



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

**RULE
ON THE ORGANIZATION AND OPERATION
OF THE ENERGY REGULATORY OFFICE**

Prishtina, 29 August 2011



Pursuant to the authority given under Article 8 paragraph 1 subparagraph 1.6, paragraph 3 and 4 Article 14 paragraph 2 subparagraph 2.16 and Article 25 of the Law on Energy Regulator No. 03/L-185, the Board of the Energy Regulatory Office in a session held on 29.08.2011 adopted the

RULE ON THE ORGANIZATION AND OPERATON OF THE ENERGY REGULATORY OFFICE

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

The Rule on the internal organization and operation of the Energy Regulatory Office (“ERO”) determines the internal structure, organization, representation, decision-making process, the nature of tasks, the procedure for employing staff, as well as the responsibilities of the Board Members and staff of the Energy Regulatory Office.

Article 2 Scope

1. The ERO is an independent agency carrying out regulation in the energy sector and is established pursuant to the Law on Energy Regulator.
2. The ERO performs its function, duties and responsibilities stipulated in the Law on the Energy Regulator, Law on Energy, Law on Electricity, Law on District Heating, Law on Natural Gas, in the present Rule and other laws or rules applicable in Kosova.
3. ERO performs its activities in an independent, transparent and non-discriminatory way.

Article 3 Definitions

1. Terms used in this Rule shall have the following meanings:
 - 1.1. **“ERO”** – Energy Regulatory Office;
 - 1.2. **“Board”** – the board of the Energy Regulatory Office, as provided under Chapter II of the law on Energy Regulator, and includes the Chairperson of the Board;
 - 1.3. **“Chairperson of the Board”** – is one of the members of the Board, appointed under Article 4 of the Law on Energy Regulator
 - 1.4. **“Personnel”** - ERO staff, appointed to the respective duties under applicable law
2. Terms used in this Rule shall have the same meanings stipulated in the Law on Energy Regulator, Law on Energy, Law on Electricity, Law on Natural Gas and the Law on District Heating.



CHAPTER II
Name, Registered Office and Stamp

Article 4
Name, Registered Office and Stamp

1. The name of the Energy Regulatory Office is:
 - 1.1 In Albanian: Zyra e Rregullatorit për Energji (ZRRE);
 - 1.2 In Serbian: Regulatorni Ured za Energiju (RUE), and
 - 1.3 In English: Energy Regulatory Office (ERO).
2. The headquarters of the Energy Regulatory Office shall be in Prishtina.
3. The ERO shall use its official stamp with the Energy Regulatory Office's name. The stamp may also include the symbol or logotype of the ERO.
4. The stamp will be kept by the Chairperson of the Board of the ERO (the "Chairperson") or another staff member of ERO authorized by the Chairperson.

CHAPTER III
ORGANIZATIONAL STRUCTURE AND OPERATION OF THE ERO

Article 5
Organizational Structure

1. The ERO shall have the organizational structure that corresponds to the activity it performs.
2. The ERO shall approve and implement an organizational structure that it determines as functional and appropriate to efficiently carry out its duties. The Organizational structure may be changed and adjusted in accordance with evolving requirements when carrying out its legal obligations.
3. The number of staff members employed in the ERO will be determined in accordance with the organizational structure and employment criteria set by the Board.

Article 6
Operation

1. The Energy Regulatory Office (ERO) functions as an independent legal entity consisting of the Board and staff.
2. The ERO shall be directed by the Board as a decision-making body which consists of five (5) members, including Chairperson of the Board.

Article 7
Board of the ERO



1. The ERO shall be directed by the Board appointed in accordance to the Article 4 of the Law on the Energy Regulator.
2. No members of the Board shall have a status of a civil servant. All members of the Board shall sign the employment contract with the ERO on full- time basis.
3. The Chairperson of the Board may assign other specific duties to other Board Members, including the authority of deputizing in his place and the responsibility of overseeing specific departments and/or units of ERO as may be required where Board so determines by its decisions.
4. Members of the Board shall be paid salaries and allowances in accordance with the applicable laws.

Article 8

Term of the Board Members

1. The term of the members of the Board starts from the day of their appointment as stipulated in the Article 4 paragraph 4 of the Law on the Energy Regulator.
2. Each member of the Board may be reappointed for one additional five-year term.
3. The conditions for appointment of the Board are stipulated in Article 5 of the Law on the Energy Regulator.

Article 9

Dismissal of the Board Members

The Assembly of the Republic of Kosova may dismiss a member of the Board before the expiration of his or her term of office only in the cases stipulated in Article 6 of the Law on the Energy Regulator.

