

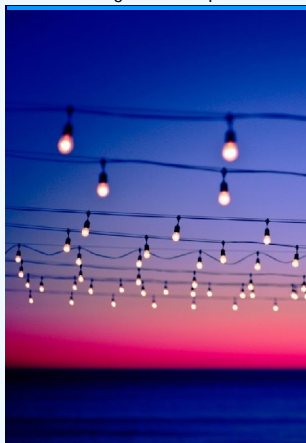
Monthly energy law news from the EU and the SEE countries of the Rokas network

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ENERGY MARKETS

EU: 2016 Reference Scenario – Trends to 2050

by Mira Todorovic Symeonides (Athens)



On 20 July 2016, the European Commission, Directorate-General (DG) for Energy, DG for Climate Action and DG for Mobility and Transport published the EU Reference Scenario 2016, Energy, transport and GHG emissions Trends to 2050. The Report takes into account global and EU market trends along with the energy and climate policy already adopted in the EU. The conclusions are based on a set of assumptions such as population growth, oil price development as well as the full implementation of the legally binding 2020 targets and the respective EU legislation (the 2030 climate and energy targets are not included as they are still not legally adopted).

The main results include the following: a) due to increased share of RES participation in the electricity market and significant energy efficiency improvements, even in case of projected decrease

in EU fossil fuel production, net fuel imports will decrease and the EU's import dependency will only slowly increase until 2050; b) the share of RES power generation will increase considerably, gas will be at slightly higher levels while fossil fuels share will be decreased; c) energy efficiency improvements will be significant due to the application of the respective policy up to 2020 and market and technology trends after 2020; and d) energy related investments will increase substantially until 2020 (particularly due to RES and energy efficiency developments).

In regard to the increase in RES production market share, it is predicted that biomass and biowaste will continue to dominate the fuel mix of EU domestic RES production, although the share of solar and wind should increase from 17% of total net electricity generation in 2015, to 19% in 2020, 25% in 2030 and 36% in 2050. Onshore wind is expected to provide the largest contribution. Biomass shall continue to be supplied domestically, although due to the increased bioenergy demand and limited domestic supply potentials will lead to some increase in biomass imports after 2020 (from 11% to 15% in 2030 and after). The share of nuclear production will decrease gradually (despite some life time extensions and new built) from 27% in 2015 to 22% in 2030.

Volumes of electricity trade should increase over time; the flow between regions will increase from 17% in 2015 to 26% in 2020, 29% in 2030 and 30% in 2050. The main reasons are variable RES generation and subsequent balancing requirements while trade is facilitated by the assumed successful development of the ENTSO-E Ten Years Network Development Plan for 2014 and the pan-European market coupling and sharing of reserves and flexibility across the Member States.

Average retail price will increase by about 18% until 2030 in comparison with the prices in 2010; after that it will stabilize at around 20% during 2030-2040 and then start to gradually decrease. This applies particularly to households and services and less to energy intensive consumers. Transmission and distribution costs will increase significantly in the longer term, post-2030, partly due to the increased presence of RES.

Compared to the 2007 baseline, it is expected that the primary energy consumption will decrease by 18,4% in 2020 and by 23,9% in 2030, particularly due to energy efficiency improvements. Cross sectoral distribution of consumption remains relatively steady with the exception of reduction in share of industry from 28% in 2005 to 23% in 2050 (mostly due to improved energy efficiency in non-energy intensive industries).

The transport sector is expected to grow significantly with parallel growth of final energy demand in the transport sector. Electricity use in transport is expected to increase from 1% in 2015, to 2% in 2030 and 4% in 2050. LNG use will be increased in road and waterborne transport. However it is expected that oil products will still represent about 90% of the EU transport sector in 2030 and 86% in 2050.

more news on Energy Markets:

EU: Consultation on the Establishment of the Annual Priority Lists for the Development of Network Codes and Guidelines for 2017 and beyond

by *Evridiki Evangelopoulou (Thessaloniki)*

On 18 July 2016, the European Commission announced a public consultation regarding the establishment of the annual priority lists for the development of network codes and guidelines for 2017 and beyond. The European Commission has to create this list in accordance with Article 6(1) of Regulation (EC) No. 714/2009 ("the Electricity Regulation") and Article 6(1) of Regulation (EC) No. 715/2009 ("the Gas Regulation") in order to recognize which areas have to be included in the development of network codes. The consultation refers to the fields of Gas and Electricity, while the target groups, which are invited to participate, are public authorities, member states authorities, private organisations, industry associations, SMEs, consultancies, as well as other relevant stakeholders and individual citizens. The consultation period lasts from 18 July 2016 to 14 October 2016. The stakeholders are invited to reply via e-mail to the address ENER-NC-PRIORITIES@ec.europa.eu. All received contributions will be published on the Internet.

EU/ACER: Market Monitoring Findings on Wholesale Markets

by *Mira Todorovic Symeonides (Athens)*

On 17 August 2016, the Agency for Cooperation of Energy Regulators (ACER or the Agency) published its invitation to all interested stakeholders to a workshop to be held on 21 September in Ljubljana to discuss the Agency's findings on Market Monitoring of wholesale electricity and gas markets in 2015. The Agency intends to publish separate chapters of the Market Monitoring Report by middle September and also to present them during the workshop.

