



**Ministerial Council Decision
D2012/04/MC-EnC**

**on the Implementation of Directive
2009/28/EC in the Energy Community**

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ARTICLE 20*

- The Contracting Parties shall provide to the European Commission within one year of the date of entry into force of the Treaty (*by 1st of July 2007*):
 - a plan to implement **Directive 2001/77/EC** and
 - a plan to implement **Directive 2003/30/EC**

RENEWABLE ENERGY DIRECTIVE 2009/28/EC

- Repealing both Directives 2001/77/EC and 2003/30/EC starting 1st January 2012;
- The Energy Community - for the first time in an EU piece of legislation (Article 9, recital 37)

* as of 2005

NEW EU RENEWABLE ENERGY DIRECTIVE 2009/28/EC

... and the ENERGY COMMUNITY

- Renewable Energy Task Force set up in 2009
- Activities in the 2009-2012 RE TF Work Programmes
- Study on the implementation of the new RE Directive
- Biomass Consumption Surveys
- Recommendation to implement selected provisions of Directive 2009/28/EC

➤ Partial results

- Methodology - the same level of ambition as EU-27
 - **5,5% flat rate increase + additional effort based on GDP/capita (1-2%)**
- RE share in 2005 – almost double than in EU-27
- **2020 RE share could exceed 20% in the Energy Community (Moldova and Ukraine where not CPs in 2010)**

➤ RE Market Model

- Heat demand could be meet entirely from biomass
- Significant impact of energy efficiency measures
- Job creation, GHG reduction, security of supply

➤ Potential

- Significant biomass (82 TWh/y), hydro (19 GW), wind (6 GW), solar (200 MW)

➤ Key issues

- **2005 energy statistics, biomass consumption**

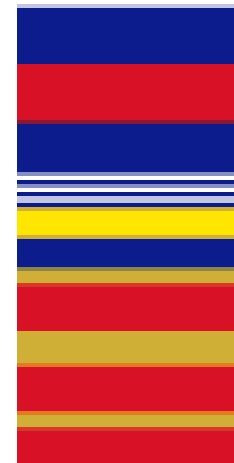
- Renewable energy - top priority in the energy strategies
- Curb energy dependency, create jobs and improve environmental conditions
- Vast potential - improvement of the investment climate needed
- Significant hydro potential also for large HPP – environmental aspects to be considered
- Legal and regulatory frameworks to be completed
- Electricity market integration of RES and balancing mechanisms
- Grid infrastructure development
- Biomass mobilisation is key to meet the incremental heat demand
- Gas turbines to balance intermittent electricity from wind and solar
- Significant coal reserves and the requirements of LCP Directive (2001/80/EC)

18 October 2012 in Budva, Montenegro

**the Ministerial Council adopted the Decision
to implement the Directive 2009/28/EC in the
Energy Community and to amend the Article 20 of the
Treaty establishing the Energy Community**

D/2012/04/MC-EnC

<http://www.energy-community.org/pls/portal/docs/1766219.PDF>



Article 20 of Energy Community Treaty - Implementation of Directive 2009/28/EC in the Contracting Parties

- General adaptations
- Ad-hoc adaptations
 - CPs targets
 - NREAPs
 - Calculation of share of energy from RES
- Statistical transfers between EU-MS and EnC-CPs
- Joint support schemes between EU-MS and EnC-CPs
- *Joint Projects between EU-MS and EnC-CPs*
- External Audits
- Review based on the experience



Article 20 of the Treaty establishing the Energy Community

"Each Contracting Party shall implement Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC."

- "Member States" replaced by "Contracting Parties,"
- "Community" replaced by "Energy Community"

Contracting Parties shall bring into force the laws, regulations and administrative procedures necessary to comply with this Directive by **1 January 2014**

2020 RES targets for the Contracting Parties

Contracting Party	RES Share 2009	RES Target 2020
Albania	31,2 %	38 %
BiH	34,0 %	40 %
Croatia	12,6 %	20 %
FYR of Macedonia	21,9 %	28 %
Moldova	11,9 %	17 %
Montenegro	26,3 %	33 %
Serbia	21,2 %	27 %
Kosovo*	18,9 %	25 %
Ukraine	5,5 %	11 %

- **Article 8 – Statistical Transfers from Contracting Parties to Member States of the European Union**

- Statistical transfer between CPs and EU MS possible under conditions

- A statistical transfer shall not affect the achievement of the national target of the Contracting Party making the transfer.

- **Article 9 - Joint support schemes between Contracting Parties and Member States of the European Union**

Article 11 - Decisions of the Ministerial Council

1. The Decision of the Ministerial Council referred to in Articles 8 and 9 of this Decision shall be adopted by majority of the Members of the Ministerial Council, which must include a vote in favour by the European Union.
2. The Decision shall be positive only if all the following conditions are met:
 - a) Contracting Party has **fully transposed Directive 2009/28/EC**, as adapted by this Decision;
 - b) that the envisaged statistical transfers or distribution rule (as appropriate) are **based on reliable and accurate energy statistics** that are compiled in accordance with the European Union's methodology on energy statistics,
 - c) and that the Contracting Party is **expected to exceed the indicative trajectory** and binding target without including potential contributions from joint projects with third countries.
3. The Ministerial Council shall adopt a procedural act on the implementation of the present article.

Article 13 - External audits

1. The implementation of Articles 8 and 9 of this Decision shall be subject to an external audit on a biennial basis of which the results shall be sent to the Secretariat. Where the result of the audit shows that the conditions laid down in this Decision for applying the cooperation mechanisms of the Directive were not met, the involved transfers will be annulled.
2. The Contracting Party concerned shall arrange for the independent audit referred to in paragraph 1. The auditor needs to be accredited by a member of the International Accreditation Body and must have implemented relevant international standards to ensure its competence.

- **Guidelines adopted by the PHLG – Annex IV, V and VII of Directive 2009/28/EC (Article 10)**
- **Commission's general coordination (Article 14)**
- **Reporting requirements (Article 15) – CPs and ECS to the Ministerial Council**
- **Review based on the experience (Article 16)**



Article 4 - Directive 2009/28/EC as adapted:

- Notification of the National Renewable Energy Action Plans to the Secretariat **NREAP– 30 June 2013**
- EC template:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009D0548:FN:NOT>

- EU MS NREAPs:

http://ec.europa.eu/energy/renewables/action_plan_en.htm



Article 4 - Directive 2009/28/EC as adapted:

- Notification of the forecast documents by **31 December 2012**
(i.e. six months before the NREAPs are due):
 - its estimated excess production of energy from renewable sources compared to the indicative trajectory which could be transferred to other Contracting Party in accordance with Articles 6 to 11, as well as its estimated potential for joint projects, until 2020; and
 - its estimated demand for energy from renewable sources to be satisfied by means other than domestic production until 2020.
- No template available - EU MS forecast documents available at:
http://ec.europa.eu/energy/renewables/action_plan_en.htm
- Due to short time available – new proposed deadline: **15 February 2013**
- Documents expected only in English

Next Steps

- Ministerial Council procedural act on the implementation of Article 11 of MC Decision;
- PHLG procedural act on the implementation of Article 12 of MC Decision – Guidelines – Annexes IV, V and VII of Directive 2009/28/EC
- Proposed RES Workshop focused on NREAP during first half of 2013
 - RES Study in 2013
 - Assistance provided by ECS for the legislative drafts
 - Resources: RES LEGAL <http://www.res-legal.eu/home/>
- **Statistics, statistics, statistics....**

Thank you!

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