



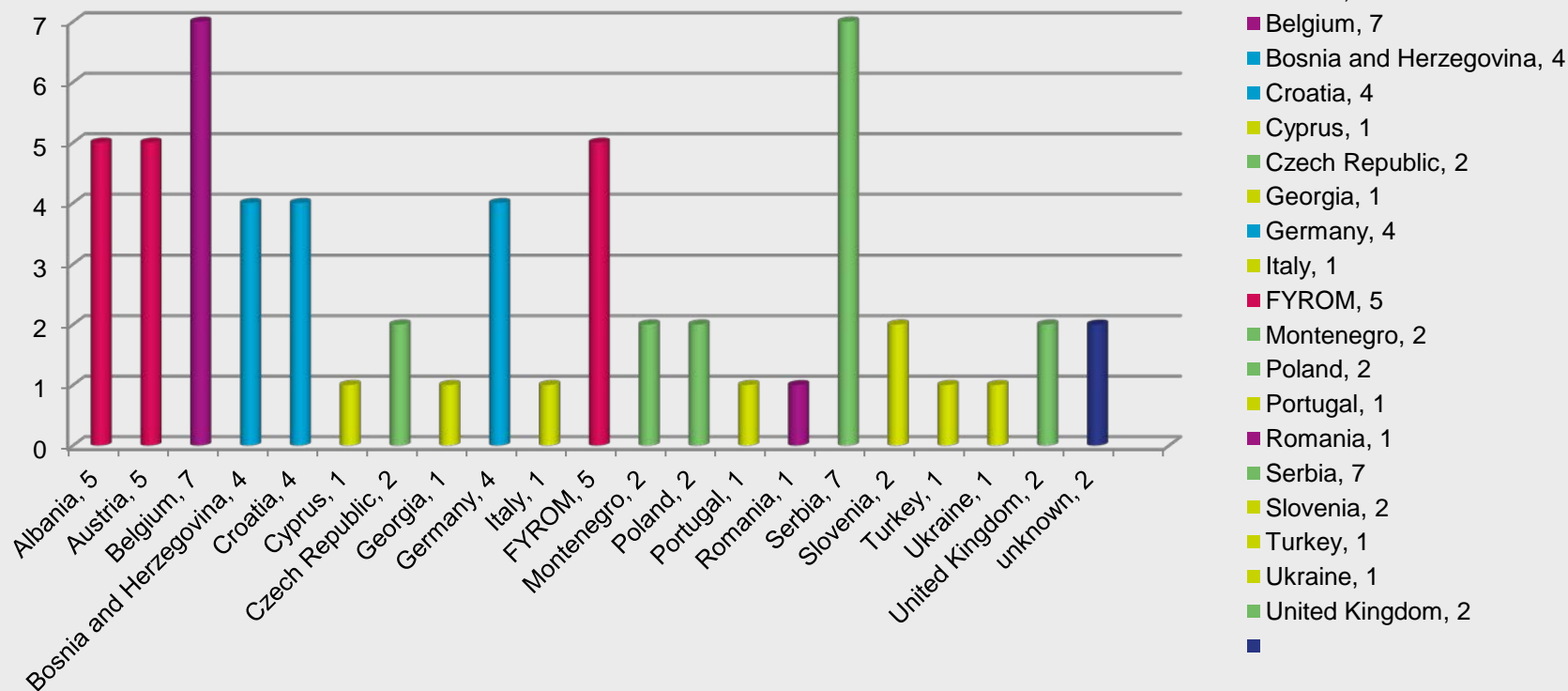
Presenting the Results of the Public Consultation

