DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Adoption by correspondence – Programme of Work for 2021

By CC 687 dated 6 November 2020, the Conference was invited to approve the attached draft programme of work for 2021.

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 draft programme of work for 2021 should notify the Secretariat of its position in writing by 26 November 2020.

Having received no objections within the specified time limit, on 26 November 2020, the Conference approved, with immediate effect, the attached draft programme of work for 2021.

Keywords: Work Programme, 2021

Related documents: CC 687, Mess 1754/20
### BUDGET PART I

Activities financed by the core budget (= national contributions)

Table 1  Summary of the estimated costs per Activity

<table>
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<tr>
<th>Activities</th>
<th>Posts Establishment Table</th>
<th>Posts Temporary Officials</th>
<th>Expl. Notes</th>
<th>Estimated Costs (EUR)</th>
<th>%</th>
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<td>Activity 1 Implementation of the conclusions of the 2019 Review under Art. 34(7) of the ECT and support to the Conference, etc.</td>
<td>3.55</td>
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<td>(1, 4)</td>
<td>904 960</td>
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<td></td>
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</table>
Notes on the estimated costs per Activity

The estimated costs per activity have been calculated taking into account the following general elements:

- the full implementation of the posts at 1 January 2021 reflected in the budget (BC 379 rev), including the Deputy Secretary General and Secretary to the Deputy Secretary General positions;
- the current employment contracts, including family circumstances, and their eventual extension or replacement;
- the current recruitments;
- the annual increase of salaries and allowances of 2.2% for Co-ordinated Organisations based in Brussels, as well as the regular advancement of Officials;
- the anticipated effects of the COVID-19 pandemic, on events, meetings and travel in particular;

as well as these specific considerations:

1. The post of Transit Coordinator was implemented at 50% in 2020. It is planned to implement the post at 100% in 2021. Thus, a total difference of 0.50 appears in activities 1, 3 and 4 as well as in the total. Would the position remain at 50% in 2021, the figures between brackets ("[...]") should be taken into account.
2. In 2020, the Conference approved 3(2) Temporary Officials posts in Legal Affairs and 2(3) Temporary Officials posts in the Investment Unit with flexibility in the implementation of the posts. The Secretariat implemented 2 posts in Legal Affairs and 3 posts in the Investment Unit. In 2021, the Secretariat envisages the same implementation of the temporary officials posts, i.e. 2 posts in Legal Affairs and 3 posts in the Investment Unit.
3. The Secretariat expects to finalise the two pending Investment Climate and Market Structure (ICMS) reports in 2020 (Afghanistan and Jordan). It is not envisaged to start any new report in 2021. This issue will be revisited at the next meeting of the Budget Committee.
4. Given that activity 13 (Financial and Administrative Support) already covers implementation of the conclusions of the 2019 Review and that meetings take place virtually, FINAD officials have been assigned 100% to activity 13. It is also envisaged that the Deputy Secretary General and his/her Secretary will partially work for activity 13 (see table 2 overleaf).
5. In the programme of work 2020, estimated costs for activities related to Transit (3 and 4), Investment (5 and 6) and Energy Efficiency (7) included provisions for part of the position of Assistant Secretary General. In 2021, it is not planned that the Deputy
Secretary General will be involved in any of these activities, but on activities 1, 10 and 13 (see table 2 overleaf).

(6) The heads of unit for Transit, Investment and Energy Efficiency will all spend 5% of their time on activity 2 (Modernisation).

(7) There is no change planned for the activity.

(8) It is anticipated that the participation in conferences and seminars will continue to be reduced given the consequences of the COVID-19 pandemic.

(9) If there is a reduction in the costs of activities 1, 3 and 4 linked to the implementation at 50% of the position of Transit Coordinator, all other activities involving Temporary Officials posts will have their cost reviewed to accommodate for the difference since there is no change in the total budget for Temporary Officials.

