



● Extension of the Energy Community Acquis – Main challenges

Meeting of the PHLG
Vienna 23 March 2011

● (I) Implementation of the Third Package

- “2nd Package” was repealed in the EU as from 3rd March 2011
- What changes? **“Second package +”**
 - *Strong NRA*
 - *Unbundling*
 - *Third party access to gas storage facilities*
 - *Retail markets*
- Ministerial Council Recommendation to the Contracting Parties to start implementing it
- Adaptations under Article 24 EnC needed
 - *also for “old” provisions!*

● Legal basis - Title II of the Treaty

The extension of the *acquis communautaire*

Chapter I – Geographic Scope

Article 9

The provisions of and the Measures taken under this Title shall apply to the territories of the Adhering Parties, and to the territory under the jurisdiction of the United Nations Interim Administration Mission in Kosovo.

Chapter II – The *Acquis* on Energy

Article 10

Each **Contracting Party** shall implement the *acquis communautaire* on energy in compliance with the timetable for the implementation of those measures set out in Annex I.

Chapter VII – The Adaptation and Evolution of the *Acquis*

Article 24

For the implementation of this Title, the Energy Community shall adopt Measures adapting the *acquis communautaire* described in this Title, taking into account both the **institutional framework** of this Treaty and the specific situation of each of the **Contracting Parties**.

● Amendments to the Energy Community Treaty

- Article 11 – reference to Third Package
- Article 59 – (ECRB composition) “*The European Community shall be represented by the European Commission, assisted by one regulator of each Participant, and one representative of the **European Regulators Group for Electricity and Gas (ERGEG)**.*”

● Adaptations to Third Package

- Role of the Secretariat (e.g. under certification, TPA)
- Role of ECRB
- References to ACER, ENTSO-E, ENTSO-G
- Adoption of Guidelines and Network Codes

	EU Member States	EnC Contracting Parties
Market opening (non-household)	1 July 2004	1 January 2008
Market opening (all customers)	1 July 2007	1 January 2015
Adoption of the 3 rd Package	13 July 2009	6 October 2011
General Transposition date	3 March 2011	1 st January 2013
Unbundling of TS and TSO	3 March 2012	1 st January 2014
Unbundling (derogations)	3 March 2013	1 st January 2015
Certification 3 rd countries	3 March 2013	1 st January 2015

● Third Package – Next steps

- Commission Proposal to the Ministerial Council of the Energy Community under preparation
- Adoption expected in May

● (II) Directive 2009/28 - Renewables

- Ministerial Council Recommendation to the Contracting Parties – specific tasks
- Challenges
 - » Legislative effort
 - » Administrative tools and practice
 - » Reliable statistics, monitoring and enforcement are key
 - ☞ Commission's report
 - » Baseline: 2005 vs 2009
 - » Cooperation mechanism: technical and legal feasibility

● Directive 2009/28 RES – Next steps

- Commission Proposal to the Ministerial Council of the Energy Community under preparation
- Adoption expected in May

● (III) Directive 2009/119 – Oil stocks

- Emergency Oil Stocks Study to provide concrete data related to the possible implementation of Council Directive 2009/119/EC within each Contracting Party and Observer.
- 2nd Oil Stocks Workshop on 1st March 2011: differences between Contracting Parties
- Challenges
 - » Need for reliable and harmonised statistics
 - » Transparency and reporting obligations for the Contracting Parties
 - » Supervision mechanisms foreseen in the Directive
 - » Financial effort

● Oil Stocks - Next steps

- Preparation of a Commission Proposal in the pipeline, but not in time for MC
- Contracting Parties to intensify efforts towards implementation of Directive 2009/119, taking into consideration the conclusions / recommendations of the Oil Stocks Study