36th Permanent High Level Group

Vienna, 26 March 2015

62 contributions from 20 countries

Contributions by countries



Governmental participation



Albania

Cyprus

Czech Republic

Germany

FYR of Macedonia

Poland

Romania

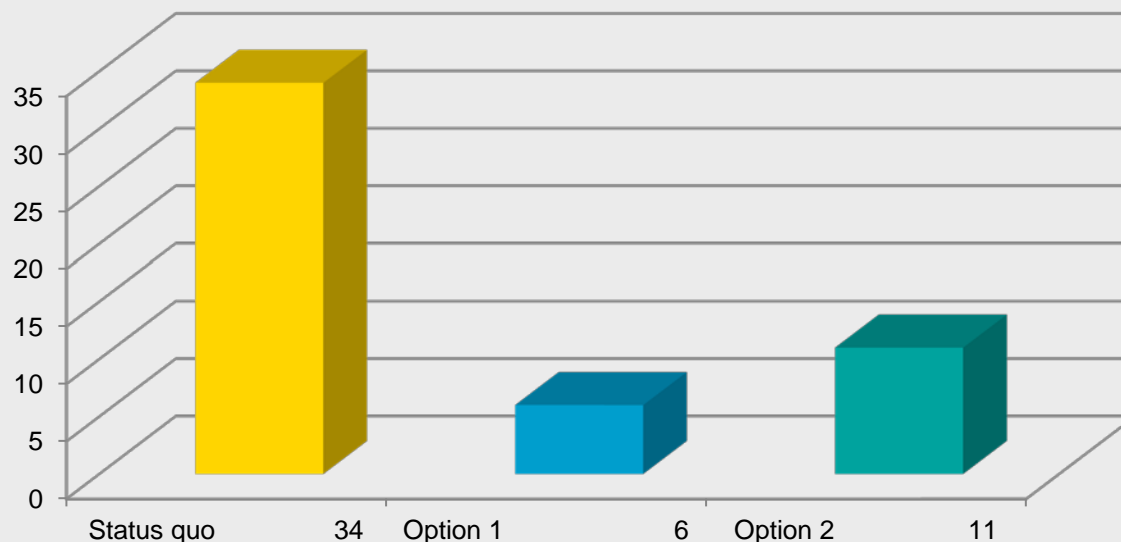
Serbia

The United Kingdom



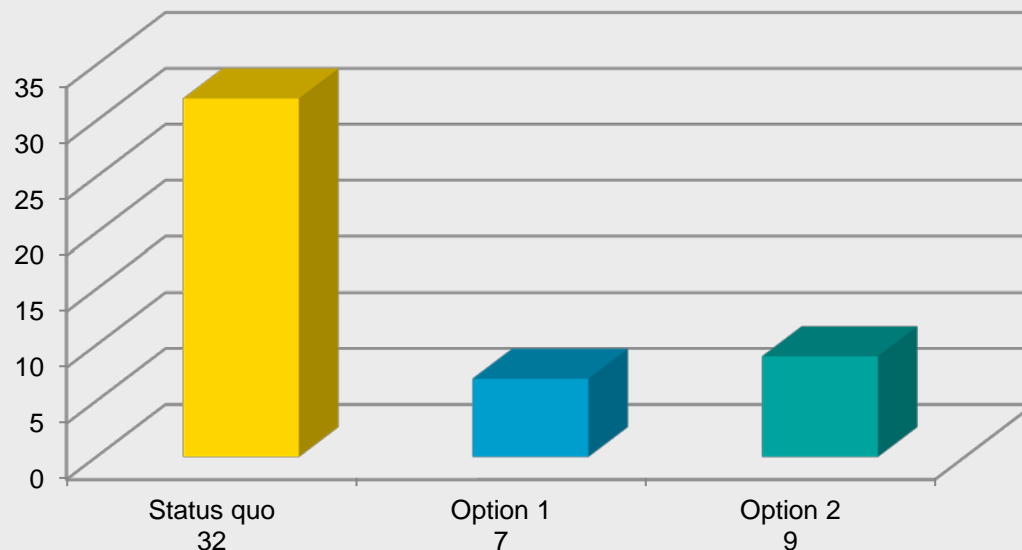
MOST RESPONSES

1. Strengthening the framework for enforcement/dispute settlement: 87 responses
2. Introducing more flexibility in the acquis: 55 responses
3. Enhancing the Effectiveness of Competition Law Enforcement: 53 responses
4. Enlarging the Energy Community: 52 responses
5. Strengthening the institutional capacity of the Secretariat: 52 responses



