



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.6.2007
COM(2007) 342 final

Proposal for a

COUNCIL DECISION

on establishing the European Community position within the Ministerial Council of the Energy Community on 29 June 2007 (Podgorica) with regard to the extension of the *acquis communautaire* on security of supply, mutual assistance and energy efficiency

(presented by the Commission)

EXPLANATORY MEMORANDUM

The European Community proposes the extension of the *acquis communautaire* to the Contracting parties. This extension under Title II of the EnCT will be done *via* Article 100 (ii) of the Energy Community Treaty. The European Community proposes that the following Directives and Regulation be adopted by this procedure:

- (1) Directive 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment
- (2) Directive 2004/67/EC concerning measures to safeguard security of natural gas supply
- (3) Regulation 1775/2005/EC on conditions or access to the natural gas transmission networks.

In this regard, the Commission shall examine appropriate means to ensure close co-ordination of relevant bodies and/or the consolidation these bodies.

With regard to the specific legal obligation (mutual assistance) under Art. 46 Energy Community Treaty, namely the adoption of a procedural act for the operation of the mutual assistance obligation, the European Community will propose that the time limit in Art. 46 Energy Community Treaty be extended to 2 or 3 years pursuant to Art. 100 (i), on the basis that the EU is considering this issue and it would be inconsistent to move ahead in the Energy Community Treaty before the EU has come to a position internally. Otherwise, there is a risk of discrimination amongst the Parties (see Article 4(6) of the Conclusion Decision (29 May 2006 L198/15) – 2006/500/EC). The Permanent High Level Group would be asked to produce a report to the EU reflecting the views of the Contracting Parties so these views can be fed into the EU debate.

This proposal does not constitute a financial engagement on the part of the European Community. The financial aspects of the proposal will be dealt with in the context of the eventual proposal on a budget for the Energy Community for 2008/2009.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300 paragraph 2, 2nd paragraph;

Having regard to Council Decision of 29 May 2006 on the Conclusion by the European Community of the Energy Community Treaty (2006/500/EC), and in particular Article 4 thereof,

HAS DECIDED AS FOLLOWS:

Single Article

The position of the European Community within the Ministerial Council with regard to the Ministerial Agenda established for the Energy Community Ministerial meeting to take place in Podgorica on 29 June 2007 is set out in Annex to this Decision.

Done at Brussels,

*For the Council
The President*

ANNEX

Extension of the *acquis communautaire*

The Community shall propose the inclusion of Directives 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment and 2004/67/EC concerning measures to safeguard security of natural gas supply and Regulation 1775/2005/EC on conditions or access to the natural gas transmission networks into the Energy Community Treaty on the basis of Article 100 (ii) of that Treaty, with appropriate transition periods.

In this regard, the Commission shall examine appropriate means to ensure close co-ordination of relevant bodies and/or the consolidation of committees.

Security of supply

With regard to Article 29 of the Energy Community Treaty, the Community may agree to an implementing Measure (or mechanism) that substantially reproduces the commitments made under Directives 2005/89/EC concerning measures to safeguard security of electricity supply and infrastructure investment and 2004/67/EC concerning measures to safeguard security of natural gas supply at a Member State level, and the Community may agree to communicate in an aggregate form this aforementioned data to the Energy Community Secretariat.

Mutual assistance

With regard to Article 44-46 of the Energy Community Treaty and its proposed amendment within the framework of the Energy Community to extend the time period to 2 or 3 years pursuant to Article 100 (i) of the Energy Community Treaty, the Community may agree

- to safeguard measures and a mutual assistance clause in the event of regional disturbances to the energy markets that substantially reproduce Article 24 of Directive 2003/54/EC and Art 26 of Directive 2003/55/EC¹, and other applicable *acquis communautaire*; and
- the establishment of a working group to examine this issue with a view to producing a report for consideration by the Ministerial Council of the Energy Community at the latest in one year's time.

Energy efficiency

With regard to Article 35 of the Energy Community Treaty, the Community may agree to the establishment of a task-force to produce a detailed plan for tackling energy efficiency issues in the Energy Community.

¹ Note text taken directly from doc. 7554/04, agreed in Council 6 April 2004.