

## POLICIES OF CONSUMER PROTECTION WITHIN THE PROCESS OF DEVELOPING RENEWABLE ENERGY SOURCES

<sup>1</sup>IARMENCO Mihaela, PhD Student  
Email: cheptenimihaela@yahoo.com

<sup>2</sup>DONOS Evlampie, Associate professor  
Email: [edonos@mail.ru](mailto:edonos@mail.ru)

<sup>1</sup>Doctoral School of Law, Administrative and Political Sciences of the National Consortium of Educational Institutions Academy of Economic Studies of Moldova and University of European Political and Economic Studies "Constantin Stere"  
61 Banulescu-Bodoni str., MD-2005, Chisinau, Republic of Moldova  
Web page: [www.ase.md](http://www.ase.md)

<sup>2</sup>Academy of Economic Studies of Moldova  
61 Banulescu-Bodoni str., MD-2005, Chisinau, Republic of Moldova  
Web page: [www.ase.md](http://www.ase.md)

**ABSTRACT.** The decline regarding renewable energy costs, the improvement of energy efficiency, the introduction of smart technologies, continuous technological breakthroughs and the development of policies in this area contribute to ensuring a sustainable energy future. The sustainable energy development has become a priority for the European Union, and the development of renewable sources - a strategic objective within the European policies of development. In order to ensure the energy security and consumer safety, ambitious targets and innovative solutions have been proposed in order to adopt new strategic policies in this field. These targets have been set as the energy market becomes increasingly fragmented and the security of energy supply is jeopardized. From this point of view, the completion of a really integrated internal market is a priority within the European and national policies in the context when consumers have primary legal force as they require to completely benefit from their rights concerning the quality, safety and security in terms of energy production, transport and use.

The purpose of this investigation consists of accomplishing a multi-aspectual research of the European policy in the context of renewable sources development and consumer protection by elucidating factors, subjects and conditions related to it. The methodological support includes a set of means and procedures which concretize the research idea, elucidate systemically, objectively and scientifically the investigated problem. The obtained results consist in problematic approach of consumer rights in the context of renewable energy development policies taking into account the theoretical and practical aspects of all factors and circumstances relevant to the research topic.

**KEYWORDS:** *renewable energy, European policy, consumer, energy market, strategies.*

Favoring the development of alternative energy sources that has as the effect the increase of the demand for the energy obtained from renewable sources is an important task of the Government of the Republic of Moldova and other decision-makers empowered with responsibilities in this field. The promotion of these policies is also conditioned by the existing energy crises, worsening of climatic conditions, consumers' vulnerability.

For these reasons, the expansion and diversification of alternative energy sources has become an undisputed priority of the Government. At the same time, this includes actions related to the development of the legal and institutional framework in the field of reference, the establishment of some support measures for producers who produce energy from renewable sources, competition promotion.

The primary and the secondary legal framework in Moldova is oriented towards ensuring the organization and transformation of the energy system so that producers and

consumers to take full advantage of the energy obtained from alternative sources. Despite taken actions, the energy transition is a real challenge for current policies because they have to meet those three fundamental dimensions: energy security, energy equity and the sustainability of energy systems. Together, they constitute a "Trilemma", and the achievement of high performances in all three dimensions involves complex links between public and private bodies, governments and regulatory authorities, economic and social factors, national resources, environmental concerns and individual consumer behavior [17, p.8]. The regulation of the three dimensions ensures the development of the energy sector and, respectively, the facilitation of the transition process to a clean energy, determined by the capitalization of renewable energy sources. This process records essential successes, especially at the European level, in comparison with small national achievements.

The development of the energy obtained from renewable sources, also called "green energy", is a viable opportunity in the context in which the entire energy system is aimed at ensuring energy security and eliminating the factors that harm the nature, the environment and affect the quality of life. Considering the fact that the renewable energy refers to those forms of energy produced by the energy transfer of the energy resulted from natural renewable processes [16], such as hydropower, wind, solar energy, geothermal energy, the biomass or even the energy of waves and tides, obtaining it has become an important component of the energy policy at national, european and international level.

