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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	15651/22 + ADD 1
Subject:	ANNEXES to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Ministerial Council of the Energy Community and in the Permanent High Level Group of the Energy Community (14-15 December 2022, Vienna, Austria)

Delegations are informed that Paragraph 4a in **ANNEX I** 1.1.1 to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Ministerial Council of the Energy Community and in the Permanent High Level Group of the Energy Community (14-15 December 2022, Vienna, Austria) **was deleted**. The change is visible as ~~striketrough~~ in the document below.

Paragraph 4a is redundant as the same provision is already included in the Proposal for a Decision of the Ministerial Council of the Energy Community, Article 5 point (52) - Annex IV Article 4.

ANNEX I

Ministerial Council

1.1.1. DECISION 2022/.../MC-ENC ON THE INCORPORATION OF REGULATION (EU) 2019/942, REGULATION (EU) 2019/943, REGULATION (EU) 2015/1222, REGULATION (EU) 2016/1719, REGULATION (EU) 2017/2195, REGULATION (EU) 2017/2196, REGULATION (EU) 2017/1485 IN THE ENERGY COMMUNITY ACQUIS, AMENDING ANNEX I OF THE ENERGY COMMUNITY TREATY, AND ON THE AMENDMENTS OF THE MC DECISIONS NO 2021/13/MC-ENC AND NO 2011/02/MC-ENC AND PROCEDURAL ACT 2022/.../MC-ENC ON REGIONAL ENERGY MARKET INTEGRATION

The position to be adopted on behalf of the European Union is to approve the draft Decision and the draft Procedural Act in accordance with Commission Decision of 17/10/2022 establishing a Commission proposal to the Ministerial Council of the Energy Community for a Decision of the Ministerial Council of the Energy Community on the incorporation of Regulation (EU) 2019/942, Regulation (EU) 2019/943, Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation (EU) 2017/2195, Regulation (EU) 2017/2196, Regulation (EU) 2017/1485 in the Energy Community acquis, amending Annex I of the Energy Community Treaty, and on the amendments of the MC Decisions No 2021/13/MC-EnC and No 2011/02/MC-EnC, and for the adoption by the Ministerial Council of a Procedural Act on Regional Energy Market integration **[C(2022) 7271 final]**.

An adaption shall be made in Annex I in respect to:

- new recital should be added:

“The provisions of this Decision are without prejudice to the obligations of the Contracting Parties to comply with the Energy Community acquis and the rules applying under Title V of the Treaty establishing the Energy Community in case of non-compliance. In case ENTSO-E is not in a position to carry out its tasks due to the non-compliance of a Contracting Party of the Energy Community with the Energy Community acquis, its duties relating to the tasks in question should be suspended.”

- new words in the last sentence of paragraph 3 of Article 2 of paragraph 52 (Annex IV) of Article 5 and in the last sentence of Article 4 of paragraph 52 (Annex IV) of Article 5 should be added:

“unless all concerned neighbouring transmission system operators of the European Union agree to a Regional Coordination Centre located in a Contracting Party.”

- Article 3 of paragraph 52 (Annex IV) of Article 5 should be replaced by:

“Upon agreement of the shareholders of the respective Regional Coordination Centres, the Regional Coordination Centres for the Eastern Europe System Operation Region (EE SOR) shall be the Regional Coordination Centre for the Central Europe SOR.”

- new paragraphs should be added between paragraphs 4 and 5 in Article 2 of paragraph 53 (Annex V) of Article 5:

~~“4a. Adjustments to the configuration of Regional Coordination Centres listed in this Annex shall be subject to a proposal of all transmission system operators of a system operation region defined in this Annex and the approval procedures pursuant to Article 35 of Regulation (EU) 2019/943.”~~

~~4b.~~ 4a. In case of amendments to the determination of Capacity Calculation Regions pursuant to Article 15 of the Commission Regulation (EU) 2015/ 1222 and until such amendments are incorporated in this document, the list of bidding zones, bidding zone borders and transmission system operators in system operation regions defined pursuant to paragraph 5 shall be understood as reflecting the changes to the determination of Capacity Calculation Regions. This is without prejudice to the relevant transmission system operators’ right under Article 36(4) of Regulation 2019/943 to submit a proposal to ACER for amendments.”

4**be**. When developing procedures for the adoption and revision of coordinated actions and recommendations, in line with Article 42 of the Regulation 2019/943 as adapted and adopted by Ministerial Council Decision 2022/xx/MC-EnC, TSOs of Shadow SEE SOR shall consult with the relevant TSOs of adjacent SORs where the bidding zone borders listed in paragraph 1 are concerned. In doing so, the TSOs of the Shadow SEE SOR shall take the utmost account of the views expressed by the relevant TSOs of adjacent SORs.”

- third bullet of paragraph 10 of Article 6 and third bullet of paragraph 4 of Article 7 shall be replaced by:

“in paragraph 3, the term “Member State” is replaced by the term “Contracting Party and/or Member State”

- fourth bullet of paragraph 4 of Article 8 shall be replaced by:

“in paragraph 4, the term “Member State” is replaced by the term “Contracting Party and/or Member State”

- fourth bullet of paragraph 5 of Article 10 shall be replaced by:

“in paragraph 5, the term “Member State” is replaced by the term “Contracting Party and/or Member State”

- fifth bullet of paragraph 4 of Article 8 and first indent in the fifth bullet of paragraph 5 of Article 10 shall be deleted.

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

**1.1.2. DECISION 2022/.../MC-ENC ON AMENDING MINISTERIAL COUNCIL
DECISION NO 2021/14/MC-ENC AMENDING ANNEX I TO THE TREATY
ESTABLISHING THE ENERGY COMMUNITY AND INCORPORATING
DIRECTIVE (EU) 2018/2001, DIRECTIVE (EU) 2018/2002, REGULATION (EU)
2018/1999, DELEGATED REGULATION (EU) 2020/1044, AND IMPLEMENTING
REGULATION (EU) 2020/1208 IN THE ENERGY COMMUNITY ACQUIS
COMMUNAUTAIRE;**

The position to be adopted on behalf of the European Union is to approve the draft Decision in accordance with Commission Decision of 14/10/2022 establishing a Commission proposal to the Ministerial Council of the Energy Community for a Decision of that Council amending Decision D/2021/14/MC-EnC amending Annex I to the Treaty establishing the Energy Community and incorporating Directive (EU) 2018/2001, Directive (EU) 2018/2002, Regulation (EU) 2018/1999, Delegated Regulation (EU) 2020/1044, and Implementing Regulation (EU) 2020/1208 in the Energy Community *acquis communautaire* [C(2022) 7210 final].

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

1.1.3. DECISION 2022/.../MC-ENC ADAPTING AND INCORPORATING CERTAIN DELEGATED REGULATIONS ON ENERGY-RELATED PRODUCTS, INTRODUCING RESCALED LABELS IN THE ENERGY COMMUNITY ACQUIS COMMUNAUTAIRE AND REPEALING DELEGATED REGULATIONS (EU) 1059/2010, (EU) 1060/2010, (EU) 1061/2010, (EU) 1062/2010, (EU) 874/2012, AND DIRECTIVE 96/60/EC

The position to be adopted on behalf of the European Union is to approve the draft Decision in accordance with Commission Decision of 14/10/2022 establishing a Commission proposal to the Ministerial Council of the Energy Community for a Decision of the Ministerial Council of the Energy Community on adapting and incorporating certain Delegated Regulations on energy-related products, introducing rescaled labels in the Energy Community *acquis communautaire* and repealing Delegated Regulations (EU) 1059/2010, (EU) 1060/2010, (EU) 1061/2010, (EU) 1062/2010, (EU) 874/2012, and Directive 96/60/EC [C(2022) 7257 final].

