

**ENERGY CHARTER
SECRETARIAT**

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Related documents: CC 536

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Report by the Chairman of the Working Group on Procedural Issues

The Energy Charter Conference at its 26th Meeting held on 3 December 2015 **took note** of the Report by the Chairman of the Working Group on Procedural Issues as contained in document CC 536 (attached hereto).

Keywords: Report, Chairman, Working Group, Procedural Issues

Report by the Chairman of the Working Group on Procedural Issues

1. This Report provides an overview of the activities of the Working Group on Procedural Issues established by the Conference of the Energy Charter at the 25th Meeting in November 2014 in Astana. That is set out in CCDEC 2014 (11). In addition the Conference appointed Mr. Quentin Perret as Chair of this Working Group (CCDEC 2014 (13)).
2. One year earlier at the 24th Meeting of the Conference in Nicosia in 2013, the Working Group on the Rules of Procedure for Appointing the Secretary-General was discharged from its responsibilities and dissolved. However, it was agreed that this decision would be looked at one year later. In the course of 2014, several delegations proposed to the Secretariat that for reasons of cost efficiency, it would be better to establish a single Working Group on Procedural issues to deal with a broader mandate.
3. At the 24th Meeting of the Conference in Nicosia, some delegations felt that it was advisable not to lose the progress which had already been achieved by the earlier Working Group on the Rules of Procedure for the Appointment of the Secretary General. The work of that Group was therefore made available to the Working Group on Procedural Issues.
4. There were four meetings of the Working Group on Procedural Issues in the course of 2015: 20 April, 8 June, 16 September and 21 October.
5. The Working Group decided to examine the following six issues:
 - i. Review of the text of the 1995 Rules of Procedure to remove outdated reference and language;
 - ii. Inclusion of the practice of Chairmanship and the designation of officers of the Conference in the Rules of Procedure;
 - iii. Review of the Rules of Procedure to (i) provide that signatories of the International Energy Charter will automatically obtain observer status with the Energy Charter Conference and to (ii) abolish the status of observer by invitation;
 - iv. The appointment of the Secretary General;
 - v. The nature of the position and the procedure for the appointment of the Deputy Secretary General;
 - vi. Voting rights and the implications of arrears of contributions on those voting rights.

6. At the request of the Working Group on Procedural Issues, the Strategy Group met on 16 September, in the morning prior to the 3rd meeting of the Working Group. The Strategy Group was asked to consider the need and nature of the post of the Deputy Secretary General. The outcome of those deliberations was that despite various budgetary and other difficulties, provision should be made for the post of Deputy Secretary General even if the actual position would be vacant for some time. The Procedural Issues Working Group was therefore asked to prepare rules for the appointment of a Deputy Secretary General.
7. The fourth and most recent meeting of the Working Group took place on 21 October. Agreement was reached on the general outline of the revised Rules of Procedure. However, it was agreed that two of the six issues i) the rules for the appointment of the Deputy Secretary General and ii) the voting rights of Signatories, should be left until further meetings of the Group in 2016.
8. There was also agreement that in 2016 the Working Group should prepare Terms of Reference for a Steering Group to advise and consult with the Secretary General. This suggestion had been first put forward by The Netherlands at the meeting of the Strategy Group on 16 September. The intention is that the Steering Group might support the work of the Secretary General on governing issues and the follow up of the modernisation agenda.