



DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2025/02/MC-EnC on the failure by Serbia to comply with the Energy Community Treaty in Case ECS-2/21

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 Reasoned Request by the Secretariat in Case ECS-2/21 dated 12 July 2024;

Having regard to the Opinion by the Advisory Committee established under Article 32 of Dispute Settlement Rules, dated 25 November 2024;

HAS ADOPTED THIS DECISION:

Article 1

Failure by Serbia to comply with the Treaty

1. Due to the inaction of *JSC Elektromreza Srbije (EMS)* and the national energy regulatory authority AERS, the Republic of Serbia fails to comply with Articles 16(4) and 34(2) of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC of 15 December 2022, and Articles 58 lit c) and 59(1) lit b) and u) of Directive (EU) 2019/944 of 5 June 2019 on common rules for the internal market for electricity, as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021, and amended by Decision 2022/03/MC-EnC of 15 December 2022, and thus fails to fulfil its obligations under Articles 6, 10 and 11 of the Treaty.

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

Article 2

Follow-up

1. Serbia shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. Serbia shall report regularly to the Secretariat and the Permanent High Level Group about the measures taken in 2026.



2. If the breach has not been rectified by 1 July 2026, 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 Vienna on 18 December 2025

For the Ministerial Council

Vice - Presidency for:

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Presidency