

## DECISION

**No. 338, Dated 23.12.2025**

ON

**OPENING THE PROCEDURE FOR THE REVIEW OF THE “REGULATION ON THE PROCEDURES AND TERMS FOR LICENSE ISSUE, MODIFICATION, TRANSFERRING, RENEWAL OR LICENSE TERMINATION IN THE POWER SECTOR, APPROVED WITH ERE BOARD DECISION NO. 109, DATED 29.06.2016, AS AMENDED”**

Based on Articles 16 and 39 (1) of Law No. 43/2015 “*On Power Sector*”, as amended; Article 113 of Law No. 44/2015 “*the Code of administrative procedures of the republic of Albania*”; Articles 15 and 26 of the *Regulation for ERE Organization, Operation and Procedures*, approved by ERE Board Decision No. 96, dated 17.06.2016; as well as Article 22 of the *Regulation on the procedures and terms for license issue, modification, transferring, renewal or license termination in the power sector*, approved with ERE Board Decision No. 109, dated 29.06.2016, as amended; ERE Board, at their meeting dated 23.12.2025, after reviewing the Report Protocol No. 1416/6 dated 22.12.2025, submitted by the Working Group “*On opening the procedure for the review of the “Regulation on the procedures and terms for license issue, modification, transferring, renewal or license termination in the power sector”*, approved by ERE Board Decision No. 109, dated 29.06.2016, as amended,”

**Observed that:**

- With Decision No. 109, dated 29.06.2016, ERE Board, pursuant to the provisions of Law No. 43/2015 “*On Power Sector*”, as amended, approved the “*Regulation on the procedures and terms for license issue, modification, transferring, renewal or license termination in the power sector*”, as subsequently amended by ERE Board Decision No. 215, dated 20.12.2019, and by Decision No. 220, dated 01.09.2022.
- The previous amendments to this Regulation were intended to ensure alignment with legislative changes, to reconceptualise the identifying and technical data of the subjects, and to establish standardised application forms, set out as annexes forming an integral part of the Regulation.
- Article 39 (1) of Law No. 43/2015 “*On Power Sector*”, as amended, provides that the Energy Regulatory Authority (ERE) shall approve the Regulation on the procedures and terms for license issue, modification, transferring or license termination, the licence application fees, as well as the information to be submitted with each licence application.

- Based on the review and analysis of the applications submitted to ERE, by licence type, the need has been identified for further improvement and clarification of the relevant documentation, terms and procedures.
- The proposed amendments to the “*Regulation on the procedures and terms for license issue, modification, transferring, renewal or license termination in the power sector*”, approved by ERE Board Decision No. 109, dated 29.06.2016, as amended, aim to enhance clarity, harmonise administrative practices, and improve the enforceability of the Regulation, as well as to introduce the corresponding updates to the guidance annexes, according to the type of application.

For all of the above mentioned, ERE Board

**Decided:**

1. To open the procedure for the review of the “*Regulation on the procedures and terms for license issue, modification, transferring, renewal or license termination in the power sector*”, approved by ERE Board Decision No. 109, dated 29.06.2016, as amended. (The draft of the proposed amendments is attached to this Decision).
2. The Working Group shall inform the interested parties about ERE Board decision.

This decision shall enter into force immediately.

Any party involved in this procedure may request the Energy Regulatory Authority (ERE) to review the Board's decision within seven (7) calendar days from the date of issuance, provided that new evidence is submitted that may lead the Board to reach a different conclusion; or material errors have been identified. This decision may be appealed before the Administrative Court of Tirana within thirty (30) calendar days from the date of its publication in the Official Gazette.

This decision shall be published in the Official Gazette.

