



REPUBLIKA E SHQIPERISË
ENTI RREGULLATOR I ENERGJISË
Bordi i Komisionerëve



ERE'S RULES OF PRACTICE AND PROCEDURE

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PART I. GENERAL PROVISIONS

Article 1 – Authority

These Rules are developed pursuant to the Article 8, paragraph 2, letter k), of the Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”, Law No. 8485, dated 12.05.1999 “The Code of Administrative Procedures” and Law Nr.8480 date 27.05.1999 “On Functioning of Collegial Bodies of State Administrate and Public Entities”.

Article 2 – Purpose of Rules

These Rules aim to ensure transparent procedures in exercising the ERE functions, by guaranteeing an equal treatment in license granting in the electricity sector and in the gas sector in setting the tariffs for the licensees, in solving the complaints between the licensees, between the consumers and the licensees, drafting and approval of some secondary acts pursuant to Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”.

Article 3 – Applicability

1. These Rules set the general procedures applied by ERE in exercising its activity related to
 - a. Directing and functioning of ERE
 - b. Treating of applications for license granting in the electricity and natural gas sector
 - c. Treating of applications for setting the tariff and prices of electricity and natural gas
 - d. Drafting and reviewing of secondary legislation
 - e. Settlement of disputes
 - f. Organization of hearing sessions
 - g. Treating of requests from the licensees.
2. Procedures not specifically addressed by these Rules shall be governed by the Law No.8485, dated 12.05.1999 “The Code of Administrative Procedures”.

Article 4 – General Principles

These Rules shall be implemented taking into account the principles of:

- a. Compliance with legislation in force;
- b. Work efficiency of the ERE staff;
- c. The opportunity for full and fair hearings for all parties in interest; and
- d. Transparent and open process.

Article 5 - Definitions

For purposes of these Rules the following terms will mean:

1. **“ERE”** shall mean the Albanian Energy Regulator or its successor regulatory entity. In these Rules the term may include the members of the Technical Staff of the ERE to whom the authority has been lawfully delegated by the ERE Board of Commissioners in specific cases involving such delegated authority.
2. **“Board of Commissioners”**, hereinafter called **“Board”** shall mean the decision-making body of the ERE composed by five Members appointed according to the procedures provided for by the law.
3. **“Chair of the Board of Commissioners”** is one of the members of Board appointed according to the procedures provided for by the law, who heads the executive activities of the ERE.
4. **“Technical and Supporting Staff”** shall mean the employees of the ERE from Directors to Specialist levels and any consultants or other contractors retained by the ERE for the purpose of assisting the Board in providing advice or information, or for carrying out of various works or duties of the ERE.
5. **“Presiding officer”** shall mean the person designated to preside over an ERE proceeding, with the duties and powers set forth in these rules. The presiding officer may be a member of the Board or a qualified member of the ERE Technical Staff as determined by Chairman of the Board.
6. **“Secretary”** shall mean the Secretary of the ERE Board of Commissioners.
7. **“Rules”** shall mean the ERE’s Rules of Practice and Procedure.
8. **“Person”** shall mean any physical or legal person, the Government or any government agency, any local authorities, or any other legal entity recognised by law, except for the ERE.
9. **“License”** shall mean a grant of authority issued by the ERE to a person to operate in the power sector and natural gas sector , pursuant to Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector” and ERE licensing procedures.
10. **“Licensee”** shall mean a person that holds a license granted by the ERE to operate in the power sector or in natural gas sector.
11. **“Customer of electricity”** shall mean a person who receives electricity from an electricity supplier.
12. **“Customer of natural gas”** shall mean a person who receives gas from a natural gas supplier.
13. **“Petition”** shall mean a written request filed by a person for one of cases object of ERE regulation.
14. **“Applicant”** or **“petitioner”** shall mean any person, other than a complainant, who seeks to commence an action required to be instituted by application or petition. For purposes of these Rules, **“applicant”** and **“petitioner”** shall have the same meaning.
15. **“Complainant”** shall mean a person who files a complaint with the ERE of any action or failure to act of any person, subject to the jurisdiction of the ERE for the activity carried

pursuant to Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector” and ERE licensing procedures.

