



24 February 2006

**MINUTES OF THE PUBLIC SESSION REGARDING THE ADOPTION OF THE
RULE ON LICENSING OF ENERGY ACTIVITIES IN KOSOVO AND RULE ON
DISCONNECTION AND RECONNECTION OF CUSTOMERS IN ENERGY SECTOR
IN KOSOVO**

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The subject of this ERO board session, as Mr Nick Frydas said, was to debate and to vote on the adoption of two very important items of the secondary legislation for the energy sector of Kosovo. As Mr. Frydas explained the procedure was first to read the comments received till this date on the Rule on Licensing of Energy Activities in Kosovo, which is issued and adopted by the Board of ERO according to Article 28 and 58.5 of the Law 2004/9 on the Energy Regulator, and the Draft Rule on Disconnection and Reconnection of Customers in Energy Sector in Kosovo. This Rule is issued according to the Article 15 and 58.7 of the Law on Energy Regulator.

He explained the procedure of issuance of this draft rules, starting with the preparation that was done with the help of consultants in ERO (contracted by the donors), than followed by the publication of the draft versions of the Rules on the ERO website, and also after these drafts have been sent to all the important stakeholders with post and email, was organised the Public Hearing which was another possibility for all the public to give comments. The comments that were received on these rules till this time were according to Mr. Frydas incorporated and were presented on this PS.

The Rule on Licensing of Energy Activities in Kosovo and the comments that were received till this date were presented by Merita Kostari who is the Head of Legal and Licensing Department and also the member of ERO Board. She explained that after the Public Hearing that was held on 14 of February this rule have been redrafted and the comments were incorporated in to the Rule. Mss. Kostari once more presented all the comments received on this rule and gives the answers on all the comments.

Comments on the Final Draft Rule on Licensing of Energy Activities in Kosovo received on the Public Session:

Comment by Lutfi Gashi, KEK representative, on the Article 38.1 his opinion was that Regulator does not issue construction permits because Regulator issues Licenses for the operations in the energy sector, he proposed to replace the word “construction” with another word that would be more adequate.

Answer by Merita Kostari: she explained that this is done according to the EU directives and the primary legislation on energy. She explained all the procedure and the documents that an investiture should have before he gets the License. Ms. Kostari also informed the public for the Rule on Authorisation that ERO is issuing, and that this rule explains more in details the procedure for new constructions on energy sector.

Comment by Ali Hamiti on the same topic was that ERO does not issue a construction permit for the new generation capacities in the true meaning of the word. There are other permits that are called consents and are issued by other institutions.

Answer by Nysret Avdiu was that the Law on Regulator chapter 8 defines this word as a permit, and the Regulator issues the general license and this license is issued based on other consents and permits and decisions that are issued by other institutions.

Comment by Ali Hamiti KEK, on the article 2.1 on the Albanian translation he suggested to use the word “perftuar” and not “fituar”

Comment Visar Morina Pillar IV, UNMIK, on the article 5. c his proposal was not to mention the languages but just to say official languages, than in article 6.1 he said that considering that the period of time for an applicant is a very important issue it would be better if we determine a certain number of days.

Answer: by Merita Kostari was that in that last public session it was mentioned that we did not set the period of time on purpose, in general there are 3 months, and we do not want to split for each item.

Comment: By Ali Hamiti on the Albanian translation.

Answer: by Merita Kostari was that ERO has a very small budget and only one translator, who is very overloaded with a lot of documents. But Mr. Hamiti is welcomed to sent his comments on the particular words.

After there were no more comments from the Public Mr. Frydas Chairman of the ERO Board summarised the comments received on this session and concluded that this comments were not of a substantial importance of the rule, he called the members of the board to vote for the adoption of the rule. All the members voted pro and the rule was approved.

Mr. Frydas said that after the adoption of the rule ERO will call the energy enterprises to come and apply for licenses. He said that this is a process that will take at least 3 months.

