



MAIN INTERNAL PROVISIONS, RULES AND DECISIONS OF THE ORGANISATION

ENERGY CHARTER SECRETARIAT
2018

This publication by the Energy Charter Secretariat sets out in one complete document how the Energy Charter Conference, its subsidiary bodies and its Secretariat should function. It has been compiled for the use and benefit of the members of the Conference, their delegates, and all who engage with the Energy Charter process.

As Secretary General I have endeavoured to bring greater transparency to the operation of the Conference and to the Secretariat. The most significant initiative has been the publication of the decisions of the Conference. I believe that this has been beneficial for all and in particular for the better operation of the Conference and its subsidiary bodies. It is important that there is a thorough understanding of how the decision making process of the organisation operates.

Furthermore as part of the modernisation of the International Energy Charter (using the informal working name of the organisation as approved by the Conference in 2016), much work has been done to update the rules of procedure and the financial rules to bring them into line with modern practice. Later in 2017, the Conference approved a Code of Conduct that applies not only to officials of the Secretariat, but also to other people involved with the work of the Secretariat and the Conference (including Chairs and Vice-chairs of the Conference and its subsidiary bodies and working groups when performing such functions).

Finally, in keeping with the spirit of good governance and transparency that underpins the work of the Secretariat, the Conference also approved in 2018 a Manual on data protection codifying the existing self-regulation and practice on data protection, as well as evolving best international practices.

Urban Rusnák

Secretary General

15 November 2018

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Energy Charter Treaty
Articles 34 and 37
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ARTICLE 34 ENERGY CHARTER CONFERENCE

[UNDERSTANDING. With respect to Article 34

(a) *The provisional Secretary-General should make immediate contact with other international bodies in order to discover the terms on which they might be willing to undertake tasks arising from the Treaty and the Charter. The provisional Secretary-General might report back to the provisional Charter Conference at the meeting which Article 45(4) requires to be convened not later than 180 days after the opening date for signature of the Treaty.*

(b) *The Charter Conference should adopt the annual budget before the beginning of the financial year.]¹*

- (1) The Contracting Parties shall meet periodically in the Energy Charter Conference (referred to herein as the "Charter Conference") at which each Contracting Party shall be entitled to have one representative. Ordinary meetings shall be held at intervals determined by the Charter Conference.
- (2) Extraordinary meetings of the Charter Conference may be held at such times as may be determined by the Charter Conference, or at the written request of any Contracting Party, provided that, within six weeks of the request being communicated to the Contracting Parties by the Secretariat, it is supported by at least one-third of the Contracting Parties.
- (3) The functions of the Charter Conference shall be to:
 - (a) carry out the duties assigned to it by this Treaty and any Protocols;
 - (b) keep under review and facilitate the implementation of the principles of the Charter and of the provisions of this Treaty and the Protocols;

¹ Final Act of the European Energy Charter Conference, Understanding 20.

² Final Act of the European Energy Charter Conference, VIII.

- (c) facilitate in accordance with this Treaty and the Protocols the coordination of appropriate general measures to carry out the principles of the Charter;
- (d) consider and adopt programmes of work to be carried out by the Secretariat;
- (e) consider and approve the annual accounts and budget of the Secretariat;
- (f) consider and approve or adopt the terms of any headquarters or other agreement, including privileges and immunities considered necessary for the Charter Conference and the Secretariat;
- (g) encourage cooperative efforts aimed at facilitating and promoting market-oriented reforms and modernization of energy sectors in those countries of Central and Eastern Europe and the former Union of Soviet Socialist Republics undergoing economic transition;
- (h) authorize and approve the terms of reference for the negotiation of Protocols, and consider and adopt the texts thereof and of amendments thereto;
- (i) authorize the negotiation of Declarations, and approve their issuance;
- (j) decide on accessions to this Treaty;

[The provisional Charter Conference and the Charter Conference provided for in the Treaty shall henceforth be responsible for making decisions on requests to sign the Concluding Document of the Hague Conference on the European Energy Charter and the European Energy Charter adopted thereby.]²

² Final Act of the European Energy Charter Conference, VIII.

- (k) authorize the negotiation of and consider and approve or adopt association agreements;
- (l) consider and adopt texts of amendments to this Treaty;
- (m) consider and approve modifications of and technical changes to the Annexes to this Treaty;

[UNDERSTANDING. With respect to Article 34(3)(m)

*The technical changes to Annexes might for instance include, the listing of non-signatories or of signatories that have evinced their intention not to ratify, or additions to Annexes N and VC. It is intended that the Secretariat would propose such changes to the Charter Conference when appropriate.]*³

- (n) consider and approve the listing of signatories in Annexes BR or BRQ or in both these Annexes;⁴

[DECISION A signatory which does not apply the Amendment adopted on 24 April 1998 provisionally may at the time that it takes action to apply that Amendment, whether on a definitive or a provisional basis, notify the Secretariat in writing that until it is listed in Annexes BR and BRQ, it will apply the Amendment as if all items of Energy Materials and Products and of Energy-Related Equipment continued to be listed in Annexes EM I and EQ I .

The Amendment shall apply accordingly to such a signatory.

*Any signatory may at any time withdraw the notification referred to above in writing to the Secretariat.]*⁵

³ Final Act of the European Energy Charter Conference, Understanding 21.

⁴ Modification due to the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.

⁵ Decision 1 in Connection with the Adoption of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty (Annex 2 to the Final Act)

*[CHAIRMAN'S STATEMENT AT THE ADOPTION SESSION ON
24 APRIL 1998*

*“On the issue of future listing of countries on Annexes BR and BRQ, I conclude that all delegations are aware of the long standing positions of those delegations which like Australia, Hungary and Japan have repeatedly underlined that they support legally binding tariff commitments provided their commitments under the Energy Charter Treaty reflect their commitments in the WTO. This also reflects the position of other delegations, and there is a general acceptance among delegations that they will give positive consideration to that position at the time when the decision on legally binding tariff commitments is taken.”*⁶

- (o) consider and approve the addition of items to Annex EM II from Annex EM I with the corresponding deletion of those items from Annex EM I and consider and approve the addition of items to Annex EQ II from Annex EQ I with the corresponding deletion of those items from Annex EQ I;⁷

[DECISION A signatory which does not apply the Amendment adopted on 24 April 1998 provisionally may at the time that it takes action to apply that Amendment, whether on a definitive or a provisional basis, notify the Secretariat in writing that until it is listed in Annexes BR and BRQ, it will apply the Amendment as if all items of Energy Materials and Products and of Energy-Related Equipment continued to be listed in Annexes EM I and EQ I .

The Amendment shall apply accordingly to such a signatory.

⁶ Editor's note: Document CS(98) 338 CC 124, point 6, of 24 May 1998 (not published). This Statement was read out by the Chairman to the Adoption Session on 24 April 1998 and also circulated in written form. This Statement, which reflected the outcome of informal consultations, replaced a draft Declaration on the issue of listing on Annexes BR and BRQ, the text of which was consequently deleted from the text for adoption

⁷ Modification due to the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.

Any signatory may at any time withdraw the notification referred to above in writing to the Secretariat.]⁸

[Understanding with respect to Article 29(7):

In the case of a signatory, not a member of the WTO, which is listed in Annexes BR or BRQ or both, any concession offered formally in the process of its accession to the WTO with respect to Energy Materials or Products listed in Annex EM II or Energy-Related Equipment listed in Annex EQ II shall, for the purpose of this Article, be regarded as a commitment under the WTO.]⁹

- (p)¹⁰ appoint the Secretary-General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees.
- (4) In the performance of its duties, the Charter Conference, through the Secretariat, shall cooperate with and make as full a use as possible, consistently with economy and efficiency, of the services and programmes of other institutions and organizations with established competence in matters related to the objectives of this Treaty.
- (5) The Charter Conference may establish such subsidiary bodies as it considers appropriate for the performance of its duties.
- (6) The Charter Conference shall consider and adopt rules of procedure and financial rules.
- (7) In 1999 and thereafter at intervals (of not more than five years) to be determined by the Charter Conference, the Charter Conference shall thoroughly review the functions provided for in this Treaty in the light

⁸ Decision 1 in Connection with the Adoption of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty (Annex 2 to the Final Act).

⁹ Final Act in respect of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty, Understanding 2.

¹⁰ Originally, (n) (modification due to the Amendment to the Trade-Related Provisions of the Energy Charter Treaty).

of the extent to which the provisions of the Treaty and Protocols have been implemented. At the conclusion of each review the Charter Conference may amend or abolish the functions specified in paragraph (3) and may discharge the Secretariat.

ARTICLE 35 SECRETARIAT

- (1) In carrying out its duties, the Charter Conference shall have a Secretariat which shall be composed of a Secretary-General and such staff as are the minimum consistent with efficient performance.
- (2) The Secretary-General shall be appointed by the Charter Conference. The first such appointment shall be for a maximum period of five years.
- (3) In the performance of its duties the Secretariat shall be responsible to and report to the Charter Conference.
- (4) The Secretariat shall provide the Charter Conference with all necessary assistance for the performance of its duties and shall carry out the functions assigned to it in this Treaty or in any Protocol and any other functions assigned to it by the Charter Conference.
- (5) The Secretariat may enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions.

ARTICLE 36 VOTING

- (1) Unanimity of the Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions by the Charter Conference to:
 - (a) adopt amendments to this Treaty other than amendments to Articles 34 and 35 and Annex T;
 - (b) approve accessions to this Treaty under Article 41 by states or Regional Economic Integration Organizations which were not signatories to the Charter as of 16 June 1995;

- (c) authorize the negotiation of and approve or adopt the text of association agreements;
- (d) approve modifications to Annexes EM, NI, W¹¹ and B;
- (e) approve technical changes to the Annexes to this Treaty; and
- (f) approve the Secretary-General's nominations of panelists under Annex D, paragraph (7).
- (g) approve the addition of items to Annex EM II from Annex EM I with the corresponding deletion of those items from Annex EM I and approve the addition of items to Annex EQ II from Annex EQ I with the corresponding deletion of those items from Annex EQ I.¹²

The Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Treaty. If agreement cannot be reached by consensus, paragraphs (2) to (5) shall apply.

- (2) Decisions on budgetary matters referred to in Article 34(3)(e) shall be taken by a qualified majority of Contracting Parties whose assessed contributions as specified in Annex B represent, in combination, at least three-fourths of the total assessed contributions specified therein.
- (3) Decisions on matters referred to in Article 34(7) shall be taken by a three-fourths majority of the Contracting Parties.
- (4) Except in cases specified in subparagraphs (1)(a) to (g),¹³ paragraphs (2) and (3), and subject to paragraph (6), decisions provided for in this Treaty shall be taken by a three-fourths majority of the Contracting

¹¹ Originally G (modification based on Art. 2 of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty).

¹² Modification based on Art. 2 of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.

¹³ Originally (f), modification based on Art. 2 of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty.

Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.

- (5) For purposes of this Article, "Contracting Parties Present and Voting" means Contracting Parties present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.
- (6) Except as provided in paragraph (2), no decision referred to in this Article shall be valid unless it has the support of a simple majority of the Contracting Parties.
- (7) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Treaty; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and vice versa.
- (8) In the event of persistent arrears in a Contracting Party's discharge of financial obligations under this Treaty, the Charter Conference may suspend that Contracting Party's voting rights in whole or in part.

ARTICLE 37

FUNDING PRINCIPLES

- (1) Each Contracting Party shall bear its own costs of representation at meetings of the Charter Conference and any subsidiary bodies.
- (2) The cost of meetings of the Charter Conference and any subsidiary bodies shall be regarded as a cost of the Secretariat.
- (3) The costs of the Secretariat shall be met by the Contracting Parties assessed according to their capacity to pay, determined as specified in Annex B, the provisions of which may be modified in accordance with Article 36(1)(d).
- (4) A Protocol shall contain provisions to assure that any costs of the Secretariat arising from that Protocol are borne by the parties thereto.

- (5) The Charter Conference may in addition accept voluntary contributions from one or more Contracting Parties or from other sources. Costs met from such contributions shall not be considered costs of the Secretariat for the purposes of paragraph (3).

Annex B

Formula for Allocating Charter Costs (In accordance with Article 37(3))

- (1) Contributions payable by Contracting Parties shall be determined by the Secretariat annually on the basis of their percentage contributions required under the latest available United Nations Regular Budget Scale of Assessment (supplemented by information on theoretical contributions for any Contracting Parties which are not UN members).
- (2) The contributions shall be adjusted as necessary to ensure that the total of all Contracting Parties' contributions is 100%.



Energy Charter Protocol on
Energy Efficiency and Related
Environmental Aspects,
Part IV

ARTICLE 10
ROLE OF THE CHARTER CONFERENCE

- (1) All decisions made by the Charter Conference in accordance with this Protocol shall be made by only those Contracting Parties to the Energy Charter Treaty who are Contracting Parties to this Protocol.
- (2) The Charter Conference shall endeavour to adopt, within 180 days after the entry into force of this Protocol, procedures for keeping under review and facilitating the implementation of its provisions, including reporting requirements, as well as for identifying areas of co-operation in accordance with Article 9.

ARTICLE 11
SECRETARIAT AND FINANCING

- (1) The Secretariat established under Article 35 of the Energy Charter Treaty shall provide the Charter Conference with all necessary assistance for the performance of its duties under this Protocol and provide such other services in support of the Protocol as may be required from time to time, subject to approval by the Charter Conference.
- (2) The costs of the Secretariat and Charter Conference arising from this Protocol shall be met by the Contracting Parties to this Protocol according to their capacity to pay, determined according to the formula specified in Annex B to the Energy Charter Treaty.

ARTICLE 12
VOTING

- (1) Unanimity of Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions to:
 - (a) adopt amendments to this Protocol; and
 - (b) approve accessions to this Protocol under Article 16.

Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Protocol. If agreement cannot be reached by consensus, decisions on non-budgetary matters shall be taken by a three-fourths majority of Contracting Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.

Decisions on budgetary matters shall be taken by a qualified majority of Contracting Parties whose assessed contributions under Article 11(2) represent, in combination, at least three-fourths of the total assessed contributions.

- (2) For purposes of this Article, "Contracting Parties Present and Voting" means Contracting Parties to this Protocol present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.
- (3) Except as provided in paragraph (1) in relation to budgetary matters, no decision referred to in this Article shall be valid unless it has the support of a simple majority of Contracting Parties.
- (4) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Protocol; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and vice versa.
- (5) In the event of persistent arrears in a Contracting Party's discharge of financial obligations under this Protocol, the Charter Conference may suspend that Contracting Party's voting rights in whole or in part.

ARTICLE 13
RELATION TO THE ENERGY CHARTER TREATY

- (1) In the event of inconsistency between the provisions of this Protocol and the provisions of the Energy Charter Treaty, the provisions of the Energy Charter Treaty shall, to the extent of the inconsistency, prevail.
- (2) Article 10(1) and Article 12(1) to (3) shall not apply to votes in the Charter Conference on amendments to this Protocol which assign duties or functions to the Charter Conference or the Secretariat, the establishment of which is provided for in the Energy Charter Treaty.



Energy Charter Secretariat's domestic legal capacity and location

ENERGY CHARTER SECRETARIAT'S DOMESTIC LEGAL CAPACITY

CCDEC1995 (10) GEN, 5-6 April 1995

The Conference, whilst noting the authority provided to the Charter Secretariat in Article 35(5) of the Energy Charter Treaty, and with the support of the Belgian delegation, adopted the following Decision:

The Charter Secretariat shall henceforward enjoy in Belgium the domestic legal capacity which may be necessary for the exercise of its functions and the fulfilment of the purposes of the Conference.

