

## DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

**D/2019/02/MC-EnC: on the failure Republic of Serbia to comply with the Energy Community Treaty in Case ECS-10/17**

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Article 91(1)(a) thereof;

Upon the Reasoned Request by the Secretariat in Case ECS-10/17 dated 26 April 2019;

Having regard to the Reply by Republic of Serbia dated 26 June 2019;

Having regard to the public hearing of 20 September 2019,

Having regard to the Opinion by the Advisory Committee established under Article 32 of Procedural Act No 2008/01/MC-EnC of the Ministerial Council of the Energy Community of 27 June 2008 on the Rules of Procedure for Dispute Settlement under the Treaty as amended by Procedural Act No 2015/04/MC-EnC, dated [xxxxxxx];

HAS ADOPTED THIS DECISION:

### Article 1

#### Failure by Republic of Serbia to comply with the Treaty

1. By not complying with requirements ensuring effective unbundling of the gas transmission system operator *Yugorosgaz-Transport*, Republic of Serbia has failed to comply with its obligations under Articles 14(2)(a), 14(2)(b), 14(2)(d), 15 and 11 of Directive 2009/73/EC as well as Article 24 of Regulation 715/2009, as incorporated in the Energy Community,
2. For the reasons sustaining these findings, reference is made to the Reasoned Request.

### Article 2

#### Follow-up

1. Republic of Serbia shall take all appropriate measures to rectify the breach identified in Article 1 and ensure compliance with Energy Community law immediately. Republic of Serbia shall report regularly to the Secretariat and the Permanent High Level Group about the measures taken in 2020.

2. If the breach has not been rectified by 1 July 2020, the Secretariat is invited to initiate a procedure under Article 92 of the Treaty.

**Article 3**  
**Addressees and entry into force**

This Decision is addressed to the Parties and the institutions under the Treaty. It enters into force upon its adoption.

Done in Chisinau on 13 December 2019

For the Ministerial Council

A large, stylized handwritten signature in blue ink, written over a dotted line.

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Presidency