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COUNCIL DECISION (EU) 2024/3225

of 9 December 2024

on the position to be taken on behalf of the European Union at the 22nd session of the Ministerial Council and at the 59th session of the Regulatory Board of the Energy Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Energy Community Treaty (the 'Treaty') was concluded by the Union by Council Decision 2006/500/EC ([1]) and entered into force on 1 July 2006.

(2) Pursuant to Articles 47 and 76 of the Treaty, the Ministerial Council of the Energy Community (the 'Ministerial Council') is to take Measures in the form of a Decision or a Recommendation.

(3) Pursuant to Articles 60 and 86 of the Treaty, the Regulatory Board of the Energy Community (the 'Regulatory Board') is to adopt its internal rules of procedure by Procedural Act.

(4) The Ministerial Council, during its 22nd session to be held on 12 December 2024 in Vienna, is to adopt, inter alia, acts which fall within the scope of Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) and on which representatives of the Union are to vote. The acts to be adoped include a number of decisions in accordance with Article 91(1)(a) of the Treaty, provided that the Advisory Committee of the Energy Community established by Procedural Act No 2008/01 of the Ministerial Council delivers a prior opinion in a timely manner in support of the findings of the Secretariat of the Energy Community determining the existence of a breach of the Treaty, and a decision on the financial discharge of the director of the Secretariat of the Energy Community. In addition, the Ministerial Council will also adopt its position on the prolongation of the mandates of two members of the Advisory Committee and the appointment of three new members until 31 December 2028.

(5) The Regulatory Board, at its 59th session to be held on 10 December 2024 in Athens, is to adopt a decision which falls within the scope of Article 218(9) TFEU and on which representatives of the Union are to vote, namely a Procedural Act replacing its internal rules of procedure.

(6) The purpose of the envisaged acts of the Ministerial Council and of the Regulatory Board is to facilitate the achievement of the objectives of the Treaty.

(7) It is appropriate to establish the position to be taken on behalf of the Union within the Ministerial Council and the Regulatory Board regarding the envisaged acts, as those acts will have legal effects for the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Ministerial Council of the Energy Community (the 'Ministerial Council') at its 22nd session to be held on 12 December 2024 regarding the issues falling under the scope of Article 218(9) TFEU is set out in Annex I to this Decision.

Article 2

The position to be taken on behalf of the Union within the Regulatory Board of the Energy Community (the 'Regulatory Board') at its 59th session to be held on 10 December 2024 regarding the issues falling under the scope of Article 218(9) TFEU is set out in Annex II to this Decision.

([1]) Council Decision 2006/500/EC of 29 May 2006 on the conclusion by the European Community of the Energy Community Treaty (OJ L 198, 20.7.2006, p. 15).

Article 3

Minor changes to the draft decisions set out in Annexes I and II, in the light of comments from the Energy Community Contracting Parties before or at the Ministerial Council or Regulatory Board meeting, may be agreed by the Commission without a further decision of the Council.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 9 December 2024.

For the Council

The President

NAGY I.