

351 213946010

J.F.

ACTA DE NOTIFICACIÓN

NOTIFIKATIONSAKT

AKTE ÜBER DIE NOTIFIZIERUNG

ΠΡΑΞΗ ΓΝΩΣΤΟΠΟΙΗΣΗΣ

ACT OF NOTIFICATION

ACTE DE NOTIFICATION

ATTO DI NOTIFICA

AKTE VAN KENNISGEVING

ACTO DE NOTIFICAÇÃO

ILMOITUSASIAKIRJA

NOTIFIKATIONSAKT

351 213946010

J.F.

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 el apartado 2 de su artículo 54, la última frase del apartado 2 de su artículo 57, su artículo 66, el apartado 2 de su artículo 73 C, sus artículos 87, 99, 100 A y 113, el apartado 1 de su artículo 130 S y su artículo 235, junto con la segunda frase del apartado 2 y el párrafo segundo del apartado 3 de su artículo 228,

under henvisning til traktaten om oprettelse af Det Europæiske Fællesskab, særlig artikel 54, stk. 2, artikel 57, stk. 2, sidste punktum, artikel 66, artikel 73 C, stk. 2, artikel 87, 99, 100 A, 113, artikel 130 S, stk. 1, og artikel 235 sammenholdt med artikel 228, stk. 2, andet punktum, og stk. 3, andet afsnit,

gestützt auf den Vertrag zur Gründung der Europäischen Gemeinschaft, insbesondere auf Artikel 54 Absatz 2, Artikel 57 Absatz 2 letzter Satz, Artikel 66, Artikel 73 c Absatz 2, Artikel 87, 99, 100 a und 113, Artikel 130 s Absatz 1 und Artikel 235 in Verbindung mit Artikel 228 Absatz 2 Satz 2 und Absatz 3 Unterabsatz 2,

Έχοντας υπόψη τη συνθήκη για την ίδρυση της Ευρωπαϊκής Κοινότητας, και ιδίως το άρθρο 54 παράγραφος 2, το άρθρο 57 παράγραφος 2 τελευταία πρόταση, το άρθρο 66, το άρθρο 73Γ παράγραφος 2, τα άρθρα 87, 99, 100Α και 113, το άρθρο 130Σ παράγραφος 1 και το άρθρο 235, σε συνδυασμό με το άρθρο 228 παράγραφος 2 και παράγραφος 3 δεύτερο εδάφιο,

Having regard to the Treaty establishing the European Community and, in particular, Article 54(2), the last sentence of Article 57(2), Articles 66, 73c(2), 87, 99, 100a, 113, 130s(1) and 235, in conjunction with the second sentence of Article 228(2) and the second subparagraph of Article 228(3) thereof,

vu le traité instituant la Communauté européenne, et notamment son article 54 paragraphe 2, son article 57 paragraphe 2 dernière phrase, son article 66, son article 73 C paragraphe 2, ses articles 87, 99, 100 A et 113, son article 130 S paragraphe 1 et son article 235, en liaison avec son article 228 paragraphe 2 deuxième phrase et paragraphe 3 deuxième alinéa,

visto il trattato che istituisce la Comunità europea, in particolare l'articolo 54, paragrafo 2; l'articolo 57, paragrafo 2, ultima frase, l'articolo 66, l'articolo 73C, paragrafo 2, gli articoli 87, 99, 100A e 113, l'articolo 130S, paragrafo 1 e l'articolo 235, in combinato disposto con l'articolo 228, paragrafo 2, seconda frase e paragrafo 3, secondo comma,

gelet op het Verdrag tot oprichting van de Europese Gemeenschap, inzonderheid op artikel 54, lid 2, artikel 57, lid 2, laatste zin, artikel 66, artikel 73 C, lid 2, de artikelen 87, 99, 100 A en 113, artikel 130 S, lid 1, en artikel 235, in samenhang met artikel 228, lid 2, tweede zin, en lid 3, tweede alinea,