EU/CEER Draft Handbook on Harmonised Definitions of Retail Market Metrics

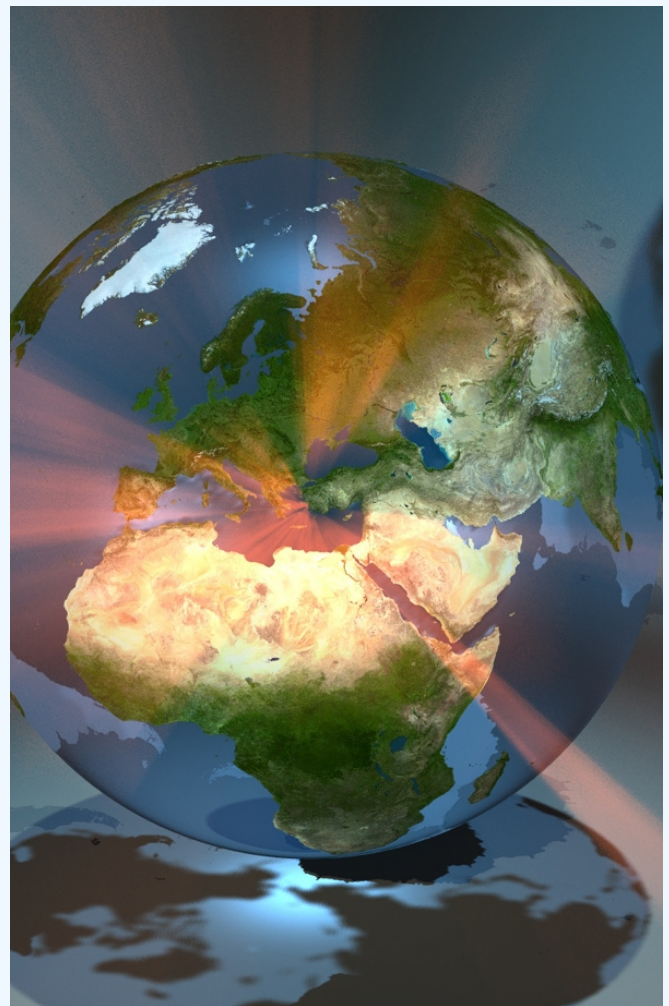
by *Mira Todorovic Symeonides (Athens)*

On 18 July 2016, the Council of European Energy Regulators (CEER) launched a public consultation, which will last until 19 September 2016, as to its Draft Handbook on Harmonised Definitions of Retail Market Metrics. In 2015 CEER developed a strategic high-level paper with the key characteristics of well-functioning retail energy markets, which was followed by the 2016 commitment of the European energy regulators to prepare a roadmap to 2025 on well-functioning retail markets which will be competitive, reliable and innovative. The Draft Handbook on Harmonised Definitions of Retail Market Metrics is a practical guide for national regulatory agencies (NRAs) in regard to evaluation of their national retail energy markets' performance. It provides a clear description and purpose of each metric, information on how to quantify the metric and the source of data. The final Handbook should include pilots and case studies in order to illustrate how the definition should be applied in practice. CEER states to be particularly interested in proposals of the interested stakeholders regarding minimizing of the administrative burden while collecting data, thus responses regarding data collection in general and the source of data in particular are pursued.

Bulgaria: Centralised Market for Bilateral Contracts

by *Mira Todorovic Symeonides (Athens) & Gergana Hadjipanteleeva (Sofia)*

On 19 July 2016, the Independent Bulgarian Energy Exchange (IPEX), holder of a licence for organising of the stock market of electricity, launched public consultation of the following documents: Draft Rules for Centralized Market for Electricity Trading through Bilateral Contracts; Draft Participation Agreement; Draft Contract for Sale/Purchase of Electricity. All interested parties were invited to present their opinions on the draft documents not later than 29 July 2016. On 28 July 2016 IBEX announced extension of the term, so the consultation lasted until 8 August 2016. By publishing the draft of the Rules IBEX completed the requirements of art. 102, par. 2, item 1 of the Energy Sector Act. The Rules provide that the Centralised Market for Bilateral Contracts (CMBC) is available for all companies registered in the trading participants' register of the independent transmission system operator (ESO EAD) which have also fulfilled requirements for registration of the CMBC. The Rules regulate: a) Rights and obligations of the trading platform operator and registered participants as well as the registration procedure; b) Operational procedures for organizing auctions; c) Mechanism for setting electricity prices on a long-term basis; and d) the process of risk management inherent for trading, including risks of failure to comply with financial commitments and failure to deliver that arise as a result of transactions concluded in the market.





Poland: Changes in Procurement Law Regarding the Energy Sector

by Piotr Kloc (Warsaw)

On 28 July 2016, an Amendment Act to Procurement Law came into force, which will strongly influence the energy sector. The amendment corresponds with EU directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors. Procurement utilities broaden their scope by adding a definition of energy distribution which shall be understood also as wholesale or retail sale. On the other hand, procurement utilities referring to oil, gas and their natural derivatives, brown coal, pit coal and other solid fuels was limited to extraction and no longer contains exploration and prospecting. The far-reaching changes are seen in the procurement procedure. The amendment adds new types of procedures: negotiations with or without announcement, competitive dialogue, free-hand sale and innovation partnership. Contracting entity determines terms and conditions of granting a procurement in a framework agreement under specification section. The framework agreement might be concluded for a maximum 8 year term. Contracting entity may limit number of contractors regarding to new procedures and the criteria shall be indicated in the announcement (also on the official website). Contracting entity will start the submission of tenders only with those units who have been participating in negotiation stage. Sector utilities (i.e. energy distribution) are also construed in terms of social and other special services (among health care, education, culture, hotel, catering, legal services), to which special conditions shall be applied. The threshold by social services for the application for energy sector is 1 million euro. The Amendment Act provides also a safety precaution referring to ensuring the continuity of electricity distribution. If electricity transmission system operators or electricity combined system operators are contractors and the subject of procurement is aimed at ensuring safe, reliable and quality electricity system, contracting entity may choose more than one offer, if such was provided in the announcement.

Serbia: Regulator Adopted Decision regarding Rights of End Consumers

by Stefan Pavlovic (Belgrade)

On 27 July 2016, the Energy Agency of the Republic of Serbia (AERS) adopted Decision on the procedure for exercising the rights of end consumers to access information about their own consumption of electricity and natural gas. The decision regulates the following: (i) the procedure for exercising the rights of end customers to access information about their own consumption of electricity and natural gas; (ii) type of available data regarding consumption; (iii) deadlines for the system operator to provide the requested data; (iv) form on which the requested data shall be presented to the end customer. The decision shall apply as of 31 January 2017.

E L E C T R I C I T Y

EU: Study on National Rules and Practices regarding Security of Electricity Supply

by Tetyana Vyshnevskva (Kiev)

In July 2016, the European Commission published a Review of current national rules and practices relating to risk preparedness in the area of security of electricity supply. The study covers 28 EU Member States (MSs) and presents an assessment of national legal frameworks and practices regarding identification, prevention, preparation for and response to security of electricity supply risks and emergency situations. The study reveals significant fragmentation and diversity of rules and policies in the MSs, in particular as regards basic definitions of risks and emergency, the types of risks covered by the risk assessment, the types and extent of application of preventive/emergency measures, the responsible national bodies and their obligations. Such differences may potentially cause difficulties in cooperation between neighbouring MSs as regards risk prevention and mitigation.

According to the findings of the study, among other, in the majority of MSs: a) the TSOs play a significant role in preparation of relevant monitoring and risk assessment reports (often in cooperation with NRAs and/or relevant Ministries), and are responsible for adoption of risk preparedness plans/measures as well as implementation of emergency measures (including in cooperation with DSOs, Ministries, NRAs); b) the risk preparedness plans/measures include both preventive and emergency measures without clear distinction between the two (the preventive framework often provides for the adoption of market measures



directed at supply/demand, operational security and energy efficiency, and the most commonly used emergency measures include: restriction of electricity consumption, generation increase, use of contracted and strategic reserves, load-shedding plans; c) distinct levels of emergency are implemented, while the market suspension measures are foreseen in all the MS (with Romania and Slovenia explicitly providing for export bans); d) the implementation of load-shedding plans is assigned to the TSOs; the DSOs and TSOs are responsible in case of brownout or blackout but no financial compensation to consumers is foreseen in case of force majeure. The time horizons covered by the different measures vary significantly across MSs (from one year to fifteen years). The same applies for the frequency of updates of risk preparedness plans/measures (from annual, biennial or every five or ten years). Coordination between MSs as regards risk preparedness and emergency situations takes place for the most part at the TSO level, including by means of bilateral and multilateral agreements or via the European Network of Transmission System Operators for Electricity (ENTSO-E). The information exchange and coordination between governments for both preventive and emergency measures takes place mostly at the regional level and at European level within the framework of the Electricity Coordination Group.

