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**Greece, Albania
and
Italy**

Agreement among the Republic of Albania, the Hellenic Republic and the Italian Republic relating to the Trans Adriatic Pipeline Project (with appendix). Athens, 13 February 2013

Entry into force: *19 February 2014 by the exchange of instruments of ratification, in accordance with article 14*

Authentic text: *English*

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**Grèce, Albanie
et
Italie**

Accord entre la République d'Albanie, la République hellénique et la République italienne relative au projet du pipeline trans adriatique (avec appendice). Athènes, 13 février 2013

Entrée en vigueur : *19 février 2014 par échange des instruments de ratification, conformément à l'article 14*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT AMONG THE REPUBLIC OF ALBANIA, THE
HELLENIC REPUBLIC AND THE ITALIAN REPUBLIC**

RELATING TO

THE TRANS ADRIATIC PIPELINE PROJECT

PREAMBLE

The Republic of Albania, the Hellenic Republic and the Italian Republic (hereinafter referred to as “the Parties” or, individually, as “the Party”) represented by their respective governments,

- (1) in furtherance of the principles set forth in international trade and investment agreements applicable to each Party, including the Energy Charter Treaty, the Community Treaties and the Energy Community Treaty, and the need to further expand and implement co-operation among the Parties in the energy sector;
- (2) in an effort to further promote mutually beneficial cooperation in ensuring the reliable supply of natural gas from sources in Central Asia and the Middle East, including from the Republic of Azerbaijan, to the European Union via the Republic of Turkey;
- (3) understanding that Trans Adriatic Pipeline AG wishes to construct and operate a cross-border interconnector pipeline originating in the Hellenic Republic at the Greek-Turkish border and designed to transport Natural Gas through the Hellenic Republic to the Italian Republic via the Republic of Albania;
- (4) acknowledging that the development and interconnection (pursuant to the Interconnection Agreements relating to this Project) of the Trans-Anatolian Natural Gas Pipeline System and of the natural gas transport systems of the Parties to the Trans Adriatic Pipeline will enhance the security and availability of natural gas supply as a result of the diversification of routes and sources of supply of natural gas to the European Union;
- (5) recognising the important strategic and integral role that the Trans Adriatic Pipeline will fulfil in opening the Southern Gas Corridor and referring to the designation by the European Union's Trans-European Networks – Energy program of the Trans Adriatic Pipeline as a southern corridor (natural gas route 3) pipeline;
- (6) acknowledging that any Host Government Agreement entered into by a Party may be ratified by its national Parliament either after or concurrently with the ratification of this Agreement by its national Parliament;
- (7) acknowledging that the European Commission has been apprised of the negotiations of this Agreement and the intentions of the Parties in relation to its execution; and
- (8) with a view to creating uniform and non-discriminatory conditions and standards for the planning, construction and operation of the Trans Adriatic Pipeline in accordance with the domestic legislation of the Parties and bilateral and multilateral international agreements and treaties applicable to each Party;
- (9) having in mind the Memorandum of Understanding between the Government of the Hellenic Republic the Council of Ministers of the Republic of Albania and the Government of the Italian Republic on cooperation in relation to the Trans Adriatic Pipeline Project signed in New York on 27 September 2012;

AGREE AS FOLLOWS:

ARTICLE 1

DEFINITIONS

Capitalised terms used in this Agreement (including the Preamble) have the meanings given to them in the Appendix to this Agreement.

ARTICLE 2

PROJECT SUPPORT AND COOPERATION

1. The Parties will facilitate, enable, and support the implementation of the Project and to co-operate and co-ordinate with each other in that respect and shall provide stable, transparent and non-discriminatory conditions for the implementation and execution of the Project.
2. The Parties agree that Transport shall be performed in accordance with the provisions of this Agreement and the applicable legislation under the Community Treaties and the Energy Community Treaty relating to the same, and without imposing any unreasonable delays, restrictions or charges.

