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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.6.2009  
COM(2009) 270 final

Proposal for a

**COUNCIL DECISION**

**on establishing the European Community position within the Ministerial Council of the  
Energy Community (Sarajevo, 26 June 2009)**

## **EXPLANATORY MEMORANDUM**

The Ministerial Council of the Energy Community will meet on 26 June 2009 in Sarajevo (Bosnia and Herzegovina). 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. Budgetary matters**

The Commission will approve the financial discharge of the Director for the year 2008 on the basis of the Report of Audit of 31 December 2008, the Budget Committee Report on Audit 2008 and the Director's Report on Execution of the Budget. It will approve the budget 2010-2011 of the Energy Community in the limit of €3,250,000 for 2010 and €3,380,000 for 2011<sup>1</sup>, subject to the approval of the corresponding appropriations by the budget authority for both years.

#### **1.2. Work programme**

The Commission will approve the Work Programme of the Energy Community for 2010-2011.

#### **1.3. Mandate of the Director**

The Commission will approve the renewal of the mandate of the Director of the Energy community secretariat for a second period of three years.

#### **1.4. Task force on renewable energy sources**

The Commission will approve the setting-up of a task force on renewable energy sources which task will be focused on the implementation of the recently approved Directive in the Energy Community.

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<sup>1</sup> It is noted that Articles 74 and 88 of the Energy Community Treaty provide that the Ministerial Council of the Energy Community shall adopt the bi-annual budget of the Energy Community on a proposal from the European Commission. The corresponding Commission proposal was adopted on [...]

## **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;
- Audit Report for the year 2008, Budget Committee Report on the Audit 2008 and Director's Report on the execution of the budget 2008 ;
- Report on Pending Dispute Settlement Cases.

The Commission will also approve the composition of the Advisory Committee established by the Rules of Procedure for Dispute Settlement adopted in June 2008 by the Ministerial Council of the Energy Community. It is noted that the European Community will be represented by an official from the European Commission and that the Advisory Committee may only issue non-binding opinions to the Ministerial Council.

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

The Commission will report on the status of negotiation with the Republic of Moldova, Ukraine and Turkey and will welcome the application of Georgia<sup>2</sup>.

### **2.3. Implementation of the Treaty**

The Commission will take note of the report on market development [to be completed when report available].

### **2.4. Security of supply**

The Commission will welcome the outcome of the first Energy Community Security of Supply Group meeting while stressing the necessity to closely link its activities to those of the EU Gas Coordination Group. Further, the Commission will favour an exchange of views concerning the expected situation of electricity supply during the summer 2009.

### **2.5. Renewable energy sources**

The Commission will welcome the start of a study on the implementation of the new EU Directive on renewable energy sources in the context of the Energy Community and approve the creation of a Task Force to follow it up (see point 1.4).

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<sup>2</sup> On [...] the Commission submitted to the Council a Recommendation in order to authorise the Commission to open negotiations concerning the modalities of accession of Georgia to the Energy Community.

## **2.6. Energy efficiency**

The Commission will take note of the final Report of the Task Force on Energy Efficiency and support its recommendations concerning the possibility to implement in the Energy Community certain pieces of the EU legislation related to energy efficiency. In order to prepare the relevant documents and to further assist the Contracting Parties in the preparation of their National Energy Efficiency Plans, the Commission will recommend the extension of the Task Force mandate until end of 2010.

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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 Sarajevo on 26 June 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 financial discharge of the Director of the Energy Community Secretariat for the year 2008.
- The European Community approves the Work programme of the Energy Community for 2010-2011.
- The European Community approves the adoption of the Budget of the Energy Community for 2010-2011 within the limit of €3,250,000 for 2010 and €3,380,000 for 2011, corresponding to a contribution of the European Community of maximum €1,188,250 for 2010 and €1,315,780 for 2011; subject to the approval of the corresponding appropriations by the budget authority for both years.
- The European Community approves the renewal of the mandate of the Director of the Energy Community Secretariat for another period of three years.
- The European Community approves the setting-up of a Task Force on Renewable Energy Sources along the proposed Mandate.