



REPUBLIKA E SHQIPËRISË
ENERGY REGULATOR AUTHORITY
BOARD
DECISION

No. 186, Dated 06.06.2023

ON

**APPROVING THE REQUEST OF THE ALBANIAN ASSOCIATION OF
ELECTRICITY SUPPLIERS (AAES) FOR SOME AMENDMENTS AND
RESTRICTIONS IN THE IMPLEMENTATION OF ERE BOARD DECISION NO.
23, DATED 14.02.2022**

Based on Article 16 of Law no. 43/2015, "On Power Sector" as amended; articles 105 and 144 of the law no. 44/2015 "Code of Administrative Procedures of the Republic of Albania"; as well as articles 15 and 16 of the Regulation for ERE Organization, Operation and Procedures, approved with the Energy Regulator Authority (ERE) Board decision no. 96, dated 17.06.2016; ERE Board, on their meeting dated 06.06.2023, after reviewing the report prepared by the Customer Protection, Performance and Standards Directory "On reviewing the request of AAES for some amendments and restrictions in the implementation of ERE Board decision no. 23, dated 14.02.2022",

Observed that:

- The amendments and restrictions proposed by the Albanian Association of Electricity Suppliers (AAES) submitted with official letter Protocol no. 8/1 dated 30.12.2022, protocolled at ERE with Protocol no. 2150 dated 30.12.2022 were evaluated during the opening of the procedure for reviewing the request of AAES for some amendments and restrictions in the implementation of ERE Board decision no. 32, dated 20.02.2023. ERE, despite the request of AAES for the application of the proposed exceptions only for suppliers that supply customers connected to medium and high voltage, it was estimated that this requirement should be extended to all suppliers that exercise their activity in the electricity market, within the framework of treatment with equality and non-discrimination. ERE with official letter Protocol no. 1009 dated 06.03.2023, addressed the interested parties to express comments and objections, if any, regarding the amendments published on ERE official website, for which the procedure was opened.
- In the following, only these interested parties have submitted their evaluations regarding ERE board decision no. 32, dated 20.02.2023: "EZ - 5" company, the Consumer Protection Agency (AMK), the Competition Authority (CA) and the Ministry of Infrastructure and Energy (MIE).

- Considering that many of the companies did not respond to the official letter submitted by ERE, with Protocol no. 1009 dated 03.06.2023, in these circumstances, in order to discuss and receive explanations directly regarding the request of the AAES association, ERE held a hearing session inviting all the interested parties to participate.
- At the hearing session held on 21.03.2023, representatives from the AAES association, "H&K @ Valamar Residencies" company, "Xhengo Energji" company, "Albpetrol" company, the Ministry of Health and Social Protection, Free Market Supplier (FTL) company, Distribution System Operator (DSO) company, People's Advocate, and Consumer Protection Agency (AMK) were present.
- In article 144 of the "Code of Administrative Procedures of the Republic of Albania" approved by law no. 44/2015, it is determined that: *1. Reopening is the legal administrative remedy by which is requested the annulment or amendment of an issued administrative act or the issuance of a refused administrative act, against which an appeal is not acceptable any more due to the expiry of the deadline provided by this Code. 2. A party may seek reopening, if new circumstance or new evidence in writing are discovered which are relevant for the case, which were not known or could not have been known by it during the conduct of the administrative procedure which led to the issuance of the administrative act.*
- ERE Board, with decision no. 32/2023 decided to open the procedure "On reviewing the request of the Albanian association of electricity suppliers (AAES)", through which it accepted the request of AAES but applying it to all Suppliers who exercise the supply activity in the free market (not only MV and LV) until 31.12.2023.
- Regarding the proposal of AAES, for the postponement of point 1.2 until the end of the year, it was evaluated that taking into consideration the reports of suppliers and the small number of them who have concluded supply contracts, the postponement of point 1.2 letter (a) until 31.12.2023 has no negative impact on the assessment of the standards.
- Regarding the proposal for the postponement of point 1.2, letter (b), it is evaluated that, since there are other alternative methods for informing the customer, therefore the customer is not affected. One of these methods is provided in the regulation on "The general conditions of the electricity supply service for the end use customers". Customers shall be informed through the invoice.
- Regarding the proposal for the postponement of point 1.2, letter (d), it is evaluated that the postponement of the provision proposed by AAES until the end of the year does not constitute a problem since the number of customers who are supplied by suppliers in the free market is a very small percentage. Currently, there is only one medium voltage customer that is supplied in the free market out of 7,600 such.
- Regarding the proposal for postponing the application of the exemption for letters (e) and (f), it is evaluated that receiving comments through surveys or other forms is optional. Also, the small number of customers who are supplied by suppliers in the free market does not negatively affect the evaluation of these standards by ERE.
- Also in relation to the proposal for the postponement of point 1.2, letter (g), it is evaluated that since it is a small number of customers who are supplied by suppliers in the free market, it does not negatively affect the services provided by the supplier, respectively the high and

medium voltage. Also, since the postponement period of this provision includes a short period of time of 6 months, it does not affect the services of suppliers to customers.

- Regarding the proposal for postponement of point 1.2, letter (j), it is evaluated to be accepted because the customers are also notified in other ways, e.g. through the electricity bill and as a result there is no negative impact. On the other hand, ERE intends, within the first 6 months of 2023, to implement the informative column on the offers of the electricity supply market (PRICE COMPARISON TOOL), which makes the customer aware of becoming capable of evaluating offers, to properly understand the mechanisms of the market, up to the opportunity to actively participate in services related to electricity supply.
- Regarding article 2, point 1, taking into account that many of the licensees in the electricity supply activity who carry out this activity in the free market are still in the initial stages and have not carried out supply activity, it is evaluated that it is appropriate to postpone this provision until the end of the year as these services are seen as costs and have a negative impact on the licensed companies.
- In relation to article 2, point 2, considering that these reports are presented at ERE and since they are also provided for in other acts such as the "the measures plan for the universal service supplier" for respecting the rights of electricity supply customers" is not an issue to postpone this provision proposed by AAES until the end of 2023.
- In terms of informing customers about the price of electricity, ERE intends to put the Price Comparison Tool into operation within the first 6 months of 2023, and in this way it is foreseen that customers who are supplied in the free market shall be informed on the electricity supply prices and suppliers' offers.

For all of the above mentioned, ERE Board

Decided:

1. To approve the request of the Albanian Association of Electricity Suppliers (AAES) for some amendments and restrictions in the implementation of ERE Board decision no. 23, dated 14.02.2022.
2. All Suppliers who exercise the supply activity in the free market are exempted from the obligation to implement the measures provided for in article 1.2 letters "a", "b", "d", "e", " f", "g" and "j" in articles 2.1 and 2.2 as well as in articles 4.1. and 4.2 until 31.12.2023.
3. Customer Protection, Performance and Standards Directory shall inform the interested parties about ERE Board decision.

This decision enters immediately into force and extends its legal effects from 1 January 2023.

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