



Council of the  
European Union

Brussels, 2 April 2024  
(OR. en)

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**Interinstitutional File:  
2024/0076(NLE)**

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**8416/24  
ADD 1**

**POLCOM 130  
FDI 36  
ENER 161**

**PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 March 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.:	COM(2024) 142 final - ANNEX
Subject:	ANNEX to the Proposal for a Council Decision on the partial suspension of the application of the Energy Charter Treaty between the Union and any legal entity that is owned or controlled by citizens or nationals of the Russian Federation or of the Republic of Belarus, and any Investment within the meaning of the Energy Charter Treaty which is an Investment of an Investor of the Russian Federation or of the Republic of Belarus

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Delegations will find attached document COM(2024) 142 final - ANNEX.

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Encl.: COM(2024) 142 final - ANNEX



Brussels, 27.3.2024  
COM(2024) 142 final

ANNEX

**ANNEX**

**to the**

**Proposal for a Council Decision**

**on the partial suspension of the application of the Energy Charter Treaty between the Union and any legal entity that is owned or controlled by citizens or nationals of the Russian Federation or of the Republic of Belarus, and any Investment within the meaning of the Energy Charter Treaty which is an Investment of an Investor of the Russian Federation or of the Republic of Belarus**

## ANNEX

### DECLARATION

#### **on behalf of the European Union, the European Atomic Energy Community (Euratom) and all Member States that are Contracting Parties to the Energy Charter Treaty**

The European Union, the European Atomic Energy Community (Euratom) and all Member States that are Contracting Parties to the Energy Charter Treaty (“ECT”) herewith deny the advantages of Part III of the ECT to:

- (1) any legal entity that is owned or controlled by citizens or nationals of the Russian Federation or of the Republic of Belarus and that has no substantial business activities in the Area of the Contracting Party in which it is organised, pursuant to Article 17(1) ECT; and
- (2) any Investment within the meaning of the ECT which is an Investment of an Investor of the Russian Federation or of the Republic of Belarus, pursuant to letter (b) of Article 17(2) ECT.

The European Union and its Member States have adopted and maintain sanctions against the Russian Federation over its war of aggression against Ukraine, as well as against the Republic of Belarus as accomplice in this war of aggression. The sanctions include measures that (i) prohibit transactions with Investors of the Russian Federation and of the Republic of Belarus, and (ii) would be violated or circumvented if the benefits of Part III of the ECT were accorded to Investors of those states or to their Investments.