

**ENERGY CHARTER  
SECRETARIAT**

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Brussels, 6 December 2013

Related documents: CC 472
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: Technical changes to Annexes EM I, NI and EQ I due to the evolution of the Harmonized Commodity Description and Coding System**

At its 24<sup>rd</sup> Meeting held on 5<sup>th</sup>/6<sup>th</sup> December 2013, the Energy Charter Conference,

**Recognizing** that the changes to the Harmonized Commodity Description and Coding System that took place in 2002, 2007 and 2012 affect Annexes EM I, NI and EQ I of the Energy Charter Treaty,

**Acknowledging** the work and discussions carried out during Trade Experts and Trade and Transit Group meetings in the course of 2012 and 2013,

**Aiming at** providing transparency and predictability in applying the provisions of the Energy Charter Treaty,

**Taking into account** the strictly technical character of the proposed changes of Annexes EM I, NI and EQ I without change of material scope,

**Based on** Article 34(3)(m) and 36 (1)(e) of the Energy Charter Treaty,

**Has decided to approve** technical changes to Annexes EM I, NI and EQ I to the Energy Charter Treaty by laying out the headings where the changes in wording are made as follows:

**Keywords:** Annexes, EM I, NI, EQ I, Harmonized Commodity Description, Coding System, Trade and Transit, technical changes, Article 34(3)(m), Article 36(1)(e)

## **Annex EM I**

### **Energy Materials and Products (in accordance with Article 1(4))**

#### **Nuclear energy**

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Ex 28.44 Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

Ex 2844.10 - Natural uranium and its compounds.

Ex 2844.20 - Uranium enriched in U 235 and its compounds; plutonium and its compounds.

Ex 2844.30 - Uranium depleted in U 235 and its compounds; thorium and its compounds.

Ex 2844.40 - Radioactive elements and isotopes and compounds other than those of subheading 2844.10, 2844.20 or 2844.30.

2844.50 - Spent (irradiated) fuel elements (cartridges) of nuclear reactors.

#### **Coal Natural Gas, Petroleum and Petroleum Products, Electrical Energy**

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27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents.

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Ex 27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude.

27.11 Petroleum gases and other gaseous hydrocarbons

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## **Other Energy**

- Ex 44.01 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.
- 4401.10 - Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.
- 44.02 Wood charcoal (including shell or nut charcoal), whether or not agglomerated.

## **Annex NI**

### **Non-applicable Energy Materials and Products for Definitions of “Economic Activity in the Energy Sector” (in accordance with Article 1(5))**

- 27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents.
- Ex 44.01 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.
- 4401.10 - Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.
- 44.02 Wood charcoal (including shell or nut charcoal), whether or not agglomerated.

## **Annex EQ I**

### **List of Energy-Related Equipment (in accordance with Article 1(4bis))**

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- Ex 73.04\*<sup>1</sup> Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel.
- Line pipe of a kind used for oil or gas pipelines:

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<sup>1</sup> \* Except products for use in civil aircraft

- 7304.11 -- Of stainless steel
- 7304.19 -- Other
- Casing, tubing and drill pipe, of a kind used in drilling for oil or gas:
  - 7304.22 -- Drill pipe of stainless steel
  - 7304.23 -- Other drill pipe
  - 7304.24 -- Other, of stainless steel
  - 7304.29 -- Other

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Ex 73.06\*<sup>2</sup> Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel.

- Line pipe of a kind used for oil or gas pipelines:
  - 7306.11 -- Welded, of stainless steel
  - 7306.19 -- Other
- Casing and tubing of a kind used in drilling for oil or gas:
  - 7306.21 -- Welded, of stainless steel
  - 7306.29 -- Other

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Ex 73.26 *(deleted, item now under 8536.70)*

Ex 7326.90 *(deleted, item now under 8536.70)*

Ex 84.18\*<sup>3</sup> Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15.

- Other refrigerating or freezing equipment; heat pumps:
  - 8418.61 -- Heat pumps other than air conditioning machines of heading 84.15
  - 8418.69 -- Other

Ex 84.19\*<sup>4</sup> Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 85.14), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electric.

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<sup>2</sup> \* Except products for use in civil aircraft  
<sup>3</sup> \* Except products for use in civil aircraft  
<sup>4</sup> \* Except products for use in civil aircraft

- 8419.50 -- Heat exchange units
- 8419.60 -- Machinery for liquefying air or other gases
- Other machinery, plant and equipment:
- 8419.89 -- Other

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Ex 84.25\*<sup>5</sup> Pulley tackle and hoists other than skip hoists; winches and capstans; jacks.

- Winches; capstans::

Ex 8425.31 -- Pit-head winding gear powered by electric motor; winches specially designed for use underground powered by electric motor

Ex 8425.39 -- Other pit-head winding gear; other winches specially designed for use underground

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Ex 84.43\*<sup>6</sup> Printing machinery used for printing by means of plates, cylinders and other printing components of heading 84.42; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof.

- Other printers, copying machines and facsimile machines, whether or not combined:

Ex 8443.31 -- Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network

Ex 8443.32 -- Other, capable of connecting to an automatic data processing machine or to a network

85.14 Industrial or laboratory electric furnaces and ovens (including those functioning by induction or dielectric loss); other industrial or laboratory equipment for the heat treatment of materials by induction or dielectric loss.

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Ex 85.17\*<sup>7</sup> Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network), other than transmission or reception apparatus of heading 84.43, 85.25, 85.27 or 85.28.

<sup>5</sup> \* Except products for use in civil aircraft

<sup>6</sup> \* Except products for use in civil aircraft

<sup>7</sup> \* Except products for use in civil aircraft

Ex 8517.62 -- Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus

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Ex 85.28\*<sup>8</sup> Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus.

- Cathode-ray tube monitors:
  - 8528.41 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71
- Other monitors:
  - 8528.51 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71
- Projectors:
  - 8528.61 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71

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Ex 85.36 Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibres, optical fibre bundles or cables.

- Ex 8536.10 - Fuses
  - Exceeding 63 ampere
- Ex 8536.20 - Automatic circuit breakers
  - Exceeding 63ampere
- Ex 8536.30 - Other apparatus for protecting electrical circuits
  - Exceeding 16 ampere
- Relays:
  - 8536.41 -- For a voltage not exceeding 60 V
  - 8536.49 -- Other
- Ex 8536.50 - Other switches
  - For a voltage exceeding 60 V
- Ex 8536.70 -- Connectors for optical fibre cables

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<sup>8</sup> \* Except products for use in civil aircraft

Ex 85.45 Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes.  
8545.20 – Brushes

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Ex 90.30\* Oscilloscopes, spectrum analyses and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 90.28; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionising radiations.

Ex 9030.10 - Instruments and apparatus for measuring or detecting ionising radiations

-- For use in the energy sector

- Other instruments and apparatus, for measuring or checking voltage, current, resistance or power:

9030.31 -- Multimeters without a recording device

9030.33 -- Other, without a recording device

- Other instruments and apparatus:

Ex 9030.84 -- Other, with a recording device

-- For use in the energy sector

Ex 9030.89 -- Other

-- For use in the energy sector

Ex 9030.90 -- Parts and accessories

-- For use in the energy sector