EUROPEAN
COMMISSION

Brussels, 30.10.2026
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ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Permanent High Level Group and the Ministerial Council of the Energy Community (Vienna, Austria, 23 and 30 November 2026)

ANNEX 1

MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

1. DECISION OF THE MINISTERIAL COUNCIL 2026/XX/MC-ENC: ON THE DISCHARGE OF THE DIRECTOR OF THE SECRETARIAT

The position to be taken on behalf of the Union in the Ministerial Council should be to approve the draft Ministerial Council Decision on the Financial Discharge of the Director of the Secretariat of the Energy Community in accordance with Addendum 1 to this Annex.

2. PROCEDURAL ACT OF THE MINISTERIAL COUNCIL 2026/XX/MC-ENC AMENDING THE ENERGY COMMUNITY STAFF REGULATIONS OF 18 DECEMBER 2007 AS AMENDED BY MINISTERIAL COUNCIL PROCEDURAL ACTS 2009/04/MC-ENC OF 18 DECEMBER 2009, 2022/02/MC-ENC OF 15 DECEMBER 2022 AND 2024/01/MC-ENC OF 19 FEBRUARY 2024 AND AMENDING PROCEDURAL ACT 2025/01/MC-ENC ON THE ADOPTION OF THE BUDGET OF THE ENERGY COMMUNITY FOR THE YEARS 2026-2027 AND ON THE CONTRIBUTIONS BY THE PARTIES TO THE BUDGET

The position to be taken on behalf of the Union in the Ministerial Council should be to approve the draft Procedural Act amending the Staff Regulations of the Energy Community Secretariat and the budget of the Energy Community for the years 2026-2027 in accordance with Addendum 2 to this Annex.

3. PROCEDURAL ACT OF THE MINISTERIAL COUNCIL 2026/XX/MC-ENC ON ADMINISTRATION OF THE PROVIDENT FUND

The position to be taken on behalf of the Union in the Ministerial Council should be to approve the draft Procedural Act on Administration of the Provident Fund in accordance with Addendum 3 to this Annex.

4. PROCEDURAL ACT 2026/XX/MC-ENC OF THE MINISTERIAL COUNCIL: ON THE APPOINTMENT OF THE DIRECTOR OF THE ENERGY COMMUNITY SECRETARIAT

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act of the Ministerial Council of the Energy Community on the Appointment of the Director of the Energy Community Secretariat in accordance with Addendum 4 to this Annex and as outlined in Commission Decision C(2026) 6183 final.

5. DECISIONS UNDER ARTICLE 91(1)(A) OF THE TREATY ESTABLISHING THE ENERGY COMMUNITY ESTABLISHING THE EXISTENCE OF A BREACH OF THAT TREATY IN THE FOLLOWING CASES

The position to be taken on behalf of the European Union is to approve the draft Ministerial Council Decisions under Article 91(1)(a) EnCT, provided that the Advisory Committee of the Energy Community delivers, in a timely fashion, a prior opinion supporting the findings of the Energy Community Secretariat establishing the existence of a breach in:

(a) Decision 2026/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-1/22;

(b) Decision 2026/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-9/23;

(c) Decision 2026/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-14/24;

(d) Decision 2026/…/MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-15/24;

(e) Decision 2026/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-16/24;

(f) Decision 2026/…/MC-EnC on the failure of Moldova to comply with the Energy Community Treaty in Case ECS-17/24;

(g) Decision 2026/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-22/24;

(h) Decision 2026/…/MC-EnC on the failure of Serbia to comply with the Energy Community Treaty in Case ECS-10/21;

(i) Decision 2026/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-8/25;

(j) Decision 2026/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-9/25;

(k) Decision 2026/…/MC-EnC on the failure of Bosnia and Herzegovina to comply with the Energy Community Treaty in Case ECS-8/26;

(l) Decision 2026/…/MC-EnC on the failure of Georgia to comply with the Energy Community Treaty in Case ECS-9/26;

(m) Decision 2026/…/MC-EnC on the failure of Kosovo* to comply with the Energy Community Treaty in Case ECS-10/26;

(n) Decision 2026/…/MC-EnC on the failure of North Macedonia to comply with the Energy Community Treaty in case ECS-11/26.

