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**15443/24
ADD 1**

**ENER 536
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PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 8 November 2024

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2024) 535 final - ANNEXES

Subject: ANNEXES 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 and in the Energy Community Regulatory Board (Vienna, Austria, 12 December 2024, and Athens, Greece, 10 December 2024)

Delegations will find attached document COM(2024) 535 final - ANNEXES.

Encl.: COM(2024) 535 final - ANNEXES



Brussels, 8.11.2024
COM(2024) 535 final

ANNEXES 1 to 2

ANNEXES

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 and in the Energy Community Regulatory Board (Vienna, Austria, 12 December 2024, and Athens, Greece, 10 December 2024)

ANNEX 1

Energy Community Ministerial Council

DECISIONS UNDER ARTICLE 91(1)(A) OF THE TREATY ESTABLISHING THE ENERGY COMMUNITY ESTABLISHING THE EXISTENCE OF A BREACH OF THAT TREATY IN THE FOLLOWING 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) ECT, provided that the Advisory Committee of the Energy Community timely delivers a prior opinion supporting the findings of the Energy Community Secretariat establishing the existence of a breach in:

- (a) Decision 2024/.../MC-EnC on the failure of Albania to comply with the Energy Community Treaty in Case ECS-5/24;
- (b) Decision 2024/.../MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-6/24;
- (c) Decision 2024/.../MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-7/24;
- (d) Decision 2024/.../MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-8/24;
- (e) Decision 2024/.../MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-9/24;
- (f) Decision 2024/.../MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-10/24;
- (g) Decision 2024/.../MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-11/24;
- (h) Decision 2024/.../MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-12/24;
- (i) Decision 2024/.../MC-EnC on the failure of Ukraine to comply with the Energy Community Treaty in Case ECS-13/24;
- (j) Decision 2024/.../MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-14/24;
- (k) Decision 2024/.../MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-15/24;
- (l) Decision 2024/.../MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-16/24;
- (m) Decision 2024/.../MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-17/24;
- (n) Decision 2024/.../MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-18/24;

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

- (o) Decision 2024/.../MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-19/24;
- (p) Decision 2024/.../MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-20/24;
- (q) Decision 2024/.../MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-21/24;
- (r) Decision 2024/.../MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-22/24;
- (s) Decision 2024/.../MC-EnC on the failure of Albania to comply with the Energy Community Treaty in Case ECS-23/24;
- (t) Decision 2024/.../MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-24/24;
- (u) Decision 2024/.../MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-25/24;
- (v) Decision 2024/.../MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-26/24;
- (w) Decision 2024/.../MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-27/24;
- (x) Decision 2024/.../MC-EnC on the failure of Montenegro to comply with the Energy Community Treaty in Case ECS-28/24;
- (y) Decision 2024/.../MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in Case ECS-29/24;
- (z) Decision 2024/.../MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-2/21.

PROLONGATION OF THE APPOINTMENT OF CURRENT MEMBERS OF THE ADVISORY COMMITTEE AND APPOINTMENT OF NEW MEMBERS

The position to be taken on behalf of the Union in the Ministerial Council is to prolong the mandates of two members of the Advisory Committee and to appoint three new members until 31 December 2028.

DECISION D/2024/XX/MC-EnC ON FINANCIAL DISCHARGE OF THE DIRECTOR OF THE SECRETARIAT OF THE ENERGY COMMUNITY

The position to be taken on behalf of the Union in the Ministerial Council is to approve the following draft Ministerial Council Decision on the Financial Discharge of the Director of the Secretariat of the Energy Community:

Decision of the Ministerial Council of the Energy Community

D/2024/XX/MC-EnC: ON THE DISCHARGE OF THE DIRECTOR OF THE SECRETARIAT

The Ministerial Council of the Energy Community,

Having regard to the Procedural Act 2024/06/MC-EnC adopted 19 February 2024 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 2023 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 January 1 - December 31, 2023.

Article 2

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

For the Ministerial Council

ANNEX 2

Regulatory Board of the Energy Community

PROCEDURAL ACT 2024/01/ECRB-EnC AMENDING AND REPLACING THE PROCEDURAL ACT 2019/01/ECRB-EnC ON THE INTERNAL RULES OF PROCEDURE OF THE ECRB

The position to be taken on behalf of the Union in the Ministerial Council is to approve the following draft Procedural Act amending and replacing the Procedural Act on the Internal Rules of Procedure of the ECRB:

Procedural Act No 1/2024 of the Regulatory Board of the Energy Community

2024/01/ECRB-EnC of xx XX 2024 amending and replacing the Procedural Act 2019/01/ECRB-EnC

THE REGULATORY BOARD OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community (hereafter "Energy Community Treaty") and in particular Article 60, 86 and 87 thereof,

Having regard to the proposal, made by the Energy Community Secretariat,

Acting in accordance with the procedure laid down in Article 82 and 83 of the Energy Community Treaty,

Acting in accordance with the procedure laid down in Article 13.3 of the Internal Rules of Procedure of the Regulatory Board of the Energy Community, Procedural Act No. 01/2007 amended by Procedural Acts 2009/01, 2012/01, 2013/02, 2015/01 and 2019/01.

HAS DECIDED AS FOLLOWS:

Article 1

Procedural Act No. 2024/01/ECRB-EnC amending and replacing the Internal Rules of Procedure of the Regulatory Board of the Energy Community as laid down in the Annex to this Act is hereby adopted.

Article 2

This Procedural Act is addressed to the members of the Energy Community Regulatory Board.

Article 3

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

Article 4

This Procedural Act shall enter into force upon adoption.

Done on XXX

For the Regulatory Board

The President