

Article 1(4 bis) – Definitions

General comments and notes regarding the whole article

ECT 7 [CONF 96] (17/03/94)
Article 1 – Definitions
Chairman's note to Article 1

Negotiations in the Plenary finished, except for the definition of the GATT and Related Instruments and the exclusion of maritime transport.

ECT 6 [CONF 82] (20/12/93)
ECT 5 [CONF 72] (11/10/93)
Article 1 – Definitions
Chairman's note to Article 1

Negotiations in the Plenary finished, except for the question of “Control” and “Intellectual Property”.

ECT 4 [CONF 64] (07/07/93)
Article 1 – Definitions
Chairman's note to Article 1

Negotiations in the Plenary finished, except for the question of “Control”, “Intellectual Property” and “Additional refinery products to Annexes EM and NI”. Plenary will not revert to remaining footnotes.

ECT 3 [CONF 60] (01/06/93)
Article 1 – Definitions
Chairman's note to Article 1

Negotiations in the Plenary on paragraphs (1), (2), (3), (7), (10), (12), (14) and (15) finished.

BA-31 (21/12/92)
BA-26 (25/11/92)
Article 1 – Definitions

The Chairman of WG II asked delegations to provide him with comments and suggestions on definitions of Energy Materials and Products relevant for investment Articles in order for him to make a new draft of the definition of Investments.

BA-15 (12/08/92)
Article 1 – Definitions

Articles 1.4, 1.5, 1.6, 1.7, 1.12 and 1.13 are Chairman's compromise Proposals.

BA 14 (24/06/92)
Article 1 – Definitions

Item (9) defines “Agreement Area”. However, for ease of reading, as a temporary measure, the word [Territory] has been kept in the text of the document.

BA 13 (19/06/92)
Article 1 – Definitions

Item (9) defines “[Territory]”. However, for ease of reading, as a temporary measure, the word “[Territory]” has been kept in the text of the document.

BA 12 (09/04/92)
Article 1 – Definitions

References of GATT and GATT-related instruments as currently drafted in items (10) and (11) are overlapping and will be reworked after the discussion on Article 5 A (document BA-11).

BA 6 (21/01/92)
Article 1 – Definitions

Former Article 4 “Protocols” has been moved to Article 1(9).

USA:

- the term “non-discrimination” appears often in the text. Some type of definition would be useful, preferably one that includes both national and MFN treatment.
- an alternative approach to the problem of definition might be similar to the form used in Chapter Nine of the US-Canada Free Trade Agreement.

USSR: Argues necessity to define “transport” and “transit”.

BA 4 (31/10/91)
Article 1 – Definitions

New texts in para (4), (5) and (8) based on suggestion of Chairman; in para (7) on basis of Australia proposal.

Romania: clarification of other notions mentioned in Basic Agreement is needed.

USA:

- the term “non-discrimination” appears often in the text. Some type of definition would be useful, preferably one that includes both national and MFN treatment.
- an alternative approach to the problem of definition might be similar to the form used in Chapter Nine of the US-Canada Free Trade Agreement.

BP 2 (11/09/91)
Explanatory Memorandum

Article 1 defines various terms used in the text of the Basic Protocol.

Article 1.4bis

ECT as amended (24/04/98)*
CC 113 (04/03/98)*
Article 1.4bis – Definitions

“Energy-Related Equipment”, based on the Harmonised System of the World Customs Organization, means the items included in Annexes EQ I or EQ II .

CC 107 (03/12/1997)*
Article 1.4bis – Definitions

“Energy-Related Equipment”, based on the Harmonised System of the World Customs Organization, means the items included in Annexes EQI and/or EQII as the case requires.

ECT 7 [CONF 96] (17/03/94)
Footnote 1.1 to Ministerial Declaration

Switzerland is of the view that the language in the Ministerial Declaration is not sufficient and suggest the following approach:

- (a) Definition of Energy Related Equipment to be included in the Treaty reading:

“Energy Related Equipment”, based on the harmonized System (HS) of the Customs Cooperation Council and the Combined Nomenclature (CN) of the European Communities, means the items of HS or CN included in Annex RE.

ECT 3 [CONF 60] (01/06/93)
Par. 2 of General comment to Article 1(4)

- 2) An informal Sub-Group has been given the task to explore the possibility of including a list of Energy Related Equipment. This Sub-Group will report on its preliminary findings to the next Plenary. On the basis of that report the June Plenary will revert to the question of inclusion of Energy Related Equipment and the procedure to be followed.

In case the Plenary decides to include Energy Related Equipment in the Treaty text, the Chairman of the Sub-Group Definitions suggested the following additional textual amendments:

- (a) New definition of Energy Related Equipment reading:

(4)(a) “Energy Related Equipment”, based on the Harmonized System (HS) of the Customs Cooperation Council and the Combined Nomenclature (CN) of the European Communities, means the items of HS or CN included in Annex RE.

* *Ed. note:* As modified by Article 2 of the Amendment to the Trade-Related Provisions of the ECT (Annex 1 to the Final Act).

* *Ed. note:* As modified by Article 2 of document CC 113.

* *Ed. note:* As modified by Article 2 of document CC 107.

- (b) Addition to Article 41(1)(e): “and to Annex RE”.
- (c) In case the Plenary decides to include Energy Related Equipment and negotiations on the list of items are not finished prior to signing of the Treaty, the Ministerial Declaration to this paragraph will be added to read:

“The Contracting Parties declare that Annex RE will be considered for adoption at the first meeting of the Charter Conference.”