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

1.1.4. DECISION 2022/XX/MC-ENC AMENDING ANNEX I TO THE TREATY ESTABLISHING THE ENERGY COMMUNITY AND INCORPORATING IMPLEMENTING REGULATION (EU) 2018/2066, IMPLEMENTING REGULATION (EU) 2018/2067 AND DIRECTIVE 2003/87/EC IN THE ENERGY COMMUNITY ACQUIS COMMUNAUTAIRE

The position to be adopted on behalf of the European Union is to approve the draft Decision in accordance with Commission Decision of 14/10/2022 establishing a Commission proposal to the Ministerial Council of the Energy Community for a Decision of the Ministerial Council of the Energy Community amending Annex I to the Treaty establishing the Energy Community and incorporating Implementing Regulation (EU) 2018/2066, Implementing Regulation (EU) 2018/2067 and Directive 2003/87/EC in the Energy Community *acquis communautaire* [C(2022) 7204 final].

1.1.5. *Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the* **PROCEDURAL ACT 2022/.../MC-ENC AMENDING BUDGET IMPLEMENTATION, STAFF REGULATIONS AND RECRUITMENT RULES;**

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act in accordance with the Addendum 2 to this Annex I.

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

1.1.6. **PROCEDURAL ACT 2022/.../MC-ENC AMENDING PROCEDURAL ACT OF THE MINISTERIAL COUNCIL 2008/01/MC-ENC OF 27 JUNE 2008 ON RULES OF PROCEDURE FOR DISPUTE SETTLEMENT UNDERT THE TREATY, AS AMENDED;**

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act in accordance with the Addendum 3 to this Annex I.

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

1.1.7. PROCEDURAL ACT 2022/.../MC-ENC ADOPTING THE SECRETARIAT'S ORGANIGRAMME;

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act in accordance with the Addendum 3 to this Annex I.

Minor changes may be agreed to, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council, by the Commission, without a further decision of the Council.

1.1.8. DECISIONS UNDER ARTICLE 91(1) ECT ESTABLISHING THE EXISTENCE OF A BREACH OF THE ECT IN THE FOLLOWING CASES:

The position to be adopted on behalf of the European Union is to approve the draft Decisions under Article 91(1) ECT, provided that the Advisory Committee of the Energy Community timely delivers an opinion supporting the findings of the ECS, establishing the existence of a breach in:

- (a) Decision 2022/xx/MC-EnC on the failure of Republic of North Macedonia to comply with the Energy Community Treaty in Case ECS-4/22;
- (b) Decision 2022/xx/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-5/22;
- (c) Decision 2021/02/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-5/17.

1.1.9. DECISIONS UNDER ARTICLE 92(1) ECT:

The position to be adopted on behalf of the European Union is to approve the draft Decisions under Article 92(1) ECT on the adoption of measures and on establishing the existence of a serious and persistent breach in:

- (a) Decision 2022/.../MC-EnC on the adoption of measures in response to serious and persistent breaches by Bosnia and Herzegovina under Article 92(1) of the Energy Community Treaty in Cases ECS-8/11S, ECS-2/13S and ECS-6/16S;
- (b) Decision 2021/12/C-EnC on establishing a serious and persistent breach against Serbia under Art. 92(1) of the Treaty in Case ECS-10/17S and in Case ECS-13/17S.

ADDENDUM 1 TO ANNEX I

65 PHLG/Annex 8/06-09-2022

PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Amending Procedural Act No 2006/03/MC-EnC on the adoption of Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection, Procedural Act No 2009/04/MC-EnC, the Energy Community Staff Regulations of 18 December 2007 as amended by Procedural Act No 2009/04/MC-EnC, and Procedural Act No 2006/02/MC-EnC on the adoption of Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community, as amended by Procedural Act No 2016/01/MC-EnC

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 69, 74, 82, 83, 86, 87 and 88 thereof,

Whereas the Energy Community's Budgetary Rules require more clarity in a number of aspects such as the treatment of external funding for the Energy Community through grants and contracts, the annual work programme, the establishment plan and the organigram of the Secretariat, the transfer of appropriations the accounting function and internal control of budget implementation within the Secretariat, and the tasks of the Budget Committee and External Auditors,

Whereas the Energy Community's Staff and Recruitment Regulations and Rules should be amended with respect to the mandate of the Director and the function of a Deputy Director,

Whereas the Permanent High Level Group, at its meeting on [...] endorsed the present Procedural Act,

Having regard to the joint proposal by the Secretariat and the European Commission,
HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

Amendments to Procedural Act No 2006/03/MC-EnC on the adoption of Energy Community Procedures for the Establishment and implementation of Budget, Auditing and Inspection

(1) The second paragraph of Article 2 shall be amended to read as follows:

“2. The Parties shall transfer 75% of their financial contributions to the Energy Community no later than 31 March of each year. The Parties shall transfer the remaining 25% of their contributions no later than 30 June of each year.”

(2) The first paragraph of Article 14 shall be amended to read as follows:

“Revenue earmarked for specific purposes in the form of grants, contracts and donations shall be used only to finance them in accordance with these Rules.”

(3) The first paragraph of Article 15 shall be amended to read as follows:

“The Director may accept revenue within the meaning of Article 14 paragraph 1 only upon and in advance agreement of the Budget Committee, based on written information about the amount and the purpose of the donation and the financial charges involved.”

(4) A second sentence shall be inserted in the second paragraph of Article 15 with the following text:

“It will also include information about the number of posts actually filled against the number of authorised number of posts in the establishment plan.”

(5) A third paragraph shall be inserted in Article 15 with the following text:

“3. Revenue earmarked for specific purposes in the form of grants, contracts and donations shall be included in an estimate of the revenue and expenditure pursuant to Article 25 of the present Rules if this revenue is known for the upcoming budgetary period.”

(6) The first paragraph of Article 18 shall be amended to read as follows:

“The Director may decide on transfers of appropriations within the overall budget, other than human resources within the total limit of 10% of the appropriations of the budget line from which the transfer is done, where those transfers do not significantly affect the nature of the actions and the objectives of the work programme.”

(7) In the fifth paragraph of Article 20, the following text shall be inserted at the end:

“;The budgetary allocation per activity; all earmarked revenue and related expenditure per activity and its mode of implementation.”

(8) A new Chapter 9 shall be inserted at the end of Title III with the following text:

“Chapter 9

INTERNAL CONTROL OF BUDGET IMPLEMENTATION

Article 21bis

(1) The budget of the Energy Community shall be implemented in compliance with effective and efficient internal control.

(2) For the purposes of the implementation of the budget, internal control is defined as a process applicable at all levels of the management and designed to provide reasonable assurance of achieving the following objectives:

(a) effectiveness, efficiency and economy of operations;

(b) reliability of reporting;

- (c) safeguarding of assets and information;
- (d) prevention, detection, correction and follow-up of fraud and irregularities;
- (e) adequate management of the risks relating to the legality and regularity of the underlying transactions, taking into account the multi-annual character of programmes as well as the nature of the payments concerned.

- (3) Effective and efficient internal control shall be based on best international practices and include, in particular, the elements laid down in Article 36(3) and (4) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and the Council¹, taking into account the structure and size of the Energy Community, the nature of the tasks entrusted to it and the amounts and financial and operational risks involved.

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (OJ EU L 193, 30.7.2018, p.1).

- (9) A fourth paragraph shall be inserted in Article 22 with the following text:

“4. All internal rules and procedural acts having an impact on budgetary and financial management shall be consulted timely with the Budget Committee before adoption. The Budget Committee may propose modifications of internal rules and procedural acts having an impact on budgetary and financial management.”

