

## **MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY**

**2008/02/MC-EnC: On the implementation of Commission Decision of 9 November 2006 amending the Annex to Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity**

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 25 and 28, in conjunction with Articles 79 and 82 thereof,

Whereas Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity, is listed at Article 11 and Annex I of the Treaty establishing the Energy Community;

Whereas the Annex to Regulation (EC) No 1228/2003 has been amended by the Commission Decision of 9 November 2006;

Whereas it is necessary to implement this amendment in the Energy Community context to align with the evolution of European Community law;

Whereas it is necessary to define the geographical scope of specific provisions of the new Annex to Regulation (EC) No 1228/2003 to adapt it to the Energy Community context, with regard to existing and planned interconnections;

Whereas the continuous cooperation and support of the transmission system operators and regulators from countries adjacent to the region defined in this decision, especially concerning the establishment and operation of the Coordinated Auction Office, are fully recognized and further welcomed, in particular as regards the Republic of Austria;

Whereas it is necessary to establish a review clause in order to take into account new network or market developments;

HAS ADOPTED THIS DECISION:

### **Article 1**

Each Contracting Party shall implement the Commission Decision of 9 November 2006 amending the Annex to Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity.

### **Article 2**

1. The implementation of the common coordinated congestion management method and procedure for the allocation of capacity to the market, as foreseen at Article 3

paragraph 2 of the Annex to Regulation (EC) No 1228/2003, shall cover the following territories:

- The territories of the Adhering Parties, the territory under the jurisdiction of the United Nations Interim Administration Mission in Kosovo;
  - The territories of the Republic of Bulgaria, of the Hellenic Republic, of the Republic of Hungary, of Romania and of the Republic of Slovenia;
  - The territory of the Republic of Italy with regard to the interconnections between the Italian Republic and the territories of the Adhering Parties.
2. For the territories referred to in paragraph 1, the common coordinated congestion management method and procedure for the allocation of capacity to the market at least yearly, monthly and day-ahead shall be applied by not later than 31 December 2009.
  3. At paragraph 5.10 of the Annex to Regulation (EC) No 1228/2003, the references to the European Commission shall be understood as referring to the Energy Community Secretariat.

### **Article 3**

The Regulatory Authority and Transmission System Operator of the Republic of Austria may participate as observers in the relevant instances in charge of the implementation of Article 2. As regards the activities of the Regulatory Board and of its working groups, this Decision is without prejudice to the rights of the regulators of Participants as defined in Article 59 of the Treaty establishing the Energy Community.

### **Article 4**

This Decision shall be reviewed and, where necessary, amended in order to take into account new network or market developments at the latest by 31 December 2011. The review shall also take into account the correct implementation of the relevant provisions of the Energy Community Treaty, in particular as regards competition, and of the related EU legislation (Directive 2003/54/EC and Regulation (EC) No° 1228/2003).

### **Article 5**

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

Done in Brussels on 27 June 2008

For the Ministerial Council:

Presidency

