



Council of the
European Union

Brussels, 3 November 2022
(OR. en)

14325/22

LIMITE

ENER 561
ATO 84
POLCOM 149
FDI 19

Interinstitutional File:
2022/0323(NLE)

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	13223/22
Subject:	Proposal for a COUNCIL DECISION on approving the position to be taken by the Commission on behalf of Euratom in the 33rd meeting of the Energy Charter Conference

Delegations will find attached a revised version of the Commission proposal, as prepared by the Presidency (REV1).

Deletions are marked in ~~strike through~~, new text is marked with **bold underline**.

2022/0323 (NLE)

Proposal for a

COUNCIL DECISION

on approving the position to be taken by the Commission on behalf of Euratom in the 33rd meeting of the Energy Charter Conference

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101 paragraph 2 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Energy Charter Treaty ('the Agreement') was concluded by European Atomic Energy Community ('the Euratom') by Council and Commission Decision 98/181/EC, ECSC, Euratom of 23 September 1997 on the conclusion, by the European Communities, of the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects (OJ L 69, 9.3.1998, pp. 1-116) and entered into force on 16 April 1998.
- (~~25~~) (*paragraph 5 moved from below*) In the absence of any substantial update of the Agreement since the 1990s, the Agreement became increasingly outdated. It ~~is~~was ~~appropriate~~accordingly proposed to amend the Agreement with a view to bringing it into alignment with the principles of the Paris Agreement, the requirements of sustainable development and the fight against climate change, as well as with modern standards of investment protection and investor-to-State dispute settlement.

- (32) Pursuant to Article 34 of the Agreement, the Energy Charter Conference adopts texts of amendments to the Agreement and approves modifications of, and technical changes to, the Annexes to the Agreement.
- (43) The Energy Charter Conference, during its 33rd meeting on 22 November 2022, is to **(i)** adopt the proposed amendments to the ~~Energy Charter Treaty~~ **Agreement** (CC 760), and to approve **(ii)** the proposed modifications and changes to the Annexes to the Energy Charter Treaty (CC 761), **(iii)** the proposed changes to Understandings, Declarations and Decisions (CC 762), and **(iv)** the decision regarding the entry into force and provisional application of amendments to the ~~Energy Charter Treaty~~ **Agreement** and ~~changes/modifications~~ **and changes** to its Annexes (CC 763), **thereby concluding the negotiations conducted with a view to modernising the Agreement.**
- (54) It is appropriate to establish the position to be taken on Euratom's behalf in the Energy Charter Conference, as the abovementioned acts will ~~be binding on Euratom~~ **have legal effects**, as regards matters falling under the Euratom Treaty.
- (6) **The position to be adopted on behalf of the Euratom pursuant to this Decision is without prejudice to the subsequent decision of the Euratom on the provisional application and conclusion of the proposed amendments to the Agreement (CC 760) pursuant to Article 101 of the Euratom Treaty.**
- (7) **The proposed acts will be adopted by the Conference if no Contracting Party objects. The Euratom's position should be not to raise objections, so as to allow for the adoption of the proposed acts by the Conference.**

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Commission on behalf of Euratom, as regards matters falling under the Euratom Treaty, in the 33rd meeting of the Energy Charter Conference shall be to participate in the vote and raise no objection to the following:

- (a) to support the adoption by the Conference of the proposed amendments to the ~~Energy Charter Treaty~~ Agreement (CC 760);
- (b) ~~to the~~ approve of the proposed modifications and changes to the Annexes to the ~~Energy Charter Treaty~~ Agreement (CC 761);
- (c) ~~to the~~ approve of the proposed changes to Understandings, Declarations and Decisions (CC 762); and
- (d) to approve the decision regarding the entry into force and provisional application of amendments to the ~~Energy Charter Treaty~~ Agreement and ~~changes/modifications~~ and changes to its Annexes (CC 763).

Article 2

This Decision shall enter into force on the day of its adoption ~~is addressed to the European Commission.~~

Done at Brussels,

For the Council
The President