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**DECISION**

**No. 62, of date 13.05.2016**

**ON OPENING THE PROCEDURES FOR APPROVING SOME  
AMENDMENTS IN THE STANDARD AGREEMENT FOR  
ELECTRICITY SALE-PURCHASE BETWEEN KESH COMPANY. (WPS)  
AND SMALL ELECTRICITY GENERATORS (SME) APPROVED WITH  
DECISION NO. 80 OF DATE 23.10.2009, AS AMENDED**

Based on article 16; of Law no. 43/2015, “On Power Sector” articles 11 and 14 of “*The conditions for imposing public service obligation, that shall be implemented to the licensee on power sector, which exercise generation, transmission, distribution and electricity supply activities*” approved with Council of Ministers Decision No244, of date 30.03.2016, article 26 of *ERE Practice and Procedures Rules*, approved with ERE Board Decision no. 21, of date 18.03.2009, as amended, ERE Board, on their 13.05.2016 meeting, after reviewing the report of Legal and Customer Protection Directory regarding some amendments in the *Standard Agreement for electricity sale-purchase between KESH company and small electricity Generators approved with ERE Board Decision no.80 of date 23.10.2009*, as amended,

**Observed that:**

- ERE is obliged to adjust the existing legal framework with the provisions of Law no. 43/2015, “On Power Sector”.

- With Council of Ministers Decision no.244, of date 30.03.2016 are approved the *Rules on the conditions for imposing public service obligation to the licensee on power sector*. Within the meaning of this decision on article 11 of these rules it is defined that;
  1. Any obligation imposed to the licensee in conformity with the legislation in force, regarding electricity renewable resources, shall be considered public service obligation.
  2. The obligation for the electricity purchase from electricity renewable resources is set to the Distribution System Operator, in conformity with the legislation in force and the **standard agreement approved by ERE**.
  3. On article 14 of Council of Ministers Decision no.244 of date 30.03.2016 – it is decided
- *These rules shall serve as temporary model for the electricity market operation, until the approval of the Electricity Market Model, in conformity with Law no. 43/2015 “On Power Sector”.*
- *The Energy Regulator Authority within 60 days from the entry into force of this decision, shall approve the respective secondary acts for the implementation of the obligations defined in these conditions.*

For all of the above mentioned ERE Board,

**Decided:**

1. To open the procedures on approving some amendments in the standard Agreement for the electricity sale-purchase between KESH company and small electricity generators approved with ERE Board Decision no. 80 of date 23.10.2009, as amended, with the content as follows:
  - A1. On the Title, the introduction part and everywhere in the agreement *with the Parties shall be referred in the quality of the Seller, Electricity Priority Generator, and in the quality of the Purchaser the Electricity Distribution System Operator -OSHEE*

- A2. ERE with decision no \_\_\_\_\_ of date \_\_\_\_\_, has licensed \_\_\_\_\_ company for Electricity generation; from \_\_\_\_\_ HPP-s \_\_\_\_\_ as defined in the license issued by ERE. OSHEE shall sign an agreement for Electricity purchase with the Electricity Priority Generators implementing Council of Ministers Decision no.244 of date 30.03.2016 “On approving the conditions for setting public service obligation that shall be implemented to the licensee in the power sector *which exercise the generation, transmission, distribution and electricity supply activity.*
- ERE has the authority to define the Electricity sale price for the *Electricity Priority Generators.*
- A3. On article 1 “Definitions” are made the following amendments:  
*The Term “Wholesale Public Supplier” is substituted with the term OSHEE according to the following definition OSHEE – is the legal licensed entity responsible for the safe, reliable and effective operation of the distribution grid ensuring the maintenance and development of the distribution system extended in a defined area and where applicable its connection with the other systems to ensure long term ability of the system to fulfill the reasonable requirements for electricity distribution, in harmony with the environment and energy efficiency.*
- A4. On “Definitions” part the term Small Electricity Generator shall be substituted with the term *Priority Generators* according to the definition - *Priority generators are electricity generators from electricity renewable resources, according to the definitions of the law for electricity renewable resources.*
- A5. On “definitions” part the term Law is amended and it is made: Law no.43/2015 “On Power Sector” .
- A6. On article 6.4 the term authorized country is changed with the term *authorized entity.*
- A7. In each case the authorized representative of OSHEE company, based on the Metering Code and as the Electricity Purchaser may perform *in conformity with the effective legislation* the inspections and tests in the Metering Systems and their registration systems. The employee of the respective plant shall set at the disposal of OSHEE company representatives the Electricity Meter reading register and shall create

the necessary access to control the Metering System.

A8. On article 7 *letter b, point 1* shall be deleted.

A9. On article 8 the last paragraph shall be deleted the words:  
*kept with Distribution System Operator representatives.*

A10. This Agreement shall be effective for a period of 15 (fifteen) years. For entities that have an electricity sale-purchase agreement with KESH company according to Decision no. 80 of date 23.10.2009, at the time when this contract becomes effective, the electricity sale-purchase contract with OSHEE shall be signed for the remaining period from the end of the contract connected with KESH company.

2. Legal and Customer Protection Directory shall inform OSHEE, KESH companies and the licensees on electricity generation activity from renewable resources for ERE Board decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.

**ERE CHAIRMAN**  
**Petrit AHMETI**