

**ENERGY CHARTER  
SECRETARIAT**

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CCDEC 2022

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Brussels, 10 October 2022

Related documents: CC 757, Message 2014/22
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: Adoption by correspondence – Amendments to the Rules of Procedure of the Energy Charter Conference**

By document CC 757, dated 20 September 2022, the Energy Charter Conference was invited to approve the proposed amendments to its Rules of Procedure as recommended by the Working Group on Governance Issues. As specified by Rule 20(b) (as amended) 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 this proposal should notify the Secretariat of its position in writing by 10 October 2022.

Having received no objections within the specified time limit, on 10 October 2022, the Energy Charter Conference **approved** the amendments to the Rules of Procedure with immediate effect (clean version attached).

**RULES OF PROCEDURE OF THE ENERGY CHARTER CONFERENCE**  
(Article 34(6) of the Energy Charter Treaty)

**I. MEETINGS**

*Rule 1*

- (a) Ordinary meetings of the Conference shall be held at intervals determined by the Conference. The date of each ordinary meeting shall be fixed by the Conference at a previous meeting. Any ordinary meeting may, however, be rescheduled by the Chairperson of the Conference in consultation with the Secretariat if necessary for reasons unforeseen by the Conference. Notice of rescheduling of a meeting shall be given at least 15 days in advance of the date for the rescheduled meeting.
- (b) Extraordinary meetings of the Conference may, as provided in Article 34(2) of the Energy Charter Treaty, be held at such times as are determined by the Conference, or at the written request of any Contracting Party or Signatory to the Energy Charter Treaty (hereinafter referred to as ‘Contracting Party’ or ‘Signatory’) provided that, within six weeks of the request being communicated in writing to the other Contracting Parties and Signatories by the Secretariat, it is supported in writing by at least one-third of the Contracting Parties and Signatories. Notice of extraordinary meetings shall be given at least 15 days in advance of the date of the extraordinary meeting. In exceptional circumstances, the Chairperson may, upon request and or at his/her discretion, shorten the notice, unless there is an objection of a Contracting Party.

*Rule 2*

Meetings of subsidiary bodies shall be held when convened by their Chairperson in accordance with any relevant decisions of the Conference, or when requested in writing by one-third of their members.

*Rule 3*

- (a) Meetings of the Conference and of its subsidiary bodies normally shall be held in Brussels. However, the Conference or a subsidiary body may decide to meet elsewhere.
- (b) Each year, within two weeks of the annual conference, the Secretariat will produce a schedule of planned and proposed meetings and activities for the following year. Meetings will be confirmed upon the specific invitation, and uploaded on the delegates’ website. As a rule, specific invitations should be uploaded one month before the meeting.
- (c) If the meeting room is provided with a videoconference system, the Secretariat may offer the opportunity to participate via teleconference or videoconference.

## **II. AGENDA**

### *Rule 4*

- (a) The Secretariat, in consultation with the relevant Chairpersons, shall draw up and transmit to all Contracting Parties and Signatories the proposed agenda for each meeting of the Conference and of the subsidiary bodies. The Chairperson of the Conference and the Vice-Chairperson of the outgoing Chairmanship shall prepare the draft Agenda of the meeting of the Management Committee to be approved by the latter in line with the Rules of Procedure.
- (a bis) The Secretariat, in consultation with the Chairmanship, shall draw up a draft agenda for the annual meeting of the Conference to be discussed by the Management Committee at least six months before the meeting. Any items of an important and urgent character, proposed by a Contracting Party less than two months before the meeting, shall be sent to the Secretariat and, upon consultation and approval of the Chairmanship and the Management Committee included as supplementary items.
- (b) In notifying the Contracting Parties and Signatories of the date of a meeting the Secretariat shall communicate to them any available information about the proposed agenda. The proposed agenda together with any available documents for the meeting shall be uploaded on the Energy Charter Secretariat webpage at least 15 days in advance of the meeting.
- (c) As a general rule, each day a document has been uploaded, a dissemination message confirming the upload will be sent to delegates. The deadline mentioned in the previous paragraph refers to the date of the upload, not of the dissemination message.
- (d) Restricted documents are not to be shared outside the Secretariat and delegations by any technical, computer-based, paper-based, telematic or any other means.