ADDENDUM 1 TO ANNEX 1

DECISION 2026/XX/MC-EnC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

ON THE DISCHARGE OF THE DIRECTOR OF THE SECRETARIAT

The Ministerial Council of the Energy Community,

Having regard to Procedural Act 2024/06/MC-EnC adopted on 19 February 2024 on establishing Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection, in particular Article 83 thereof,

Having examined the Report on the Audit of the Financial Statements of the Energy Community for the year ended 31 December 2025 as well as the auditors' statement of assurance,

Taking account of the observations of the Budget Committee and the relevant report,

HAS DECIDED AS FOLLOWS:

Article 1

The current Director, Mr Artur Lorkowski of the Secretariat, is discharged from his management and administrative responsibility in respect of the budget for the period 1 January – 31 December, 2025.

Article 2

This Decision enters into force on the day of its adoption.

Done in Vienna on 30 November 2026.

For the Ministerial Council

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Presidency

ADDENDUM 2 TO ANNEX 1

PROCEDURAL ACT 2026/XX/MC-ENC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

amending the Energy Community Staff Regulations of 18 December 2007, as amended by Ministerial Council Procedural Acts 2009/04/MC-EnC of 18 December 2009, 2022/02/MC-EnC of 15 December 2022 and 2024/01/MC-EnC of 19 February 2024, and amending Procedural Act 2025/PA/01/MC-EnC on the adoption of the budget of the Energy Community for the years 2026-2027 and on the contributions by the Parties to the budget

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 69, 82, 83 and 87 thereof,

Whereas the Staff Regulations shall be amended to provide greater clarity as regards the procedure governing the Director's mandate, appraisal and appointment,

Whereas the establishment of the Provident Fund shall be based on the Staff Regulations,

Whereas the budget of the Energy Community for the years 2026-2027 is to be amended to reflect the establishment of the Provident Fund,

Having regard to the proposal made by the Secretariat,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

amending the Energy Community Staff Regulations of 18 December 2007 as amended by Ministerial Council Procedural Acts 2009/04/MC-EnC of 18 December 2009, 2022/02/MC-EnC of 15 December 2022 and 2024/01/MC-EnC of 19 February 2024

1. Section 4.1, first subparagraph, shall be amended to read as follows:

'The Director shall be appointed by a Procedural Act of the Ministerial Council, as provided for in Article 69 of the Treaty, and according to the Rules of Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff. This Procedural Act shall be proposed by the European Commission for a fixed term of five years renewable no more than once. The total duration of all terms served by a Director – whether through renewal or a separate selection process – cannot exceed 10 years.'

2. Section 4.8 c) ('Performance appraisal/staff dialogues') shall be amended to read as follows:

'In the first quarter of each calendar year, the Director shall be subject to an annual performance appraisal. The objective of the annual appraisal is to assess the Director's competence, efficiency and conduct in the service and to adjust the Job Description, as need be. A representative of the Contracting Party holding the Presidency of the Ministerial Council in the year preceding the assessment, as well as a representative of the European Commission, shall act as reporting officers. The Director shall establish a self-assessment by 31 January of the following year, which is subsequently discussed with the two reporting officers. Within four weeks, the reporting officers shall draw up a report, which shall be notified in writing to the Director, and its executive summary shall be circulated for information to the Ministerial Council. In case of disagreement with the report, the Director may ask the Presidency of the Ministerial Council to reconsider it. The Presidency must duly motivate its opinion to reconsider or to maintain the report in writing and inform the Ministerial Council.'

