

RE: Case ECS-1/18; Reasoned Request

Honorable Presidency of the Energy Community,
Honorable Vice-Presidencies of the Energy Community,

Please find attached the Reasoned Request in relation to Case ECS-1/18.

Please accept, Excellencies, the assurances of my highest consideration.

Yours sincerely,



Janez Kopač
Director

**H.E. MR. KRESHNIK BEKTESHI
MINISTER OF ECONOMY OF THE REPUBLIC OF MACEDONIA**

**H.E. MR. CHIRIL GABURICI
MINISTER OF ECONOMY AND INFRASTRUCTURE OF THE REPUBLIC OF MOLDOVA**

**H.E. MR. MIGUEL ARIAS CAÑETE
CLIMATE ACTION & ENERGY COMMISSIONER
EUROPEAN COMMISSION**

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**H.E. MR. IHOR NASALYK
MINISTER OF ENERGY AND COAL INDUSTRY OF UKRAINE**

TO THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY
represented by the Presidency and the Vice-Presidency of the Energy Community

REASONED REQUEST

in Case ECS-1/18

Submitted pursuant to Article 90 of the Treaty establishing the Energy Community (hereinafter, the Treaty) and Article 11(3) of Procedural Act No 2015/04/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015 on the Rules of Procedure for Dispute Settlement under the Treaty (hereinafter, Dispute Settlement Rules),¹ the

SECRETARIAT OF THE ENERGY COMMUNITY

against

UKRAINE

is seeking a Decision from the Ministerial Council that

by failing to adopt and apply the laws, regulations and administrative provisions necessary to comply with the Directive 2012/27/EU, as adapted and adopted by Energy Community by 15 October 2017 pursuant to Article 1 of Ministerial Decision D/2015/08/MC-EnC and by failing to forthwith notify those measures to the Secretariat, Ukraine fails to comply with Articles 6 and 89 of the Energy Community Treaty as well as Article 1 of Ministerial Council Decision 2015/08/MC-EnC.

The Secretariat of the Energy Community has the honour of submitting the following Reasoned Request to the Ministerial Council.

I. Relevant Facts

1. Introduction

- (1) The European Union adopted Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (hereinafter, Directive 2012/27/EU).
- (2) The Directive was incorporated in the Energy Community *acquis communautaire* by Decision 2015/08/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015 on the implementation of the Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (hereafter, Decision 2015/08/MC-EnC).²

¹ Procedural Act No 2015/04/MC-EnC of 16.10.2015.

² ANNEX 1.

- (3) The Contracting Parties were under an obligation to implement the Directive and notify the Energy Community Secretariat by 15 October 2017. Decision D/2015/08/MC-EnC was preceded by Recommendation R/2013/01/MC-EnC of the Ministerial Council of 24 October 2013 on energy efficiency.

2. Factual background

- (4) Following the adoption of Decision 2015/09/MC-EnC, the Secretariat initiated a number of activities to assist Ukraine with the transposition of Directive 2012/27/EU in a timely manner.
- (5) In May 2015, the Secretariat prepared and sent a draft Energy Efficiency Law transposing the Energy Efficiency Directive to the State Agency for Energy Efficiency and Energy Savings of Ukraine (hereinafter, the State Agency), as a starting point for discussions and finalisation of the Law by Ukraine stakeholders.
- (6) On 8 and 9 June 2016, in a first working meeting, Ukrainian stakeholders met with the Secretariat in Vienna and discussed the draft proposed by the Secretariat. As a follow-up to that meeting, on 15 June 2016, the Secretariat sent a letter to the Chairman of the State Agency, encouraging setting up regular Working Group meetings to work on the draft Law.³
- (7) During 2017, the Working Group proposed several amendments to the draft Law that were discussed with the Secretariat. The revised draft Law was consulted with the relevant stakeholders, including the Ministry of Energy and Coal Industry, Ministry of Economy, the National Energy and Utilities Regulatory Commission, the Ministry of Regional Development Construction and Housing and Communal Services, the latter of which is in charge of developing the Law with the support of the State Agency. The Secretariat attended some of the meetings in Kiev and explained the provisions of the Directive to the Working Group. It furthermore made comments on the compliance with the *acquis* of several consecutive drafts during 2017.
- (8) In February 2018, the Secretariat sent out the letter to the Minister of Regional Development, Construction and Housing and Communal Services, recalling the obligation to transpose and implement the Energy Efficiency Directive, which expired on 15 October 2017.⁴
- (9) In its annual Implementation Report of 2017,⁵ the Secretariat underlined that adopting an Energy Efficiency Law in compliance with the *acquis* remains a key priority for Ukraine.
- (10) By an email dated 17 May 2018, the Secretariat was informed⁶ by the State Agency, that the draft Law amended with the observations and comments from the different stakeholders, and the Secretariat's was sent by State Agency to the Ministry of Regional Development Construction and Housing and Communal Services, that shall put it in the inter ministries consultation, prior to Cabinet of Ministers' approval.
- (11) To date, the Secretariat has received no information from Ukraine indicating that the national measures to comply with the obligation to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2012/27/EU, have been adopted and implemented, nor is it in possession of any other information enabling it to conclude that such measures have been taken.
- (12) On that basis, the Secretariat decided to submit this Reasoned Request to the Ministerial Council for decision.

