




| Basic information | |
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| 2015/0012(NLE) NLE - Non-legislative enactments | Procedure completed |
| United Nations Convention on Transparency in Treaty-based Investor-State Arbitration Subject 6.20.05 Multilateral and plurilateral economic and trade agreements and relations 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD | |



| Key players | | | |
|-------------------------------|-------------------------------------|-------------------|---|
| European Parliament | Committee responsible | | Rapporteur |
| | <div>INTA</div> International Trade | | CAVAZZINI Anna (Greens /EFA) |
| | | | Shadow rapporteur CASPARY Daniel (EPP) GÁLVEZ Lina (S&D) KOLS Rihards (ECR) COTRIM DE FIGUEIREDO João (Renew) BOYLAN Lynn (The Left) |
| | Former committee responsible | | Former rapporteur |
| | <div>INTA</div> International Trade | | |
| Council of the European Union | <div>INTA</div> International Trade | | |
| | | | |
| European Commission | Commission DG | Commissioner | |
| | Trade | MALMSTRÖM Cecilia | |

| Key events | | | |
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| Date | Event | Reference | Summary |
|------------|---|--|---------|
| 29/01/2015 | Preparatory document | COM(2015)0020  | Summary |
| 11/07/2024 | Legislative proposal published | 07011/2024 | Summary |
| 16/09/2024 | Committee referral announced in Parliament | | |
| 03/12/2024 | Vote in committee | | |
| 04/12/2024 | Committee report tabled for plenary, 1st reading/single reading | A10-0021/2024 | |
| 16/12/2024 | Debate in Parliament |  | |
| 18/12/2024 | Decision by Parliament | T10-0069/2024 | Summary |
| 18/12/2024 | Results of vote in Parliament |  | |
| 22/05/2025 | Act adopted by Council after consultation of Parliament | | |
| 19/06/2025 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---|
| Procedure reference | 2015/0012(NLE) |
| Procedure type | NLE - Non-legislative enactments |
| Procedure subtype | Consent by Parliament |
| Legal basis | Treaty on the Functioning of the EU TFEU 207-p4 Treaty on the Functioning of the EU TFEU 218-p6a |
| Other legal basis | Rules of Procedure EP 165 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | INTA/10/00051 |

| Documentation gateway | | | | |
|---|------------|-------------------------------|------------|-------------------------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee draft report | | PE765.122 | 28/10/2024 | |
| Committee report tabled for plenary, 1st reading/single reading | | A10-0021/2024 | 04/12/2024 | |
| Text adopted by Parliament, 1st reading/single reading | | T10-0069/2024 | 18/12/2024 | Summary |
| Council of the EU | | | | |
| Document type | Reference | | Date | Summary |
| Legislative proposal | 07011/2024 | | 11/07/2024 | Summary |
| European Commission | | | | |
| Document type | Reference | | Date | Summary |

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|------------------------------------|--|------------|-------------------------|
| Preparatory document | COM(2015)0020  | 29/01/2015 | Summary |
| Document attached to the procedure | COM(2015)0021  | 29/01/2015 | |

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| Final act |
| Decision 2025/1217 OJ OJ L 19.06.2025 |

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

2015/0012(NLE) - 29/01/2015 - Preparatory document

PURPOSE: to conclude, on behalf of the European Union, the United Nations Convention on transparency in treaty-based investor-State arbitration.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: following the entry into force of the Treaty of Lisbon, foreign direct investment is included in the list of matters falling under the common commercial policy. In accordance with TFEU, the European Union has exclusive competence with respect to the common commercial policy.

The Commission has since 2010 focussed on [improving transparency for investor-state dispute settlement](#). This was explicitly requested by the European Parliament in its [resolution](#) on the future European Investment Policy.

The United Nations Commission on International Trade Law (UNCITRAL) adopted on 10 July 2013 **rules on transparency** for investor-state dispute settlement, which were in turn endorsed by the United Nations General Assembly on 16 December 2013. These provide for all documents to be made public (both decisions of the tribunal and submissions of the parties), for hearings to be open to the public and for interested parties (civil society) to make submissions to the tribunal. Appropriate protections for confidential information are also provided.

The rules became effective on 1 April 2014. They apply automatically to investor-state dispute settlement arising on the basis of treaties concluded after 1 April 2014 where a reference was made therein to UNCITRAL Arbitration rules. At the same time, the Transparency Rules do not apply to treaties concluded prior to that date.

Given the very high number of existing investment agreements concluded prior to 1 April 2014, the Commission considers it important to ensure the application of the Transparency Rules to those agreements. The European Union is a party to one such agreement - the Energy Charter Treaty - and the Member States of the European Union are parties to around 1 400 such agreements with third countries.

