

REGULATION ON SWITCHING THE ELECTRICITY SUPPLIER

Part I **General provisions**

Article 1 **Purpose**

These rules shall regulate the conditions and procedures on switching the electricity supplier, who supply the end-use customer on the basis of the supply contract as well as define the rights and obligations of the supplier, the customers and system operator within supplier switching procedure.

Article 2 **Object**

1. The object of this regulation is to set the rules for the contracting parties, on switching the electricity supplier and guaranteeing the right of the customer to require to switch the supplier.

Article 3 **Legal basis**

This regulation is supported on:

- **Law no.43/2015, “On Power Sector” as amended, articles 79; 80; 81; 82; 86; 88.**
- Law no 44/2015 “Administrative Procedure Code in the Republic of Albania”.
- “Regulation on ERE Organization, Operation and Procedures”, approved with ERE Board Decision No. 96, of date 17.05.2016.
- Law No. 9902 of April.17.2008, “On customer protection”.
- Law No. 9887 of March.10.2008, “On protecting personal data”.
- Metering Code
- Distribution Code
- Transmission Code

Article

4

Definitions

The definitions part of this regulation shall have the following meaning:

1. **“Power Law” shall mean Law no. 43/2015 “On Power Sector” with all amendments;**
2. **“Energy Regulator Authority” or “ERE” shall mean the regulator authority in**

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power and natural gas sector, that operates in conformity with the Power

Sector

Law

3. “**Licensee**” shall mean a person that holds a license to perform the activities on power sector in conformity with the provisions of this law.
4. **Delivery point** – shall mean the point defined as distribution/supply point from the regulation, which regulates the general conditions of electricity supply and distribution;
5. **New supplier** – shall mean the supplier with whom the customer wishes to connect a supply contract at the beginning of the procedure for switching the supplier;
6. **System operator** – shall mean the legal person, responsible for the safe, reliable and efficient operation of the distribution/transmission grid, ensuring the maintenance and development of the distribution system, extended in a defined area and when applicable, its connections with other systems to ensure long term ability of the system to fulfill the reasonable requests of electricity distribution, in harmony with the environment and energy efficiency.
7. **Current supplier** – the supplier supplying the customer at the beginning of supplier switching procedure;
8. “**Supply**” shall mean the electricity sale, including the resale to the customers.
9. “**Supplier**” shall mean a person licensed to perform the supply activity.
10. “**Supplier of last resort**” shall mean a designated supplier in conformity with the provisions of this law, who provides universal service for a limited period in the conditions regulated to the customers, which have not managed to contract a supplier of their own or have lost their supplier.
11. “**Customer**” shall mean a wholesale or an end-use customer of electricity.
12. “**End-use customer**” shall mean a customer that purchases electricity only for personal use.
13. “**Distribution Code**” shall mean a set of technical rules which govern the operation of distribution grid, as well as establish the conditions and terms of service provided by the distribution system operators for the distribution system users;
14. **Transmission Code**” shall mean the set of technical rules, which govern transmission system operation, as well as define the terms of service provided by Transmission System Operator to transmission system users, in conformity with ENTSO-e rules.
15. “**Metering Code**” shall mean the set of mandatory minimal standards for measuring and recording electricity.
16. “**Supply contract**” shall mean a contract for electricity supply, but does not include electricity derivatives.
17. **Day**” shall mean calendar days and in any case that the end of this deadline coincides with a holiday or official holiday, the deadline is postponed for the next first working day.

