Basic information

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	Appointed
INTA International Trade	CAVAZZINI Anna (Greens /EFA)	30/09/2024
	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	Appointed
INTA International Trade		
INTA International Trade		

Council of the European Union

European Commission

Commission DG	Commissioner
Trade and Economic Security	MALMSTRÖM Cecilia

Key events

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 European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 207-p4
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

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

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

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.