**ERE CHAIRMAN**

**Petrit AHMETI**

## DRAFT- AMENDMENTS

### **PROPOSED ON THE “THE REGULATION ON THE PROCEDURES AND TERMS FOR LICENSE ISSUE, MODIFICATION, TRANSFERRING, RENEWAL OR LICENSE TERMINATION IN THE POWER SECTOR, APPROVED WITH ERE BOARD DECISION NO. 109, DATED 29.06.2016, AS AMENDED**

- **In Article 4, “Licenses”, there are proposed the amendments as follows:**
  - **Point 4,** is amended as follows:
    4. *As far as permitted by the legislation in force of the Republic of Albania, the application for electricity trading license or the electricity supply license shall not be required in the event that a company has a license issued by a regulatory authority of another Contracting Party country of the Energy Community/a Member State of the European Union, or another country with which a bilateral agreement has been signed, for the mutual recognition of licenses between ERE and the relevant regulatory authority, as well as on the condition that they submit the license to ERE translated and notarized as well as the information defined in article 9 point 1.1 and 1.2 letter "a", of these rules.*
- **Article 7, Delegation of the Applicat's Rights, there are proposed the amendments as follows:**
  - **Point 3,** is amended as follows:
    3. *The tasks of the representative are:*
- **Article 8, Submitting the application, there are proposed the amendments as follows:**
  - **Point 3,** is amended as follows:
    3. *The documentation submitted from the applicant shall be on the Albanian language, the original version or a notarized photocopy/certified true copy. One copy of this documentation shall be submitted electronically (CD, USB or e-mail on ERE official website), where each document shall be scanned separately and named correctly. The certifications and declarations from other bodies shall be issued not before than 1 month from the moment of submitting the application.*
  - **Point 4,** is amended as follows:
    4. *If the applicant has applied and is in process of getting other necessary permissions defined in the regulation, may submit the application at ERE by submitting the information, the application documentation and/or the respective correspondence with the competent body/institution for issuing these permissions.*
- **On Article 9, The form and documentation of the application, point 1, General documentation for all the applications to be equipped with a license, are proposed the amendments as follows:**
  - **Point 1.2, letter b),** is amended as follows:
    - b) *Declaration of the legal status (criminal record) for the company, its administrator/administrators, issued from General Directorate of Prisons. When the*

*administrator of the company does not live in Albania, shall submit the certification of the legal status issued from the competent authorities of the resident country, translated in Albanian and provided with the apostille stamp.*

- **Point 1.2, letter c),** is amended as follows:
  - c) *the organization chart of the company, that shall contain the effective technical staff (administrative staff, legal or engineering staff and/or the supporting staff) according to the activity for which it is submitted the application.*
- **Point 1.3, letter b),** is amended as follows:
  - b) *Documents that verify that the applicant provided the financial means to carry out the activity financing of the applicant himself or its partners/shareholders, that is expressed by a decision of the governing bodies, letter of interest for financing from the bank, bank loan agreement, loan agreement, donation, etc) for carrying out the activity. In case of electricity production activity, shall be documented the financial support for full realization of the investment as approved from respective institutions. If the plant for electricity production is constructed at the moment of submitting the application, shall be submitted the respective information on the method how it is financed its construction. In case of electricity trading and/or electricity supply activity, the financial support shall be guaranteed at least 1(one) month of carrying out the activity, referring to the provided quantity from the applicant himself, and the calculation that shall be taking into account the monthly price of Albanian Power Exchange (ALPEX) for the Day Ahead, that corresponds to the month preceding the application date.*
- **On Article 9, The form and documentation for the application, point 2, “Legal, administrative and ownership documentation”,** there are proposed the amendments as follows:
  - **point 2.1, letter b),** is amended as follows:
    - b) *the concession/authorization agreement, or any form of agreement if applicable regarding the responsible institutions charged by law, according to the effective applicable legislation. Also the applicant shall submit even the respective information/documentation regarding the implementation of the terms defined on this agreement/authorization for the construction and set into operation of the electric power generation source ( e.x, periodic reports)*
  - **point 2.1, letter d),** is amended as follows:
    - d) *the permission of using the water source for electricity generation from the hydro power plants / thermo power plants;*
  - **point 2.1, letter e),** is amended as follows:
    - e) *approval from the respective bodies of environmental management and protection (Environmental Influence Assessment, the Environmental Declaration, Permission). When the validity of these documents is conditioned with the initiation of the works, shall be submitted the respective information/documentation regarding their initiation (minutes, notification addressed to respective bodies / institutions etc.).*