³ ANNEX 2.

⁴ ANNEX 3.

⁵ Secretariat's Annual Implementation Report, 1 September 2017, p.208.

⁶ ANNEX 4.

II. Relevant Energy Community Law

- (13) Energy Community law is defined in Article 1 of the Dispute Settlement Rules as “a Treaty obligation or to implement a Decision or Procedural Act addressed to it within the required period”. A violation of Energy Community Law occurs if “a Party fails to comply with its obligation under the Treaty if any of its measures (actions or omissions) are incompatible with a provision or a principle of Energy Community”.
- (14) Article 6 of the Treaty reads:
- “The Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty. The Parties shall facilitate the achievement of the Energy Community’s tasks. The Parties shall abstain from any measure which could jeopardise the attainment of the objectives of the Treaty.”*
- (15) Article 89 of the Treaty reads:
- “The Parties shall implement Decisions addressed to them in their domestic legal system within the period specified in the Decision.*
- (16) Annex I to the Treaty, entitled “Lists of Acts Included in the *Acquis communautaire* on Energy”, reads:
- Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC*
- (17) Article 1 of the Ministerial Council Decision 2015/08/MC-EnC, reads:
- Each Contracting Party shall transpose and implement Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC.*
- The Contracting Parties shall apply the measures referred to in the previous paragraph with effect from 15 October 2017.*
- They shall forthwith inform the Energy Community Secretariat thereof.*
- (18) Article 11(3) of the Dispute Settlement Rules reads:
- Where the Secretariat initiates a dispute settlement procedure on the grounds that a Party has failed to fulfil its obligation to notify measures transposing a Decision addressed to it within the deadline specified in that Decision, the Secretariat shall submit a reasoned request to the Ministerial Council without preliminary procedure.*

III. Legal Assessment

- (19) The present Reasoned Request concerns non-compliance of Ukraine with the obligation to adopt and implement the laws, regulations and administrative provisions necessary to comply with Directive 2012/27/EU and to forthwith notify those measures to the Secretariat within the deadline specified in that Decision, i.e. by 15 October 2017 pursuant to Article 1 of Ministerial Decision 2015/08/MC-EnC.
- (20) The Reasoned Request is based on Article 11(3) of the Dispute Settlement Rules in force. In October 2015, the Ministerial Council amended the Dispute Settlement Rules and abolished the preliminary procedure in dispute settlement proceedings for non-transposition, i.e. in case where a Party has failed to fulfill its obligations to notify measures transposing a Decision addressed to it within the deadline specified in that Decision. Hence, in cases such as the one at issue, the Secretariat submits a reasoned request to the Ministerial Council directly, without performing a preliminary procedure.

