

a party to the GATT and another party to the GATT. It considers that with respect to the application of Article 10(11) between an Investor and a party to the GATT, the only issue that can be considered under Article 26 is the issue of the awards of arbitration in the event that a GATT panel or the WTO dispute settlement body first establishes that a trade related investment measure maintained by the Contracting Party is inconsistent with its obligations under the GATT or the Agreement on Trade Related Investment Measures.

3. *With respect to Article 7*

The European Communities and their Member States and Austria, Norway, Sweden and Finland declare that the provisions of Article 7 are subject to the conventional rules of international law on jurisdiction over submarine cables and pipelines or, where there are no such rules, to general international law.

They further declare that Article 7 is not intended to affect the interpretation of existing international law on jurisdiction over submarine cables and pipelines, and cannot be considered as doing so.

4. *With respect to Article 10*

Canada and the United States each affirm that they will apply the provisions of Article 10 in accordance with the following considerations:

For the purposes of assessing the treatment which must be accorded to Investors of other Contracting Parties and their Investments, the circumstances will need to be considered on a case-by-case basis. A comparison between the treatment accorded to Investors of one Contracting Party, or the Investments of Investors of one Contracting Party, and the Investments or Investors of

Det finder, at i en tvist vedrørende anvendelsen af artikel 10, stk. 11, mellem en investor og en GATT-part, er det eneste spørgsmål, der kan behandles i henhold til artikel 26, spørgsmålet om voldgiftskendelser i tilfælde af, at et GATT-panel eller Verdenshandelsorganisationens voldgiftsorgan først har godtgjort, at en handelsrelateret investeringsforanstaltning, som den kontraherende part har bevaret, er uforenelig med den kontraherende parts forpligtelser i henhold til GATT eller aftalen om handelsrelaterede investeringsforanstaltninger.

3. *Ad artikel 7*

De Europæiske Fællesskaber og deres medlemsstater samt Østrig, Norge, Sverige og Finland erklærer, at bestemmelserne i artikel 7 er underkastet de i henhold til folkeretten vedtagne regler om jurisdiktion over undersøiske kabler og rørledninger eller, såfremt der ikke findes sådanne regler, almindelige folkeretlige regler.

De erklærer endvidere, at artikel 7 ikke tager sigte på at berøre fortolkningen af gældende folkeretlige regler om jurisdiktion over undersøiske kabler og rørledninger, og at den pågældende artikel ikke kan anses for at have en sådan virkning.

4. *Ad artikel 10*

Både Canada og De Forenede Stater bekræfter, at de vil anvende bestemmelserne i artikel 10 i overensstemmelse med følgende betragtninger:

Med hensyn til vurdering af den behandling, der skal tilstås investorer fra andre kontraherende parter og deres investeringer, vil det være nødvendigt at undersøge omstændighederne i hvert enkelt tilfælde. En sammenligning mellem den behandling, der tilstås investorer fra en kontraherende part eller investeringer foretaget af investorer fra en kontraherende part og en anden kontra-