Tendo em conta o Tratado que institui a Comunidade Europeia, nomeadamente o nº 2 do artigo 54º, o nº 2, última frase, do artigo 57º, o artigo 66º, o nº 2 do artigo 73º-C, os artigos 87º, 99º, 100º-A e 113º, o nº 1 do artigo 130º-S e o artigo 235º, conjugados com o nº 2, segundo período, e com o nº 3, segundo parágrafo, do artigo 228º,

ottaen huomioon Euroopan yhteisön perustamissopimuksen ja erityisesti sen 54 artiklan 2 kohdan, 57 artiklan 2 kohdan viimeisen virkkeen, 66 artiklan, 73 c artiklan 2 kohdan, 87, 99, 100 a ja 113 artiklat, 130 s artiklan 1 kohdan ja 235 artiklan yhdessä 228 artiklan 2 kohdan toisen virkkeen ja 3 kohdan toisen alakohdan kanssa,

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artiklarna 54.2, 57.2 sista meningen, 66, 73c.2, 87, 99, 100a, 113, 130s.1 och artikel 235 jämförda med artikel 228.2 andra meningen och 228.3 andra stycket i detta,

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NOTIFICA por las presentes la aprobación por la Comunidad Europea del Tratado sobre la Carta de la Energía y el Protocolo de la Carta de la Energía sobre la eficacia energética y los aspectos medioambientales relacionados.

MEDDELER herved, at Det Europæiske Fællesskab har godkendt energichartertraktaten og energicharterprotokollen om energieffektivitet og de hermed forbundne miljøaspekter.

NOTIFIZIERT hiermit die Genehmigung durch die Europäische Gemeinschaft des Vertrags über die Energiecharta und des Energiechartaprotokolls über Energieeffizienz und damit verbundene Umweltaspekte.

ΩΣΤΟΠΟΙΕΙ με την παρούσα την από μέρους της Ευρωπαϊκής Κοινότητας έγκριση της συνθήκης για το Χάρτη Ενέργειας και του Πρωτοκόλλου του Χάρτη Ενέργειας για την ενεργειακή απόδοση και τα σχετικά περιβαλλοντικά ζητήματα.

NOTIFIES by these presents the approval by the European Community of the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects.

NOTIFIE, par les présentes, l'approbation par la Communauté européenne du traité sur la Charte de l'énergie et du protocole de la Charte de l'énergie sur l'efficacité énergétique et les aspects environnementaux connexes.

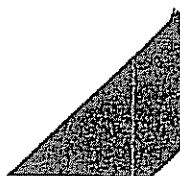
NOTIFICA con le presenti l'approvazione da parte della Comunità europea del trattato sulla Carta dell'energia e del protocollo della Carta dell'energia sull'efficienza energetica e sugli aspetti ambientali correlati.

VEEFT hierbij KENNIS van de goedkeuring door de Europese Gemeenschap van het Verdrag inzake het Energiehandvest en het Protocol bij het Energiehandvestverdrag betreffende energie efficiëntie en daarmee samenhangende milieu-aspecten.

NOTIFICA, pelo presente instrumento, a aprovação pela Comunidade Europeia do Tratado da Carta de Energia e do Protocolo da Carta da Energia relativo à Eficiência Energética e aos Aspectos Ambientais Associados.

ILMOITTAÄ täten Euroopan yhteisön hyväksyneen energiaperuskirjaa koskevan sopimuksen ja energiatehokkuutta ja siihen liittyviä ympäristönäkökohtia koskevan energiaperuskirjan pöytäkirjan.

MEDDELAR härigenom att Europeiska gemenskapen har godkänt energistadgefördraget och energistadgeprotokollet om energieffektivitet och därtill hörande miljöaspekter.



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Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addi
Gedaan te Brussel,
Feito em Bruxelas, em
Tehty Brysselissä,
Utfärdat i Bryssel,

