



REPUBLIC OF ALBANIA
ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 246, dated 11.12.2018

ON APPROVING THE “REGULATION ON THE SPECIFIC CONDITIONS FOR THE INTERRUPTION OF THE ELECTRICITY SUPPLY FOR THE VULNERABLE CUSTOMERS”.

Based on article 16; article 84, point 2, letter d; article 95 and 96 point 5, of Law no. 43/2015 “*On Power Sector*”, as amended; Council of Minister Decision no. 244, dated 30.03.2016 “On approving the Conditions for Imposing Public Service Obligation that shall be implemented to the licensees on Power Sector which perform the Electricity Production, Transmission, Distribution and Electricity Supply Activity“ as amended as well as article 26 of the “*Rules on ERE Organization, Operation and Procedures*”, approved with ERE Decision no. 96, dated 17.06.2016, ERE Board on their meeting dated 11.12.2018, after reviewing the proposal of the Technical Directorates on approving the “Regulation on the Specific Conditions for the Interruption of the Electricity Supply for the Vulnerable Customers”,

Observed that:

- Article 96, point 5, of Law No. 43/2015 “On Power Sector”, as amended, defines that: “The supplier that supplies with electricity the vulnerable customers may terminate the service based on specific requirements for this category of customers, approved by ERE”.
- ERE Board with Decision no. 213, dated 18.12.2017 decided: “To open the procedures for approving Regulation on the *Specific Conditions for the Interruption of Electricity Supply for the Vulnerable Customers*”.
- ERE on the official letter Protocol no. 19, dated 04.01.2018 send to the third parties and to the stakeholders, the Draft Regulation to have their respective comments regarding the Regulation improvement.

- The Ombudsman, with its official letter Protocol no.19/1, dated 29.01.2018, expressed in principle its agreement about the approval of this regulation. Both proposals submitted from te Ombudsman are not integrated on the regulation, but are reflected in principle, because these rules are drafted and aim to reduce as much as possible the cases that lead to the interruption of electricity supply for the customers benefiting from the “vulnerable customer” status.
- The “Open Society Foundation for Albania”, with its official letter Protocol no. 99, dated 22.01.2018 expresses its comments regarding the draft Regulation.
- The Competition Authority, with its official letter Protocol no.19/2, dated 31.01.2018 has expressed that the draft regulation “*On the specific conditions for the interruption of electricity supply for the vulnerable customers*”, does not contradict with Law no. 9121, dated 28.07.2003 “On the protection of competition”, as amended.
- ERE with the official letter Protocol no.19/3, dated 09.02.2018 informed the held of a hearing session with the stakeholders to discuss the submitted comments.
 - On the official letter Protocol no. 315, dated 17.04.2018 “the Open Society Foudation for Albania”, submitted other comments regarding the Draft Regulation, which consist on: Article 5, point 1, on the obligations of the universal supplier shall be included the electricity non-interruption during winter 1 November – 31 March period, for the vulnerable customers.
 - Article 6, point 3, shall be provided on article 7 and shall be reworded “the electricity supply interruption procedure, according to the definitions of article 7, shall be initiated on the cases when the vulnerable customer fails to pay a defined amount for more than 4 months”.
 - Article 7, point 2, on the interruption procedure, after sending the warning information within the reasonable attempts to contact with the vulnerable customer, the supplier shall visit the vulnerable customer residential premises to assess his personal situation.
 - Article 7, point 3, the notification for the interruption shall be issued at least 10 working days, after the visit at the residential premisses of the vulnerable customer.
 - Article 7, at the interruption process, the moment of reaching an agreement for a partial payment plan between the supplier and the vulnerable customer or full payment of the obligations by the customer, it is necessary the reconnection as fast as possible due to the specifications of this category (old people, invalids) etc. After point 7, we suggest to add the provisions 7.1, 7.2;
 - Article 7, point 7.1, if it is agreed with the supplier for a partial repayment plan or are paid all the obligations, the supplier shall reconnect the electricity, within 24 hours, from the moment of signing the agreement or executing the payment.
 - Article 7, point 7.2, if the supplier does not reconnect electricity within 24 hours he is obliged to pay the 200 ALL compensation for each day of delay. The compensation value shall be credited to the vulnerable customer, as an amount paid to the supplier due to his obligation.

- The above mentioned comments after being thoroughly analyzed were partly reflected in the regulation.
- Energy Community Secretariat submitted several comments regarding Council of Minister Decision on “the Protection of Electricity Vulnerable Customers”, comments which shall effect on the regulation, if they shall be included on the Council of Ministers Decision.
- USAID submitted its comments regarding the draft Regulation, comments that consist on: Article 3,3; Article 4.2; Article 5.2, Article 6; Article 7; Article 9 , these comments after being analyzed are reflected on the regulation.

For all of the above mentioned, ERE Board,

Decided:

1. To approve the “Regulation on the specific conditions for the interruption of the electricity supply of the vulnerable customers”.
2. Legal and Customer Protection Directory, shall inform “OSHEE“ company, 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 30 calendar days, from the publication in the Official Gazette.