

## DECISION

### OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

**D/2015/04/MC-EnC: on the failure by Bosnia and Herzegovina to comply with certain obligations under the Treaty**

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Article 91(1)(a) thereof,

Upon the Reasoned Request by the Secretariat in Case ECS-4/14 dated 12 May 2014;

Considering that the Reply by Bosnia and Herzegovina, dated 06 July 2015, referring to initiation of activities for drafting a National Renewable Energy Action Plan is not suitable to rectify the breaches identified in the Reasoned Request,

Having regard to the Opinion by the Advisory Committee established under Article 32 of Procedural Act No 2008/01/MC-EnC of the Ministerial Council of the Energy Community of 27 June 2008 on the Rules of Procedure for Dispute Settlement under the Treaty, dated 23 September 2015;

HAS ADOPTED THIS DECISION:

#### **Article 1**

##### **Failure by Bosnia and Herzegovina to comply with certain obligations under the Treaty**

1. By failing to adopt and to notify to the Secretariat, within the prescribed time limit a National Renewable Energy Action Plan, Bosnia and Herzegovina has failed to comply with Article 20 of the Treaty establishing the Energy Community read in conjunction with Article 4(1) and 4(2) of Directive 2009/28/EC.
2. For the reasons sustaining these findings, reference is made to the Reasoned Request.

#### **Article 2**

##### **Follow-up**

1. Bosnia and Herzegovina shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. It shall adopt a National Renewable Energy Action Plan and notify it to the Secretariat without delay.

2. If the breaches have not been rectified, the Secretariat is invited to initiate a procedure under Article 92 of the Treaty.

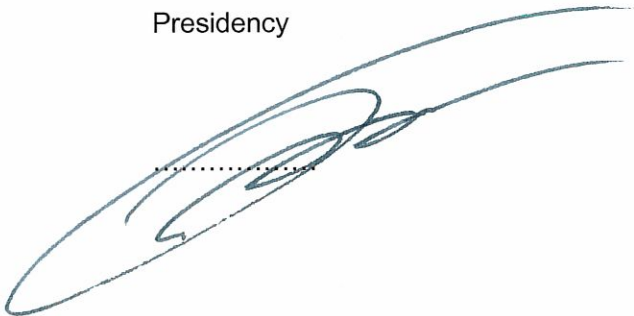
**Article 3**  
**Addressees and entry into force**

This Decision is addressed to the Parties and the institutions under the Treaty. It enters into force upon its adoption.

Done in Tirana on 16 October 2015

For the Ministerial Council

Presidency

A large, stylized handwritten signature in blue ink, written over a dotted line.