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12838/21

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ENER 426
WTO 234
FDI 23

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council

No. Cion doc.: 9376/21
+ ADD 1

Subject: Recommendation for a COUNCIL DECISION authorising the entering into negotiations on behalf of the European Atomic Energy Community on the modernisation of the Energy Charter Treaty
Adoption

1. On 1 June 2021, the Commission submitted to the Council a recommendation for a Council Decision authorising the entering into negotiations on behalf of the European Atomic Energy Community on the modernisation of the Energy Charter Treaty together with an Annex containing the text of the negotiation directives¹.
2. The proposal was discussed and revised in the Working Party on Atomic Questions. During this process, the Annex containing the text of the negotiation directives was deleted and a reference was made in this Council Decision to the existing Energy Charter negotiation directives which were adopted by the Council in July 2019². Those directives were adopted together with a Council Decision authorising the Commission to negotiate on behalf of the Union.

¹ doc. 9376/21 + ADD 1

² doc. 10745/19 + ADD 1 and ADD 1 COR 1

3. These negotiation directives are applicable *mutatis mutandis* to the extent that they are relevant for Euratom.
4. A provisional agreement on the text of the draft Council Decision was reached following an informal consultation within the Working Party on Atomic Questions on 6 October 2021. Two delegations signalled their reservations.
5. Subject to confirmation by Coreper, the Council is invited to adopt the Council Decision set out in doc.12822/21 LIMITE.

The European Parliament will be informed thereof and the Decisions will be transmitted to the EP.
