

**REPUBLIC OF ALBANIA**  
**ELECTRICAL ENERGY REGULATIONS SECTOR (ENTI/ERE)**  
**Board of Commissioners**

**DECISION**

**Number 25 Date 12.05.2004**

**THE APPROVAL OF ETHICAL CODE AND OF THE FUNCTIONAL REGULATIONS  
OF ELECTRICAL ENERGY REGULATIONS SECTOR (ENTI)**

Based on the law Nr. 9072 date 22.05.2003 “For Electrical Energy Sector”, and the Law Nr. 9031 date 08.09.2003 “For Ethical Regulations of Public Administration” the Board of Commissioners of Electrical Energy Regulations Sector (ENTI / ERE) – after examining and analyzing the presented draft:

**Decided:**

1. To approve the Ethical Code and Regulations of the functioning of Board of Commissioners of Electrical Energy Regulations Sector (ENTI / ERE).
2. The invalidity of decision Nr. 7, date 06.04.2000 of the Leading Council of Electrical Energy Regulations Sector (ENTI / ERE), for the Approval of the temporary Regulations of the Leading Council of the Electrical Energy Regulations Sector (ENTI / ERE).
3. This decision enters into force immediately.

**ETHICAL CODE AND THE REGULATIONS OF THE FUNCTIONAL BOARD OF  
ELECTRICAL ENERGY REGULATIONS SECTOR (ENTI)**

The Board of Commissioners of the Electrical Energy Regulations Sector (ENTI / ERE), based on law Nr. 9072, date 22.05.2003 “For the Electrical Energy Sector”, and Law Nr. 9031 date 08.09.2003 “For Ethical Rules of Public Administration” approved by decision Nr. 25, date 12.05.2004, this Regulation.

**FIRST PART**

**GENERAL PROVISIONS**

The goal of this Regulation is to specify relationships between members of the Board of Commissioners and the Code of professional behavior that they should execute.

**SECOND PART**

**INTERNAL ORGANIZATION AND THE ACTION OF THE BOARD OF  
COMMISSIONERS**

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**Board of Commissioners**

**Article 1**

**General**

1. Based on the Law Nr. 9072, date 22.05.2003 “For the Electrical Energy Sector”, Electrical Energy Regulations Sector (ENTI / ERE) is composed by the Board of Commissioners and the Technical Personnel.
2. Five members compose the Board of Commissioners. Together with the Chief of the Board of Commissioners, they are selected according to the basis of Law Nr. 9072, date 22.05.2003 “For the Electrical Energy Sector”. The position of the member of the Board of Commissioners is full time, and as following it does not agree with another parallel, political or selective function. Especially, every member after being chosen in the Board of Commissioners, should give up from any other job or duty that he/she has in the Parliament, Government or governmental administration.
3. The member of the Board of Commissioners of the Electrical Energy Regulations Sector (ENTI / ERE), exercises his actions implementing appropriately the requirements of the national Albanian Legislation, on the bases of which acts and functions the Electrical Energy Regulations Sector (ENTI / ERE). The members of the Board exercise their functions in their offices, which are situated on the institutions, as well as everywhere required by the requirements of the Electrical Energy Regulations Sector (ENTI / ERE), when the Board decides for a simple thing.
4. The Board of Commissioners compiles an annual calendar of actions, according to the legislations’ obligations specified on Law Nr. 9072 date 22.05.2003.
5. every member of the Board, including also the chief, has the responsibility to implement the requirements of the internal regulations on the behalf of the institution. At least once in a week, the members of the Board are gathered altogether and exchange information with one another related to the work and actions of the Electrical Energy Regulations Sector (ENTI / ERE). Verbal notes document these meetings.
6. Releasing somebody from the duty of the member of the Board of the Electrical Energy Regulations Sector (ENTI / ERE) is done according to the cases specified on Law Nr. 9072 date 22.05.2003.

**Article 2**

**Authority Hierarchy**

1. The Chief of the Board of Commissioners is the executive administrator of the Electrical Energy Regulations Sector (ENTI / ERE) and responsible for the administration of the Electrical Energy Regulations Sector (ENTI / ERE). Hi calls and leads the meetings of the Board of Commissioners, as well as he is also responsible for the publication of the Decisions of the Board of Commissioners.

