



REPUBLIKA E SHQIPËRIË

## **ENERGY REGULATORY AUTHORITY**

### **Board**

### **DECISION**

**No. 131, Dated 10.08.2020**

### **ON**

### **OPENING THE PROCEDURE TO APPROVE THE REGULATION TO DETERMINE THE CRITERIA FOR THE EVALUATION AND SELECTION OF THE SUPPLIER OF LAST RESORT IN THE POWER SECTOR.**

Based on article 16 and article 87 of Law no. 43/2015 "On Power Sector", as amended, Council of Ministers Decision no. 449, dated 15.6.2016 "On approving the conditions and procedures to determine the supplier of last resort of electricity ", article 26 of the "Rules on ERE organization, operation and procedures", approved with ERE Board Decision no.96, dated 17.06.2016" the Board of the Energy Regulatory Authority (E.R.E) on their 30.07.2020 meeting ,10.08.2020, after reviewing the report Protocol no .94/5, dated 05.08.20202, prepared by the Legal Directory, on opening the procedure to approve the regulation for determining the criteria for the evaluation and selection of the supplier of last resort, in the Power Sector,

#### **Observed that:**

- In article 87, point 2, of law No. 43/2015 "On Power Sector", as amended, it is provided that: ERE, based on the conditions determined according to point 1 of this article, determines the supplier of last resort.
- The Council of Ministers Decision no. 449, dated 15.6.2016 decided "On approving the conditions and procedures to determine the supplier of last resort of electricity. In part III of the Council of Ministers Decision no. 449, dated 15.6.2016, the Council of Ministers approved the "Conditions and procedures to determine the supplier of last resort of electricity where it is provided that until the selection of the supplier of last resort according to this decision, ERE temporarily appoints the supplier in charge of the public service obligation to perform the duties of the supplier of last resort.
- With ERE Board Decision no. 115, dated 08.07.2016, on determining of the supplier of last resort of electricity, ERE board decided to : temporarily determine OSHEE company in the capacity of the Universal Service Supplier, to perform the obligations of the Supplier of Last Resort of electricity, from July 1, 2016, until 31.12.2016. 2. In cases where the customer fails to provide suppliers in the market due to objective impossibility of system operators, supply as a last resort is carried out in it the same

conditions as the universal supply service as provided in the Council of Ministers Decision no. 449, dated 15.06.2016.

- Following this decision, ERE Board Decision no. 96, dated 4.7.2017, decided on the extension of the term of ERE Board decision no. 115, dated 7.8.2016, "on determining the supplier of last resort of electricity ", deciding: 1. The extension of term defined in point 1 of ERE Board decision no. 115, dated 7.8.2016, until the selection of supplier of last resort according to Council of Ministers Decision no. 449, dated 15.6.2016.
- For the purpose of fulfilling the above obligations, a Regulation has been drafted which has for its object, to determine the process of selecting the supplier of last resort that is required to perform the supply service in accordance with Article 87 of Law no. 43/2015 "On Power Sector ", as amended and Council of Ministers Decision no. 449, dated 15.6.2016, "On approving the conditions and procedures for determining supplier of last resort of electricity".
- The elements that are taken into consideration in the drafting of this regulation, are the provisions of Article 87 of Law no. 43/2015 "On Power Sector" and Council of Ministers Decision no. 449, dated 06/15/2016.
- Regarding the rights and obligations of the licensee selected as the Supplier of Last Resort and customers who benefit from this service are those provided in the Rules for terms of supply service from the supplier of last resort, and contractual terms of electricity supply approved by ERE.

For all of the above mentioned ERE Board,

**Decided:**

1. To open the procedure to approve the regulation for determining the criteria for the evaluation and selection of the supplier of last resort in the Power Sector
2. Legal Issues Directory shall inform the interested parties regarding ERE Board Decision .

This decision enters immediately into force.

About this decision may be required its review within 7 calendar days and may be complained on Tirana Administrative Court within 30 calendar days from the day of its publication on the Official Gazette.

This decision shall be published on the Official Gazette.

**ERE CHAIRMAN**

**Petrit AHMETI**