

ENERGY CHARTER SECRETARIAT

CCDEC 2023

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Brussels, 7 May 2023

Related documents: CC 787, Message 2081/23

Subject: Adoption by correspondence – Roles at the different levels of governance of the organisation: the Conference, the Chairmanship, the Management Committee, the Secretariat and the subsidiary groups

Following the recommendation of the Strategy Group on 17 April 2023, by document CC 787 dated 18 April 2023, the Energy Charter Conference was invited to approve the attached draft document describing Roles at the different levels of governance of the organisation: the Conference, the Chairmanship, the Management Committee, the Secretariat and the subsidiary groups. As specified by Rule 20(b) 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 attached draft document should notify the Secretariat of its position in writing by no later than 7 May 2023.

Having received no objections within the specified time limit, on 7 May 2023, the attached draft document was **approved** with immediate effect.

Keywords: Roles at the different levels of governance of the organisation: the Conference, the Chairmanship, the Management Committee, the Secretariat and the subsidiary groups

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The document covers an overview of the main provisions related to governance of the organisation contained in the following relevant documents:

- The Final Act of the European Energy Charter Conference
- Energy Charter Treaty, ECT, as modified by the Trade Amendment and CCDEC 2013 17
- Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects, PEEREA
- The Agreement between Kingdom of Belgium and the Energy Charter Conference (Headquarters Agreement)¹
- The Financial Rules and its Implementing Instructions²
- The Rules of Procedure of the Energy Charter Conference (Rules of Procedure)³
- The Staff Rules⁴ and Regulations⁵ : the Staff Manual
- The Code of Conduct⁶
- The Manual on Data Protection⁷
- Draft Risk Management Protocol⁸
- And relevant decisions of the Energy Charter Conference.

The document does not include references to the role of internal committees (Library Committee, Staff Committee, Contracts Committee), Senior Management, and Advisory Board of the Secretariat. The

¹ CCDEC 1995 (18); Moniteur belge – 21 October 1999, pp. 39689– 39694.

² CCDEC 1995 28 amended by CCDEC 2016 27; CCDEC 2021 24; and CCDEC 2022 14.

³ CCDEC 1995 30 amended by CCDEC 2015 20; CCDEC 2016 11; CCDEC 2018 06; CCDEC 2022 05 and CCDEC 2022 17.

⁴ CCDEC 1997 10 amended by CCDEC 1999 17; CCDEC 2015 07; CCDEC 2015 13; CCDEC 2016 09; CCDEC 2016 26; CCDEC 2016 45; CCDEC 2017 06; CCDEC 2018 01; and CCDEC 2022 04.


⁵ CCDEC 1996 03 amended by CCDEC 1999 17; CCDEC 2015 13; CCDEC 2016 26; CCDEC 2017 06; CCDEC 2018 07; and CCDEC 2021 12.

⁶ CCDEC 2017 (06).

⁷ CCDEC 2018 07, included to the Staff Manual as Regulation 2c) – Manual on Data Protection - Staff Circular.

⁸ CCDEC 2022 16.

document also does not address consultative bodies since they have no role in the governance of the organisation: Industry Advisory Panel and Legal Advisory Task Force.

A	INSTITUTIONAL STRUCTURE
I	THE ORGANISATION
	COMPOSITION
a.	<p>According to the Rules of Procedure Article 9: [...] <i>The Organisation consists of the following: the Conference, the Management Committee, the subsidiary bodies and any of their subgroups, and the Secretariat.</i></p>
b.	INFORMAL WORKING NAME
	<p>On 4 July 2006, the Energy Charter Conference adopted an informal working name to better reflect the global nature of the organisation and for clarity in presentation to third parties.</p> <p>CCDEC 2016 (08): <i>the Energy Charter Conference approved the use of an informal working name, 'International Energy Charter', to refer to the Energy Charter Conference and its subsidiary bodies, as well as the Energy Charter Secretariat. Such name will be used as of the date of approval of this decision for any public communications, except for those documents that require the use of the official name of the relevant institution according to the Energy Charter Treaty (e.g. Conference decisions would still refer to the Energy Charter Conference). This decision does not require any amendment of the Energy Charter Treaty since the Energy Charter Conference will keep its official name.</i></p> <p>The Rules of Procedure also include a similar provision in Article 9: <i>The informal working name of the Organisation is "International Energy Charter". [...]</i></p>
c.	LOGO
	<p>CCDEC 2015 (36): <i>The Energy Charter Conference approved the new logo offered by The Netherlands. As explained by Minister Kamp at the opening of the Ministerial Conference on the International Energy Charter, the logo is composed of five honeycombs, which symbolise the five continents working together to create a powerful energy partnership. The logo's colours show the transition from traditional energy sources, in blue, by way of sustainable energy sources, in green, to the energy sources of the future, in yellow. The opening between the honeycombs symbolises the open market in energy that the Charter aims to promote.</i></p> <div style="text-align: center;">  </div>
d.	OFFICIAL AND WORKING LANGUAGES
	<p>Official languages are English, French, German, Italian, Russian and Spanish. Working languages are English and Russian.</p> <p>CCDEC 1995 (30): <i>Considering the statements that have been made in particular by Japan and the EC, and bearing in mind Article 50 of the ECT, the Charter Conference, by approving the Rules of Procedure, accepts to continue the application of the existing linguistic regime which is based on English, French,</i></p>

	<i>German, Italian, Russian and Spanish. [...] The Charter Conference takes note that the European Communities indicated their willingness to consider additional support for the organisation of further Conference meetings notably if the cost of the linguistic regime creates budgetary problems to the Charter Secretariat.</i>
II	ENERGY CHARTER CONFERENCE
a.	ESTABLISHMENT, MEMBERS AND UN OBSERVER STATUS
	<p>Energy Charter Treaty (hereafter – ECT, Treaty), Art. 34(1) (the same provision is incorporated also in the Rules of Procedure (Rule 10(1))): <i>The Contracting Parties shall meet periodically in the Energy Charter Conference ... at which each Contracting Party shall be entitled to have one representative. [...]</i></p> <p>UN General Assembly Resolution 62/75, of 6.12.2007: <i>The General Assembly, Wishing to promote cooperation between the United Nations and the Energy Charter Conference,</i></p> <ol style="list-style-type: none"> 1. <i>Decides to invite the Energy Charter Conference to participate in the sessions and the work of the General Assembly in the capacity of observer;</i> 2. <i>Requests the Secretary-General to take the necessary action to implement the present resolution.</i>
b.	COMPETENCE AND FUNCTIONS
	<ul style="list-style-type: none"> • Article 34(3) of the ECT lists the functions of the Conference (the same provision reproduced in Rule 10(3) of the Rules of Procedure⁹): <p><i>The functions of the Charter Conference shall be to:</i></p> <ol style="list-style-type: none"> (a) <i>carry out the duties assigned to it by this Treaty and any Protocols;</i> (b) <i>keep under review and facilitate the implementation of the principles of the Charter and of the provisions of this Treaty and the Protocols;</i> (c) <i>facilitate in accordance with this Treaty and the Protocols the co-ordination of appropriate general measures to carry out the principles of the Charter;</i> (d) <i>consider and adopt programmes of work to be carried out by the Secretariat;</i> (e) <i>consider and approve the annual accounts and budget of the Secretariat;</i> (f) <i>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;</i> (g) <i>encourage co-operative efforts aimed at facilitating and promoting market-oriented reforms and modernization of energy sectors in those countries of Central and Eastern Europe and the former Union of Soviet Socialist Republics undergoing economic transition;</i> (h) <i>authorize and approve the terms of reference for the negotiation of Protocols, and consider and adopt the texts thereof and of amendments thereto;</i> (i) <i>authorize the negotiation of Declarations, and approve their issuance;</i> (j) <i>decide on accessions to this Treaty;</i> (k) <i>authorise the negotiation of and consider and approve or adopt association agreements;</i> (l) <i>consider and adopt texts of amendments to this Treaty;</i> (m) <i>consider and approve modifications of and technical changes to the Annexes to this Treaty;</i> (n) <i>consider and approve the listing of signatories in Annexes BR or BRQ or in both these Annexes;</i> (o) <i>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</i>

⁹ The Rules of Procedure differentiate through a footnote the difference in functions for Contracting Party, which has not ratified the Trade Amendment, namely, 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.”

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.

Understanding with respect to Article 34: [...] (b) *The Charter Conference should adopt the annual budget before the beginning of the financial year.*

- **ECT Article 34(7)** (a similar provision incorporated as **Rule 10(4)** in the **Rules of Procedure**) provide with a possibility for the Conference to amend or abolish the functions specified in paragraph (3) following a review.¹⁰
- Additional competences/functions derive from another provisions of the **ECT**:

Article 19(2): *At the request of one or more Contracting Parties, disputes concerning the application or interpretation of provisions of this Article shall, to the extent that arrangements for the consideration of such disputes do not exist in other appropriate international fora, be reviewed by the Charter Conference aiming at a solution.*

Article 10(9): [...] *The Charter Conference shall review these reports [summarizing all laws, regulations or other measures relevant to (a) exceptions to article 10.2 or (b) the programmes referred to in article 10.8] periodically. [...] In respect of subparagraph (b) the review by the Charter Conference may consider the effects of such programmes on competition and Investments.*

Article 29(6)(b): [...] *A Contracting Party may increase such customs duty or other charge above that level only if: [...] in exceptional circumstances not elsewhere provided for in this Treaty, the Charter Conference decides to waive the obligation otherwise imposed on a Contracting Party by this paragraph, consenting to an increase in a customs duty, subject to any conditions the Charter Conference may impose.*

Article 33(1): *The Charter Conference may authorise the negotiation of a number of Energy Charter Protocols or Declarations in order to pursue the objectives and principles of the Charter.*

Article 33(6)(a): *A Protocol may assign duties to the Charter Conference and functions to the Secretariat, provided that no such assignment may be made by an amendment to a Protocol unless that amendment is approved by the Charter Conference, whose approval shall not be subject to any provisions of the Protocol which are authorised by subparagraph (b).*

Article 34(5) (a similar provision incorporated in **Rule 12(a)** of the **Rules of Procedure**): *The Charter Conference may establish such subsidiary bodies as it considers appropriate for the performance of its duties.*

Article 35(2): *The Secretary General shall be appointed by the Charter Conference. [...]*

Article 37(5): *The Charter Conference may in addition accept voluntary contributions from one or more Contracting Parties or from other sources. [...]*

Article 43(1): *The Charter Conference may authorise the negotiation of association agreements with states or Regional Economic Integration Organisations, or with international organisations, in order to pursue the objectives and principles of the Charter and the provisions of this Treaty or one or more Protocols.*

Annex P, Special sub-national dispute procedure, Part II, (2), (4), (5)(b)

(2) [...] *In the event that such agreement is not reached, the Responsible Party shall propose a reasonable period for approval by the Charter Conference.*

(4) *If no satisfactory compensation has been agreed within 20 days of the request of the Injured Party, the Injured Party may with the authorisation of the Charter Conference suspend such of its obligations to the Responsible Party under the Treaty as it considers equivalent to those denied by the measure in question, until such time as [...]*

(5)(b) [...] *If the Injured Party decides to request authorisation to suspend obligations under this subparagraph, it shall state the reasons therefor in its request to the Charter Conference for authorisation.*

¹⁰ See section on “Obligations” for more details.

Annex D

5(c) *The Charter Conference may authorise the injured Contracting Party to suspend such of its obligations to the non-complying Contracting Party, under provisions of Article 5 or 29 or under provisions of the WTO Agreement that apply under Article 29, as the injured Contracting Party considers equivalent in the circumstances.*

(6)(b) [...] *Unless the Charter Conference decides otherwise the rules of procedure for panel proceedings shall be adopted in accordance with sub-paragraph (3)(a).*

(6)(e) *The determination of the arbitral panel shall become final and binding 30 days after the date of its presentation to the Charter Conference, and any level of suspension of benefits allowed thereby may thereupon be put into effect by the injured Contracting Party in such manner as that Contracting Party considers equivalent in the circumstances, unless prior to the expiration of the 30 days period the Charter Conference decides otherwise.*

(7) [...] *The Secretary General may also designate, with the approval of the Charter Conference, not more than ten individuals, who are willing and able to serve as panellists for purposes of dispute resolution in accordance with paragraphs (2) to (4). The Charter Conference may in addition decide to designate for the same purposes up to 20 individuals, who serve on dispute settlement rosters of other international bodies, who are willing and able to serve as panellists. [...]*

(9) *The Charter Conference may appoint or designate other bodies or fora to perform any of the functions delegated in this Annex to the Secretariat and the Secretary General.*

Final Act of the European Energy Charter Conference, VIII: *The provisional Charter Conference and the Charter Conference provided for in the Treaty shall henceforth be responsible for making decisions on requests to sign the Concluding Document of the Hague Conference on the European Energy Charter and the European Energy Charter adopted thereby.*

CCDEC 2022 16, Risk Management Protocol: *Fifth line of defence: The Energy Charter Conference : 34. As the governing and decision-making body of the Organisation, the Energy Charter Conference will receive, if needed, relevant reports from the subsidiary bodies with respect to Risk Management in the organisation. The Conference may decide to authorise the Management Committee to address specific risks, in line with the latter's Terms of Reference.*

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines:

Para 1.2: *The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must verify the reported facts in the appropriate manner and, if they are confirmed, the Conference and the Secretariat will take all necessary steps to ensure the appropriate follow-up.*

Para 5: [...] *In order to help officials, secondees, visiting scholars, interns and staff on loan who are unsure of whether or not certain facts should be reported, the Conference and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] and the Secretariat offers confidential and impartial guidance and support to (potential) whistleblowers. [...]*

Para 10: [...] *In light of the results of this evaluation, these guidelines may be revised as appropriate by the Conference.*

Rules of Procedure

Rule 7.A(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.*

Rule 7.A(e): *The Conference may, by consensus, suspend or withdraw the Observer status of a country or international organisation in case of [...].*

Rule 11(a): [...] *CP's could nominate their representative to this body [the Management Committee] who will be confirmed/elected by the Conference by consensus for a 3 years term.*

Rule 21.2(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.

Rule 21.6: [...] The Conference Chairperson shall invite the Energy Charter Conference to appoint such candidate [the single candidate], by consensus, as the Secretary-General.

Rule 21.7(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.

Rule 21.8(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.

Rule 21.9: In the event [of lack of appointment of the Secretary-General], 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(a): In case the Energy Charter Conference decides to reappoint the incumbent Secretary-General, it shall also decide on the term of reappointment.

Rule 22.4(a), (c): (a) Within one month from the reception of the informal sounding result, the Secretary General, [...], 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. [...]

(c) The Conference can decide, after consultation with the Secretary-General, on the termination of the appointment of the Deputy Secretary-General. [...]

Rule 23: The Conference may decide at any time to revise these Rules or any part of them.

Financial Rules and Implementing Instructions

Article 2(2): [...] Programmes of Work for Part II of the Budget shall also cover two financial years, unless the Conference decides otherwise.

Article 3: The Budget of the Secretariat (hereinafter referred to as the "Budget") is the act whereby the Energy Charter Conference [...] accords the necessary commitment authority and makes the necessary appropriations for the functioning of the Conference and the Secretariat and the carrying out of their activities, and by which it determines the amount of contributions to be furnished by Signatories to the Energy Charter Treaty [...] and parties which have acceded to that Treaty (hereinafter referred to collectively as the "Signatories"). [...]

Article 5(6)(c): Any party acceding to the Treaty shall be expected to pay a contribution for the year of accession of an amount approved by the Conference on the basis of Article 37 of the Treaty and taking into account the provisions of Articles 41, 45(6) and (7) of the Treaty. Considering the rules for the calculation of the National Contribution of Acceding Countries and their inclusion in the Budget:

[...]

(c) The amount of the contribution of the new Contracting Party, its inclusion and use in the Budget, shall be decided on a case by case basis by the Energy Charter Conference after consideration and recommendation by the Budget Committee.

Article 9: The Secretary-General shall prepare the draft Programme of Work over the biennium [...] as well as the initial Budget for the first year of that biennium and the provisional Budget for the second year in conformity with the provisions of these Rules and with the procedures laid down by the Conference.

Article 11(1): (1) If it is necessary to undertake commitments to be carried out after the end of the financial year, the Conference may accord the necessary commitment authority.

Article 13(1): The Conference shall approve the biennial draft programme of work, the draft Budget for the first financial year and the provisional Budget for the second financial year of the biennium before the first day of the first financial year of the biennium after consideration and report by the Budget Committee.

