



REPUBLIKA E SHQIPËRIË

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 156, Dated 30.06.2021

ON REVIEWING THE REQUEST OF FREE MARKET SUPPLIER (FTL) COMPANY FOR THE EXTENSION OF ERE BOARD DECISION NO.202, DATED 02.12.2020, ON APPROVING THE “REGULATION ON THE PROCEDURES FOR THE SALE OF SURPLUS ELECTRICITY IN THE UNREGULATED MARKET FOR THE PUBLIC SUPPLY COMPANY”

Based on Article 16 and 19, of Law no. 43/2015 "On Power Sector", as amended; article 104, point 3, of Law no. 44/2015 “Code of Administrative Procedures of the Republic of Albania”; Article 11, points 2 and 3, of Council of Ministers decision no. 244, dated 30.03.2016, “On approving the conditions to impose public service obligation, that shall be implemented to the licensee on power sector, which perform the electricity generation, transmission, distribution and electricity supply activity” as amended and article 15, of the "Rules on ERE Organization, Operation and Procedures", approved with ERE Board Decision, no. 96, dated 17.06.2016, the Energy Regulatory Authority Board (ERE), on their meeting dated 30.06.2021, after reviewing the report Protocol no. 96/6 dated 28.06.2021, of the Technical Directorates,

Observed that:

- ERE Board decision no. 202, dated 02.12.2020, decided to approve the "Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company”
- Subsequently, ERE board through decisions no. 37, dated 11.02.2021 and no. 101, dated 16.04.2021, decided to postpone the entry into force of decision no. 202, dated 02.12.2020, mentioned above.
- Free Market Supplier Company (FTL) through official letter Protocol no. 320/7 dated 28.05.2021, with subject: "Continuation of communication on the entry into force of the” Regulation on the procedures for the sale of surplus electricity in the unregulated market”, requested from ERE to postpone the entry into force of this Regulation until the implementation of the IT online platform for the sale of electricity.
- Due to the fact that the request submitted by Free Market Supplier (FTL) company did not define a specific deadline for the postponement of the entry into force of ERE board no. 202, dated 02.12.2020, ERE through official letter no. 104/9 dated 10.06.2021 requested Free Market Supplier company (FTL) to make the relevant adjustments.
- In response to the request submitted by ERE, Free Market Supplier (FTL) company, through official letter Protocol no. 1829/1 dated 21.06.2021, informed that: “Regarding the changes /

developments in the IT online platform for the sale of electricity, currently the public procurement procedure is in the phase of evaluating the bids of the participating economic operators. The implementation of the IT online platform for the sale of electricity shall be realized within a period of 65 (sixty five) days from the date of concluding the service contract with the winning economic operator of this procurement procedure."

- As informed through the official letters submitted by Free Market Supplier (FTL) company at ERE, respectively official letter Protocol no. 320/7 dated 28.05.2021 and Protocol no. 1829/1 dated 21.06.2021, as well as from the Information regarding the monitoring carried out by Free Market Supplier (FTL) company Protocol no. 96/3 dated 24.04.2021, it results that Free Market Supplier (FTL) company has indicated that due to non-fulfillment of contractual obligations by the Service Provider, the contract for the realization of the IT platform in order to sell the surplus electricity of priority producers from Free Market Supplier (FTL) company was suspended on 20.04.2021. Meanwhile, Free Market Supplier (FTL) company has taken the respective measures in the implementation of the public procurement legislation.
- Free Market Supplier (FTL) company has continued to take steps for the proces of realizing the necessary change / development in the IT online platform of electricity purchase, in order to use it in the procedures of the sale of surplus electricity from priority producers.
- ERE estimates that extending the date for the entry into force of the Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company, until September 15, 2021, would create opportunities for Free Mrket Supplier (FTL) company to carry out the relevant works and all the necessary changes in the IT online platform of the purchase of electricity in order to use this platform also in the procedures regarding the sale of surplus electricity in the unregulated market. Surplus electricity which shall be traded by Free Market Supplier (FTL) company is defined in Council of Ministers Decision no. 244, dated 30.03.2016, as amended.

For all of the above mentioned, ERE Board

Decided:

1. To accept the request on extending the date for the entry into force of the Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company, approved with ERE board decision no. 202, dated 02.12.2020.
2. The deadline for entry into force of the Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company, approved with ERE board decision no. 202, dated 02.12.2020 is extended until 15 September 2021.
3. Regarding the transitional period, defined in point 2, of this decision, Free Market Supplier (FTL) company for the purpose of the procedure of sale of surplus electricity, to use the "General Rules of Organization of the Commercial Activity" for the Albanian Power Corporation (KESH) company", approved with the Shareholders Assembly decision no. 5233/1, dated 12.06.2019.
4. Free Market Supplier (FTL) compay shall report at ERE every 30 days regarding the progress of implementation and adaptation of the IT platform.

5. Free Market Supplier (FTL) company shall prepare the strategy / methodology for the method of realization for the sale of surpluses produced by priority producers of electricity, as defined in article 13, point 1, of the Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company, approved with ERE board decision no. 202, dated 02.12.2020 until 15 September 2021.
6. Legal Directory shall inform Free Market Supplier (FTL) company and the interested parties included in giving their opinion regarding the “Regulation on the procedures for the sale of surplus electricity in the unregulated market for the Public Supply company”, the Albanian Association of Electricity Suppliers (AAES), about ERE Board decision.

This decision enters into force after its publication on the Official Gazette.

For this decision may be required its review within 7 calendar days and may be complained on Tirana Administrative Court, within 30 calendar days from the publication in the Official Gazette.

This decision shall be published on the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI