



DECISION

No. 1, of January.27.2016

ON

OPPOSING ERE DECISION NO. 156 OF DECEMBER.24.2015 “ TO LET INTO FORCE DECISIONS NO .139, NO. 140, NO 141, NO. 145, NO. 146, NO. 147, NO. 148 OF DECEMBER.26.2014 AS WELL AS ERE BOARD OF COMMISSIONERS DECISION NO. 27 OF FEBRUARY.16.2015 FOR JANUARY.1.2016 – JUNE.30.2016 PERIOD”

Based on Law 43/2015 article 16 “*On Power Sector*”, as amended and “ERE Practice and Procedure Rules” article 16 point 3, approved with Board of Commissioners Decision no. 21, of March.18.2009, as amended, ERE Board on their January.27.2016 meeting, after reviewing the objection of AREA company and the report prepared by the Legal Directory regarding decision no. 156, of December.24.2015 “To let into force decisions no .139, no. 140, no 141, no. 145, no. 146, no. 147, no. 148 of December.26.2014 as well as ERE Board of Commissioners decision no. 27 of February.16.2015 for January.01.2016- June.30.2016 period”,

Observed that :

1. ERE Board decision no. 156, of December.24.2015 based on Council of Ministers Decision (VKM) no. 125, of February.11.2015 “On approving the methodology to define the fix tariff for electricity, during 2015, that will be paid to electricity generators from the hydro power plants” is published in the Official Gazette no. 237 -2015 as well as on ERE official website.
2. Council of Ministers Decision no.125, of February.11.2015 “On approving the methodology to define the fix tariff for electricity, during 2015, that will be paid to electricity generators from the hydro power plants” has defined the methodology of defining the fix tariff for electricity for 2015 from this category of generators.

3. Council of Ministers Decision no 1033 of December.16.2015 (published in the Official Gazette no 221-2015), on article 2, provides ERE the right to take measures in setting a price that will be applied for an intermediate period, implementing Council of Ministers Decision no. 125, of February.11.2015.
4. Council of Ministers Decision No 1033 of December.16.2015 has provided on article 3 that “After the publication of the annual report (Physical futures Annual report) from the Hungarian HUPX exchange, for the respective year, as defined in Council of Ministers Decision no. 1033, of December.16.2015 ERE shall be expressed with decision “On approving the fix tariff for electricity during 2016, for electricity generators from the hydro power plants”
5. The complaining company supports the objections to the illegality of Council of Ministers decision no 125, of February.11.2015.
6. Law no. 138/2013 “On renewable resources” on article 15 point 3 defines that ERE, in conformity with the methodology drafted for fix tariff, by the end of each year, approves the respective values for the fix tariffs that will be paid to priority generators.
7. It is missing the legal basis for filling this complaint and it is unclear if the company that has submitted the objection, requires to review or repeal the decision.
8. The request to review the decision, referring to Law 43/2015 Article 16 point 5 “On Power Sector”, and “ERE Practice and Procedure Rules” article 16 may be performed if there are provided or are available new evidences, that may lead the Board to take a different decision.
9. There is not observed to have been submitted any new evidence that may lead ERE Board to take a different decision from the objected decision.

For all of the above mentioned ERE Board,

Decided:

1. Not accepting the request of AREA company for objecting ERE decision no. 156, of December.24.2015 “To let into force decisions no. 139, no. 140, no 141, no. 145, no. 146, no. 147, no. 148, of December.26.2014 as well as ERE Board of Commissioners decision no. 27, of February.16.2015 for January.1.2016 – June.30.2016 period”
2. Legal and Customer Protection Directory shall inform the interested persons for ERE Board decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI