

**ENERGY CHARTER  
SECRETARIAT**

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CCDEC 2017

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Brussels, 15 November 2017

Related documents: CC 602, Mess 1380/17
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: Adoption by correspondence – Simplification of the accession procedure to the Energy Charter Treaty**

By document CC 602, dated 27 October 2017, the Conference was invited to adopt a simplification of the accession procedure to the Energy Charter Treaty. As specified by Rule 19 (b) 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 adoption of the simplification procedure should notify the Secretariat of its position in writing by 15 November 2017.

Having received no objections within the specified time limit, on 15 November 2017 the Energy Charter Conference **approved** the proposed simplification of the accession procedure to the Energy Charter Treaty as attached hereto.

Keywords: Simplification, accession procedure

## Accession Procedure to the Energy Charter Treaty

A State or a Regional Economic Integration Organization (REIO) presents to the Secretariat its expression of interest in acceding to the Energy Charter Treaty, as amended, hereinafter ‘the Treaty’, together with the Protocol on Energy Efficiency and Related Environmental Aspects (‘the Protocol’).

As a part of the a consultation process, the State or REIO is requested to elaborate and approve three reports: report on harmonisation of laws and regulations with the provisions of the Treaty; report on investment climate and exceptions to national treatment and; report on energy efficiency. Those reports are developed by officials seconded to the Secretariat with the support of the latter.

The Secretariat presents the reports and any other input provided during the consultative process, to the Conference together with the letter of the Government approving the reports and expressing its readiness and ability to comply with the obligation of the Treaty and Protocol, and signing, or explicitly mentioning conformity with, the 1991 European Energy Charter.

Provided that basic accession requirements are met, the Conference invites the State or REIO subject to specific accession terms and condition:

- a. Signing of the 1991 European Energy Charter as stipulated in the Treaty.
- b. Acceptance of the obligations contained in the following documents:
  - i) the Energy Charter Treaty, including the Annexes to the Treaty set out in Annex 1 and the Decisions set out in Annex 2 to the Final Act of the European Energy Charter Conference signed at Lisbon on 17 December 1994;
  - ii) the Final Act of the European Energy Charter Conference of 17 December 1994, except Section VII, taking due note of the Chairman’s Statement at that time, which appears in Annex I to Document CONF 115 of 6 January 1995;
  - iii) the Amendment to Trade-Related Provisions of the Energy Charter Treaty, including the Decisions in connection with the adoption of this Amendment set out in Annex 2 to the Final Act of the International Conference adopted at Brussels on 24 April 1998;
  - iv) the Final Act of the International Conference and Decision by the Conference in respect of the Amendment to the Trade-Related Provisions of the Energy Charter Treaty of 24 April 1998;
  - v) the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects;
  - vi) Section VII of the Final Act of the European Energy Charter Conference of 17 December 1994;
  - vii) all Decisions and Conclusions of the provisional Energy Charter Conference and Energy Charter Conference which shall be in force at the time of the deposit of the instrument of accession.

- c. Other conditions required to be fulfilled at the time of deposit of accession instruments may include submission of:
- i) Article 10.9 of the Treaty: a report summarising all laws, regulations or other measures relevant to exceptions from the better of most favoured or national treatment as regards the Making of Investments in its Area and programmes under which a State provides grants or other financial assistance, or enters into contracts, for energy technology research and development;
  - ii) Article 29(3) of the ECT as amended: a list of all tariff rates and other charges levied on Energy Materials and Products and Energy-Related Equipment at the time of their importation or exportation as applicable on the date of accession;
  - iii) Article 20(3) of the Treaty: the designation of one or more enquiry points to which requests for information about laws, regulations, judicial decisions and administrative rulings may be addressed; etc.

The invitation by the Conference which informs that a State or REIO may accede to the Treaty and the Protocol is officially announced through a letter of the Secretary-General to the State or REIO concerned. The decision by the Conference, stating all terms and conditions which will have to be fulfilled by the State or REIO is attached to the letter.

In response, the State or REIO concerned submits a letter to the Secretary-General: a) confirming its intention to accede to the Treaty and the Protocol and b) accepting the terms and conditions stated in the decision of the Conference.

The final stage of accession process involves national ratification of the Treaty and the Protocol.

Once national legislative and/or other procedures are completed, the instrument of accession to the Treaty and the Protocol will be deposited with the Government of the Portuguese Republic. The Treaty shall enter into force for the State or REIO on the ninetieth day after the date of deposit of its instrument of accession to the Treaty. Thirty days after that, the Protocol will enter into force for the State or REIO.

Upon deposit of its instruments of accession with the Depository, the State or REIO submits simultaneously all necessary information, or documents included in a Conference decision, to the Secretariat.

The State or REIO shall pay its contribution to the Budget of the Energy Charter Secretariat for the year of accession with effect from the first day of the month following the deposit of its instrument of accession to the Treaty.