3. Section 4.10 a) ('Probationary period'), second subparagraph, shall be amended to read as follows:

'The Director shall serve a probationary period of six months. At the latest one month before the expiry of the probationary period, a report shall be drawn up by a Reporting Panel on the efficiency of the probationer, on their abilities to perform the duties pertaining to their post, including the probationer's management skills, and on their conduct in the service. The Reporting Panel shall be comprised of a representative of the Contracting Party holding the Presidency of the Ministerial Council, and of a representative of the European Commission.

After having been notified of the report in writing, the probationer shall have eight working days to accept the report without comments, accept the report after adding comments, or refuse the report justifying the reason for the refusal in its appropriate section. A report is deemed to be accepted if there is no reaction from the probationer within the set deadline.

Unless the Presidency, after consultation with the Vice-Presidency, identifies serious concerns regarding the Director's performance, the Director's Employment Agreement shall be deemed to be confirmed. Where such concerns are identified, the Presidency, after consultation with the Vice-Presidency, may recommend dismissal of the probationer to the Ministerial Council, which shall decide to confirm or to terminate the Employment Agreement in accordance with the rules set out in Article 88 of the Treaty, after having heard the probationer.

Any Member of the Ministerial Council may inform the Ministerial Council of their views in writing no later than two weeks prior to the end of the six-month probationary period. In

derogation from Section V 23—25 (sentences 1 and 2) of Procedural Act 2006/01/MC-EnC on the adoption of the internal Rules of Procedures of the Ministerial Council of the Energy Community, as amended, the Director may initiate a decision by correspondence within ten calendar days prior to the end of the six-month probationary period on the basis of the appraisal.'

4. In Section 12 ('Social benefits'), paragraph d) shall be inserted and read as follows:

'The employer may contribute to a Provident Fund to ensure against employment-related risks and/or prepare for retirement, as laid down in the respective Procedural Act to be adopted by the Ministerial Council.'

Article 2

amending Procedural Act 2025/PA/01/MC-EnC on the adoption of the budget of the Energy Community for the years 2026-2027 and on the contributions by the Parties to the budget

1. With effect as of 1 January 2026, Annex A to the Procedural Act 2025/PA/01/MC-EnC shall be amended as follows:

   (a) In Section 4.1 'Budget line: Human resources', subparagraph i) shall be included:

'The 2026-2027 budget introduces a new employer's contribution to pensions in the form of a **Provident Fund** for staff paid mutually by the Energy Community and staff with a 10% and 5% contribution of the monthly salary respectively.'

Article 3

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

Done in Vienna on 30 November 2026.

For the Ministerial Council

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Presidency

ADDENDUM 3 TO ANNEX 1

PROCEDURAL ACT 2026/XX/MC-EnC OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY ON THE ADMINISTRATION OF THE PROVIDENT FUND

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Whereas the Energy Community is committed to supporting staff members of the Energy Community Secretariat in building long-term financial reserves serving as a form of social security for retirement purposes,

Whereas the Provident Fund is a jointly funded scheme between the Secretariat and its staff members, aimed at accumulating contributions throughout employment and disbursing them upon departure or under specific conditions,

Whereas the Provident Fund should be managed with transparency, accountability and proper internal controls,

Determined to implement a standardised and efficient procedure for the administration of the Provident Fund under the overall responsibility of the Director and the Head of the Administrative and Finance Unit,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

General provisions

1. A Provident Fund shall be established for the benefit of all Energy Community Secretariat's (hereinafter 'the Secretariat') staff members as defined in Section 2.1 of the Staff Regulations and subject to Article 7 of these rules. For the purpose of the present Provident Fund, Seconded Staff are not staff members.
2. As of the first day of employment of a staff member, the Secretariat shall contribute to the Provident Fund on a monthly basis an amount equivalent to 10% of the monthly gross salary of the respective contracted staff member and each staff member shall contribute an amount equivalent to 5% of their monthly gross salary. The contribution of the staff member shall be withdrawn by the Secretariat before transfer of the salary to the staff member and be transferred directly to the Provident Fund's bank account.
3. All contributions shall be made in euro and may only be invested in instruments denominated in euro.

