



WATER REGULATORY AUTHORITY

LICENSING REGULATION

ON

**THE PROCEDURES OF ISSUANCE AND RENEWAL OF PROFESSIONAL
LICENSES FOR THE LEGAL AND NATURAL ENTITIES OPERATING IN THE
AREA OF WATER SUPPLY AND WATERWASTE REMOVAL AND
TREATMENT**

Approved by a Decision No. 29 of NWRC of 08.12.2009
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Chapter I – General provisions

This regulation is drafted in accordance with Law No. 8102 of 28.03.1996 (as amended by the Law No. 9915 of 12.05.2008) “On the Regulatory Framework in the Area of Water Supply and Wastewater Treatment and Disposal,” chapter VI “Administration and procedures”, Article 26 “The Regulatory framework,” point 1, and based on Council of Ministers Decision (CMD) No. 958 of 06.05.2009.

Article 1 – The competent authority

The National WRE Committee shall be the sole authority in the Republic of Albania which issues the respective licenses to all the legal and natural entities which operate in the area of water supply and wastewater treatment and disposal.

Article 2 – Purpose of the regulation

This regulation establishes the licensing procedures for exercising the activities provided for by the law. The purpose of the regulation is to specify the terms and conditions for the issuance, modification and renewal of the license. The regulation provides all the relevant details in relation to the duration of the license, the applicable fees for every type of application that shall be paid to the WRE authority, etc.

Article 3 – Definitions

For the purpose of these Rules, the following terms shall mean:

“**WRE**” is the Regulatory Authority in the Area of Water Supply and Wastewater Treatment and Disposal, which operates in accordance with Law No. 8102 of 28.03.1996 (amended by Law No. 9352 of 3.3.2005; Law No. 9584 of 17.07.2006 and Law No. 9915 of 12.05.2008) “On the Regulatory Framework in the Area of Water Supply and Wastewater Treatment and Disposal”

“**National Water Regulatory Committee - NWRC**” is the WRE decision-making body, which is composed of five members who are appointed in accordance with the procedures provided for by Law No. 8102 of 28.03.1996 (amended by the Law No. 9352 of 3.3.2005; Law No. 9584 of 17.07.2006 and Law No. 9915 of 12.05.2008) “On the Regulatory Framework in the Area of Water Supply and Wastewater Treatment and Disposal”

“**License**” is a professional permit issued to a natural or legal entity, in accordance with Law No. 8102 of 28.03.1996, as amended, and the CMD No. 958 of 06.05.2009 “On the operation in the area of water supply and wastewater treatment and disposal.”

“**Licensee**” is the legal or natural entity who holds a license issued by WRE to exercise his/her activity in the area of water supply and wastewater treatment and disposal, according to the categories assigned by NWRC.

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“**License format**” is the format of the professional permit that is endorsed by a NWRC decision.

“**Applicant**” is every legal or natural entity which applies for a proceeding in accordance with this Regulation.

“**Application documents**” are the documents determined by CMD No. 958 of 06.05.2009 and the application form completed by the applicant.

“**Operators**” are the legal and natural entities licensed by the WRE which operate in the water supply and wastewater treatment and disposal systems.

“**Licensing fees**” are the mandatory fees established by WRC for all the operators who exercise their activity in the water supply systems that shall be paid prior to the issuance of the respective License.

“**Legal Administrator**” is the natural person who has been appointed or assigned by the owner through a legal agreement, in order to manage the relevant water supply and wastewater treatment and removal systems, in accordance with the law.

“**Technical Administrator**” is an individual who possesses the required skills to perform the technical administration of the Operator which has been licensed by the National Water Regulatory Committee, in compliance with all the criteria required by the law and CMD No. 958 of 06.05.2009.

Article 4 –Licenses

In accordance with CMD No. 958 of 06.05.2009, WRE shall issue licenses for the following activities:

- a) **Category A**, ON THE COLLECTION AND DISTRIBUTION OF WATER FOR PUBLIC CONSUMPTION
- b) **Category B**, ON THE WATER TREATMENT FOR PUBLIC CONSUMPTION
- c) **Category C**, ON THE WASTEWATER DISPOSAL
- ç) **Category D**, ON WASTEWATER TREATMENT

Article 5 – License validity

1. The validity term of the licenses issued by the NWRC for the categories foreseen in the license shall be established by NWRC and shall be no longer than **4 years**.
2. The renewal of licenses within such term that comes as a result of the changing of the legal or technical administrator shall have the same validity term as that of the

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license issued by NWRC. In the case where license is renewed within such term is a result of the change of the service area or of the service categories, it is NWRC which shall determine its term of validity, which, in any case, shall not exceed the period of 4 years.

