

2017 Work Programme of the Advisory Committee of the Energy Community

1. The Advisory Committee is the independent body within the framework of the Energy Community's dispute settlement procedure. It was established under the Energy Community's dispute settlement rules in 2008. Following a major revision its role was increased by an amendment to those rules in 2015.
2. The Advisory Committee has an advisory function in cases of application of Energy Community law before the Ministerial Council but can now also be consulted by the Secretariat in questions of coherent interpretation and application of Energy Community law.
3. Through the Advisory Committee the structured, effective and successful settlement of disputes and the enforcement of Energy Community law shall be supported.
4. The five members of the Advisory Committee are appointed by the Ministerial Council by unanimity for a renewable term of four years. The members chosen are persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices.
5. The Advisory Committee cannot act on its own accord but requires the Ministerial Council or the Secretariat to ask for an opinion. As a consequence the number of opinions to be issued in 2017 cannot be predicted.
6. In the past the Advisory Committee's work was focused on preparing opinions for the Ministerial Council in order for this institution to decide upon breaches of Energy Community law. The number of cases varied considerably each year.
7. In 2017 the Advisory Committee will continue to give its opinions once consulted by the Ministerial Council on cases of alleged breaches of Energy Community law. It is expected that the number of cases will increase in 2017 and the years to come as the number of Energy Community Contracting Parties has been growing continuously with Georgia as the ninth country to join in the near future.
8. Furthermore, the amount and complexity of legislation to be taken over by the Contracting Parties has also increased significantly.
9. In 2017 the Advisory Committee will commence its work as advisor for the Secretariat on questions of coherent interpretation and application of Energy Community law if asked to do so by the Secretariat. This also requires a new set of rules to be incorporated into the Advisory Committee's rules of procedure.
10. Furthermore, the members of the Advisory Committee are convinced that it is of utmost important to communicate with relevant stakeholders to increase the degree of awareness of the Energy Community and the possibility of its dispute settlement procedure. This

measure shall increase the number of cases and requests by lawyers and judges which – as a consequence – will increase the importance and quality of the dispute settlement procedure.

11. In addition to the amendment of the rules of procedure the body itself – which was increased from three to five members – and its members will need to find a new way of cooperation.
12. Hence, the four main pillars of work of the Advisory Committee in 2017 will be
 - a. Opinions on reasoned requests in cases of alleged breaches of Energy Community law
 - b. Opinions on questions of coherent interpretation and application of Energy Community law
 - c. Advocacy for the Energy Community's dispute settlement procedure
 - d. Internal (re-)organisation
13. Opinions on reasoned requests in alleged breaches of Energy Community law will be the focus of the Advisory Committee's work in 2017. It will scrutinise the documents prepared by the Secretariat and give its opinion to the Ministerial Council in order to support their decision making.
14. Opinions on questions of coherent interpretation and application of Energy Community law will add a new facet to the work of the Advisory Committee. If asked for its opinion by the Secretariat, it will comment on any question concerning the interpretation or application of Energy Community law raised in proceedings before a national authority or court of a Contracting Party.
15. Advocacy for the Energy Community's dispute settlement procedure will require the members of the Advisory Committee to communicate with lawyers, judges and executives of national authorities. The aim is to deeply anchor the possibilities given by the dispute settlement rules in the heads of decision makers in order to increase awareness of the enforcement mechanisms provided for under Energy Community law.
16. In the ninth year of its existence, it will also be important to deal with issues of internal organisation. It will amend its rules of procedure, organise its work as a group of five, and organise and revisit its opinions issued in the past.