Article 14(1)-(2):

(1) If it has not been possible to approve the draft Budget before the first day of the financial year:

(a) unless the Conference has decided otherwise, the Secretary-General may, having informed the Budget Committee beforehand, undertake and make payments until the Budget is adopted for unavoidable expenditure authorized under each item in the Budget for the preceding year, and collect the corresponding contributions;

(b) commitments for other expenditures shall be authorized by the Conference.
(2) If there is urgent expenditure, for which the necessary appropriations have not been included in the annual Budget, the Secretary-General shall examine whether savings in the budget can cover the extra costs; if this is not the case, the Conference may authorize the Secretary-General to call on Signatories to make advance contributions to cover such expenditure until such time as a supplementary Budget has been prepared and approved.

Article 15(2)(a)-(c):

(a) Except as otherwise provided in this paragraph (2), approval of the Conference shall be required prior to the Secretary-General's acceptance of other resources, as defined in Article 6 above.

(b) Such other resources which have been accepted shall be the object of an appropriation by the Conference equal to their amount.

(c) [...] In cases of voluntary contributions involving co-financing from Budget Part I, the Secretariat shall preliminarily consult with the Budget Committee and seek approval by the Budget Committee and the Conference regardless the size of the contribution.

Article 15(2)(d)(i): *The Secretary-General is authorized to obtain the approval of the Conference for his or her acceptance of a voluntary contribution referred to in Article 6(3) above of up to Euro 50 000 and an appropriation by the Conference equal to its amount, through the written procedure provided for in Rule 19 of the Rules of Procedure as applied to decisions taken under Article 36(2) of the Treaty, which the Secretary-General may employ whenever it would in his or her judgement cause inconvenience to await the next meeting of the Conference for such approval and appropriation.*

Article 16(2)(b): *(2) The Secretary-General may make transfers relating to capital expenditure, only: [...] (b) with the approval of the Conference, on the advice of the Budget Committee for transfers of amounts in excess of Euro 250 000.*

Article 20: *The Secretary-General shall, subject to approval by the Conference, designate one or more independent External Auditors to carry out the annual audit of the Secretariat, the Terms of Reference for which shall also be approved by the Conference. [...] The term of service of the External Auditors is renewable every year, unless otherwise specified by the Conference.*

Article 32(4): *On the basis of this report [an audit report and certified accounts including the financial statements and the budget implementation report], the Conference shall discharge the Secretary-General from his or her management and administrative responsibility in respect of the Budget.*

Article 33: *The Secretary General shall submit to the Conference for approval, after consideration and report by the Budget Committee, any proposed substantive revisions to the Financial Rules.*

Article 34: *The Secretary-General shall submit to the Conference, through the Budget Committee, an estimate of the cost involved in the carrying out of all supplementary Budget decisions. No decisions involving additional expenditure shall be deemed to be approved by the Conference until the Conference has approved an estimate of the additional expenditure involved.*

Article 35: *There shall be a Budget Committee composed of representatives of all Signatories; its Terms of Reference shall be established by the Conference.*

Implementing Instruction 8(a): *The Conference on advice of the Budget Committee shall determine the amount and the use of reserve and working capital funds pursuant to proposals from the Secretary-General.*

CCDEC 1999 13, Rules of Procedure for Panel Proceedings under Article 29 and Annex D

Rule 2(2): *Panelists' expenses, including travel and subsistence allowance, shall be met from the Energy Charter Secretariat budget in accordance with criteria to be adopted by the Charter Conference, based on recommendations of the Budget Committee.*

CCDEC 2017 (09), Simplification of the accession procedure to the ECT

[...] Provided that basic accession requirements are met, the Conference invites the State or REIO subject to specific accession terms and conditions [...]

c.	PRIVILEGES AND IMMUNITIES
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Headquarters Agreement, Chapter I:

Article 1: *The Energy Charter Conference shall possess the widest juridical personality accorded to legal persons. Its property and assets, used exclusively for the exercise of its official functions, shall enjoy immunity from jurisdiction, except insofar as it has expressly waived such immunity in a particular case. A separate waiver is necessary for each measure of enforcement.*

Article 2: *The premises used for the exercise of the official functions of the Energy Charter Conference shall be inviolable. The consent of the Energy Charter Conference shall be required for access to its premises.*

However, this consent shall be presumed to have been given in the case of fire or another incident requiring immediate protective measures. Belgium shall take all appropriate measures to prevent the premises of the Energy Charter Conference from being occupied or damaged, the peace of the Energy Charter Conference being disturbed or its dignity diminished.

Article 3: *Except to the extent that a measure is necessary for investigations which may be called for following an accident caused by a vehicle belonging to the Energy Charter Conference or being used on its behalf, or in the case of infringement of traffic rules or accidents caused by that vehicle, the property and assets of the Energy Charter Conference shall not be subject to any kind of requisition, confiscation, seizure or other form of interference, even for the purpose of national defence or in the public interest. Should an expropriation be necessary for these purposes, all appropriate measures shall be taken in order to prevent any obstacle to the functioning of the Energy Charter Conference and to ensure that a prompt and full indemnity be awarded to it. Belgium shall accord its assistance for the installation or reinstallation of the Energy Charter Conference.*

Article 4: *The archives of the Energy Charter Conference and, in general, all the documents belonging to the Energy Charter Conference or held by it or by one of its officials shall be inviolable wherever located.*

Article 5

1. The Energy Charter Conference may hold funds, and keep accounts, in all currencies, to the extent necessary for the execution of operations corresponding to its objectives.

2. Belgium undertakes to accord to the Energy Charter Conference the authorization necessary to realize, according to the modalities laid down in national rules and international agreements, any transfer of funds in connection with the establishment and activities of the Energy Charter Conference, including the issuing of loans if this has been authorized by Belgium.

Article 6: *The Energy Charter Conference, its assets, income and other property intended for its official use shall be exempt from all direct taxes. No direct tax exemption shall be granted on the Energy Charter Conference income arising out of industrial or commercial activity engaged in by the Energy Charter Conference or by one of its members on behalf of the Energy Charter Conference or on behalf of one of its Contracting Parties.*

Article 7: *When the Energy Charter Conference makes sizeable purchases of immovable or movable property or has sizeable work, strictly necessary for the exercise of its official activities, carried out for it, and when the price thereof includes indirect taxes or purchase tax, appropriate measures shall be taken, whenever possible, to deduct or reimburse the amount of these taxes.*

Article 8: *Without prejudice to the obligations incumbent on Belgium under Community law and the application of rules and regulations of a prohibitive or restrictive character concerning public order or security, public health or morality, the Energy Charter Conference shall be allowed to import all property and publications for its official use.*

Article 9: *The Energy Charter Conference shall be exempt from all indirect taxes including the import duties in relation to property imported, acquired or exported by it or in its name for its official use.*

Article 10: *The Energy Charter Conference shall be exempt from all indirect taxes in relation to official publications which are addressed to it or sent abroad by it.*

Article 11: *Property belonging to the Energy Charter Conference shall not be transferred in Belgium, except under conditions laid down by Belgian Law and by the Minister of Finance.*

Article 12: *The Energy Charter Conference shall not request exemption from taxes and charges that constitute merely the remuneration for the provision of services by the public utilities.*

Article 13: *Belgium guarantees the Energy Charter Conference freedom of communication for its official purposes. The official correspondence of the Energy Charter Conference shall be inviolable.*

d.	OBLIGATIONS
	<p>Energy Charter Treaty</p> <p>Article 29(7): [...] <i>The Charter Conference shall conduct an annual review with respect to any possibility of moving items of Energy Materials and Products or Energy-Related Equipment from Annexes EM I or EQ I to Annexes EM II or EQ II.</i></p> <p>Article 34(4): <i>In the performance of its duties, the Charter Conference, through the Secretariat, shall cooperate with and make as full a use as possible, consistently with economy and efficiency, of the services and programmes of other institutions and organisations with established competence in matters related to the objectives of this Treaty.</i></p> <p>Article 34(6): <i>The Charter Conference shall consider and adopt rules of procedure and financial rules.</i></p> <p>Article 34(7) (a similar provision incorporated as Rule 10(4) in the Rules of Procedure): <i>In 1999 and thereafter at intervals (of not more than five years) to be determined by the Charter Conference, the Charter Conference shall thoroughly review the functions provided for in this Treaty in the light of the extent to which the provisions of the Treaty and Protocols have been implemented. At the conclusion of each review the Charter Conference may amend or abolish the functions specified in paragraph (3) and may discharge the Secretariat.</i></p> <p>Annex D, (4)(c): <i>Panel reports shall be adopted by the Charter Conference. In order to provide sufficient time for the Charter Conference to consider panel reports, a report shall not be adopted by the Charter Conference until at least 30 days after it has been provided to all Contracting Parties by the Secretariat. [...]</i></p> <p>PEEREA, Article 10(2): <i>The Charter Conference shall endeavour to adopt, within 180 days after the entry into force of this Protocol, procedures for keeping under review and facilitating the implementation of its provisions, including reporting requirements, as well as for identifying areas of co-operation in accordance with Article 9.</i></p> <p>Headquarters Agreement:</p> <p>Article 16(4): <i>The Energy Charter Conference shall notify the arrival and departure of its officials to the Ministry of Foreign Affairs. The Energy Charter Conference shall also notify the information specified hereafter in respect of its officials:</i></p> <ol style="list-style-type: none"> 1. name and forename 2. place and date of birth 3. sex 4. nationality 5. principal residence (municipality, street, number) 6. civil status 7. composition of household. <p><i>Any changes concerning that information shall be notified monthly. The officials and dependant members of their families shall have the right to a special identity card.</i></p> <p>Article 19: [...] <i>The Energy Charter Conference shall apply the Belgian social security regulations to those persons who 'have opted in favour of the Belgian social security scheme. The Energy Charter Conference must ensure that persons who have chosen not to opt in favour of the Belgian scheme are actually covered by an adequate social security scheme and Belgium may obtain from the Energy Charter Conference the reimbursement of the costs incurred in respect of any assistance of a social nature.</i></p> <p>Article 25: <i>The Energy Charter Conference and the officials of the Energy Charter Conference in Belgium are required to comply with all obligations imposed by Belgian Law with respect to civil liability insurance for the use of motor vehicles.</i></p> <p>Article 27: <i>The Energy Charter Conference shall provide all beneficiaries before the first of March of every year with a certificate mentioning their name and address as well as the amount of the salaries, emoluments, indemnities, pensions or annuities paid during the previous year. .With regard to salary,</i></p>

	<p><i>emoluments and indemnities subject to tax in favour of The Energy Charter Conference, the statement shall also mention the amount of this tax. A certificate duplicate shall be handed over directly by the Energy Charter Conference before the same date to the competent Belgian fiscal administration.</i></p> <p>Article 28: <i>The Energy Charter Conference, its officials and its local agents shall be required to respect Belgian Law.</i></p> <p>Article 29: <i>Belgium shall not, on account of the Energy Charter Conference activities on its territory, assume any international responsibility for the acts or omissions of the Energy Charter Conference or for those of its officials in their particular fields.</i></p> <p>Financial Rules and Implementing Instructions</p> <p>Article 1(2): <i>The financial resources of the Secretariat shall be employed in conformity with principles of economy and sound financial administration.</i></p> <p>CCDEC 1999 (13), Rules of Procedure for Panel Proceedings under Article 29 and Annex D</p> <p>Rule 9(1) <i>In cases of urgency the parties to the dispute, panels and the Charter Conference shall make every effort to accelerate the proceedings to the greatest extent possible. [...]</i></p> <p>CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines, Para 2.2 <i>(Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...]</i> <i>The Conference and the Secretariat are under the obligation to ensure the confidentiality of information received and officials, secondees, visiting scholars, interns and staff on loan of the Secretariat are therefore necessarily subjected to a duty of discretion. [...]</i></p> <p>Para 3 <i>[...] In all other cases, the Conference, the Secretariat and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] commits to keep the identity of the whistleblower confidential. [...]</i></p>
III	SUBSIDIARY BODIES
a.	ESTABLISHMENT
	<p>ECT, Article 34(5): <i>The Charter Conference may establish such subsidiary bodies as it considers appropriate for the performance of its duties.</i></p> <p>Rules of Procedure, Rule 12(a): <i>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.</i></p> <p>Financial Rules, Article 35: <i>There shall be a Budget Committee composed of representatives of all Signatories; its Terms of Reference shall be established by the Conference.</i></p>
b.	MEMBERSHIP, COMPETENCE AND FUNCTIONS
	<p>Rules of Procedure</p> <p>Rule 12: [...]</p> <p><i>(b) The Conference shall determine the terms of reference for and the membership of subsidiary bodies.</i></p> <p><i>(c) [...] subsidiary bodies may set up temporary sub-groups to assist them in their work.</i></p> <p><i>(d) A subsidiary body shall address such issues as it is instructed to do by the Conference.</i></p> <p><i>(e) A subsidiary body may decide to address any matter related to the issues within its competence.</i></p> <p><i>(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.</i></p>

	<p>[...]</p> <p><i>(j) A subsidiary body may submit to the Management Committee any topic on issues of its competence.</i></p> <p>Rule 12 bis(b)-(c):</p> <p><i>(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. [...] Unless there are objections within the following twenty days, the establishment of the sub-group is confirmed to be approved by the Conference.</i></p> <p><i>(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.</i></p> <p>Rule 20(b): [...] <i>A subsidiary group may also recommend the Conference to take a decision by correspondence.</i></p> <p>CCDEC 2022 16, Risk Management Protocol: <i>Fourth line of defence: Subsidiary Bodies of the Conference:</i></p> <p><i>33. In line with their Terms of Reference, the relevant subsidiary body of the Conference will address possible risks and their mitigation at one of its meetings. A subsidiary body may decide to discuss the issue with the Management Committee.</i></p> <p>Financial Rules, Article 35: <i>There shall be a Budget Committee composed of representatives of all Signatories [...]</i></p> <p>CCDEC 2021 10, Updated TOR of the Budget Committee, (1): <i>The Budget Committee shall consist of one representative from each Signatory to the Energy Charter Treaty.</i></p> <p>CCDEC 2022 01, TOR of the Strategy Group, B: <i>Contracting Parties and Signatories of the Energy Charter Treaty are considered members of the Strategy Group. [...]</i></p> <p>CCDEC 2016 28, TOR of the Implementation Group: [...] <i>The Implementation Group shall consist of representatives of all Contracting Parties and Signatories to the Energy Charter Treaty and the Protocol on Energy Efficiency and Related Environmental Aspects (PEEREA). [...]</i></p> <p>CCDEC 2021 18, Updated ToR of the Working Group on Governance Issues: <i>The Working Group on Governance Issues shall consist of representatives of all Contracting Parties and Signatories to the Energy Charter Treaty. [...]</i></p>
c.	REPORTING
	<p>Rules of Procedure</p> <p>Rule 12(g): <i>A subsidiary body shall through its Chairperson report to the Conference.</i></p> <p>Rule 12(i): <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.</i></p> <p>Rule 12(j): <i>A subsidiary body may submit to the Management Committee any topic on issues of its competence.</i></p>
d.	BUREAUS¹¹
	<p>Rules of Procedure, Rule 13:</p> <p><i>(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</i></p>

¹¹ Editor's note: no bureaus were established to date.

	<p>of the relevant body.</p> <p>(b) The Bureau is responsible for:</p> <ul style="list-style-type: none"> - 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.
e.	CURRENT STANDING GROUPS
	<ul style="list-style-type: none"> • Strategy Group: CCDEC 2009 13; CCDEC 2010 03; CCDEC 2019 18, para 18(a); CCDEC 2022 01 • Implementation Group: CCDEC 2016 28; CCDEC 2019 18, para 18(c); CCDEC 2021 03 • Modernisation Group: CCDEC 2019 10¹² <p>• Budget Committee: CCDEC 1995 22; CCDEC 2019 18, para 18(b); CCDEC 2021 10. In addition to the ToR, undertook in the past/expected to undertake the following:</p> <p>CCDEC 1996 03: Advice on changes to Staff Manual</p> <p>CCDEC 1996 06 and CCDEC 2016 28: Advice on the programme of work.</p> <p>CCDEC 2018 07, Manual on Data Protection, Article 26(2): <i>Additional amendments of the Manual may be approved, when necessary, by the Budget Committee.</i></p> <p>CCDEC 2019 18, para. 18(b) [additional assignments in the conclusions of the review 2019]</p> <p>CCDEC 2022 16, Risk Management protocol, para 26: <i>Any revision to the present Protocol is to be discussed by the Budget Committee.</i></p> <p>Financial Rules and Implementing Instructions</p> <p>Article 1(2): <i>The financial resources of the Secretariat shall be employed in conformity with principles of economy and sound financial administration.</i></p> <p>Article 5(6)(c): [...] <i>Considering the rules for the calculation of the National Contribution of Accessing Countries and their inclusion in the Budget: [...] (c) The amount of the contribution of the new Contracting Party, its inclusion and use in the Budget, shall be decided on a case by case basis by the Energy Charter Conference after consideration and recommendation by the Budget Committee.</i></p> <p>Article 10: <i>The Secretary-General shall submit the draft Budget for the first year of that biennium and the provisional Budget for the second year to the Budget Committee, after consultation with the Management Committee, not later than two months before the opening of the last scheduled Conference meeting of the biennium, in order to obtain its views. [...]</i></p> <p>Article 13(1): <i>The Conference shall approve the biennial draft programme of work, the draft Budget for the first financial year and the provisional Budget for the second financial year of the biennium before the first day of the first financial year of the biennium after consideration and report by the Budget Committee.</i></p> <p>Article 14(1)(a): <i>If it has not been possible to approve the draft Budget before the first day of the financial year: (a) unless the Conference has decided otherwise, the Secretary-General may, having informed the Budget Committee beforehand, undertake and make payments until the Budget is adopted for unavoidable expenditure authorized under each item in the Budget for the preceding year, and collect the corresponding contributions;</i></p> <p>Article 15(1)(c): [The Secretary-General is empowered, subject to any special conditions</p>

¹² Editor's note: the Conference expects to meet ad hoc in April 2023 to finalise the discussions on the adoption of the amendments to the ECT and to decide on the dissolving the Modernisation Group.

established by the Conference] to make short-term money borrowing as necessary to make any unavoidable payments for which there are insufficient funds available, after authorisation by the Budget Committee.

Article 15(2)(c): *The Secretary-General is authorised to accept, on the approval of the Budget Committee any such other resources not exceeding Euro 50 000 provided that it is for an activity included in an approved programme of work of the Secretariat and shall inform the Conference in due time. [...]. In cases of voluntary contributions involving co-financing from Budget Part I, the Secretariat shall preliminarily consult with the Budget Committee and seek approval by the Budget Committee and the Conference regardless the size of the contribution.*

Article 16(1)-(3):

(1) The Secretary-General may make transfers between items within a particular Part of the Budget. The Budget Committee shall approve these transfers beforehand.

(2) The Secretary-General may make transfers relating to capital expenditure, only:

(a) on the approval of the Budget Committee for transfers of amounts less than Euro 250 000;

(b) with the approval of the Conference, on the advice of the Budget Committee for transfers of amounts in excess of Euro 250 000.

(3) The transfers of appropriations mentioned in paragraphs (1) and (2) above shall be summarised in a document submitted to the Budget Committee at the closing of accounts.

[...]

Article 17(2): *Budget appropriations, in respect of which no commitment has been entered into before the end of the financial year, may, subject to the approval of the Budget Committee, be carried over to the following financial year. [...]*

Article 19(1),(3): *(1) [...] The detailed Implementing Instructions shall be submitted to the Budget Committee for approval.*

[...]

(3) If the risk of budget over-expenditure is identified, in consultation with the Budget Committee, the Deputy Secretary-General may suspend the use of appropriations or of specific commitments of appropriations for which no legal commitments exist. [...]

Article 21(1): *The External Auditors shall submit to the Conference and the Budget Committee a report, together with the statement of assets and liabilities and certified accounts, not later than eight months after the end of the financial year to which they relate.*

Article 27(2): *The Deputy Secretary-General shall inform the Budget Committee of the investments made and shall take account of any proposals made to him or her on such occasions.*

Article 28(3): *The Budget Committee shall be informed of all cash disbursements made during the financial year.*

Article 29: *The Secretary-General may, on the advice of the Budget Committee, authorize the writing off of any loss of assets up to the amounts and subject to the conditions set forth in the Implementing Instructions established pursuant to Article 19 above. [...]*

Article 31: *The Deputy Secretary-General shall report to the Budget Committee every year on the foreign exchange transactions carried out during the preceding year.*

Article 32(3): *The External Auditors shall submit an audit report and certified accounts including the financial statements and the budget implementation report, to the Conference so that they may be available to the Budget Committee not later than eight months after the end of the financial year to which the accounts relate. The Budget Committee shall make to the Conference such observations on the Auditors' report as it may consider appropriate.*

Article 33: *The Secretary General shall submit to the Conference for approval, after consideration and report by the Budget Committee, any proposed substantive revisions to the Financial Rules.*

Article 34: *The Secretary-General shall submit to the Conference, through the Budget Committee, an estimate of the cost involved in the carrying out of all supplementary Budget decisions. [...]*

Implementing Instruction 1(c): *The Head of Unit in charge of Finances shall be responsible for prescribing and maintaining the necessary accounts and subsidiary records and shall institute systems and procedures which will permit the Deputy Secretary-General to report accurately and timely to the Budget Committee on the financing of all activities of the Secretariat so it can ensure that the programme of work is carried out through its approved annual budget and closely monitor its execution and expenditure.*

Implementing Instruction 8(a)-(b): *(a) The Conference on advice of the Budget Committee shall determine the amount and the use of reserve and working capital funds pursuant to proposals from the Secretary-General.*

(b) [...] The Secretary-General shall report to the Budget Committee of the use made from the General Reserve Fund including justification. [...]

Implementing Instruction 14(a)-(c), (f)-(g): *a) The internal control procedures, [...], have to be approved by the Budget/Management Committee.*

b) Such internal control procedures shall be reviewed annually.

c) Reporting shall be done regularly to the Budget Committee and to the Management Committee at its request.

[...]

f) An effective system of risk management shall be established to identify and address internal and external risks to the Organisation, on an ongoing basis throughout the year, and bring them to the attention of the Budget Committee and to the Management Committee at its request in a timely manner. [...] The Budget Committee shall review reporting requirements periodically or upon a proposal from the Secretary-General.

g) Financial reporting shall be presented periodically to the Budget Committee in line with the relevant Financial Rules and Implementing Instructions.

[...]

Implementing Instruction 15(b), (k): *(b) The Budget Committee should be informed of the purchase of goods and services exceeding Euro 6 000 threshold.*

[...]

(k) [...] Any subsequent proposed revisions [of the amounts] will be subject to approval by the Budget Committee.

Implementing Instruction 17(b): *The Budget Committee shall be kept informed by the Secretary-General of cases where there was a derogation from the tender procedures or where an offer other than the most advantageous was selected.*

Implementing Instruction 23(c): *The Budget Committee shall be informed of the inventory list once a year.*

Implementing Instruction 25(b): *Above these amounts [Euro 2 500 annually], the writing off [of any loss of assets or irrevocable book debts] shall be subject to the favourable opinion of the Budget Committee.*

Implementing Instruction 26: *The Deputy Secretary-General shall be responsible for drawing up a statement of losses of assets which are written off [...]. This statement is submitted annually to the Budget Committee with the Annual Accounts.*

Implementing Instruction 31(c): *Financial assistance for travel and subsistence expenses for attendance at meetings of maximum one invited expert per transition country shall be based on the procedures established by the Secretary-General in consultations with the Budget Committee.*

Updated Terms of Reference of the External Auditor (CCDEC 2021 06)

Article 8(2): *(2) Such observations that, in the professional judgement of the Auditor (s), need not be brought to the attention of the Conference shall be attached as an addendum for consideration by the Budget Committee.*

	<p>Article 9: <i>The audit report shall be submitted to the Budget Committee not later than eight months after the financial period to which the accounts refer. [...]</i></p> <p>Article 10: <i>The Budget Committee shall transmit the audit report to the Conference, together with the explanations of the Secretary-General and, if necessary, with its own observations.</i></p>
f.	CURRENT WORKING GROUPS
	<ul style="list-style-type: none"> • WG on Governance Issues: CCDEC 2019 18, para 18(c); CCDEC 2020 07; CCDEC 2021 18; CCDEC 2022 29
g.	TEMPORARY SUB-GROUPS
	<p>Rules of Procedure, Rule 12(c): <i>The Conference or subsidiary bodies may set up temporary sub-groups to assist them in their work.</i></p> <ul style="list-style-type: none"> • Legal Advisory Committee: CCDEC 1995 21
IV	CHAIRMANSHIP OF THE CONFERENCE
	<p>The Practice of the Chairmanship of the Energy Charter Conference was adopted by the Conference on 25 November 2013 and the relevant Rules were included to the Rules of Procedure of the Conference. On 12 March 2023, the notion of “acting Chairmanship” was introduced. The Chairmanship Handbook (CCDEC 202x xx) approved by the Conference on xx xxxx is intended to provide key information on the Chairmanship practice and to guide the forthcoming Chairmanships in their role.</p>
a.	COMPETENCE AND FUNCTIONS
	<p>Rules of Procedure</p> <p>Rule 1(a)-(b): (a) [...] <i>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. [...]</i></p> <p>(b) [...] <i>In exceptional circumstances, the Chairperson may, upon request and or at his/her discretion, shorten the notice [of extraordinary meeting], unless there is an objection of a Contracting Party.</i></p> <p>Rule 4(a)-(a bis): (a) <i>The Secretariat, in consultation with the relevant Chairpersons, shall draw up [...] 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.</i></p> <p>(a bis) <i>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.</i></p> <p>Rule 7.A(c): <i>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.</i></p> <p>Rule 16 (a)-(b): (a) <i>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. [...]</i></p> <p>(b) [...in case a member raises a point of order] <i>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.</i></p> <p>Rule 19(b): <i>After a meeting has been held, the Chairperson of the Conference may issue a communiqué to</i></p>

the press.

Rule 20(b)-(c):

(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.

XII. Rules for Appointment of Secretary-General:

Rule 21.3(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. [...]*

Rule 21.5(a): *[...] Such interview [of all eligible candidates for the position of Secretary-General] shall be chaired by the Conference Chairmanship and shall be open to all Contracting Parties and Signatories who wish to attend. [...]*

Rule 21.6: *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(a)-(b):

(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.

Rule 21.9: *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 21.11(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 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.*

XIII. Rules for Appointment of Deputy Secretary-General:

Rule 22.3(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(a): [...] In case of a negative decision by the Conference, the Conference Chairmanship will propose to the Conference how to proceed.

Staff Manual

Staff Circular to Regulation 2: In the event an official of the Energy Charter Secretariat becomes aware of fraud, corruption or misuse of the Organisation's resources [...] If the official considers that the allegation has not been properly addressed, he or she should bring it in writing to the attention of the external auditor and may bring it to the attention of the Chair of the Conference or one of the Conference Vice-Chairs.

Staff Circular to Rule 4.2(b), Rule 9: Whenever it considers it necessary, as a means of protecting staff interests, the Committee may address notes to the Chairpersons of the Charter Conference and/or the Budget Committee.

Staff Manual

Regulation 2-bis.1, Para 1-2: 1. [...] Any official, secondee, visiting scholar, intern and staff on loan who, [...], becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including serious irregularities, fraud, corruption or misuse of resources or other serious wrongdoings [...] shall without delay inform either his/her immediate superior and/or the Deputy Secretary General and/or the Secretary-General, or if he/she considers it useful, the External Auditor or the Chair of Conference or the Vice-Chair of Conference [or the Management Committee].

2. Any official, secondee, visiting scholar, intern and staff on loan receiving the information referred to in paragraph 1 shall without delay transmit to his/her immediate superior and/or Deputy Secretary-General and/or the Secretary-General and/or the External Auditor and/or the Chair or Vice-Chair of Conference [and/or the Management Committee] any evidence [...].

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines

Para 3 [...] In urgent and duly justified cases, the protective measure of a transfer will be taken, including to fill an existing vacancy if possible, by the Secretary General or the Deputy Secretary General or the Chair of the Conference in consultation with the Vice-Chairs [and the Management Committee].

Para 4: [...] It should be noted that the whistleblower is entitled to be informed within 60 days of the time needed to take appropriate action, but that it is up to the authority having received the reporting to determine the appropriate course of action.

Para 5: [...] In order to help officials, secondees, visiting scholars, interns and staff on loan who are unsure of whether or not certain facts should be reported, the Conference and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] and the Secretariat offers confidential and impartial guidance and support to (potential) whistleblowers. [...]

Para 7: In case information is brought to the attention of the external auditor [...], the latter will ask the Secretariat to provide information and evidence, take it into account during the regular financial audit within the framework of its Terms of Reference and in parallel take it to the Conference, [and the Management Committee], the Chair/Vice Chairs of the Conference.

Para 8: In case allegations are communicated to the Chair/Vice Chairs of the Conference [and the Management Committee] [...], he/she will request the Secretariat to provide information and evidence. Following an analysis of facts, and considering the relevance of the information, the Chairperson may propose to include an agenda item for discussion at the Conference and bring the issue to [the Management Committee], the Vice-Chairs of the Conference and the External Auditor [...].

CCDEC 2014 (14), Model Energy Charter Early Warning Mechanism

5.3: The Energy Security Contact Group is chaired by the Secretary General or his/her representative and will normally include representatives of the Parties Involved, the Chairmanship of the Energy Charter Conference (who will act as Vice-Chair of the Contact Group) and of the Energy Charter Secretariat. [...]

b.	SELECTION
	<p>Rules of Procedure, Rule 15.A, (a)-(d)</p> <p><i>(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. 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.</i></p> <p><i>(a bis) If there is no approved Chairmanship for a particular year or the approved Chairmanship is not able to perform its role (or waives its position), the Conference may approve an acting Chairmanship for the whole calendar year or part thereof. The outgoing and upcoming Chairmanships are encouraged to volunteer for the acting Chairmanship, but any other Contracting Party may also volunteer for the position. If there are no nominations for the acting Chairmanship or there are more than one, the Conference will decide how to proceed.</i></p> <p><i>(a ter) The Contracting Party appointed as the acting Chairmanship shall nominate a representative as the acting Chairperson. The acting Chairmanship and the acting Chairperson shall have the same powers and duties as the Chairmanship and the Chairperson.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p>
c.	PRIVILEGES AND IMMUNITIES
	<p>Headquarters Agreement, Art. 14: <i>The representatives of the Contracting Parties to the Energy Charter Treaty participating in the work of the Energy Charter Conference, their advisers and technical experts, the official participants as well as the officials of the Energy Charter Conference residing or having their centre of activity outside Belgium, shall enjoy the customary privileges, immunities and facilities during the exercise of their duties.</i></p>
d.	OBLIGATIONS
	<p>Rules of Procedure</p> <p>Rule 15A(g): <i>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.</i></p> <p>Rule 15.B(c): <i>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.</i></p> <p>CCDEC 2017 06: Code of Conduct</p>

	<p>CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines</p> <p>Para 1.2: <i>The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must verify the reported facts in the appropriate manner and, if they are confirmed, the Conference and the Secretariat will take all necessary steps to ensure the appropriate follow-up.</i></p> <p>Para 1.4: <i>[...] The Secretariat and/or the Secretary-General and/or the Deputy Secretary-General and/or the External Auditor and/or the Chair and/or Vice-Chair of the Conference [and/or the Management Committee] bear the burden of proof [of bad faith reporting] in this context.</i></p> <p>Para 2.2 <i>(Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...] the official, secondee, visiting scholar and intern in question [...] should bring it in writing to the attention of one of the following: the External Auditor and the Chair of the Conference and one of the Vice-Chairs of Conference [and the Management Committee]. Upon receipt of the information reported internally, the Secretariat, or one of the following the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee], must give the whistleblower, within 60 days of receipt of the information, an indication of the period of time that it considers reasonable and necessary to take appropriate action.</i></p> <p>Para 3 <i>[...] In all other cases, the Conference, the Secretariat and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] commits to keep the identity of the whistleblower confidential. [...]</i></p> <p>Para 4: <i>The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must give the whistleblower with an indication of the time needed to take appropriate action. [...]</i></p>
V	MANAGEMENT COMMITTEE
	<p>On 30 September 2021, the Conference established a Management Committee with the aim to support the Conference Chairperson.¹³ The Management Committee plays a secondary role under the Conference, and can make recommendations or provide its opinion and/or proposals to the Conference and/or the Conference Chairperson on any question or issue within its competence.</p>
a.	COMPOSITION
	<p>Rules of procedure, Rule 11(a):</p> <p><i>(a) The Management Committee should be composed of:</i></p> <ul style="list-style-type: none"> • <i>The Chairperson of the Conference;</i> • <i>One representative of each the outgoing and incoming Chairmanships as Vice-Chairpersons;</i> • <i>The Chairpersons of the subsidiary groups;</i> • <i>Two representatives from the EU and a representative from each non-EU Contracting Party that contributes more than 10% of the budget;</i> • <i>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;</i> <p><i>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.</i></p>
b.	FUNCTIONS AND ROLE

¹³ CCDEC 2021 16. Provisions of the Management Committee's ToR are incorporated directly or by reference to the Rules of Procedure.

