

F. t. beslutn. vedr. Traktaten om Det Europæiske Energicharter

8. Annex P

8. Bilag P

SPECIAL SUB-NATIONAL DISPUTE
PROCEDURE

(In accordance with Article 27(3)(i))

SÆRLIG SUBNATIONAL
TVISTEMÅLSPROCEDURE(I overensstemmelse med artikel 27, stk. 3,
litra i)

PART I

1. Canada
2. Australia

PART II

- (1) Where, in making an award, the tribunal finds that a measure of a regional or local government or authority of a Contracting Party (hereinafter referred to as the »Responsible Party«) is not in conformity with a provision of this Treaty, the Responsible Party shall take such reasonable measures as may be available to it to ensure observance of the Treaty in respect of the measure.
- (2) The Responsible Party shall, within 30 days from the date the award is made, provide to the Secretariat written notice of its intentions as to ensuring observance of the Treaty in respect of the measure. The Secretariat shall present the notification to the Charter Conference at the earliest practicable opportunity, and no later than the meeting of the Charter Conference following receipt of the notice. If it is impracticable to ensure observance immediately, the Responsible Party shall have a reasonable period of time in which to do so. The reasonable period of time shall be agreed by both parties to the dispute. In the event that such agreement is not reached, the Responsible Party shall propose a reasonable period for approval by the Charter Conference.
- (3) Where the Responsible Party fails, within the reasonable period of time, to ensure observance in respect of the measure, it shall at the request of the other Contracting Party party to the dispute (hereinafter referred to as the »Injured Party«) endeavour to agree with the Injured Party on appropriate compensation as a mutually satisfactory resolution of the dispute.

DEL I

1. Canada
2. Australien

DEL II

1. Hvis retten i sin kendelse finder, at en foranstaltning truffet af en regional eller lokal regering eller myndighed i en kontraherende part (i det følgende benævnt »den ansvarlige part«) ikke er i overensstemmelse med en given bestemmelse i denne traktat, træffer den ansvarlige part passende, til dens rådighed stående foranstaltninger til, at denne traktat opfyldes med hensyn til den pågældende foranstaltning.
2. Den ansvarlige part skal senest 30 dage efter datoén for afsigelse af kendelsen skriftligt meddele Sekretariatet, at den aver at sikre traktatens opfyldelse med hensyn til den pågældende foranstaltning. Sekretariatet forelægger Charterkonferencen denne meddelelse ved først give lejlighed og senest ved Charterkonferencens første møde efter modtagelsen af meddelelsen. Hvis det ikke er muligt straks at sikre opfyldelse af traktaten, skal den ansvarlige part have en rimelig frist hertil. Fristen aftales af begge tvistens parter. Når der ikke til enighed herom, skal den ansvarlige part foreslå Charterkonferencen en rimelig frist til godkendelse.
3. Hvis den ansvarlige part ikke sikrer traktatens opfyldelse med hensyn til den pågældende foranstaltning inden for den fastsatte rimelige frist, skal den efter anmodning fra den anden kontraherende part, der er part i tvisten, (i det følgende benævnt »den foretakede part«) bestrebe sig på at nå til enighed med den foretakede part om en passende erstatning som en gengidigt tilfredsstillende bilæggelse af tvisten.