



REPUBLIKA E SHQIPËRIË

ENERGY REGULATOR AUTHORITY

BOARD

DECISION

No.12, Dated 23.01.2020

ON

SOME AMENDMENTS IN THE ELECTRICITY SALE-PURCHASE CONTRACT BETWEEN THE COMPANY CHARGED WITH PUBLIC SERVICE OBLIGATION FOR THE PURCHASE OF ELECTRICITY PRODUCED BY THE PRIORITY PRODUCERS

Based on article 16 and 20 letter, h) of Law no. 43/2015 “On Power Sector”, as amended, Council of Ministers Decision no. 883, dated 27.12.2019 “*On some amendments and additions in Council of Ministers Decision no. 244, dated 30.03.2016 “On approving the conditions for imposing public service obligation that shall be implemented to the licensees on power sector that exercise the electricity generation, transmission, distribution and electricity supply activities as amended*”, ERE Board, on their meeting dated 23.01.2020 after reviewing the report prepared by the Legal Directory, with the official letter Protocol no. 14/1, dated 15.01.2020 regarding some amendments in the electricity sale-purchase contract between the company charged with public service obligation for the purchase of electricity produced by the priority producers, approved with ERE Board Decision no. 101, dated 23.06.2016, as amended,

Observed that:

- With ERE Board Decision no. 101, dated 23.06.2016 it is approved the electricity sale-purchase contract between OSHEE and the electricity priority producers.
- This ERE Board Decision has undergone amendments and additions with ERE Board Decisions no. 147, dated 30.09.2016, as well as Decision no. 255, dated 24.12.2018.
- Recently, the Council of Ministers has approved with Council of Minister Decision no. 883, dated 27.12.2019 some amendments and additions to the Council of Ministers Decision no. 244, dated 30.3.2016, “*On approving the conditions for imposing public service obligation that shall be implemented to the licensees on power sector that exercise the electricity generation, transmission, distribution and electricity supply activities*” as amended.

- Specifically, on article 11, point 2 of Council of Minister Decision no. 883, dated 27.12.2019, mentioned above, it is sanctioned that: 2. The public service obligation for the electricity purchase from energy renewable resources is imposed to the public company in the free market supply, in accordance with the legislation in force and the standard contract , approved by ERE. Since the amendments in the standard contract come as an obligation of the Council of Minister Decision no. 883, dated 27.12.2019, it is not necessary to undergo a consultation procedure. The current contracts that OSHEE has signed with the electricity priority producers shall be transferred to the free market supplier, based on internal legal/administrative acts between the companies.

For all of the above mentioned, ERE Board,

Decided:

1. In the electricity sale-purchase contract between the company charged with public service obligation for the purchase of electricity produced by the priority producers, are done the amendments as follows:
 - a) Everywhere in the contract OSHEE company charged with the public service obligation for electricity sale-purchase from the energy renewable resources shall be replaced by the public company of supply in the free market.
 - b) At the end of point 1, Article 10 the phrase “of OSHEE company” becomes “the Distribution System Operator DSO”
 - c) At the end of point 3, Article 13 it is added the phrase “with the Distribution System Operator”
2. For the entities that have an electricity sale-purchase contract with OSHEE before or at the time when this ERE Board Decision enters into force, the electricity sale-purchase contract with the public company for the supply in the free market will be signed for the remaining period from the conclusion of the contract signed with OSHEE company.
3. The legal force of the contract amended by this decision, signed between the free market supplier and any electricity priority producer for the electricity sale-purchase, extends its effects from the date of entry into force of these amendments until the end of the term provided in the respective signed contracts.
4. To monitor no later than 3 months from the entry into force of this decision the progress of the transferring process for the current contracts that OSHEE company has signed with the electricity priority producers to the Free Market Supplier,
5. The Legal Directory shall inform the interested parties regarding 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