# LETTER

**Pawel Lont**
Chair of the Gas Committee
Energy Traders Europe
Avenue des Arts 44
1000 Brussels

**Mr. Alexei Taran, Director General**
**Mr. Constantin Borosan, Director**
Agenția Națională pentru Reglementare în Energetică (ANRE Moldova)
Str. Alexandr Pușkin 52/A
MD 2005 Chișinău, Republic of Moldova

**Subject: Request for a consultation on an Art. 70 derogation, under Regulation (EU) 2024/1789, for the Ungheni IP**

14 July 2026

Dear Mr Taran,
Dear Mr Borosan,

Energy Traders Europe represents more than 180 energy trading companies active across the EU and the Energy Community, including Moldova, and we are reaching out regarding ANRE Moldova's draft Decision No. 2755, published on 03 July 2026.

Having reviewed the draft Decision and its accompanying Substantiation Note, we welcome ANRE Moldova's efforts to facilitate the practical use of bundled capacity. However, **we do not believe the proposed nomination-transfer mechanism resolves the wider access barriers** that put the benefits of capacity bundling into question. We believe this provides ANRE Moldova with an opportunity to complement the process with a second dedicated consultation on whether **a derogation under Article 70 of Regulation (EU) 2024/1789 should be pursued instead**.

The rationale behind bundle capacity products is to increase liquidity at hubs. Considering existing barriers to entering the Moldovan gas market for non-Moldovan companies, introducing bundled capacity now would do not nothing towards its underpinning policy objective. The sequence is wrong and must be swiftly corrected. First grant access to foreign companies and then work on bundled products.

In our view, **the proposed mechanism is an administrative measure rather than a structural solution**. While it would allow the operational right to submit nominations and renominations to be transferred after bundled capacity has been allocated, it does not address the fundamental question of who is able to participate in the capacity auctions. **At minimum, the authorities should allow single-sided nomination of the awarded bundled capacities to allow continued use of the capacities and gas trade at the respective borders.**

In our estimation, draft Decision No. 2755 **adds an additional administrative procedure to the existing bundled-capacity framework rather than addressing the underlying access barriers**. Since the measure becomes usable only after bundled capacity has already been won by an entity able to satisfy access conditions in both Romania (licensing and financial guarantee requirements) and Moldova (licensing regime). It therefore does nothing to widen the pool of entities able to compete for capacity. Addressing these challenges should become a priority to the authorities if capacity bundling is to bring tangible benefits.

**This assessment is also supported by ANRE Moldova's own Substantiation Note.** Section 2.3 recognises that the proposal addresses the third of five identified causes – the absence of a nomination-transfer mechanism – while only partially mitigating the second, and leaves other issues unresolved, including **mutual recognition of licences and market-participant status, the VTP access/balancing/title-transfer framework, and restrictions affecting the treatment of bundled capacity on the secondary market.** Moreover, the Note acknowledges that formal compliance with bundling requirements may be "procedurally compliant but economically restrictive" ("conform ca procedură, dar restrictivă ca efect economic").

**We therefore do not believe that the mechanism could be perceived as resolving the market-access challenges at Ungheni**, since it addresses only one element of a broader issue. Moreover, based on ANRE Moldova's own assessment, the underlying conditions at Ungheni – including high market concentration, limited participation by the same traders on both sides of the IP, and significant compliance costs – are comparable to the circumstances considered in the Kireevo/Zaychar (BG-RS) and Kiskundorozsma-2 (HU-RS) cases. In those cases, however, **the response was an Article 70 derogation request rather than a procedural adaptation**.

To be clear, Energy Traders Europe does not object to the nomination-transfer mechanism being available as one tool among others; but we believe that more is needed. We therefore request that ANRE Moldova launch, without delay and in parallel to the ongoing public consultation on draft Decision No. 2755, a targeted consultation to establish:

- whether a derogation from Art. 70 should be requested, rather than proceeding to full bundling with an administrative fix alone;

- whether respondents consider the proposed nomination-transfer mechanism adequate, partial, or insufficient to address all concerns, and what further measures are necessary, including the aforementioned possibility of single-sided nominations.

We believe such a consultation, and the publication of the results, would provide both regulators with a sound basis for assessing whether a joint derogation request would better serve their objectives. Energy Traders Europe and its members remain available to discuss these issues and are also engaging with ANRE Romania, in the hopes of a coordinated assessment ahead of the 5 August 2026 deadline.

Yours sincerely,

**Pawel Lont**
Chair of the Gas Committee
p.lont@energytraderseurope.org