

Brussels, 3-4 December 1998

Related documents: CC 132, CC 137
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: Terms and Conditions for the Accession of Mongolia to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects**

The Conference:

- noted that Mongolia subscribed to the Concluding Document of the Hague Conference on the European Energy Charter on 25 April 1997;
- noted the letter of Mongolia of 1 July 1997 on its intention to accede to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects, included in Annex 2 of Conference document CC 132;
- noted the commitment of Mongolia to accede to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects with all obligations contained therein and to achieve the purposes of the Treaty and Protocol by implementing all of their parts;
- decided to invite Mongolia to accede to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects on terms and conditions specified in Annex II;
- Agreed that Mongolia will be listed in Annex ID.

[Attached is the Annex 2 to doc. CC 132.]

## **DECISION**

### **concerning the accession of Mongolia to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects**

[as adopted by the Energy Charter Conference at its 2<sup>nd</sup> Meeting held on 3–4 December]

#### **The Energy Charter Conference**

considering the request of Mongolia of 21 November 1996 to become a party to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects (document CS (96) 222, CC 76) and its continuing commitment to accede to them;

considering the approval by the provisional Energy Charter Conference of 13 December 1996 of the application of Mongolia to become a signatory to the Concluding Document of the Hague Conference on the European Energy Charter, the signature by Mongolia thereof and Mongolia's commitment to accede to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects (document CS (97) 234, CC 81, point 3(b));

considering the subscription of Mongolia to the Concluding Document of the Hague Conference on the European Energy Charter on 25 April 1997;

considering the Energy Charter Treaty signed on 17 December 1994 at Lisbon, and in particular Articles 41, 42 and 44 thereof;

considering the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects signed on 17 December 1994 at Lisbon, and in particular Articles 16 and 18 thereof;

considering the Amendment to the Trade-Related Provisions of the Energy Charter Treaty adopted on 24 April 1998

#### **NOTED**

the request of Mongolia to be listed in Annex ID to the Energy Charter Treaty;

#### **DECIDED**

**1) to approve the accession of Mongolia to the Energy Charter Treaty and to invite Mongolia to accede to it on the following terms and conditions:**

- a) The deposit of the instrument of accession by the Government of Mongolia pursuant to Article 41 of the Energy Charter Treaty shall constitute the accession of Mongolia to:
  - i) the Energy Charter Treaty, including the Annexes to the Treaty set out in Annex 1 and the Decisions set out in Annex 2 to the Final Act of the European Energy

Charter Conference signed at Lisbon on 17 December 1994, which, according to Article 48 of the Energy Charter Treaty, form an integral part of the Treaty;

- ii) the Final Act of the European Energy Charter Conference of 17 December 1994, except Section VII, taking due note of the Chairman's Statement at that time, which appears in Annex I to Document CONF 115 of 6 January 1995;
  - iii) the Amendment to Trade-Related Provisions of the Energy Charter Treaty, including the Decisions in connection with the adoption of the Amendment to the trade-related provisions of the Energy Charter Treaty set out in Annex 2 to the Final Act of the International Conference adopted at Brussels on 24 April 1998;
  - iv) the Final Act of the International Conference and Decision by the Energy Charter Conference in respect of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty of 24 April 1998;
  - v) all Decisions and Conclusions of the provisional Energy Charter Conference and the Energy Charter Conference which shall be in force at the time of the deposit of the instrument of accession.
- b) Upon accession to the Energy Charter Treaty the Government of Mongolia shall not make any declaration that might diminish its determination to achieve the objectives of the Treaty and carry it out.
- c) Upon accession to the Energy Charter Treaty Mongolia shall submit to the Secretariat the following documents:
- i) a report summarising all laws, regulations or other measures relevant to:
    - exceptions from the better of most favoured or national treatment as regards the Making of Investments in its Area and
    - programmes under which it provides grants or other financial assistance, or enters into contracts, for energy technology research and developmentrequired by Article 10(9) of the Treaty;
  - ii) a list of all tariff rates and other charges levied on Energy Materials and Products and Energy-Related Equipment at the time of their importation or exportation as applicable on the date of accession (Article 29(3) as amended);
  - iii) the designation of one or more enquiry points to which requests for information about laws, regulations, judicial decisions and administrative rulings may be addressed (Article 20(3)).
- d) Upon entry into force of the Energy Charter Treaty for Mongolia, Mongolia shall, in accordance with Article 6 of the Trade Amendment, apply such Trade Amendment on a provisional basis with all rights and obligations contained therein, pending the entry into force of the Trade Amendment.
- e) Mongolia shall pay contribution to the Budget of the Secretariat for the year of accession assessed in accordance with Article 37 of the Energy Charter Treaty and

implementing Financial Rules, with effect from the first day of the month following the deposit of its instrument of accession to the Energy Charter Treaty.

**2) to open the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects for accession and to invite Mongolia to accede to it on the following terms and conditions:**

- a) The deposit of the instrument of accession by the Government of Mongolia pursuant to Article 16 of the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects shall constitute the accession of Mongolia to:
  - i) the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects;
  - ii) Section VII of the Final Act of the European Energy Charter Conference of 17 December 1994;
  - iii) all Decisions and Conclusions of the provisional Energy Charter Conference and Energy Charter Conference relating to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects which shall be in force at the time of the deposit of the instrument of accession.
- b) Mongolia may accede to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects after the Energy Charter Treaty has entered into force for it in accordance with Article 44(2) of the Energy Charter Treaty.

**REQUESTED**

Mongolia to issue and deposit, in accordance with the legal requirements for such issuance and deposit, three separate legal instruments, namely (a) the instrument of accession to the Energy Charter Treaty, (b) the instrument of accession to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and (c) the instrument of ratification, acceptance or approval of the Trade Amendment.