Chapter II – Application procedures

Article 6 – The right to apply for license

1. The right of application for a license issued by WRE shall be granted to any legal or natural entity, both national and international one, who meets the requirements of the Law No. 8102 of 28.03.1996, as amended, and of the CMD No. 958 of 06.05.2009, “On the operation in the area of water supply and wastewater treatment and disposal.”

Article 7 – Filing an application

1. An application consists in completing the license application form drafted and approved by WRE (see Annex 1, attached herewith) and in submitting the complete documentation provided for in CMD No. 958 of 06.05.2009.
2. The applicant shall pay the licensing fee upon filing the application, as required in Article 17, point 1, of the Law No. 8102 of 28.03.1996 (as amended by the Law No. 9352 of 03.03.2005; Law No. 9584 of 17.07.2006 and Law No. 9915 of 12.05.2008) **“On the Regulatory Framework in the Area of Water Supply, Wastewater Treatment and Disposal.”** The licensing fee shall be paid in accordance with the table attached with this regulation in Annex 5 herein.
3. The documents provided in point 1 of this article shall be in the Albanian language, and the applicant shall submit original or an authenticated copy. The certificates and declarations issued by other state and local institutions shall be no older than **6 months** from the filing of the application.
4. The required technical documents shall be compiled and signed by the technical administrator of the operator, whereas the license application form shall bear the signature of the legal administrator and the stamp of the Licensee.

Article 8 – The license format

The license format shall be approved by NWRC and shall be attached with this regulation.

Article 9 – Terms, conditions and limitations

- a) The application for license and the related documents provided for by this regulation shall be officially delivered at the WRE address. The documents required in accordance with CMD No. 958 of 06.05.2009 shall be original or authenticated copies. The application shall include the accurate address for communication between WRE and the operator.

- b) The sufficiency of the professional skills and the professional capacity of the operator's technical administrator shall be assessed on the basis of the documents submitted by the applicant, in accordance with the procedures and criteria established by CMD 958 of 06/05/2009 and this regulation. NWRC shall have the right to ask for additional documents or information.
- c) The operators' licenses shall be granted for the validity term established in Article 5. Operation in the area of water supply and wastewater treatment and disposal shall be prohibited in the case where the technical administrator/s of the operators licensed by NWRC is not present. In the case where such violation is found, NWRC shall penalise the operator with a fine, in accordance with the law.
- d) When the technical or legal administrator resigns or is physically unable to exercise their duty (due to an accident, disease that causes inability to exercise the duty for over 3 months, invalidity, passing away), the licensed operators shall, within 30 calendar days, submit the respective notification to WRE, along with the request and related documents for the new technical or legal administrator. As a rule, the responsibilities of the technical or legal administrator of the operator who is licensed for this period (from the moment of contracting to the examination of the request) shall be handled by the new contracted Administrator, until a decision is taken by the NWRC.
- e) If the NWRC decides to reject the request or if the documents required above are incomplete, the WRE shall send within 15 calendar days a notification for the completion of the documentation in accordance with CMD No. 958 of 06.05.2009.
- f) In the case where the operator and technical administrator are bound by a notarized agreement which has a stipulated term (binding rule), the operator shall notify WRE no later than 30 days prior to the expiration such term on the appointment of his/her new technical administrator or on the extension of the term of the agreement. If the WRE does not receive any notifications from the operator or the technical administrator in relation to the expiration of term of the agreement, the latter shall be considered invalid for the following period and, the responsibility according to the law shall remain with the legal administrator of the licensed operator.
- g) The request for additions to the categories by maintaining the same technical administrators with whom the operator has a license shall be made not prior to 6 months from the preceding application.

Article 10 – License modification

Following a request from the licensee or upon its own initiative, NWRC may modify the terms and conditions of a license, by following the procedures established in Article 26 of the Law No. 8102 of 28.03.1996, "On the regulatory framework."

NWRC may decide to make modifications to the license in the following cases:

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- a) where the circumstances of license issuance are subject to changes (the legal framework, court decisions, CMD) or there are events which substantially affect the management of the water supply, wastewater treatment and disposal systems, etc.
- b) when there are legal, technical or financial changes which make it impossible to meet in part or fully the conditions foreseen in the license;
- c) where there are changes occurring to the structure of the licensee, including the division, merging or transformation into another natural or legal entity.