(10) The fourth paragraph of Article 23 shall be amended to read as follows:

“The Budget Committee shall hold at least two ordinary meetings a year. Optionally the Budget Committee can meet using the options available through web based media. In addition, it shall meet at the instance of the Chairperson or at the request of at least one third of its members. The Budget Committee may also meet upon proposal by the Director.”

(11) In letter b. of the third paragraph of Article 25, the following text shall be inserted at the end:

“, per type of funding (annual contributions, earmarked revenue including grants, contracts and donations).”

(12) In the third paragraph of Article 25, the following two letters shall be inserted after letter c.:

“d. An organisation chart

e. A short description of the mission and activities of the different units.”

(13) Article 26 shall be amended to read as follows:

“Any required amendment to the budget related to the estimated expenditures, including the number staff of the Secretariat, shall be subject of an amended budget, preceded by an opinion of the Budget Committee and adopted by the Ministerial Council by the same procedure as the initial budget.”

(14) In the first subparagraph of Article 29, the following second sentence shall be inserted: “The establishment plan will include the requisites included in Article 25(3)(b).”

(15) The first paragraph of Article 37 shall be amended to read as follows:

“Having due regard to the risks associated with the management environment and the nature of the actions financed, and without prejudice to the rules for recruitment of the staff of the Secretariat requiring approval of the organigramme by the Ministerial Council, the authorising officer shall put in place the organisational structure, the internal management, control systems and procedures (hereinafter "Internal Management Rules of the Energy Community") suited to the performance of his duties, including where appropriate ex post verifications.”

(16) The second paragraph of Article 41 shall be amended to read as follows:

“The Director may decide on the outsourcing of accounting support tasks upon justified request based on a cost/benefit analysis. The accounting function cannot be outsourced.”

(17) In the third paragraph of Article 43, the following text shall be deleted:

“or decide on an outsourcing of the accounting function to the professional service provider as referred to in Article 41 above.”

(18) An additional sentence shall be inserted in the third paragraph of Article 81 after the first sentence with the following text:

“The audit report shall describe the work performed in accordance with the approved Terms of Reference.”

(19) The fifth paragraph of Article 81 shall be amended to read as follows:

“The External Auditors shall submit an audit report and certified accounts, together with a statement of assurance relating to the reliability of the accounts, and the legality and regularity of the underlying transactions, the adequate functioning of an effective and efficient internal control system and the correct allocation of expenditure between ordinary and extraordinary budget, to the Budget Committee so that they may be available to the Ministerial Council not later than eight months after the end of the financial year to which the accounts relate. The Budget Committee shall make to the Ministerial Council such observations on the documents submitted by the Auditors as it may consider appropriate.”

(20) A sixth paragraph shall be inserted in Article 81 with the following text:

“6. External audit reports on expenditure funded by earmarked revenue shall be communicated to the budget committee.”

(21) In Article 82, the following text shall be inserted at the end:

“, as well as the Director’s annual report on the execution of the budget.”

(22) A second sentence shall be inserted in Article 83 with the following text:

“The annual discharge shall be adopted by Procedural Act of the Ministerial Council, following an opinion of the Budget Committee.”

Article 2

Amendments to the Energy Community Staff Regulations of 18 December 2007 as amended by Procedural Act No 2009/04/MC-EnC

(1) The second sentence of Section 4.1. (“Appointment of the Director”) shall be amended to read as follows:

“This Procedural Act shall be proposed by the European Commission for a fixed term of five years renewable no more than once.”

(2) A new Section 4.1.bis shall be inserted after Section 4.1 with the following text: “Deputy Director

The Director may assign the function of Deputy Director to one of the existing heads of unit in the Secretariat. The Director shall define the scope of the function of Deputy Director.”