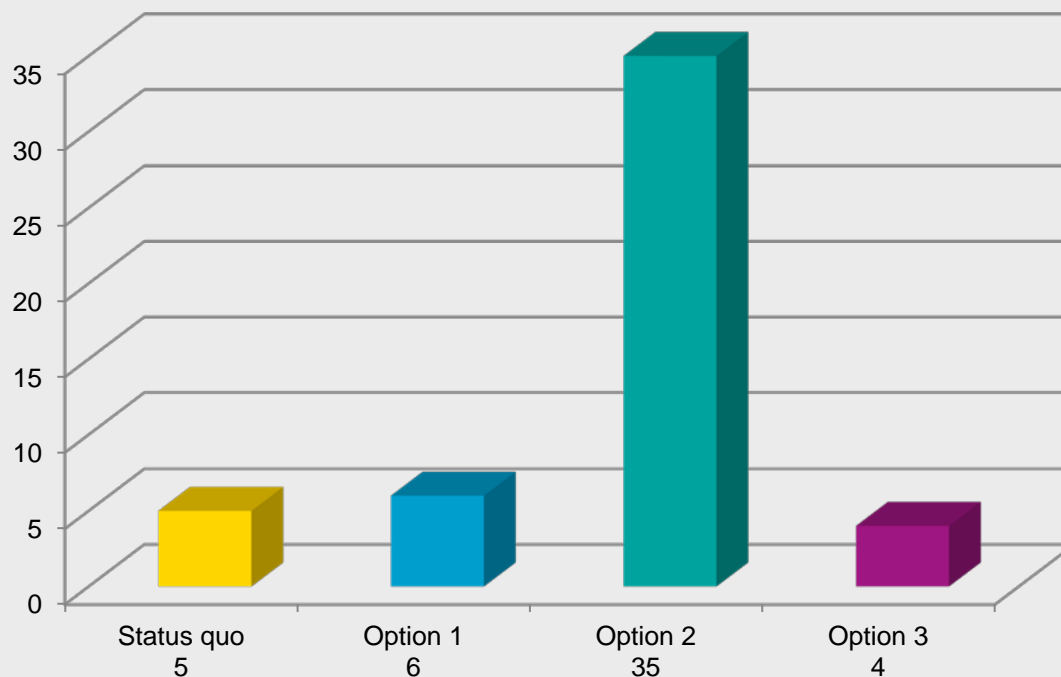
The majority of stakeholders supported the status quo. The focus should be on creating an operational 8th region energy market first, but this did not preclude enlargement at a later date.

Energy Community Budget Contribution System

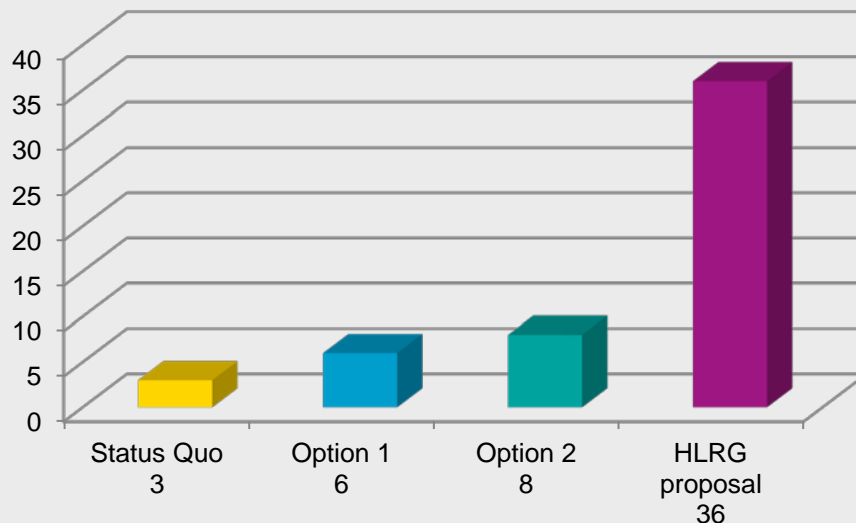


The majority of respondents supported keeping the status quo (i.e. the current system of budget contributions). It was noted that more detailed information would be required to assess option 1.

