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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	11 November 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 536 final - ANNEX
Subject:	ANNEX to the proposal for a Council Decision on a position to be taken on behalf of the European Union in the Energy Charter Conference

Delegations will find attached document COM(2024) 536 final - ANNEX.

Encl.: COM(2024) 536 final - ANNEX



EUROPEAN
COMMISSION

Brussels, 11.11.2024
COM(2024) 536 final

ANNEX

ANNEX

to the

proposal for a Council Decision

**on a position to be taken on behalf of the European Union in the Energy Charter
Conference**

ANNEX

1. **Proposed amendment to Article 49 ECT, included in the proposed amendments to the Energy Charter Treaty (document CC 760 REV2), as submitted to the Energy Charter Conference on 3 September 2024.**

Article 49

Depositary

The ~~Government of the Portuguese Republic~~ Secretariat shall be the Depositary of this Treaty.¹

2. **Proposed new understanding with respect to Article 49 on the roles of the Energy Charter Secretariat, included in the proposed changes to Understandings, Declarations and Decision (document CC 762 REV2), as submitted to the Energy Charter Conference on 3 September 2024.**

Understanding 16 with respect to Article 49 in the original ECT	Understanding 18 with respect to Article 49 in the ECT as amended in 1998
<u>The "Secretariat" in Article 49 shall mean a "Secretariat" defined in Article 35. For the avoidance of doubt, all references to the "Depositary" in this Treaty shall mean the "Secretariat" defined in Article 35 in the capacity of the Depositary.</u>	

3. **Proposed Decision of the Energy Charter Conference on the Designation of the Energy Charter Secretariat as a Depositary under Article 49 of the Energy Charter Treaty (document CC 814), as submitted to the Energy Charter Conference on 3 September 2024.**

35th Meeting of the Energy Charter Conference

3 December 2024

DESIGNATION OF THE ENERGY CHARTER SECRETARIAT AS A DEPOSITARY UNDER ARTICLE 49 OF THE ENERGY CHARTER TREATY

The Contracting Parties to the Energy Charter Treaty (ECT)

Taking note of the withdrawal of the Portuguese Republic as a Contracting Party to the ECT effective on 2 February 2025,

¹ Proposed new wording is underlined and the text suggested to be deleted is shown in ~~striketrough~~.

Having regard to the notification of the Portuguese Republic of 7 March 2024 that the Government of the Portuguese Republic shall no longer perform the functions of the Depositary under Article 49 of the ECT after its withdrawal takes effect,

Recalling the amendment to Article 49 designating the Energy Charter Secretariat (Secretariat) as the Depositary of the ECT adopted by the 35th Energy Charter Conference [CC 814],

Have agreed as follows:

1. Pending the entry into force of the amendments to the ECT adopted on 3 December 2024 for any Contracting Party, the Secretariat shall carry out the functions of the Depositary of the ECT on an interim basis for each such Contracting Party as of 2 February 2025.
2. The Secretariat shall take all necessary measures to ensure the transition of the Depositary functions from the Government of the Portuguese Republic and assume these functions on an interim basis pursuant to subparagraph (a) on 2 February 2025.