### *Rule 5*

The first item of business at each meeting shall be the consideration and approval of the agenda.

### *Rule 6*

The Conference or a subsidiary body may amend its agenda or give priority to certain items.

## **III. OBSERVERS**

### *Rule 7*

#### **A. General rules**

- (a) States and international organisations which sign the European Energy Charter or the International Energy Charter shall thereby obtain observer status to the Energy Charter Conference. They may be invited by the Conference or its subsidiary bodies, where

appropriate, to attend meetings, or part of meetings, of the Conference, or of the subsidiary bodies, as observers without the right to vote.

- (b) The Conference may also invite representatives of international organisations to be represented as observers without a right to vote at meetings, or parts of meetings, of the Conference or of its subsidiary bodies.
- (c) At a meeting, the Chairperson may, at his or her own initiative or upon request, invite an observer to make a statement on a particular issue.
- (d) The Secretariat shall notify the observers of the dates of meetings or parts of meeting of the Conference or of its subsidiary bodies which they may attend and shall provide them with the agenda and other documents thereof as if the observers were Contracting Parties or Signatories for the purposes of Rule 4.
- (e) The Conference may, by consensus, suspend or withdraw the Observer status of a country or international organisation in case of
  - a persistent or serious breach of the principles of the European Energy Charter or the International Energy Charter, whichever was signed by that country or international organisation, or
  - persistent failure to comply with financial obligations it may have towards the International Energy Charter.

If consensus cannot be reached, the decision of the Conference under this subparagraph shall be taken by a three-fourths majority of the Contracting Parties Present and Voting at the meeting of the Conference, as far as they represent a simple majority of the Contracting Parties.

#### B. Specific rules regarding signatories of the European Energy Charter

- (a) Any signatory to the European Energy Charter which has not signed the Energy Charter Treaty may participate in the negotiations referred to in Articles 10(4) and 33 of the Energy Charter Treaty.
- (b) Signatories to the European Energy Charter which have not signed the Energy Charter Treaty are admitted to such negotiations upon notification to the Secretariat of their intention to participate and their decision to contribute to the costs of the negotiations.

### IV. REPRESENTATIVES

#### *Rule 8*

The names of representatives of Contracting Parties, Signatories and observers attending meetings of the Conference and of its subsidiary bodies shall be communicated to the Secretariat.

## V. INSTITUTIONAL STRUCTURE – BODIES OF THE INTERNATIONAL ENERGY CHARTER

### *Rule 9*

The informal working name of the Organisation is “International Energy Charter”. The Organisation consists of the following: the Conference, the Management Committee, the subsidiary bodies and any of their subgroups, and the Secretariat.

### *Rule 10 - The Energy Charter Conference*

- (1) The Contracting Parties meet periodically in the Energy Charter Conference at which each of them shall be entitled to have one representative.
- (2) Unless otherwise provided in the Rules of Procedure, these Rules shall also apply to the Management Committee and the subsidiary bodies of the Conference.
- (3) The functions of the Conference are established in Article 34(3) of the Energy Charter Treaty (hereafter – “Treaty”):
  - (a) carry out the duties assigned to it by the Treaty and any Protocols;
  - (b) keep under review and facilitate the implementation of the principles of the Charter and of the provisions of the Treaty and the Protocols;
  - (c) facilitate in accordance with the Treaty and the Protocols the coordination of appropriate general measures to carry out the principles of the Charter;
  - (d) consider and adopt programmes of work to be carried out by the Secretariat;
  - (e) consider and approve the annual accounts and budget of the Secretariat;
  - (f) consider and approve or adopt the terms of any headquarters or other agreement, including privileges and immunities considered necessary for the Charter Conference and the Secretariat;
  - (g) encourage cooperative efforts aimed at facilitating and promoting market-oriented reforms and modernisation of energy sectors in those countries of Central and Eastern Europe and the former Union of Soviet Socialist Republics;
  - (h) authorise and approve the terms of reference for the negotiation of Protocols, and consider and adopt the texts thereof and of amendments thereto;
  - (i) authorise the negotiation of Declarations, and approve their issuance;
  - (j) decide on accessions to the Treaty;
  - (k) authorise the negotiation of and consider and approve or adopt association agreements;
  - (l) consider and adopt texts of amendments to the Treaty;
  - (m) consider and approve modifications of and technical changes to the Annexes to the Treaty;
  - (n)\* consider and approve the listing of signatories in Annexes BR or BRQ or in both these Annexes;

