



## EUROPEAN COMMISSION - PRESS RELEASE

# EU gas market: Commission refers Bulgaria and Romania to court to ensure European law is properly implemented

Brussels, 24 November 2011 - The best guarantee for ensuring security of supply and affordable energy prices is to have a competitive internal EU energy market. An efficient and properly functioning internal market in natural gas will give consumers the choice between different companies and help ensuring energy affordability. To allow this choice the EU legislation aims at facilitating cross-border gas trade and increasing the capacity of gas markets. The European Commission considers that **Bulgaria** and **Romania** are still not fully in line with EU gas market rules and has therefore decided today to take these countries to the EU Court of Justice.

Cross-border trade can only happen if all market participants have equal access to gas transmission networks to supply customers. To guarantee this equal third party access it is important that maximum network capacity is being offered to the market. It is equally important that reliable and transparent information on the capacity of the network is provided to all market participants.

In practice the non-compliance of Bulgaria and Romania with the EU gas market rules means that the customers of those Member States are deprived of the possibility to get offers from other Member States as the markets are not sufficiently integrated.

In concrete terms, the Commission considers that in **Bulgaria** and **Romania** no interruptible reverse flow capacity (also known as 'backhaul') is offered at all interconnection points. The inclusion of reverse flow capacity is essential to use the network to its maximum capacity. Moreover, interruptible capacity and short-term services are vital for newcomers to enter the market.

In addition, in **Romania** the Transmission System Operator (TSO) does not entirely respect the EU transparency requirements. Without information on available capacity the gas market cannot become really competitive and new entrants cannot access the markets.

### Background

The infringements concern Member States' failure to respect their legal obligations arising from the Gas Regulation [No 715/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks which replaced on 3 March 2011 Regulation (EC) No [1775/2005](#).

The Commission is following up on infringement cases which were opened in June 2009 with a letter of formal notice and followed up with reasoned opinions in June 2010 (see [IP/10/836](#) and [MEMO/10/275](#)).

Since the start of these infringement procedures progress has been made by Bulgaria and Romania to eliminate shortcomings. However, full compliance has not yet been achieved and therefore the Commission proceeds to the Court of Justice.

### **More information**

Commission web page on the Second Energy Package:

[http://ec.europa.eu/energy/gas\\_electricity/legislation/legislation\\_en.htm](http://ec.europa.eu/energy/gas_electricity/legislation/legislation_en.htm)

[http://ec.europa.eu/energy/oil/offshore/standards\\_en.htm](http://ec.europa.eu/energy/oil/offshore/standards_en.htm)

Current figures on infringements in general can be found at:

[http://ec.europa.eu/eu\\_law/infringements/infringements\\_en.htm](http://ec.europa.eu/eu_law/infringements/infringements_en.htm)

For more information on EU infringement procedures, see [MEMO/11/824](#)

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