The results of the study are expected to contribute to the following work of the European Commission concerning tackling of the identified gaps and inconsistencies between the national strategies, including by means of possible new legislation relating to security of electricity supply in Europe.

Albania: Functioning the Market Model through the Energy Stock Market

by *Odisea Xhelita (Tirana)*

On 13 July 2016, the Albanian Council of Ministers (CM), after the proposal of the Ministry in charge for energy, approved the Decision No.519/2016 on the Electric Energy Market Model (EEMM). This legal act has been drafted in cooperation with the interested parties, and has received the positive opinion of the Competition Authority. It determines the rules on cooperation between the market players, the relevant contractual relationships and the exchange of information or/and other relevant data. The EEMM is characterized as a wholesale market, based on bilateral transactions/contracts concluded between two market players operating outside the stock market (over the counter - OTC) or as a stock market (a day-ahead or an intraday). Through these rules the CM intend to: i) completely liberalization of the electricity market and establishing of organized market/markets; ii) ensure the compliance with ECT; iii) operate the energy market as balancing market, based on the parties responsible for the imbalances, central reconciliation of imbalances and easy integration with other balancing markets; iv) ensure for the necessary liquidity; v) increase the efficiency and sustainability of the sector. The final objective consists on the integration of the Albanian energy market with the pan-European market.

EEMM determines the roles/functions of the Transmission System Operator (TSO), the System Distribution Operator (SDO), the Responsible Balancing Parties (RBP), the Service Balancing Provider (SBP), the Albanian Energy Stock Market (AESM), and the role of Energy Regulatory Entity (ERE). The is an independent state company, with competence for: i) the operation of the transmission network (ownership, maintenance & enhancement); ii) exercising the activity of the System Operator, including dispatching activities; iii) ensuring the connection to the transmission networks on non-discriminatory terms to all system's users; iv) determining the requirements for RBP and for Serving Balancing Party (SBP); iv) the calculation of the cross-border interconnection capacities. TSO act also as the Market Balancing Operator, forecasting and purchasing for this purpose the ancillary services, performing any necessary balancing action, purchasing the transmission losses. The Distribution System Operator (DSO) will own, maintain, expand and operate the distribution system of electric electricity, and will be separated from supply services. DSO will provide connection services with the distribution network to all system's users, on non-discriminatory terms. It will perform the purchase of technical and non-technical losses through the day-ahead organized market and will be responsible for reducing technical and non-technical losses in the distribution system, according to a study prepared by international consultants, contracted by the DSO after the approval of ERE. DSO will perform the activity of a RBP.

The terms of operating as a Responsible Balancing Party (RBP) are determined by TSO and are stipulated by the relevant agreements which will be concluded between RBPs and TSO. All legal entities, who own any production and consumption units exceeding the capacity determined by TSO (after the approval of ERE), are obligated to be RBP while this is optional for the

other legal entities with capacity below such threshold. Any trader, operating in Albania or supplying cross-borders energy, and any supplier is a RBP. All RBPs are responsible for calculations of imbalances and for forecasting their own production and consumption.

The Albanian Energy Stock Market (AESM) will have the following competences: i) operating and coordinating of the day-ahead market); ii) receiving applications and bids on selling-purchasing energy from RBPs; iii) receiving from TSO and processing interconnection capacities and other relevant information; iv) performing the necessary auctions and trading operations by using for this purpose the algorithms applied by the European Market Coupling; v) delivering to RBPs and TSO the trade confirmations, including the allocated quantities and

prices; vi) publishing the distributed quantities and the respective prices; vii) the execution of enforcement means and the respective payments to RBS-s. The participation to the organized market will not be subject to any specific license, while AESM itself will be licensed according to the criteria and procedures settled by ERE.

ERE exercises its powers, in cooperation with the Secretariat of the Energy Community (ECS), by approving the secondary legislation, on non-discriminatory principles, in compliance with the rules of the Energy Community Treaty and after having considered the opinion of interested parties. The Albanian Government encourages private investments on generating resources, scoping to fulfil the requirements for electric energy and to guarantee the supply through the diversification of generation sources. The Decision of CM No.519/2016 has come into force on 23 July 2016, it was published in the Official Gazette, while it will be effective upon functioning of AESM, but not later than 31 December 2017.



more news on Electricity:

Greece: Implementation of the Flexibility Service Capacity Mechanism

by Mira Todorovic Symeonides (Athens)

On 12 August 2016, the Greece Energy Regulatory Authority (RAE) issued an Invitation to the interested eligible producers to submit applications for participation in the temporary capacity mechanism on provision of flexibility service. This transitional flexibility service mechanism was regulated by law no. 4389/2016 (OJ A" 94/27.05.2016) and approved by the European Commission decision C (2016) 1791 final /31.03.2016. The interested participants should submit applications for participation to RAE and communicate them to the Greek TSO (ADMIE), within one month from publication of RAE's decision 284/2016 on the amendments of the Electricity Transmission System Operation Code in respect to the flexibility service and approval of the application form, in the Official Journal. The publication of the decision will, for the purpose of initiating the procedure, also be officially announced by RAE.

