

PROCEDURAL ACT

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

PA/2015/02/MC-EnC: on amending Procedural Act of the Ministerial Council 2006/01/MC-EnC of 17 November 2006 on the Adoption of Internal Rules of Procedure of the Ministerial Council of the Energy Community

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 49, 87, 82 and 83 thereof,

Having regard to Procedural Act No. 2006/01 of the Ministerial Council of 17 November 2006 on the adoption of Internal Rules of Procedure of the Ministerial Council of the Energy Community ("Rules of Procedure of the Ministerial Council"),

Having regard to the proposal made by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

The following new Item shall be inserted after Item II.4. of the Rules of Procedure of the Ministerial Council:

"Where the Presidency and the Vice-Presidency agreed to invite other bodies, including representatives of Civil Society Organizations and participants in the meetings of the Parliamentary Plenum, the President shall inform the Parties at least three weeks before the meeting. The Parties decide on the invitation by simple majority by submitting their views to the Secretariat within five working days from receiving this information. Tacit agreement is assumed where no reaction is received by the Secretariat within this deadline."

Article 2

The following new Item shall be inserted after Item IV.4. of the Rules of Procedure of the Ministerial Council:

"Without prejudice to the decision making process under Title VI of the Energy Community Treaty, the Permanent High Level Group may identify Measures for adoption by the Ministerial Council without further discussion.

The identified Measures shall be included in the draft agenda of the next Ministerial Council as "A" items. The draft Agenda shall specify the Title and Chapter of the Treaty under which the draft Measure identified as an "A" item will be presented for voting in the Ministerial Council.

This does not exclude the possibility for any Party to have statements included in the conclusions.”

Article 3

The following new Item shall be inserted after Item V.5. of the Rules of Procedure of the Ministerial Council:

“Re-opening discussion on Measures included in the draft agenda of the next Ministerial Council as "A" items requires simple majority.”

Article 4

The following new Item shall be inserted after Item V.9 of the Rules of Procedure of the Ministerial Council:

“The conclusions cannot in any way restrict the scope or effects of legal acts or the Treaty. No statements or conclusions which contradict binding legal provisions shall be made. Conclusions cannot form part of legal acts nor have any normative effect.”

Article 5

The Secretariat shall consolidate the Rules of Procedure of the Ministerial Council and make the consolidated version available on the Energy Community website.

Article 6

This Procedural Act shall enter into force upon adoption.

Done at Tirana on 16 October 2015.

For the Ministerial Council

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Presidency

