



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

# **CODE OF CONDUCT AND ETHICS**

Pristine, June 17 2011



Pursuant to the authority given under Article 8 paragraph 1, subparagraph 1.6, Article 10 and Article 25 of the Law on Energy Regulator No. 03/L-185, the Board of the Energy Regulatory Office on a public session held on 17.06. 2011 adopted the following:

## **CODE OF CONDUCT AND ETHICS**

### **Chapter I GENERAL PRINCIPLES**

#### Article 1

##### **Purpose**

The purpose of this Code is to set forth the guiding ethical principles and rules of conduct that govern Members of the Board and other ERO staff members.

#### Article 2

##### **Scope**

1. The Code of Conduct and Ethics sets forth the guiding ethical principles and rules of conduct that govern members of the Board and other ERO staff members, in order to ensure that all works are conducted with high responsibility and honesty, avoiding conflict of interest, as well as ensure continuous compliance with the Law on Energy Regulator.
2. This Code shall inspire in offering best quality of services for the parties, ethics at work and public interest, being characterized with integrity, objectiveness and impartiality in fulfillment of their duties.
3. Lack of knowledge of the Statute and the Code of Conduct and Ethics of the ERO, does not justify members of the Board and the ERO staff members, for any violation of the provisions of this code.

#### Article 3

##### **Definitions**

1. Expressions used in this Code have the following meaning:
  - 1.1 **“The Board”** – means the Board of the Energy Regulatory Office (“ERO”).
  - 1.2 **“Confidential Information”** means any data, documents or other information, of commercial or technical nature, that are related to the design, rehabilitation, security, operation, maintenance and funding of operations or activities, which no longer fall under public domain, whose disclosure may jeopardize of commercial and /or licensed applicants.
  - 1.3 **“Conflict of Interest”** – means the conflict of public or private interest of an official when during performance of his/her duty, the official person or his/her relative accepts any



financial gain or benefit, directly or indirectly, which affects or may affect proper performance of the public duty he exercises. In no circumstance the official position or duty may be used for direct or indirect benefit or gain.

1.4 “**ERO**” – means Energy Regulator Office.

2. The Terminology used in this code has the same meaning as the one used in the Law on Energy Regulator, Law on Energy, Law on Electric Energy, Law on Central Heating, Law on Natural Gas and Law on Prevention of Conflict of Interest during performance of public duty.

#### Article 4

#### **Staff member’s Responsibilities**

1. Staff Members shall be responsible for proper legal and ethic conduct by demonstrating high commitment in fulfilling their work duties in accordance with the provisions of this Code and all legal and regulatory requirements that are relevant for ORE.
2. Staff members, shall apply the highest standards of conduct and ethics with purpose of avoiding personal interests that may cause to bring the person and the office staff in a difficult situation and to prevent that his/her private interest are in violation with his/her official duty.
3. In order to fulfill his/her duties, staff member shall:
  - 3.1. Respect the Code and all applicable laws and rules that are related to his/her work duties;
  - 3.2. To preserve unbiased and objective demeanor in respect to all parties (licensed enterprises, consumer, consultants or any third party etc.), and in case of any violation of this Code, to report such a demeanor;
  - 3.3 To preserve unbiased and objective demeanor in respect to all staff members that are involved in dishonest behavior, during the working hours.
4. ERO shall ensure equal opportunities in all aspects of employment and shall tolerate no gender, racial, ethnical and other discrimination or abuse within ERO.
5. If any staff member believes to be a victim of a discrimination or abuse, psychic or verbal harassment, he/she shall immediately report this to his supervisor. The Supervisor shall report this case to the Board. If the Supervisor has any hesitation to do so, the victim may inform the Board.
6. If it is found that such reporting is based on incorrect data or was made for tendency reasons, disciplinary measures may be undertaken against such person.
7. ERO prohibits revenge against the employees who, with good intentions have reported violations of other persons.



## Article 5

### **Responsibilities of Heads of Departments**

1. Heads of Departments within their responsibilities of an employee shall preserve such a work environment that emphasizes high commitment and dedication in respecting the Code, and applicable rules and laws.
2. Head of the Department while performing of his/her duty shall apply the principle correctness, honesty, courtesy, cooperation, solidarity, high morale in relationship with the staff members managed by him/her.
3. While performing his/her duties he/she shall:
  - 3.1.1 Ensure that staff members under their supervision are provided with a copy of the Code, and read and understood its requirements;
  - 3.2 Ensure that staff members understand their affirmative duties to report actual or suspected violations and reporting procedures and mechanisms in their disposition;
  - 3.3 Preserve a work environment that prevents revenge or casualties against the staff member who with good intention reports actual or suspected violations; and
  - 3.4 Reports all actual or potential violations of applicable rules.