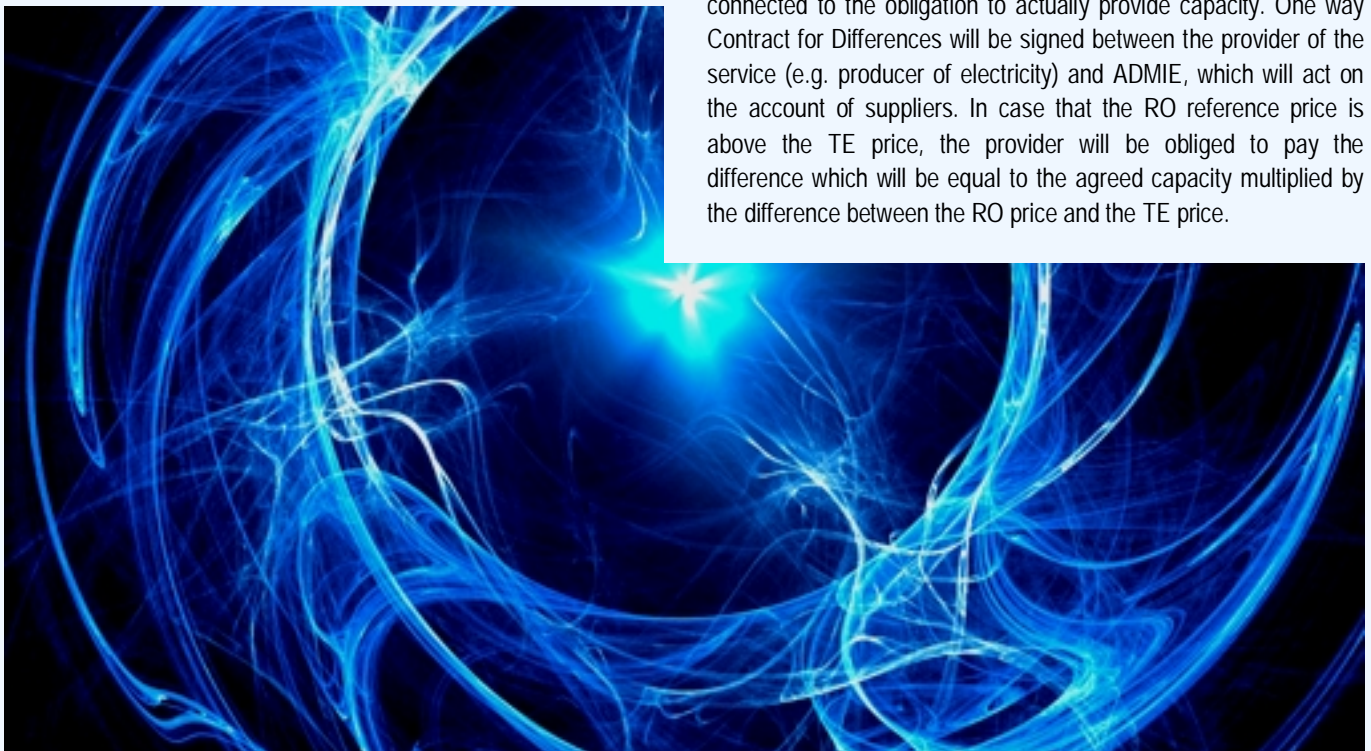
The applications of the interested participants should contain data on the production units, requested remuneration which provide motive for submission of revised technical statements required for the participation in the mechanism and the respective data estimation without receiving remuneration for the flexibility service. The remuneration is calculated on the following basis: offered capacity in MW is multiplied by 45000/365 €/MW and subsequently multiplied by the number of days for which the unit may provide the flexibility service in the period from 1 May 2016 until 30 April 2017. ADMIE shall, within 10 working days from the expiry of the deadline, submit to RAE its conclusions on the results of the application procedures and RAE should issue decisions in regard to admission to the flexibility service mechanism.

Greece: Public Consultation on Permanent Capacity Mechanism

by Mira Todorovic Symeonides (Athens)

On 25 July 2016, the Greek energy regulatory authority (RAE) launched a public consultation, which will last until 16 September 2016, on the main characteristics of the proposed permanent capacity mechanism which should replace the current temporary Flexibility Service Capacity Mechanism. The proposed permanent capacity mechanism is based on ADMIE's Study on Capacity Sufficiency for the Period 2017-2023 which is also subject of this consultation. RAE estimates that the proposed mechanism is particularly important in the current transitional period of the Greek electricity market restructuring, particularly regarding the designing of the new model of the electricity wholesale market (in compliance with the EU Target Model) and the abandoning of the current compulsory pool model, by creating new markets (term market, intraday and balancing markets) as well as amending the day-ahead market which should enable market coupling with the neighbouring countries (Italy, for a start). The proposed capacity mechanism should particularly secure sufficient capacity during the reform of the wholesale market, but also it should provide the right market signals to prevent premature withdrawal of certain production units, to encourage investments into units with certain technical characteristics, and it should be based on competition procedures in order to avoid windfall profits.

According to the proposal, the selected providers shall receive remuneration for providing Reliability Option (RO) which gives the possibility to purchase the necessary capacity for a given period of time from ADMIE, at the administratively regulated maximum prices named Exercise Price (TE-strike price) for the RO. The RO will be connected to the obligation to actually provide capacity. One way Contract for Differences will be signed between the provider of the service (e.g. producer of electricity) and ADMIE, which will act on the account of suppliers. In case that the RO reference price is above the TE price, the provider will be obliged to pay the difference which will be equal to the agreed capacity multiplied by the difference between the RO price and the TE price.



Greece: Public Consultation on the Approval of the MCO Plan

by Mira Todorovic Symeonides (Athens)

On 11 August 2016, the Greek energy regulatory authority (RAE) launched a public consultation, which will last until 5 September 2016, regarding the implementation of the European Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management. In particular, the consultation refers to approval of the Market Coupling Operator (MCO) Plan in regard to the market coupling of the day-ahead market as well as market coupling of the intraday market on the regional level. The Regulation provides that NEMOs shall act as market operators in national or regional markets to perform, in cooperation with TSOs, single day-ahead and intraday coupling. In Greece, the electricity Market Operator (LAGIE) was appointed to be the Nominated Market Operator (NEMO) (Ministerial decision APEIL/G/F1/oik.184866, OJ B' 2678/11.12.2015).

According to the Regulation, by eight months after the entry into force of this Regulation, all NEMOs shall submit to all regulatory authorities and the Agency a plan that sets out how to jointly set up and perform the MCO functions, including necessary draft agreements between NEMOs and with third parties. The All NEMO proposal for the MCO plan was jointly prepared and approved by Member States' NEMOs. On 14 April 2016, the Draft MCO Plan was sent to all energy regulatory authorities for approval. It should be further noted, that there have already been proposals for amendments of the draft MCO Plan, submitted by the energy regulatory authorities acting within the working group CACM TE in cooperation with ACER. RAE is currently preparing its proposal, which may include comments of the interested parties submitted during this public consultation, to be sent to the above working group and NEMOs.

BiH: Consolidated Licensing Rules Adopted

by Nebojsa Mladenovic (Banja Luka)

On 12 August 2016, the State Electricity Regulatory Commission (SERK) of Bosnia and Herzegovina adopted consolidated version on Licensing. The Licensing Rules define the procedure and criteria for granting of licenses by SERC, including the procedure for filling in the applications, review of applications and the granting of licenses and the basic criteria for approval or rejection of an application for granting the license, and its content and licensing conditions. The Licensing Rules were initially adopted on 2012 and amended on December 2015.

Croatia: Methodology for the Price of Balancing Electricity

by Sanja Tolj Par (Zagreb)

The Croatian Energy Regulatory Agency, at the session of the Governing Council on 15 July 2016, adopted the Methodology for determining the price for the calculation of balancing electricity (Official Journal, 71/2016), pursuant to Article 52, Paragraph 15 of the Electricity Market Act (Official Journal, 22/2013 and 102/2015). The Methodology determines the method of calculating unit prices for the calculation of balancing electricity for the balance groups in the first (monthly) calculation of deviations and the second (annual) calculation of deviations. The Methodology further determines, among others, the calculation of the reference price discrepancies, calculation of the tolerance threshold for each accounting interval for each balance group and the manner in which reporting and supervision of the application of this Methodology is to be conducted.

Montenegro: Methodologies on TSO, DSO and Market Operator Revenues

by Mirjana Mladenovic (Belgrade)

On 14 July 2016, the Energy Regulatory Agency of the Republic of Montenegro (REGAGEN), adopted the Methodology for the Determination of the Regulatory Allowed Revenue and Tariffs for Services Provided by the Electricity Market Operator (Official Journal 41/2016) ("Methodology of EMO"). The Methodology of EMO determines the following: (i) conditions, manner and procedure for determination of regulatory allowed revenue; (ii) remuneration for the market operator; (iii) the method for calculation of the fees.

