

Article 1(13) – Definitions

General comments and notes regarding the whole article

ECT 7 [CONF 96] (17/03/94)
Article 1 – Definitions
Chairman’s note to Article 1

Negotiations in the Plenary finished, except for the definition of the GATT and Related Instruments and the exclusion of maritime transport.

ECT 6 [CONF 82] (20/12/93)
ECT 5 [CONF 72] (11/10/93)
Article 1 – Definitions
Chairman’s note to Article 1

Negotiations in the Plenary finished, except for the question of “Control” and “Intellectual Property”.

ECT 4 [CONF 64] (07/07/93)
Article 1 – Definitions
Chairman’s note to Article 1

Negotiations in the Plenary finished, except for the question of “Control”, “Intellectual Property” and “Additional refinery products to Annexes EM and NI”. Plenary will not revert to remaining footnotes.

ECT 3 [CONF 60] (01/06/93)
Article 1 – Definitions
Chairman’s note to Article 1

Negotiations in the Plenary on paragraphs (1), (2), (3), (7), (10), (12), (14) and (15) finished.

BA-31 (21/12/92)
BA-26 (25/11/92)
Article 1 – Definitions

The Chairman of WG II asked delegations to provide him with comments and suggestions on definitions of Energy Materials and Products relevant for investment Articles in order for him to make a new draft of the definition of Investments.

BA-15 (12/08/92)
Article 1 – Definitions

Articles 1.4, 1.5, 1.6, 1.7, 1.12 and 1.13 are Chairman’s compromise Proposals.

BA 14 (24/06/92)
Article 1 – Definitions

Item (9) defines “Agreement Area”. However, for ease of reading, as a temporary measure, the word [Territory] has been kept in the text of the document.

BA 13 (19/06/92)
Article 1 – Definitions

Item (9) defines “[Territory]”. However, for ease of reading, as a temporary measure, the word “[Territory]” has been kept in the text of the document.

BA 12 (09/04/92)
Article 1 – Definitions

References of GATT and GATT-related instruments as currently drafted in items (10) and (11) are overlapping and will be reworked after the discussion on Article 5 A (document BA-11).

BA 6 (21/01/92)
Article 1 – Definitions

Former Article 4 “Protocols” has been moved to Article 1(9).

USA:

- the term “non-discrimination” appears often in the text. Some type of definition would be useful, preferably one that includes both national and MFN treatment.
- an alternative approach to the problem of definition might be similar to the form used in Chapter Nine of the US-Canada Free Trade Agreement.

USSR: Argues necessity to define “transport” and “transit”.

BA 4 (31/10/91)
Article 1 – Definitions

New texts in para (4), (5) and (8) based on suggestion of Chairman; in para (7) on basis of Australia proposal.

Romania: clarification of other notions mentioned in Basic Agreement is needed.

USA:

- the term “non-discrimination” appears often in the text. Some type of definition would be useful, preferably one that includes both national and MFN treatment.
- an alternative approach to the problem of definition might be similar to the form used in Chapter Nine of the US-Canada Free Trade Agreement.

BP 2 (11/09/91)
Explanatory Memorandum

Article 1 defines various terms used in the text of the Basic Protocol.

Article 1.13

ECT as adopted (17/12/94)
CONF 104 (Text for adoption) (14/09/94)*
Article 1.13 – Definitions

- (a) “Energy Charter Protocol” or “Protocol” means a treaty, the negotiation of which is authorized and the text of which is adopted by the Charter Conference, which is entered into by two or more Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty with respect to any specific sector or category of activity within the scope of this Treaty, or to areas of cooperation pursuant to Title III of the Charter.
- (b) “Energy Charter Declaration” or “Declaration” means a non-binding instrument, the negotiation of which is authorized and the text of which is approved by the Charter Conference, which is entered into by two or more Contracting Parties to complement or supplement the provisions of this Treaty.

Interim Text (25/06/94)
Interim Text (20/06/94)
Article 1.13 – Definitions

“Protocol” means a treaty, the negotiation of which is authorized, and the text of which is adopted by the Charter Conference, which is entered into by two or more Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty with respect to any specific sector or category of activity within the scope of this Treaty, or to areas of cooperation pursuant to Title III of the Charter.

Compromise text [CONF 98] (22/04/94)
Article 1.13 – Definitions

“Protocol” means a treaty, the negotiation of which is authorized, and the terms of which are adopted by the Charter Conference, which is entered into by two or more Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty with respect to any specific sector or category of activity within the scope of this Treaty, or to areas of cooperation pursuant to Title III of the Charter.

ECT 7 [CONF 96] (17/03/94)
Article 1.13 – Definitions

“Protocol” means an agreement authorized and adopted by the Charter Conference and entered into by any of the Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty to specific sectors or categories of activity comprised within the scope of this Treaty, including areas of cooperation referred to in Title III of the Charter.

* *Ed. note:* Appendix II in document CONF 104 contains “Main changes since Interim text”. With respect to Article 1(13) it states: “Arising from discussion of the Nuclear Protocol, Article 1(13) now provides for the possibility of non-binding Energy Charter Declarations under the auspices of the Charter Conference, as well as legally binding Energy Charter Protocols, Parallel amendments are made in Articles 33 and 34.”