Expanding the acquis in the Environmental Area

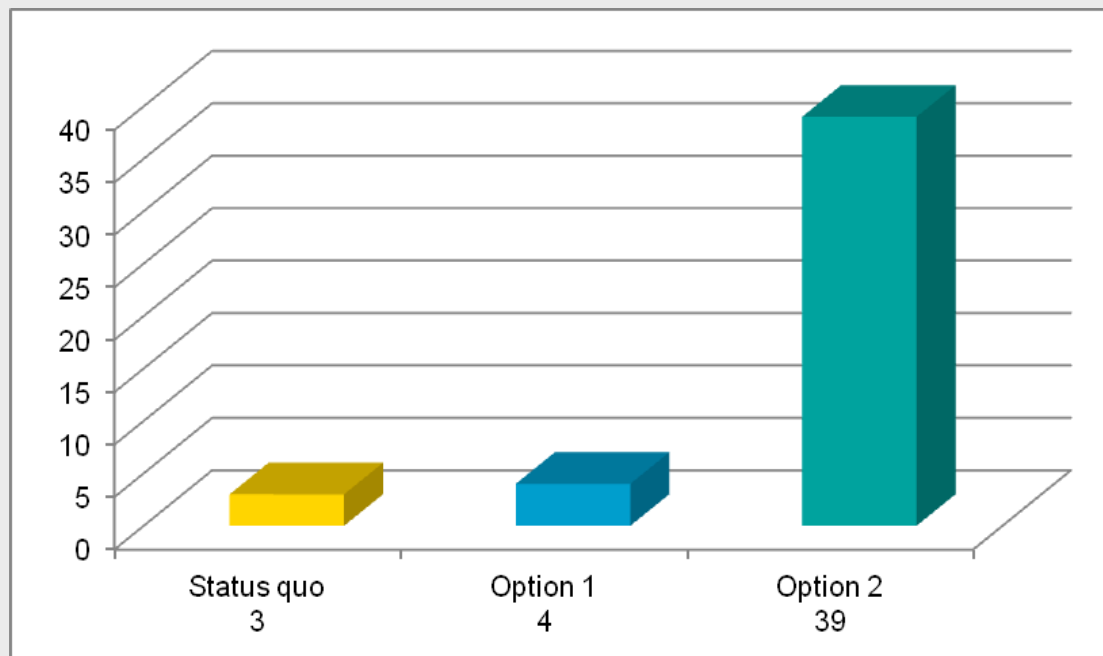


Option 2 would extend the existing acquis by some of the environmental acts proposed by the HLRG and update the existing ones in accordance with the amendments of the EU acquis



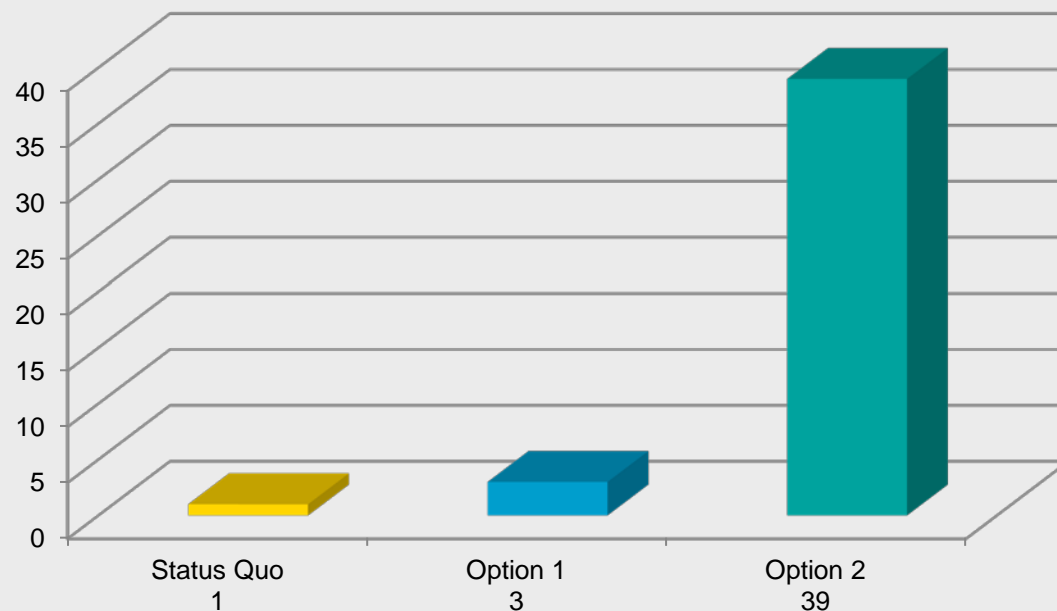
A large majority of stakeholders support the HLRG proposal to include Article 108 of the TFEU into the Energy Community Treaty, and equipping the Secretariat with the necessary investigative and decision-making powers.

