

Aspects of disputes settlement in the energy sector

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Main normative acts regulating the dispute settlement

- Electricity Act # 124 of 23.12.2009
- Gas Act # 123 of 23.12.2009
- Law on petroleum products market # 461 of 30.07.2001
- Law on administrative court # 793 of 10.02.2000
- Law on consumer rights protection # 105 of 13.03.2003
- Electric Service Rules approved by ANRE, 314/04.12.2008
- Gas Service Rules approved by ANRE, 304/07.08.2008

General aspects

1. At the fulfillment of obligations ANRE:
 - Adopts resolutions and
 - Decisions.
2. Resolutions and decisions are mandatory for the parties.
3. Resolutions and decisions representing public interest are published in *Monitorul Oficial of the Republic of Moldova*.

General aspects II

- In accordance with Law on administrative court nr. 793, resolutions and decisions can be contested in the appropriate administrative court:
- Before contestation in the court, the person considering that any of his/her legal right is infringed by the administrative act, is entitled to file a preliminary complaint with ANRE within 30 days after he/she was informed on the contents of act
- Preliminary complaint is reviewed within 30 days

Types of disputes

- Electricity and gas acts empower ANRE to solve disputes in an extra-judiciary procedure:
 - between customers and licensees;
 - between licensees.

Disputes between customers and licensees I

- Customers have the right to address to ANRE for all problems, including low quality of supply of natural gas or of provision of services.
- In an extra-judiciary procedure, ANRE adopts decisions about connection to networks and also those regarding conclusion of contracts for electricity and natural gas supply.
- In the rest of cases, ANRE expose its point of view and has the right to participate in court with protection of final customers' legal rights and interests.

Disputes between customers and licensees II

- Electricity and gas acts do not provide terms for making decisions for this kind of disputes.
- Decisions are made after examinations of petitions.
- Law on petition establishes the term of 30 days for examination of petitions, with the possibility of extending this period by another 30 days.

Disputes between licensees I

- Electricity and gas acts empower ANRE with many rights in the extra-judiciary order disputes between licensees.
- The legislation do not provide concrete types of disputes which are in competence of ANRE.

Disputes between licensees II

- In the sector of natural gas (transmission, distribution, supply of natural gas at regulated tariffs within a specified territory), ANRE is liable to cease disputes through introduction of special rules.

Establishment of contraventions

- At the examination of divergences, ANRE has the right to begin the procedure of establishment of contravention on licensees (art. 169 Contravention Code).
- Sanctions are established by court.

Temporary suspension and resumption of license

- Until 10.06.2008 temporary suspension and resumption of license was the exclusive competence of ANRE.
- According to legislation in force, temporary suspension and resumption of license can be temporarily suspended by court decision, adopted on law-basis, upon Agency's request.
- In exceptional cases, provided by law, Agency may temporarily suspend the license on condition to subsequently address to the court. Application to court must be done within 3 working days from the day Agency adopted the resolution.