(3) In Section 4.6. (“Substitute”), the following letter shall be inserted after letter b):

“c) The Director shall not be substitute of the Head of Administration and Finance for more than 6 months.”

Article 3

Amendments to Procedural Act No 2006/02/MC-EnC on the adoption of Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community, as amended by Procedural Act No 2016/01/MC-EnC

(1) Section II.1 shall be amended to read as follows:

“II.1. The Director of the Secretariat shall be appointed by a Procedural Act of the Ministerial Council on a proposal from the European Commission for a fixed term of five years renewable no more than once.”

(2) A second sentence shall be inserted in Section II.10 with the following text:

“The draft Act of Appointment shall be included in the annex to the Ministerial Council decision on the appointment of the Director”.

(3) A new Section II.bis shall be inserted after Section II with the following text: “Section II.bis

Deputy Director

The Director may assign the function of Deputy Director to one of the existing heads of unit in the Secretariat. The Director shall define the scope of the function of Deputy Director.”

(4) Section III.2 shall be amended to read as follows:

“III.2. The Ministerial Council shall adopt the Secretariat Organigramme, and any subsequent changes, based on a proposal of the Director of the Secretariat.”

Article 4

Entry into force

- (1) This Procedural Act shall enter into force upon adoption.
- (2) By Articles 2(1) and 3(1) of this Procedural Act, the first mandate of the present Director of the Secretariat shall be extended from three to five years. Article 3(2) of this Procedural Act shall not apply to the present Director of the Secretariat.

Done in..., on

For the Presidency

.....

ADDENDUM 2 TO ANNEX I

65th PHLG/Annex/8a/06-09-2022

PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2022/.../MC-EnC amending Procedural Act of the Ministerial Council 2008/01/MC-EnC of 27 June 2008 on Rules of Procedure for Dispute Settlement under the Treaty, as amended

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular Articles 47(c), 82, 83, 86 and 87 thereof,

Having regard to the Procedural Act of the Ministerial Council 2008/01/MC-EnC of 27 June 2008 on Rules of Procedure for Dispute Settlement under the Treaty, as amended by Procedural Act of the Ministerial Council 2015/04/MC-EnC of 16 October 2015 (“the Procedural Act on Dispute Settlement Procedures”),

Whereas Article 32 of the Procedural Act on Dispute Settlement Procedures establishes an Advisory Committee consisting of five high-level members whose independence is beyond doubt, to render opinions on reasoned requests submitted by the Secretariat under Article 90 of the Treaty,

Whereas the Ministerial Council in 2020 emphasized the Advisory Committee’s valuable contribution to the rule of law and independent enforcement in the Energy Community,

Whereas their reimbursement and remuneration from the Energy Community budget should be based on an explicit provision in the Procedural Act on Dispute Settlement Procedures,

Whereas the deadlines for submitting Requests for Decision to the Ministerial Council should be streamlined with those stipulated in the Rules of Procedure of the Ministerial Council and the Permanent High Level Group,

Whereas the Permanent High Level Group, at its meeting on 20 April 2022 discussed the present Procedural Act and proposed to the Ministerial Council to adopt it by correspondence,

Upon proposal by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

The following additional paragraph is included in Article 32 of the Procedural Act on Dispute Settlement Procedures:

“(7) The members of the Advisory Committee shall be eligible for reimbursement for the costs incurred in performing their tasks, and shall be remunerated in accordance with the applicable Reimbursement Rules.”

Article 2

In paragraph 4 of Article 40, the words “at least 60 days before the respective meeting” shall be replaced by words “at least three months before the respective meeting.”

Article 3

This Procedural Act shall enter into force upon adoption. It shall be published on the Energy Community website.

