ANNEX 3

Proposal for a
DECISION No. 201x/XX/MC-EnC
OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY
of 14 October 2016


THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community, and in particular Articles 24, 25, 79 and Article 100(i) thereof,

Having regard to the proposal from the European Commission¹,

Whereas:

(1) Article 12 of the Treaty requires each Contracting Party to implement the *acquis communautaire* on environment’ in compliance with the timetable for the implementation of those measures set out in Annex II to that Treaty.


(6) It is therefore necessary to implement and adapt Directive 2011/92/EU as amended by Directive 2014/52/EU for the purposes of the Treaty establishing the Energy Community.

(7) It is also necessary to align the **acquis communautaire** on environment set out in Article 16 and the timetable for implementation set out in Annex II to the Treaty with the recent evolution of Union law concerning environmental impact assessment.

(8) The Treaty establishing the Energy Community should therefore be amended accordingly.

(9) The Environmental Task Force, at its meetings on xxx and xxx, analysed the proposal in detail and recommended a number of adaptations to it which are reflected in this Decision.

(10) The Permanent High Level Group, at its meetings of xxx and xxx elaborated and proposed to adopt this Decision,

**HAS ADOPTED THIS DECISION:**

**Article 1**

The Treaty establishing the Energy Community is amended as follows:

(1) in Article 16, point (i) is replaced by the following:


(2) in Annex II, point 1 is replaced by the following:


**Article 2**

1. Without prejudice to Article 3, Contracting Parties shall bring into force the laws, regulations and administrative provisions necessary to comply with Directive 2011/92/EU as amended by Directive 2014/52/EU by 1 January 2019 with the exception of the provisions referring to Directives not covered by Article 16 of the Treaty establishing the Energy Community. They shall forthwith inform the Energy Community Secretariat thereof.

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2. Contracting Parties shall communicate to the Energy Community Secretariat the text of the main provisions of national law which they adopt in the field covered by this Decision.

**Article 3**

For the purposes of the Treaty establishing the Energy Community the dates set in Article 3(1) and (2) of Directive 2014/52/EU shall be read as 1 January 2019.

**Article 4**

1. In case of projects of Energy Community interest, the Contracting Party in whose territory the project is intended to be carried out shall send the following information to the Secretariat as soon as possible and no later than when informing its own public:

   (a) a description of the project, together with any available information on its impacts on the environment;

   (b) information on the nature of the decision which may be taken for authorisation of the project.

2. The Secretariat shall ensure that the environmental impact assessments of the projects referred to in paragraph 1 of this Article fulfill the requirements of Directive 2011/92/EU as amended by Directive 2014/52/EU.

**Article 5**

For the purposes of the Treaty establishing the Energy Community, references to “Member States” and to “Commission” throughout Directive 2011/92/EU as amended by Directive 2014/52/EU shall be read as “Contracting Parties” and “Secretariat”, respectively.

**Article 6**

This Decision shall apply from xxx [insert date of the entry into force of this Decision].

**Article 7**

This Decision is addressed to the Contracting Parties to the Treaty establishing the Energy Community.

Done in Sarajevo, on 14 October 2016

For the Ministerial Council

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Presidency