



ESA

EFTA
Surveillance
Authority

Norway's participation to the Internal Electricity Market

MESC – 9 March 2023

Background and state of play

- Norway's participation to the EU internal energy market: governed by the EEA Agreement
 - Incorporation of EU law
 - Uniform application
- EFTA Surveillance Authority (ESA): decisions in place of ACER in cases involving Norway, based on drafts prepared by ACER
- Pending process in ESA for the adoptions of TCMs for Norway

Incorporation of the EU internal energy market framework (1)

- Energy acts already incorporated into the EEA Agreement include
 - 3rd Energy Package
 - CACM, FCA, EB and SOGL
- Pending process in ESA for the adoptions of TCMs for Norway
 - First decision: CCR
 - Following expected decisions: HMMCP
 - Continuous work on other TCMs

Incorporation of the EU internal energy market framework (2)

- Limited impact for the market
 - IEM's provisions applied in practice before entry into force (homogeneity and reciprocity)
 - Formalisation of the role of Norwegian market participants

Backup information – the EEA Agreement (1)

General

- Concluded in 1992 between the EU, the EU MS and the 3 EEA EFTA States (Iceland, Liechtenstein and Norway)
- Establishes the European Economic Area (EEA)
- Full participation in the internal market (4 freedoms + competition and state aid)

Incorporation EU law

- Incorporated by Joint Committee Decisions of EU and EFTA States
- Obligation for EEA EFTA States to implement incorporated EU law at national level and to apply it uniformly
- Possibility for EEA EFTA States to adopt a legislation/practice in line with EU acquis although not incorporated into the EEA Agreement

Backup information – the EEA Agreement (2)

2 pillars structure

- EU and EFTA pillars in the EEA Agreement:
 - 2 courts: European Court of Justice/EFTA Court
 - 2 surveillance mechanisms: European Commission/EFTA Surveillance Authority
- No EU agencies when conclusion of the EEA Agreement. Solutions to be tailored in JCDs to ensure homogeneity while respecting the 2-pillar structure.

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