



**BOARD**

**DECISION**

**No. 67, Dated 08.04.2020**

**ON**

**THE SUSPENSION OF THE PROCEDURES TO REVIEW THE APPLICATION OF THE UNIVERSAL SERVICE SUPPLIER COMPANY TO DETERMINE THE RETAIL PRICE FOR CUSTOMERS WHO ARE SERVED BY THE UNIVERSAL SERVICE SUPPLIER FOR 2020 AND THE REVIEW OF THE APPLICATION FOR THE DISTRIBUTION SYSTEM OPERATOR OF ELECTRICITY TO SET THE TARIFFS ACCORDING TO THE VOLTAGE LEVEL FOR 2020.**

Based on article 16, article 20, letter “c”, article 85 of Law no. 43/2015, “*On Power Sector*”, as amended, Council of Ministers Decision no. 243, dated 24.3.2020 “*On Natural Disaster Declaration*”, article 67 and 91, point 4 of Law no. 44/2015 “*Administrative Procedure Code of the Republic of Albania*”, article 15 and 22 of the “*Regulation for ERE Organization, Operation and Procedures*” approved with ERE Board Decision no.96, dated 17.6.2016, Energy Regulatory Authority Board (E.R.E) in their meeting dated 08.04.2020 after reviewing the report prepared by the Legal Directory , “*On the suspension of the procedures to review the application of the universal service supplier company to determine the retail price for customers who are served by the universal service supplier for 2020 and the review of the application for the distribution system operator of electricity to set the tariffs according to the voltage level for 2020.*”

**Observed  
that:**

- With decision no.2 dated 10.01.2020, ERE Board decided to initiate the procedure “*To review the application of the Universal Service Supplier to determine the retail price for customers served by the universal service supplier for 2020 and review of the application of the distribution system operator of electricity to set the tariffs according to the voltage level for 2020.*”
- ERE continued the process of official communication with the applicants in order to obtain explanations of the issues addressed in the correspondence to date on these applications which are deemed necessary to be further supplemented with relevant clarifications as well conducted a series of consultation sessions with a wide range of stakeholders and representatives of the Universal Service Supplier and Distribution System Operator.

- Finally the Council of Ministers Decision no. 243, dated 24.3.2020 decided on:
  1. *The natural disaster declaration in the Republic of Albania due to the epidemic caused by COVID-19*
  2. *Restriction of the rights guaranteed by articles 37, 38, 41, point 4, 49 and 51 of the Constitution to the extent deemed necessary to achieve the preservation of the health of citizens.*
- Among other things, in this decision is placed the obligation for public institutions that:
  - d) *restrict access to public premises, which have a wide attendance*
  - e) *limit activities to the minimum necessary for all public bodies*
- On the Regulation for *ERE Organization, Operation and Procedures* in article 22 it is provided that as a rule during the review of the application ERE organizes technical hearing sessions with the applicant, as well as in each case holds public hearing sessions according to the rules for conducting hearings.
- With the natural disaster declaration, a number of constitutional freedoms have been restricted among others, access to public facilities is restricted, which have a wide attendance, gatherings, etc, and for Public Institutions also activities to a minimum necessary.
- By taking these extraordinary measures, ERE is in an impossible condition to organize public or technical sessions as well as to continue normally the process of consultation with the licensees or applicants and also with the stakeholders
- With the declaration of the state of emergency, the restriction of the freedom of movement as well gatherings of persons beyond the allowed hours within the meaning of the adopted legislation recently with the aim of taking precautions against the infection of Covid 19, is disabled continuing the consultation process with, and by the stakeholders.
- With the suspension of the activity and judicial services with decision no. 127, dated 10.03.2020 and decision no.128, dated 24.03.2020 of the High Council of Justice for all the courts of the country, of general and special jurisdiction, due to the situation created by the infection of COVID- 19, it is difficult to exercise the right that each stakeholder may request the review of ERE Board Decision to determine the retail price for customers served by the universal service supplier for 2020 and to set the tariffs according to the voltage level for 2020.
- The Code of Administrative Procedure in Article 67, provides that: *Public body, that is adequate for making the final decision, may also make intermediate decisions, when it is judged that failure to take certain measures would cause serious and irreparable damage over the public interest, or legitimate rights or interests of the parties.*

- The ascertainment of the above mentioned circumstances makes impossible for ERE, the licensed companies the Universal Service Supplier and Distribution System Operator as well as stakeholders in these decision-making to continue a regular process supporting the legislation in force.
- ERE with decision no. 199, dated 12.12.2019 has postponed the legal force of ERE Board Decision, no. 268, dated 21.12.2018, on the tariffs for the usage of the distribution network according to the voltage level leaving into force the tariffs for the usage of the electricity distribution network for voltage levels as follows:

Distribution service tariff in 35 kV voltage level	1.5 (ALL/Kwh)
Distribution service tariff in 20 kV voltage level	3.9 (ALL/Kwh)
The average tariff of the distribution service	4.79 (ALL/Kwh)

- ERE with decision no. 200, dated 12.12.2019, has postponed the legal force of ERE Board Decision, no. 268, dated 21.12.2018, for retail prices for the end-use customers that are served by the Universal Service Supplier leaving into force the retail sale prices of electricity for end-use customers as follows:

Electricity retail sale price for 1 January -31 March 2017 period						
Voltage Level	Price (ALL/Kwh)	Peak Price (ALL/kwh)				
Bakeries and flour production in 10/6 kV	7.1	8.17				
Customers in 0.4 kV	14	16.1				
Bakeries and flour production in 0.4 kV	7.6	8.74				
Household	9.5					
Tariff for electricity consumption in joint environments (scale lighting, water pump, elevator)	9.5					
Fix Tariff for "zero" reading service (All/month)	200	200				

\*The price for reactive energy is 15% of the active energy price

\*Peak hour during which shall be applied the tariff for the consumed energy during the peak is:

- November 1 March 31 period from 18.00 to 22.00

- April 1 – October 31 from 19.00 to 23.00

- During 2020, the Universal Service Supplier as well as the Distribution System Operator shall continue to exercise their activity with regulated tariffs, as mentioned above.

For all of the above mentioned, ERE board,

**Decided:**

1. The suspension of the procedure to review the application of the Universal Service Supplier to determine the retail price for the customers served by universal service supplier for 2020 and review of the application of the Distribution System Operator, OSSH to set the tariffs according to the voltage level for 2020, until no later than 3 months from the end of the natural disaster situation in the Republic of Albania.
2. The Legal Issues Directory shall inform the stakeholders about ERE Board Decision.

This decision enters immediately into force.

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