Proposal for a

DECISION No. XXXX/XX/MC-EnC
OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY
of XX XX XXXX


THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

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

Having regard to the proposal from the European Commission1,

Whereas:


2) 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 the Treaty.


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1 C(201x) xxxx final, xx.x.201x
2 OJ L 175, 5.7.1985, p. 40
3 OJ L 121, 11.5.1999, p. 13
4 OJ L 309, 27.11.2001, p. 1
5 OJ L 103, 25.4.1979, p. 1
6 OJ L 334, 17.12.2010, p.17
4) By Decision D/2013/06/MC-EnC\textsuperscript{7}, Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU have been included in Article 16 of the Treaty as part of the 'acquis communautaire on environment' and a deadline for its implementation for new plants of 1 January 2018 has been set in Annex II of the Treaty.

5) According to point 3 of Article 1 of Decision D/2013/06/MC-EnC, a deadline for the implementation of the provisions of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU for existing plants should be laid down by the Ministerial Council of the Energy Community by 31 December 2015, upon the proposal by the Commission.

6) By Decision D/2013/05/MC-EnC\textsuperscript{8}, Article 4(6) of Directive 2001/80/EC has been adapted for the specific purposes of the Energy Community, including the deadline for using National Emission Reduction Plans which was set at 31 December 2027.

7) This deadline has been taken into account in deciding on the deadline for implementing Chapter III, Annex V and Article 72(3)-(4) for existing plants.

8) The Environmental Task Force, at its meeting on XX XX 2015 analysed the proposal in detail and recommended its adoption.

9) The Permanent High Level Group, at its meeting of XX XX 2015 elaborated and endorsed the present Decision,

HAS ADOPTED THIS DECISION:

\textit{Article 1}

The second sentence of Point 5 of Annex II of the Treaty shall be replaced by the following:

"For existing plants, Contracting Parties shall implement those provisions by 1 January 2028 at the latest. Prior to that date, they shall endeavour to implement the provisions of Chapter III and Annex V within the shortest possible timeframe, in particular in the case of retrofitting existing plants."

\textit{Article 2}

This Decision shall enter into force upon its adoption by the Ministerial Council.

\textit{Article 3}

This Decision is addressed to the Contracting Parties.


\textsuperscript{8} Decision D/2013/05/MC-EnC of the Ministerial Council of the Energy Community of 24 October 2013 on the implementation of Directive 2001/80/EC of the European Parliament and Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants
Done at , XX XX XXXX

For the Ministerial Council
(President)