Done by correspondence on ... 2022

For the Presidency

ADDENDUM 3 TO ANNEX I

65 PHLG/Annex 8b/06-09-2022

PROCEDURAL ACT 2022/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 adoption of Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community, as amended, and in particular Item III. 2 thereof,

Whereas;

- (1) The Ministerial Council shall adopt the Secretariat Organigramme, based on a proposal of the Director of the Secretariat;
- (2) The presently applicable Secretariat Organigramme dates back to 2007 and should be updated

Having regard to the proposal made by the Director of the Secretariat,
HAS ADOPTED THIS PROCEDURAL ACT:

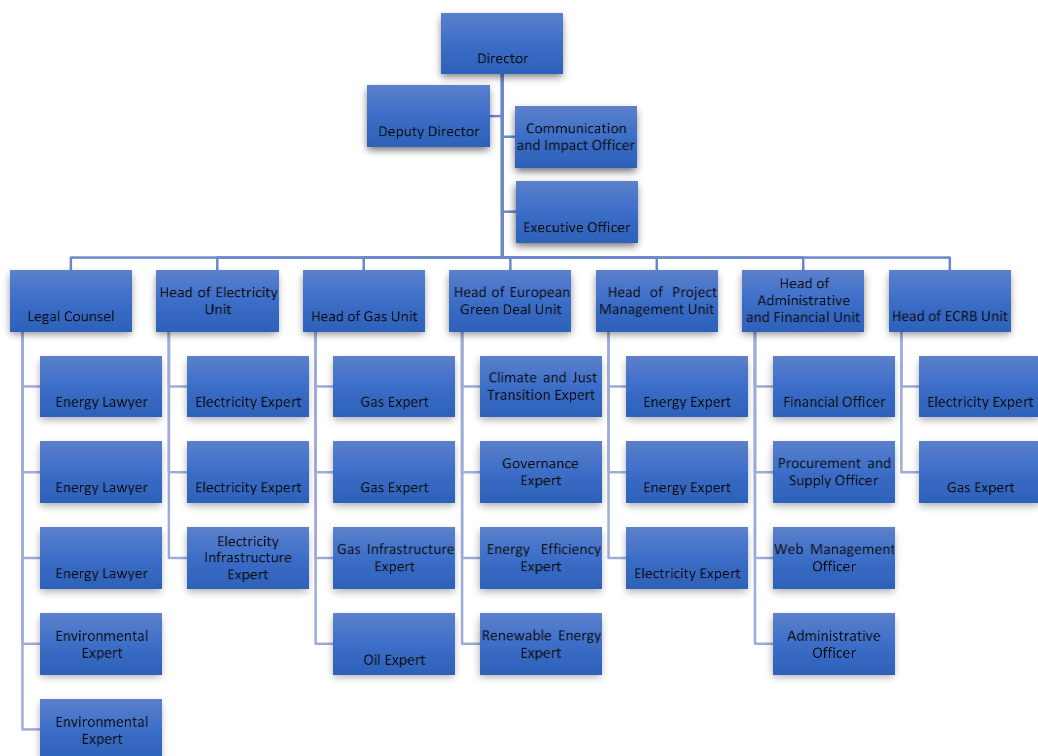
Sole Article

- (1) The Secretariat Organigramme annexed to this Procedural Act is hereby adopted.
- (2) This Procedural Act shall enter into force on the day of its adoption.

For the Ministerial Council

Presidency

Annex: Secretariat Organigramme



ANNEX II

PHLG

Decision 2022/.../PHLG-EnC adapting and implementing Commission Regulation (EU) 2022/132 of 28 January 2022 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council, as regards the implementation of updates for the annual, monthly and short-term monthly energy statistics

The position to be adopted on behalf of the European Union is to approve the draft Decision in accordance with Commission Decision of 14/10/2022 on establishing a proposal to be submitted by the Commission to the Permanent High Level Group of the Energy Community (PHLG) for a Decision of the PHLG adapting and implementing Commission Regulation (EU) 2022/132 of 28 January 2022 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council, as regards the implementation of updates for the annual, monthly and short-term monthly energy statistics **[C(2022) 7197 final]**.