

**ENERGY CHARTER
SECRETARIAT**

CCDEC 1997

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Brussels, 8 July 1997

Related documents: CC 82, CC 93

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Accession of the former Yugoslav Republic of Macedonia to the Energy Charter Treaty

[Having taken into consideration necessary documentation including the terms and conditions of accession of the former Yugoslav Republic of Macedonia contained in document CC 82], the Conference:

- noted that the State which has been admitted to membership of the United Nations under the General Assembly Resolution 47/225 as the former Yugoslav Republic of Macedonia subscribed to the Concluding Document of the Hague Conference on the European Energy Charter on 3 April 1996;
- noted the letter of that State of 15 July 1996 on its intention to accede to the Energy Charter Treaty set forth in Annex 2 of document CC 82;
- noted the commitment of that State to accede to the Energy Charter Treaty with all obligations it contains and to achieve the purposes of the Treaty by implementing all of its parts;
- adopted a unanimous Decision inviting that State to accede to the Energy Charter Treaty on terms and conditions (specified in Annex 4 of the Conference document CC 82).

[Attached is the Energy Charter Conference Decision as contained in doc. CC 93.]

Keywords: Former Yugoslav Republic of Macedonia, Accession

DECISION

of the provisional Energy Charter Conference concerning the accession to the Energy Charter Treaty of the State which has been admitted to membership of the United Nations under the General Assembly Resolution 47/225 as the former Yugoslav Republic of Macedonia (hereinafter referred to as the former Yugoslav Republic of Macedonia).

The provisional Energy Charter Conference

considering the approval of the provisional Energy Charter Conference of 22-23 November 1995 on signature of the Concluding Document of the Hague Conference on the European Energy Charter by the former Yugoslav Republic of Macedonia (CS (95) 79, CC 52);

considering the subscription of the former Yugoslav Republic of Macedonia to the European Energy Charter on 3 April 1996;

considering the approval by the provisional Energy Charter Conference of 22-23 November 1995 (CS (95) 79, CC 52) and of 5 June 1996 (CS (96) 153, CC 65) of the initiation of actions leading to the accession to the Energy Charter Treaty;

considering the Energy Charter Treaty signed on 17 December 1994 at Lisbon, and in particular Articles 41, 44 and 45 thereof

NOTED

- 1) the request of the former Yugoslav Republic of Macedonia to be listed, in accordance with Article 26(3)(b)(i), in Annex ID of the Energy Charter Treaty;
- 2) the request of the former Yugoslav Republic of Macedonia for temporary suspension of Articles 6(2) and 6(5) of the Energy Charter Treaty until 1 January 1999.

DECIDED

to approve the accession of the former Yugoslav Republic of Macedonia to the Energy Charter Treaty and to invite the former Yugoslav Republic of Macedonia to accede on the following terms and conditions:

- 1) The deposit of the instrument of accession by the Government of the former Yugoslav Republic of Macedonia pursuant to Article 41 of the Energy Charter Treaty shall constitute the accession of the former Yugoslav Republic of Macedonia to:

- a) the Energy Charter Treaty, 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 at Lisbon on 17 December 1994, which, according to Article 48 of the Energy Charter Treaty, form an integral part of the Treaty;
 - b) 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;
 - c) all Decisions and Conclusions of the Energy Charter Conference which shall be in force at the time of the deposit of the instrument of accession.
- 2) Upon accession to the Energy Charter Treaty the Government of the former Yugoslav Republic of Macedonia shall not make any declaration that might diminish its determination to achieve the objectives of the Treaty and carry it out.
 - 3) Upon accession to the Energy Charter Treaty the former Yugoslav Republic of Macedonia shall, pending the entry into force of the Treaty, have the rights and assume the obligations of a Signatory in accordance with Article 45(7) of the Energy Charter Treaty.
 - 4) The former Yugoslav Republic of Macedonia shall pay contribution to the Budget of the 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.
 - 5) Upon accession to the Energy Charter Treaty the former Yugoslav Republic of Macedonia shall submit to the Secretariat the following documents:
 - a) a report summarising all laws, regulations or other measures relevant to:
 - exceptions from the better of most favoured or national treatment 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;
 - b) a list of all tariff rates and other charges levied on Energy Materials and Products at the time of their importation or exportation as applicable on the date of accession (Article 29(3));
 - c) a written statement on policies, practices and conditions not allowing an Investor to resubmit the same dispute to international arbitration or conciliation at a later stage (Article 26(3)(b)(ii));
 - d) 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)).
 - 6) The former Yugoslav Republic of Macedonia shall be listed in Annex ID.

- 7) The former Yugoslav Republic of Macedonia shall have the benefit of temporary suspension of Articles 6(2) and 6(5) of the Energy Charter Treaty. The request by the former Yugoslav Republic of Macedonia for the temporary suspension of Articles 6(2) and 6(5) does not constitute any claim for the amendment of the Energy Charter Treaty. The former Yugoslav Republic of Macedonia shall not otherwise have the benefit of Article 32 and shall take every measure to bring its legislation into compliance with the relevant provisions of the Energy Charter Treaty no later than 1 January 1999. If it fails to do so, the corresponding provisions of the Energy Charter Treaty shall be applicable.