- after letter **f**, it is added letter **g** with the content as follows:
  - g) *In case of applications for licensing in electricity production activity from sun or wind (photovoltaic or aeolian), shall be submitted a technical document verifying the lifespan of the plant (e.x. guarantee of product).*
- **On article 9, The form and documentation for the application point 2.4, Technical documentation for electricity supply activity**, are proposed the amendments as follows:
  - letter “**b**”, is abrogated.
  - letter “**c**”, is amended as follows:
    - c) *the documentation (ownership, lease/loan agreement etc.) on the disposal of representative offices of the supplier for the 5-year duration of the license.*
- **On Article 10, “Review of the application”** letter “**c**”, are proposed the amendments as follows:
  - **point 1** is amended and becomes:
    1. *Any application shall be submitted in conformity with the form, content, terms and the definitions of this regulation by completing the requirements and documents and executing the payment for the application, according to Annex A of this Regulation. If from the review of the application it results that the documentation does not complete formal requirements or it is not executed the payment, the respective directory, within 3 (three) days from the application, shall communicate to the company, on its electronic address, provided in the application form as stated in the file, the fact that it has been recorded. The company shall make the relevant additions within 2 (two) days from receiving the e-mail. After this deadline, and after reviewing the submitted application, regarding the completion of requirements of Article 8, 9, 15,16 and 17, the persons charged from the Responsible Directory shall draft a report where they propose to Board Members the initiation or not of the procedure to review the application in conformity with the terms defined on the Regulation for ERE Organization, Operation and Procedures and on this regulation.*
  - **point 2** is amended and becomes:
    1. *Any application shall be submitted on the form, content, terms and definitions of this regulation by completing the requirements and documents and executing the application payment, according to the definitions of Annex A of this Regulation. Otherwise, to ERE Board is proposed not to initiate the procedure for reviewing the application.*
  - **Point 8** is amended and becomes:
    8. *In case of approval for the initiation of the procedure for the review of the application, within 2 days from receiving the decision, ERE shall publish on its official website and on the written media for two consecutive days the notification for the application submitted on two daily newspapers with nationwide distribution and published in Tirana.*
  - **point 9** is amended and becomes:

9. *The notification contains:*
  - a. *short information for the submitted application, where the notifications for licensing regarding electricity production activity shall in general contain and the data regarding the installed capacity, location and territory, where the licensed activity shall be performed;*
  - b. *notification for the submission of objections or complaints regarding the interested persons may be performed at ERE within the terms defined on this regulation.*
- **Point 10** is amended and becomes:
  10. *ERE shall wait for the possible objections for this application, for 30 (thirty) days beginning from the next day from the notification for the applications for the production activity for the plants connected to the transmission system. In submitting the respective objections, the interested parties shall refer to the definitions of Article 20 of this Regulation.*
- **Article 11, Completion and submission of additional information**, are proposed the amendments as follows:
  - **Point 1** is amended and becomes:
    1. *ERE may request to the applicant to submit additional information, in the form and content defined within the defined term, regarding any issue that is considered necessary by ERE. This correspondence shall be performed within the defined terms for the review and taking the decision for the submitted application .*
- **Article 13, The Acceptance or Refusal for Licensing of the Applicant**, are proposed the amendments as follows:
  - **Point 2, letter j)** is abrogated.
- **Article 14, Acceptance or Refusal for Applicant's Licensing**, are proposed the amendments as follows:
  - **point 1**, is amended and becomes:
    1. *ERE Board takes the final decision for accepting or refusing the application for license in electricity production activity within 60 working days from the next day of publication in the media of the notification for license application, according to the criteria specified on Article 13 of this regulation.*
  - **point 2**, is amended and becomes:
    1. *For the plants directly connected to the distribution network and for all other licenses, the Board takes the decision not later than 30 working days from the next second day of the publication in the media of the application for license, according to the criteria specified on Article 13 of this Regulation.*
  - **point 6**, is amended and becomes:
    6. *ERE Decision issued according to this Regulation is published on the Official Gazette and ERE website.*
  - **point 7**, is amended and becomes:

