



PUBLIC COMMUNICATION ON THE NINTH NEGOTIATION ROUND OF THE MODERNISATION OF THE ENERGY CHARTER TREATY

On 13 December 2021, the Ninth Negotiation Round on the modernisation of the Energy Charter Treaty (ECT) was held by videoconference.

The following topics were addressed:

- *Transit*
 - *Definition of ‘Transit’*
 - *Access to infrastructure (including denial of access and available capacities)*
 - *Definition and principles of tariff setting*
- *REIO (in the context of transit)*
- *Definition of ‘Economic Activity in the Energy Sector’*
- *Definition of ‘Fair and Equitable Treatment’*

The Modernisation Group discussed the aforementioned topics on the basis of available draft compromise proposals and submissions and comments provided by the delegations, taking into account the progress made in the previous Negotiation Rounds.¹

Deliberations on transit topics were held on the basis of a draft compromise proposal drafted by the Secretariat for this round.

The Modernisation Group continued its discussion regarding the “Definition of Fair and Equitable Treatment (FET)” on the basis of a new text proposal.

In the context of the definition of ‘Economic Activity in the Energy Sector’, the Contracting Parties concluded to continue the discussion based on the options prepared by the Secretariat to implement the flexibility considered necessary by individual Contracting Parties, taking into account their individual energy security and climate goals.

The Modernisation Group will update its report to the Energy Charter Conference on the progress made in 2021 based on deliberations of the Ninth Round.

The next Round of Negotiations is scheduled to take place on 18-21 January 2022 via Zoom videoconference.

¹ For public communications with respect to the previous Negotiation Rounds, please consult <https://www.energychartertreaty.org/modernisation-of-the-treaty/>.