



REPUBLIKA E SHQIPËRISË

**ENERGY REGULATORY AUTHORITY
BOARD
DECISION**

No. 20, of date 26.01.2026

ON

AN AMENDMENT OF ERE BOARD DECISION NO. 179, OF DATE 08.11.2017, “ON THE CERTIFICATION OF THE “COMBINED NATURAL GAS OPERATOR ” ALBGAZ COMPANY”, AS AMENDED

Based on Article 16 of Law no. 43/2015 “*On Power Sector*”, as amended; articles 53, points 2 and 3; and Article 113 of Law no. 44/2015 “*Administrative Procedures Code of the Republic of Albania*”; as well as Article 15 of the “*Regulation for ERE organization, operation and procedures*”, approved with ERE Board Decision no. 96, dated 17.06.2016, ERE Board, on their meeting dated 26.01.2026, after reviewing the report Protocol no. 258, dated 19.01.2026, prepared by Natural Gas Directory and Legal and Settling the Disputes Directory, “*On an amendment on ERE Board Decision no. 179, dated 08.11.2017, “On the certification of “Natural Gas Combined Operator” ALBGAZ company”, as amended*”,

Observed that:

- With Decision no. 179, dated 08.11.2017, ERE Board certified “ALBGAZ” company as “Natural Gas Combined Operator”, by setting on point 5.2 the obligation for cross-institutional collaboration to realize the amendments on Article 11 and Article 46, point 10, of Law no. 102/2015 “On natural Gas Sector”, as well as the transfer of respective competences, for which the company shall submit at ERE the documented evidences for their realization.
- As follows, due to the realization of this condition did not depend on unilateral actions of “ALBGAZ” company, as it was related with interference on primary framework and on cross-institutional decision taking processes, ERE Board with Decisions no. 59, 02.04.2024, and Decision no. 272, dated 10.12.2024 decided to amend point 5.2, of ERE Board Decision no. 179, dated 08.11.2017, as amended, setting the condition to “ALBGAZ” company that within 31.12.2025 to submit at ERE the respective documentation.
- “ALBGAZ” company with the official letter protocol no. 127, dated 19.12.2025, requested an extension of the deadline for fulfilling the certification condition as “Combined Natural Gas Operator” until on 31.12.2026, stating that the final decision from the Ministry has not yet been approved. For this reason, fulfilling the condition within the current deadline is objectively impossible for the company due to reasons beyond its control.
- Based on the above and the information disclosed from the company, it is seen reasonable to take into account the request of the company to extend the deadline for the fulfillment of the condition set on point 5.2 of decision no. 179/2017, as amended, since the realization of this condition relates to cross-institutional processes, which do not depend on direct actions of the company.

- On this circumstances, it is considered that the connection of this obligation with a calendar deadline resulted not effective, due to its realization is conditioned from objective developments in legal and institutional framework of natural gas sector. Consequently, to maintain regulatory coherence and not to turn the condition into an unapplicable formal obligation, it is considered reasonable that its fulfillment relates to the moment of the effectiveness of natural gas market, as a stage when the institutional structure and the division of powers take final form.
- On Article 53, point 2, of Law no. 44/2015 “*Administrative Procedures Code of the Republic of Albania*”, provides that: *Unless when provided otherwise on this Code, if the law or the by-legal acts do not provide a defined deadline to perform a procedural action, the public body performing this procedure shall set a reasonable deadline, according to the concrete issue and in conformity with the principle of lawful exercise of the discretion.*
- Also, Article 53, point 3, of this law provides that: *The procedural deadline set by the law or by-legal acts may be extended only if this is expressly provided for by the law or by-legal acts, while the deadline set by the public body may be extended upon a justified request of the stakeholder, submitted before the expiration of the deadline.*
- Given that the deadline for fulfilling the obligation in question was set by ERE Board Decision, and taking into account that the stakeholder has submitted a justified request before the expiration of the deadline, while the failure to fulfill the obligation is related to objective causes, beyond its will, it is assessed that the further extension of the deadline is justified and in accordance with Article 53, points 2 and 3, of the Administrative Procedures Code.

For all of the above, ERE Board,

Decided:

1. Approval of some amendments on ERE Board Decision no. 179, dated 08.11.2017, as amended as follows:

a) Point 5.2 becomes as follows:

“5.2 Until the natural gas market becomes operational, “ALBGAZ” company shall deposit the transfer of powers to the Ministry of Finance.”

b) After point 5.2. it is added point 5.2.1 as follows:

5.2.1 “ALBGAZ” company must report and document at ERE, within 2026, the steps taken and the status of the procedures for the implementation of the above-mentioned amendments, by submitting the relevant information and supporting documents for the implementation of the amendments in Article 11 and Article 46, point 10, of Law “On the Natural Gas Sector”, as amended.

This decision enters immediately into force.

Each party involved in this procedure may request from ERE, within 7 calendar days from the date of receiving this decision, the review of the Board’s decision if there are provided new evidences that may lead the Board to take a decision different from the previous one or for identified material errors. For this decision, may be filled an appeal on Tirana Administrative Court within 45 calendar days from the date of publication in the Official Gazette.

This decision is published in the Official Gazette.

ERE CHAIRMAN

Petrit AHMETI