

APPOINTMENT OF THE ADVISORY COMMITTEE

established under Article 32 of the Rules of Procedure for Dispute Settlement

BACKGROUND

In June 2008, the Ministerial Council of the Energy Community adopted Rules of Procedure for Dispute Settlement under the Treaty establishing the Energy Community (PA 2008/01/MC-EnC). Under Article 32 of these Rules, before taking the decision pursuant to Article 91 of the Treaty, the Presidency and the Vice-Presidency shall ask an Advisory Committee for its opinion on the reasoned request. The Advisory Committee shall be composed of three members appointed by the Ministerial Council by unanimity for a renewable term of two years, including one member nominated by the European Community. Members shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in the respective Party.

At its meeting on 6 October 2011, the Ministerial Council appointed Mr Ben van Houtte (European Union), Mr Nikola Radovanović (Serbia) and Mr Visar Hoxha (Kosovo*) as members of the Advisory Committee for a term of two years. Ms Amela Alihodžić (Bosnia and Herzegovina) was appointed as alternate member. Mr van Houtte was later replaced by Dr Wolfgang Urbantschitsch.

By electronic mail sent to the members of the Permanent High Level Group on 24 June 2013, the Secretariat recalled that the current Advisory Committee's term of office expires at the end of 2013. The Secretariat also invited the members of the Permanent High Level Group "*to nominate or re-nominate candidates for members and alternate members for the upcoming period 2014-2015. They should be appointed by the Ministerial Council in October 2013.*" No proposals were received by 7 October 2013, except for the European Union proposing Dr Wolfgang Urbantschitsch.

PROPOSAL FOR NEXT STEPS

In this situation, the Secretariat respectfully proposes to the Ministerial Council to:

(1) Appoint Dr. Urbantschitsch, as well as two independent candidates of outstanding qualification, Prof. Dr. Rajko Pirnat and Prof. Dr. Helmut Schmitt von Sydow as members of the Advisory Committee. Their respective CVs are attached.

(2) Appoint Mr Nikola Radovanović (Serbia), Mr Visar Hoxha (UNMIK) and Ms Amela Alihodžić (Bosnia & Herzegovina), as alternate members of the Advisory Committee. Their respective CVs are available at the Secretariat.