



**COUNCIL OF  
THE EUROPEAN UNION**



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## **The Council adopts new rules on the exchange of information on energy agreements with third countries**

The Council today adopted<sup>1</sup> a decision establishing a mechanism for the exchange of information between member states and the Commission on intergovernmental agreements in the field of energy, in order to optimise the functioning of the internal energy market (*PE-CONS 30/12, 13790/12 ADD 1*). This follows a first-reading agreement with the European Parliament.

The decision will enter into force on the twentieth day following that of its publication in the Official Journal of the EU.

The new mechanism is a big step forward in terms of the transparency and coordination of the external energy relations of the EU and its member states; it forms a response to the invitation formulated by the European Council of 4 February 2011 to that effect. The mechanism will cover intergovernmental agreements that have an impact on the operation or functioning of the internal energy market or on the security of energy supply.

Within three months after the decision has come into force, member states will submit all existing intergovernmental agreements with third countries to the Commission. Within nine months following their submission, the Commission will inform member states where it has doubts as to their compatibility with EU law, in particular with competition and internal energy market legislation. The agreements thus submitted will be made available to all other member states, in their entirety or in summary form.

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<sup>1</sup> The decision was taken, without discussion, at the meeting of the Employment, Social Policy, Health and Consumer Affairs Council.

# **P R E S S**

The decision allows member states to request the Commission's assistance in negotiations with third countries. At the request of a member state, the Commission may participate in the negotiations as an observer, to provide advice on how to ensure that the agreement under negotiation is not incompatible with EU law. Furthermore, member states may keep the Commission informed during the negotiations, whilst indicating whether this information may be shared with all other member states.

The decision also provides for an assessment of compatibility. If a member state negotiating an agreement is unable to reach a firm conclusion about its compatibility with EU law, it will inform the Commission before closing the negotiations and submit the draft to it. Within four weeks, the Commission will inform the member state about any possible doubts. In case of doubts, the Commission will have ten weeks from the date of receipt to inform the member state of its opinion on compatibility.

By 1 January 2016, the Commission will present a report on the application of the decision to the European Parliament, the Council and the European Economic and Social Committee. Starting from that date, the Commission will report every three years to the European Parliament and the Council on the information received.

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