



**MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS**  
**Secretaria-Geral**

**Departamento de Assuntos Jurídicos**

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Mr. Secretary-General,  
Your Excelencies,  
Ladies and gentlemen,

Let me begin my statement by thanking you, Mr. Secretary-General, for the invitation you addressed my Government to participate at this forum and tell you that it is with great honour that Portugal participates in the celebration of the twentieth anniversary of the entry into force of the Energy Charter Treaty.

The Treaty, as provided for in its Article 2, establishes the legal framework for the promotion of long-term cooperation in the energy field and, as so, serves as the basis for the creation of an international energy market.

As you know, the Energy Charter Treaty, alongside with the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects, was signed in Lisbon, on the 17th December 1994. It entered into force on the 16th April 1998, having been afterwards amended in that same year. It currently counts with more than fifty Contracting Parties, with new accessions having taken place this very year. This, in our view, is a testimony to the importance of this legal instrument.

Under Article 49, the Government of the Portuguese Republic was designated the Depositary to the Energy Charter Treaty and, in accordance with the Portuguese internal legislation it is for the Department of Legal Affairs of the Ministry of Foreign Affairs – my Department – to carry out the functions of Depositary.

In this regard, one should bear in mind that, as stated in the Vienna Convention on the Law of the Treaties, the functions of the depositary of a treaty are international in character and the depositary is under an obligation to act impartially in their performance.



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It is for the depositary to perform such functions as keeping custody of the original text of the Treaty and any amendment thereto and to prepare certified copies and transmit them to the Contracting Parties and to the States entitled to become parties to the Treaty. It is also for the depositary to receive instruments of ratification, acceptance, approval or accession and to notify Contracting Parties of such deposit, as well as of any declaration or notification of withdrawal.

These are functions that, in our view, contribute to the every changing life of the Treaty and are performed by Portugal with the utmost care and sense of responsibility.

We know there are challenges ahead that the Secretariat may have to address, namely regarding discussions relating to clauses on settlement of disputes and their compliance with European Union Law.

In particular, the Achmea judgment rendered by the European Court of Justice led to the start of negotiations between EU Member-States with the purpose of terminating bilateral investment treaties, being one of the contending points whether or not to include the Energy Charter Treaty on the instrument to be concluded at the end of such negotiations.

This is a matter that the depositary is following closely.

Allow me to finish this brief statement by mentioning that, in these past years, the depositary and the Energy Charter Secretariat have worked closely together, addressing concerns in a spirit of good collaboration. It is our wish that we continue cooperating in this fruitful manner.

I thank you all.