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Rose-Roth Seminar  
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## New Horizons: Opportunities and Challenges



# Georgia Applies to the Energy Community

Tbilisi avoided membership to the European Union's Energy Community for years but the new government has made a bid to join. Ana Stanič explains why it matters.

**O**n January 29 this year Georgia applied to become the tenth member of the Energy Community. Georgia had been an observer of the treaty since December 2007. Upon its accession to the Energy Community Treaty, the borders of the Energy Community will be on the east bank of the Black Sea.

The treaty establishing the Energy Community was signed on October 25, 2005 in Athens, with the aim of establishing an integrated market in natural gas and electricity encompassing the countries of the European Union, as well as Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, Macedonia, Romania, Serbia, and UNMIK on behalf of Kosovo. Membership of the Energy Community is seen as a stepping stone towards full membership of the EU.

With the receipt of Georgia's request to become a member, the next phase in the enlargement of the Energy Community is now underway. A careful analysis of the implications of, and

timeframe for, Georgia's transposition and adoption of EU law, in particular as it relates to the EU Second and Third Energy Package, will be needed.

Pursuant to the Treaty, non-EU members of the Energy Community agree to implement core EU law concerning energy into their national law. So in order for Georgia to become a member of the Energy Community, the government will have to undertake to transpose and implement EU legislation concerning areas of electricity, gas, environment, competition, renewables, energy efficiency, oil and statistics into its own laws.

Relying on the Moldovan precedent, it may be able to agree to different deadlines for the transposition of EU law in respect of the above-mentioned areas.

Moldova was the first country to join the Energy Community after the initial treaty. Its eighth member, it signed in May 2010 and agreed to implement the majority of the provisions of the Second EU Energy Package and inter alia legally unbundle its transmission operators as of that date.

It was able to negotiate an extension with regard to the implementation of the EU Third Energy Package as it relates to effective unbundling until 1 January 2020.

The second enlargement of the Energy Community happened on 1 February 2011 when Ukraine acceded to the Treaty. It agreed to implement EU law as set out in the Treaty by 1 January 2012.

Unlike Moldova it was not granted any extensions with regard to the implementation of the Third Energy Package.

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