Table 2 Estimated Use of Human Resources (Officials) per Activity

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Activity 1

Implementation of the conclusions of the 2019 Review under Art. 34(7) of the Energy Charter Treaty and support to the Conference, its subsidiary bodies and consultative bodies

In accordance with Article 35 (4) of the Energy Charter Treaty, the Secretariat shall provide the Charter Conference with all necessary assistance for the performance of its duties and shall carry out the functions assigned to it in the Treaty or in any Protocol and any other functions assigned to it by the Charter Conference.

The activity includes:

(a) As priority, the implementation of the conclusions of the 2019 Review under Art. 34(7) of the ECT including specifically the implementation of the recommendations of the International Public Audit Report, including necessary revisions and/or development of internal provisions and rules;

(b) Coordination with the chairpersons and vice-chairpersons of the different bodies;

(c) Management of meetings including support for logistics, interpretation, translations, technical aspects, invited experts and any other issues related to meetings;

(d) Coordination with the Energy Charter Conference Chairmanship;

(e) Dissemination of information to the Energy Charter Conference (Delegates website);

(f) Travel arrangement of ECS Officials to attend meetings, conferences, fora or other events outside Brussels as well as of speakers to attend meetings or events organised by the Energy Charter Secretariat

(g) Facilitation of the activities of the Industry Advisory Panel (IAP), including channelling policy advice from energy companies, international business associations and financial institutions to ECT constituency;

(h) Management of the Archives and the Library

Specific Legal, Financial and Administrative support are considered in activities 11 and 13 below.

Deliverables

- Full implementation of the International Public Audit Recommendations by 2021 with a mid-term report on the progress by mid 2021 and final report to the Conference by 2021
- Implementation of decisions and actions derived from the conclusions of the 2019 Review under Art. 34(7) of the ECT based on the views of members of the Conference with a report every six months and a final report to the Conference by 2021
- Annual Energy Charter Conference meeting (Ministerial)
Meetings of subsidiary and consultative bodies of the Energy Charter Conference including the Industry Advisory Panel

**Estimated Resources**
- Establishment table: 3.05 posts
- Temporary Officials: 1.10 [1.00] posts
- Estimated Costs: EUR 809 771 (20.7%) [806 100 (20.6%)]

### Activity 2 Modernisation of the Energy Charter Treaty

On 6 November 2019, the Energy Charter Conference approved the mandate to start negotiations of the Modernisation of the Energy Charter Treaty. This activity is considered as a priority.

**Deliverables**
- Support to the negotiations of the modernisation of the Energy Charter Treaty, including matters related to transit, energy efficiency and investment

**Estimated Resources**
- Establishment table: 1.35 posts
- Temporary Officials: 0.9 post
- Estimated Costs: EUR 402 476 (10.3%) [404 793 (10.4%)]

### Activity 3 Policy Dialogue on Transit of Energy Resources

Policy papers, suggestions, best practices examples (pending requests by Members)

Analysis of transit issues via soft law instruments not included in the list of modernisation topics based on proposals of the Implementation Group

**Deliverables**
- Regular presentation of policy papers and deliverables to the Implementation Group (based on specific requests by delegations).
- Promotion and dissemination of transit-related deliverables at international events (industry and academic conferences) and with ECT member states and observers, and in conjunction with country chairmanships.
Activity 4  Policy Dialogue on Regional Cooperation

Platform for information exchange and discussions such as forums, expert meetings, workshops and seminars. The Secretariat will continue its work on promoting regional energy cooperation in Central and South Asia, West and East Africa. This activity supports the countries of the region in improving national laws, strategies, programmes and actions plans to enhance sustainable energy development, regional markets and interconnection.

Deliverables
- Organising meetings of the Task Force on Regional Energy Cooperation in Asia (RECA) established in 2007 (one p.a.)

Estimated Resources
- Establishment table: 0.7 post
- Temporary Officials: 0.60 [0.30] post
- Estimated Costs: EUR 201 707 (5.2%) [184 304 (4.7%)]

Activity 5  Energy Investment Risk Assessment (EIRA)

Developing and publishing the International Energy Charter publication #EIRA2021. The intention is that the 2021 edition will take into account methodological improvements. Countries are expected to participate in EIRA on a voluntary basis.