Article 2

Administration of the Fund

1. The Director is responsible for the overall management of the Provident Fund.
2. The Administrative and Finance Unit shall manage the regular operational activities of the Provident Fund.
3. A designated euro bank account shall be opened and used exclusively for the Provident Fund.
4. The Secretariat shall be exclusively responsible for the management of the designated euro bank account.
5. Monthly reconciliations shall be conducted between payroll deductions, Energy Community contributions and the Energy Community's bank accounts.
6. The total amount of accumulated resources within the designated Provident Fund bank account shall be reported in the monthly financial report. Each staff member shall receive a personalised quarterly statement detailing the status of their contributions.
7. Fund balances and individual contributions shall be recorded and tracked.

8. All records shall be stored in a secure, access-controlled digital location.

9. Under no circumstances can the total amount of contributed and accumulated funds for an individual staff member be less than what is paid out after the termination of employment.

Article 3

Payroll integration

1. Until full automated integration into the payroll system becomes feasible, Provident Fund contributions shall be tracked and managed using the existing process and electronic means.

2. Records are maintained and updated for each payroll cycle.

3. Deductions and payments shall be made simultaneously with the monthly payroll.

Article 4

Payment of benefits and withdrawals

1. Payments are made to the staff member's salary bank account. The bank account shall be in the name of the staff member.

2. No withdrawals of any contributions to the Provident Fund by either the Energy Community or the staff member shall be permitted during active employment of the respective staff member.

3. Every staff member shall nominate a beneficiary in the event of the staff member's death including beneficiaries' bank details.

4. Upon the end of the employment, including death, retirement[1], expiry or termination of the Employment Agreement, all accumulated contributions – comprising the staff member's and employer's payments plus accrued interest – shall be disbursed by the Secretariat within 60 calendar days electronically in euro to the bank account of the respective staff member or beneficiary indicated by the staff member in line with these rules.

Article 5

Legal framework

1. The Provident Fund shall be set up and operated, subject to the assignment of appropriations in the biennial budget, in accordance with the existing Energy Community financial rules and regulations.

2. Contributions by the Secretariat to the Provident Fund shall be financed from appropriations in the relevant biennial budget.

Article 6

Bank fees and interest

1. The Provident Fund may earn standard bank interest.

2. Any interest shall be allocated proportionally to individual aggregated contributions or deducted from them in the event of negative interest.

3. The Secretariat shall fully cover operational banking fees such as transfer fees, account maintenance charges, or other administrative banking expenses.

[1] As defined in Article 11 of the Staff Regulations of the Energy Community.

Article 7

Scope of application

1. The provisions of this Procedural Act shall not be applied retroactively. All rights, obligations, and financial arrangements established under previous rules shall remain governed by the rules in effect at the time of their establishment.

2. Irrespective of paragraph 1, the provisions of this Procedural Act take effect on 1 January 2026.

3. The provisions of this Procedural Act apply to all staff members with a valid Employment Agreement at the time of entry into force of the Procedural Act specified in Article 8.

Article 8

Entry into force

This Procedural Act enters into force on 30 November 2026.

Done in Vienna on 30 November 2026.

