

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2018/04/MC-EnC on the failure by Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-1/14

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-1/14 dated 19 May 2017;

Having regard to the absence of a Reply by Bosnia and Herzegovina within the deadline set by the 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 ("the Dispute Settlement Rules");

Having regard to the Opinion by the Advisory Committee established under Article 32 of Dispute Settlement Rules, dated 12 September 2017;

Having regard to the adoption of a National Energy Efficiency Action Plan by the Government of Bosnia and Herzegovina on 4 December 2017

HAS ADOPTED THIS DECISION:

Article 1 Failure by Bosnia and Herzegovina to comply with the Treaty

1. By failing to adopt the laws, regulations and administrative provisions necessary to comply with Articles 4(1), 9(2), 12, as well as Annexes I and IV of Directive 2006/32/EC, Bosnia and Herzegovina has failed to fulfil its obligations under the Energy Community Treaty and in particular Decision 2009/05/MC-EnC and Directive 2006/32/EC.

For the reasons sustaining these findings, reference is made to the Opinion of the Advisory Committee.

Article 2 Follow-up

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

2. If the breaches have 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 by written procedure on 2 February 2018

For the Presidency

A handwritten signature in blue ink, appearing to be "Clem", written over a horizontal dotted line.