

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2007

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Brussels, 7 December 2007

Related documents: CC 331, CC 347

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: **Accession of Afghanistan to the 1994 Energy Charter Treaty**

on 7 December 2007

concerning the accession of the Islamic Republic of Afghanistan to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and concerning the ratification by the Islamic Republic of Afghanistan of the Amendment to the Trade Related Provisions of the Energy Charter Treaty

THE ENERGY CHARTER CONFERENCE

CONSIDERING the approval by the Energy Charter Conference of the application by the Islamic Republic of Afghanistan to become a signatory to the Concluding Document of the Hague Conference on the European Energy Charter;

CONSIDERING the signature, on 4 August 2006, by the Islamic Republic of Afghanistan of the Concluding Document of the Hague Conference on the European Energy Charter;

CONSIDERING the Islamic Republic of Afghanistan's commitment to accede to the Energy Charter Treaty, the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and to ratify the Amendment to the Trade Related Provisions of the Energy Charter Treaty;

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, and in particular Article 6;

DECIDES

1) to approve the accession of the Islamic Republic of Afghanistan to the Energy Charter Treaty and to invite the Islamic Republic of Afghanistan to accede to it on the following terms and conditions:

- a) The deposit of the instrument of accession by the Government of the Islamic Republic of Afghanistan pursuant to Article 41 of the Energy Charter Treaty shall constitute the accession of the Islamic Republic of Afghanistan to:
 - i) 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 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 Islamic Republic of Afghanistan of

- iv) the Amendment to the Trade-Related Provisions of the Energy Charter Treaty, including the Decisions in connection with the adoption of the Amendment to the trade-related provisions of the Energy Charter Treaty set out in Annex 2 to the Final Act of the International Conference adopted in Brussels on 24 April 1998;
 - v) 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;
- b) Upon accession to the Energy Charter Treaty the Government of the Islamic Republic of Afghanistan shall not make any declaration that might diminish its determination to achieve the objectives of the Energy Charter Treaty and carry it out.
- c) Upon accession to the Energy Charter Treaty, the Islamic Republic of Afghanistan 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)).
- d) Upon entry into force of the Energy Charter Treaty for the Islamic Republic of Afghanistan, the Government of Afghanistan shall, in accordance with Article 6 of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty, apply the Amendment to the Trade-Related Provisions of the Energy Charter Treaty on a provisional basis with all rights and obligations contained therein, pending the entry into force of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.
 - e) The Government of Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and to invite the Islamic Republic of Afghanistan to accede to it on the following terms and conditions:**
- a) The deposit of the instrument of accession by the Government of the Islamic Republic of Afghanistan pursuant to Article 16 of the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects shall constitute the accession of the Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan in accordance with Article 44(2) of the Energy Charter Treaty.

And,

REQUESTS

The Government of the Islamic Republic of Afghanistan to issue and deposit, in accordance with the legal requirements for such issuance and deposit, three separate legal instruments, namely (a) the instrument of accession to the Energy Charter Treaty, (b) the instrument of

accession to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects and (c) the instrument of ratification of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.