

**REGULATION
ON DEFINING THE APPROVAL OF THE REGULATORY FEES**

Article 1

Authority

The regulation on defining the regulatory fees for all the electricity market licensees by Energy Regulator Authority, is drafted in conformity with the requirements of Law No. 43/2015 “On Power Sector”,

Article 2

Purpose

The purpose of this regulation is to define the rules of calculating the regulatory fees for all the licensees in the electricity market as one of ERE main financing resources, to cover the costs in the regulation activity.

Article 3

Object

The object of this regulation for calculating the regulatory fees is to define special regulatory payments for all the licensees in electricity generation, transmission, distribution, closed distribution system operation, electricity supply, trading and electricity market operation activities.

Article 4

The terms used in this methodology

The terms used in this methodology shall have the meaning as follows:

4.1 The regulatory fee – the annual payment that all the licensed companies in the power sector pay on ERE account to cover the regulatory activity costs.

4.2 Licensees – shall mean companies licensed by ERE for electricity generation, transmission, distribution/supply activities as well as electricity trading, operation of the closed distribution systems, electricity market operation.

4.3 Incomes – shall mean the annual incomes declared in the financial statements audited according to the Accounting Standards in force.

Article 5

General rules and the main principles

- 5.1 This Regulation is drafted in conformity with article 17 of Law No. 43/2015 “On Power Sector” where it is provided that:
- a. ERE financial sources are composed of the regulatory fees, imposed by ERE for the licensees in the power sector and from the license payments.
 - b. ERE keeps thorough and accurate accounts of incurred expenses in compliance with accounting legislation in force.
- 5.2 The regulatory fees, implementing point 52 article 3 of Law 43/2015 is calculated and collected on annual basis for any licensing company, despite the fact that in the moment of calculating this payment the company has not began the activity that it is licensed
- 5.3 The payment shall be in proportion with the annual incomes coming from the licensed activity.
- 5.4 The licensee implementing articles 45 and 46 of Law No. 43/2015 “On Power Sector” and the conditions of the license deposit at ERE within 31 January of the next year complete financial statements for the previous exercising year and then until on 30 June audited copies of the financial statements for the previous period from which results the information on the incomes realized from the licensed activity that shall be used in calculating the regulatory payments.

5.5 The regulatory fees shall be approved until on 15 December of the actual year.

Article 6

Defining the regulatory fee for the licensee on power sector

6.1 The regulatory fees shall be calculated based on the specific weight of the incomes realized for the previous year from the activity of each licensee to the total of the incomes in the power sector.

6.2 The specific payment for each licensee is equal with the specific weight product calculated according to point 6.1 with the distributed value, ERE budget (after there are deducted the fix payments from the licensing) defined according to point 1 article 17 of Law No. 43/2015 “On Power Sector”.

6.3 For the companies licensed in electricity production, supply and trading activity which on the previous year do not have any activity, the regulatory fee shall be a fix amount of 40 thousand ALL.

6.4 In case any licensed company have not submitted the financial statements, as provided on article 46 of Law 43/2015 “On Power Sector”, then ERE shall calculate this payment according to the estimations from the data taken by the Official Publications.

Article 7

Correction

ERE, with the submission of a request from the licensee in case of inaccuracies regarding the calculation of the incomes from the licensed activity, recalculates and corrects the regulatory payment of the current year in the regulatory payment of the next year.

Article 8

Notification

8.1 ERE after defining the regulatory fees notifies the licensee for the value, payment deadline for the exercising year, the place to execute this payments and the penalties if this payment is not done on time.

8.2 The regulatory fees are deposited by ERE in a special account open in one of the banks that operate according to the Albanian legislation in force.

Article 9

Penalties

9.1 If the licensee does not make the regulatory fee within 30 days from the date of receiving the notification, sanctions shall be applied in conformity with article 107 of Law 43/2015 “On Power Sector”.

9.2 The refusal to submit the financial statements on time or delayed delivery of them compose administrative offence and is sanctioned according to point 1 (b) article 107 of Law 43/2015 “On Power Sector”.

9.3 In case the licensee does not fulfill the obligation to perform the regulatory fee even after the measure taken according to point 9.1 and 9.2 of this article, then ERE Board may open the procedures to terminate the license, as defined on point 1 (c) article 42 of Law no. 43/2015 “On Power Sector”.

Article 10

Final provisions

Regulation on defining the regulatory fee for all the licensee of the electricity market from the Energy Regulator Authority, was approved by ERE Board with Decision no 190, of date 23.11.2017.