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\* For the Contracting Party which has not ratified the Amendment to the Trade-related Provisions of the Energy Charter Treaty, sub-paragraphs (o)-(p) do not apply and sub-paragraph (n) reads as follows:  
“(n) appoint the Secretary-General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees.”

- (o)\* consider and approve the addition of items to Annex EM II from Annex EM I with the corresponding deletion of those items from Annex EM I and consider and approve the addition of items to Annex EQ II from Annex EQ I with the corresponding deletion of those items from Annex EQ I;
- (p)\* appoint the Secretary General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees.
- (4) At intervals (of not more than five years) to be determined by the Conference, the Conference shall thoroughly review its functions provided for in the Energy Charter Treaty in the light of the extent to which the provisions of the Treaty and its Protocols have been implemented. At the conclusion of each review the Conference may amend or abolish the functions specified in paragraph (3) and may discharge the Secretariat.

#### *Rule 11 - Management Committee*

- (a) The Management Committee should be composed of:
- The Chairperson of the Conference;
  - One representative of each the outgoing and incoming Chairmanships as Vice-Chairpersons;
  - The Chairpersons 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;

Except for the Chairpersons of the subsidiary groups, members and alternates of the Management Committee can nominate another representative to participate on their behalf in case they are not available on the day of a meeting of the Management Committee.

- (b) The Management Committee shall exercise the functions provided in Article 1 of its terms of reference.
- (c) 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 Chairperson of the Conference and the Vice-Chairperson of outgoing Chairmanship.

- (d) The Management Committee has an advisory role. It shall provide its opinion and/or proposal and/or recommendation to the Conference and Chairmanship on any issue within its competence and proceed with any tasks assigned to it by the Conference, its Chairmanship and Subsidiary Bodies, as appropriate.
- (e) The Management Committee shall meet periodically (at least 3 times per year) at the invitation of the Chairperson and outgoing Chairmanship of the Conference. The Secretary General or at least two Contracting Parties or Signatories of the ECT could request the Chairperson and 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.
- (f) The Members of the Conference shall be informed of the main conclusions reached at the meetings of the Management Committee.

*Rule 12 – Subsidiary bodies and sub-groups*

- (a) The Conference may, as provided in Article 34(5) of the Energy Charter Treaty, establish such subsidiary bodies as it considers appropriate for the performance of its duties. Such subsidiary bodies shall be either ‘Standing Groups’ established to deal with issues of a regular nature or ‘Working Groups’ established to carry out negotiations or other work of a temporary nature.
- (b) The Conference shall determine the terms of reference for and the membership of subsidiary bodies.
- (c) The Conference or subsidiary bodies may set up temporary sub-groups to assist them in their work.
- (d) A subsidiary body shall address such issues as it is instructed to do by the Conference.
- (e) A subsidiary body may decide to address any matter related to the issues within its competence.
- (f) At any time, the Conference may subject a subsidiary group to an in-depth evaluation and decide that the work undertaken by a subsidiary body should not be carried further or revise its mandate.
- (g) A subsidiary body shall through its Chairperson report to the Conference.
- (h) Recommendations submitted by the Chairperson of a subsidiary body to the Conference shall call attention to differences in the views of Signatories.
- (i) A sub-group shall through its Chairperson report to the body which set it up, which shall give it the necessary guidance for carrying out its work.
- (j) A subsidiary body may submit to the Management Committee any topic on issues of its competence.