ENERGY CHARTER SECRETARIAT'S LOCATION

CCDEC1995 (17) GEN, 21-22 September 1995

The Provisional Charter Conference and Secretariat are located in Brussels.

All delegations agreed that this Decision will continue to apply after entry into force of the Treaty, subject to the following Declaration:

The decision taken on the location of the Secretariat is a political decision. Keeping Article 34(4) in mind, if at any time in the future there were substantially changed circumstances, another political decision can be taken by the Conference.



Agreement Between The Kingdom of Belgium and The Energy Charter Conference

**AGREEMENT BETWEEN
THE KINGDOM OF BELGIUM AND
THE ENERGY CHARTER CONFERENCE**

CCDEC 1995 (18) GEN, 21-22 September 1995
Moniteur belge – 21 October 1999, pp.39689-39694

THE KINGDOM OF BELGIUM

and

THE ENERGY CHARTER CONFERENCE, represented by and acting through the Energy Charter Secretariat,

Having regard to the Energy Charter Treaty, signed in Lisbon on 17th December 1994

Having regard to the decision to establish the Energy Charter Secretariat in Brussels,

Desirous to conclude an Agreement defining the privileges and immunities necessary for the exercise of the functions of the Energy Charter Conference in Belgium,

Have agreed as follows:

CHAPTER I

Privileges and immunities of the Energy Charter Conference

Article 1

The Energy Charter Conference shall possess the widest juridical personality accorded to legal persons. Its property and assets, used exclusively for the exercise of its official functions, shall enjoy immunity from jurisdiction, except insofar as it has expressly waived such immunity in a particular case. A separate waiver is necessary for each measure of enforcement.

Article 2

The premises used for the exercise of the official functions of the Energy Charter Conference shall be inviolable.

The consent of the Energy Charter Conference shall be required for access to its premises.

However, this consent shall be presumed to have been given in the case of fire or another incident requiring immediate protective measures.

Belgium shall take all appropriate measures to prevent the premises of the Energy Charter Conference from being occupied or damaged, the peace of the Energy Charter Conference being disturbed or its dignity diminished.

Article 3

Except to the extent that a measure is necessary for investigations which may be called for following an accident caused by a vehicle belonging to the Energy Charter Conference or being used on its behalf, or in the case of infringement of traffic rules or accidents caused by that vehicle, the property and assets of the Energy Charter Conference shall not be subject to any kind of requisition, confiscation, seizure or other form of interference, even for the purpose of national defence or in the public interest.

Should an expropriation be necessary for these purposes, all appropriate measures shall be taken in order to prevent any obstacle to the functioning of the Energy Charter Conference and to ensure that a prompt and full indemnity be awarded to it.

Belgium shall accord its assistance for the installation or reinstallation of the Energy Charter Conference.

Article 4

The archives of the Energy Charter Conference and, in general, all the documents belonging to the Energy Charter Conference or held by it or by one of its officials shall be inviolable wherever located.

Article 5

1. The Energy Charter Conference may hold funds, and keep accounts, in all currencies, to the extent necessary for the execution of operations corresponding to its objectives.
2. Belgium undertakes to accord to the Energy Charter Conference the authorization necessary to realize, according to the modalities laid down in national rules and international agreements, any transfer of funds in connection with the establishment and activities of the Energy Charter Conference, including the issuing of loans if this has been authorized by Belgium.

Article 6

The Energy Charter Conference, its assets, income and other property intended for its official use shall be exempt from all direct taxes.

No direct tax exemption shall be granted on the Energy Charter Conference income arising out of industrial or commercial activity engaged in by the Energy Charter Conference or by one of its members on behalf of the Energy Charter Conference or on behalf of one of its Contracting Parties.

Article 7

When the Energy Charter Conference makes sizeable purchases of immovable or movable property or has sizeable work, strictly necessary for the exercise of its official activities, carried out for it, and when the price

thereof includes indirect taxes or purchase tax, appropriate measures shall be taken, whenever possible, to deduct or reimburse the amount of these taxes.

Article 8

Without prejudice to the obligations incumbent on Belgium under Community law and the application of rules and regulations of a prohibitive or restrictive character concerning public order or security, public health or morality, the Energy Charter Conference shall be allowed to import all property and publications for its official use.

Article 9

The Energy Charter Conference shall be exempt from all indirect taxes including the import duties in relation to property imported, acquired or exported by it or in its name for its official use.

Article 10

The Energy Charter Conference shall be exempt from all indirect taxes in relation to official publications which are addressed to it or sent abroad by it.

Article 11

Property belonging to the Energy Charter Conference shall not be transferred in Belgium, except under conditions laid down by Belgian Law and by the Minister of Finance.

Article 12

The Energy Charter Conference shall not request exemption from taxes and charges that constitute merely the remuneration for the provision of services by the public utilities.

Article 13

Belgium guarantees the Energy Charter Conference freedom of communication for its official purposes.

The official correspondence of the Energy Charter Conference shall be inviolable.

CHAPTER II

Representatives participating in the work of the Energy Charter Conference

Article 14

The representatives of the Contracting Parties to the Energy Charter Treaty participating in the work of the Energy Charter Conference, their advisers and technical experts, the official participants as well as the officials of the Energy Charter Conference residing or having their centre of activity outside Belgium, shall enjoy the customary privileges, immunities and facilities during the exercise of their duties.

CHAPTER III

Statute of the staff

Article 15

The Secretary General of the Energy Charter Conference and his Deputy shall enjoy diplomatic privileges and immunities.

Article 16

1. All the officials of the Energy Charter Conference shall enjoy:
 - a) exemption from all taxes on the salaries, emoluments and indemnities paid to them by the Energy Charter Conference, from the day when this income is subject to a tax in favour of the Energy Charter Conference, provided that Belgium recognizes the internal tax system.

Belgium reserves the possibility of taking these salaries, emoluments and indemnities into account for the purpose of determining the amount of tax payable on income from other sources;
 - b) the facilities granted to officials of international organizations in respect of monetary or exchange regulations.
2. The officials of the Energy Charter Conference who do not enjoy the privileges and immunities of Article 15 shall enjoy:
 - a) immunity from legal process in respect of acts carried out by them in the performance of their official duties, including words spoken or written; this immunity shall continue even after the completion of their functions;

- b) inviolability for all their official papers and documents.
-
- 3. The officials of the Energy Charter Conference as well as the dependant members of their families shall not be subject to rules limiting immigration, or to the registration formalities applied to aliens.

 - 4. The Energy Charter Conference shall notify the arrival and departure of its officials to the Ministry of Foreign Affairs. The Energy Charter Conference shall also notify the information specified hereafter in respect of its officials:
 - 1. name and forename
 - 2. place and date of birth
 - 3. sex
 - 4. nationality
 - 5. principal residence (municipality, street, number)
 - 6. civil status
 - 7. composition of household.

Any changes concerning that information shall be notified monthly. The officials and dependant members of their families shall have the right to a special identity card.

Article 17

The provisions of Article 16(1)(a) are not applicable to pensions paid by the Energy Charter Conference to former officials in Belgium or to holders of those rights, or to salaries, emoluments and indemnities paid by the Energy Charter Conference to its local agents.

Article 18

The officials of the Energy Charter Conference who do not exercise any gainful occupation in Belgium other than the one resulting from their functions in the Energy Charter Conference, as well as their dependant family members who do not exercise any private gainful occupation in

Belgium, are not subject to Belgian legislation in the field of foreign labour and in the field of independent professional activities of foreigners.

Article 19

As far as social security is concerned, officials of the Energy Charter Conference in Belgium who are neither nationals nor permanent residents in Belgium and who are not engaged in Belgium in a gainful private occupation other than that involved in their official duties may choose, with the previous agreement of the Energy Charter Conference, to be subject to Belgian law.

This choice may be exercised only once and must be made within three months from the date on which duties are taken up in Belgium.

The Energy Charter Conference shall apply the Belgian social security regulations to those persons who have opted in favour of the Belgian social security scheme.

The Energy Charter Conference must ensure that persons who have chosen not to opt in favour of the Belgian scheme are actually covered by an adequate social security scheme and Belgium may obtain from the Energy Charter Conference the reimbursement of the costs incurred in respect of any assistance of a social nature.

Article 20

1. Without prejudice to the obligations incumbent upon Belgium arising from the provisions of the treaty establishing the European Economic Community and the application of legal provisions, the officials of the Energy Charter Conference enjoy the right, during a period of twelve months following their first taking up employment in Belgium, to import or acquire, free of duties, furniture and a car for their personal use.

2. The Minister of Finance of the Government of Belgium shall determine the limits on and conditions of the application of the present Article.

Article 21

Belgium is not required to accord to its own nationals or permanent residents the advantages, benefits, privileges and immunities, with the exception of those mentioned in Article 16.1.(a) of this Agreement.

However, they shall enjoy immunity from jurisdiction for acts carried out in the performance of their official duties, including words spoken and written.

CHAPTER IV

General provisions

Article 22

The above privileges and immunities are accorded to officials solely in the interests of the Energy Charter Conference and not for their personal benefit. The Secretary General of the Energy Charter Conference shall have the right and duty to waive immunity in all cases where this immunity would hinder the course of justice and where it is possible to waive such immunity without prejudice to the interests of the Energy Charter Conference.

Article 23

Belgium shall reserve the right to take all appropriate measures in the interests of its own security.

Article 24

The persons mentioned in Article 16 shall not enjoy any immunity from jurisdiction in the case of infringement of regulations concerning the circulation of motor vehicles or damage caused by such vehicles.

Article 25

The Energy Charter Conference and the officials of the Energy Charter Conference in Belgium are required to comply with all obligations imposed by Belgian Law with respect to civil liability insurance for the use of motor vehicles.

Article 26

The officials of the Energy Charter Conference shall co-operate at all times with the competent Belgian authorities with a view to facilitating the dispensing of justice, to ensuring the observance of police regulations and to preventing any abuse of privileges, immunities and facilities provided for in the present Agreement.

Article 27

The Energy Charter Conference shall provide all beneficiaries before the first of March of every year with a certificate mentioning their name and address as well as the amount of the salaries, emoluments, indemnities, pensions or annuities paid during the previous year. . With regard to salary, emoluments and indemnities subject to tax in favour of The Energy Charter Conference, the statement shall also mention the amount of this tax.

A certificate duplicate shall be handed over directly by the Energy Charter Conference before the same date to the competent Belgian fiscal administration.

Article 28

The Energy Charter Conference, its officials and its local agents shall be required to respect Belgian Law.

Article 29

Belgium shall not, on account of the Energy Charter Conference activities on its territory, assume any international responsibility for the acts or omissions of the Energy Charter Conference or for those of its officials in their particular fields.

Article 30

1. Any difference of opinion concerning the application or interpretation of this Agreement which cannot be settled by direct consultations between the Parties may be referred by either Party to an arbitration tribunal composed of three members.
2. The Belgian Government and the Energy Charter Conference shall each designate one member of the arbitration tribunal.
3. The members so designated shall choose their President.
4. In the case of disagreement between the members with regard to the choice of the President, the latter shall be designated by the President of the International Court of Justice, at the request of the members of the arbitration tribunal.
5. The arbitration tribunal shall be seized on the request of either Party.
6. The arbitration tribunal shall lay down its own procedure.

CHAPTER V

Final provisions

Article 31

Each Party shall notify the other when it has complied with the procedures required by its legislation or statutes for the entry into force of the present Agreement.

The Agreement shall remain in force either during the period of the validity of the Energy Charter Conference or until the expiry of a period of one year calculated from the date when one Party informs the other Party of its intention to withdraw from the Agreement.

In witness whereof, the respective representatives of the Kingdom of Belgium and the Energy Charter Conference have signed the present Agreement.

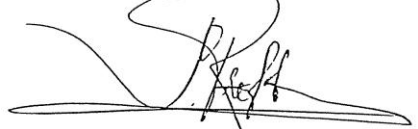
Done at Brussels, the 26th of October 1995, in two copies in the French, Dutch and English, languages, all three languages being equally authentic.

FOR THE KINGDOM
OF BELGIUM:




Erik DERYCKE,
Minister of Foreign Affairs

FOR THE ENERGY CHARTER
CONFERENCE:



Charles RUITTEN,
Chairman of the Conference



Clive JONES,
Secretary General



Financial Rules and
Implementing Instructions and
Terms of Reference
Governing the
External Auditor

FINANCIAL RULES

CCDEC 1995 (28) BUD, 22-23 November 1995
Amended by CCDEC 2016 (27) BUD, 31 October 2016

PART I SCOPE AND APPLICATION

ARTICLE 1

- (1) The purpose of these Rules is to establish the financial system and the implementing instructions for the administration of the finances of the Energy Charter Secretariat (hereinafter referred to as the “Secretariat”).
- (2) The financial resources of the Secretariat shall be employed in conformity with principles of economy and sound financial administration.

ARTICLE 2

- (1) The financial year of the Secretariat shall be the period beginning on 1 January and ending on 31 December.
- (2) At the beginning of each financial year, the Secretary-General shall have a period of one month and a half in which to close the accounts of the previous year. During this complementary period, he or she may commit and authorize expenditures and make payments out of the previous year’s budget in respect of expenditures related to vested rights and services rendered before 31 December, and may take the necessary regularisation measures.

PART II STRUCTURE OF THE BUDGET

ARTICLE 3

The Budget of the Secretariat (hereinafter referred to as the “Budget”) is the act whereby the Energy Charter Conference (hereinafter referred to as the “Conference”) accords the necessary commitment authority and makes the necessary appropriations for the functioning of the Conference and the

Secretariat and the carrying out of their activities, and by which it determines the amount of contributions to be furnished by Signatories to the Energy Charter Treaty (hereinafter referred to as the “Treaty”) and parties which have acceded to that Treaty (hereinafter referred to collectively as the “Signatories”). The Signatories are committed to making contributions in respect of appropriations only.

ARTICLE 4

For the purposes of the present Rules, the term “commitment authority” means the authority conferred upon the Secretary-General to enter into obligations in the name of the Secretariat in the course of the financial year. The term “appropriation” means the sum of money which the Conference authorizes the Secretary-General to disburse in the course of the financial year in respect of the expenses to which such appropriation relates.

ARTICLE 5

- (1) The Secretariat’s “normal resources” take the form of annual contributions payable:
 - (a) in the case of general expenses, by the Signatories according to funding principles as specified in Article 37(3) of the Treaty;
 - (b) in the case of Protocols, by the parties thereto as specified in Article 37(4) of the Treaty.
- (2) Contributions are payable as a single sum at the beginning of each year, but not later than six months from the Secretary-General’s notification of the amount of the Signatories’ contributions in accordance with Article 18 below.
- (3) The Secretary-General may, before the end of each financial year, invite Signatories to make advance payments in respect of their contribution liability for the succeeding year.
- (4) Annual contributions are calculated and assessed in Euro (and in Belgian francs) and must be paid in that currency, unless the Secretary-General comes to an agreement with a given country to receive an annual contribution in another currency.

- (5) The Secretary-General shall, not later than in May and October each year (and at other times if appropriate), present to the Conference up-to-date reports on the recovery of contributions.
- (6) Any party acceding to the Treaty shall be expected to pay a contribution for the year of accession of an amount, approved by the Conference on the basis of Article 37 of the Treaty and taking into account the provisions of Articles 41, 45(6) and (7) of the Treaty.

ARTICLE 6

“Other resources” of the Secretariat include:

- (1) contributions to the cost of negotiations and relevant Working Groups of any signatory to the European Energy Charter which has not signed the Treaty and which participates in such negotiations (in accordance with rule 7(b) of the Rules of Procedure);
- (2) contributions to supplementary Budgets;
- (3) voluntary contributions from one or more Signatories or from other sources;
- (4) subsidies, gifts and legacies of any nature;
- (5) miscellaneous income, including without limitation income which has not previously been taken into account, balances recoverable and any adjustments in respect of estimated income previously credited.