ECT 6 [CONF 82] (20/12/93) ECT 5 [CONF 72] (11/10/93) ECT 4 [CONF 64] (07/07/93) Article 1.13 – Definitions	ECT 3 [CONF 60] (01/06/93) Article 1.14 – Definitions
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“Protocol” means an agreement authorised and adopted by the Charter Conference and entered into by any of the Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

ECT 2 [CONF 56] (01/05/93) (Compromise text) ECT 1 [CONF 50] (15/03/93) Article 1.14 – Definitions
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“Protocol” means an agreement authorised and adopted by the Charter Conference and entered into by any of the Contracting Parties [DL] in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

BA-37 (01/03/93) Article 1.12 – Definitions

[“Protocol” means an agreement entered into by any of the Contracting Parties under the auspices of the Charter in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.]¹

BA-35 (09/02/93) Article 1.12 – Definitions	BA-31 (21/12/92) BA-26 (25/11/92) BA-22 (21/10/92) Article 1.11 – Definitions	BA-15 (12/08/92) Article 1.12 – Definitions
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“Protocol” means an agreement entered into by any of the Contracting Parties under the auspices of the Charter in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

¹ **Hungary** proposes new wording of the definition based on Articles 28(1) and 29(3)(h):

“Protocol” means an agreement authorized and adopted by the Charter Conference and entered into by any of the Contracting Parties [deletion] in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

BA 14 (24/06/92)
BA 13 (19/06/92)
BA 12 (09/04/92)
Article 1.15 – Definitions

“Protocol” means an agreement² entered into by any of the Contracting Parties under the auspices of the Charter in order to complement, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

BA 6 (21/01/92)
Article 1.9 – Definitions

“Protocol” means an agreement² entered into by any of the Contracting Parties in order to confirm, supplement, extend or amplify the provisions of this Agreement to specific sectors or categories of activity comprised within the scope of this Agreement, including areas of cooperation referred to in Title III of the Charter.

BA 4 (31/10/91)
Article 4 – Protocols³

“Protocol” means an agreement entered into by any of the Contracting Parties in order to confirm, supplement, expand or apply the provisions of this agreement to specific sectors or categories of activity comprised within the scope of this agreement, including a protocol referred to in Title III of the charter.

BP 2 (11/09/91)
Article 1.1(h) – Definitions
Article 3 – Core Protocols
Article 4 – Supplementary Protocols

Article 1.1(h)

(h) “Supplementary Protocol” means any protocol listed in Article 4 of this Agreement;

Article 3

- (1) Each Contracting Party shall negotiate in good faith and take all necessary measures subject only to Article 44(5) below to adopt, sign and ratify, accept or approve all Core Protocols.
- (2) Each of the Articles of this Agreement listed in this paragraph shall be the subject of a separate Core Protocol to be negotiated in accordance with this Agreement:
Article []; Article [] etc.
- (3) In addition to the Core Protocols specified in paragraph (2) above, the following matters shall be the subject of separate Core Protocols: (cross reference to Title III of Charter).

² **Canada** suggests insertion of “or instrument whether or not legally binding”.

³ Note: New text suggested by Chairman.

- (4) The Contracting Parties may in accordance with Articles 28 and 29 below agree upon additions to or deletions from the list of Core Protocols specified in this Article, including any downgrading of a Core Protocol to a Supplementary Protocol or upgrading of a Supplementary Protocol to a Core Protocol

Article 4

- (1) Those Contracting parties considering it necessary to or desirable for their proper implementation of the principles of the Charter and the provisions of this Agreement shall sign and ratify, accept or approve any or all of the Supplementary Protocols.
- (2) Each of the following matters shall be the subject of a separate Supplementary Protocol negotiated in accordance with this Agreement: (cross reference to Title III of Charter).
- (3) The Contracting Parties may in accordance with Articles 28 and 29 below agree upon additions to or deletions from the list of Supplementary Protocols specified in this Article.

<p style="text-align: center;">Basic Protocol (26/08/91) Article 1.1(h) – Definitions Article 3 – Core Protocols Article 4 – Supplementary Protocols</p>

Article 1.1(h)

- (h) “Supplementary Protocol” means any protocol listed in Article 4 of this Agreement;

Article 3

- (1) Each Contracting Party shall negotiate in good faith and take all necessary measures subject only to Article 42 (5) below to adopt, sign and ratify, accept or approve all Core Protocols.
- (2) Each of the Articles of this Agreement listed in this paragraph shall be the subject of a separate Core Protocol to be negotiated in accordance with this Agreement:
Article []; Article [] etc.
- (3) In addition to the Core Protocols specified in paragraph (2) above, the following matters shall be the subject of separate Core Protocols: [cross reference to Title III of Charter plus emergencies].
- (4) The Contracting Parties may in accordance with Articles 26 and 27 below agree upon additions to or deletions from the list of Core Protocols specified in this Article, including any downgrading of a Core Protocol to a Supplementary Protocol or upgrading of a Supplementary Protocol to a Core Protocol.

Article 4

- (1) Those Contracting Parties considering it necessary to or desirable for their proper implementation of the principles of the Charter and the provisions of this Agreement shall sign and ratify, accept or approve any or all of the Supplementary Protocols.

- (2) Each of the following matters shall be the subject of a separate Supplementary Protocol negotiated in accordance with this Agreement: [cross reference to Title III of Charter].
- (3) The Contracting Parties may in accordance with Articles 26 and 27 below agree upon additions to or deletions from the list of Supplementary Protocols specified in this Article.