On 28 July 2016, the Energy Regulatory Agency of the Republic of Montenegro (REGAGEN) adopted the Methodology for the Determination of the Regulatory Allowed Revenue and Fees for the Use of the Electricity Transmission System (Official Journal 43/2016) ("Methodology of ETS"). The Methodology of ETS determines the following (i) conditions, manner and procedure for determination of regulatory allowed revenue; (ii) fee of the transmission system operator; (iii) allocation of regulatory allowed revenue to system's users; (iv) elements for calculation of the fees; (v) method for calculation of the fee at which the electricity transmission services has to be paid.

Also, on 28 July 2016, the Energy Regulatory Agency of the Republic of Montenegro (REGAGEN) adopted the Methodology for the Determination of the Regulatory Allowed Revenue and Fees for the Use of the Electricity Distribution System (Official Journal 43/2016) ("Methodology of EDS"). The Methodology of EDS determines the following (i) conditions, manner and procedure for determination of regulatory allowed revenue; (ii) fee of the distribution system operator; (iii) allocation of regulatory allowed revenue to system's users; (iv) elements for calculation of the fees; (v) method for calculation of the fee at which the electricity distribution services has to be paid.

Serbia: Prices for Non-standard Services of the Electricity DSO

by Vuk Stankovic (Belgrade)

On 15 July 2016, the National Regulatory Agency (NRA) decided on approval of the prices for non-standard services of the electricity DSO (Price List). The approval is granted in line with Articles 53 and 136 of the Energy Law (Official Gazette of the Republic of Serbia, No. 145/2014). The list of services within the Price List is comprised of those which are not covered by the Decision on Establishing the Methodology for Criteria and Manner of Setting Costs of Connection to the Electricity Transmission and Distribution System (Official Gazette of the Republic of Serbia, No. 109/2015). Such services are periodic ones, or those that the DSO provides at the request of a customer or a system user, or services aiming at the remedy of consequences of a customer's or system user's actions in violation of regulations. The aim of the Price List is to place under control all income cumulated by DSO and thus to create more transparent and uniformed operational platform.

Ukraine: Privatization Update

by Tetyana Vyshnevska (Kiev)

On 22 July 2016, the Cabinet of Ministers of Ukraine issued Order No. 505-r which introduces amendments to the Governmental Order No. 204 of 3 April 2013 on Approval of Plans for Placement of Shares of Enterprises of the Fuel and Energy Complex and Order No. 861 of 3 September 2014 on Certain Issues of Privatisation. Thereby, the Government rescheduled privatization of 7 electricity supplying companies and 2 heat-and-power producing companies for 30 November 2016. The Order No. 505-r is effective from 22 July 2016. The State Property Fund of Ukraine has already started preparing relevant companies for sale (by means of a competitive procedure and at stock-exchanges), and is expected to prepare the terms and conditions of bidding and submit them for approval to the Government.

O I L & G A S

Greece: Public Consultations under the National System Development Program for Gas (ESFA) for the period 2016-2025

by Katerina Nikolaidou (Athens)

On 12 August 2016, RAE launched a Public Consultation on the National System Development Program for Gas (ESFA) for the period 2016-2025. According to Article 92 of the ESFA Management Code, the submitted plan included all those projects whose construction starts to be planned within the program period (2016 to 2025), regardless of the time of completion of their construction.

The Manager Plan includes the following projects:

- ♦ Scheduled Projects, with current budget of €1.384 million, already included in the approved by RAE ESFA Development Program 2015-2024 (Official Gazette B 2753 / 12.18.2015) with implementation budget €1.411 million.
- ♦ Development projects ESFA, with current budget of about €9 million, proposed for the first time for inclusion in the Draft ESFA Development Program.

According to DEPA's comments the development study of DESFA for the period 2016-2025, the creation of tank filling station terminal Revithoussa is expected to be completed at the end of 2016, while there is no commitment for transshipment infrastructure in small and medium vessels. DEPA has raised objections the Ten Year Development Plan 2014-2023 during the public consultation. More specifically, DEPA noticed that the program should include the necessary infrastructure for the transshipment of medium and small vessels (1.000-10.000 m³ LNG). This infrastructure is important for the development of LNG distribution in areas that are not connected to the National System. DEPA stressed that the implementation of this investment did not need great technical interventions. Furthermore, it noticed that it should be included in the development program the construction of truck loading infrastructure facilities (truck loading facility) at the LNG station Revithoussa.

DEPA pointed out that in line with international experience, where terminals of Liquefied Gas upgraded to transfer stations and activities related to trafficking in small scale Liquefied Gas and Liquefied Gas as marine fuel, initially made using tanker trucks it strengthens the argument that the above proposals will contribute even further to the use of the LNG terminal and the optimum commercial exploitation. The development project for the decade 2016-2025 prepared with respect to the envisaged investments in small-scale applications for gas, prioritize creating refueling tanker Liquefied Gas station at Revithoussa. It notes that given that the power transmission system has been developed primarily in the eastern part of the country and so there is the possibility of using natural gas in Western Greece, the application for loading tankers (Truck Loading) and transfer to consumer installations will gasify in their own facilities and will use it, is estimated to increase the consumption of natural gas in the country. That is why this activity has attracted the interest of industrial consumers who have expressed in DESFA and RAE during the phase of public consultation of the ten-year plan of the National System Development Program for Gas. It is expected that this station will be completed by the end of 2016. According to the developing user applications of Liquefied Gas Small Scale (Small Scale LNG), DESFA notes that a study has been commissioned with the subject of the preliminary technical definition and cost estimation for the development of refueling facilities of small Liquefied Gas ships from Revithoussa which will supply coastal vessels (Vunkering) at the port of Piraeus and for the development of satellite coastal storage facilities liquefied Gas for use in industrial installations or small distribution networks. It should be noted here that the expensive storage and regasification of liquefied natural gas infrastructure in Revithoussa has not been exploited to any great extent, so that remains the majority of the invested capital remains inactive. However, the small quantities traded, significantly increase the cost of using the infrastructure to users (DEPA and independent) and ultimately significant burden on the final cost of the fuel to final consumers. Within this framework, the Energy Regulatory Authority (RAE) gave under public consultation a proposal for a transitional arrangement for the methodology of distribution of gas supplies to the Distribution Network Exit Points (SEDD) to the National Natural Gas System (ESFA).

