

# Procedure file

Basic information		
CNS - Consultation procedure Decision	1994/0214(CNS)	Procedure completed
Signing and provisional application of the European Energy Charter Treaty		
Subject 3.60 Energy policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENER</b> Research, Technological Development and Energy	PPE <a href="#">ESTEVAN BOLEA María Teresa</a>	05/10/1994
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		
	<b>RELA</b> External Economic Relations		13/10/1994
		PPE <a href="#">VALDIVIELSO DE CUÉ Jaime</a>	
	<b>JURI</b> Legal Affairs, Citizens' Rights		26/07/1994
		PSE <a href="#">GEBHARDT Evelyne</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">1817</a>	15/12/1994
	Energy	<a href="#">1807</a>	29/11/1994

Key events			
21/09/1994	Legislative proposal published	COM(1994)0405	Summary
24/10/1994	Committee referral announced in Parliament		
28/11/1994	Modified legislative proposal published	COM(1994)0557	Summary
29/11/1994	Debate in Council	<a href="#">1807</a>	Summary
30/11/1994	Vote in committee		Summary
30/11/1994	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0092/1994</a>	
12/12/1994	Debate in Parliament		
13/12/1994	Decision by Parliament	T4-0173/1994	Summary

15/12/1994	Act adopted by Council after consultation of Parliament		
15/12/1994	End of procedure in Parliament		
31/12/1994	Final act published in Official Journal		

#### Technical information

Procedure reference	1994/0214(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC before Amsterdam E 113; EC before Amsterdam E 073C; EC before Amsterdam E 235; EC before Amsterdam E 228-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	ENER/4/05982

#### Documentation gateway

Legislative proposal	<a href="#">COM(1994)0405</a> <a href="#">OJ C 344 06.12.1994, p. 0001</a>	21/09/1994	EC	Summary
Modified legislative proposal	<a href="#">COM(1994)0557</a> <a href="#">OJ C 372 28.12.1994, p. 0015</a>	28/11/1994	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0092/1994</a> <a href="#">OJ C 018 23.01.1995, p. 0004</a>	30/11/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0173/1994 <a href="#">OJ C 018 23.01.1995, p. 0026-0034</a>	13/12/1994	EP	Summary

#### Additional information

European Commission	<a href="#">EUR-Lex</a>
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#### Final act

<a href="#">Decision 1994/998</a> <a href="#">OJ L 380 31.12.1994, p. 0001</a> Summary
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## Signing and provisional application of the European Energy Charter Treaty

The Commission proposed to the Council that it should sign and provisionally implement the European Energy Charter Treaty and to this end it submitted a proposal for a decision within the framework of the EC Treaty. The Commission felt that it would be in the Union's interests to sign this Treaty, taking into account both its growing dependence with regard to the supply of energy products, due in particular to the fall in coal production in Europe and the decrease in investments in the nuclear sector, and the need for economic cooperation between the Union and the countries of Eastern Europe. The European Energy Charter was approved by the representatives of 48 states and the EC on 17 December 1991 and its objectives included: improving security of supply, optimising the efficiency of energy production, processing, transport, distribution and use, improving safety and minimising environmental problems. ?

## Signing and provisional application of the European Energy Charter Treaty

The Commission's amended proposal aimed to adapt the legal basis of the proposals concerning the Community's signature of the European Energy Charter Treaty and its provisional application by the Union. - With regard to the proposal for a Council decision concerning the signature of the European Energy Charter Treaty and its provisional application by the EC: the Commission had initially proposed taking as a basis Articles 73c(2), 113 and 235 of the Treaty on European Union, in conjunction with the second sentence of Article 228(2) and the first

subparagraph of Article 228(3) thereof. In the meantime, the Court of Justice of the Communities issued an opinion (opinion 1/94 of 15 November 1994 of the European Court of Justice) which required an amendment to the legal basis of this proposal and the corresponding draft Council and Commission decision. As a result, the Commission proposed supplementing the legal bases indicated with new articles, namely Articles 54(2), the last sentence of 57(2), 66 and 100a, having regard in particular to the reciprocal clauses included in Community legislation applicable in the fields covered by these articles. - With regard to the draft Council, Commission, ECSC and Euratom decision, which was initially based on the first subparagraph of Article 95 of the ECSC Treaty and the second subparagraph of Article 101 of the Euratom Treaty, the Court ruling meant that the draft should only cover nuclear products and materials, since coal was covered by the EC draft decision. As a result, the first version of the draft decision referring to the ECSC should be done away with as well as all other references to the ECSC (title and provisions of the draft). The draft decision should also be adapted to the specific provisions of the Euratom Treaty. ?

## Signing and provisional application of the European Energy Charter Treaty

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The Energy Council of 29 November decided to sign the Treaty and associated texts on behalf of the Community subject to its acceptance. It decided to wait before making a decision on its provisional application by the EU and Euratom in the hope that the EP would have expressed its opinion in time to enable the Council to examine it during a special sitting in Lisbon at the latest.

## Signing and provisional application of the European Energy Charter Treaty

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The committee adopted the report on a Council decision concerning the European Energy Charter Treaty and its provisional application by the Community. The main policies and objectives of the Charter had been translated into a Treaty text, including the final act, the annexes and decisions as well as the protocol on energy efficiency and the associated environmental aspects. The text of the European Energy Charter Treaty would be opened for signature on 17 December in Lisbon. Given this timetable, the Committee on Research, Technological Development and Energy decided to refer the matter to the President of the EP and the Conference of Presidents in order to place this report at the beginning of the week of the December sitting in Strasbourg. If this request was met, the ESTEVAN report could be debated on Monday and the vote held on Tuesday, 13 December. In the legislative resolution in the ESTEVAN report, the committee proposed that Parliament should approve the Council decision on the signature of the Charter Treaty but reserve the right to give its assent to its provisional application. In the conclusions of the report, the Commission was urged to push ahead with the appropriate negotiations before the definitive application of the Treaty the resolve the grey areas it contained. In particular, the committee called for the development of the chapter of the Treaty relating to the protection of the environment in all operations comprising the energy cycle. It also highlighted the EP's right to be fully informed before and throughout the negotiations on the specific protocols. It called on the Commission to work within the framework of the Charter Conference to ensure that the protocol on nuclear safety was binding. The Commission representative asked the EP not to reserve the right to give its assent to the provisional application of the Treaty as "it was important to send a strong signal to the countries of Central and Eastern Europe and the CIS" on this precise issue. If the EP gave its agreement without reserving this right, "it would in no way mean that the EP was giving up its rights". The Commission had already agreed to submit immediately the legislative proposals necessary for ratification. The EP would therefore have the opportunity to give its opinion on a formal basis. ?

## Signing and provisional application of the European Energy Charter Treaty

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Parliament approved the Commission proposal without amendments. ?

## Signing and provisional application of the European Energy Charter Treaty

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The Council adopted the decision on the provisional application of the European Energy Charter Treaty by the European Community. ?