



Minister
for Foreign Affairs
of Ukraine

Kyiv, August 2022

Excellency,

The full-scale war that the Russian Federation launched against my country on February 24, 2022, has a significant negative impact on the Ukrainian energy sector. Due to their economic, humanitarian and geopolitical importance, energy infrastructure facilities are among primary targets for the Russian military.

Considering the existing circumstances, Ukraine hereby informs the Secretariat that starting from August 15, 2022, it exercises its right under Article 17(2)(a)-(b) of the Energy Charter Treaty (hereinafter – “ECT”) to deny the advantages of Part III of the ECT to investments of investors of the Russian Federation, for the reasons set out below:

- (a) The Russian Federation is a third state for the purposes of Article 17 of the ECT, as set out in Article 17 (2). The Russian Federation signed, but did not ratify the ECT and on August 20, 2009, notified the Depository of the ECT of its intention, by order of the Government of the Russian Federation No. 1055-r, dated July 30, 2009, not to become a Contracting Party to the ECT. Thus, provisional application of the Treaty terminated for Russia on October 18, 2009. On October 19, 2021, the Strategy Group took note of the country's status as no longer being an ECT signatory.
- (b) Diplomatic relations between Ukraine and the Russian Federation were severed on February 24, 2022, following the beginning of the unprovoked full-scale war of the Russian Federation against Ukraine. This meets the requirement of Article 17 (2) (a) of the ECT.

His Excellency
Mr Guy Lentz
Secretary-General of the
Energy Charter Secretariat



ДОКУМЕНТ СЕД МЗС АСКОД

Підписувач ЄФРЕМОВА ІРИНА АНАТОЛІЇВНА
Сертифікат 2B6C7DF9A3891DA1040000004592920098EFB802
Дійсний з 02.12.2021 15:23:11 по 02.12.2022 23:59:59

МЗС



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(c) Ukraine is taking measures that prohibit transactions with Russian investors. As part of countering the Russian Federation's unlawful use of force against our State, Ukraine has adopted a number of changes to its legislation to restrict and prohibit transactions with Russian investors, in particular to the Law of Ukraine No: 1644-VII dated August 14, 2014 "On Sanctions", as well as new legal acts, including the Law of Ukraine No. 2116-IX dated March 03, 2022 "On Forcible Expropriation of Property of the Russian Federation and its Residents", and the Resolution of the Cabinet of Ministers of Ukraine No. 187 dated March 3, 2022 "On Ensuring the Protection of National Interests in Future Lawsuits of the State of Ukraine in Connection with the Military Aggression of the Russian Federation". This meets the requirements of Article 17(2) (b) (i) of the ECT.

Considering the abovementioned and on the basis that further measures are required to give this notice full effect, I kindly request you to take such measures as soon as possible, including making the aforesaid public.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dmytro Kuleba', written in a cursive style.

Dmytro KULEBA