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Letter of Energy Community Secretariat to Ukrainian President H.E. Viktor Yanukovich

According to media reports, President Yanukovich, at a press conference in Vilnius on Wednesday expressed his dissatisfaction with the level of cooperation with the “European Energy Community”. According to the agency Interfax President Yanukovich said that there had been no support for Ukraine in its gas relations with Russia over three years of Ukraine’s membership of the Energy Community and that Ukraine does not know whether any documents were signed in consultation with the Energy Community, *“concerning, for example, the construction of the South Stream.”* *“They directly influence the interests of Ukraine, and our view was not taken into account, and we didn’t even receive any answers to the questions we raised,”* he reportedly said. As Moscow Times reports, President Yanukovich also said that Ukraine had appealed the 7 bn \$ bill from Gazprom to the European Energy Community but received no reply. President Yanukovich’s statements raised questions to Energy Community Secretariat by many journalists.

Yesterday, the Director of the Secretariat Mr. Janez Kopac sent a letter to President Yanukovich in which he expresses his surprise about the news reporting his statements. In the letter, the Director informs President Yanukovich that Ukraine has so far not invited the Secretariat to become involved in bilateral discussions with Russia or asked for any assistance or action in facilitating the implementation of the third internal market package. At the same time, the Secretariat supported Ukraine in a concrete and result-oriented way in other areas falling within the scope of the Energy Community Treaty.

*“I believe that there must be a deep misunderstanding. The only case when the Energy Community Secretariat was ever approached with criticism by the Ukraine Government until now concerned Serbia’s involvement in Gazprom’s South Stream project, to which the Secretariat replied by making reference to its role under the Treaty, namely to ensure compliance with the binding rules under the Treaty, by all Contracting Parties and for all projects on their territories. Neither the Government of Ukraine nor any of its companies have until now initiated a dispute settlement procedure related with that project by itself or via the Secretariat under Article 90 of the Treaty”,* says Director Kopac and concludes *“the Secretariat stands on your disposal whenever Ukraine as Contracting party will wish to involve our experts into any problem solving process related with your country.”*