



Republic of Moldova

The National Agency for Energy Regulation
ANRE

52/A Alexandr Puskin Street, MD-2005 Chisinau, Tel: 022 823 955, anre@anre.md, <http://www.anre.md>

Mr. Artur Lorkowski
Director, Energy Community Secretariat
Am Hof 4, Level 5, 1010 Vienna, Austria

No. 012859 of 12.07. 2023

Subject: ANRE's Decision on provisional certification of the TSO SE "Moldelectrica"

Dear Mr. Lorkowski,

Allow me to inform the Energy Community Secretariat that the Administration Council of the National Agency for Energy Regulation of the Republic of Moldova (ANRE) has approved on July 11 2023 the Decision on certification of the electricity transmission system operator (TSO) SE "Moldelectrica", according to the model of independent system operator (ISO).

In this context, according to art. 27 para. (7) from Law no. 107/27.05.2016 on electricity, ANRE is sending attached the Decision of the Administration Council of ANRE no. 447 of 11.07.2023 on certification of the electricity TSO and the documents submitted by the Ministry of Energy, that confirm the completion of the conditions provided in point IV of the Energy Community Secretariat's Opinion no. 2/23 of 12.05.2023 on certification of electricity TSO SE "Moldelectrica".

ANRE is available to submit any information or documents that were used in the certification process.

Sincerely yours,

Eugen CARPOV
Director



Republic of Moldova

**National Agency for Energy Regulation
ANRE**

52/A Alexandr Puskin str., Chisinau mun., MD-2005
Tel: 022 823 955, anre@anre.md, <http://www.anre.md>

**THE ADMINISTRATION COUNCIL
DECISION No.447
of 11th of July 2023
Chisinau**

**on certification of the electricity transmission system operator
SE Moldelectrica, IDNO:1002600004580,
legal address: 78 V. Alecsandri str., Chisinau mun., MD-2012**

According to Art. 27 of the Electricity Law No. 107/27.05.2016, the Opinion of the Energy Community Secretariat (ECS) No. 2/23 of 12 May 2023 issued according to Art. 3(1) of the Regulation (EC) No. 714/2009 and Art. 10(6) of the Directive 2009/72/EC concerning the certification of the transmission system operator (TSO) Moldelectrica, the Request of the Ministry of Energy No. 07/2-793 of 05 July 2023 with the attached documents, and taking into account the Request No. 46-47/1500 of 07 September 2022 on the certification of the electricity transmission system operator SE Moldelectrica according to the model of independent system operator, the Administration Council of the National Agency for Energy Regulation (ANRE),

FINDS THAT:

According to Art. 27 of the Electricity Law No. 107/27.05.2016, ANRE has issued on 9th of December 2022 the Decision No. 921 on the provisional certification of the electricity transmission system operator (TSO) SE Moldelectrica informing and submitting all the relevant documents in this regard to the Energy Community Secretariat. On 31 March 2023, ANRE has informed the Energy Community Secretariat (ECS) about the adoption of the Decision No. 180/31.03.2022 on the modification of the Motivational Note attached to the Decision No. 921 of 09 December 2023 on the provisional certification of the electricity TSO SE Moldelectrica. On 12 of May 2023, the ECS has issued the Opinion No. 2/23, concluding that the TSO Moldelectrica can be certified according to the provisions of ANRE's Decision on the provisional certification, under the conditions expressly provided by the Secretariat only.

According to point IV of the ECS Opinion, 4 priority actions are necessary to be taken until the expiration of the deadline of issuing the decision on certification. For the purpose of documentary confirmation of the execution of the conditions established by the ECS, the Ministry of Energy, as the founder of SE Moldelectrica submitted to ANRE the Request 07/2-793 (5th of July 2023) and the documents confirming the fulfilment of the conditions set by the ECS.

In this regard, ANRE has examined:

- the Compliance Program approved by the Order of the Ministry of Energy No. 19 of 3rd June 2023;
- the appointment of Mr. Andrei Matco as a compliance agent, based on a contract approved by ANRE on 07 July 2023;
- the decision to register the amendments to the incorporation documents/acts of SE Moldelectrica that confirms the amendment of point 40 of the Status of the enterprise, and in particular, the limitation of the right of the founder to conclude individual employment contract with the general director, only at the request of the Administration Council; point 42 of the Status by limiting the right of the founder to get involved in the operative and

commercial activity of the enterprise; point 49 letters a), n) and u) by excluding the right of the Administration Council to approve the development plans and by limiting the right of the founder to appoint and dismiss the general director of the enterprise;

- 27 declarations/affidavits signed by the current representatives of the central public authorities who are members of the boards of directors of enterprises, where the state holds a share and carry out activities of production or supply of electricity and natural gas.

Also, point IV of the ECS Opinion sets out other conditions and provides a period of up to 9 months for SE Moldelectrica and its Founder to fulfil the necessary actions and report on their achievement.

In conclusion, taking into account the factual circumstances, as well as, the legal norms mentioned above, the Administration Council of ANRE,

DECIDES:

1. To approve the certification of the electricity TSO SE Moldelectrica, IDNO: 1002600004580, holder of the license series AA No. 064574 of 10th June 2008 for the activity of electricity transmission, valid until 20 of April 2026, according to the model of independent system operator (ISO).

2. The founder of SE Moldelectrica shall ensure the execution of point IV of the Opinion of the Energy Community Secretariat No. 2/23 of 12 May 2023 and shall inform ANRE by 12 of April 2024 about the approval of the governmental act/Government decision setting:

- the exclusive role of the secretary of state, appointed to act as the founding Ministry of SE Moldelectrica and its exclusion from the process of establishing and implementing the energy policy, as well as, the clear commitment of the Government and the Prime Minister to not get involved in the Ministry' over SE Moldelectrica;
- the representatives of the Ministry of Energy in the Administration Council of SE Moldelectrica, after the end of their current mandates are not allowed to hold positions in the boards of directors of state or private enterprises, which carry out the activities of production or supply of electricity and/or natural gas.

3. The electricity TSO and its Founder shall ensure and confirm by documents until 12 of April 2024 - the operation and approval of the amendments to the Order of the Ministry of Energy No. 2/2023, in the Status of SE Moldelectrica and the Regulation of the Administration Council in order to introduce a selection procedure applicable to the positions of members of the Administration Council of the TSO, after the end of their current mandates, based on the principles of merit and transparency, so that the majority of members are selected from outside the public administration authorities and state enterprises, and the rest are state representatives not affiliated with production and supply enterprises.

4. SE Moldelectrica shall ensure until 12 of April 2024 and shall confirm by documents the amendment of the Status and the Regulation of the Administration Council so that the appointment, supervision and dismissal of the administrator of the enterprise are assigned to the competence of the Administration Council.

5. After submitting to ANRE the evidence of the implementation of the measures provided for in points 2-4 of this Decision, SE Moldelectrica shall request the renewal of the license series AA no. 064574 of 10 June 2008 for the electricity transmission activity, according to the provisions of Art. 27(10) of the Electricity Law No. 107/27.05.2016 and the procedure set by Art. 7 of the Law No. 160 of 22 July 2011 on the regulation by authorization of entrepreneurial activity.

6. If point IV of the Opinion of the Energy Community Secretariat No. 2/23 of 12 May 2023 is not achieved by 12 of April 2024, ANRE shall repeatedly initiate the certification procedure to evaluate the compliance with the requirements of separation and independence of the TSO according to Art. 28(1)(b) of the Electricity Law No. 107/27.05.2016.

7. This Decision shall enter into force on the day it is published in the Official Gazette of the Republic of Moldova. It will also be published on the official website of ANRE along with the Opinion of the ECS No. 2/23 of 12 May 2023, according to Art. 27(9) of the Electricity Law No. 107/27.05.2016.

8. The Licensing, Monitoring and Control Department of ANRE shall inform the ECS about this Decision within 5 working days.
9. This Decision can be challenged at the issuing authority within 30 days from the date of publication in the Official Gazette of the Republic of Moldova.

Veaceslav UNTILA
General Director

Eugen CARPOV
Director

Alexei TARAN
Director