- (21) As a Contracting Party to the Treaty, Ukraine is under an obligation to implement, i.e. to transpose at national level and to apply, the *acquis communautaire* on energy, including the Directive (EU) 2012/27/EU, as referred to in Article 11 of the Treaty and defined by its Annex I.⁷
- (22) Article 1 of Decision 2015/08/MC-EnC requires the Contracting Parties to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive 2012/27/EU and to apply them as of 15 October 2017.
- (23) Article 1 of Ministerial Council Decision 2015/08/MC-EnC also requires the Contracting Parties to communicate to the Energy Community Secretariat the text of the main provisions of national law, which they adopt in the field covered by Decision 2015/08/MC-EnC.
- (24) Article 6 of the Treaty imposes upon the Parties the general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty. Article 89 of the Treaty requires Parties to implement Decisions addressed to them in their domestic legal system within the period specified in the Decision.
- (25) The time limit for Ukraine to take measures necessary to comply with Article 1 of Decision 2015/08/MC-EnC, as well as Articles 6 and 89 of the Treaty expired on 15 October 2017.
- (26) Despite numerous reminders and the assistance offered by the Secretariat, Ukraine to date has not taken the measures necessary to comply with its obligations. At the date of submitting this Reasoned Request, no other legislative measure meant to transpose the Directive 2012/27/EU has been adopted.
- (27) It is undisputed that Ukraine to date has not adopted the measures necessary to implement Decision 2015/08/MC-EnC. In the absence of any legal effect, having draft legislation under preparation but not yet adopted and entered into force cannot be considered as a measure necessary to comply with a Decision of the Ministerial Council.⁸
- (28) Under those circumstances, the Secretariat must conclude that by failing to take the measures necessary to comply with the Article 1 of the Ministerial Council Decision 2015/08/MC-EnC, Ukraine has failed to fulfill its obligations under Articles 6 and 89 of the Treaty as well as Article 1 of the Ministerial Council Decision 2015/08/MC-EnC of 16 October 2015 on the implementation of the Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency.

ON THESE GROUNDS

The Secretariat of the Energy Community respectfully requests that the Ministerial Council of the Energy Community declare in accordance with Article 91(1)(a) of the Treaty establishing the Energy Community that:

by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency by 15 October 2017 pursuant to Article 1 of Ministerial Decision 2015/08/MC-EnC and by failing to forthwith notify those measures to the Secretariat, Ukraine fails to comply with Articles 6 and 89 of the Energy Community Treaty as well as Article 1 of Ministerial Council Decision 2015/08/MC-EnC.

On behalf of the Secretariat of the Energy Community,

⁷ As amended by Article 1 of Ministerial Council Decision 2015/09/MC-EnC.

⁸ See, to that effect, Case C-430/98 *Commission v Luxembourg*, paragraphs 8-13, Case C-648/13 *Commission v Poland*, paragraphs 129-132.

Vienna, 18 May 2018

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Janez Kopač
Director

A handwritten signature in blue ink, appearing to read "Dirk Buschle". The signature is stylized with a large initial 'D'.

Dirk Buschle
Deputy Director / Legal Counsel

List of Annexes

- ANNEX 1 Ministerial Council Decision D/2015/08/MC-EnC
- ANNEX 2 Letter by the Secretariat to the State Agency for Energy Efficiency and Energy Savings on setting up the Working Group, dated 15 June 2016
- ANNEX 3. Letter by the Secretariat to the Minister of Regional Development, Construction and Housing and Communal Services, on Energy Efficiency Directive Transposition, dated 19 February 2018
- ANNEX 4 Email correspondence with the State Agency on the state of progress with Energy Efficiency Law, dated 17 May 2018.

DECISION

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2015/08/MC-EnC: on the implementation of the Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 2(d), 24, 25, 79 and 81 thereof,

Having regard to the proposal from the European Commission,

Whereas:

1. The Ministerial Council of the Energy Community on 18 December 2009 adopted Decision 2009/05/MC-EnC incorporating Directive 2006/32/EC on energy end-use efficiency and energy services, Directive 2002/91/EC on the energy performance of buildings ('Directive 2002/91/EC') and Directive 92/75/EEC on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances ('Directive 92/75/EEC'), as well as eight Implementing Directives, into the Energy Community acquis,
2. The Ministerial Council of the Energy Community on 24 September 2010 adopted Decision No 2010/02/MC-EnC amending Decision 2009/05/MC-EnC of 18 December 2009 on the implementation of certain Directives on Energy Efficiency, respectively Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, recasting and repealing Directive 2002/91/EC, and Directive 2010/30/EU of the European Parliament and of the Council on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products, recasting and repealing Directive 92/75/EEC,
3. The Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, was published in the Official Journal of the European Union L315/1 on 14.11.2012,
4. The Ministerial Council of the Energy Community adopted on 24 October 2013 a Recommendation R/2013/01/MC-EnC on energy efficiency
5. The Energy Community should adapt its *acquis* to the recent changes in the European Union law, taking into account its own institutional framework and the specific situation of each of its Contracting Parties.

