

**ENERGY CHARTER
SECRETARIAT**

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Related documents: CC 156, CC 162, CC 162 Addendum 1
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DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Mandate for Negotiations on a Multilateral Transit Framework

The Chairman stated that the Transit Working Group, in its meeting on October 5 1999, approved the mandate for negotiating a Transit Protocol under the auspices of the Energy Charter Conference forwarded for decision by today's Conference.

Following the Chairman's recommendation, the Conference approved the following mandate:

The Transit Working Group is mandated to commence negotiations of a Transit Protocol with a view to enable the Energy Charter Conference to conclude negotiations, if possible, by the end of the year 2000.

The objectives of the Transit Protocol are:

- to ensure secure, efficient, uninterrupted and unimpeded transit;
- to promote more efficient use of transit infrastructure;
- to facilitate the construction or modification of transit infrastructure.

In order to reach these objectives, basic issues to be addressed in the Transit Protocol are, *inter alia*: sanctity of transit, transparent and non-discriminatory access - excluding mandatory third party access - and prompt and effective dispute settlement. Such Transit Protocol shall build upon the provisions of the Energy Charter Treaty and any other relevant international law with special regard to the principles of sanctity of contracts and freedom of transit.

The Chairman observed that the mandate now given by the Conference was an ambitious one, but expressed confidence that the Transit Working Group would make every effort to complete most of its work by the end of 2000 as planned.

The Chairman invited the Chairman of the Transit Working Group to report to the next meeting of the Conference on progress made in fulfilling the negotiations mandate.

Keywords: Multilateral Transit Framework, Transit Protocol, Mandate for Negotiations, Norway Statement

[During discussion the delegation of Norway made a statement, the text of which is attached at Annex.]

Text of Statement made by the Delegation of Norway at the 4th Meeting of the Energy Charter Conference, 7th December 1999, under Agenda Item 15 (“Mandate for Negotiations on a Multilateral Transit Framework”)

Mr Chairman,

Norway has joined the consensus on the mandate to the Transit Working Group to commence negotiations on a Transit Protocol. We have done so on the clear understanding that a possible Transit Protocol will not apply beyond the outer limits of the territorial sea. The laying and operation of submarine pipelines and cables beyond the outer limits of the territorial sea are exhaustively regulated in the United Nations Convention on the Law of the Sea of 1982. My delegation would also like to recall the declaration with respect to Article 7 of the Energy Charter Treaty made by the European Communities and the Member States and Austria, Norway, Sweden and Finland contained in the Final Act of the European Energy Charter Conference.