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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.11.2009  
COM(2009)632 final

Proposal for a

**COUNCIL DECISION**

**on establishing the European Community position within the Ministerial Council of the Energy Community (Zagreb, 18 December 2009)**

## **EXPLANATORY MEMORANDUM**

The Ministerial Council of the Energy Community will meet on 18 December 2009 in Zagreb (Croatia). In order for the European Community to take part in the relevant decisions, it is necessary to establish the position of the European Community pursuant Article 300 of the Treaty and in accordance with the provisions of the Council Decision of 29 May 2006 on the conclusion by the European Community of the Energy Community Treaty.

The proposal for a Council Decision covers all agenda items for which a decision by the Ministerial Council is expected as indicated hereafter. The other agenda items are also mentioned below for information.

### **1. ELEMENTS FOR DECISION**

The Commission will express the European Community positions as defined in annex to the proposed decision for the following elements for decision.

#### **1.1. Administrative issues**

The Commission will approve the proposal aiming at reducing the number of mandatory Ministerial Council meetings to one (instead of two), bearing in mind that, if circumstances require so, it is possible to convene extraordinary meetings.

The Commission will approve amendments to the Procedural Act establishing Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff aiming at defining a reasonable limit for the possibility to carry-over leave entitlements.

#### **1.2. Accession of new Contracting Parties**

Negotiations were successfully concluded with the Republic of Moldova on 29 April 2009 and with Ukraine on 7 October 2009. The Commission will approve the accession of these two countries under the conditions set out in this proposed Decision.

#### **1.3. Energy efficiency**

In June 2009, the Ministerial Council approved the recommendations of the Energy Efficiency Task Force and requested the Secretariat to prepare a decision for the implementation of three pieces of legislation, namely:

- Directive 2006/32/EC on energy end-use efficiency and energy services;
- Directive 2002/91/EC on the energy performance of buildings;
- Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances, as well as a number of implementing directives.

The proposed date for the implementation is 31 December 2011.

The Task Force has reviewed and approved the draft decision and on 24 September 2009 the Permanent High Level Group agreed to submit the draft decision to the Ministerial Council for Decision.

The Commission will thus approve the Ministerial Council decision aiming at the implementation in the Energy Community of the above mentioned Directives.

## **2. OTHER ELEMENTS**

### **2.1. Points without debate**

The Commission will approve the conclusions of the preceding two meetings of the Permanent High level Group and will take note of the following reports:

- Report on the implementation of the Work Programme of the Energy Community;
- Annual report 2009 to Parliaments pursuant Article 52 of the Energy Community Treaty;
- Preliminary report on the implementation of the budget for 2009;

### **2.2. Renewable energy sources**

The Commission will take note of the report by the Chair of the Energy Task Force and will further support the works with the aim to prepare a decision to be taken in 2010 for the implementation of Directive 2009/28/EC<sup>1</sup> in the Energy Community.

### **2.3. Security of supply**

The Commission will steer an exchange of views concerning the expected situation of energy supply during the winter 2009-2010. It will take note of the state of play on the implementation of the Treaty as regards security of supply and present its Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard security of gas supply and repealing Directive 2004/67/EC.

### **2.4. Investment**

The Commission will approve the updated version of the indicative list of priority infrastructure projects in the Contracting Parties and seek further involvement of the International Financial Institutions to support these projects.

### **2.5. Dispute settlement**

The Commission will take note of the progress achieved on the open cases and will further support the Secretariat's efforts in view of finding negotiated solutions.

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<sup>1</sup> OJ L 140, 5.6.2009, p. 16.

## **2.6. Coordinated Auction Office**

The Commission will steer an exchange of views concerning the progress achieved and the perspectives for setting-up the Coordinated Auction Office.

## **2.7. Energy Community Regulatory Board activities**

The Commission will take note of the activity report of the Energy Community Regulatory Board and priorities for 2010-2011.

## **2.8. Third Internal Market package**

The Commission will favour a preliminary exchange of views concerning the implementation of the Third Internal Market package in the Energy Community.

## **2.9. Memorandum of Understanding on Social Issues**

In addition to the proposed agenda points, the Commission will raise the attention of the Contracting parties to the progress achieved in implementing the Memorandum of Understanding on Social Issues, referring in particular to the conclusions of the 2<sup>nd</sup> Social Forum held on 13-14 October 2009 in Zagreb. The Commission will also recall that candidate Contracting Parties are expected to sign the Memorandum of Understanding on Social Issues and to participate in the related activities.

Proposal for a

## **COUNCIL DECISION**

**on establishing the European Community position within the Ministerial Council of the Energy Community (Zagreb, 18 December 2009)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 300 paragraph 2, second subparagraph,

Having regard to Council Decision on the Conclusion by the European Community of the Energy Community Treaty (2006/500/EC – 29 May 2006), and in particular Article 4 and 5 thereof,

Having regard to the proposal from the Commission,

HAS DECIDED AS FOLLOWS:

### *Sole Article*

In view of the meeting of the Ministerial Council of the Energy Community to take place in Zagreb on 18 December 2009, the position of the Community regarding the issues falling under the scope of Article 300 paragraph 2 second subparagraph of the Treaty is set out in Annex to this decision.

Done at Brussels,

*For the Council  
The President*

## ANNEX

### European Community position

- The European Community approves the Ministerial Council Decision amending Article 50 of the Energy Community Treaty.
- The European Community approves the proposed amendments to the Procedural Act establishing Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff.
- The European Community approves the Ministerial Council Decisions concerning the accession of the Republic of Moldova and of Ukraine to the Energy Community subject to the following amendments:
  - A last recital is added to the Ministerial Council Decisions concerning the accession of the Republic of Moldova and of Ukraine as follows: "Whereas, in the gas sector, the fulfilment of the obligations deriving from the accession to the Energy Community requires specific attention due to the importance of this sector for the security of supply of all Parties,"
  - At the end of Article 1 paragraph 2 of the Ministerial Council Decisions concerning the accession of the Republic of Moldova and of Ukraine to the Energy Community, the following shall be added: "Before signing this Protocol, the President shall, in agreement with the Vice-President representing the European Community, verify that a law on the gas sector in compliance with Directive 2003/55/EC is adopted and enacted."
- The European Community approves the Ministerial Council Decision concerning the implementation in the Energy Community of Directive 2006/32/EC on energy end-use efficiency and energy services, Directive 2002/91/EC on the energy performance of buildings and Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances as well as a number of implementing directives.