

## **PROTOCOL ON THE DENOMINATION OF PARTIES AND OTHER UPDATES OF THE TREATY**

THE PARTIES TO THE TREATY ESTABLISHING THE ENERGY COMMUNITY,

TAKING INTO ACCOUNT THE LEGAL AND POLITICAL DEVELOPMENTS SINCE THE SIGNATURE OF THE TREATY ESTABLISHING THE ENERGY COMMUNITY IN ATHENS ON 25 OCTOBER 2005,

TAKING INTO ACCOUNT THE DECISION OF THE MINISTERIAL COUNCIL NO ... OF ... TO AMEND THE TREATY ESTABLISHING THE ENERGY COMMUNITY PURSUANT TO ARTICLE 100,

HAVE AGREED TO THE FOLLOWING PROTOCOL, WHICH SHALL BE ANNEXED TO THE TREATY ESTABLISHING THE ENERGY COMMUNITY:

### **Article 1 Denominations**

In all matters concerning and related to the membership in the Energy Community Treaty, the following denominations shall be used exclusively, and replace all previous denominations used by the Energy Community for the same Party or its predecessor, as the case may be:

1. European Union
2. Montenegro
3. Republic of North Macedonia

### **Article 2 Other updates of the Treaty**

- (1) The following references in the Treaty to certain pieces of the European Community acquis shall be read as references to the following new pieces of the European Union acquis where the Ministerial Council has, in accordance with the Energy Community Treaty, incorporated these pieces of the European Union acquis into the legal order of the Energy Community:<sup>1</sup>

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<sup>1</sup> This does not affect the timelines for transposition and implementation set out in existing pieces of the Energy Community acquis and/or Protocols concerning the accession of individual Contracting Parties to the Energy Community Treaty. This does not preclude the incorporation of other new European Union acquis into the legal order of the Energy Community in conformity with the Energy Community Treaty

Article 2 (2) of the Treaty 'Network Energy' shall include the electricity and gas sectors, falling within the scope of the European Community Directives 2003/54/EC and 2003/55/EC	'Network Energy' shall include the electricity and gas sectors, falling within the scope of the European Community Directives 2009/72/EC and 2009/73/EC <sup>2</sup>
Article 2 (2) of the Treaty, footnote 1 Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity, Official Journal of the European Union L 176, 15 July 2003, p. 37-56	Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, pp. 55–93)
Article 2 (2) of the Treaty, footnote 1 Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas, Official Journal of the European Union L 176, 15 July 2003, p. 57-78	Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94–136)
Art. 16, Point (i) of the Treaty Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU
Art. 16, Point (ii) of the Treaty Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC	Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels

- (2) The following references in the Treaty to provisions of the Treaty establishing the European Community shall be read as references to the new numbering of the Treaty on the Functioning of the European Union:

Art. 18 (2) of the Treaty Articles 81, 82 and 87 of the Treaty establishing the European Community	Articles 101, 102 and 107 of the Treaty on the Functioning of the European Union
Art. 19 of the Treaty Principles of the Treaty establishing the European Community, in particular Article 86 (1) and (2) thereof (attached in Annex III), are upheld	Principles of the Treaty on the Functioning of the European Union, in particular Article 106(1) and (2), are upheld

<sup>2</sup> This is without prejudice to Decision No 2008/03/MC-EnC of 11 December 2008 concerning the implementation to the oil sector of certain provisions of the Treaty and the creation of an Energy Community Oil Forum.

Annex III of the Treaty Article 81 of the EC Treaty	Article 101 of the Treaty on the Functioning of the European Union
Annex III of the Treaty Article 82 of the EC Treaty	Article 102 of the Treaty on the Functioning of the European Union
Annex III of the Treaty Article 86(1) and (2) of the EC Treaty	Article 106(1) and (2) of the Treaty on the Functioning of the European Union
Annex III of the Treaty Article 87 of the EC Treaty	Article 107 of the Treaty on the Functioning of the European Union

Article 3  
**Effect**

This Protocol shall form an integral part of the Treaty establishing the Energy Community.

Done in

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