

DECISION N° 2013/01/PHLG-EnC

of 23 October 2013

on the incorporation of Commission Regulation (EU) No 838/2010 in the Energy Community

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Articles 11, 25 and 81 thereof,

Having regard to Ministerial Council Decision No. 2011/02/MC-EnC on the implementation of Directive 2009/72/EC, Directive 2009/73/EC, Regulation (EC) No 714/2009 and Regulation (EC) No 715/2009 and amending Articles 11 and 59 of the Energy Community Treaty, and in particular Articles 12(2) and 27 thereof,

Having regard to Procedural Act No. 01/2012 PHLG-EnC of 21 June 2012 laying down the rules governing the adoption of Guidelines and Network Codes in the Energy Community,

Whereas the application of identical rules relating to inter-transmission system operator compensation and transmission charging throughout the Energy Community will help achieving the tasks specified in Article 2 of the Treaty,

Whereas the Ministerial Council pledged to adopt as soon as possible Commission Regulation (EU) No 774/2010 of 2 September 2010 on laying down guidelines relating to inter-transmission system operator compensation and a common regulatory approach to transmission charging,

Whereas Commission Regulation (EU) No 774/2010 expired on 2 March 2011 and was replaced by Commission Regulation (EU) No 838/2010,

Whereas, at its meeting on 21 June 2012, the Permanent High Level Group endorsed the present proposal, and on 19 June 2013 agreed that the adoption of the ITC Guidelines should be made in the form of a PHLG Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. Each Contracting Party shall transpose and implement Commission Regulation (EU) No 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging by 1 January 2014.
2. Transposition shall be made without changes to the structure and text of Commission Regulation (EU) No 838/2010 other than translation.

Article 2

1. Commission Regulation (EU) No 838/2010 shall be made binding on market participants.
2. The national regulatory authorities shall be tasked with monitoring and enforcing compliance with Commission Regulation (EU) No 838/2010.

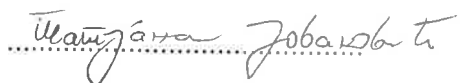
Article 3

Contracting Parties shall notify the Secretariat of the measures transposing this Decision, and of any subsequent changes made to those measures, within two weeks of the adoption of such measures.

Article 4

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

For the Permanent High Level Group:

A handwritten signature in cursive script, appearing to read "Marijana Jobard", written over a dotted horizontal line.

Presidency

Belgrade, 23 October 2013