CCDEC 2021 16, Terms of Reference

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 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.

Rules of procedure

Rule 11(b), (d): (b) *The Management Committee shall exercise the functions provided in Article 1 of its terms of reference.*

[...]

(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.*

Rule 12(j): *A subsidiary body may submit to the Management Committee any topic on issues of its competence.*

Rule 15.A(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.*

Rule 20(b):

(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, [...].*

CCDEC 2022 16, Risk Management Protocol: 33. *In line with their Terms of Reference, the relevant subsidiary body of the Conference will address possible risks and their mitigation at one of its meetings. A subsidiary body may decide to discuss the issue with the Management Committee. [...]*

34. [...] *The Conference may decide to authorise the Management Committee to address specific risks, in line with the latter's Terms of Reference.*

Staff Manual

Regulation 2-bis.1, Para 1-2: 1. [...] *Any official, secondee, visiting scholar, intern and staff on loan who, [...], becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including serious irregularities, fraud, corruption or misuse of resources or other serious wrongdoings [...] shall without delay inform either his/her immediate superior and/or the Deputy Secretary General and/or the Secretary-General, or if he/she considers it useful, the External Auditor or the Chair of Conference or the Vice-Chair of Conference [or the Management Committee].*

2. *Any official, secondee, visiting scholar, intern and staff on loan receiving the information referred to in paragraph 1 shall without delay transmit to his/her immediate superior and/or Deputy Secretary-General and/or the Secretary-General and/or the External Auditor and/or the Chair or Vice-Chair of Conference [and/or the Management Committee] any evidence [...].*

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines

Para 2.2 *(Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...] *the official, secondee, visiting scholar and intern in question [...] should bring it in writing to the attention of one of the following: the External Auditor and the Chair of the Conference and one of the Vice-Chairs of Conference [and the Management Committee]. [...]**

If no action is taken within that period of time, or if the whistleblower can demonstrate that the period of time set is unreasonable in light of all the circumstances of the case, he or she may make use and in parallel of the possibility of whistleblowing to the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] to which the whistleblower has not reported yet.

Para 3 [...] *In urgent and duly justified cases, the protective measure of a transfer [of whistleblower] will be*

	<p>taken, including to fill an existing vacancy if possible, by the Secretary General or the Deputy Secretary General or the Chair of the Conference in consultation with the Vice-Chairs [and the Management Committee].</p> <p>Para 4: [...] It should be noted that the whistleblower is entitled to be informed within 60 days of the time needed to take appropriate action, but that it is up to the authority having received the reporting to determine the appropriate course of action.</p> <p>Para 5: [...] In order to help officials, secondees, visiting scholars, interns and staff on loan who are unsure of whether or not certain facts should be reported, the Conference and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] and the Secretariat offers confidential and impartial guidance and support to (potential) whistleblowers. [...] The Finance & Administration [/External Activities and Administration] Unit, the Legal Affairs, the Staff Committee [and the Management Committee] will provide confidential and impartial guidance on the whistleblowing procedure and respond to such questions as for example, [...]</p> <p>Para 7: In case information is brought to the attention of the external auditor [...], the latter will ask the Secretariat to provide information and evidence, take it into account during the regular financial audit within the framework of its Terms of Reference and in parallel take it to the Conference, [and the Management Committee], the Chair/Vice Chairs of the Conference.</p> <p>Para 8: In case allegations are communicated to the Chair/Vice Chairs of the Conference [and the Management Committee] [...], he/she will request the Secretariat to provide information and evidence. Following an analysis of facts, and considering the relevance of the information, the Chairperson may propose to include an agenda item for discussion at the Conference and bring the issue to [the Management Committee], the Vice-Chairs of the Conference and the External Auditor [...].</p>
c.	OBLIGATIONS
	<p>Rules of procedure, Rule 11(f): The Members of the Conference shall be informed of the main conclusions reached at the meetings of the Management Committee.</p> <p>CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines</p> <p>Para 1.2: The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must verify the reported facts in the appropriate manner [...].</p> <p>Para 1.4: [...] The Secretariat and/or the Secretary-General and/or the Deputy Secretary-General and/or the External Auditor and/or the Chair and/or Vice-Chair of the Conference [and/or the Management Committee] bear the burden of proof [of bad faith reporting] in this context.</p> <p>Para 2.2 (Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...] Upon receipt of the information reported internally, the Secretariat, or one of the following the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee], must give the whistleblower, within 60 days of receipt of the information, an indication of the period of time that it considers reasonable and necessary to take appropriate action.</p> <p>Para 3 [...] In all other cases, the Conference, the Secretariat and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] commits to keep the identity of the whistleblower confidential. [...]</p> <p>Para 4: The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must give the whistleblower with an indication of the time needed to take appropriate action. [...]</p>
VI	VICE-CHAIRPERSONS OF THE CONFERENCE
a.	COMPETENCE AND FUNCTIONS
	<p>Rules of Procedure Rule 11:</p>

(a) *The Management Committee should be composed of: [...]*

- *One representative of each the outgoing and incoming Chairmanships as Vice-Chairpersons; [...]*

(c) *[...] 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.*

[...]

(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. [...]*

Rule 13(a): *[...] Each Bureau consists of the Chairperson and Vice-Chairpersons of the relevant body.*

Rule 21.5(a): *[...] 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. [...]*

Staff Manual, Staff Circular to Regulation 2: *In the event an official of the Energy Charter Secretariat becomes aware of fraud, corruption or misuse of the Organisation's resources [...] If the official considers that the allegation has not been properly addressed, he or she should bring it in writing to the attention of the external auditor and may bring it to the attention of the Chair of the Conference or one of the Conference Vice-Chairs.*

Regulation 2-bis.1, Para 1-2: *1. [...] Any official, secondee, visiting scholar, intern and staff on loan who, [...], becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including serious irregularities, fraud, corruption or misuse of resources or other serious wrongdoings [...] shall without delay inform either his/her immediate superior and/or the Deputy Secretary General and/or the Secretary-General, or if he/she considers it useful, the External Auditor or the Chair of Conference or the Vice-Chair of Conference [or the Management Committee].*

2. Any official, secondee, visiting scholar, intern and staff on loan receiving the information referred to in paragraph 1 shall without delay transmit to his/her immediate superior and/or Deputy Secretary-General and/or the Secretary-General and/or the External Auditor and/or the Chair or Vice-Chair of Conference [and/or the Management Committee] any evidence [...].

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines

Para 2.2 *(Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...] the official, secondee, visiting scholars, interns and staff on loan [...] should bring it in writing to the attention of one of the following: the External Auditor and the Chair of the Conference and one of the Vice-Chairs of Conference [and the Management Committee]. [...]*

Para 3 *[...] In urgent and duly justified cases, the protective measure of a transfer [of whistleblower] will be taken, including to fill an existing vacancy if possible, by the Secretary General or the Deputy Secretary General or the Chair of the Conference in consultation with the Vice-Chairs [and the Management Committee].*

Para 4: *[...] It should be noted that the whistleblower is entitled to be informed within 60 days of the time needed to take appropriate action, but that it is up to the authority having received the reporting to determine the appropriate course of action.*

Para 5: *[...] In order to help officials, secondees, visiting scholars, interns and staff on loan who are unsure of whether or not certain facts should be reported, the Conference and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] and the Secretariat offers confidential and impartial guidance and support to (potential) whistleblowers. [...]*

Para 7: *In case information is brought to the attention of the external auditor [...], the latter will ask the Secretariat to provide information and evidence, take it into account during the regular financial audit within the framework of its Terms of Reference and in parallel take it to the Conference, [and the Management Committee], the Chair/Vice Chairs of the Conference.*

Para 8: *In case allegations are communicated to the Chair/Vice Chairs of the Conference [and the Management Committee] [...], he/she will request the Secretariat to provide information and evidence. Following an analysis of facts, and considering the relevance of the information, the Chairperson may*

	<p>propose to include an agenda item for discussion at the Conference and bring the issue to [the Management Committee], the Vice-Chairs of the Conference and the External Auditor [...].</p> <p>CCDEC 2014 14, Model Energy Charter Early Warning Mechanism 5.3: [...] Should the Chairmanship be one of the parties concerned, the most senior Vice-Chairman of the Energy Charter Conference, as per definition in CC 464, not representing any Party Involved, will act in the capacity of the Conference Chairmanship for the meetings of the Energy Security Contact Group and as Vice-Chair of the Contact Group. [...]</p>
b.	SELECTION
	<p>Rules of Procedure, Rule 15.A, (e)-(f) <i>(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.</i> <i>(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.</i></p>
c.	PRIVILEGES AND IMMUNITIES
	<p>Headquarters Agreement, Art. 14: <i>The representatives of the Contracting Parties to the Energy Charter Treaty participating in the work of the Energy Charter Conference, their advisers and technical experts, the official participants as well as the officials of the Energy Charter Conference residing or having their centre of activity outside Belgium, shall enjoy the customary privileges, immunities and facilities during the exercise of their duties.</i></p>
d.	OBLIGATIONS
	<p>Rules of Procedure Rule 4(a): [...] <i>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.</i></p> <p>CCDEC 2017 06: Code of Conduct</p> <p>CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines, Para 1.2: <i>The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must verify the reported facts in the appropriate manner [...].</i></p> <p>Para 1.4: [...] <i>The Secretariat and/or the Secretary-General and/or the Deputy Secretary-General and/or the External Auditor and/or the Chair and/or Vice-Chair of the Conference [and/or the Management Committee] bear the burden of proof [of bad faith reporting] in this context.</i></p> <p>Para 2.2 <i>(Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): [...] Upon receipt of the information reported internally, the Secretariat, or one of the following the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee], must give the whistleblower, within 60 days of receipt of the information, an indication of the period of time that it considers reasonable and necessary to take appropriate action.</i> [...] <i>If no action is taken within that period of time, or if the whistleblower can demonstrate that the period of time set is unreasonable in light of all the circumstances of the case, he or she may make use and in parallel of the possibility of whistleblowing to the External Auditor or the Chair/Vice-Chair of the Conference [or</i></p>

	<p><i>the Management Committee] to which the whistleblower has not reported yet.</i></p> <p>Para 4: <i>The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must give the whistleblower with an indication of the time needed to take appropriate action. [...]</i></p>
VII	CHAIRS AND VICE-CHAIRS OF SUBSIDIARY BODIES
a.	COMPETENCE AND FUNCTIONS
	<p>Rules of Procedure</p> <p>Rule 2: <i>Meetings of subsidiary bodies shall be held when convened by their Chairperson in accordance with any relevant decisions of the Conference [...]</i></p> <p>Rule 4(a): <i>The Secretariat, in consultation with the relevant Chairpersons, shall draw up [...] the proposed agenda for each meeting of the Conference and of the subsidiary bodies.</i></p> <p>Rule 7.A(c): <i>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.</i></p> <p>Rule 11 (a): <i>The Management Committee should be composed of:</i></p> <ul style="list-style-type: none"> • [...] • <i>The Chairpersons of the subsidiary groups; [...]</i> <p>Rule 12(g), (i): [...] (g) <i>A subsidiary body shall through its Chairperson report to the Conference.</i> <i>(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.</i></p> <p>Rule 13(a): [...] <i>Each Bureau consists of the Chairperson and Vice-Chairpersons of the relevant body.</i></p> <p>Rule 15.B: (d) <i>If a Chairperson is absent from any meeting or part thereof, a Vice-Chairperson shall perform the functions of the Chairperson. [...]</i> <i>(e) If necessary, any interim Chairperson should remain in office until the next meeting of the relevant group.</i></p> <p>Rule 16(a)-(b): (a) <i>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. [...]</i> <i>(b) [...in case a member raises a point of order] 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.</i></p> <ul style="list-style-type: none"> • Chair of the Budget Committee: <p>Staff Manual</p> <p>Staff Circular to Rule 4.2(b), Rule 9: <i>Whenever it considers it necessary, as a means of protecting staff interests, the [Staff] Committee may address notes to the Chairpersons of the Charter Conference and/or the Budget Committee.</i></p> <p>Rule 4.3(a)(v): <i>[The Staff Committee] may, at the invitation of the Chairperson of the Budget Committee, send one or more representatives to attend that Committee's meetings.</i></p> <p>Regulation 17(c): <i>The Secretary-General is authorised to implement salary and allowance adjustments mentioned above under paragraph (a) and approved by the Co-ordinated Organisations as soon as they become known, subject to the prior agreement of the Chairperson of the Budget Committee and the availability of adequate appropriations within the Secretariat's budget.[...]</i></p> <p>Implementing Instructions to the Financial Rules</p> <p>Instruction 8(b): <i>The Secretary-General may use up to 10% of the total amount of the General Reserve Fund at 31 December of the preceding financial year [...]. The chair of the Budget</i></p>

	<i>Committee shall be provided with the justification of use of that amount. [...]</i>
b.	SELECTION
	<p>Rules of Procedure, Rule 15.B:</p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(e) If necessary, any interim Chairperson should remain in office until the next meeting of the relevant group.</i></p> <p>CCDEC 2019 12: [...] <i>The Conference also agreed that the Chair of the Legal Advisory Committee will be decided ad hoc by the members of the LAC.</i></p>
c.	RIGHTS, PRIVILEGES AND IMMUNITIES
	<p>Headquarters Agreement, Article 14: <i>The representatives of the Contracting Parties to the Energy Charter Treaty participating in the work of the Energy Charter Conference, their advisers and technical experts, the official participants as well as the officials of the Energy Charter Conference residing or having their centre of activity outside Belgium, shall enjoy the customary privileges, immunities and facilities during the exercise of their duties.</i></p> <p>Implementing Instruction 33 to the Financial Rules: <i>Expenditure on assistance from consultants and organisations could, if so decided, include the payment of fees and expenses for Chairmen who were not government officials.</i></p> <p>CCDEC 2017 15, CCDEC 2018 16, CCDEC 2019 12: [...] <i>Following the recommendation of the Budget Committee, at the request of the Chair or Vice Chair of a subsidiary body of the Conference, his or her travel costs including (i) flight in economy and (ii) daily subsistence allowance (based on the DSA for Brussels used by the coordinated organizations) will be reimbursed from the budget item “invited experts” when the following conditions are both met: (i) he or she chairs the meeting to which he/she is travelling; and (ii) he or she requests one week in advance the secretariat to cover his/her travel costs.</i></p>
d.	OBLIGATIONS
	<p>Rules of Procedure, Rule 16(a): <i>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.</i></p> <p>CCDEC 2017 06: Code of Conduct</p>
VIII	THE SECRETARIAT
a.	ESTABLISHMENT, PERSONALITY, FINANCIAL YEAR AND LOCATION

	<p>ECT, Article 35(1) (identical provision incorporated in Rule 14(a) of the Rules of Procedure): <i>In carrying out its duties, the Charter Conference shall have a Secretariat which shall be composed of a Secretary-General and such staff as are the minimum consistent with efficient performance.</i></p> <p>CCDEC 1995 10: The Conference, whilst noting the authority provided to the Charter Secretariat in Article 35(5) of the Energy Charter Treaty, and with the support of the Belgian delegation, adopted the following Decision: <i>The Charter Secretariat shall henceforward enjoy in Belgium the domestic legal capacity which may be necessary for the exercise of its functions and the fulfilment of the purposes of the Conference.</i></p> <p>CCDEC 1995 17: <i>The Provisional Charter Conference and Secretariat are located in Brussels.</i> All delegations agreed that this Decision will continue to apply after entry into force of the Treaty, subject to the following Declaration: <i>The decision taken on the location of the Secretariat is a political decision. Keeping Article 34(4) in mind, if at any time in the future there were substantially changed circumstances, another political decision can be taken by the Conference.</i></p> <p>Financial Rules Article 2(1): <i>The financial year of the Secretariat shall be the period beginning on 1 January and ending on 31 December.</i></p>
b.	<p>COMPETENCE AND FUNCTIONS</p>
	<p>Energy Charter Treaty Article 7(7)(e): <i>Notwithstanding subparagraph (b) the Secretary-General may elect not to appoint a conciliator if in his judgement the dispute concerns Transit that is or has been the subject of the dispute resolution procedures set out in subparagraphs (a) to (d) and those proceedings have not resulted in a resolution of the dispute.</i></p> <p>Article 33(6)(a): <i>A Protocol may assign duties to the Charter Conference and functions to the Secretariat, provided that no such assignment may be made by an amendment to a Protocol unless that amendment is approved by the Charter Conference, whose approval shall not be subject to any provisions of the Protocol which are authorised by subparagraph (b).</i></p> <p>Article 35(4)-(5) (identical provisions incorporated in Rule 14(b)-(c) of the Rules of Procedure) (4) <i>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 this Treaty or in any Protocol and any other functions assigned to it by the Charter Conference.</i> (5) <i>The Secretariat may enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions.</i></p> <p>Annex D (3)(c) <i>In the event of two or more requests for establishment of a panel in relation to disputes that are substantively similar, the Secretary General may with the consent of all the disputing Contracting Parties appoint a single panel.</i> (7) [...] <i>The Secretary General may also designate, with the approval of the Charter Conference, not more than ten individuals, who are willing and able to serve as panellists for purposes of dispute resolution in accordance with paragraphs (2) to (4). [...]</i></p> <p>Receiving notifications and submissions pursuant to ECT Articles 1(6), 7(7)(a), 7(10)(a)(ii), 10(6), 10(8), 10(9), 20(3), 24(2)(b)(iii), 26(3)(b)(ii), 29(3)-(5), Annex TRM (paragraph 1), Annex P (2) and Annex D.</p> <p>Final Act of the European Energy Charter Conference, IX: <i>The records of negotiations of the European Energy Charter Conference will be deposited with the Secretariat.</i></p> <p>PEEREA, Art. 11(1): <i>The Secretariat established under Article 35 of the Energy Charter Treaty shall provide the Charter Conference with all necessary assistance for the performance of its duties under this</i></p>

Protocol and provide such other services in support of the Protocol as may be required from time to time, subject to approval by the Charter Conference.

Rules of Procedure

Rule 4 (a bis): [...] *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.*

Rule 11(c): *The Management Committee shall be assisted by the Secretariat as needed. [...]*

Rule 12 bis(b): *The ToRs/mandates of sub-groups are defined by the relevant subsidiary 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. [...].*

Financial Rules and Implementing Instructions

Art. 5(3)-(4)

(3) The Secretary-General may, before the end of each financial year, invite Signatories to make advance payments in respect of their contribution liability for the succeeding year.

(4) Annual contributions are calculated and assessed in Euro and must be paid in that currency, unless the Secretary-General comes to an agreement with a given country to receive an annual contribution in another currency.

Article 12: *Should circumstances so require, the Secretary-General may prepare one or more supplementary Budgets drawn up in the same manner as the draft annual Budget.*

Article 14(1)(a): *If it has not been possible to approve the draft Budget before the first day of the financial year: (a) unless the Conference has decided otherwise, the Secretary-General may, having informed the Budget Committee beforehand, undertake and make payments until the Budget is adopted for unavoidable expenditure authorized under each item in the Budget for the preceding year, and collect the corresponding contributions;*

Article 15(1): *Approval of the Budget by the Conference shall empower the Secretary-General, subject to any special conditions established by the Conference: [...]*

Article 15(2)(c)-(d)

(c) The Secretary-General is authorised to accept, on the approval of the Budget Committee any such other resources not exceeding Euro 50 000 provided that it is for an activity included in an approved programme of work of the Secretariat and shall inform the Conference in due time. In cases of in-kind contributions, the amount of appropriations shall be considered as equal to the full cost not borne by the Secretariat for an equivalent solution. [...].

(d) (i) The Secretary-General is authorised to obtain the approval of the Conference for his or her acceptance of a voluntary contribution referred to in Article 6(3) above of up to Euro 50 000 and an appropriation by the Conference equal to its amount, through the written procedure provided for in Rule 19 of the Rules of Procedure as applied to decisions taken under Article 36(2) of the Treaty, which the Secretary-General may employ whenever it would in his or her judgement cause inconvenience to await the next meeting of the Conference for such approval and appropriation.

(ii) The Secretary-General shall in initiating this procedure circulate to all Signatories information on the source, amount, purpose and proposed use of any offer of a voluntary contribution together with his or her proposal to accept it.

Article 16(1)-(2)

(1) The Secretary-General may make transfers between items within a particular Part of the Budget. The Budget Committee shall approve these transfers beforehand.

(2) The Secretary-General may make transfers relating to capital expenditure, only:

(a) on the approval of the Budget Committee for transfers of amounts less than Euro 250 000;

(b) with the approval of the Conference, on the advice of the Budget Committee for transfers of amounts in excess of Euro 250 000.

Article 17(2): [...] *Such appropriations shall be paid into the following funds, which shall be established as and when necessary by the Secretary-General [...]*

Article 19(3): *If the risk of budget over-expenditure is identified, in consultation with the Budget*

Committee, the Deputy Secretary-General may suspend the use of appropriations or of specific commitments of appropriations for which no legal commitments exist. [...]

Article 27(1): The Secretary-General is authorized to carry out cash management operations which are necessary in the interests of the Secretariat and, in particular, to invest on a short-term basis funds not immediately required. For this purpose, he or she may perform any administrative act of disposal and, in particular, may purchase and transfer securities and grant Staff loans.

Article 28: [...] a petty cash imprest fund for defined purposes may be held by one of the Staff designated by the Secretary-General. [...]

Article 29: The Secretary-General may, on the advice of the Budget Committee, authorize the writing off of any loss of assets up to the amounts and subject to the conditions set forth in the Implementing Instructions established pursuant to Article 19 above. [...]

Article 36: (1) The Secretary-General may delegate to the Deputy Secretary-General or, if the post falls vacant, to the Head of Unit in charge of Finances such authority as he or she considers necessary for the effective implementation of these Financial Rules.

(2) In the absence or incapacity of an official expressly authorised to act by the Financial Regulations or Implementing Instructions, or should the post in question be vacant, the following post in the sequence of Secretary-General, Deputy Secretary-General, Head of Unit in charge of Finances, shall be authorised to so act. In addition, should the post in question be vacant, the preceding post in the sequence of Secretary - General, Deputy Secretary-General, Head of Unit in charge of Finances may also confer these functions on another official, in writing, on an interim basis.

Implementing Instruction 8(b): The Secretary-General may use up to 10% of the total amount of the General Reserve Fund at 31 December of the preceding financial year after submission of the certified accounts by the External Auditors in a financial sustainable manner. [...]

Implementing Instruction 9: The Secretary-General authorises payments in respect of eventual supplementary budget expenditure and shall ensure that they are made within the limits of the corresponding amounts of income available, and after receipt of the appropriate supporting receipts from the unit requesting the expenditure.

Implementing Instruction 16(a): In the following cases, derogations from the tender or price quotation procedure as described under Instruction 15 above shall be possible:

- i) by special written decision of the Secretary-General on the grounds of urgency or other practical considerations of the Secretariat justify an exception;
- ii) by decision of the Contracts Committee when the procedure under Instruction 15 above cannot be followed because of the special nature of the supplies or services concerned; or
- iii) when it is in the best interest of the Secretariat to place an order or conclude a contract within a period which by reason of overriding urgency or unforeseeable circumstances is too short to enable an invitation to tender to be put out or for several suppliers or contractors to be consulted.

Implementing Instruction 24: Based on proper justification that furniture, equipment and other assets of the inventory of the Secretariat proposed for disposal are of no use to the Secretariat, or disposal is in the best interest of the Secretariat, the Secretary-General may approve arrangements for the sale under the best terms of the goods.

Implementing Instruction 25(a): The Secretary-General may authorise the writing off up to Euro 2 500 annually of any loss of assets or irrevocable book debts.

Implementing Instruction 21(a), (c)

a) Experts or other participants shall be designated either by the Secretary-General or by Signatories at the request of the Secretary-General to attend conferences, seminars, meetings or other events related to the Charter activities.

c) Financial assistance for travel and subsistence expenses for attendance at meetings of a limited number of invited experts from transition countries shall be based on the procedures established by the Secretary-General in consultations with the Budget Committee.

CCDEC 2022 16, Risk Management Protocol, para 36: The Deputy Secretary-General is to consider annual training on risk management for officials of the Secretariat and officers of the Conference.

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines

Para 3 [...] *If the official, secondee, visiting scholars, interns and staff on loan concerned wishes to be moved to another unit of the Secretariat [...], then the Secretariat will take reasonable steps to facilitate such a move. [...] In urgent and duly justified cases, the protective measure of a transfer will be taken, including to fill an existing vacancy if possible, by the Secretary General or the Deputy Secretary General or the Chair of the Conference in consultation with the Vice-Chairs [and the Management Committee].*

Para 5: [...] *In order to help officials, secondees, visiting scholars, interns and staff on loan who are unsure of whether or not certain facts should be reported, the Conference and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] and the Secretariat offers confidential and impartial guidance and support to (potential) whistleblowers.*

[...]

The Finance & Administration [/External Activities and Administration] Unit, the Legal Affairs, the Staff Committee [and the Management Committee] will provide confidential and impartial guidance on the whistleblowing procedure and respond to such questions as for example, [...]

Para 7: *In case information is brought to the attention of the external auditor [...], the latter will ask the Secretariat to provide information and evidence, take it into account during the regular financial audit within the framework of its Terms of Reference and in parallel take it to the Conference, [and the Management Committee], the Chair/Vice Chairs of the Conference.*

CCDEC 1999 13, Rules of Procedure for Panel Proceedings under Article 29 and Annex D

Rule 1(2) *The parties to the dispute may authorize the Secretary-General to draw up the terms of reference of the panel. [...]*

Rule 2(1) *Any nominations of panel members proposed by the Secretary-General after the expiration of 30 days subsequent to the establishment of the panel shall be accepted as final, subject to the rules of conduct in Appendix 3 to these Rules.*

Rule 11

1. The Secretariat shall have the responsibility of assisting panels, especially on the legal, historical and procedural aspects of the matters dealt with, and of providing secretarial and technical support. In respect of legal and procedural aspects, the Secretariat may decide to seek the advice of the Secretariat of the WTO.

2. The Secretariat shall assist Contracting Parties in respect of dispute settlement at their request and may be asked to conduct special training courses for interested Contracting Parties concerning these dispute settlement procedures and practices so as to enable Contracting Parties' experts to be better informed in this regard. This assistance shall be provided in a manner ensuring the continued impartiality of the Secretariat.

CCDEC 2014 06

5. *More emphasis should be placed [...] the assistance of the Secretariat with good offices, mediation and conciliation; setting up an investment Ombudsman. Furthermore, the Secretariat should 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).*

25. [...] *continue providing regular overview of known cases and awards (including a follow up on compliance), assisting with requests -concerning the travaux préparatoires and the application of the ECT- and enhancing its contacts with international arbitration institutions.*

CCDEC 2014 14, Model Energy Charter Early Warning Mechanism

5.1: *Following the exchange of written information any of the Parties Involved may request the Secretary General to convene an Energy Security Contact Group. He shall do so no later than three days following the reception of such request.*

5.2: *Alternatively, the Secretary General may convene the Energy Security Contact Group upon his own initiative.*

5.3: *The Energy Security Contact Group is chaired by the Secretary General or his/her representative and*

will normally include representatives of the Parties Involved, the Chairmanship of the Energy Charter Conference (who will act as Vice-Chair of the Contact Group) and of the Energy Charter Secretariat. [...] 7: [...] Administrative support [to the Energy Security Contact Group and the Energy Charter Monitoring Group] may be provided by the Energy Charter Secretariat.

CCDEC 2013 08, De-restriction of CCDEC documents and change in the default setting of CC documents

(a) The Secretariat will prepare a draft summary record of the annual meeting of the Conference within two months of that meeting.

(b) With the draft summary record, the Secretariat will also prepare a series of new CCDEC documents for the same year [...]

CCDEC 2015 11, Rules Concerning the Conduct of Conciliation of Transit Disputes

Rule 1(3)-(4):

(3) As soon as practicable after the receipt of the notification of a referral, the Secretary-General shall notify all Contracting Parties to the Energy Charter Treaty of the existence of the referral and invite them to indicate whether they consider that they are one of the other Contracting Parties concerned for the purposes of the appointment of the conciliator under Article 7(7)(b) of the ECT. The form of the notification to the Contracting Parties is a matter for the Secretary-General, but the Secretary-General shall ensure that sufficient information is provided to enable the Contracting Parties to make the necessary assessment of their interest.

(4) The Secretary-General shall transmit a copy of the written notification of referral of the dispute to any Contracting Party identified therein as a Party. The Secretary-General may invite any Party which is identified in the referral to submit a statement by way of response for inclusion in the material which will be provided to the conciliator on his or her appointment. Such a Party is not bound to comply with this request.

Rule 2(1)-(3), (5)-(7):

(1) The Secretary-General shall decide on the appropriate form of the consultation about the appointment of the conciliator. In making the appointment, the Secretary-General shall have particular regard to [...]

(2) The Secretary-General shall maintain a roster of qualified conciliators. [...]

(3) The decision of the Secretary-General to appoint a particular person is final, subject to Rule 4(1). [...]

(5) The terms of appointment of the conciliator shall include a statement by the Secretary-General listing the Parties and other Contracting Parties concerned [...]

(6) The Secretary-General may, in consultation with the conciliator and upon written agreement of the Parties to the dispute, inform the public about the fact that a conciliation procedure has been initiated with regard to the given dispute.

(7) If the Secretary-General elects in accordance with Article 7(7)(e) of the ECT not to appoint a conciliator, he or she shall inform the Parties and any other Contracting Party concerned of his or her decision in writing as soon as possible.

Rule 3 (2)-(5)

(2) If a conciliator resigns, dies or, in the opinion of the Secretary-General, becomes incapacitated, unable or fails to perform his or her duties (including compliance with time limits), the Secretary-General shall immediately notify the Parties and the other Contracting Parties concerned of that fact. [...]

(3) The Secretary-General, having regard to the particular stage which the proceedings had reached, may encourage the Parties to agree on the most expeditious method of proceeding.

(4) The Secretary-General, in consultation with the Parties and the other Contracting Parties concerned, shall appoint a new conciliator as soon as possible, but in any event no later than 30 days after the resignation, death or incapacity of the conciliator. The Secretary-General shall provide the new conciliator with the evidence, including statements and materials, collected during the course of the conciliation proceedings.

(5) The Secretary-General may as part of the terms of appointment of a new conciliator determine, if necessary, a time limit for the conduct of the conciliation. The time limit may reflect the agreement of the Parties or, in the absence of their agreement, the Secretary-General's judgement about the most

appropriate time limit [...]

Rule 4 (2)-(5)

(2) *The Secretary-General shall decide as expeditiously as possible, having regard to the need to allow the conciliator the opportunity to respond, whether the conciliator should be disqualified. The Secretary-General may decide to suspend the proceedings temporarily. The Secretary-General shall advise the Parties and the other Contracting Parties concerned of his or her decision as to the disqualification of the conciliator.*

(3) *The Secretary-General, having regard to the particular stage which the proceedings had reached, may encourage the Parties to agree on the most expeditious method of proceeding.*

(4) *The Secretary-General, in consultation with the Parties and the other Contracting Parties concerned, shall appoint a new conciliator as soon as possible, but in any event no later than 30 days after the date of the disqualification of the conciliator. The Secretary-General shall provide the new conciliator with the evidence, including statements and materials, collected during the course of the conciliation proceedings. [...]*

(5) *The Secretary-General may as part of the terms of appointment of a new conciliator determine, if necessary, a time limit for the conduct of the conciliation. The time limit may reflect the agreement of the Parties or, in the absence of their agreement, the Secretary-General's judgement about the most appropriate time limit [...]*

Rule 9: *In order to facilitate the conduct of the conciliation proceedings, the conciliator, with the agreement of the Parties, may arrange for administrative or technical assistance by the Energy Charter Secretariat or any other suitable institution or person.*

Rule 12 (2)-(3)

(2) *The conciliator shall inform the Secretary-General in writing of the fact that an agreement between the Parties has been reached. The Secretary-General shall notify all the Contracting Parties to the Energy Charter Treaty that such agreement has been reached.*

(3) *The Secretary General may, upon written agreement of the Parties, inform the public about the fact that such agreement has been reached.*

Rule 13 (2)-(3)

(2) *The Secretary-General shall:*

- (a) *deposit a signed copy of the recommendation and the decision in the archives of the Secretariat;*
- (b) *notify all Contracting Parties of the fact that a recommendation and decision on interim tariffs has been made.*

(3) *The Secretary-General may, upon the written agreement of the Parties, inform the public of the fact that a recommendation and decision on interim tariffs has been made.*

Rule 16(4): *The Secretary-General shall render an accounting to the Parties of the deposits received and return any unexpended balance to the Parties or request a final payment taking into account the decision of the conciliator as to the apportionment of costs.*

CCDEC 2017 08, Investment Facilitation Toolbox

[...] *the Energy Charter Conference*

[...] (3) *Requested the Secretariat to [...] continue raising awareness on discriminatory and non-discriminatory barriers to the establishment of energy investments and exploring policy and regulatory instruments of removal.*

CCDEC 2017 09, Simplification of the accession procedure to the ECT

[...] *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.*

[...] *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.*

[...]

