
11th GAS FORUM

Ljubljana, Slovenia, 22-23 September 2016

1. The Forum welcomed the progress made by Contracting Parties in transposing the 3rd Energy Package but raised concerns about the lack of related progress made by Bosnia and Herzegovina and FYR of Macedonia.
2. The Forum also agreed that in order to ensure functional market frameworks the timely implementation of the necessary secondary legislation / by laws - including the obligation to follow up on unbundling and timely certification of Transmission System Operators (TSOs) – are necessary.
3. In the context of promotion truly competitive markets, NRAs shall ensure to supervise consistent and continuous application of primary and secondary legislation and make use of their enforcement and penalty rights in case of non-compliance. The Forum invited the Energy Community Regulatory Board (ECRB) to present an assessment of the effectiveness of regulatory enforcement practices to the next Forum.
4. The Forum acknowledged the importance of the new DSO coordination platform established by the Energy Community Secretariat ('Secretariat') for exchange of best practices and challenges related to technical operation and practical implementation of the 3rd Energy Package.
5. The Forum welcomed the progress made under the CESEC initiative on signature of an Interconnection Agreement (IA) between the TSOs of Ukraine and Romania as important support for contractual reverse-flow on the Trans-Balkan pipeline and enabling diversification of supply. The Forum pinpointed to the need for such IAs to be also signed between the TSOs of Moldova and Ukraine. The Forum invited the Secretariat to continue reporting on the CPs' progress in implementing related market reforms, including rules relevant for cross-border flows to the Forum.
6. The Forum recognizes the necessity of implementing measures towards better integration of the Energy Community gas markets with a view to improve diversification of gas supplies, increase liquidity and decrease prices. Therefore, the Forum urged gas market stakeholders to effectively implement transparent and non-discriminatory network access regimes, abandon price regulation, facilitate new market entries and increase consumer awareness of liberalized market functionalities.
7. The Forum expressed its support to the target of implementing Third Package related gas Network Codes (NCs) in the CPs in a pragmatic manner and urged CP and MS TSOs and NRAs to actively participate in the related discussions jointly initiated by the European Commission (EC) and the Secretariat. The Forum acknowledged the benefits that can be gained through this process in terms of mutual agreement on implementation of NCs on interconnection points (IPs) between CPs and MSs, as already proven by existing interconnection agreements between Ukrtransgaz and EU neighbors. The Forum, however, pinpointed to the indispensable requirement to also ensure legally binding nature of reciprocal NC application on CP-MS IPs and invited the EC to provide for adequate legal solutions, if relevant.
8. The Forum took note of the challenges faced by Ukrtransgaz in implementing NCs having in mind existing contractual arrangements of Gazprom. The Forum invited the EC to continue to moderate negotiations on this matter.
9. Well established cooperation between the Energy Community and ENTSOG should be strengthened inter alia in the context of development of Ten-year network development plans and full inclusion of all Contracting Parties thereto.

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10. The Forum discussed the request of the Albanian and Montenegrin representatives relative to the inclusion of the IAP project to the PECE/PMI list, but concluded that in view of current regulation where projects between CPs and MSs are not defined as such, this matter must be pursued in the formal institutional setting in charge of such matters. The Forum notes that the lack of overlap between categories of PECE and PCI projects, raised in the context of the IAP project, need to be further investigated. Croatia confirmed its fully support to the IAP project.
 11. The participants welcomed the new security of gas supply package proposed by the Commission and supported the inclusion of the Energy Community in the draft revised Regulation 994/2010 and in particular the reciprocity clause.