6. While the European Council of October 2014 set an indicative target at the EU level of at least 27% for improving energy efficiency in 2030 compared to projections of future energy consumption based on the current criteria, this target will be reviewed by 2020, having in mind an EU level of 30%. Accordingly the Commission will propose an review of the Directive for the Energy Community by 2020.
7. Whereas at its meeting on 24 June 2015, the Permanent High Level Group discussed the present proposal and endorsed it on 22 September 2015.

HAS ADOPTED THIS DECISION:

Article 1
Implementation of the *acquis*

Each Contracting Party shall transpose and implement Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC by 15 October 2017.

They shall forthwith inform the Energy Community Secretariat thereof.

Transposition shall be made without changes to the structure and text of Directive 2012/27/EU other than translation.

Article 2
General adaptations under Article 24 of the Energy Community Treaty

1. Save where otherwise stated in this Decision, the text of the Directive 2012/27/EU referred to in Article 1 shall be adapted to the Energy Community as follows:
 - (a) the term 'Member States' shall be replaced by 'Contracting Parties';
 - (b) references to the Official Journal of the European Union shall be replaced by the expression 'a dedicated section of the website of the Energy Community';
 - (c) references to Directive 2010/31/EU, shall be replaced with 'Directive 2010/31/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC..'
 - (d) references to Directives 2009/72/EC and 2009/73/EC, shall be replaced with 'Directives 2009/72/EC and 2009/73/EC as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC':
 - (e) references to Directive 2010/75/EU shall be replaced with 'Directive 2010/75/EU, as incorporated and adapted by the Ministerial Council decision 2013/06/MC-EnC';
 - (f) references to Regulation (EC) No 714/2009 shall be replaced with 'Regulation (EC) No 714/2009, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC';
2. The adaptations referred to in Article 3 of this Decision shall apply in addition to the adaptations referred to in paragraph 1 of this Article.

Article 3 *Ad hoc adaptations*

1. Article 1(1) shall be replaced by the following:

'This Directive establishes a common framework of measures for the promotion of energy efficiency within the Energy Community, to set a 20 % headline target on energy efficiency in the Energy Community in 2020 and to pave the way for further energy efficiency improvements beyond that date. It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of indicative national energy efficiency targets for 2020.'
2. Article 2(21) shall be replaced by the following

'distribution system operator' means 'distribution system operator' as defined in Directive 2009/72/EC and Directive 2009/73/EC respectively, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC';
3. Article 2(29) shall be replaced by the following:

'transmission system operator' means 'transmission system operator' as defined in Directive 2009/72/EC and Directive 2009/73/EC respectively, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC.'
3. Article 3(1)(a) shall be replaced by the following

'that the Energy Community's 2020 energy consumption has to be no more than 187 Mtoe of primary energy or no more than 133 Mtoe of final energy;';
4. Article 3(2) shall be replaced by the following:

'By 30 June 2018, the Energy Community Secretariat shall assess progress achieved and whether the Energy Community is likely to achieve energy consumption of no more than 187 Mtoe of primary energy and/or no more than 133 Mtoe of final energy in 2020.';
5. Article 3(3)(d) shall be replaced by the following:

'compare the results under points (a) to (c) with the energy consumption of no more than 187 Mtoe of primary energy and/or no more than 133 Mtoe of final energy in 2020';
6. Article 4, last sentence shall be replaced by the following:

'A first version of the strategy shall be published by 30 March 2017 and updated every three years thereafter and submitted to the Energy Community Secretariat as part of the National Energy Efficiency Action Plans.';
7. In Article 5 the renovation rate shall be set at 1 %.
8. In Article 5(1) the date 1 January 2014 shall be replaced by 1 December 2017 and the date 9 July 2015 shall be replaced by of 1 January 2019.
9. In Articles 5(5) and 5(6) the date 31 December 2013 shall be replaced by the date 1 January 2017.
10. Paragraph 2 in Article 6(1) shall be replaced by the following:

