

PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2021/03/MC-EnC amending Procedural Act of the Ministerial Council 2008/02/MC-EnC of 11 December 2008 on the Establishment of Security of Supply Group

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 2008/02/MC-EnC establishing a Security of Supply Group in the Energy Community,

Whereas that Procedural Act refer to *acquis communautaire*, namely Directive 2004/67/EC and Directive 2005/89/EC, which have been replaced by adapted versions of Regulation (EU) 2017/1938 and Regulation (EU) 2019/941 respectively, by Decisions of the Ministerial Council No 2021/15/MC-EnC and No 2021/13/MC-EnC,

Whereas the composition and tasks of the Security of Supply Group needs to be adapted to reflect that development,

Whereas the Permanent High Level Group, at its meeting on 29th November 2021 endorsed the present Procedural Act,

Upon proposal by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

(1) Article 2 of Procedural Act 2008/02/MC-EnC shall be amended as follows:

- (a) The following sentence should be added at the end of paragraph 2: "The Member States of the European Union may, under the coordination of the European Commission, participate in the Security of Supply Coordination Group with regard to all matters with which they are concerned."
- (b) Paragraph 3 shall be replaced by the following: "The Security of Supply Coordination Group shall be chaired by the European Commission in cooperation with the Energy Community Secretariat."
- (c) Paragraph 4 shall be replaced by the following: "Each Party shall nominate its representatives and inform the Energy Community Secretariat. The list of representative bodies of the industry concerned and of relevant consumers shall be established and updated by the Permanent High Level Group upon a joint proposal by both the European Commission and the Energy Community Secretariat. The agenda and the draft conclusions of each meeting

of the Security of Supply Coordination Group shall be agreed by the European Commission and the Energy Community Secretariat prior to circulating”;

- (d) Paragraph 5 shall be replaced by the following: “The Security of Supply Coordination Group shall establish subgroups for gas and electricity”.

(2) Article 3 of Procedural Act 2008/02/MC-EnC shall be amended as follows:

- (a) Paragraph 4 shall be replaced by the following: “In the event of an existing or imminent threat to security of supply or in the event of a supply disruption affecting a Party and involving another Party or a third country, the Security of Supply Coordination Group shall, where appropriate, coordinate measures taken at national levels. In doing so, it shall follow the principles established by Regulation (EU) 2017/1938, as adapted and adopted by Decision of the Ministerial Council No 2021/15/MC-EnC, and Regulation (EU) 2019/941, as adapted and adopted by Decision of the Ministerial Council No 2021/13/MC-EnC, in the gas and electricity sectors respectively.”

- (b) Paragraph 6 shall be replaced by the following: “The activities of the Security of Supply Coordination Group may relate to, but are not restricted to, all issues falling within the scope of Regulation (EU) 2017/1938, as adapted and adopted by Decision of the Ministerial Council No 2021/15/MC-EnC, and Regulation (EU) 2019/941, as adapted and adopted by Decision of the Ministerial Council No 2021/13/MC-EnC, as well as mutual assistance within the meaning of Chapter IV in Title IV of the Treaty and the handling of unilateral safeguard measures in accordance with Article 39 of the Treaty.”

- (c) The following paragraph 7 shall be added: “The activities of the Security of Supply Coordination Group shall not have legally binding effects.”

(3) Article 4 of Procedural Act 2008/02/MC-EnC shall be amended as follows:

- (a) Paragraph 1 shall be replaced by the following: “The Security of Supply Coordination Group, or its subgroups, shall meet regularly and at least once per year.”

- (b) Paragraph 3 shall be replaced by the following: “Upon agreement of the European Commission and the Energy Community Secretariat, the Security of Supply Coordination Group may hold additional ad hoc joint sessions with the European Community Gas Coordination Group to discuss issues of common interest.”

Article 2

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

Done in Belgrade on 30th November 2021

For the Presidency

A handwritten signature in blue ink, appearing to read "Zvezdana Zvezdana", written over a dotted line.