

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 66, dated 08.04.2020

FOR

AN AMENDMENT ON ERE BOARD DECISION NO.24, DATED 10.02.2020 “ON THE PROCEDURE OF SALES OF ELECTRICITY SURPLUS IN THE UNREGULATED MARKET FROM THE FREE MARKET SUPPLIER COMPANY

Based on articles 16 and 20 of Law no. 43/2015 “On Power Sector” as amended, article 53, point 3 of Law no.44/2015 Code of Administrative Procedure, Council of Ministers Decision no. 243, dated 24.3.2020 “On Natural Disaster Declaration in the Republic of Albania due to the epidemic caused by COVID-19” article 15 of the “Regulation for ERE Organization, Operation and Procedures” approved with ERE Board Decision no.96, dated 17.06.2016, Energy Regulatory Authority Board (E.R.E) in their meeting dated 08.04.2020, after reviewing the report prepared by the Technical Directorates regarding an amendment on ERE Board Decision no. 24, dated 10.02.2020 “On the procedure of sales of electricity surplus in the unregulated market from the free market supplier company,

Observed that:

- With decision no.24, dated 10.02.2020, ERE Board decided:
 - On a transitional period until the approval of electricity market rules, the Free Market Supplier company for the purpose of the procedure of sales of surpluses produced by priority producers of Electricity shall use the "General rules of organization of commercial activity for the Albanian Electric Power Corporation KESH company" approved with decision no.5233/1, dated 12.06.2019, of the Shareholders Assembly.
 - Free Market Supplier company shall send for approval at ERE within 30 days from the entry into force of this decision the Rules for electricity trading activity based on the principles of equality and transparency.
 - On 10.03.2020, with official letter protocol no. 633.1 protocolled at ERE on 30.03.2020, The Free Market Supplier company addressed at ERE a request for an extension of the deadlines set out in this provision
 - The Free Market Supplier company informs that, due to the importance of this document, the work done in towards the adaptation of the Electricity Market Rules with the Regulation for purchase and sale of electricity, approved with ERE Board Decision no.103 / 2016, the

measures taken due to the spread of Covid-19 epidemic, restriction of activities and private and state activities in Albania, it was impossible to respect the deadlines provided at ERE Board Decision no.24/20200, for the drafting and proposal for approval of the Electricity Market Rules at ERE .

- Currently in the country is declared the state of the epidemic emergency due to Covid -19, the Council of Ministers adopted several normative acts regarding the measures for the prevention of the virus Covid -19 defining, inter alia, a restriction on the movement of people but also a restriction of certain activities during the state of epidemic emergency (Covid -19).
- Council of Ministers Decision no.243, dated 24.03.2020, decided to declare a state of natural disaster throughout the Republic of Albania due to the epidemic caused by COVID-19.
- Article 53, point 3 of the Code of Administrative Procedures, provides that: The procedural deadline set by law or sub- legal acts may be extended only if this is expressly provided by law or the sub- legal act, while the deadline set by the public body may be extended upon the request justified by the interested party, filed before the deadline.
- The request of Free Market Supplier company is legal and is submitted at ERE within the deadlines provided in the legislation in force.

For all of the above mentioned, ERE board,

Decided

1.In point 2 of ERE Board Decision no.24. dated 10.02.2020, “On the procedure of sales of electricity surplus in the unregulated market from the free market supplier company, change is made as follows:

- a. Free Market Supplier company shall submit for approval at ERE within 30 (thirty) days after the expiration of the entry into force of the legal acts of the Albanian Government for protection against the epidemic Covid 19, the Electricity Market Rules, based on the principles of equality and transparency.

2. The Legal Issues Directory shall inform the interested parties about ERE Board Decision.

This decision enters immediately into force.

For 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 publication in the Official Gazette.

This decision shall be published on the Official Gazette

ERE CHAIRMAN
Petrit AHMETI

