



REPUBLIKA E SHQIPËRIË

## ENERGY REGULATORY AUTHORITY

### BOARD

### DECISION

**No. 162, Dated 20.10.2020**

### **"ON APPROVING THE REGULATION ON THE PROCEDURES FOR NOTIFICATION AND PUBLIC CONSULTATION OF THE ACTS APPROVED BY ENERGY REGULATORY AUTHORITY."**

Based on article 16 of Law no. 43/2015 "On Power Sector", as amended; article 16 and 18 of Law no. 102/2015 "On Natural Gas Sector", as amended, article 15 and 26 of "*Rules on ERE Organization, Operation and Procedures*", approved with ERE Board Decision no.96 dated 17.06.2016, Law no. 146/2014 "*On notification and public consultation*", the Energy Regulatory Authority (E.R.E) Board , on their meeting dated 20.10.2020, after reviewing the report Protocol no.109 / 6, dated 14.10.2020, of the Legal Directory, "*On approving the regulation on the procedures for notification and public consultation*",

#### **Observed that:**

- ERE Board with decision no. 113, dated 09.07.2020 decided: to open the procedure to review and approve the regulation on the procedures for notification and public consultation of the acts approved by Energy Regulatory Authority.
- ERE with official letter protocol no. 62/19, dated 13.07.2020, informed in the written media about the opening of the procedure to approve this Regulation, inviting all persons, associations, institutions, interested in this act, to express their opinions and comments in writing.
- ERE with the official letter protocol no. 996, dated 22.07.2020, required the interested parties to express their opinions and comments, in relation to the aforementioned regulation.

- Competition Authority with the official letter protocol no. 279/2 , dated 04.08.2020, states that this regulation does not contradict Law no. 9121, dated 28.07.2003 "On competition protection ", as amended.
- Commissioner for the Rights to Information and Protection of Personal Data, with the official letter protocol no. 922/1, dated 13.08.2020, expressed the opinion regarding the approval of the regulation " on the procedures for notification and public consultation of the acts approved by Energy Regulatory Authority”, suggesting that:
  - Reference to Law no. 146/2014 "On notification and public consultation", Office of the Commissioner shall be added also in article 1 of the Regulation. This proposal is evaluated to be fair.
  - After point 1 of article 6 of the Regulation, shall be added another point related to the publication of the draft acts on the official website <https://www.konsultimipublik.gov.al/> of the Electronic Register for Public announcements and consultations (ERNPC). ERNPC was approved with decision no. 828, dated 07.10.2015, of the Council of Ministers "On the approval of the rules for the creation and administration of the Electronic Register on Notifications and Public Consultations", which is already fully functional and serves as a central point of consultation.
  - Based on the provisions of article 4 of Law no. 146/2014 "On notification and public consultation”, ERE is subject to restrictions from the obligation for publication.
  - ERE makes decisions that constitute individual bylaws or administrative bylaws. ERE decisions are subject to public consultation as far as the law on power sector and natural gas sector provide, but again based on what has been explained above, provisions of the law on public consultation, ERE has no obligation to publish and consult the acts approved in the competence of ERE in the electronic register for notifications and public consultations (ERNPC).
  - Regarding the above, it is considered reasonable that after point 1 of article 6 of the Regulation, shall be added a point as follows:
    - To the extent possible and permitted by the legislation into force, ERE shall take the necessary measures in order to publish the draft acts on the official website <https://www.konsultimipublik.gov.al/> of the Electronic Register for notification and public consultations (ERNPC).
  - The Universal Service Supplier company, with the official letter protocolled at ERE with no. 996/5 dated 28.08.2020, expresses agreement with its content.
  - This regulation guarantees a fair and transparent process where all parties are part of public consultation of regulatory acts.

For all of the above mentioned ERE Board,

**Decided:**

1. To approve the Regulation on the procedures for notification and public consultation of the acts approved by the Energy Regulatory Authority. (Attached).
2. The Legal Directory shall inform the interested parties about ERE Board Decision.

This decision enters immediately into force.

About this decision may be required its review within 7 calendar days and may be filled a complaint at Tirana Administrative Court, within 30 calendar days from its publication in the Official Gazette.

This decision is published on the Official Gazette

**ERE CHAIRMAN**

Petrit AHMETI