	<p>CCDECs 2005 03; 2007 02; 2009 01; 2013 28; 2014 02, 05; 2015 02, 03, 08, 12; 2016 10, 2018 10: to assist with the accession to the Energy Charter Treaty.</p> <p>CCDEC 2018 08: [...] <i>to publish and subsequently update the roster of trade panelists and transit conciliators.</i></p> <p>CCDEC 2019 18, Conclusions of the review under Article 34(7) in 2019¹⁴ 3. [...] <i>The Secretariat should not deal with trade issues as a priority until the review under Article 34(7) in 2024.</i></p>
c.	REPORTING¹⁵
	<p>ECT, Article 35(3) (identical provision incorporated in Rule 14(b) of the Rules of Procedure): <i>In the performance of its duties the Secretariat shall be responsible to and report to the Charter Conference.</i></p> <p>Staff Manual Staff Circular to Regulation 2: <i>In the event an official of the Energy Charter Secretariat becomes aware of fraud, corruption or misuse of the Organisation's resources, the official shall bring it in writing to the attention of the Secretary-General. If the official considers that the allegation has not been properly addressed, he or she should bring it in writing to the attention of the external auditor and may bring it to the attention of the Chair of the Conference or one of the Conference Vice-Chairs.</i></p> <p>Regulation 2-bis.1, Para 1-2: 1. [...] <i>Any official, secondee, visiting scholar, intern and staff on loan who, [...], becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including serious irregularities, fraud, corruption or misuse of resources or other serious wrongdoings [...] shall without delay inform either his/her immediate superior and/or the Deputy Secretary General and/or the Secretary-General, or if he/she considers it useful, the External Auditor or the Chair of Conference or the Vice-Chair of Conference [or the Management Committee].</i> 2. <i>Any official, secondee, visiting scholar, intern and staff on loan receiving the information referred to in paragraph 1 shall without delay transmit to his/her immediate superior and/or Deputy Secretary-General and/or the Secretary-General and/or the External Auditor and/or the Chair or Vice-Chair of Conference [and/or the Management Committee] any evidence [...].</i></p> <p>Regulation 17(c): [...] <i>The Secretary-General shall report to the Conference on the action taken [to implement salary and allowance adjustments] at the earliest opportunity.</i></p> <p>Financial Rules and Implementing Instructions Article 5(5): <i>The Deputy Secretary-General shall, not later than in May and October each year (and at other times if appropriate), present to the Conference up-to-date reports on the recovery of contributions.</i> Article 27(2): <i>The Deputy Secretary-General shall inform the Budget Committee of the investments made and shall take account of any proposals made to him or her on such occasions.</i> Article 28(3): <i>The Budget Committee shall be informed of all cash disbursements made during the financial year.</i> Article 31: <i>The Deputy Secretary-General shall report to the Budget Committee every year on the foreign exchange transactions carried out during the preceding year.</i> Implementing Instruction 3(e): <i>The Deputy Secretary-General is responsible for the budgetary control, accounting and reporting of all [expenditure] commitments.</i> Implementing Instruction 8(b): [...] <i>The Secretary-General shall report to the Budget Committee of the use made from the General Reserve Fund [up to 10%] including justification. [...]</i> Implementing Instruction 12(c): <i>The Deputy Secretary-General shall take all necessary action to preserve the assets of the Secretariat; to that end, he or she shall be responsible for: [...] the preparation of the</i></p>

¹⁴ Restricted document.

¹⁵ Editor's note: provisions on internal Secretariat's reporting are not reproduced.

	<p>periodic reports to the Budget Committee on the short-term investments of funds and the annual report on the foreign exchange transactions carried out in the preceding year as required under Articles 27 and 31 of the Financial Rules.</p> <p>Implementing Instruction 13(a), (c): <i>The Deputy Secretary-General shall:</i></p> <p>a) <i>be in charge of designing the internal control procedures [...], as well as monitoring their implementation and reporting to the Budget Committee; [...]</i></p> <p>c) <i>exercise financial and budgetary control and financial reporting on all commitments to the Budget Committee;</i></p> <p>Implementing Instruction 14(c), (f), (g), (h): <i>c) Reporting shall be done regularly to the Budget Committee and to the Management Committee at its request.</i></p> <p>[...]</p> <p>f) <i>An effective system of risk management shall be established to identify and address internal and external risks to the Organisation, [...]. The reports shall be consistent with the presentation of the Budget. The reports shall, inter alia, compare the budget results to the approved Budget and shall include information on the use of the budget appropriations, the financing of appropriations, and a summary of transfers of appropriations. The final budget result report for a financial period shall also present a table outlining all income offsetting expenditure in the budget accounts, comparative analyses with prior year expenditure, a summary of all carry-forwards of appropriations, as well as a table regarding voluntary contributions and grants. The Budget Committee shall review reporting requirements periodically or upon a proposal from the Secretary-General.</i></p> <p>g) <i>Financial reporting shall be presented periodically to the Budget Committee in line with the relevant Financial Rules and Implementing Instructions. The reports shall contain: [...]</i></p> <p>h) <i>The Deputy Secretary-General shall be in charge of reporting on internal control, budgetary and financial matters [...].</i></p> <p>Implementing Instruction 15(b): <i>The Budget Committee should be informed of the purchase of goods and services exceeding Euro 6 000 threshold.</i></p> <p>Implementing Instruction 17(b): <i>The Budget Committee shall be kept informed by the Secretary-General of cases where there was a derogation from the tender procedures or where an offer other than the most advantageous was selected.</i></p> <p>Implementing Instruction 23(c): <i>The Budget Committee shall be informed of the inventory list once a year.</i></p>
d.	RIGHTS, PRIVILEGES AND IMMUNITIES
	<p>Headquarters Agreement, Chapter III</p> <p>Article 15: <i>The Secretary General of the Energy Charter Conference and his Deputy shall enjoy diplomatic privileges and immunities.</i></p> <p>Article 16</p> <p>1. <i>All the officials of the Energy Charter Conference shall enjoy:</i></p> <p>a) <i>exemption from all taxes on the salaries, emoluments and indemnities paid to them by the Energy Charter Conference, from the day when this income is subject to a tax in favour of the Energy Charter Conference, provided that Belgium recognizes the internal tax system.</i></p> <p><i>Belgium reserves the possibility of taking these salaries, emoluments and indemnities into account for the purpose of determining the amount of tax payable on income from other sources;</i></p> <p>b) <i>the facilities granted to officials of international organizations in respect of monetary or exchange regulations.</i></p> <p>2. <i>The officials of the Energy Charter Conference who do not enjoy the privileges and immunities of Article 15 shall enjoy:</i></p> <p>a) <i>immunity from legal process in respect of acts carried out by them in the performance of their official duties, including words spoken or written; this immunity shall continue even after the completion of their functions;</i></p> <p>b) <i>inviolability for all their official papers and documents.</i></p>

	<p>3. <i>The officials of the Energy Charter Conference as well as the dependant members of their families shall not be subject to rules limiting immigration, or to the registration formalities applied to aliens. [...]</i></p> <p>Article 17: <i>The provisions of Article 16(1)(a) are not applicable to pensions paid by the Energy Charter Conference to former officials in Belgium or to holders of those rights, or to salaries, emoluments and indemnities paid by the Energy Charter Conference to its local agents.</i></p> <p>Article 18: <i>The officials of the Energy Charter Conference who do not exercise any gainful occupation in Belgium other than the one resulting from their functions in the Energy Charter Conference, as well as their dependant family members who do not exercise any private gainful occupation in Belgium, are not subject to Belgian legislation in the field of foreign labour and in the field of independent professional activities of foreigners.</i></p> <p>Article 19: <i>As far as social security is concerned, officials of the Energy Charter Conference in Belgium who are neither nationals nor permanent residents in Belgium and who are not engaged in Belgium in a gainful private occupation other than that involved in their official duties may choose, with the previous agreement of the Energy Charter Conference, to be subject to Belgian law. This choice may be exercised only once and must be made within three months from the date on which duties are taken up in Belgium. [...]</i></p> <p>Article 20</p> <p>1. <i>Without prejudice to the obligations incumbent upon Belgium arising from the provisions of the treaty establishing the European Economic Community and the application of legal provisions, the officials of the Energy Charter Conference enjoy the right, during a period of twelve months following their first taking up employment in Belgium, to import or acquire, free of duties, furniture and a car for their personal use.</i></p> <p>2. <i>The Minister of Finance of the Government of Belgium shall determine the limits on and conditions of the application of the present Article.</i></p> <p>Article 21: <i>Belgium is not required to accord to its own nationals or permanent residents the advantages, benefits, privileges and immunities, with the exception of those mentioned in Article I 6.1.(a) of this Agreement. However, they shall enjoy immunity from jurisdiction for acts carried out in the performance of their official duties, including words spoken and written.</i></p> <p>Staff Manual</p> <p>Regulation 4: <i>Officials shall be entitled to exercise the right to organise, and in particular to be members of trade unions and staff bodies.</i></p> <p>Regulation 6:</p> <p>a) <i>In accordance with the relevant Articles of the Headquarters Agreement the privileges, immunities, exemptions and facilities shall apply to all officials.</i></p> <p>b) <i>The Secretary-General is authorised to enter into negotiations with the competent administrations of Contracting Parties and Signatories concerning the equitable application of privileges and immunities to these officials.</i></p> <p>c) <i>Privileges and immunities are granted to officials in the interests of the Conference only, not for their personal benefit, and they in no way exempt them from the observance of the laws and police regulations of the countries in which they work. Whenever such privileges and immunities are in question, the official concerned shall report immediately to the Secretary-General who will waive the immunity in accordance with the relevant Article of the Headquarters Agreement.</i></p>
e.	OBLIGATIONS¹⁶
	<p>Energy Charter Treaty</p> <p>Article 7(7)(a), (b), (e)</p> <p>(a) <i>[...] The Secretary-General shall notify all Contracting Parties of any such referral.</i></p> <p>(b) <i>Within 30 days of receipt of such a notification, the Secretary-General, in consultation with the parties to the dispute and the other Contracting Parties concerned, shall appoint a conciliator. [...]</i></p>

¹⁶ Editor's note: this sub-section excludes reporting obligations, which are reflected in subsection c.

Article 27(3)(1): *A copy of the award [between Contracting Parties] shall be deposited with the Secretariat which shall make it generally available.*

Annex B (1): *Contributions payable by Contracting Parties shall be determined by the Secretariat annually on the basis of their percentage contributions required under the latest available United Nations Regular Budget Scale of Assessment (supplemented by information on theoretical contributions for any Contracting Parties which are not UN members).*

Annex P, Special sub-national dispute procedure, Part II, (2)

(2) [...] *The Secretariat shall present the notification to the Charter Conference at the earliest practicable opportunity, and no later than the meeting of the Charter Conference following receipt of the notice. [...]*

Annex D

(1)(b) [...] *Requests to consult pursuant to this paragraph shall be notified to the Secretariat, which shall periodically inform the Contracting Parties of pending consultations that have been notified.*

(2)(a) [...] *The Secretariat shall promptly deliver copies of the request to all Contracting Parties.*

(2)(d) *A panel shall be composed of three members who shall be chosen by the Secretary General from the roster described in paragraph (7). [...]*

(2)(g) *The Secretariat shall promptly notify all Contracting Parties that a panel has been constituted.*

(4)(a) [...] *The Secretariat shall at the earliest practicable opportunity distribute the final report, together with any written views that a disputing Contracting Party desires to have appended, to all Contracting Parties.*

(4)(c) [...] *Contracting Parties having objections to a panel report shall give written reasons for their objections to the Secretariat at least 10 days prior to the date on which the report is to be considered for adoption by the Charter Conference, and the Secretariat shall promptly provide them to all Contracting Parties. [...]*

(6)(b) *The Secretary General shall establish an arbitral panel in accordance with [...]*

(6)(d) [...] *The Secretariat shall present the determination to the Charter Conference at the earliest practicable opportunity, and no later than the meeting of the Charter Conference following receipt of the determination.*

Procedural Rules

Rule 3(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. [...]*

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.*

Rule 4 (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.*

Rule 4(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. [...]*

Rule 7.A(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.*

Rule 11(c): *The Management Committee shall be assisted by the Secretariat as needed. [...]*

Rule 12 bis(b): *The ToRs/mandates of sub-groups are defined by the relevant subsidiary 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. [...]*

Rule 22.2(a): *The Secretariat should ensure that all Members of the Conference are informed, via a Message uploaded on delegates' website, of the future vacancy [of Deputy Secretary-General] [...].*

Rule 22.2(c): *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.*

Headquarters Agreement, Chapter IV

Article 22: *The above privileges and immunities are accorded to officials solely in the interests of the Energy Charter Conference and not for their personal benefit. The Secretary General of the Energy Charter Conference shall have the right and duty to waive immunity in all cases where this immunity would hinder the course of justice and where it is possible to waive such immunity without prejudice to the interests of the Energy Charter Conference.*

Article 23: *Belgium shall reserve the right to take all appropriate measures in the interests of its own security.*

Article 24: *The persons mentioned in Article 16 shall not enjoy any immunity from jurisdiction in the case of infringement of regulations concerning the circulation of motor vehicles or damage caused by such vehicles.*

Article 25: *The Energy Charter Conference and the officials of the Energy Charter Conference in Belgium are required to comply with all obligations imposed by Belgian Law with respect to civil liability insurance for the use of motor vehicles.*

Article 26: *The officials of the Energy Charter Conference shall co-operate at all times with the competent Belgian authorities with a view to facilitating the dispensing of justice, to ensuring the observance of police regulations and to preventing any abuse of privileges, immunities and facilities provided for in the present Agreement.*

Article 28: *The Energy Charter Conference, its officials and its local agents shall be required to respect Belgian Law.*

Staff Manual

Regulation 2

- a) *The officials of the Secretariat are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities of the Secretariat.*
- b) *They are international officials and their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interest of the Secretariat in view. They shall be responsible for the discharge of their duties and the observance of the Staff Regulations and Staff Rules and any Staff Circulars issued thereunder. In their performance of their duties they will not seek or receive instructions from any government or from any authority external to the Secretariat.*
- c) *Officials shall:*
 - *carry out their duties in accordance with the highest standards of integrity, accountability and loyalty;*
 - *conduct themselves with objectivity and impartiality and avoid any conflict of interest, or appearance of conflict of interest, in the performance of their duties;*
 - *carefully manage the resources of the Secretariat for which they are responsible;*
 - *not use the Organisation's resources for their own personal benefit or for the benefit of third parties;*
 - *report any fraud, corruption or misuse of the Organisation's resources;*
 - *not use their position within the Organisation, its name or logo or any information acquired in the course of their official duties to obtain undue benefits for themselves or third parties, or for any other inappropriate purpose. This obligation shall continue to bind them after they leave the Secretariat.*
 - *shall not, except in the performance of their duties or by authorisation of the Secretary-General, communicate to any person unpublished information known to them by reason of their position, nor shall they at any time use such information to personal advantage including financial advantage. This obligation shall continue to bind them after they leave the Secretariat;*
 - *not use their position within the Organisation, its name or logo or any information acquired in the course of their official duties to obtain undue benefits for themselves or third parties, or for any other inappropriate purpose;*
 - *notify the Secretariat immediately, in writing, of any subsequent changes that may affect their*

status under the Staff Regulations and Rules (in particular in case the official receives a household allowance, a dependent's allowance or an education allowance), as well as in any other case expressly provided in the Staff Manual;

- *carry out their duties in accordance with the Code of Conduct of the International Energy Charter, which sets the framework and standards for the personal and professional conduct expected from officials of the Energy Charter Secretariat. The Code of Conduct does not replace existing provisions of the present Rules and Regulations, and cannot contradict their application.*
- *carry out their duties in accordance with the Manual on Data protection, which establishes a legal framework for data protection and confidentiality at the Secretariat. The Manual on Data protection does not replace existing provisions of the present Regulations and Rules, and cannot contradict their application.*

d) *On taking up their duties, officials must subscribe to the following declaration: "I solemnly declare that I will carry out the duties entrusted to me as an official of the Energy Charter Secretariat loyally and conscientiously, respecting the confidence placed in me. In discharging these duties and in my official conduct I will have regard exclusively to the interest of the Secretariat. I will not seek or accept any instructions in connection with the exercise of my functions from any government or any authority external to the Secretariat. I will refrain from any action which might reflect upon my position as an official of the Secretariat. I will not communicate to any person unpublished information known to me by reason of my position at the Secretariat, nor shall I at any time use such information to my personal advantage including financial advantages."*

Regulation 3

a) *Officials shall refrain from any action incompatible with the dignity of their functions.*

b) *No official may, during the period of his or her appointment, engage in any occupation, hold any position, or accept any functions external to the Secretariat, which in the opinion of the Secretary-General are incompatible with the proper performance of his or her duties.*

c) *Officials may not receive any honorary distinction or remuneration from any Government or other source external to the Secretariat without permission from the Secretary-General.*

Regulation 5(a): *Officials and former officials shall exercise the utmost discretion in regard to all matters of official business. Except under authorisation of the Secretary-General, they shall not disclose to any unauthorised person, any unpublished or restricted information acquired by them in the course of the performance of their official duties, neither shall they make any use of such information outside their official work in the Secretariat.*

CCDEC 2021 12, the International Energy Charter Whistleblowing Guidelines

Para 1.2: *The Secretariat or the External Auditor or the Chair/Vice-Chair of the Conference [or the Management Committee] must verify the reported facts in the appropriate manner and, if they are confirmed, the Conference and the Secretariat will take all necessary steps to ensure the appropriate follow-up.*

Para 1.4: *[...] The Secretariat and/or the Secretary-General and/or the Deputy Secretary-General and/or the External Auditor and/or the Chair and/or Vice-Chair of the Conference [and/or the Management Committee] bear the burden of proof [of bad faith reporting] in this context.*

Para 2.2 (Report to one of the External Auditor and the Chair/Vice-Chairs of the Conference [and the Management Committee]): *[...] The Conference and the Secretariat are under the obligation to ensure the confidentiality of information received and officials, secondees, visiting scholars, interns and staff on loan of the Secretariat are therefore necessarily subjected to a duty of discretion. [...]*

Para 3 *[...] In all other cases, the Conference, the Secretariat and the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] commits to keep the identity of the whistleblower confidential. [...]*

Para 6: *The duty of the Deputy Secretary General and the Secretary General to notify the External Auditor and the Chair/Vice-Chair of the Conference [and the Management Committee] in case of information in accordance with the section 2 above received from officials, secondees, visiting scholars, interns and staff on loan on the basis of the whistleblowing guidelines does not of itself discharge them from their own*

responsibilities to tackle the serious irregularities, fraud, corruption or misuse of resources or serious wrongdoings. [...]

Para 8: *In case allegations are communicated to the Chair/Vice Chairs of the Conference [and the Management Committee] [...], he/she will request the Secretariat to provide information and evidence [...].*

Financial Rules and Implementing Instructions

Article 1(2): *The financial resources of the Secretariat shall be employed in conformity with principles of economy and sound financial administration.*

Article 9: *The Secretary-General shall prepare the draft Programme of Work over the biennium not later than 6 months before the start of the biennium as well as the initial Budget for the first year of that biennium and the provisional Budget for the second year in conformity with the provisions of these Rules and with the procedures laid down by the Conference.*

Article 10: *The Secretary-General shall submit the draft Budget for the first year of that biennium and the provisional Budget for the second year to the Budget Committee, after consultation with the Management Committee, not later than two months before the opening of the last scheduled Conference meeting of the biennium, in order to obtain its views. He or she shall then submit the draft Budget and the comments of the Budget Committee to the Conference not later than two weeks before such Conference meeting.*

Article 14(2): *If there is urgent expenditure, for which the necessary appropriations have not been included in the annual Budget, the Secretary-General shall examine whether savings in the budget can cover the extra costs; if this is not the case, the Conference may authorize the Secretary-General to call on Signatories to make advance contributions to cover such expenditure until such time as a supplementary Budget has been prepared and approved.*

Article 15(2)(c): [...] *In cases of voluntary contributions involving co-financing from Budget Part I, the Secretariat shall preliminarily consult with the Budget Committee and seek approval by the Budget Committee and the Conference regardless the size of the contribution.*

Article 18: *After the Conference approves the Budget for the following financial year, the Secretary-General shall, within two months, notify Signatories of the amount of their contributions calculated as of 1 January each year.*

Article 19: (1) *The Deputy Secretary-General shall establish a system of internal financial management and budgetary control. The detailed Implementing Instructions shall be submitted to the Budget Committee for approval.*

(2) *Officials to whom the responsibility of a budget is entrusted shall ensure due regard to accountability and the principle of segregation of duties in line with Instruction 2. [...]*

(3) [...] *The Secretariat shall establish a system of budget control to periodically forecast the budget results and unforeseen expenditure for the financial period.*

Article 20: *The Secretary-General shall, subject to approval by the Conference, designate one or more independent External Auditors [...].*

Article 21(2): *The Secretary-General shall make such observations as he or she considers appropriate on the External Auditors' report.*

Article 22: *The Deputy Secretary-General shall establish Implementing Instructions governing contracting, invitations to tender and the procurement of equipment, supplies and services.*

Article 24

(1) *An official appointed by the Deputy Secretary-General shall be responsible for prescribing and maintaining the necessary accounts and subsidiary records and shall institute systems and procedures which will permit financial reporting on all activities of the Secretariat.*

(2) *The official shall keep the accounts of the Secretariat which shall comprise: [...]*

Article 26: *The Secretary-General shall designate the bank or banks in which the funds in the custody of the Secretariat shall be deposited.*

Article 28: [...] *Officials to whom such funds are issued shall be personally responsible for them and for their proper use.*

Article 30: *The Deputy Secretary-General shall arrange for any foreign exchange transactions necessary for the requirements of the Secretariat.*

Article 33: *The Secretary General shall submit to the Conference for approval, after consideration and*

report by the Budget Committee, any proposed substantive revisions to the Financial Rules.

Article 34: The Secretary-General shall submit to the Conference, through the Budget Committee, an estimate of the cost involved in the carrying out of all supplementary Budget decisions. [...]

Article 37: The Secretary-General shall issue a statement of assurance of management, representation of performance and compliance to the Conference.

Implementing Instruction 1(b)-(d)

b) Any legal instrument committing the Secretariat vis-à-vis third parties and necessarily entailing expenditure, income or loss of income for the Secretariat or necessarily affecting the state of its assets shall be signed by the member of the Staff duly authorised for that purpose:

- i) by express provision of these Instructions and in accordance with the conditions laid therein; or
- ii) under some express provision of the Staff Regulations applicable to the various categories of the Staff of the Secretariat; or
- iii) by special written authorisation from the Secretary-General.

c) The Head of Unit in charge of Finances shall be responsible for prescribing and maintaining the necessary accounts and subsidiary records and shall institute systems and procedures which will permit the Deputy Secretary-General to report accurately and timely to the Budget Committee on the financing of all activities of the Secretariat so it can ensure that the programme of work is carried out through its approved annual budget and closely monitor its execution and expenditure.

(d) When carrying out the financial function of the Secretariat, the following shall be given due consideration:

- i) economy, efficiency and effectiveness;
- ii) the overall interests of the Secretariat; and
- iii) prior budgetary approval and the availability of funds

Implementing Instruction 2(b): The operations and financial management of the Secretariat shall be subject to the internal control and review procedures required to ensure compliance with the Rules and Instructions in force.

Implementing Instruction 4

(a) All requests to enter into commitments, accompanied by the appropriate supporting receipts and explanations, shall be submitted to the Deputy Secretary-General who shall ensure that the expenditure proposed is in accordance with the purposes specified in the Budget and other financial provisions adopted by the Conference, Budget Committee or by the Secretary-General, and that appropriations are available under the relevant heading of the Budget to cover the expenditure envisaged.

b) Requests to enter into commitments under Euro 1 500, [...] can be submitted to the Head of the Unit requesting the commitment who shall ensure that the expenditure proposed is in accordance with the purposes specified in the Budget and other financial provisions adopted by the Conference, Budget Committee or by the Secretary-General, and that appropriations are available under the relevant Budget item to cover the expenditure envisaged. [...]

(c) The Deputy Secretary-General shall record the expenditure which will result from the commitment requests.

Implementing Instruction 5(a): Before approving payment against a budgetary appropriation, the Deputy Secretary-General or the Head of Unit in charge of Finances shall check the request for payment against the corresponding commitments to ensure:

- i) that the invoicing corresponds with the purchase order, contract or agreement;
- ii) that it has been duly certified that the goods have been received or the service rendered. [...]

Implementing Instruction 6: In the case of income, the Secretary-General shall ensure that the Secretariat's rights are safeguarded and that contributions, income and all resources are received. Collection orders shall be issued in respect of budgetary income and recorded in the accounts.

Implementing Instruction 11: The Head of Unit in charge of Finances shall, in line with Article 25:

(a) keep the budget accounts of expenditure and income referred to in Article 24(2)(a) of the Financial Rules;

(b) keep the general accounts specified in Article 24 (2) (b) and separate accounts specified in Article 24 (2)(c) of the Financial Rules;

(c) keep the accounts of the terminal allowance, if this function is not contracted out;

(d) draw up, at the end of the financial year, the detailed statement of financial position and accounts specified in Article 24(3) of the Financial Rules;

(e) Prepare annual financial statements that include corresponding figures for the preceding financial year. If a change in an accounting policy is made which has a material effect on the financial statements, it is necessary to disclose that a change has been made and to quantify the effect; and

(f) be responsible for inventories of movable and immovable property and record the value of such acquisitions and removals taking into account annual depreciation charges.

Implementing Instruction 12: *The Deputy Secretary-General shall take all necessary action to preserve the assets of the Secretariat; to that end, he or she shall be responsible for:*

(a) the short-term investments of funds referred to in Article 27 of the Financial Rules;

(b) any foreign exchange transactions referred to in Article 30 of the Financial Rules;

(c) the preparation of the periodic reports to the Budget Committee on the short-term investments of funds and the annual report on the foreign exchange transactions carried out in the preceding year as required under Articles 27 and 31 of the Financial Rules.

Implementing Instruction 13:

The Deputy Secretary-General shall:

a) be in charge of designing the internal control procedures and their eventual revisions, if necessary, as well as monitoring their implementation and reporting to the Budget Committee;

b) verify compliance of financial transactions initiated by the Secretary-General and Heads of Units with the Financial Rules and Implementing Instructions in force;

c) exercise financial and budgetary control and financial reporting on all commitments to the Budget Committee;

d) suspend the use of appropriations or of specific commitments for which no legal commitments exists in case of risk of budget over-expenditure.

Implementing Instruction 14(f), (h):

f) An effective system of risk management shall be established to identify and address internal and external risks to the Organisation, on an ongoing basis throughout the year, and bring them to the attention of the Budget Committee and to the Management Committee at its request in a timely manner. [...]

h) The Deputy Secretary-General shall be in charge of reporting on internal control, budgetary and financial matters and shall be responsible for ensuring that accounting and financial records, including financial statements, are kept for ten years and supporting receipts for income or expenditure for five years after approval of accounts by the Conference.

Implementing Instruction 15(f), (i), (k):

(d) [...]The Deputy Secretary-General shall inform Signatories of international invitations to tender. [...]

(i) Tenders shall be opened under the responsibility of the Deputy Secretary-General, assisted by one colleague.

(k) The amounts referred to in paragraphs a) and b) of this Instruction shall be reviewed annually by the Secretary-General having regard to changes in the number and average size of contracts entered into by the Secretariat and to the evolution of the cost of goods and services. Any subsequent proposed revisions will be subject to approval by the Budget Committee.

Implementing Instruction 19(a): *a) The Contracts Committee shall, prior to any decision by the competent authority, examine:*

i) the draft of any contract or other legal instruments referred to in Instruction 1 when the sums involved exceed Euro 25 000 and any supplementary clauses to such contracts; [...];

ii) the draft of any clause supplementary to an order or a contract involving expenditure of up to Euro 25 000 where such supplementary clauses have the effect of bringing the overall maximum amount of the contract to more than Euro 25 000;

iii) the draft of any repeat orders or contracts which will bring the total sum of expenditure for the same type of goods or services amount to more than Euro 25 000 in the course of the financial year;

iv) derogations from the provisions of Instruction 15 above, in the cases referred to in Instructions 16 and 17 above.

Implementing Instruction 26: *The Deputy Secretary-General shall be responsible for drawing up a*

	<p><i>statement of losses of assets which are written off as provided for in Article 29 of the Financial Rules. [...]</i></p> <p>Implementing Instruction 28(c): <i>The maximum amount for gifts per official should be limited to Euro 50 for officials and Euro 150 for the Secretary-General and the Deputy Secretary-General.</i></p> <p>CCDEC 1999 13, Rules of Procedure for Panel Proceedings under Article 29 and Annex D</p> <p>Rule 9(1) <i>In cases of urgency the parties to the dispute, panels and the Charter Conference shall make every effort to accelerate the proceedings to the greatest extent possible. [...]</i></p> <p>Rule 9(4) <i>Mutually agreed solutions to matters formally raised under the consultation and dispute settlement provisions of Annex D shall be notified to the Secretariat which shall circulate them to all Contracting Parties.</i></p> <p>CCDEC 2014 14, Model Energy Charter Early Warning Mechanism</p> <p>4.4: <i>Within 2 days from the reception of the notification, the Secretary General will inform the Chairman of the Energy Charter Conference and its members and observers, through a communication of the Trade and Transit Group, of the fact that the Model Energy Charter Early Warning Mechanism has been initiated. [...]</i></p> <p>CCDEC 2017 06: Code of Conduct</p> <p>CCDEC 2018 07: Manual on Data Protection</p>
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B	MEETINGS
I	TYPES OF MEETINGS
a.	ORDINARY MEETINGS
	<p>ECT, Article 34(1): <i>[...] Ordinary meetings [of the Conference] shall be held at intervals determined by the Charter Conference.</i></p> <p>Rules of Procedure</p> <p>Rule 1(a): <i>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.</i></p> <p>Rule 2: <i>Meetings of subsidiary bodies shall be held when convened by their Chairperson in accordance with any relevant decisions of the Conference [...]</i></p> <p>Rule 3(b): <i>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.</i></p> <p>Meetings of the Conference are usually divided into two parts or "sessions":</p> <ul style="list-style-type: none"> • Statutory session: Focused on internal administrative matters. Open to Contracting Parties and Signatories of the ECT, while Observers may be allowed by the Chair to attend the whole, part or none of it. • Ministerial session: Discussion focused on topics relevant for the Chairmanship and the Conference. Open to Contracting Parties, Signatories, Observers, industry and other relevant stakeholders.
b.	EXTRAORDINARY MEETINGS
	ECT, Article 34(2): <i>Extraordinary meetings of the Charter Conference may be held at such times as may</i>

