

## IMPLEMENTATION PLAN:

### STRUCTURED APPROACH TO TRANSPOSING THE 3<sup>rd</sup> PACKAGE IN THE ENERGY COMMUNITY

#### EXPLANATORY NOTE

In July 2009 the European Union adopted the so-called third legislative liberalisation package. This third package repealed and replaced the legal acts that were to be implemented by the Contracting Parties with two directives and two regulations, that is Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity, Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas, Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity, and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks. These legal acts entered into force on 3 March 2011.

Taking into consideration the institutional framework and the development of the energy sectors of the Contracting Parties, discussion on amending the Energy Community law and implementing the newly adopted pieces of EU legislation in order to align the Energy Community legislative framework with the developments at the European Union level has been initiated. This discussion resulted in firstly, adoption of a Recommendation No 2010/02/MC-EnC of 24 September 2010 by the Ministerial Council on the implementation of amendments to the *acquis communautaire* on energy, and then its transformation into a legally binding decision. The latter, Decision No 2011/02/MC-EnC, was adopted by the Ministerial Council at its meeting in Chisinau on 6 October 2011. According to this decision the Contracting Parties are legally bound to bring into force the laws, regulations and administrative provisions necessary to comply with the third package by 1 January 2015. The Decision also adapted the relevant Third Package legislation to the institutional framework of the Energy Community.

In order to ensure timely and effective implementation of these legal acts by the Contracting Parties, it is important to start organising a staged approach of transposition. Since the implementation of the third legislative package brings significant changes and has complex implications for the energy sectors and the institutional frameworks of the Contracting Parties, it is important to plan the phases of transposition as early as possible. In that respect, a detailed Implementation Plan, outlining the different preparatory activities to be taken by the Contracting Parties as well as the institutions is hereby attached. In line with its role under the Treaty, the Secretariat will provide ongoing assistance to the Contracting Parties and shall monitor the process and report to the Ministerial Council.

On this ground, the PHLG is invited to consider the proposed Implementation Plan as below and adopt it.

## Attachment

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DATE	WHO	ACTION	Comments
14 Dec 2011	PHLG	Approval of the implementation plan	
December 2011	ECS	Letter - communication of the implementation plan to the Contracting Parties	Letter includes templates for correlation table
by 15 February 2012	ECS	Prepare Draft PHLG Procedural Act on the procedure for adoption of Guidelines and Network codes by the PHLG	re. Arts 27 and 28 of Decision 2011/02/MC-EnC
by 15 February 2012	Contracting Parties	Communication of correlation table, based on national legislation transposing those provisions already existing in the 2nd Package	Based on the templates provided by ECS
23 March 2012	PHLG	Based on the correlation tables communicated, review of status of preparedness for implementing the 3rd Package	ECS will cross-check against its own findings
23 March 2012	PHLG	Adoption of ITC Guidelines	re. Art 12(2) of Decision 2011/02/MC-EnC
23 March 2012	PHLG	Adoption of Procedural Act on the procedure for adoption of Guidelines and Network codes	
08 June 2012	Contracting Parties	Deadline to send questions regarding the transposition of the Third Package, including on problems encountered	2 weeks before the workshop
22 June 2012	PHLG + ECS + EC (+ ECRB)	Workshop on the implementation of the Third Package (presentations by Contracting Parties and "peer review")	back to back with PHLG meeting
by 30 June 2012	ECS	Progress report to Ministerial Council	re. Art 31 (2) and (3) of Decision 2011/02/MC-EnC
16 November 2012	MC	"Peer review"	at MC meeting
December 2012	Contracting Parties	Notification of draft transposition measures to ECS	
March 2013	Contracting Parties	Deadline to send questions regarding the transposition of the Third Package, including on problems encountered	2 weeks before the workshop
March 2013	PHLG + ECS + EC (+ECRB)	Workshop on the implementation of the Third Package - follow up	
by June 2013	ECS	Letter to Contracting Parties - reminder deadline (18 months left!)	
by 30 June 2012	ECS	Progress report to Ministerial Council	re. Art 31 (2) and (3) of Decision 2011/02/MC-EnC
November 2013	MC	Peer review	at MC meeting

December 2013	ECS	Letter to Contracting Parties - reminder deadline (one year left!)	
March 2014	PHLG + ECS + EC (+ ECRB)	Workshop on the implementation of the Third Package - follow up	
June 2014	Contracting Parties	Adoption of final transposing measures	indicative target
January 2015	Contracting Parties	End deadline for transposition.	and reporting to ECS