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2. The Chief of the Board requires from the persons or the respective structures of Electrical Energy Regulations Sector (ENTI / ERE), as well as from the operators of the electrical energy sector, the execution of the decisions taken from the Board of Commissioners and informs the Board when problems are created.
3. For all the cases when institutions or different organizations inside and outside the country are directed to the Electrical Energy Regulations Sector (ENTI / ERE), with requirements taking place in activities, commitments for exchange of information, publication of materials or different documentations, to express a certain attitude with the decision taking, to give opinions or to execute duties from the part of the Electrical Energy Regulations Sector (ENTI / ERE), which are not contrary to the Albanian Legislations, and the Chief presents these to all the Members of the Board. When it is necessary from the examination of these documentations comes out the necessity to appoint duties for the members of the Board or the technical personnel of the Electrical Energy Regulations Sector (ENTI / ERE), this is realized through the decision of the Board.
4. With the aim that the Electrical Energy Regulations Sector (ENTI / ERE) can realize better on its activities according to the requirements of the National Albanian Legislation of the policies of the Albanian Government expressed on Law nr. 9072 date 22.05.2003 “For the Electrical Energy Sector”, as well as fulfilling all the duties coming out from its membership in the Regulatory Organizations and Association, or as participants in the technical and financial aid program of the foreign organizations, the Board decides when it is necessary, duties for the members of the Board, after being consulted with them. Every Member of the Board has the duty to report for the enforcement of these duties.
5. The distribution of the duties for the members of the Board of Commissioners, should function in the service of collegial enforcement spirit, to favor a rotation of the missions and to secure that the decisions of the Electrical Energy Regulations Sector (ENTI / ERE) will be taken effectively from the Board of Commissioners. If it is necessary, the members that contradict/object can declare a contrary opinion.
6. When the Chairman is not present, he appoints one of the members of the Board of Commissioners to exercise his rights and his duties.

### **Article 3**

#### **Collegial Administration**

1. Related to the administration, organization and functioning of the Electrical Energy Regulations Sector (ENTI / ERE) , the selection of the technical personnel and counselors, the Board of Commissioners and the Chairman of the Board, acting in complete conformity with the definitions done on Article 7 and 11 of the Law Nr. 9072 date 22.05.2003 “For the Electrical Energy Sector”.
2. Every member of the Board of Commissioners should offer to his colleagues the necessary support, respecting everybody’s qualifications. The member of the Board of

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Commissioners should be coherent with the decisions of the Electrical Energy Regulations Sector (ENTI / ERE) with the aim to treat equally all the operators and participants.

## **Article 4**

### **Calling the Meetings**

1. The Chairman must call regularly in the meetings, not less than once in a month, the members of the Board of Commissioners, announcing them one week before the execution of meeting, together with the draft-agenda. The Chairman can call an extraordinary meeting in any time, announcing the members of the Board of Commissioners one day in advance.
2. The Chairman can call with the goal to be counseled, the Director of a Department or an expert of the Electrical Energy Regulations Sector (ENTI / ERE) in the meetings of the Board of Commissioners, for the moment that his presence is required for decision making, announcement or recommendation.

## **Article 5**

### **Quorum**

For the meetings of the Board of Commissioners the necessary quorum is made of three members, including here even the Chairman of the Board of Commissioners, excluding the cases when he requires from somebody else to be replaced in accordance with the conditions defined in the Law.

## **Article 6**

### **The Right to Information**

Every member of the Board of Commissioners will have in his/her disposal form the part of the technical personnel, all the documentations he/she thinks is needed and necessary, related to the topics that will be discussed in the draft-agenda of the meeting.

## **Article 7**

### **Procedures of the Decision-Making**

The decisions of the Board of Commissioners are taken with a very simple majority of votes. The chairmen as well as every other member of the Board of the Commissioners have the right of a vote. In case we have equal number of votes, the vote of the chairman is decisive.

## **Article 8**

### **Ways of Developing the Meetings and Keeping Reports**

The decision – making meetings of the Board of Commissioners are open for the public, except special occasions, where the Board decides differently for internal problems of the Electrical Energy Regulations Sector (ENTI / ERE). The listening séances of the Board of Commissioners are open. The reports kept during the meetings of the Board of Commissioners are kept from the secretary. Every member of the Board of Commissioners will sign in the report of the meeting.

## **Article 9**

### **Methods to Distribute Information**

The decisions of the Board of Commissioners, announcements and recommendations will be public through the written and electronic media, through the website of the Electrical Energy Regulations Sector (ENTI / ERE) and publications on the Bulletin of the Electrical Energy Regulations Sector (ENTI / ERE). These publications are approved by the Chairman or in his absence, from one of the members of the Board that he has appointed, to exercise his right and duties.

## **Article 10**

### **Training and Enforcement of Professional Capacities**

In accordance with the budget and the load of work, the Chairman of the Board of commissioners will authorize a member of the Board, to follow the séances of the professional training.

## **Article 11**

### **The Technology of Information**

The Board will approve different policies related to the informing technology, including here as following:

- a. A policy for the management of technology and the system of information.
- b. A policy for the activity in infrastructure and the technology of information.
- c. A policy for the users support.
- d. A policy for the Internet usage and electronic post.
- e. A policy for the documentations in the website of the Electrical Energy Regulations Sector (ENTI / ERE) in order to be open for the public.

