



REPUBLIKA E SHQIPËRISË

MINISTRIA E INFRASTRUKTURËS DHE ENERGJISË

Energy Community
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Date: 01. Okt. 2018

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No. 12036 Prot.

Tirana, on 26/10/2018

Subject: On implementation of the Regulation (EU) 347/2013 on guidelines for trans-European energy infrastructure

MR. JANEZ KOPAC

Director

Energy Community Secretariat

Am Hof 4, Level 5/6

1010 Vienna,

AUSTRIA

Dear Mr. Kopac,

With this letter we are referring to the case initiated by the EC Secretariat on 22 June 2018 against Albania, as a Contracting Party of the Energy Community, for the failure of transposing the Regulation (EU) 347/2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009, which was incorporated in the Energy Community *Acquis Communautaire* by Decision 2015/09/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015 and notify accordingly the measures to the EC Secretariat.

According to the Decision 2015/09/MC-EnC of the Ministerial Council, Albania as one of Contracting Parties of the Energy Community, had the obligation to implement/transpose the said Regulation and notify the Energy Community Secretariat by 31 December 2016.

In order to comply with the above-mentioned schedule, Ministry of Infrastructure and Energy initiated the process of implementation/transposition of Regulation (EU) 347/2013, which at the same time would improve the climate for the private investment in the energy sector in Albania and in the region. In this process MIE has had contacts and cooperation with ECS and other Contracting Parties of Energy Community.

In our internal practice, any EU Regulation subject of the EC Treaty is transposed/adopted through a national secondary legislation (Decision of the Council Ministers). For the purpose of implementation of the Regulation (EU) 347/2013, the draft decision of the Council of Ministers "On adoption of practices for promotion of joint regional investment in energy sector infrastructure" was prepared.

Considering that the Regulation (EU) 347/2013 covers a large scope of activities in the energy sector, the preparation of the draft decision required intensive consultations with all main stakeholders of the energy sector, including ERE, OST Sh.A. (TSO for electricity), ALBGAS Sh.A. (TSO for gas), and TAP AG.

After the reflection of the comments and suggestions provided by all energy stakeholders, based on the normal procedures for discussions and approval of a DCM, the draft DCM "On adoption of practices for promotion of joint regional investment in energy sector infrastructure" has been sent to other Ministries for their review and comments.

Considering the complexity of the issues governed by the Regulation (EU) 347/2013, and the fact that the Regulation has to be transposed in a single domestic legislation, the consultation process with energy stakeholders and alignment and coordination with other Ministries with the goal to avoid any inconsistencies with other pieces of primary and secondary legislation took more than we initially predicted causing the failure to meet the deadline established by the Decision 2015/09/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015.

Notwithstanding, we are pleased to inform you that actually all necessary internal procedures have been completed and the draft DCM "On adoption of practices for promotion of joint regional investment in energy sector infrastructure", was sent to the Council of Ministers for final approval.

We do hope that within few weeks the draft DCM "On adoption of practices for promotion of joint regional investment in energy sector infrastructure" transposing the Regulation (EU) 347/2013, will be approved by the Council of Ministers, and we will notify the EC Secretariat accordingly

I'm taking the opportunity to thank EC Secretariat for the continuous support in the process of implementation of the EC Treaty and respective Energy Acquis, which will contribute in completing the legal framework and creating a sound environment for future investment in energy sector in Albania.

Please accept the assurances of my highest consideration,

Yours sincerely

Damian Gjiku

MINISTER