The process of elaboration, adoption and implementation of sustainable development policies in the energy sector was launched nationally by signing by the Republic of Moldova of the Kyoto Protocol [8]. Manifesting a form of solidarity against climate change with the other signatory states, our state has committed to take concrete action in promoting renewable energy sources. First of all, it has committed to improve its legislative system because the legislation has the strongest impact on the applicability and development of renewable energy sources and the protection of consumer rights.

The adjustment of the national legal framework to the European and international requirements and standards is also dictated by the desire of the Republic of Moldova to continue its European vector and to become a fully integral part of the European Single Market.

The development of new energy policies has been also boosted by Moldova's admission to the Energy Community in 2010, the legal fact confirmed by Law no. 117 of 23.12.2009 [7]. Reforming the legal framework concerning the sustainability of the energy sector, the development of renewable energy promotion policies and consumer protection were triggered within the commitments assumed by Moldova, with the signing of an Association Agreement with the EU since June 27, 2014. In the field of energy and consumption, the Agreement underlines the commitment of Moldova to further strengthen the energy cooperation EU - Moldova by enhancing the security of energy supply, facilitating the development of appropriate infrastructure, increasing the integration of the markets and the regulation of key elements of The Union *acquis*, as well as the promotion of energy efficiency and the use of renewable energy sources [1; 4, p. 9].

After signing the Association Agreement, the Republic of Moldova continues to adapt national policy in accordance with the European standards and policies. In this regard, the first main document on renewable energy sources was Law no. 10/2016 on promoting the use of energy from renewable sources. This law comes to actualize the provisions of the Directive 2009/28 / EC concerning the promotion of the energy use from renewable sources. The

mentioned Directive was repealed by the Directive 2018/2001 of December 11, 2018, by triggering a number of amendments at national level. Pursuant to the provisions of the Directive 2018/2001, the Law concerning the promotion of the energy use from renewable sources was amended and supplemented by Law no. 34 of March 16, 2018, an increased attention being paid to legal regulations regarding the protection of consumer rights.

This fact is very visible in the context in which, taking into account the provisions of the above-mentioned Directive, at the elaboration of the national primary and secondary regulatory framework in the field, it was aimed was to transpose the European legal provisions regarding the status of energy consumer from renewable sources. Also, in developing the national policies, it was taken into account the fundamental objective of the European Union, which states that the intensification of renewable energy is an important component of the package of measures needed to reduce greenhouse gas emissions established by the 2015 Paris Agreement on climate change [14]

Analyzing the existing legal framework on renewable energy, we note that the Republic of Moldova, following the relevant European policies, adopt legal provisions to guarantee consumer safety. The argument comes in the context in which, currently, energy is the one that ensures personal comfort and people' mobility, being also essential in the development of industrial, commercial and social capacities. From this point of view, obtaining the energy from renewable sources is a key component within a vicious process of qualitative energy assurance of the population as the environment becomes increasingly polluted. In this circle, the safety and the respect of consumer rights have become an objective that is being emphasized with the increase of the energy share obtained at international level.

In order to protect the consumers' rights in accordance with the rules of European law, the Republic of Moldova has improved its legal framework, and currently has several legal mechanisms through which consumer rights can be protected. At present, consumer protection has become a principle of regulation of civil law as a whole [15].

Renewable energy sources play an increasingly important role in improving the national energy security but also that of the European Union as a whole. This role seeks to be mitigated by keeping oil prices low, creating competitive risks. Despite this, in many European countries the share of renewable energy is remarkably successful in the context in which it can already compete on price, with the energy obtained through the use of fossil fuels. Under these conditions, the obtaining and use of renewable energy by the final consumer, leads to a decrease of the negative impact on his health and life.

