

Date: 21.6.2016

Place: Energy Community Secretariat, Am Hof 4

Subject: Summary of 1st Energy Community Civil Society Day

1. In his welcoming remarks, Director of the Energy Community Secretariat, Mr Janez Kopač, outlined the important role of NGOs in terms of participating in the two public consultations on the so-called “Energy Community for the Future” Agenda and their continuous engagement and contribution to the Energy Community’s work at all levels.
2. Mr Borko Raicevic, Energy Efficiency Expert at the Energy Community Secretariat, explained the benefits of energy efficiency and key principles of Directive 2006/32/EC on the energy end use efficiency and energy services, Directive 2010/31/EU on the energy performance of buildings, and Directive 2010/30/EU on labelling of energy-related products and implementing directives/delegated acts, which make up the Energy Community energy efficiency legal framework. He also outlined the state of play of their implementation in the Energy Community Contracting Parties. Mr Raicevic explained the role of the Energy Efficiency Coordination Group, which supports the harmonised implementation of the energy efficiency acquis in the Energy Community and serves as a platform for sharing experience and bringing together the relevant implementation partners for technical assistance and investment programmes.
3. Mr Raicevic outlined the state of play of the adoption of the 3rd National Energy Efficiency Action Plans (NEEAPs) to be submitted to the Secretariat by 30 June 2016, which are to include a roadmap for the timely transposition and implementation of the new Energy Efficiency Directive 2012/27/EU. Mr Raicevic explained the novelties to be brought by the implementation of Directive 2012/27/EU, which include binding 2020 energy efficiency targets, a renovation target of 1% per year for central government buildings and energy efficiency obligation schemes under which energy companies are required to achieve yearly energy savings of 0.7 % of annual sales to final consumers. The overall transposition deadline in the Energy Community is 15 October 2017.
4. Ms Jasna Sekulovic, Project Manager at GIZ Open Regional Fund for South East Europe Energy Efficiency, introduced the Public Dialogue Initiative on the Sustainable Use of Energy in South-East Europe (PDI), which is supported by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, through its Open Regional Fund for the South-East Europe-Energy Efficiency (ORF-EE), which is implemented on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). The key aim of the PDI is to foster capacity building and public dialogue on sustainable use of energy between members of parliaments, governments, civil society, the business sector, local governments and institutions, and the media. Under this initiative, a number of platforms have been initiated for strengthening political will for action through public dialogue across key sectors of society. These include the Network of Schools for Political Studies, which brings together an alumni network of people who are or are about to become decision makers, and regional conferences “Energy.Development.Democracy”
5. Ms Sekulovic explained that PDI is also focused on strengthening the role of NGOs in public dialogue processes on climate change and sustainable use of energy. A prime example of this cooperation was the facilitation of NGO input into draft laws related to energy efficiency in Albania and Kosovo*.
6. Mr Peter Vajda, Environmental Expert at the Energy Community Secretariat, explained the key laws of the Energy Community environmental legal framework - Directive 2010/75/EU on industrial emissions, Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants, Directive 1999/32/EC on reducing the sulphur content of certain liquid fuels, and Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. As direct follow up to the Report of the High Level Reflection Group on reform of the Energy Community and the public consultations that followed, Mr Vajda outlined the environmental legislative proposals currently being prepared for adoption in the Energy Community - Directive 2011/92/EU as amended by Directive 2014/52/EU on environmental impact assessment, Directive 2001/42/EC on strategic environmental assessment and Directive 2004/35/EC on environmental liability and new Directive (EU) 2016/802 on sulphur in fuels. A recommendation to incorporate the Monitoring Mechanism Regulation into the Energy Community acquis is also up for adoption at the 2016 Ministerial Council.

7. Representatives of CSOs outlined their readiness to assist in the transposition and implementation of the Energy Community acquis and noted that transparency of information (e.g. Energy Community website) was an excellent way for CSOs to keep up to date with Energy Community developments and thus be able to implement supporting activities in the Contracting Parties. They expressed their general frustrations at not being able to participate in policy making at the national level, including for example the preparation of the National Renewable Energy Action Plans and National Emission Reduction Plans. CSO representatives expressed the view that the Energy Community should engage NGOs in public consultation processes on policy measures in a broader way as well as encourage the Contracting Parties to do so at the national level. It was proposed that this year's adoption of the updated Environmental Impact Assessment Directive could provide an opportunity to ask the Contracting Parties to increase their engagement with the public on a voluntary basis. Furthermore, the Secretariat could organise a training for Contracting Parties on best practices in civil society engagement.
8. CSOs raised a number of questions seeking clarification on the implementation of the acquis, including on the future inclusion of the Monitoring Mechanism Regulation and the Industrial Emissions Directive (IED).
9. Questions were raised related to emission reporting under the IED. Mr Vajda clarified that the Large Combustion Plants Directive provides for an annual reporting system, continuous monitoring of requirements, emission inventories and reporting of emission ceiling limits under the National Emission Reduction Plan (NERP). It is the responsibility of the Contracting Party governments to report and put in place emission inventories one year after the directive's entry into force. He also said that if plants did not comply with the provisions of the directive, the Secretariat would resort to the dispute settlement mechanism under the Energy Community Treaty. Mr Vajda clarified that the decision to opt-out of the mechanism (make use of the limited lifetime derogation) is taken by the operator, which in some cases is in state ownership. In response to a question on the drop in energy consumption in Ukraine and the consequences for the country's commitments to decrease emissions, Mr Vajda pointed to the Secretariat's implementation guidelines which set out how a country's NERP should be established and reviewed. Chapter II of the IED would be considered for adoption in the Energy Community at a later stage.
10. Kicking off the panel with Permanent High Level Group Members, representatives of the Health and Environment Alliance (HEAL) presented their recently published study on the health impacts of pollution from existing coal power plants in the Western Balkans (excluding Albania). According to the study, the estimated health costs from existing coal power plants in the five Western Balkan countries amount to approximately 8.5 billion EUR. It was also underlined that the majority of the most polluting plants in Europe are located in the Western Balkans.
11. During the discussion that followed, representatives of civil society organisations made an appeal to the Energy Community to become "a health and energy community" and reach out to the health community to gather reliable data on the health impacts caused by power plant pollution.
12. PHLG members acknowledged that the support of civil society organisations is absolutely critical to implementing reforms. Other topics discussed were the means to tackle transboundary effects caused by power plants and how to match social policies with energy policies.
13. A policy paper, signed by 24 civil society organisations, most of which were present at the event, was distributed and presented to Permanent High Level Group Members and other participants. The manifesto called for the expansion of the Energy Community environmental acquis, notably by adopting Chapter II of Directive 2010/75/EU on industrial emissions, Directive 2008/50/EC on ambient air quality and cleaner air for Europe, Directive 2008/105/EC on environmental quality standards in the field of water policy, Directive 2006/21/EC on the management of waste from extractive industries, Directive 2000/60/EC establishing a framework for Community action in the field of water policy, and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.