Signing and provisional application of the European Energy Charter Treaty

1994/0214(CNS) - 28/11/1994 - Modified legislative proposal

The Commission's amended proposal aimed to adapt the legal basis of the proposals concerning the Community's signature of the European Energy Charter Treaty and its provisional application by the Union. - With regard to the proposal for a Council decision concerning the signature of the European Energy Charter Treaty and its provisional application by the EC: the Commission had initially proposed taking as a basis Articles 73c(2), 113 and 235 of the Treaty on European Union, in conjunction with the second sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof. In the meantime, the Court of Justice of the Communities issued an opinion (opinion 1/94 of 15 November 1994 of the European Court of Justice) which required an amendment to the legal basis of this proposal and the corresponding draft Council and Commission decision. As a result, the Commission proposed supplementing the legal bases indicated with new articles, namely Articles 54(2), the last sentence of 57 (2), 66 and 100a, having regard in particular to the reciprocal clauses included in Community legislation applicable in the fields covered by these articles. - With regard to the draft Council, Commission, ECSC and Euratom decision, which was initially based on the first subparagraph of Article 95 of the ECSC Treaty and the second subparagraph of Article 101 of the Euratom Treaty, the Court ruling meant that the draft should only cover nuclear products and materials, since coal was covered by the EC draft decision. As a result, the first version of the draft decision referring to the ECSC should be done away with as well as all other references to the ECSC (title and provisions of the draft). The draft decision should also be adapted to the specific provisions of the Euratom Treaty.