



REPUBLIC OF ALBANIA
ENERGY REGULATORY AUTHORITY

Board

DECISION

No. 223, Dated 16.10.2018

ON

APPROVING THE “MINIMUM REQUIREMENTS FOR THE COMPLIANCE OFFICER, THE PROFESSIONAL QUALITIES AND THE OTHER SELECTION CRITERIA” AND THE PRELIMINARY APPROVAL OF THE NATURAL GAS TSO COMPLIANCE OFFICER

Based on article 16, Law no. 43/2015 “*On Power Sector*”, article 47 of Law no. 102/2015, “*On Natural Gas Sector*”, ERE Board Decision no. 179, dated 08.11.2017 “*On the certification of the Natural Gas Combined Operator*” ALBGAZ company and article 15 of the “*Rules on ERE Organization, Operation and Procedures*”, ERE Board on their meeting dated 16.10.2018, after reviewing the report prepared by the Technical Directories, on approving the “Minimum requirements for the compliance officer, the professional qualities as well as other selection criteria” and the preliminary approval of the natural gas TSO Compliance Officer,

Observed that:

- ERE Board with decision no. 179, of date 08.11.2017, certified the “Combined Operator for Natural Gas” ALBGAZ company.
- “ALBGAZ” company with the official letter ERE Protocol no. 565, dated 03.09.2018, has submitted the request for the preliminary approval of the Compliance Officer candidacy.
- ERE Board with Decision no. 207, dated 27.09.2018 opened the procedure to review the request of “ALBGAZ” company on the preliminary approval of the Compliance Officer for natural gas TSO.
- Following this decision, ERE with the official letter Protocol no. 626, dated 03.10.2018, submitted an official letter to the Ministry of Infrastructure and Energy and the Competition Authority, on copy to “ALBGAZ” company, inviting the abovementioned institutions to express their opinions or comments regarding this decision. Shall be underlined that until today there are no objections or comments from the above mentioned stakeholders.
- Also ERE with its official letter Protocol no.623, dated 02.10.2018, is addressed to “ALBGAZ” company and the Ministry of Infrastructure and Energy informing them regarding ERE Board Decision on opening the procedure and requested to submit at ERE for

approval, “*The minimum requirements for the Compliance Officer, the professional qualities and other selection criteria*”, according to the obligation deriving from the Compliance Program of the Transmission System Operator for natural gas approved with ERE Board Decision no. 77, dated 26.05.2017.

- According to the above mentioned “ALBGAZ” with the official letter, ERE protocol no. 565/3 dated 10.10.2018, submitted for approval “*The minimum requirements for the Compliance Officer, the professional qualities as well as the other selection criteria*”, as follows:

“The minimum criteria for the Compliance Officer, the professional qualities, as well as other selection criteria”

Professional qualifications:

- The natural person shall have a “Scientific Master” degree in Legal/Economic sciences; after a Bachelor degree in Legal/Economic sciences.
- The Natural/Legal Person with an experience of at least 5 years in legal/economy services.

Selection criteria:

- The Person/Company shall have analytical skills on regulatory issues, focusing on the supervision of implementing the legal requests on transparency, procedure’s compliance and the practices in conformity with the respective regulations,
- The Person/Company shall not have a current service contract with any other entity engaged in the natural gas sector, except of the combined operator ALBGAZ company.
- The candidate person shall not perform any other professional duty and shall not be allowed to directly or indirectly perform any other function or participate in business or be a business partner with any part of the vertically integrated undertaking or with its majority shareholders, or with any undertaking engaged in natural gas activity other than transmission of natural gas.

Qualification Criteria:

- The nominated person: Criminal records, court proceeding certification;
 - The nominated person: Unpaid social contributions, not liquidated taxes;
 - Company: Bankruptcy or Liquidation Process
- ERE has the authority to approve the Compliance Program proposed by the natural gas TSO, according to article 47, point 1 of Law no.102/2015 “On Natural Gas Sector”.
 - The natural gas TSO, by its governing bodies has the right to approve the Compliance Officer, after the preliminary approval by ERE, according to article 47, point 2 of Law no. 102/2015 “On Natural Gas Sector”.
 - ERE has the authority to approve the criteria and obligations for the Compliance Officer, according to article 47, point 3 of Law no. 102/2015 “On Natural Gas Sector”.
 - The conditions of the compliance officer contract are in conformity with the legislation in force and ERE decisions, regarding the transmission system operator for natural gas.

- The contract of the compliance officer has listed the conditions that the compliance officer shall fulfill and is signed after ERE approves the Compliance Officer.
- ERE Board Decision is object of review on the request of the stakeholders.

For all of the above mentioned ERE Board,

Decided:

1. To approve “The minimum requirements of the Compliance Officer, the professional qualities as well as the other selection criteria”.
2. To preliminary approve the Compliance Officer for natural gas TSO, Mr. Elvis PONARI.
3. Legal and Customer Protection Directory shall inform ALBGAZ company regarding ERE Board Decision.

This decision enters immediately into force.

This decision is published on the Official Gazette.

This decision may be complained on Tirana Administrative Court, within 45 calendar days from the publication in the Official Gazette.

CHAIRMAN

Petrit AHMETI