

The Energy Community (EC) Secretariat announced that it has sent a Reasoned Opinion to Serbia for non-compliance of the electricity transmission operator 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 previous negotiations, EMS in no point in time complied with the relevant obligations of the EC acquis.

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 in the Southeastern 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.