Article 10

Duties of the Board

1. In performing its activities the Board shall:
 - 1.1. approve regulatory and operational policies of the ERO;
 - 1.2. organize and supervise the work of ERO;
 - 1.3. organize the recruitment of, appoint heads of departments and staff of ERO and supervise their work;
 - 1.4. prepare and supervise the implementation of the budget and the financial management of ERO and approve its financial reports and statements;



- 1.5. approve the remuneration and other terms and conditions of employment for the staff of the ERO;
- 1.6. draft, adopt and implement sub-legal acts, Technical Codes, Rules, Ordinances, decisions and other individual acts for the purpose of regulating energy sector pursuant to the Law on Energy Regulator;
- 1.7. actively participate in meetings regarding the regulatory issues in energy in countries of EU and regionally, and in regional institutions to promote the interests of Kosovo in the regional market;
- 1.8. make decisions to grant, modify, suspend, transfer, terminate or withdraw licenses of enterprises performing energy activities in Kosova for which a license is required;
- 1.9. make decisions regarding the approval of tariffs and tariff methodologies;
- 1.10. make decisions regarding permits for construction of new energy facilities in accordance with the Article 38 of the Law on Energy Regulator;
- 1.11. issue decisions on financial and administrative activities;
- 1.12. define the rights and responsibilities of staff members;
- 1.13. assign “ad hoc” tasks to any member of staff, if the workload of ERO demands it and if the respective member of the staff has the qualities and capabilities to deal with the task assigned
- 1.14. issue decisions relating to fines and other penalties in accordance with the Article 52 of the Law on Energy Regulator.
- 1.15. make any other decision in its competencies and responsibilities as stipulated in the Law on Energy Regulator; and
- 1.16. other activities that may lead to the improvement of the work and efficiency of the ERO.

Article 11

Duties of the Chairperson of the Board

1. The Chairperson of the Board shall be responsible for implementing Board’s decisions and shall:
 - 1.1. summon, set and propose the agenda, and chair Board sessions;
 - 1.2. represent the Energy Regulatory Office before third parties;
 - 1.3. cooperate with local and international institutions, donors and associations of regulators in the energy sector;



- 1.4. take any legal action to represent the ERO in all hearings before the Assembly, courts, public administration bodies etc.;
- 1.5. report once a year before the Assembly of Kosova, on the work of the ERO, in accordance with Article 9 of the Law on Energy Regulator; and
- 1.6 report to the responsible functional committee of the Assembly of Kosovo, whenever it is required.

Article 12

Other Duties of the Chairperson of the Board

1. Chairperson shall propose to the Board:
 - 1.1. measures for improving the work and efficiency of the ERO;
 - 1.2. measures and methods of training; study expenses, analyses, capacity building etc., relating to the ERO functions in accordance with the Article 20 of the Law on Energy Regulator;
 - 1.3. the delegation of certain tasks to other members of the ERO Board.

Article 13

Administrative Duties of the Chairperson of the Board

1. The Chairperson, on behalf of the Board, shall:
 - 1.1. conclude, amend and terminate the employment contracts of the staff members upon the decision of the Board;
 - 1.2. approve (annual and other) leave of all staff members;
2. The Chairperson shall carry out other functions assigned to him by the Law on Energy Regulator, this Rule and decision of the Board.

Article 14

Deputizing of the Chairperson of the Board

During his absence or where necessary in the fulfillment of his duties, the Chairperson may authorize another member of the Board to represent him or carry out other specific duties.

Article 15

Organization and Operation of Departments

1. The ERO Board within its powers and responsibilities for the conduct of activities creates relevant departments within the ERO.



2. Each department of ERO will be directed by the Head of Department appointed by the Board, whose duty is to organize, control, plan, coordinate, report, evaluate his/her staff, and take responsibility for the activities and performance of the tasks assigned to the staff of respective department.
3. Departments and other units within the ERO may be created or closed, or their responsibilities changed, upon the Board's decision only.