'The obligation set out in the first subparagraph shall apply to contracts for the purchase of products, services and buildings by public bodies in so far as such contracts have a value equal to or greater than the thresholds laid in each Contracting Party's national

legislation. Each Contracting Party shall submit its national thresholds to the Energy Community Secretariat, by 15 October 2017';

11. In Article 6(2), the second sentence 'The obligation shall not apply to contracts for the supply of military equipment as defined by Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security' shall not be applicable.
12. Paragraph 2 in Article 7(1) shall be replaced by
'That target shall be at least equivalent to achieving new savings each year from 1 January 2017 to 31 December 2020 of 0,7 % of the annual energy sales to final customers of all energy distributors or all retail energy sales companies by volume, averaged over the most recent three-year period prior to 1 January 2016. The sales of energy, by volume, used in transport may be partially or fully excluded from this calculation.';
13. Article 7(2)(a) shall be replaced by
'carry out the calculation required by the second subparagraph of paragraph 1 using values of 0.5 % in 2017 and 2018; and 0.7 % in 2019 and 2020';
14. In Article 7(3) the date 5 June 2014 shall be replaced by the date 15 October 2017;
15. In last paragraph in Article 7(9) the date 5 December 2013 shall be replaced by the date 15 March 2017;
16. Article 7(10)(a) shall not be applicable;
17. In Article 8(4) the date 5 December 2015 shall be replaced by the date 5 November 2018;
18. In Article 9(3) the date 31 December 2016 shall be replaced by the date 30 November 2019;
19. In Article 10(1), the date 31 December 2014 shall be replaced by the date 30 November 2017;
20. In Article 13, the date 5 June 2014 shall be replaced by the date 15 October 2017;
21. In Article 14(1)
 - (a) the date 31 December 2015 shall be replaced by the date 30 November 2018,
 - (b) the second paragraph shall not be applicable;
22. In Article 14(5) the date 5 June 2014 shall be replaced by the date 15 October 2017;
23. In Article 14(6) the date 31 December 2013 shall be replaced by the date 15 October 2017;
24. In Article 15(2) the date 30 June 2015 shall be replaced with 15 October 2018;
25. In Article 16(1) the date 31 December 2014 shall be replaced with 31 December 2017;
26. Article 22 shall not be applicable;
27. Article 23 shall not be applicable;
28. Article 24(1) shall be replaced by the following

'By 30 June each year as from 2017, Contracting Parties shall report on the progress achieved towards national energy efficiency targets, in accordance with Part 1 of Annex XIV.';

29. In Article 24(2)

(a) the date 30 April 2014 shall be replaced with the date 30 April 2019

(b) second subparagraph shall be replaced by the wording

'The National Energy Efficiency Action Plans shall in any case include the information specified in Annex XIV.';

30. Article 24(4) shall not be applicable;

31. Article 24(7) shall be replaced by the following:

'By 30 June 2018 the Energy Community Secretariat shall submit the assessment referred to in Article 3(2) to the Ministerial Council of the Energy Community, accompanied, if necessary, by proposals for further measures.';

32. Article 24(8) shall be replaced by the following:

'The Energy Community Secretariat shall review the effectiveness of the implementation of Article 6 by 5 November 2018 and shall submit a report to the Ministerial Council of the Energy Community. That report shall be accompanied, if appropriate, by proposals for further measures.'

