



REPUBLIKA E SHQIPËRISË
ENERGY REGULATOR AUTHORITY
BOARD

DECISION

No. 228, Dated 17.07.2023

ON
THE DESIGNATION OF "ALBANIAN POWER EXCHANGE - ALPEX" COMPANY
AS THE NOMINATED ELECTRICITY MARKET OPERATOR' (NEMO)

Based on article 16 of Law no. 43/2015 "On Power Sector" as amended; article 7, point 2 and article 15 of the *Regulation for ERE Organization, Operation and Procedures*, approved with ERE Board decision no. 96, dated 17.06.2016; article 3, point 3 and 7 of the *Regulation for the requirements and procedures to designate the nominated electricity market operator (NEMO) as well as NEMO roles and responsibilities and the electricity transmission system operators in market coupling* approved with ERE Board decision no. 40, dated 06.03.2020; ERE Board, on their meeting dated 17.07.2023, after reviewing the report Protocol no. 1395/8, dated 14.07.2023, prepared by the Working Group "On the designation of "Albanian Power Exchange - ALPEX" company as the Nominated Electricity Market Operator' (NEMO),

Observed that:

- Albanian Power Exchange - ALPEX" company with official letter protocolled at ERE with Protocol no. 1395, dated 10.05.2023, submitted the application to be designated as the Nominated Electricity Market Operator (NEMO) and with the official letters Protocol no. 1395/1 dated 10.05.2023 and Protocol no. 1395/2 dated 02.06.2023, has submitted additional documentation for this application;
- ERE Board with decision no.200, dated 23.06.2023 decided to open the procedure on the designation of "Albanian Power Exchange - ALPEX" company as the Nominated Electricity Market Operator (NEMO)";
- Following this decision-making, an announcement was made in the print media, which was published respectively on 28.06.2023 and 29.06.2023 and at the end of the 10-day period defined in this announcement, there were no comments or opinion from third parties.

- Regarding decision no. 200/2023, ERE with official letter Protocol no. 1395/5 dated 04.07.2023 informed the Ministry of Infrastructure and Energy (MIE), the Energy Community Secretariat, the Competition Authority (CA), the Energy Regulatory Office of Kosovo (ERO), the Transmission System Operator (TSO) company, the Albanian Association of Electricity Suppliers (AAES), the Foreign Investors Association (FIAA) and the Albanian Renewable Energy Association (AREA).
- Whereas with official letter Protocol no. 1395/6 dated 05.07.2023, ERE informed the applicant, "Albanian Power Exchange - ALPEX" company, regarding the documentation that still remains to be completed by this application.
- In response, with the official letter protocolled at ERE with Protocol no. 1397/7 dated 14.07.2023, the applicant submitted the additional documentation of this application.
- Pursuant to the provisions of Article 3, point 2 of the *Regulation for the requirements and procedures to designate the nominated electricity market operator (NEMO) as well as NEMO roles and responsibilities and the electricity transmission system operators in market coupling* approved with ERE board decision no. 40, dated 06.03.2020, in order to be designated as NEMO, the applicant has completed Annex 1.a. to prove the fulfillment of the criteria mentioned in Article 4 of this regulation and submitted the documents listed in Annex 1.b.
- Regarding all of the above, it is evaluated that the "Albanian Power Exchange - ALPEX" company shall be designated as the Nominated Electricity Market Operator (NEMO).
- As informed by the company, that the amended Economic Program for 2023 shall be submitted for approval to the governing bodies of ALPEX company, it is evaluated that it should be given the condition to submit this approved program at ERE within 2 (two) months.
- *The Nominated Electricity Market Operator (NEMO) is a legal entity defined by the Energy Regulator Authority to perform tasks related to single day-ahead or single intraday market coupling according to this regulation. The national legal monopoly is the appointment of only one Nominated Electricity Market Operator for the provision day-ahead and intraday trading services.*
- *In reference to the provisions of article 3, point 3, of the Regulation, ERE decision based on the legislation in force determines the monopoly nature the Nominated Electricity Market Operator.*
- *Pursuant to the provisions of article 3, point 4 of the Regulation, the Designation of the Nominated Electricity Market Operator (NEMO) remains valid until the inclusion of the Capacity Allocation and Congestion Management (CACM Regulation) in the country's legislation, according to which NEMO determination must be confirmed based on the Capacity Allocation and Congestion Management (CACM Regulation).*

For all of the above mentioned, ERE Board

Decided:

1. To designate the "Albanian Power Exchange - ALPEX" company as the Nominated Electricity Market Operator' (NEMO).
2. Within 2 (two) months, the "Albanian Power Exchange - ALPEX" company shall submit at ERE the amended Economic Program of 2023 approved by its governing bodies.
3. Within 2 (two) months, the "Albanian Power Exchange - ALPEX" company shall provide ERE the information on the reasons for changing the organizational chart, explaining the functional duties of the personnel.
4. The designation of NEMO, according to point 1 of this decision, remains valid until the inclusion of the *Capacity Allocation and Congestion Management (CACM Regulation) in the country's legislation, according to which NEMO determination must be confirmed based on the Capacity Allocation and Congestion Management (CACM Regulation)*.
5. The Working Group shall inform the applicant, the Ministry of Infrastructure and Energy, the Energy Regulatory Office of Kosovo, as well as the Energy Community Secretariat about ERE Board decision.

This decision enters immediately into force.

Any party involved in this procedure may request from ERE, within 7 calendar days from the date of the decision, to review the board decision if it has provided new evidence that could lead the board to obtain a decision different from the previous one or for material errors ascertained. This decision can be appealed in the Administrative Court of Tirana, within 30 calendar days from the day of publication in the Official Gazette.

This decision shall be published on the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI