

27th Meeting of the Environmental Task Force

15 March 2024

Webex (online)

Summary notes and Conclusions

The meeting was chaired by the representatives of the Energy Community Secretariat.

The Secretariat welcomed participants and thanked representatives of the Contracting Parties present for ensuring their participation at the meeting. The agenda of the meeting was presented and adopted.

New acquis – state of play

The representatives of DG Environment reported on the state of play as regards potential new acquis to be incorporated in the Energy Community *acquis* on environment, with a focus on the directives related to water and nature issues.

The general framework and requirements of the **Water Framework Directive**, along with its two daughter directives, was presented. It was emphasised that significant preparatory work is necessary for the implementation of the Directive's provisions and to achieve a high ecological status. After careful reconsideration of the water-related legislation, DG Environment considers that it would be helpful to take into account two daughter directives related to the chemical status of water bodies and groundwater. This is however without prejudice to a potential proposal in the future.

In the area of **nature protection**, it was emphasised that this is a cornerstone of EU environmental policy. One article is already part of the Energy Community environmental acquis. The Habitats Directive established strict requirements for the protection of species and their habitats (more than 260 types in the EU). The Nature Restoration Law was just adopted recently by the European Parliament, which is an important step forward. The appropriate assessment procedure was already subject to the work of the Task Force.

The expansion of the environmental acquis should be done in a comprehensive and coherent manner, with the objectives of the directives maintained. The suggestion would be to incorporate the directives in their entirety, with certain adaptations where necessary. Nature has a strong transboundary component and it would be needed to align to the specific scope of the Energy Community Treaty. The proposal should be adapted to the specific context in terms of birds and habitats relevant to the Energy Community. Practically all Contracting Parties are parties to the Bern Convention and therefore are already doing considerable work in the area of nature protection.

The Secretariat thanked the European Commission for its views and reiterated its readiness to support the process. An overview was provided on the existing preparedness regarding water management and nature conservation, showcasing the notable progress made by Contracting Parties across various aspects of the water- and nature-related directives. A robust legal framework and dedicated institutions for water management and nature protection are firmly established, providing solid

foundations for future improvements. Contracting Parties actively participate in international networks for water management and nature protection, exemplified by their involvement in initiatives such as the Bern Convention on the Conservation of European Wildlife and Natural Habitats (Emerald Network of protected areas), as well as the International River Basin Management for the Drina, Sava and Danube rivers, showcasing their commitment to environmental conservation and collaboration at an international scale. Therefore, there is substantial potential for incorporating these provisions into the Energy Community environmental acquis, further advancing environmental sustainability goals enshrined in the European Green Deal.

The floor was opened for discussion and feedback.

The Secretariat clarified at the outset that under the Energy Community Treaty, the European Commission has the prerogative to initiate any proposal, ensuring that Task Force members will promptly receive notification, should such action occur, accompanied by a request for internal consultations. Task Force members were encouraged to disseminate the information presented during today's meeting to any other relevant stakeholder in their respective governmental bodies.

Georgia stated that with the adoption of the new Water Resources Management Law, the Water Framework Directive is transposed and the work has started. 14 by-laws will be drafted that are necessary for implementation. The main part of the Law will enter into force in 2026, however a new EU-funded project will start soon, that will support Georgia in the implementation of the new Water Resources Management Law. As regards nature protection, a new Law on Biodiversity was recently submitted to the Parliament and is expected to be adopted soon. 66 Emerald sites are already designated, covering 18,7% of Georgian territory and the aim is to gradually expand the network to 30% protected area. Georgia is a member of the High Ambition Coalition on nature. It is important to take into account the complexity of these directives when incorporating them into the Energy Community acquis, however, we are looking forward to any proposal and ready to discuss these in detail. A question was raised whether the proposal would include only the Water Framework Directive or also its two daughter directives.

Kosovo* mentioned that the transposition of the Water Framework Directive is already being carried out via the draft new Water Law. There is work ongoing on recommended solutions for the new law on nature protection with the help of UNOPS.

Montenegro confirmed the facts presented by the Secretariat. There is a draft law on nature and the biodiversity strategy is being prepared. More information will be shared upon consultation with other responsible ministries.

North Macedonia thanked for the presentations of both DG Environment and the Secretariat. North Macedonia transposed the provisions of the Water Framework Directive. River basin management plans were prepared for the main river basins. These were however prepared with the help of donors and currently work is underway for their harmonization to ensure coherence among the documents. The Contracting Party is on track to achieve their obligations under the commitments in the screening process for the accession negotiations.

Ukraine explained that all river basin management plans were developed and are in the process of submission to the Cabinet of Ministers for approval. As regards habitats, the draft law for Emerald sites is with the Parliament. Work is underway for the development of the national biodiversity strategy.

DG Environment commended the encouraging level of preparedness of the Contracting Parties and concluded that there are no objections to continue with the work in these fields for the full scope of the discussed directives. Transposition deadlines, in particular regarding those of achieving good overall status of water bodies have to be carefully considered.

Permit-granting and planning of energy projects – recommendations and best practices

The Secretariat presented the draft guidance and thanked the Contracting Parties and all stakeholders who have contributed to the study.

The guidelines and recommendations are the result of the large assessment reports prepared per Contracting Party, covering all aspects starting from permit granting procedures, spatial planning and grid connection and that were presented at the last Task Force meeting. The guideline and recommendations, drawn from previous assessments, stakeholder input, and comprehensive research, offer general advice on simplifying administrative procedures, enhancing inter-institutional coordination, and improving public involvement in renewable energy planning and permitting processes. Supported by examples of good practice, the guideline aims to facilitate the deployment of renewable energy projects, aligning with Energy Community targets, with the Secretariat committed to assisting Contracting Parties in their implementation.

The Environmental Task Force will have the opportunity to provide feedback on the draft text, as has been customary in previous years, ensuring that the guidelines reflect the collective expertise and perspectives of all stakeholders involved.

AOB, wrap-up and next steps

The Secretariat thanked the Contracting Parties who have already reported their LCP emissions data and asked the ones who still have not submitted their emissions data to do so by the end of March.

The Secretariat reiterated its suggestion from the last Task Force meeting that a Recommendation on the Medium Combustion Plants Directive would be necessary to mitigate widening gap between the Contracting Parties and the rest of the EU. There are Contracting Parties already considering taking measures in this field in the framework of their NECPs, without binding legislation however, measures would be difficult to establish.

The Secretariat informed that the Task Force of follow-up actions after the re-certification of its Eco-Management and Audit Scheme (EMAS). An online event dedicated to EMAS will take place in the framework of the EU Sustainable Energy Week in June 2024, where Task Force members and any other potentially interested stakeholders are all invited and welcome.

The next meeting of the Task Force (Subgroup B) will be held in Q2 2024.

Conclusions:

- 1. The Task Force expressed its readiness to consider the inclusion of the water- and nature-related legislation in the Energy Community acquis on environment and asked the European Commission to table the relevant proposals for further consideration.**
- 2. The Task Force expressed its appreciation for the draft Policy Guidelines on Permit-Granting and Planning of Energy Projects in the Energy Community. The Task Force welcomes the Secretariat's follow-up actions with regard to the renewable energy acceleration areas and developing permitting protocols in alignment with the new Renewable Energy Directive (RED III).**