MEMORANDUM

The European Commission, acting on behalf of the Energy Community as mandated by the Energy Community Ministerial Council on 29 June 2007, on the one side, and the Republic of Moldova, on the other side, have carried out negotiations in view of the accession of the Republic of Moldova to the Energy Community.


On this basis, the undersigned negotiators hereby declare that the negotiations are concluded and agree that their outcome is submitted to the relevant approval procedures of both sides.

Done in Chisinau on 29th April 2009.

For the Energy Community

Fabrizio Barbaso
Deputy-Director General
Directorate General for Energy and Transport European Commission

For the Republic of Moldova

Tudor Copaci
Deputy Minister, Ministry of Economy and Trade
DECISION
OF THE MINISTERIAL COUNCIL
OF THE ENERGY COMMUNITY

.../../MC-EnC on the accession of
the Republic of Moldova to the Energy Community

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community signed in Athens on 25 October 2005 ("the Treaty") and in particular Articles 100 (i) and (iv) thereof,

Whereas the Republic of Moldova has been actively participating in the Energy Community as an Observer since November 2006,

Whereas the Republic of Moldova has undertaken significant reforms to approximate its legal framework in accordance with the requirements of the Energy Community Treaty,

Whereas negotiations on the accession of the Republic of Moldova where held and successfully concluded on 29 April 2009 in Chisinau,

Whereas the Republic of Moldova and the Parties to the Treaty recognize that the accession of Republic of Moldova as a Contracting Party is of mutual interest and is compatible with the principles and aims of the Treaty,

HAS ADOPTED THIS DECISION BY UNANIMITY:

Article 1

The Ministerial Council of the Energy Community agrees on the accession of the Republic of Moldova to Treaty establishing the Energy Community as a Contracting Party under the terms and conditions set in Annex to this Decision.
Article 2

1. This Decision enters into force on the first day of the second month following notification by the Republic of Moldova of the completion of its internal approval procedures for the Treaty establishing the Energy Community and for the Annex to this Decision.

2. Notification shall be sent to the Secretary-General of the Council of the European Union as depositary of the Energy Community Treaty pursuant its Article 105.

Done at

For the Presidency
ANNEX

To the Decision of the Ministerial Council of the Energy Community concerning

THE ACCESSION OF THE REPUBLIC OF MOLDOVA
TO THE TREATY ESTABLISHING THE ENERGY COMMUNITY

Article 1

1. The Republic of Moldova accedes to the Treaty establishing the Energy Community as a Contracting Party under the terms and conditions laid down in this Annex.

2. Unless specified otherwise in this Annex, by date of accession, the Republic of Moldova is entitled to all rights granted to Contracting Parties and is subject to all obligations imposed on Contracting Parties by the Treaty and by all Decisions and Procedural Acts adopted in application of the Treaty since its entry into force.

Article 2

1. For the purpose of compliance with Title II of the Treaty establishing the Energy Community and its related Annexes, the timetable for implementation by the Republic of Moldova of the acquis communautaire is defined as follows.

<table>
<thead>
<tr>
<th>Directive/Annex</th>
<th>Date</th>
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<tbody>
<tr>
<td>Regulation n°1775/2005 on conditions for access to the natural gas transmission networks</td>
<td>By 31 December 2010</td>
</tr>
<tr>
<td>Directive 2003/54/EC concerning common rules for the internal market in electricity</td>
<td>By 31 December 2009</td>
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<tr>
<td>Regulation n°1228/2003 on conditions for access to the network for cross-border exchanges in electricity</td>
<td>By 31 December 2010</td>
</tr>
<tr>
<td>Commission Decision 2006/770/EC amending the Annex to Regulation n°1228/2003 on conditions for access to the network for cross-border exchanges in electricity</td>
<td>By 31 December 2010</td>
</tr>
<tr>
<td>Directive 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment</td>
<td>By 31 December 2010</td>
</tr>
<tr>
<td>Directive 1999/32/EC relating to a reduction in the sulphur</td>
<td>By 31 December 2014</td>
</tr>
</tbody>
</table>
2. The Republic of Moldova must ensure that the eligible customers within the meaning of EC Directives 2003/54/EC and 2003/55/EC are:

- From 1 January 2013, all non-household customers; and
- From 1 January 2015, all customers.

3. At Article 19 of the Treaty, the reference “as from six months following the date of entry into force of this Treaty” shall be understood as meaning “as from six months following the date of accession of the Republic of Moldova”. At Article 22 of the Treaty, the reference “within one year of the adoption of the list” shall be understood as meaning “within one year of the date of accession of the Republic of Moldova”. At Article 29 of the Treaty, the reference "within one year of the date of entry into force of this Treaty" shall be understood as meaning “within one year of the date of accession of the Republic of Moldova”

4. Article 15 of the Treaty shall apply to the Republic of Moldova as from one year following the date of accession of the Republic of Moldova.

**Article 3**

1. The contribution of the Republic of Moldova and of the other Parties to the budget of the Energy Community shall be set in a Procedural Act to be adopted pursuant Article 73 of the Treaty. The methodology to be applied shall be based on a pro-rata calculated in relation to GDP and Total Primary Energy Supply.

2. The first contribution of the Republic of Moldova shall be due for the first full budgetary year following accession.