27-05-1997

El Secretario General

Generalsekretæren

Der Generalsekretär

Ο Γενικός Γραμματέας

The Secretary-General

Le Secrétaire Général

Il Segretario Generale

De Secretaris-Generaal

O Secretário-Geral

Pääsihteeri

Generalsekreterare

Jürgen Trittin

El Presidente del Consejo
de la Unión Europea

Formand for Rådet
for Den Europæiske Union

Der Präsident des
der Europäischen Rates

Ο Πρόεδρος του Συμβουλίου
της Ευρωπαϊκής Ένωσης

The President of the Council
of the European Union

Le Président du Conseil
de l'Union Européenne

Il Presidente del Consiglio
della Unione Europea

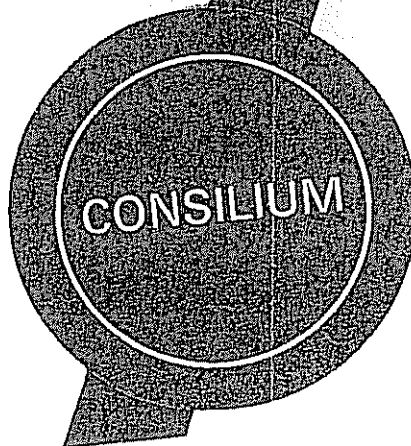
De voorzitter van de Raad
van de Europese Unie


O Presidente do Conselho
da União Europeia

Yhdistyneiden kansakuntien neuvoston
puheenjohtaja

Ordföranden
för Europeiska unionens råd

[Handwritten signature]





ACTO DE NOTIFICACIÓN
NOTIFIKATIONSAKT
AKTE ÜBER DIE NOTIFIKATION
ΠΡΑΞΗ ΓΝΩΣΤΟΠΟΙΗΣΗΣ
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ACTE DE NOTIFICATION
ATTO DI NOTIFICAZIONE
AKTE VAN KENNISGEVING
ACTO DE NOTIFICAÇÃO
ILMOITUSASIAKIRJA
NOTIFIKATIONSAKT

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EL PRESIDENTE DE LA COMISIÓN DE LAS COMUNIDADES EUROPEAS,
FORMANDEN FOR KOMMISSIONEN FOR DE EUROPÆISKE FÆLLESSKABER,
DER PRÄSIDENT DER KOMMISSION DER EUROPÄISCHEN GEMEINSCHAFTEN,
Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΕΠΙΤΡΟΠΗΣ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ,
THE PRESIDENT OF THE COMMISSION OF THE EUROPEAN COMMUNITIES,
LE PRESIDENT DE LA COMMISSION DES COMMUNAUTÉS EUROPEENNES,
IL PRESIDENTE DELLA COMMISSIONE DELLE COMUNITÀ EUROPEE,
DE VOORZITTER VAN DE COMMISSIE VAN DE EUROPESE GEMEENSCHAPPEN,
O PRESIDENTE DA COMISSÃO DAS COMUNIDADES EUROPEIAS,
EUROOPAN YHTEISÖJEN KOMISSION PUHEENJOHTAJA,
ORDFÖRANDEN FÖR EUROPEISKA GEMENSKAPERNAS KOMMISSION,

Visto el Tratado Constitutivo de la comunidad Europea del Carbón y del Acero y, en particular, su artículo 95,

Visto el Tratado constitutivo de la Comunidad Europea de la Energía Atómica y, en particular, el párrafo segundo de su artículo 101,

under henvisning til traktaten om oprettelse af Det Europæiske Kul- og Stålfællesskab, særlig artikel 95,

under henvisning til traktaten om oprettelse af Det Europæiske Atomenergifællesskab, særlig artikel 101, stk. 2,

gestützt auf den Vertrag über die Gründung der Europäischen Gemeinschaft für Kohle und Stahl, insbesondere auf Artikel 95,

gestützt auf den Vertrag über die Gründung der Europäischen Atomgemeinschaft, insbesondere auf Artikel 101 Absatz 2,

Έχοντας υπόψη τη συνθήκη για την ίδρυση της Ευρωπαϊκής Κοινότητας Άνθρακα και Χάλυβα, και ιδίως το άρθρο 95,

Έχοντας υπόψη τη συνθήκη για την ίδρυση της Ευρωπαϊκής Κοινότητας Ατομικής Ενέργειας και, ιδίως, το άρθρο 101 δεύτερο εδάφιο,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

vu le traité instituant la Communauté européenne du charbon et de l'acier, et notamment son article 95,

vu le traité instituant la Communauté européenne de l'énergie atomique, et notamment son article 101 deuxième alinéa,

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visto il trattato che istituisce la Comunità europea del carbone e dell'acciaio, in particolare l'articolo 95,

visto il trattato che istituisce la Comunità europea dell'energia atomica, in particolare l'articolo 101, paragrafo 2,

Gelet op het Verdrag tot oprichting van de Europese Gemeenschap voor Kolen en Staal, inzonderheid op artikel 95,

Gelet op het Verdrag tot oprichting van de Europese Gemeenschap voor Atoomenergie, inzonderheid op artikel 101, tweede alinea,

* * *
Tendo em conta o Tratado que institui a Comunidade Europeia do Carvão e do Aço e, nomeadamente, o seu artigo 95º,

Tendo em conta o Tratado que institui a Comunidade Europeia da Energia Atómica e, nomeadamente, o segundo parágrafo do seu artigo 101º,

ottaa huomioon Euroopan hiili- ja teräsyhteisön perustamissopimuksen ja erityisesti sen 95 artiklan,

ottaa huomioon Euroopan atomienergiayhteisön perustamissopimuksen ja erityisesti sen 101 artiklan toisen kohdan,

med beaktande av fördraget om upprättandet av Europeiska kol- och stålgemenskapen, särskilt artikel 95 i detta,

med beaktande av fördraget om upprättandet av Europeiska kol- och stålgemenskapen, särskilt andra stycket i artikel 101 i detta,

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NOTIFICA por las presentes la aprobación por parte de la Comunidad Europea del Carbón y del Acero y la Comunidad Europea de la Energía Atómica del Tratado sobre la Carta de la Energía y del Protocolo de la Carta de la Energía sobre la eficacia energética y los aspectos medioambientales relacionados.

MEDDELER herved, at Det Europæiske Kul- og Stålfællesskab og Det Europæiske Atomenergifællesskab har godkendt energichartertraktaten og energicharterprotokollen om energieffektivitet og de hermed forbundne miljøaspekter.

NOTIFIZIERT hiermit die Genehmigung durch die Europäische Gemeinschaft für Kohle und Stahl und die Europäische Atomgemeinschaft des Vertrags über die Energiecharta und des Energiechartaprotokolls über Energieeffizienz und damit verbundene Umweltaspekte.

ΓΝΩΣΤΟΠΟΙΕΙ με την παρούσα την εκ μέρους της Ευρωπαϊκής Κοινότητας Άνθρακα και Χάλυβα και της Ευρωπαϊκής Κοινότητας Ατομικής Ενέργειας έγκριση της συνθήκης για το Χάρτη Ενέργειας και του Πρωτοκόλλου του Χάρτη Ενέργειας για την ενεργειακή απόδοση και τα σχετικά περιβαλλοντικά ζητήματα.

NOTIFIES by these presents the approval by the European Coal and Steel Community and the European Atomic Energy Community of the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects.

NOTIFIE, par les présentes, l'approbation par la Communauté européenne du charbon et de l'acier et la Communauté européenne de l'énergie atomique du traité sur la Charte de l'énergie et du protocole de la Charte de l'énergie sur l'efficacité énergétique et les aspects environnementaux connexes.

NOTIFICA con le presenti l'approvazione da parte della Comunità europea del carbone e dell'acciaio e la Comunità europea dell'energia atomica del trattato sulla Carta dell'energia e del Protocollo della Carta dell'energia sull'efficienza energetica e sugli aspetti ambientali correlati.

GEEFT hierbij KENNIS van de goedkeuring door de Europese Gemeenschap voor Kolen en Staal en de Europese Gemeenschap voor Atoomenergie van het Verdrag inzake het Energiehandvest en het Protocol bij het Energiehandvestverdrag betreffende energie-efficiëntie en daarmee samenhangende milieuaspecten.

NOTIFICA, pelo presente instrumento, a aprovação por parte da Comunidade Europeia do Carvão e do Aço e pela Comunidade Europeia da Energia Atómica do Tratado da Carta de Energia e do Protocolo da Carta de Energia relativo à Eficiência Energética e aos Aspectos Ambientais Associados.

