



Bringing sense to the Brexit debate

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Janez Kopač

Director, Energy Community Secretariat

Extending the EU internal energy market – 4th European Community

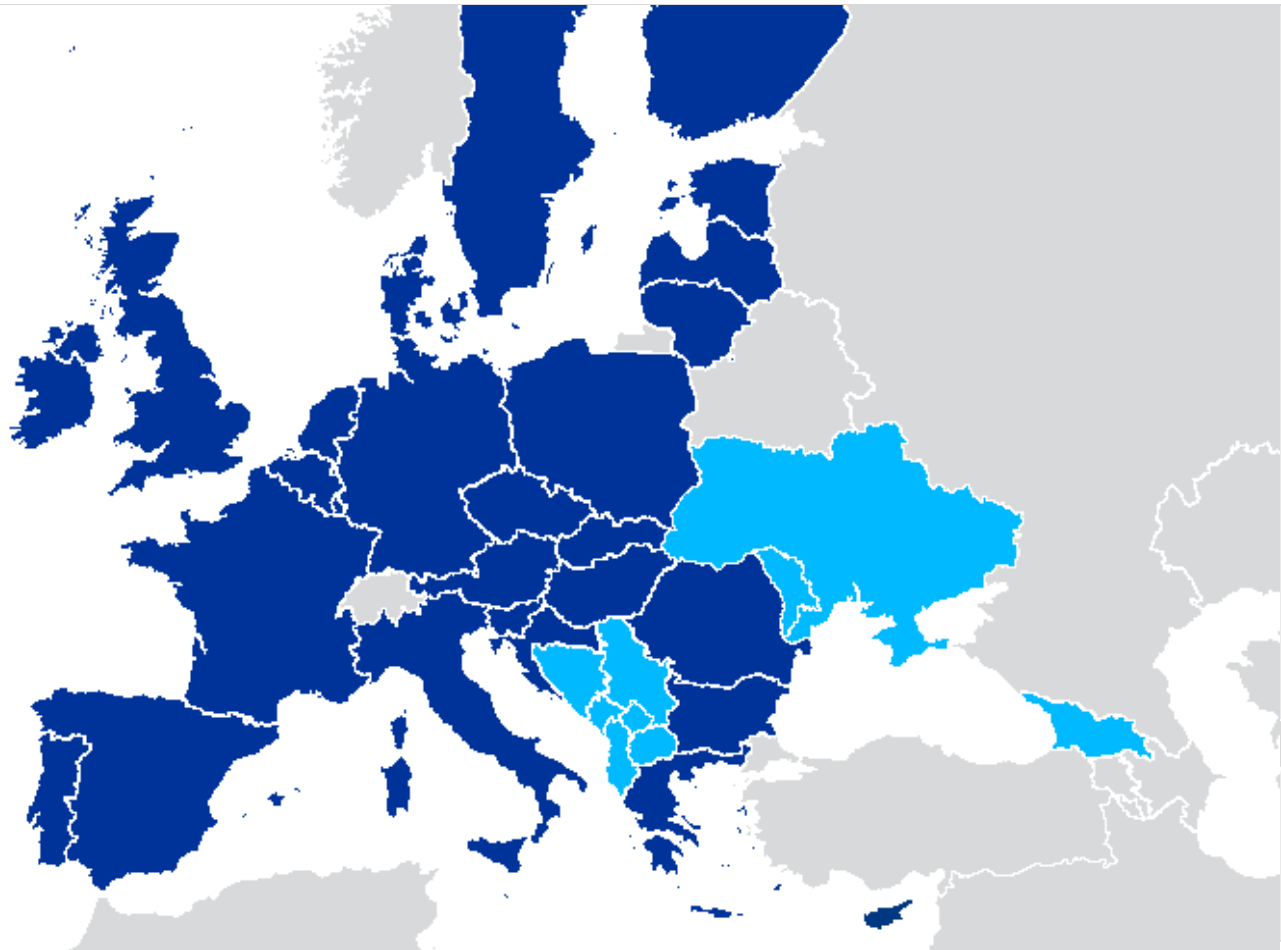
Why?

