

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2021/09/MC-EnC: on the failure by the Republic of Serbia to comply with the Energy Community Treaty in Case ECS-23/21

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-23/21 dated 23 June 2021;

Having regard to the Reply by Republic of Serbia dated 3 August 2021, in accordance with the Procedural Act No 2015/04/MC-EnC of the Ministerial Council of the Energy Community ("the Dispute Settlement Rules");

Having regard to the Opinion by the Advisory Committee established under Article 32 of Dispute Settlement Rules, dated 11 October 2021;

HAS ADOPTED THIS DECISION:

Article 1

Failure by the Republic of Serbia to comply with the Treaty

1. By failing to adopt new legislation, or amend the existing regulation necessary to comply with Decision 2016/12/MC-EnC of the Ministerial Council adapting and implementing Directive 2011/92/EU of the European Parliament and of the Council, and amending the Treaty establishing the Energy Community, Republic of Serbia fails to comply with Articles 6 and 89 of the Energy Community Treaty as well as with Article 2 of Ministerial Council Decision 2016/12/MC-EnC.

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

Article 2

Follow-up

1. Republic of Serbia shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. Republic of Serbia shall report regularly to the Secretariat and the Permanent High Level Group about the measures taken in 2022.

2. If the breach has not been rectified by 1 July 2022, 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 Belgrade, on 30 November 2021

For the Ministerial Council

A handwritten signature in blue ink, appearing to be in Cyrillic script.

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Presidency