

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Decision No D/2012/05/MC-EnC concerning the implementation of Article 9 of Directive 2009/73/EC by the Republic of Moldova

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 24 and 79 thereof,

Having regard to the proposal from the European Commission,

Whereas:

1. Upon Commission proposal, adopted on 6 May 2011, the Ministerial Council of the Energy Community adopted on 6 October 2011 Decision D/2011/02/MC-EnC on the implementation by the Energy Community of Directive 2009/73/EC, among others.
2. Under Article 8(1) of the Ministerial Council Decision, Contracting Parties of the Energy Community are bound to unbundle their gas transmission systems and gas transmission operators by 1st of June 2016, at the latest.
3. In view of the unique characteristics of its gas market, the implementation deadline for the provisions on unbundling in the gas sector foreseen in Article 8(1) of the Ministerial Council Decision does not seem appropriate for the Republic of Moldova.
4. Under Article 24 of the Energy Community Treaty, the Energy Community shall adopt measures adapting the *acquis communautaire*, taking into account both the institutional framework of this Treaty and the specific situation of each of the Contracting Parties.
5. An extended implementation deadline shall therefore be granted to Moldova, limited to the provisions of Article 9 of Directive 2009/73/EU and subject to the availability of other sources of gas supply,

HAS ADOPTED THIS DECISION:

Article 1

By derogation to Article 8 of Decision D/2011/02/MC-EnC of the Ministerial Council of the Energy Community, the date referred to in Directive 2009/73/EC shall be adapted, as far as the Republic of Moldova is concerned, as follows:

- in Article 9(1), "3 March 2012" shall read "1 January 2020".

Article 2

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

Done by written procedure on 5 December 2012.

For the Ministerial Council

Presidency
