

14th Gas Forum
***Amendments to the Energy Community Treaty and its
Consequences for the Security of Supply Acquis***

Energy Community Secretariat | Gas Unit

Ljubljana, 24 September 2019

24th September 2019

Gregor Weinzettel – Gas Market Expert

Creating the basis for a new reciprocity mechanism under the Treaty regime by the Introduction of new Article 25 "Reciprocity" in combination with Annex V

- The Ministerial Council may adopt binding provisions by which the provisions listed in Annex V will be binding between Contracting Parties and the European Union (Art. 25 (1))
- Annex V Art. 3 includes Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010, with the exception of Article 13
- Measures taken under Article 25 require a positive vote of the European Union (Art. 81)

The provisions listed in Annex V are binding only under the following conditions:

- Indispensable to the achievement of the goals of the Treaty of the EnC
- Are of cross-border character between the EU and one or more CP
- No excessive financial implications
- Not disclosing confidential information
- No creation of solidarity obligations as referred to in Art. 13 of Regulation (EU) 2017/1938

Safeguards (new Art. 25' (3) - (5) ECT)

- The European Union shall have the power to determine when to enact mutual rights and obligations based on the efforts of the CP in implementation and enforcement (Art. 3)
- Unilateral European Union decision to "switch on" / "switch off" mutual rights and obligations defined in the Ministerial Council decision (Art. 4)
- The concerned CP and the Secretariat shall receive a notice in advance except in cases of urgency
- The assessment of the European Union shall be based on any potential breach of the internal energy market rules, rules in the field of environment Art 25'(4)

Switch – On Methodology

CP sufficiently demonstrating effective implementation and enforcement of its obligations:

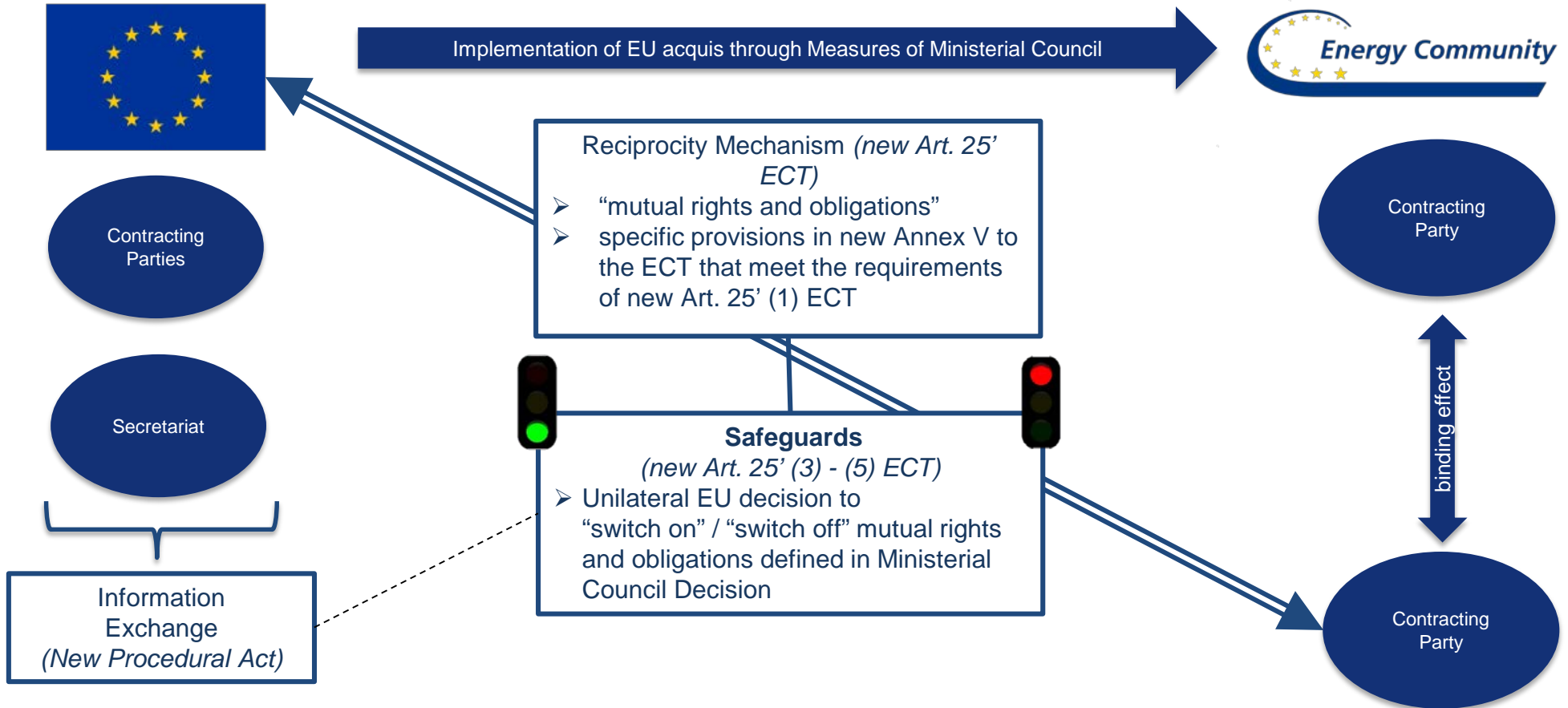
- COM Proposal to the Council (EU) to enact mutual rights and obligations defined in the MC Decision
- EU Decision to enact, see new Art. 25´(3) and (5)

Switch – Off Methodology:

CP not implementing and enforcing effectively its obligations:

- COM Proposal to the Council (EU) to suspend EU obligations
- Advance notice to the CP concerned and the Secretariat (except in cases of urgency), see new Art. 25´(4)
- EU Decision to suspend may be taken Art. 25´(4) and (5)

Graphical Illustration



Extension of the application of the regulation to the Contracting Parties of the Energy Community will include thanks to Art. 25:

- Risk assessment, preventive action plans, emergency plans
- Enabling reverse flows
- Commitment not to take measures that negatively impact security of supply of the neighbors
- Participation in the Gas Coordination Group on certain issues



THANK YOU FOR YOUR ATTENTION

gregor.weinzettel@energy-community.org

GET IN TOUCH

-  www.energy-community.org
-  [Ener_Community](https://twitter.com/Ener_Community)
-  [/company/energy-community](https://www.linkedin.com/company/energy-community)
-  [/Ener.Community](https://www.facebook.com/Ener.Community)
-  [/EnergyCommunityTV](https://www.youtube.com/EnergyCommunityTV)