

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2018/11/MC-EnC on the establishment of the list of projects of Energy Community interest ('Energy Community list')

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('The Treaty'), and in particular Articles 2, 26, 27, 82 thereof,

Having regard to the Decision of the Ministerial Council of the Energy Community D/2015/09/MC-EnC on the implementation of Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure, and in particular Article 3, paragraph 4 of this Regulation, as adopted in the Energy Community.

Having regard to the proposal from the Energy Community Secretariat,

Whereas:

- (1) On 16 October 2015 the Ministerial Council of the Energy Community adopted a Decision¹ on the implementation of the Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure.
- (2) Under Article 82 of the Treaty measures are to be proposed by a Party or the Secretariat.
- (3) Projects proposed for the inclusion in the list of projects of the Energy Community interest ("PECI") have been assessed by the Groups and meet the criteria laid down in the Regulation.
- (4) The draft preliminary list of PEICs was agreed by the Groups at technical-level meetings. Following the positive opinion of the Energy Community Regulatory Board ("ECRB") on the consistent application of the assessment criteria and the cost/benefit analysis, the proposed list was discussed and agreed upon in the 51st meeting of the Energy Community Permanent High Level Group ('PHLG') on 28 November 2018 and this Decision was finalised and endorsed by the PHLG acting as a decision-making body, for this purpose.
- (5) Organisations representing relevant stakeholders, including producers, distribution system operators, suppliers, and consumer and environmental protection organisations were consulted on the projects proposed for the inclusion in the Energy Community list.
- (6) The inclusion of PEIC list is without prejudice to the outcome of the relevant environmental assessment and permit procedure. Under Article 5(8) of the adopted Regulation, a project that does not comply with Energy Community law may be removed from the Energy Community list. The implementation of PEICs, including their compliance with the Energy Community legislation, should be monitored in accordance with Article 5 of the Regulation.

¹ Decision D/2015/09/MC-EnC

- (7) Pursuant to the second paragraph of Article 3(4) of the adopted Regulation, the Energy Community list is established every two years by way of a Decision under Title III of the Treaty.

HAS ADOPTED THIS DECISION:

Article 1

The list of PECEs is adopted as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

The Decision is addressed to the Contracting Parties of the Energy Community.

Done in Skopje, on 29 November 2018

For the Ministerial Council

A handwritten signature in blue ink, appearing to be "A. Zhelev", written over a dotted line.

Presidency

EXPLANATORY MEMORANDUM

1. Introduction

On 16 October 2015 the Ministerial Council of the Energy Community adopted a Decision on the implementation of the Regulation (EU) No 347/2013 of the European Parliament and of the Council of on guidelines for trans-European energy infrastructure². The purpose of this measure was to create a legal framework for prioritising key energy infrastructure projects among Contracting Parties and between Contracting Parties and EU Member States.

Regulation (EU) No 347/2013 as adopted in the Energy Community sets a comprehensive framework for streamlining the permitting, regulatory and cost-allocation procedures in Contracting Parties. It also requires, subject to a number of criteria, a Ministerial Council decision to establish under Title III of the Energy Community Treaty a list of priority infrastructure projects called projects of Energy Community interest (PECI). The final transposition deadline for main provisions of the Regulation and deadline for establishment of the first list of PECI was 31 December 2016. The list shall be renewed every two years.

As required by the provisions of Regulation (EU) No 347/2013, as adopted in the Energy Community, two working Groups were created in order to prepare PECI list. Projects that have been submitted by project promoters have been consulted in a public consultation launched by Energy Community Secretariat on 5th April 2018. In the course of 2018, projects were assessed as regards their eligibility for the PECI status. A cost benefit analysis of each project was performed leading to the ranking of projects which was based on specific scores related to the level of the fulfilment of the criteria. At the end of the process, based on a consensus, a draft preliminary list of PECIs was proposed to the decision making body which is the Energy Community Permanent High Level Group (PHLG), on 20 June 2018. Following the positive opinion of the Energy Community Regulatory Board received on 26th June 2018, the final preliminary list of PECIs has to be agreed by the decision making body, at the PHLG on 28 November 2018.

The Annex with respective list of projects are established following the decision making process as described above.

2. Legal basis of the proposal

Under Article 82 of the Treaty of the Energy Community the Ministerial Council shall take measures under Title III on a proposal from a Party or the Secretariat.

Under Article 7 paragraph 5 (a) of the Decision, the Ministerial Council shall establish the list of projects of the Energy Community interest by way of a Decision under Title III of the Treaty.

² D/2015/09/MC-EnC

The Secretariat submits the proposed List of PEI in the Annex upon the initiative of Electricity Group, respectively, Gas and Oil Group and in agreement with the services of the European Commission. If and to the extent the Secretariat is being made aware of any concerns regarding a Project of Energy Community Interest's compliance with Energy Community law, it may propose to the Ministerial Council to remove the Project from the List in accordance with Article 5(8) of Regulation (EU) No 347/2013 of the European Parliament and of the Council on Guidelines for trans-European Energy Infrastructure, as incorporated in the Energy Community.

ANNEX

List of PEI in Electricity

- | | |
|-------|---|
| EI_01 | Transbalkan corridor |
| a | New 400 kV OHL SS Kragujevac 2 (RS) – SS Kraljevo 3 (RS), with voltage level upgrade in SS Kraljevo 3 (RS) to 400 kV voltage level |
| b | New double circuit 400 kV OHL SS Obrenovac (RS) – SS Bajina Basta (RS) with upgrade of SS Bajina Basta (RS) to 400 kV |
| c | New 400 kV interconnection between SS Bajina Basta (RS) - Visegrad (BA) - Pljevlja (ME) |
| d | Transbalkan corridor - section in Montenegro (OHL 400 kV Čevo-Pljevlja, OHL 2x400 kV and 400 kV Lastva-Čevo, SS 400/110/35 kV Lastva) |
| EI_02 | 400 kV OHL Bitola (fyRoM) - Elbasan (AL) |

List of PEI in Gas

- | | |
|--------------|---|
| GAS_09 | Gas Interconnector Bulgaria - Serbia (IBS) |
| GAS_11 | Gas Interconnector Serbia- former Yugoslav Republic of Macedonia |
| GAS_25 | Trans-Balkan Corridor Bi-directional Flow between Moldova and Ukraine |
| Gas_20&21&22 | <p>PEI Cluster of integrated, dedicated and scalable transport infrastructure and associated equipment for the transportation of natural gas from new sources from the Caspian Region, crossing Azerbaijan, Georgia and Turkey and reaching EnC markets in Georgia and Albania (via Trans-Adriatic Pipeline), including the following PEIs:</p> <ul style="list-style-type: none"> - Cluster of Trans-Caspian Pipeline and South Caucasus Pipeline (further) Expansion (Gas_22); - Cluster of Trans-Anatolia Pipeline and South Caucasus Pipeline Expansion (Gas_20-21) |

GAS_13 Albania-Kosovo* Gas Pipeline (ALKOGAP).

List of PECl in Oil

Oil_01 Ukraine - Poland oil pipeline (Brody - Adamowo)