16. **“Respondent”** shall mean a person against whom any complaint is filed or investigation initiated.
17. **“Intervener”** shall mean a person who is permitted to participate in a proceeding as provided for in these Rules.
18. **“Interested party”** shall mean a person participating in a particular proceeding before the ERE Board.
19. **“Tariff and Price filing”** consists of the proposed tariffs and prices and other materials accompanying the proposal submitted to the ERE for approval pursuant to these Rules and tariff methodologies.
20. **“Tariffs and Prices”** shall mean a charge to be paid by customers for the electricity and natural gas, coming from the companies licensed by the ERE that operate in the electricity and natural gas sector. The tariffs are proposed by the licensee and approved by ERE based on the principles provided for by the law No. 9072, dated 22.5.2003 “On power sector” as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”.
21. **“Terms and conditions”** shall mean the provisions filed by a licensee who provides an electric service with the ERE stating the basis on which various electric services in the power or natural gas sector will be provided to customers, or that in any manner relates to the rates charged for any service.
22. **“Test year”** is a 12-month period used by a licensee who provide an one or several services in the electricity sector or natural gas sector, to serve as the basis for comparison of revenues, expenses, and investment which will assist the ERE in determining revenues in a rate case. A test year may be a calendar year or any other period of twelve (12) consecutive months.
23. **“Regular business day”** shall mean a day that is not a Saturday, a Sunday, or a national Holiday recognised by legislation in force.
24. **“Individual customer”** for purposes of these rules shall mean eligible customers and each user of the distribution or transmission network.

PART II. DIRECTION AND FUNCTIONING OF ERE

Article 6 – ERE

1. The Albanian Energy Regulator is composed of 5 members of the Board of Commissioners, on of them is the Chairman of ERE, and the technical and non-technical staff which is appointed and promoted according to the procedures provided for by the law.
2. The organization and functioning of ERE is regulated by the Rules and procedures for organization and internal functioning of the ERE approved by the Board of Commissioners.

Article 7 – Direction of the ERE

1. The direction bodies of the ERE are the Board of Commissioners and the Chair of ERE.
2. The Board is the only decision-making body that determines the main directions of the ERE activity and decides on the issues that require the ERE approval. It acts as a collegial body.
3. The Board Member may decide not to vote for different issues when there is a conflict of interest according to the Rules and Procedures for organization and internal functioning of the ERE.
4. The Chair of ERE is the executive administrator, he represent ERE in relation with other parties.
5. The Chair calls and directs the meetings of the Board of Commissioners and is responsible for the publication of the decisions of the Board of Commissioners.

PART III. - RULES FOR BOARD MEETINGS

Article 8 – Meetings of the Board of Commissioners

1. In order to organize the work of ERE and planning of duties and responsibilities of ERE in exercising its authority, the Board of Commissioners held the meetings once a month.
2. In general the meetings are held in the ERE offices. In case the meetings are held in a different place, it shall be indicated in the notice of the meeting.
3. The Chair of the Board calls for the Board of Commissioners meeting. In his absence the meeting is called by the Board member appointed temporarily by the Chair for the administration of ERE.
4. Before a meeting, the Chair of the Board shall prepare an agenda of matters to be considered before the Board. The Secretary shall serve such agenda to the Board Members, directories that have followed this procedure and any person who has expressed his interest to participate in this procedure. Such agenda will be available for public inspection at the ERE's offices.
5. Until one day before the meeting the Board, upon request of one of the Board's member, may decide to remove or add specific items from the prepared agenda. To the extent feasible, notification of any removal will be provided to parties by ERE.
6. The meeting notification is communicated at least 5 days prior to the meeting date.

Article 9 - Extraordinary Meetings

In addition to ordinary meetings referred to in Article 8 of these Rules, any member of the Board may take the initiative to organise a Board meeting, at least three days prior to the date of such proposed meeting, the proposing member must submit to the Chair a written request for a meeting that includes the agenda and subject matter of the meeting. The Chair within 24 hours shall then notify the other members and the Secretary of such meeting and take measures to hold the meeting no later than 2 days from the date of the notification sent.

Article 10 – Open Meetings

Except for matters, which are subject of internal issues of the ERE, all meetings public proceedings and deliberation sessions of the Board shall be open to the public.

Open meetings for the public are held according to the articles as below.

Article 11 – Meeting notification

ERE assures the notification to the public 48 hours before the open programmed Board meeting. The notification has the date, time and place of the meeting and the agenda. The notification for the meeting is placed in a special place near the entrance of ERE premises and is published in the official website.

