



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 3208 της 19ης ΔΕΚΕΜΒΡΙΟΥ 1997
ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο περί της Τελικής Πράξης της Διάσκεψης του Ευρωπαϊκού Χάρτη Ενέργειας (Κυρωτικός) Νόμος του 1997 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 28(III) του 1997

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗΝ ΤΕΛΙΚΗ ΠΡΑΞΗ
ΤΗΣ ΔΙΑΣΚΕΨΗΣ ΤΟΥ ΕΥΡΩΠΑΪΚΟΥ ΧΑΡΤΗ ΕΝΕΡΓΕΙΑΣ
ΚΑΙ ΤΑ ΠΑΡΑΡΤΗΜΑΤΑ ΤΗΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Τελικής Πράξης της Διάσκεψης του Ευρωπαϊκού Χάρτη Ενέργειας (Κυρωτικός) Νόμος του 1997. Συνοπτικός τίτλος.
2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετικά— Εμπνεμία.
«Τελική Πράξη» σημαίνει την Τελική Πράξη της Διάσκεψης του Ευρωπαϊκού Χάρτη Ενέργειας, η οποία έχει υπογραφεί στις 17 Δεκεμβρίου 1994 στη Λισαβόνα, και περιλαμβάνει, μορφή Παραρτημάτων, τα κείμενα της Συνθήκης για το Χάρτη Ενέργειας (Παράρτημα 1), των Αποφάσεων των Σχετικών με τη Συνθήκη για το Χάρτη Ενέργειας (Παράρτημα 2) και του Πρωτοκόλλου του Χάρτη Ενέργειας για την Ενεργειακή Απόδοση και τα Σχετικά Περιβαλλοντικά Ζητήματα (Παράρτημα 3).
3. Με τον παρόντα Νόμο κυρώνεται η Τελική Πράξη, μαζί με τα Παραρτήματα 1, 2 και 3 αυτής, το κείμενο των οποίων στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος I του Πίνακα και σε ελληνική μετάφραση στο Μέρος II του Πίνακα: Κύρωση της Τελικής Πράξης. Μέρος I Μέρος II.
Νοείται ότι σε περίπτωση οποιασδήποτε διαφοράς μεταξύ των κειμένων του Μέρους I και εκείνων του Μέρους II του Πίνακα θα υπερισχύουν τα κείμενα που εκτίθενται στο Μέρος I του Πίνακα.

1910

ΠΙΝΑΚΑΣ
(άρθρο 3)

ΜΕΡΟΣ Ι

EUROPEAN ENERGY CHARTER CONFERENCE

**FINAL ACT OF THE EUROPEAN
ENERGY CHARTER CONFERENCE**

FINAL ACT OF THE EUROPEAN ENERGY CHARTER CONFERENCE

- I. The final Plenary Session of the European Energy Charter Conference was held at Lisbon on 16-17 December 1994. Representatives of the Republic of Albania, the Republic of Armenia, Australia, the Republic of Austria, the Azerbaijani Republic, the Kingdom of Belgium, the Republic of Belarus, the Republic of Bulgaria, Canada, the Republic of Croatia, the Republic of Cyprus, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, the European Communities, the Republic of Finland, the French Republic, the Republic of Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, Ireland, the Italian Republic, Japan, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Latvia, the Principality of Liechtenstein, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden, the Swiss Confederation, the Republic of Tajikistan, the Republic of Turkey, Turkmenistan, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Republic of Uzbekistan (hereinafter referred to as "the representatives") participated in the Conference, as did invited observers from certain countries and international organizations.

BACKGROUND

- II. During the meeting of the European Council in Dublin in June 1990, the Prime Minister of the Netherlands suggested that economic recovery in Eastern Europe and the then Union of Soviet Socialist Republics could be catalysed and accelerated by cooperation in the energy sector. This suggestion was welcomed by the Council, which invited the Commission of the European Communities to study how best to implement such cooperation. In February 1991 the Commission proposed the concept of a European Energy Charter.

Following discussion of the Commission's proposal in the Council of the European Communities, the European Communities invited the other countries of Western and Eastern Europe, of the Union of Soviet Socialist Republics and the non-European members of the Organisation for Economic Co-operation and Development to attend

a conference in Brussels in July 1991 to launch negotiations on the European Energy Charter. A number of other countries and international organizations were invited to attend the European Energy Charter Conference as observers.

Negotiations on the European Energy Charter were completed in 1991 and the Charter was adopted by signature of a Concluding Document at a conference held at The Hague on 16-17 December 1991. Signatories of the Charter, then or subsequently, include all those listed in Section I above, other than observers.

The signatories of the European Energy Charter undertook:

- to pursue the objectives and principles of the Charter and implement and broaden their cooperation as soon as possible by negotiating in good faith a Basic Agreement and Protocols.

The European Energy Charter Conference accordingly began negotiations on a Basic Agreement - later called the Energy Charter Treaty - designed to promote East-West industrial cooperation by providing legal safeguards in areas such as investment, transit and trade. It also began negotiations on Protocols in the fields of energy efficiency, nuclear safety and hydrocarbons, although in the last case negotiations were later suspended until completion of the Energy Charter Treaty.

Negotiations on the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects were successfully completed in 1994.

THE ENERGY CHARTER TREATY

- III. As a result of its deliberations the European Energy Charter Conference has adopted the text of the Energy Charter Treaty (hereinafter referred to as the "Treaty") which is set out in Annex 1 and Decisions with respect thereto which are set out in Annex 2, and agreed that the Treaty would be open for signature at Lisbon from 17 December 1994 to 16 June 1995.

UNDERSTANDINGS

IV. By signing the Final Act, the representatives agreed to adopt the following Understandings with respect to the Treaty:

1. With respect to the Treaty as a whole

- (a) The representatives underline that the provisions of the Treaty have been agreed upon bearing in mind the specific nature of the Treaty aiming at a legal framework to promote long-term cooperation in a particular sector and as a result cannot be construed to constitute a precedent in the context of other international negotiations.**
- (b) The provisions of the Treaty do not:**
 - (i) oblige any Contracting Party to introduce mandatory third party access; or**
 - (ii) prevent the use of pricing systems which, within a particular category of consumers, apply identical prices to customers in different locations.**
- (c) Derogations from most favoured nation treatment are not intended to cover measures which are specific to an Investor or group of Investors, rather than applying generally.**

2. With respect to Article 1(5)

- (a) It is understood that the Treaty confers no rights to engage in economic activities other than Economic Activities in the Energy Sector.**
- (b) The following activities are illustrative of Economic Activity in the Energy Sector:**
 - (i) prospecting and exploration for, and extraction of, e.g., oil, gas, coal and uranium;**