

Minutes of the Public Hearing

Place: ERO offices – Meeting Room

Date: 08 November 2005

Time: 14:00 –16:00

Subject: Presentation of the Draft Code of Conduct and Ethic and draft Statute.

Present:

#	Name	Institution	Tel:	E- mail:
1.	Merita Kostari	ERO	044 333 370	merita.kostari@eumik.org
2.	Nick Frydas	ERO	044 408 342	Nick.frydas@eumik.org
3.	Nysret Avdiu	ERO	044 277 681	nysret.avdiu@eumik.org
4.	Theranda Beqiri	ERO	038/2040/148	theranda.beqiri@eumik.org
5.	Drita Haziri	ERO	038/2040/219	Drita.hairi@eumik.org
6.	Rifat Blakaj	ERO	044 135 456	rifat.blakaj@eumik.org
7.	Sherife Avdyli	KEK	038/240245/232	sherife.avdyli@kek-energy.com
8.	Hysnije Rexhaj	ERO	044 257 214	hysnije.rexhaj@eumik.org
9.	Azem Kastrati	ERO	038 2040/221	azem.kastrati@eumik.org
10.	Gani Asllani	MEF	044 505 508	ganasllani@hotmail.com
11.	Neil Buch	WorldBank	044 120 045	nbush@worldbank.org
12.	Kostas Bakoyanis	World Bank		kbakoyanis@worldbank.org
13.	Afrim Ajvazi	ERO	044 220 442	afirm61@yahoo.com
14.	Driton Gojani	ERO		driton.gojani@eumik.org
15.	Adelina Murtezaj	ERO		adelina.murtezaj@eumik.org
16.	Alketa Sala	ERO		alketa.sala@eumik.org
17.				

Nick Frydas, Head of Energy Regulatory Office, made the opening the section informing the participants with the aim of the Public Hearing Section for two items of the secondary legislation, which were prepared by Merita Kostari Head of Legal and Licensing Department and Member of the ERO Board. Mr. Frydas explained that “Code of Conduct and Ethics” is issued according to the Article 11 of the Law on Energy Regulator, which sets forth the Guidelines Regarding the ethical principles and rules of conducts that govern both the board members and the staff of ERO, and the second one which is the Statute of ERO under article 9.3 of Law on Energy Regulator, which determines the

internal structure, organization, procedures for decision making process, procedures for the sections of the board, employment of the staff etc. He explained the procedure of the preparation of the secondary legislation that should be promulgated by ERO.

Mrs. Kostari made the presentation of this two secondary legislation explaining that the aim of this public hearing is to receive the comments and suggestions on this two drafts by the participants.

Both of this drafts are published in the ERO website and also have been distributed to the participants in the beginning of the section in the three official languages, Albanian, English and Serbian.

N. Frydas said that the ERO Legal and Licensing Department have prepared these drafts with the help of international consultants, which are founded by USAID program.

He did not have any particular comment, he considered this drafts as very good peace of legislation, and that this are typical codes that a lot of organizations have. The only comment on Code of Conduct and Ethics raised by him was regarding the confidentiality of the commercial information, and he proposed that this rule has to be adopted by the Board on the same section with the adoption of the two other rules, Manual of Operation and the Rule of Confidentiality.

He raised also the question if there is any provisions for how long should a former staff of ERO maintain the confidentiality of information, if they lose their status as the member of staff of ERO.

Merita Kostari, responded that the confidentiality should be kept forever, and that there is no time limit.

Theranda Beqiri regarding the point 4, page 4of the draft Code of Conduct and Ethics proposed that the sentence, "Before or during the section the Board might decide to close for the public, a part or the whole section of the Board", should determine which sections will be closed and which not.

Gani Asllani (MEF)- Raised the issue of the financing of the Energy Regulatory Office and he also asked if ERO has any cooperation with the Ministry of Energy and Mining?

N. Frydas responded saying that all the information for ERO financing is determined on the Law on Energy Regulatory 2004/9 (that was promulgated on June 2004 from the Kosovo Assembly). And that it is clear that the independence of ERO does not have to do anything with MEM or any other government organisation.

M. Kostari, added that ERO has good relations with MEM and have given its comments on their secondary legislations. But ERO has also good cooperation with all the other organizations.

N. Buch (WB)-raised this questions:

1. If there is any other organisation in Kosovo that has similar Code of Conduct and

Ethics with the one presented by ERO? And if this Code was compared with the codes of other Regulators of Kosovo such as: Civil Aviation Regulator, Water and Waste Regulator etc?

2. if a staff member does not feel free to go to his supervisor and talk for any problem in the office, or to raise any problem that he has, which is going to be the procedure?

M. Kostari responded that ERO has compared its draft with the Regulators of the Region and that other regulators of Kosovo have asked to have the draft Code of ERO as an example for their draft codes.

While regarding the second question Kostari said that they are going to take it in consideration for the Manual of Operation.

1. After the presentation of the Draft Statute the first comment was raised by N. Avdiu Member of the ERO Board, regarding the Article 4 where it has not been well elaborated the use of the stamps and the number of the stamps, and the authorisation of who will be responsible stamping. He pointed out that this may be the issue to be considered in Manual of Operation or other similar document.

2. Also on the Article 8 his opinion was to include another paragraph that would be 8.4, since we have different appointments and all the members of the board are equal all of them should have equal access to the information.

3. Mr. Asllani (MEF)- asked if ERO has a bank account, and if the fees of licenses will remain in the Kosovo Consolidated Budget or in KEK?

M. Kostari responded that, ERO still does not have a bank account, because it still didn't start with the licensing procedure since ERO still did not approve the Rule on Licensing, and when it will be ready to start with this procedure it will be in cooperation with the MEF.

N. Frydas also proposed that article 21 of the Draft Statute might not be needed and can go to the Manual of Operation.

He also mentioned one mistake in numbering

For article 24 he expressed that he thinks that this article might not be needed because it is explained also in the article 13.5 but may become a part of Article 30.