

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

No 2022/02/MC-EnC on amending Ministerial Council Decision No 2021/14/MC- EnC amending Annex I to the Treaty Establishing the Energy Community and incorporating Directive (EU) 2018/2001, Directive (EU) 2018/2002, Regulation (EU) 2018/1999, Delegated Regulation (EU) 2020/1044, and Implementing Regulation (EU) 2020/1208 in the Energy Community *acquis communautaire*

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community (“the Treaty”) and in particular Article 79 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Directive (EU) 2018/2001, Directive (EU) 2018/2002, Regulation (EU) 2018/1999, Delegated Regulation (EU) 2020/1044, and Implementing Regulation (EU) 2020/1208 have been incorporated in the Energy Community by Ministerial Council Decision No 2021/14/MC-EnC,

(2) the study “Extension of the EU energy and climate modelling capacity to include the Energy Community and its nine Contracting Parties”, has been finalized since then;

(3) discussions on the targets for the Energy Community have been conducted and finalized;

(4) the collective greenhouse gas emissions reduction achievement of all Contracting Parties is indicative, as not all Contracting Parties’ individual targets are expressed in equivalent terms;

(5) there is a need to amend Decision No 2021/14/MC-EnC incorporating Directive (EU) 2018/2001, Directive (EU) 2018/2002, Regulation (EU) 2018/1999, Delegated Regulation (EU) 2020/1044, and Implementing Regulation (EU) 2020/1208 in order to reflect the targets;(7) the Permanent High Level Group, at its meeting on 14.12.2022. endorsed the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

General adaptations

All references in Decision No 2021/14/MC-EnC to Directive (EU) 2018/2001, Directive (EU) 2018/2002 and Regulation (EU) 2018/1999, shall be replaced, respectively, by references to Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, Directive (EU) 2018/2002 as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, and Regulation (EU) 2018/1999 as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC.

Article 2

Specific adaptations concerning Article 4 of Decision No 2021/14/MC-EnC

(1) In Article 2 of Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC the words: “to be adopted by the Ministerial Council on the basis of the study(ies) carried out to this effect” shall be replaced by the following words: “as referred to in Article 3(1) of this Directive”.

(2) In Article 3(1) of Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC the words: “corresponds to the target set by the Ministerial Council on the basis of the study(ies) carried out to this effect” shall be replaced by the following words: “contributes to the overall Energy Community target set in part A of Annex I”.

(3) In Article 3(2) of Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, the words: “not lower than the 2030 share included in the relevant Decision of the Ministerial Council to be taken on the basis of the study(ies) carried out to this effect,” shall be replaced by the following words: “not lower than the share included in the third column of the table in part A of Annex I”.

(4) In Article 3(5c) of Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, the words “with the objective of arriving at a 15% electricity interconnection target by 2030,” shall be deleted.

(5) Part A of Annex I of Directive (EU) 2018/2001, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, shall be replaced by the following version:

ANNEX I TARGETS FOR SHARES OF ENERGY FROM RENEWABLE SOURCES IN GROSS FINAL CONSUMPTION OF ENERGY IN 2020 and 2030.

Part A

	Share of energy from renewable sources in	Target for share of energy from renewable sources in gross final	Target for share of energy from renewable sources in gross final

	gross final consumption of energy, 2005 (S2005)	consumption of energy, 2020 (S2020)	consumption of energy, 2030 (S2030)
Albania	31,2%	38%	52,0%
Bosnia and Herzegovina	34,0%	40%	43,6%
Georgia	n/a	n/a	27,4%
Kosovo*	18,9%	25%	32,0%
Moldova	11,9%	17%	27,0%
Montenegro	26,3%	33%	50,0%
North Macedonia	17,2%	23%	38,0%
Serbia	21,2%	27%	40,7%
Ukraine	5,5%	11%	27,0%
Overall Energy Community 2030 Target			31,0%

Article 3

Specific adaptations concerning Article 5 of Decision No 2021/14/MC-EnC

(1) In Article 2(1bis) and (1tris) of Directive 2012/27/EU as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, the words: “in the terms to be adopted by the Ministerial Council, as appropriate, on the basis of the study(ies) carried out to this effect” shall be replaced by the following words: “in accordance with Annex XIV of this Directive”.

(2) In Article 2(1cis) of Directive 2012/27/EU as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, the following words shall be included: “in accordance with Annex XIV of this Directive”.

(3) In the third sentence of Article 3(5) of Directive 2012/27/EU as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, the term: “Annex XX” shall be replaced by the term “Annex XIV”, and the words: “following decision by the Ministerial Council on the basis of the relevant study(ies) to this effect” shall be deleted.

(4) The following Annex is included:

ANNEX XIV NATIONAL ENERGY EFFICIENCY CONTRIBUTIONS IN 2020 and 2030

	Maximum Share of Primary Energy Consumption, 2020	Maximum Share of Final Energy Consumption, 2020	Maximum Share of Primary Energy Consumption, 2030	Maximum Share of Final Energy Consumption, 2030
Albania	2,15	1,86	2,60	2,40

Bosnia and Herzegovina	7,00	4,34	6,50	4,34
Georgia	4,70	4,25	5,45	5,00
Kosovo*	2,61	1,53	2,70	1,80
Moldova	2,69	2,55	3,00	2,80
Montenegro	0,99	0,70	0,92	0,73
North Macedonia	2,54	1,83	2,30	2,00
Serbia	15,18	9,08	14,94	9,54
Ukraine	82,80	46,78	91,47	50,45
Energy Community 2030 headline targets for energy efficiency	120,69	72,93	129,88	79,06

Article 4

Specific adaptations concerning Article 6 of Decision No 2021/14/MC-EnC

(1) In Article 2(11) and (11cis) of Regulation (EU) 2018/1999, as adapted and adopted by Ministerial Council Decision No 2021/14/MC-EnC, the words: “and a minimum percentage of electricity interconnection target for 2030” and “in the terms to be adopted in this regard by the Ministerial Council for 2030 on the basis of the study(ies) carried out to this effect” shall be deleted.