ARTICLE 7

The draft Budget shall consist of:

- (1) an explanatory memorandum by the Secretary-General setting out the considerations which have guided the preparation of the Budget, together with a summary table showing the proposed appropriations apportioned by the major items of the Secretariat’s expenditure;
- (2) the decisions relating to the Budget submitted to the Conference, including the Establishment Table of the Secretariat;

- (3) a Table drawn up in conformity with a model prepared by the Secretary-General showing:
- (a) for the Budget financed from normal resources:
 - (i) proposed appropriations to be made under each item compared with the corresponding appropriations authorized for the current year and the preceding year and probable and real expenditures to be made for these two years;
 - (ii) a corresponding statement of income required to finance proposed appropriations;
 - (iii) estimates for commitment authority as referred to in Article 11 below;
 - (b) for the Budget financed from other resources:
 - (i) conditional funding from other resources;
 - (ii) proposed appropriations to be made under relevant expenditure Items;
 - (iii) a corresponding statement of the source, amount and use to be made of other resources;
 - (iv) estimates for commitment authority as referred to in Article 11 below;
 - (v) specific arrangements, if any, applicable to the disbursement of voluntary contributions.

ARTICLE 8

The Table specified in Article 7(3) above, together with the Establishment Table, after adoption by the Conference, constitutes the Budget of Income and Expenditure for the financial year. It shall be divided into two Parts and each Part into items.

- (1) Part I shall include general expenses that are financed from normal resources and from other resources referred to in Article 6(1) and (2) above, as well as general expenses that are financed from other resources referred to in Article 6(3) to (5) above, provided, in the latter case, that such resources are available for general use.
- (2) Except expenses referred to in paragraph (1) above, Part II shall include all expenditures other than general expenses that are financed from other resources referred to in Article 6(3) to (5) above, including:
 - (a) expenditure which is of interest to one or to a limited number of Signatories;
 - (b) expenditure relating to special sectors of activity not covered by Part I.

PART III PREPARATION AND ADOPTION OF THE BUDGET

ARTICLE 9

The Secretary-General shall prepare the draft Budget, in conformity with the provisions of these Rules and with the procedures laid down by the Conference.

ARTICLE 10

The Secretary-General shall submit the draft Budget to the Budget Committee not later than two months before the opening of the last scheduled Conference meeting of the current financial year, in order to obtain its views. He or she shall then submit the draft Budget and the comments of the Budget Committee to the Conference not later than two weeks before such Conference meeting.

ARTICLE 11

- (1) If it is necessary to undertake commitments to be carried out after the end of the financial year, the Conference may accord the necessary commitment authority.

- (2) The commitment authority shall be accompanied by a table indicating, for each commitment, the amount of appropriations foreseen in the Budget for the current and subsequent years.
- (3) Such commitments shall be undertaken in the course of the financial year for which they were authorized.

ARTICLE 12

Should circumstances so require, the Secretary-General may prepare one or more supplementary Budgets drawn up in the same manner as the draft annual Budget.

ARTICLE 13

The Conference shall approve the draft Budget before the opening of each financial year after consideration and report by the Budget Committee.

ARTICLE 14

- (1) If it has not been possible to approve the draft Budget before the first day of the financial year:
 - (a) unless the Conference has decided otherwise, the Secretary-General may, having informed the Budget Committee beforehand, undertake and make payments until the Budget is adopted for unavoidable expenditure authorized under each item in the Budget for the preceding year, and collect the corresponding contributions;
 - (b) commitments for other expenditures shall be authorized by the Conference.
- (2) If there is urgent expenditure, for which the necessary appropriations have not been included in the annual Budget, the Secretary-General shall examine whether savings in the budget can cover the extra costs; if this is not the case, the Conference may authorize the Secretary-General to call on Signatories to make advance contributions to cover

such expenditure until such time as a supplementary Budget has been prepared and approved.

PART IV ADMINISTRATION OF THE BUDGET

ARTICLE 15

- (1) Approval of the Budget by the Conference shall empower the Secretary-General, subject to any special conditions established by the Conference:
 - (a) to commit and authorize expenditures and to make all payments to be borne by the Secretariat, for the purposes assigned to and within the limits of the appropriations and the commitment authority, as the case may be;
 - (b) to receive the income entered in the Budget;
 - (c) to make short-term money borrowing as necessary to make any unavoidable payments for which there are insufficient funds available, having informed the Budget Committee beforehand and after authorization by the Chairmen of the Conference and the Budget Committee.
- (2)
 - (a) Except as otherwise provided in this paragraph (2), approval of the Conference shall be required prior to the Secretary-General's acceptance of other resources, as defined in Article 6 above.
 - (b) Such other resources which have been accepted shall be the object of an appropriation by the Conference equal to their amount.
 - (c) The Secretary-General is authorized to accept, on the advice of the Budget Committee, or of the Chairman of the Budget Committee if the Committee will not be in session on a timely basis, any such other resources not exceeding BEF 2 000 000, or Euro 49.600 provided that it is for an activity included in an approved programme of work of the Secretariat.

- (d) (i) The Secretary-General is authorized to obtain the approval of the Conference for his or her acceptance of a voluntary contribution referred to in Article 6(3) above of up to BEF 4.000.000 or Euro 99.200 and an appropriation by the Conference equal to its amount, through the written procedure provided for in Rule 19 of the Rules of Procedure as applied to decisions taken under Article 36(2) of the Treaty, which the Secretary-General may employ whenever it would in his or her judgement cause inconvenience to await the next meeting of the Conference for such approval and appropriation.
- (ii) The Secretary General shall in initiating this procedure circulate to all Signatories information on the source, amount, purpose and proposed use of any offer of a voluntary contribution together with his or her proposal to accept it.

ARTICLE 16

- (1) The Secretary-General may make transfers between items within a particular Part of the Budget. He or she shall inform the Budget Committee beforehand of these transfers.
- (2) The Secretary-General may make transfers relating to capital expenditure, only:
 - (a) on the favourable opinion of the Budget Committee for transfers of amounts less than BEF 10.000.000 or Euro 247.900;
 - (b) with the approval of the Conference, on the advice of the Budget Committee for transfers of amounts in excess of BEF 10.000.000 or Euro 247.900.
- (3) The transfers of appropriations mentioned in paragraphs (1) and (2) above shall be summarised in a document submitted to the Budget Committee at the closing of accounts.
- (4) Notwithstanding the provisions of Article 15(1)(a) above, transfers may

may be made for regularization purposes in order to adjust the amount of appropriations to actual expenditure recorded at the closing of accounts; these transfers may be made up to the last day of the complementary period provided for under Article 2(2) above.

ARTICLE 17

- (1) Budget appropriations committed but for which no payment has been made by the end of the financial year or by the expiry date of the complementary period, shall be carried over to the following financial year.
- (2) Budget appropriations, in respect of which no commitment has been entered into before the end of the financial year, may, subject to the approval of the Budget Committee, be carried over to the following financial year. Such appropriations shall be paid into the following funds, which shall be established as and when necessary by the Secretary-General:
 - (i) the general reserve fund if they are related to general expenses of Part I of the Budget; or
 - (ii) trust funds or a working capital fund if they are related to Part II of the Budget.

ARTICLE 18

After the Conference approves the Budget for the following financial year, the Secretary-General shall, within two months, notify Signatories of the amount of their contributions calculated as of 1 January each year.

ARTICLE 19

The Secretary-General shall establish a system of internal financial management and budgetary control. The detailed Implementing Instructions shall be submitted to the Budget Committee for approval.

ARTICLE 20

The Secretary-General shall, subject to approval by the Conference, designate one or more independent External Auditors to carry out the annual audit of the Secretariat, the Terms of Reference for which shall also be approved by the Conference. The term of service of the External Auditors is renewable every year, unless otherwise specified by the Conference.

ARTICLE 21

- (1) The External Auditors shall submit to the Conference and the Budget Committee a report, together with the statement of assets and liabilities and certified accounts, not later than eight months after the end of the financial year to which they relate.
- (2) The Secretary-General shall make such observations as he or she considers appropriate on the External Auditors' report.

ARTICLE 22

The Secretary-General shall establish Implementing Instructions governing contracting, invitations to tender and the procurement of equipment, supplies and services.

PART V ACCOUNTS

ARTICLE 23

The accounts and annual financial statements of the Secretariat shall be kept and presented in Euro (and in Belgian francs).

ARTICLE 24

- (1) An official appointed by the Secretary-General shall be responsible for prescribing and maintaining the necessary accounts and subsidiary records and shall institute systems and procedures which will permit financial reporting on all activities of the Secretariat.

- (2) The official shall keep the accounts of the Secretariat which shall comprise:
- (a) the Budget accounts, which shall show:
 - (i) income: collection orders issued and receipts collected;
 - (ii) expenditure:
 - commitments undertaken;
 - available appropriations, account being taken of any transfers made and supplementary appropriations authorized;
 - payment authorizations issued;
 - (b) the general accounts, which shall be kept on the double-entry system. They shall show the whole of the income and expenditure, and movements and availability of funds. All payments shall be made on the basis of supporting receipts and related accounting records. Book entries shall be made in accordance with the methods of accounting adopted by the Secretariat;
 - (c) appropriate separate accounts which shall be maintained in respect of all trust funds, reserves, working capital funds and special purpose accounts;
 - (d) a permanent inventory of the movable and immovable property constituting the assets of the Secretariat. Any acquisition of movable or immovable property shall be entered into the permanent inventory. The conditions for removing from the permanent inventory any property transferred, written off or missing, shall be governed by the Implementing Instructions established with regard to internal financial control.
- (3) At the end of the financial year, the books shall be closed and a detailed statement of assets, liabilities and accounts shall be drawn up, which shall be submitted to the External Auditor not later than four

months after the end of the financial year.

ARTICLE 25

- (1) The accounting system shall consist of a general ledger and the relevant sub-ledgers or subsidiary records necessary to maintain detailed records of all assets and liabilities of the Secretariat and its income and expenses.
- (2) Annual Financial Statements summarizing the accounts shall be issued in accordance with stated accounting policies and procedures contained in the Implementing Instructions and shall comprise the following:
 - (a) a detailed statement of assets, liabilities and accounts, subdivided into relevant categories;
 - (b) an income statement subdivided into income and expense categories;
 - (c) notes to the financial statements disclosing significant accounting policies and disclosure of contingent liabilities, commitments, and other information necessary to report the current financial condition of the Secretariat.
- (3) The annual Financial Statements shall include corresponding figures for the preceding financial year. If a change in an accounting policy is made which has a material effect on the Financial Statements, it is necessary to disclose that a change has been made and to quantify the effect.

ARTICLE 26

The Secretary-General shall designate the bank or banks in which the funds in the custody of the Secretariat shall be deposited.

ARTICLE 27

- (1) The Secretary-General is authorized to carry out cash management

operations which are necessary in the interests of the Secretariat and, in particular, to invest on a short-term basis funds not immediately required. For this purpose, he or she may perform any administrative act of disposal and, in particular, may purchase and transfer securities and grant Staff loans.

- (2) The Secretary-General shall inform the Budget Committee of the investments made and shall take account of any proposals made to him or her on such occasions.

ARTICLE 28

Cash disbursements shall normally be avoided, but a petty cash imprest fund for defined purposes may be held by one of the Staff designated by the Secretary-General. Officials to whom such funds are issued shall be personally responsible for them and for their proper use.

ARTICLE 29

The Secretary-General may, on the advice of the Budget Committee, authorize the writing off of any loss of assets up to the amounts and subject to the conditions set forth in the Implementing Instructions established pursuant to Article 19 above. A full statement of all such amounts written off shall be attached as an annex to the annual Financial Statements.

PART VI FOREIGN EXCHANGE TRANSACTIONS

ARTICLE 30

The Secretary-General shall arrange for any foreign exchange transactions necessary for the requirements of the Secretariat.

ARTICLE 31

The Secretary-General shall report to the Budget Committee every year on the foreign exchange transactions carried out during the preceding year.

PART VII AUDIT OF THE ACCOUNTS

ARTICLE 32

- (1) The External Auditors shall conduct such audits as deemed necessary, in accordance with their Terms of Reference, the present Financial Rules and any Implementing Instructions promulgated in accordance with Article 19 above. The External Auditors shall, in particular, check the accuracy of the books, statement of assets, liabilities, and accounts specified in Article 24 above.
- (2) The External Auditors shall as a part of the annual audit, review the internal control structure of the Secretariat and may make observations, if necessary, with respect to the effectiveness of the financial systems, the accounting procedures, the internal financial controls, and the financial management and administration of the Secretariat.
- (3) The External Auditors shall submit an audit report and certified accounts to the Conference so that they may be available to the Budget Committee not later than eight months after the end of the financial year to which the accounts relate. The Budget Committee shall make to the Conference such observations on the Auditors' report as it may consider appropriate.
- (4) On the basis of this report, the Conference shall discharge the Secretary-General from his or her management and administrative responsibility in respect of the Budget.

PART VIII MISCELLANEOUS PROVISIONS

ARTICLE 33

The Secretary General shall submit to the Conference for approval, after consideration and report by the Budget Committee, any proposed substantive revisions to the Financial Rules.

ARTICLE 34

The Secretary-General shall submit to the Conference, through the Budget Committee, an estimate of the cost involved in the carrying out of all supplementary Budget decisions. No decisions involving additional expenditure shall be deemed to be approved by the Conference until the Conference has approved an estimate of the additional expenditure involved.

ARTICLE 35

There shall be a Budget Committee composed of representatives of all Signatories; its Terms of Reference shall be established by the Conference.

ARTICLE 36

The Secretary-General may delegate to the Deputy Secretary-General or, if the post falls vacant, to the Assistant Secretary General or to senior officials of the Secretariat such authority as he or she considers necessary for the effective implementation of these Financial Rules.

IMPLEMENTING INSTRUCTIONS TO THE FINANCIAL RULES OF THE ENERGY CHARTER SECRETARIAT

SECTION I BASIC PRINCIPLES

INSTRUCTION 1

- a) These Instructions lay down the procedures for the financial management, and budgetary control of the operations of the Secretariat as required under Articles 19 to 22 of the Financial Rules.
- b) Any legal instrument committing the Secretariat vis-à-vis third parties and necessarily entailing expenditure, income or loss of income for the Secretariat or necessarily affecting the state of its assets shall be signed by the member of the Staff duly authorized for that purpose:
 - i) by express provision of these Instructions and in accordance with the conditions laid therein; or

- ii) under some express provision of the Staff Regulations applicable to the various categories of the Staff of the Secretariat; or
 - iii) by special written authorization from the Secretary-General.
- c) The Assistant Secretary-General shall be responsible for prescribing and maintaining the necessary accounts and subsidiary records and shall institute systems and procedures which will permit accurate and timely financial reporting on all activities of the Secretariat.
- d) When carrying out the financial function of the Secretariat, the following shall be given due consideration:
- i) economy, efficiency and effectiveness;
 - ii) the overall interests of the Secretariat; and
 - iii) prior budgetary approval and the availability of funds.

INSTRUCTION 2

- a) The system of internal financial management and budgetary control specified in Article 19 of the Financial Rules shall comprise of financial and budgetary control by the Assistant Secretary-General over expenditure commitments and payments, by reference to supporting receipts and over income and the covering of supplementary budget expenditure.
- b) The operations and financial management of the Secretariat shall be subject to the internal control and review procedures required to ensure compliance with the Rules and Instructions in force.
- c) Verification of compliance with the Rules and Instructions in force shall be performed by individuals independent from those originally responsible for initiating the transactions.

