



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**

**ZYRA E RREGULLATORIT PËR ENERGJI**  
**REGULATORNI URED ZA ENERGIJU**  
**ENERGY REGULATORY OFFICE**



ERO/Rule No. 09/2017

## **RULE ON DISCONNECTION AND RECONNECTION OF CUSTOMERS IN ENERGY SECTOR**

**Pristina, March 2017**



The Board of Energy Regulatory Office, pursuant to authority given under Article 9, paragraph 1.7 and Article 26 of Law on Energy Regulator **no. 05/L-084**, in a session held on 30.03.2017 adopted the:

## **RULE ON DISCONNECTION AND RECONNECTION OF CUSTOMERS IN ENERGY SECTOR**

### **CHAPTER I GENERAL PROVISIONS**

#### Article 1 **Purpose**

This Rule defines the terms, conditions and procedures regarding the disconnection and reconnection of customers in the energy sector. The Rule sets the criteria by which the energy enterprise can disconnect and reconnect consumers and it also sets standards, principles and procedures applicable in relation to disconnection and reconnection to the network.

#### Article 2 **Scope**

1. Energy activities which are subject to review by this rule include electricity, thermal energy and natural gas.
2. This Rule establishes general principles, in order to:
  - 1.1. ensure the transparent and non-discriminatory performance of disconnection and reconnection by the licensee;
  - 1.2. protect customers through promoting transparent and open access to information regarding disconnection and reconnection to the network; and
  - 1.3. ensure the equal and non-discriminatory treatment of all customers in Kosovo, by respecting their rights and obligations regarding disconnection and reconnection.

#### Article 3 **Definitions**

1. The terms used in this Rule shall have the following meaning:
  - 1.1. **“Household Customer”** – a customer purchasing energy for his own household consumption, excluding commercial or professional activities. For facilities which serve for religious purposes, household customers tariffs are applied.
  - 1.2. **“Non-household Customer”** - any natural or legal person purchasing energy which is not for their own household use, and shall include producers and wholesale purchasers.
  - 1.3. **“Final Customer”**- a customer purchasing electricity for their own use;



- 1.4. **“Customer in need”**- household customer who is qualified for protection or assistance, in accordance with criteria stipulated by the relevant Ministry for social welfare, stipulated in Law on Electricity and Law on Natural Gas;
  - 1.5. **“Warning notice”** - the notification, containing provisions in accordance with Article 15 of this Rule that an energy enterprise (Supplier) provides to the customer, prior to the issuance of a disconnection notice, granting him a reasonable time to correct or dispute the reasons for the disconnection.
  - 1.6. **“Disconnection Notice”** - the written notification containing provisions in accordance with Article 16 of this Rule, that an energy enterprise gives to the customer prior to disconnection.
  - 1.7. **“Disconnection”** - the discontinuation of a physical link between the premises of a customer and a transmission or distribution network where that discontinuation is executed by Transmission or Distribution System Operator on request of Supplier or for safety reasons or for the protection of assets.
  - 1.8. **“Energy”** - any form of produced energy (electricity, thermal energy or natural gas) intended for supply or sale;
  - 1.9. **“Energy enterprise”** – a legal or judicial body organized as a joint stock company which carries out many licensed activities of electricity production, transmission, distribution, trading and organized market and is responsible for commercial, technical and maintenance duties related to abovementioned activities, but not including final customers.
  - 1.10. **“Network”** – infrastructure necessary for the transmission (distribution) of energy;
  - 1.11. **“Payment Agreement”**- an agreement between a customer and Supplier for the payment of debt.
  - 1.12. **“Supplier”** means any energy enterprise licensed to perform supply activities.
  - 1.13. **Energy Regulatory Office- ERO (hereinafter the Regulator)**- is an independent agency in energy sector, established by Law on Energy Regulator.
2. Other terms used in this Rule shall have the meaning as terms used in Law on Energy Regulator , Law on Energy, Law on Electricity, Law on Thermal Energy and other applicable laws and regulations in force in Kosovo.

## **CHAPTER II GENERAL PRINCIPLES**

### Article 4

#### **General principles of Disconnection and Reconnection**

1. Each energy enterprise shall develop specific policies for disconnection, that treat customers in a transparent and non-discriminatory manner, in accordance with the respective law. Such policies shall be submitted to the Regulator for review and approval. In this Rule, the Distribution System Operator, in accordance with special procedures set by the Regulator, performs disconnections



and reconnections, investigations of connections and activities regarding the unauthorized consumption.. All the other activities which are subject of this Rule shall be performed by the Supplier.

