INTERNATIONAL ENERGY CHARTER ANNUAL REPORT 2019

Albanian Chairmanship of the Energy Charter Conference
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ENERGY CHARTER CONFERENCE

as of 1 March 2020

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INTERNATIONAL ORGANISATIONS WITH OBSERVER STATUS:
(by decision of the Energy Charter Conference):

- Association of Southeast Asian Nations (ASEAN)
- Baltic Sea Region Energy Cooperation (BSR)
- Black Sea Economic Cooperation (BSEC)
- CIS Electric Power Council (CIS)
- Economic Cooperation Organization (ECO)
- European Bank for Reconstruction and Development (EBRD)
- International Atomic Energy Agency (IAEA)
- International Energy Agency (IEA)
- International Renewable Energy Agency (IRENA)
- Organisation for Economic Co-operation and Development (OECD)
- United Nations Economic Commission for Europe (UNECE)
- The World Bank
- World Trade Organization
FOREWORD

The energy landscape has changed remarkably in the last thirty years, and along with it, the priorities of national governments around the globe. In the evolving world of energy, cooperation, flexibility and adaptability play a crucial role in balancing the demands of environmental sustainability, economic development and energy security.

As we go forward, I believe it is necessary to recall the spirit of the Energy Charter Treaty which strives to be a valuable tool to promote fairness, and the rule of law in the energy sector. The Treaty has served to foster collaboration by encouraging the free movement of energy products, equipment and much-needed cross-border investment to ensure that projects become a reality. Guaranteeing equality, accountability, and applying non-discrimination remain at the core of the Treaty by enforcing a cooperative rule-based system.

As a Member-driven organisation, the Energy Charter priorities are brought forth by our constituency. In 2019, Members gave a clear signal to chart a new course for the organisation with a distinct focus on the modernisation of the Energy Charter Treaty. At the end of 2019, delegates created a new subsidiary body to concentrate on the modernisation process as the highest priority of the organisation. The difficult work of the future will begin as delegates strive to align national priorities with the principles of equality and fairness that underpin the Treaty. The work and effort to modernise the Energy Charter Treaty will be the most audacious task since the formation of the organisation in the early ‘90s. However, I believe it is an effort worth pursuing to ensure that the Treaty remains a useful tool to address the global energy challenges of the future.

As we begin 2020, it is necessary to look back and reflect on the progress and contributions of the past twelve months. In 2019, the Chairmanship of Albania provided a tremendous amount of support, effort and guidance, especially the Chair of the Conference, Belinda Balluku, Minister of Infrastructure and Energy, and Vice-Chair, Ilir Bejtja, Deputy Minister of Infrastructure and Energy. I would like to thank all those involved with the subsidiary bodies, particularly those delegates who gave their time and effort to act as Chairs and Vice-Chairs. Their input is vital to achieving the objectives of the Energy Charter Conference.

Thank you,

Ambassador Urban Rusnák,
Secretary General,
Energy Charter Secretariat
WHO WE ARE

Based on the Energy Charter Treaty, the International Energy Charter is an intergovernmental organisation whose primary objective is to strengthen the rule of law on energy issues by creating a level playing field of multilateral rules to be observed by all participating governments. The Energy Charter Treaty is the world’s only legally binding multilateral instrument dealing specifically with cooperation in the energy sector. The Energy Charter Conference, which is made up of Member countries, leads the organisation and has a Secretariat based in Brussels.

Using this report
The 2019 Annual Report summarises the structure of the organisation and provides a breakdown of the activities and participation throughout the year.

Find out more
Website: energycharter.org
General enquiries: info@encharter.org
Tel: +32 2 775 9800

BACKGROUND

The 1991 European Energy Charter:
The European Energy Charter provides the political foundation for the Energy Charter Process. The Charter is a declaration of the principles that underpin international energy cooperation, based on a shared interest in secure energy supply and sustainable economic development.

The 1994 Energy Charter Treaty (ECT):
The ECT and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects was signed in December 1994 and entered into force in April 1998. The ECT was developed on the basis of the European Energy Charter of 1991, but whereas the European Energy Charter was a declaration of political intent to promote East-West energy cooperation, the ECT is a legally binding multilateral instrument, the only one of its kind dealing specifically with intergovernmental cooperation in the energy sector.

The 2015 International Energy Charter declaration:
The International Energy Charter declaration is a non-binding political declaration aimed at updating the European Energy Charter of 1991 and lifting the Energy Charter Process to a global level. It maps out universal principles aimed at strengthening energy cooperation between the signatory states and does not bear any legally binding obligation or financial commitments. The International Energy Charter declaration was formally adopted and signed at the Ministerial Conference in The Hague in 2015.

Energy Charter Conference:
The Energy Charter Process is directed by the Energy Charter Conference, the governing and decision-making body which brings together representatives of Member countries. The Conference meets at least once a year to discuss policy issues affecting international energy cooperation, to review the implementation of the provisions of the ECT and to consider possible new instruments and projects on energy issues. Regular meetings of the Conference’s subsidiary groups take place throughout the year.

Energy Charter Secretariat:
The Conference is served by a permanent Secretariat that implements the will of the Conference by assisting in the duties and functions assigned to it under the ECT. The Secretariat is staffed by experts from various countries and is headed by a Secretary General who is elected by the Conference.
ALBANIAN CHAIRMANSHIP OF THE ENERGY CHARTER CONFERENCE

On 1 January 2019, Albania assumed the Chairmanship of the Energy Charter Conference. The Chairmanship works on an annual rotating basis, and each year a new country assumes the leadership of the highest decision-making body of the Energy Charter Process. This responsibility includes guiding the Conference throughout the year regarding topics and activities such as regular meetings of the subsidiary bodies. At the end of the year, the Chairmanship hosts the annual session of the Energy Charter Conference. The rotating Chairmanship is an instrument for greater involvement of the Members and their governments in the work of the International Energy Charter.

energy cooperation or contribute to the achievement of national priorities.

For the Chairmanship of the organisation for 2019, Albania expressed interest in promoting a global vision of advancing the development of a low-carbon energy system. Albania views the energy transition as an opportunity both nationally and globally. The priorities for the year focused on improving governance for energy efficiency, promoting renewable energy, and facilitating regional connectivity, including diversifying energy supply.

In June, the Ministry of Infrastructure and Energy of Albania hosted the Tirana International Energy Charter Forum. The event highlighted energy diversification, renewables and energy efficiency. It underlined the national priorities of the Albanian energy sector, which aim to improve efficiency, increase the deployment of renewable energy sources and encourage supply diversification in the region. More than 150 participants from 20 countries also debated how to address climate-change objectives while achieving energy prosperity and socio-economic benefits.

Ms Balluku, Minister and Conference Chair

Mr Bejtja, Deputy Minister and Vice-Chair of the Conference

The Secretary General and the Energy Charter Secretariat ensure regular consultations with the presiding country on political dialogue and negotiations, preparation of meetings, coordination of the work of the subsidiary bodies, representation of the organisation and other activities of the International Energy Charter. The Chairmanship allows the host country to influence the political agenda for the year by introducing issues that affect international
Conference Members, in collaboration with the Secretariat, organised the 30th Meeting of the Energy Charter Conference in Tirana in December. However, two weeks before the event, Albania was struck by a devastating earthquake that continued for days with reoccurring aftershocks. Albania’s Prime Minister, Edi Rama, declared a state of emergency as the country came to grips with the devastation.

As a result, the 30th Energy Charter Conference was relocated to Brussels, Belgium. The meetings opened with a minute of silence for Albania and the people affected by the disaster. Mr Ilir Bejtija, Deputy Minister of Infrastructure and Energy of Albania, chaired the Conference’s Ministerial Session. The event focused on recent trends of investment in renewables and policies towards diversification and energy efficiency. Over 100 delegates from over 40 countries participated in the conference in Brussels. The primary deliverable from the event was that the Members confirmed that the modernisation of the Energy Charter Treaty would be a top priority in the years to come. They emphasised the unprecedented opportunity for the Treaty modernisation to promote sustainable energy investments and align the Treaty with global energy trends.

The meetings attracted high-level representatives such as the Energy Ministers from The Gambia and Uganda, as those countries are currently considering Treaty accession. The Deputy Energy Minister of Azerbaijan, Mr Samir Valiyev, highlighted planned activities for Azerbaijan as it gets set to take over the Chairmanship of the Energy Charter Conference in 2020.
Since 2009, the Members of the Energy Charter Conference have used the Strategy Group to discuss new challenges in the energy sector and possible responses within the Energy Charter Process. For 2019, the Chair was Ms Sofia Sanz Estébanez, and the Group held four meetings, on 14 March, 16 July, 11 September and 6-7 November. The main topics of discussion throughout the year were the modernisation of the Energy Charter Treaty and the Review under Article 34(7) of the ECT.

The Review under Article 34(7) of the ECT is a mandatory analysis of the functions and implementation of the Treaty, taking place at intervals of not more than five years. This year included an International Public Audit in addition to the annual external audit. The International Public Audit was carried out by a team of public auditors nominated by the Members of the Energy Charter Conference. The Report of the International Public Audit did not identify any serious substantial breaches of the respective rules relating to the governance of the ECT and drew specific recommendations for improving the functioning of the organisation.

Ms Sanz Estébanez, Chair of the Strategy Group and the Subgroup on Modernisation
The Subgroup on Modernisation continued to hold meetings throughout 2019. On 11 September 2019, the Strategy Group acknowledged the successful completion of the discussions on the potential modernisation of the Energy Charter Treaty carried out by the Subgroup on modernisation, thanked the Chair and Co-Chair of the Subgroup as well as the Secretariat, and decided to dissolve the Subgroup.

On 6 November 2019, the Energy Charter Conference established and mandated a new Subsidiary body, the Modernisation Group, to carry over the negotiations on the modernisation of the Energy Charter Treaty. The Modernisation Group met for the first time on 11 December 2019 to prepare the negotiation rounds of 2020.

Agreed topics for the Modernisation of the Energy Charter Treaty

- Pre-investment
- Definition of ‘charter’
- Definition of ‘economic activity in the energy sector’
- Definition of investment
- Definition of investor
- Right to regulate
- Definition of Fair and Equitable Treatment (FET)
- Most Favored Nation Clause
- Clarification of ‘most constant protection and security’
- Definition of indirect expropriation
- Compensation for losses
- Umbrella clause
- Denial of benefits
- Transfers related to investments
- Frivolous claims
- Transparency
- Security for costs
- Valuation of damages
- Third party funding
- Sustainable development and corporate social responsibility
- Definition of ‘transit’
- Access to infrastructure (including denial of access and available capacities)
- Definition and principles of tariff setting
- Regional Economic Integration Organisation
- Obsolete provisions
IMPLEMENTATION GROUP

The Group convened four times in 2019, on 13 March, 15 July, 12 September and 5 November. In general, the discussions at the Implementation Group in 2019 were devoted to areas carried over from 2018 and relating to investments in the energy sector, transit of energy resources, energy efficiency and demand-side management, and standard provisions. The Implementation Group prioritised the work based on the requests of the Members of the Conference.

The Investment Unit presented the Energy Investment Risk Assessment (EIRA) 2019 on 30 September. The publication contains 34 country profiles. From the 2019 edition onwards, insight is also given into the year-on-year evolution of investment risks in countries participating on a recurring basis. A website devoted to EIRA was created (eira.energycharter.org) and has been operational since 30 September.