Introducing Rules on Public Procurement



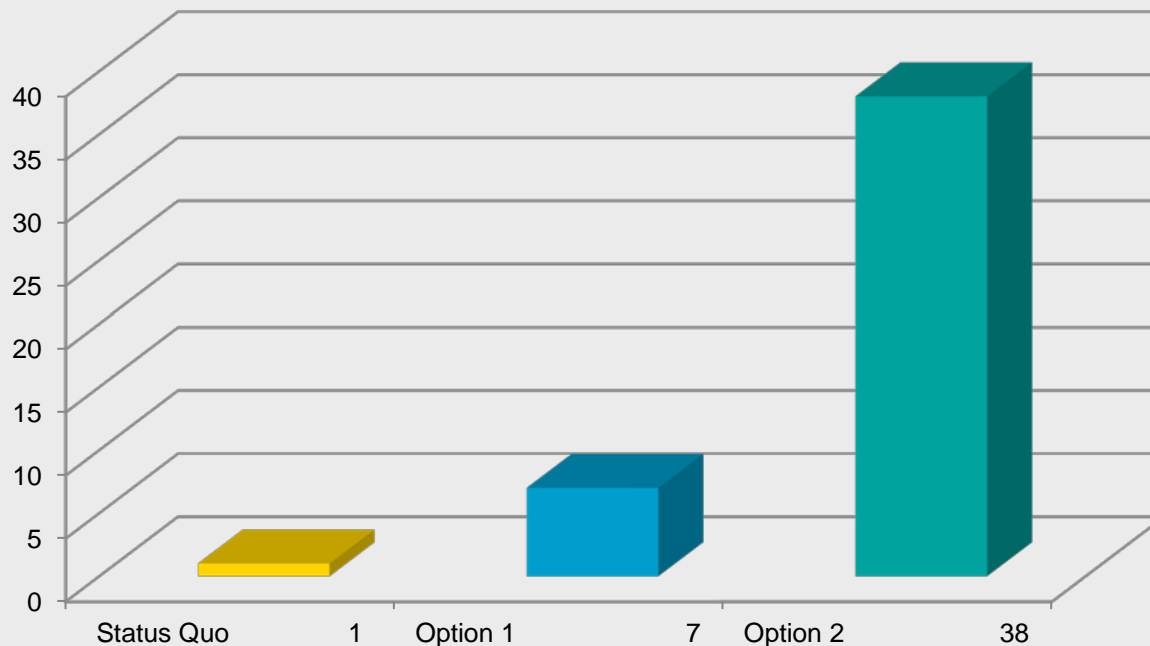
A vast majority of stakeholders support implementation of the EU public procurement acquis to the extent relevant for the energy sectors as a means to improve transparency, help solve the problem of corruption and strengthen the rule of law in the energy sector.

Harmonisation of VAT Treatment



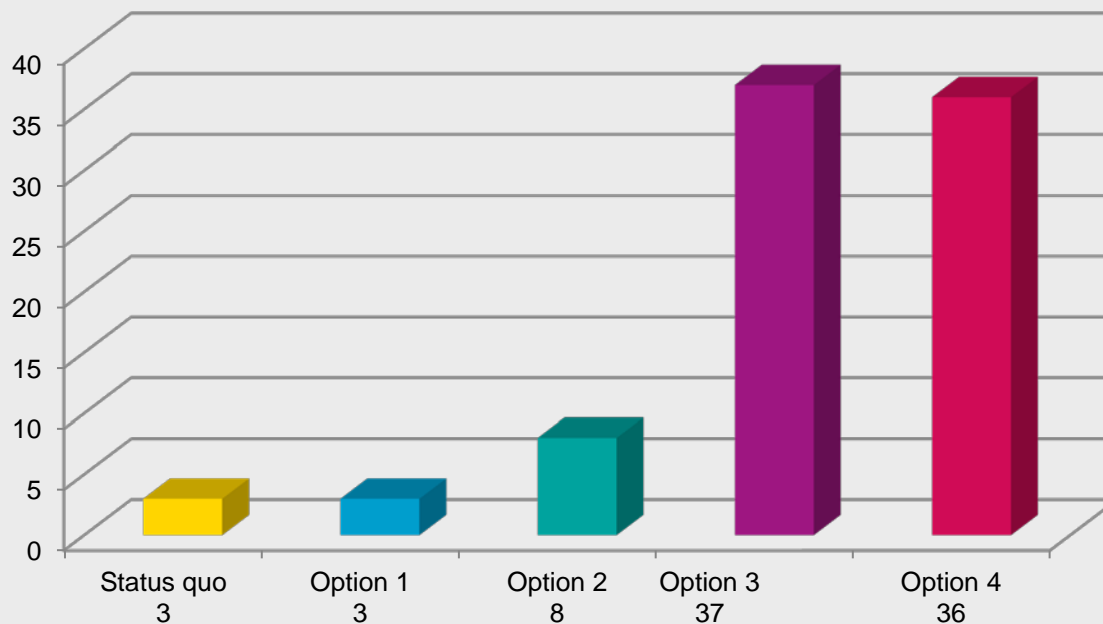
An absolute majority of stakeholders favours option 2 (amending the Treaty so that every Contracting Party respects the EU VAT acquis).