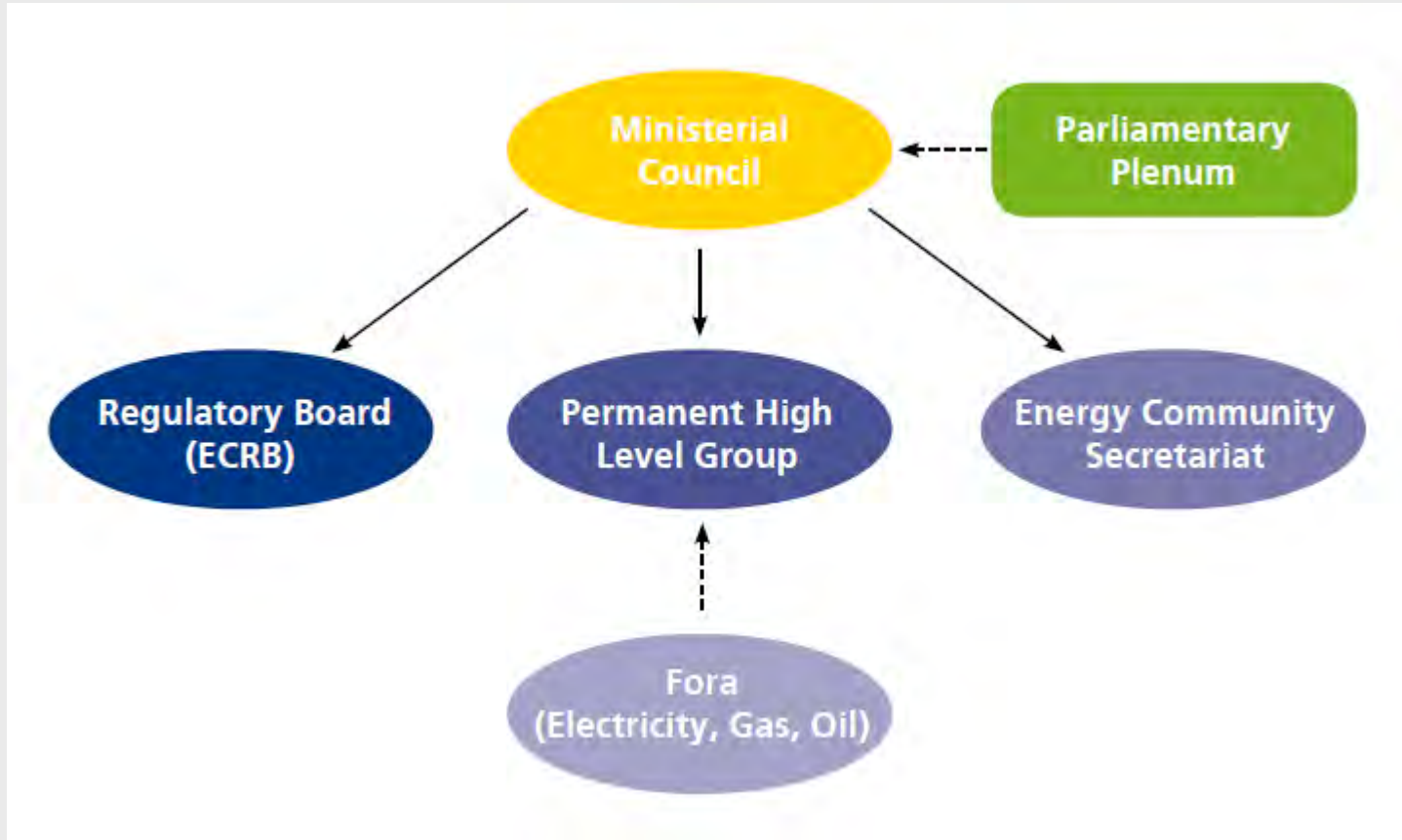
***Creating single regulatory
and market framework to:***

- *increase regulatory certainty,*
- *enhance security of supply,*
- *increase competition in the energy market*

➤ ***How?***

By the Rule of Law





Acquis (Directives, Regulations, Network Codes)



- *Electricity*
- *Gas*
- *Energy Efficiency*
- *Renewables*
- *Environment (partly)*
- *Climate (partly)*
- *Oil stocks*

DISPUTE SETTLEMENT PROCEDURE

- ▶ ***A Party to the Treaty, the Regulatory Board and the Secretariat may initiate a case of non-compliance***

3-stage procedure

- ▶ ***Opening Letter*** – Secretariat requests national governments to comment on non-compliance problem within 2 months
- ▶ ***Reasoned Opinion*** - No reply? Unsatisfactory reply? Secretariat states reasons why it believes there is a breach of Energy Community law and requests compliance within 2 months
- ▶ ***Reasoned Request*** – Secretariat refers case to PHLG (hears both parties to dispute + takes into account (non-binding) opinion of Advisory Committee) → Ministerial Council for decision
- ▶ Currently approx. 20 cases open
- ▶ **No Court of Justice!**

