AMENDMENT OF THE

ADMINISTRATIVE ARRANGEMENT

BETWEEN

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS

AND

THE ENERGY COMMUNITY SECRETARIAT

ON WORKING MODALITIES IN THE AREAS OF GAS AND ELECTRICITY
The AGENCY FOR THE COOPERATION OF ENERGY REGULATORS, hereinafter referred to as “the Agency”, of the one part,

and

the ENERGY COMMUNITY SECRETARIAT, hereinafter referred to as “the EnC Secretariat”, on the other part,

hereinafter referred to as “Parties”,

Whereas

(1) The Implementation, Monitoring and Procedures Working Group (‘AIMPWG’) of the Agency has been abolished;

(2) The Energy Community included Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (‘REMIT’) into the Energy Community acquis communautaire by Decision 2018/10/MC-EnC of the Energy Community Ministerial Council and the participation of the EnC Secretariat in the Agency’s Working Groups (‘AWGs’) in this area is beneficial, as it can encourage mutual knowledge sharing, emulation of good practices and transfer of regulatory and monitoring experience;

(3) The participation of the National Regulatory Authority (‘NRA’) of an Energy Community’s Contracting Party (hereinafter ‘EnC CP’) in the Agency’s Working Groups is subject to the EnC CP having made satisfactory progress towards meeting the criteria laid down in Article 43 of Regulation (EC) No 2019/942.

(4) The participation of NRAs of EnC CPs in the Agency Working Groups will be subject to separate, bilateral arrangements, setting out the terms and conditions of such participation.

HAVE AGREED ON THE FOLLOWING AMENDMENT TO THE ADMINISTRATIVE ARRANGEMENT CONCLUDED BETWEEN THE AGENCY AND THE ENC SECRETARIAT DONE IN BRATISLAVA ON 2 NOVEMBER 2016 (‘THE ADMINISTRATIVE ARRANGEMENT’):
Section 1
Participation in Agency Working Groups and their substructures

1. In Section 2, paragraph (1), of the Administrative Arrangement, the phrase ‘Implementation, Monitoring and Procedures Working Group (‘AIMPWG’)’ is replaced by the phrase ‘Market Integrity and Transparency Working Group’.

2. In Section 2, paragraph (2), of the Administrative Arrangement, the following is inserted after the terms ‘comply with the provisions laid down in’: ‘Decision No 10/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 4 July 2019 on the establishment of the internal Rules of Procedure for the functioning of the Working Groups of the European Agency for the Cooperation of Energy Regulators and’.

3. The last sentence of Section 2, paragraph (2), of the Administrative Arrangement is deleted.

4. In Section 2, paragraph (3), of the Administrative Arrangement, the terms ‘Changes in the Rules for the Functioning of the Agency’s Working Groups’ is replaced by ‘Changes in Decision No 10/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 4 July 2019 or in Director Decision No 2012-06 of 6 February 2012’.


Section 2
Legal references


3. In Section 6, paragraph 1, of the Administrative Arrangement, reference to Article 11 of Regulation (EC) No 713/2009 is replaced by reference to Article 15 of Regulation (EC) No 2019/942.

Section 3
Entry into effect

4. The amendments to the Administrative Arrangement referred to in Sections 1 and 2 comes into effect on the day after the present amendment agreement has been signed by both Parties.

5. The present agreement on the amendment to the Administrative Arrangement is signed in two original copies in the English language.
Annex

The following additional documents are annexed to the Administrative Arrangement:

- Director Decision 2018-03 of 14 March 2018 amending Director Decision 2012-06
- Decision No 10/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 4 July 2019

Done in Vienna on 7 October 2019

For the Agency

Signed

Alberto Pototschnig
Director

For the EnC Secretariat

signed

Janez Kopač
Director