In order to increase consumer confidence in the use of renewable energy, the European Union has provided in the text of Directive 2018/2001, legal rules on small-scale installations. The use of small-scale installations can significantly contribute to increasing public acceptance of renewable energy and ensuring the implementation of projects related to this form of energy, especially at the local level [3].

In its conclusions from October 23rd and 24th 2014 on "Climate and Energy Policy Framework for 2030" [13], the European Council emphasized the importance of a higher degree of interconnection of internal energy market and the need of sufficient support to integrate higher levels of energy from variable renewable sources, thus enabling the Union to accomplish its leader ambitious goals in the energy transition. It is therefore important and urgent to increase the level of interconnection and to perform progresses in order to realize the objectives of the European Council to fully exploit the potential of energy union.

It was mentioned about the importance of providing information to consumers on how electricity is produced from renewable sources, and finally distributed to final consumers, was also mentioned on how supported electricity is further allocated to final customers. In order to improve the information quality for consumers, we need to ensure that the guarantees of origin are issued for all the energy units produced from renewable sources, unless the member decides not to issue the guarantees of origin to producers who also receive financial support. If the Member States decide to issue the guarantees of origin to producers who also receive financial support or if they decide not to issue the guarantees of origin directly to producers, they should be able to choose by which means and mechanisms to take into account the market value of these certain guarantees of origin. When the producers of renewable energy also benefit from financial support, the market value of the guarantees of origin for the same production should be properly taken into account in the relevant support scheme.

Taking into account these aspects, the European Union and third countries, as well as the Republic of Moldova, must regulate very clearly the right of renewable energy producers, in the context in which they become self-consumers. By becoming self-consumers of their own energy, producers have the following rights:

- to produce energy from renewable sources, including for own consumption, to store and sell their surplus production of electricity from renewable sources, including through contracts for the purchase of electricity from renewable sources;
- install and operate electricity storage systems combined with renewable energy generation facilities for self-consumption without having to pay any double charge, including network charges for stored electricity remaining in their premises;
- to maintain the rights and obligations of final consumers;
- to receive, including, where appropriate, through support schemes, for self-produced renewable electricity which they introduce into the grid, a remuneration which reflects the market value of that electricity and which may take into account the long-term value of electricity introduced for the network, the environment and society.

At the same time, the rights of consumers who are only beneficiaries of renewable energy must not be violated. In particular, consumers should not be restricted to the right to information, the right to choose the energy supplier, the right to choose the source from which renewable energy can be obtained, the right not to pollute the environment, the right to have access to a clean energy in the same conditions and at the same prices, etc.

Unfortunately, regardless of the level applied, these rights are sometimes violated, either because an energy monopoly is established or because the consumer is not fully informed or does not have the appropriate technologies necessary for the use of renewable energy or is placed in a vulnerable economic situation.

Thus, some issues related to non-compliance with the consumer rights in the field of renewable energy, appeared with the placement of the consumer in the center of the energy market as the access to affordable energy has become a real concern for vulnerable groups and those with low incomes in conditions where the energy poverty is being increased. Concerns about improving the energy market are growing among the European consumers and in the context of failures which are related to: complex tariffs, price increase, poor services or inadequate sales, the difficulty of change and confusion about what consumers can do to reduce the bills, including how to be energy efficient is increasingly emphasized.

In order to meet these challenges and to eliminate the legislative shortcomings in the field, the European Union has adopted and implemented numerous measures aimed at

developing, promoting and reorganizing the energy market. First of all, the focus was put on developing the renewable energy sources, by attracting investments in the field, increasing the recovery capacity of national economies by developing renewable energy, protecting the environment and protecting the vulnerable consumer from the energy point of view.

Encouraging the development of renewable sources at European level is a matter for the European Commission. This institution, which plays an active role in the development and promotion of energy efficiency strategies, in addition to acting as a supervisor in the process of implementing the European energy policy at national level, in addition to supervising the implementation of European energy policy at a national level, is also a key player in the field of energy management by proposing solutions, setting priorities for the future, developing and adopting strategies and identifies objectives that have not been fully achieved and those that need to be reformulated.

