

# **REGULATION FOR LICENSE REMOVAL**

## **FIRST PART**

### **GENERAL PROVISIONS**

#### **Article 1**

##### **The authority**

This regulation is compiled based on Article 18, of Law Nr. 9072, date 22.05.2003 “On Power Sector” and in compliance with the Rules of Practice and Procedure of ERE and Regulation on Licensing procedures approved with the decision of the Board of Commissioners of ERE.

#### **Article 2**

##### **The purpose**

The purpose of this regulation is to assure an equal and transparent treatment, for all the licensees in the electricity sector, which are object to license removal, through same procedures for the licensees in the electricity sector, in cases of license removal.

#### **Article 3**

##### **The object**

This regulation determines the procedures applied for license removal granted based on Law Nr. 9072, date 22.05.2003 “On Power Sector”, Regulation on Licensing procedures, and other secondary acts approved by ERE.

#### **Article 4**

## **Definitions**

The following words and phrases used in this Regulation when capitalized shall have the meaning set forth below:

1. “Law” shall mean the Law Nr. 9072, date 22.05.2003 “On Power Sector”
2. “Board of Commissioners” shall mean the decision making body of ERE, composed of five member appointed based on the Law Nr. 9072, date 22.05.2003 “On Power Sector”.
3. “ERE” shall mean the Albanian Electricity Regulatory Authority
4. License shall mean an authorization given to a person based on the Third Part of Law Nr. 9072, date 22.05.2003 “On Power Sector”.
5. The licensee shall mean a person that holds a license granted based on the Third Part of Law Nr. 9072, date 22.05.2003 “On Power Sector”.
6. Procedure shall mean the whole actions recognized by the legislation in force.

## **SECOND PART**

## **THE PROCEDURES FOR REMOVAL OF LICENSE**

### **Article 5**

#### **The proposal for starting a procedure for removal of license**

The procedure for license removal starts with the proposal of ERE, interested parties, and with request of licensee holder. When the request for license removal is made from the interested parties, the procedures for the license removal shall start after the verification from the persons in charge from ERE, to verify if there exists a case of license removal.

### **Article 6**

#### **The Report for starting a procedure**

In each case the persons in charge from ERE ascertain the following violations:

- Inconsistency of license conditions granted based on law
- Violation of the legal dispositions for environmental protection during the implementation of activity
- Endangers the health, life and property of people
- Does not pay the regulation fees decided by ERE
- Has not started the licensing activity within the period determined in the license
- Does not fulfill the licensing conditions due to financial reasons

Present to the Board of Commissioners an information on the ascertainment violations and propose to take a decision on starting the license removal procedure.

### **Article 7**

#### **First review**

The licensee will be notified by ERE about the decision of the Board of Commissioners for license removal , within 60 days from the taking of the decision from the board of Commissioners.

## **Article 8**

### **Notification and content**

Notification for the conditions that dictated the proposal for starting the license removal procedure will include:

- Proposal for license removal;
- Causes for license removal;
- The right of the licensee to reply in a written form within 30 days from taking the notification.

## **Article 9**

### **Final proposal**

After taking the reply in a written form from the licensee within the above mentioned deadline, the persons in charge to follow this procedure will review it within 15 days and prepare a report for the Board of Commissioners on the arguments presented and the actions taken by the licensee, and will propose to the Board of Commissioners for the continuance or not of the procedure for license removal, to avoid within 30 days the reasons for which the license removal is proposed.

## **Article 10**

### **The Decision of the Board**

1. With taking the detailed information with the data based on article 9 of this regulation, and after being acquitted with the reply of the licensee, the Board of Commissioners will decided for removal or not of the license.
2. In case of decision taking for license removal from the Board of Commissioners, ERE notifies the Council of Ministers in compliance with article 18, last paragraph of the Law.

### **Article 11**

#### **Notify for the Decision**

In the end of a license removal procedure, ERE will notify the licensee on the concluding of the procedure started for him and will send him a copy of the decision of the Board of Commissioners.

### **Article 12**

#### **Court review**

The licensee can file a complain to the court against the decision of the Board of Commissioners for license removal, within 30 days from the publishing of the decision in the Official Gazette.

### **Article 13**

#### **Temporary conditions**

1. When the Board of Commissioners will remove the license to the license, the measures stated in the article 18, point 4 of law No. 9072 date 22.05.2003 “On Power Sector” and regulation on licensing, are applied.
2. The application of temporary measures will extend until the end of procedures for the expropriation of assets with decision of Council of Ministers and the granting of a new license.

### **THIRD PART**

#### **FINAL PROVISIONS**

##### **Article 15**

##### **Amendments of the Regulation**

These Rules are object to review and amendments with decision of the Board of Commissioners, in compliance with the Rules of Practice and procedure of ERE.

##### **Article 16**

##### **Entrance into Force**

This law enters into force 15 days after its publication in the Official Gazette.