RECOMMENDATIONS

COMMISSION RECOMMENDATION
of 29 October 2014
on the application of internal energy market rules between the EU Member States and the Energy Community Contracting Parties

(2014/761/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) The European Union is a Party to the Energy Community which aims to create a single regulatory space for energy markets in Europe.

(2) The Contracting Parties (1) to the Energy Community aim at integrating their energy markets with the EU internal energy market by adapting the EU internal market legislation for gas and electricity and incorporating it into their national legislation.


(4) The Contracting Parties of the Energy Community are obliged to implement the above-mentioned directives and regulations 1 January 2015 (6) and apply the implementing measures as from the same date subject to few exceptions. Network codes and guidelines are also progressively incorporated into the legal order of the Energy Community.


(1) The Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, republic of Moldova the Republic of Montenegro, the Republic of Serbia, Ukraine and The United Nations Interim Administration Mission in Kosovo pursuant to the United Nations Security Council Resolution 1244.


(6) With some exceptions as specified in the Energy Community acquis. See for details http://www.energy-community.org/portal/page/portal/ENC_HOME/ENERGY_COMMUNITY/Legal/EU_Legislation/Consolidated_acts#GAS

(7) OJ L 33, 4.2.2006, p. 22.


(6) The geographical application of the EU internal market legislation for gas and electricity comprises the entire territory of the EU.

(7) The Energy Community adopted on the 23 September 2014 an Interpretation by the Ministerial Council under Article 94 of the Energy Community Treaty in order to treat in the legal acts of the Energy Community incorporating European Union legislation the energy flows, imports and exports as well as commercial and balancing transactions, network capacities and interconnectors between Contracting Parties and EU Member States in the same way as the respective flows, imports, exports, transactions, capacities and infrastructure between Contracting Parties under Energy Community law.

(8) Uniform treatment of cross-border flows, cross-border transactions and cross-border infrastructure (interconnections) between all Parties to the Energy Community Treaty is an important element of the single regulatory space for trade in gas and electricity and is an indispensable element to achieve the goals of the Energy Community. Moreover, the cooperation between the Energy Community Regulatory Board and the Agency for Cooperation of Energy Regulators with regard to its decisions, is necessary in order to facilitate the integration of the Contracting Parties with the EU internal energy market.

HAS ADOPTED THIS RECOMMENDATION:

1. Member States, including the regulatory authorities they have to designate under the internal market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators and economic operators are invited to cooperate with the national authorities and economic operators of the Contracting Parties to the Energy Community in the application of the EU internal market legislation for gas and electricity between the Contracting Parties and the EU Member States.

2. Member States, including the regulatory authorities they have to designate under the internal market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators and economic operators are invited, when implementing the EU internal market legislation for gas and electricity, to apply any reference to:
   
   (a) energy flows, imports and exports as well as commercial and balancing transactions;

   (b) network capacity;

   (c) existing or new gas and electricity infrastructure crossing borders, zones, entry-exit or control areas between the Member States to the flows, imports, exports, transactions, capacities and infrastructure crossing borders between Contracting Parties and the EU Member States.

3. References in the EU internal market legislation for gas and electricity to cooperation and joint activities between national institutions, authorities and economic operators should be understood as including cooperation and joint activities between national institutions, authorities and economic operators of Member States and Contracting Parties.

4. Where the legal acts of the EU internal market legislation for gas and electricity refer to ‘impacts’ on one or more Member States, such reference should be understood also as an impact on Contracting Parties or on a Contracting party and a Member State.

5. Where it is competent to take decisions under the EU internal energy market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators is invited to cooperate with the Energy Community Regulatory Board, where the Board is competent under Energy Community acquis, with the aim to allow adopting coherent acts of the two bodies.

6. This Recommendation is addressed to the Member States, the Agency for Cooperation of Energy Regulators and economic operators and to Energy Community Regulatory Board.

Done at Brussels, 29 October 2014.

For the Commission

Günter OETTINGER  
Vice-President