DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2021/D5/MC-EnC: on the failure of the Republic of Moldova to comply with the Energy Community Treaty in Case ECS-7/18

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Article 91(1)(a) thereof;

Upon the Reasoned Request by the Secretariat in Case ECS-7/18 dated 9 September 2020;

Having regard to the Reply by Republic of Moldova dated 29 October 2020 in accordance with the Procedural Act No 2015/04/MC-EnC of the Ministerial Council of the Energy Community ("the Dispute Settlement Rules");

Having regard to the Opinion of the Advisory Committee established under Article 32 of Dispute Settlement Rules, dated 25 January 2021;

HAS ADOPTED THIS DECISION:

Article 1

Failure by the Republic of Moldova to comply with the Treaty

1. By not transposing into national law the provisions of Directive 2001/80/EC and Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU, the Republic of Moldova has failed to fulfil its obligations under the Energy Community Treaty and in particular Articles 12 and 16 thereof.

2. For the reasons sustaining these findings, reference is made to the Reasoned Request.

Article 2

Follow-up

1. The Republic of Moldova shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. The Republic of Moldova

shall report regularly to the Secretariat and the Permanent High Level Group about the measures taken in 2021 and beyond.

2. If the breach has not been rectified by 1 July 2022, the Secretariat is invited to initiate a procedure under Article 92 of the Treaty.

Article 3

Addressees and entry into force

This Decision is addressed to the Parties and the institutions under the Treaty. It enters into force upon its adoption.

Done in Belgrade, on 30 November 2021

For the Ministerial Council

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Presidency