*Rule 12 bis – ToR/Mandates of subsidiary bodies and sub-groups*

- (a) The mandates of subsidiary groups should be reviewed during the review under Article 34(7) ECT, unless otherwise specified in group's mandate/ToR approved by the Conference.
- (b) The ToRs/mandates of sub-groups are defined by the relevant subsidiary group (or subsidiary groups in the case of a joint sub-group) and the Conference should be notified accordingly. In practice, the Secretariat should transmit this notification to the Conference as early as possible and no later than one month from the decision of establishment. Unless there are objections within the following twenty days, the establishment of the sub-group is confirmed to be approved by the Conference.
- (c) The mandates of the sub-groups are reviewed within the framework of the evaluation of the continuing relevance of its substructure by a subsidiary body prior to renewal of its mandate, using the results of the in-depth evaluation process when these are available.

*Rule 13 – Bureaus*

- (a) Each subsidiary body, including their sub-groups, may establish by consensus a Bureau. Bureau shall be designated yearly by the respective subsidiary body through a transparent and fair process and approved by the Conference. Each Bureau consists of the Chairperson and Vice-Chairpersons of the relevant body.
- (b) The Bureau is responsible for:
  - ensuring that the draft Agenda is properly set up;
  - assisting the Chairperson in the preparation of the conduct of the meetings;
  - ensuring the continuity of the work between meetings, in accordance with the working methods defined by the body;
  - foster coordination between its members in preparation of the meetings.

*Rule 14 - The Secretariat*

- (a) In carrying out its duties, the Conference shall have a Secretariat which shall be composed of a Secretary General and such staff as are the minimum consistent with efficient performance.
- (b) In the performance of its duties the Secretariat shall be responsible to and report to the Charter Conference. 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 Energy Charter Treaty or in any Protocol and any other functions assigned to it by the Charter Conference.
- (c) The Secretariat may enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions.

## VI. OFFICERS

### *Rule 15*

#### A. Conference

- (a) The Chairmanship of the Conference shall be held for a term of one calendar year. Each year, the Conference shall approve by consensus a list of future Chairmanships of the Conference covering at least the following three years and on the basis of equitable geographical rotation. The Conference shall consider only nominations received by the Secretariat before the 1st of July of each year. In the case there are more than one candidate for a particular year, the Conference shall make every effort to reach agreement by consensus. If agreement cannot be reached by consensus, the decision should be taken by a simple majority of the Contracting Parties whose representatives are present and voting by secret ballot in the Conference. The Chairperson of the Conference may also decide that this decision should be taken by correspondence (in which case Rule 20.c will apply). In case there are no nominations to cover the following three years or if the only nomination(s) arrive(s) on or after 1 July, the Conference will decide how to proceed.
- (b) As a rule, the minister in charge of Energy Charter issues of the Contracting Party holding the Chairmanship shall be designated as Chairperson of the Conference. The Contracting Party holding the Chairmanship may also nominate a representative other than the minister as the Chairperson. In performing such duties, the Chairperson shall act in accordance with the Energy Charter Treaty, Protocols, Declarations and Conference decisions. The Chairperson shall be assisted by Vice-Chairpersons.
- (c) Contracting Parties may nominate themselves for the office of Chairmanship by letter to the Secretariat, indicating their preference for the year they wish to assume this role. The Secretariat shall immediately make such letter available to all delegations.
- (d) If for any reason the Chairperson can no longer perform the functions of the office, the Chairmanship shall nominate an official of the relevant government office as replacement. The Conference shall then, without delay, designate the replacement as new Chairperson.
- (e) Three positions of Vice-Chairpersons shall be reserved for the current, the outgoing and the incoming Chairmanships. The Vice-Chairperson representing the acting Chairmanship shall act as first Vice-Chairperson, while the Vice-Chairpersons representing the outgoing and incoming Chairmanships shall rank second and third respectively. Additional Vice-Chairpersons, if any, shall be ranked taking into account the date of their first appointment.
- (f) As part of the change of Chairperson under paragraph (d), the Chairmanship may re-nominate a Vice-Chairperson for designation by the Conference without delay.
- (g) The incoming Chairmanship should consult its priorities and expected outcomes with the Management Committee and subsidiary bodies during the first 6 months of the year prior to its Chairmanship.