The activities of the Investment Promotion Centre, which include providing assistance with the implementation of the Energy Charter Investment Facilitation Toolbox, were presented and discussed during a side-event of the second Preparatory Meeting of the OSCE Economic and Environmental Forum in Bratislava, on 27 May, and during the Energy Charter Industry Advisory Panel meeting on 4 June 2019.

The in-depth energy efficiency review of Azerbaijan was completed in 2019. The review was conducted in close cooperation with a team of experts from Bulgaria, Turkey and Ukraine. The review sets out a series of general and specific recommendations targeting the improvement of the efficiency of the energy sector, industry, buildings, energy-using products and transport. In the publication, the Government of Azerbaijan is encouraged to develop and approve a long-term energy strategy as well as to approve the Energy Efficiency Law, developed with the assistance of the Secretariat within the EU4Energy project. Other recommendations target the enforcement of energy-efficiency policies, including strengthening the coordination of policy development between different stakeholders and ensuring effective feedback loops by improving coordination between the development, implementation and evaluation of policies and energy system planning.
The Technical Subgroup on Transit convened twice in 2019 and built upon work done in 2018. The Subgroup addressed legal and technical issues for cross-border transit, culminating in the Third Edition of the Model Host Government and Intergovernmental Agreements, which reflected the most recent developments in the relevant area. In line with the Programme of Work and discussions with Members, two papers were presented related to cross-border pipeline safety and environmental regulations, and general aspects of pipeline decommissioning. Both topics will be further refined and developed in 2020.

Furthermore, in line with the long-established tradition, a 15th Meeting of the Regional Energy Cooperation Taskforce in Central and South Asia (RECA) took place on 26-28 March in Ashgabat, Turkmenistan. The primary purpose of RECA meetings is to promote energy cooperation in Central and South Asia through knowledge and information sharing, and capacity building.

The 15th Meeting of the Taskforce was devoted to the latest developments in the electricity sectors, markets, trade, transit, and tariffs. Deviating from the traditional agenda, one session of the Meeting was dedicated to renewables and associated matters such as feed-in tariffs, stimulation, power purchase agreements, energy auctions, new projects and potential in the region.

The primary purpose of RECA meetings is to promote energy cooperation in Central and South Asia through knowledge sharing, and capacity building.

Following the discussions held at the Implementation Group on 12 September 2019, the Subgroup on Transit was dissolved, and topics of relevance will now be addressed under the Implementation Group.
2019 EDITION OF THE ENERGY INVESTMENT RISK ASSESSMENT REPORT

On 30 September 2019, the Energy Charter Secretariat released the second edition of its flagship publication, the Energy Investment Risk Assessment (#EIRA2019). The launch event took place in Brussels and was opened by Deputy Minister of Infrastructure and Energy Ilir Bejtja, representing the Albanian Chairmanship of the Energy Charter Conference 2019, and the European Commission Former Director General for Energy Dominique Ristori. The event was attended by high-level representatives of governments, international organisations, financial institutions and industry.

“EIRA is in full development. We need it in the context of increasing international cooperation, regulatory frameworks and attracting investments. Without such cooperation, it is impossible to find solutions to key challenges we have in the energy sector.”
Mr Dominique Ristori, Director General for Energy at the European Commission (2015-2019)

EIRA is intended to be a timely and effective analytical tool, which will assist policymakers navigate diverging policy objectives and the inevitable energy transition. The number of countries participating in EIRA has grown from 30 in 2018 to 34 in 2019. The geographical reach of EIRA has also increased and it now covers countries in Africa, Asia, the Americas, and Europe.

“The EIRA report is a valuable international benchmark which covers relevant risks and policy issues in the energy sector of various countries. It’s a very useful tool for companies, especially when they are preparing investment decisions.”
Mr Laurent Catenos, Vice President Coordination and Performance at EDF

EIRA 2019 expands and builds on the findings of its predecessor. Apart from highlighting the key strengths and areas for improvement in each country, the profiles of the recurrent participants include a year-on-year comparison table. Through this new feature, policy-makers can benchmark their performance and take stock of any changes to their risk level. The qualitative assessment in the country profiles better reflects the implementation of the existing legal and regulatory framework. Attention is given to the implementation of projects, programmes and secondary regulations between 2018 and 2019. All changes observed in the participating countries are tracked and recorded, to the greatest extent possible. For some countries, EIRA is one of the first reports to analyse these changes.

“Key work is done by EIRA team to look at predictability of regulations and policies. EIRA provides an opportunity to learn from each other”
Ms Constance Kann, Director of Institutional Relations and Public Affairs at the European Investment Bank (EIB)

EIRA relies on its vast network of globally renowned law firms, industry associations, academia and financial institutions to provide accurate and up-to-date information on the latest developments in the energy sector. Contributors to EIRA participate on a voluntary and pro bono basis. In 2019, over 550 external parties were contacted of which 21 per cent were selected based on...
their expertise, availability, and willingness to participate. A large number of contributors to EIRA 2019 have also contributed to reputed publications prepared by international organisations.

New EIRA website launched

A new website (eira.energycharter.org) was launched in September 2019 to complement the EIRA publication. It provides the latest information available for participating countries. All legal and regulatory changes affecting the energy sector are tracked and recorded, to the greatest extent possible. For some countries, EIRA is one of the first reports to analyse these changes.