## Article 6

### **Obligations of former members of the Board and former staff members**

1. Pursuant to this law, one year upon expiry of the mandate, as a member of the Board, such person shall be prohibited to attend Board sessions on behalf of a licensed energy enterprise, or a subject that directly or indirectly is being controlled by a licensed enterprise.
2. A former member of the Board and former staff members shall disclose no information that is considered confidential by the ERO. The same shall not abuse or take advantage to abuse confidential information, they encountered during the performance of their official duty.

## Article 7

### **Conflict of Interest**

1. A Board member or a staff member of ERO shall perform his/her duty with honesty and conscience and in compliance with constitutional provisions, the law and other provisions that determine his/her position, as well as the same shall justify the trust of the institution he/she was appointed by.



2. No staff member should allow family, social or other relationships to influence his or her professional judgment. A Board or staff member should not use, or take any action that gives the impression of using, the authority and opportunities afforded by his or her position, to advance the private interest of others, nor should a staff member convey or permit others to convey the impression that he or she may be influenced.
3. To avoid a conflict of interest, this Code sets forth the following prohibitions on staff members:
  - 3.1. Except as provided in Article 16 paragraph 2 and 3 of this Code, no staff member shall accept any financial gain or benefit, directly or indirectly, from any energy enterprise or person employed by any energy enterprise or persons seeking official action by ERO or who may otherwise be substantially affected by ERO. Financial gain or benefit includes, but is not limited to cash, stocks, loans, credit or guarantees, real estate, gifts, travel, lodging, or personal services, as provided by the applicable laws.
  - 3.2. No staff member shall have any interest, financial or otherwise, direct or indirect, or exercise any management control over the operations of any energy enterprise regulated by ERO, or its successor, or any entity directly or indirectly controlled by such enterprise.
  - 3.3. No staff member may be employed by an energy enterprise simultaneously as a consultant or Member of the Board or in any other position that may give rise to the conflict of interest.
  - 3.4. Other actual or potential situations that could lead to the conflict of interest.
4. Conflicts of interest may not always be clear and evident. Where a staff member has doubt as to whether a certain activity constitutes a conflict of interest, for him/her or others, he or she should consult with his or her supervisor.
5. A staff member who becomes aware of a potential conflict or a conflict of interest should bring it to the attention of a supervisor.
6. A staff member of ERO who seeks clarification regarding or becomes aware of, a potential conflict or a conflict of interest should consult with the other Members of the Board.



## Article 8

### **Notification of the Board members on Managerial or Chairing positions carried out in a Private Organization**

1. Based on the Code of Conduct and Ethics from the members of the Board it is required to:
  - 1.1 Notify the Board in writing about a Managerial or Chairing position held by him/her in a private organization and the duties related to such position.
  - 1.2. A member of the Board may continue to provide services in a Managerial position if majority of all members decide positively about it, in a session in which the this member is not attending, if such position presents no conflict of material interest with the duties of this member – nor presents no risk of material obstruction of complete and trustful performance of such duties.
  - 1.3 To notify in writing about property interests on which the same as a member or any other member of his/her family is assigned as the Office Head in a private organization, in case the ORE has current or foreseen agreement or business contract, with such organization.
  - 1.4 A member of the Board cannot attend, nor in no way, shall try to influence meetings, discussions, negotiations, decisions or draft decisions related to, with current or foreseen business relationship of ORE, with private organizations, in which that member or any other member of his/her family, directly or indirectly, is assigned as the Office Head of property interests.

## Article 9

### **Confidential Information**

1. ERO shall determine the confidentiality of information pursuant to procedures established under the Rules on Information Confidentiality.
2. Pursuant to the Rules on Information Confidentiality, ERO retains right to disclose the confidential information if it determines that the public interest overweighs the harm that may be caused by such disclosure.
3. Where ERO reviews confidential information during a session, the Board shall determine whether to close part or the whole session to the public. Material from the session containing confidential information shall not be published on the web-site or disclosed, except for the judicial review upon request by the competent Court.
4. The staff members with access to confidential information may not at anytime during or after employment in ERO, disclose, use or share that information for trading purposes or for any other purpose, except to conduct their activities for ERO.



