

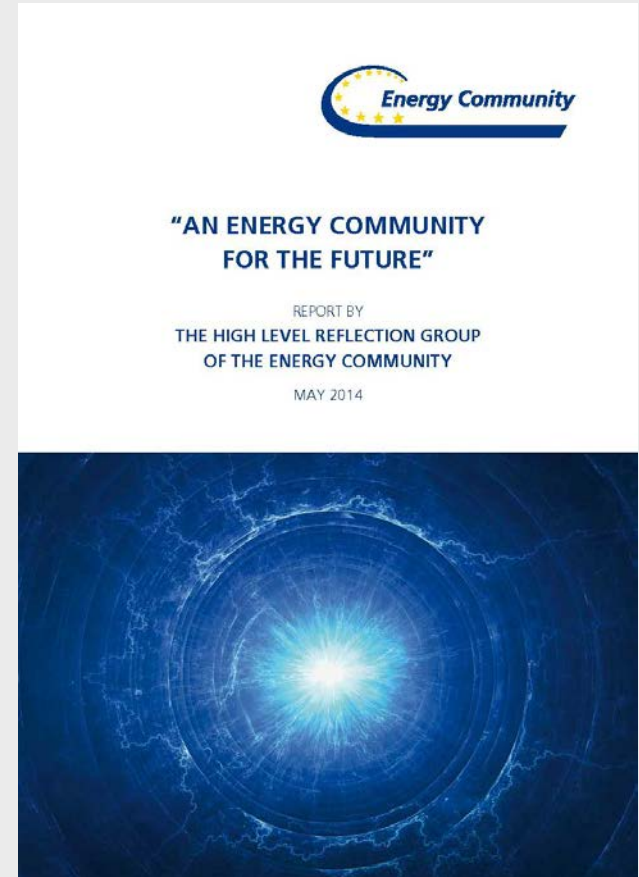


# *Energy Community for the Future – Amendments to the Treaty*

Ministerial Council

14 October 2016, Sarajevo

- ▶ **Report of the Energy Community High Level Reflection Group**
- ▶ **Two public consultations + analytical work by the Secretariat and the European Commission**
- ▶ **Initial reforms of the Ministerial Council in 2015 + adoption of General Policy Guideline - Roadmap on Reform of the Energy Community for 2016/2017**
- ▶ **Amendments of the Treaty possible without ratification by the Parties**
- ▶ **What deliverables for the 2017 Ministerial Council?**



# Treaty reform in a nutshell

- ▶ **Energy Community viability: unusual even for a young organization**
- ▶ **Lessons learned after 10 years: The EnC is here to stay**
- ▶ **Treaty reform; vision and reality**
  - ▶ **Reminder: the Buzek report**
  - ▶ **Article 100 EnCT: Changing the Treaty without ratification**
- ▶ **Three lead questions for Treaty reform**
  - ▶ **How to better achieve the Treaty's objectives**
  - ▶ **How to keep pace with an ever-changing energy world**
  - ▶ **How to reinvigorate the Contracting Parties' interest in membership and attract new members**



# 1. *adaptation to changed circumstances*

- **More Fora (not only two – Art 63)**
- **Paris (next to Kyoto – Art 13)**
- **Free movement of capital and services (art 41)**





## 2. Better enforcement



- **State aid law enforcement (Art 18 – reporting on state aid)**
- **Transparency of judicial decisions (decisions in writing – Art 92)**
- **Enforcement of judicial decisions (measures – Art 92)**

### *3. Equal treatment and integrity*

- **Ensure non-discriminatory treatment in terms of rights and obligations on the interface between EU Member States and Contracting Parties (new Art after Art 42 – instead of Reciprocity clause in SoS Regulation)**
- **Direct applicability of secondary legislation adopted by the Ministerial Council (Network Codes - Art 76)**



- **Security of Supply and Infrastructure Development Forum in Kyiv (Art 66)**
- **Parliamentary Plenum**
- **Advisory Committee**
- .....

- ▶ **Regular meetings of the PHLG**
  - ▶ **At least bimonthly**
  - ▶ **Timetable to be proposed by Secretariat**
- ▶ **Secretariat will update its proposal in cooperation with parties**
- ▶ **Negotiations for a package – nothing is agreed until everything is agreed**
- ▶ **A process including all Parties and interested Member States**
- ▶ **Secretariat proposal to the Ministerial Council by June 2017**





The background is a satellite-style image of the Earth at night, showing city lights. Overlaid on this are numerous glowing blue lines that represent energy or data connections, crisscrossing the globe.

*Thank you  
for your attention!*

[www.energy-community.org](http://www.energy-community.org)