



REPUBLIKA E SHQIPËRIË

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 163, dated 12.07.2021

ON

OPENING THE PROCEDURE TO REVIEW AND APPROVE “THE REGULATION ON THE PROCEDURES AND TERMS FOR RECEIVING AUTHORIZATION FROM ERE TO CHANGE THE LEGAL STATUS OF THE LICENSEE OR TO REPLACE THE PARTNER/SHAREHOLDER IN CHARGE OF THE INTERESTS OF THE LICENSEE”

Based on article 16, article 20, letter “g” and also article 51, point 2, letter “a” of Law no. 43/2015 “On Power Sector”, as amended; article 13 of Law no. 102/2015 “On Natural Gas Sector”, as amended; article 26 of the “Rules for ERE Organization, Operation and Procedures” approved with ERE Board Decision no. 96, dated 17.06.2016, Energy Regulatory Authority (ERE) Board on their meeting dated 12.07.2021, after reviewing report Protocol no. 102/1, dated 30.06.2021, prepared by the Working Group according to ERE Chairman Order no. 45, dated 15.06.2021 on drafting the “Draft- Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee”,

Observed that:

- Regarding the licenses for the licensee in the power and natural gas sector
- It is determined that if the licensee changes the legal status or if the shareholder / partner in charge of the interests of the licensee is replaced without receiving authorization from ERE, the license becomes null (void) and is revoked as well as the licensee's successor must apply for a new license, in accordance with licensing procedures of ERE.
- The Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee aims to determine the procedure, the required documentation and the terms for receiving authorization from ERE for the licensees in one of the activities in the power or natural gas sector, who submit a request for:

- changing the legal status;
- replacing the partner / shareholder who is in charge of the interests of the licensed company, through sale, donation, inheritance or any other disposition of the licensee's quotas or shares;
- mortgage, encumbrance, pledge or any other disposition to third of quotas or shares, when from the execution of this obligation it results that the partner / shareholder who is in charge of the interests of the licensed company is replaced.

- The Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee addresses issues related to the authority, purpose, scope of application, submission and content of the request , as well as the necessary documentation for the change of partner / shareholder that controls the interests of the licensee, the review of the application, board decision, information regarding the decision and the content of the register of authorizations issued by ERE;

For all of the above mentioned, ERE Board

Decided:

1. To open the procedure to review and approve the Regulation on the procedures and terms for receiving authorization from ERE to change the legal status of the licensee or to replace the partner/shareholder in charge of the interests of the licensee.
2. The working Group shall inform the interested parties about ERE Board Decision.

This decision enters immediately into force.

This decision may be reviewed within 30 calendar days from the licensee in the Power Sector and, within 45 calendar days from the publication in the Official Gazette from the licensee in the Natural Gas Sector.

This decision is published at the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI