

**REGULATION ON THE INTEGRITY AND TRANSPARENCY OF  
THE WHOLESALE ELECTRICITY MARKET**

**(REMIT)**

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## CHAPTER I

### GENERAL PROVISIONS

#### Article 1 Purpose and Scope

- 1 Regulation on Wholesale Energy Market Integrity and Transparency transposing REMIT regulation 1227/2011 as approved and adopted by the Contractual Parties of Energy Community and aims to set out criteria that prohibit abusive practices that may occur and affect markets wholesale of energy. At the same time the regulation helps in the proper functioning of these markets, considering their specific characteristics.
2. This regulation also provides the monitoring of wholesale energy markets by the Energy Regulator Entity.
3. The regulation applies to the wholesale trade of energy products.
4. This regulation does not affect the application of Energy Community legislation and national legislation national law with competition in the energy market.
5. ERE where necessary cooperates with the national competition authority and other relevant national authorities to ensure a coordinated approach to the implementation of these rules, where actions relate to one or more wholesale products of energy, to which Articles 3, 4 and 5 of this Regulation apply.
6. ERE shall cooperate with the competent judicial bodies, and other bodies in matters that relate to behaviors that affect the integrity of the wholesale energy market in the territory of the Republic of Albania.

#### Article 2 Definitions and interpretations

- 1 The expressions used on this regulation shall have these meanings:
  - 1.1. **Inside information**- shall mean information of such a nature that it is not made public, which is directly or indirectly related to one or more energy products wholesale and that, if made public could significantly affect their prices products.
  - 1.2. For the purposes of this definition, **information** means:
    - 1.2.1. information required to be made public in accordance with Law 43/2015 “On Power Sector”, as amended, Law 102/2015 “On Natural Gas Sector” as amended, as well as Law no. 119/2014 On the right of information, including secondary legislation adopted in accordance with these laws;

- 1.2.2. information regarding the capacity and use of production plants, storage, consumption or transmission of electricity or natural gas or regarding the capacity and use of LNG plants (Liquid Natural Gas), including the lack of planned or unplanned availability of these facilities;
  - 1.2.3. information required to be disclosed in accordance with legal provisions of regulation (EC) No 714/2009 and (EC) No 715/2009 in the Energy Community or at national level, the market rules and contracts or principles in the relevant wholesale energy market, while this information is estimated to have an effect on the prices wholesale energy products;
  - 1.2.4. other information that a market participant could use as part of the database of his decision to enter into a transaction, or to issue an order to him to market a wholesale energy product; and
  - 1.2.5. the information shall be considered to be of an accurate nature if it indicates a range of circumstances that exist or can reasonably be expected to arise, or an event that has happened or can be expected to happen, and if it is enough of specified to enable a conclusion to be drawn regarding the effect of potential of those circumstances or events over wholesale product prices energy;
- 1.3. **Market manipulation-** shall mean:
- 1.3.1. entering into any transaction or issuing any order for marketing wholesale product of energy, which:
    - i. gives or is likely to give false or misleading signals about the supply, the demand or price of wholesale energy products;
    - ii. shall provide or seeks to provide, by a person or persons operating in collaboration, the price of one or several wholesale energy products in one artificial level, unless the person who entered into the transaction or issued the trade order has legitimate reasons for doing so and that this transaction or trade order is in line with accepted market practices, in the wholesale market energy; or
    - iii. shall use or attempts to use a fictitious means or any other form of deception or contradiction, which issues, or may give false or misleading signals about the supply, demand or price of wholesale energy products;
  - 1.3.2. or disseminating information through the media, including the internet or with any other means, which gives, or is likely to give false or misleading signals regarding the supply, demand or price of the wholesale energy products, including the dissemination of false or misleading information, when the person who disseminated it knew, or shall have known, that the information was false or misleading.