Encouraging Private Enforcement



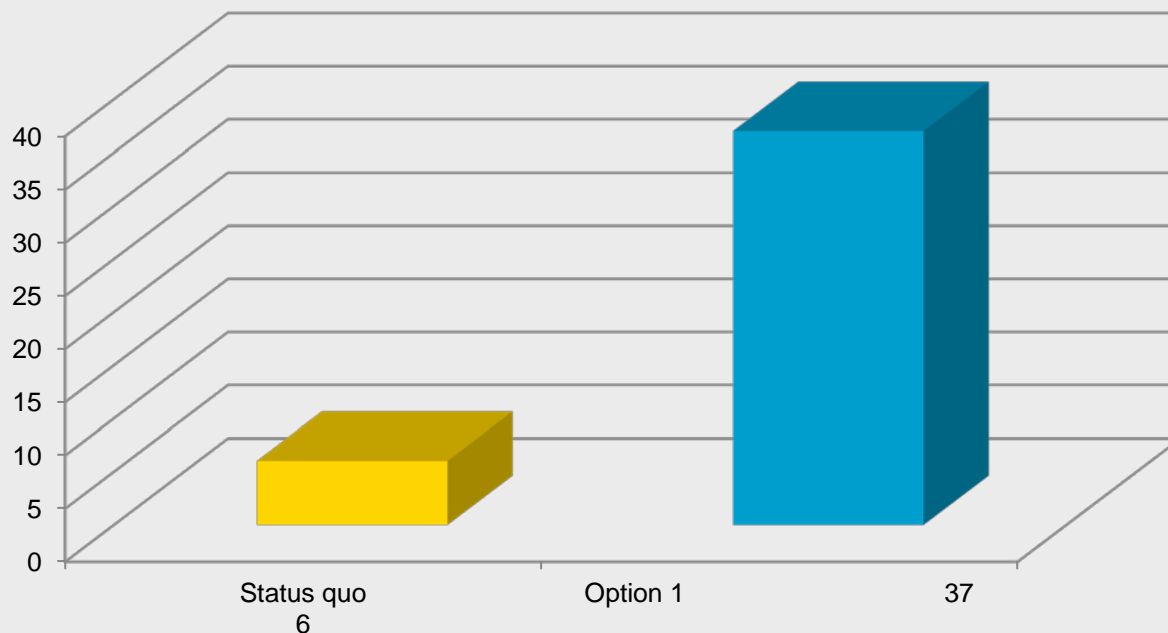
Option 2: amend Title VI of the Treaty by a clear obligation on the administrative and judicial institutions of the Contracting Parties to accept direct effect of, the precedence of the Energy Community rules over conflicting national rules, as well as liability of the State for noncompliance in line with EU law.

Strengthening enforcement/dispute settlement



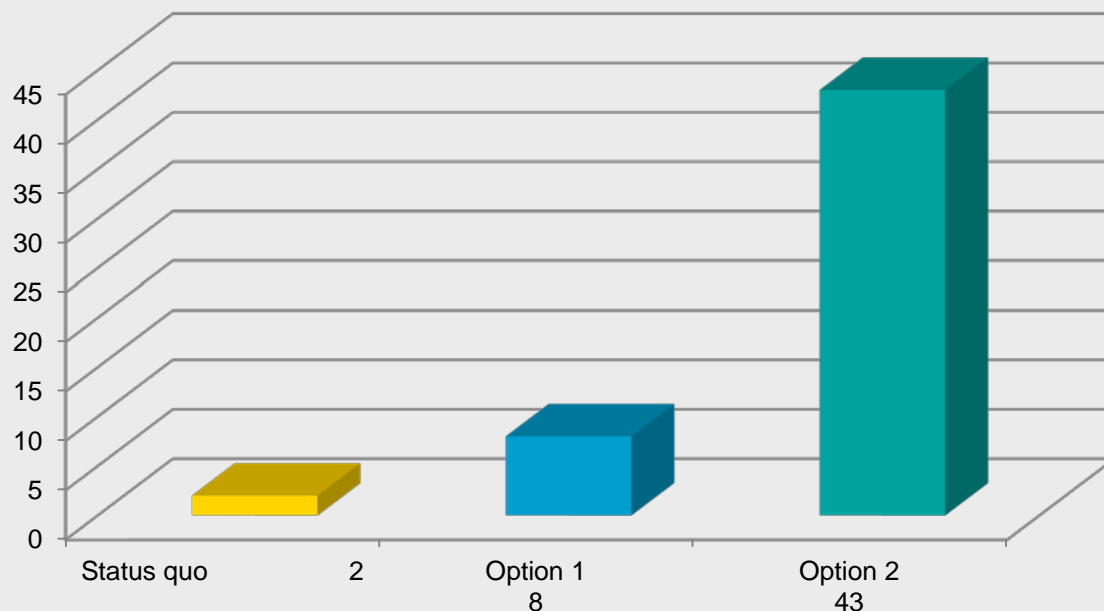
The majority of respondents shared the view that the current regime needs to be fundamentally changed as it cannot adequately deter Contracting Parties from violating the Energy Community acquis.