The website offers extensive and updated information on the legal and regulatory environment of the assessed countries. To facilitate the data collection, the website allows the participating governments and external parties to fill in the EIRA questionnaire online. It also has an interactive webpage that projects the year-on-year trajectory of each country’s performance and risk level. Moreover, the website hosts a Question Explorer that provides detailed findings on each question and highlights the key changes observed on them. The answers to the EIRA questionnaire can be searched by country, year, indicator and sub-indicator. Finally, the online Library featured on the website contains over 1,500 primary policy and legal documents for the countries which have participated in the EIRA project so far. Some of these documents are exclusively available on the EIRA website.

As EIRA is evolving, the addition of these new aspects brings it a step closer to one of its key objectives – tracking the progress of countries over time.
In 2019, four meetings of the Budget Committee were organised, on 22 February, 17 July, 13 September and 8 November. The first meeting of the year was chaired by Ms Miriama Kiselyova. Following the resignation of Ms Kiselyova as Chairperson of the Budget Committee, the three following meetings of the year were chaired ad hoc by Ms Klara Rakhmetova from Kazakhstan.

The topics discussed during the year included the inclusion of two new Contracting Parties to the budget, the Hashemite Kingdom of Jordan and the Republic of Yemen.

**In 2019, the Secretariat received a proposal from the Economic Community of West African States to directly finance some activities of common interest in the field of energy**

In 2019, the Secretariat received a proposal from the Economic Community of West African States (ECOWAS) Secretariat to directly finance some activities of common interest in the field of energy. This included the secondment of officials from ECOWAS member countries to the Energy Charter Secretariat and the coverage of the costs of ECOWAS officials or ECOWAS member countries’ officials to attend meetings or conferences organised by the Secretariat, including the Energy Charter Conference.
LEGAL ADVISORY COMMITTEE

The Chair of the Legal Advisory Committee, with assistance from the Secretariat, is responsible for conducting the work of the Advisory Committee and reporting to the Conference Chair or Working Group Chair on the results, as appropriate. The Legal Advisory Committee consists of experts from delegations desiring to participate, with the idea of having representatives of different legal systems present.

The Legal Advisory Committee meets at the request of the Conference Chair or a Working Group Chair and is assigned specific tasks. These tasks may include: the review of the text of provisions and articles already agreed by the Charter Conference or a Working Group; and legal advice on matters put forth to the Legal Advisory Committee by the Conference Chair or by the Chair of a Working Group.

On 10 December 2019, the Energy Charter Conference agreed that the Chair of the Legal Advisory Committee would be decided ad hoc by the members of the Legal Advisory Committee.
CONFLICT MANAGEMENT AND DISPUTE SETTLEMENT

The Conflict Resolution Centre continued to provide neutral, independent legal advice and assistance in dispute resolution (including good offices) for governments and companies. The Secretariat developed a new website (energychartertreaty.org) with unique features to provide a more user-friendly experience. Additional features include interconnected information on cases (including summaries of relevant awards and decisions), ECT provisions (and their evolution), enquiry points (to which requests for information about national laws, regulations may be addressed) and notifications regarding the ECT.

The Secretariat provided technical assistance to four countries in Europe, the Caucasus and Africa, for assessing, updating and or implementing their management of investment conflicts and disputes based on the Model Instrument on Management of Investment Disputes.

During 2019, the Secretariat provided technical assistance to four countries, in Europe, the Caucasus and Africa, for assessing, updating and/or implementing their management of investment conflicts and disputes based on the Model Instrument on Management of Investment Disputes.

The Secretariat presented the Model Instrument at several international events such as the 2019 Colloquium on International Law, the inaugural conference of the China International Investment Arbitration Forum, and the ISDS Mediation Colloquium organised by the Negotiation Task Force of the Davis Centre on Russian and Eurasian Studies (Harvard University). Also, the Secretariat deliberated the usefulness of strategic communication and a similar model instrument for the industry at the annual conference of the European Company Lawyers Association (ECLA) in May and at one of the meetings of the IAP in June.

Fourth Investor-State Mediator training co-organised in Hong Kong: 1-3 November 2019

The International Energy Charter, the International Centre for Settlement of Investment Disputes (ICSID), the Centre for Effective Dispute Resolution (CEDR) and the International Mediation Institute (IMI) jointly organised the fourth training course for mediators on investment disputes. The event was hosted by the Department of Justice of Hong Kong and the Asian Academy of International Law (AAIL). The training gathered government officials and experienced mediators from around 18 African and Asian countries.

On 28 October, prior to the training, participants discussed the 2016 Guide on Investment Mediation and the 2018 Model Instrument on Management of Investment Disputes. The Model could be used by states for implementing their own domestic framework or as guidance in relation to legal and practical issues that need to be considered for an effective and comprehensive management of international investment disputes. It includes provisions to encourage and facilitate the use of investment mediation.

Fourth Investment Arbitration Masterclass: 4-7 November 2019

The International Energy Charter organised the fourth edition of the Investment Arbitration Masterclass on 4-7 November. The interactive exercises focused on providing 20 government officials (from ten countries and the European Commission), legal practitioners, and representatives from energy companies with hands-on training about the practicalities of the investment arbitration process and practical information about how to quantify and assess damages.

The training modules were delivered by a fully-fledged faculty from the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the Permanent Court of Arbitration (PCA), ICSID, Versant and FTI consulting. Their expertise was complemented by practitioners from leading international law and consulting firms, including Shearman & Sterling, Cooley, Lalive, Westerberg & partners, Baker Botts, Freshfields Bruckhaus Deringer, Latham & Watkins, Mannheimer Swartling, and Arent Fox. The training included an innovative session on strategic communication: how to manage the reputational, communication, diplomatic and political ramifications of the dispute.

Brainstorming Session on Preventing Investment Disputes:
1 April 2019

The International Energy Charter organised a workshop on the prevention of investment disputes as a side event to UNCITRAL’s Working Group III (Investor-State Dispute Settlement (ISDS) Reform) spring meeting in New York. The interactive discussion aimed at identifying synergies among different international organisations, as well as gaps that government officials believe need to be addressed.

