

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2018

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Related documents: CC 622, CC 641

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Terms and Conditions for the Accession of the Kingdom of Eswatini to the Energy Charter Treaty

The Energy Charter Conference at its 29th Meeting held in Bucharest on 27-28 November 2018 **adopted** the attached decision inviting the Kingdom of Eswatini to accede to the Energy Charter Treaty.

Keywords: Accession, Terms and Conditions, Kingdom of Eswatini

DECISION

**of the Energy Charter Conference
concerning the accession of the Kingdom of Eswatini to the Energy Charter Treaty and
the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects**

THE ENERGY CHARTER CONFERENCE

CONSIDERING the Kingdom of Eswatini's intention to accede to the Energy Charter Treaty (as modified by the Amendment to its Trade Related Provisions) and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects;

CONSIDERING the Energy Charter Treaty signed on 17 December 1994 in Lisbon, and in particular Articles 41, 42 and 44 thereof;

CONSIDERING the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects signed on 17 December 1994 in Lisbon, and in particular Articles 16 and 18 thereof;

CONSIDERING the Amendment to the Trade-Related Provisions of the Energy Charter Treaty adopted on 24 April 1998;

DECIDES

- 1) **to approve the accession of the Kingdom of Eswatini to the amended Energy Charter Treaty and to invite the Kingdom of Eswatini to accede to it on the following terms and conditions:**
 - a) Signing, or explicitly mentioning conformity with, the 1991 European Energy Charter as a condition precedent;
 - b) The deposit of the instrument of accession by the Government of the Kingdom of Eswatini pursuant to Article 41 of the Energy Charter Treaty shall constitute the accession of the Kingdom of Eswatini to:
 - i) the Energy Charter Treaty (as modified by the Amendment to its Trade-Related Provisions adopted on 24 April 1998), including the Annexes to the Treaty set out in Annex 1 and the Decisions set out in Annex 2 to the Final Act of the European Energy Charter Conference signed in Lisbon on 17 December 1994, which, according to Article 48 of the Energy Charter Treaty, form an integral part of the Energy Charter Treaty;
 - ii) the Final Act of the European Energy Charter Conference of 17 December 1994, except Section VII, taking due note of the Chairman's Statement at that time, which appears in Annex I to Document CONF 115 of 6 January 1995;
 - iii) all Decisions and Conclusions of the provisional Energy Charter Conference and the Energy Charter Conference which shall be in force at the time of the deposit of

the instrument of accession.

and the ratification by the Kingdom of Eswatini of

- iv) the Final Act of the International Conference and Decision by the Energy Charter Conference in respect of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty of 24 April 1998;
- c) Upon accession to the Energy Charter Treaty the Government of the Kingdom of Eswatini shall not make any declaration that might diminish its determination to achieve the objectives of the Energy Charter Treaty and carry it out.
- d) Upon accession to the Energy Charter Treaty, the Kingdom of Eswatini shall submit to the Energy Charter Secretariat the following documents:
 - i) a report summarising all laws, regulations or other measures relevant to:
 - exceptions to the most favoured nation or national treatment, whichever is the most favourable, as regards the Making of Investments in its Area, and
 - programmes under which it provides grants or other financial assistance, or enters into contracts, for energy technology research and development

required by Article 10(9) of the Treaty;

- ii) a list of all tariff rates and other charges levied on Energy Materials and Products and Energy-Related Equipment at the time of their importation or exportation as applicable on the date of accession (Article 29(3) as amended);
 - iii) the designation of one or more enquiry points to which requests for information about laws, regulations, judicial decisions and administrative rulings may be addressed (Article 20(3)).
 - e) The Government of the Kingdom of Eswatini shall pay its contribution to the Budget of the Energy Charter Secretariat for the year of accession assessed in accordance with Article 37 of the Energy Charter Treaty and implementing Financial Rules, with effect from the first day of the month following the deposit of its instrument of accession to the Energy Charter Treaty.
- 2) to approve accession of the Kingdom of Eswatini to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and to invite the Kingdom of Eswatini to accede to it on the following terms and conditions:**
- a) The deposit of the instrument of accession by the Government of the Kingdom of Eswatini pursuant to Article 16 of the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects shall constitute the accession of the Kingdom of Eswatini to:
 - i) the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects;

- ii) Section VII of the Final Act of the European Energy Charter Conference of 17 December 1994;
 - iii) all Decisions and Conclusions of the provisional Energy Charter Conference and Energy Charter Conference relating to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects which shall be in force at the time of the deposit of the instrument of accession.
- b) The Kingdom of Eswatini may accede to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects after the Energy Charter Treaty has entered into force in the Kingdom of Eswatini in accordance with Article 44(2) of the Energy Charter Treaty.

And,

REQUESTS

The Government of the Kingdom of Eswatini to issue and deposit, in accordance with the legal requirements for such issuance and deposit, two separate legal instruments, namely (a) the instrument of accession to the Energy Charter Treaty and (b) the instrument of accession to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects.