



REPUBLIKA E SHQIPËRISË

**ENERGY REGULATORY AUTHORITY  
BOARD**

**DECISION**

**No. 109, Dated 02.07.2020**

**“ON  
SOME AMENDMENTS ON ERE BOARD DECISION NO. 22, DATED 20.12.2019,” ON SOME  
AMENDMENTS ON ERE BOARD DECISION NO. 179, DATED 08.11.2017, “ON THE  
CERTIFICATION OF THE “COMBINED OPERATOR OF NATURAL GAS” ALBGAZ  
COMPANY, AS AMENDED.”**

Based on article 16 of Law no. 43/2015 “On Power Sector”, as amended; articles 37,50,59,68 and 80 of Law no. 102/2015 “On Natural Gas Sector”; article 53, point 3 of Law no. 44/2015 “Code of Administrative Procedures of the Republic of Albania”; articles 6-11 of the rules “On the certification of the Combined Operator for Natural Gas”, approved with decision no. 100, of date 05.08.2015 and amended with decision no. 129, of date 31.10.2015, and article 15, of the regulation “On ERE organisation, operation and procedures”, approved with ERE Board Decision no. 96, dated 17.06.2016, Energy Regulatory Authority (ERE) Board, in their meeting dated 02.07.2020, after reviewing the report of License, Authorisation and Supervision Directory protocol no. 74/4, dated 26.06.2020 on some amendments on ERE Board Decision no.221, dated 20.12.2020

**Observed that:**

- Based on the conditions provided in ERE Board Decision no. 179, dated 08.11.2017, as amended, it results that “Albgaz” company has not fulfilled yet the following conditions:
  - “Albgaz” company shall submit for approval at ERE the compliance program adapted according to the one approved with ERE Board Decision no. 77, dated 26.05.2017 ““On approving the Compliance Program of the Transmission System Operator for Natural Gas”.
  - Cross-institutional cooperation for realising the amendments in the legal framework, article 11 and 46 (10) of Law on Natural Gas Sector and transferring the competences to the Ministry of Economy. . For the fulfillment of this obligation, “Albgaz” company shall present at ERE the documentary evidences that show the necessary legal and by-legal amendments regarding the transfer of the competences of the Ministry of Infrastructure and Energy to the Albgaz shareholder the Ministry of Economy and Finance, are performed and are effective.

➤ Also periodically "Albgaz" company shall submit at ERE the statements of the financial auditors and the financial statements of the company each fiscal year.

- ERE Board Decision no. 221, dated 20.12.2019, decided :
  1. *Repeal of point 2 of ERE Board Decision no. 63, dated 23.04.2019.*
  2. *Extension of the deadline provided in point 3 of ERE Board Decision no. 63, dated 23.04.2019 until 20.06.2020.*
  3. *Extension of the deadline provided in point 4 of ERE Board Decision no. 63, dated 23.04.2019 until 20.06.2020.*
  4. *"Albgaz" company shall submit at ERE the statements of the financial auditors and the financial statements of the Company each fiscal year.*
  5. *"Albgaz" company shall take measures within 20.06.2020 regarding the implementation of the ownership unbundling based on the provisions of article 36 point 2 letter "a" and "b" of Law n. 102/2015 "On Natural Gas Sector"*
  6. *If the ownership unbundling of "Albgaz" company is not done according to article 36 point 2 letter "a" and "b" of law no. 102/2015 "On natural gas sector", as amended, within 20.06.2020, ERE has the right to review decision no.179, dated 08.11.2017, "On the certification of the combined operator of natural gas " Albgaz company*
- This extension was approved due to the fact that "Albgaz" company could not meet all the conditions within the deadline provided in decision no. 179, dated 08.11.2017, "On the certification of combined operator of natural gas" Albgaz company
- Within 20.06.2020, the company had to submit for approval at the Energy Regulatory Authority (ERE) the compliance program, adapted according to the one approved by the ERE with Decision no. 77, dated 26.05.2017, as well as to report on the measures taken to meet the conditions related to cross-institutional cooperation for the implementation of changes in the legal framework.
- With the official letter protocolled at ERE with protocol no. 745/1, dated 10.06.2020, the company argued that the impossibility to meet the conditions in the near term has come as a result of the situation created by the measures taken by the Albanian Government in order to protect against the COVID- 19 virus and for circumstances that do not depend on the will of "Albgaz" company
- With the official letter protocolled at ERE with protocol no. 1961, dated 30.01.2020, the company submitted the financial statements for 2019, which are preliminary and unaudited by accounting experts, so it shall be required to deposit them in the following, referring to the notification of the GDT, which extended the deadline on their submission by 31 July 2020.
- With the official letter protocolled at ERE with protocol no.786, dated 18.06.2020 the company has filed the statements of the financial auditors, in compliance with the condition of periodic reporting, provided in decision no. 179, dated 08.11.2017, "On the certification of the combined operator of natural gas "Albgaz company" and submitted a request for extension of the deadline in order to meet the remaining conditions until 20.12. 2020.
- The request of the Company for the extension of the deadline for fulfilling the conditions provided in ERE Board Decision no.179, dated 08.11.2017, "On the certification of the combined operator of natural gas "Albgaz company" was submitted at ERE within the

deadline defined in ERE Board Decision no. 221, dated 20.12.2019.

- The fulfillment of the conditions within the deadline defined at ERE decision, is impossible due to circumstances that do not depend on the will of the company.

For all of the above mentioned ERE Board,

**Decided:**

1. Point 2 of Decision no. 221, dated 20.12.2019 changes as follows:

- *Albgaz company shall submit for approval at ERE until 20.12.2020 the Compliance Program adapted according to the one approved with ERE Board Decision no. 77, dated 26.05.2017 “On the approval of the compliance program of the transmission system operator for natural gas”*

2. Points 5 and 6 become points 5 with this content:

- Albgaz company shall take measures to meet the condition set in point 5.2 of decision no. 179, dated 08.11.2017, within 20.12.2020.

3. Albgaz company shall submit at ERE the audited financial statements for the fiscal year 2019 according to the deadlines set out in the announcement of the General Directorate of Taxation.

4. The Legal Directory shall inform the applicant regarding ERE Board Decision:

This decision enters immediately into force after being published on the Official Gazette.

For this decision may be complained the review within 7 calendar days and shall also complain on Tirana Administrative Court, within 45 calendar days from the publication in the Official Gazette.

This decision shall be published in the Official Gazette

**ERE CHAIRMAN**

**Petrit AHMETI**