

Energy Community Secretariat

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Attn
Mr. Andriy Gerus
Chair of the Committee on Energy, Housing and Utilities Services
Verkhovna Rada
Ukraine

Per email: gerus@rada.gov.ua; agerus@gmail.com

Vienna, 14 December 2021

UA-PARL/O/alo/01/14-12-2021

Transposition of REMIT Regulation 1227/2011 – Draft Law No 5322

Honorable Chairman,

I am addressing you as regards the transposition of Regulation 1227/2011 on Energy Market Integrity and Transparency (REMIT) in Ukraine.

As you are well aware, the Ministerial Council of the Energy Community by Decision 2018/10/MC-EnC of 29 November 2018 incorporated the REMIT Regulation in the Energy Community *acquis communautaire*. As a Contracting Party to the Energy Community Treaty, Ukraine was under an obligation to transpose the REMIT Regulation by 29 November 2019, and to implement it by 29 May 2020.

Despite technical assistance provided by the Energy Community Secretariat in 2020 and several draft laws having been proposed in the course of 2020 and 2021, as to the date of this letter Ukraine did not transpose and implement the REMIT Regulation. Accordingly, the Energy Community Ministerial Council by Decision 2021/07/MC-EnC of 30 November 2021 (attached) decided in Case ECS-4/21 on the failure of Ukraine to adopt and apply the laws, regulations and administrative provisions necessary to comply with Regulation (EU) No 1227/2011, and prompted Ukraine to take all appropriate measures to rectify the breach of the Energy Community law.

To avoid further escalation and to finally close an important gap in the energy market governance of Ukraine without further delay, the Secretariat after careful review expresses its support for Draft Law No. 5322 and invites the Verkhovna Rada to adopt it as swiftly as possible. With the adoption of draft Law No. 5322, Ukraine will implement REMIT Regulation into Ukrainian legislation and comply with the Energy Community obligations in this respect.

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We remain at your disposal for any further clarifications.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Artur Lorkowski".

Artur Lorkowski
Director