Annually, the European Commission carries out multiple studies on the Energy Union and the current stage is the implementation of the strategic measures and carrying out various evaluations. As a result of the research, this institutional mechanism issues various communications to express its views and to puts forward for adoption more predictable, transparent, and stable proposals concerning the energy and climate plans nationally integrated. These assessments target major subsectors of the energy field, such as that of renewable energy sources.

Thus, the rational use of green energy has become a concern for this institution, which must constantly update the European energy policies, setting new strategic objectives. These objectives, which are also quite ambitious, are developed depending on technological developments and real possibilities of the consumer to access to the energy obtained from renewable sources.

Hence, the technological changes and new policy objectives adopted in order to decarbonise the energy from the system, contribute radically, but gradually, to the reorganization of the energy market for the next decades. These two aspects essentially contribute to the recovery of the economic situation of consumers by the fact that in the process of the energy transition, these subjects are offered a lot of opportunities, especially by the fact that they can interact with energy, can save financial resources and can contribute to protecting the environment by diminishing the negative impact [2, p. 27].

If we refer to the dynamics of consumer protection policy in the process of capitalizing of the Union's renewable energy sources, we see that it has grown steadily since the signing of the Maastricht Treaty, with the main objective of stimulating the sustainable growth by protecting the environment. The main objective established in the Treaty is to stimulate sustainable growth by protecting the environment. Subsequently, the principle of sustainable development was stipulated in the Amsterdam Treaty, becoming one of the priority objectives of the European Union. In addition, this objective was the basis of the "Europe 2020 Strategy", proposed by the European Commission on 3rd of March 2010 as a 10-year agenda for Europe's economic and social development. This strategy aims at "intelligent, sustainable growth and favourable to inclusion", with greater coordination of national policies [12, p. 102].

In the context of streamlining the energy system and stimulating the desire to use the energy from renewable sources more efficiently, the implementation of the measures set out in the Energy and Climate Package for 2020, adopted in December 2008, has also proved to be very important. Its importance is determined by the fact that, in addition to reducing

greenhouse gas emissions, the Energy Union has also called for reducing the total energy consumption.

The implementation of the package has also boosted the adoption of a new policy at the European level. In this regard, in 2012, the European Commission presented the Communication entitled "Renewable Energy: a major presence on the European energy market". The Communication containing the energy options that should be accomplished after 2020 calls on the Member States of the European Union to take part in a more coordinated approach to providing more diverse and complex support programs in the context of exploiting the energy from renewable sources in the period of transition.

The reforming of European energy policies was also driven by the signing of the Paris Agreement and the publication of the Energy Union Strategy. Their importance is determined by the fact that the Agreement by its finality represents the first universal agreement, of a binding nature, which guides the actions at a global level, to limit the increase of the global average temperature. At the same time, the Agreement gives more rights to consumers, protecting the most vulnerable customers and defining the roles and responsibilities of each participant in the energy market.

Unlike the first document, the Strategy launches several major projects that will focus on key areas for ensuring Europe's competitiveness, and obviously for protecting consumers and small energy producers. Overall, these legislative and implementing acts are part of the European Union's energy policy, a policy that strongly promotes the energy efficiency. As we can see, similar objectives related to the competitiveness of the sustainable energy sector were outlined in the Development Strategy of the Republic of Moldova 2030.

The mentioned objectives shall be achieved in the context of a new legal regulatory framework that was adopted by the Directive 2018/2001 / EU to which we referred earlier. The legal regulatory framework of this Directive is complex and intensively promotes the viable energy from renewable sources, including the protection of consumers in the competitive energy market. Its rules are also the basis of the European Green Pact of 2019, considered the most ambitious plan of all times that has been developed in the energy sector.

