

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2024

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Brussels, 3 December 2024

Related documents:

CC 763, CC 763 Rev,
CC 763 Rev 2,
CC 763 Rev 3,
Mess 2171/24

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Entry into Force and Provisional Application of Amendments to the Energy Charter Treaty and Changes and Modifications to its Annexes

The Energy Charter Conference at the Statutory Session of its 35th Meeting held on 3 December 2024 approved the attached decision.

Keywords: Modernisation, Energy Charter Treaty, Amendments, Modifications, Changes, Provisional Application

**ENTRY INTO FORCE AND PROVISIONAL APPLICATION
OF AMENDMENTS TO THE ENERGY CHARTER TREATY
AND MODIFICATIONS AND CHANGES TO ITS ANNEXES**

- (1)
 - (a) The amendments to the Energy Charter Treaty (ECT) adopted on 3 December 2024 shall enter into force in accordance with Article 42(4) of the ECT.
 - (b) The modifications and changes to Annexes to the ECT approved on 3 December 2024 shall enter into force in accordance with the following subparagraphs:
 - (i) The modifications to the heading of Annex NI as well as in Sections A and B of Annex NI shall enter into force on 3 September 2025. Those modifications shall not apply to an ongoing dispute submitted under Article 26 of the ECT before that date.
 - (ii) The modifications in Section C of Annex NI and changes/modifications to other Annexes shall enter into force between Contracting Parties having ratified, accepted or approved the amendments to the ECT adopted on 3 December 2024, on the date of entry into force of those amendments. Thereafter, the modifications in Section C of Annex NI shall enter into force in relation to any other Contracting Party on the ninetieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendments to the ECT adopted on 3 December 2024.
 - (2) Each Contracting Party agrees to apply as of 3 September 2025 the amendments to the ECT adopted on 3 December 2024, the modifications in Section C of Annex NI and the changes/modifications to other Annexes approved on 3 December 2024 provisionally pending their entry into force for such Contracting Party to the extent that such provisional application is not inconsistent with its constitution, laws or regulations. References to “entry into force” in Section C of Annex NI shall be understood as “provisional application” in relation to Contracting Parties that provisionally apply modifications in Section C of Annex NI.
 - (3)
 - (a) Notwithstanding paragraph (2), any Contracting Party may deliver to the Depositary before 3 March 2025 a declaration that it is not able to accept the provisional application of the amendments to the ECT adopted on 3 December 2024, the modifications in Section C of Annex NI and the changes/modifications to other Annexes approved on 3 December 2024. The Secretariat shall make public such declarations. Any such Contracting Party may at any time withdraw that declaration by written notification to the Depositary.
 - (b) Neither a Contracting Party which makes a declaration in accordance with subparagraph (a) nor Investors of that Contracting Party shall be affected by or may claim the benefits of the amendments to the ECT adopted on 3 December 2024, the modifications in Section C of Annex NI and the changes/modifications to other Annexes approved on 3 December 2024 until their entry into force in relation to that Contracting Party or the withdrawal of the declaration by that Contracting Party under subparagraph (a).

- (4) Any Contracting Party may terminate its provisional application of the amendments to the ECT adopted on 3 December 2024, the modifications in Section C of Annex NI and the changes/modifications to other Annexes approved on 3 December 2024 by written notification to the Depositary of its intention not to ratify, accept or approve the amendments to the ECT adopted on 3 December 2024. Termination of the provisional application for any Contracting Party shall take effect upon the expiration of 60 days from the date on which such Contracting Party's written notification is received by the Depositary.