(2) In Article 2(11bis) of Regulation (EU) 2018/1999, as adapted and adopted by Ministerial Council Decision No 2021/14/MC-EnC, the words: “in the terms to be adopted in this regard by the Ministerial Council for 2030 on the basis of the study(ies) carried out to this effect” shall be replaced by the words “in accordance with Annex XIV of Directive 2012/27/EU, as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC”.

(3) In point (a)(1)(i) of Article 4 of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the following words shall be included: “in accordance with Annex XIV of this Regulation”.

(4) In the first sentence of the first subparagraph of point (a)(2) of Article 4 of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “not lower than the share to be adopted by Ministerial Council Decision” shall be replaced by the words “not lower than the share set by Part A of Annex I to Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC.”

(5) In the first sentence of point (d)(1) of Article 4 of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “in consideration of the electricity interconnection target for 2030” shall be deleted.

(6) in Article 6(1) of Regulation (EU) 2018/1999, as adapted and adopted by Ministerial Council Decision No 2021/14/MC-EnC, the words: “to be decided by the Ministerial Council on the basis of the relevant study(ies) to this effect” shall be replaced by the words: “in accordance with Annex

XIV of Directive 2012/27/EU, as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC”.

(7) In Article 23(1)(a) of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “in consideration of the Energy Community’s electricity interconnection target for 2030” shall be deleted.

(8) The last sentence of Article 26(3) of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, shall be deleted.

(9) In Article 29(5) of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “By 31 October 2023” shall be replaced by the following words “By 31 October 2025”.

(10) Article 58 shall be deleted.

(11) In point (i)(2.4.1) of Section A of Annex I of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “in consideration of the electricity interconnection target for 2030” shall be deleted.

(12) In point (7)(2.2) of Part 2 in Section B of Annex I, of Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, the words “[Definition for electricity in line with outcome of ongoing discussions on basis for 15 % interconnection target]” shall be deleted.

(13) The following Annex is included:

ANNEX XIV TARGETS FOR NET GREENHOUSE GAS EMISSIONS IN 2030

The targets cover all domestic net GHG emissions of the Contracting Parties, including LULUCF emissions and removals (except for Montenegro^[3])

	Target for net Greenhouse Gas Emissions compared to 1990 levels
Albania	+53,2% 12,00 MtCO _{2eq}
Bosnia and Herzegovina	-41,2% 15,65 MtCO _{2eq}
Georgia	-47,0% 20,50 MtCO _{2eq}
Kosovo* ^[1]	-16,3% 8,95 MtCO _{2eq}
Moldova	-68,6

	9,10 MtCO _{2eq}
Montenegro ^[2]	-55,0% 2,42 MtCO _{2eq}
North Macedonia	-82,0% 2,20 MtCO _{2eq}
Serbia	-40,3% 47,82 MtCO _{2eq}
Ukraine	-65,0% 309,00 MtCO _{2eq}
Energy Community 2030 target	-60,9% ^[3] 427,64 MtCO _{2eq} ^[4]

¹ Target of Kosovo is compared to 2016 levels

² Target of Montenegro excludes LULUCF emissions and removals

³ The base year used for Kosovo in the calculation of the percentage reduction figure is 2016

⁴ The absolute target figure represents the sum of the individual Contracting Parties' targets

Article 5

Review of targets and shares

The targets and shares for the Contracting Parties, as stipulated in Annex I of Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, Annex XIV of Directive 2012/27/EU as amended by Directive (EU) 2018/2002 and adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, and Regulation (EU) 2018/1999, as adopted and adapted by Ministerial Council Decision 2021/14/MC-EnC, may be reviewed by the Ministerial Council taking into account specific circumstances referred to in Article 6.

Article 6

Specific circumstances

In its national contributions, submitted in line with Article 5 and Articles 6 of the Governance Regulation, as adopted and adapted by the MC Decision 2021/14/EnC, the Contracting Parties may take into account relevant circumstances affecting renewable energy deployment and national circumstances affecting primary and final energy consumption.

When a gap occurs between the Energy Community's 2030 targets, and the contributions of Contracting Parties in the area of renewable energy and area of energy efficiency established by the respective tables in Annex I of Directive 2018/2001 and Annex XIV of Directive 2012/27/EU as amended by Directive 2018/2002, as adapted and adopted by Ministerial Council Decision 2021/14/MC-Enc, the Secretariat shall base its assessment of draft national energy and climate plans on criteria laid down Article 31, whilst paying due regard to relevant circumstances affecting renewable energy deployment and primary and final energy consumption as substantiated by the respective Contracting Party.

Article 7

Entry into Force and Addressees

This Decision enters into force on the day of its adoption and is addressed to the Parties and the institutions of the Energy Community.

Done in Vienna on 15 December 2022,

For the Ministerial Council,

Presidency