The legislative framework of the European Union that has been adopted and promoted under the "Clean Energy for All European Citizens" package also strengthens the consumer rights. This package, in addition to being an opportunity to accelerate the transition to clean energy, as well as the economic growth and the creation of work places, also offers multiple opportunities for consumers to have free access to the energy transition process. In particular, the legal provisions included in this package are intended to ensure access to energy for vulnerable consumers and those who, for social or economic reasons, are at risk of energy poverty.

The new regulatory framework for the European Union's energy market encourages the active involvement of consumers in the development of renewable energy. This fact has been possible due to the implementation of regulations aimed at improving the consumer-oriented competitiveness. By giving them more rights, this framework facilitates consumer participation in the market as active customers, thus contributing to eliminate distortions and create a much freer market in terms of competition.

The implementation of the European legislative framework in the field of energy at the national level has generated various discussions and prompted the initiation of extensive research. In this context, there were enacted the most varied hypotheses regarding the capacity of renewable resources and the importance of the energy obtained by them on consumers.

Energy importance is highly tackled topic in the literature, regardless of whether it is exposed from a legislative, doctrinal, or practical point of view. All aspects are of decisive relevance.

Farihan Mohamad, Jiashen Teh, Ching-Ming Lai and Liang-Rui Chen, energy researchers, also emphasized the importance of harnessing energy. The authors in published articles report that electricity plays a crucial role in the well-being of humans and is a determining factor of the economic development of a country. Electricity issues have encouraged researchers to focus on improving power availability and quality along with reliability. This pursuit has increasingly raised the intention to integrate renewable energy into power systems to curb the problem of energy deficiency [9, p. 2].

Generally, the energy sector has been perceived as a key to economic development with a strong correlation between economic growth and expansion of energy consumption. Globally, per capita incomes are positively correlated with per capita energy use and economic growth can be identified as the most essential factor behind increasing energy consumption in the last decades. It in turn creates employment; renewable energy study in 2008, proved that employment from renewable energy technologies was about 2.3 million jobs worldwide, which also has improved health, education, gender equality and environmental safety [11, p. 2].

Being considered a symbol of socio-economic development and civilization, green energy must be seen as a system of economic activities related to the production, distribution and consumption of goods and services that results in improving human well-being and social equity, while reducing the risks to which it is subject to the environment and the ecological deficit, created by man [10, p. 7]

Thus, the supply of the population with energy obtained from renewable sources determines as a whole, the development of human society. The supplies with this type of energy contribute for the most part to reducing the greenhouse gas emissions because they are obtained naturally and thus contribute to reducing the energy burden that is distributed to consumers. From this point of view, the sustainability of obtaining the energy from renewable sources must be guaranteed because only in this way, the consumers will be insured from an energy point of view and the environment will be protected.

Following up the ideas related above, we can mention that the sustainability of sustainable energy and the protection of consumers from energy risks, continue to be the main priorities of the European Union. In this regard, with the completion of the "Clean Energy for All Europeans" package, new objectives have been set in the field, including the priority directions to be followed by all active actors who are consumers of electricity. Following the pre-established directions, the aim would be to achieve the ultimate goal, namely the unlimited supply of consumers with the energy from renewable sources, within affordable conditions and at affordable prices, without having harmful effects on the environment.

The new targets were set out in the European Green Pact, which was adopted in 2019. This legal instrument comes with much more ambitious targets than those set out in the first package, namely that by 2050, all European citizens and businesses in Europe, will benefit in the transition period to a green economy, clean and sustainable energy obtained from renewable sources. In this context, the civil and economic society will enjoy more benefits in the context of which greenhouse gas emissions will be reduced, the dependence regarding the imported energy will be eliminated, competitiveness between renewable energy producers will be increased and a balance will be established on limiting the price of the energy on the market.

The Pact comes with a set of measures by which a much more just and socially equitable transit route can be established. It is designed in such a way that, in the process of energy efficiency, all people, regions, and states, fully benefit from its advantages.

