



ENERGY REGULATOR AUTHORITY

Board

DECISION

No. 51, Dated 26.03.2020

ON

SOME TEMPORARY AMENDMENTS OF THE LICENSING PROCEDURES IN EXERCISING THE ACTIVITIES IN ELECTRICITY AND GAS SECTOR WITHIN THE MEASURES AFTER THE OCCURRENCE OF VIRUS COVID-19 AND ANNOUNCEMENT OF THE NATURAL DISASTER SITUATION IN OUR COUNTRY

Based on article 16 and 20 of Law no. 43/2015 “*On Power Sector*” as amended, article 16 of Law no. 102/2015, dated 23.09.2015 “*On Natural Gas Sector*”, as well as Council of Minister Decision no.243, dated 24.3.2020 “*On the announcement of the natural disaster situation in the Republic of Albania because of the epidemic caused by COVID – 19*” Decision dated 09.03.2020 of the Temporary Committee for the Infection Spread by the new Coronavirus, article 16 of the “*Rules on ERE Organization, Operation and Procedures*”, approved with ERE Board Decision no.96 dated 17.06.2016, Energy Regulator Authority (ERE) on their meeting dated 26.03.2020 after reviewing the report “*On some temporary amendments of the licensing procedure in exercising the activities in electricity and natural gas sectors within the measures after the occurrence of Virus Covid -19 and announcement of the natural disaster situation in our country*”.

Observed that:

- Currently in the country it is announced the epidemic situation because of Covid 19, the Council of Ministers approved some normative acts on the measures to prevent Covid 19 Virus defining above all the limitation in the people’s movement but also restriction of some activities that shall not be allowed during the Covid 19 Virus situation.
- With Council of Minister’s Decision no. 243, dated 24.03.2020 it is decided to announce the natural disaster situation in the Republic of Albania because of the epidemic caused by COVID – 19.
- Also on point 6.2 of this decision above all it is defined that the public Institutions:

- a) shall realize organizational and administrative action plan to confront the natural disaster situation;*
- b) to limit the access in the public environments, which have a wide attendance;*
- c) shall limit the activities to the minimum necessary for all the public bodies;*

- Within the normative acts and as made public from the General Taxation Directory, some activities are closed. While the activities regarding the electricity provision continue their performance.
- Within “Power Sector Law” and “Natural Gas Sector Law”, the production, transmission, distribution, supply and trade activities in the respective sectors are exercised as activities licensed by ERE.
- Some normative acts are issued in the framework of the situation regarding the epidemic Covid 19.
- Even the public institutions took the measures including the suspension or reduction of the activities. As such there are the High Judicial Council Decisions no. 127 dated 10.03.2020 “On the suspension of the activity and the court services in all the Courts of the Albanian Republic and then Decision no.128 dated 24.03.2020 “To continue the suspension of the activity and the court services in all the courts of the Albanian Republic”.
- Being supported on the normative acts and Council of Minister Decision no. 243, dated 24.3.2020, the public administration institutions, to limit the public access in wide attendance environments.
- On the regulations for the licensing procedures approved by ERE, above all shall be required even the submission of the certification regarding the court situation.
- On the conditions as notified on the above mentioned decisions the activity of the courts it is suspended to take these certifications in the framework of an application for licensing would be impossible.
- On the conditions of a limited activity for the activity of many bodies of state administration, the provision of the necessary documentation for the procedure to renew the licenses or the documentation necessary to fulfill the licensing conditions of the licensed companies on ERE condition is impossible.
- To address these issues, it is seen to set a transitory period regarding some temporary amendments on the licensing procedures to perform the activities in power and natural gas sectors within the measures after the appearance of COVID – 19 virus and announcement of the natural disaster situation in our country,

- This measure shall serve to reduce even the activities of the institution as well as Council of Minister Decision no.243 dated 24.03.2020 defines that above all knowing that in the core of the process to renew a license is the equipment with the certifications about the court situation, as such it is judged that:
 - All the licenses whose term terminates not later than 30 June 2020 shall not be subject to a renewal process.
 - The entities that want to renew the license in one of the licensed activity from ERE are obliged to perform the renewal process, not later than 30 days from the termination of the Covid 19 epidemic situation.
 - All the licensing decision on the condition, whose completion term terminates not later than 30 June 2020, it is postponed the condition for the term provided on ERE decision not later than 30 days from the termination of the Covid 19 epidemic situation.
- Lastly another issue regarding the Covid 19 epidemic situation deals with the reduction of media entities activity where from the print media it is indicated that they provide publications only through online publications.
- To implement the legal requirements on Power and Natural Gas Sectors regarding the publication in the newspaper of the notifications for license application, until the termination of Covid 19 epidemic may be accessed to continue with the online publication in the media.

For all of the above mentioned, ERE board,

Decided:

1. Suspension of implementing article 9, point 2, letter “d” of the Regulation on the procedures and terms for license issue, modification, transferring, renewal or license removal on power sector, amended with ERE Board decision no. 215/2019 as well as article 9 point 1 letter d, of the Regulation on the procedures and terms for license issue, modification, transferring, renewal and license removal on natural gas sector approved with ERE Board Decision no.97 dated 04.07.2017.
2. The entities licensed during this time are obliged to submit not later than one month from the termination of Covid 19 epidemic the certifications defined on article 9, point 2, letter “d” of the Regulation on the procedures and terms for license issue, modification, transferring, renewal or license removal on power sector, amended with ERE Board decision no. 215/2019 as well as article 9 point 1 letter d, of the Regulation on the procedures and terms for license issue, modification, transferring, renewal and license removal on natural gas sector approved with ERE Board Decision no.97 dated 04.07.2017.
3. All the licenses terminating until on 30 June 2020 are not subject of a renewal process. These entities are obliged to deliver an application for license renewal not later than 30 days from the termination of the Covid 19 epidemic situation.

4. Entities that do not want to renew their licenses is guaranteed the right to inform ERE for their will and automatically after the termination of the licenses issued before shall be removed from the licenses register at the end of the term of the previous license.
5. Suspension of the terms to complete the conditions regarding the fulfillment of the documentation, defined on the licenses issued by ERE in one of the activities provided by Law no. 43/2015 “On Power Sector”, as amended and law no.102/2015 “On Natural Gas Sector” as amended, not later than 30 days from the termination of Covid 19 epidemic situation.
6. The set of a period without deadline from the entry into force of this decision, during which the notification in the written media according to article 10 of the Regulation on the procedures and terms of license issue, modification, transferring, renewal or license removal on power sector, amended with ERE Board Decision no. 215/2019 and article 10 point 8 of the “Regulation on the procedures and terms of license issue, modification, transferring, renewal or license removal on natural gas sector” approved with ERE Board Decision no.97 dated 04.07.2017, shall be implemented through online publication.
7. All the licensing decisions during these period shall be object of review in the framework of the respective documentation not later than 1 month from the termination of Covid 19 epidemic.
8. License, Authorizations and Supervision Directory shall inform the stakeholders for ERE Board decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.

This decision may be complained on Tirana Administrative Court, within 30 calendar days from the publication in the Official Gazette for the power sector activities and within 45 calendar days for the natural gas sector activities.

ERE CHAIRMAN
Petrit AHMETI