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EL PRESIDENTE DEL CONSEJO DE LA UNIÓN EUROPEA,  
FORMANDEN FOR RÅDET FOR DEN EUROPÆISKE UNION,  
DER PRÄSIDENT DES RATES DER EUROPÄISCHEN UNION -  
Ο ΠΡΟΕΔΡΟΣ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ,  
THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN UNION,  
LE PRESIDENT DU CONSEIL DE L'UNION EUROPEENNE,  
IL PRESIDENTE DEL CONSIGLIO DELL'UNIONE EUROPEA,  
DE VOORZITTER VAN DE RAAD VAN DE EUROPESE UNIE,  
O PRESIDENTE DO CONSELHO DA UNIÃO EUROPEIA,  
EUROOPAN UNIONIN NEUVOSTON PUHEENJOHTAJA,  
ORDFÖRANDEN FÖR EUROPEISKA UNIONENS RÅD,

Visto el Tratado constitutivo de la Comunidad Europea, y en particular su artículo 133, en conjunción con la primera frase del párrafo primero del apartado 2 de su artículo 300,

under henvisning til traktaten om oprettelse af Det Europæiske Fællesskab, særlig artikel 133 sammenholdt med artikel 300, stk. 2, første afsnit, første punktum,

gestützt auf den Vertrag zur Gründung der Europäischen Gemeinschaft, insbesondere auf Artikel 133 in Verbindung mit Artikel 300 Absatz 2 Unterabsatz 1 Satz 1,

Έχοντας υπόψη τη συνθήκη περί ιδρύσεως της Ευρωπαϊκής Κοινότητας, και ιδίως το άρθρο 133, σε συνδυασμό με το άρθρο 300, παράγραφος 2, πρώτο εδάφιο, πρώτη φράση,

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),

vu le traité instituant la Communauté européenne, et notamment son article 133, en liaison avec l'article 300, paragraphe 2, premier alinéa, première phrase,

visto il trattato che istituisce la Comunità europea, in particolare l'articolo 133 in combinato disposto con l'articolo 300, paragrafo 2, primo comma, prima frase,

Gelet op het Verdrag tot oprichting van de Europese Gemeenschap, met name artikel 133 in samenhang met artikel 300, lid 2, eerste alinea, eerste zin,

Tendo em conta o Tratado que institui a Comunidade Europeia nomeadamente o artigo 133.º, conjugado com o n.º 2, primeiro período do primeiro parágrafo, do artigo 300.º,

ottaa huomioon Euroopan yhteisön perustamissopimuksen ja erityisesti sen 133 artiklan yhdessä 300 artiklan 2 kohdan ensimmäisen alakohdan ensimmäisen virkkeen kanssa,

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artikel 133 jämförd med artikel 300.2 första stycket första meningen i detta,

NOTIFICA por las presentes la aprobación por la Comunidad Europea de la enmienda a las disposiciones comerciales del Tratado sobre la Carta de la Energía.

MEDDELER herved, Det Europæiske Fællesskabs indgåelse af ændringen af energichartertraktatens handelsrelaterede bestemmelser.

NOTIFIZIERT hiermit die Genehmigung der Änderung der Handelsbestimmungen des Vertrags über die Energiecharta.

ΓΝΩΣΤΟΠΟΙΕΙ με την παρούσα την από μέρους της Ευρωπαϊκής Κοινότητας τη τροποποίηση των εμπορικών διατάξεων της Συνθήκης για τον Χάρτη Ενέργειας.

NOTIFIES by these presents the approval by the European Community of the Amendment to the trade-related provisions of the Energy Charter Treaty.

NOTIFIE par les présentes l'approbation par la Communauté européenne de l'amendement des dispositions commerciales du traité sur la charte de l'énergie.

NOTIFICA con le presenti l'approvazione da parte della Comunità europea dell'emendamento delle disposizioni commerciali del trattato sulla Carta dell'energia.

GEEFT hierbij KENNIS van de goedkeuring door de Europese Gemeenschap van de wijziging van de met de handel verband houdende bepalingen van het Verdrag inzake het Energiehandvest.

NOTIFICA, pelas presentes, a aprovação por parte da Comunidade Europeia da alteração às disposições relacionadas com o comércio do Tratado da Carta da Energia.

ILMOITTA, että Euroopan yhteisö hyväksyy muutoksen energiaperuskirjaa koskevan sopimuksen kauppaa koskeviin määräyksiin.

