

Implementation of the Third energy package into the legal order of the Czech Republic

Summary

This thesis discusses the implementation issue of the Third energy package, also known as the Third liberalization package, into the Czech national law. It consists of three regulations and two directives of the European Union, which determines the energy politics both on the European level and on the level of the member states.

The first part of this thesis describes the ancestors of the Third energy package and their accomplishments or failures together with reasons for creating the next generations of liberalizing legislation. The author describes the liberalization in the form of the legal, functional and accounting unbundling separately for electricity and gas industry at the European level, and then the implementation at the level of the Czech legislation.

In the next chapter it is further explained, what were the European legislator's incentives for creating the Third energy package, and what new institutes it stipulates. It is herein described that the European Union came with three different unbundling versions of the transmission system operators (TSO) – Ownership unbundling (OU), Independent system operator (ISO) and the Independent transmission operator (ITO). Requirements of all of the three variations are closely described at the European level, while in the following sub-chapter are put the implemented provisions according to the Czech law. The requirements of successful and effective unbundling have to be confirmed by the national regulatory body during the procedure of certification.

Last but not least, there are still unbundling obligations for distribution system operators (DSO) in the manner of legal, functional and accounting unbundling according to the Second liberalization package.

The Third energy package brought also more new powers and duties to the national regulatory authorities with respect to the strengthened independence on member states public authorities. A special sub-chapter is dedicated to the dawn raids issues in the light of constitutional conformity.

The last chapter describes reinforced provisions on consumer protection in accordance with European consumer protection policy. It has been confirmed yet strengthened inter alia the right of vulnerable consumer to change his or her energy supplier without any financial or other sanctions.

The conclusion briefly and critically summarizes newly adopted provisions of the Third energy package. It is pointed out that process of liberalization is far from finished, as the closing provisions of the directives indicate that in the future there shall be an evaluation process going on. It still remains to be seen when there will be a fourth liberalization package.