

Article 1.3 – 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 1.3

ECT as adopted (17/12/94)
CONF 104 (Text for adoption) (14/09/94)
Interim Text (25/06/94)
Interim Text (20/06/94)
Compromise text [CONF 98] (22/04/94)
Article 1.3 – Definitions

“Regional Economic Integration Organization” means an organization constituted by states to which they have transferred competence over certain matters a number of which are governed by this Treaty, including the authority to take decisions binding on them in respect of those matters.

ECT 7 [CONF 96] (17/03/94)
Article 1.3 – Definitions
Endnote to Article 1 – Definitions*

[“Regional Economic Integration Organization” means an organization constituted by states to which they have transferred competence over certain matters a number of which are governed by this Treaty, including the authority to take decisions binding on them in respect of those matters.]¹

ECT 6 [CONF 82] (20/12/93)
Article 1.3 – Definitions
Endnote to Article 1 – Definitions*

[“Regional Economic Integration Organisation” means an organisation constituted by states to which they have transferred competence over certain matters a number of which are governed by this Agreement, including the authority to take decisions binding on them in respect of those matters.]²

ECT 5 [CONF 72] (11/10/93)
Article 1.3 – Definitions
Footnote 27.8 to Article 27

[“Regional Economic Integration Organisation” means an organisation constituted by states to which they have transferred competence over certain matters a number of which are governed by this Agreement, including the authority to take decisions binding on them in respect of those matters.]²

Footnote 27.8 to Article 27

Japan proposes the following treatment of the EIO issue:

* *Ed. note:* Endnote is included at the end of the Draft.

¹ Wording dependent on Articles 27 and 28. **Japan** contingency reserve.

* *Ed. note:* Endnote is included at the end of the Draft.

² **Japan** contingency reserve related to Article 27.

Article 1(3)

“Economic Integration Organization (EIO)” means an organization constituted by sovereign States;

- a) to which its member States have transferred competences in respect of any matters governed by this Agreement and Protocols, including the authority to take decisions binding on its member States in respect of those matters and which has been duly authorized, in accordance with its internal procedure, to sign, ratify, accept, approve or accede to the instruments concerned;
- b) in which any discriminatory measures between its member States are eliminated;
- c) of which any discriminatory and non-discriminatory measures enacted and/or implemented by any member States against any Contracting Parties which are not member States are uniformed; and
- d) whose purpose shall be to facilitate liberalization of all the economic activities and unification of all the economic policies (including currency, taxation, and monetary and fiscal policy) among member States through elimination of existing discriminatory measures and/or prohibition of new or more discriminatory measures among member States in its competences and not to raise the overall level of discriminations in the activities between the EIO and Contracting Parties which are not member States.

ECT 4 [CONF 64] (07/07/93)

Article 1.3 – Definitions

Endnote to Article 1 – Definitions*

[“Regional Economic Integration Organisation” means an organisation constituted by states to which they have transferred competence over certain matters a number of which are governed by this Agreement, including the authority to take decisions binding on them in respect of those matters.]²

ECT 3 [CONF 60] (01/06/93)

Article 1.3 – Definitions

[“Regional Economic Integration Organisation” means an organisation constituted by Sovereign States to which its Member States have transferred competences over a range of matters governed by this Agreement and Protocols, including the authority to take decisions binding on its Member States in respect of those matters.]²

ECT 2 [CONF 56] (01/05/93)

(Compromise text) ECT 1 [CONF 50] (15/03/93)

Article 1.3 – Definitions

“Regional Economic Integration Organisation” means an organization constituted by Sovereign States to which its Member States have transferred competences over a range of matters governed by this Agreement and Protocols, including the authority to take decisions binding on its Member States in respect of those matters.

* *Ed. note*: Endnote is included at the end of the Draft.

⁴ **Japan** contingency reserve related to Article 27.

BA-37 (01/03/93)
Article 1.3 – Definitions

[“A Regional Economic Integration Organisation” means an organisation constituted by Sovereign States to which its Member States have transferred competences over a range of matters governed by this Agreement and Protocols, including the authority to take decisions binding on its Member States in respect of those matters.]³

BA-35 (09/02/93)
Article 1.3 – Definitions

“A Regional Economic Integration Organisation” means an organisation constituted by Sovereign States to which its Member States have transferred competences over a range of matters governed by this Agreement and Protocols, including the authority to take decisions binding on its Member States in respect of those matters.⁴

BA-31 (21/12/92)
Specific comment to Article 1.2 – Definition

EC will submit the definition of the Regional Economic Integration Organization for the next meeting of the Legal Sub-Group.

BA-26 (25/11/92)
BA-22 (21/10/92)
Specific comment to Article 1.2

EC will submit the definition of the Regional Economic Integration Organization for the November meeting of Legal Drafting Sub-Group.

³ USA suggests adoption of modified text to EC proposal (new text underlined) reading:

“Regional Economic Integration Organisation” means an organisation constituted by, and composed of, sovereign States, which has competence in respect of matters covered by this Agreement and Protocols, including the authority to take decisions binding on its Member States in respect of those matters, and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Treaty.

⁴ EC proposal. Not discussed in WG II.