When deciding to make modifications to a license, the NWRC shall issue to the licensee a license with modified content, by repealing the modified parts of the previous license.

In the case where the license is modified, NWRC shall apply the same terms and procedures as with the licensing, by requiring additional information, if appropriate.

Article 11 – License renewal

No later than **3 months** prior to the expiration of validity of the issued license, the legal entity shall apply at the WRE for licensee renewal and shall submit the following documents:

- a. Request for license in writing, according to the format approved by the WRE, by clearly stating the category of the service they intend to provide and the service area where they will operate in.
- b. Application Form approved by WRE completed in accordance with the requirements of the law, CMD and of this regulation.
- c. The required documents in accordance with the CMD No.958 of 06/05/2009

The license term of use shall be no longer than **4 years**, with the right of renewal

In the request for license renewal, the licensee shall state the changes to its conditions, if any, or shall confirm the conditions of the license of which the validity has expired.

The license shall be renewed even in the case where one of the conditions of its issuance has changed (changing of the legal administrator or technical administrator, change of the service area, etc.), even if its validity term has not expired.

WRE may ask the entity to provide any additional information that it deems relevant to the license renewal process.

NWRC shall take a decision on whether to renew a license no later than **30 days** from the beginning of the application review procedures, in conformity with this regulation.

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In case of change of legal or/and technical administrator, no later than 3 months the licensee should apply at the WRE for licensee renewal. The application for renewal of the license must be accompanied by the following documents:

a) *In case of change of legal administrator:*

- *the extract of NRC completed with the new administrator;*
- *CV of the new legal administrator;*
- *Criminal record (application form and photocopy of ID);*
- *a written statement of the legal administrator where to declare under responsibility that will strictly act in accordance with the legal and by-legal acts issued by WRE, with the Albanian standards for the operation and maintenance of the system and with the effective Albanian legislation.”*
- *The power of attorney of the owner for the legal administrator, which entitles the latter to carry out all the activities related to the application for and the use of the respective license;*

b) *In case of change of technical administrator:*

- *CV of the new legal administrator;*
- *Criminal record (application form and photocopy of ID);*
- *a written statement of the technical administrator where to declare under responsibility that will strictly act in accordance with the legal and by-legal acts issued by WRE, with the Albanian standards for the operation and maintenance of the system and with the effective Albanian legislation.”*
- *Certified copy of University Degree*

The licensee is exempt from the obligation to pay for the license in case of renewal of the license for the effect of changes in the legal / technical administrator.

Chapter III – License terms and conditions

Article 12 – Responsibilities of the licensee

The licensee shall:

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1. act in accordance with the legislation into force, with the rules, procedures, methodologies and standards approved by the WRE.
2. apply within 30 days for the service fees of water supply and wastewater treatment and disposal.
3. apply the fees for the service categories approved in the license that has been issued and approved by NWRC.
4. ensure water supply for the consumer, in accordance with the technical standards approved by GDS and WRE.
5. control and ensure water quality, in accordance with the standards established by CMD No. 145 of 26.02.1998, "On the control of the drinking water quality."
6. make public announcement on water supply interruptions both in cases of defects and planned interruptions.
7. make transparency with the consumers prior to making proposals for the change of tariffs. One copy of the transparency report shall be sent to WRE, together with the proposal for new tariffs.
8. make use of all the legally recognized tools to ensure the funding of licensed activities.
9. pay the fee set by WRE for the issuance or renewal of the license (see the table attached herewith).

The licensee shall not be entitled to enter an agreement with a third party for the sale of drinking water for commercial purposes without receiving prior approval by WRE.

The licensee shall notify the WRE within 30 days on any changes of:

- address;
- legal or technical administrator;
- license conditions;
- service area
- schemes of water supply and wastewater treatment or disposal.

All the official notifications, applications, communications with WRE that regard the obligations under this Licensee shall be in writing. All the notifications and correspondence shall be considered effective upon their delivery.

Article 13 – Licensing payments

- The licensee shall make the license payments at the amounts established by NWRC in the table attached herewith.
- The payment shall be made via the bank account of the Water Regulatory Entity.

Article 14 – Inspection of the licensed activity

WRE shall inspect the implementation of the license conditions by the licensee.

WRE is entitled to review the documents of the licensee, in order to ascertain the compliance of the performance of the licensed activity with the license conditions and with the WRE rules, standards and decisions. The licensee shall provide any information required from WRE.

