Joint Declaration on Cooperation between the Competition Authorities of the Contracting Parties and the Energy Community Secretariat on the establishment of an Energy Community Competition Network

By the present Declaration, the Competition Authorities of the Contracting Parties to the Treaty establishing the Energy Community ((hereinafter the "Treaty") together with Secretariat of the Energy Community (hereinafter the "Secretariat") agree to establish among themselves an Energy Community Competition Network.

1. Purpose and scope

The Energy Community Competition Network is meant as a contribution to coherent and consistent application and enforcement of the competition *acquis* to the electricity, gas and oil sectors within the Contracting Parties and the regional markets. A coherent and consistent application and enforcement of EU competition rules will help opening markets, enhance consumer welfare and foster investments in the region. It will ultimately improve the implementation of Articles 18 and 19 of the Treaty in each Contracting Party.

The Energy Community Competition Network will serve as a platform for promoting close cooperation and discussion, exchange of experience and developing best practices with respect to competition policy, legislation and enforcement of the EU competition *acquis* within the Energy Community. This aim should be achieved through mutual exchange of experience and best practices among the public institutions participating in the Network, both on general issues pertaining to energy competition law on substance and procedure, and individual enforcement procedures.

The cooperation within the Network may cover

a. Exchange of information relevant to the enforcement of the competition *acquis* within the Energy Community. Such exchange of information may encompass, *inter alia*, the adoption of legislation in a Contracting Party concerning competition and/or energy markets, the opening of new cases, envisaged decisions or the closure of cases;

b. Exchange of expertise and experience concerning the application and enforcement of competition rules in the energy sectors;

c. Discussion on issues of common interest for the national competition authorities as regards the enforcement of competition in the energy markets;

d. Coordinating investigations, where appropriate, and assisting each other with respect to the conduct of investigations;

e. Adoption of best practices and guidelines on issues that could provide guidance to national competition authorities with regard to their enforcement activities;

f. Cooperation in the analysis and review of cases;

g. Any other form of cooperation commonly agreed and considered appropriate by the members of the Network.

2. Composition, meetings and exchange of information

Each competition authority from a Party or Observer to the Energy Community participating in the Energy Community Competition Network, as well as the Secretariat, may appoint a representative and an alternate representative. The representative shall be present at the meetings of the Energy Community Competition Network. These meetings should take place at least once per year and normally at the premises of the Secretariat in Vienna. Other stakeholders may be invited to the meetings where appropriate.

The Energy Community Competition Network may form working groups to elaborate assessments and solutions for particular issues, and to adopt best practices and guidelines. The Secretariat is invited to prepare a work plan for the Network.

The members will report an exchange on all issues with relevance to enforcement of competition law in the energy sectors. The Secretariat will facilitate the system of exchange of information and mutual consultation among the competition authorities, i.a. by creating an electronic platform for members only.

Each competition authority is responsible for respecting confidentiality when sharing information. The information acquired or exchanged within the Network shall not be disclosed by any member without prior explicit agreement by the source.

Upon request, the Secretariat will provide assistance to competition authorities in all matters covered by the scope of the Energy Community Competition Network.

3. Final

The Energy Community Competition Network is not a legal entity and has no autonomous powers or competences. It does not have a legal personality and the members do not undertake legally binding commitments. All competition authorities within the Network are independent from one another and remain fully responsibility for ensuring due process in the cases they deal with.

Done in Yerevan on 20 April 2018.

For the State Commission for the Protection of Economic Competition of the Republic of Armenia

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