Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 November 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 698 annex
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in Ministerial Council of the Energy Community (Vienna, Austria, 18 December 2025)

Delegations will find attached document COM(2025) 698 annex.

Encl.: COM(2025) 698 annex

EUROPEAN
COMMISSION

Brussels, 12.11.2025
COM(2025) 698 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in Ministerial Council of the Energy Community (Vienna, Austria, 18 December 2025)

ANNEX

DECISIONS UNDER ARTICLE 91(1)(A) OF THE TREATY ESTABLISHING THE ENERGY COMMUNITY ESTABLISHING THE EXISTENCE OF A BREACH OF THAT TREATY IN SPECIFIC CASES

The position to be taken on behalf of the European Union is to approve the draft Ministerial Council Decisions under Article 91(1)(a) EnCT, provided that the Advisory Committee of the Energy Community delivers as soon as possible a prior opinion supporting the findings of the Energy Community Secretariat establishing the existence of a breach in:

(a) Decision 2025/…/MC-EnC on the failure of Albania to comply with the Energy Community Treaty in Case ECS-5/24;

(b) Decision 2025/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-6/24;

(c) Decision 2025/…/MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-7/24;

(d) Decision 2025/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-8/24;

(e) Decision 2025/…/MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-9/24;

(f) Decision 2025/…/MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-10/24;

(g) Decision 2025/…/MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-11/24;

(h) Decision 2025/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-12/24;

(i) Decision 2025/…/MC-EnC on the failure of Ukraine to comply with the Energy Community Treaty in Case ECS-13/24;

(j) Decision 2025/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-14/24;

(k) Decision 2025/…/MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-15/24;

(l) Decision 2025/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-16/24;

(m) Decision 2025/…/MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-17/24;

(n) Decision 2025/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-19/24;

(o) Decision 2025/…/MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-21/24;

(p) Decision 2025/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-22/24;

(q) Decision 2025/…/MC-EnC on the failure of Albania to comply with the Energy Community Treaty in Case ECS-23/24;

(r) Decision 2025/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-24/24;

(s) Decision 2025/…/MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-25/24;

(t) Decision 2025/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-26/24;

(u) Decision 2025/…/MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-27/24;

(v) Decision 2025/…/MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-28/24;

(w) Decision 2025/…/MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-29/24;

(x) Decision 2025/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-2/21;

(y) Decision 2025/…/MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-15-21.

PROCEDURAL ACT 2025/XX/MC-ENC ON THE ADOPTION OF THE BUDGET OF THE ENERGY COMMUNITY FOR THE YEARS 2026-2027 AND ON THE CONTRIBUTIONS BY THE PARTIES TO THE BUDGET

The position to be adopted on behalf of the European Union is to approve the draft procedural act of the Ministerial Council of the Energy Community on the adoption of the budget of the Energy Community for the years 2026-2027 and on the contributions by the Parties to the budget in accordance with Addendum 1 to this Annex.

DECISION D/2025/XX/MC-ENC OF THE MINISTERIAL COUNCIL ON THE DISCHARGE OF THE DIRECTOR OF THE SECRETARIAT

The position to be taken on behalf of the European Union in the Ministerial Council is to approve the draft Ministerial Council decision on the Financial Discharge of the Director of the Secretariat of the Energy Community in accordance with Addendum 2 to this Annex.

PROCEDURAL ACT 2025/PA/XX/MC-ENC ON AMENDING THE ENERGY COMMUNITY PROCEDURES FOR THE ESTABLISHMENT AND IMPLEMENTATION OF BUDGET, AUDITING AND INSPECTION OF 17 NOVEMBER 2006, AS AMENDED BY PROCEDURAL ACTS 2014/01/MC-ENC, 2022/02/MC-ENC AND 2024/06/MC-ENC

The position to be taken on behalf of the European Union in the Ministerial Council is to approve the draft Ministerial Council procedural act amending the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing, and Inspection in accordance with Addendum 3 to this Annex.

