



REPUBLIKA E SHQIPËRIË

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 261, Dated 28.12.2020

ON SOME AMENDMENTS IN ERE BOARD DECISION NO.179, DATED 08.11.2017, “ON THE CERTIFICATION OF THE “COMBINED OPERATOR OF NATURAL GAS” ALBGAZ COMPANY”, AS AMENDED.

Based on article 16, of law no. 43/2015 “On Power Sector” as amended; article 37,50,59,68 and 80, of law no. 102/2015 “On Natural Gas Sector”, as amended; article 53, point 3 of law no.44/2015 “Code of administrative procedures of the Republic of Albania”; article 6-11, of the “Regulation on the Certification of the Transmission System Operator for Gas”, approved with ERE Board Decision No. 100, dated 05.08.2015, as amended with ERE Board Decision No.129, dated 31.10.2015; as well as article 15 of the "Rules on ERE Organization, Operation and Procedures", approved with ERE Board Decision, no. 96, dated 17.06.2016, ERE Board on their 28.12.2020 meeting, after reviewing the report protocol no. 142/3, dated 24.12.2020 prepared by the License, Authorisation and Supervision Directory, on some amendments in ERE Board Decision No.179, dated 08.11.2017,

Observed that:

- ERE Board, with decision no. 109, dated 02.07.2020, decided:

1. Point 2, of Decision no. 221, dated 20.12.2019, shall be amended as follows: - "Albgaz" company shall submit at ERE for approval until 20.12.2020, the Compliance Program adapted according to the one approved with ERE Board Decision no. 77, dated 26.05.2017, "On approving the Compliance Program of the Transmission System Operator for Natural Gas".

2. Point 5 and 6, shall become point 5 with this content: - "Albgaz" company shall take measures to meet the condition set in point 5.2, of decision no. 179, dated 08.11.2017, within 20.12.2020.

3. "Albgaz" company shall submit at ERE the statements of the financial auditors of the company every fiscal year.

- This extension was approved due to the impossibility of "Albgaz" company to meet all the conditions within the term set in decision no. 179, dated 08.11.2017, "On the certification of the “Combined Operator of Natural Gas” Albgaz company
- Regarding the condition set in point 4 of ERE Board Decision no. 179/2017, as amended, related to the submission for approval at ERE of the Compliance Program, ALBGAZ company submitted at ERE this program (adapted according to the one approved by ERE with decision 77/2017) , the complete and exhaustive documentation related to this point. By meeting in this way the condition set in point 4, of the decision no. 179/2017 for Certification, as amended.
- Taking into consideration the condition set out in point 5.2, of ERE Board Decision no. 179/2020, as amended, related to the cross-institutional cooperation for the implementation of amendments within the legal framework, article 11 and 46 (10), of Law on Natural Gas Sector and the transfer of competencies to the Ministry of Economy, ALBGAZ company submitted at ERE the official letter addressed to the Ministry of Infrastructure and Energy, in order to implement the necessary legal amendments in the natural gas sector, in order to meet the conditions of decision no. 179/2017 for Certification. This condition still remains unfulfilled for reasons that do not depend on the will of "ALBGAZ" company.
- ERE is waiting the Ministry of Infrastructure and Energy (MIE) decision, regarding the legal amendments, also considering the situation created due to COVID-19 pandemic, "ALBGAZ" company submitted at ERE the request to extend the term of the decision on fulfilling the conditions of decision no. 179/2020 for Certification, until 20.06.2021.
- Considering the above, given that the company's request for extension of the term to submit the relevant documentation was filed in accordance with the legislation into force, before the termination of the term set in ERE Board Decision no. 109, dated 02.07.2020 and taking into account the fact that the company has made its efforts to meet the conditions of decision no. 179/2017, as amended, it is considered that the request of the company shall be accepted.

For all of the above mentioned ERE Board,

Decided:

1. To repeal point 4, of ERE Board Decision no. 179, dated 08.11.2017 "On the certification of the “Combined Operator of Natural Gas” Albgaz company” as amended.
- 2."ALBGAZ" company shall take measures to meet the condition set out in point 5.2 of decision no. 179, dated 08.11.2017, " On the certification of the “Combined Operator of Natural Gas” Albgaz company”as amended, within 20.06.2021
3. "ALBGAZ" company shall submit at ERE every fiscal year, information regarding the independence of the financial auditors.
4. License, Authorisation and Supervision Directory, shall inform the Ministry of Infrastructure and Energy (MIE), the Energy Community Secretariat and the applicant about ERE Board Decision.

This decision enters immediately into force.

About this decision may be required its review within 7 calendar days and may be complained on Tirana Administrative Court within 45 calendar days from the day of its publication on the Official Gazette.

This decision shall be published on the Official Gazette

ERE CHAIRMAN

Petrit AHMETI