Article 5
**The Procedure on submitting the
request/application**

1. Every electricity customer has the right to make a request for switching the supplier with the condition to have executed all the obligations in relation with the first supplier.
 - 1.2 Every electricity customer has the right to make the request for switching the electricity supplier even the customers in debt with the previous suppliers on the condition that:
 - a) The debt shall be undertaken from the new supplier, according to an agreement connected with the parties:
 - b) If between the previous supplier and the subscriber there is an agreement for late liquidation of the debt.
 - 1.3 If the Customer does not respect the payment terms to the previous supplier, this last one (the previous Supplier) shall have the right to immediately require from the Distribution System Operator, the interruption with the electricity supply for its former customer and on this case the customer shall not be supplied with electricity from any alternative supplier. On each case the Distribution System Operator shall inform the current supplier and the previous one for the execution of the requested interruption within 48 hours.
 - 1.4 If it is not implemented the agreement according to point 1.2, letter a), the previous Supplier shall have the right to immediately request from the Distribution System Operator, the interruption of electricity supply for the former customer and on this case the customer shall not be supplied with electricity from any alternative supplier.
2. The procedure for switching the supplier begins with the submission of a Request and the documentation within this regulation, shall be submitted directly, near the current supplier headquarters or by post.
3. Together with the request for the switching, the appointed person for taking the documentation shall confirm/verify the receive and acceptance of their application.
4. Submission of the documentation shall be considered valid on the date when this documentation is delivered. The acceptance of the request for supplier switching shall be considered valid on the date when it is accepted according to the deadlines defined in this regulation.
5. On accepting the request to switch the supplier from the current supplier, the customer may apply to any supplier/suppliers selected from him.
6. The procedure of switching supplier may not exceed the deadline of 15 days, a deadline that begins on the date of delivering the application.
7. The customer who has signed a supply contract shall submit the application, as provided in paragraph 1, not later than 15 days before the end of the validity period for the effective contract.
8. In particular, the form shall include:
 - Data of the commercial company/natural, legal person, headquarters /address, Unique Identification Number (NUIS)/ID), name and surname as well as data for the requesting customer.
 - Identification number of the distribution/supply point as submitted on the operator data base.
 - The approved power,
 - Date for submitting the application;
 - Business name of the current supplier and the identification number of the contract

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signed by the customer and the current supplier.

Article 6

Submitting the documentation

1. After submitting the application as provided in article 5, the customer shall submit in two copies (a certified copy and a photocopy) with the following documentation:
2. A certificate, issued by the current supplier aiming to initiate the supplier switching procedure, which must not be issued not later than seven (7) days prior to the day of submitting the application. By this document, the current supplier confirms that mutual financial liabilities of the supply contract, effective on the day that the document is issued, are settled by the supplier and the customer;
3. Customer's consent to use the personal and other data obtained during the supplier switching procedure, valid only for the purpose of switching the supplier.
4. When getting the confirmation for supplier switching application, the new supplier shall also define the deadline to review the application for connecting the new contract.
5. Supplier is obliged to publish the application form and provide it to the customer in any case one copy for free.
6. If the new supplier finds the application incomprehensible or incomplete within 3 days from its acceptance, he shall invite the customer to remove the deficiencies, as well as to inform the customer on the consequences arising from the failure to comply with the requests.
7. If the new supplier finds that the application is invalid shall inform the customer and the system operator of their non-compliance with the conditions for switching the supplier.
8. Within three days from receiving the declaration/request, the current supplier has the right to submit a complaint at the system operator, if he observes that the customer does not fulfill the condition for switching the supplier
9. If the current supplier does not submit a complaint to the system operator, this last one shall inform the customer and the new supplier for not complying with the conditions for switching the supplier.
10. If the current supplier does not submit a complaint, as provided above, the system operator shall provide the metering data for the customer's exchange point/points – for which the procedure is initiated with the application – within seven (7) days from the deadline for submitting a complaint.
11. Referring to the customer, the system operator shall submit the metering data for the distribution point, on the day of terminating the contract.
12. If during the supplier switching procedure, until the day of supplier switching, the system operator receives several applications from different suppliers for the same distribution point/points for the same customer, the system operator shall invite the customer within three (3) days upon the day when the notification is submitted, to decide which from the submitted application shall proceed by informing on the consequences for non-compliance within the defined deadline.
13. If, while the application progress forwarded as above the system Operator, after having checked the record and the database, and if determines inaccuracy of the application data, he shall inform the supplier within three working days for these inaccuracies. Upon receiving the notification from the system operator, new supplier shall invite the customer to modify the data submitted in the application within three (3) days from the day that the customer is invited to change the data given in the application, while stating the deadline for data review.