2. Disconnection is an option allowed to an energy enterprise; it is not a requirement placed on the energy enterprise by the Regulator. The energy enterprise may choose to impose less restrictive measures upon customers than those set forth in this Rule.
3. The energy enterprise shall endeavour to undertake all necessary steps, including disconnection notice or other actions which eliminate the reasons for disconnection and prevent the disconnection. In case of non-payment of debt, disconnection shall be used as a last resort where other measures set forth in this Rule and in the Rule on General Conditions of Energy Supply have failed to produce the desired effect.
4. With respect to disconnection notice, the Rule sets forth the minimum requirements that an energy enterprise shall fulfill. The energy enterprise may, at its discretion, provide additional notice to extend the period of time for disconnection.
5. This Rule also sets forth the general criteria by which an energy enterprise reconnects customers subject to disconnection. These criteria prescribe the way customers are connected and reconnected by the energy enterprise once the reasons for their disconnection have been cleared out, according to deadlines set forth in Article 25 of this Rule.
6. The energy enterprises are entitled to charge fees to the customers, for the activity of their disconnection or reconnection, in accordance with Appendix 1: Schedule of Service Charges, which is approved by the Regulator.
7. The energy enterprise shall nominate and certify its employees that may be vested with authority to connect, disconnect or reconnect customers.

### **CHAPTER III COMMERCIAL DISCONNECTION**

#### Article 5

##### **Disconnection for non-payment of energy**

1. The energy enterprise may disconnect a customer, who fails to meet payment deadlines set in the Rule on General Conditions of Energy Supply, Article 14, paragraph 1 and Article 15, paragraph 1 of this Rule, or in the Supply Agreement.
2. In the event the customer presents clear evidence for the payment of bills or instalment to the energy enterprise in accordance with the payment agreement, and suspected non-payment was the reason for the issuance of disconnection notice, then the energy enterprise shall not disconnect such customer.

#### Article 6

##### **Disconnection for other commercial reasons**

1. An energy enterprise may disconnect a customer if such customer:



- 1.1. has failed to pay a guarantee deposit when required by the energy enterprise, pursuant to requirements set forth in Rule on General Conditions of Energy Supply;
  - 1.2. is mandated by court order.
2. An energy enterprise is entitled to disconnect final customers who:
- 2.1 have not signed a contract with a supplier within fifteen (15) days of receipt by that customer of a draft contract for signature;
  - 2.2 are receiving electricity without authorization in breach of any relevant provisions of Law on Electricity and Penal Code of the Republic of Kosovo.

#### Article 7

#### **Customers in Need**

1. The Supplier with public service obligations to supply final customers that enjoy the right of universal service shall establish mechanisms necessary to support customers in need, upon consultation with the Regulator, in order to avoid disconnection due to non-payment of electricity bills.
2. The relevant Ministry of Social Welfare, in cooperation with the relevant ministry of energy, Ministry of Finances and in consultation with the Regulator and other market participants, shall develop a detailed program for determination of the status of customers in need, the scope of their rights as well as measures which aim to protect the customers in need and cover their electricity demand.

### **CHAPTER IV NON-COMMERCIAL DISCONNECTION**

#### Article 8

#### **Disconnection for health and safety reasons**

1. An energy enterprise is entitled to immediately disconnect any customer or group of customers if such disconnection is necessary to remove an immediate risk to the public safety and health.
2. Such disconnection may be used in the event of any force majeure or any material accident of installations for the generation, transmission or distribution of energy or other possible risks.
3. Upon identifying a health or safety risk, the energy enterprise shall endeavour to notify all affected customers before making the disconnection. In the event that the risk or danger is such that notice is not practicable, the energy enterprise shall inform affected customers as soon as possible upon disconnection and explain the reasons and expected duration of the disconnection.
4. The energy enterprise shall, immediately upon addressing or removing the health or safety risks warranting disconnection, reconnect the customer at no cost.

