



REPUBLIKA E SHQIPËRIË

ENERGY REGULATORY AUTHORITY

BOARD

DECISION

No. 170, Dated 16.08.2021

ON

**APPROVING SOME AMENDMENTS IN THE “REGULATION AND
METHODOLOGY FOR CALCULATING AND SETTING THE ECONOMIC
DAMAGE CAUSED FROM THE ILLEGAL INTERVENTIONS ON THE
ELECTRICITY METERING SYSTEM”**

Based on article 77, point 9 of Law no. 43/2015 “On Power Sector” as amended; article 15, 19 and 26 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 16.08.2021, after reviewing the report Protocol no. 112/4, dated 12.08.2021, prepared by the Technical Directorates, on approving some amendments in the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system”,

Observed that:

- ERE Board with decision no. 232, dated 20.12.2019 approved the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system”,
- ERE Board with decision no. 61, dated 25.02.2021, decided to open the procedure to approve an amendment in article 10 of the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system”, regarding the terms for issuing the invoice for the Network User and notifying the Supplier.
- Through official letter Protocol no. 443 dated 12.03.2021, ERE informed the interested parties such as the Ministry of Infrastructure and Energy (MIE), Universal Service Supplier (FSHU company) DSO company, Albanian Association of Electricity Suppliers (AAES), the Union of Albanian Producers and the Competition Authority, on ERE board decision no. 61, dated 25.02.2021 and required their opinions regarding the opening of the procedure for the approval of some additions and amendments in the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system”,

- Also with official letter Protocol no. 519/1 dated 12.07.2021, ERE requested the Competition and Consumer Protection Commission, Albanian Consumer Association (ACA), Consumer in Focus, Consumer Protection Office, Albanian Consumer Center and the People's Advocate to express their opinions regarding DSO company proposal.
- After the completion of the term imposed for receiving opinions from other interested parties, MIE, with official letter Protocol no. 2630/1 dated 21.06.2021, expressed that “regarding the amendments in article 2 (object of the regulation), we inform that the object of the regulation and methodology is well defined and comprehensive and that the proposed additions are elements of technical character and need not be included in the object of the regulation. Furthermore, it is not set out how to proceed with the proposed damage assessment cases, which in any case shall be reflected in other sections of the regulation. Regarding the amendments in Article 10, on the term for issuing the invoice and notifying the supplier, we agree”.
- Competition Authority (CA) with official letter Protocol no. 147/3, dated 02.08.2021, registered at ERE with Protocol no. 443/2, dated 04.08.2021 expressed that the procedure followed as well as ERE Board decision no. 61/2021 do not violate law no. 9121, dated 28.07.2003, “On Competition Protection” as amended.
- DSO company, through official letter Protocol no. 5997/1, dated 12.07.2021 submitted their full proposal for amendments in article 10 of the regulation, as follows:

Article 10, point 1,

It was:

- DSO shall inform the Supplier and the network user if it ascertains economic damage caused by a network user with which the supplier has signed a supply contract, not later than 48 hours from the ascertainment, before undertaking any action to the network user.

It becomes:

- DSO shall inform the Supplier and the network user if it ascertains economic damage caused by a network user with which the supplier has signed a supply contract, at the moment of issuing the economic damage invoice.

Article 10, point 2:

It was:

- DSO issues the specific invoice for the economic damage calculated for the network user, not later than 7 days from the ascertainment, send it on the address defined on the connection agreement with the network User and ensures to collect it within 30 calendar days from its issuance.

It becomes:

- DSO issues the specific invoice for the economic damage calculated for the network user, within the metering/invoice cycle (30 days), submits the invoice in the address

defined on the connection agreement with the network User and ensures to collect it within 30 calendar days from its issuance.

- These amendments proposed by DSO company are based on the reasoning that, in the conditions when DSO company works with a 30-day cycle of the metering / invoice system, it would be more appropriate that the term regarding the issuance of the invoice to be within the monthly metering / invoice cycle. Also, the proposal on informing the supplier and network user at the time of issuance of the relevant invoice, it is perceived by DSO as a formalisation of the violation / illegal interference in the system.
- As for the mentioned above, the arguments and amendments proposed in the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system” are considered acceptable.
- It is also emphasized that these amendments in the Regulation do not violate the rights of consumers provided in Article 11 of the same Regulation, as the right to appeal to the DSO and / or ERE, in case it contradicts the invoice of economic damage imposed by DSO, or claims that DSO has not followed and implemented the provisions of this Regulation. Also, the terms for the complaint are not violated, either directly to the operator or to ERE.

For all of the above mentioned, ERE Board

Decided:

1. To approve some amendments in article 10 of the “Regulation and methodology for calculating and setting the economic damage caused from the illegal interventions on the electricity metering system”.

2. Article 10, point 1, of the Regulation:

Becomes:

- DSO shall inform the Supplier and the network user if it ascertains economic damage caused by a network user with which the supplier has signed a supply contract, at the moment of issuing the economic damage invoice.

Article 10, point 2:

Becomes:

- DSO issues the specific invoice for the economic damage calculated for the network user, within the metering/invoice cycle (30 days), submits the invoice in the address defined on the connection agreement with the network User and ensures to collect it within 30 calendar days from its issuance.

3. The Legal Directory shall inform DSO company about ERE Board Decision.

This decision enters immediately into force.

About 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 day of its publication on the Official Gazette.

This decision shall be published on the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI