RECOMMENDATION OF THE MINISTERIAL COUNCIL
OF THE ENERGY COMMUNITY

R/2017/xx/MC-EnC: on preparing for the implementation of Directive 98/70/EC relating

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular
Articles 2, 25 and 79 thereof,

Having regard to the proposal from the European Commission,¹

Whereas:

1) Article 2 of the Treaty defines the improvement of the environmental situation related
to Network Energy in the Contracting Parties as one of its key objectives;

2) In accordance with Article 1(2) of Ministerial Council Decision 2008/03/MC-EnC,
"Network Energy" as mentioned in Article 2(2) of the Treaty shall be understood as to include
the oil sector, i.e. the supply, trade, processing and transmission of crude oil and petroleum
products falling within the scope of Directive 2006/67/EC and the related pipelines, storage,
refineries and import/export facilities;

3) Petrol and diesel fuels covered by the scope of Directive 98/70/EC are significant
contributors to emissions into the air and therefore there are strong links between related
regulation and the environmental objective enshrined in Article 2 of the Treaty;

4) The framework for regional cooperation established by the Energy Community and the
assistance offered by its institutions and bodies can be essential in preparing the successful
implementation of Directive 98/70/EC;

5) For their full and legally binding incorporation in the Energy Community, provisions
contained in Directive 98/70/EC will need to be further adapted under Article 24 of the Treaty;

6) The Environmental Task Force, at its meeting of 8 June 2017 xx September 2017
discussed and endorsed the present Recommendation;

7) The Permanent High Level Group, at its meetings of 30 June 2016 and xx October
2016 discussed and endorsed the present Recommendation,

HEREBY RECOMMENDS:

Article 1

1. Contracting Parties should prepare the legal and institutional preconditions for the implementation of the core elements of Directive 98/70/EC in their jurisdictions.

2. The Secretariat should assist the Contracting Parties’ efforts in this respect. It should report to the Ministerial Council on the progress annually.

Article 2

1. In the framework of the Environmental Task Force, the Contracting Parties, the Secretariat and the European Commission should identify the provisions of Directive 98/70/EC suitable for incorporation in the Energy Community, the necessary adaptations as well as appropriate deadlines.

2. The European Commission should regularly inform the Contracting Parties and the Secretariat on possible amendments to Directive 98/70/EC.

Article 3

Subject to a proposal by the European Commission, the Ministerial Council will decide on the adoption of a decision incorporating suitable provisions of Directive 98/70/EC.

Article 4

This Recommendation shall enter into force upon its adoption by the Ministerial Council.

Article 5

This Recommendation is addressed to the Contracting Parties and institutions of the Treaty.

Done at Prishtina, on 20 October 2017
For the Ministerial Council:

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(Presidency)