

Brussels, 23-24 April 1998

Related documents: CC 113, CC 115, CC 115 Addendum, CC 124, RD 9 (ECC of 23-24 04 1998), RD 26 Rev. (ECC of 23-24 04 1998), Mess 115/98, Mess 116/98

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: **Adjournment of the negotiations on the Supplementary Treaty to the Energy Charter Treaty**

With respect to the adoption of the Supplementary Treaty it was decided to adjourn the meeting and reconvene in June (see Message No. 115/98).

The Conference agreed:

a) that the following Declaration (RD 26rev) would be included in the Final Act of the ST:

“The Charter Conference will proceed to a review of the Investor-State dispute settlement provisions for the Supplementary Treaty not later than 2003; it may do so earlier when considering the possible application of Article 9.1.”

The Swiss delegation stated that it would consider coming up with a proposal after the adoption of the text of the ST.

b) to include the following text in the Chairman’s statement at the adoption of the Supplementary Treaty (RD 9) to resolve the issue of the “conflict rule”:

“For the avoidance of doubt and consistent with the Supplementary Treaty, a Contracting Party may establish transparent, objective and non-discriminatory conditions, criteria or requirements on the basis of which authorisations, licenses and concessions are granted, such as technical competence and capacity and financial strength.”

(A communication on matters concerning in particular the proposed texts with respect to privatisation and the declaration on environmental and labour standards had been circulated separately in Message No. 116/98).