Additionally, DESFA launched two public consultations for the Supply of Natural Gas Quantity Required for the Operational Gas Offsetting in the Hellenic Natural Gas Transmission System during the Year 2017 and for the Supply of LNG Quantity for the Balancing of the Hellenic Natural Gas Transmission System during the year 2017 respectively.



more news on Oil & Gas:

ACER: Consultation on “Congestion Indicators” for Gas Interconnection Points

by *Tetyana Vyshnevskva (Kiev)*

On 9 August 2016, the Agency for the Cooperation of Energy Regulators (ACER) launched a call for evidence on the conditions for the application of the Firm Day-Ahead Use-It-Or-Lose-It (FDA UIOLI) mechanism to address contractual congestion at interconnection points of gas transmission networks (when the level of firm capacity demand exceeds the technical capacity) aka “congestion indicators”. Currently, ACER uses the four “congestion indicators” included in the European Commission Guidelines on Congestion Management Procedures, approved by the Commission Decision 2012/490/EU of 24 August 2014 on amending Annex I to Regulation (EC) No. 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks. By means of this consultation ACER aims to gather stakeholders’ views and suggestions as regards alternative or additional indicators for the detection of contractual congestion and the application of the FDA UIOLI mechanism, to further improve the existing provisions and promote the efficient use of gas infrastructures. The consultation will close on 15 September 2016, whereupon its results will be assessed by ACER and presented at the Madrid Forum on 6 – 7 October 2016.

Romania: Methodology on Determination of the Minimal Stock Level of

by *Corina Bădiceanu (Bucharest)*

On 21 July 2016, an Order of the Romanian Energy Regulatory Authority (ANRE) on the approval of the Methodology regarding the determination of the annual minimal stock level of natural gases for the providers of natural gases was published in the Official Gazette under the no. 35/2016. According to the provisions of the Order, the providers of natural gases have the legal obligation of storing a minimal stock of natural gases on a yearly basis, until the 31 of October, including. In complying with this obligation, the providers of natural gases can either store the natural gases in their own name (by concluding subsurface storing contracts with one of the operators of the subsurface storing system of natural gases) and/or conclude yearly until the 31st of October sales contracts having as object natural gases in quantities originating from the stocks stored subsurface by another provider of natural gases and/or conclude mandate contracts with another provider of natural gases for the stocking of natural gases.

The providers of natural gases and the specialised directions of the Romanian Energy Regulatory Authority will fulfil the provisions of the Order no. 35/2016. The issuance of the Order no. 35/2016 follows the publication in June 2016, in the Official Gazette, of the Urgency Enactment no. 28/2016 that provides the general, legal obligation of the providers of natural gases of storing minimal stocks of natural gases.



Ukraine: Recent Developments on the Natural Gas Market

by *Tetyana Vyshnevskva (Kiev)*

On 1 July 2016, the Cabinet of Ministers of Ukraine issued Resolution No. 496 on Unbundling of the Natural Gas Transmission and Storage (Injection and Withdrawal) Activity. Thereby the Government has finally approved the restructuring of PJSC Naftogaz of Ukraine (the gas incumbent) according to the selected unbundling model (i.e. Full Ownership Unbundling) in line with the Ukraine’s commitments as a party to the Energy Community Treaty. The Resolution was published in the Official Bulletin of Ukraine on 26 August 2016. In addition, on 16 August 2016, the Resolution of the National Energy and Utilities Regulatory Commission No. 631 of 14 April 2016 on Approval of the Procedure for Certification of the Natural Gas Transmission System Operator came into force. The Procedure was prepared in accordance with the Natural Gas Market Law and determines requirements for the information, data and documents submitted for TSO’s certification, the certification fee and particularities of the certification procedure, including as regards certification of an economic operator controlled by the state/a person from the state which is not a member of the Energy Community. Noteworthy, on 29 July 2016, the Ministry of Energy and Coal Industry of Ukraine published a Report for 2015 Following the Results of Monitoring Security of Natural Gas Supplies. The Report includes, inter alia, information on the peak demand for natural gas in 2015, measures and sources used to cover this demand, data on domestic production, import and consumption of natural gas, information on the gas transmission system, current projects on its reconstruction, repair and increase of gas transmission capacities (including the Drozdovychi – Bilche–Volytsia gas pipeline-interconnector with Poland).

RENEWABLES

EU: European Commission Issues Strategy for Low-emission Mobility

by *Stefania Chatzichristofi (Athens)*

On 20 July 2016, the European Commission issued its communication no. COM (2016) 501 final to the European Parliament, the Council, the European Economic and Social Committee as well as the Committee of the Regions regarding the EU roadmap for low-emission mobility, in an attempt to explore its policy options of decarbonising transport beyond 2020, ensure competitiveness and respond to the increasing mobility needs of people and goods, in line also with the Energy Union. The strategy is expected to be used as an instrument in order to modernize the EU economy and strengthen its internal market by identifying its key priorities, in research and innovation as well as in low-emission mobility solutions, by encouraging the future investment decisions, while barriers for innovative mobility services need to be removed. The strategy integrates a broader set of measures to support EU's transition to low-carbon economy. The energy sector and fuel suppliers shall be able to plan investments into advanced energy for transport, such as advanced biofuels. Moreover, this roadmap provides tools which can be used for policy makers in MS, both at a regional and local level to design their strategies for low-emission mobility.

The main objective of the strategy is to set a course for the development of the EU-wide measures on low and zero emission vehicles and alternative low emission fuels. The strategy is built around the following three objectives: higher efficiency for transport system, low emission alternative for energy transport and low and zero emission vehicles. Given that the road transportation is responsible for over 70% of Greenhouse Gas emissions in the transport sector and for much of the air pollution in the EU, the strategy focuses mainly on the road transport, acknowledging however that the other sectors of transportation (e.g. aviation, shipping) could also contribute to the overall reduction goal. Transport in the EU still largely depends on oil (about 94% of its energy needs). Thus, the strategy also focuses on promoting the establishment of an effective framework for low-emission alternative energy and creating a new infrastructure for alternative fuels, including advanced biofuels. The strategy argues for fundamental changes in respect of how vehicle emissions are measured and verified while it acknowledges that further initiatives and actions are needed to support the transition at all levels, including the introduction of tax incentives and other financial support schemes to support research, innovation and competitiveness to this area.

More precisely, the goals of this roadmap are:

- i) To enhance efficiency of the transport system by using digital technologies (especially Cooperative Intelligent Transport Systems (C-ITS), fair and efficient pricing in transport and further encouraging the shift to lower emission transport modes in particular for the railway sector. The Commission proposes to enable the use of technologies, in particular communication links between vehicles and between vehicles and infrastructure. Moreover, the strategy plans on reforming road charging, which will include common standards for a distance-based charging system in the EU, based on actual kilometres driven in a general scope to better reflect the polluter-pays and user-pays principles. The Commission will also take extra measures to improve synergies between different modes of transport, by revising also the Eurovignette Directive no.1999/62/EC.
- ii) To accelerate the use of low-emission alternative energy sources for transport such as advanced biofuels, renewable electricity and renewable synthetic fuels and removing obstacles to the electrification of transport. The roadmap aims at better links between the energy and transport systems and a methodology to compare prices of conventional and alternative fuels, for example by addressing distribution challenges of electricity at peak times. This would make charging of electric vehicles easier. Furthermore, effort should be focus on the creation of a European electro-mobility services market like the cross-border interoperability of payments and real-time information on charging points.
- iii) To orientate towards zero-emission vehicles. The Commission is working on post-2020 standards for cars and vans, which require emissions from conventional combustion engines to be further, reduced after 2020. This requires further ameliorations in vehicle testing in order to regain the trust of consumers through transparency and reliability of environmental performance of vehicles. In this context, a new legislative framework shall enforce independent testing, market surveillance and enforcement in Member States. Zero- and low-emission vehicles will need to be deployed and gain significant market share by 2030. Their deployment will significantly improve air quality in particular in cities. Together with this Strategy, the Commission is launching a public consultation to revise the current legislative framework (namely the Clean Vehicles Directive 2009/33/EC) for post-2020 standards for cars and vans.