## B. Management Committee and subsidiary bodies

- (a) The Chairpersons and Vice-Chairpersons of subsidiary bodies shall be designated each year by the Conference. As a general rule, no person can be Chairperson or Vice-Chairperson of the same subsidiary body for more than three consecutive years. As a general rule, no person can be Chairperson of multiple bodies of the International Energy Charter.
- (b) The Chairpersons and Vice-Chairpersons of the subsidiary bodies shall be designated on a volunteer basis, taking into account the principle of equitable geographical distribution among the Contracting Parties and Signatories.
- (c) If there is no volunteer or if the Conference is not able to take a decision, the Chairmanship of the Conference shall act as interim Chairperson until a volunteer is confirmed by the Conference.
- (d) If a Chairperson is absent from any meeting or part thereof, a Vice-Chairperson shall perform the functions of the Chairperson. If a Vice-Chairperson is not present, the Contracting Parties and Signatories attending the meeting shall elect an interim Chairperson for that meeting or that part of the meeting.
- (e) If necessary, any interim Chairperson should remain in office until the next meeting of the relevant group.

## VII. CONDUCT OF BUSINESS

### *Rule 16*

- (a) In addition to exercising the powers conferred upon him or her elsewhere in these Rules, the relevant Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, shall ensure the observance of these Rules, and shall accord the right to speak, put questions to the vote, and announce decisions. The relevant Chairperson also may call a speaker to order if his or her remarks are not relevant to the subject under discussion. The relevant Chairperson should not take any decisions, especially with budgetary implications, before the discussion and approval by the Working/Standing Group he/she chairs.
- (b) During the discussion of any matter in the Conference or in a subsidiary body a member thereof may raise a point of order. In this case the relevant Chairperson shall immediately state his or her ruling. If the ruling is challenged by a member, the Chairperson shall forthwith submit his or her ruling for decision by the body in which the matter is under discussion, and it shall stand unless overruled.

## VIII. VOTING

### *Rule 17*

- (a) Decisions on strictly procedural matters not provided for in the Energy Charter Treaty shall, except as otherwise provided in these Rules, be taken by a majority of the Contracting Parties and Signatories whose representatives are present and voting in the Conference, or in the case of a subsidiary body, by a majority of the Contracting Parties and Signatories which are members of that body whose representatives are present and voting.
- (b) Every effort shall be made to reach consensus on recommendations to the Conference by subsidiary bodies. If a decision cannot be reached by consensus, such recommendations shall be decided by a three-fourths majority of the Contracting Parties and Signatories which are members of that body whose representatives are present and voting.
- (c) Each Contracting Party and Signatory (when applicable) shall be entitled to one vote provided that is not in arrears in the payment of its financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years.
- (d) A Regional Economic Integration Organisation shall vote in line with Article 36(7) of the Energy Charter Treaty, taking into account if any of its member states has lost its voting rights due to persistent arrears.

## **IX. REQUEST FOR DISTRIBUTION OF DOCUMENTS**

### *Rule 18*

For the information of the Conference, Contracting Parties and Signatories may request the distribution of messages and documents. Such documents shall be distributed as soon as possible to representatives of all Contracting Parties, Signatories and observers as appropriate.

## **X. PUBLICITY OF MEETINGS**

### *Rule 19*

- (a) Meetings of the Conference and of its subsidiary bodies shall not be public, unless the Conference or the relevant subsidiary body decides otherwise.
- (b) After a meeting has been held, the Chairperson of the Conference may issue a communiqué to the press.
- (c) Upon request, representatives of Contracting Parties and Signatories can listen, at the Secretariat's office, to the audio recordings of the meetings, for which their delegation registered, of the subsidiary bodies and the Conference without making recordings or copies of those recordings.

