

Brussels, 20 November 2016

Related documents: CC 580, Mess. 1333/16

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Programme of Work priorities for 2017

The Program of Work for 2016-2017 was approved by the Energy Charter Conference on 29 November 2015 (CCDEC2015 21). At the request of the Budget Committee on 10 October 2016, some activities of the Programme of Work 2016-2017 were updated setting out the priorities and key areas of focus for 2017 based on discussions at the relevant subsidiary groups. Other Activities included in the Programme of Work 2016-2017 but not mentioned would continue to be relevant but might not be a priority. The document also reflects the establishment in 2016 of the Implementation Group in substitution of the former Investment, Trade & Transit and Energy Efficiency Groups.

By document CC580 dated 31 October 2016 delegations were invited to approve the Programme of Work priorities for 2017.

As specified by Rule 19 of the Rules of Procedure concerning the adoption of decisions by correspondence, members of the Energy Charter Conference were informed that any delegation that wished to object to the proposal should notify the Secretariat of its position in writing not later than 20 November 2016.

No objections were received within the specified time limit. Therefore, on 20 November 2016, the Conference **approved** the Programme of Work priorities for 2017.

Keywords: Work Programme, Priorities, 2017

Part 1: Activities financed by the core budget

- **Implementation Group**

1. Amicable Settlement Dispute & Investment Protection : Priorities for 2017	
<ul style="list-style-type: none"> - Further discussion and exchange of experiences among delegates in relation to (i) transparency, (ii) dispute settlement, (iii) best practices in conflict prevention and management; and (iv) denial of benefits - Expert meeting and Paper on the scope of substantive investment protection standards under the ECT, as well as on the tools that could be used to clarify such scope. - Seminar for government officials on the Guide on Investment Mediation - Joint accreditation training with ICSID and IMI for investment mediators - Recommendations to assist governments in their efforts to shape their internal/domestic framework to facilitate effective implementation of investment mediation 	
<i>ECS officer in charge:</i> General Counsel, Junior Legal Assistant	

2. Non-discriminatory barriers specific to investments in the pre-investment	Priorities for 2017
<p><i>Outputs:</i> Conference decision at the end of 2017 welcoming the conclusions on specific non-binding instruments which could provide the non-discriminatory treatment in the establishment of energy investments.</p>	<ul style="list-style-type: none"> - Continue further groundwork on identifying and raising awareness on discriminatory and non-discriminatory barriers to the establishment of energy investments and on the instruments to remove them. - Meetings with national experts and other stakeholders at the appropriate technical level - Formulate specific non-binding instruments which could remove non-discriminatory and de facto barriers to the establishment of energy investments, in close cooperation with other international organisations.
<i>ECS officer in charge:</i> Assistant SG, Senior Investment Expert, Investment expert	

3. Guide/handbook on general provisions applicable to investment agreements in the energy sector	Priorities for 2017
<i>Outputs: Conference decision</i> welcoming the guide/handbook in 2017.	Finalisation of the Guide/Handbook and Seminar to present it to relevant stakeholders
<i>ECS officer in charge:</i> General Counsel and Junior Legal Assistant	

4. Preparation for launch of new flagship publication on Energy Investment Risk Assessment (EIRA)	Priorities for 2017
<i>Outputs: Conference decision</i> welcoming the first edition in 2017.	First edition of the EIRA publication (based on the pilot project to be approved by the Conference in 2016)
<i>ECS officer in charge:</i> Assistant SG, Senior Investment Expert, Investment Expert, Investment Coordinator	

5. Negotiations of a Multilateral framework Agreement on Transit of energy resources on a new basis or a regional transit protocol	Priorities for 2017
<i>Outputs:</i> Draft zero of a potential Agreement on Transit of energy resources, which could be used as basis for further discussions	<ul style="list-style-type: none"> - Facilitate further consultations with Contracting Parties and observers on the scope of the proposed Agreement - Meetings with national experts at the appropriate technical level - Identify specific needs and difficulties, and to propose solutions that could be part of the Agreement on Transit of energy resources
<i>ECS officer in charge:</i> Assistant SG, Transit Expert, Transit Coordinator, Legal Assistant	

6. IdEER reports and follow up	Priorities for 2017
<i>Outputs: Conference decision</i> approving the Policy Conclusions and Recommendations of two countries in 2017.	Informal discussions have identified Kyrgyzstan as a priority country for 2017. Turkmenistan has expressed interest.
<i>ECS officer in charge:</i> Assistant SG, Energy Efficiency Expert ¹	

- **Strategy Group**

7. Explore possibilities and challenges for the Energy Charter to acquire the international legal personality	Priorities for 2017
<i>Outputs:</i> The Strategy Group may decide to discontinue the discussion or to put forward for approval of the Energy Charter Conference a Decision regarding the international legal personality of the Energy Charter Conference.	Based on the analytical papers (StG90), continue discussion among Contracting Parties on the international personality.
<i>ECS officer in charge:</i> General Counsel, Legal Assistant	

8. Implementation of the CONEXO Policy
<p><i>Outputs:</i></p> <ul style="list-style-type: none"> - <i>Overall coordination</i> of contacts with acceding countries <p><i>ECS officer in charge:</i> SG, Expansion Assistant</p> <ul style="list-style-type: none"> - <i>Accession Reports</i> on compatibility of the domestic system with the ECT for four countries in 2017 <p><i>ECS officer in charge:</i> General Counsel, Legal Assistant</p> <ul style="list-style-type: none"> - <i>Accession Reports</i> on Investment Climate and Exceptions to National Treatment for four countries in 2017 <p><i>ECS officer in charge:</i> Senior Investment Expert, Investment Expert²</p>