ARTICLE 3

RELATIONSHIP WITH LAWS AND TREATIES

1. No provision of this Agreement shall require:
 - (a) the Hellenic Republic or the Italian Republic to derogate from any mandatory requirement under the Community Treaties; or
 - (b) the Republic of Albania to derogate from any mandatory requirement under the Energy Community Treaty.
2. The Project Participants shall be regarded as "Investors" for the purposes of article 1(7) of the Energy Charter Treaty and the Project and all aspects of it, and any interest they may have under any agreement relating to the Project, shall be each regarded as an "Investment" into the Territory of the relevant Party for the purposes of article 1(6) of the Energy Charter Treaty.

ARTICLE 4

AUTHORISED ENTITIES

1. Each Party appoints the following Persons to send and receive communications and notices from the other Parties in relation to this Agreement and to act as coordinator of that Party's rights and obligations under this Agreement:
 - (a) for the Republic of Albania, the General Standard Directorate in the Ministry of Economy, Trade and Energy,
 - (b) for the Hellenic Republic, the B' General Directorate for Economic Relations of the Ministry of Foreign Affairs, and
 - (c) for the Republic of Italy, the Department of energy - Directorate General for Security of Supply and Energy infrastructures of the Ministry of Economic Development(each, an "**Authorised Entity**" and collectively, the "**Authorised Entities**").
2. Each Party may designate additional or replacement Persons to act as its Authorised Entities for purposes of this Agreement by providing notice of the same to each other Party.

ARTICLE 5

HOST GOVERNMENT AGREEMENTS

1. The Republic of Albania and the Hellenic Republic, being the Parties in whose Territories the majority of the Trans Adriatic Pipeline will be located, acting through their respective Host Governments, have each entered, or will each enter, into a Host Government Agreement with the Project Investor, in compliance with the relevant mandatory requirements referred to in Article 3(1) above and which include, without limitation, provisions on the Taxes (including Tax rates) which will apply to the Project Investor in the jurisdiction of each of those Parties. Each Host Government Agreement shall be ratified by national law of the relevant Party.

2. Each Host Government Agreement which a Party enters into:

(a) is deemed to have been or shall be entered into by virtue of and in furtherance of and elaboration of this Agreement; and

(b) shall be the Law that implements that Party's obligations, agreements and undertakings under or in connection with this Agreement, and no common/ordinary Law of that Party (including the interpretation and application procedures thereof) that is contrary to, or inconsistent with, the terms of that Host Government Agreement shall limit, abridge or affect adversely the rights granted under that Host Government Agreement to the Project Investor or any other Project Participant or otherwise amend, repeal or take precedence over the whole or any part of that Host Government Agreement.

ARTICLE 6

AUTHORISATIONS

Each Party recognises the strategic national importance to that Party of the Project and accordingly shall take all measures to facilitate the fulfilment of the Project in its territory, including the granting of all Authorisations required for the implementation of the Project and the conduct of the Project in accordance with the Laws of the relevant Party without unreasonable delays or restrictions.

ARTICLE 7

NON-INTERRUPTION OF THE PROJECT

1. No Party shall, except through a competent authority pursuant to EU Regulation 994/2010, on Security of Gas Supply (the **Gas Supply Regulation**) interrupt, curtail, delay or otherwise impede the (forward and/or reverse) flow of Natural Gas through the Trans Adriatic Pipeline.

2. If any event occurs or any situation arises which gives reasonable grounds to believe that a threat to interrupt, curtail or otherwise impede any aspect of the Project (other than the flow of Natural Gas through the Trans Adriatic Pipeline) exists, the Party in respect of whose territory the relevant threat has arisen, shall use all lawful and reasonable endeavours to eliminate that threat

3. If any event occurs or any situation arises which interrupts, curtails, or otherwise impedes any aspect of the Project, the Party in respect of whose territory the relevant event or situation has arisen shall immediately give notice to the other Parties and the Project Investor of the event or situation, give reasonably full details of the reasons for the event or situation and (except in the case of interruption, curtailment or impeding of the flow of Natural Gas through the Trans Adriatic Pipeline) shall use all lawful and reasonable endeavours to eliminate the event or situation and shall promote restoration of the affected aspect of the Project at the earliest possible opportunity.