



## **PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY**

**2025/PA/02/MC-ENC: on amending the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of 17 November 2006, as amended by Procedural Acts 2014/01/MC-EnC, 2022/02/MC-EnC and 2024/06/MC-EnC**

The Ministerial Council of the Energy Community,  
Having regard to the proposal of the European Commission,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

### **Amendments to the Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of 17 November 2006, as amended by Procedural Acts 2014/01/MC-EnC, 2022/02/MC-EnC and 2024/06/MC-EnC**

(2) In Article 42:

- The following is added in paragraph 2:

'In the event of crime, illegal activity, fraud or corruption which may affect the financial interests of the European Union, the matter shall be referred to the authorities and bodies specified in the applicable legislation, in particular to the European Anti- Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO). In the framework of this article the 'financial interests of the European Union' means all revenues, expenditures and assets covered by, acquired through, or due to the Energy Community budget.'

- The following new paragraphs 3 and 4 are added:

'3. In the event any financial actor becomes aware of facts which give rise to a presumption of any possible illegal activity, fraud, corruption or irregularity which may affect the financial interests of the European Union, the financial actor shall inform the authorising officer or, where this is considered useful, OLAF or, in case of crimes affecting the financial interests of the European Union, the European Public Prosecutor's Office (EPPO) as soon as possible.

4. Where an activity has been found to constitute an irregularity or fraud affecting the financial interests of the European Union; the authorising officer shall suspend the procedure and may take any necessary measures, including the cancellation of any decision taken in the context of that activity. The authorising officer shall inform all competent authorities, including, where applicable, OLAF and the European Public Prosecutor's Office (EPPO), of suspected cases of fraud or irregularities as soon as possible.



(3) The following new Article 81bis is added:

1. The authorising officer shall transmit to OLAF any information obtained pursuant to Article 42(3) and (4) and to the EPPO whenever such information concerns suspected crimes affecting the financial interests of the European Union as soon as possible.

2. The staff of the Energy Community shall fully cooperate in the protection of the financial interests of the European Union pursuant to Article 42(3), in particular with the EPPO and OLAF, and provide them with the relevant information and, upon request, any assistance necessary to enable them to exercise their respective powers, including the power to carry out investigations in accordance with Council Regulation (EU) 2017/1939<sup>1</sup> and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>2</sup>.

3. To the extent necessary to protect the financial interest of the European Union, the authorising officer shall also ensure that any third party involved in the implementation of the Energy Community's budget fully cooperates with the authorising officer as part of the activities referred to in paragraph 2.

4. Where substantiated by the need to protect the financial interest of the European Union, OLAF may carry out administrative investigations at the offices of the Energy Community Secretariat; this includes the right of access for inspection in accordance with Regulation (EU, Euratom) No 883/2013.

5. The 'financial interests' of the European Union shall be understood in accordance with the definition in Article 42(2).

## Article 2

### Entry into force and applicability

This Procedural Act shall enter into force upon its adoption.

## Article 3

The Secretariat shall make this Procedural Act available to all Parties and institutions under the Treaty establishing the Energy Community within seven days of its adoption.

Done in Vienna on 18 December 2025

For the Ministerial Council

Presidency

<sup>1</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJEU L 283, 31. 10. 2017, p. 1).

<sup>2</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJEU L 248, 18. 9. 2013, p. 1).