

PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2022/03/MC-EnC amending Procedural Act of the Ministerial Council 2008/01/MC-EnC of 27 June 2008 on Rules of Procedure for Dispute Settlement under the Treaty, as amended

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular Articles 47(c), 82, 83, 86 and 87 thereof,

Having regard to the Procedural Act of the Ministerial Council 2008/01/MC-EnC of 27 June 2008 on Rules of Procedure for Dispute Settlement under the Treaty, as amended by Procedural Act of the Ministerial Council 2015/04/MC-EnC of 16 October 2015 (“the Procedural Act on Dispute Settlement Procedures”),

Whereas Article 32 of the Procedural Act on Dispute Settlement Procedures establishes an Advisory Committee consisting of five high-level members whose independence is beyond doubt, to render opinions on reasoned requests submitted by the Secretariat under Article 90 of the Treaty,

Whereas the Ministerial Council in 2020 emphasized the Advisory Committee’s valuable contribution to the rule of law and independent enforcement in the Energy Community,

Whereas their reimbursement and remuneration from the Energy Community budget should be based on an explicit provision in the Procedural Act on Dispute Settlement Procedures,

Whereas the deadlines for submitting Requests for Decision to the Ministerial Council should be streamlined with those stipulated in the Rules of Procedure of the Ministerial Council and the Permanent High Level Group,

Whereas the Permanent High Level Group, at its meeting on 20 April 2022 discussed the present Procedural Act and proposed to the Ministerial Council to adopt it by correspondence,

Upon proposal by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

The following additional paragraph is included in Article 32 of the Procedural Act on Dispute Settlement Procedures:

“(7) The members of the Advisory Committee shall be eligible for reimbursement for the costs incurred in performing their tasks, and shall be remunerated in accordance with the applicable Reimbursement Rules.”

Article 2

In paragraph 4 of Article 40, the words “at least 60 days before the respective meeting” shall be replaced by the words “at least three months before the respective meeting.”

Article 3

This Procedural Act shall enter into force upon adoption. It shall be published on the Energy Community website.

Done in Vienna, on 15 December 2022

For the Presidency

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