Transposition and implementation of the Governance Regulation

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1. Transposition
2. Immediate tasks and upcoming issues in 2023
3. Miscellaneous
Transposition

• General deadline: 31 December 2022;

• Transposition in **multiple dimensions**:
  - In policy areas: climate, energy [energy efficiency, renewable energy, natural gas, electricity, oil stocks];
  - In legal act levels: laws, secondary/implementing acts;

• There is a basis – some elements **already transposed** in some CPs, e.g:
  - Related to GHG inventories, climate adaptation – MMR;
  - NECP – mainly related to the legal basis;
  - Energy-related legislation;

• Transposing sectoral provisions is relatively straightforward (should also be aligned with EED, RED transposition) **BUT** must agree on **cross-sectoral provisions** (e.g. NECP):
  - Which act will transpose;
  - Ensure applicability across the dimensions.
Governance Regulation 2018/1999

- **Renewable energy**
  - Directive 2012/27
  - Directive 2010/31

- **Energy Efficiency**
  - Directive 2012/27
  - Directive 2010/31

- **Other energy (electricity, gas, oil)**
  - Regulation 715/2009
  - Directive 2009/73
  - Directive 2009/119

**Transposition – sectoral acts**

- **Renewable energy**
  - Law on renewable energy

- **Energy Efficiency**
  - Law on energy efficiency

- **Other energy (electricity, gas, oil)**
  - Law on energy/gas/electricity

Additional note:

- Law on governance (?)
Transposition

Governance Regulation
Regulation 2018/1999
Including provisions on: Renewable energy, Energy Efficiency, Other Energy and Climate
Governance Regulation
Regulation 2018/1999
*Including provisions on: Renewable energy, Energy Efficiency, Other Energy and Climate*

Renewable energy
- Directive 2012/27
- Directive 2010/31

Energy Efficiency
- Directive 2012/27
- Directive 2010/31

Other energy (electricity, gas, oil)
- Regulation 715/2009
- Directive 2009/73
- Directive 2009/119

Climate
- Regulation 2018/1999 (in part)

Law on renewable energy
Law on energy efficiency
Law on energy/gas/electricity
Law on climate change
Law on governance (?)
Transposition

• No pre-defined model for transposing the Governance Regulation – discretion of CPs;

• Two models for consideration:
  a) **Model 1** – Direct transposition of the whole **Gov. Reg.** into a single “Law on Governance”;
     ➢ Pros: clear, easy-to-follow, aligned with but decoupled from the transposition of other elements of CEP;
     ➢ Cons: some sectoral provisions be outside the sectoral law, older versions of some provisions may have already been transposed in the sectoral law, climate – Gov. Reg. itself is the sectoral act for transposition.

  b) **Model 2** – Transposing sectoral provisions into relevant sectoral laws and the remaining cross-sectoral articles into a “Law on Governance” or equivalent.
     ➢ Pros: sectoral provisions transposed in the most relevant sectoral laws;
     ➢ Cons: Gov. Reg. “chopped up”, the original spirit of streamlined approach is abandoned, must transpose everything together in the sectoral laws (e.g. for RES the RED and related Gov. Reg. provisions together) + still need to put cross-sectoral provisions of the Gov. Reg. somewhere.

• Question: How to ensure that cross-sectoral provisions are recognized by each relevant Ministry?
Governance Regulation
Regulation 2018/1999
Including provisions on: Renewable energy, Energy Efficiency, Other Energy and Climate

Renewable energy
Directive 2012/27
Directive 2010/31

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Other energy (electricity, gas, oil)
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Climate
Regulation 2018/1999 in part

Law on renewable energy
Law on energy efficiency
Law on energy/gas/electricity
Law on climate change
Law on governance
Transposition – Model 2

Governance Regulation
Regulation 2018/1999
Including provisions on: Renewable energy, Energy Efficiency, Other Energy and Climate

Renewable energy

Energy Efficiency
Directive 2012/27
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Other energy (electricity, gas, oil)
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Law on renewable energy
Law on energy efficiency
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Law on governance (?)
# Transposition map – Model 2

## Energy Efficiency
- Art. 2.
- Art. 4.
- Art. 6.
- Art. 21.
- Art. 27. – no explicit transposition
- Art. 32.
- Art. 53.
- Art. 54.
- Annex III.
- Annex IX.

## Renewables
- Art. 2.
- Art. 4.
- Art. 5.
- Art. 20.
- Art. 27. – no explicit transposition
- Art. 32.
- Annex IX.
- Annex XI.

## Energy (ele., gas, oil)
- Art. 2.
- Art. 4.
- Art. 16.
- Art. 22.
- Art. 23.
- Art. 24.
- Art. 32.
- Art. 50.
- Art. 51.
- Art. 52.
- Art. 53.
- Art. 54.
- Annex I.

## Cross-sectoral
- Art. 2.
- Art. 3.
- Art. 7.
- Art. 8.
- Art. 9.
- Art. 10.
- Art. 11.
- Art. 12.
- Art. 17.
- Annex I.

