

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2021

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Brussels, 4 March 2021

Related documents: CC 706, Mess 1790/21
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DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Adoption by correspondence – Updated Terms of Reference of the Implementation Group

By CC 706 dated 12 February 2021, the Conference was invited to approve the updated Terms of Reference of the Implementation Group (attached). 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 that decision should notify the Secretariat of its position in writing by 4 March 2021.

Having received no objections within the specified time limit, on 4 March 2021, the Conference **approved**, with immediate effect, the updated Terms of Reference of the Implementation Group.

IMPLEMENTATION GROUP

UPDATED TERMS OF REFERENCE

Whereas the Contracting Parties have wished for clearer, inclined and pronounced tasks towards the focus areas of the Implementation Group, the following updated ToR thereof has been agreed upon:

“The Implementation Group should monitor, assist in and report to the Energy Charter Conference on the implementation of the Energy Charter Treaty (ECT) and its related instruments and suggest recommendations on further steps to improve compliance based on the focus areas of the Group as follows:

- (a) Facilitate the implementation and improvement of investment protection under the ECT and related instruments, including transparency and information-sharing on ISDS;
- (b) Promote and facilitate the development of open, competitive and efficient markets and well-designed complementary policies and measures consistent with sustainable development, including clean energy transition, in order to remove potential obstacles to energy transit, sustainable energy investment, including energy efficiency, and access to energy;
- (c) Facilitate the discussion on promoting and securing energy flows, based on the principles and provisions of the ECT and related instruments;
- (d) Report to the Energy Charter Conference on progress of implementation of the Energy Charter Treaty and the PEEREA every year;
- (e) Review and discuss accession reports to the ECT and within its focus areas and subject to final decisions on accession process.

In light of the ongoing process of Modernisation of the ECT and pending its outcome, this ToR may be revised based on an evaluation and amendment in a two-year period, including modernization of the ECT if concluded”.