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REPUBLIKA E SHQIPËRISË  
**ENERGY REGULATOR AUTHORITY**  
**BOARD**

**DECISION**

**No. 43, dated 06.03.2020**

**ON**

**THE REQUEST OF “ALBGAZ” COMPANY TO POSTPONE ERE BOARD  
FINAL APPROVAL.**

Based on article 16 of Law no.43/2015 “*On Power Sector*” as amended, article 53 point 1 and 3, article 91 and 92 point 1 and 2, of the Administrative Procedures Code of the Republic of Albania, article 24 point 1 of the “Regulation on ERE Organization, Operation and Procedures”, ERE Board, on their meeting dated 06.03.2020, after reviewing the report prepared by the License, Authorization and Supervision Directory Protocol no. 37/2 dated 26.02.2020, on the request of “ALBGAZ” company to postpone ERE Board final approval ,

**Observed  
that:**

- ERE Board with decision no. 190, dated 25.11.2019, opened the procedure to license “ALBGAZ” company on the activity of operating the storage facilities of natural gas.
- Following ERE decision, with the official letter Protocol no. 32/55, dated 25.11.2019, it is made the notification on the written media and with the official letter Protocol no. 729/1 dated 03.12.2019, submitted to “ALBGAZ” company the notification for the opening of the procedure as well as the missing documentation observed on the application file.
- Also with the official letter protocol no. 84, dated 16.01.2019, ERE is notified again the company to complete the missing documentation.
- “ALBGAZ” company with the official letter ERE protocol no. 288, dated 28.01.2020, partially submitted the documentation regarding the required documentation and this documentation consists of the certification from the Regional Tax Directory of Tirana no. T01704822, dated 14.01.2020, from which it results that the company does not have tax liability until on the date of issuing this certification. For this reason ERE is addressed again to “ALBGAZ” company with the official letter protocol no. 288/1 dated 04.02.2020 to require again the completion according to the regulation requirements for the missing documentation.
- As follows “ALBGAZ” company, with the official letter Protocol no.288/2, dated 08.02.2020, submitted at ERE the request to postpone ERE Board final decision, for the failure to complete these documents within the deadlines and declared that a part of them are on drafting process.

- Article 24 of the regulation on ERE organization, operation and procedures provides that: *If a person submits a request different from what is provided on these rules, then ERE shall proceed in conformity with the provisions regulating that issue according to the effective legislation.*
  - Implementing article 53 point 1 of the Administrative Procedures Code of the Republic of Albania, it is provided that *the Terms to perform a procedural act from the parties herein below “procedural terms”, are defined by the law or the secondary legislation.*
  - *The term provided on the licensing regulation to take the final ERE Board decision, for the approval or refusal of the request is 60 days.*
  - Implementing article 53 point 3 of the Administrative Procedures Code in the Republic of Albania, it is provided that the procedural term defined from the law or the secondary legislation may be postponed only if it is expressly provided by the law or the secondary legislation, while the term defined from the public body may be postponed with a justified request of the interested party, submitted before the termination of the term.
  - Implementing article 92, point 1 and 2, of the Administrative Procedures Code of the Republic of Albania it is provided that:
    - 1) *Except when expressly prohibited by law, in justified cases, due to the complexity of the issue, the public body may extend only once the term determined under Article 91 of this Code.*
    - 2) *The extension of the term is for as long as it is necessary for the completion of the procedure, in proportion with the difficulty of the issue in question, but no longer than the duration of the initial term.*
  - The applicant, submitted a justified request, before the completion of the terms provided for the completion of this procedure on 03.03.2020.

For all of the above mentioned, ERE Board,

**Decided:**

1. To accept the request of “ALBGAZ” company for the postpone of the term for the decision of licensing the company on the activity of operating the storage facilities of natural gas, until on 01.07.2020.
2. License, Authorization and Supervision Directory, shall inform the applicant about ERE Board decision.

This decision enters immediately into force.

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