After the brake the Board was returned on the session to discuss and vote the **Rule on Disconnection and Reconnection of Customers in Energy Sector in Kosovo** this rule was presented by Naim Bejtullahu member of the ERO Board who explained that the rule was issued according to the Primary Legislation on Energy in the Article 58.7. After Mr. **Bejtullahu** read the comments that were received from the time when the rule was published till this date, the public had the opportunity to give it's comments and recommendations.

Comments on the Rule on Disconnection and Reconnection of Costumer of the Energy Sector in Kosovo:

Comment: by **Merita Kostari** was that while on the Rule on Licensing it was not mentioned the natural gas, because there is not any Law on natural gas in Kosovo, why it was mentioned on this rule because in the future when it will be the Law on natural gas this will change.

Answer: by Naim Bejtullahu, was that if there are some criterias that have to be met or fulfilled regarding the natural gas or for electricity it is the same thing as in all Laws, because if this criteria have been not met the provisions are the same, the nature of work in natural gas is more dangerous and this rule might be updated with some more criteria.

Comment: **Lutfi Gashi** from KEK on the article 20, he expressed that this article is still not well explained, because the rule is very wide and does not specify the kind of the illness, and this might cous serious problems for the.

Answer: by Naim Bejtullahu, was that Regulator is not called to specify the kind of sickness, other rules by other institutions might do but it is not the right of the Regulator to do it. And the article is talking about the costumers that have such kind of a disease, that the interruption of electricity might seriously endanger his life, or might cause his death.

Answer: by **Nick Frydas** was that when it is mentioned costumer it was meant every costumer because it is not household costumer but is costumer, so it includes all the costumers. Also **Naim Bejtullahu** added that the Energy Enterprise has a contract with the costumer and in each contract it is mentioned has the dispositions that in case of any damage how it is going to be compensated.

Comment: **Lutfie Gashi** from KEK on the article 37.1 collective disconnection, if it is collective disconnection because of the debts it is OK, but if it is because of the technical problems this is not convenient, for example a damage has happened in the lines and for two days we could not supply with electricity, and in this draft rule it is written that we must publish this in the newspaper to announce the costumers.

Answer: by Mr. **Bejtullahu** was that this article does not have to do with the cases that were mentioned, but these cases are regulated on the Article 10. **Merita Kostari** added that in the rule collective disconnection is mentioned only when it is the issue of non-payment of the debt.

Comment: **Lutfi Gashi KEK** on the terms used on the commercial category, why are the thefts being categorised with all this terms when everybody who works and who has been working in KEK knows that all this actions regarding the misuses of the meter are **thefts**.

Answer: by **Naim Bejtullahu** The categorisation of the unauthorised use, theft or tempering are different categories, a costumer is considered an unauthorised costumer if it does not have a contract with KEK. And theft is defined as a special act because on the general conditions it should be made a request in order for energy enterprise to develop the procedures on case of tempering of the meter, there might be considered a theft but it might be not.

Comment: **Lutfi Gashi KEK**, on the 5th page of the presentation the issue of temporary relief due to the health conditions of the costumer, according to him is not defined well and, because it is easy to get a certificate from the doctor and all the Kosovars will have this kind of certificates.

Answer: **Azem Kastrati** head of Costumer Protection Department said the by EU directives it is protected the right of the costumers who have health problems, while regarding the temperatures in Kosovo during the whole winter maybe there are only 20 days when the temperatures are lower than - 0 degrees. Regarding the collective disconnection the limit is 90% of costumers that do not pay, while the Water Regulator has decided for a limit of 50%.

When all the comments were discussed and it was concluded that the rule should stay as it is the Chairman of the ERO Board Mr. Frydas called the members of the board to vote for the adoption of the rule. All the members voted pro and the rule was approved. In the end as usually the chairman invited the public to make comments in other regulatory issues, but no comment was raised.