- 1.4. When information is disseminated to the media or artistic products, the dissemination of information will be evaluated considering the governing the freedom of press and freedom of expression in the media, unless:
- 1.4.1. those persons have, directly or indirectly, an advantage or benefit from dissemination of the information in question; or
  - 1.4.2. disclosure or distribution is made for the purpose of disrupting the market in relation to the supply, demand or price of wholesale energy products;
- 1.5. **Attempts to manipulate the market**- shall mean:
- 1.5.1. entering into any transaction, issuing an order to trade or take any other action regarding a wholesale energy product with the following goals:
    - i. giving false or misleading signals about supply, demand or the price of wholesale energy products;
    - ii. providing the price of one or several wholesale energy products at one level artificial, unless the person who entered into the transaction or issued the order for trade, certifies that his reasons for doing so are lawful and that the transaction or the trading order matches the accepted market practices in the wholesale energy in question; or
    - iii. the use of a fictitious means (mechanism) or any other form of deception or means giving, or may give, false or misleading signals about the supply, the demand or price of wholesale energy products; or
  - 1.5.2. dissemination of information through the media, including the Internet or with any other means for the purpose of giving false or misleading signals in connection with the supply, demand or price of wholesale energy products;
- 1.6. **Wholesale energy products**- shall mean the contracts and documents that are their derivatives, regardless of where and how they are traded:
- 1.6.1. contracts for the supply of electricity or natural gas, when the shipment is in Albania;
  - 1.6.2. contracts related to the shipment of electricity or natural gas in Albania;
- 1.7. **Contracts for the supply and distribution of electricity or natural gas for use by end use consumers** - are not wholesale energy products. However, contracts for the supply and distribution of electricity or of natural gas to end-use consumers with a consumption capacity greater than the threshold defined in point 1.9, shall be handled as wholesale energy products.
- 1.8. **Consumption capacity** – shall mean the consumption of the end-use electricity or natural gas consumer in full utilization of the capacity of that customer. It includes all
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consumption by that consumer as a single entity, for so how much consumption is made in wholesale interrelated price markets.

For the purposes of definition in point 1.8 of this Article, consumption in individual plants under the control of a single entity that has a smaller consumption capacity than 600 GWh per year, shall not be considered unless these plants do not exercise a common impact in wholesale energy market prices due to their set in different relevant geographical markets;

- 1.9. **Power sector** – shall mean the power and natural gas sector, on which the relations in the activity of production, transmission, storage, distribution, supply as well as the construction of natural gas infrastructure operation shall be regulated by Law no.43/2015 “On Power Sector” as amended and Law no. 102/2015 “On Natural Gas Sector” as amended.
- 1.10. **Wholesale energy market** – shall mean the market within Albania in which there are traded wholesale energy products;
- 1.11. **Market participant**- shall mean any natural or legal person, including operators of the transmission and distribution system, which enter into transactions, including the setting of orders for trading in one or more wholesale energy markets;
- 1.12. **Person** – shall mean any natural or legal person;
- 1.13. **Energy Regulator Authority or "ERE"** is the regulator authority of power and natural gas sector, which operates in accordance with Law no. 43/2015 “On Power Sector” and Law no. 102/2015 “On Natural Gas Sector”.
- 1.14. **Public Authority**- any public institution, including government executive authority, ministry, public body, department, agency, or other similar authority that exercise executive, legislative, regulatory, administrative or judicial powers in the territory of Albania
- 1.15. **Electricity Transmission System Operator** – shall mean the natural or legal person responsible for the operation, maintenance, development of the transmission network, including interconnections with other cross - border systems, and to guarantee long-term capability of the system to meet the reasonable requirements for the electricity transmission;
- 1.16. **Parent company** – an entity, which according to its owned capital in another enterprise or according to an agreement with that enterprise, shall have the right to nominate at least 30% of the administrators, members of the administrative council or its supervisory council, or when it owns at least 30% of the votes at the general assembly, it is assessed as parent company for another enterprise, as defined on Law no. 9901, dated 14.4.2008 “On entrepreneurs and companies”, as amended.

- 1.17. **Affiliate** – shall mean the other enterprise which is assessed as controlled by the parent company, and as defined on Law no.9901, dated 14.04.2008 “On entrepreneurs and companies” as amended;
- 1.18. **Natural Gas Transmission System Operator**- shall mean the legal person, that performs the transmission activity and is responsible for the operation, maintenance, and where necessary the development of the transmission system in a certain area, and where applicable its interconnections with other systems, and to guarantee long-term ability of the system to meet the reasonable demands for natural gas transport;
- 1.19. **Natural gas distribution** - is performed by the distribution system operator which are legal, licensed persons, responsible for the safe, reliable, and effective operation of the distribution network, ensuring the maintenance and development of the distribution system in a defined area and when applicable, its interrelation with other systems, as well as to guarantee long-term abilities of the system to comply the reasonable requests of natural gas distribution;
- 1.20. **Electricity distribution**- is performed by the distribution system operator which are legal, licensed persons, responsible for the safe, reliable, and effective operation of the distribution network, ensuring the maintenance and development of the distribution system, in a defined area and when applicable, its relations with other systems to ensure long-term ability of the system to comply the reasonable requests of electricity distribution in harmony with the environment and energy efficiency;
- 1.21 **Dominant position** - shall mean that economic power kept by one or more enterprises, which allows them to impede effective competition in the market, making them capable to act, in terms of supply or demand, independently from the other participants in the market such as: competitors, clients or consumers;
- 1.22. **Critical infrastructure** – shall mean the networks, system or part of it, which disorder or destruction would have a significant impact on the vital and social operations, the health, safety and economic well-being of the people on the Republic of Albania or any Party Contracting.
- 1.23. **Sensitive information related to critical infrastructure protection** – shall mean information or facts about a critical infrastructure, which if detected can be used intentionally to cause disruption or destruction of installations in critical infrastructure;
- 1.24. **Confidential information** - shall mean the data, documents or other information, commercial or technical, related to design, rehabilitation, safety, operation, maintenance and financing of energy activities that are no longer in the public sector and that their publication may jeopardize the commercial interests of the physical entity or legal; and
- 1.25. **Contracting Parties**- shall mean the Contracting Parties under the Energy Community Treaty.
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## CHAPTER II

