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HIGH-LEVEL CONFERENCE EU ENERGY COOPERATION WITH THE EASTERN NEIGHBOURHOOD AND CENTRAL ASIA

Celebrating the 20 years of the INOGATE Programme
and preparing for the new stage



“Transposition of the 3rd Energy Package” Republic of Moldova

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Overview

- Ministry of Economy of the RoM – in charge with energy sector
- 3rd Energy package transposition
- The legislative process in the Republic of Moldova (RoM)
- Status before INOGATE's intervention
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- The situation today
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Ministry of Economy of the RoM – in charge with energy sector

Mission of the Ministry of Economy/General Department of Energy Security and Efficiency:

- ✓ to promote the state policy in the field of electricity, gas and heat, energy efficiency and renewable energy sources by developing and improving the legislation;
- ✓ to enforce and monitor the state policy in the field of deployment of electricity and gas networks at national level, manage the exploration and exploitation of oil and gas resources, monitor the restructuring process in district heating, as well as implementation of projects on energy efficiency and renewable energy use.

The Republic of Moldova has been an INOGATE Partner Country since 1996 and has benefited from 30 of INOGATE's 69 projects.



3rd Energy package transposition

- RoM is a full-fledged member of Energy Community since 2010.
- On 6th October 2011, at the 9th Ministerial Council Meeting, RoM has adopted the decision related to the implementation of the Third Legislative Package for the EU internal gas and electricity markets.
- Deadline to transpose the Third Energy Package – 1st of January 2015!
- RoM achieved derogation on implementation of Article 9 of Directive 2009/73/EC concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC by 1st January 2020 (Decision D/2012/04/MC-EnC).
- The ECT obligations were not achieved within the deadline (*until January 1, 2015*), due to the limited human and financial resources.



The legislative process in the Republic of Moldova

Drafting of the Legal Texts (draft Law, RIA, Explanatory Note)

Drafting the texts taking into account:

*Energy Community Secretariat
Comments to the drafts*

*The explanatory notes of the EC
Directives*

*Existing relevant national
legislation*

*The international experience and
working practices*

WG Assessment & Consultation

Explaining and defending the text to the WG on the basis of arguments provided by the notion of the EC Directives, the policy objectives of the country and the international experience

In parallel explain and defend the same positions to national stakeholders, taking also into account the national specificities

Finalisation

Provide revised drafts of all draft legal texts along with the tables of comments for second round of review by WG.

Presentation to the Government /Ministry of Economy for adoption



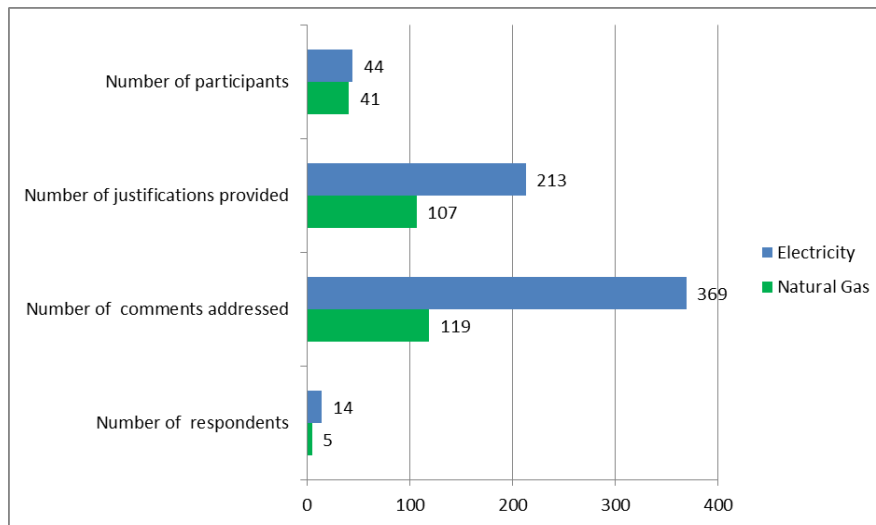
Status before INOGATE's intervention

- MoE has prepared an assessment of the compliance of current Moldovan legislation with Directive 2009/72/EC and Regulation 714/2009, Directive 2009/73/EC and Regulation 715/2009.
- Following the internal coordination, it was decided that the MoE will develop a new draft Law on electricity and a new draft Law on natural gas.
- MoE, with ECS and USAID assistance, has completed the 1st draft of Law on Electricity and 1st draft of Law on Gas.
- MoE established a Working group (WG) which is tasked with:
 - finalization of the draft law(s)
 - promotion of drafts through the public consultation process
 - presentation to the Government for approval
 - passing in the Parliament.



INOGATE's intervention: 01.06 - 31.10.15

- Review of so far developed drafts of Electricity Law and Gas Law, Regulatory Impact Assessment (“RIA”) and Explanatory Note.
- Assistance to the MoE in the consultation process with the national stakeholders and the national institutional parties involved in the draft Electricity Law and Gas Law, “RIA” and Explanatory Note assessment.
- Development with the cooperation of the MoE of the necessary amendments to subsequent and/or other relevant legislative acts in order to avoid potential contradiction between the draft Law on Electricity/Law on Gas and other legislative acts.



- Drafting the amendments on the Energy Law and assist the MoE in developing the “RIA” and Explanatory Note.



The situation today

The new draft Law on Gas has been approved:

by the Government on October 28th 2015

by the Parliament on December 29th 2015 (first reading)

The new draft Law on Electricity has been approved:

by the Government on October 8th 2015

by the Parliament on February 26th 2016 (first reading)



Lessons learned

Conditions for the successful implementation of the project are:

- ✓ The strong commitment and continuous support by the beneficiary;
- ✓ The capacity, specific knowledge and self-motivation of the local team of experts;
- ✓ The support of the international team which offered a reference to the EU practices on areas;
- ✓ The capacity of the team to take into consideration the local particularities, to integrate pertinent provisions of former Electricity and Gas Laws;
- ✓ The need to dedicate enough time in order to properly discuss with the main stakeholders the draft Laws and to incorporate useful proposals.





THANK YOU!

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