ILMOITAA täten, että Euroopan hiili- ja teräsyhteisö ja Euroopan atomienergiayhteisö hyväksyvät sopimuksen energiaperuskirjasta ja energiaperuskirjan pöytäkirjan energiätehokkuudesta ja siihen liittyvistä ympäristötekijöistä.

MEDDELAR härigenom att Europeiska kol- och stålgemenskapen och Europeiska atomenergigemenskapen har godkänt energistadgefördraget och energistadgeprotokollet om energieffektivitet och därtill hörande miljöaspekter.

351 213946010 14 -11- 1997

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
 Fatto a Bruxelles, il
 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

El Secretario General

El Presidente de la Comisión
de las Comunidades Europeas

Generalsekretæren

Formanden for Kommissionen for
De Europæiske Fællesskaber

Der Generalsekretär

Der Präsident der Kommission
der Europäischen Gemeinschaften

Ο Γενικός Γραμματέας

Ο Πρόεδρος της Επιτροπής
των Ευρωπαϊκών Κοινοτήτων

The Secretary-General

The President of the Commission
of the European Communities

Le Secrétaire général

Le Président de la Commission
des Communautés européennes

Il Segretario generale

Il Presidente della Commissione
delle Comunità europee

De Secretaris-Generaal

De Voorzitter van de Commissie
van de Europese Gemeenschappen

O Secretário-Geral

O Presidente da Comissão
das Comunidades Europeias

Pääsihteeri

Euroopan yhteisöjen komission
puheenjohtaja

Generalsekreterare

Ordföranden för
Europeiska gemenskapernas kommission

Carlo TROMAN

Jacques SANTER

II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 23 September 1997

on the conclusion, by the European Communities, of the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects ⁽¹⁾

(98/181/EC, ECSC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,
THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community and, in particular, Article 95 thereof,

Having regard to the Treaty establishing the European Community and, in particular, Article 54(2), the last sentence of Article 57(2), Articles 66, 73c(2), 87, 99, 100a, 113, 130s(1) and 235, in conjunction with the second sentence of Article 228(2) and the second subparagraph of Article 228(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community and, in particular, the second paragraph of Article 101 thereof,

Having regard to the opinion of the Consultative Committee set up by the Treaty establishing the European Coal and Steel Community,

Having regard to the proposal from the Commission,

Having regard to the unanimous assent of the Council pursuant to Article 95 of the Treaty establishing the European Coal and Steel Community,

Having regard to the assent of the European Parliament ⁽²⁾,

Having regard to the approval given by the Council pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

Whereas the European Energy Charter was signed by the European Communities and by their Member States on 17 December 1991;

Whereas, on 17 December 1994, the European Communities and their Member States signed the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects in order to provide a secure and binding international legal framework for the principles and objectives set out in that Charter;

Whereas the European Communities and their Member States have been applying the Energy Charter Treaty provisionally by virtue of Council Decisions 94/998/EC ⁽³⁾ and 94/1067/Euratom ⁽⁴⁾ since the date of signature thereof;

Whereas the principles and objectives of the Energy Charter Treaty are of fundamental importance to Europe's future, allowing the members of the Commonwealth of Independent States and the countries of Central and Eastern Europe to develop their energy potential, while helping to improve security of supply;

⁽¹⁾ The Decision on the conclusion of the Energy Charter Treaty on behalf of the European Community was adopted by the Council on 27 May 1997.

⁽²⁾ OJ C 85, 17.3.1997.

⁽³⁾ OJ L 380, 31.12.1994, p. 1.

⁽⁴⁾ OJ L 380, 31.12.1994, p. 113.

Whereas the principles and objectives of the Energy Charter Protocol will help to provide greater protection for the environment, notably by promoting energy efficiency;

Whereas it is necessary to consolidate the initiative and the central role of the European Communities, by enabling the latter to participate fully in the implementation of the Energy Charter Treaty and the Energy Charter Protocol;

Whereas conclusion of the Energy Charter Treaty and the Energy Charter Protocol will help attain the objectives of the European Communities;

Whereas Article 73c(2) of the Treaty establishing the European Community must be used as a legal basis for this Decision, since the Energy Charter Treaty imposes certain obligations on the European Communities regarding the movement of capital and payments between the Communities and third country contracting parties to the Energy Charter Treaty;

