural gas sector”, approved with decision no. 176, of date 14.11.2019, to include on this act a specific provision for the exclusion of TAP AG from its scope.
- TAP AG operates on the basis of a specific regulatory framework, that is consolidated by European Commission decision C(2013) 2949 final, of date 16.05.2013, as well as the Final Joint Opinion of the Regulatory Authorities of Albania, Italy and Greece, of date 6 June 2013, which provides the exemption from certain obligations of the Third Energy Package.
- With decision no. 27, of date 01.03.2013, ERE approved the conditional exemption of TAP AG from the implementation of the requirements of Articles 9, 32 and 41 of 2009/73/CE Directive, while with decision no. 64, of date 13.06.2013 is approved the Final Joint Opinion of the Regulators on this exemption.

- TAP AG is certified as the independent operator of the transmission system with decision no. 36, of date 31.03.2016 and it is licensed in Natural Gas Transmission activity with decision no. 15, of date 31.01.2019.
- The connection regime on TAP AG infrastructure does not follow the procedures and mechanisms provided on the “Regulation for new connections in natural gas sector”, as the connections on this infrastructure are realized through the specific mechanisms of “Market Test”, based on market demands and the engagement of third parties to cover the costs.
- The current regulation is drafted from national transmission and distributional network operators and does not reflect the specific nature of TAP AG operation, to which previously is approved the request for exemption according to some conditions from the implementation of the requirements of Articles 9, 32 and 41 of 2009/73/CE Directive.
- ERE Board Decision no. 176, of date 14.11.2019 on the approval of the Regulation for new connections in natural gas sector, was preceded by a consultation process with the third parties, the review of the arguments and justification of the decision-making. Among other things on this decision on consultations session it is evidenced the correspondence of date 27.10.2019, where it is cited that TAP is not requested to provide direct connections for the end-users connected, TAP is connected only with national TSO-s. This follows both from EU primary legislation, as well as from the TAP specific legal framework, that is developed in conformity with the exemption granted to TAP on 2016 period.
- Regarding TAP AG request to remove the reference to the correspondence of date 27.10.2019 from the ascertain part of the administrative act of decision no. 176/2019, this request is deemed not to be accepted, since the ascertain part of the administrative act constitutes the essential element of the procedural legality where the reflection of the comments from the parties guarantees transparency and documents the decision-making process, while the removal of this reference would violate the documentary trail of the procedure, moreover TAP AG position is taken into consideration on decision no. 176/2019.
- By decision no. 27, of date 01.03.2013, ERE approved the conditional exemption of TAP AG from the application of the requirements of Articles 9, 32 and 41 of 2009/73/CE Directive, while with decision no. 64, of date 13.06.2013 it was approved the Final Joint Opinion of the Regulators on this exemption.
- In the context of reviewing this decision it is observed that the exemption granted to TAP AG on 2016 period is referenced. From the decision-making analysis regarding TAP AG operation, results that is exemption is related to ERE Board decision no. 27 of date 01.03.2013, decision of the European Commission C(2013) 2949 final, as well as the Final Joint Opinion of the Regulatory Authorities of Albania, Italy and Greece of date 6 June 2013. As such it is necessary to correct the reference year on this paragraph of the respective 2016 decision to be corrected with year 2013.
- In accordance with Article 113 of Law no. 44/2015, “*Administrative Procedures Code in the Republic of Albania*” which provides that an administrative act may be amended by the public body that has the authority to issue it, with a new written act, and it is assessed that on Article 1 of the Regulation no. 176 of date 14.11.2019, to be added a specific provision that excludes TAP AG from its scope with the content as follows: “ *The exemption from this regulation is not object of application from TAP AG for the time of implementing decision no. 27, of date 01.03.2013 “On the conditional exemption of TAP AG company from the requirements of Articles 9, 32 and 41 (6), (8) and (10) of 2009/73/EC Directive for Trans Adriatic Pipeline project ” and decision no. 64 of date 13.06.2013 “On the approval of the document for the Final Joint Opinion of the Energy Regulators on the Application of TAP*

*AG for the Exemption”.*

- This amendment is as consequence of the specific regulatory regime granted to “Trans Adriatic Pipeline AG” company, according to the exemption issued from the obligations provided for third party access to the infrastructure, according to Article 36 of 2009/73/EC Directive. As consequence, TAP AG operates out of the standard framework of open and non-discriminatory access to the network, which justifies its exclusion from the scope of the “Regulation on new connections in the natural gas sector” as adopted in Decision no. 176/2019.

Herein after , ERE Board,

**Decided:**

1. At the Regulation for new connections in natural gas sector, approved with ERE Board Decision no. 176, of date 14.11.2019 on Article 1, it is added the paragraph with the content as follows: *“Exceptionally this regulation is not subject to implementation by TAP AG for the entire period of implementing Decision no. 27, of date 01.03.2013, “On the approval of conditional exemption of TAP – AG company from the requirements of Articles 9, 32 and 41 (6), (8) and (10) 2009/73/EC directive for Trans Adriatik Pipeline project” and decision no. 64, of date 13.06.2013 “On the approval of the document “Final Joint Opinion of the Energy Regulators on the Application of TAP AG for the Exemption”..*
2. Natural Gas Regulation Directory shall inform TAP AG company and the stakeholders regarding this decision.

This decision shall enter into force upon publication in the Official Gazette.

Each party involved in this procedure may request the review of the ERE Board’s decision within 7 calendar days from the date of receipt of this decision, in the presence of new evidence that may lead the Board to issue a different decision or in cases of identified material errors. An appeal against this decision may be filed with the Administrative Court of Tirana within 45 calendar days from the date of its publication in the Official Gazette.

This decision is published in the Official Gazette.

**ERE CHAIRMAN**

**Petrit AHMETI**