

**ENERGY CHARTER
SECRETARIAT**

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Brussels, 23-24 April 1998

Related documents: CC 116, CC 116 Rev., CC 124
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DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Transitional Arrangements

The Conference, considering the Work Programme for 1998 concerning reviews of Annex T and the notifications of Signatories/Contracting Parties eligible for transitional arrangements, welcomed the further progress towards elimination of non-complying measures by Signatories/Contracting Parties.

The Conference further discussed the request of Armenia for an additional extension of the transitional period regarding Article 6(5) and decided to grant it a two years extension i.e. to 31 December 1999.

The Conference asked the Secretariat to organise a detailed review of all outstanding transitional suspensions in the second half of 1998 during which requests of certain countries in transition with respect to technical assistance for the implementation of Article 20(3) concerning the establishing of the enquiry points would also be discussed. For this purpose, all Signatories/Contracting Parties listed in Annex IV of the document CC 116 will submit to the Secretariat due evaluation and the expected development of individual transitional measures no later than 31 August 1998.

The Conference adopted the conclusion at pages 3 and 4 of Conference document CC 116 of 3 April 1998 with the following amendment:

The part

“AGREED

with the request of Armenia for an additional extension of the transitional period regarding Article 6(5) granting it one year extension i.e. to 31 December 1998.”

Keywords: Transitional Arrangements

shall be replaced with

“AGREED

with the request of Armenia for an additional extension of the transitional period regarding Article 6(5) granting it two year extension i.e. to 31 December 1999.”

[The text of the adopted Conclusions is attached at Annex.]

Conclusions concerning Transitional Arrangements

as adopted by the Energy Charter Conference
at its 1st Meeting held on 23–24 April 1998

The Energy Charter Conference

considering part B.2.2 of the Work Programme for 1998 (CS(97) 313, CC 104) concerning reviews of Annex T;

considering the notifications of Signatories/Contracting Parties eligible for transitional arrangements

NOTED

- 1) the termination of transitional arrangements contained in Annex T for the following Signatories/Contracting Parties
 - a) for which the phase-out dates have expired
 - Azerbaijan, regarding Article 20(3), as of 31 December 1997;
 - Tajikistan, regarding Articles 6(2), 6(5) and 20(3), as of 31 December 1997;
 - Moldova, regarding Articles 6(2) and 6(5), as of 1 January 1998;
 - Slovenia, regarding Article 6(2), as of 1 January 1998;
 - b) for which the Signatories/Contracting Parties have notified earlier than anticipated compliance
 - Georgia, regarding Articles 6(2), 6(5) and 7(4), as of 12 March 1998;
 - Hungary, regarding Article 14(1)(d), as of 24 March 1998;
 - Kazakhstan, regarding Article 9(1), as of 26 March 1998;
 - Belarus, regarding Articles 6(2) and 6(5), as of 30 March 1998;
- 2) that progress towards elimination of non-complying measures by Signatories/Contracting Parties eligible for transitional arrangements still continues to be faster than originally envisaged in the Treaty;
- 3) that actions undertaken by Signatories/Contracting Parties eligible for transitional arrangements appear in most cases to be sufficient to ensure timely progress towards full compliance with relevant provisions of the Treaty in accordance with phase-out dates in Annex T;
- 4) that no request for the suspension of other eligible transitional arrangements not previously listed in Annex T has been received;
- 5) that Armenia has requested an additional extension of the transitional period regarding Article 6(5) by two years i.e. to 31 December 1999;
- 6) that Armenia, Azerbaijan, Belarus and Kazakhstan request, in accordance with Article 32(4)(c) of the Treaty, technical assistance for the implementation of Article 20(3) concerning the establishing of the enquiry points.

AGREED

with the request of Armenia for an additional extension of the transitional period regarding Article 6(5) granting it two year extension i.e. to 31 December 1999.

ASKED

- 1) the Secretariat
 - a) to organise a detailed review of all outstanding transitional suspensions in the second half of 1998 with the aim to discuss the status of their phasing out, to identify the obstacles which might prevent to meet the scheduled dates for withdrawals and to discuss the need and options for technical assistance;
 - b) to investigate with appropriate parties, e.g. the TACIS Programme of the European Communities, the possibilities of technical and financial assistance for Armenia, Azerbaijan, Belarus, Kazakhstan and possibly Tajikistan regarding the establishment of enquiry points;
 - c) to advise the Depositary of the status of transitional arrangements since the last review by the Charter Conference (other then those included in document CC 94 of 22 July 1997);
- 2) all Signatories/Contracting Parties with experience in applying competition rules to actively participate in the 1998 review session and provide whatever further assistance might be necessary to encourage Signatories/Contracting Parties in transition in their efforts to ensure earliest possible full compliance with the competition provisions of the Treaty;
- 3) all Signatories/Contracting Parties listed in Annex IV of the document CC 116 of 3 April 1998 to submit to the Secretariat, in preparation of the review mentioned above under 1(a) due evaluation and the expected development of individual transitional measures in accordance with Article 32(4) of the Treaty no later than 31 August 1998.