



REPUBLIC OF ALBANIA
ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 1, Dated 09.01.2019

ON

**OPENING THE PROCEDURE TO LICENSE TRANS ADRIATIC PIPELINE AG, IN
NATURAL GAS TRANSMISSION ACTIVITY**

Based on article 4, point 50; article 35 and article 44, point 2 letter “a” of Law no. 102/2015, dated 23.09.2015 “*On Natural Gas Sector*”, as well as article 4, point 1, letter “a”; article 5; article 8; article 9 point 1, letters “a”, “b”, “c”, “d”, “e”; point 2, letter “a” and article 10, points 1 and 3 of the “*Regulation on the procedures and terms for license issue, modification, transferring, or license removal in Natural Gas sector*”; article 19 point 1 letter “a” of the “*Rules on ERE Organization, Operation and Procedures*”, approved with ERE Board Decision no. 96, dated 17.06.2016, ERE Board, on their meeting dated 09.01.2019, after reviewing the report on opening the procedure to license Trans Adriatic Pipeline AG, in natural gas transmission activity,

Observed that:

- Trans Adriatic Pipeline AG entity, with the official letter Protocol no.803 dated 24.12.2018 has submitted at ERE the application to be supplied with a license in Natural Gas Transmission activity.
- Law no.102/2015 “On Natural Gas Sector”, sets ERE as the responsible authority for natural gas regulation issues including the right to handle the issues regarding the licensing of the entities in natural gas regulated activities.
- ERE Board with Decision no. 36, dated 31.03.2016, approved the final Certification of TAP AG as an independent operator for natural gas transmission.
- Regulation on the procedures and terms for license issue, modification, transferring or license removal in Natural Gas sector, on article 9 point 2 letter ”a” sets the condition that: *The entity that applies for a natural gas transmission license, shall be primarily certified according to the procedure defined in article 37 of Law 102/2015 “On Natural Gas Sector”*. As mentioned above actually TAP AG with Decision no.36, dated 31.03.2016, is certified as natural gas independent operator.

- Trans Adriatic Pipeline AG Albania results registered at the National Business Center, as a Branch of the foreign shareholder company, in conformity with Law No. 9723, dated 03.05.2007 “*For the National Registration Center*”, with the respective identification number. Referring to the data registered on the commercial register for the effect of the data registered on the commercial Register for the data of the entity for the branches or representative officials of the foreign entities, results as representative Mr. Malfor Nuri.
- TAP AG Albania activity according to the National Business Center extract, consists in:
 - To act in conformity with the company objectives which are connected with the planning, development and to own the legal ownership of a gas pipe line as well as any other equipment included on it.
 - The branch may be engaged in any other financial commercial activity or other activities which are in conformity with the Albanian objectives.
 - The activity object is : *The operation as independent transmission operator of natural gas in conformity with the provisions of Law no.102/2015, dated 23.09.2015 “On Natural Gas Sector”*,
- From the prior assessment made to the documentation submitted at ERE from TAP AG, based on the “*Regulation on the procedures and terms for license issue, modification, transferring, or license removal in Natural Gas sector*” the entity mainly completed the application documentation.
- Opening the procedure to review the request for licensing TAP AG aims the normal continuation of the work in natural gas market of this entity. On the other hand the process to review this application shall be in conformity with “*Regulation on the procedures and terms for license issue, modification, transferring, or license removal in Natural Gas sector*”.
- Referring to the Final Joint Opinion, approved with ERE Board Decision no.64, dated 13.06.2013; and after the conditioned exemption approval of TAP- AG company from the requirements of articles 9, 32 and 41 (6), (8) and (10) Directive 2009/73/EC for Trans Adriatic Pipeline project”, approved with ERE Board Decision no. 64, dated 13.06.2013, “On amending ERE Board Decision no. 27, dated 01.03.2013, has been defined the abovementioned exemption for a 25 years period.
- Regarding the missing documentation, shall be required to the entity that based on article 11 point 1 of the “*Regulation on the procedures and terms for license issue, modification, transferring, or license removal in Natural Gas sector*”, to submit these documents within the terms.

For all of the above mentioned, ERE Board

Decided:

1. To open the procedure for licensing Trans Adriatic Pipeline AG company, in Natural Gas Transmission activity for a 25 years period.
2. License and Market Monitoring Directory shall inform the stakeholders for ERE Board Decision.

This decision enters immediately into force.

This decision is published on the Official Gazette.

This decision may be complained on Tirana Administrative Court, within 45 calendar days from the publication in the Official Gazette.