### PROHIBITION OF TRADING AND OBLIGATION TO PUBLISH DATA

#### Article 3 Prohibition of trading by inside persons

1. Persons who have inside information about a wholesale energy product, they are forbidden to:
  - 1.1. use this information to acquire or dispose, or attempt to obtain acquired or disposed, on their own account or on behalf of a third party, directly or indirectly, the wholesale energy products to which this information refers;
  - 1.2. disclose this information to any other person unless such disclosure is made in the normal course of their work, profession, or duties;
  - 1.3. recommend or encourage another person, on the basis of inside information, to purchase or provide wholesale energy products with which that information is connected.
2. The prohibition defined in paragraph 1 shall apply to the following persons, who possess inside information about a wholesale energy product:
  - 2.1 members of administrative, management or supervisory bodies of an enterprise;
  - 2.2. persons that possess on the capital of an enterprise;
  - 2.3. persons who have access to information through the exercise of work, profession, or their duties;
  - 2.4. persons who have obtained such information through criminal activity;
  - 2.5. persons who know, or should know, that it is inside information.
3. Points 1.1 and 1.3 of paragraph 1 of this Article do not apply to transmission system operators when purchasing electricity or natural gas to ensure operation and safe operation of the system.
4. This article does not apply to:
  - 4.1 Transactions completed during the performance of an obligation that has been incurred due to purchasing or selling wholesale energy products when this obligation comes as consequence of a signed agreement, or a trading order, placed before the person in question was informed about the inside information;
  - 4.2 transactions related to electricity and natural gas producers, natural gas storage operators or LNG import operators, whose only purpose is to cover the immediate physical loss resulting from unplanned interruptions, where failure to take such action would affect that the market participant is not able to fulfill the existing contractual obligation or when such action is taken in agreement with the operator of the transmission system in question to ensure the safe operation of the system. In such a situation, relevant



information regarding the transactions should be reported at ERE. This reporting obligation shall be without prejudice to the obligation defined in Article 4 paragraph 1;

- 4.3 market participants acting in accordance with national emergency rules, where legal authorities have intervened to ensure the supply of electricity or natural gas and market mechanisms are suspended in a Contracting Party or part of them. In this case, the competent authority for emergency planning must ensure publication in accordance with Article 4 of this Regulation.
5. When the person who possesses inside information about the wholesale energy product with is a legal person, the prohibitions provided for in paragraph 1 of this Article shall also apply to natural persons participating in the decision to carry out the transaction on behalf of the legal person in question.
6. When information is disseminated for media purposes or artistic expression, the dissemination of information will be evaluated considering the rules governing freedom of the press and freedom of expression in other media, unless:
- 6.1 these persons have, directly or indirectly, any advantage or benefit from dissemination of the information in question; or
- 6.2 disclosure or distribution is made for the purpose of disrupting the market in relation to the supply, demand or price of wholesale energy products.

#### **Article 4 Obligation to publish inside information**

1. Market participants shall publish effectively and timely information that they own in relation to business or undertakings which the market participant in question, its parent or affiliated enterprise, owns or controls, or for operational issues for which the market participant or enterprise is responsible, whether wholly or partially. Such disclosure shall include information relevant to the capacity and the use of enterprises for the production, storage, consumption or transmission of electricity or natural gas, or in connection with the capacity and use of LNG enterprises, including the planned or unplanned readiness of these enterprises.
2. A market participant may delay, under its own responsibility, the disclosure of inside information, so as not to prejudice his legitimate interests, provided that such action shall not mislead the public and provided that the market participant is able to ensure the confidentiality of that information and not take decisions regarding the marketing of wholesale energy products based on that information. In such a situation, the market participant without further delay shall ensure the publication of the information, together with the reasoning for the delay of its publication to the ERE.

