

EN
ANNEX

Proposal for a

**RECOMMENDATION OF THE MINISTERIAL COUNCIL
OF THE ENERGY COMMUNITY**

R/2017/xx/MC-EnC: on preparing for the implementation of Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Articles 2, 25, 76 and 79 thereof,

Having regard to the proposal from the European Commission,¹

Whereas:

- 1) Article 2 of the Treaty defines the improvement of the environmental situation related to Network Energy in the Contracting Parties as one of its key objectives;
- 2) In accordance with Article 1(2) of Ministerial Council Decision 2008/03/MC-EnC, "Network Energy" as mentioned in Article 2(2) of the Treaty shall be understood as to include the oil sector, i.e. the supply, trade, processing and transmission of crude oil and petroleum products falling within the scope of Directive 2006/67/EC and the related pipelines, storage, refineries and import/export facilities;
- 3) Petrol and diesel fuels covered by the scope of Directive 98/70/EC are significant contributors to emissions into the air and therefore there are strong links between related regulation and the environmental objective enshrined in Article 2 of the Treaty;
- 4) For their full and legally binding incorporation in the Energy Community, provisions contained in Directive 98/70/EC would need to be adapted in accordance with Article 24 of the Treaty.;
- 5) The framework for regional cooperation established by the Energy Community and the assistance offered by its institutions and bodies can be essential in preparing the successful implementation of Directive 98/70/EC;
- 6) The Environmental Task Force, at its meetings of 8 June 2017 and 25 October 2017, discussed and endorsed the present Recommendation;
- 7) The Permanent High Level Group, at its meeting of 30 June 2016, discussed and endorsed the present Recommendation,

¹ C(2017) xxx final, xx.xx.2017.

HEREBY RECOMMENDS:

Article 1

1. Contracting Parties should prepare the legal and institutional preconditions for the implementation of the core elements of Directive 98/70/EC in their jurisdictions.

2. The Secretariat should assist the Contracting Parties' efforts in this respect. It should report to the Ministerial Council on the progress annually.

Article 2

1. In the framework of the Environmental Task Force, the Contracting Parties, the Secretariat and the European Commission should identify the provisions of Directive 98/70/EC suitable for incorporation in the Energy Community, the necessary adaptations as well as appropriate deadlines.

2. The European Commission should regularly inform the Contracting Parties and the Secretariat on possible amendments to Directive 98/70/EC.

Article 3

Subject to a proposal by the European Commission, the Ministerial Council will decide on the adoption of a decision incorporating suitable provisions of Directive 98/70/EC.

Article 4

This Recommendation enters into effect upon its adoption by the Ministerial Council.

Article 5

This Recommendation is addressed to the Contracting Parties and institutions of the Treaty.

Done at Pristina, on 14 December 2017
For the Ministerial Council:

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(Presidency)