MEDDELAR härigenom att Europeiska gemenskapen har godkänt ändringen av de handelsrelaterade bestämmelserna i energistadgefördraget

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 Udfærdiget i Bruxelles, den  
 Geschehen zu Brüssel am  
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 Fait à Bruxelles, le  
 Fatto a Bruxelles, addì  
 Gedaan te Brussel,  
 Feito em Bruxelas, em  
 Tehty Brysselissä  
 Utfärdat i Bryssel den

13 -07- 2001

El Secretario General/Alto Representante

El Presidente del Consejo  
de la Unión Europea

Generalsekretæren/højststående repræsentant

Formand for Rådet  
for Den Europæiske Union

Der Generalsekretär/Hohe Vertreter

Der Präsident des Rates  
der Europäischen Union

Ο Γενικός Γραμματέας/Υπατος Εκπρόσωπος

Ο Πρόεδρος του Συμβουλίου  
της Ευρωπαϊκής Ένωσης

The Secretary-General/High Representative

The President of the Council  
of the European Union

Le Secrétaire Général/Haut représentant

Le Président du Conseil  
de l'Union européenne

Il Segretario Generale/Alto Rappresentante

Il Presidente del Consiglio  
dell'Unione europea

De Secretaris-Generaal/Hoge Vertegenwoordiger

De Voorzitter van de Raad  
van de Europese Unie

O Secretário-Geral/Alto Representante

O Presidente do Conselho  
da União Europeia

Pääsihteeri/Korkea edustaja

Euroopan unionin  
neuvoston puheenjohtaja

Generalsekreterare/höge representanten

Ordföranden för  
Europeiska unionens råd

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 13 July 1998

**approving the text of the amendment to the trade-related provisions of the Energy Charter Treaty and its provisional application agreed by the Energy Charter Conference and the International Conference of the Signatories of the Energy Charter Treaty**

(98/537/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 113 thereof, in conjunction with the first sentence of Article 228(2),

Having regard to Article 3(2) of Council and Commission Decision 98/181/EC, ECSC, Euratom of 23 September 1997 <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Energy Charter Treaty was signed on 17 December 1994 by the European Communities and their Member States;

Whereas the European Communities and a large majority of their Member States deposited their instruments of approval or ratification on 16 December 1997 with the Depositary, the Government of the Portuguese Republic;

Whereas the remaining Member States will ratify the Energy Charter Treaty soon;

Whereas the Energy Charter Treaty entered into force on 16 April 1998;

Whereas since the day of its signature the Energy Charter Treaty has been applied, to the extent possible, on a provisional basis and will continue to be so applied to the extent possible, by those signatories who have not yet ratified the Treaty;

Whereas the Energy Charter Treaty provides for the examination of its trade provisions in the light of the results of the Uruguay Round of Multilateral Trade Negotiations and of the inclusion of energy related equipment in the trade provisions, with a view to the adoption of such amendments by the Energy Charter Conference;

Whereas the introduction in the Treaty of the relevant WTO provisions by reference instead of the GATT 1947 provisions contained therein, as well as the inclusion of energy-related equipment in the trade provisions, are in the interest of the Community;

Whereas the Community has exclusive competence for common commercial policy;

Whereas an International Conference was held at the same time as the Energy Charter Treaty Conference in order to enable the participation of all the signatories to the Energy Charter Treaty in the decision-making procedure;

Whereas the Energy Charter Conference and the said 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);

Whereas the Community should give formal definitive approval to the text of the Trade Amendment;

<sup>(1)</sup> OJ L 69, 9. 3. 1998, p. 1.

Whereas the Trade Amendment should be applied on a provisional basis pending its entry into force, in accordance with its provisions,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The text of the Amendment to the trade-related provisions of the Energy Charter Treaty, which was agreed within the Energy Charter Conference/International Conference on 24 April 1998, including the list of energy-related equipment and the related decisions, understandings and declarations, is hereby definitively approved on behalf of the European Community.

2. The text of the Trade Amendment is attached to this Decision.

3. The formal approval of the text of the Trade Amendment by the Community shall be notified to the Energy Charter Secretariat by the Commission.

*Article 2*

The Trade Amendment shall be applied on a provisional basis in accordance with its provisions 90 days after its adoption by the Energy Charter Conference and shall be definitively applied upon its entry into force.

Done at Brussels, 13 July 1998.

*For the Council*

*The President*

W. SCHÜSSEL

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**COUNCIL DECISION**  
**of 13 July 2001**  
**on the conclusion by the European Community of the Amendment to the trade-related provisions**  
**of the Energy Charter Treaty**

(2001/595/EC)

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 Commission,

Whereas:

- (1) The European Communities concluded the Energy Charter Treaty in Council and Commission Decision 98/181/EC, ECSC, Euratom <sup>(1)</sup>, 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 to 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 by Council Decision 98/537/EC <sup>(2)</sup> the text of the Trade Amendment and its provisional application pending its entry into force.

- (6) The adoption of the Trade Amendment will help attain the objectives of the European Community. The said Amendment should therefore be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

*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, 13 July 2001.

*For the Council*  
*The President*  
M. VERWILGHEN

<sup>(1)</sup> OJ L 69, 9.3.1998, p. 1.

<sup>(2)</sup> OJ L 252, 12.9.1998, p. 21.