## **XI. RULES FOR DECISIONS BY CORRESPONDENCE**

### *Rule 20*

- (a) Decisions of the Conference provided for in Article 36(2) and (4) of the Energy Charter Treaty may, in the intervals between the meetings of the Conference, be taken by correspondence.
- (b) Where the Chairperson of the Conference, upon request by a Contracting Party or a Signatory or upon his/her own initiative, and after consultation with the Management Committee, decides that a decision should be taken by correspondence, he or she shall instruct the Secretariat to upload a message on the Energy Charter Secretariat webpage, containing such information as the Chairperson considers necessary to an informed decision.
- (c) The Chairperson of the Conference shall determine the date and hour by which any opposition must be received, which shall in no case be earlier than 20 days from the date of upload of the message referred to in paragraph (b). In exceptional circumstances, the Chairperson may, upon request and at his or her discretion, extend the time limit. Subject to no objections being received within the time limit, the Conference decision will be considered as approved with immediate effect and a confirmation message will be uploaded.
- (d) The states or Regional Economic Integration Organisation entitled to participate in decisions by correspondence are those which are Contracting Parties or Signatories on the date of upload of the message referred to in paragraph (b).
- (e) A subsidiary body may adopt rules for decisions of that body to be taken by correspondence.
- (g) For information purposes, a dissemination message will be sent to delegates each time a Conference decision by correspondence is initiated.

## **XII. RULES FOR APPOINTMENT OF SECRETARY-GENERAL**

### *Rule 21.1: Scope of Application*

- (a) These Rules shall apply only to the procedure for appointment of the Secretary-General of the Energy Charter Secretariat. These Rules shall not define or interpret any term or provision in the Energy Charter Treaty, any Annex or Protocol thereto, or the Rules of Procedure of the Energy Charter Conference.
- (b) These Rules shall replace the Procedures to Be Followed in Appointing the Secretary-General of the Energy Charter Secretariat (CC 164 Annex 1). These rules enter into force as of 1 January 2017.

- (c) The selection process under these Rules, including the informal sounding of preferences set out in Rule 7, shall be deemed part of the ‘effort to reach agreement by consensus’ required by Article 36(1) of the Energy Charter Treaty.

*Rule 21.2: Start of Procedure*

- (a) The Energy Charter Conference shall be invited to decide on the basis of the applicable rules, on whether or not to re-appoint the serving Secretary-General for a second mandate at least twelve months before the expiration of his or her contract.
- (b) Irrespective of the decision under paragraph (a) above, Contracting Parties may propose candidates for the post of Secretary-General more than twelve months before the expiration of the contract of the serving Secretary-General.
- (c) In the case of a decision by the Energy Charter Conference not to re-appoint the serving Secretary-General, or in cases where the serving Secretary-General indicates to the Conference Chairperson in writing that he or she is not ready to accept a second mandate, the procedure outlined in these Rules shall be applied.
- (d) The serving Secretary-General may reapply for the position of Secretary-General only once, for the term set out in Rule 21.10.

*Rule 21.3: Candidacy*

- (a) Within one month of the date of the decision by the Energy Charter Conference not to reappoint the serving Secretary-General, or of the date on which the Conference Chairperson receives a written indication from the serving Secretary-General that he or she is not ready to accept a second mandate, or in case one or more Contracting Parties have proposed another candidate(s) as allowed in Rule 21.2.b, all Contracting Parties and Signatories shall be informed, via a letter to Ministers from the Conference Chairperson, of the timetable for nominating candidates, or additional candidates, for the post of Secretary-General and the procedure to be followed. This letter shall be sent at least ten months prior to the date of the Energy Charter Conference’s meeting where the appointment is expected to take place and indicate a deadline for the nomination.
- (b) Desirable qualifications include broad experience in international affairs, as well as in leadership and organisational management, in government, international organisations and/or industry.
- (c) Each nomination shall be accompanied by the candidate’s curriculum vitae and a mission statement of the candidate.
- (d) The deadline for submission of candidatures shall be at least nine months prior to the date of the Energy Charter Conference’s meeting where the appointment is expected to take place.

*Rule 21.4: Nationality of Candidates*

- (a) Only Contracting Parties which are not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years, shall have the right to nominate a candidate for the post of Secretary-General, provided that any candidate shall have the nationality of one of the Contracting Parties.
- (b) Any candidate shall not necessarily be a national of the Contracting Party which proposes their candidacy.

*Rule 21.5: Interview*

- (a) All eligible candidates shall be interviewed by the Contracting Parties and Signatories. Such interview shall be chaired by the Conference Chairmanship and shall be open to all Contracting Parties and Signatories who wish to attend. If one of the candidates has the nationality of the Chairmanship, the Vice-Chairpersons representing the outgoing and incoming Chairmanships shall chair the interview in that order. In the event that there are also candidates of the nationality of the outgoing and incoming Chairmanships, the delegates attending the interview shall elect two representatives of Contracting Parties present to chair the interview. All candidacies shall be reviewed on an equal and non-discriminatory basis.
- (b) The interview of candidates shall be completed no later than six months prior to the date of the Energy Charter Conference's meeting where the appointment is expected to take place.

