



DECISION

No. 101, Date August.05.2015

ON

BEGINNING THE PROCEDURES TO REVIEW THE APPLICATION OF TAP AG COMPANY TO BE CERTIFIED AS INDEPENDENT TRANSMISSION OPERATOR FOR NATURAL GAS

Based on Law No. 9946, article 9, of June.30.2008 “On Natural Gas Sector”, as amended, the Regulations for the Certification of Transmission System Operator for Natural Gas approved with ERE Board Decision no. 100, of August.05.2015, the Final Joint Opinion, approved with ERE Board of Commissioners Decision No. 64 of June.13.2013, Law No.8485, articles 7 and 149, of May.12.1999, Administrative Procedure Code of the Republic of Albania, as amended, Energy Community Treaty ratified with Law no. 9501, of April.03.2006, the Regulation for ERE organization, operation and procedures, Ministerial Council Decision No. D/2011/02/MC – EnC, as well as in conformity with Directive 2009/73-EC and Regulation EC No. 715/2009, ERE Board on their August.05.2015 meeting, after reviewing the application of TAP AG to be certified as Transmission Independent Operator for Natural Gas, as well as the report prepared by the working group to review this application

And Observed that:

- On July.01.2015, TAP AG has submitted at ERE the request Prot.no. 12/11 of July.06.2015, and the respective documentation that is accessible even in the Data Room created for the certification as Transmission Independent Operator for Natural Gas in conformity with point 4.5.2 of the Final Joint Opinion, approved with Decision No. 64 of June.13.2013 of ERE Board.
- This request and the documentation submitted at ERE, is also available to RAE and AEEGSI Authorities as part of all the necessary documentation for the certification procedure by the three Regulators of the countries where TAP process passes respectively in Greece, Albania and Italy.

- Paragraph 4.5 of the Final Joint Opinion decided the exemption of TAP AG from the rules for the ownership unbundling according to article 9, point 1 Directive 2009/73/EC for a 25 year period beginning from the set of the infrastructure into use;
- Paragraph 4.5, point 2 of the Final Joint Opinion requires that TAP AG to be certified as transmission independent operator for natural gas before the beginning of the infrastructure construction and not later than January 1 2018.
- ERE in the quality of the responsible authority for the regulation of natural gas sector and in conformity with the obligations according to Energy Community Treaty ratified with Law No.9501 of April.03.2006 has approved with decision no.100 of August.05.2015 the Regulations for the Certification of Transmission System Operator for Natural Gas

For all of the above mentioned ERE Board,

Decided:

1. To begin the procedures for reviewing the application of TAP AG company to be certified as Transmission Independent Operator for Natural Gas.
2. To ensure, within these procedures an interaction with RAE and AEEGSI, for the approval of the joint decision for the certification of TAP AG according to ITO in conformity with the provisions of chapter IV Directive 2009/73 / EC, excluding article 22 of this Directive, as provided in article 4.5, paragraph 2 of the Final Joint Opinion;
3. This decision is sent to Energy Community Secretariat, Energy and Industry Ministry, Ministry of Economic Development, Trade and Entrepreneurship, to the Competition Authority and TAP AG.

This decision enters immediately into force

This decision is published in the Official Gazette.

ERE CHAIRMAN
Petrit AHMETI