If from the inspection is concluded that the licensee has failed to comply with License Conditions, WRE may take other measures within its discretion to protect the consumers' interests.

The licensee shall provide explanation for any infringement of the Conditions of the license within **15 days** from the moment where such an infringement has been officially notified in writing by the WRE.

Article 15 – Disputes

- NWRC shall take the relevant decisions in accordance with the laws in all those cases where the licensee fails to observe the law, the rules established by WRE, the conditions of the license, the standards and obligations towards the consumers.
- When a licensee fails to comply with the laws or infringes the conditions of his/her license, the NWRC shall issue an order in writing to ensure compliance with them. In this case, the NWRC shall:
 - inform the licensee in writing on the issuance of the order;
 - state the facts that sustain the issuance of the order;
 - give the licensee the opportunity to provide their opinion within the established time term;
 - review the opinion and arguments provided by the licensee and, if deemed appropriate, modify the issued order on such grounds;
 - draft a final order and send a copy to the licensee;
 - publish the issued order in a manner it considers appropriate;
 - initiate the administrative acts in accordance with the order.
- The rights of the licensees in the case of a dispute

The operators who will exercise their activity in the area of water collection and distribution for public consumption, water treatment and of the wastewater collection, treatment and disposal shall be entitled to the following:

- the right of representation;
- the possibility to be heard and the right to examine;
- the possibility to submit evidence in their defence;
- the possibility to present the statement of the case in their defence in writing and by submitting arguments;
- the impartiality of those who take the decisions and the right to appeal.

Article 16 – Penalties

Pursuant to Article 19 of the Law No. 8102 of 23.03.1996 (as amended) “On the regulatory framework in the area of water supply and wastewater treatment and disposal:

a) to suspend the license of a licensee if:

- s/he fails to comply with the applicable legislation and the sub-legal acts issued by NWRC
- s/he infringes the terms of the license;
- s/he fails to show within the timeline established by the Committee for the changing of the terms and conditions .of the license.

b) to revoke the terms and conditions of a license when:

- the licensee is found to have seriously infringed the license terms and conditions during his/her activity;

NWRC shall take the appropriate legal steps against any legal or natural entity, in accordance with Law No. 8102 of 28.03.1996, as amended, Article 32/1, in those cases where the operators exercises their activity in the area of water collection and distribution for public consumption and of the wastewater treatment and disposal without being granted a license by NWRC.

Failure to comply with the terms and conditions of the license shall be subject to a fine of Lek 50,000

Article 17 – Entry into force

This regulation shall enter into force immediately upon the approval by NWRC.

APPLICATION FOR LICENSE

Title of the operator applying for license

Full address: _____

Telephone / mobile / e-mail: _____

Legal administrator: _____

(first name, middle name, last name)

Technical administrator *(with whom requires to obtain the license)*

1. _____
(first name, middle name, last name, degree, year of graduation)

2. _____
(first name, middle name, last name, degree, year of graduation)

APPLYING FOR:

(mark the box next to your application option)

1. FIRST LICENSE

2. LICENSE RENEWAL AS A RESULT OF THE CHANGE OF:

- a) The legal administrator
- b) The technical administrator
- c) The service categories
- d) The population in the service area

Legal administrator

(first name. last name. seal. stamp)

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APPLICATION FORM

I – Service intended to be provided		
a) Category A , for the collection and distribution of water for public consumption	Yes	No
b) Category B , for the treatment of water for public consumption	Yes	No
c) Category C , for wastewater disposal	Yes	No
ç) Category D , for wastewater treatment	Yes	No

II – The service area and population covered by the Operator				
(Attached herewith should be the map, the sketch of the service area which should to include all the main facilities, such as the pump station, water depots, the main water collection and distribution pipelines for public consumption, wastewater disposal sites, together with some main related technical records)				
Name of the municipality, commune, village and number of registered inhabitants. <i>The applicant should enlist all the urban areas comprised within the jurisdiction of the respective units, which shall receive he services, following the issuance of the license by WRE. The applicant should make available the number of the respective registered population in the civil registry offices of the urban centre for the last year before the application.</i>	No.	Municipality Name/Inhabitants	Commune Name/Inhabitants	Village Name/Inhabitants

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III – Resources of water supply for public consumptions and drinking water treatment				
Resources	Location	Maximum capacity	Exploitation capacity (l/s)	Water collection ways (Resource, well drilling, lake, etc)
Drinking water treatment		Yes..... No..... If yes, provide data on the treatment plant : Type of treatment: Capacity Population		

