

Joint Declaration on Cooperation between
the State Aid Authorities
of the Contracting Parties and the Energy Community Secretariat on
the establishment of an
ENERGY COMMUNITY STATE AID NETWORK

By the present Declaration, the State aid authorities of the Contracting Parties to the Treaty establishing the Energy Community (hereinafter the "Treaty") together with the Secretariat of the Energy Community (hereinafter the "Secretariat") agree to establish the Energy Community State Aid Network, in parallel to the Energy Community Competition Network.

1. Purpose and scope

The Energy Community State Aid Network shall contribute to the coherent and consistent application and enforcement of the State aid *acquis* to the electricity, gas and oil sectors within the Contracting Parties and the regional markets. This serves the wider purpose of opening markets, enhance consumer welfare and foster investments in the region. It will ultimately improve the implementation of Articles 18 and 19 of the Treaty in each Contracting Party.

The increased importance of State aid on competition in the energy sector requires that the State aid authorities of the Contracting Parties participate in the cooperation process initiated by the Energy Community Competition Network.

The Energy Community State Aid Network shall serve as a platform for promoting close cooperation and discussion, exchange of experience and developing best practices with respect to policy, legislation and enforcement of the EU State aid *acquis* within the Energy Community. This aim shall be achieved through mutual exchange of experience and best practices among the institutions participating in the Network, both on general issues pertaining to State aid law in the energy sectors on substance and procedure, and individual enforcement procedures.

The cooperation within the Network may cover

- a. Exchange of information relevant to the enforcement of the State aid *acquis* within the Energy Community in compliance with the relevant national law;
- b. Exchange of expertise and experience concerning the application and enforcement of State aid rules in the energy sectors;
- c. Discussion on issues of common interest for the national State aid authorities as regards the enforcement of State aid rules in the energy markets;

- d. Coordinating investigations, where appropriate, and assisting each other with respect to the conduct of investigations, in accordance with the national legal framework of the Parties;
- e. Adoption of best practices and guidelines on issues that could provide guidance to national State aid authorities with regard to their enforcement activities;
- f. Cooperation in the analysis and review of cases;
- g. Any other form of cooperation commonly agreed and considered appropriate by the members of the Network.

2. Composition, meetings and exchange of information

Each State aid authority from a Contracting Party or Observer as well as the Secretariat shall appoint a representative and an alternate representative.

The Energy Community State Aid Network may form ad hoc working groups to elaborate assessments and solutions for particular issues, and to adopt best practices and guidelines. The Secretariat will prepare a work plan for the ad hoc working groups.

The members will report and exchange on all issues with relevance to enforcement of State aid law in the energy sectors. The Secretariat will facilitate the system of exchange of information and mutual consultation.

Each representative and its authority is responsible for respecting confidentiality when sharing information. The information acquired or exchanged within the Network shall not be disclosed by any member without prior explicit agreement by the source.

Under Article 2 of the Dispute Settlement Procedures, the State aid authorities are under an obligation to notify the Energy Community Secretariat of any case involving the application and/or interpretation of Energy Community law. Upon request, the Secretariat will provide assistance to State aid authorities in all matters covered by the scope of the Energy Community State Aid Network in compliance with this provision.

3. Final

The Energy Community State Aid Network is not a legal entity and has no autonomous powers or competences. It does not have a legal personality and the members do not undertake legally binding commitments. All State aid authorities within the Network are independent from one another and remain fully responsible for ensuring due process in the cases they deal with.

Done on 16 March 2017 in Chisinau.

For the Competition Council of the
Republic of Moldova

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President

For the Secretariat of the Energy
Community

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