#### Article 9

#### **Disconnection for distress or damage to the network or equipment**



1. The system operators may disconnect the premises of any customer or group of customers for causing distress or damage to the energy plants, energy network or energy equipment or meters, in accordance with the relevant codes, issued by the energy enterprise and approved by the Regulator.
2. The system operators shall endeavour to inform all affected customers and shall provide the reasons for disconnection under Article 9, paragraph 1 of this Rule. Such information shall be provided in writing prior to the disconnection, and where not feasible, such information shall be provided in writing immediately after the disconnection.
3. Such written information shall contain the period of expected disconnection. Such period shall be reasonable and based on the circumstances of the case. If the cause of disconnection is not removed within the period stated in such information, the period may be extended until the completion of the repair. In the event that the period of disconnection must be extended for technical reasons, the customer shall be informed in writing as soon as possible.

#### Article 10

##### **Disconnection due to abandonment**

In the event that the energy enterprise identifies a connection no longer in use due to lack of human habitation or significant structural damage that precludes safe habitation, it shall post the disconnection notice at the physical location of the concerned connection and perform the disconnection.

#### Article 11

##### **Disconnection upon request of the customer**

1. A customer is entitled to request the energy enterprise to disconnect his or her connection to the energy network temporarily or permanently.
2. In the event that the customer has paid all his obligations to the energy enterprise and the disconnection is permanent, the the disconnection charge shall not be applied, whereas charges shall be applied for temporary disconnections.
3. In the event that a customer requesting temporary or permanent disconnection has not paid fully his obligations towards the energy enterprise, then the dispositions regarding the disconnection and reconnection charges and fines shall be applied, as stipulated in Attachment 1 of this Rule.

#### Article 12

##### **Disconnection for other Non-Commercial Reasons**

1. An energy enterprise may disconnect a household or non-household customer when such customer has refused to grant an authorized representative of the energy enterprise access to property or premises for the purpose of: inspecting and reading of metering point, controlling the operation of equipment and any suspected unauthorized consumption of energy.
2. An energy enterprise may disconnect a commercial or industrial customer when such customer has refused to grant an authorized representative of the energy enterprise access to property or premises for the purpose of: inspecting and reading of metering point, controlling the operation of equipment and any suspected unauthorized consumption of energy.



3. According to Article 39, paragraph 1, subparagraph 1.3 of Law on Electricity, in the event the final customer supplied from the supplier of last resort fails to enter into agreement with the new supplier, within the term determined in Article 39, paragraph 6 of the abovementioned Law, the system operator shall terminate the supply of electricity.

## **CHAPTER V DISCONNECTION PROCEDURE**

### Article 13

#### **Disconnection Warning Notice**

1. In cases listed in Article 5, prior to the disconnection of a customer, a warning notice shall be issued to the customer along with the bill for outstanding debt. The period of time shall not be less than fifteen (15) calendar days from the last date of payment deadline.
2. The disconnection warning notice shall include a notification on measures that will be undertaken against the customer including disconnection if the customer does not perform actions specified in such warning notice within a defined period of time..
3. The warning notice shall also include the right of a customer to dispute the intended disconnection and the deadline for such dispute. The deadline for submitting disputes is set forth in Article 17 of this Rule and shall be counted from the day when the customer is deemed to have received the notice.

### Article 14

#### **Disconnection Notice**

1. Following the expiry of the deadline set in the warning notice, in accordance with Article 15, paragraph 1 of this Rule, and taking into account the time limit for dispute resolution, stipulated in Article 17 of this Rule, the energy enterprise is obliged to provide to the customer a disconnection notice separately or along with the bill, prior to disconnection on the grounds of:
  - 1.1. non-payment of an energy bill or instalment, as set forth in Article 5;
  - 1.2. failure to pay a guarantee deposit required by energy enterprise, in accordance with Rule on General Conditions of Energy Supply;
2. A disconnection notice is not required in the following circumstances:
  - 2.1. when health and safety of people is jeopardized, as stipulated in Article 8 of this Rule;
  - 2.2. when the disconnection is conducted upon the request of the customer.
  - 2.3. in the event of disconnection due to unauthorized consumption of energy;
3. In the events presented in Article 12, paragraph 1 of this Rule, prior to disconnection, the energy enterprise shall submit to the customer a notice for disconnection, whereas for cases presented in Article 12, paragraph 2, no prior disconnection notice shall be issued.



4. Regarding the disconnections related to paragraph 2 of this Article, the justification in writing must be placed in the customer files.
5. After the deadline of the warning notice, the energy enterprise shall deliver to the customer a disconnection notice in writing at least three (3) calendar days prior to the disconnection date stated in the disconnection notice.

