


Procedure file

| Basic information | |
|--|---------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Directive 2007/0141(COD) | Procedure completed |
| Electricity market: application of certain provisions to Estonia Amending Directive 2003/54/EC 2001/0077(COD) | |
| Subject 3.60.03 Gas, electricity, natural gas, biogas | |
| Geographical area Estonia | |

| Key players | | | |
|-------------------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ITRE Industry, Research and Energy | | 09/10/2007 |
| Council of the European Union | Council configuration | PPE-DE NIEBLER Angelika | |
| | Agriculture and Fisheries | Meeting | Date |
| European Commission | Commission DG | 2841 | 17/12/2007 |
| | Research and Innovation | Commissioner | |
| | | PIEBALGS Andris | |

| Key events | | | |
|------------|---|---|---------|
| 16/07/2007 | Legislative proposal published | COM(2007)0411 | Summary |
| 03/09/2007 | Committee referral announced in Parliament, 1st reading | | |
| 05/11/2007 | Vote in committee, 1st reading | | Summary |
| 08/11/2007 | Committee report tabled for plenary, 1st reading | A6-0440/2007 | |
| 29/11/2007 | Results of vote in Parliament |  | |
| 29/11/2007 | Decision by Parliament, 1st reading | T6-0547/2007 | Summary |
| 17/12/2007 | Act adopted by Council after Parliament's 1st reading | | |
| 15/01/2008 | Final act signed | | |
| 15/01/2008 | End of procedure in Parliament | | |
| 22/01/2008 | Final act published in Official Journal | | |

| Technical information | |
|-----------------------|--|
| Procedure reference | 2007/0141(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |

| | |
|----------------------------|---|
| Legislative instrument | Directive |
| | Amending Directive 2003/54/EC 2001/0077(COD) |
| Legal basis | EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 047-p2; EC Treaty (after Amsterdam) EC 055 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ITRE/6/52255 |

Documentation gateway

| | | | | |
|---|--------------------------------|------------|-----|---------|
| Legislative proposal | COM(2007)0411 | 16/07/2007 | EC | Summary |
| Economic and Social Committee: opinion, report | CES1451/2007 | 24/10/2007 | ESC | |
| Committee report tabled for plenary, 1st reading/single reading | A6-0440/2007 | 08/11/2007 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T6-0547/2007 | 29/11/2007 | EP | Summary |
| Draft final act | 03687/2007/LEX | 15/01/2008 | CSL | |

Additional information

| | |
|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Final act

[Directive 2008/3](#)
[OJ L 017 22.01.2008, p. 0006](#) Summary

Electricity market: application of certain provisions to Estonia

PURPOSE: to grant to Estonia certain derogations from the provisions of Directive 2003/54/EC and accordingly, amend that Directive.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: by the Act of Accession, Estonia was granted a transitional period until 31 December 2008 for the application of Article 19(2) of Directive 96/92/EC, relating to the gradual opening of the electricity market. Following an exchange of information, on 28 June 2004 the Council adopted Directive 2004/85/EC amending Directive 2003/54/EC as regards the application of certain provisions to Estonia, which granted the requested extended derogation until 31 December 2012.

By judgment of 26 November 2006, the Court of Justice partially annulled Directive 2004/85/EC. That partial annulment was not motivated by reasons concerning the substance of Directive 2004/85/EC, but was due to the choice of legal basis by the Council (Article 57 of the Treaty of Accession instead of Article 95 of the EC Treaty). Since the reasons for granting Estonia a derogation from the application of Article 21(1)(b) and (c) (market opening) of Directive 2003/54/EC going beyond 31 December 2008 remain valid, that Directive should be amended accordingly, with the same wording as in Directive 2004/85/EC but on the appropriate legal basis.

This proposal provides that Estonia shall be granted a temporary derogation from the application of Article 21(1)(b) and (c) of directive 2003/54/EC until 31 December 2012. Estonia shall take the measures necessary to ensure the opening of its electricity market. This shall be carried out gradually over the reference period with the aim of complete opening of the market by 1 January 2013. On 1 January 2009, the opening of the market must represent at least 35% of consumption. Estonia shall communicate annually to the Commission the consumption thresholds extending eligibility to final customers.

The proposal cites Articles 47(2), Article 55 and Article 95 of the EC Treaty.

Electricity market: application of certain provisions to Estonia

The Committee on Industry, Research and Energy adopted, without amendment at 1st reading of the codecision procedure, the report by Angelika NIEBLER (EPP-ED, DE) on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/54/EC as regards the application of certain provisions to Estonia.

Electricity market: application of certain provisions to Estonia

The European Parliament adopted a resolution drafted by Angelika NIEBLER (EPP-ED, DE) and approved the proposal for a directive amending Directive 2003/54/EC as regards the application of certain provisions to Estonia.

Electricity market: application of certain provisions to Estonia

PURPOSE: to grant Estonia a temporary derogation from the application of certain provisions of Directive 2003/54/EC concerning common rules for the internal market in electricity.

LEGISLATIVE ACT: Directive 2008/3/EC of the European Parliament and of the Council amending Directive 2003/54/EC as regards the application of certain provisions to Estonia.

CONTENT: Directive 2003/54/EC had to be implemented by 1 July 2004 and had the effect of speeding up the opening of the electricity market. This Directive is designed to grant Estonia a temporary derogation from the application of certain provisions of Directive 2003/54/EC until 31 December 2012. This derogation had already been granted in 2004, but the act through which the decision in question was made was annulled by the Court of Justice due to the wrong choice of legal basis. This Directive rectifies the situation by confirming the derogation granted to Estonia, based on the correct legal basis.

Estonia shall take the measures necessary to ensure the opening of its electricity market. This shall be carried out gradually over the reference period with the aim of complete opening of the market by 1 January 2013. On 1 January 2009, the opening of the market shall represent at least 35% of consumption. Estonia shall communicate annually to the Commission the consumption thresholds extending eligibility to final customers.

The granting of a further derogation for the period 2009 to 2012 appeared necessary to guarantee security of investments in generating plants and security of supply in Estonia while allowing the serious environmental problems created by those plants to be resolved.

ENTRY INTO FORCE: 23/01/2008.