33. Article 24(9), first paragraph, shall be replaced by the following:

'By 30 May 2019, the Energy Community Secretariat shall submit a report to the Ministerial Council of the Energy Community on the implementation of Article 7. That report shall be accompanied, if appropriate, by a legislative proposal for one or more of the following purposes'

34. In Article 24(10) the date 30 June 2018 shall be replaced with the date 30 September 2020;

35. Article 26 shall not be applicable;

36. Article 27 shall be replaced by the following:

'1. Article 1 of the Ministerial Council Decision 2009/05/MC-EnC is repealed from 15 October 2017. By way of exception, Article 4(1) to (4) of Directive 2006/32/EC as incorporated and adapted by Ministerial Council Decision 2009/05/MC-EnC thereof and Annexes I, III and IV thereto, shall continue to apply, without prejudice to the obligations of the Contracting Parties relating to the time-limit for its transposition into national law. Article 4(1) to (4) of, and Annexes I, III and IV of Directive 2006/32/EC as incorporated and adapted by Ministerial Council Decision 2009/05/MC-EnC, shall cease to apply with effect from 1 January 2020. References to Directive 2006/32/EC shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex XV.'

2. Article 9(1) and (2) of Directive 2010/30/EU, as incorporated and adapted by Ministerial Council Decision 2010/01/MC-EnC shall cease to apply from 15 October 2017.'

37. In Article 28 the date 5 June 2014 shall be replaced with 15 October 2017;

38. Article 29 shall be replaced by the following

'This Directive shall enter into force on the date of its adoption by the Ministerial Council.';

39. Article 30 shall not be applicable;
40. Annex III (b)(c) and (d) shall not be applicable;
41. Annex V(2)(a) shall be deleted; Annex V(3)(a) shall not be applicable;
42. In Annex V(4) first paragraph the date 5 December 2013 shall be replaced with the date 15 November 2017;
43. In Annex XV in the correlation table rows relating to Directive 2004/8/EC shall not be applicable;

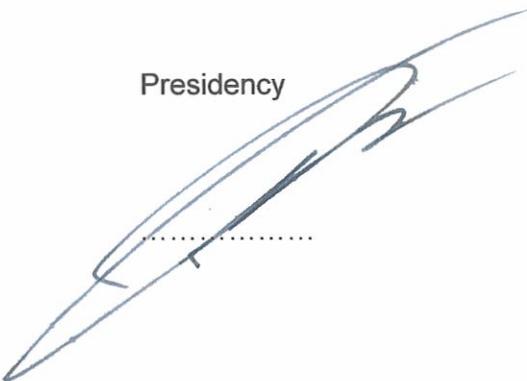
Article 4

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

Done in Tirana on 16 October 2015

For the Ministerial Council

Presidency



A large, stylized handwritten signature in blue ink is written over the text 'Presidency'. The signature is slanted upwards from left to right and consists of several overlapping loops and strokes.

Energy Community Secretariat
Am Hof 4, Level 5, 1010 Vienna, Austria

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Vienna, 15 June 2016
UA/MIN/O/jko/17/15-06-2016

Mr.Serhii Savchuk
Chairman
State Agency on Energy Efficiency and Energy Saving of Ukraine

Dear Mr.Savchuk,

The Energy Community Secretariat welcomes the progress done during the 2d meeting of the Working Group consisting of Ukrainian representatives and Secretariat's experts on drafting the Energy Efficiency Law (8-9 June 2016, Vienna). This is one of the steps for Ukraine on its way to fulfill its international obligations by creating a modern legal framework on energy efficiency, compliant with the Directive 2012/27/EU. Being implemented the Energy Efficiency Law will contribute to decrease of energy consumption both by economy and households, bringing Ukraine closer to energy independence.

Nevertheless there is still a long way to go and proper coordination is essential for a success story. As you are aware during the meeting of the Working Group in Vienna it was decided that the next (3d) meeting will take place in Kiev on 4th July 2016 with participation of the same Ukrainian experts who were here with us in Vienna earlier this month, the Secretariat will be represented accordingly. Keeping the same people in the process and not expanding the working Group will allow a high level of efficiency and coordination that will result in finalizing the draft Law already in July 2016. Given this I would ask you to continue with the leading role of Agency in energy efficiency reforms in Ukraine and to organize the 3d meeting of the Working Group in Kiev on 4th July 2016.

Keeping in mind importance of preparatory phase for the meeting, the Energy Community Secretariat expects that by 24th June, the SAEE will submit to the ECS the wording of the draft Law on Energy Efficiency (both in Ukrainian and in English), that was not reviewed/agreed/drafted during the 2d meeting of the Working Group. Such approach will allow the Secretariat's experts to review suggestions of Ukrainian side, prepare comments and additional materials needed for the meeting.

