



DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2025/07/MC-EnC on the failure by Ukraine to comply with the Energy Community Treaty in Case ECS-13/24

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-13/24 dated 29 May 2024;

Having regard to the Opinion by the Advisory Committee established under Article 32 of Dispute Settlement Rules, dated 24 November 2024;

HAS ADOPTED THIS DECISION:

Article 1

Failure by Ukraine to comply with the Treaty

1. By failing to adopt and apply the laws, regulations and administrative provisions necessary to comply with Directive (EU) 2019/944¹ and Regulation (EU) 2019/941,² as adapted and adopted by Decision 2021/13/MC-EnC, as well as with Regulation (EU) 2019/942,³ Regulation (EU) 2019/943,⁴ Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation (EU) 2017/2195, Regulation (EU) 2017/2196, Regulation (EU) 2017/1485,⁵ as adapted and adopted by Decision 2022/03/MC-EnC, by 31 December 2023, and by failing to forthwith inform or notify those measures to the Secretariat, Ukraine fails to comply with Articles 2 of Decisions 2021/13/MC-EnC and 2022/03/MC-EnC, as well as Articles 6 and Article 89 of the Treaty.

¹ Directive (EU) 2019/944 of 5 June 2019 on common rules for the internal market for electricity.

² Regulation (EU) 2019/941 of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC.

³ Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators.

⁴ Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity.

⁵ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management; Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation; Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing; Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration; Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation.



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

Article 2

Follow-up

1. Ukraine shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. Ukraine 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

A handwritten signature in blue ink, appearing to read 'N. G. ...', is written over a dotted line.

Presidency