

REGULATION ON THE PROCEDURES FOR NOTIFICATION AND PUBLIC CONSULTATION OF THE ACTS APPROVED BY ENERGY REGULATORY AUTHORITY.

Article 1

Object

This regulation defines the rules on the organization of the notification and public consultation process for the acts approved by ERE based on the provisions of law no. 43/2015 “On Power Sector”, as amended, law no. 102/2015 "On Natural Gas Sector ", as amended, as well as law no. 7/2017 “On promoting the use of energy from renewable sources”, Law no. 146/2014 "On public notification and consultation"

Article 2

Definitions

The terms used in this Regulation have their meanings as follows:

1. “Individual administrative act” is every expression of will of ERE in the exercise of their public function, to one or several individually defined subjects of law that creates, alters or terminates an actual legal relationship.
2. “The administrative normative act” shall mean any willingness expressed by ERE, in the exercise of their public function, which regulates the relationship defined by law, establishes common rules of conduct and that does not end with its implementation.
3. “Group of interest” is every non-profit organization which represents the interests of a natural or legal group of people, as well other affected or interested subjects for the draft-acts which are liable to the public consultation.
4. “Public consultation” is the attraction of the opinions and suggestions of the interested parties on the draft-act content and improvement, from the publication time of the draft-act until its final approval.
5. “Public Notification” is the official invitation to participate in the consultation process of the proposed project-act and the initiation of the public consultation procedures.
6. “Public Organ” within the meaning of this Regulation is the Energy Regulatory Authority which is the regulatory authority of the power and natural gas sector, which operates in accordance with law no. 43/2015 on Power Sector, as amended. , law no. 102/2015 "On Natural Gas Sector", as amended, as well as law no. 7/2017 "On promoting the use of energy from renewable sources".
7. “Decision-making process” is a process which includes the project- acts drafting and approval processes from ERE.

8. “Drafting of Secondary Legislation” is the drafting of an act of high public interest, by ERE or the responsible entities based on the provisions of Law no. 43/2015 on Power Sector, as amended or law no. 102/2015 Natural Gas Sector, as amended, law 7/2017, which is approved by ERE.

9. “Electronic register” is the official internet page of ERE, where the project-acts are published

10. “Recommendation” is every suggestion, proposal or opinion of consultative nature for the drafted project-acts, expressed verbally and/or in a written form from the interested parties.

11. “Public Meeting” is every open meeting with the interested parties for the discussion of project-acts, which are subjects to the notification and public consultation processes, with the aim of clarification and informing to the public opinion related to these public project-acts, and providing relevant comments and recommendations for their improvements.

Article 3

Implementation Area

This Regulation applies to the rules and procedures for the notification and public consultation realized by ERE in decision-making processes which are subject to the public consultation process.

Article 4

Limitations

The provisions of this regulation are applied for as long as they do not contradict the provisions of law no. 43/2015 on Power Sector, as amended, law no. 102/2015 "On Natural Gas Sector", as amended, as well as law no.7 / 2017 "On promoting the use of energy from renewable sources", regarding the procedure and terms provided in it.

Article 5

Obligation for the notification and public consultation

1. ERE shall take all necessary measures, in order to create the possibilities for the participation of the public and all interested parties in the notification and public consultation process, including:

- a) publication of the project-act, the explanatory report for the project-act at ERE electronic register;
- b) publication in the transparency programme, pursuant to the Law no, 119/014 “ On the information right”, of the annual plan related to the decision-making process in the meaning of this law;
- c) providing information related to the notification and public consultation process in all

the phases, starting from the project-act publication, acceptance of the comments and recommendations for its improvement, organization of the public debates until the final approval act.

1. ERE, after taking the decision to open the procedure for approval of an act, as well as the publication of the project act on ERE website, shall organize direct consultations and public meetings with the interested parties. Direct consultations and public meetings with the interested parties are documented in the minutes. The minutes of public meetings, organized according to this law, is an official document.

Article 6

The electronic register for the notifications and public consultations

1. Every project-act approved by ERE shall be published in the electronic register for the notification and public consultation in ERE official website.
2. For as long as possible and allowed by the legislation in force, ERE shall take the necessary measures in order to publish the project acts on the official online website <https://www.konsultimipublik.gov.al/> of the Electronic Register for the Notifications and Public Consultations (RENJK).