PROCEDURAL ACT 2025/PA/XX/MC-ENC ON ADOPTING THE ORGANIGRAMME OF THE SECRETARIAT

The position to be taken on behalf of the European Union in the Ministerial Council is to approve the draft Ministerial Council procedural act on the adoption of the organigramme of the Energy Community Secretariat in accordance with Addendum 4 to this Annex.

REAPPOINTMENT OF EUROPEAN COMMISSION REPRESENTATIVES IN THE ENERGY COMMUNITY ARBITRATION COMMITTEE IN ACCORDANCE WITH PROCEDURAL ACT NO 01/2011 PHLG–ENC OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY LAYING DOWN THE RULES GOVERNING THE ARBITRATION PROCEDURE IN STAFF MATTERS UNDER ARTICLE 14 OF THE STAFF REGULATIONS

The position to be adopted on behalf of the European Union is to support and confirm the reappointment by the European Commission of the two Commission officials as permanent and permanent alternate members of the Arbitration Committee representing the European Commission.

ADDENDUM 1 TO THE ANNEX

PROCEDURAL ACT 2025/PA/XX/MC-ENC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

ON THE ADOPTION OF THE BUDGET OF THE ENERGY COMMUNITY FOR THE YEARS 2026-2027 AND ON THE CONTRIBUTIONS BY THE PARTIES TO THE BUDGET

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 73, 74, 86 and 88 thereof,

Having regard to the proposal from the European Commission to the Ministerial Council of the Energy Community regarding the budget of the Energy Community for the period 2026-2027,

Having regard to Articles 24 and 25 of the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection,

Whereas the Ministerial Council shall adopt a bi-annual budget covering the operational expenses of the Energy Community necessary for the functioning of its institutions,

Whereas each Party shall contribute to the budget of the Energy Community as set out in Annex IV to the Treaty establishing the Energy Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Energy Community budget covering the financial years 2026 and 2027 as set out in Annex A and Annex B is hereby adopted.

Article 2

With effect as of 1 January 2026, the contributions to the budget of the Energy Community by the Parties are set out in Annex A to this Procedural Act.

Article 3

This Procedural Act is addressed to all Parties and institutions under the Treaty establishing the Energy Community.

Article 4

The Director of the Energy Community Secretariat shall make this Procedural Act and its Annexes available to all Parties and institutions under the Treaty establishing the Energy Community within seven days of its adoption.

Done at Vienna on 18 December 2025

For the Ministerial Council

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Presidency

ADDENDUM 2 TO THE ANNEX

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

ON DISCHARGING THE DIRECTOR OF THE SECRETARIAT OF THE ENERGY COMMUNITY OF THEIR FINANCIAL RESPONSIBILITY

The Ministerial Council of the Energy Community,

Having regard to the Procedural Act on establishing Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection in particular Article 83 thereof,

Having examined the report on the audit of the financial statements of the Energy Community for the year ended 31 December 2024, as well as the auditors' statement of assurance,

Taking account of the observations of the Budget Committee and the relevant report,

HAS DECIDED AS FOLLOWS:

Article 1

The current Director, Mr Artur Lorkowski of the Secretariat, is discharged from his management and administrative responsibility in respect of the budget for the period of 1 January – 31 December 2024.

Article 2

This Decision enters into force on the day of its adoption.

For the Ministerial Council

ADDENDUM 3 TO THE ANNEX

PROCEDURAL ACT 2025/PA/XX/MC-ENC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

on amending the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of 17 November 2006, as amended by Procedural Acts 2014/01/MC-EnC, 2022/02/MC-EnC and 2024/06/MC-EnC

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 82, 83, 86 and 87 thereof,

Whereas Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection should reflect the role of the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO),

Having regard to the proposal of the European Commission,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

Amendments to the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of 17 November 2006, as amended by Procedural Acts 2014/01/MC-EnC, 2022/02/MC-EnC and 2024/06/MC-EnC

(2) In Article 42:

- The following is added in paragraph 2:

‘In the event of crime, illegal activity, fraud or corruption which may affect the financial interests of the European Union, the matter shall be referred to the authorities and bodies specified in the applicable legislation, in particular to the European Anti-Fraud Office (OLAF) and the European Public Prosecutor’s Office (EPPO). In the framework of this article the 'financial interests of the European Union' means all revenues, expenditures and assets covered by, acquired through, or due to the Energy Community budget.’

