

Постоянно представителство на
Р България към ЕС
Брюксел

ДО
ГОСПОДИН ДРАГОМИР СТОЙНЕВ
МИНИСТЪР НА ЕНЕРГЕТИКАТА

№ АВ-11/4.4.2014

МИНИСТЕРСТВО НА ЕКОНОМИКАТА И ЕНЕРГЕТИКАТА
София 1000, ул. "Славянска" №8
Регистрационен индекс и дата
54-00-850 / 04.06.2014

ЕКСПЕДИЦИОННА БЕЛЕЖКА

Постоянното представителство на Р България към ЕС-Брюксел съобщава с настоящата бележка, че към нея са приложени писма с номера:

ПВ 7-1883 /3.4.2014

Експедирал:

/Елена Ортакчийска /

.....
.....потвърждава получаването на горните писма.

Забележка:

Получател:

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PERMANENT REPRESENTATION OF THE REPUBLIC OF BULGARIA TO THE EUROPEAN UNION
REPRESENTATION PERMANENTE DE LA REPUBLIQUE DE BULGARIE AUPRES DE L'UNION EUROPEENNE

№ Пв Пв 7-1883/03.04.2014

ДО:

**Г-Н ДРАГОМИР СТОЙНЕВ –МИНИСТЪР
НА ИКОНОМИКАТА И ЕНЕРГЕТИКАТА**

Приложено, изпращам Ви оригинала на писмото от еврокомисаря по енергетика Гюнтер Йотингер, съдържащо коментари и конкретни въпроси относно предложените промени в Закона за енергетиката на Република България във връзка с изпълнението на проекта „Южен поток“.

ПРИЛОЖЕНИЕ: Съгласно текста – 2 (две) страници.

ПОСЛАНИК, ПОСТОЯНЕН ПРЕДСТАВИТЕЛ:

ДИМИТЪР ЦАНИЕВ

Brussels, 26. 03. 2014
MvS/cg Ares (2014)983188

Mr Dragomir Stoynev
Minister of Economy and Energy
8, Slavyanska Str.

BG-Sofia 1000

Subject: Planned amendments of the Bulgarian Energy Law in conjunction with the South Stream project

Dear Minister, *Verebn Hov Kolepe Stoynev!*

The Commission services have been made aware that amendments have been proposed to the Bulgarian Energy Law which are currently being discussed at the Bulgarian Parliament. As per deliberations in the parliamentary Committee of Energy, the amendments would exclude parts of the Bulgarian section of the South Stream project from the application of essential provisions of the Third Energy Package.¹

Let me recall in this respect that the Commission has repeatedly underlined that the South Stream pipeline has to be built and operated in line with EU rules, including the Third Gas Directive. This was reaffirmed in our South Stream Ministerial dinner on 3 March 2014. The draft amendments, if adopted, would raise serious doubts about Bulgaria's compliance with the Third Energy Package.

The draft amendment calls for in particular the introduction of the definition of "sea gas pipeline" and envisages a corresponding automatic exemption of any infrastructure defined as such from key provisions of the Energy Law (transposing the Directive 2009/73/EC)². If the proposal were adopted, it would likely violate the Third Gas Directive's provisions on unbundling (Article 9), the provisions on certification (Article 10), including the special rules on certification for third-country operators (such as Gazprom is one, Article 11) and, crucially, the rules governing new infrastructure exemptions (Article 36).

¹ We take note of the public record of the deliberations on the draft law available at the webpage of the Bulgarian Parliament, as well as the text of the draft amendments, available therein <http://www.parliament.bg/bg/parliamentarycommittees/members/2065/steno/ID/3222> and <http://www.parliament.bg/bg/bills/ID/14582>, respectively.

² New Art. 172~~x~~ excludes application of certain rules to sea gas pipelines: "(1) In case of widening of the existing and/or construction of new and/or exploitation of sea gas pipelines for transportation of natural gas from third countries, the provisions of Part IV of Chapter V, Chapter V, Chapter VIII "a", art 170, art 172 - 172e and art 197 should not be applied."

The Commission strongly encourages you to implement only such legislation that is fully compliant with the Third Gas Directive and any other applicable Union legislation.

In this context, I would like to ask you the following questions:

1. What is the Bulgarian Government's position relative to the proposed amendment? Does the Government concur with the Parliament's proposal?
2. To what extent and how do the amendments in question relate to the South Stream project, which is specifically mentioned in the explanatory memorandum?
3. Given that the definition of "sea gas pipeline" refers to inter alia infrastructure located "on part of the land", please explain what part of the pipeline located on the land is actually covered by this definition.

Furthermore, in your letter dated 31 October 2013, you informed me that Bulgaria has negotiated and signed a special Protocol with the Russian Federation ensuring implementation of the South Stream in line with applicable Bulgarian law. In this letter, the Commission was also informed that an agreement was reached on issues of the financial framework of the relations between the Bulgarian Energy Holding and Gazprom. Despite several informal requests by the Commission services, these agreements have not been notified to the Commission under the IGA Decision 994/2012/EU. You will agree that the provisions of this agreement will be of vital importance for the Commission's assessment of Bulgaria's compliance with EU law.

Please therefore provide the Commission services with copies of the Protocol and agreement on financial framework referred to in your letter dated 31 October 2013.

In view of the apparently very advanced and fast-moving process related to the above-mentioned amendments, I would be grateful for your urgent reply in this crucial matter.

Yours sincerely,

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