For the Ministerial Council

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Presidency

ADDENDUM 4 TO ANNEX 1

PROCEDURAL ACT 2026/XX/MC-ENC

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

ON THE APPOINTMENT OF THE DIRECTOR OF THE ENERGY COMMUNITY SECRETARIAT

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community and in particular Articles 69 and 88 thereof,

Having regard to the fact that the mandate of the current Director of the Energy Community Secretariat, Mr Artur Lorkowski, is due to expire on 30 November 2026 and that on 16 January 2026 the European Commission published a vacancy notice for an open selection procedure for the next Director of the Energy Community Secretariat as of 1 December 2026,

Whereas, on the basis of the vacancy notice of 16 January 2026 and the subsequent selection procedure carried out by the European Commission, Mr Artur Lorkowski has proven to have the best combination of managerial, leadership, communication and negotiation skills, technical proficiency, international experience and knowledge in order to carry out the functions of Director of the Energy Community Secretariat,

Having regard to the European Commission Proposal to the Ministerial Council to appoint Mr Artur Lorkowski as Director of the Energy Community Secretariat,

Having regard to Article II.1 of the Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff, as adopted by Procedural Act of the Ministerial Council of the Energy Community 2006/02/MC-EnC of 17 November 2006, as amended by the Ministerial Council's Procedural Acts 2016/01/MC-EnC of 14 October 2016, 2022/02/MC-EnC of 15 December 2022 and 2024/01/MC-EnC of 19 February 2024,

Having regard to the salary level established in the budget of the Energy Community for the years 2026 and 2027, adopted by Procedural Act of the Ministerial Council 2025/PA/01/MC-EnC of 18 December 2025,

HAS ADOPTED THIS DECISION:

Article 1

The Ministerial Council appoints Mr Artur Lorkowski as a Director of the Energy Community Secretariat for a period of five years starting on 1 December 2026.

This appointment constitutes a renewal of Mr Artur Lorkowski's mandate, and he shall not be appointed again after the end of this mandate.

Article 2

By accepting the appointment, as provided for in Article 1, Mr Artur Lorkowski accepts the following terms: (i) the working conditions of the Director as set out in the Staff Regulations of the Energy Community Secretariat adopted by the Energy Community Ministerial Council on 18 December 2007, including any subsequent amendments; (ii) the Act of Appointment, as set out in the Annex to this Procedural Act, which sets out the conditions of employment applicable until the end of the mandate; (iii) the monthly salary of the Director, of EUR 14 000 in 2026 and EUR 14 280 in 2027, which may be increased subsequently depending on the outcome of the annual performance appraisals in line with Section 4.8, point (c) of the Energy Community Staff Regulations and the approval by the Ministerial Council in the future biennial budgets of the Energy Community.

Article 3

The Act of Appointment of the Director of the Energy Community Secretariat, containing the Employment Agreement, as set out in the Annex to this Procedural Act, shall be issued by the Presidency representing the Ministerial Council on the day of adoption of this Procedural Act.

Article 4

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

Article 5

This Decision shall enter into force upon adoption.

Done in Vienna on 30 November 2026.

For the Ministerial Council

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Presidency

ANNEX 2

PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY

1. PROCEDURAL ACT OF THE PERMANENT HIGH LEVEL GROUP 2026/XX/PHLG-ENC ESTABLISHING GUIDELINES DEFINING THE PROCEDURE IN CASE OF URGENCY UNDER ARTICLE 18(3) OF PROCEDURAL ACT 2015/04/MC-ENC

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act of the Ministerial Council of the Energy Community establishing guidelines defining the procedure in case of urgency under Article 18(3) of Procedural Act 2015/04/MC-EnC in accordance with Addendum 1 to this Annex. The Commission shall be authorised to vote on behalf of the Union at the Permanent High Level Group in procedures in cases of urgency falling withing the scope of the above-mentioned Procedural Act and Article 18(3) of Procedural Act 2015/04/MC-EnC, in accordance with the following paragraphs.

The Commission shall be authorised to express the Union position and vote on its behalf within the Permanent High Level Group as regards decisions on interim measures taken in accordance with the guidelines adopted pursuant to Article 18(3) of Procedural Act 2015/04/MC-EnC. The Commission shall transmit to the Council, or to its preparatory bodies, in sufficient time before the relevant Permanent High Level Group meeting, a written document setting out the position to be expressed on behalf of the Union. The Commission shall inform the Council immediately after the adoption of any Permanent High Level Group decision imposing interim measures.