Deliverables
- Publication of EIRA Reports
- Improved EIRA methodology
- Update of the web-resource of regulatory documents relevant to the energy investment climate
- Public launch events
## Activity 6  Investment Reports and Investment promotion activities

In the context of investment promotion, the Secretariat will continue joint preparation of in-depth reviews on Investment Climate and Market Structure (ICMS) in the energy sector the interested Member and Observer countries.

ICMS country in-depth reviews are usually subject to the peer-review of two Contracting Parties and are concluded by policy recommendations aimed at improving the national investment climate.

The practice of considering ICMS country in-depth reviews, of peer-reviews, and of policy recommendations allows the Energy Charter Conference to maintain a constant political focus among Members and Observers on domestic investment climate.

Providing support for the development of accession reports on Investment Climate and Exceptions to National Treatment of acceding countries.

Awareness raising activities to promote the Investment Facilitation Toolbox.

### Deliverables

- ICMS report with approved policy recommendations: no new report expected in 2021, finalisation of reports for Afghanistan and Jordan if not concluded in 2020
- Accession Report on Investment Climate and Exceptions to National Treatment (estimated 1-2 reports p.a.) subject to the conclusions of the 2019 Review under Art. 34(7) of the ECT
- Implementation of the investment facilitation toolbox in a contracting party, on a voluntary basis (estimated: for 1 contracting party p.a.).

### Estimated Resources

- Establishment table: 0.45 post
- Temporary Officials: 0.10 post
- Estimated Costs: EUR 111 525 (2.9%) [111 802 (2.9%)]

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### Estimated Resources

- Establishment table: 1.20 posts
- Temporary Officials: 2.90 posts
- Estimated Costs: EUR 425 533 (10.9%) [433 493 (11.1%)]

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Activity 7 Energy Efficiency and Related Environmental Aspects

The PEEREA review process, based on regular and in-depth energy efficiency reviews, provides a unique platform of international analysis and discussion on efficiency and environmental issues. Peer guidance to Governments in developing and implementing their energy efficiency policies. Providing support for the development of accession reports on Energy Efficiency and Related Environmental Aspects.

Increasing awareness of the provisions of the Energy Charter Treaty and the role of the International Energy Charter process in supporting the clean energy transition while ensuring energy security by promoting and protecting energy efficiency investment and trade of energy efficient products and services.

**Deliverables**

- In-Depth Reviews of the Energy Efficiency Policy (estimated 1-2 reports p.a.) Uzbekistan started in 2020 to be finalised in 2021
- Accession Reports on Energy Efficiency and Related Environmental Aspects. (estimated 1-2 reports p.a.) subject to the conclusions of the 2019 Review under Art. 34(7) of the ECT
- Raising awareness to promote energy efficiency, climate neutrality and sustainable development in line with the objectives of the Paris Agreement
- Organisation or co-organisation of one public event related to the role of the International Energy Charter in achieving clean energy transition while ensuring energy security
- Report on the role of the Energy Charter Treaty in achieving clean energy transition while ensuring energy security

**Estimated Resources**

- Establishment table: 0.95 post
- Temporary Officials: 1 post
- Estimated Costs: EUR 298 192 (7.6%) [301 849 (7.7%)]
Activity 8  Dispute Prevention and Management

The Conflict Resolution Centre of the ECS will continue providing neutral, independent legal advice and assistance in dispute resolution including good offices, mediation, neutral legal expert reports (if requested by the arbitral tribunal), as well as access to the "travaux préparatoires" of the ECT. At the same time, it will continue providing the successful accreditation training for investment mediators, as well as workshops and seminars on dispute prevention and management (including investment mediation).

Based on the Model Instrument on Investment Dispute Management the Secretariat shall provide technical assistance if requested.

