

Attn Mr. Andriy Gerus
Chair of the Committee on Energy, Housing and Utilities Services
Verkhovna Rada of Ukraine
Per email: gerus@rada.gov.ua, agerus@gmail.com

Vienna, 4 April 2021
UA-PARL/O/jk/05/04-04-2021

Reference: Draft Law No. 5322, transposition of REMIT Regulation 1227/2011

Honorable Chairman,

I am addressing you with respect to the recently registered Draft Law No. 5322¹ that primarily aims at transposing the Regulation 1227/2011 on wholesale energy market integrity and transparency (hereinafter 'REMIT Regulation') into the legislative framework of Ukraine.

The Energy Community Secretariat (hereinafter 'the Secretariat') is responsible for supervising and guiding transposition and implementation of the Energy Community *acquis communautaire* (hereinafter 'acquis') to which Ukraine is bound following its accession to the Energy Community Treaty in 2011. The REMIT Regulation became part of the *acquis* by Decision of the Energy Community Ministerial Council in November 2018 setting a transposition deadline of 29 November 2019.

Recently I wrote to the Committee on Economic Development (chaired by Mr. Dmytro Natalukha) regarding the same topic to support the Draft Law No. 4503 (with comments which should be addressed prior the adoption of the Draft Law²) and previously I also wrote to you regarding the Draft Law No. 4503-1 (Letter of 5th January 2021), where we had very minor comments.

Without intention to interfere into the technicalities of transposing and developing legal acts in Ukraine, I would like to confirm that out of all of the texts the Draft Law No. 5322 is the only one completely in line with REMIT Regulation requirements and we entirely support it. The draft Law No. 5322 contains amendments to the Law of Ukraine "On Capital Markets and Organized Commodities Markets" regarding submission of the information to the trade repository established by the National Securities and Stock Market Commission (NSSMC). As those amendments are not directly relevant for REMIT, therefore we did not assess and did not comment it.

¹ <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=71559&pf35401=545499>

² details you could find in the EnCS letter of 17 March 2021, UA-PARL/O/jk/04/17-03-2021

We believe that with the adoption of the draft law No. 5322, the Parliament of Ukraine will transpose REMIT Regulation into Ukrainian legislation and comply with the Energy Community requirements in this respect.

We remain at your disposal for any further discussions and later implementation support of the REMIT Regulation.

A handwritten signature in blue ink, appearing to read "James Lytch".

Director of the Energy Community Secretariat

Cc: Mr. Dmytro Natalukha, Chair of the Committee on Economic Development