



BOSNIA AND HERZEGOVINA

MEMORANDUM OF COOPERATION

COMPETITION COUNCIL OF BOSNIA AND HERZEGOVINA

AND

STATE ELECTRICITY REGULATORY COMMISSION

Competition Council of Bosnia and Herzegovina

and

State Electricity Regulatory Commission

(hereinafter: Parties to the Memorandum)

sign the following

Memorandum of Cooperation

Whereas,

- the Parties to the Memorandum share common objectives: fostering electricity market liberalization, free competition and ensuring consumer/customer welfare.

Having in mind,

- that Bosnia and Herzegovina is a signatory of the Treaty Establishing the Energy Community and shall fulfil the obligations for effective implementation of the Energy Community law,
- the studies and guidelines developed by the International Competition Network and the Organization for Economic Cooperation and Development, as well as the experience from the EU Member States.

There is a necessity for:

- institutionalization of cooperation between the Competition Council of Bosnia and Herzegovina and the State Electricity Regulatory Commission based on mutual trust and understating.

Part I: General Provisions

Article 1 – Purpose and Aim

The Memorandum aims at:

- establishing cooperation to coordinate and make implementation of regulations within the competence of the Parties to the Memorandum more efficient, taking into account their autonomy and independence, in order to ensure legal certainty for electricity market participants;
- establishing cooperation which will enable to make best use of the complementary activities and knowledge of the Parties to the Memorandum in enhancing and developing the electricity market;
- fostering liberalization and free competition in order to ensure legal certainty and create a level playing field for electricity market participants and consumer/customer welfare;
- sharing of information and data in accordance with the principles of impartiality and efficiency within the limits of the respective jurisdictions of the Parties to the Memorandum.

Part II: Forms of Cooperation

Article 2 – Cooperation Activities

The cooperation between the Parties to the Memorandum covers, in addition to obligations as determined by the relevant regulations, the following activities:

- a) exchange of information and data in accordance with the principles of impartiality and efficiency within the limits of the respective jurisdictions of the Parties to the Memorandum;
- b) cooperation in cases requiring expertise of the other Party to the Memorandum as well as in cases where one of the Parties to the Memorandum suspects that there is violation of regulations the implementation of which is the responsibility of the other Party to the Memorandum;
- c) cooperation regarding training for staff in relation to transferring knowledge from the respective field of expertise in workshops and seminars organized by the Parties to the Memorandum;
- d) cooperation in conducting joint analyses, market surveys, monitoring and evaluating performance of electricity market participants;
- e) exchange of views/consultation on amendments to the existing normative acts and preparation of drafts of new normative acts within their respective jurisdictions;
- f) cooperation in international initiatives;
- g) cooperation in initiatives to protect consumers/customers;
- h) exchange of information on seminars, conferences and training programs organized by a third party or international organization to the benefit of one of the Parties to the Memorandum.

Article 3 – Consultation and Meetings

1. If any of the Parties to the Memorandum receives a case/complaint of interest also for the other Party to the Memorandum, it shall inform the other Party accordingly.
2. If any of the Parties to the Memorandum requires an opinion/comment regarding the issue referred to in Paragraph 1, the other Party shall provide it in writing within a reasonable time limit.
3. The Party to the Memorandum receiving a request for opinion on draft normative acts shall provide the opinion in accordance with the procedure as determined by its respective regulations.
4. Any of the Parties to the Memorandum may invite the other Party to participate in hearings/proceedings for giving an expert opinion or comment.
5. The Parties to the Memorandum shall, on a needs basis, organize meetings at the level of heads of institutions or civil servants/employees with the aim to exchange views on issues as determined by this Memorandum.

Article 4 – Advocacy

The Parties to the Memorandum shall abstain from either adopting or enforcing a normative act or decision within the scope of its activities in a manner in which it conflicts with the legal or regulatory framework governing the activities of the other Party to the Memorandum to ensure that they fulfil their mandates by respecting competition and energy policy objectives.

Part III: Final Provisions

Article 5 – Confidentiality of Data

1. The Parties to the Memorandum shall ensure protection of information and confidentiality of data submitted by the other Party.
2. Documents, information and data received through cooperation of the Parties to the Memorandum cannot be forwarded or in any other way made available to third parties, and cannot be used for any other purpose except for that for which they were obtained, unless prior consent of the Party submitting the data has been received.

Article 6 – Additional Agreements

The Parties to the Memorandum may conclude an additional agreement when conducting specific tasks and activities.

Article 7 – Publication and Entry into Force

1. The Memorandum shall be published on the websites of the Parties to the Memorandum.
2. The Memorandum shall be submitted to the Energy Community Secretariat.

Article 8 – Conclusion and Amendment of the Memorandum

1. The Memorandum shall be signed in six identical copies (in all three language variants officially used in Bosnia and Herzegovina), one set for each Party to the Memorandum.
2. The Memorandum shall be concluded for an unlimited period of time, and each Party to the Memorandum may request its amendment by written notice.
3. Any dispute arising in the implementation of this Memorandum shall be settled by the Parties to the Memorandum in an amicable manner.

In Sarajevo, 28 May 2014

Competition Council of BiH

State Electricity Regulatory Commission

Gordan Raspudić
President

Mirsad Salkić
Chairman

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