

**ENERGY REGULATORY AUTHORITY**

**BOARD**

**DECISION**

**No. 99, Dated 24.06.2020**

**ON MEETING THE REQUIREMENTS OF ERE BOARD DECISION NO.43, DATED  
15.03.2017 “ON  
APPROVING THE FINAL CERTIFICATION OF “TRANSMISSION  
SYSTEM OPERATOR” FOR ELECTRICITY TSO COMPANY IN  
CONFORMITY WITH ARTICLE 54, POINT 6, OF LAW NO. 43/2015, “ON  
POWER SECTOR” AND ARTICLE 9, POINT 6, OF DIRECTIVE 72/2009  
EC AFTER RECEIVING THE OPINION OF ENERGY COMMUNITY  
SECRETARIAT”, AS AMENDED.**

Based on article 16 and 58, of Law no.43/2015 “On Power Sector”, as amended; article 113 of Law no. 44/2015 “Code of Administrative Procedure” as well as article 15 of the “Regulation for ERE organization, operation and procedures” approved with ERE Board decision no. 96 of date 17.06.2016, Energy Regulatory Authority (ERE), in their meeting dated 24.06.2020, after reviewing the report prepared by License, Authorisation and Spervison Directory, on approving the final certification of “transmission system operator” for electricity TSO company

**Observed that:**

- ERE Board Decision no.43, dated 15.03.2017, decided on approving the final certification of “Transmission System Operator” for electricity TSO company in conformity with article 54, point 6, of Law no. 43/2015, “On Power Sector” and article 9, point 6, of Directive 72/2009 EC.

- ERE Board Decision no.207, dated 16.12.2019 decided:

*To approve the request of TSO company to extend the deadline for the implementation of point 2 of ERE Board Decision no.43, dated 15.03.2017 “On approving the final certification of “Transmission System Operator” for electricity TSO company in conformity with article 54, point 6, of Law no. 43/2015, “On Power Sector” and article 9, point 6, of Directive 72/2009 EC “After receiving the opinion of Energy Community Secretariat”, until 16.06.2020.*

- ERE addressed to TSO company with the official letter protocol no. 736, dated 02.06.2020, requesting information on the progress of meeting the requirements provided in ERE Board Decision no. 43 dated 15.03.2017 the deadline for which has been extended with ERE Board Decision no. 207, dated 12/16/2019.

• TSO company with the official letter protocol no.743, dated 03.06.2020 protocolled at ERE, has provided the information regarding the meeting of the requirements provided in the decision no. 43, dated 15.03.2017 "On approving the final certification of "Transmission System Operator" for electricity TSO company in conformity with article 54, point 6, of Law no. 43/2015, "On Power Sector" and article 9, point 6, of Directive 72/2009 EC after receiving the opinion of Energy Community Secretariat", as amended.

• The unfulfilled requirement, referred to above, is related to: "Inter-institutional cooperation for the implementation of changes in the legal framework and the transfer of competencies to the Ministry of Economy".

• "TSO" company informed that, in the approved amendments of Law no. 43/2015 "On Power Sector" as amended, on 14 May 2020, among others are reflected those that lead to the meeting of this requirement.

As above, ERE observed that the Albanian Parliament with Law no. 61/2020 "For some changes and additions to Law no. 43/2015, "On Power Sector" as amended, has approved several additions and changes which state in: Article 31, point 1

**It was:** *"New interconnection lines built by the Transmission System Operator or by private investors, are approved by the Council of Ministers Decision, with the proposal of the minister responsible for electricity."*

**It became:** *"New interconnection lines, built by private investors, are approved with Council of Ministers Decision, with the proposal of the minister responsible for electricity."*

*Point 8 of article 60, with content "ERE in exercising the competencies provided in points*

*1, 6 and 7 of this article, must get the opinion of the minister responsible for electricity. " is repealed.*

• With the approval of the legal amendments as above, it results that "TSO" company has fully met the requirements provided in ERE Board Decision no. 43, dated 15.03.2017

• Referring to the requirement set in point 2, first paragraph, of ERE Board Decision no. 43, dated 15.03.2017, "TSO" company has the obligation to submit at ERE every year the information regarding the independence of financial auditors.

For all of the above mentioned, ERE Board,

**Decided:**

1. The repeal of points 2, 3 and 4 of ERE Board Decision no. 43, dated 15.03.2017 *On approving the final certification of “Transmission System Operator” for electricity TSO company in conformity with article 54, point 6, of Law no. 43/2015, “On Power Sector” and article 9, point 6, of Directive 72/2009 EC after receiving the opinion of Energy Community Secretariat”, as amended.*
2. “TSO” company shall submit at ERE every fiscal year the information regarding the independence of financial auditors.
3. The Legal Directory shall notify regarding this decision “TSO” company, the Ministry of Infrastructure and Energy, the Ministry of Finance and Economy, the Competition Authority, as well as the Secretariat of the Energy Community.

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**