14. If the customer reviews the application within the defined deadline, the new supplier shall forward the reviewed application to the system operator within 3 (three) days after receiving it, while the system operator shall act according to article 6.
15. If the customer does not review the data within the defined deadline even though he is invited to do so in a valid way, the new supplier shall inform the customer on the non-complying the conditions to switch the supplier within the deadline and not longer than three days upon the application submission.
16. The metering data of the distribution point/points, given by the system operator as provided in these articles, shall include the date they refer, which is considered to be the day of switching the supplier.
17. On the day the supplier was switched, the supply contract signed between the customer and the new supplier shall be effective and the contract between the customer and the current supplier shall cease its legal effects. The distribution point shall be transferred to the new supplier.

Article 7

Supplier switching procedure in cases of switching to the supplier of last resort.

1. In case of switching the supplier of last resort because of bankruptcy or insolvency, suspension, or withdrawal of the current supplier license, or when the customer did not reach to find a supplier in the market, the day of switching the supplier shall be considered to be the day when the legal consequences of initiating the bankruptcy or insolvency procedures and other cases defined in this article become effective.
2. The current supplier is obliged to inform the customers, system operators and suppliers of last resort on the day the legal consequences of bankruptcy and liquidation or other circumstances are effective without delay, over the course not later than fifteen (15) days beginning from the day that the current supplier is aware of his inability to perform the supply activity.
3. Within fifteen (15) days upon the submission of the notification by the current supplier, system operator shall provide the metering data for the distribution point/points and submit them to the customer, current supplier and the supplier of last resort.
4. If the license of current supplier has ended, is suspended or terminate, without delay, in the time frame of fifteen (15) days, from the date of the termination of license validity or from the date the decision for license termination or removal ERE shall inform all the system operators, and the supplier of last resort for the termination or suspension of the supply license.
5. System operator shall provide the metering data of the delivery point/points within fifteen (15) days from the submission of ERE notification and informing the customers, or the supplier whose license has expired, is abrogated or revoked and the supplier of last resort.
6. The customer entitled to be supplied according to the last resort, who has not found a new supplier after the termination of the sale/supply contract with the previous one, shall be entitled to request to be supplied from the supplier of last resort within 60 days, a period that begins from the date when the term of the previous contract is abrogated.
7. Within three days from submitting the application for the supplier of last resort, this last one mentioned shall conclude the sale contract with the customer, which shall enter into force and shall be implemented on the day of the supplier switching and shall inform the system operator within three days.

8. In any case and not later than three (3) days from the submission of the notification for the supplier of last resort, the system operator is obliged to provide the metering data for the delivery point/points and shall inform the supplier of last resort as well as the customer.
9. The end use customer that is supplied from the supplier of last resort within the meaning of Article 109, of Power Law, issue for the first time in the liberalized market, is obliged to sign a supply contract with a new supplier, within 2 years from the initiation of the supply contract from the supplier of last resort. With the termination of this period the system operator shall interrupt the electricity supply for this customer. For the purposes of defining the initiation of the term, according to this provision, the calculation of the terms initiates from the day after the day, when the network operator notifies the customer, regarding the provisions of Article 109, of power law, to complete the technical conditions for the metering system installation for the issue in the liberalized market.”

Article 8
**The rights and obligations of the
supplier**

1. An electricity supplier shall be entitled to participate in the supplier switching procedure in the quality of the new supplier as provided in this regulation, only if the supplier is licensed and registered in the electricity market participant register kept by the Market Operator in conformity with Law no. 43/2015 “On Power Sector”.
2. The new electricity supplier whose distribution point is within the transmission system shall ensure capacities at the exit point from the transmission system for the purpose of electricity distribution to the new customer.

Part II

FINAL PROVISIONS

Article 9

Complaining

1. Any complain regarding the procedure of supplier switching, may submit at ERE within 30 calendar days.
2. The complaint does not suspend the deadline for switching the supplier and/or entry into force of the new supply contract.

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Article 10

Review and amendment of the rules

This regulation is object of review and amendment with ERE Board Decision

Article 11

Entry into force

This regulation enters into force after being approved from ERE Board.