3. Whenever a market participant or a person employed or acting on behalf of a market participant, discloses information about a wholesale energy product during the ordinary exercise of the profession or its duties, as referred to in point 2 of Article 3 (1), the market participant or person must make the immediate, complete disclosure and effective of that information to the public. In the event of an unintentional discovery, the market participant shall ensure the full and effective disclosure of information as soon as possible after unintentional discovery. This paragraph shall not apply if the person receiving it information has an obligation of confidentiality, regardless of whether such an obligation derives from the law, regulations, association statute or any contract.
4. Publication of inside information, including the summarized form, in accordance with, Power Sector Law no. 43/2015, as amended as well as the Law no.102/2015 “On the Natural Gas Sector” as amended or the instructions and network codes approved in accordance with the effective Regulation, shall mean immediate, complete, and effective publication.
5. Paragraphs 1 and 2 do not violate the obligations of market participants according to Law 43/2015 "On Power Sector", as amended and Law no. 102/2015 “On Natural Gas Sector”, as amended including guidelines and network codes adopted in accordance with these laws and regulations, especially regarding the time and manner of publication of information.
6. Paragraphs 1 and 2 shall not prejudice the right of market participants to delay the discovery of sensitive information regarding critical infrastructure protection and assessment the need to improve their protection, if it is classified according to the legislation in force.
7. With the effectiveness of this Regulation, the market participants shall complete the respective application forms submitted on Annex A. ERE shall publish on its website Annex A which shall define:
  - 7.1. the manner, effectiveness, and timeliness of the publication of information within paragraph (1) of this Article;
  - 7.2. cases justifying delayed publication in accordance with paragraph (2) of this Article, as and the time limit for this case, the applicable publication rules;
  - 7.3. applicable requirements and timeframe for simultaneous, complete publication and effective, as defined in paragraph (3) of this Article;

#### **Article 5 Prohibition of Market Manipulation**

Any engagement or attempt to get involved in manipulating the energy market with majority.

## **CHAPTER III**

### **MONITORING AND REGISTRATION OF MARKET PARTICIPANTS**

#### **Article 6 Market monitoring**

1. ERE shall monitor the commercial activity of wholesale energy products to detect and prevent trade based on the inside information and national market manipulation.
2. ERE shall cooperate at regional level through the Energy Community Regulatory Board in conducting wholesale energy markets monitoring referred to in paragraph 1 of this Article.
3. For wholesale energy market monitoring, the ERE shall cooperate with the Competition Authority, or any other body for market monitoring. In conducting market monitoring, the Competition Authority or the body of market monitoring shall have the same rights and obligations as ERE pursuant to the first part of this paragraph, the second sentence of Article 4, paragraph 2 and Article 13. ERE, no later than the date June 30 of each year, shall send to the Secretariat a report on the activities of the previous year according this Regulation, and also this report should be published on the ERE website.
4. With the entry into force of this Regulation, ERE shall cooperate or may sign an agreement with the respective national authorities to perform and define the procedures for executing the responsibilities subject to this article. In case of such agreements they shall be published on ERE official website.

#### **Article 7 Registration of market participants**

1. Market participants entering into transactions with wholesale energy products in Albania, or show interest to enter into such transactions through the procedures of must be registered at ERE. For registration purposes, with the entry into force of this Regulation, ERE shall apply the registration form drafted by the Energy Community Regulatory Board and shall publish it on the official website.
2. The registration of market participants shall be without prejudicing the obligations to be in conformity with the applicable trading and balancing rules.
3. With the entry into force of this Regulation, ERE shall establish registers of market participants at the national level, which shall be updated. The register shall give to each market participant a unique identification number and shall contain sufficient information to identify the market participant, including relevant details regarding the VAT number, place of establishment, responsible persons for operational and commercial decisions and end - use controller or beneficiary of the market participant's trading activities. The register of market participants shall be public.
4. ERE shall submit to Energy Community Regulatory Board the information from the national register.

5. Market participants mentioned on paragraph 1 of this article, shall submit the registration form at ERE before entering into a transaction with wholesale energy products.
6. The market participants referred to in paragraph 1 of this article shall immediately communicate at ERE about any change that has occurred in relation to the information provided on the registration form.

## **CHAPTER IV**

### **CONFIDENTIAL INFORMATION**

#### **Article 8 Data protection**

This Regulation shall not prejudice ERE obligations to maintain the confidentiality of commercial sensitive information, as defined by the Law no. 9887, dated 10.03.2008 “On the Protection of Personal Data”.

#### **Article 9 Operational Reliability**

1. ERE shall ensure the confidentiality, integrity and protection of information received in accordance with article 4 and 6 of this Regulation. ERE shall take all measures necessary to prevent any misuse and unauthorized access of the information kept on its system. ERE, the Competition Authority and other respective authorities shall ensure the confidentiality, integrity and protection of the information that they receive in accordance with article 4 and 6 of this Regulation, and shall undertake the steps to prevent the misuse of such information.
2. ERE may decide to publish parts of the information in its possession, provided that commercial sensitive information for individual market participants, or transactions individual or specific market places shall not be discovered and shall not be drawn the conclusions.
3. ERE shall make available the commercially insensitive database for scientific purposes, in accordance with the requirements of confidentiality.