More strategic Ministerial Council / upgraded PHLG



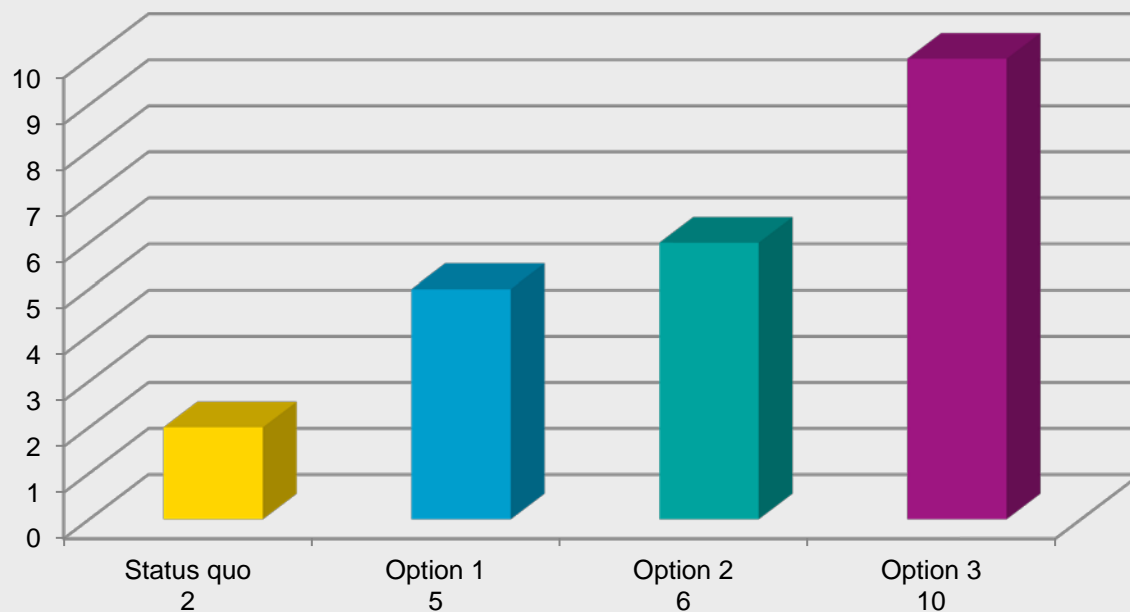
PHLG functioning similarly to COREPER and the Ministerial Council encompassing different constellations of ministers representing Contracting Parties was favoured by the majority of respondents.