Article 12 – Organization of open meeting

1. The Secretary shall, before each meeting of the Board of Commissioners register in a special register the names of the participating persons in the meeting.
2. The Secretary shall, when the meeting starts, read to all the participants the meeting procedures and their rights and obligations.
3. In an opened Board meeting, have the right to discuss and give opinions only the Board Members and the representatives of ERE and with permit of the Chairman of ERE also other persons that are related to the preparing and administration of these issues.
4. Upon request of the interest parties, the Secretary of the Board allows them to see the meeting minutes and the Board decision.

Article 13 – Public rights and obligations

1. During a Board meeting, any person that participates has the right to hear and take notes, but does not have the right to speak or make questions, in exemption of cases when the Chair permit it. It is also not allowed to interrupt the speaker, to use cellular phones and smoking in meeting.
2. If any participating person in the Board meeting that disturbs the well going of the meeting, the Chair orders the expulsion.
3. When the meeting rules are violated, the Chair decides to interrupt the meeting for no more than 30 minutes, or its extension after taking the approval from the Board.

Article 14– Meeting proceedings and necessary materials

1. In the Board meetings as a general rule participate the Board Members, the head of departments that have reviewed the issue in the agenda, the Advisor of the Board, outside experts or advisors of ERE and other interested persons.
2. In each case the issues set in the agenda shall have the accompanying materials as below:
 - explanatory document,
 - draft decision,
 - other materials necessary for the Board decision making.

3. When there are information issues, the accompanying materials shall be an informing document for the Board.
4. In cases when the issues anticipated need time for their review in the meeting, by a Board decision the meeting shall be appointed at another date.
5. For every Board meeting, the Secretary of the Board shall keep minutes, that shall include the information regarding the place, time of meeting commencement, agenda and the possible amendments in it, the Board Members that are present or not, other persons call to participate that are present or not, discussions of the meeting participants and all the information discussed in the meeting.
6. The minutes after kept, are subject of Board approval in the next meeting. Every Board member shall have the right to make comments on the minutes and that are signed as the whole minutes by the Board members and the Secretary.
7. The minutes of the Board meetings shall, except the information treated as confidential or secret, be opened to the public.

Article 15 – Decision making

1. Decisions of the ERE Board shall be adopted by a majority vote of its members. In case of a tie the Chairman's vote is decisive. Board voting shall be open and only when the Board decides otherwise, the voting shall be secret. All the Board decisions shall be made in three copies signed by each Board member and kept in the Secretary office, Archive and Legal and Customer Protection Department.
2. All Board decisions shall be published in the Official Journal stamped with the seal of the ERE and signed by the Chair of the Board and the Secretary.
3. ERE shall provide written notice to all parties in interest of the final Board decision within 3 days from the decision reached. The full and complete text of all final decisions shall be placed in the official registry of decisions and licenses and made available to the public for review.

Article 16 – Rehearing and Complaining to Board decision

1. If within 5 (five) calendar days from the date a decision of the Board is received, either party to the dispute has obtained new evidence that could lead the Board to make a different decision, the party may appeal to the ERE for reconsideration or rehearing to present the new evidence. The Board will review the new evidence and issue its decision within 5 (five) regular business days of the reconsideration or rehearing by notifying the parties of the decision. However, the appeal for reconsideration or rehearing will not permit the petitioner to stop execution of the original Board decision within the established period, unless suspended by the Board in its discretion.
2. The Board in compliance with the specific circumstances of a decision making, with its initiative or request of the interested person may review its decision. The Board shall not decide with its own initiative to review a decision, when this restricts rights granted before the decision is reviewed.
3. In compliance with Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”, the interested persons, shall file a complain against the decision of the ERE Board of Commissioners within 30 days from its publication in the Official Journal.

