



DECISION

No. 25 of date 21.03.2014

**ON
THE REQUEST TO BEGIN THE ADMINISTRATIVE INVESTIGATORY
PERIOD OF DECLARING ABSOLUTELY INVALID ERE'S BOARD OF
COMMISSIONER DECISIONS No. 69 AND No.70, OF DATE 12.12.2007,
THAT HAVE TRANSFERRED THE LICENSES FROM THE
CONCESSIONARY COMPANIES OF "ESSEGEI SHQIPËRI
SMOKTHINA" AND "HYDROELECTRIC COMPANY OF ALBANIA"
TO "ALBANIAN GREEN ENERGY" AND "BALKAN GREEN
ENERGY" COMPANIES**

On the basis of article 9, Law No. 9072, date 22.05.2003, "For the Electricity Sector" as amended; article 36 paragraph two of the Civil Procedure Code; articles 15 and 18 letter "b" Law no. 8485 of date 12.05.1999 "the Administrative Procedure Code in the Republic of Albania", ERE's Board of Commissioners, on its meeting of date 21.03.2014, after being introduced with the report prepared by ERE's Technical Offices regarding Mr. Grigor Zoraqi request as the interested person and the owner of concessionary "Essegei Shqipëri Smokthina" and "Hydroelectric Company of Albania" companies, to begin an administrative, investigatory procedure of declaring absolutely invalid ERE's Board of Commissioner decisions no. 69 and no.70, of date 12.12.2007,

Observed that:

- With ERE's Board of Commissioner decision no.2, of date 03.04.2002, it is licensed the Concessionary "Essegei-Shqipëri" Company in the electricity production activity.
- With ERE's decision no.2 of date 27.01.2003, it is withdrawn the license of "Essegei-Shqipëri" company for not fulfilling the license conditions and managing incapacities and "Essegei-Shqipëri Smokthina" company is appointed as administrator, to undertake the use of licensed equipments and this company will fulfill all the obligations defined in the license.

- With decision no. 15, of date 27.08.2003, it is licensed from ERE the “Essegei Shqiperi Smokthina” company for electricity production, license no.05, Series PO3K.
- With decision no.20 of date 19.12.2003 ERE’s Board of Commissioners has decided to give the license to “Hydroelectric-Company of Albania” in the quality of concessionary company to use the plants given with concession (license no. 13, series PV03K).
- ERE’s Board of Commissioner decision No. 69 of date 12.12.2007 has decided that License no. 13, Series PVO3K date 19.12.2003 of “H.C.A” company, to be transferred to “Balkan Green Energy” company. This company has all the rights and obligations provided in the electricity production license no. 13 Series PVO3K, given with ERE’s Board of Commissioner Decision no. 20 of date 19.12.2003.
- With ERE’s Board of Commissioner Decision no. 70, of date 12.12.2007, it is decided that the license no. 05, Series PO3K, date 27.08.2003, of “Essegei Shqipëri Smokthina” company to be transferred to “Albanian Green Energy” company. This company has all the rights and obligations provided in the electricity production license no. 05 Series PO3K, given with ERE’s Board of Commissioner Decision no. 15, of date 27.08.2003.
- In Tirana District Court, according to the confirmation of date 09.09.2013 issued by this Court it is registered the civil cause Act no. 171 depositing date 04.06.2009, and registration date 05.06.2009 with complainant Mr. Grigor Zoraqi; defendants: Giorando Gorini, Aldo Francescheti, Essegei s.p.a Company, “Albanian Green Energy” company “Balkan Green Energy “company, the Economy, Trade and Energy Ministry and Energy Regulator Authority.
- This issue continues to be subject of judicial conflict over years until today, where ERE is one of the litigating parties and as consequence it will remain as such until justice will reach a decision for this issue.

For all the above mentioned, ERE's Board of Commissioners

Decided:

1. Announcing ERE's incompetence to review this issue.
2. The Licensing and Market Monitoring Office shall notify the shareholders for ERE's Board of Commissioner decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.