

DECISION No 2018/01/PHLG-EnC OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY of 12 January 2018

on amending Annex I to Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks, as amended at EU level by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015

THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 24, 25, and 79 thereof,

Having regard to Energy Community Ministerial Council Decision 2011/02/MC-EnC on the implementation of Directive 2009/72/EC, Directive 2009/73/EC, Regulation (EC) No 714/2009 and Regulation (EC) No 715/2009 and amending Articles 11 and 59 of the Energy Community Treaty;

Having regard to Regulation (EC) No 715/2009, as adapted by Decision 2011/02/MC-EnC and in particular Article 23 thereof;

Having regard to Procedural Act 2012/01/PHLG-EnC of the Energy Community Permanent High Level Group laying down the rules governing the adoption of Guidelines and Network Codes in the Energy Community;

Recognising the importance of applying the same principles, legal requirements and methodologies for the establishment and operation of a single Energy Community gas market;

Acknowledging that the Energy Community should adapt its *acquis communautaire* on energy to recent changes in European Union law, taking into account its own institutional framework and the specific situation of each of its Contracting Parties;

Having regard to the proposal from the Commission;

Having discussed the present Decision at its meeting of 30 June 2017 and 14 December 2017;

HAS ADOPTED THIS DECISION:

Article 1

Implementation of the energy *acquis*

1. By 1 October 2018, each Contracting Party shall transpose the amendments to Annex I to Regulation (EC) No 715/2009 made by Commission Decision (EU) 2012/490 and Commission Decision (EU) 2015/715, as adapted by the present Decision.
2. This Decision shall be made binding on all market participants. Transposition shall be made without changes to the structure and text of Annex I to Regulation (EC) No 715/2009 as amended by Commission Decision (EU) 2012/490 and Commission Decision (EU) 2015/715, other than translation and the adaptations made by the present Decision.
3. Each Contracting Party shall notify the Energy Community Secretariat of completed transposition within two weeks following the adoption of such measures.
4. In transposing this Decision, Contracting Parties shall task national regulatory authorities with the monitoring of and enforcing the compliance with this Decision.

Article 2

General adaptations under Article 24 of the Energy Community Treaty

1. Save where otherwise stated in this Decision, the text of the act referred to in Article 1 shall be adapted to the Energy Community as follows:
 - (a) the term 'Member State(s)' shall be replaced by 'Contracting Party(-ies)';
 - (b) the term '(European) Union' shall be replaced by 'Energy Community';
 - (c) references to the EU treaties shall be replaced by references to the equivalent provisions under the Energy Community Treaty;
 - (d) references to the European Parliament and the Council shall not be applicable;
 - (e) references to the Official Journal of the European Union shall be replaced by the expression 'a dedicated section of the website of the Energy Community';
 - (f) the term 'Commission' shall be replaced by 'Secretariat';
 - (g) the term 'Agency' shall be replaced by 'Energy Community Regulatory Board';
 - (h) references to the obligations of the ENTSO for Gas are applicable upon the agreement of ENTSO for Gas;
2. The Energy Community Regulatory Board shall perform the duties under this Regulation in close coordination with the Agency for the Cooperation of Energy Regulators ('Agency'). ECRB shall take utmost account of relevant documents and acts developed by the Agency and may consult the Agency before taking a decision or issue opinions.

Article 3

Ad hoc adaptations

1. In point 2.2.1.1, the following phrase shall be added at the end of the first sentence: 'and subject to the decision of the relevant Contracting Party's national regulatory authority';

2. In point 2.2.1.2, the phrase '1 March of every year, commencing with the year 2014' shall be replaced by '1 June of every year, commencing with the year 2020';
3. In point 2.2.1.4, first sentence, '2013' shall be replaced by '2018';
4. In point 2.2.1.4, second sentence, '2016' shall be replaced by '2020';
5. In point 2.2.2.1, second sentence, the term 'Member States' shall be replaced by 'Contracting Parties and Member States of the European Union';
6. In point 2.2.3.7, first sentence, the term 'Member States' shall be replaced by 'Contracting Parties and Member States of the European Union';
7. In point 3.1.1(h) '2013' shall be replaced by '2018';
8. In point 3.1.1(h) the phrase 'one Union wide' shall be replaced by 'the';
9. In point 3.3(l) '2013' shall be replaced by '2018';

Article 4

Non-applicable provisions

Articles 1 and 2 of Commission Decision (EU) 2012/490 and Articles 1 and 2 of Commission Decision (EU) 2015/715 shall not be applicable.

Article 5

Entry into force

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

Done by written correspondence on 12 January 2018,

For the Permanent High Level Group



The President