#### **Article 10 Obligations of persons who professionally regulate transactions**

1. Any person who professionally regulates the transactions for wholesale energy products that reasonably suspects that the transaction may violate Article 3 and Article 5, will notify ERE without further delay.
2. Persons who professionally regulate transactions in wholesale energy products, shall establish and maintain effective rules and procedures to identify violations provided on Articles 3 and 5 of this Regulation.

#### **Article 11 Cooperation at Energy Community and national level**

1. ERE shall cooperate with the energy regulators of the contracting parties within the energy community, including regional level cooperation through the Energy Community Regulatory Board for the purposes to carry out their duties in accordance with this Regulation.
2. ERE, the Competition Authority and other competent authorities may establish appropriate forms of cooperation to ensure effective and efficient investigations and to contribute to the

coherent and consistent approach to investigations, court processes and the implementation of this Regulation and relevant financial and competition laws.

3. ERE shall without delay inform the Energy Community Regulatory Board and the Energy Community Secretariat as specifically as possible, when there is a reasonable basis to suspect that actions in violation of this Regulation are being performed or have been performed within the country or by another Contracting Party.
4. When ERE suspects that acts performed in another Contracting Party are affecting markets or prices of wholesale energy products in Albania, then it may require from the Energy Community Regulatory Board and the Energy Community Secretariat to ensure that the requirements of REMIT regulation shall apply to that Contracting Party.
5. To ensure a coordinated and sustainable approach to wholesale energy market abuse, ERE shall inform the Competition Authority, the Secretariat and Energy Community Regulatory Board, when there are reasonable grounds to suspect that there are actions which are carried out or have been carried out in the wholesale energy market, which may constitute a violation of competition in the country or at the Contracting Parties.
6. In the framework of cooperation with the Energy Community Regulatory Board, ERE:
  - 6.1 shall provide the Energy Community Regulatory Board any relevant information with suspected violations, if required;
  - 6.2 shall initiate the investigation for the suspected violation and shall undertake the appropriate actions to correct any found violation;
  - 6.3 shall coordinate the investigations about the possible violations that had cross-border effect in conformity with the procedures of Energy Community Regulatory Board.
7. If ERE receives a request for information referring to paragraph 6 of this article or receives a request to initiate the investigation for a suspected violation, shall immediately take the necessary measures to address that request. If ERE is not able to immediately provide the requested information, then shall notify the Energy Community Regulatory Board without delay for the reasons of the delay.

ERE may refuse to act on a request for information when:

- 7.1 eligibility may adversely affect the sovereignty or security of the country;
- 7.2 court proceedings are initiated regarding the same actions and against the same persons to the responsible authorities; or
- 7.3 a final judgment has been submitted in respect of such persons for the same acts in the country.

In such a case, ERE shall notify the Energy Community Regulatory Board in accordance with circumstances, providing detailed information regarding those procedures or the judgement.

8. ERE shall participate in an investigation group coordinated by the Energy Community Regulatory Board held in accordance with paragraph 6, giving all the necessary assistance.

## **Article 12 Professional secret**

1. Any accepted confidential information, exchanged or transmitted according to this regulation is subject to the conditions of professional secret set forth in this Article.
2. The obligation of professional secret applies to:
  - 2.1. persons working or have worked for ERE or other authority that is or may be in possession of, or receiving such information in accordance with this regulation or any investigative process;
  - 2.2. auditors and experts informed by ERE and other competent authorities.
3. Confidential information received from the persons referred to in point 2 of this Article, during the performance of their duties, may not be disclosed to any other person or authority, except in a summarized form so that an individual market participant or market country may not be identified, except of the cases provided at the Criminal Code, other provisions of this Regulation or other relevant legislation in Albania and Energy Community.
4. Without prejudice to the cases provided by the Criminal Code, ERE, the bodies or persons who receive confidential information to support this Regulation may only use it to perform their duties and exercising their functions. The authorities, bodies or other persons may use that information for the purpose to which it was provided to them or in the context of administrative or legal procedures relating specifically to exercising these functions.
5. This Article shall not prevent the ERE to exchange or transmitting, in accordance to the national legislation, the confidential information, provided that it has not been accepted by an authority of another Contracting Party or by the Energy Community Regulatory Board or the Energy Community Secretariat under this Regulation.

## CHAPTER V

### SURVEILLANCE, INVESTIGATION AND ADMINISTRATIVE MEASURES

#### Article 13 Enforcement of prohibitions against market abuse

1. ERE shall ensure that there shall be implemented the prohibitions set forth in Articles 3, 5 and the obligation set forth in Article 4.
2. ERE, in accordance with the authority issued by Law 43/2015 "On Power Sector", and Law 102/2015 "On Natural Gas Sector", shall undertake investigation measures regarding the prohibitions and the requests according to this Regulation, which shall be exercised:
  - 2.1 directly;
  - 2.2 in cooperation with the competition authority and other relevant authorities; or
  - 2.3 on the request of court bodies and the prosecution.