## Climate
- Art. 2.
- Art. 4.
- Art. 15.
- Art. 18.
- Art. 19.
- Art. 37.
- Art. 39.
- Art. 37.
- Art. 39.
- Annex IV.
- Annex V.
- Annex VI.
- Annex VII.
- Annex VIII.
- Annex X.
- Annex XII.

## NECP related
- Art. 2.
- Art. 3.
- Art. 7.
- Art. 8.
- Art. 9.
- Art. 10.
- Annex I.

## Annexes
- Annex I.
- Annex III.
- Annex IX.
- Annex XI.
- Annex VIII.
- Annex X.
- Annex XII.
- Annex IV.
- Annex V.
- Annex VI.
- Annex VII.
Key takeaways:

- Transposition deadline approaching fast, must start asap;
- Must have a clear concept for transposition to avoid “double-transposition” or “gaps”; 
- Must coordinate between ministries and authorities responsible for energy and climate, attention to cross-sectoral provisions.
Immediate tasks and upcoming issues in 2023

• Long-term Strategies – 2021;
• E-Platform – 2023;
• Reporting – 2023;
• GHG Inventories – 2023;
• NECP – 2023.
EnCS obliged to put in place until 1 January 2023;

Aim:

- Communication between the EnCS & CPs;
- Promotion of cooperation among CPs;
- Gateway to submit reports under the Gov. Reg.;
- Publication of NECPs, LTSs etc.

Concept currently developed.
The Gov. Reg. streamlines all existing reporting obligations in:

- Renewable energy;
- Energy efficiency;
- Gas, electricity, oil stocks (internal market, energy security);
- Energy poverty
- GHG PaMs, projections;
- National climate change adaptation planning and strategies;
- Carbon price revenues;
- GHG inventories (approximated inventories, preliminary and final inventory data)
- Research, development and competitiveness
• Reporting on the achievement of the 2020 targets;

• Transposition of the related implementing and delegated acts of the Gov. Reg.:


• CPs to *establish, operate and seek to continuously improve* national GHG inventory systems by 1 January 2023;

• EU or EnC GHG inventory system including CPs → QA/QC, checking data accuracy, estimations in the case of missing data;

• First report by CPs on GHG inventories is 2025 BUT the information includes data from 2022 (Annex V) → data collection must be in place NOW;

• EnCS comprehensive review of national GHG inventory data in 2027 and 2032;

• Challenges:
  
  ➢ Issue of project-based inventory compilation in some CPs;
  
  ➢ Missing competent authorities in some CPs;
Long-term Strategies (LTS)

- Scope: LTS covering 30 years ➔ consistency with the EnC climate-neutrality objective;
- Consistent with the NECP;
- Update: every 5 years (*where necessary*);
- First submission to EnCS: “By the time this Regulation comes into force” – i.e. 1 Dec 2021 ➔ next submission 1 January 2029;
- Published on the EnCS E-Platform;
- EnCS to support CPs in the preparation;
- EnCS to assess adequacy of LTSs to achieve the EnC targets.
Long-term Strategies (LTS)

- Submitted to UNFCCC: North Macedonia (2021) and Ukraine (2018);
- Waiting for adoption: Bosnia and Herzegovina (2022), Serbia;
- Under development: Georgia
Key takeaways:

- For the adopted LTSs → review and update if necessary (national targets, compliance with Gov. Reg. Art. 15 & Annex IV);

- For LTSs waiting for adoption → adopt and submit to EnCS (check compliance with Gov. Reg. Art. 15 & Annex IV);

- For LTSs being developed → EnCS ready to liaise with CPs;

- For CPs with nothing in place → start as soon as possible!

- Alignment with the EnC 2030 targets.
Deadlines:

- Draft NECP submission to the EnCS: by 30 June 2023 (2nd iteration: 1 Jan. 2028);
- Adopted NECP submission to the EnCS: 30 June 2024 (2nd iteration: 1 Jan. 2029);
- EnCS recommendations on the draft NECPs: by 31 December 2023 latest;
- First update of NECPs: 1 January 2033 (+ every 10 years).

- CPs’ presentation of the NECPs in the ECC between June 2023 and June 2024;
- CPs to accommodate the EnCS Recommendations in their adopted NECPs – if not, reasoning must be published.
National Energy and Climate Plans (NECPs)

Current issues:

- Public consultations – draft NECP must be published, consultation preferably on the *draft NECP*;
- Strategic Environmental Assessment (SEA);
- Concreteness of PaMs – “elephant in the room” must be addressed e.g. coal phase-out;
- Targets, objectives ~ EnC 2030 targets + alignment with NDCs;
- Overall coherence and consistency across dimensions vs. “to-do list” approach.

* For the first NECP, the Gov. Reg. makes consultation possible in the preparation of the *final NECP well before its adoption.*
THANK YOU
FOR YOUR ATTENTION

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