SECTION II EXPENDITURE COMMITMENTS

INSTRUCTION 3

- a) Expenditure may be made out of budgetary appropriations only after a previously authorised commitment.
- b) All requests to enter into commitments over BEF 50.000 or Euro 1.240 shall be submitted to the Secretary-General, or upon delegation to the Deputy Secretary-General (or, if the post falls vacant, the Assistant Secretary-General), for approval.
- c) Representation expenses over BEF 20.000, or Euro 500 are subject to approval by the Secretary-General.
- d) Except for representation expenses under BEF 20.000, or Euro 500 all commitment and payment requests of less than BEF 50.000 or Euro 1.240 shall be submitted to the Assistant Secretary-General for approval.
- e) The Assistant Secretary-General is responsible for the budgetary control, accounting and reporting of all commitments.

INSTRUCTION 4

- a) All requests to enter into commitments, accompanied by the appropriate supporting receipts and explanations, shall be submitted to the Assistant Secretary-General who shall ensure that the expenditure proposed is in accordance with the purposes specified in the Budget and other financial provisions adopted by the Conference, Budget Committee or by the Secretary-General, and that appropriations are available under the relevant heading of the Budget to cover the expenditure envisaged.
- b) The Assistant Secretary-General shall record the expenditure which will result from the commitment requests.

SECTION III PAYMENTS FROM APPROPRIATIONS

INSTRUCTION 5

- a) Before approving payment against a budgetary appropriation, the Assistant Secretary-General shall check the request for payment against the corresponding commitments to ensure:
- i) that the invoicing corresponds with the purchase order, contract or agreement;
 - ii) that it has been duly certified that the goods have been received or the service rendered.

All the supporting receipts for payments shall be forwarded to the Assistant Secretary-General.

- b) Notwithstanding the provisions of paragraph a) above, purchases of goods or services not exceeding BEF 30.000 or Euro 740 may be made by purchase order without prior commitment. A copy of all purchase orders shall be forwarded to Administration and Finance.

SECTION IV CONTROL OF INCOME AND EXPENDITURES

INSTRUCTION 6

In the case of income, the Secretary-General shall ensure that the Secretariat's rights are safeguarded and that contributions, income and all resources are received. Collection orders shall be issued in respect of budgetary income and recorded in the accounts.

INSTRUCTION 7

The following funds may be set up in the accounts of the Secretariat:

- a) general reserve fund for general expenses consisting of annual budget surpluses from Items of Part I of the Budget;

- b) trust fund, constituted as a reserve for the Signatory concerned, if need be;
- c) working capital fund for other than general expenses consisting of surpluses established annually at the final closure of programmes of Part II of the Budget.

INSTRUCTION 8

- a) The Conference on advice of the Budget Committee shall determine the amount and the use of reserve and working capital funds pursuant to proposals from the Secretary-General.
- b) Trust funds may be used only with the prior agreement of the Signatory concerned.
- c) Income from the general reserve fund and trust funds shall be paid into these funds annually.

INSTRUCTION 9

The Secretary-General authorises payments in respect of eventual supplementary budget expenditure and shall ensure that they are made within the limits of the corresponding amounts of income available, and after receipt of the appropriate supporting receipts from the unit requesting the expenditure.

SECTION V PAYMENT ORDERS

INSTRUCTION 10

As a general rule, payments in respect of budgetary or supplementary budget expenditure shall be made by cheque, direct transfer or standing order. Cheques and all payment orders shall be signed by two officials authorised to do so by the Secretary-General. Cheques or payment orders, the amount of which exceeds BEF 50.000, or Euro 1.240 shall be submitted to the Secretary-General, for approval prior to signature.

SECTION VI ACCOUNTING, CONTROL AND FINANCIAL REPORTING

INSTRUCTION 11

The Assistant Secretary-General shall:

- a) keep the budget accounts of expenditure and income referred to in Article 24(2)(a) of the Financial Rules;
- b) keep the general accounts specified in Article 24 (2) (b) and separate accounts specified in Article 24 (2)(c) of the Financial Rules;
- c) keep the accounts of the terminal allowance, if this function is not contracted out;
- d) draw up, at the end of the financial year, the detailed statement of assets and liabilities and accounts specified in Article 24 (3) of the Financial Rules;
- e) Prepare annual financial statements that include corresponding figures for the preceding financial year. If a change in an accounting policy is made which has a material effect on the financial statements, it is necessary to disclose that a change has been made and to quantify the effect; and
- f) be responsible for inventories of movable and immovable property and record the value of such acquisitions and removals taking into account annual depreciation charges.

INSTRUCTION 12

The Secretary-General shall take all necessary action to preserve the assets of the Secretariat; to that end, he or she shall be responsible for:

- a) the short-term investments of funds referred to in Article 27 of the Financial Rules;
- b) any foreign exchange transactions referred to in Article 30 of the Financial Rules;

- c) the preparation of the periodic reports to the Budget Committee on the short-term investments of funds and the annual report on the foreign exchange transactions carried out in the preceding year as required under Articles 27 and 31 of the Financial Rules.

INSTRUCTION 13

- a) The internal control procedures in place must be sufficient to ensure that: i) transactions are supported by appropriate documentation; ii) recorded transactions are valid; iii) transactions are properly authorized; iv) existing transactions are recorded; v) transactions are properly valued; vi) transactions are recorded at the proper time; vii) transactions are properly posted in subsidiary records and correctly summarized.
- b) Depending on the nature of the asset or record, one or more of the following elements, if practicable, shall be employed: i) adequate storing facilities, such as fireproof safes or safe deposit vaults, to store important assets, records, EDP material, and documents; ii) dual custody of negotiable instruments; and iii) sufficient insurance coverage.
- c) The Assistant Secretary-General shall be responsible for ensuring that accounting and financial records, including financial statements are kept for ten years and supporting receipts for income or expenditures for five years after approval of accounts by the Conference.

SECTION VII ORDERS AND CONTRACTS

INSTRUCTION 14

- a) For the purchase of goods (including equipment, furniture and supplies) or services (including works, installation, maintenance and insurance) of an amount over Euro 30.000 but not exceeding Euro 150.000 at least three suppliers have to submit price quotations in writing.
- b) For the purchase of goods or services amounting to over Euro 150.000 shall be subject to an invitation to tender with at least three invited suppliers or contractors.

- c) Invitations to tender shall show, in addition to the proposed quantities and specifications of goods or services, the terms of delivery or performance and the closing date for lodging tenders. In all cases, suppliers or contractors shall be asked to state their prices, delivery or performance dates, and the time during which their offers remain open.
- d) The closing date for lodging tenders under paragraph b) above shall be determined so as to enable suppliers or contractors located in distant Signatory countries to tender. The Assistant Secretary-General shall inform Signatories of international invitations to tender.
- e) Invitations to tender shall be drafted in identical terms for all bidders. Any further information or particulars given to one bidder shall be communicated in writing to all bidders.
- g) The confidentiality of tenders shall be observed.
- h) Tenders shall be opened under the responsibility of the Assistant Secretary-General, assisted by one colleague.
- i) All suppliers or contractors who have tendered shall be informed of the results of their tenders.
- j) The amounts referred to in paragraphs a) and b) of this Instruction shall be reviewed annually by the Secretary-General having regard to changes in the number and average size of contracts entered into by the Secretariat and to the evolution of the cost of goods and services. Any subsequent proposed revisions will be subject to approval by the Budget Committee.

INSTRUCTION 15

- a) In the following cases, derogations from the tender or price quotation procedure as described under Instruction 14 above shall be possible:
 - i) by special written decision of the Secretary-General on the grounds of urgency or other practical considerations of the Secretariat justify an exception;

- ii) by decision of the Contracts Committee when the procedure under Instruction 14 above cannot be followed because of the special nature of the supplies or services concerned; or
 - iii) when it is in the best interest of the Secretariat to place an order or conclude a contract within a period which by reason of overriding urgency or unforeseeable circumstances is too short to enable an invitation to tender to be put out or for several suppliers or contractors to be consulted.
- b) In such cases an order shall be placed or a contract entered into directly.
 - c) Requests for derogation shall be submitted, together with the necessary supporting documents, to the Contracts Committee.

INSTRUCTION 16

- a) Unless strong reasons exist to the contrary, purchase orders shall be placed, or contracts entered into, with the supplier or contractor who has submitted the most advantageous offer. If an offer other than the lowest offer is selected, the choice shall be subject to particular justification, supported by the appropriate documentation.
- b) The Budget Committee shall be kept informed by the Secretary-General of cases where there was a derogation from the tender procedures or where an offer other than the most advantageous was selected.

INSTRUCTION 17

Goods or services for an amount not exceeding BEF 250.000 or Euro 6.200 may be procured by simple purchase order. Procurement above this amount shall be the subject of a formal contract.

INSTRUCTION 18

- a) The Contracts Committee set up under Article 22 of the Financial Rules shall, prior to any decision by the competent authority, examine:

- i) the draft of any contract or other legal instruments referred to in Instruction 1 when the sums involved exceed BEF 1.500.000 or Euro 37.180 and any supplementary clauses to such contracts; however, the Committee may, where the Assistant Secretary-General so requests, exempt ex officio from such examination the first two renewals, after the first year, on the same terms, including financial terms, of a contract;
 - ii) the draft of any clause supplementary to an order or a contract involving expenditure of up to BEF 1.500.000 or Euro 37.180 where such supplementary clauses have the effect of bringing the overall maximum amount of the contract to more than BEF 1.500.000 or Euro 37.180;
 - iii) the draft of any repeat orders or contracts which will bring the total sum of expenditure for the same type of goods or services amount to more than BEF 1.500.000 or Euro 37.180 in the course of the financial year;
 - iv) derogations from the provisions of Instruction 14 above, in the cases referred to in Instructions 15 and 16 above.
- b) The provisions of this Instruction shall not apply to the appointment of members of the Staff of the Secretariat.

INSTRUCTION 19

The Contracts Committee shall consist of:

- the Secretary-General or in his or her absence, the Deputy Secretary-General or the Assistant Secretary-General, Chairman;
- the Deputy Secretary-General;
- the Assistant Secretary-General; and
- the General Counsel.

The Secretary-General shall nominate an official of the Secretariat to be the Secretary to the Contracts Committee.

INSTRUCTION 20

- a) The Contracts Committee shall be convened by the Chairman; its

proceedings shall be valid if three members are present, the Chairman being present.

- b) Papers shall be submitted to the Committee at least three working days before the appointed date of the meeting.
- c) After considering offers by suppliers, draft specifications, orders or contracts, having satisfied itself that the expenditure commitment relating to the order or contract proposed has been approved in accordance with the provisions of Instruction 4 above, the Committee shall give its opinion, by the majority of those members present.
- d) Minutes shall be kept of meetings, setting forth minority opinions whenever pertinent.
- e) All relevant extracts from the Minutes of the meetings shall be included in the file relating to each item of business considered, which file shall be kept by the Secretary to the Committee.
- f) The Committee may give its opinion under a written procedure. The provisions set out in the foregoing paragraphs shall apply *mutatis mutandis*. However, the Chairman of the Committee may decide, on grounds of urgency, that the opinion of the Committee shall be deemed favourable, unless objections have been raised within two working days after reception of the papers to be considered by the members of the Committee.

INSTRUCTION 21

- a) Orders, contracts and other legal instruments committing the Secretariat for an amount of up to BEF 750.000 or Euro 18.590 shall be signed by the Assistant Secretary-General.
- b) Contracts and other legal instruments committing the Secretariat for an amount over BEF 750.000 or Euro 18.590 shall be signed by the Secretary-General or, in his or her absence, by the Deputy Secretary-General or, if the post falls vacant, by the Assistant Secretary General.
- c) The provisions of this Instruction shall not apply to the appointment of members of the Staff of the Secretariat.

SECTION VIII TRANSFER OF PROPERTY AND LOSSES

INSTRUCTION 22

Based on proper justification that furniture, equipment and other assets of the inventory of the Secretariat proposed for disposal are of no use to the Secretariat, or disposal is in the best interest of the Secretariat, the Secretary-General may approve arrangements for the sale under the best terms of the goods.

INSTRUCTION 23

- a) The Secretary-General may authorise the writing off up to BEF 100.000 or Euro 2.480 annually of any loss of assets or irrevocable book debts.
- b) Above these amounts, the writing off shall be subject to the favourable opinion of the Budget Committee.

INSTRUCTION 24

The Secretary-General shall be responsible for drawing up a statement of losses of assets which are written off as provided for in Article 29 of the Financial Rules. This statement is submitted annually to the Budget Committee with the Annual Accounts.

SECTION IX REPRESENTATION EXPENSES

INSTRUCTION 25

The allocation of total appropriations for representation expenses of the Secretariat shall be made each year in the Budget of the Secretariat.

INSTRUCTION 26

- a) Officials to whom an authorization is given by the Secretary-General may be repaid the cost of official representation in the limits indicated below:
 - i) in their own homes:

- BEF 400 or Euro 10 per person, including the host and hostess, for receptions;
 - BEF 1.250 or Euro 30 per person, including the host and hostess, for lunches and dinners;
- ii) in outside places:
- BEF 425 or Euro 10 per person, including the host and hostess, for receptions;
 - BEF 1.750 or Euro 40 per person, including the host and hostess, for lunches and dinners.
- b) The amounts fixed above shall be updated every year by decision of the Secretary-General, on the basis of a local consumer price index.

INSTRUCTION 27

Repayment claims shall be sent to the Assistant Secretary-General, accompanied by supporting receipts and the list of the guests.

No repayment shall be made in respect of the representation solely of members of the Secretariat, except in special cases previously authorised by the Secretary-General for administrative reasons.

INSTRUCTION 28

The Assistant Secretary-General shall periodically submit to the Secretary-General a detailed account of the state of the appropriation for representation expenses.

SECTION X PARTICIPATION IN CONFERENCES, SEMINARS, MEETINGS OR OTHER EVENTS

INSTRUCTION 29

- a) Experts or other participants shall be designated either by the Secretary-General or by Signatories at the request of the Secretary-General to attend conferences, seminars, meetings or other events related to the Charter activities.
- b) The fees, travel expenses and daily subsistence of experts and other

participants designated by the Secretary-General shall be paid by the Secretariat. As a general rule, fees, travel expenses and daily allowances of experts or other participants designated by the Signatories will be paid by the parties which designated them.

- c) Financial assistance for travel and subsistence expenses for attendance at meetings of a limited number of invited experts from transition countries shall be based on the procedures established by the Secretary-General in consultations with the Budget Committee.

INSTRUCTION 30

Any document or other material collected or produced in connection with such activities shall be freely available to the Secretariat.

INSTRUCTION 31

Expenditure on assistance from consultants and organisations could, if so decided, include the payment of fees and expenses for Chairmen who were not government officials.

SECTION XI MISCELLANEOUS PROVISIONS

INSTRUCTION 32

The present Implementing Instructions shall take effect as of 1 July 1996 and shall cancel all contrary provisions in force prior to that date.

**TERMS OF REFERENCE GOVERNING
THE EXTERNAL AUDITOR
CCDEC1996 (2) BUD, 5 June 1996**

Article 1

The External Auditor (hereinafter called the Auditor(s)) shall perform such audit of the accounts of the Secretariat, including all trust funds, capital funds, reserves and special accounts, as deemed necessary in order to certify the financial statements of the Secretariat.

Article 2

The Auditor(s) shall be the sole judge as to the acceptance in whole or in part of certifications and representations by the Secretariat, and may proceed to such detailed examination and verification as required of financial records relating to supplies and equipment.

Article 3

The Auditor(s) shall have free access at all convenient times to all books and records and other documentation, and staff of the Secretariat which are, in the opinion of the Auditor(s), necessary for the performance of the audit. The Auditor(s) shall respect the privileged and confidential nature of any classified information, and shall not make use of such information, except in direct connection with the performance of the audit.

Article 4

The Auditor(s) shall verify the annual financial transactions of the Secretariat as regards income, expenditures, receipts and disbursement and shall perform such audits as they deem necessary to certify that:

- (1) The statement of assets, liabilities and accounts, submitted to them by the Secretary-General is in accordance with the Financial Rules, and is accurate and reflects the books and records of the Secretariat.
- (2) The financial transactions recorded in these financial statements have been effected in accordance with the relevant rules, the budget provisions and other instructions which may be applicable, and that

budget allocations have not been exceeded.

- (3) The financial statements present fairly the financial position as at the end of the financial period, and the results of operations for the period then ended.
- (4) The financial statements were prepared in accordance with the stated accounting policies and principles on a basis consistent with that of the preceding financial period.
- (5) The securities and monies on deposit and on hand have been verified by certificates received directly from the depositories or by actual count, and
- (6) The financial management and administration of the Secretariat has been carried out on a sound, economical and efficient basis.

Article 5

The report of the Auditor(s) should mention:

- (1) Scope and objectives of their examination.
- (2) Matters affecting the completeness or accuracy of the accounts, including where appropriate:
 - (a) information necessary to the correct interpretation of the accounts;
 - (b) any amounts which should have been received but which have not been credited to the account;
 - (c) any amounts for which a legal or a contingent obligation exists, and which has not been recorded or reflected in the financial statements;
 - (d) expenditures not properly substantiated;
 - (e) other matters affecting the economic, and efficient management and use of budgetary resources.

Article 6

The Auditor(s) shall be completely independent of the Secretariat and solely responsible for the audit.

Article 7

The Secretary-General shall give the Auditor(s) such assistance and furnish them with such facilities as they may need for the proper discharge of their duties.

Article 8

- (1) Each year the Auditor(s) shall prepare an audit report certifying the accounts and providing comments warranted by their audit. They shall also report on the soundness of the financial management and administration of the Secretariat, and may make in this report such observations and recommendations as they deem necessary on the economy and efficiency of financial procedures, the accounting system and internal control.
- (2) Such observations that, in the professional judgement of the Auditor(s), need not be brought to the attention of the Conference shall be attached as an addendum for consideration by the Budget Committee.

Article 9

The audit report shall be submitted to the Budget Committee not later than eight months after the financial period to which the accounts refer. The report shall be transmitted to the Secretary-General beforehand, so that opportunity is given to furnish within 30 days such explanations and justifications as may be required.

Article 10

The Budget Committee shall transmit the audit report to the Conference, together with the explanations of the Secretary-General and, if necessary, with its own observations.



Confirmation of Decisions of the Provisional Energy Charter Conference

CONFIRMATION OF DECISIONS OF THE PROVISIONAL ENERGY CHARTER CONFERENCE

CCDEC1998 (7) GEN, 23-24 April 1998

The Conference agreed that Decisions taken by the Provisional Charter Conference would be applicable after entry into force of the Energy Charter Treaty, including the decision relating to the request for the Governing Body of the ILO to agree to extend the jurisdiction of the ILO Appeal Tribunal to disputes involving the staff of the Secretariat.



De-restriction of CCDEC
documents and
change in the default setting
of CC documents

DE-RESTRICTION OF CCDEC DOCUMENTS AND CHANGE IN THE DEFAULT SETTING OF CC DOCUMENTS

CCDEC2013 (8) STR, 25 November 2013

The Energy Charter Conference **noted** that the documents with the acronym ‘CCDEC’ (the ‘CCDEC documents’) are to be prepared by the Energy Charter Secretariat (the ‘Secretariat’) in the following manner:

- (a) The Secretariat will prepare a draft summary record of the annual meeting of the Conference within two months of that meeting.
- (b) With the draft summary record, the Secretariat will also prepare a series of new CCDEC documents for the same year, based on:
 - all decisions of the Conference adopted during that year by correspondence;
 - all documents submitted to the latest meeting of the Conference; and
 - the draft summary record of that meeting, reflecting the Conference’s final action (including, but not limited to, adoption, approval or taking note of) taken there.

The list of new CCDEC documents will be made available on the restricted part of the Secretariat’s website.

- (c) The Secretariat will then submit the draft summary record of the meeting of the Conference for adoption by correspondence. The annex to the draft summary record will contain the list of new CCDEC documents prepared.
- (d) Following the adoption by correspondence of the summary record (together with its annex), the Secretariat will make the new list of CCDEC documents available on its public website.

Against this background, the Conference **decided**:

- (i) All the CCDEC documents listed in the Annex II to document CC 463 shall be derestricted as of the date of this decision;
- (ii) Except for the case mentioned in (iii) below, no CCDEC document prepared after the date of adoption of this decision shall be restricted;

- (iii) If a CCDEC document is prepared based on any CC-numbered document that is restricted pursuant to (v) below, such CCDEC document shall remain restricted until the relevant CC-numbered document is de-restricted;
- (iv) Except for the case mentioned in (v) below, all the CC-numbered documents prepared after the date of adoption of this decision shall be de-restricted upon final action by the Conference, including, but not limited to, adoption, approval or taking note of; and
- (v) If any Contracting Party is of the view that a certain CC-numbered document should remain restricted, even after the final action by the Conference, such Contracting Party shall request such restriction before the Conference takes its final action, either by a notification to the Secretariat or by a statement at the Meeting of the Conference. Where there is any such request, the relevant document shall remain restricted until the requesting Contracting Party cancels its request.



Approval of the new logo
and new informal
working name

APPROVAL OF THE NEW LOGO

CCDEC2015 (36) STR, 3 December 2015

The Energy Charter Conference approved the new logo offered by The Netherlands. As explained by Minister Kamp at the opening of the Ministerial Conference on the International Energy Charter, the logo is composed of five honeycombs, which symbolise the five continents working together to create a powerful energy partnership. The logo's colours show the transition from traditional energy sources, in blue, by way of sustainable energy sources, in green, to the energy sources of the future, in yellow. The opening between the honeycombs symbolises the open market in energy that the Charter aims to promote.



The Energy Charter Conference **confirmed** that 2016 will be a transition year using both logos (the old logo and the new one). As of 2017, only the new logo will be used.

INFORMAL WORKING NAME

CCDEC2016 (8) STR, 4 July 2016

The Conference was invited to adopt an informal working name to better reflect the global nature of the organisation and for clarity in presentation to third parties. As discussed at the Strategy Group meeting of 15 June 2016, the decision does not affect the status under international law of either the Energy Charter Conference or the Energy Charter Secretariat.

The Energy Charter Conference **approved** the use of an informal working name, ‘International Energy Charter’, to refer to the Energy Charter Conference and its subsidiary bodies, as well as the Energy Charter Secretariat. Such name will be used as of the date of approval of this decision for any public communications, except for those documents that require the use of the official name of the relevant institution according to the Energy Charter Treaty (e.g. Conference decisions would still refer to the Energy Charter Conference). This decision does not require any amendment of the Energy Charter Treaty since the Energy Charter Conference will keep its official name.



Rules of Procedure of the Energy Charter Conference

RULES OF PROCEDURE OF THE ENERGY CHARTER CONFERENCE

CCDEC1995 (30) GEN, 22-23 November 1995
Amended by CCDEC2015 (20) GEN, 25 November 2015
Amended by CCDEC2016 (11) GEN, 31 October 2016
Amended by CCDEC2018 (06) GEN, 14 November 2018

Considering the statements that have been made in particular by Japan and the EC, and bearing in mind Article 50 of the ECT, the Charter Conference, by approving the Rules of Procedure, accepts to continue the application of the existing linguistic regime which is based on English, French, German, Italian, Russian and Spanish.

The Charter Conference acknowledges that the European Communities provided substantial financial support to the European Energy Charter negotiations, since they started in July 1991.

The Charter Conference takes note that the European Communities indicated their willingness to consider additional support for the organisation of further Conference meetings notably if the cost of the linguistic regime creates budgetary problems to the Charter Secretariat.

RULES OF PROCEDURE OF THE ENERGY CHARTER CONFERENCE (Article 34(6) of the Energy Charter Treaty)

I. MEETINGS

Rule 1

- (a) Ordinary meetings of the Conference shall be held at intervals determined by the Conference. The date of each ordinary meeting shall be fixed by the Conference at a previous meeting. Any ordinary meeting may, however, be rescheduled by the Chairperson of the Conference in consultation with the Secretariat if necessary for reasons unforeseen by the Conference. Notice of rescheduling of a meeting shall be given at least 15 days in advance of the date for the rescheduled meeting.

- (b) Extraordinary meetings of the Conference may, as provided in Article 34(2) of the Energy Charter Treaty, be held at such times as are determined by the Conference, or at the written request of any Contracting Party or Signatory to the Energy Charter Treaty (hereinafter referred to as ‘Contracting Party’ or ‘Signatory’) provided that, within six weeks of the request being communicated in writing to the other Contracting Parties and Signatories by the Secretariat, it is supported in writing by at least one-third of the Contracting Parties and Signatories. Notice of extraordinary meetings shall be given at least 15 days in advance of the date of the extraordinary meeting.

Rule 2

Meetings of subsidiary bodies shall be held when convened by their Chairperson in accordance with any relevant decisions of the Conference, or when requested in writing by one-third of their members.

Rule 3

- (a) Meetings of the Conference and of its subsidiary bodies normally shall be held in Brussels. However, the Conference or a subsidiary body may decide to meet elsewhere.
- (b) Each year, within two weeks of the annual conference, the Secretariat will produce a schedule of planned and proposed meetings and activities for the following year. Meetings will be confirmed upon the specific invitation, and uploaded on the delegates’ website. As a rule, specific invitations should be uploaded one month before the meeting.
- (c) If the meeting room is provided with a videoconference system, the Secretariat may offer the opportunity to participate via teleconference or videoconference.

II. AGENDA

Rule 4

- (a) The Secretariat, in consultation with the relevant Chairperson, shall draw up and transmit to all Contracting Parties and Signatories the proposed agenda for each meeting of the Conference and of the subsidiary bodies.
- (b) In notifying the Contracting Parties and Signatories of the date of a meeting the Secretariat shall communicate to them any available information about the proposed agenda. The proposed agenda together with any available documents for the meeting shall be uploaded on the Energy Charter Secretariat webpage at least 15 days in advance of the meeting.
- (c) As a general rule, each day a document has been uploaded, a dissemination message confirming the upload will be sent to delegates. The deadline mentioned in the previous paragraph refers to the date of the upload, not of the dissemination message.

Rule 5

The first item of business at each meeting shall be the consideration and approval of the agenda.

Rule 6

The Conference or a subsidiary body may amend its agenda or give priority to certain items.

III. OBSERVERS

Rule 7

A. General rules

- (a) States and international organisations which sign the European Energy Charter or the International Energy Charter shall thereby obtain observer status to the Energy Charter Conference. They may be invited by the Conference or its subsidiary bodies, where appropriate, to attend meetings, or part of meetings, of the Conference, or of the subsidiary bodies, as observers without the right to vote.
- (b) The Conference may also invite representatives of international organisations to be represented as observers without a right to vote at meetings, or parts of meetings, of the Conference or of its subsidiary bodies.
- (c) At a meeting, the Chairperson may, at his or her own initiative or upon request, invite an observer to make a statement on a particular issue.
- (d) The Secretariat shall notify the observers of the dates of meetings or parts of meeting of the Conference or of its subsidiary bodies which they may attend and shall provide them with the agenda and other documents thereof as if the observers were Contracting Parties or Signatories for the purposes of Rule 4.

B. Specific rules regarding signatories of the European Energy Charter

- (a) Any signatory to the European Energy Charter which has not signed the Energy Charter Treaty may participate in the negotiations referred to in Articles 10(4) and 33 of the Energy Charter Treaty.
- (c) Signatories to the European Energy Charter which have not signed the Energy Charter Treaty are admitted to such negotiations upon notification to the Secretariat of their intention to participate and their decision to contribute to the costs of the negotiations.

IV. REPRESENTATIVES

Rule 8

The names of representatives of Contracting Parties, Signatories and observers attending meetings of the Conference and of its subsidiary bodies shall be communicated to the Secretariat.

V. SUBSIDIARY BODIES

Rule 9

- (a) The Conference may, as provided in Article 34(5) of the Energy Charter Treaty, establish such subsidiary bodies as it considers appropriate for the performance of its duties. Such subsidiary bodies shall be either ‘Standing Groups’ established to deal with issues of a regular nature or ‘Working Groups’ established to carry out negotiations or other work of a temporary nature.
- (b) The Conference shall determine the terms of reference for and the membership of subsidiary bodies.

Rule 10

The Conference or subsidiary bodies may set up temporary sub-groups to assist them in their work.

Rule 11

- (a) A subsidiary body shall address such issues as it is instructed to do by the Conference.
- (b) A subsidiary body may decide to address any matter related to the issues within its competence.
- (c) The Conference may decide that the work undertaken by a subsidiary body should not be carried further.

Rule 12

- (a) A subsidiary body shall through its Chairperson report to the Conference.
- (b) Recommendations submitted by the Chairperson of a subsidiary body to the Conference shall call attention to differences in the views of Signatories.
- (c) A sub-group shall through its Chairperson report to the body which set it up, which shall give it the necessary guidance for carrying out its work.

VI. OFFICERS

Rule 13

A. Conference

- (a) The Chairmanship of the Conference shall be held for a term of one calendar year. Each year, the Conference shall approve by consensus a list of future Chairmanships of the Conference covering at least the following three years and on the basis of equitable geographical rotation. The Conference shall consider only nominations received by the Secretariat before the 1st of July of each year. In the case there are more than one candidate for a particular year, the Conference shall make every effort to reach agreement by consensus. If agreement cannot be reached by consensus, the decision should be taken by a simple majority of the Contracting Parties whose representatives are present and voting by secret ballot in the Conference. The Chair of the Conference may also decide that this decision should be taken by correspondence (in which case Rule 19.c will apply).
- (b) As a rule, the minister in charge of Energy Charter issues of the Contracting Party holding the Chairmanship shall be designated as Chairperson of the Conference. The Contracting Party holding the Chairmanship may also nominate a representative other than the minister as the Chairperson. In performing such duties, the Chairperson shall act in accordance with the Energy Charter Treaty, Protocols, Declarations and Conference decisions. The Chairperson

shall be assisted by Vice-Chairpersons.

- (c) Contracting Parties may nominate themselves for the office of Chairmanship by letter to the Secretariat, indicating their preference for the year they wish to assume this role. The Secretariat shall immediately make such letter available to all delegations.
- (d) If for any reason the Chairperson can no longer perform the functions of the office, the Chairmanship shall nominate an official of the relevant government office as replacement. The Conference shall then, without delay, designate the replacement as new Chairperson.
- (e) Three positions of Vice-Chairpersons shall be reserved for the current, the outgoing and the incoming Chairmanships. The Vice-Chairperson representing the acting Chairmanship shall act as first Vice-Chairperson, while the Vice-Chairpersons representing the outgoing and incoming Chairmanships shall rank second and third respectively. Additional Vice-Chairpersons, if any, shall be ranked taking into account the date of their first appointment.
- (f) As part of the change of Chairperson under paragraph (d), the Chairmanship may re-nominate a Vice-Chairperson for designation by the Conference without delay.

B. Standing/Working Groups

- (a) The Chairpersons and Vice-Chairpersons of the Working/Standing Groups shall be designated each year by the Conference. As a general rule, no person can be Chair or Vice-Chair of the same Working/Standing Group for more than three consecutive years unless there is no other volunteer.
- (b) The Chairpersons and Vice-Chairpersons of the Standing/Working Groups shall be designated on a volunteer basis, taking into account the principle of equitable geographical distribution among the Contracting Parties and Signatories.
- (c) If there is no volunteer or if the Conference is not able to take a decision, the Chairmanship of the Conference shall act as interim Chair until a volunteer is confirmed by the Conference.

