



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.3.2001
COM(2001) 176 final

2001/0087 (ACC)

Proposal for a

COUNCIL DECISION

on the conclusion by the European Community of the amendment to the trade-related provisions of the Energy Charter Treaty

(presented by the Commission)

EXPLANATORY MEMORANDUM

- (1) The European Energy Charter adopted in December 1991 sought to catalyse and accelerate economic recovery in Eastern Europe and the then Union of Soviet Socialist Republics through cooperation in the energy sector. In 1994, the signatories completed negotiations on the Energy Charter Treaty, which provides an international legal framework for the promotion of long-term cooperation in the energy field. The Treaty entered into force in April 1998. Forty-four countries (including all EC Member States) and the European Communities have ratified the Treaty so far, and a further two countries apply it on a provisional basis, pending ratification.
- (2) The trade-related provisions of the Energy Charter Treaty state that trade in energy materials and products between Contracting Parties at least one of which is not a party to the GATT shall be governed by the provisions of GATT 1947 and Related Instruments.
- (3) On 24 April 1998, an International Conference held at the same time as the Energy Charter Conference agreed on the text of the Amendment to the trade-related provisions of the Energy Charter Treaty. The Amendment introduces into the Treaty the relevant WTO provisions resulting from the Uruguay Round of Multilateral Trade Negotiations and includes a list of energy-related equipment in the trade provisions of the Treaty.
- (4) On 13 July 1998, the Council approved the text of the Trade Amendment and agreed to its provisional application.
- (5) The Commission proposes that the Community should now ratify the Trade Amendment before the Energy Charter Conference meets in December 2001 to celebrate the tenth anniversary of the European Energy Charter.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the first sentence of the first paragraph of Article 300(2),

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The European Communities concluded the Energy Charter Treaty in Council and Commission Decision 98/181/EC, ECSC, Euratom, which incorporated by reference the relevant provisions of GATT 1947;
- (2) The introduction in the Energy Charter Treaty of the relevant WTO provisions by reference instead of the GATT 1947 provisions contained therein, as well as the inclusion of a list of energy-related equipment in the trade provisions, are in the interest of the Community;
- (3) The Community has exclusive competence for common commercial policy;
- (4) The Energy Charter Conference and the International Conference held on 24 April 1998 agreed on the text of the Amendment to the trade-related provisions of the Energy Charter Treaty, including the list of energy-related equipment, and on related decisions, understandings and declarations (Trade Amendment);
- (5) The Community has approved the text of the Trade Amendment and its provisional application pending its entry into force²;
- (6) Conclusion of the Trade Amendment will help attain the objectives of the European Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Amendment of the trade-related provisions of the Energy Charter Treaty is hereby approved by the European Community.

¹ OJ C , , p. .

² Council Decision (EC) N° 98/537/EC of 13 July 1998 (OJ L 252, 12.9.1998, p. 21.)

Article 2

The President of the Council shall, on behalf of the European Community, deposit the instrument of approval of the Amendment to the trade-related provisions of the Energy Charter Treaty with the Government of the Portuguese Republic, in accordance with Articles 39 and 49 of the Energy Charter Treaty.

Article 3

This Decision shall be published in the Official Journal of the European Communities.

Done at Brussels,

For the Council
The President