



Brussels, 27.3.2024
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ANNEX

ANNEX

to the

Proposal for a Council Decision

on the partial suspension of the application of the Energy Charter Treaty between the European Atomic Energy Community (Euratom) and any legal entity that is owned or controlled by citizens or nationals of the Russian Federation or of the Republic of Belarus, and any Investment within the meaning of the Energy Charter Treaty which is an Investment of an Investor of the Russian Federation or of the Republic of Belarus

ANNEX

DECLARATION

on behalf of the European Union, the European Atomic Energy Community (Euratom) and all Member States that are Contracting Parties to the Energy Charter Treaty

The European Union, the European Atomic Energy Community (Euratom) and all Member States that are Contracting Parties to the Energy Charter Treaty (“ECT”) herewith deny the advantages of Part III of the ECT to:

- (1) any legal entity that is owned or controlled by citizens or nationals of the Russian Federation or of the Republic of Belarus and that has no substantial business activities in the Area of the Contracting Party in which it is organised, pursuant to Article 17(1) ECT; and
- (2) any Investment within the meaning of the ECT which is an Investment of an Investor of the Russian Federation or of the Republic of Belarus, pursuant to letter (b) of Article 17(2) ECT.

The European Union and its Member States have adopted and maintain sanctions against the Russian Federation over its war of aggression against Ukraine, as well as against the Republic of Belarus as accomplice in this war of aggression. The sanctions include measures that (i) prohibit transactions with Investors of the Russian Federation and of the Republic of Belarus, and (ii) would be violated or circumvented if the benefits of Part III of the ECT were accorded to Investors of those states or to their Investments.