DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Technical changes to Annexes EM I, NI and EQ I due to the evolution of the Harmonized Commodity Description and Coding System

At its 24th Meeting held on 5th/6th December 2013, the Energy Charter Conference,

Recognizing that the changes to the Harmonized Commodity Description and Coding System that took place in 2002, 2007 and 2012 affect Annexes EM I, NI and EQ I of the Energy Charter Treaty,

Acknowledging the work and discussions carried out during Trade Experts and Trade and Transit Group meetings in the course of 2012 and 2013,

Aiming at providing transparency and predictability in applying the provisions of the Energy Charter Treaty,

Taking into account the strictly technical character of the proposed changes of Annexes EM I, NI and EQ I without change of material scope,

Based on Article 34(3)(m) and 36 (1)(e) of the Energy Charter Treaty,

Has decided to approve technical changes to Annexes EM I, NI and EQ I to the Energy Charter Treaty by laying out the headings where the changes in wording are made as follows:

Keywords: Annexes, EM I, NI, EQ I, Harmonized Commodity Description, Coding System, Trade and Transit, technical changes, Article 34(3)(m), Article 36(1)(e)
Annex EM I
Energy Materials and Products (in accordance with Article 1(4))

Nuclear energy

Ex 28.44 Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

Ex 2844.10 - Natural uranium and its compounds.
Ex 2844.20 - Uranium enriched in U 235 and its compounds; plutonium and its compounds.
Ex 2844.30 - Uranium depleted in U 235 and its compounds; thorium and its compounds.
Ex 2844.40 - Radioactive elements and isotopes and compounds other than those of subheading 2844.10, 2844.20 or 2844.30.
2844.50 - Spent (irradiated) fuel elements (cartridges) of nuclear reactors.

Coal Natural Gas, Petroleum and Petroleum Products, Electrical Energy

Ex 27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude.
27.11 Petroleum gases and other gaseous hydrocarbons
Other Energy

Ex 44.01 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.

4401.10 - Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.

44.02 Wood charcoal (including shell or nut charcoal), whether or not agglomerated.

Annex NI
Non-applicable Energy Materials and Products for Definitions of “Economic Activity in the Energy Sector” (in accordance with Article 1(5))

27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents.

Ex 44.01 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.

4401.10 - Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.

44.02 Wood charcoal (including shell or nut charcoal), whether or not agglomerated.

Annex EQ I
List of Energy-Related Equipment (in accordance with Article 1(4bis))

............
............

Ex 73.04*1 Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel.

- Line pipe of a kind used for oil or gas pipelines:

1* Except products for use in civil aircraft
7304.11 -- Of stainless steel  
7304.19 -- Other  
- Casing, tubing and drill pipe, of a kind used in drilling for oil or gas:  
7304.22 -- Drill pipe of stainless steel  
7304.23 -- Other drill pipe  
7304.24 -- Other, of stainless steel  
7304.29 -- Other  

---

Ex 73.06*2 Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel.  
- Line pipe of a kind used for oil or gas pipelines:  
  7306.11 -- Welded, of stainless steel  
  7306.19 -- Other  
- Casing and tubing of a kind used in drilling for oil or gas:  
  7306.21 -- Welded, of stainless steel  
  7306.29 -- Other  

---

Ex 73.26 (deleted, item now under 8536.70)  
Ex 7326.90 (deleted, item now under 8536.70)  

Ex 84.18*3 Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15.  
- Other refrigerating or freezing equipment; heat pumps:  
  8418.61 -- Heat pumps other than air conditioning machines of heading 84.15  
  8418.69 -- Other  

Ex 84.19*4 Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens and other equipment of heading 85.14), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electric.

---

*2 Except products for use in civil aircraft  
*3 Except products for use in civil aircraft  
*4 Except products for use in civil aircraft
8419.50  --  Heat exchange units
8419.60  --  Machinery for liquefying air or other gases
-  Other machinery, plant and equipment:
8419.89  --  Other

Ex 84.25*\(^5\)  Pulley tackle and hoists other than skip hoists; winches and capstans; jacks.
-  Winches; capstans::
  Ex 8425.31  --  Pit-head winding gear powered by electric motor; winches specially designed for use underground powered by electric motor
  Ex 8425.39  --  Other pit-head winding gear; other winches specially designed for use underground

Ex 84.43*\(^6\)  Printing machinery used for printing by means of plates, cylinders and other printing components of heading 84.42; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof.
-  Other printers, copying machines and facsimile machines, whether or not combined:
  Ex 8443.31  --  Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network
  Ex 8443.32  --  Other, capable of connecting to an automatic data processing machine or to a network

85.14  Industrial or laboratory electric furnaces and ovens (including those functioning by induction or dielectric loss); other industrial or laboratory equipment for the heat treatment of materials by induction or dielectric loss.

Ex 85.17*\(^7\)  Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network), other than transmission or reception apparatus of heading 84.43, 85.25, 85.27 or 85.28.

---

\(^5\) *  Except products for use in civil aircraft
\(^6\) *  Except products for use in civil aircraft
\(^7\) *  Except products for use in civil aircraft
Ex 8517.62 -- Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus

Ex 85.28* Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus.

- Cathode-ray tube monitors:
  8528.41 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71

- Other monitors:
  8528.51 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71

- Projectors:
  8528.61 -- Of a kind solely or principally used in an automatic data processing system of heading 84.71

Ex 85.36 Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders and other connectors, junction boxes), for a voltage not exceeding 1,000 volts; connectors for optical fibres, optical fibre bundles or cables.

Ex 8536.10 - Fuses
  -- Exceeding 63 ampere

Ex 8536.20 - Automatic circuit breakers
  -- Exceeding 63 ampere

Ex 8536.30 - Other apparatus for protecting electrical circuits
  -- Exceeding 16 ampere

- Relays:
  8536.41 -- For a voltage not exceeding 60 V
  8536.49 -- Other

Ex 8536.50 - Other switches
  -- For a voltage exceeding 60 V

Ex 8536.70 -- Connectors for optical fibre cables

* Except products for use in civil aircraft
Ex 85.45  Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes.

Ex 8545.20 – Brushes

Ex 90.30* Oscilloscopes, spectrum analyses and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 90.28; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionising radiations.

Ex 9030.10 - Instruments and apparatus for measuring or detecting ionising radiations
-- For use in the energy sector
- Other instruments and apparatus, for measuring or checking voltage, current, resistance or power:

9030.31 -- Multimeters without a recording device
9030.33 -- Other, without a recording device
- Other instruments and apparatus:

Ex 9030.84 -- Other, with a recording device
-- For use in the energy sector
Ex 9030.89 -- Other
-- For use in the energy sector
Ex 9030.90 -- Parts and accessories
-- For use in the energy sector