- (d) If a Chairperson is absent from any meeting or part thereof, a Vice-Chairperson shall perform the functions of the Chairperson. If a Vice-Chairperson is not present, the Contracting Parties and Signatories attending the meeting shall elect an interim Chairperson for that meeting or that part of the meeting.
- (d) If necessary, any interim Chairperson should remain in office until the next meeting of the relevant group.

VII. CONDUCT OF BUSINESS

Rule 14

In addition to exercising the powers conferred upon him or her elsewhere in these Rules, the relevant Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, shall ensure the observance of these Rules, and shall accord the right to speak, put questions to the vote, and announce decisions. The relevant Chairperson also may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Rule 15

During the discussion of any matter in the Conference or in a subsidiary body a member thereof may raise a point of order. In this case the relevant Chairperson shall immediately state his or her ruling. If the ruling is challenged by a member, the Chairperson shall forthwith submit his or her ruling for decision by the body in which the matter is under discussion, and it shall stand unless overruled.

VIII. VOTING

Rule 16

- (a) Decisions on strictly procedural matters not provided for in the Energy Charter Treaty shall, except as otherwise provided in these Rules, be taken by a majority of the Contracting Parties and Signatories whose representatives are present and voting in the Conference, or in the case of a subsidiary body, by a majority of the Contracting Parties and Signatories which are members of that body whose representatives are present and voting.
- (b) Every effort shall be made to reach consensus on recommendations to the Conference by subsidiary bodies. If a decision cannot be reached by consensus, such recommendations shall be decided by a three-fourths majority of the Contracting Parties and Signatories which are members of that body whose representatives are present and voting.
- (c) Each Contracting Party and Signatory (when applicable) shall be entitled to one vote provided that is not in arrears in the payment of its financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years.
- (d) A Regional Economic Integration Organisation shall vote in line with Article 36(7) of the Energy Charter Treaty, taking into account if any of its member states has lost its voting rights due to persistent arrears.

IX. REQUEST FOR DISTRIBUTION OF DOCUMENTS

Rule 17

For the information of the Conference, Contracting Parties and Signatories may request the distribution of messages and documents. Such documents shall be distributed as soon as possible to representatives of all Contracting Parties, Signatories and observers as appropriate.

X. PUBLICITY OF MEETINGS

Rule 18

- (a) Meetings of the Conference and of its subsidiary bodies shall not be public, unless the Conference or the relevant subsidiary body decides otherwise.
- (e) After a meeting has been held, the Chairperson of the Conference may issue a communiqué to the press.

XI. RULES FOR DECISIONS BY CORRESPONDENCE

Rule 19

- (a) Decisions of the Conference provided for in Article 36(2) and (4) of the Energy Charter Treaty may, in the intervals between the meetings of the Conference, be taken by correspondence.
- (b) Where the Chairperson of the Conference, upon request by a Contracting Party or a Signatory or upon his/her own initiative, decides that a decision should be taken by correspondence, he or she shall instruct the Secretariat to upload a message on the Energy Charter Secretariat webpage, containing such information as the Chairperson considers necessary to an informed decision.
- (c) The Chairperson of the Conference shall determine the date and hour by which any opposition must be received, which shall in no case be earlier than 20 days from the date of upload of the message referred to in paragraph (b). In exceptional circumstances, the Chairperson may, upon request and at his or her discretion, extend the time limit. Subject to no objections being received within the time limit, the Conference decision will be considered as approved with immediate effect and a confirmation message will be uploaded.
- (d) The states or Regional Economic Integration Organisation entitled to participate in decisions by correspondence are those which are Contracting Parties or Signatories on the date of upload of the message referred to in paragraph (b).

- (e) A subsidiary body may adopt rules for decisions of that body to be taken by correspondence.
- (g) For information purposes, a dissemination message will be sent to delegates each time a Conference decision by correspondence is initiated.

XII. RULES FOR APPOINTMENT OF SECRETARY-GENERAL

Rule 20.1: Scope of Application

- (a) These Rules shall apply only to the procedure for appointment of the Secretary-General of the Energy Charter Secretariat. These Rules shall not define or interpret any term or provision in the Energy Charter Treaty, any Annex or Protocol thereto, or the Rules of Procedure of the Energy Charter Conference.
- (b) These Rules shall replace the Procedures to Be Followed in Appointing the Secretary-General of the Energy Charter Secretariat (CC 164 Annex 1). These rules enter into force as of 1 January 2017.
- (c) The selection process under these Rules, including the informal sounding of preferences set out in Rule 7, shall be deemed part of the ‘effort to reach agreement by consensus’ required by Article 36(1) of the Energy Charter Treaty.

Rule 20.2: Start of Procedure

- (a) The Energy Charter Conference shall be invited to decide on the basis of the applicable rules, on whether or not to re-appoint the serving Secretary-General for a second mandate at least twelve months before the expiration of his or her contract.
- (b) Irrespective of the decision under paragraph (a) above, Contracting Parties may propose candidates for the post of Secretary-General more than twelve months before the expiration of the contract of the serving Secretary-General.

- (c) In the case of a decision by the Energy Charter Conference not to reappoint the serving Secretary-General, or in cases where the serving Secretary-General indicates to the Conference Chair in writing that he or she is not ready to accept a second mandate, the procedure outlined in these Rules shall be applied.
- (d) The serving Secretary-General may reapply for the position of Secretary-General only once, for the term set out in Rule 20.10.

Rule 20.3: Candidacy

- (a) Within one month of the date of the decision by the Energy Charter Conference not to reappoint the serving Secretary-General, or of the date on which the Conference Chair receives a written indication from the serving Secretary-General that he or she is not ready to accept a second mandate, or in case one or more Contracting Parties have proposed another candidate(s) as allowed in Rule 20.2.b, all Contracting Parties and Signatories shall be informed, via a letter to Ministers from the Conference Chair, of the timetable for nominating candidates, or additional candidates, for the post of Secretary-General and the procedure to be followed. This letter shall be sent at least ten months prior to the date of the Energy Charter Conference's meeting where the appointment is expected to take place and indicate a deadline for the nomination.
- (b) Desirable qualifications include broad experience in international affairs, as well as in leadership and organisational management, in government, international organisations and/or industry.
- (c) Each nomination shall be accompanied by the candidate's curriculum vitae and a mission statement of the candidate.
- (d) The deadline for submission of candidatures shall be at least nine months prior to the date of the Energy Charter Conference's meeting where the appointment is expected to take place.

Rule 20.4: Nationality of Candidates

- (a) Only Contracting Parties which are not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years, shall have the right to nominate a candidate for the post of Secretary-General, provided that any candidate shall have the nationality of one of the Contracting Parties.
- (b) Any candidate shall not necessarily be a national of the Contracting Party which proposes their candidacy.

Rule 20.5: Interview

- (a) All eligible candidates shall be interviewed by the Contracting Parties and Signatories. Such interview shall be chaired by the Conference Chairmanship and shall be open to all Contracting Parties and Signatories who wish to attend. If one of the candidates has the nationality of the Chairmanship, the Vice-Chairpersons representing the outgoing and incoming Chairmanships shall chair the interview in that order. In the event that there are also candidates of the nationality of the outgoing and incoming Chairmanships, the delegates attending the interview shall elect two representatives of Contracting Parties present to chair the interview. All candidacies shall be reviewed on an equal and non-discriminatory basis.
- (b) The interview of candidates shall be completed no later than six months prior to the date of the Energy Charter Conference's meeting where the appointment is expected to take place.

Rule 20.6: Procedure in case there is only one candidate

The Conference Chair shall submit the name of the single candidate to the Energy Charter Conference. The Conference Chair shall invite the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.

Rule 20.7: Informal Sounding of Preferences

- (a) When more than one candidate have been nominated, the Conference Chairmanship shall hold an informal sounding and invite the Energy Charter Conference to appoint, by consensus, as the Secretary-General, the single preferred candidate identified through such informal sounding consensus.
- (b) If an informal sounding is held, it shall be governed by the Conference Chair and past practice. Appendix I will collect those past practices to be considered by the Conference Chair.
- (c) Participation in the informal sounding is limited to those Contracting Parties and Signatories that are not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years.

Rule 20.8: Appointment by the Energy Charter Conference

- (a) The submission of the candidate's name to the Energy Charter Conference shall be completed as a rule no later than three months prior to the expiry of the contract of the serving Secretary-General.
- (b) In line with Articles 34(3)(n), 35(2) and 36(1) of the Energy Charter Treaty, the Energy Charter Conference shall take the final decision on the appointment of the Secretary-General.
- (c) The term of initial appointment shall be no longer than five years.

Rule 20.9: Lack of Appointment of the Secretary-General

In the event that the procedure set out in these Rules does not lead to the appointment of the Secretary-General on the date of the Energy Charter Conference's meeting where the appointment was expected to take place, the Conference Chair may propose to the Energy Charter Conference either: (1) the designation of, as a rule, the Deputy Secretary-General as Acting Secretary-General; or (2), in case the post of the Deputy-Secretary General is vacant, the prolongation of the appointment of the serving Secretary-General.

Rule 20.10: Reappointment by the Energy Charter Conference

- (a) In case the Energy Charter Conference decides to reappoint the incumbent Secretary-General, it shall also decide on the term of reappointment.
- (b) The term of reappointment shall not be longer than five years.

Rule 20.11: Early Departure of the Serving Secretary-General

- (a) In cases where the serving Secretary-General tenders his or her resignation before the expiry of his or her existing contract, or in the case of a decision by the Energy Charter Conference to terminate the serving Secretary-General's appointment, or in any other case not foreseen in the above which entail the departure of the serving Secretary-General before the expiry of his or her existing contract, the Conference Chair shall inform all Contracting Parties and Signatories as soon as possible, via a letter to Ministers, of the measures that he or she proposes to take in order to ensure a timely replacement of the Secretary-General. In the meantime, the serving Deputy-Secretary General will serve as acting Secretary-General. In the case where the post of the Deputy-Secretary General is vacant, the Chairmanship of the Conference in consultation with the Contracting Parties and Signatories will designate, within 14 actual days from the departure of the serving Secretary-General, an acting Secretary-General to be selected from the existing staff of the Energy Charter Secretariat for a temporary period until a new Secretary-General is appointed.
- (b) The measures set out in paragraph (a) for the timely replacement of the Secretary-General shall be based on the procedures outlined in these Rules.

XIII. RULES FOR APPOINTMENT OF DEPUTY SECRETARY-GENERAL

Rule 21.1: Scope of Application

- (a) These Rules should apply only to the procedure for the appointment of the Deputy Secretary-General of the Energy Charter Secretariat.
- (b) For the purpose of these Rules, the term ‘Contracting Party’ and ‘Signatory’ refer to any Contracting Party, and Signatory that is not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from it for the preceding two full years
- (c) A candidate can be appointed as the Deputy Secretary-General only if he or she is a national of a Contracting Party or of a Signatory.

Rule 21.2: Start of Procedure

- (a) The Secretariat should ensure that all Members of the Conference are informed, via a Message uploaded on delegates’ website, of the future vacancy, no later than three months prior to the expiry of the contract of the serving Deputy Secretary-General or, as referred in Rule 21.5, at least two months before the early departure of the Deputy Secretary-General.
- (b) The call for interest shall include a full description of the qualifications and experience required for the post. The applications should be sent to the Secretariat at least one month before the expiry of the contract of the serving Deputy Secretary-General, or in case of an unexpected departure, within one month from the date where the call for interest has been uploaded.
- (c) The Secretary-General may draw up a short-list of candidates of up to four candidates if the number of applications warrants it. Within one month from the application deadline, the Secretariat shall upload to the delegates website the list of candidates and, if relevant, the short list prepared on as wide a geographical basis as possible.

Rule 21.3: Selection Process by Contracting Parties and Signatories

- (a) All the shortlisted candidates will be interviewed by the Contracting Parties and Signatories at a single meeting within a maximum of one month period after the expiry of the contract of the serving Deputy Secretary General or her/his early departure. Such interviews shall be chaired by the Secretary-General and shall be open to Contracting Parties and Signatories. All candidacies shall be reviewed on an equal and non-discriminatory basis.
- (b) Within one month following the last interview, the Conference Chairmanship will coordinate an informal sounding of preferences with all Contracting Parties and Signatories in order to reach a consensus on a list of maximum three candidacies. The Conference Chairmanship shall make the results of the informal sounding available to the Conference through a summary report.

Rule 21.4: Appointment

- (a) Within one month from the reception of the informal sounding result, the Secretary-General, considering the preferences of the Contracting Parties and Signatories, shall propose a candidate for her/his appointment by the Conference. In case of a negative decision by the Conference, the Conference Chairmanship will propose to the Conference how to proceed.
- (b) The term of the initial appointment of the Deputy Secretary-General shall be no longer than four years. The Deputy Secretary-General may run for a second appointment, which shall not be longer than four years.
- (c) The Conference can decide, after consultation with the Secretary-General, on the termination of the appointment of the Deputy Secretary-General. The Secretary-General can recommend for approval to the Conference the termination of the appointment of the Deputy Secretary-General.

Rule 21.5: Early Departure of the Serving Deputy Secretary-General

- (a) In case where the serving Deputy Secretary-General resigns before the expiry of his or her existing contract, or in any other case which

entails the departure of the serving Deputy Secretary-General before the expiry of his or her existing contract, the Secretary-General shall inform all Contracting Parties and Signatories as soon as possible via a message uploaded on delegates' website.

- (b) Not later than three weeks after the departure of the serving Deputy Secretary-General for any of the reasons referred to in the previous paragraph, the Secretary-General will upload a notice concerning the early departure of the Deputy Secretary-General and the existing vacancy as mentioned in Rule 21.2.
- (c) The serving Deputy Secretary-General may resign with three months notice.

XIV. REVISION

Rule 22

The Conference may decide at any time to revise these Rules or any part of them.

APPENDIX I - Past Practice regarding informal sounding

- (i) An informal sounding is held by correspondence and preferences are kept confidential.
- (ii) The name of the candidate supported by three quarters of the Present and Participating Contracting Parties and Signatories is submitted to the Energy Charter Conference in accordance with Rule 20.6. The Conference Chairman invites the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.
- (iii) In the event that, after the first round of informal sounding, no candidate has achieved a three-quarter majority, the informal sounding proceeds to the second round.
- (iv) The second round is conducted between the two best-placed candidates of the first round
- (v) The name of the better-placed candidate at the second round is submitted to the Energy Charter Conference in accordance with Rule

20.6. The Conference Chairman invites the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.

- (vi) In the event that the second round of informal sounding indicates the same level of support for the two candidates, the Conference Chairman will call for reflection by the Contracting Parties and Signatories, and may hold a discussion session. Thereafter, additional round(s) of informal sounding are conducted between the same two candidates in order to establish the single candidate to be recommended to the Energy Charter Conference in accordance with Rule 20.6.