PART IV. - BOOKS AND RECORDS

Article 17 – Registration of application or request

1. The Archive employee shall open e docket for each proceeding to which these rules are applicable including complaints, petitions, rate proceedings, licenses and deliberations related to amendment, supplement, termination, renewal and revocation shall be recorded. Proceedings shall be assigned docket numbers and shall be accompanied by the cover letter as set forth in the Regulation for Internal Organization and Functioning of the ERE . The docket will contain all documents for the procedure by the protocol office in cooperation with the departments in charge for this request or application. The docket will contain all the appearances, orders, decisions or any other act relating to the proceeding noted with an index, which shall briefly show the nature of each recorded document. The protocol office shall maintain a service list for all docketed proceedings and shall provide a copy of the list for a particular matter free of charge to all parties in interest and interested persons requesting it.
2. The Secretary shall keep such other books and records, as may be required from time to time by the Board.
3. The Secretary shall maintain at the ERE a central register where all Board decisions and all licenses granted by the ERE are maintained and such decisions and licenses shall be forwarded to the protocol office to register in the ERE while a licensed copy goes to the Archive.
4. All books, records and other materials compiled by the Secretary pursuant to this Article shall be public.
5. The protocol office has the responsibility to register all the letters and materials coming out of the ERE to the third parties. All the letters or materials are signed by the Chair of the ERE and in his absence from the person in charge from him.

Article 18 - Commencement of Proceeding

1. The Board of Commissioners shall reach a decision for commencement or not of the review procedures for any filing dealing with the exercising of the ERE authority on:
 - a. granting, amending, renovating, transferring, license removing,
 - b. setting of electricity and natural gas tariffs to the licensees,
 - c. setting tariffs for regulated services,
 - d. qualification and grating of certificates of origin for electricity generation from renewable energy sources.
2. The Board decision for commencement or not of the procedure is taken no later than 12 days from the registering of file in the ERE. Within 3 days from the filing of the application, the Chair forwards a copy of the application to the Board members and plans within 7 days from the sending date to the Board members, a Board meeting on commencement or not of the procedure for application review.

3. The Board takes the decision for commencement of review procedures if the application fulfils in general the requests of the application.
4. For the complains filed in the ERE from licensees or customers with the same parties and object, are notified the Board members within 2 days for the complain or dispute represented in ERE and within 5 days from its acknowledgement, the Chair holds a Board meeting, to decide how to proceed with the complain or dispute. The Board meetings set forth in this paragraph shall be of informative and guiding character for solving of dispute or complain from the technical staff of the ERE.
5. At any time when ever considered necessary the ERE Chair may ask for Board of Commissioners treatment of a complain filed to the ERE, within the authority and power given by the legislation in force.

PART V. - RULE-MAKING PROCEDURES

Article 19 – Proceeding of Applications for license granting

- 1 Any person seeking a license in one or more activities set forth in the Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”, must file an application using standard forms adopted by the ERE in licensing procedures.
- 2 After the Board shall reach a decision for commencement of procedures for a license granting application, the respective department in charge for application review shall prepare the notification for license application and reviews the application pursuant to the ERE regulation on licensing procedures.

Article 20- Application procedure for setting the tariff and prices

1. The licensee asking for a tariff and price setting for electricity or natural gas activities shall file to ERE a formal request accompanied by the required information pursuant to ERE rules and procedures.
2. After the decision for commencement of review procedures the department/s in charge prepare for the licensee/s the notification for the Board decision.
3. The application review from the department/s and the final decision is reached in compliance with the respective methodologies and rules of ERE.
4. At any time during the application review for the setting of tariff and prices of electricity and natural gas, ERE preserves the right to ask for any information considered necessary for the decision-making on the filed application.

Article 21- Special rules for filing applications for setting/reviewing tariff and prices for electricity and/or natural gas from the companies that operate in the energy sector

1. In case of application for setting/reviewing tariff and prices of electricity and natural gas, the application must be accompanied by the documents as below:
 - a. A statement describing the purpose and the effect of the filing;

