

Secretariat escalates infringement case against Serbia for lack of participation in a regional platform for allocation of electricity cross-border capacities

The Secretariat sent a Reasoned Opinion to Serbia for non-compliance of the national electricity transmission operator, Elektromreža Srbije (EMS), with its obligation under Energy Community law to participate in a regionally coordinated mechanism for allocation of electricity cross-border capacities. The Reasoned Opinion is the second step in the dispute settlement procedure initiated by the Secretariat in 2011. Despite various negotiations between the Secretariat and the Serbian parties since then, EMS at no point in time complied with the relevant obligations of the Energy Community acquis communautaire.

EMS is the only Contracting Party transmission operator that to date does not participate to any regionally coordinated allocation of cross-border capacities, be it the South East European Coordinated Auction Office (SEE CAO) or the Joint Auction Office (JAO). Participation in a regionally coordinated mechanism for allocation of electricity cross-border capacities was already an obligation under the Second Energy Package and continues to be under the Third Energy Package.

The failure of EMS to establish a common coordinated congestion management method and procedure for the allocation of capacity to the market and the failure of the national energy regulatory authority, AERS, to ensure compliance in that respect is attributable to Serbia under the Energy Community Dispute Settlement Procedures.

According to the Rules of Procedure for Dispute Settlement, parties with a legitimate interest in the case are granted access to the case file. All requests for information on this case should be addressed to Mr. Dirk Buschle, Legal Counsel and Deputy Director, at dirk.buschle@energy-community.org and should refer to the case number ECS-6/11.