

## DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

**D/2016/06/MC-EnC: on the failure by the former Yugoslav Republic of Macedonia to comply with the Energy Community Treaty in Case ECS-2/15**

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-2/15 dated 13 May 2016;

Having regard to the absence of a Reply by the former Yugoslav Republic of Macedonia;

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 16 September 2016;

HAS ADOPTED THIS DECISION:

### **Article 1**

#### **Failure by the former Yugoslav Republic of Macedonia to comply with the Treaty**

1. By failing to ensure that the customers eligible for the purchase of electricity from the supplier of their choice comprise all non-household and household customers, the former Yugoslav Republic of Macedonia has failed to comply with its obligations under Article 33(1) of Directive 2009/72/EC, as adapted by Ministerial Council Decision 2011/02/MC-EnC.
2. For the reasons sustaining these findings, reference is made to the Reasoned Request.

### **Article 2**

#### **Follow-up**

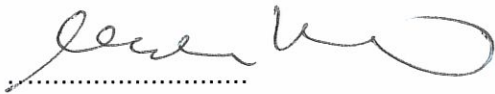
1. The former Yugoslav Republic of Macedonia shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. The former Yugoslav Republic of Macedonia shall report regularly to the Secretariat about the measures taken.
2. If the breach has 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 Sarajevo on 14 October 2016

For the Presidency

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