



Council of the
European Union

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ENER 181
RELEX 408
COWEB 158
COEST 119
AELE 10
N 30

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Subject: Energy Community

- Negotiating mandate concerning the accession of the Republic of Moldova, Turkey and Ukraine to the Energy Community
-

Delegations will find attached the partially declassified version of the above-mentioned document.



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NOTE

from : General Secretariat of the Council

to : COREPER/COUNCIL

No. prev. doc. : 10187/08 ENER 171 RELEX 395 COWEB 154 COEST 116 AELE 9 N 29
RESTREINT

8884/08 ENER 125 RELEX 264 COWEB 124 COEST 90 AELE 8 N 17 + COR 1
RESTREINT

No. Cion prop. : 16718/07 ENER 327 COWEB 306 RELEX 993 COEST 343 AELE 18 N 65
RESTREINT

Subject : Energy Community

- Negotiating mandate concerning the accession of the Republic of Moldova,
Turkey and Ukraine to the Energy Community

1. On 18 December 2007, the Commission submitted a recommendation to the Council in order to authorise the Commission to open negotiations concerning the modalities of accession of the Republic of Moldova, Norway, Turkey and Ukraine to the Energy Community.
2. The Working Party on Energy has examined the Commission recommendation and agreed to cover, on the one hand, Norway in one draft mandate, and on the other hand, the other three countries together in another mandate.

3. The text of the draft mandate covering the Republic of Moldova, Turkey and Ukraine and the related Council Decision as in Annex I meet with the agreement of all delegations but one;

NOT DECLASSIFIED

4. Coreper is invited to

• **NOT DECLASSIFIED,**

- confirm the agreement reached at Working Party level and recommend to the Council to adopt the decision on the negotiating directives covering the Republic of Moldova, Turkey and Ukraine as attached in Annex I, and

• **NOT DECLASSIFIED.**

DECISION OF THE COUNCIL

In order to authorise the Commission to open negotiations concerning the modalities of accession of the Republic of Moldova, Turkey and Ukraine to the Energy Community and the related amendments to the Treaty establishing an Energy Community

The Council,

Having regard to Article 5(2) of Council Decision 2006/500/EC and Article 300 EC Treaty,

Whereas:

- (1) The European Community is a Party to the Treaty establishing the Energy Community¹.
- (2) The Republic of Moldova and Ukraine have formally applied to become Members of the Energy Community and Turkey has consistently shown its interest in joining the Energy Community as soon as their last remaining concerns are solved,
- (3) The Council of the European Union in its decision (doc. 10781/07) has approved that the European Community is ready to enter into the negotiations for accession of these countries subject to the adoption of a negotiation mandate.
- (4) The Council of the European Union in its decision (doc. 10781/07) has approved that the European Community seeks consent that the Commission be the sole negotiator on behalf of all present parties.

¹ Council Decision 2006/500/EC (OJ L 198 of 20.7.2006, p.15).

- (5) The Ministerial Council of the Energy Community, during its meeting of 29 June 2007 in Montenegro, requested that the Commission continues to co-ordinate the accession process with the Republic of Moldova, Turkey and Ukraine,
- (6) At the same meeting, the Ministerial Council stated its desire for a swift accession process with the intention that Ukraine and the Republic of Moldova be admitted to the Treaty as soon as the conditions are met and invited Turkey to become a full member of the Energy Community with a view to achieving the same timetable,
- (7) Accession negotiations with the Republic of Moldova, Turkey and Ukraine are independent from each other and may proceed at a different pace, depending on the specific situation of each country.
- (8) As noted by the Ministerial Council, the accession process of the Republic of Moldova, Turkey and Ukraine might require the amendment of the Energy Community Treaty as regards the following aspects:
- the geographic scope of Title III of the Energy Community Treaty;
 - the particular status of each of the applicants;
 - the decision making process, possibly including the dispute settlement mechanism;
 - the financial contributions of each of the Parties.
- (9) With particular regard to the Republic of Moldova and Ukraine, gradual convergence towards the principles of the EU internal electricity and gas markets is an established bilateral (EU-the Republic of Moldova and EU-Ukraine) objective in the context of the European Neighborhood Policy and of the bilateral Partnership and Cooperation agreements with these countries. On the basis of the European Neighborhood Policy, the EU's relations with the Republic of Moldova and Ukraine include active support for these countries' gradual convergence towards the principles of the EU internal electricity and gas markets including the prevention of distortion of competition, as well as towards high standards for nuclear safety and environmental protection.

- (10) According to the Memorandum of Understanding on co-operation in the field of energy between Ukraine and the European Union, the satisfactory assessment of the level of nuclear safety in all Ukrainian operating nuclear power plants is a condition for EU support to the accession of Ukraine to the Energy Community.
- (11) The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) has been implemented by the European Community through Council Directive 97/11/EC and is therefore part of the "acquis communautaire on environment" as defined in Article 16 of the Energy Community Treaty.

DECIDES:

To authorise the Commission to negotiate on behalf of the European Community in respect of the matters falling within its competence the modalities of accession of the Republic of Moldova, Turkey and Ukraine to the Energy Community and the related amendments to the Treaty establishing the Energy Community within the framework of the attached negotiating directive.

Since in accordance with the Treaty, the Commission will conduct these negotiations on behalf of the European Community, to appoint a special Committee to assist it in this task, which will be the Working Party on Energy, and

To issue the appended negotiating directives.

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