

39th PERMANENT HIGH LEVEL GROUP

Tirana

15 October 2015

1. The meeting was chaired by Entela Cipa on behalf of Albania and Christopher Jones for the European Union.
2. The Permanent High Level Group approved the agenda.

I. Energy Community for the Future

3. The Secretariat presented its amended draft Procedural Act on the establishment of an Energy Community Parliamentary Plenum meetings. The PHLG endorsed the act as proposed.
4. The Secretariat presented an amended draft Procedural Act on the Rules of Procedure for Dispute Settlement under the Treaty. The review of the Rules of Procedure is based on the original Procedural Act, taking into account the experience gained, but is also key for addressing the problem of strengthening the enforcement system and consequently better implementation of the Treaty. The PHLG discussed the changes proposed during the meeting and agreed on a number of amendments. The PHLG endorsed the draft Procedural Act.
5. The PHLG interprets Article 2 paragraph 1 in the way that the non-notification by a national administrative authority of the Secretariat in an individual case will not trigger infringement action by the Secretariat.
6. The Secretariat presented also draft Procedural Acts on amending Procedural Acts of the MC and of the PHLG adapted as a consequence of the amended dispute settlement procedure. The PHLG adopted the Procedural Act No 2015/01/PHLG-EnC on amending Procedural Act of the Permanent High Level Group on the Adoption of Internal Rules of Procedure and endorsed the proposed Procedural Act No. 2015/02/MC-EnC on amending Procedural Act of the Ministerial Council.

II. Energy infrastructure

7. The Commission presented the draft European Commission proposal to the Ministerial Council on the implementation of Regulation 347/2013 in the Energy Community and a draft conclusion of the Ministerial Council for proper interpretation of usage of ENTSO's methodologies.
8. Following a discussion in which the Contracting Parties expressed concerns about the adaptation of Article 4, by adding a paragraph 5 which is considered by the Contracting Parties as a limitation of chances of projects connecting Energy Community Contracting Parties and EU Member States to receive the label "Projects of Energy Community Interest". Clarifications in this respect will be made in the conclusions of the Ministerial Council meeting in the light of these discussions.
9. The PHLG endorsed the proposed text.

III. Preparation of the Ministerial Council

10. The Presidency informed the PHLG about the preparations of the Ministerial Council and side events.

11. The PHLG discussed and endorsed draft conclusions of the Ministerial Council.

IV.AOB

12. Bosnia and Herzegovina presented the latest developments with regard to Case ECS-8/11 S.
13. Serbia presented its views in relation to the draft Decision of the Ministerial Council of the Energy Community 2014/11/MC-EnC on imposing measures on Bosnia and Herzegovina pursuant to Article 92(1) of the Treaty.
14. Without yet amending its Request, the Secretariat will formulate compromise wording for the Decision which will move the invitation to the European Union to take appropriate and proportionate measures for the suspension of financial support under Article 3 ("Follow-up").

The adoption of these conclusions follows the Rules of Procedure.

Done in Tirana on 15 October 2015

For the Permanent High Level Group,

THE PRESIDENCY