- The following new paragraphs 3 and 4 are added:

‘3. In the event any financial actor becomes aware of facts which give rise to a presumption of any possible illegal activity, fraud, corruption or irregularity which may affect the financial interests of the European Union, the financial actor shall inform the authorising officer or, where this is considered useful, OLAF or, in case of crimes affecting the financial interests of the European Union, the European Public Prosecutor’s Office (EPPO) as soon as possible.
4. Where an activity has been found to constitute an irregularity or fraud affecting the financial interests of the European Union, the authorising officer shall suspend the procedure and may take any necessary measures, including the cancellation of any decision taken in the context of that activity. The authorising officer shall inform all competent authorities, including, where applicable, OLAF and the European Public Prosecutor’s Office (EPPO), of suspected cases of fraud or irregularities as soon as possible.’

(3) The following new Article 81bis is added:

‘1. The authorising officer shall transmit to OLAF any information obtained pursuant to Article 42(3) and (4) and to the EPPO whenever such information concerns suspected crimes affecting the financial interests of the European Union as soon as possible.
2. The staff of the Energy Community shall fully cooperate in the protection of the financial interests of the European Union pursuant to Article 42(3), in particular with the EPPO and OLAF, and provide them with the relevant information and, upon request, any assistance necessary to enable them to exercise their respective powers, including the power to carry out investigations in accordance with Council Regulation (EU) 2017/1939[1] and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[2].
3. To the extent necessary to protect the financial interest of the European Union, the authorising officer shall also ensure that any third party involved in the implementation of the Energy Community’s budget fully cooperates with the authorising officer as part of the activities referred to in paragraph 2.

[1] Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (‘the EPPO’) (OJEUL 283, 31. 10. 2017, p. 1).

[2] Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJEUL 248, 18. 9. 2013, p. 1).

4. Where substantiated by the need to protect the financial interest of the European Union, OLAF may carry out administrative investigations at the offices of the Energy Community Secretariat; this includes the right of access for inspection in accordance with Regulation (EU, Euratom) No 883/2013.'
5. The 'financial interests' of the European Union shall be understood in accordance with the definition in Article 42(2).'

Article 2

Entry into force and applicability

This Procedural Act shall enter into force upon its adoption.

Article 3

The Secretariat shall make this Procedural Act available to all Parties and institutions under the Treaty establishing the Energy Community within seven days of its adoption.

Done at Vienna on 18 December 2025

For the Ministerial Council

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Presidency

ADDENDUM 4 TO THE ANNEX

PROCEDURAL ACT 2025/PA/XX/MC-ENC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

ON ADOPTING THE ORGANIGRAMME OF THE SECRETARIAT

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community (the Treaty), and in particular Articles 67 and 68 thereof,

Having regard to Procedural Act 2006/02/MC-EnC of 17 November 2006 on the adoption of Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community, as amended by the Procedural Acts 2016/01/MC-EnC of 14 October 2026 and 2022/02/MC-EnC of 15 December 2022 and 2024/01/MC-EnC of 19 February 2024, in particular item III.1 thereof,

Whereas the Ministerial Council shall adopt the organigramme of the Secretariat based on a proposal of the Director of the Secretariat,

Whereas the currently applicable organigramme of the Secretariat was adopted on 19 February 2024 and should be updated,

Having regard to the proposal made by the Director of the Secretariat,

HAS ADOPTED THIS PROCEDURAL ACT:

Sole Article

The organigramme of the Secretariat annexed to this Procedural Act is hereby adopted and applicable from 1 January 2026.

This Procedural Act shall enter into force on the day of its adoption.

Done at Vienna on 18 December 2025

For the Ministerial Council

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Presidency