

Sporazum o otklanjanju ozbiljnog i dugotrajnog prekršaja Ugovora o Energetskoj Zajednici u gasnom sektoru

Prepoznajući kritičnu obavezu da se otkloni ozbiljni i dugotrajni prekršaj Ugovora o Energetskoj Zajednici, nečinjenjem Bosne i Hercegovine da transponira gasno zakonodavstvo Energetske Zajednice na svojoj teritoriji,

Odlučni da obustave odluku Ministarskog Vijeća o mjerama u skladu sa članom 92 Ugovora o Energetskoj Zajednici protiv Bosne i Hercegovine,

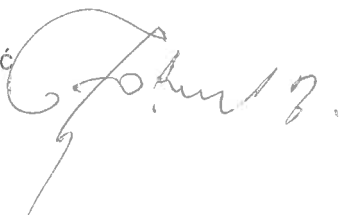
Djelujući tako da uspostave kredibilitet članstva Bosne i Hercegovine u Energetskoj Zajednici,

Ministri i Sekretarijat su se dogovorili o sledećem:

- (1) Da podrže nacrt državnog zakona u prilogu kao osnovu za usaglašavanje i izradu zakona i javno promovišu njegovo usvajanje, a koji će Ministar Šarović podneti Vijeću Ministara u skladu sa terminima iz priloženog Akcijskog Plana,
- (2) Nacrt zakona, poštujući ocjenu ustavnosti, će proći kroz zakonom propisanu proceduru usvajanja nacrta zakona na državnom i entiteskom nivou.
- (3) Entiteti će usvojiti harmonizovane zakone u oblasti prirodnog gasa kojim će transponovati cjelokupnost Trećeg Energetskog Paketa tako da upotpune rješenje sa državnog nivoa u skladu sa terminima iz priloženog Akcijskog Plana;
- (4) Sekretarijat će nastaviti da pruža ekspertsku podršku Bosni i Hercegovini da obezbjedi svoju usaglašenost sa Ugovorom;
- (5) Po potpisivanju ovog Sporazuma, Sekretarijat će modificirati zahtjev za produženjem mjera iz člana 92. Tako, da će biti mere suspendirane do 31.marta 2017 u slučaju, da državni zakon nije usvojen u skladu s akcionim planom.

U Sarajevu, 13. oktobra 2016. godine

Ministar Petar Djokić



Ministar Nermin Džindić*



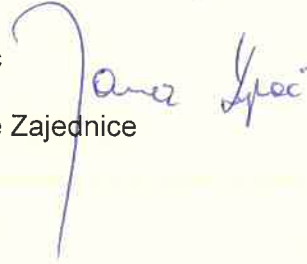
Ministarstvo Energetike i Rudarstva
Republika Srpska

Ministarstvo Rudarstva, Energetike i Industrije
Federacija Bosne and Hercegovine

Ministar Mirko Šarović
Ministarstvo Spoljne Trgovine i Ekonomskih Odnosa
Bosna and Hercegovina



Janez Kopač
Direktor
Sekretarijat Energetske Zajednice

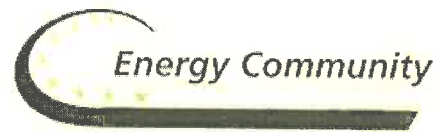


Uz prisustvo

Dominika Ristorija
Generalni Direktor za Energetiku, Evropska Komisija

Prilozi: nacrt Zakona o energiji u Bosni i Hercegovini; Akcijski Plan

- * Potpis ministra Džindića će stupiti na snagu tek posle promjene zaključaka vlade FBiH V br. 1782/2016 usvojenih 22 septembra 2016



Agreement on Removal of a Serious and Persistent Breach under the Energy Community Treaty in the gas sector

Recognising the utmost obligation to rectify the serious and persistent breach of the Energy Community Treaty by the failure of Bosnia and Herzegovina to transpose the Energy Community gas acquis in its territory,

Decisive to terminate the Ministerial Council decision on measures under Article 92 of the Energy Community Treaty against Bosnia and Herzegovina,

Acting to ensure the credibility of Bosnia and Herzegovina's membership in the Energy Community,

The Ministers and the Secretariat hereby have agreed upon:

- (1) To endorse the draft state law attached herewith as a basis for the agreeing on and finalising the law and publicly support its adoption, which Minister Šarović will submit to the Council of Ministers within the deadline in the Action Plan attached.
- (2) The draft law, respecting the constitutional assessment will go through prescribed procedure of the adoption of the draft law at entity and national level.
- (3) Entities shall adopt harmonised gas laws transposing entirety of the Third Energy Package which will complement the solution from the state level, in line with the Action Plan attached herewith;
- (4) The Secretariat will continue its assistance in ensuring Bosnia and Herzegovina's compliance with the Treaty;
- (5) Upon the signature of this agreement, the Secretariat will modify its request for the extension of measures from article 92, to suspend the measures till 31.March 2017 in case the state law will not be adopted as envisaged in the Action plan.

In Sarajevo, 13 October 2016

Minister Petar Djokić
Ministry of Energy and Mining
Republika Srpska

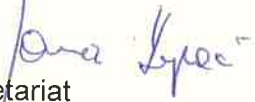
Minister Nermin Džindić *
Ministry of Mining, Energy and Industry
Federation of Bosnia and Herzegovina

A handwritten signature in blue ink, appearing to read "Nermin Džindić", is written over the printed name of the Minister of Mining, Energy and Industry of the Federation of Bosnia and Herzegovina.