- b. The anticipated revenue effects, if any, of the proposed tariffs;
 - c. Any significant change in tariff design, which is anticipated to result from the filing;
 - d. The tariff/prices charged by the applicant to its customers for any electricity and/or natural gas services, including:
 - i. Tariff to customers for the service carried by the company and any additional tariff for additional services;
 - ii. Any tariff associated with any special program, including a description of the program
 - iii. Any other charge to customers for which the applicant is required to file proposed tariffs; and
 - iv. Any other information necessary to argument changes in tariff/prices asked by the applicant.
2. The terms and conditions upon which electricity and natural gas services will be provided to customers, including:
 - a. The availability of service to different customer classes;
 - b. The character of the service to be provided, including any technical information necessary to differentiate such service from other services and according to customer classes or groups;
 - c. If applicable, the applicants various service and tariff and price areas proposed; and
 - d. Any further information necessary to identify the terms and conditions of service.
3. The proposal for setting/reviewing the tariff and prices shall contain, a statement of the test year, expenses revenues and tariff/prices applied in the test year, and the amendments proposed related to expenses, revenues and tariff/prices for the test year including statements, presentations and work documents that justify each regulation according to methodologies for tariff and price calculation for electricity and natural gas services approved by the ERE.
4. The proposals for setting/reviewing the tariff and prices of electricity must contain, where applicable, a description of every change related to the tariff and prices, by including the reasons for these changes, the possible effects of proposed changes towards the different classes/groups, versus the other services ensured by the applicant or other companies that operate in energy sector, and also the changes in the respective bills for each class/group of customers.
5. If the applicant claims that any of the information requested according to this article is not possible, he shall present the reasons for this claim. The disability to give adequate reasons for not presenting of any information causes the treatment of this proposal as an irregular one.
6. ERE shall within 4 months from the decision of commencement of review procedures, announce the decisions on setting/reviewing the tariff and prices.
7. After the taking the decision for starting the review procedures the applicant shall notify:
 - a. Within 10 days the public, by publishing not less than in two/three newspapers of national circulation or in the area where the applicant provides the service, on the

proposed scale of tariff and prices, and also the change in percentage for each class/group of customers by evidencing their identification.

- b. Individual customers at least 10 (ten) calendar days before the hearing sessions. The notification method on the proposed measure for changing the tariff and prices is carried in compliance with the bill details, issued by the company for the service given to the customers.
8. ERE shall, during the application review, organize technical hearing sessions with the applicant, and in case shall organize public hearing sessions pursuant to the rules and procedures of hearing sessions

PART VI. - COMPLAINTS

Article 22 – Solving of complaints

1. For disputes between the licensees and customers and between the licensees themselves, each complainer shall present to the ERE the request by utilising the standard form annex to these rules.
2. In absence of standard application form, the complainer shall present to ERE the request including the information as below;
 - a. Clearly identify the party or parties believed to be responsible for the issue addressed in the complaint;
 - b. Clearly identify the action or inaction, which is alleged to violate applicable laws or regulatory requirements and why action or inaction violates such applicable laws or regulatory requirements;
 - c. Contain a calculation of the financial impact or burden, if any, created for the complainant as a result of the action or inaction, and indicate the practical, operational or other non-financial impacts including, where applicable, the environmental, safety or reliability impacts of the action or inaction;
 - d. State the corrective action, relief or remedy requested for the injustice or damage caused;
3. Include all documents and facts in possession of, or otherwise attainable by, the complainant, including, but not limited to, contracts and affidavits (official declarations), which support the complaint.
4. Prior to filing a complaint that concerns a distribution company, a person must first attempt to settle the dispute by discussing the issue with the distribution company's consumer complaint department. For disputes between the licensees, the complainant licensee shall attempt to settle it by mutual understanding with the licensee in conflict.
5. Any person may file a complaint seeking ERE action against a person alleged to be in contravention or violation of any law, rule, order, or other legal act administered by the ERE, or for any other alleged wrong over which the ERE may have jurisdiction.
6. The complaint to the ERE must be served to the ERE by mail or handing it over personally. It shall be registered on the day arriving in the ERE.

7. Complaints that contain scurrilous or calumnious material will be dismissed by the ERE without prejudice so that the complainant may file an appropriate complaint.
8. Within ten (10) regular business days of receipt of an appropriate complaint, the ERE shall send a copy of the complaint to the party or parties identified in the complaint believed to be responsible for the issue addressed in the complaint (respondent).
9. Respondent shall answer the complaint by the earliest of ten (10) calendar days after service of the complaint. Respondent must serve one copy of the answer to the ERE and one copy of the answer to the complainant.
10. In each case, the ERE has the right to have hearing sessions between the parties and/or make general verifications or inspections.
11. If the complaint concerns a matter of broad public interest, the ERE may provide public notice of the complaint and set the matter for public hearing session.

Article 23 - Petitions

1. If a person files a request different from what is anticipated in these rules ERE shall proceed in compliance with the provisions that regulate that issue pursuant to the legislation in force.
2. Any person filing a petition must serve a copy of the petition to the ERE by mail or e-mail in compliance with the legislation in force for electronic mail.
3. A petition must be made in writing within the time allowed by the ERE, and must state the name, address and telephone number of the petitioner and a short and plain statement of the nature of the petitioner's argument.
4. In each case when the filed request is to have the ERE opinion on draft-laws or interpretation of secondary legislation of ERE, this opinion shall be a result of discussion and position taken in the Board meeting.

