

PROCEDURAL ACT 2008/02/MC-EnC OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY of 11 December 2008 on the Establishment of a Security of Supply Coordination Group, as amended by the Procedural Act 2021/03/MC-EnC of 30 November 2021

*The adaptations made by Ministerial Council Procedural Act 2021/03/MC-EnC are highlighted in **bold and blue**.*

The Ministerial Council of the Energy Community,

Having regard to the Treaty Establishing the Energy Community (“the Treaty”), and in particular Articles 46 and 87 thereof,

Having regard to Directives 2004/67/EC and 2005/89/EC as implemented by Ministerial Council Decision No. 2007/06/MC-EnC of 18 December 2007,

Having regard to the deliberations at the Permanent High Level Group and the input from the Contracting Parties,

Having regard to the proposal by the Secretariat,

Whereas securing energy supply through solidarity constitutes one of the main objectives of the Energy Community;

Whereas the implementation of Directives 2004/67/EC and 2005/89/EC requires the setting-up of a coordination mechanism in the Energy Community;

Whereas this objective requires a group of experts to advise Energy Community and national institutions as well as to coordinate crisis management measures;

Whereas such a group should be composed of all relevant stakeholders and should cover both electricity and gas so as to ensure utmost efficiency,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

Security of Supply Coordination Group

A Security of Supply Coordination Group is hereby established.

Article 2

Composition

(1) The Security of Supply Coordination Group shall be composed of representatives of the Parties and representative bodies of the industry concerned and of relevant consumers. The composition of the Group may differ for gas and electricity respectively.

(2) Participant and Observer countries may be represented in accordance with Articles 95 and 96 of the Treaty. **The Member States of the European Union may, under the coordination of the European Commission, participate in the Security of Supply Coordination Group with regard to all matters with which they are concerned.**

- (3) **The Security of Supply Coordination Group shall be chaired by the European Commission in cooperation with the Energy Community Secretariat.**
- (4) **Each Party shall nominate its representatives and inform the Energy Community Secretariat. The list of representative bodies of the industry concerned and of relevant consumers shall be established and updated by the Permanent High Level Group upon a joint proposal by both the European Commission and the Energy Community Secretariat. The agenda and the draft conclusions of each meeting of the Security of Supply Coordination Group shall be agreed by the European Commission and the Energy Community Secretariat prior to circulating.**
- (5) **The Security of Supply Coordination Group shall establish subgroups for gas and electricity.**

Article 3

Tasks

- (1) The Security of Supply Coordination Group shall facilitate the coordination of security of supply measures and advise the Energy Community institutions on issues relating to gas and electricity security of supply.
- (2) The Security of Supply Coordination Group shall regularly monitor the state of security of supply of network energy within the Energy Community share experience on security of supply mechanisms and develop comprehensive risk analysis. The conclusions of the Group's annual meetings shall be submitted to the Ministerial Council, the Permanent High Level Group and the Regulatory Board.
- (3) The tasks of the Security of Supply Coordination Group are without prejudice to the obligations of the Parties to adopt and update security of supply statements in accordance with Article 29 of the Treaty. The Security of Supply Coordination Group shall support the Parties in the preparation and updating of national emergency measures.
- (4) **In the event of an existing or imminent threat to security of supply or in the event of a supply disruption affecting a Party and involving another Party or a third country, the Security of Supply Coordination Group shall, where appropriate, coordinate measures taken at national levels. In doing so, it shall follow the principles established by Regulation (EU) 2017/1938, as adapted and adopted by Decision of the Ministerial Council 2021/15/MC-EnC, and Regulation (EU) 2019/941, as adapted and adopted by Decision of the Ministerial Council 2021/13/MC-EnC, in the gas and electricity sectors respectively.**
- (5) In the cases mentioned in paragraph 4, the Chair of the Security of Supply Coordination Group or any Party directly affected may request an ad-hoc meeting of the Ministerial Council to take measures in response to the existing or imminent threat to security of supply.
- (6) **The activities of the Security of Supply Coordination Group may relate to, but are not restricted to, all issues falling within the scope of Regulation (EU) 2017/1938, as adapted and adopted by Decision of the Ministerial Council 2021/15/MC-EnC, and Regulation (EU) 2019/941, as adapted and adopted by Decision of the Ministerial Council**

2021/13/MC-EnC, **as well as mutual assistance within the meaning of Chapter IV in Title IV of the Treaty and the handling of unilateral safeguard measures in accordance with Article 39 of the Treaty.**

(7) The activities of the Security of Supply Coordination Group shall not have legally binding effects.

Article 4

Meetings

(1) The Security of Supply Coordination Group, or its subgroups, shall meet regularly and at least once per year.

(2) Ad hoc meetings of the Security of Supply Coordination Group shall be convened by the Chair in case of existing or imminent threat to security of supply on its own initiative or upon request of a Party to the Treaty.

(3) Upon agreement of the European Commission and the Energy Community Secretariat, the Security of Supply Coordination Group may hold additional ad hoc joint sessions with the European Community Gas Coordination Group to discuss issues of common interest.

Article 5

Review

Within three years of the date of its entry into force, this Procedural Act shall be reviewed in order to assess the functioning of the cooperation mechanisms it establishes. This review may provide for the conferral of powers to take interim measures to the Permanent High Level Group, as foreseen in Article 46 of the Treaty.

Article 6

Addressees

This Procedural Act shall enter into force on the day of its adoption and is addressed to the Parties.

For the Ministerial Council

Presidency

Tirana, 11 December 2008