CHAPTER IV PROCEDURE FOR CONDUCTING THE SESSIONS

Article 16 Sessions of the Board

1. The Board shall meet at least ten (10) times per year. The Chairperson or any other member of the Board may propose that the Board hold additional sessions.
2. The Board may, in addition to its regular sessions, hold special sessions for emergency issues.
3. The quorum for sessions of the Board shall be three (3) members. Sessions may be held as long as a quorum is present, without regard as to whether there may be one or two vacant positions on the Board.
4. The Chairperson of the Board shall propose the agenda for Board sessions and submit such agenda to the members at least five (5) working days before each session.
5. Based on the agenda, Board Members must be provided complete relevant documents.
6. Following consultation with all members of the Board, if emergency or extraordinary circumstances occur, the Chairperson may make changes in the agenda.
7. Heads of Departments or any staff member may be invited to attend a session of the Board where such attendance would provide a better understanding or explanation of a file or circumstances in the case.
8. In its sessions the Board shall discuss any application, request, appeal, complaint, amendment, approval or repeal of secondary legislation or other acts, review any complaint or request of staff members etc..
9. According to the Article 24 of the Law on Energy Regulator, the sessions of the Board are normally open to the public, except for the cases defined in Article 19 of this Rule if confidential issues are discussed.
10. If other parties attend the session, the Assistant to the Board shall keep a register of participants.
11. Participants will be informed that, during the session of the Board, they are not entitled to speaking, asking questions, using cell phones, interrupting others speaking etc., unless the Chairperson of the Board allows this. Participants have the right to take notes.



12. In the event of non-adherence to these criteria, the Chairperson of the Board may terminate the session to continue later (within the same day), or may decide to hold the meeting another day.

Article 17

Conduct of the Session

1. The Board holds the session on the date and time specified in the announcement of the session prepared and accompanied by relevant material.
2. The Session is chaired by the Chairperson of the Board and in his absence by a Deputy appointed by the Chairperson, who after verifying the presence of the members and staff generally represented by heads of departments and occasionally by other employees that the Chairperson considers as important for the session. The session proceeds as follows:
 - 2.1. The Chairperson or via Assistant reads the agenda and asks if Board members have any comment on the agenda and order of proceedings in the meeting;
 - 2.2. Following approval of the agenda and potential statement in the event of conflict of interest by any member of the Board, the Chairperson invites for the presentation of material by the persons in charge of preparing for the review of the issue on the agenda;
 - 2.3. At the conclusion of the presentation of material, the person presenting the issue provides answers on different questions submitted by the Board. Then the Chairperson asks the employees who presented the material if they have anything to add or clarify in the Board's session. In addition, Board members are invited to ask questions or seek further clarification on the material.
 - 2.4. At the conclusion of the procedure specified in subparagraph 2.3. of this Article, when there is more than one issue to be discussed in the session, the Chairperson as a rule proceeds addressing the next issue of the agenda in the same way.
 - 2.5. After addressing the issue on the agenda in accordance with the procedure specified in this Article, the Chairperson invites the Board to vote on the issue discussed in the session.

Article 18

Transparency and Confidential Information

1. Board hearings are open to the public, except when discussing confidential material considered by the Board, pursuant to Article 12 of the Law on Energy. In cases where the Board considers that any person may be permitted access to confidential information will be reviewed, then it may be permitted to attend the hearing.



2. In accordance with the provisions of the Rule on Confidential Information, ERO establishes criteria for determining confidentiality of information and measures for its protection.
3. In accordance with the Rule on Confidential Information, the Chairperson and Board members as well as staff members who have access to confidential information are responsible for keeping this information confidential.
4. The Board will take all steps deemed necessary to inform the public opinion about their work, including public hearings of the Board, cooperation with the media, publication of annual reports and other materials as well as organization of press conferences.

Article 19

Assistant to the Board

1. Assistant to the Board shall assist Board sessions and shall have no vote. He/she shall be responsible for:
 - 1.1. keeping of records and/or audio or video recording of the session;
 - 1.2. preparing the minutes of the session and distributing material for signing;
 - 1.3. inviting in writing Board Members and other participants;
 - 1.4. announcing the session in the daily newspapers and other media, if required; and
 - 1.5. announcing the session on the web site of the ERO.

Article 20

Absence from Board Sessions

1. Members of the Board shall endeavor to be present at all sessions of the Board. If a member of the Board will be absent from the session, then he will have to notify the Board in written form on the grounds of his absence, except when he may be absent on the following grounds:
 - 1.1. official trip;
 - 1.2. permitted leave; or
 - 1.3. illness.
2. The minutes of the session shall record the names of members present and those absent. Documents dealing with the grounds of the absence of Board members shall be attached to the minutes of the respective session.

Article 21

Approval of Board Decisions

1. Decisions of the Board shall be adopted by a majority of the members present at the session; provided, however, that no decision may be taken without the affirmative votes of at least three (3) Board members.



2. None of the present members of the Board may abstain from voting except in limited circumstances, including conflict of interest. Where such circumstances exist then minutes must include clarification on the grounds of abstaining.
3. Each Member of the Board has the right to propose that the Board approve or amend a decision.
4. A Board member who does not agree to a decision may request that the minutes of the session include his statement about the reasons for such an approach.
5. Decisions shall be signed by the Board members present at the session and should be sent to the parties in original or certified copies. One original copy shall also be kept in the ERO archives.