*Rule 21.6: Procedure in case there is only one candidate*

The Conference Chairperson shall submit the name of the single candidate to the Energy Charter Conference. The Conference Chairperson shall invite the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.

*Rule 21.7: Informal Sounding of Preferences*

- (a) When more than one candidate have been nominated, the Conference Chairmanship shall hold an informal sounding and invite the Energy Charter Conference to appoint, by consensus, as the Secretary-General, the single preferred candidate identified through such informal sounding consensus.
- (b) If an informal sounding is held, it shall be governed by the Conference Chairperson and past practice. Appendix I will collect those past practices to be considered by the Conference Chairperson.
- (c) Participation in the informal sounding is limited to those Contracting Parties and Signatories that are not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from them for the preceding two full years.

*Rule 21.8: Appointment by the Energy Charter Conference*

- (a) The submission of the candidate's name to the Energy Charter Conference shall be completed as a rule no later than three months prior to the expiry of the contract of the serving Secretary-General.
- (b) In line with Articles 34(3)(n), 35(2) and 36(1) of the Energy Charter Treaty, the Energy Charter Conference shall take the final decision on the appointment of the Secretary-General.
- (c) The term of initial appointment shall be no longer than five years.

*Rule 21.9: Lack of Appointment of the Secretary-General*

In the event that the procedure set out in these Rules does not lead to the appointment of the Secretary-General on the date of the Energy Charter Conference's meeting where the appointment was expected to take place, the Conference Chairperson may propose to the Energy Charter Conference either: (1) the designation of, as a rule, the Deputy Secretary-General as Acting Secretary-General; or (2), in case the post of the Deputy-Secretary General is vacant, the prolongation of the appointment of the serving Secretary-General.

*Rule 21.10: Reappointment by the Energy Charter Conference*

- (a) In case the Energy Charter Conference decides to reappoint the incumbent Secretary-General, it shall also decide on the term of reappointment.
- (b) The term of reappointment shall not be longer than five years.

*Rule 21.11: Early Departure of the Serving Secretary-General*

- (a) In cases where the serving Secretary-General tenders his or her resignation before the expiry of his or her existing contract, or in the case of a decision by the Energy Charter Conference to terminate the serving Secretary-General's appointment, or in any other case not foreseen in the above which entail the departure of the serving Secretary-General before the expiry of his or her existing contract, the Conference Chairperson shall inform all Contracting Parties and Signatories as soon as possible, via a letter to Ministers, of the measures that he or she proposes to take in order to ensure a timely replacement of the Secretary-General. In the meantime, the serving Deputy-Secretary General will serve as acting Secretary-General. In the case where the post of the Deputy-Secretary General is vacant, the Chairmanship of the Conference in consultation with the Contracting Parties and Signatories will designate, within 14 actual days from the departure of the serving Secretary-General, an acting Secretary-General to be selected from the existing staff of the Energy Charter Secretariat for a temporary period until a new Secretary-General is appointed.
- (b) The measures set out in paragraph (a) for the timely replacement of the Secretary-General shall be based on the procedures outlined in these Rules.

### **XIII. RULES FOR APPOINTMENT OF DEPUTY SECRETARY-GENERAL**

#### *Rule 22.1: Scope of Application*

- (a) These Rules should apply only to the procedure for the appointment of the Deputy Secretary-General of the Energy Charter Secretariat.
- (b) For the purpose of these Rules, the term ‘Contracting Party’ and ‘Signatory’ refer to any Contracting Party, and Signatory that is not in arrears in the payment of their financial contributions to the budget of the Energy Charter Secretariat in the amount which equals or exceeds the amount of the contributions due from it for the preceding two full years
- (c) A candidate can be appointed as the Deputy Secretary-General only if he or she is a national of a Contracting Party or of a Signatory.