#### Article 15

##### **Content of the Disconnection Notice**

1. A disconnection notice, which is delivered separately from the bill, shall include the following data:
  - 1.1. the name of the customer, code of the customer and the number of the metering point;
  - 1.2. the reason and legal basis for disconnection;
  - 1.3. the address and contact information of the office where the customer may obtain more information and/or demonstrate that the required measures( if any) have been taken;
  - 1.4. an explanation of actions that the customer must undertake to prevent the disconnection;
  - 1.5. the conditions and procedures that the customer shall fulfill to request the reconnection;
  - 1.6. information on the right of the customer to file a complaint against the energy enterprise to avoid or contest termination, in accordance with Rule on Resolution of Complaints and disputes in Energy Sector.
2. The disconnection notice which is delivered along with the electricity bill, except the data on the bill shall contain the following data: debt of unpaid electricity and date of disconnection.

#### Article 16

##### **The manner of delivering and receiving the notice**

1. The energy enterprise which delivers a disconnection notice separately, shall:
  - 1.1 send such a notice personally to the customer and shall require that the customer signs the receipt of the notice in the register of received deliveries.
  - 1.2 if the customer is not found in the facility, the energy enterprise shall deliver the disconnection notice at the customer's address.
  - 1.3 the eventual refusal by the customer's side on signing the register shall be evidenced in the register.

#### Article 17

##### **Dispute and Investigation Prior to the Disconnection**

1. An energy enterprise shall not disconnect a customer who disputes in written form the reasons for disconnection, until the energy enterprise does not review and issues a decision on that dispute. If the customer submits a complaint against that decision to other responsible





authorities, he will not be disconnected until this responsible authority does not review and issue a decision on that complaint.

2. Depending upon the circumstances, the customer may be asked to explain the reasons for the complaint filed and provide any required additional documents.
3. If a bill is the subject of a complaint/dispute, an energy enterprise shall not disconnect the customer on the basis of non-payment of the full amount of such bill unless and until the energy enterprise and/or the Regulator has reviewed and made a decision with respect to the accuracy of the bill. Until such review and decision is made, the customer shall be required to pay the part of bill that is uncontested. Part of the uncontested bill will be paid based on the average of bills on three (3) previous months.

#### Article 18

##### **Temporary relief due to conditions of the customer**

1. The energy enterprise shall postpone the disconnection of service no more than thirty (30) calendar days, if, prior to the disconnection date specified on the disconnection notice, the customer provides to the energy enterprise a medical statement from a licensed physician or public health official certifying that disconnection would be a serious and immediate threat to the health or safety of a designated person or to members of his/her family in the household of the customer.

#### Article 19

##### **Disconnection of heating during extreme weather conditions**

1. If the disconnection of thermal energy supply puts at risk the life or health of any customer due to low temperatures, the thermal energy enterprise shall not execute disconnection actions, during extreme cold weather in winter when:
  - 1.1. the previous day's highest temperature did not exceed  $-3\text{ }^{\circ}\text{C}$ , and/or
  - 1.2. meteorological reports predict that the weather will remain at or below  $-3\text{ }^{\circ}\text{C}$  for the next 24 hours,

#### Article 20

##### **Execution of Disconnection**

1. The disconnection of customers for non-payment of bills of energy consumption shall be executed by authorized employees of the energy enterprise during working days, excluding weekends, but cannot occur the day before or on the day of an official holiday.
2. Disconnections for unauthorized consumption of energy may be executed at any time by authorized employees of the energy enterprise.
3. Immediately upon effecting a disconnection, the employee of the energy enterprise shall submit to the customer the disconnection minutes, along with the consulting information on further steps to be undertaken by the customer regarding the reconnection or initiating a complaint.



4. In the event that the energy enterprise is physically precluded from gaining access to premises where a disconnection is to take place, the energy enterprise may request the help of law enforcement authorities to execute the disconnection.

#### Article 21

#### **Disconnection from Transmission System Operator**

If the supplier shall issue an order for the disconnection due to non-payment or unauthorized use by the customer connected to the transmission network, then the Transmission System Operator is obliged to initiate a procedure in order to disconnect such customer, pursuant to this Rule and the respective transmission grid code.