Minister Mirko Šarović
Ministry of Foreign Trade and Economic Relation
Bosnia and Herzegovina

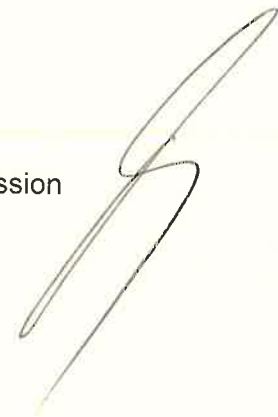


Janez Kopač
Director
Energy Community Secretariat



In presence of:

Dominique Ristori
Director General for Energy, European Commission



Annexes: draft Energy Law and Action Plan

- Signature of Minister Džindić will take effect after the Government of the Federation of Bosnia and Herzegovina changes the conclusions V br. 1782/2016 adopted 22 September 2016

PRILOG II
AKCIJSKI PLAN

| | Aktivnost | Odgovorno tijelo | Rok izvršenja |
|--|---|---|---------------------------|
| Zakon na državnoj razini | | | |
| 1. | Usaglašavanje ponuđenog teksta prijedloga državnog Zakona | MSTEO/Entiteti U suradnji sa Sekretarijatom Energetske zajednice | Do 31.12.2016. |
| 2. | Prikupljanje mišljenja nadležnih institucija | organizator MSTEO, nadležne institucije | 25.01.2017. |
| 3. | Priprema ažuriranog prijedloga Zakona i njegovo podnošenje Sekretarijatu Energetske zajednice na reviziju | MSTEO | 05.02.2017. |
| 4. | Revizija ažuriranog prijedloga Zakona | Sekretarijat Energetske zajednice | 10.02.2017. |
| 5. | Javna rasprava | organizator MSTEO, sudjelovanje svih zainteresiranih strana | 25.02.2017. |
| 6. | Podnošenje prijedloga Zakona, uz mišljenje Sekretarijata, Vijeću ministara Bosne i Hercegovine | MSTEO | 01.03.2017. |
| 7. | Usvajanje prijedloga Zakona | Vijeće ministara Bosne i Hercegovine | 05.03.2017. |
| 8. | Usvajanje Zakona | Parlamentarna skupština Bosne i Hercegovine | Najkasnije do 31.03.2017. |
| Zakoni koji reguliraju područje prirodnog gasa na razinama entiteta | | | |
| 9 | Priprema prijedloga zakona koji reguliraju područje prirodnog gasa na razinama entiteta u suglasnosti s trećim energetske paketa EU | Entiteska ministarstva odgovorna za područje energetike u suradnji sa Sekretarijatom Energetske zajednice | 01.03.2017. |
| 10 | Usvajanje prijedloga zakona na razinama nadležnih ministarstava | Entiteska ministarstva odgovorna za područje energetike | 15.03.2017. |
| 11 | Javna rasprava | Organizatori entiteska ministarstva | 15.04.2017. |

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|----|---|--|---------------------------|
| | | odgovorna za područje energetike, sudjelovanje svih zainteresiranih strana | |
| 12 | Usvajanje konačnih prijedloga zakona na razini ministarstava | Entiteska ministarstva odgovorna za područje energetike | 01.05.2017. |
| 13 | Revizija prijedloga zakona od strane Sekretarijata Energetske zajednice | Sekretarijat Energetske zajednice | 10.05.2017. |
| 14 | Podnošenje prijedloga entitetskih zakona u Bosni i Hercegovini, uz mišljenje Sekretarijata, entitetskim Vladama | Entiteska ministarstva odgovorna za područje energetike | Do 01.06.2017. |
| 15 | Usvajanje prijedloga entitetskih Zakona | Vlade Entiteta | 05.06.2017. |
| 16 | Usvajanje entitetskih Zakona | Parlamentarne skupštine Entiteta | Najkasnije do 01.07.2017. |

ANNEX II
ACTION PLAN

| | Activity | Responsible | Period / Deadline |
|--|--|---|---------------------|
| The Energy Law (the law at the state level) | | | |
| 1 | Adjustment of proposed text of the Draft Law in Bosnia and Herzegovina | MOFTER/Entities in cooperation with ECS | By 31 December 2016 |
| 2 | Issuing Opinion to the draft Law by responsible institutions | Organised by MOFTER, responsible institutions | 25 January 2017 |
| 3 | Preparation of an updated draft Law and submission to the Secretariat for review | MOFTER | 5 February 2017 |
| 4 | Secretariat's review | ECS | 10 February 2017 |
| 5 | Public consultations | Organised by MOFTER | 25 February 2017 |
| 6 | Submission of the draft Law with the Secretariat's opinion to the Council of Ministers | MOFTER | 1 March 2017 |
| 7 | Adoption of the Law Proposal | Council of Ministers | 5 March 2017 |
| 8 | Adoption of the Law | Parliamentary Assembly of BiH | By 31 March 2017 |
| Gas laws at the entities' levels | | | |
| 9 | Draft gas laws at the entities' levels in line with the Third Energy Package | Entities' ministries responsible for energy in a cooperation with ECS | 1 March 2017 |
| 10 | Adoption of the draft laws by the Ministry level | Entities' Ministries responsible for energy | 15 March 2017 |
| 11 | Public consultations | | 15 April 2017 |
| 12 | Adoption of the final text by the Ministries | Entities' Ministries responsible for energy | 1 May 2017 |
| 13 | Secretariat's review | ECS | 10 May 2017 |
| 14 | Submission of the draft Laws with the Secretariat's opinion to the Entities' Governments | Entities' Ministries responsible for energy | By 1 June 2017 |
| 15 | Adoption of the Proposal of the Entity' gas laws | Entities' Governments | 5 June 2017 |
| 16 | Adoption of the Laws | Entities' Parliamentary Assemblies | By 1 July 2017 |