When appropriate, ERE may exercise its investigation/monitoring authority in cooperation with organized markets, the trade matching systems or other persons who professionally regulate transactions.

3. The investigation or application actions defined in paragraph 1, shall include the right:
  - 3.1 to have access to any relevant document that is judged important, in any form, and obtain a copy of it;
  - 3.2 to request any information from any relevant person, including those who have subsequently been involved in the communication of the orders or performing the actions in question, including their superiors, and if necessary, the right to calling and listening to any of these persons or their superiors;
  - 3.3 to conduct on-site inspections;
  - 3.4 to request existing telephone and electronic communications records;
  - 3.5 to request the interruption of any practice that is on the contrary / against to this Regulation or delegated or approved acts issued from its implementation;
  - 3.6 to request from the court to freeze or seize the assets until the termination of the investigation;
  - 3.7 to request from the court or any competent authority to impose the temporary prohibition of the activity.



#### **Article 14 Deadlines for decision making and its publication**

1. The decision to open the procedure for setting a penalty as well as the decision for ascertaining the penalty, including the terms provided on these decisions, ERE shall take these decisions based on article 107 of Law no. 43/2015 “On Power Sector” as amended, article 106 of Law no. 102/2015 “On Natural Gas Sector” as amended, Law no. 10279, datë 20.05.2010, “On Administrative Offences”, the Regulation on the procedures of imposing and reducing the penalties, approved with ERE Board Decision no. 125, dated 29.07.2016 and the Regulation on the conditions and procedures and the concrete measure for any violation, approved with ERE Board Decision no. 95, dated 04.07.2017.
2. ERE in special cases as provided on articles 91 and 92 of the Administrative Procedures Code may extend the deadline for decision with 30 (thirty) days.
3. All decisions are taken independently by any public body, or any public or private enterprise.
4. ERE shall publish on the Official Gazette and at ERE official website the taken decisions.
5. Data which are considered commercially secret shall be excluded from publication according to paragraph 4 of this Article.

#### **Article 15 The right to appeal**

1. Against the decision of the ERE, which finds a violation of this Regulation and the imposition of penalties as well as against the decision by which it is terminated the procedure due to the preliminary issues, the market participant may require the review of this decision according to the legislation in force.
2. Against the decision for the application of the penalty, within the provided legal terms respectively in article 16, point 6 of Law no. 43/2015 “On Power Sector”, as amended and article 17, point 3 of Law no. 102/2015 “On Natural Gas Sector”, as amended, from the publication of the decision may be appealed at the Administrative Court of Albania.
3. The initiation of the administrative court process does not stop the execution of the decision.

#### **Article 16 Administrative Measures and Penalties**

1. ERE shall undertake the administrative measures as follows for the violation of this Regulation:
  - 1.1 To force the natural and legal person to stop performing the activities that cause violations under this Regulation;

- 1.2 To declare invalid any act or decision that constitutes a violation, to cancel or abrogate it;
  - 1.3 To oblige natural and legal persons to perform all reasonable actions that are considered necessary to eliminate the negative effects, and the implementation of the measures;
  - 1.4 To determine interim measures in relation to the alleged violation.
2. Notwithstanding the administrative measures set forth in this Regulation, the ERE may decide also fines for natural and legal persons for violations in accordance with Article 107 of Law 43/2015 "On Power Sector", as amended and Article 106 of the Law 102/2015 on "Natural Gas Sector", as follows:
- 2.1 Shall not provide the information required by this Regulation;
  - 2.2 Disclose confidential information in an unacceptable manner;
  - 2.3 Shall not provide the requested assistance and refuses to cooperate with the competent bodies;
  - 2.4 Shall not act in accordance with the measures set to prevent abuse of dominant position;
  - 2.5 Shall keep accounts that do not comply with the requirements of applicable legislation;
  - 2.6 Shall act in contradiction with this Regulation and the legislation in force.
3. For the violations defined in paragraph 2 of this Article, to the natural and legal person shall be imposed the penalties from (500 000 ALL) up to the legal limit defined on the laws mentioned on point 3 of this article.
4. The fine levels according to paragraph 3 of this Article shall depend on the following factors:
- 4.1 Material value of the caused damage;
  - 4.2 Number of affected customers;
  - 4.3 Financial benefits from the taken illegal actions; and
  - 4.4 Impact of the violation on the operation of the energy market.
5. ERE in conformity with Article 107, point 2 and 3 of Law no. 43/2015 "On Power Sector", article 106, point 1, letter "ç" of Law no.102/2015 "On Natural Gas Sector", articles 8, 9, 10, 11, 12 and 13 of the Regulation on the procedures of imposing and reducing the penalties, approved with ERE Board Decision no. 125, dated 29.07.2016 and articles 8, 9, 10, 11, 12 and 13 of the Regulation on the conditions and procedures of imposing the penalties and the concrete measure for any violation, approved with ERE Board Decision no. 95, dated 04.07.2017 may apply progressive penalty or reduce it case by case.
6. ERE after receiving written answers from natural and legal persons shall evaluate them and shall issue a decision in accordance with the findings and violations.

7. The penalty imposed by ERE Board shall constitute the executive title and shall be implemented in conformity with the Civil Procedure Code.
8. The administrative measures and the penalties imposed by ERE shall not exclude the civil liability and penal liability under the legislation in force.
9. ERE shall make public the measures or penalties imposed according to paragraph 1 for violation of this Regulation, unless such disclosure would cause disproportionate damage to the parties included.
10. All penalties collected under this Article shall be paid to the State Budget of the Republic of Albania.

## **CHAPTER VI**

### **FINAL PROVISIONS**

#### **Article 17 Changes**

1. ERE shall have the right to change or modify any provision of this Regulation.
2. The procedures for changing or modifying this Regulation shall be the same as of its approval.

#### **Article 18 Interpretation**

In case of ambiguity about the provisions of this regulation, ERE Board shall issue explanatory information explanatory.

#### **Article 19 Entry into force**

This Regulation shall enter into force after the publication at the Official Gazette and shall be published on ERE official website.

## ANNEX (A)

**The application form that shall be completed according to REMIT Regulation.**

### **Application form 1**

This application form shall be used to submit information by ERE to the Energy Community Regulatory Board (ECRB) on the suspected breach by the Contracting parties based on article 4(1) of the ECRB procedural act 01/2020.

#### **A. General information**

No.	Title	Information to be provided
1	Contracting Party	
2	Reporting regulator	
3	Person(s) representing the regulator in relation to this report and their contact details (phone and email)	
4	Submission date to the ECRB Section:	
5	Email address of the ECRB Section for submission of the report	[to be provided by the ECRB Section]
6	Other information (if necessary)	

#### **B. Information about the suspected breach**

No.	Title	Information to be provided
1	Commodity: - Electricity or gas wholesale market	

2	Contracting Party where the suspected breach occurred	
3	Category or suspected breach of the REMIT Regulation: -Trading - Market manipulation	
4	Provide a summary of the suspected breach (a more detailed description to be provided in part C below)	
5	Date (and time if applicable) when the suspected breach occurred (or when it started)	
6	How did the regulator learn about the suspected breach	
7	Market participant(s) involved in the suspected breach	
8	Is there an investigation ongoing by the reporting regulator related to this breach (in case the breach occurred in the jurisdiction of the reporting regulator)	
9	What is the view of the reporting regulator on the general impact on the market	
10	Which Contracting Parties may the suspected breach affect (or has affected)	
11	What is the recommendation of the reporting regulator to ECRB related to suspected breach	

12	Does this report (or any annex) include any confidential and commercially sensitive information (if “yes” please highlight which of the information provided are confidential or commercially sensitive).	
	Provide an indication as to why such information constitutes confidential or commercially sensitive information.	
13	Please provide list of annexes attached this this report	

**C. Provide more detailed information about the suspected breach**

[....]

[if necessary please provide annexes, excel spreadsheets, etc. so support the case]

**Application form no. 2**

Reporting of potential breaches of REMIT Regulation at ERE and/or ECRB based on article 7 of the Procedural Act 01/2020.

Any legal or physical persons may report suspicious behavior in the wholesale electricity and gas markets and any potential breaches of the REMIT Regulation to ERE and/or the Energy Community Regulatory Board (ECRB) using this form.

**A. General Information**

No.	Title	Information to be provided
1	Reporting party: - market participant - other competent authority - other	[name of the person/firm/authority and address]

2	Person representing the reporting party in relation to this report and their contact details (phone and email)	
3	Email address of the ERE for submission of the report	[the application form shall be published by ECRB as well as by ERE on the official website]
4	Email address of the ECRB Unit for submission of the report	[to be provided by ECRB in case the reporting party shall submit the report to ECRB]
5	Submission date	

6. Other information (if necessary)

**B. Information about the suspected breach**

No.	Title	Information to be provided
1	Commodity: -Electricity and/or gas wholesale market	
2	Contracting Party where the suspected breach occurred	
3	Category or REMIT suspected breach: - Trading - Disclosure of inside information - Market Manipulation - Registration obligation - Other	
4	Provide a summary of the suspected breach (detailed summary is given In point C below)	



5	Date (and time if applicable) when the suspected breach occurred or when it initiated	
6	How did the reporting party learn about the suspected breach	
7	Market participant involved in the suspected breach	
8	Are you aware of any administrative monitoring/investigation by ERE related to this breach	
9	What is the view of the reporting party on the general impact on the market (more details may be provided in part C below)	
10	Which other Contracting Parties may be affected by the suspected breach (or has affected)	
11	Does this report (or any annex) include any confidential and commercially sensitive information (if “yes” please highlight which of the information provided are confidential or commercially sensitive).  Provide an indication as to why such information constitutes confidential or commercially sensitive information.	