Article 24 - Mandatory Intervention

1. Upon the filing of a petition to intervene according to Article 15, (a) any person that is or may be, or that is a member of a class which is or may be directly and significantly affected by the proceeding and (b) any government agency.
2. The Board may deny intervention of any person filing a timely petition for intervention under paragraph A of this Article on the grounds that the petitioner failed to show a direct and significant interest in the proceeding.
3. The Board may limit intervention of any person filing a petition to intervene under this Article when the Board judges that he has right to intervene only with respect of partial issues of the proceeding.
4. When participation of any person is limited or denied under this Article the ERE shall include in the record an entry to that effect and the reasons therefore.

PART VII. - DEVELOPING THE SECONDARY LEGISLATION

Article 25 – Rules for developing and approving the secondary legislation

1. For developing a by-law dealing with exercising of ERE authority regarding the secondary legislation, the Chairman shall, after being informed by the technical staff on the need for developing the rules or regulation, in consultancy with the Board member, order the establishment a working group, which after drafting the material shall publish in 3 days a notice in two of newspapers of national circulation inviting affected parties or other persons to submit written comments.
2. Upon a request, the ERE shall provide copy of the draft rule or regulation to any affected party or interested person.
3. All affected parties or other persons shall submit their written comments within 15 (fifteen) days from the day of publication of the notice.
4. After a thorough reviewing of all comments, within 5 (five) business working days, the ERE shall notify all affected parties who have submitted comments whether their comments were accepted or rejected.
5. ERE may decide case by case to organize hearing sessions to have the opinion of other parties on the draft non-implementing the publication procedure in the written media. In case of a hearing session, ERE after identification the parties, which opinion it collects, notified not less than 3 days from the session date, by attaching to the announcement copies of the proposed draft-law.

Article 26 – Review of secondary legislation

1. Review of a secondary legislation approved by the Board, may be carried out with ERE initiative or request of the interested parties object of the regulation of this by-law.
2. The process of reviewing the secondary legislation by ERE initiative starts only after the decision for commencement procedure is reached form the Board and is followed the same procedure pursuant to paragraphs 1,2 and 3 of Article 25 of these Rules.
3. After reviewing the secondary act upon request of the interested parties, after reaching a Board decision on approving or not the proposed changes, ERE shall organize a hearing session with the subject that has requested the change by inviting based on the case other parties that can be affected by the proposed changes.

PART VIII. - HEARING SESSIONS

Article 27 – Hearing sessions types

1. In compliance with the authority given by the Law No.9072, date 22.05.2003 “ On Power Sector”, as amended, Law No.9946, date 30.06.2008 “ On Natural Gas sector”, ERE in exercising its powers and responsibilities in the electricity and natural gas sector may organize the hearing sessions as below:

- Formal public hearings
 - Technical hearings
2. The Chair of ERE decides on the type of hearing session that will be held in compliance with the problematic or issue to be treated.

Article 28 - Formal Public Hearings

ERE holds formal hearing sessions with the scope to take comments from the interested parties regarding the ERE secondary legislation, interpretation or guides on these rules. ERE also holds formal hearing sessions with the scope to take comments from the interested parties when ERE is in process of setting tariff and prices for tariff customers. A formal hearing session shall be organized not earlier than one month and no later than three months from the Board decision on starting the review procedures in case of sessions held for setting the tariff and prices in ERE.

Article 29 - Technical Hearings

ERE holds technical hearing with the licensees that have applied for tariff review, license granting, amendments, transferring, renovation or removal and also in cases of disagreements regarding the implementation of a secondary legislation or ERE decision or during the review of disagreements in the regulated market.

Article 30 – Commencement of Hearing

1. A hearing shall be initiated by an order of the Chair of the ERE.
2. Any order or notice under paragraph 1 of this Article will be set forth:
 - a. The authority and jurisdiction under which the hearing is to be held;
 - b. The nature of the proceeding;
 - c. The presiding officer;
 - d. Other persons in charge for the well-going of the hearing;
 - e. Outside experts based on the case;
 - f. Date, time and location of the hearing; and
 - g. Any other appropriate matter.
3. After the proceeding is assigned to a presiding officer, that is as a rule the Head of the Department in ERE, he may determine the information to be submitted. The presiding officer will establish a manner of analysing and solving the dispute that will not contradict the effective legislation.
4. Upon the Chair approval for justified reasons a Presiding Officer may withdraw from a proceeding. The Chair of the Board appoints a successor pursuant to the requests and procedures set in the rules or other ERE regulation, when he evaluates as right the request of the presiding officer appointed before.

