Basic information

2007/0141(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	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	NIEBLER Angelika (PPE-DE)	09/10/2007

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2841	2007-12-17

European Commission

Commission DG	Commissioner
Research and Innovation	PIEBALGS Andris

Key events

Date	Event	Reference	Summary
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	Decision by Parliament, 1st reading	T6-0547/2007	Summary
29/11/2007	Results of vote in Parliament		
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
Amendments and repeals	Amending Directive 2003/54/EC 2001/0077(COD)
Legal basis	EC Treaty (after Amsterdam) EC 047-p2 EC Treaty (after Amsterdam) EC 095 EC Treaty (after Amsterdam) EC 055
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/52255

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0440/2007	08/11/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0547/2007	29/11/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03687/2007/LEX	15/01/2008	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0411	16/07/2007	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1451/2007	24/10/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2008/0003 OJ L 017 22.01.2008, p. 0006	Summary

Electricity market: application of certain provisions to Estonia

2007/0141(COD) - 29/11/2007 - Text adopted by Parliament, 1st reading/single reading

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

2007/0141(COD) - 16/07/2007 - Legislative proposal

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

2007/0141(COD) - 15/01/2008 - Final act

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.