#### Article 22

#### **Language of Notices and other Written Communication**

All disconnection and warning notices and other written communication with customers concerning service by the energy enterprise shall be written in the native language of the customer in a clear, concise, and easily understandable manner.

### **CHAPTER VI RECONNECTION**

#### Article 23

#### **Time limits and conditions for reconnection**

1. An energy enterprise shall reconnect the premises of a disconnected customer no later than 24 hours after the conditions for reconnection are fulfilled. If the disconnected customer has submitted a complaint in writing to the energy enterprise, disputing the reasons for disconnection, then the energy enterprise shall reconnect the customer within the shortest term possible and no later than 24 hours after the disconnection was effected.
2. If the disconnected customer has contradicted the decision of the energy enterprise, by disputing the reasons for disconnection to other relevant authorities, then the energy enterprise shall, within the shortest term possible and no later than 24 hours from the time of disconnection or contradiction, whichever occurred last, reconnect the customer, until a decision by the relevant authority is taken on this issue.
3. Any unregistered customer or any customer who has been disconnected from the network because of being connected to the network without the consent of the system operator or energy supplier shall be reconnected to the network only after the fulfilment of the following conditions:
  - 3.1 applies for connection in accordance with provisions of Rule on General Conditions of Energy Supply,
  - 3.2 signs the agreement for connection in accordance with provisions of Rule on General Conditions of Energy Supply;
  - 3.3 pays for the amount of energy consumed in unauthorized manner, and the payment shall be handled in accordance with provisions of Rule on General Conditions of Energy Supply.



3.4 signs a supply contract with the supplier.

5. Any unregistered customer will not be able to submit an appeal to the energy enterprise, without fulfilling the conditions of paragraph 3 of this Article.

#### Article 24

##### **Refusal of Reconnection**

1. The energy enterprise may refuse to reconnect the customer, in case of non-fulfilment of criteria stipulated in Article 23, paragraph 3.
2. A refusal for supply must be justified in writing with information about the legal and administrative measures available to the customer to dispute such a decision.

## **CHAPTER VII MONITORING AND PENALTIES**

#### Article 25

##### **Reporting, monitoring and enforcement of the Rule**

1. The energy enterprise will report to the Regulator regarding the implementation of obligations arising from this Rule on annual basis, and at the request of the Regulator.
2. The Regulator shall monitor the energy enterprise regarding the disconnection procedures established by this Rule and, in case of non-compliance with these procedures by the enterprise, the Regulator may undertake legal measures against an energy enterprise.
3. An energy enterprise shall maintain records of all disconnections and reconnections and shall preserve such records for at least five (5) years.

#### Article 26

##### **Administrative Measures and Fines**

1. ERO may impose fines for violation of any of the provisions of this Rule, in accordance with Article 57 of Law on Energy Regulator and Rule on Administrative Measures and Fines.
2. The amount of fines shall be calculated based on Rule on Administrative Measures and Fines.

#### Article 27

##### **Review of Disputes**

1. Rule on Resolution of Complaints and Disputes in Energy Sector sets forth the procedures by which a customer or an energy enterprise may submit a dispute/complaint concerning disconnection or reconnection at the Regulator.

## **CHAPTER VIII**



## TRANSITIONAL AND FINAL PROVISIONS

### Article 28 **Amendment**

1. The Regulator is entitled to change or modify any provisions of this Rule.
2. The procedures for amendment or modification of this Rule, shall be the same as for its approval.

### Article 29 **Interpretation**

If there is uncertainty about the provisions of this Rule, the Board shall issue explanatory information.

### Article 30 **Repeal**

Upon entry into force of this Rule, The Rule on Disconnection and Reconnection of Customers in Energy Sector (August 2011), issued in accordance with Law on Energy Regulator, No. 03/L-185, shall be repealed.

### Article 31 **Entry into force**

This Rule enters into force on the date of approval by the Board of the Regulator and shall be published on the official website of the Regulator.

### **The Board of Energy Regulatory Office**

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Krenar Bujupi, Acting Chairman

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Arsim Janova, Member

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Besim Sejfijaj, Member



### Appendix 1: Schedule of Service Charges for Disconnection and Reconnection

Service charges to be paid to the energy enterprise	
1. Disconnection for Household Customers	15.00 €
2. Reconnection for Household Customers	15.00€
3. Disconnection for Non-household customers (commercial customers).	30.00 €
4. Reconnection for Non-household customers (commercial customers)	30.00€