Deliverables

- Legal support, advice and assistance in dispute prevention and management if requested. Support to conflict resolution [CCDECs 2014 (06) para. 5; 2015 (11) Rule 9; 2016 (12) para. 2; Article 19.2 and Annex D of the ECT]
  - Assistance with good offices, mediation and conciliation, if requested and with the agreements of the parties
  - Provide neutral, independent legal advice and assistance in dispute resolution, and participate in pre-trial proceedings between Contracting Parties (before they revert to the mechanisms contained in Art. 27 ECT or Annex D).

- Access to travaux préparatoires
- Joint accreditation training with ICSID and IMI for investment mediators – 1-2 p.a.
- Workshops and seminars on investment mediation/conciliation – 1-2 p.a.
- Annual training on dispute resolution – 1 p.a.

Estimated Resources

- Establishment table: 0.3 post
- Temporary Officials: 0.05 post
- Estimated Costs: EUR 89 867 (2.3%) [89 996 (2.3%)]

Activity 9  Implementation of the CONsolidation, EXpansion and Outreach policy (CONEXO)

The Secretariat will undertake limited efforts in the sphere of Expansion, Outreach and (particularly) Consolidation. It will primarily focus on assisting the Conference in finalising the Review of the CONEXO policy as a whole. This position takes into account the fact that
the Conference decided at its 30th Meeting in December 2019 to institute a temporary pause on issuing invitations to accede to the ECT.

In this context, the Secretariat’s Expansion Unit will continue to focus on preparing relevant reporting and other supporting inputs aimed at facilitating the efforts of the Conference to finalise the Review of CONEXO, as well as to further improve its implementation. Additionally, the Secretariat will provide assistance to select Observer countries already deeply embedded in the ECT accession process in various ways, and to the degree allowed by the limitations placed upon accession by the Conference.

This could include, but should not be limited to, providing capacity building services to ECT accession countries, raising awareness about the ECT amongst Observers in accession, and responding to enquiries about ECT ratification by the four countries already invited by the Conference to accede to the Treaty. The Secretariat will also maintain contact with Uganda, which requested an invitation to accede to the ECT in December 2019. It is anticipated that the Secretariat will primarily engage countries already in the process, rather than any Conference Observer per se. The Secretariat may also be expected to respond to countries with an expressed interest in signing the International Energy Charter, in the event that such interest materialises.

**Deliverables**

- Implementation of the Conclusions of the 2019 Review under Art. 34(7) of the ECT with specific reference to assisting the Conference in finalising the Review of CONEXO 2020 and improving its implementation.
- Providing limited support for Observers in accession to the Treaty through capacity building and awareness raising about the ECT on a selected basis, based on members’ prioritisation
- Possibly overseeing and coordinating with other Secretariat Units the completion of 1-2 accession reports for countries that have already commenced accession, drafted an accession report or have notified the Secretariat of their intention to accede (examples could be Kenya, Tanzania, Benin, Panama, Colombia, Cambodia, Indonesia).
- Responding to enquiries about ratification of the ECT by countries already invited by the Conference to accede (Pakistan, Mauritania, Eswatini, Burundi), or to countries which have officially requested an invitation to accede (i.e., Uganda).
- Responding to countries which express interest in signing the International Energy Charter where feasible.

**Estimated Resources**

- Establishment table: 2 posts
- Temporary Officials: 1 post
- Estimated Costs: EUR 445 517 (11.4%) [448 290 (11.5%)]
Activity 10  Cooperation with Contracting Parties, Observers, International Organisations and Industry

In order to achieve the development and delivery of coherent narrative/messages from the International Energy Charter, the Energy Charter Secretariat, in all areas of activity described in the Programme of Work (PoW), will strive to ensure that its activities are broadly supported by Members and complementary with those of other relevant international organisations. The Secretariat shall provide relevant policy advice based on PoW activities and international best practices to ECT Constituency on energy investment and the functioning of energy market.

Deliverables

- Representation of the organisation in inter-governmental meetings
- Meetings with high-level representatives of Members and Observers
- Co-hosting events or providing panel contributions or presentations for international events

Estimated Resources

- Establishment table: 0.55 post
- Temporary Officials: 0.10 post
- Estimated Costs: EUR 142 607 (3.6%) [142 845 (3.7%)]

Activity 11  Legal Support

Provision of legal advice to the Conference, its subsidiary bodies and the Secretariat on the interpretation and application of the Energy Charter Treaty, as well as on internal and administrative matters, and external agreements (including MOUs).