¹ Supported by an expert from the reviewed country

- *Accession Reports* on Energy Efficiency and Related Environmental Aspects for four countries in 2017

ECS officer in charge: Energy Efficiency Expert³

- *Conference decision* approving above accession reports and inviting the country to accede to the ECT; *Conference decision* approving the signing of the 1991 or 2015 Charter for four countries in 2017

ECS officer in charge: General Counsel, Junior Legal Assistant

- **Administrative, financial and legal issues**

9. Maintaining an online database on disputes under Art. 26 ECT, including information on compliance with awards granted

Outputs:

- Legal support, advice and assistance in dispute resolution
- Informative sessions to Members of the Conference and energy companies
- Joint Conference (ICSID, SCC, PCA, ECS) Energy Charter Legal Forum in early 2017
- Summaries of arbitral awards rendered under the ECT

ECS officer in charge: General Counsel, Junior Legal Assistant

- **Knowledge Centre**

10. Capacity building activities and promoting awareness targeting Contracting Parties/Signatories of the ECT and Expansion-target countries

Outputs: *Capacity building* and raising awareness activities (including two training workshops in 2017, Energy Charter Forums, etc.). Administration of the web and social networks.

ECS officer in charge: Knowledge Centre Coordinators, Assistant SG, General Counsel, Experts and Junior Legal Assistant

² Supported by an expert from the acceding country

³ Supported by an expert from the acceding country

Part 2: Activities financed by Voluntary Contributions

11. Regional Energy Cooperation in Central and South Asia (RECA)	Priorities for 2017
<u>Outputs:</u> Expert Meeting with RECA countries; Recommendations on Energy and Investment Policies	RECA meeting in Hong Kong in early 2017
<u>ECS officer in charge:</u> NN	
12. Regional Energy Cooperation in Eastern Neighbourhood and Western Balkans countries	Priorities for 2017
<u>Outputs:</u> <ul style="list-style-type: none"> - Support to prepare draft primary and secondary legislation in priority areas as approved in Country work programme for 2017. - Support to improve institutional capacity by dedicated trainings and workshops - Support to identify priority infrastructure projects 	Technical assistance activities for Armenia, Azerbaijan and Belarus within EU4Energy Component 3 with the objective to support implementation of policy recommendations.
<u>EU4Energy Project officer in charge:</u> Project Coordinator, Project Assistant	
13. Promoting Accession to ECT in Africa	Priorities for 2017
<u>Outputs:</u> <ul style="list-style-type: none"> - Training and capacity building for seconded experts; Recommendations for Governments on Energy and Investment Policies, as well as on ECT Accession - Cape Verde Energy Charter Forum: the joint event (Cape Verde, Portugal and ECS) was to take place during 2nd half of 2016 but was postponed due to elections in Cape Verde. 	<ul style="list-style-type: none"> - In cooperation with the European Commission (DG Development and Cooperation): <ul style="list-style-type: none"> • Technical assistance to Swaziland in developing an EE Policy and Strategy for Rural Areas based on the PEEREA • Capacity building on the ECT to facilitate accession

	<ul style="list-style-type: none"> • Raise ECT profile in SADC region - Investment promotion and facilitation support - Consolidate cooperation with regional organisations
<i>ECS officer in charge:</i> NN	

14. Promoting Accession to ECT in the South Asian Association for Regional Cooperation (SAARC) Region	Priorities for 2017
<i>Outputs:</i> Workshops and studies related to ECT; Recommendations for Governments on Energy and Investment Policies	A voluntary contribution from the Netherlands is allocated to promotion of low carbon investment in India.
<i>ECS officer in charge:</i> NN	

15. Promoting Accession to ECT in the North East Asian Region	Priorities for 2017
<i>Outputs:</i> Studies and reports on energy projects and policies in North East Asia including China; Recommendations for Governments on Regional Energy Cooperation and ECT Accession	Start up of the Research Centre in China
<i>ECS officer in charge:</i> NN	

16. Energy Security of Island States	Priorities for 2017
<i>Outputs:</i> Workshops on energy security of island states	Continuing discussions and some activities in accordance with the agreed Terms of Reference (IN 139 rev)
<i>ECS officer in charge:</i> NN	

17. Energy Charter contribution to the Sustainable Development Goals	Priorities for 2017
<i>Outputs:</i> Joint events and activities	The Secretariat will seek opportunities to collaborate with international partners.
<i>ECS officer in charge:</i> NN	

18. Study on the impacts of market liberalisation on energy efficiency and role of energy efficiency policies	Priorities for 2017
<i>Outputs:</i> Update of the 2001 Report on “Impacts of market liberalisation on energy efficiency policies and programmes” taking into account recent work of the IEA and the upcoming EU reforms on market design and energy efficiency policy.	There is already a potential voluntary contribution for this activity.
<i>ECS officer in charge:</i> E. Efficiency Expert	

19. Best practices on smart grid development and deployment	Priorities for 2017
<i>Outputs:</i> Compilation of regulatory approaches to the development and deployment of smart grids throughout the Energy Charter constituency.	There is already a potential voluntary contribution for this activity.
<i>ECS officer in charge:</i> NN	