IV – Water reservoirs for public consumption		
Reservoir	Location	Reserve capacity

V – Quality of water for public consumption	
a. The main data related to the quality characteristics of the water used for public consumption, together with the water quality test records for the month of application for license, which are issued by the respective State Sanitary Inspectorate	PH=..... NH ₄ ⁺ =..... NO ₂ =..... NO ₃ =..... PO ₄ =..... CO ₃ =..... HCO ₃ =..... Organic substance =.....
b. Type of disinfection of the water for public consumption (calcium hypochlorite, sodium hypochlorite, etc)
c. Location and type of disinfecting equipment of the water for public consumption)

VI – Wastewater discharge and wastewater treatment	
a. Location
Wastewater treatment	Yes..... No..... If yes, provide data in relation to the treatment plant: Type of treatment:..... Capacity:..... Population:

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VII – Information on the staff	
a. Total number of the full time and on-contract workers	
b. Number of workers in the water supply sector	
c. Number of workers in the sewerage sector	
d. Number of Administration workers, including the managers	

Legal Administrator of the Operator

_____ (First name, Last name, seal and stamp)

The legal documents attached with this form, in compliance with CMD No. 958 of 06.05.2009

II. The legal or natural entities who intend to obtain a license to exercise their activity in the water supply systems and the wastewater treatment and disposal shall have to submit to WRE the following documents:

1. Request for license application in writing, according to the format required by WRE.
2. The operator's legal registration document as a legal or natural entity with the National Registration Centre;
3. The power of attorney of the owner for the legal administrator, which entitles the latter to carry out all the activities related to the application for and the use of the respective license;
4. The registration certificate with the taxation bodies of the administrative area where the service is intended to be delivered;
5. The hygiene-sanitary permit from the State Sanitary Inspectorate of the administrative area where the service is intended to be delivered;
6. CV of the legal and technical administrator.
7. The environmental permit, in the case of an application for wastewater treatment;
8. Technical administrator qualification documents, as follows:
 - a) Regarding the water supply and wastewater disposal systems, the Technical Administrator should have a university degree in hydrotechnical engineering, construction, electric, mechanic, environmental engineering or similar profiles, as well as a working experience of over 5 years in this area.
 - b) In the cases where the operator intends to operate in the treatment of water for public consumption or wastewater treatment, s/he should have a technical administrator who has a university degree in hydrotechnical, environmental engineering, mechanical, chemical, micro-biological engineering or other similar areas.

9. Criminal records of the legal and technical administrator.
10. A statement in writing from the legal and the technical administrator, which declares thereby with full responsibility that s/he will comply with the legal and by-legal acts issued by WRE, with the Albanian standards on the system operation and maintenance and with the effective Albanian legislation .

The submission process of the above-mentioned documents to the WRE shall take place within a period that does not exceed 30 (thirty) days from the day where the entity applies for license.

Note: Please, kindly send the completed application form and a copy of the payment receipt to the following address:

**PERSONAL DECLARATION OF
THE LEGAL ADMINISTRATOR**

“I hereby declare under my responsibility that I shall strictly act in accordance with the legal and by-legal acts issued by WRE, with the Albanian standards for the operation and maintenance of the system and with the effective Albanian legislation.”

Declarer

(first name, last name, signature)

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**PERSONAL DECLARATION OF
THE TECHNICAL ADMINISTRATOR**

"I hereby declare under my responsibility that I shall strictly act in accordance with the legal and by-legal acts issued by WRE, with the Albanian standards for the operation and maintenance of the system and with the effective Albanian legislation."

Declarer

(first name, last name, signature)

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LICENSE FEES

According to the categories determined in the Decision **No. 958** of **06.05.2009**

POPULATION OF COVERED AREA	FEES			
	Category A, collection and distribution of water for public consumption	Category B, on the treatment of water for public consumption	Category C, on the removal of wastewater	Category D, on wastewater treatment
Up to 10 000 inhabitants	10 000	10 000	10 000	10 000
10 000-50 000 inhabitants	20 000	20 000	20 000	20 000
50 000-150 000 inhabitants	30 000	30 000	30 000	30 000
over 150 000 inhabitants	50 000	50 000	50 000	50 000

Note:

1. The operator shall not make the above payment in case of license renewal within 2010, due to the changing of the **Technical Administrator** or of the **Legal Administrator**, or as a result of the changes made by WRE, based on CMD No. 958 of 05.06.2009.
2. The operators shall make the payments as per the above table, in case of changing the service **category** or of the **population** in the service area.