Article 31 – Notice

1. The ERE shall notify the interested parties when organizing a hearing session despite the hearing type.
2. For general and technical hearing sessions, the ERE shall notify each interested part that has expressed its interest as well the parties identified as necessary for the process, no later than 5 calendar days from the planned date for the hearing. The notice shall provide information on the date, time, place and purpose of the hearing.
3. For public formal hearing sessions the ERE shall notify the identified parties as necessary in the process no later than 15 calendar days from the planned date for the hearing. The ERE announces for two days in a row in two newspapers of national circulation for the hearing. Case by case the Chair in consultancy with the Board members may order the notice publication in the visual media.
4. The interested parties must confirm their participation in the formal public hearing session, at least two business days before the hearing date.

Article 32 – Hearing session proceedings

1. The Presiding Officer in the beginning of the hearing shall explain to the parties the procedure and other rules for hearing proceedings. He may present the issue that will be treated.
2. All the hearing sessions organized by the ERE are registered and this is made known to the parties prior to each hearing.
3. The files of the formal hearing sessions are open for public inspection and are held according to the rule so the legislation in force.
4. During the hearing sessions, al the interested parties shall be given the possibility to present their case, their reasons regarding the unfairness or incorrectness of acts or non acts, that object of the dispute and the possible solutions.
5. The voice registrations and other mechanical or electronic equipment, apart from those used as appropriate by the Secretary are allowed in a formal and public hearing session.

Article 33 – Hearing session rules

1. During the hearing session, the Presiding Officer must provide the right to speak for all the present parties in the hearing that ask to do so.
2. For the well-going of the hearing, when there are more than two representatives for a party, then ERE must assure the participation in the main panel of two persons appointed by the party itself.
3. Each participant in the hearing has the right to listen, take notes, ask questions according to the row decided by the presiding officer.
4. It is not allowed to interrupt the speaker, the use of cellular phones and smoking.
5. If any participant it is considered to disturb the well-going of the hearing, the presiding office shall order his expulse from the hearing.
6. First the word is given to the representatives of the licensee to present the application and then the parties are invited to express their comments or questions on the application.

7. After hearing the questions from the licensee's representatives the hearing is closed by the presiding officer.
8. If the hearing need more time than planned, the presiding officer in consultancy with the present parties, may decide to continue the hearing at another date.
9. The participating parties in the hearing are notified for the set date no later than 5 calendar days from the set date for continuance of the hearing.

Article 34 – Right to present documents

The parties may, during the hearing session make comments in written that will be part of the hearing session file and object to the public access in the ERE documents.

Article 35 – Transcripts

1. Any statement made at a hearing session will be transcribed in a verbatim report with nothing omitted, except that, in limited circumstances the presiding officer may, on the record, direct that scurrilous statements be removed from the record.
2. After the closing of a record, changes in the transcript are not permitted, except as provided in paragraph 3 of this Article.
3. Any correction in the transcript of a hearing may be made only if the presiding officer determines that the correction conforms the transcript to the evidence presented at the hearing.

Article 36 – Reporting

1. After the hearing the Presiding Officer prepares within 5 working days, a written report on the comments taken during the hearing, hearing conclusions, possible recommendations etc and presents them to the Chair of ERE.
2. In case of formal and public hearing sessions the report is part of the final document prepared for the Board.

PART IX. - FINAL PROVISIONS

Article 37 – Shortening of deadlines and amendment of proceeding request

For what the Law allows it, where there is a justifiable reason, the Board shall permit the technical staff to treat an issue by shortening the procedure or by a different procedure from the proceeding request determined by special rules, when they are not possible to be implemented, adopted or needed, so that this process shall not limit the party rights, subject of the Board procedure.

Article 38 – Conflict with legal or institutional functions

These rules are developed in compliance with the legislation in force, the authority and legal functions of the ERE. In case of conflict, the legislation in force, the authority and legal functions of ERE shall prevail.

Article 40 - Entrance into Force

These Rules shall enter into force immediately and are published in the Official Journal of the Republic of Albania.