



DECISION
NO. 26 of date 21.03.2014

ON
THE REQUEST FROM ONE OF THE SHAREHOLDERS OF
“PROJEKSION ENERGI” COMPANY FOR THE LICENSE
WITHDRAWAL AND SETTLING THE DISPUTES BETWEEN THE
PARTIES

On the basis of articles 8 letter “d” and 9, Law No. 9072, of date 22.05.2003 “For the Electricity Sector ” as amended and article 36 paragraph two of Civil Procedure Code and article 18 letter “b” of Administrative Procedures Code, 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 the request from one of the shareholders of “Projeksion Energji” company, for license withdrawal no. 40 Series PV06P, for electricity production activity from: “Çarshovë”, “Treska 1”and “Rehovë” HPP-s,

Observed that:

- “Projeksion Energji” company with decision no. 76 date 07.11.2006, of ERE’s Board of Commissioners, is provided with the license for electricity generation from “Çarshovë”, “Treska 1”and “Rehovë” HPP’s.
- ERE’s Board of Commissioners with decision No. 47 of date 18.04.2008, has approved the request of “Projeksion Energji” company to change the license no. 40 Series PV06P, for electricity generation from: “Çarshovë”, “Treska 1” and “Rehovë” HPP’s.
- Actually the company is without legal status because of the numerical inability of the shareholders to make decision. Çarshovë HPP is transferred in the successor ownership, of the former owners that has privatized it. Rehovë and Treska-1, as it comes from the monitoring performed by ERE’s group and mutual charges of the shareholders are damaged by the holders themselves, the relations of the company with the institutions that operate are provoked from the shareholder charges, and the conflicting relations between them has led the company in the court for disputes.

- Based on Law No. 9723, of date 03.05.2007, “For National Registration Center” “Projeksion Energji” company from the NCR (National Registration Center) extract data results destroyed and its cancellation will be made pursuant to article 48-51 with judicial decision that cannot be appealed for capital allocation. (with the verification on 18.02.2013 issued from Tirana District Court, the destroy of this company is subject to judgment).
- The request for license withdrawal comes from one of the shareholders and not from the leading forums of “Projeksion Energji” company.
- The issues where this request is based for license withdrawal are subject of the judicial conflict between the shareholders of “Projeksion Energji” company as evidenced by the Verification of date 18.02.2013 issued from Tirana District Court, Civil Room, results that at this Court it is registered the civil cause with Act no. 624 depositing date 08.03.2012 and registration date 12.03.2012. The litigating parties in this process result to be: complainant Mr. Sokol Riska, defendant Mr. Anastas Riska and the third party is NRC (National Registration Center). Subject to judgment is: the destroy of “Projeksion Energji” company, proportional division of the assets with ownership of each other shares. It is worth mentioning the fact that this issue is still under judgement.
- Based on article 8 point 2, letter “d” Law no. 9072 of date 22.05.2003 “For Electricity Sector”, as amended, *ERE has the power only to settle the disputes between the licensees*. Any dispute arisen between the shareholders of the licensed companies should be resolved in court. Also Civil Procedure Code, in article 36 second paragraph clearly states that: *“Any institution has the right to accept for review a civil dispute that is being judged from the court.* And the Administrative Procedure Code in article 18 letter “b” provides that: *“In order to protect the constitutional and legal rights of private persons, the administrative activity is subject to: the control from the courts in conformity with the Civil Procedure Code”*

For all the above mentioned, ERE’s Board of Commissioner

Decided:

1. Not to begin the procedures for license withdrawal of “Projeksion Energji” company.

2. Announcing ERE's incompetence for reviewing the disagreements between the shareholders of ProjekSION Energji company.
3. The Licensing and Market Monitoring Office shall notify the interested parties for ERE's Board of Commissioner decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.