- 7. *Any party involved on this procedure may require ERE, within 7 calendar days from the date of taking the decision, to review ERE Board decision if there are new evidences that may lead the Board to take a different decision from the previous one or for observed material errors. Regarding this decision may be complained on Tirana Administrative Court, within 30 calendar days from the day of publication on the Official Gazette.*
- **point 8**, is amended and becomes:
  - 8. *In case the licensee loses the original license, he may require at ERE to issue a unified copy of the license. Also, if the licensee changes the name, may complete a request to issue the license with the new name. Both these requirements are performed, executing a payment as defined on Annex A of this Regulation. To the licensee may be issued a unified copy of the license or the license with the new name, according to the case, only after verifying that he executed the respective payment.*
- **point 10**, is amended and becomes:
  - 10. *ERE Board, case by case, after the initiation of the procedure, may decide to suspend its decision. If the suspension exceeds more than 3 (months), the company shall deposit updated verifications and declarations.*
- **Article 15, License modification**, there are proposed the amendments as follows:
  - **point 4, letter a)** is amended and becomes:
    - a) *the completed form of the application according to Annex 1 and Annex 2.*
  - **point 4, letter f)** is amended and becomes:
    - f) *the approval /attitude of the respective bodies to manage water sources, in case of electricity production from the hydro power plants/ thermal power plants.*
  - **after point 4, it is added point 5**, with the content, as follows:
    - 5. *For this procedure shall be applied the terms defined on Article 14, point 1 and 2 of this Regulation.*
- On Article 16, License renewal**, there are proposed the amendments as follows:
  - **point 1, letter b)** is amended and becomes:
    - b) *all of the documentation as defined on Article 9 of this Regulation, according to the type of license.*
  - **on point 1, after letter c), it is added letter d)** with this content:
    - d) *the applicant shall have executed the application payment for the renewal and the regulatory payments at ERE.*
  - **point 7 is abrogated.**
- **Article 17, Full/partial transferring of the license**, are proposed the amendments as follows:
  - **point 7** is amended and becomes:
    - 7. *ERE takes the decision to accept or not the application within 45 working days from the*

*initiation of the procedures to review the application and during this period the licensee shall continue to perform the service in conformity with the legal framework.*

- **Article 19, Register form**, there are proposed the amendments as follows:
  - **point 3** is amended and becomes:
    1. *The respective data regarding the licenses to perform the activity in power sector and their withdrawal are registered on the manual Register and are maintained by the Board secretary.*
  - **point 4** is amended and becomes:
    1. *Licensing register is maintained from the respective structure for licenses at ERE, and is updated after each Board meeting and is published on ERE official website. This register contains these data:*
      - a. *Name of the licensee;*
      - b. *NUIS (Unique Identification Number of the Entity);*
      - c. *Number and series of the license;*
      - d. *Number and date of ERE Board Decision;*
      - e. *Duration of the license;*
      - f. *Location of energy generation resources;*
      - g. *Conditional licensing decisions.*
- Title of Article 20, is amended and becomes “*The right to be informed*”.
- **On Annex A of the Regulation**, the first note is amended and becomes:
  - *The applicant, at the time of submitting the application, shall execute the payment according to the provisions of this Annex. The application payment is non-refundable and can be executed directly to the bank account with details as follows, or after issuing an electronic invoice from the ERE finance structure, at the request of the applicant himself.*
- **On Annex 2**, there are added points 7 and 8, as follows:
  7. *Exact location of the electricity generation plant*
  8. *The disposal approach of the ownership where it is located or is provided to be constructed the plant (in ownership, leased, or leased to be used etc.)*
  - *I declare that the application documentation submitted by me and the project for the construction and use of the electricity generation source meet all legal requirements for:*
    - a. *safe and stable operation of equipment plants and/or networks;*
    - b. *requirements related to national security, citizens' lives, property, health and public order;*
    - c. *environment protection;*
    - d. *promotion of energy efficiency in power sector;*
    - e. *effectiveness to security and sustainability of energy supply within the territory of the Republic of Albania.*