Deliverables

- Legal support for the Secretariat/Conference (including preparation of conference decisions, revision of contracts, personnel matters, advice on procedural rules…), the Legal Advisory Committee and the Legal Advisory Task Force, as well as providing legal information to Members of the conference
- Implementation of the conclusions of the 2019 Review under Art. 34(7) ECT including necessary revisions and /or development of internal provisions and rules together with Activity 1
- Supervision of compliance with Manual on data protection
• Relations with the Depository, drafting of MOUs and legal notifications under the ECT
• Maintain and translate into other languages the dedicated online website and database
• Accession Reports on compatibility of the domestic system with the ECT – 1-2 p.a. estimated countries should be identified subject to the conclusions of the 2019 Review under Art. 34(7) of the ECT

Estimated Resources
• Establishment table: 0.6 post
• Temporary Officials: 1.05 posts
• Estimated Costs: EUR 230 290 (5.9%) [233 241 (6.0%)]

Activity 12  Raising awareness of the Energy Charter Process

Promoting the visibility of the Energy Charter Process amongst all relevant external stakeholders at the global level through information spreading activities like trainings, seminars, publications and research tasks. Activities related to raising awareness of the Energy Charter Process are co-funded by voluntary contributions and non governmental participants of the trainings

Deliverables
• Communication and public affairs related tasks
• Administration of the Public website
• Annual report
• Organisation of International Energy Charter Forums - 1-2 p.a. topics and place to be determined in cooperation with upcoming Chairmanship (Armenia)
• Trainings; 1 p.a. execution of trainings on ECT, PEEREA, energy governance, energy security and clean energy transition in Energy Charter Member and Observer Countries (preferably by videoconference and subject to available resources)
• Preparation, organisation, and active participation at seminars, workshops on ECT and related issues
• Outcomes of research tasks: Editing and publication of occasional papers authored by secondees, visiting researchers, research fellows and interns

Estimated Resources
• Establishment table: 0 post
• Temporary Officials: 2 posts
• Estimated Costs: EUR 177 092 (4.5%) [183 654 (4.7%)]
Activity 13  Financial and Administrative Support

Provide support to the Conference, its subsidiary bodies, the Industry Advisory Panel and the Secretariat on internal financial and administrative issues:

(a) Internal financial management, budgeting, financial and fiscal reporting and other financial and fiscal procedures;
(b) Preparation of financial statements, cooperation with auditors and management of national and voluntary contributions;
(c) Human resources management, including recruitment, posting, advancement, salaries and other related personnel matters;
(d) Implementation of the relevant conclusions of the 2019 Review under Art. 34(7) of the ECT including necessary revisions and/or development of internal provisions and rules together with Activity 1;
(e) Building management, including premises, furniture, and other related matters;
(f) IT management, including hardware management, accounts and access management and all related IT matters;
(g) Contracts management, including tendering, evaluating and issuing contracts;
(h) Daily office operations, including utilities, office supplies and all related matters;

Deliverables

- Financial Statements 2020 audited by external auditor
- Progress and final status report of the Programmes of Work for 2020 and 2021
- Smooth administrative operations of the Secretariat
- Implementation of financial and administrative aspects of the conclusions of the 2019 Review under Art. 34(7) of the ECT including necessary revisions and/or development of internal provisions and rules together with Activity 1
- Finalising financial report of the EU4Energy project following expenses verification by Auditors

Estimated Resources

- Establishment table: 3.60 posts
- Temporary Officials: 0 post
- Estimated Costs: EUR 480 629 (12.3%)
Budget Part II
Activities financed by Voluntary Contributions with particular purpose

Activity 14  Eastern neighbourhood - EU4Energy Phase II

Further advance alignment with best practices of energy/energy efficiency related legislation in Armenia, Azerbaijan and Belarus. Support implementation of Roadmaps and recommendations provided during the first phase of the project.

