

# Article 1(1) – Definitions

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## 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 1.1**

### **ECT as adopted (17/12/94)**

Article 1.1 – Definitions

As used in this Treaty:

- (1) “Charter” means the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991; signature of the Concluding Document is considered to be signature of the Charter.

### **CONF 104 (Text for adoption) (14/09/94)**

Article 1.1 – Definitions

For the purposes of this Treaty:

- (1) “Charter” means the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991; signature of the Concluding Document is considered to be signature of the Charter.

### **Interim Text (25/06/94)**

Article 1.1 – Definitions

For the purposes of this Treaty:

- (1) “Charter” means the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991; signature of the Concluding Document is considered to be signature of the Charter.

### **Interim Text (20/06/94)**

#### **Compromise text [CONF 98] (22/04/94)**

Article 1.1 – Definitions

For the purposes of this Treaty:

- (1) “Charter” means the European Energy Charter signed at The Hague on 17 December 1991.

### **ECT 7 (17/03/94)**

Article 1.1 – Definitions

For the purposes of this Treaty unless the context otherwise requires:

- (1) “Charter” means the European Energy Charter signed at The Hague on 17 December 1991;

**ECT 6 [CONF 82] (20/12/93)**  
**ECT 5 [CONF 72] (11/10/93)**  
**ECT 4 [CONF 64] (07/07/93)**  
**ECT 3 [CONF 60] (01/06/93)**  
**ECT 3 [CONF 60] (01/06/93)**  
**ECT 2 [CONF 56] (01/05/93)**  
**(Compromise text) ECT 1 [CONF 50] (15/03/93)**  
**BA-37 (01/03/93)**  
**BA-35 (09/02/93)**  
**BA-31 (21/12/92)**  
**BA-26 (25/11/92)**  
**BA-22 (21/10/92)**  
Article 1.1 – Definitions

For the purposes of this Agreement unless the context otherwise requires:

- (1) “Charter” means the European Energy Charter signed at The Hague on 17 December 1991;

**BA-15 (12/08/92)**  
**BA 14 (24/06/92)**  
**BA 13 (19/06/92)**  
**BA 12 (09/04/92)**  
**BA 6 (21/01/92)**  
**BA 4 (31/10/91)**  
Article 1.1 – Definitions

For the purposes of this Agreement unless the context otherwise requires:

- (1) “Charter” means the European Energy Charter;

**BP 2 (11/09/91)**  
**Basic Protocol (20/08/91)**  
Article 1.1(a) – Definitions

1. For the purposes of this Agreement unless the context otherwise requires:

- (a) “Charter” means the European Energy Charter;