The workshop confirmed that the existing Model Instrument already contains the most relevant tools for the prevention of investment disputes, such as centralisation of information (article 6), consistency (article 7) and an early warning mechanism (article 8). Also, the non-binding recommendations on regulatory reform (CCDEC2017 4) can be considered as tools for helping to prevent investment disputes.
Financial Times Award
The Financial Times Innovative Lawyers programme was established in Europe in 2006, launched in the US and North America in 2010, and in Asia-Pacific in 2014. Over the past 14 years it has covered legal industry innovation in 50 countries from more than 400 law firms and more than 465 company in-house legal departments.


The Energy Charter Secretariat and the Model Instrument received the honours of “Highly commended” within the category of “Creating a new standard (In-house)” for the Financial Times Innovative Lawyers Awards in 2019. The Secretariat also ranked number nine in the most innovative in-house legal teams in Europe in 2019.

The Secretariat works to promote effective solutions to investment conflicts. Among several workshops and trainings, the Secretariat has developed tools such as the 2016 Guide on Investment Mediation and the awarded Model Instrument.

The Model Instrument (which is the result of consultations with government officials and international organisations involved in investment disputes) contains several policy options that can be considered when implementing the Model Instrument in line with the specific domestic administrative needs and circumstances. It is a guide that enables states to react in an effective and timely manner to solve conflict with foreign investors in the best way for both parties, and also to prevent initial conflicts before they escalate into full-blown disputes.
INDUSTRY ADVISORY PANEL

The Energy Charter Industry Advisory Panel (IAP) is the expert consultative body to the Energy Charter Conference, providing policy advice from energy companies, international business associations and financial institutions on energy investment and the functioning of energy markets.

In 2019, the IAP accepted membership applications from three new members, namely Eco Energy Consulting (Montenegro), Kantor Management Consultants S.A. (Greece) and Trans Adriatic Pipeline AG (Switzerland).

The IAP held its meeting in June 2019 in Brussels and focused on investment for a low-carbon energy sector. Among other internal issues, the IAP members have concluded the IAP’s position for the 2019 Review under Article 34 (7) of the ECT and discussed the renewal of the IAP Terms of Reference.

**Modifications in the updated Terms of Reference include a provision on the potential establishment of an internal IAP steering committee and a provision on the potential introduction of a membership fee as contribution to the costs of the IAP’s activities.**

Currently, the IAP has 65 members from energy companies, international and industry associations, intergovernmental institutions and individuals spanning 33 countries, which operate in fields such as exploration, production, generation, transmission, distribution, finance, equipment, services, technology and consultancy.

The renewed IAP Terms of Reference for the period 2020-2024 was endorsed by all the IAP members and adopted by the Energy Charter Conference. Modifications in the updated Terms of Reference include a provision on the potential establishment of an internal IAP steering committee and a provision on the potential introduction of a membership fee as contribution to the costs of the IAP’s activities.
As of 1 March 2020, the Secretariat is aware of 129 investment arbitration cases instituted under the Energy Charter Treaty (sometimes invoked together with a Bilateral Investment Treaty). Since parties to investment arbitration under Article 26 ECT are not obliged to notify the Secretariat of the existence or substance of their dispute, some awards (and even the existence of some proceedings) remain confidential. The Secretariat compiles information (which cannot be considered as exhaustive) from delegates and public sources (including specialized reporting services). The Secretariat assumes no responsibility for eventual errors or omissions in these data and welcomes any additional information or clarification on specific cases (at legalaffairs@encharter.org).

**Number of Arbitration Cases under the ECT**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
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<tbody>
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<td>2019</td>
<td>7</td>
</tr>
<tr>
<td>2020</td>
<td>1</td>
</tr>
</tbody>
</table>

The total number of cases as of 1 March 2020: 129.

**Status of Arbitration Cases under the ECT**

- Pending (57)
- Settled (9) of which (4) were embodied in an award
- Awards (58) of which (18) pending annulment proceedings
- Discontinued (5)

**Outcome of Final Awards (62), including (4) Settlement Agreements Embodied in Awards**

- No jurisdiction (9)
- No breach of the ECT (19)
- Breach of the ECT but no damages awarded (2)
- Breach of the ECT and damages awarded (28)
- Settlement agreement embodied in an award (4)
Distribution of Arbitration Cases under the ECT by Energy Sources Involved

*In seven of these cases, it has not been possible to identify particular energy sources.

- Fossil fuels
- Renewables
- Nuclear
- N/A

<table>
<thead>
<tr>
<th>Year</th>
<th>Fossil Fuels</th>
<th>Renewables</th>
<th>Nuclear</th>
<th>N/A</th>
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</table>

Approx. EUR 9 billion + the Yukos cases (EUR 84 billion)

Approx. EUR 503 million + the Yukos cases (EUR 37 billion)

Approx. EUR 21 billion

Approx. EUR 1 billion

Approx. EUR 5 billion

Approx. EUR 74 million

Approx. EUR 543 million

Approx. EUR 11 million

*57 cases are still pending and in some of cases, there is no publicly available information on the exact amounts claimed and/or awarded.
In 2019, the Secretariat continued to implement the EU4Energy Governance, delivering technical assistance to relevant ministries and government agencies in Armenia, Azerbaijan and Belarus. The objective of the aid is to assist partner countries in implementing policy recommendations developed by the Secretariat in recent In-Depth Energy Efficiency or Investment Climate and Market Structure policy reviews, and provide support for strengthening the existing legislative and regulatory frameworks in the areas of electricity and gas markets, energy efficiency, and renewable energy.