2. PROCEDURAL ACT OF THE PERMANENT HIGH LEVEL GROUP 2026/XX/PHLG-ENC LAYING DOWN RULES FOR THE ORGANISATION AND FUNCTIONING OF THE COORDINATION GROUP FOR OIL AND PETROLEUM PRODUCTS OF THE ENERGY COMMUNITY

The position to be adopted on behalf of the European Union is to approve the draft Procedural Act of the Permanent High Level Group of the Energy Community laying down rules for the organisation and functioning of the Coordination Group for Oil and Petroleum Products of the Energy Community, in accordance with Addendum 2 to this Annex.

ADDENDUM 1 TO ANNEX 2

PROCEDURAL ACT 2026/XX/PHLG-ENC

OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY:

ESTABLISHING GUIDELINES DEFINING THE PROCEDURE IN CASE OF URGENCY UNDER ARTICLE 18(3) OF PROCEDURAL ACT 2015/04/MC-ENC

2026/…/PHLG-EnC: on guidelines defining the procedure in case of urgency under Article 18(3) of Procedural Act 2015/04/MC-EnC

The Permanent High Level Group of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 2, 53, 82, 83 and 87 thereof,

Whereas on 16 October 2015 the Ministerial Council of the Energy Community adopted Procedural Act 2015/04/MC-EnC on amending Procedural Act 2008/01/MC-EnC of 27 June 2008 on Rules of Procedure for dispute settlement under the Treaty,

Whereas Article 21 of the Rules of Procedure for dispute settlement under the Treaty establishes that complaints against an EU Member State shall be passed on to the European Commission,

Whereas Article 18(3) of Procedural Act 2015/04/MC-EnC calls upon the Permanent High Level Group to adopt guidelines determining the criteria for urgency, the procedure for adoption as well as the scope and limits of interim measures,

Whereas under Article 82 of the Treaty measures are to be proposed by a Party or the Secretariat,

Having regard to the proposal submitted by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

Procedure in case of Urgency

1. In case of urgency, the Secretariat may, on the basis of a prima facie finding of non-compliance, submit a reasoned request directly to the next meeting of the Permanent High Level Group pursuant to Article 18 of Procedural Act 2015/04/MC-EnC at the request of a private body, a Party, the Regulatory Board, or ex officio without a preliminary procedure or at any stage of the preliminary procedure.
2. In case of a complaint by a private body, the complainant may suggest the initiation of a procedure pursuant to Article 18 of Procedural Act 2015/04/MC-EnC already at the time of the submission of the complaint, or anytime during the preliminary procedure. The complainant shall set out, together with all relevant documentation, the circumstances giving rise to urgency. The complainant may also propose interim measures. Upon review of the request of the complainant, the Secretariat shall decide whether or not to initiate a procedure pursuant to Article 18 of Procedural Act 2015/04/MC-EnC, and whether or not to request interim measures. The Secretariat is not bound by the request of the complainant.
3. The Secretariat shall send the reasoned request, and any request for interim measures, to the Party concerned at the same time when submitted to the Permanent High Level Group. The Party concerned may submit written observations within one week from receipt of any such request.
4. At the next possible meeting after the submission of the reasoned request and request for interim measures by the Secretariat, the Permanent High Level Group will review the existence of urgency in line with the present guidelines.
5. The Permanent High Level Group may impose interim measures if and to the extent requested by the Secretariat. Interim measures may include:
    (a) The obligation of a Party concerned to suspend the application of a contested national measure,
    (b) The obligation of a Party concerned to adopt and apply a national measure restoring or preserving the status quo, or

(c) The obligation of a Party concerned to take any other measures necessary for preventing serious and irreparable damage to one of the objectives of the Treaty.

