

**PROCEDURAL ACT No. 2006/04**

**OF THE MINISTERIAL COUNCIL  
OF THE ENERGY COMMUNITY**

**2006/04/MC-EnC: Ministerial Council Decision of 17 November 2006 on adoption of Procedural Rules on Acceptance of Countries as Observers to the Energy Community and on Rights and Obligations of Observers**

The Ministerial Council of the Energy Community,

Having regard to the Treaty Establishing the Energy Community, and in particular Article 86 thereof,

Having regard to the proposals, made by the Permanent High Level Group, dated 16 November 2006,

Having regard to Article 96 of the Treaty,

HAS DECIDED AS FOLLOWS:

**Article 1**

Adopts Procedural Rules on Acceptance of Countries as Observers to the Energy Community and on Rights and Obligations of Observers as presented in annex to this procedural act.

**Article 2**

This decision is addressed to all Parties and institutions under the Treaty Establishing the Energy Community.

**Article 3**

The Director of the Energy Community Secretariat shall make this decision and its annex available to all Parties and institutions under the Treaty Establishing the Energy Community within 7 days after its adoption.

**Article 4**

This decision shall enter into force upon its adoption.

Done in Skopje on 17 November 2006.

For the Ministerial Council

Vera RAFAJLOVSKA  
Energy Community Presidency

A handwritten signature in blue ink, appearing to be 'Vera Rafajlovska'.

**RULES ON  
ACCEPTANCE OF COUNTRIES AS OBSERVERS  
TO THE ENERGY COMMUNITY AND  
RIGHTS AND OBLIGATIONS OF OBSERVERS**

**I. GENERAL**

1. Without prejudice to Article 96(1), second sentence, of the Treaty Establishing the Energy Community (hereinafter: "the Treaty"), these rules establish the procedure for the acceptance of a country as an Observer to the Energy Community in accordance with Article 96 of the Treaty. These Rules further set forth the rights and obligations of the Observer(s).
2. In accordance with the Treaty and its objectives, Observer status might be granted to a neighboring country ready to gradually take up the *acquis*.

**II. PROCEDURAL STEPS**

1. The Observer status is granted by the Ministerial Council of the Energy Community upon a reasoned request by the applicant country submitted to the Presidency.
2. The Presidency shall notify the request to the Ministerial Council at the next meeting of the Ministerial Council following the receipt of the request. In parallel, the Presidency, after consultation with the Vice-Presidents and prior to the Ministerial Council's meeting, may ask the Secretariat to prepare additional information in relation to the request.
3. The decision of the Ministerial Council under subparagraph 1 shall be taken unanimously. It shall refer to Article 96(1) of the Treaty and these Rules.

**III. PRINCIPAL RIGHTS AND OBLIGATIONS OF THE OBSERVERS**

1. The Observers to the Energy Community have the rights to be represented at the meetings of the Ministerial Council, the Permanent High Level Group, the Regulatory Board and the Fora (one representative per meeting, excluding the Fora, where any Observer might have up to three representatives).
2. The Observers are entitled to receive any information distributed before, during and after the relevant meetings which is related to the discussed topics.
3. The Observers follow any requirements for confidentiality, which are valid to the Parties.
4. The Observers may make statements upon request and consequent permission by the chair of the meeting at which they want to make statement.
5. Observers have no right to participate in voting.
6. In case of conflict between these Rules and the specific Internal Rules of Procedure of any institution of the Energy Community, the Internal Rules of Procedure of the institution in question shall prevail.

#### **IV. MISCELLANEOUS AND CONCLUSIVE REMARKS**

1. The Observer status, granted to any country by the Ministerial Council, prior to the adoption of these rules, shall not be affected by them.
2. The rules have been adopted by the Ministerial Council on the ground of Articles 86 and 96 of the Treaty.
3. The rules enter into force on the day of their adoption.

These rules have been adopted on 17 November 2006 in Skopje.