5. Use of such information for personal financial benefit or to bring benefit to others, is not only to be deemed a serious breach of the contractual obligations but may result in the initiation of civil or criminal proceedings.

#### Article 10

### **Relations with the Customers, Energy enterprises and Other Parties**

1. Each staff member shall respect the rights of and deal in an unbiased, professional and fair manner with the customers, energy enterprises, and other parties during the performance of his or her activities.
2. Each staff member shall perform his or her activity in order to promote, establish and protect the principles of objectivity, fairness, impartiality, transparency, and non-discrimination.
3. No staff member, regardless of his or her position, should take unfair advantage of anyone through manipulation, concealment, abuse of privileged or confidential information, misrepresentation of material facts, or any other unfair dealing practice.

#### Article 11

### **Relationship with Investors**

1. ERO is committed, consistent with legal and regulatory requirements, to maintain an active and open dialogue with stakeholders, potential investors and investors.
2. No staff member other than authorized persons shall contact, provide data, information, reports to, or represent ERO in front of stakeholders, potential investors or investors.

#### Article 12

### **Communication with Media**

1. While communicating with the media, a staff member should avoid personal references and views, and at all times must act in a manner consistent with provisions set forth in the Code.
2. In no circumstances should a staff member use the media to further his or her own interests and grievances, reveal unauthorized information or attempt to influence policy decisions.
3. A Staff member who is approached by the media must obtain approval from his or her ERO supervisor before communicating on issues related to the activities of ERO.



#### Article 13

### **Environmental, Health and Safety**

1. ERO will conduct its businesses with respect to the environment, health and safety in general.
2. ERO will ensure that each staff member has a safe and healthy working environment and that all applicable legislation related to health and safety protection is enforced at ERO.
3. Each staff member has responsibility for maintaining a safe and healthy workplace for all employees by following safety and health rules and practices, reporting accidents, injuries and unsafe equipment, practices or conditions.

#### Article 14

### **Software Compliance**

1. Computer software, manuals and other copyrighted and trademarked materials are protected materials and may not be reproduced for personal use.
2. Software, whether purchased from a vendor or developed by ERO, is protected by copyright and also may be protected by patent or trade secret, or may be deemed confidential information. Such software includes computer programs, databases, and related documentation.
3. The terms and conditions of license agreements, such as provisions not to copy or distribute programs, must be applied.

#### Article 15

### **Protection and Use of Resources**

1. All staff members are required to protect and efficiently use the resources. This includes the use of Internet, electronic mail or other information system resources.
2. Any suspected fraud or theft should be immediately reported for investigation.
3. Members of the Board and other staff members of ERO may not use their official equipment in violation with respective rules.
4. Proprietary information includes intellectual property such as data or information, trade secrets, patents, trademarks, and copyrights, as well as business, marketing and service plans, databases and any unpublished financial data and reports.
5. Pursuant to Paragraph 4 of this Article, unauthorized use or distribution of this information is not only violation of this Code but may result in the initiation or civil or criminal proceedings.





6. Staff members shall not buy or sell any asset or property of ERO without prior approval of the Board. In the event that the Board approves such buying or selling, the rules on public procurement in Kosovo shall apply.

#### Article 16

##### **Accepting of Gifts**

1. Members of the Board and ERO staff members shall not offer personal favors or gifts of more than modest value as these could be perceived as an attempt to improperly influence the decisions of licensed enterprises or third parties.
2. Members of the Board and ERO staff members or members of their families shall not request or offer personal favors or gifts of more than modest value as these could be perceived as an attempt to improperly influence the decisions of potential customers, licensed enterprises or third parties.
3. As occasional gifts in a small value, are considered those gifts that are given in certain moments, whose value is not in excess of fifty (50) Euros in value, or their total value does not exceed a value of a hundred (100) Euros a year, if given by the same person.
4. Members of the Board and ERO staff members shall receive no cash payments.
5. A staff member shall inform his supervisor in writing, if he/she was offered or given an unexpected gift and in specific circumstances.
6. When a staff member has doubts whether he/she can receive a gift or not, he/she shall obtain prior approval from his/her supervisor. In case the same is member of the board than he/she shall obtain prior approval directly from the Board of ERO.

#### Article 17

##### **Accounting Practices**

1. It is the policy of ERO to fully and fairly disclose the financial condition of ERO in compliance with international applicable accounting standards and practices and applicable laws, rules and regulations in Kosovo.
2. ERO financial books, records, accounts and financial statements must be maintained in reasonable detail, must appropriately reflect ERO transactions and must conform both to applicable legal requirements and to ERO system of internal controls.
3. Senior financial officer or a staff member of ERO, who performs similar duties, shall prepare full, fair, accurate, timely and understandable disclosures in internal and external reports and financial statements based on applicable regulations, standards and sound business practices.