Whereas the Energy Charter Treaty could affect legislative acts based on Article 235 of the Treaty establishing the European Community; whereas the latter Treaty has provided no powers other than those arising from Article 235 for implementation of the obligations imposed by that Treaty with regard to cooperation in the energy field;

Whereas the Energy Charter Treaty and the Energy Charter Protocol must be approved by the European Communities;

Whereas, in order to ensure uniform external representation of the European Communities, both in the conclusion procedure and in implementing the commitments entered into by the European Communities and the Member States, appropriate coordination procedures should be established; whereas, to this end, provision should be made for this Decision to be deposited with the Government of the Portuguese Republic at the same time as the instruments of ratification of the Member States; whereas, for the same reason, the position to be adopted by the European Communities and the Member States must be coordinated with regard to the decisions to be taken by the Energy Charter Conference set up by the Energy Charter Treaty in the fields for which they share responsibility;

Whereas the Energy Charter Conference has autonomous decision-making powers; whereas, consequently, appropriate procedures must be provided for establishing the European Communities' position within the Energy Charter Conference;

Whereas these procedures should be of a simplified nature, in order to allow for an effective participation of the European Communities in the said Conference;

Whereas, with regard to decisions of the aforementioned Conference requiring the adoption or modification of Community legislation, the Council and the Commission shall act in accordance with the rules laid down in Article 228(1) and (2) of the Treaty establishing the European Community;

Whereas, where the decisions to be taken by the Energy Charter Conference concern areas of mixed competence, the European Communities and the Member States are to cooperate with a view to achieving a common position, in accordance with the jurisprudence of the Court of Justice of the European Communities,

HAVE DECIDED AS FOLLOWS:

Article 1

The Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects (hereinafter referred to as the 'Energy Charter Protocol') are hereby approved on behalf of the European Coal and Steel Community, the European Community and the European Atomic Energy Community.

The texts of the Energy Charter Treaty and of the Energy Charter Protocol are attached to this Decision.

Article 2

The President of the Council shall, on behalf of the European Community, deposit the instrument of approval of the Energy Charter Treaty and of the Energy Charter Protocol with the Government of the Portuguese Republic, in accordance with Articles 39 and 49 of the Energy Charter Treaty and with Articles 15 and 21 of the Energy Charter Protocol. Under the same conditions, the President of the Commission shall deposit the instruments of approval on behalf of the European Coal and Steel Community and of the European Atomic Energy Community.

The President of the Council and the President of the Commission, acting on behalf of the European Community, the European Coal and Steel Community and the European Atomic Energy Community respectively, shall consult with the Member States in order to ensure, as far as possible, the simultaneous deposit of their instruments of approval.

Article 3

1. The position which the European Community may be required to take within the Energy Charter Conference, set up by the Energy Charter Treaty, with regard to decisions of that Conference requiring the introduction or modification of Community legislation shall, subject to paragraph 3, be adopted by the Council, acting in accordance with the relevant rules of the Treaty establishing the European Community.

The Council shall act by qualified majority. However, the Council shall act by unanimity if the decision to be taken by the said Conference covers a field for which unanimity would be required for the adoption of internal Community rules.

2. In other cases, the position to be taken by the European Community shall be adopted by the Council.

3. For matters falling within paragraph 1, the Council and the Commission shall fully inform the European Parliament on a regular basis and shall give the European Parliament the opportunity to express its views on the position of the Community to be taken in the Conference referred to in paragraph 1.

In the case of decisions of the said Conference pursuant to Article 34(7) of the Energy Charter Treaty, the

Council shall consult, or obtain the assent of, the European Parliament before taking its decision, under the conditions laid down in Article 228(3) of the Treaty establishing the European Community.

4. The position to be taken in the name of the European Coal and Steel Community shall be adopted by the Commission with the approval of the Council, acting by qualified majority or unanimity according to the subject matter.

5. The position to be taken in the name of the European Atomic Energy Community shall be adopted by the Commission with the approval of the Council acting by a qualified majority.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 23 September 1997.