Article 22

End of the Session and Signing of Minutes

1. The Chairperson shall close down the meeting and additionally inform interested parties about the proposed date and time of the next session.
2. The Assistant to the Board shall prepare the record of the session held by the Board and submit it to the Board Members for comments/remarks on its contents. The Members of the Board shall sign the record of the session of the Board within four (4) days upon receiving the record.
3. The record shall include the discussed issues of the agenda, and any possible changes on it, the number of the Board members present and those absent, names of persons invited to participate present and absent at the session, voting results, meeting's conclusions, the statements of the members of the Board and other parties upon their request, the presented documents and any conclusions or decisions taken, as well as any other information discussed during the session.

Article 23

Term for the Submission of Board Decisions

1. The decisions of the ERO shall be prepared and submitted to the interested parties within thirty (30) calendar days of the date of decision's approval.

CHAPTER V

CONTRACTS AND SALARIES

Article 24

Contracts of the Staff Members

1. The ERO staff members do not have the status of civil servant.
2. Initially all staff members shall have a yearly employment contract.



3. The Board may decide to increase the length of the employment contract of the staff members to two (2) or more years depending on the yearly evaluation of individual performance.
4. Terms and conditions of employment contracts of staff members shall be defined by the Board.

Article 25

Salaries of the Staff Members

1. Each member of the staff shall be paid a monthly salary and other allowances in accordance with the Law on Energy Regulator.
2. Monthly salaries of the ERO staff members shall be determined by the ERO Board at a level it considers adequate for an efficient operation, dependent on the annual Budget of the ERO.
3. The ERO may, as needed, hire consultants to provide assistance in the discharge of ERO's duties and functions. Where paid by the budget of the Energy Regulatory Office, they will be hired in accordance with the Law on Public Procurement.

Chapter VI

Financing of the ERO

Article 26

Funding sources

1. ERO shall be financed from tariffs recovered through the licensing of other activities under Article 22 of the Law on Energy Regulator. In addition, for the purpose of implementing its responsibilities under the law, ERO may use appropriations under the conditions laid down in Article 21 of the Law on Energy Regulator.
2. The ERO shall manage and use its funds in accordance with the Article 19 and 20 of the Law on Energy Regulator.

Article 27

Procedure of Financial Management

1. The funds of the ERO are kept in a separate bank account in the name of ERO.
2. The Ministry of Finance and Economy may assign an audit of the accounts and activities of the ERO in accordance with applicable laws.
3. The Chairperson and one or more staff members of the ERO shall have the signing and supervising authority over the use of funds in accordance with the Law on Public Financial Management and Accountability.
4. The ERO keeps the business books in accordance with the laws and regulations, which set the accounting procedure in Kosova.



CHAPTER VII PUBLICATION OF DOCUMENTS

Article 28

Publication of decisions and other acts

1. ERO's decisions shall be published on its official website.
2. Decisions relating to the operation and internal organization of ERO shall not be published on its official website.
3. Rules of the Energy Regulatory Office are published in the official website of the Energy Regulatory Office within ten (10) days upon their adoption.
4. ERO shall issue a Bulletin and publish it on the official website at least once every six (6) months.
5. The Bulletin shall include descriptions of individual acts and decisions related to licenses, tariffs, authorizations etc..
6. Any rules, individual acts and other decisions as well as those relating to licenses and tariffs shall be published on ERO's official website within the time specified under Article 25 of the Law on Energy Regulator.
7. Assistant to the Board shall keep records of all decisions and other acts approved by the Board. Records shall be published on the website of ERO.

CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS

Article 29

Official language

This Rule is issued in Albanian and translated into Serbian and English. In the event of discrepancies between versions, the Albanian version shall prevail.

Article 30

Amendment

1. ERO may amend or modify any provision of this Rule.
2. Procedures for amending or modifying this Rule shall be the same with those of its approval.

Article 31

Interpretation

In case of doubt on the provisions of this Rule, the Board shall issue explanations.



Article 32
Repeal

This Rule repeals the Statute of ERO, issued under the Law No. 2004/9 on Energy and approved by the Board of the Energy Regulatory Office on 15 December 2005.

Article 33
Entry into force

This Rule comes into effect on the day of its adoption by the ERO Board and shall be published in the website of ERO.

ERO Board:

Dr. Ali Hamiti, Chairperson

Përparim Kabashi, Member

Blerim Koci, Member