In Armenia, support for strengthening the legislative and regulatory framework for energy efficiency in buildings in line with EU best practices continued to be the main priority. Broad consultations were initiated on how to reinforce the energy efficiency in building regulations. The members of the dedicated Energy Efficiency Taskforce became acquainted with the best international experience in Nearly Zero-Energy Buildings and deliberated on a roadmap for introducing such requirements in Armenia. Furthermore, EU4Energy continued to monitor the implementation of the recommendations provided to Armenia in the 2017 and 2018 EIRA profiles. In total, five country missions were organised, two EU4Energy events with over 80 participants took place, and four technical reports were submitted to the Ministry of Territorial Administration and Infrastructure.

In Azerbaijan, the focus was on the adoption of the first draft of the law supporting the development of the first National Energy Efficiency Action Plan (NEEAP). The Presidential Administration scrutinised the draft law and a draft presidential decree for the adoption of the law was prepared. It is expected that the legislative package will be soon submitted to the Milli Majlis (Parliament).
for approval. The NEEAP Inter-Ministerial working group discussed and agreed on the NEEAP structure and the sectoral measures for energy efficiency to be included in the action plan. The first draft version of the plan is currently being finalised by the Secretariat. In total, five country missions were organised, three EU4Energy events with more than 100 participants took place, and two draft legislative proposals were submitted to the Ministry of Energy.

In Belarus, the third year of technical assistance activities focused on two main areas. These are: supporting the development of a legislative and regulatory framework for energy efficiency services, and elaborating on the electricity grid connection requirements for renewable energy generators. A draft presidential decree on energy performance contracting was submitted to the Department for Energy Efficiency together with model contracts and procurement guidelines for energy service companies. A framework guideline was established, and a capacity-building workshop was organised to support the Ministry of Energy and Belenergo in concluding the national electricity grid code in line with EU best practices and ensuring electricity system security and integration of renewable electricity sources in the grid. In total, five country missions were organised, three EU4Energy events with more than 90 participants took place, and six technical reports/draft legislative proposals were submitted.

**The focus was on the adoption of the first draft of the law supporting the development of the first National Energy Efficiency Action Plan**
CONSOLIDATION EXPANSION OUTREACH (CONEXO)

In 2019, the Secretariat implemented the CONEXO policy by providing support for the Conference, in particular in the area of Expansion and Consolidation. Less priority was given to Outreach following recent instructions from the Budget Committee to limit budget-endorsed activity in this area.

Yemen became a Contracting Party to the ECT in January 2019

Three significant developments relating to CONEXO occurred at the end of 2018 and start of 2019. The Conference invited Eswatini to accede to the ECT in November 2018; Jordan became a Contracting Party to the ECT in December 2018; and Yemen became a Contracting Party to the ECT in January 2019. At the same time, African countries continued to play a prominent role in relation to further expansion of the ECT in the region during 2019.
Three countries from the ECOWAS region of West Africa (Nigeria, Senegal and Gambia) continued working in close cooperation with the Energy Charter Secretariat by designating officials seconded by their governments to work on ECT accession reports. All three countries had completed or were completing their final accession reports by the end of 2019. These achievements in relation to the expansion of the ECT in West Africa was supported by a voluntary contribution of EUR 48 400, from the Government of Nigeria and another EUR 249 000 voluntary contribution in kind from the ECOWAS Commission under the EU-endorsed Programme for Improving the Governance of the Energy Sector (AGoSE) project. The AGoSE project, established in 2018, seeks to improve energy governance in West African countries and enables cooperation between the Energy Charter Secretariat and the ECOWAS Commission, and is valid until May 2020 with the possibility of extension beyond this timeframe. The progressive cooperation between the International Energy Charter and the ECOWAS Commission is built on the successful completion in 2018 of at least one accession report by Nigeria, Senegal and Gambia, who are all committed to deepening their respective accession tracks to the ECT.

The Secretariat also undertook missions to Eswatini, as well as to Bangladesh, in order to provide assistance to the respective governments in moving them closer towards finalising their ECT accession. Other Missions during 2019 included those to Morocco, Cambodia, Vietnam, Gambia, Senegal, Nigeria and Guinea in support of the AGoSE project.
Since its inception in early 2013, the Knowledge Centre promotes the visibility of the Energy Charter Process, raises awareness on Energy Charter Treaty issues, and contributes to the Secretariat’s expansion efforts.

The Knowledge Centre Executive Training Programmes are aimed at sharing knowledge and organising information workshops on the Energy Charter Treaty. In 2019, the Knowledge Centre organised an Executive Training programme in the Hashemite Kingdom of Jordan on Policies and Best Practices Intended to Help Achieve Energy Sustainability during an Era of Energy Transition. The tailor-made sessions provided energy professionals with in-depth knowledge on designing energy scenarios in response to the global challenge of climate change, and explored optimal strategies in energy efficiency. The training was attended by 25 energy professionals working for the Ministry of Energy and Mineral Resources, the Energy & Minerals Regulatory Commission and the National Energy Research Center.

The Knowledge Centre assisted in the publications on the Chinese Perspectives on the Modernisation of the ECT (in May), an Occasional Paper on Energy Infrastructure in East Africa (October) and an Occasional Paper on Post Conflict Reconstruction Strategy Study for the Electricity and Energy Sector of Yemen (November).

In November, the Knowledge Centre co-organised the Annual Symposium with the China Electricity Council in Beijing as part of the Beijing Research Centre. The Symposium highlighted the role of the Energy Charter Treaty in promoting the effective development and utilisation of clean energy in various countries to achieve a global energy transition. The Joint Research Center is a vital platform for China’s cooperation with the Energy Charter.