Deliverables
- Concrete activities and deliverables to be defined based on discussions with the Contracting Authority

Estimated costs
Voluntary contribution by EU needed

Activity 15  EIRA extended country profiles

Developing and publishing extended EIRA country profiles, depicting the policy, legal and regulatory risk for investment in the energy sectors of participating countries. Depending on specific needs, such profiles contains detailed strengths, areas for improvement and, in comparison with regular EIRA country profiles, more in-depth and tailored recommendations.

Deliverables
- Extended country profile publications, including their presentation.

Estimated costs:
Voluntary contribution of EUR 15 000 needed per extended EIRA profile.
Activity 16  Energy Charter Investment Promotion Centre

Creating awareness on the Investment Promotion Centre, which provides a platform for knowledge exchange and best practices on energy investments. It promotes the Energy Investment Risk Assessment and the Energy Charter Investment Facilitation Toolbox.

Deliverables
• A workshop on the activities of the Investment Promotion Centre. Supporting observer countries with implementation of the Investment Facilitation Toolbox.

Estimated costs
Voluntary contribution of EUR 15 000 needed

Voluntary contributions received
• WCF Nigeria  EUR 3 736 (to be confirmed) for Nigeria extended profile 2019

Activity 17  Regional Energy Cooperation and Promoting Accession to the Energy Charter Treaty

The Secretariat will continue supporting the involvement in the Energy Charter Process of member as well as non-member countries by means of accepting seconded experts from accession countries and/or organising various events and trainings to enhance capacity building in matters related to the Energy Charter Process.

This activity can be divided in as many sub-activities as necessary depending on the geographical scope of the projects:

Country level;
• Central Asia;
• North East Asia;
• South Caucasus;
• Middle East;
• Maghreb;
• West Africa;
• Sub-Saharan Africa;
• East Africa;
• South America;
• Central America;
• South Asian Association for Regional Cooperation (SAARC) Region;
• ASEAN Region;
Deliverables
- Studies and reports on energy projects and policies in the region concerned
- Training and capacity building for seconded/national experts
- Workshops and studies related to the Energy Charter Process
- Recommendations for Governments on Regional Energy Cooperation, Energy Efficiency and Investment Policies, EIRA Extended profiles, etc.
- Signings of the International Energy Charter and supporting accession to the Energy Charter Treaty subject to the conclusions of the 2019 Review under Art. 34(7) of the Treaty

Estimated costs
Minimum voluntary contribution of EUR 15 000 per country or region needed

Voluntary contributions received
- The Gambia Staff on Loan from the Gambia for the period 1 June 2020 – 31 May 2021 (see Message 1666/20)
- WCF Poland EUR 4 516 (to be confirmed) for Beijing Research Centre
- WCF Nigeria EUR 26 996 (to be confirmed) for Nigeria related activities
- ECOWAS Voluntary Contribution in kind

Possible Voluntary contributions
- KPMG/ADB CAREC Energy Investment Outlook (up to USD 99 000, approx. EUR 85 000)
Annex

Monthly Basic Salary Scale as from 1 January 2020

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<th>STEPS</th>
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* The advancement from one step to the next one is as follows:
  Grades A6 to A7 each year from step 1 to 5, two years for the higher steps
  Grades A1 to A5 each year from step 1 to 7, two years for the higher steps
  Grades B and C each year from step 1 to 8, two years for the higher steps

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GRAD: Grades

Annex
## Draft Monthly Basic Salary Scale as from 1 January 2021

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*The advancement from one step to the next one is as follows:

- Grades A6 to A7 each year from step 1 to 5, two years for the higher steps
- Grades A1 to A5 each year from step 1 to 7, two years for the higher steps
- Grades B and C each year from step 1 to 8, two years for the higher steps

### Other elements of remuneration

- **Dependant Allowance**: 6%
- **Household Allowance**: 14%
- **Expat. All. w/o household**: 18%
- **Expat. All. w. household**: 304.91