The subject-matter of application for interim measures may not go beyond the subject-matter of the case under preliminary procedure and the interim measure(s) imposed may not be different or go beyond what could be obtained in the main proceedings. The interim measures must account for any discretion available to a Party in the main proceedings to choose among appropriate measures to rectify the breach.

Article 2

Urgency

1. Urgency will be assessed by the Permanent High Level Group on a case-by-case basis.
2. A situation will be deemed urgent if it falls under one of the following categories:
   (a) The imminent risk of a serious and irreparable damage to one of the objectives of the Treaty; such objectives include, but are not limited to: investment security in the energy field, security of supply, environmental protection, the functioning of the single energy market etc.; or
   (b) The imminent risk of damage to private bodies not reparable by monetary compensation.
   (c) The damage referred to in paragraph 2 of this Article must not be hypothetical, and it must entail a sufficient degree of probability. Any risk of damage is only considered urgent if it cannot be prevented by the final decision of the Ministerial Council under Articles 91 and 92 of the Treaty at its next regular meeting.
3. There must be a causal link between the alleged breach and the damage referred to in paragraph 2 of this Article.

Article 3

Interim Measures

1. Together with the submission of a reasoned request under Article 1 of the present Procedural Act, the Secretariat may request the Permanent High Level Group to impose interim measures against the Party concerned, provided that such measures are suitable, necessary and proportionate to prevent the risks described in Article 2(2) of the present Procedural Act.
2. The application for imposing interim measures shall also contain a justified proposal for specific measures together with evidence for their suitability, necessity and proportionality.
3. The Permanent High Level Group shall decide on the interim measures proposed by the Secretariat by voting in accordance with the requirements established in Articles 91 to 93 of the Treaty. The decision shall depend on the existence of urgency as well as the suitability, necessity and proportionality of the interim measures proposed. The decision shall fix the date on which the interim measure is to lapse.
4. A decision shall be taken at the meeting of the Permanent High Level Group following the reasoned request under Article 1 of the present Procedural Act, or, if

so decided, by written correspondence pursuant the Consolidated Internal Rules of Procedure of the Permanent High Level Group.

5. A decision of the Permanent High Level Group not to impose interim measures shall not prevent the Secretariat from making a new application in the same matter, on the basis of new or changed circumstances related to facts or law.

6. Between the decision of the Permanent High Level Group and the next regular meeting of the Ministerial Council, the Secretariat or the Party concerned may request the Permanent High Level Group to modify or cancel the decision to impose interim measures due to a change in circumstances. The Party concerned or the Secretariat have one week to reply on the application to modify or cancel interim measures. The decision on the application to modify or cancel the interim measures shall be taken either at the next meeting of the Permanent High Level Group, or, if so decided, by written correspondence pursuant the Consolidated Internal Rules of Procedure of the Permanent High Level Group.

Article 4

Procedure before the Ministerial Council

1. The Secretariat, upon a request by a Party or or on its own initiative shall request the Ministerial Council to decide on the continuation, modification or suspension of interim measures imposed by the Permanent High Level Group, provided these measures are still in force. The Ministerial Council shall decide by voting in accordance with the requirements established in Articles 91 to 93 of the Treaty.

2. The interim measures shall expire no later than the Ministerial Council meeting at which the reasoned request is submitted for decision.

Done in Vienna on 23 November 2026.

For the Permanent High Level Group

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Presidency

ADDENDUM 2 TO ANNEX 2

PROCEDURAL ACT 2026/XX/PHLG-ENC

OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY:

LAYING DOWN RULES FOR THE ORGANISATION AND FUNCTIONING OF THE COORDINATION GROUP FOR OIL AND PETROLEUM PRODUCTS OF THE ENERGY COMMUNITY

The Permanent High Level Group of the Energy Community,

Having regard to the Treaty establishing the Energy Community, in particular Articles 53 and 87 thereof,

