

**DECISION No 2021/xx/PHLG-EnC
OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY of xx.xx 2021**

**amending Decision 2013/01/PHLG-EnC of 23 October 2013 on the incorporation of Regulation (EU)
No 838/2010 in the Energy Community *acquis communautaire***

THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 11, 24 and 79 thereof;

Having regard to Procedural Act No 1/2012 PHLG-EnC of 21 June 2012 laying down the rules governing the adoption of Guidelines and Network Codes in the Energy Community;

Having regard to Decision 2013/01/PHLG-EnC of 23 October 2013 on the incorporation of Regulation (EU) No 838/2010 in the Energy Community *acquis communautaire*;

Considering Part B of the Annex to Regulation (EU) No 838/2010 which limits the maximum value of the annual average transmission charges paid by producers ("G-charges") in the Contracting Parties to 0 to 0.5 EUR/MWh;

Considering that Part B of the Annex to Regulation (EU) No 838/2010 allows higher maximum G-charge values for certain EU Member States,¹ and that the same exceptional ranges should be available to Montenegro for the benefit of equal treatment in an integrated pan-European electricity market;

Having analyzed the assessment of Energy Community Regulatory Board on G-charges in the Contracting Parties;

Having regard to the proposal from the European Commission;

Having discussed an informal draft of the present Decision at its meeting of 1 July 2021.

HAS ADOPTED THIS DECISION:

¹¹ Namely: Denmark, Sweden, Finland: 0 to 1.2 EUR/MWh; Ireland, Great Britain, Northern Ireland: 0 to 2.5 EUR/MWh; Romania: 0 to 2 EUR/MWh.

Article 1

1. Decision 2013/01/PHLG-EnC of 23 October 2013 is amended by adding a new Article 2 that reads as follows:

The word "Montenegro" is inserted in the first sentence of paragraph 3 of Part B of the Annex to Regulation (EU) No 838/2010 before "Denmark", and in the third sentence of paragraph 3 of Part B of the Annex to Regulation (EU) No 838/2010 before "Ireland".

2. Articles 2, 3 and 4 of the Decision 2013/01/PHLG-EnC of 23 October 2013 become Articles 3, 4 and 5 respectively.

Article 2

Entry into force

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

Done in Belgrade on xx.xx.2021,

For the Permanent High Level Group,

The President