Code of Conduct

CODE OF CONDUCT

CCDEC2017 (06) GEN, 14 October 2017

This code sets forth the framework and standards for the personal and professional conduct which is to be expected of those working with the International Energy Charter

INTEGRITY :

We are committed to maintaining the highest standards of professional and personal conduct. As such we affirm that we

- Carry out our duties in accordance with the highest standards of integrity and loyalty
- Do not use the Organisation's resources or non-public information obtained through our position for private gain, either for ourselves or others
- Avoid abuse of the privileges and immunities conferred on the Organisation and its officials and actions that could be perceived as such
- Avoid situations that might result in real, perceived, or potential conflicts between our personal interest and those of the Organisation
- Take prompt action to remove ourselves from situations where conflicts of interest can or have occurred
- Shall take all reasonable steps to prevent misrepresentation on social medias
- Are honest and truthful in our dealings; fully presenting all facts in an unbiased and clear manner

LOYALTY :

We are faithful and true to the enduring our role of the Organisation in support of the current and future challenges it faces. As such, we affirm that we

- Always put the interest of the Organisation above our own and that of our individual nations, mindful of all applicable rules and regulations
- Demonstrate a unity of purpose focused on the goals and objectives of the Organisation
- Strive to make a personal contribution to the success of the Organisation, fostering a culture of results across the Organisation
- Contribute to the development and maintenance of a positive team spirit
- Support the principles upon which the Organisation was founded

IMPARTIALITY :

We serve the Organisation's interest above our personal interests. As such, we affirm that we

- Won't seek or accept any instructions in connection with the exercise of our functions from any government or any authority external to the Secretariat
- Keep an international outlook and base our recommendations and decisions on what is best for the Organisation as a whole, rather than the views or interest of our own, or any particular nation or nations
- Maintain our objectivity, impartiality and independence in our professional dealings, striving to be fair, just, and equitable in all our activities
- Do not accept gifts which might compromise our impartiality or give rise to the perception of a lack of impartiality in the conduct of our official duties.
- Do not engage in unauthorised outside employment or other off-duty activities that might conflict with or otherwise call into question the performance of our official duties
- Do not use our position at the Organisation or proprietary information to unfairly secure future employment and will not use privileged information to unfair after our appointment

ACCOUNTABILITY :

We are responsible and accountable for our actions and decisions, or failure to act, and accept the consequences of their outcomes. As such, we affirm that we

- Avoid any action that could lead to damage or risk to the Organisation
- Are transparent in all we do, even when it does not reflect favourably upon us.
- Take full responsibility for our actions and take prompt action to resolve or correct any errors or omissions that we may make
- Notify the secretariat immediately of any subsequent changes that may affect our status under the staff regulations and rules
- Are mindful of the consequences of our actions and decisions before we take them
- Care for and manage prudently the limited resources of our Organisation
- Stay vigilant to any fraud, waste, and abuse that may occur within the Organisation and address and report them appropriately

PROFESSIONALISM :

We are professionals who are entrusted to carry out our duties to the utmost of our abilities for the common good. As such, we affirm that we

- Protect the security and confidentiality of information entrusted to us with the utmost discretion in regard to all matters of official business
- Participate in maintaining the safety and security of our information and our workplace
- Maintain the highest level of competence in our assigned areas and strive for continuous improvement of our knowledge, skills, and abilities
- Do not harass or discriminate against others in our workplace, and do not tolerate those who do.

- Put forth an honest effort in the daily performance of our duties
- If supervisors, provide fair leadership and take responsibility for the actions or inactions of our subordinates, ensuring they provide the Organisation with the best possible service by encouraging and rewarding those who perform well, while correcting those who fail to deliver up to standards



Manual on Data Protection

Manual on Data Protection

CCDEC 2018 (07) GEN 14 November 2018



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I – General Provisions

Article 1

Purpose

1.1 Data protection is important for the safe exchange, secure storage and confidential treatment of personal data. In the context of its international public mandate, the Energy Charter Secretariat (‘the Secretariat’) is required to process personal data from its officials, individuals directly involved in the work of the Secretariat (Seconded experts, Fellows, Interns and Staff on Loan), delegates and participants to events organised or co-organised by the Secretariat and third parties interacting with the Secretariat (recruitment, enquiries etc.)

1.2 The use of personal data also requires the Secretariat to share these data with other parties (mainly representatives of Members and Observers of the Energy Charter Conference). In doing so, the Secretariat needs to ensure that data protection is applied consistently by means of effective and sustainable measures.

1.3 The Energy Charter Secretariat has always ensured a high level of data protection in its activities in accordance with international standards and best administrative practices. The key objective of the Manual on data protection (‘the Manual’) is to codify existing practice in order to ensure that every individual whose personal data are used by the Secretariat is guaranteed protection of his/her privacy. In doing so, the Manual aims to prevent unnecessary and inappropriate disclosure or mishandling of personal data and to provide the Secretariat with the adequate means of compliance and follow-up in case of breach or misuse.

Article 2

Scope

2.1 The Manual applies to the processing of personal data by the Secretariat.

2.2 Compliance with the Manual is mandatory for all officials of the Secretariat as well as individuals directly involved with the work of the Secretariat (Fellows, Seconded experts, Staff on Loan and Interns).

2.3 Obligations contained in the Manual shall continue to apply, when relevant, even after individuals are no longer involved with the Secretariat.

2.4 The Manual does not replace existing provisions of the Staff Manual and cannot contradict their application.

Article 3 **Framework**

In implementing its data protection measures, the Secretariat will take into account evolving international standards and best administrative practices.

II – Definitions

Article 4

For the purposes of this Manual, the following definitions shall be understood as detailed hereafter:

- **‘Personal data’**: all information that could be used to identify an individual. Personal data may include biographical data (such as name, sex, marital status, date and place of birth, country of origin, individual registration number, religion and ethnicity), biometric data (such as a photograph, fingerprint, facial or iris image), audio recordings, verification documents (such as copies of passports, identity cards, visas or marriage certificates), personal documents (such as health records or bank details). This list is not exhaustive and merely illustrates different types of personal data.
- **‘Processing of personal data’**: any operation performed on personal data, whether or not by automated means. The processing of personal data includes collection, recording, organisation, structuring, storage,

adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, retention or destruction.

- **‘Data subject’**: any individual whose personal data is subject to processing by the Secretariat.
- **‘Data controller’**: the official of the Secretariat who has the authority to oversee the management of, and to determine the purposes for, the processing of personal data.
- **‘Data processor’**: any official of the Secretariat, individuals directly involved in the work of the Secretariat (Seconded experts, Fellows, Interns and Staff on Loan) or other individual or organisation that processes and collects personal data on behalf of the Secretariat.
- **‘Consent’**: any freely given, specific, informed and unambiguous indication by the data subject by which he/she shows agreement to the processing of his/her personal data.
- **‘Personal data breach’**: a breach of data security leading to the accidental or unlawful/illegitimate destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transferred, stored or otherwise processed by the Secretariat.
- **‘Implementing partners’**: natural or legal persons independent from the Secretariat and engaged with the latter to implement activities of the Secretariat’s programme of work (e.g. co-organisation of conferences, workshops etc.)

III – Main principles

In the course of processing personal data, the Secretariat shall apply and respect the following main principles.

Article 5

Legitimate and fair processing

Processing of personal data may only be carried out on a legitimate basis and in a fair, lawful and transparent manner.

Article 6

Purpose specification

6.1 Personal data can only be collected and kept for specific and legitimate purposes and shall not be processed in a way incompatible with this/those purposes.

6.2 Purposes for processing personal data that are within the Secretariat's mandate may include:

- Organising, advertising and promoting annual meetings, workshops, conferences, trainings and other external events;
- Planning, organising and follow up to internal meetings as well as disseminating official documents;
- Sharing information on the Secretariat's activities and distribution of newsletters;
- Referring to authors and contributors in publications of the Secretariat;
- Providing information on the *Travaux Préparatoires* [negotiations of the European Energy Charter, the Energy Charter Treaty, its Protocols (1991-1994), the Trade Amendment (1994-1998), the International Energy Charter, and any other negotiation mandated by the Energy Charter Conference];
- Replying, managing and keeping a registry of requests on legal issues (including access to the *Travaux Préparatoires*) and requests to the Conflict Resolution Centre;
- Distribution of documents to members of informal groups or taskforces of the Secretariat;
- Creating and managing delegates' accounts on the Secretariat's website;

- Management of the recruitment process, human resources and statistic information on personnel issues.

6.3 The Secretariat may also process data in connection with any other activity necessary to carry out its tasks.

Article 7

Necessity and proportionality

The processing of personal data shall be necessary and proportionate to the purpose(s) for which it is being processed. Therefore, data that is processed shall be adequate and relevant to the identified purpose(s) and not exceed these purpose(s).

Article 8

Accuracy

8.1 Personal data shall be recorded as accurately as possible and, where necessary, updated to ensure it fulfils the purpose(s) for which it is processed.

8.2 Every reasonable step must be taken to ensure that personal data that are inaccurate, or unnecessary for the purposes for which they are processed, are rectified without delay, as detailed in Article 13 of the Manual.

Article 9

Confidentiality

9.1 Personal data shall be processed by the Secretariat as confidential. The confidentiality of the personal data shall be maintained at all times.

9.2 In order to ensure and respect confidentiality, personal data must be filed and stored in a way that it is accessible only to the authorised persons and transferred only through the use of protected means of communication. In doing so:

- All CVs (and any personal data contained in them) received for official positions and applications/expressions of interest for non official positions at the Secretariat (Seconded experts, Fellows, Interns and Staff on Loan) shall be processed and kept secured by the Finance and Administration (FINAD) official nominated for this purpose. There shall be a back-up official nominated to have access to this information in the absence of the specific FINAD official.
 - In case of recruitment of an official position or a fellowship, also the Secretary General and the members of the particular Selection Panel shall have access to personal data received for such recruitment/fellowship.
 - In case of internships, also Senior Management and Heads of Unit shall have access to personal data received for internships.
 - In case of secondment or staff on loan, also Assistant Secretary General shall have access to personal data received for such secondment/staff on loan.
- All information related to visa, medical certificates and leaves, part-time or teleworking shall be processed and kept secured only by the FINAD official nominated for this purpose and stored in a folder accessible by this official only. There shall be a back-up official nominated to have access to this information in the absence of the specific FINAD official;
- All information related to personal information of officials, Seconded experts, Fellows, Interns and Staff on Loan shall be processed and kept secured only by the FINAD officials nominated for this purpose and stored in a folder accessible by them only;
- All personal data received in relation to meetings or events organised or co-organised by the Secretariat shall be stored in a specific folder for such event or meeting accessible to officials of the Secretariat only;

- Business cards received during a mission shall be used only for professional purposes and shall be stored in a folder accessible to officials of the Secretariat only;
- All information related to legal requests (including access to the *Travaux Préparatoires*) and requests related to the Conflict Resolution Centre shall be stored by Legal Affairs and accessible to officials of the Legal Affairs Unit of the Secretariat (Legal Affairs) only;
- All information related to the delegates account shall be processed by the officials nominated for this purpose and stored in a specific folder managed by these officials only.

9.3 Official @encharter.org email accounts shall be used for official purposes. The day after an official, Seconded expert, Intern, Fellow or Staff on Loan finish his/her working relationship with the Secretariat, his/her @encharter.org account will be closed and not accessible anymore. If needed in order to follow up any ongoing project, Secretary General may authorise diversion of incoming emails to such account for a period of seven days after the @encharter.org account shall be closed. After that period, the account will be deleted.

9.4 In view of safeguarding the confidentiality of their personal information, officials, Seconded experts, Fellows, Interns and Staff on Loan shall not keep their personal files in the Secretariat's Shared-Drive. All the content in their Home-drive shall be completely erased before the end of their working relationship with the Secretariat. The day after, their cloud access will be closed and any information contained in the Home-drive completely erased.

9.5 Senior Management can request statistics or general information for management purposes. They shall know who has access to each folder in the Share-Drive and confirm any change of it. In addition, Senior Management can request access and use of personal information in case of proceedings in

Disciplinary matters (Regulation 24) and Disputes (Regulation 25 and Regulations 25-Bis), including proceedings before the Advisory Board and ILOAT. The Advisory Board can also request access and use of relevant personal information in case of proceedings before them.

Article 10 **Security**

10.1 Personal data shall be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate and reasonable technical and organisational measures.

10.2 Organisational measures shall include:

- Setting up standard operating procedures depending on the nature of the data processed;
- Organising compulsory officials trainings on data protection.

10.3 Technical measures shall include:

- Maintaining physical security of premises, individual offices, servers, portable equipment, vaults, cupboards and drawers;
- Maintaining computer and information technology security, for example, access control (e.g. passwords).

10.4 Where personal data are processed by automated means, reasonable measures shall be taken to ensure that it will subsequently be possible to check which personal data have been processed, at what times and by whom.

10.5 In case of security situations that pose a serious risk of personal data breaches, the Secretariat shall take all necessary and possible steps to avoid such personal data breaches, relocating or, as a matter of last resort, destroying individual case files, whether in paper or electronic form, that contain personal data, in order to prevent harm to data subjects.

IV. Rights of the data subject

Article 11 **Information**

11.1 Information about data processing shall be made available on the Secretariat's website.

11.2 When necessary, such information should also be shared directly with the data subject in the course of the processing of his/her personal data.

11.3 In particular, information about the right to rectify and/or delete personal data as well as the contact for additional information shall be included in the Personal Sheet of officials, Seconded experts, Fellows, Interns and Staff on Loan, as well as in invitations/registrations for meetings and events organised or co-organised by the Secretariat.

Article 12 **Access**

Upon request data subjects shall be given an opportunity to verify the personal data retained by the Secretariat and shall be given access to them, unless otherwise specified.

Article 13 **Accuracy and rectification**

At the request of the data subject, records containing mistakes or inaccurate data shall be corrected without delay. The right of rectification also includes a right of notification or rectification to the third parties to whom the data have been disclosed.

Article 14 **Objection**

Data subjects may at any time object the processing of data relating to them based on legitimate or public interests. The right to object to processing is absolute when intended for promotion and/or profiling reasons.

Article 15

Deletion

Data subjects shall be able to have their personal data deleted when retention of such data is not in compliance with the Manual as detailed in Article 21 c) of the Manual.

Article 16

Withdrawal of consent

Data subjects shall have the right to withdraw their consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Article 17

Modalities of request

Requests for information about access, correction, deletion or objection of personal data may be made by the data subject or by his/her authorised legal representative. Requests are to be submitted in writing to Legal Affairs.

Article 18

Exceptions

Exceptions to one of the above mentioned rights can be made in the case of compelling reasons of confidentiality or in the public interest.

V. Data processing at the Energy Charter Secretariat

Article 19

Consent of the data subject

19.1 Consent of the data subject to the processing of his/her personal data for one or more specific purposes should be sought.

19.2 In particular, the Secretariat should sought the consent for data processing of:

- Participants when organising internal or external meetings, annual events, workshops, trainings, conferences etc. via the registration form;
- Delegates when creating their personalised access to the delegates' website;
- Applicants during recruitment process via the vacancy announcement;
- Officials, Seconded experts, Fellows, Interns and Staff on Loan when processing their personal data in the course of their contract at the Secretariat via the personal information sheet or via any other correspondence with them when necessary;
- Via subscription to the newsletter and information on ECS events.

Article 20

Notification of a data breach

20.1 Data subjects are required to notify the data controller without undue delay upon becoming aware of a personal data breach concerning their data and to properly record the breach.

20.2 Data controllers are also required, without undue delay, to notify any personal data breach to Legal Affairs, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. If a personal data breach is likely to result in personal injury or harm to a data subject, the data controller should use his/her best efforts to inform the data subject and take mitigating measures as appropriate.

Article 21

Retention, storage and deletion of personal data

21.1 Personal data should be kept for as long as necessary, and shall be destroyed or rendered anonymous as soon as the specified purpose(s) of data processing have been fulfilled.

a) Retention

21.2 In order to ensure that data are not kept longer than necessary, a retention period is set in Annex 2 of the Manual. At the end of such period, a review should be carried out to determine whether the data is still required. Depending on the findings of the review, the retention period may be renewed when necessary or the data erased or archived.

21.3 When renewing the retention period of the personal data, consent of the data subject shall be sought if the original purpose of the retention has been modified.

b) Storage

21.4 Personal data shall be kept in safe and secure locations with appropriate confidentiality and access control measures (e.g. passwords, restricted folders...) as detailed in Article 9 of the Manual.

21.5 Data controllers shall ensure that the integrity and quality of electronic and paper records are maintained throughout the life cycle of data processing.

c) Deletion

21.6 Personal data should not be kept for an indeterminate period. Electronic and paper records, as well as respective backups, should be destroyed, returned or rendered anonymous as soon as retention periods have expired, as detailed in Annex 2 of the Manual.

21.7 Personal data should be deleted when:

- They are no longer necessary for the purposes for which they were collected or otherwise further processed;
- The data subject withdraws his/her consent for processing;
- The data subject objects to the processing and his/her objection is upheld by the Secretariat; or
- The Manual otherwise provides for deletion.

21.8 However, personal data should not be deleted when there is a legitimate reason for archiving them, such as for statistical or historical purposes or for accountability of the Secretariat's action.

VI. Data processing by implementing partners

Article 22

22.1 Where the collection and processing of personal data is one of the responsibilities of an implementing partner of the Secretariat (e.g. a co-organiser of a conference), implementing partners are expected to respect and implement the same or comparable standards and basic principles of personal data protection as defined in the Manual.

22.2 However, the Secretariat shall not be responsible for breaches of one of its implementing partners.

VII. Transfer of personal data to third parties

Article 23

23.1 The Secretariat may transfer personal data to third parties on condition that the third party affords an adequate level of data protection in conformity with international standards.

23.2 Particularly, transfer of personal data to third parties should respect the following:

- Transfer is based on one or more specific and legitimate purpose's;
- The personal data to be transferred is adequate, relevant, necessary and not excessive in relation to the purpose's for which it is being transferred;
- The third party confirms the confidentiality of personal data transferred.

VIII. Accountability and supervision

Article 24

24.1 Legal Affairs will ensure compliance with the Manual.

24.2 In carrying its functions, Legal Affairs will in particular:

- Provide advice, support and training on data protection within the Secretariat;
- Monitor and report on compliance with the Manual to the Secretary General (e.g. infringement, deficiencies etc.);
- Bring to the Secretary General's attention any proposal for improvement of the data protection system and request the rectification, blocking, or erasure of all data processed in breach of the Manual;
- Provide advice when requested and/or necessary;

IX. Compliance and internal appeals

Article 25

25.1 Officials in breach of their obligations under the Manual may be liable to disciplinary measures in accordance with the provisions of the Staff Manual.

25.2 Seconded experts, Fellows, Interns and Staff on Loan in breach of their obligations under the Manual may be liable to possible termination of contract in accordance with the Internal Rules applicable to them and the provisions of the Code of Conduct.

X. Entry into force and revision

Article 26

26.1 The Manual shall enter into force on the date of its approval by the Energy Charter Conference.

26.2 A revision of the Manual shall take place 12 months after its entry into force, and after that revisions shall take place as part of the reviews under Article 34 (7) of the Energy Charter Treaty. Additional amendments of the Manual may be approved, when necessary, by the Budget Committee.

ANNEX 1: MODEL PARAGRAPHS

Invitations and Registration forms

The paragraph below shall be included in invitations/registration forms for:

- a) Annual meetings and any other forum/event/workshop/training organised or co-organised by the Secretariat, including Industry Advisory Panel meetings, in which the Secretariat has control of the registration data, photos, audio, video etc.;
- b) Internal meetings of the subsidiary bodies of the Conference;

Please note that by registering for this event, you consent to our processing of your personal data as well as being photographed and audio/video recorded. You can change your data or have them deleted at any time. If you have any questions or comments, please refer to legalaffairs@encharter.org.

Vacancies

Announcements of vacancies and consultancy contracts shall include the paragraph below:

All personal information contained in the CV and application will be duly processed by the Secretariat. You can change your data or have them deleted at any time. If you have any questions or comments, please refer to legalaffairs@encharter.org.

The same paragraph shall appear in the general “jobs/vacancies” section of the website of the Secretariat.

Internal Debriefing Notes

Debriefing notes shall include the statement below and shall be stored (together with business cards) in the Shared Drive accessible only to officials of the Secretariat:

The content of this debriefing note shall not be shared outside the Secretariat and its information cannot be used for private purposes. Upon express request of a delegate and on case by case basis, the

Secretary General may agree to show at the Secretariat the content of a debriefing note.

Email signatures

The paragraph below shall be added to the signature of official @encharter.org emails:

This e-mail is intended for the use of the named recipient only. Information contained in this e-mail and its attachments may be privileged, confidential and protected from disclosure. If you are not the intended recipient, please do not read, copy, use or disclose this communication to others. Please also notify the sender by replying to this message and then delete it from your system.

Appointment letter

Appointment letters of officials shall include a reference to the Manual on data protection:

This appointment is governed by the provisions of the Staff Regulations, Staff Rules (including any subsequent amendments as may be approved by the Charter Conference), Staff Circulars and by the terms of this letter. The Code of Conduct and the Manual on Data Protection are also applicable.

Similarly, appointment letters of Seconded experts, Fellows, Staff on Loan and Interns –as well as contracts with consultants– shall also refer to the Manual on Data Protection.

Personal Information Sheet

The following paragraph shall be included in the personal information sheet:

Please note that by signing this document you consent to our processing of your personal data, including any future update, for the purpose of your contract with the Secretariat. If you have any questions or comments, please refer to legalaffairs@encharter.org. You can also check the Manual on Data Protection.

Newsletter

The paragraph below shall be included in the Newsletter emails:

You received this email because you are subscribed to the Newsletter of the International Energy Charter. You can unsubscribe, change your data or have them deleted at any time. If you have any questions or comments, please refer to legalaffairs@encharter.org.

Dissemination emails

The paragraph below shall be included in the emails sent by the front desk when creating a password for accessing the account of a new delegate:

Please note that by registering, you consent to our processing of your personal data. Hereby, you also subscribe to our Newsletter and agree to receive dissemination messages from the Secretariat for information purposes. You can unregister, change your data or have them deleted at any time. If you have any questions or comments, please refer to legalaffairs@encharter.org

ANNEX 2: RETENTION PERIODS

- Personal Data from individuals (other than government officials or officials of international organisations) who participated in a conference, workshop, training or any event organised or co-organised by the Secretariat:
 - Physical copies (e.g. physical registration forms): 1 month after the event.
 - Electronic copies: 1 year after the event. After that, only non Personal Data (e.g. name of company or institution, country...) would be kept for statistic purposes.
- For historical reasons personal data contained in the *Travaux préparatoires* [negotiations of the European Energy Charter, the Energy Charter Treaty, its Protocols (1991-1994), the Trade Amendment (1994-1998), the International Energy Charter, and any other negotiation mandated by the Energy Charter Conference] would be kept safely stored and accessible only under the policy approved by the Energy Charter Conference for access to the *Travaux préparatoires*.
- Audio recordings of meetings of the Conference and its subsidiary bodies, as well as electronic copies of documents related to them containing personal data of government officials will be kept safely stored and accessible only to officials without any particular retention period. However, physical copies should not be retained for more than 1 year.
- Personal Data contained in the database of subscriptions to the newsletter and information of ECS activities: until request to unsubscribe.
- Personal Data contained in requests for general information should not be stored and emails should be deleted after been replied.
- CV and applications:
 - Non selected applications for official positions:

- Physical copies: 1 month after the acceptance of the appointment letter by the selected official.
 - Electronic copies: 6 months after the acceptance of the appointment letter by the selected official.
 - Non selected applications for Fellowships, unsolicited applications and consultants (physical and/or electronic copies): 1 month after the acceptance of the appointment letter by the selected fellow.
 - Selected officials (physical and/or electronic copies): 5 years after the end of their working relationship with the Secretariat.
 - Selected interns, fellows, consultants, seconded experts and staff on loan (physical and/or electronic copies): 1 month after the end of their relationship with the Secretariat.
- Personal Data of officials (other than CVs and application): 5 years after the end of their working relationship with the Secretariat. After that, only an electronic file will be kept with the name, surname, position and timing of work at the Secretariat for statistic and historical purposes.
 - Personal Data of Interns, Consultants, Seconded Experts, Fellows and Staff on Loan (other than CVs and application): 1 year after the end of their working relationship with the Secretariat. After that, only an electronic file will be kept with the name, surname, unit and timing of work at the Secretariat of the Seconded expert or Staff on loan for statistic and historical purposes. For the rest, only an electronic file will be kept with the institution, country, timing and (if any) particular report produced.
 - Personal Data in the registry of legal requests, including access to the *Travaux préparatoires*, and requests linked to the Conflict Resolution Centre: 5 years. After that, only non-Personal Data will be kept for statistic purposes. In case of personal data related to good offices, mediation or support in a particular case, they will be kept secured for as long as necessary.

- Personal Data linked with the delegates' account: until reception of the request to close the account. Personal Data contained in Excel tables of countries/IOs: until the person is no longer in office.
- Personal data of non-delegates members of groups/task forces established by the Secretariat (including Industry Advisory Panel and Legal Advisory Task Force): until the dissolution of the informal group or until the end of the individual membership to such group. An electronic file will be kept with the name of the company, location of the office and timing for statistic purposes.

ANNEX 3: DATA CONTROLLERS

<ul style="list-style-type: none"> • Recruitment • Personal data of officials • Personal data related to Interns, Seconded experts, Fellows, unsolicited applications, Staff on loan, Consultants 	<p>FINAD official dealing with human resources and contracts</p> <p>FINAD official dealing with visas and special cards</p>
<ul style="list-style-type: none"> • Legal requests • Access to the <i>Travaux préparatoires</i> • Personal data related to Conflict Resolution Centre 	<p>Legal Affairs</p>
<ul style="list-style-type: none"> • Personal data of delegates 	<p>Front Office</p>
<ul style="list-style-type: none"> • Personal data contained in excel tables of countries/IOs 	<p>Official in charge of the country/IO</p>
<ul style="list-style-type: none"> • Database linked to newsletter and dissemination list for information on events/publications 	<p>Official in charge of the newsletter</p>
<ul style="list-style-type: none"> • Personal data of non-government officials related to ministerial meeting of the conference, forums, events, seminars, trainings... 	<p>Official in charge of the registration of the particular event LA can support in deletion process</p>
<ul style="list-style-type: none"> • Personal data related to non-delegates members of groups/task forces established by the Secretariat (including IAP and LATF) 	<p>Official in charge of the group/task force</p>



Terms of Reference of subsidiary bodies of the Conference

TERMS OF REFERENCE OF LEGAL ADVISORY COMMITTEE

CCDEC 1995 (21) GEN, 21-22 September 1995

I. Framework

1. The Chairman of the Legal Advisory Committee, with the assistance of the Secretariat, will be responsible for conducting the work of the Advisory Committee and reporting to the Conference Chairman or Working Group Chairmen on the results, as appropriate.
2. The Legal Advisory Committee shall consist of experts from delegations desiring to participate. The Chairman will aim to have representatives of the major forms of legal systems present.
3. The Legal Advisory Committee shall meet at the request of the Conference Chairman or a Working Group Chairman and will be assigned specific tasks.
4. Questions of priorities between particular assignments to the Legal Advisory Committee will, if necessary, be decided by the Conference Chairman.

II. Tasks

1. Specific tasks which the Legal Advisory Committee may be charged with include:
 - a. review of the text of provisions and articles already agreed by the Charter Conference or a Working Group;
 - b. provision of legal advice on matters put to the Legal Advisory Committee by the Conference Chairman or by the Chairman of a Working Group.

TERMS OF REFERENCE OF BUDGET COMMITTEE

CCDEC 1995 (22) BUD, 21-22 September 1995

1. The Budget Committee shall consist of one representative from each Signatory to the Energy Charter Treaty.
2. a) The functions and duties of the Budget Committee shall be, in general, to advise the Conference as necessary on questions relating to the financial administration of the Secretariat, and to carry out the tasks allotted to it in the Financial Regulations.
 - b) In particular, the Budget Committee shall:
 - i. give its opinion on Annual and Supplementary Budgets of the Secretariat submitted to the Conference for adoption;
 - ii. advise on the amount of such Working Capital Fund as the Conference may decide to establish;
 - iii. carry out any additional tasks which might be conferred upon it by the Conference.
 - c) The Budget Committee may be authorised by the Conference to take decisions on its behalf. Such decisions shall be taken in accordance with Article 36(2) and (7) of the Energy Charter Treaty.
 - d) The Secretary-General shall give the Budget Committee all the information which is necessary for the proper discharge of its functions.

TERMS OF REFERENCE OF STRATEGY GROUP

CCDEC 2010 (3) STR, 22 March 2010

A. Terms of Reference

Under the general authority of the Conference, the tasks of the Energy Charter Strategy Group are:

1. To serve as a forum for discussion by members and observers on policy and strategic issues relevant to the Energy Charter Treaty and Process, in particular those mentioned in the Rome Statement of 9 December 2009;
2. To foster the acceptance and implementation of the Energy Charter Treaty and the development of the entire Energy Charter Process, to identify ways to improve their effectiveness and to examine possible options how the Energy Charter Process could be modernised, whilst remaining universal, comprehensive and equal in character, and to strengthen common implementation mechanisms as appropriate to be effective and efficient;
3. To participate in the process of consultations over possible enhanced legal frameworks for energy cooperation, taking also into account other proposals on future cooperation in the energy field;
4. To guide and actively monitor, under the authority of the Conference, the development and implementation of the Energy Charter's enlargement policy as decided by the Conference, including the principles of collaboration with non-members and observers;
5. To advise the Conference on strategic policy directions, to discuss horizontal issues, new challenges to the energy sector and to encourage synergies among existing subsidiary bodies of the Energy Charter, while giving broad orientations on the Secretariat's Programme of Work;
6. To advise the Conference on the follow-up to the Reviews under Article 34(7) Energy Charter Treaty;
7. To report to the Energy Charter Conference on the fulfilment of its tasks, including on the progress with regard to the issues addressed by the Rome Joint Statement.

B. Membership

Contracting Parties and Signatories of the Energy Charter Treaty are considered members of the Strategy Group. The Conference invites all observers to the Energy Charter Conference to participate in the relevant discussions of the Strategy Group. With the consent of the Chairman of the Conference, the Chairman of the Strategy Group may invite other interested states or organizations to participate in designated parts of the discussions.

TERMS OF REFERENCE OF IMPLEMENTATION GROUP

CCDEC 2016 (28) STR, 31 October 2016

In order to have a more efficient working structure and methodology for the subsidiary bodies of the Conference, and following the discussions at the Strategy Group, the Conference **decides** to merge the Investment Group, the Trade and Transit Group and the Energy Efficiency Group into a single Group to be called the Implementation Group. The Implementation Group shall consist of representatives of all Contracting Parties and Signatories to the Energy Charter Treaty and the Protocol on Energy Efficiency and Related Environmental Aspects (PEEREA). Observers to the Energy Charter Conference may be invited to participate in accordance with the Rules of Procedure of the Conference.

The Implementation Group shall:


- Monitor and assist in the implementation of the Energy Charter Treaty and its related instruments and suggest recommendations on further steps to improve compliance.
- Facilitate the discussion on promoting and securing cross-border energy flows based on the principles and provisions of the ECT and related instruments, including the elaboration of pertinent agreements.
- Promote and facilitate the development of open, competitive and efficient markets and well-designed complementary policies and measures in order to remove potential obstacles to energy transit, sustainable energy investment, including energy efficiency, and access to energy.
- Facilitate the implementation and improvement of the investment protection under the ECT and related instruments.
- Report to the Charter Conference on progress of implementation of the Energy Charter Treaty and the PEEREA every year.
- Review and discuss accession reports to the ECT

Similarly, for efficiency sake, the Conference **confirms** the practice already established in 2015-2016 by which the discussions on the Programme of Work are held by the Budget Committee.





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