



***DECISION***

***No. 26, of date 09.03.2016***

**ON**

**APPROVING THE REQUEST OF THE GENERATION COMPANY (KESH) COMPANY TO POSTPONE THE ELECTRICITY SALE-PURCHASE AGREEMENT DEADLINE BETWEEN THE GENERATION COMPANY (KESH) AND DISTRIBUTION COMPANY (OSHEE) FOR THE ELECTRICITY SURPLUSES, INCLUDING THE SURPLUSES IN THE CONDITIONS OF HIGH FLOWS, TO FULFILL THE LOSSES IN THE DISTRIBUTION GRID FOR 2015.**

Based on article 16, 108, 109 point 5 and 110 of Law no. 43/2015, “On Power Sector”; and article 26 of ERE Practice and Procedure Rules, approved with ERE Board Decision no. 21, of date 18.03.2009, as amended, ERE Board on their 09.03.2016, after being informed with the request of KESH and OSHEE companies on approving the amendment of electricity sale-purchase between the Generation company (KESH) and Distribution Company (OSHEE) for the electricity surpluses, including the surpluses in high flows, to fulfill the losses in the distribution grid for 2015, and the report prepared by ERE Technical Directories,

**Observed that :**

- The generation company (KESH) is licensed in Electricity Wholesale Public Supplier Activity with ERE Board Decision no. 10 of date 06.02.2014.
- The distribution company (OSHEE) is licensed in Electricity Retail Public Supplier Activity with ERE Board Decision no. 97 of date 27.10.2014.
- KESH and OSHEE companies has connected on 06.02.2015, the electricity sale purchase agreement for the electricity surpluses, including the surpluses in the conditions of high flows, to fulfill the losses in the distribution grid for 2015;

- The Parties has together signed the amendment of article 7 of the agreement, to postpone its deadline until on 30.06.2016.
- With the entry into force of Law No. 43/2015 "On Power Sector", are raised the basis for the establishment of a new electricity market model and the relations that will be set between the participants in the market and the in the power sector. This law provides a series of secondary legislation that shall be adopted (definition of article 108) within 12 months from the entry into force, to ensure its full implementation. Also within the meaning of article 109 point 5, the current obligations of the market participants shall continue to be fulfilled by them until the approval of the secondary legislation, according to the provisions of this law.

For all of the above mentioned, ERE Board,

**Decided:**

1. To approve the postpone of electricity sale-purchase agreement deadline between the Generation company (KESH) and Distribution company (OSHEE) for the electricity surpluses, including the surpluses in high flow conditions, to fulfill the losses in the distribution grid for 2015, until on 30.06.2016.
2. Legal and Customer Protection Directory shall inform the licensee the Generation company (KESH) and the Distribution company (OSHEE) for ERE Board decision.

This decision enters immediately into force and extends its effects from January 1 2016 –June 30 2016

This decision is published in the Official Gazette.