



COMPETITION COUNCIL

PRESCRIPTION

of the Plenum of the Competition Council

no 7/13-01 as of 19.11.2013

mun. Chişinău

The Plenum of the Competition Council as constituted:

Viorica CĂRARE – Chairperson
Emil GUȚU – Vice Chairperson
Mihail CIBOTARU – Vice Chairperson
Ion MAXIM – Member
Veaceslav GUȚUȚUI – Member

On the grounds of art.41, art.45, art.46 from the Law on Competition no183 as of 11.07.2012,

In view of fulfilling the main tasks of the Competition Council in what is related to the competition promotion,

Considering that the price is one of the competitive parameters on the market,

Recognizing the strategic use of the information on prices,

Being guided by the provisions set in p.24-34 from the Regulation on assessing the anticompetitive agreements approved by the Decision of the Plenum of the Competition Council no 14 as of 30.08.2013, namely those setting that „the exchange of strategic information shall lead to the artificial increase of transparency of the market, fact which facilitates the coordination of the conduct of undertakings and generates competition problems”,

In the meaning of the Disposition of the Plenum of Competition Council no 7 as of 11.11.2013 which orders the investigation for studying the wholesale and retail market of main petroleum products and liquefied gas in the Republic of Moldova in 2012-2013,

having as reference the judicial court opinion, expressed in the trial of the case ÎCS „Bemol Retail” SA versus NAPC on the contestation of the Decision of Administrative Council of NAPC no CNP-18/53-07/11 as of 17.02.2011, pursuant to which the court „does not exclude the fact, that price coincidence may be due to information leakage from mass-media or NARE”;

considering:

the actions of ANRE materialized in the dissemination of information on change of price by oil companies: publication on the official web page of NARE on **15.10.2013** of the information about notifying the intention to increase prices, information submitted by NARE (letter no 04/668 as of 16.10.2013) indicating, that out of 19 companies which notified the NARE about modification of price to diesel fuel, 5 submitted the notification on the same date, on **15.10.2013**, and 11 – on **16.10.2013**,

in view of insuring the competition and not admitting the facilitation of concomitant change of prices by oil companies to main petroleum products and liquefied gas, generated by the requirement for the oil companies to provide NARE with the calculations related to price change before applying them,

P R E S C R I B E S :

1. To the National Agency for Regulation in Energetics, **to amend** art. 4.8 from the Methodology of calculating an applying prices for petroleum products approved by the Decision of the Administrative Council of NARE no 263 as of 05.10.2007 (Official Gazette no 168-170/628 as of 26.10.2007) **by excluding the phrase „at least 3 days before the application of new price” and the completion in view of requiring the oil companies to provide the NARE with the calculations related to price change and applying them further..**
2. To the National Agency for Regulation in Energetics the notification to the Competition Council until 05.12.2013 about fulfilling the execution of p. 1 al of this Prescription.
3. This Prescription enters into force at the date of its adoption.

**The Chairperson of the
Plenum of Competition Council**

Viorica CĂRARE