#### *Rule 22.2: Start of Procedure*

- (a) The Secretariat should ensure that all Members of the Conference are informed, via a Message uploaded on delegates’ website, of the future vacancy, no later than three months prior to the expiry of the contract of the serving Deputy Secretary-General or, as referred in Rule 22.5, at least two months before the early departure of the Deputy Secretary-General.
- (b) The call for interest shall include a full description of the qualifications and experience required for the post. The applications should be sent to the Secretariat at least one month before the expiry of the contract of the serving Deputy Secretary-General, or in case of an unexpected departure, within one month from the date where the call for interest has been uploaded.
- (c) The Secretary-General may draw up a short-list of candidates of up to four candidates if the number of applications warrants it. Within one month from the application deadline, the Secretariat shall upload to the delegates website the list of candidates and, if relevant, the short list prepared on as wide a geographical basis as possible.

#### *Rule 22.3: Selection Process by Contracting Parties and Signatories*

- (a) All the shortlisted candidates will be interviewed by the Contracting Parties and Signatories at a single meeting within a maximum of one month period after the expiry of the contract of the serving Deputy Secretary General or her/his early departure. Such interviews shall be chaired by the Secretary-General and shall be open to Contracting Parties and Signatories. All candidacies shall be reviewed on an equal and non-discriminatory basis.
- (b) Within one month following the last interview, the Conference Chairmanship will coordinate an informal sounding of preferences with all Contracting Parties and Signatories in order to reach a consensus on a list of maximum three candidacies. The Conference Chairmanship shall make the results of the informal sounding available to the Conference through a summary report.

*Rule 22.4: Appointment*

- (a) Within one month from the reception of the informal sounding result, the Secretary-General, considering the preferences of the Contracting Parties and Signatories, shall propose a candidate for her/his appointment by the Conference. In case of a negative decision by the Conference, the Conference Chairmanship will propose to the Conference how to proceed.
- (b) The term of the initial appointment of the Deputy Secretary-General shall be no longer than four years. The Deputy Secretary-General may run for a second appointment, which shall not be longer than four years.
- (c) The Conference can decide, after consultation with the Secretary-General, on the termination of the appointment of the Deputy Secretary-General. The Secretary-General can recommend for approval to the Conference the termination of the appointment of the Deputy Secretary-General.

*Rule 22.5: Early Departure of the Serving Deputy Secretary-General*

- (a) In case where the serving Deputy Secretary-General resigns before the expiry of his or her existing contract, or in any other case which entails the departure of the serving Deputy Secretary-General before the expiry of his or her existing contract, the Secretary-General shall inform all Contracting Parties and Signatories as soon as possible via a message uploaded on delegates' website.
- (b) Not later than three weeks after the departure of the serving Deputy Secretary-General for any of the reasons referred to in the previous paragraph, the Secretary-General will upload a notice concerning the early departure of the Deputy Secretary-General and the existing vacancy as mentioned in Rule 22.2.
- (c) The serving Deputy Secretary-General may resign with three months notice.

**XIV. REVISION**

*Rule 23*

The Conference may decide at any time to revise these Rules or any part of them.

## **APPENDIX I - Past Practice regarding informal sounding**

- (i) An informal sounding is held by correspondence and preferences are kept confidential.
- (ii) The name of the candidate supported by three quarters of the Present and Participating Contracting Parties and Signatories is submitted to the Energy Charter Conference in accordance with Rule 21.6. The Conference Chairperson invites the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.
- (iii) In the event that, after the first round of informal sounding, no candidate has achieved a three-quarter majority, the informal sounding proceeds to the second round.
- (iv) The second round is conducted between the two best-placed candidates of the first round.
- (v) The name of the better-placed candidate at the second round is submitted to the Energy Charter Conference in accordance with Rule 21.6. The Conference Chairperson invites the Energy Charter Conference to appoint such candidate, by consensus, as the Secretary-General.
- (vi) In the event that the second round of informal sounding indicates the same level of support for the two candidates, the Conference Chairperson will call for reflection by the Contracting Parties and Signatories, and may hold a discussion session. Thereafter, additional round(s) of informal sounding are conducted between the same two candidates in order to establish the single candidate to be recommended to the Energy Charter Conference in accordance with Rule 21.6.