The benefits of this roadmap once fully implemented by the MS will lead to improvements in air quality, the reduction in noise levels, lower congestion levels and improved safety. Consumers will benefit from more efficient, less-energy consuming cars and improved infrastructure for alternative fuels and they will be able to make informed choices for their daily mobility needs (for instance car labelling). In parallel with this Strategy, the European Commission is launching public consultations regarding the approach towards reducing emissions from road transport.

more news on Renewables:

Croatia: Public Consultations on RES Law Implementation

by Sanja Tolj Par (Zagreb)

The Ministry of Economy has prepared a draft Ordinance on the use of Renewable Energy Sources and highly efficient cogeneration pursuant to Article 25 of the Renewable Energy Sources and Highly Efficient Cogeneration Act (Official Journal, 100/2015) and launched the public consultation on 9 August 2016. This Ordinance elaborates the implementation of the RES Act and proscribes in detail the classification of production plants, the methodology for determining the share of RES in total final energy use, the manner and condition of acquisition and termination of the status of privileged producers, subsidy system of market premium and a guaranteed purchase price, as well as methodologies for determining maximum reference values, maximum guaranteed purchase prices and electricity market prices. Interested parties may submit comments until 9 September 2016.

Ukraine: Government Approves the Hydropower Development Program until 2026

by Tetyana Vyshnevska (Kiev)

On 13 July 2016, the Cabinet of Ministers of Ukraine approved the Hydropower Development Program until 2026 (as well as relevant implementation plans) by means of its Order No. 552-r. Among other, implementation of the Program is expected to result in: a) the reduction of the organic fuel consumption, greenhouse gas and other emissions, b) the increased security and improved management of hydropower facilities, c) the ensured energy security with economically efficient exploitation of the country's hydropower potential and d) the enhanced regulatory manoeuvring capacities of hydropower plants and pumped-storage hydropower plants, which is supposed to contribute to the reliability and resilience of the Unified Energy System of Ukraine as well as its integration with the European energy system. Despite the overall positive perception of the initiative, the Government has been criticized for lack of communication with the civil society and expert community, as the Program was allegedly approved without public consultation and proper environmental impact assessment of the planned measures.



COMPETITION - STATE AID

EU: Decisions on the Hydroelectrica Cases

by *Katerina Nikolaidou (Athens)*

On 19 July 2016, positive decisions regarding the four Hydroelectrica SA Cases (SA.33451, SA.33581, SA.33623, SA.33624) were issued, although they are still not publicly available. In December 2009 and December 2010 Hydroelectrica a state-controlled hydropower producer following public auctions on the Romanian wholesale electricity market OPCOM, concluded two contracts with ArcorMittal for the supply of 1.75 TWh of electricity per year at a price below the market. Prior to those contracts ALRO Slatina had concluded a long-term contract with Hydroelectrica for the supply of 3TWh of electricity per year at a price similar to Hydroelectrica's production costs which were adjusted to the aluminium price quotation on the London Metal Exchange (LME). There were contracts concluded from 2004 between Hydroelectrica and eight electricity traders as well as two industrial manufacturers at prices below the market level. At the contrary in contracts with two thermoelectricity producers, Hydroelectrica bought electricity at the prices higher than market level. In April 2012, the European Commission opened five in-depth investigation in order to determine whether Hydroelectrica, as a state controlled company, purchased or sold electricity at preferential tariffs to electricity traders, industrial manufacturers, electricity producer in order to benefit them decreasing their operational costs or increasing their revenues. The Commission expressed its concerns on whether these contracts have benefited selected companies to the disadvantage of their competitors proving them with funds granted by the state as there were indications that the State might have influenced its decisions to engage in these contracts on the given terms. It should be noted that some of the contracts were concluded prior to Romania's accession to the EU. However, based on special provisions in Annex V to the Romanian Accession Treaty, the Commission is competent to investigate the electricity prices applied on the basis of these contracts as well.



The European Commission, after its in-depth investigation, stated that electricity supply contracts of Romanian electricity generator Hydroelectrica, that are referred to specific electricity traders and industrial customers, did not constitute state aid within the meaning of EU rules. The European Commission concluded, that when these contracts are in line with market terms or when tariffs are below market level, the Romanian State should not be considered responsible for the granted tariffs.

It should be noticed that the Commission has dealt with several state cases of preferential electricity tariffs in the past. In July 2006 the Commission decided that Italy should recover around €80 million operating aid granted to ThyssenKrupp, Cementir and Terni Nuova Industrie Chimiche. The Commission has concluded that the prolongation of the electricity tariff until 2010 constitutes operating aid as it was not compensatory in nature and enhanced the beneficiaries' competitive position.

Moreover, in July 2011 the European Commission has concluded that lower electricity tariffs granted in 2007-2008 by the Greek state-owned Public Power Corporation (PPC) to Aluminium of Greece conferred an undue advantage to the company in breach of EU state aid rules. As result, Greece should recover the aid from Aluminium the amount of €17.4 million.

more news on [Competition - State Aid](#):

[EU: Commission Infringement Procedure against France and Ireland](#)

by *Katerina Nikolaidou (Athens)*

On 22 of July 2016, the European Commission has send a formal request (Reasoned Opinion) against France in order to comply with EU Law. Specifically, in February 2015 Commission sent a request for information (Letter of Formal Notice) to France as it has not correctly implemented and applied the Electricity Directive, part of the Third Energy Package. The European Commission has found that French Law prevents undertakings other than the national incumbent system operator for electricity from building and operating interconnectors to other EU states.

France shall inform the Commission of the measures taken to comply within a period usually of two months. If the Member State fails to comply with EU law, the Commission may decide to refer the Member State to the Court of Justice.

In July 2016, RTE and Irish Eirgrid announced that progress have been done on a high voltage interconnector which would improve security of electricity supply in Ireland and France so that competition in the all-island single electricity market will be increased.