13	Provide the list of annexes attached to this report.	
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**C. Provide more detailed information about the suspected breach**

[...]

[if necessary please provide annexes, excel spreadsheets, etc. so support the case]

**Application form no. 3**

Reporting at ERE regarding the delayed insider information pursuant to article 8 of ECRB Procedural Act 01/2020.

Under REMIT Regulation a market participant may under its own responsibility exceptionally delay the public disclosure of inside information so as not to prejudice its legitimate interests provided that such omission is not likely to mislead the public and provided that the market participant is able to ensure the confidentiality of that information and does not make decisions relating to trading in wholesale energy products based upon that information. In such a situation the market participant shall without delay provide that information, together with a justification for the delay of the public disclosure of information to the ERE.

The application form shall be used by market participants submitting such information to ERE.

**A. General information**

No.	Title	Information to be provided
1	Name and address of reporting market participant	
2	Person representing the reporting party in relation to this report and their contact details (phone and email)	

3	Type of market participant: - Electricity or natural gas producer - Operator of electricity or gas infrastructure - Other (provide a description)	
4	Email address of ERE to submit the report	(shall be provided by ERE)
5	Submission date	
6	Other information (if necessary)	

**B. Information on the inside information according to this form**

No.	Title	Information to be provided
1	Name of the facility	
2	Installed capacity of the facility	
3	Unavailable capacity	
4	Dates, including hours, of the unplanned outage (from us)	
5	Expected time of public disclosure	
6	Address / link where the information will be disclosed	
7	Other details	

**C. Justification for delayed publication**

[...]

Additional information may be required by ERE.

**Application form no. 4**

Registration at ERE

This application form shall be used to register the market participants and does not mean publication, based on article 9 (2) of the ECRB procedural act 01/2020 të ECRB

No.	Title	Information to be provided
1	Registration Authority	
2	Country	
3	<b>User Form</b>	<b>Shall be completed by the market participant</b>
4	Date of submission	
5	<b>Company registration Info</b>	
6	Company Legal Name	
7	Legal Form	
8	Company Address (Headquarters)	
9	Company city	
10	Company ZIP Code	
11	Country	
12	Company EIC Code	
13	Company BIC Code	
14	Company LEI Code	
15	Company VAT Number	
16	Company Website	
17	Are you a Company Employee	
18	<b>Data on the ownership of the company</b>	
19	Director Name	

20	Director Surname	
21	Director E-mail	
22	Ultimate Controller	
<b>23</b>	<b>Inside Information Disclosure</b>	
24	Webpage where inside information are disclosed: 1	
25	Webpage where inside information are disclosed: 2 (if any)	
26	Webpage where inside information are disclosed: 3 (if any)	
27	<b>Contacts of Reference person for registration issues</b>	
28	Name of the reference person for registration issues	
29	Surname of the reference person for registration issues	
30	E-mail of the reference person for registration issues	
31	Phone number of the reference person for registration issues	
32	<b>Contact of reference person for legal issues</b>	
33	Name of the reference person for legal issues	
34	Surname of the reference person for legal issues	
35	E-mail of the reference person for legal issues	

36	Phone number of the reference person for legal issues	
37	<b>Contact for the reference person for commercial issues</b>	
38	Name of the reference person for commercial issues	
39	Surname of the reference person for commercial issues	
40	E-mail of the reference person for commercial issues	
41	Phone number of the reference person for commercial issues	
42	<b>Contacts for reference person for other issues</b>	
43	Name of the reference person for other issues	
44	Surname of the reference person for other issues	
45	E-mail of the reference person for other issues	
46	Phone number of the reference person for other issues	

**Application form no. 5**

This application form is used to create a national register of market participants, which shall be published.

No.	Title	Information to be provided
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1	Registration Authority	
2	Country	
3	<b>User Form</b>	<b>Shall be completed by the market participant</b>
4	Date of Submission	
5	<b>Data for the registration of the company</b>	
6	Legal name of the company	
7	Legal form	
8	Address of the Company (Headquarters)	
9	Country where the company is located	
10	ZIP Code	
11	State	
12	Company EIC Code	
13	Company BIC Code	
14	Company LEI Code	
15	Company VAT number	
16	Company Website	
17	Are you an Employee of the Company?	
18	<b>Disclosure of Inside Information</b>	
19	Webpage where it is published the inside information	
20	Webpage where are published inside information: 2 (if any)	
21	Webpage where there are published inside information: 3 (if any)	