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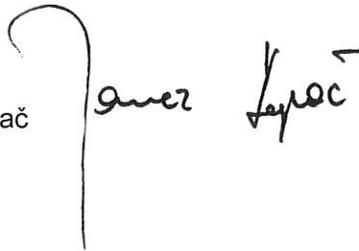
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Please remain assured that the Energy Community Secretariat is ready to provide an expert support and to assist the Government of Ukraine and the State Agency on Energy Efficiency and Energy Saving to meet its international obligations in the relevant issues of energy sphere.

With best regards,

Janez Kopač
Director



MR. SERHII SAVCHUK
CHAIRMAN OF THE STATE AGENCY ON ENERGY EFFICIENCY AND ENERGY SAVING OF
UKRAINE

CC:

H.E. MR. IHOR NASALYK
MINISTER OF ENERGY AND COAL INDUSTRY OF UKRAINE

H.E. MR. OLEKSII RIABCHYN
MEMBER OF THE PARLIAMENT OF UKRAINE

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Vienna, 19 February 2018

UA/MIN/O/jko/09/19-02-2018

Subject: Energy Efficiency Directive transposition

Your Excellency,

With this letter, I would like to acknowledge the work that is being undertaken by the Ukrainian institution towards the transposition of the Energy Efficiency Directive (EED) 27/2012/EU, as adapted and adopted by the Ministerial Council Decision D/2015/08/MC-EnC on 15 October 2015, with the deadline for transposition 15 October 2017.

Moreover Article 3 of EED obliges Contracting Parties to set an indicative national energy efficiency target, and notify it to the Energy Community Secretariat till 30 June 2017. In order to assist the Ukrainian institutions to deliver on this obligation, the EU4Energy – Governance programme financed by the European Commission and implemented by the Secretariat, engaged experts, that worked with the Working Group chaired by the State Agency on Energy Efficiency and Energy Saving of Ukraine, under the guidance of the Secretariat.

As a result of this joint effort and cooperation, the Working Group developed a methodology and calculated national targets until 2020 and 2030 that should be approved and notified to the Secretariat.

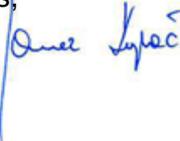
Having in view that the Ministry of Regional Development, Construction, Housing and Utilities is leading the work on energy efficiency, I hope that the State Agency on Energy Efficiency and Energy Saving of Ukraine, relevant ministries, and other stakeholders will be urged under your authority to finalise the Draft decision of the Government and submit it for governmental approval as soon as possible.

I would like to stress that the Secretariat supports the methodology and the results for the target values and congratulates Ukraine for the forward-looking approach to 2030, especially these days when the entire EU is setting its target for 2030, which the Energy Community will follow.

Please accept, Excellency, the assurance of my highest considerations.

Sincerely yours,

Janez Kopač
Director



**H.E. MR. GENNADIY ZUBKO
VICE-PRIME MINISTER OF UKRAINE
MINISTER OF REGIONAL DEVELOPMENT, CONSTRUCTION, HOUSING AND UTILITIES OF
UKRAINE**

Copy: Mr. SERHIY SAVCHUK, Head of State Agency on Energy Efficiency and Energy Saving of Ukraine

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BIC	RLNWATWW

From: ?????????? ?????
To: [Violeta Kogalniceanu](#)
Cc: [Svitlana Karpyshyna](#)
Subject: EED draft Law status
Date: Thursday, 17. May 2018 08:55:14

Dear Violeta,

I'd like to update the status of the EED draft Law. As I mentioned earlier several weeks ago we have finished the working meetings with the Ministries and NEURC and taken into account most of the comments provided by those bodies. On April, 19 SAEE has sent the revised version of the draft Law to the Minregion for approval in order to be able to send the draft to the Ministries and NEURC for re-approval. Till now we have not received the approval from the Minregion. I was told that the Energy Efficiency Directorate of the Minregion is preparing the additional comments and proposals to the draft Law and plans to set the working meeting to discuss some provisions of the draft. Unfortunately I have not seen those comments and comments yet. In case of any significant changes I will inform you.

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З повагою,
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