



Uniting Europe's Energy, Today

Regulation 2026/261

Adoption in the Energy Community
Legal Aspects

June 2026

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

No 2026/xx/MC-EnC: adapting and incorporating Regulation (EU) 2026/261 of the European Parliament and of the Council on phasing out Russian natural gas imports and preparing the phase-out of Russian oil imports, improving monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938, amending Annex I to the Treaty Establishing the Energy Community

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 24, 25, 79 and 81 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Energy Community was established with the objective of creating a stable regulatory and market framework capable of attracting investment in energy networks and generation, ensuring stable and continuous energy supply, and

Article 24

For the implementation of this Title, the Energy Community shall adopt Measures adapting the *acquis communautaire* described in this Title, taking into account both the institutional framework of this Treaty and the specific situation of each of the Contracting Parties.



Article 79

The Ministerial Council, the Permanent High Level Group or the Regulatory Board shall take Measures under Title II on a proposal from the European Commission. The European Commission may alter or withdraw its proposal at any time during the procedure leading to adoption of the Measures.

Article 25

The Energy Community may take Measures to implement amendments to the *acquis communautaire* described in this Title, in line with the evolution of European Community law.



Article 81

The Ministerial Council, the Permanent High Level Group or the Regulatory Board shall act by a majority of the votes cast.

The Energy Community Treaty

I. Adoption

Ministerial Council Decision under Title II of the Energy Community Treaty

- Proposal by the European Commission
- Discussions within the Permanent High Level Group and designated working group(s)
- Endorsement
- Proposal submitted to the Ministerial Council for adoption
- Adoption by a majority of votes cast
- Regulation 2026/261 becomes part of the Energy Community *acquis*

II. Transposition

- Article 6 of the Treaty establishing the Energy Community

The Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty. The Parties shall facilitate the achievement of the Energy Community's tasks. The Parties shall abstain from any measure which could jeopardise the attainment of the objectives of this Treaty.

- Draft Article 13 of Regulation 2026/261

The Secretariat shall continuously monitor the development of the Community's energy market, in particular in respect of potential gas supply dependencies or other risks to the security of energy supply related to energy imports from the Russian Federation.

III. Impact

1. All relevant supply contracts must be reviewed in detail (when was the contract concluded, is it long or short term, is it LNG or natural gas etc).
2. Prior authorisation procedure (not applicable to USA, UK, Algeria, Nigeria, Norway, Qatar).
3. Temporary exemptions.
4. Contracting Parties must establish functioning prior authorisation systems.
5. Contracting Parties must provide effective, proportionate and dissuasive penalties for non-compliance.



THANK YOU!



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