In October, the Knowledge Centre organised an Annual Legal Workshop on Energy, Law and Development jointly with the Organization of the Petroleum Exporting Countries (OPEC) and OPEC Fund for International Development in Vienna. The Workshop focused on the legal considerations for transition from the oil industry to renewable energy, and perspectives for climate-change regulation and adjudication in the energy industry.

In close cooperation with the Ministry of Energy of Azerbaijan, the Knowledge Centre jointly organised the Baku International Energy Charter Forum in Azerbaijan in October, on the topic of Enabling Energy Transformation through Technology and Policy Innovations.

Additionally, the Knowledge Centre maintains an active relationship with 13 academic institutions through Memoranda of Understanding as of 1 January 2020. In 2019, two information sessions were delivered in Brussels to graduate student groups from the University of Groningen and Rotterdam University Erasmus who were eager to learn more about the ECT and the activities of the Secretariat. The Centre was also invited (externally funded) to present the work of the Energy Charter Secretariat at the American College of Thessaloniki (Greece), University of Lodz (Poland) and the University of Dundee (the United Kingdom).
INTERNATIONAL ENERGY CHARTER FORUMS

In June, the Ministry of Infrastructure and Energy of Albania hosted the Tirana International Energy Charter Forum. The forum focused on enhancing diversification of energy supplies and routes, renewable energy investments, and policies to improve energy efficiency. The event attracted over 150 participants from 20 countries, including Ministers and Deputy Ministers, and other high-level representatives. The main objective of the Forum was to exchange knowledge on the different pathways for energy prosperity and socio-economic benefits, while keeping greenhouse gas emissions low. The panel debates highlighted the importance of phasing out coal and other highly polluting electricity generation capacities before the end of their economic life, while maintaining security of electricity supply.

The Baku International Energy Charter Forum, hosted by the Ministry of Energy of Azerbaijan in Baku, took place in October 2019 and aimed at discussing the role of regulatory frameworks and technologies in promoting sustainable energy. Almost 200 participants took part in the Forum, including Ministers, high-level officials and leading experts from Member and Observer countries, international organisations, the energy industry and academia. The representatives of the governments and international organisations highlighted different approaches to facilitate the energy transition, while industry representatives shared their best practices and lessons learnt in terms of energy efficiency and renewable energy sources. Regional energy cooperation in different parts of the Energy Charter constituency was also discussed as an essential element of attaining the Sustainable Development Goals.

Secretary General Rusnák and Mr Shahbazov, Minister of Energy, Azerbaijan
PUBLICATIONS RELEASED IN 2019

7 March 2019
The International Energy Charter 2018 Annual Report

This publication provides insight into the activities and events of the International Energy Charter throughout the year. Some of the key highlights include: the inaugural public launch of the International Energy Charter’s new flagship publication, the Energy Investment Risk Assessment (#EIRA2018); the accession of Jordan (December 2018) and Yemen (January 2019) to the Energy Charter Treaty; the finalisation of a Model Instrument on Management of Investment Disputes; and the Energy Charter Conference’s agreed list of topics to be addressed in the modernisation process.

27 March 2019
In-Depth Review of the Energy Efficiency Policy of Montenegro

An in-depth review of the energy efficiency policy of Montenegro was conducted in 2018 and published in 2019. This review was prepared by the Energy Charter Secretariat in cooperation with the Ministry of Economy of Montenegro. The peer review team was composed of officials from countries that are parties to the Protocol on Energy Efficiency and Related Environmental Effects, the Energy Charter Secretariat, and international organisations.

9 May 2019
Chinese Perspectives on the Modernisation of the ECT

This research paper was conducted to provide a Chinese perspective on the consultation process to modernise the Energy Charter Treaty (ECT). The key task of this paper is to critically assess and analyse whether the topics listed in CCDEC2017 23 are of special relevance for China in light of the country’s potential accession to the ECT, and to further identify the benefits that accession to the ECT would bring to China.
24 July 2019
Tirana International Energy Charter Forum

This publication provides some highlights from the Tirana International Energy Charter Forum hosted by Albania on 13 June 2019. The event was hosted by the Ministry of Infrastructure and Energy and emphasised energy diversification, renewables and energy efficiency. Albania's participation and leadership as the Chair of the Energy Charter Conference was also highlighted.

30 September 2019
Energy Investment Risk Assessment (EIRA) 2019

This publication is now in its second year and builds upon EIRA 2018 to give deeper insights into specific risks affecting energy investment that can be addressed through modifications to policy, and to legal and regulatory frameworks. With EIRA 2019, the evaluation now extends from 30 to 34 countries and through recurrent participants, a valuable year-on-year comparison exercise is conducted in addition to highlighting key strengths and areas for improvement in each participating country.

30 October 2019
Energy Infrastructure Investments in East Africa

The rapid development of regional energy infrastructure is necessary to achieve economic development and growth in East Africa. This paper examines the role of the International Energy Charter and the Energy Charter Treaty process in facilitating investments in energy infrastructure in East Africa. The paper highlights major renewable and conventional energy projects in Kenya, Uganda and Tanzania that have regional implications.
WORKED AT THE SECRETARIAT IN 2019

Staff
Vlatka Anić
Oleksandr Antonenko
Tomasz Bąk
Julia Boegaeva
Margaret Bolan
Ernesto Bonafé
Kanat Botbaev
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Alejandro Carballo Leyda
Augustin Chabrol
Bilyana Chobanova
Iryna De Meyer
Monica Emmanuel
Ruslan Galkanov
Vitali Hiarlouski
David Kramer
Gökçe Mete
Masami Nakata
Anna Nosichenko
Mara Novello
Can Öğütçü
Danaï Oikonomakou
Ishita Pant
Anna Pitaraki
Yuriy Pochtovyk
Yves Rayeur
Urban Rusnák
Edward Safaryan
Yamina Saheb
Scott Sutherland
Nidal Tayeh
Marat Terterov