As a consequence, together with other UNCITRAL Members, the Union has pushed for the negotiation of a multilateral convention which would facilitate the application of the UNCITRAL Transparency Rules to existing investment treaties. On 10 February 2014, the Council authorised the Commission to negotiate such a convention under the auspices of UNCITRAL. The negotiations were concluded on 9 July 2014 and the Convention adopted by the United Nations General Assembly on 10 December 2014.

CONTENT: the Commission herewith submits a proposal for a Council Decision on the conclusion, on behalf of the European Union, of the United Nations Convention on transparency in treaty-based investor-State arbitration.

The Convention **applies to investment treaties concluded before 1 April 2014** and establishes a mechanism allowing countries and regional economic integration organisations to agree between themselves to apply the UNCITRAL Transparency Rules in disputes covered by investment treaties to which they are parties. It permits both the Union and the Member States to adhere to the Convention and to apply the Transparency Rules to their existing investment treaties.

By signing the Convention, the European Union could become a party to the Convention in respect of the Energy Charter Treaty and the Member States could become a party to the Convention in respect of their existing agreements. The Convention provides for a negative list approach, i.e. the Transparency Rules will apply unless a signatory lists particular agreements as not being subject to the Convention by making a reservation.

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

2015/0012(NLE) - 18/12/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 591 votes to 7, with 53 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration.

Parliament **gave its consent** to the conclusion of the Agreement.

The United Nations Convention on Transparency in Treaty-based Investor-State Arbitration applies to investment treaties concluded before 1 April 2014 and establishes a mechanism allowing countries and regional economic integration organisations to agree between themselves to apply the UNCITRAL Transparency Rules in disputes covered by investment treaties to which they are parties. It permits both the Union and the Member States to adhere to the Convention and to apply the Transparency Rules to their existing investment treaties.

The Mauritius Convention facilitates the application of the United Nations Commission of International Trade Law (UNCITRAL) Transparency Rules to investment treaties concluded prior to 1 April 2014. These rules require all documents, including tribunal decisions and party submissions, to be made public; that hearings be open to the public; and that interested parties, such as civil society organisations, be allowed to make submissions to the tribunal.

The convention retroactively applies to investment treaties signed before the introduction of the UNCITRAL transparency rules. Contracting parties who ratify the convention can have the new rules applied in disputes under older treaties, without the need to renegotiate them individually.

Approximately 1 200 agreements involving EU Member States fall under the scope of the Convention. The Energy Charter Treaty (ECT) is the only treaty covered at EU level.

Ratifying the Convention is a first step in the broader reform of investment dispute settlement within the framework of the United Nations Commission for International Trade Law for the creation of a Multilateral Investment Court.

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

2015/0012(NLE) - 11/07/2024 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, the United Nations Convention on transparency in treaty-based investor-state arbitration.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the United Nations Commission on International Trade Law (UNCITRAL) adopted on 10 July 2013 rules on transparency for investor-state dispute settlement, which were in turn endorsed by the United Nations General Assembly on 16 December 2013. These provide for all documents to be made public (both decisions of the tribunal and submissions of the parties), for hearings to be open to the public and for interested parties (civil society) to make submissions to the tribunal. Appropriate protections for confidential information are also provided.

The rules became effective on 1 April 2014. They apply automatically to investor-state dispute settlement arising on the basis of treaties concluded after 1 April 2014 where a reference was made therein to UNCITRAL Arbitration rules.

In accordance with a Council Decision, the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration was signed, subject to its conclusion at a later date. It is desirable to apply the United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration to investor-State dispute settlement to the greatest extent possible. As regards the Union, the Rules should apply to the Energy Charter Treaty. The Union should not apply the Rules when acting as a respondent in the case of a dispute initiated pursuant to the Energy Charter Treaty against a Member State which is not a party to the Convention, unless agreed upon otherwise with the Member State concerned.

It is now necessary to approve the Convention on behalf of the Union.

CONTENT: the Council draft concerns the approval, on behalf of the European Union, of the Convention on Transparency in Treaty-based Investor-State Arbitration, as negotiated by the Commission under the auspices of the United Nations Commission on International Trade Law (UNCITRAL).

The Convention applies to investment treaties concluded before 1 April 2014 and establishes a mechanism allowing countries and regional economic integration organisations to agree between themselves to apply the UNCITRAL Transparency Rules in disputes covered by investment treaties to which they are parties. It permits both the Union and the Member States to adhere to the Convention and to apply the Transparency Rules to their existing investment treaties.

By signing the Convention, the European Union could become a party to the Convention in respect of the Energy Charter Treaty and the Member States could become a party to the Convention in respect of their existing agreements. The Convention provides for a negative list approach, i.e. the Transparency Rules will apply unless a signatory lists particular agreements as not being subject to the Convention by making a reservation.