



Paris, 16 July 2020

## **POLITICAL OPINION**

### **on preserving the sovereignty of the European Union in the area of energy, in particular**

The Senate European Affairs Committee,

Having regard to Article 194 of the Treaty on the Functioning of the European Union,

Having regard to the Protecting Europe's Energy Security Act of 2019, as formed by Articles 7,501 to 7,503 of the National Defense Authorization Act for fiscal year 2020 of 20 December 2019,

Having regard to the European Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 January 2020 on the Commission's work programme for 2020, "A More Ambitious Union", COM(2020) 37 final,

Having regard to the answer provided on 4 February 2020 by the European Commission to the question put on 19 September 2019 by Mr Sven Schulze, Member of European Parliament, regarding the risk of US sanctions in connection with the Nord Stream 2 gas pipeline project,

Having regard to the bill tabled on 4 June 2020 in the United States Senate by Mr Ted Cruz and four of his colleagues, forming the Protecting Europe's Energy Security Clarification Act of 2020,

Having regard to the answer provided on 25 June 2020 by the European Commission to the question put on 23 March 2020 by Mr Emmanuel Maurel, Member of European Parliament, regarding the US sanctions adopted against the companies involved in constructing the Nord Stream 2 pipeline,

Having regard to the updated guidelines published on 15 July 2020 by the United States Department of State for the application of section 232 of the Act of 2 August 2017 on countering America's adversaries, aimed at immediately strengthening the mechanism for extraterritorial sanctions against all companies involved in constructing or maintaining the Nord Stream 2 pipeline,

Recalls that the Member States of the European Union have sovereign power to determine the general structure of their energy supply,

Emphasises that no provision in international law empowers the United States of America to intervene in determining the energy supply of one or more Member States of the European Union,

Insists on the need for the US authorities to refrain from imposing or threatening sanctions on any company involved in the construction or operation of any economic infrastructure on the territory of the European Union that complies with European Union law and the law of the Member States concerned,

Calls upon any third country to give priority to a negotiated solution if it considers that a project undertaken on the territory of the European Union could be detrimental to its interests and, if necessary, to refer the matter to an international court of law in the event of persistent disagreement,

Formally opposes the adoption, by any third country, of sanctions against a Member State or a company operating in the territory of a Member State in the absence of a prior decision by an international judicial body,

Approves the official statements made to this effect by the European Commission, in particular in 2020,

Notes, however, the persistence of US interference in the European Union's energy policy,

Condemns in particular the retroactive nature of the provisions contained in the bill of 4 June 2020 tabled in the United States Senate by Senator Ted Cruz and four of his colleagues on the Foreign Affairs Committee,

Requests that the European Commission step up the action it has taken to date to put an end to any interference by a third country in any aspect of the policies pursued by the European Union or its Member States on their territory and thus ensure that the law is upheld, without ruling out adopting and implementing retaliatory sanctions if necessary, in order to obtain:

- as a minimum, the withdrawal of the guidelines published on 15 July 2020 for the application of section 232 of the Act of 2 August 2017 on countering America's adversaries and, ideally, the removal of this section,
- the repeal of the Protecting Europe's Energy Security Act of 2019,
- the withdrawal of the bill tabled on 4 June 2020 in the United States Senate entitled "Protecting Europe's Energy Security Clarification Act of 2020".