Article 7

Interested Parties

1. The interested parties in the notification and public consultation process are:
 - a) public organs that are interested in ERE decisions due to the scope of competence;
 - b) Citizens of the Republic of Albania and groups of interest;
 - c) Foreign natural persons with Permanent residence in the Republic of Albania, as well foreign legal persons, registered in the Republic of Albania.

Article 8

The rights of the interested parties

The interested parties in the notification and public consultation process have the right:

- a) To request information for the notification and public consultation process, including access in the project-act.
- b) To submit at ERE within the provided terms, the comments and recommendations for the project-acts that are under the notification and public consultations process.

Article 9

Coordination of the notification and public consultation

ERE appoints a person as a coordinator of the notification and public consultation, who is responsible for the overall coordination and administration of the work to guarantee the right of public notification and consultation provided for by this law as well as obligations for drafting the documents and the report which is published on ERE official website.

Article 10

Notification ways and acceptance of comments and recommendations

1. The notification on the official website of ERE for the project acts that shall be subject to the public consultation procedure is made:
 - a. Notification for the organization of the public hearing session on ERE official website
 - b. via the electronic register
 - c. with the publication in local newspapers or in the two most widely read newspapers nationwide.
 - d. Notifying the interested parties via the electronic post, regarding the project act and the invitation for submitting comments or opinions.

Article 11

The content of the notification related to the decision-making initiative

1. In the notification for the start of the public consultation process shall be determined at least:
 - a) The necessary reasons for the project-act issuing and the impact it shall have;
 - b) Deadline, location and the way how the interested parties submit or send their recommendations;
 - c) Place and date of organizing the public meeting in cases when ERE decides on its organization.

Article 12

The deadline for the submission of comments and recommendations

1. Interested parties are given the reasonable time to submit at ERE their comments and recommendations within 20 working days from the information date of the notification and public consultation proces.

2. For particularly complex or important acts, ERE may extend this deadline up to 40 working days from the date of notification.
3. The abovementioned definitions do not neglect the time limits specified in specific laws on public consultation and information procedures.

Article 13

Extension and repletion of the consultation phase

ERE may extend the deadline for submitting comments or may repeat the stage of receiving comments and recommendations in cases when:

- a) ERE is not satisfied with the quality of the received comments;
- b) In the comments and recommendations given were raised important new issues that were not included in the initial consultation.
- c) during the consultation phase, resulted such proposals and comments in mass and form, that modify the project act to a great extent.

Article 14

Notification for public meetings

Interested parties, invited to attend public meetings, shall be given the necessary time for preparation. In any case, they are informed not less than 20 working days before the public meeting.

Article 15

Participation in the public meeting

1. The consultation in public meeting is open to public.
2. The representative of ERE, that directs the meeting, in accordance with the rules of ERE, shall give the participants the opportunity to express their opinion on the issues that shall be discussed.
3. In every public meeting, minutes shall be recorded and kept, therefore after being clarified it shall be protocolled.
4. Minutes and recordings of public meetings shall be made public upon the submitted request, pursuant to the legislation in force on the right of information on official documents.

Article 16

Review of the comments and recommendations

1. The comments and recommendations received during the public consultation process, shall be collected by the coordinator of the notification and public consultation of ERE, in a structural and transparent way and shall be submitted at the responsible structure of ERE depending on the area of competence defined in the organizational structure of ERE.
2. Review of the comments and recommendations shall be conducted by ERE structure / s that are responsible for the drafting of the project-act, which decide on the approval or the refusal of the recommendations received from the consulted interested parties.
3. The project-acts are accompanied with a report of the accepted recommendations, pursuant to the provisions of this law. If the recommendations of the interested parties are not accepted, then the responsible structure shall submit a report of the reasons for their non acceptance.

Article 17

Reports on transparency in the decision-making process

1. ERE shall draft and publish an annual report on the transparency in the decision-making process, which includes information on:
 - a. Number of acts approved by ERE during the corresponding year;
 - b. The total number of recommendations received from the interested parties;
 - c. Number of the organized public meetings.
2. The annual report on transparency in the decision-making process shall be published in the official website of ERE.