For a multi-aspectual research of renewable energy development in the context of policies of promoting the consumer rights, were used: the historical method, which was used to research the evolution of the adoption of the main legal instruments in the field; the logical method, being indispensable in studying and analyzing the notions, as well as in formulating conclusions and recommendations; the method of systemic analysis, by means of which were structurally analyzed the development policies and strategies in the field of energy efficiency and the comparative method, by means of which was performed an analysis of the national legal framework adopted in the field of energy in regard to the European legal regulations.

The global energy system must be transformed. Although addressing climate change remains a key driver, the energy transition brings a much wider range of benefits than simply carbon emissions reduction. It can make universal energy access affordable, improve human health, increase the energy security and diversify the energy supply. At the same time, the energy sector alone will not provide every solution. A holistic approach to energy transition should be adopted that considers all facets of the economy and society. The transition should also be just: policies should promote universal energy access and identify and support those who will be adversely affected by changes the transition would bring [5, p.17]

Definitely, the European policy has evolved and set new priorities as it has put particular focus on renewable energy, energy efficiency and on providing equitable solutions for consumers. In any case, no matter how strong is the legislation in the field, at present it cannot fully protect the final consumers from the negative consequences of global environmental degradation. Also, the European policies adopted in the field are not sufficient to stimulate the constant demand for the energy from renewable sources and to support small energy producers.

From this point of view, the regulatory framework adopted in order to develop renewable sources, to increase competitiveness at national level, to ensure the transition towards a clean energy and to protect the final consumer, is constantly subject to changes and completions. These are adopted in the context in which the legal regulations come to cope with the new changes taking place in contemporary society, a society that is increasingly affected by the energy poverty.

The energy poverty is a problem for the whole community. This cannot be resolved very quickly because, at global, European, regional, and national levels, economic crises are severely affecting competitiveness. Regardless of this, the Member States of the European Union, as well as some third countries, such as the Republic of Moldova, are obliged to adopt policies and measures to protect consumers, especially the vulnerable, by improving competitiveness and challenging the price of retail energy. The Governments are also responsible for implementing energy efficiency measures for this vulnerable sector, implementing various financial support programs, including by adopting guarantees against disconnections in the event of non-payment.

As part of the governance process, the Member States must also implement a number of strategies, monitor the energy situation and report on the successes and failures of the fight against energy poverty.

Taking into account the information provided, the European Commission will be able to put forward new proposals for energy efficiency and issue new guarantees to empower and



protect consumers, establishing and guaranteeing high-quality services and conditions that will reduce the energy poverty, respectively.

We now note that the Member States of the European Union, including third countries, have set various objectives, policies, and actions at the national level that are aimed at protecting the vulnerable consumer. Properly adapted, they support the poorest areas. However, the phenomenon of energy poverty can be difficult to combat as the number of vulnerable consumers increases. This issue comes in the context of economic instability, migratory flow, and the increase of the number of people who are unable to work. Regardless of this, the state governments are fighting to reduce the poverty, increasing the burden which is imposed upon the state in order to secure and supply their own citizens.

Under these conditions, the states promote similar strategies for the development of the energy from renewable sources, and similar objectives, respectively, such as:

- Increasing the population's access to electricity by means of and by the support of funding programs from national and European authorities, respectively, in the context of the objectives set for the Energy Union;
- Reducing the energy poverty and protecting vulnerable consumers in order to ensure human rights. This goal can also be achieved only by providing adequate social assistance;
- Establishing a tariff ceiling for energy from alternative sources, including bringing the existing legislation into commitment with the standards and requirements imposed by the European energy efficiency system and the protection of the environment and others.

Thus, in order to improve the quality of life of its citizens, the Government of the Republic of Moldova, the governments of third countries of the European Union and the European Commission have sought to focus its sectoral policies on the issues, interests and aspirations of the society. As a priority, they aimed to make more efficient the consumption of the energy obtained from renewable sources, to capitalize the economic and ecological potential of green energy, but also to support the vulnerable consumer by means of protection measures and information actions.

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