## **Article 12**

### **Administrative Services and Financial Actions**

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The Department of Administration and Finance is responsible in front of the Board for the application of administrative and financial actions and procedures in the Electrical Energy Regulations Sector (ENTI / ERE).

The Director of the Department of Administration and Finance, in the first month of every starting year, must prepare and present for approval from the board of commissioners, different policies which are related with the financial actions of the Electrical Energy Regulations Sector (ENTI / ERE), including as following:

- a. A budget plan,
- b. A financial plan,
- c. A managing policy of information,
- d. A managing plan of entering-outgoings of the cash box.

### **Article 13**

#### **Bank Procedures, Borrowing Competences and Short-Term Investments**

Based on the legislation in power here in Albania, the Board will specify the circumstances and policies for the services that they will allow him:

- a. To deposit money,
- b. To make short-term investments,
- c. To take credits,
- d. To have safe valuable papers.

### **THIRD PART**

#### **PROFESSIONAL ETHICAL CODE FOR THE MEMBERS OF THE BOARD OF COMMISSIONERS**

### **Article 14**

#### **The Realization of the Legal Objectives**

1. The members of the Board of Commissioners during the respective time should behave with devotion, dignity and should be reserved, as well as should keep distances from any declaration or activity made, which is not conform to their functions.
2. In the execution of their duties, the members of the Board of Commissioners must implement the objectives of Law Nr. 9072, date 22.05.2003 "For the Electrical Energy Sector" and Law Nr. 9031 date 08.09.2003 "For the Ethical Rules of the Public Administration". The members of the Board of Commissioners in their work, should be lead form the principle expressed in this law, to keep equilibrium between the interests of

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consumers, government, investors and other participants in the sector of electrical energy, for the protection of consumers and the equal treatment of operators.

## **Article 15**

### **Impartiality**

In every case, the members of the Board of Commissioners should keep impartiality. They must act and lead by objectivity, as well as staying far away from expressions in public, things that can be doubtful to their objectivities and impartiality or the one of the Electrical Energy Regulations Sector (ENTI / ERE).

## **Article 16**

### **Independence**

The members of the Board of Commissioners, in every moment must protect the independence of their functions from the external interventions. They should avoid their position on vulnerable situations.

## **Article 17**

### **Political Impartiality**

The members of the Board of Commissioners must avoid their personal political opinions, in order to fulfill by objectivity all their duties.

The members of the Board of Commissioners should be reserved in making public their personal political opinions, they should not be accompanied with no organization where will be required to keep political statements for defined legal issues.

## **Article 18**

### **Interests' Conflicts**

1. The members of the Board of Commissioners must avoid their position in situations of interests' conflicts. They should organize their personal duties, in a way not to hinder the execution of the duties, and should not use competences that derive from their functions, in order to create advantages or privileges.
2. The members of the Board of Commissioners should not have direct or indirect interests with any licensed person, or any other organization, where these interests can be in conflict with the personal interests and their duties. More exactly, no member of the Board of Commissioners should be:

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- a) Owner, joint-owner, stockholder, staff member or contractor of any licensed operator.
- b) Owner, joint-owner in shares, supervisor of the shares' funds of a licensed operator.
- c) Member of the Board, or Supervising Council, or member of any other leading government.
- d) Director, president or manager of any licensed operator and should not have material interest, or in other financial means in any other organization, which operates in the electrical energy sector.

## **Article 19**

### **Interests Declarations**

The members of the Board of Commissioners should declare in a written form to the Chairman of the Board of Commissioners, all the interests that they consider doubtful, and may lead them in interests' conflicts.

## **Article 20**

### **Rejection**

The members of the Board of Commissioners should not express their opinions in a situation that they may be doubtful on their capacities of impartial decision-making that they may face at any time. When they are in front of a similar situation, which they consider problematic, they should notice in every case the Chairman of the Board of Commissioners.

## **Article 21**

### **Confidentiality**

- 1 When the member of the Board of Commissioners takes the mandate, he should swear for confidentiality. He should not interfere or to be positioned publicly for an issue that has been or has not in his competences. They will express their own opinions only keeping the reports kept during the meetings of the Board of Commissioners.
- 2 Always the members of the Board should respect the confidentiality of every document or information on which are aware during the implementation of their duties and should not use these for personal objectives.

## **Article 22**

### **The Obligation of Acting Adequately**

When we review a requirement, the Members of the Board of Commissioners should be secured that all the operators and other participants, is given the possibility to express openly their pretences, when they are right and acceptable.

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In the listening séances, the members should keep order being unshaken, but polite implicating mutual respect between all the present persons.

**Article 25**

**Abilities**

The members of the Board of Commissioners should be coherent in their professional knowledge and their competences in order to secure always quality in their work.

**Article 26**

**Final Provision**

This regulation enters immediately into force.