For the Council
The President
H. WIJERS

For the Commission
The President
J. SANTER

Information concerning the entry into force of the Energy Charter Treaty and the Protocol on energy efficiency and related environmental aspects

The European Communities, as Contracting Parties to the Energy Charter Treaty and the Protocol on energy efficiency and related environmental aspects, have deposited their instruments of approval with the Government of the Portuguese Republic on 16 December 1997.

In accordance with Article 44(1) of the Energy Charter Treaty and Article 18(1) of the Protocol, the Energy Charter Treaty and the Protocol on energy efficiency and related environmental aspects will enter into force for the European Communities on 16 April 1998, following the deposit of the thirtieth instrument of ratification on 16 January 1998.

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Price: ECU 23

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 December 1994

on the provisional application of the Energy Charter Treaty by the European Community

(94/998/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Articles 54 (2), the last sentence of Article 57 (2), Articles 66, 73c (2), 87, 99, 100a, 113, 130s (1) and 235, in conjunction with the second sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the European Energy Charter was signed on 17 December 1991 by the European Communities and their Member States;

Whereas the signatories to the European Energy Charter undertook to draw up an Energy Charter Treaty in order to provide a secure and binding international legal framework for the principles and objectives set out in that Charter;

Whereas implementation of the European Energy Charter is of fundamental importance to Europe's future, allowing the Commonwealth of Independent States and the countries of central and eastern Europe to develop their energy potential, while helping to improve security of supply;

Whereas it is necessary to consolidate the initiative and the central role of the Community, to enable the latter to participate fully in the implementation of the Treaty;

Whereas the provisional application of the Energy Charter Treaty will help attain the objectives of the European Community;

Whereas the European Community has competence for parts of the Energy Charter Treaty;

Whereas the use of Article 73c (2) of the Treaty as a legal basis for this Decision is required since the Energy Charter Treaty imposes certain obligations on the Community regarding the movement of capital and payments between the Community and third country Contracting Parties to the Energy Charter Treaty;

Whereas the European Community has external competence responsibilities in so far as internal legislative acts taken on the basis of Article 235 are affected;

Whereas these provisions of the Energy Charter Treaty should be applied by the European Community on a provisional basis, in accordance with its provisions, without prejudice to the procedure and legal basis required for the subsequent approval by the European Community of the Energy Charter Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall apply on a provisional basis from the time of signature the Energy Charter Treaty to the extent that it has competence for the matters governed by the Treaty.

⁽¹⁾ OJ No C 372, 28. 12. 1994, p. 15.

⁽²⁾ OJ No C 18, 23. 1. 1995.

The text of the Treaty is attached to this Decision.

Done at Brussels, 15 December 1994.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

For the Council

The President

A. MERKEL

COUNCIL DECISION

of 15 December 1994

approving the provisional application of the Energy Charter Treaty by Decision of the Commission on behalf of the European Atomic Energy Community

(94/1067/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the draft Council decision submitted by the Commission (*),

Whereas the European Energy Charter was signed on 17 December 1991 by the European Communities and their Member States;

Whereas all the signatories to the European Energy Charter undertook to draw up an Energy Charter Treaty in order to provide a secure and binding international legal framework for the principles and objectives set out in that Charter;

Whereas the implementation of the European Energy Charter is of fundamental importance to Europe's future, allowing the Commonwealth of Independent States and the countries of central and eastern Europe to develop their energy potential, while helping to improve security of supply;

Whereas it is necessary to consolidate the initiative and the central role of the Community to enable the latter to participate fully in the implementation of the Energy Charter Treaty;

Whereas the provisional application of the Energy Charter Treaty will help attain the objectives of the European Atomic Energy Community;

Whereas these provisions of the Energy Charter Treaty should be applied by the European Atomic Energy Community on a provisional basis,

HAS DECIDED AS FOLLOWS:

Article 1

The provisional application by the European Atomic Energy Community of the Energy Charter Treaty, to the extent that the Community has competence for the matters governed by that Treaty, is hereby approved.

The text of the Treaty is attached to this Decision (*).

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 15 December 1994.

*For the Council**The President*

A. MERKEL

(*) OJ No C 372, 28. 12. 1994, p. 16.

(*) See page 24 of this Official Journal.