4. It is strictly prohibited for any, Member of the Board, or any staff member of ERO to take any action to fraudulently influence, coerce, manipulate, or mislead external auditor, for the purpose of rendering the financial statements materially misleading.

#### Article 18

##### **Records Retention**

1. All staff members while performing their activities shall ensure all entries and transactions related to records and systems of ERO, including manual and electronic, financial and non-financial, and any supporting information, is recorded and reported fully, fairly, accurately, timely, and in an understandable manner in compliance with applicable standards, laws, and regulations.
2. All records shall be filed and kept in ERO premises in the appropriate department.

#### Article 19

##### **Charitable Activities**

1. ERO is committed to maintaining good relationships with all organizations operating in and outside of Kosovo.
2. Staff members are encouraged to provide suggestions of charitable causes to the Board, which shall decide which activities to support during its regular session.
3. Staff member, at all times, avoids conflict of interest and participates in any charitable activity that could present a conflict of interest.

#### Article 20

##### **Political Contributions**

1. No ERO funds or assets will be loaned or contributed to any political party or organization, or to any individual who holds or is a candidate for public office.
2. ERO is an independent regulatory authority. As such, it shall not encourage any political influence or engagement in political activities.
3. ERO shall not accept any donations from licensees, the persons directly or indirectly controlled by licensees, political parties and lobby groups or associations of customers.

#### Article 21

##### **Violations**



1. Violations of the standards in this Code may result in disciplinary actions, including but not limited to termination of the contract, suspension, written warning or oral warning, in accordance with procedures set forth in applicable legislation in Kosovo.
2. The decision for rendering of disciplinary measures shall consider the following: the seriousness of the violation; the past record of the individual; and the circumstances of the matter.
3. A staff member, who becomes aware of conduct in violation of, or leading to a violation of, this Code, should immediately inform his or her supervisor. A member of the Board in such a situation should immediately inform other members of the Board.

#### Article 22

#### **Communications**

This Code shall be communicated to all staff members of ERO, and shall be published on ERO website (in accordance with the ANNEX of this Code).

## **Chapter II FINAL AND TRANSITIONAL PROVISIONS**

#### Article 23

#### **Official Languages**

This Code is issued in Albanian, Serbian and English language. In case of any dispute, the Albanian version shall prevail.

#### Article 24

#### **Amendments**

1. ERO reserves the right to modify or amend any provision of this Code.
2. Modification or amendment procedures to the Code, the same as those used for its adoption.

#### Article 25

#### **Interpretation**

In case of any uncertainty concerning the provisions of this Code, the Board shall issue explanatory information.

#### Article 26

#### **Abrogation**

This Code abrogates the Code on Conduct and Ethics issued pursuant to the Law No.2004/9, on Energy Regulatory adopted by the Board of the Energy and Regulatory Office on 15.12.2005.

#### Article 27

#### **Entry into Force**



The Code comes into effect on the date of adoption by the Board of ERO and shall be published on ERO web site.

**The Board of ERO**

---

Dr. Ali Hamiti, Chairman

---

Përparim Kabashi, Member

---

Blerim Koci, Member

**ANNEX: Statement on receiving the Code.**



## STATEMENT

I hereby state to have received and read the Code of Conduct and Ethics of ERO. I understood the same and I intend to follow the Code and that violation of its provisions or other applicable legal requirements of my work may result with disciplinary measures rendered by my Employer.

I am aware that during the time I will be an ERO employee, and I will have in my disposition confidential information in accordance with the Rules on Confidential Information. I am fully aware that such information is ERO property and that are of special importance, therefore shall not be offered or used outside of ERO environment or discussed with persons who are not part of ERO, unless it is clearly permitted by the supervisor or requested by the law.

In case of termination of my employment on any grounds, by this Statement I agree that I shall not use or benefit from such information.

Name of the employee: (To be written with typed letters)	
Job Title:	
Department:	
Employee's Signature:	
Date:	
Name of Administration Employee:	
Signature:	
Date:	

Every employee shall sign this form, once employed. An original sample shall retain in the Employees File on the Administration Department and one original sample shall be given to the employee.

Any lack of knowledge of the Statute and the Code of Conduct and Ethics does not justify a Board member or ORE staff member, before any violation of their provisions.