

ENERGY CHARTER SECRETARIAT

CCDEC 2000

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Brussels, 29 June 2000

Related documents: CC 166, CC 167, CC 170, CC 171, CC 172, CC 173, RD 1 (ECC of 29 06 2000), RD 2 (ECC of 29 06 2000)

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Reports submitted to the 5th Meeting of the Energy Charter Conference held on 29 June 2000

- The Conference took note of the report by the Chairman of the Transit Working Group on progress in the negotiations on the Transit Protocol commenced at the beginning of 2000 and on the development of a non-legally binding set of Model Transit Agreements.

The Group Chairman reported to the Conference that the Working Group had agreed to expand the three main objectives of the Protocol by adding two further aims: i) to minimize the environmental impact of transit, and ii) to promote prompt and effective dispute settlement.

The Conference Chairman encouraged all delegations to present their positions in writing to the Secretariat concerning the main outstanding issues relating to the Protocol and the draft Model Transit Agreements.

- The Conference noted the first set of three draft Model Transit Agreements contained in document CC 166.

The Conference requested the Secretariat to further develop the present drafts with a view to submitting a finalized set of Model Transit Agreements to the 6th Meeting of the Charter Conference for endorsement; and approved the proposal of the Chairman of the Transit Working Group to establish for this purpose an expert group chaired by the Secretariat in which interested representatives from governments and industry would be invited to participate.

Keywords: Transit Protocol, Model Transit Agreements, WTO Notifications, Rules of Procedure, Panel Proceedings, Ratification Progress, Tenth Anniversary, Supplementary Treaty

- The Conference took note of the report by the Chairman of Trade Group.

The Conference took note of the Trade Group's plan to start conducting reviews on WTO based notifications by non-WTO members, beginning with a review of notifications on Import Licensing, Quantitative Restrictions and Safeguards at the next meeting of the Trade Group. The Conference furthermore noted the need for ratification of the Trade Amendment and that a booklet containing the Trade Amendment and Related Documents was now available to facilitate that process.

The Chairman underlined the legal obligation of non-WTO members to submit their WTO-based notifications under the ECT, and urged the delegations in question particularly to submit their notifications on Import Licensing, Quantitative Restrictions and Safeguards as soon as possible, and no later than 1 September 2000, and to prepare for their review. He also invited all delegations to update or supplement their notifications on customs duties and charges of any kind prior to 1 September 2000 and whenever appropriate after that date, in order to permit the Secretariat to provide delegations with the transparency documentation that they had asked to be continued.

- [The Conference took note of the establishment of the Roster of Panellists.]

The Conference Chairman noted that the most up-to-date list of panellists and their CVs would be made available on the Secretariat website. However, the Chairman also drew delegations' attention to the need to increase the equitable geographical spread and the number of designated panellists. He therefore urged delegations that had not yet designated panellists to come forward with nominations.

- [The Conference took note of the application of the Rules of Procedure for Panel Proceedings circulated in Room Document 2.]

The Conference concluded that, in the light of relevant developments in the ongoing WTO dispute settlement review, the Conclusion by the December 1999 Charter Conference had been confirmed, and in the event of a dispute related to Article 5 or 29 of the Energy Charter Treaty, the draft-Rules of Procedure would continue to be the applicable Rules of Procedure for Panel Proceedings.

- [The Conference took note of the report of the Working Group on Energy Efficiency and Related Environmental Aspects circulated in document CC 167.]

The Conference took note of the revised procedure agreed by the Working Group for completion by 1 January 2001 of the regular reviews by all participating countries. It was further noted that these reviews would form the basis of preparations for the Secretariat's report to the "Environment for Europe" Ministerial Conference in Kyiv in 2002.

The Conference Chairman concluded that the Working Group should continue to pursue its present activities, and invited delegations to consider increasing their regular budgetary contributions allocated to this aspect of the Charter process. He welcomed also the voluntary contributions made or pledged already this year by The Netherlands, Norway, Finland and Denmark for this area of the Charter's activities.

- [The Conference took note of the report by the Chairman of the Investment Group with regard to ongoing discussions within the group on Supplementary Treaty issues.]

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The Conference Chairman invited the Chairman of the Investment Group to continue the cycle of technical discussions and to report on developments to the December Conference meeting, by which time he hoped that political progress would have been made over this issue.

- The Conference took note of the report of the Budget Committee Chairman on the Budget Committee meeting held on 26 June 2000.

The Conference Chairman urged the Budget Committee to consider the issue of the limited budgetary resources available to finance the level of activities required by the Secretariat's Work Programme at its autumn meeting in the context of preparation of the budget for 2001, and informed the Conference of his intention to discuss the subject of the budget further within the "Friends of the Conference Chairman" grouping.

The Conference Chairman appealed to countries in arrears to pay their outstanding contributions as a matter of urgency.

- The Conference took note of the Progress Report on Ratification presented by the Secretary General and circulated in document CC 170.

The Conference Chairman welcomed the development, and underlined that expeditious ratification of the Treaty by Russia would be a major step forward for the Charter process as a whole. He encouraged all those Signatories that had not yet completed their national ratification procedure to accelerate the process.

- The Conference took note of the report by the Secretary General on the Status of Cooperation with Non-Signatories contained in document CC 171.

The Conference Chairman confirmed that internal work, in particular transit and energy efficiency, remained the Charter's priority. He concluded that the Secretariat should continue to pursue its current activities with regard to non-Signatories within existing resource constraints, and that the Secretary General should revert to the question of resources to be allocated to developing relations with such states in the context of preparing the budget for 2001.

- The Conference took note of the proposal to mark the 10th Anniversary of the Launching of the Energy Charter Process in December 2001 circulated in document CC 172.

The Conference Chairman concluded that the Secretariat should prepare a more detailed proposal on holding a Ministerial Conference in December 2001 for submission to the next Meeting of the Charter Conference, at which a decision would be taken on whether or not to proceed with this initiative. He invited delegations to assist the Secretariat in the preparation of this proposal by submitting their views on this subject to the Secretariat in writing, particularly with regard to the possible content of a political declaration to be adopted by Ministers on this occasion.

The Conference Chairman also invited those delegations interested in hosting the Ministerial Conference in December 2001 to confirm their interest in writing to the Secretariat. He informed the Conference of his intention to discuss the subject of the December 2001 proposal further within the "Friends of the Conference Chairman" grouping later in the year.

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