Secondees
Elshan Abdulazimov - Azerbaijan
Funmilayo Abiodun - Nigeria
Arwa Abukashef - Jordan
Aygun Aliyeva - Azerbaijan
Kanat Botbaev - Kyrgyzstan
Dajana Ndreja - Albania
Oyindamola Olagunju - Nigeria
Issa Sonko - Senegal
Samba Sowe - The Gambia
Towfick Sufian - Yemen
Bolaji Sulu - Nigeria
Nidal Tayeh – Palestine/Belgium
Binta Touré - Senegal

Fellows
Lilian Nyamongo - Kenya

Trainees
Ardit Çami - Albania
Junyu Chen - China
Cecilia Cola Trimarco - Uruguay/Italy
Norbert Czerniak - Poland
Janessa Goh Pei-Ru - Singapore
Anita Ho-Tieng - France
Jiajia Huang - China
Ismaila Jibrin - Nigeria
Yamne Jimenez - Mexico
Paraskevi Makri - Greece
Mélodie Mengue - Cameroon
Nataša Rajković - Serbia
Hongxiang Shi - China
Oleksii Sytnik - Ukraine
Nikola Tasić - Serbia
STRUCTURE OF THE ORGANISATION 2019

Energy Charter Conference
Chairmanship for 2019: Albania

Chair: Mr Damian Gjiknuri,
Minister of Infrastructure and Energy, Albania
(1 January – 31 January)
Vice-Chair: Ms Dorina Cinari,
Deputy Minister of Infrastructure and Energy, Albania
(1 January – 31 January)
Vice-Chair: Mr Samir Valiyev,
Deputy Minister of Energy, Azerbaijan

Chair: Ms Belinda Balluku,
Minister of Infrastructure and Energy, Albania
(1 February – 31 December)
Vice-Chair: Mr Ilir Bejtja,
Deputy Minister of Infrastructure and Energy, Albania
(1 February – 31 December)
Vice-Chair: Ms Elena Popescu,
Director General, Ministry of Energy, Romania

Strategy Group
Chair: Ms Sofia Sanz Estébanez (Spain)
Vice-Chair: Vacant

Implementation Group
Chair: Ms Klara Rakhmetova (Kazakhstan)
Vice-Chair: Mr Johan Vetlesen (Norway)
Vice-Chair: Mr Aziz Khamidov (Uzbekistan)

Subgroup on Modernisation
Chair: Ms Sofia Sanz Estébanez (Spain)
Vice-Chair: Mr Orii Sunao (Japan)

Technical Subgroup on Transit
Chair: Ms Klara Rakhmetova (Kazakhstan)
Vice-Chair: Ms Anna Maisuradze (Georgia)

Budget Committee
Chair: Ms Miriama Kiselyová (Slovakia)
Vice-Chair: Vacant

Until July 2019

Legal Advisory Committee
Chair: Mr Alejandro Carballo Leyda (ECS)

Industry Advisory Panel
Chair: Mr Howard Chase,
Senior Director, Government Affairs at Dow Europe
Regional Chair for Asia: Mr Xie Qiuye,
President of the China Electric Power Planning & Engineering Institute (EPPEI)

*On 11 September the Subgroup on Modernisation was dissolved, and on 6 November, the Modernisation Group was established.
STRUCTURE OF THE ORGANISATION FOR 2020 (AS OF 1 MARCH)

Energy Charter Conference
Chairmanship for 2020: Azerbaijan
Chair: Mr Parviz Shahbazov, Minister of Energy, Azerbaijan
Vice-Chair: Mr Samir Valiyev, Deputy Minister of Energy, Azerbaijan
Vice-Chair: Mr Ilir Bejtja, Deputy Minister of Infrastructure and Energy, Albania
Vice-Chair: Mr Hakob Vardanyan, Deputy Minister of Territorial Administration and Infrastructure, Armenia

Strategy Group
Chair: Ms Sofia Sanz Estébanez (Spain)
Vice-Chair: Vacant

Modernisation Group
Chair: Ms Sofia Sanz Estébanez (Spain)
Vice-Chair: Mr Orii Sunao (Japan)
Vice-Chair: Mr Samir Abdurahimov (Azerbaijan)
Vice-Chair: Mr Lukas Stifter (Austria)

Implementation Group
Chair: Ms Klara Rakhmetova (Kazakhstan)
Vice-Chair: Mr Johan Vetlesen (Norway)
Vice-Chair: Mr Aziz Khamidov (Uzbekistan)

Working Group on Governance Issues
Chair: Ms Klara Rakhmetova (Kazakhstan)
Vice-Chair: Mr Guy Lentz (Luxembourg)
Vice-Chair: Mr Towfick Sufian (Yemen)

Budget Committee
Chair: Mr Christian Bühlmann (Switzerland)
Vice-Chair: Vacant

Legal Advisory Committee
Chair: To be decided ad hoc by the members of the LAC.

Industry Advisory Panel
Chair: Mr Howard Chase,
Senior Director, Government Affairs at Dow Europe
Regional Chair for Asia: Mr Xie Qiuye,
President of the China Electric Power Planning & Engineering Institute (EPPEI)
FURTHER INFORMATION

The International Energy Charter website gives access to public information about the Energy Charter Process, including all publications and details of past and forthcoming events organised by the Energy Charter Secretariat.

The Secretariat also publishes an electronic newsletter with details of Energy Charter meetings, activities and developments. If you are interested in receiving this newsletter, please subscribe by visiting the homepage.

For any other queries, please contact the Secretariat.

The Energy Charter Secretariat office is located in Brussels:

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