EU – Energy Community cooperation



- *Negotiation on transposition of existing acquis (Title II)*
- *Promotion of new acquis (Title III, Title IV)*
- *TSOs members of ENTSO-E, in ENTSO-G observers only*
- *Membership in ACER*
- *Participation to Gas, Electricity, Infrastructure Forum*

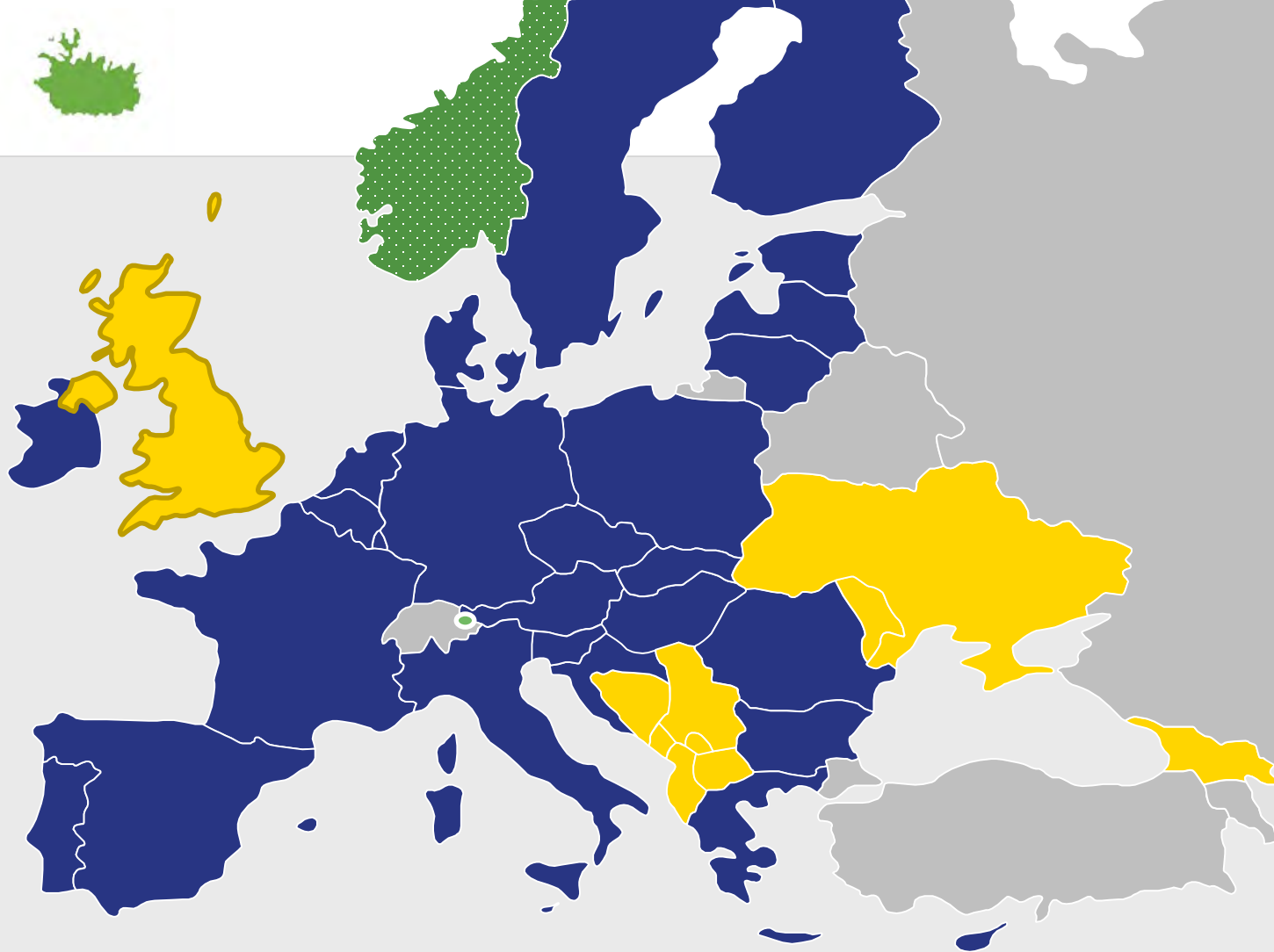
Postbrexit benefits

- *Remaining true part of the European internal energy market,*
- *Regulatory security and predictability, incl. exemptions (FR-GB),*
- *Reciprocity clause in the Treaty*
- *Pan European ETS scheme and RES quotas*
- *Finalized energy chapter of Deep and Comprehensive Free Trade Agreement*



Acquis area after Brexit?

- European Union
- Contracting Parties
- European Economic Area
- Norway





*Thank you
for your attention!*

Janez Kopač

www.energy-community.org