

## 15<sup>th</sup> Ministerial Council

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Pristina, 14 December 2017

1. The Ministerial Council meeting was welcomed by Prime Minister Haradinaj and chaired by Minister Lluka on behalf of Kosovo \*<sup>1</sup> as Presidency in office. It was co-chaired by Mr. Christopher Jones from the European Commission and Minister Kreshnik Bekteshi from the former Yugoslav Republic of Macedonia representing the Vice-Presidencies.
2. The Ministerial Council thanked the Presidency in office for its hospitality.
3. The Ministerial Council approved the agenda of the meeting.
4. The Ministerial Council took note of the decision of Presidency and Vice Presidency that all agenda items proposed for the adoption (including Annex I) shall be adopted by correspondence. The Presidency instructed the Secretariat to carry out the procedure in line with point VI.5 of the Rules of Procedure of the Ministerial Council. The Secretariat shall secure the agreement of the Presidency and the Vice Presidency on the timing of the launch of written procedures related to dispute settlement procedures from the agenda. If no written procedure is launched the Secretariat may refer the cases to the next Ministerial Council.
5. The Ministerial Council discussed the need for a more comprehensive and consistent policy on sustainable energy production and consumption as recognized at the international scale by the Paris Agreement. The Ministerial Council recognized the crucial role of the energy sector in combating climate change and achieving the nationally determined contributions under the Paris Agreement. Kosovo\*, that is not a Party to the UNFCCC, expressed its firm intention to align its policies with the Paris Agreement and with the EU climate and energy *acquis*.
6. The Ministerial Council underlined the need of 2030 targets in the Energy Community for renewable energy, energy efficiency and greenhouse gas emission reduction and requested the Secretariat to discuss and develop proposals for the Ministerial Council in the first half of 2018 based on the draft methodology presented by the Secretariat.
7. The Ministerial Council discussed the Recommendation on preparing for the development of integrated national energy and climate plans by the Contracting Parties of the Energy Community, proposed by the European Commission and accompanied by a Commission declaration as regards the future inclusion of climate change legislation in the Energy Community. The Ministerial Council welcomed the Commission's declaration and invited the European Commission to make appropriate proposals with respect to the Clean

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

Energy for all Europeans package for incorporation in the Energy Community swiftly after its adoption in the EU.

8. The Ministerial Council welcomed the announcement of Albania to design and adopt an integrated energy and climate plan in line with the Recommendation in the course of 2019.
9. The Ministerial Council also solicited the Secretariat to propose to the Climate Action Group (to be renamed Energy and Climate Committee upon adoption of the Recommendation) in early 2018 guidelines for the preparations of integrated national energy and climate plans to fit the purposes and specificities of Contracting Parties.
10. The Ministerial Council discussed the draft Policy Guidelines on Competitive Renewable Energy Procurement jointly prepared by the Secretariat and EBRD. The Ministerial Council invited the Secretariat and EBRD together with the European Commission to finalize this paper. The Ministerial Council also encouraged Contracting Parties to work closely with the Secretariat and EBRD in designing and implementing competitive, efficient and transparent process to award support schemes for renewables. The Secretariat was invited to follow up regularly on the implementation of the Guidelines.
11. The Ministerial Council welcomed the Secretariat's initiative in preparing the set of draft energy or renewable energy laws for each Contracting Party to enable proper transposition of support schemes for renewable energy compliant with the requirements of "State aid guidelines for environmental protection and energy 2014-2020" and invited the Contracting Parties to swiftly adopt the revised laws, including via the secondary legislation, provided the consistency with the State aid Guidelines is confirmed.
12. The Ministerial Council took note of the Second Report of the Secretariat on the Progress in the Promotion of Renewable Energy in the Energy Community 2014-2015 and regretted that most of the Contracting Parties are below the trajectory to reach renewable energy targets in 2020. In line with Article 4(4) of Directive 2009/28/EC as adapted and adopted by the Ministerial Council Decision 2012/04/MC-EnC, Kosovo\*, the former Yugoslav Republic of Macedonia and Ukraine are requested to submit revised national renewable energy action plans by 30 June 2018 due to deviations higher than 1 percentage point from the indicative trajectory registered during 2014-2015.
13. The Ministerial Council took note of the information of the former Yugoslav Republic of Macedonia to submit the request for a review under Art 16 of Decision 2012/04/EnC MC.
14. The Ministerial Council welcomed the proposal of the European Commission for a Recommendation on Chapter II, Chapter IV and Annex VI of Directive 2010/75 and EU on industrial emissions.
15. The Ministerial Council welcomed the proposal of the European Commission for a Recommendation on Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

16. The Ministerial Council took note of the Implementation Report presented by the Secretariat and urged the Contracting Parties to address the identified delays in the implementation of the *acquis* urgently.
17. The Ministerial Council regretted that no sufficient progress was made by Bosnia and Herzegovina in the transposition and implementation of Decision 2013/04/MC-EnC on the failure by Bosnia and Herzegovina to comply with certain obligations under the Treaty nor any of the subsequent decisions taken under Article 92 of the Treaty, despite the firm commitment of a state and two entity Ministers at last year's Ministerial Council. The Ministerial Council also regretted that no tangible progress was achieved in unbundling of the Serbian gas transmission system operator and hence rectifying the breach identified in Decision 2014/03/MC-EnC.
18. The Ministerial Council recalled its Decisions of 2016 related to the incorrect transposition and implementation of Directive 1999/32/EC and urged the Contracting Parties concerned to ensure compliance immediately.
19. The Ministerial Council recalled the imminence of the implementation deadline of the Large Combustion Plants Directive of 1 January 2018 and urged Contracting Parties to ensure its full implementation and involve the Secretariat in its monitoring. The Ministerial Council welcomed the Secretariat's announcement to set up a joint monitoring instrument with the European Environmental Agency, as discussed at the last meeting of the Environmental Task Force.
20. The Ministerial Council invited the European Commission and the Secretariat to work towards the conclusion of the procedures for Treaty amendments as soon as possible to allow the Ministerial Council to take its decision in 2018, possibly at an extraordinary meeting in the first half of the year.
21. The Ministerial Council took note of the statement of the Prime Minister of Kosovo\* regarding the dispute with Serbia in the electricity sector and his expectation that the dispute will be resolved in the frame of the Energy Community Dispute Resolution Center.
22. The Ministerial Council thanked the current Kosovo\* Presidency of the Energy Community in the person of Minister Lluka. The Ministerial Council welcomed the Presidency for 2018, the former Yugoslav Republic of Macedonia.
23. The Ministerial Council welcomed the priorities for the Presidency in 2018 presented by Minister Bektashi, which will focus on:
  - Treaty amendments
  - Full implementation of Third Energy Package, in particular unbundling of transmission system operators (electricity and gas) in all Contracting Parties
  - Implement the regional Memorandum of Understanding concluded in the framework of WB6 on electricity day-ahead market coupling and balancing
  - Elaborate and adopt measures under the Title III of the Energy Community Treaty on
    - o Licensing

- Regional cooperation in electricity emergency situations (to avoid unilateral export bans)
- Resolve regional disputes (in particular EMS/KOSTT) in the framework of the Energy Community
- Elaborate and agree on Energy Community climate targets (RES, Energy Efficiency and GHG reductions) for 2030
- Start integrating energy and climate planning on national and regional level

These Conclusions are adopted.

Done in Pristina on 14 December 2017

For the Ministerial Council,

THE PRESIDENCY