Strengthening the Secretariat's institutional capacity



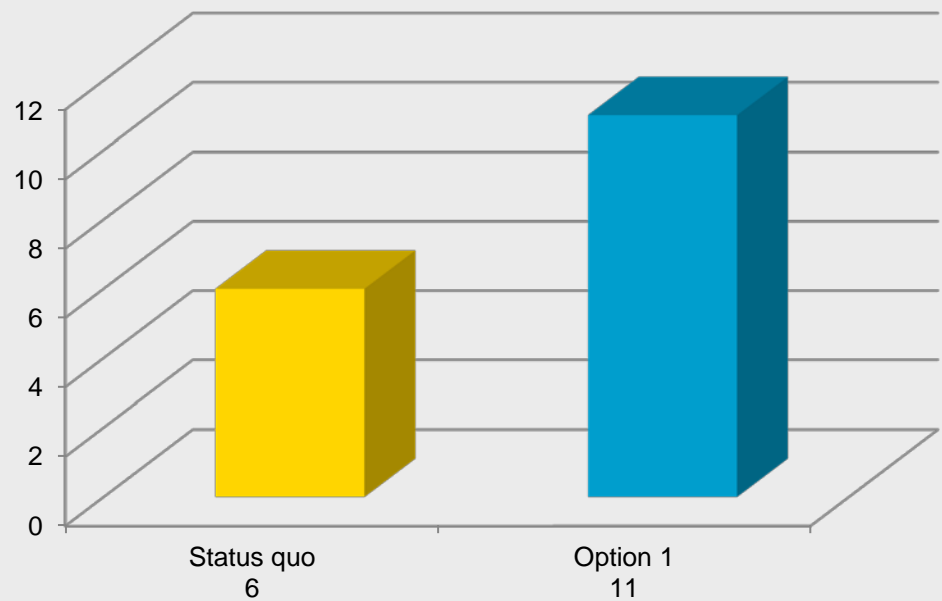
Increasing of funds to the Secretariat to increase capacities to organise training programmes and assistance in implementation of the legislation and investment projects was supported by a vast majority of stakeholders.

The future role of the Fora

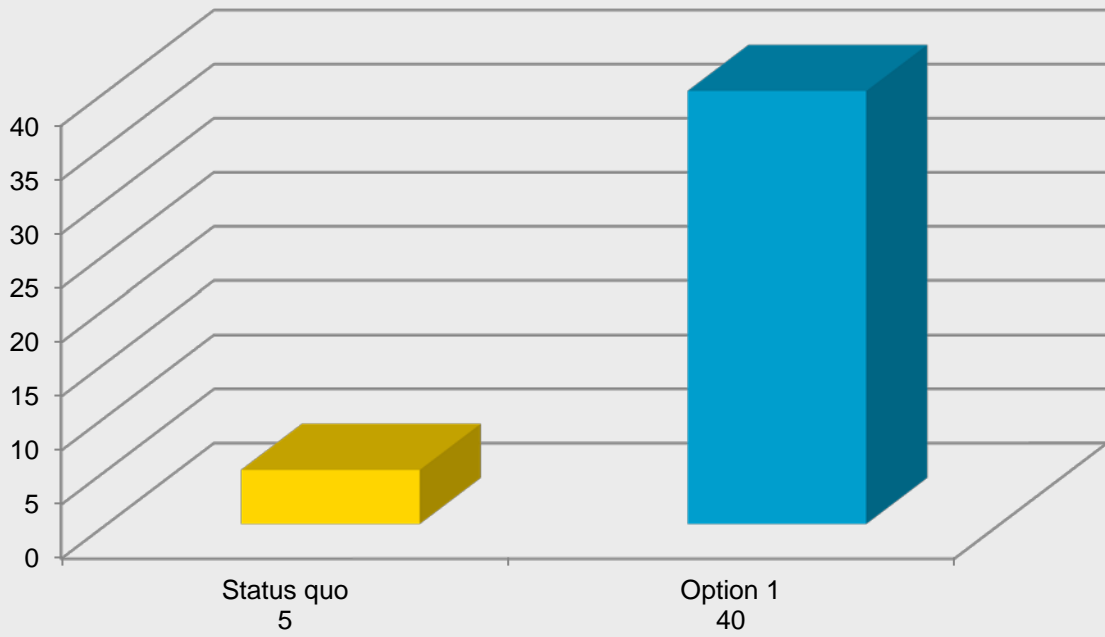


A narrow majority of respondents supported option 3 (the Energy Community Fora will be held back to back with the EU Fora, once a year providing an opportunity to have a joint session of both Fora).

As regards an Energy Community consumer platform, its establishment was the most preferred option.



The majority of answers received are in support of option 1 (establishment of an Energy Community Parliamentary Assembly). The assembly was considered beneficial in terms of attaining the Energy Community’s goals.



The overwhelming majority of stakeholders supported option 1 (CSOs granted formal observer status at the PHLG meetings). NGOs advocated for being granted full access to all the Energy Community task forces and coordination groups.

Wide Support and Decalog for the future

1. Making the existing institutions more operational (MC, PHLG, Fora)
2. Improving effectiveness of dispute settlement (procedures and sanctions)
3. Strengthening competition and State aid enforcement
4. Parliamentary Assembly
5. Strengthening the role of civil society
6. Security of Supply Act (Title IV)
7. Public Procurement acquis
8. additional environmental acquis
9. VAT acquis
10. Including fundamental freedoms



*Thank you
for your attention!*

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