



Council of the  
European Union

Brussels, 7 November 2022  
(OR. en)

14325/1/22  
REV 1

LIMITE

ENER 561  
ATO 84  
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2022/0323(NLE)

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#### NOTE

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| 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 (REV2).

With reference to the Commission's proposal deletions are marked in ~~strikethrough~~, new text is marked with **bold underline**.

Deletions from 14325/22 are marked in ~~strikethrough grey shaded~~, new text is marked with **bold underline grey shaded**.

The substance of this rev2 remains unchanged in comparison to the previous version. The changes are made only to correct unintended mistakes that occurred when aligning the text with the proposal for the Council decision to be taken on behalf of the European Union in the 33rd meeting of the Energy Charter Conference.

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~~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 (iiiiv) 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~~ **approval of** the proposed modifications and changes to the Annexes to the ~~Energy Charter Treaty~~ **Agreement** (CC 761);
- (c) ~~to the~~ **approval of** the proposed changes to Understandings, Declarations and Decisions (CC 762); and
- (d) ~~to approve~~ **the approval of** 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*