

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2021

16 STR

Brussels, 30 September 2021

Related documents: CC 715, Mess 1879/21
--

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Adoption by Correspondence - Supporting Mechanism for the Chair of the Conference

By document CC 715 dated 2 August 2021, the Energy Charter Conference was invited to approve the attached supporting mechanism for the Chair of the Conference with the understanding that the application of some of the proposed functions will require prior amendments to the existing rules and provisions of the Organisation.

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 not in a position to approve the above decision should notify the Secretariat of its position in writing by no later than 30 September 2021.

Having received no objections within the specified time limit, on 30 September 2021, the Conference **approved** the attached supporting mechanism for the Chair of the Conference.

Keywords: Energy Charter Conference, Supporting Mechanism, Management Committee

SUPPORTING MECHANISM FOR THE CHAIR OF THE CONFERENCE: TERMS OF REFERENCE OF THE MANAGEMENT COMMITTEE

Article 1 - Functions

The Management Committee shall:

- Enhance the governance of the organisation and seek to prevent failures.
- Identify the overall direction of the Energy Charter process, and particular issues and initiatives and form an opinion to the Conference and Chairmanship.
- Identify new challenges in the energy sector and consider in which way the Energy Charter process and its instruments can most efficiently respond to such challenges and form an opinion to the Conference and Chairmanship.
- Provide support and political guidance as well as to facilitate the discussion of important/sensitive topics to Conference and Chairmanship in the fulfilment of the tasks in between Conference Meetings or in case of a crisis in the Energy Charter Process.
- Discuss the specific and political topics submitted to it by the Conference and/or its Chairmanship (or the Secretary General through the Chairmanship), including issues provided by the Subsidiary Bodies, Staff Committee, Contracts Committee, Advisory Board and Industry Advisory Panel (IAP).
- Perform any other function/task assigned to it by the Conference.
- Deal with any question relevant to the International / European Energy Charters and the Energy Charter Treaty (ECT), as well as decisions of the Energy Charter Conference directly addressed to the Management Committee.
- Prepare the work of the Conference; agenda, participation, invitations, supporting documents, outcomes.
- Implement the decisions and policies of the Energy Charter Conference directly addressed to the Management Committee; advice and facilitate its work.
- Report directly to the Conference on the execution of its duties and on the situation and prospects of the Energy Charter in short reports focused on the strategies, visions as well as on expenditures of budget, and annually on the activities of the International Energy Charter. The reports and proposals prepared by the Management Committee shall call, when appropriate, attention to the different views of the members.

- Take measures, if so empowered by the Conference and ensure implementation and respective report to the Conference.
- Serve as a selection board/Committee for the implementation of the selection processes for the appointment of the SG and DSG.
- The Management Committee should examine the programme of work and the corresponding budget estimates submitted to it by the Budget Committee and ensure that the programme of work is carried out through its approved annual budget and closely monitor its execution and expenditure.
- Submit, upon the request of the Conference or upon its own initiative, other communications to the Conference.
- Consult, cooperate and collaborate with the IAP, Knowledge Centre and Subsidiary bodies on the areas of their competence defined in their ToRs, and request their opinion on topics concerned.
- Take account of the work done by other international Organisations concerned, and may cooperate with them, in the performance of its duties.
- Receive regular reports by the Staff Committee, Advisory Board, and Contracts Committee on relative issues. It is up to the Staff Committee, Advisory Board and Contract Committee to consider the content of those reports.
- Establish such individual groups, if deemed necessary, to assist it in the performance of its duties and entrust them with the execution of any task relevant to the purpose of the International Energy Charter.
- Any other functions assigned to the Management Committee by the Rules of Procedure of the Conference or any other internal document of the organisation.

Article 2 – Composition

The Management Committee restricted composition should allow a more focused debate on sensitive topics, in preparation for the Conference. The Chair of the Conference and the Vice-Chair of the outgoing Chairmanship will co-Chair the meetings.

The Management Committee should be composed of:

- The Chair of the Conference;
- One representative of each the outgoing and incoming Chairmanships as Vice-Chairs;
- The Chairs of the subsidiary groups;
- Two representatives from the EU and a representative from each non-EU Contracting Party that contributes more than 10% of the budget;

- In addition, up to five Contracting Parties (CP's) allowing different geographical representation. CP's could nominate their representative to this body who will be confirmed/elected by the Conference by consensus for a 3 years term. The composition should take into account regional balances in order to maintain and raise the awareness of all CP's toward ECT, and ensure the effectiveness of the Committee's work;

The Management Committee shall be assisted by the Secretariat as needed.

Exceptionally, any other member of the Conference may be invited on an ad hoc basis to participate, upon agreement of the Management Committee and acceptance by the country invited by the Chair of the Conference and the Vice-Chair of outgoing Chairmanship.

Article 3 – Meetings

The Management Committee should meet periodically (at least 3 times per year) at the invitation of the Chair and the outgoing Chairmanship of the Conference. The Secretary General or at least two Contracting Parties or Signatories of the ECT could request the Chair and the outgoing Chairmanship of the Conference to convene a meeting of the Management Committee. Such request should include the topic to be discussed and the reasons for the consultation with the Management Committee.

The Members of the Conference shall be informed of the main conclusions reached at the meetings of the Management Committee.

The Chair of the Conference and the Vice-Chair of the outgoing Chairmanship shall prepare the draft Agenda to be approved by the Management Committee in line with the Rules of Procedure.

Article 4 – Role

The Management Committee would play a secondary role under the Conference, which could have some of its own independent powers upon Conference's authorisation to make recommendations to the Conference and/or the Conference Chair. The Management Committee does not detract from the Conference's standing as the sole decision-making body, but shall provide its opinion and/or proposal and/or recommendation to the Conference and/or Chair of the Conference on any question or issue within its competence. The reports, opinions, recommendations and decisions shall be adopted by consensus and/or three-fourths majority of those members present and voting in line with the Rules of Procedure for each issue. Other participant countries invited on an ad hoc basis may notify the Chairmanship and the Vice-Chair of the outgoing Chairmanship of their wish to participate to an opinion and/or a recommendation and/or decision.