

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2020/01/MC-EnC: on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-6/18

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-6/18 dated 12 July 2019;

HAS ADOPTED THIS DECISION:

Article 1 Failure by Kosovo* to comply with the Treaty

1. By not transposing into national law and by not implementing the provisions of Articles 4(1) and 4(3) as well as Parts A of Annexes III, IV, V, VI and VII of Directive 2001/80/EC and Article 30(3) as well as Part 2 of Annex V of Directive 2010/75/EU, Kosovo* has failed to fulfil its obligations under the Energy Community Treaty and in particular Articles 12 and 16 thereof.

2. For the reasons sustaining these findings, reference is made to the Reasoned Request.

Article 2 Follow-up

1. Kosovo* shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. Kosovo* shall report regularly to the Secretariat and the Permanent High Level Group about the measures taken in 2020.

2. If the breach has not been rectified by 1 July 2020, 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 by written procedure on 16 March 2020

For the Ministerial Council

.....
Presidency