

**Question for oral answer O-000009/2022
to the Council**

Rule 136

Bernd Lange

on behalf of the Committee on International Trade

Subject: Update from the Council on the state of play of the Energy Charter Treaty modernisation exercise

1. What are the main priorities of the Member States in the modernisation process of the Energy Charter Treaty (ECT)? How does the current energy crisis affect the EU's negotiating position?
2. How are the Council and the Commission, in line with the Treaties, keeping Parliament and its relevant committees immediately and fully informed about the progress of the ECT negotiations, and how are they ensuring transparency and access to the negotiation documents?
3. What are the main positions of the contracting parties on a reform of the definition of economic activities? Could the EU's negotiating position still allow for the protection of investments in activities that pose significant harm to the environment, as defined in the EU taxonomy? What is the Council's view as regards the flexibility proposal tabled by the ECT Secretariat, in relation to the definition of protected economic activities? What is the status of the negotiations on this issue?
4. What prospects does the Council envisage for achieving unanimity among ECT contracting parties on the exclusion of fossil fuel investments from investment protection? What happens if there is no agreement on ECT modernisation by summer 2022?
5. Given that investor-state dispute settlement is not subject to revision in the modernisation process, and will therefore not be replaced by the investment court system, what is the Council's view on ensuring that a modernised ECT is in line with the conditions laid out by the Court of Justice in its Opinion 1/17?
6. How would the modernisation of or a potential withdrawal from the ECT affect energy markets beyond the issue of the 20-year sunset clause? What would be the procedure and the legal and practical effects of a withdrawal? Are the Council and the Commission in consultations on this possibility? Would the Council and the Commission consider engaging with like-minded countries to minimise the consequences of the sunset clause in the event of a withdrawal?

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Lapses: 4.6.2022