ENERGY INFRASTRUCTURE

Bulgaria: Gas Infrastructure Projects Plans and Implementation

by Tetyana Vyshnevskaya (Kiev) & Gergana Hadjipanteleeva (Sofia)



On 18 August 2016, the Energy and Water Regulatory Commission (the EWRC) issued Decision No. БП-54 on approval of the Ten-Year Network Development Plan (TYNDP) for 2016-2025 for Bulgartransgaz JSC, the Independent Transmission Operator (ITO) of the gas transmission system of Bulgaria. The TYNDP was prepared by the ITO and submitted to the EWRC on 27 April 2016 in accordance with the requirements of the Energy Sector Act and Directive 2009/73/EC concerning common rules for the internal market in natural gas (the Gas Directive). Public consultations on the draft TYNDP were held by the ITO in April 2016 and by the EWRC on 21 July 2016. According to the TYNDP, the ITO intends to develop a competitive natural gas market, diversify sources and routes of natural gas supply, and contribute to creation of the regional natural gas exchange (including a spot market) by building the necessary facilities to connect the existing transmission infrastructure with future trans-

European gas corridors, Trans-Anatolian Pipeline, Trans-Adriatic Pipeline and other pan-European projects. Among other, the TYNDP contains: a) a brief presentation of the ITO and description of its transmission and storage infrastructure; b) information on the natural gas market (import, production, consumption and transit data), the expected demand for the transmission capacity and for resources in the coming years; c) measures to ensure security of natural gas supply, including risk assessment and N-1 formula under Regulation (EC) No. 994/2010 on measures to ensuring security of gas supply and d) detailed description of the key projects on reconstruction, rehabilitation and repair of the existing infrastructure, construction of new objects, and projects of common interest (PCIs), including, inter alia, construction of a gas hub, increase of capacity of the existing underground gas storage Chiren, Easting-Bulgaria and interconnections with Turkey, Greece, Serbia and Romania, as well as necessary investments and timetables for their implementation.

On 4 August 2016, ICGB AD, a project company developing the Gas Interconnector Greece-Bulgaria (IGB), launched the second (bidding) phase of the IGB Market Test having published the relevant Guidelines for management and allocation of capacity on the IGB Interconnector (the Bidding Phase Guidelines) according to the requirements of the Gas Directive. The Market Test for the allocation of capacity on the IGB pipeline is being carried out in two phases: i) during the first phase (from 14 December 2015 until 8 April 2016) the interested parties submitted non-binding expressions of interest in contracting capacity in/connecting to the IGB Pipeline; ii) during the second phase participants of the first phase and relevant TSOs are invited to present their binding offers to contract the long-term capacity in the IGB Pipeline. The Bidding Phase Guidelines, approved by the EWRC and its Greek counterpart in late July 2016, are supplemental to the Guidelines prepared for the first phase and include: a) framework rules for the bidding phase and the contents of the bidding phase notice; b) products offered during the bidding phase, relevant tariffs and fees; c) capacity allocation principles; d) provisions for the advanced reservation capacity agreement, gas transportation agreement and interconnection & interoperability agreement. According to Article 3 of the Bidding Phase Guidelines, the Binding Offer Deadline shall be set at least 2 months after the submission of the Bidding Phase Notice to participants of the first phase, i.e. approx. 8 October 2016.

Noteworthy, according to the statement of 10 August 2016, the European Commission has allocated EUR 29.9 million to the construction of a new 140 km electricity line between Dobrudzha and Burgas in Bulgaria, which constitutes 50% of the project cost. The main objectives of this PCI, which is part of the Black-Sea Corridor project cluster, are: a) reinforcement of the electricity transmission corridor along the Romanian and Bulgarian coast; b) increase of power exchanges in the region; c) integration of RES in the electricity market; c) the increased capacity and improved resilience of the Bulgarian electricity grid, and thus, enhanced security of electricity supply. The new electricity line will be constructed by the Bulgarian TSO Elektroenergien Sistemen Operator EAD and is expected to be operational by 2022.

more news on Energy Infrastructure:

EU: Latest Map of key EU Cross-border Infrastructure Projects
by Dafni Siopi (Thessaloniki)

On 28 July 2016, the European Commission updated its transparency platform map viewer of ongoing and completed energy infrastructure projects – known as Projects of Common Interest (PCIs). The current list includes a total amount of 195 projects that are designed to contribute to completing of the EU's internal energy market and reach its policy objectives of affordable, secure and sustainable energy. To become a PCI, a project must have a significant impact on the energy markets and market integration of at least two EU countries, boost competition on energy markets and boost the EU's energy security by diversifying sources, and contribute to the EU's climate and energy goals by integrating renewables.



ENERGY EFFICIENCY

EU: Studies on Energy Efficiency in Enterprises

by Tetyana Vyshnevskaya (Kiev)

In August 2016, the European Commission published two studies on energy efficiency in enterprises: energy audits and energy management systems, notably the Library of Typical Energy Audit Recommendations, Costs and Savings (hereinafter: Study 1) and the Report on the Qualification of Energy Auditors in All Member States (hereinafter: Study 2). The studies were prepared within the framework of the European Union's ten-year growth strategy Europe 2020, in order to present the European Commission with an overview of current implementation practices, tools and instruments related to Article 8 of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency (hereinafter: EE Directive) in Member States (MSs).

The main objective of the Study 1 is the development of a library of typical energy audit recommendations, costs and savings. To this end, the Study 1 provides: i) a comparison of average energy audit costs in MSs and information on factors affecting the cost; ii) a list of typical energy audit recommendations (energy efficiency measures) with the highest potential in different sectors, as well as anticipated energy savings from the implementation of such measures and the source of the savings values; iii) case studies and good practice examples of implementation of energy efficiency initiatives involving economic operators in Germany (Energy Audit Scheme for SMEs), Austria (Klima:aktiv pakt 2020 programme), Belgium (EnergieBeleidsOvereenkomst and the Accords de Branche), Ireland (the Energy Agreements Programme) and the Netherlands (the MeerJarenAfspraak and the Meerjarenafpraak Energie-efficiëntie ETS ondernemingen), to encourage other MSs to take similar approaches to promotion of energy saving measures. The Study 1 contributes to the development of the Europe-wide database of the most common audit recommendations, with accurate and in-depth information on the energy audit costs and the basis of their calculation. It may serve as a helpful guide for small, medium and large enterprises seeking to improve their energy efficiency.

The Study 2 provides information on the status of transposition of Article 8 of the EE Directive by MSs, a detailed review of requirements to energy auditors stipulated by the national legislation of each MS (particularities of the accreditation procedure, mandatory training and available tools, register of energy auditors and mutual recognition), assesses the possibility of harmonization of qualification requirements across the EU and provides relevant recommendations for good practices. According to the findings of the Study 2, there is a vast diversity between MSs as regards transposition of Article 8 of the EE Directive - as of October 2015, 9 MSs (including Greece and Poland) have not had finished the transposition process. Despite

the overall good progress in regulation of accreditation of energy auditors, as the majority of MSs implemented accreditation schemes and adopted necessary qualification criteria for energy auditors, minimum education requirements based on certain degrees, guidelines, templates and calculation tools to assist energy auditors and assure quality of performed audits, the Study 2 has shown that: i) Poland and the Netherlands have no clear guidelines or requirements in place; ii) there are significant differences in the cost of qualification/accreditation and renewal of accreditation between MSs (up to several thousand euro), as well as in the duration/validity of the acquired accreditation (from 2 years to 10 years); iii) MSs in general are lacking specific schemes for transport audits and iv) there is no scheme to harmonize the registration and recognition of auditors across the EU.



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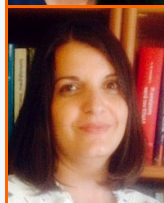


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