



# Implementation of the Directive on **Renewables**

*Presentation of the Commission  
Proposal to the Ministerial Council of  
the Energy Community*

Meeting of the Permanent High Level Group  
Vienna, 23rd March 2012

# Where do we stand now?

## *Energy Community Treaty – Art. 20*

- Presentation of plans for implementing Directives 2001/77 and 2003/30

## *Protocols of Accession*

Plans for implementation to be presented by

- 31st December 2010 - Moldova
- 1<sup>st</sup> July 2012 - Ukraine

***Recommendation n° 2010/01-MC-EnC on the promotion of the use of energy from renewable sources***

# Legal basis for the Proposal - Title II of the Treaty (The extension of the *acquis communautaire*)

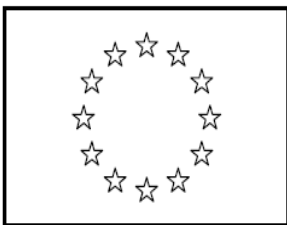
## *Chapter VII – The Adaptation and Evolution of the Acquis*

### **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**.*

## Article 79

*“The **Ministerial Council**, the PHLG or the Regulatory Board shall take Measures under Title II **on a proposal from the European Commission**. The European Commission may alter or withdraw its proposal at any time during the procedure leading to adoption of the measures”*



EUROPEAN COMMISSION

Brussels, 19.3.2012  
C(2012) 1745 final

## **COMMISSION DECISION**

**of 19.3.2012**

**on establishing the Commission Proposal to the Ministerial Council of the Energy Community on the implementation of Directive 2009/28/EC and amending Article 20 of the Energy Community Treaty**

*Three types of adaptations (Article 24 EnCT)*

- **General adaptations (systematically applied)**
- **Ad hoc: to be applied where indicated**
- **Other provisions (directly contained in the MC decision)**



### *Article 3*

## **General adaptations under Article 24 of the Energy Community Treaty**

1. Save otherwise stated in the present Decision, the text of Directive 2009/28/EC shall be adapted to the Energy Community as follows:

- (a) the term "Member States" shall be replaced by "Contracting Parties"
- (b) the term "Community" shall be replaced by "Energy Community";
- (c) references to EU Law shall be replaced by references to the equivalent provisions under the Energy Community Treaty, if any, or shall not be applicable, as appropriate;
- (d) the term "European Commission" shall be replaced by "Energy Community Secretariat";
- (e) 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";
- (f) references to the executive competences and reporting obligations of the European Commission under EU law shall not be applicable;
- (g) the date "23 April 2009" shall read "dd/mm/2012" (nb. date of adoption of the EnC decision)
- (h) the date "25 June 2009" shall read "dd/mm/2012"; (nb. Two months after the date of adoption of the EnC decision)
- (i) the date "5 December 2010" shall read "1 January 2013"

## *Ad hoc adaptations*

- **Deadlines** :
  - main implementation deadline proposed is 1<sup>st</sup> January 2014
  - Other deadlines made consistent with 2010 Recommendation
- **"Commission decision"** ➡ **"Secretariat opinion"**  
+ PHLG decision
- **Mandatory national targets** ➡ **IPA Study**
- **Measures of cooperation with EU Member States**
  - Special conditions for statistical transfers



*RES targets proposed correspond to the values in the "Updated calculation of the 2020 RES Targets for the Contracting Parties of the Energy Community (status December 2011) (s. Article 4)*

**Table 11: Energy Community CPs 2020 RES Target Derivation**

Contracting Party	2009 GFEC, ktoe	RES Share 2009	Forecast 2020 GFEC, ktoe	Residual Effort per Citizen, toe/head	Residual Effort, ktoe	Residual Effort 2020 Share	2020 RES Target
Albania	1,614.8	41.3%	2,070.0	0.017	54.7	2.6%	49%
Bosnia and Herzegovina	3,839.8	34.0%	4,851.3	0.020	77.4	1.6%	41%
Former Yugoslav Republic of Macedonia	1,989.4	21.9%	2,455.3	0.021	42.1	1.7%	29%
Moldova	2,183.0	17.3%	2,887.2	0.007	24.7	0.9%	24%
Montenegro	827.3	29.5%	1,005.1	0.031	18.8	1.9%	37%
Serbia	9,149.7	21.2%	10,330.6	0.026	189.1	1.8%	29%
Ukraine	68,377.0	5.4%	77,760.7	0.012	532.9	0.7%	12%
UNMIK	1,342.1	18.8%	1,740.3	0.012	24.7	1.4%	26%
<b>Total</b>	<b>89,323.1</b>	<b>10.0%</b>	<b>103,100.5</b>	<b>0.014</b>	<b>964.2</b>	<b>0.9%</b>	<b>16%</b>

## *Measures of cooperation with EU Member States (s. Arts 8 and 9)*

- **Joint Projects between Contracting Parties and Member States continue to follow the rules in Directive 2008/29 (Articles 9 and 10 of the Directive)**
- **Statistical transfers from Contracting Parties to EU Member States as well as joint support schemes (including the setting up of distribution rules between the EU member State and the Contracting Party), are enabled:**
  - **Ex ante authorisation by the Ministerial Council (EU must vote in favour)**
  - **Ex post audits (every two years)**

## *Article 11*

### **Decisions of the Ministerial Council**

1. The Decision of the Ministerial Council referred to in Articles 8 and 9 of this Decision shall be adopted by majority of the Members of the Ministerial Council, which must include a vote in favour by the European Union.
2. The Decision shall be positive only if all the following conditions are met:
  - (a) that the Contracting Party has fully transposed Directive 2009/28/EC, as adapted by this Decision;
  - (b) that the envisaged statistical transfers or distribution rule (as appropriate) are based on reliable and accurate energy statistics that are compiled in accordance with the European Union's methodology on energy statistics, and
  - (c) that the Contracting Party is expected to exceed the indicative trajectory and binding target without including potential contributions from joint projects with third countries.
3. The Ministerial Council shall adopt a procedural act on the implementation of the present article.



## *Article 13*

### **External audits**

1. The implementation of Articles 8 and 9 of this Decision shall be subject to an external audit on a biennial basis of which the results shall be sent to the Secretariat. Where the result of the audit shows that the conditions laid down in this Decision for applying the cooperation mechanisms of the Directive were not met, the involved transfers will be annulled.
2. The Contracting Party concerned shall arrange for the independent audit referred to in paragraph 1. The auditor needs to be accredited by a member of the International Accreditation Body and must have implemented relevant international standards to ensure its competence.

## *Other provisions – Guidelines (s. Article 10)*

- **Energy Community endeavours to apply them**
- **To be adopted by PHLG (Art. 79 Treaty applies)**
- **Procedural act on application of this article**

## *General coordination by the Commission*

*(see Art. 14)*

- **ECS to provide information necessary for the Commission to act as coordinator (Art 4 EnCT)**
- **ECS to transmit draft opinions to the Commission**
- **ECS / EC working arrangements**

## *Reporting (see Article 15)*

- **Contracting Parties report to the ECS on progress in the promotion and use of RES every 2 years**
  - first report on 30/12/2013
- **ECS to monitor and review implementation every two years**
  - first report on 30/06/2014





**THANK YOU!**