Whereas Article 17 of Directive 2009/119/EC, as incorporated and adapted by Ministerial Council Decision 2012/03/MC-EnC of 18 October 2012, establishes a Coordination Group for Oil and Petroleum Products in the Energy Community,

Whereas there is an increased need to strengthen oil supply security in the Energy Community by supporting Contracting Parties in implementing the cooperation mechanisms foreseen in Directive 2009/119/EC,

Whereas the activities of the Coordination Group for Oil and Petroleum Products are derived from Directive 2009/119/EC,

Whereas the Coordination Group for Oil and Petroleum Products should facilitate cooperation among Contracting Parties and the relevant stakeholders in the field of oil and petroleum products,

Whereas, in order to ensure the effective functioning of the Coordination Group, rules governing its organisation and operation should be laid down,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

Energy Community Coordination Group for Oil and Petroleum Products

The task of the Coordination Group for Oil and Petroleum Products ('the Coordination Group') shall be to contribute to analysing the situation within the Energy Community with regard to security of supply for oil and petroleum products and facilitate the coordination and implementation of measures in that field.

Article 2

Composition and organisation

1. The Coordination Group shall be composed of representatives of the Contracting Parties.

2. The Coordination Group shall be chaired by the European Commission with the support of the Energy Community Secretariat. Representative bodies from the sector concerned may take part in the work of the Coordination Group at the invitation of the European Commission.

3. The Energy Community Secretariat shall assist the Chair in the preparation and organisation of the activities of the Coordination Group and shall provide technical assistance for its work.

4. The Member States of the European Union may, under the coordination of the European Commission, participate in the Coordination Group with regard to all matters with which they are concerned.

5. Participant and Observer countries may be represented in accordance with Articles 95 and 96 of the Treaty.

6. Each Party shall nominate its representatives and inform the European Commission and the Energy Community Secretariat as well as promptly notify the European Commission and the Energy Community Secretariat of any changes thereof. The list of representative bodies of the industry concerned and of relevant consumers shall be established and updated by the Energy Community Secretariat upon the proposal by the European Commission.

7. While the nominated representatives of the Coordination Group are not automatically considered the crisis contact points as referred to in Article 3(1)(c), Parties are encouraged to ensure close alignment between these roles.

8. The agenda and the draft conclusions of each meeting of the Coordination Group shall be agreed by the European Commission and the Energy Community Secretariat prior to circulating.

Article 3

Activities

1. The Coordination Group shall:

   (a) facilitate the exchange of information and experience relevant to the implementation of Directive 2009/119/EC;

   (b) support cooperation and coordination among the Parties on matters relating to security of supply for oil and petroleum products;

   (c) maintain and facilitate the exchange of information on crisis contact points and support coordination during supply disruptions;

   (d) promote the exchange of best practices concerning stockholding systems, emergency preparedness, crisis response measures and related administrative arrangements;

   (e) facilitate cooperation and information exchange with the European Commission, including with regard to matters arising under Articles 17, 18 and 20 of Directive 2009/119/EC;

   (f) contribute to crisis preparedness and situational awareness by supporting the exchange of relevant information concerning market developments, stock levels, supply and demand developments and other factors affecting security of supply for oil and petroleum products.

2. The activities of the Coordination Group shall relate to all matters falling within the scope of Directive 2009/119/EC.

3. The activities of the Coordination Group shall not have legally binding effects.

Article 4

Meetings

1. The Coordination Group shall meet regularly at least once a year.

2. Ad hoc meetings of the Coordination Group may be convened by the Chair in the event of an existing or imminent threat to security of supply either on its own initiative, or at the request of a Party to the Treaty.

Article 5

Review

Within three years of the date of its entry into force, this Procedural Act shall be reviewed in order to assess the functioning of the cooperation mechanisms it establishes.

Article 6

Addressees

This Procedural Act shall enter into force on the day of its adoption and is addressed to the Parties.

Done in Vienna on 23 November 2026.

For the Permanent High Level Group

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Presidency