

**DECISION No 2019/01/PHLG-EnC OF THE PERMANENT HIGH LEVEL GROUP OF
THE ENERGY COMMUNITY of 12 December 2019**

**on the implementation of Commission Regulation (EU) No 312/2014 establishing a
Network Code on Gas Balancing of Transmission Networks**

THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, 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 6 thereof;

Having regard to Procedural Act 2012/01/PHLG-EnC of the Energy Community Permanent High Level Group and Procedural Act 2012/02/ECRB-EnC of the Energy Community Regulatory Board 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 consulted the Energy Community Regulatory Board;

Having discussed this Decision at its meeting of 21 June and 28 November 2018;

HAS ADOPTED THIS DECISION:

Article 1

Implementation of the energy *acquis*

1. Each Contracting Party shall transpose Commission Regulation (EU) 312/2014, as adapted by the present Decision, by 9 months from the date of adoption of this Decision.
2. Each Contracting Party shall implement Regulation (EU) 312/2014, as adapted by this Decision, by 12 month from date of adoption of this Decision.
3. This Decision shall be made binding on all market participants. Transposition shall be made without changes to the structure and text of Commission Regulation (EU) 312/2014 other than translation and the adaptations made by this Decision
4. Each Contracting Party shall notify the Energy Community Secretariat of completed transposition within two weeks following the adoption of such measures.
5. In transposing this Decision Contracting Parties shall task national regulatory authorities with the monitoring of and enforcing compliance with this Decision.

Article 2

General adaptations under Article 24 of the Energy Community Treaty

1. References to Directive 2009/73/EC and Regulation (EC) 715/2009 shall mean the version adapted by Ministerial Council Decision 2011/02/MC-EnC.
2. References to Regulation (EU) 459/2017 shall mean the version adapted by PHLG Decision 2018/06/PHLG-EnC.
3. Except 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';
 - (d) references to the European Parliament and the Council shall not be applicable;
 - (f) the term 'Commission' shall be replaced by 'Energy Community Secretariat';
 - (g) the term 'Agency' shall be replaced by 'Energy Community Regulatory Board' ('ECRB');
 - (f) the phrase 'entry into force' shall be replaced by 'expiry of the deadline for transposition'.
4. The ECRB shall perform the duties under this Regulation in close coordination with the Agency for the Cooperation of Energy Regulators ('the Agency'). The 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 concerning Article 2**

1. In paragraph 1 the term 'Union' shall be replaced by 'Energy Community Contracting Parties'.
2. In paragraph 4 reference to 'Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply' shall be replaced by 'the applicable Energy Community security supply rules'.

Article 4

Ad hoc adaptations concerning Article 3

Reference to 'Regulation (EU) No 984/2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council' shall be replaced by 'Regulation (EU) No 459/2017 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and repealing Regulation (EU) 984/2013'.

Article 5

Ad hoc adaptations concerning Article 26

In the last sentence of paragraph 6 the phrase ' and sent it to ENTSOG for information' shall be deleted.

Article 6

Ad hoc adaptations concerning Article 27

1. In the first sentence of paragraph 2 the phrase 'Energy Community Contracting Parties and adjacent EU' shall be inserted before the term 'Member States'.
2. In sentence two of paragraph 2
 - the phrase 'seek an opinion from' shall be replaced by 'consult';
 - the phrase 'in accordance with Article 7(4) of Regulation (EC) No 713/2009' shall be deleted.

Article 7

Ad hoc adaptations concerning Article 46

In paragraph 4 the term 'Agency' shall be replaced by 'the Energy Community Regulatory Board and the Energy Community Secretariat'.

Article 7

Ad hoc adaptations concerning Article 52

In paragraph 1 reference to '1 October 2014' shall be replaced by '12 December 2020'.

Article 8

Non applicable provisions

The following provisions shall not be applicable

- Article 2 paragraph 2;
- Article 53.

Done in Chisinau on 12 December 2019,

For the Permanent High Level Group

A handwritten signature in blue ink, consisting of several overlapping loops and strokes, positioned above a horizontal dotted line.

The President