	<p><i>be determined by the Charter Conference, or at the written request of any Contracting Party, provided that, within six weeks of the request being communicated to the Contracting Parties by the Secretariat, it is supported by at least one-third of the Contracting Parties.</i></p> <p>Rules of Procedure Rule 1(b): <i>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.</i> Rule 2: <i>Meetings of subsidiary bodies shall be held [...] or when requested in writing by one-third of their members.</i></p>
c.	MANAGEMENT COMMITTEE MEETINGS
	<p>Rules of Procedure Rule 11(e): <i>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.</i></p>
II	VENUE
	<p>Rules of Procedure, Rule 3(a): <i>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.</i></p>
III	PARTICIPATION
	<p>Energy Charter Treaty Article 33(2): <i>Any signatory to the Charter may participate in such negotiation [Protocols or Declarations]</i> Article 34(1) (identical provision incorporated in Rule 10(1) of the Rules of Procedure): <i>The Contracting Parties shall meet periodically in the Energy Charter Conference ... at which each Contracting Party shall be entitled to have one representative. [...]</i> Article 37(1): <i>Each Contracting Party shall bear its own costs of representation at meetings of the Charter Conference and any subsidiary bodies.</i></p> <p>Rules of Procedure Rule 3(c): <i>If the meeting room is provided with a videoconference system, the Secretariat may offer the opportunity to participate via teleconference or videoconference.</i> Rule 8: <i>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.</i> Rule 7.A(a)-(b): <i>(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.</i> <i>(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.</i></p>

	<p>Rule 7.B:</p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p>CCDEC 2014 09: [...] <i>The observer status will provide that observers (states or international organisations) may attend the meetings of the Energy Charter Conference without a right to vote and may be invited to attend meetings of subsidiary bodies in the capacity of observers with a right to speak if invited.</i></p> <p>Implementing Instruction 31 to the Financial Rules:</p> <p><i>a) Experts or other participants shall be designated either by the Secretary-General or by Signatories at the request of the Secretary-General to attend conferences, seminars, meetings or other events related to the Charter activities.</i></p> <p><i>b) The fees, travel expenses and daily subsistence of experts and other participants designated by the Secretary-General shall be paid by the Secretariat. As a general rule, fees, travel expenses and daily allowances of experts or other participants designated by the Signatories will be paid by the parties which designated them.</i></p> <p><i>c) Financial assistance for travel and subsistence expenses for attendance at meetings of maximum one invited expert per transition country shall be based on the procedures established by the Secretary-General in consultations with the Budget Committee.</i></p> <p><i>d) The financial assistance may be provided to experts:</i></p> <p><i>i) from least developed countries, other low income countries, and lower middle income countries and territories of the latest OECD's "Development Assistance Committee (DAC) list of Official Development Assistance (ODA)"¹⁷ recipients</i></p> <p><i>ii) from observer countries in the context of the policy on CONEXO and as an option at the discretion of the Secretary-General upon the confirmation of the availability of resources by the Head of Unit in charge of Finances.</i></p> <p>[...]</p> <ul style="list-style-type: none"> • Participation in the Management Committee meetings: <p>Rules of procedure</p> <p>Rule 11: <i>(a) [...] 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.</i></p> <p>[...]</p> <p><i>(c) [...] 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.</i></p>
IV	AGENDA
	<p>Rules of Procedure</p> <p>Rule 4(a)-(a bis): <i>(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.</i></p>

¹⁷ Latest version available at <https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/daclist.htm>

	<p><i>(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.</i></p> <p>Rule 5: <i>The first item of business at each meeting shall be the consideration and approval of the agenda.</i></p> <p>Rule 6: <i>The Conference or a subsidiary body may amend its agenda or give priority to certain items.</i></p> <p>Rule 11(e): <i>[for request to convene an extraordinary meeting of the management Committee] Such request should include the topic to be discussed and the reasons for the consultation with the Management Committee.</i></p> <p>Rule 13(b): <i>The Bureau is responsible for: - ensuring that the draft Agenda is properly set up; [...]</i></p>
V	POINT OF ORDER
	<p>Rules of Procedure, Rule 16(b): <i>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.</i></p>
VI	SUMMARY RECORDS
	<p>CCDEC 2013 08</p> <p><i>(a) The Secretariat will prepare a draft summary record of the annual meeting of the Conference within two months of that meeting.</i></p> <p><i>(b) With the draft summary record, the Secretariat will also prepare a series of new CCDEC documents for the same year, based on:</i></p> <ul style="list-style-type: none"> <i>• all decisions of the Conference adopted during that year by correspondence;</i> <i>• all documents submitted to the latest meeting of the Conference; and</i> <i>• the draft summary record of that meeting, reflecting the Conference's final action (including, but not limited to, adoption, approval or taking note of) taken there.</i> <p><i>The list of new CCDEC documents will be made available on the restricted part of the Secretariat's website.</i></p> <p><i>(c) The Secretariat will then submit the draft summary record of the meeting of the Conference for adoption by correspondence. The annex to the draft summary record will contain the list of new CCDEC documents prepared.</i></p> <p><i>(d) Following the adoption by correspondence of the summary record (together with its annex), the Secretariat will make the new list of CCDEC documents available on its public website.</i></p> <p>StG 127Rev: <i>the Chair would propose draft tentative conclusions for each of the items of the agenda that would be circulated to members of the Conference the day before a meeting of the Strategy Group as a room document. Once these tentative conclusions were discussed, reformulated if necessary and agreed by the Group, they would be included in the summary record as the final conclusions. The Strategy Group agreed.</i></p> <p>GOV 6: <i>the Chair will try to prepare and disseminate one week in advance draft conclusions to be used during the discussions of each meeting. Final conclusions will be agreed by the Working Group at the meeting.</i></p> <p>GOV 20 Rev, para 10: <i>The WG [...] reiterated that the Summary records should be approved by the Group at its following meeting. The tentative conclusions of each meeting could guide the Secretariat and delegations on actions to be taken until the following meeting.</i></p> <p>GOV 22 Rev, para 3: <i>The Chair, the Secretary-General and another delegation pointed out that delegations should not request to modify the recorded interventions of other delegations made during the</i></p>

	<p>meeting. One delegation insisted that summary records should be as general and neutral as possible, [...]. Another delegation confirmed that summary records should be objective, neutral and concise.</p> <p>GOV 23 Rev, para 5: <i>The Working Group discussed and reintroduced the practice of mentioning delegations in the summary records of the Working Group meetings for clarity and better reflection.</i></p> <p>IMPL 76: <i>By suggestion of the Chair the Implementation Group welcomed the initiative to have draft conclusions following the practice of other Subsidiary bodies and agreed to adopt this practice for future meetings. The Chair will try to prepare and disseminate one week in advance draft conclusions to be used during the discussions of each meeting. Final conclusions will be agreed by the Group at the meeting.</i></p>
VII	PUBLICITY OF MEETINGS
	<p>Rules of Procedure, Rule 19</p> <p><i>(a) Meetings of the Conference and of its subsidiary bodies shall not be public, unless the Conference or the relevant subsidiary body decides otherwise.</i></p> <p><i>(b) After a meeting has been held, the Chairperson of the Conference may issue a communiqué to the press.</i></p> <p><i>(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.</i></p>
VIII	DOCUMENTS
a.	TYPES OF CURRENT DOCUMENTS
	<ul style="list-style-type: none"> • Messages: Contain (a) meeting invitations and agendas, or (b) communications of the secretariat, the Chairmanship or the Chairpersons of the subsidiary groups. • Documents for discussion at meetings of the Conference (CC documents) or subsidiary bodies¹⁸ (BC – Budget Committee–, MOD –Modernisation Group–, StG –Strategy Group–, GOV –Governance Issues–, IMPL –Implementation Group–, LAC –Legal Advisory Committee–) • Documents for discussion with the Industry Advisory Body (IAP) –consultative body–. • CCDEC documents: Reflect the decisions of the Conference based on documents submitted to the Conference and the Conference's final action. • Room Documents: Available at the meeting and only in some cases distributed some days in advance. • Documents provided by Contracting Parties and Signatories for distribution (Rules of Procedure 18)
b.	DISTRIBUTION
	<p>Rules of Procedure</p> <p>Rule 4(b): <i>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.</i></p> <p>Rule 4(c): <i>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.</i></p> <p>Rule 7.A(d): <i>The Secretariat [...] shall provide them [the Observers] with the agenda and other documents thereof as if the observers were Contracting Parties or Signatories for the purposes of Rule 4.</i></p> <p>Rule 18: <i>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.</i></p>

¹⁸ Editor's note: some references will be removed once the Conference discharges some of the listed Groups.

	<p>Subsidiary groups agreed that the Secretariat would only provide at the meetings printed copies of room documents or last minute Messages: StG127 Rev, GOV 6, IMPL 57, BC 351.</p> <p>CCDEC 2014 09: [...] <i>Observers will have access to all official documents of the Energy Charter Conference and its subsidiary bodies unless they have been restricted to them.</i></p>
c.	<p>RESTRICTED AND DE-RESTRICTED DOCUMENTS</p>
	<p>Internal documents since the negotiations of the 1991 political declaration contain the reference ‘restricted’, taken from the initial draft circulated by the European Commission as ‘<i>restricted/restraint</i>’ following internal EU practice.</p> <p>Rules of Procedure, Rule 4(d): <i>Restricted documents are not to be shared outside the Secretariat and delegations by any technical, computer-based, paper-based, telematic or any other means.</i></p> <p>Staff Manual</p> <p>Regulation 2(c): <i>Officials shall [...] not, except in the performance of their duties or by authorisation of the Secretary-General, communicate to any person unpublished information known to them by reason of their position, nor shall they at any time use such information to personal advantage including financial advantage. This obligation shall continue to bind them after they leave the Secretariat. [...]</i></p> <p>Regulation 5(a): <i>Officials and former officials shall exercise the utmost discretion in regard to all matters of official business. Except under authorisation of the Secretary-General, they shall not disclose to any unauthorised person, any unpublished or restricted information acquired by them in the course of the performance of their official duties, neither shall they make any use of such information outside their official work in the Secretariat.</i></p> <p>Fellows, Interns, Seconded experts and Staff on Loan have to sign a declaration of confidentiality before taking up their work. Furthermore, according to their Internal Rules <i>l.e, f and p:</i></p> <ul style="list-style-type: none"> • <i>They shall not, except in the performance of their duties or by authorisation of the Secretary-General, communicate to any person unpublished information known to them by reason of their position, nor shall they at any time use such information to personal advantage including financial advantage. This obligation shall continue to bind them after they leave the Secretariat.</i> • <i>Unless expressly authorised by its immediate supervisor, they shall not publish in any public space any internal information (including documents, photos and videos) other than that which is already officially available in the public domain by Energy Charter Secretariat. This obligation shall continue to bind them after they leave the Secretariat.</i> <p>CCDEC 2013 08:</p> <p><i>(i) All the CCDEC documents listed in the Annex II to document CC 463 (attached hereto) shall be derestricted as of the date of this decision;</i></p> <p><i>(ii) Except for the case mentioned in (iii) below, no CCDEC document prepared after the date of adoption of this decision shall be restricted;</i></p> <p><i>(iii) If a CCDEC document is prepared based on any CC-numbered document that is restricted pursuant to (v) below, such CCDEC document shall remain restricted until the relevant CC-numbered document is de-restricted;</i></p> <p><i>(iv) Except for the case mentioned in (v) below, all the CC-numbered documents prepared after the date of adoption of this decision shall be de-restricted upon final action by the Conference, including, but not limited to, adoption, approval or taking note of; and</i></p> <p><i>(v) If any Contracting Party is of the view that a certain CC-numbered document should remain restricted, even after the final action by the Conference, such Contracting Party shall request such restriction before the Conference takes its final action, either by a notification to the Secretariat or by a statement at the Meeting of the Conference. Where there is any such request, the relevant document shall remain restricted</i></p>

	<p><i>until the requesting Contracting Party cancels its request.</i></p> <p>CCDEC 2016 24: The Energy Charter Conference [...] <i>De-restricted and allowed the publication online of the documents listed in Annex II, together with an article-by-article analysis of the successive drafts of the ECT; the publication online should take place in December 2016;</i></p> <p><i>De-restricted the official documents issued by the (Provisional) Conference and the (Provisional) Secretariat in relation to the negotiations of the European Energy Charter, the Energy Charter Treaty, its related protocols (1991-1994) and the Trade Amendment (1994-1998).</i></p>
C	TYPES OF ACTS / LEGAL INSTRUMENTS
I	DECISIONS OF THE CONFERENCE
a.	ON STRICTLY PROCEDURAL MATTERS
	<p>Rules of Procedure, Rule 17(a): <i>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.</i></p>
b.	ON BUDGETARY MATTERS
	<p>Energy Charter Treaty</p> <p>Article 36(1): [...] <i>The Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Treaty. If agreement cannot be reached by consensus, paragraphs (2) to (5) shall apply.</i></p> <p>Article 36(2): <i>Decisions on budgetary matters referred to in Article 34(3)(e) shall be taken by a qualified majority of Contracting Parties whose assessed contributions as specified in Annex B represent, in combination, at least three-fourths of the total assessed contributions specified therein.</i></p> <p>PEEREA, Art. 12(1): [...] <i>Decisions on budgetary matters shall be taken by a qualified majority of Contracting Parties whose assessed contributions under Article 11(2) represent, in combination, at least three-fourths of the total assessed contributions.</i></p>
c.	ON MATTERS REFERRED TO IN ARTICLE 34(7) ECT
	<p>Energy Charter Treaty</p> <p>Article 36(1): [...] <i>The Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Treaty. If agreement cannot be reached by consensus, paragraphs (2) to (5) shall apply.</i></p> <p>Article 36(3): <i>Decisions on matters referred to in Article 34(7) shall be taken by a three-fourths majority of the Contracting Parties.</i></p>
d.	ON WITHDRAWAL/SUSPENSION OF OBSERVER STATUS
	<p>Rules of Procedure, Rule 7.A(e): <i>The Conference may, by consensus, suspend or withdraw the Observer status of a country or international organisation in case of</i></p> <ul style="list-style-type: none"> • [...]. <p><i>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.</i></p>
e.	ON MATTERS PROVIDED IN A PROTOCOL

	<p>ECT, Article 33(6)(b): <i>A Protocol which provides for decisions thereunder to be taken by the Charter Conference may, subject to subparagraph (a), provide with respect to such decisions:</i></p> <p><i>(i) for voting rules other than those contained in Article 36;</i></p> <p><i>(ii) that only parties to the Protocol shall be considered to be Contracting Parties for the purposes of Article 36 or eligible to vote under the rules provided for in the Protocol.</i></p> <p>PEEREA, Article 10(1): <i>All decisions made by the Charter Conference in accordance with this Protocol shall be made by only those Contracting Parties to the Energy Charter Treaty who are Contracting Parties to this Protocol.</i></p>
f.	MATTERS REQUIRING UNANIMITY
	<p>ECT, Article 36(1): <i>Unanimity of the Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions by the Charter Conference to:</i></p> <p><i>(a) adopt amendments to this Treaty other than amendments to Articles 34 and 35 and Annex T;</i></p> <p><i>(b) approve accessions to this Treaty under Article 41 by states or Regional Economic Integration Organisations which were not signatories to the Charter as of 16 June 1995;</i></p> <p><i>(c) authorise the negotiation of and approve or adopt the text of association agreements;</i></p> <p><i>(d) approve modifications to Annexes EM, NI, W and B;</i></p> <p><i>(e) approve technical changes to the Annexes to this Treaty; and</i></p> <p><i>(f) approve the Secretary General's nominations of panelists under Annex D, paragraph (7).</i></p> <p><i>(g) 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 approve the addition of items to Annex EQ II from Annex EQ I with the corresponding deletion of those items from Annex EQ I.</i></p> <p>PEEREA, Art. 12(1): <i>Unanimity of Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions to:</i></p> <p><i>(a) adopt amendments to this Protocol; and</i></p> <p><i>(b) approve accessions to this Protocol under Article 16.</i></p>
g.	ON OTHER MATTERS
	<p>Energy Charter Treaty</p> <p>Article 36(1): <i>[...] The Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Treaty. If agreement cannot be reached by consensus, paragraphs (2) to (5) shall apply.</i></p> <p>Article 36(4): <i>Except in cases specified in subparagraphs (1)(a) to (g), paragraphs (2) and (3), and subject to paragraph (6), decisions provided for in this Treaty shall be taken by a three-fourths majority of the Contracting Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.</i></p> <p>PEEREA, Art. 12(1): <i>[...] Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Protocol. If agreement cannot be reached by consensus, decisions on non-budgetary matters shall be taken by a three-fourths majority of Contracting Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.</i></p>
II	RECOMMENDATIONS OF SUBSIDIARY BODIES
	<p>Rules of Procedure</p> <p>Rule 12(h): <i>Recommendations submitted by the Chairperson of a subsidiary body to the Conference shall</i></p>

	<p><i>call attention to differences in the views of Signatories.</i></p> <p>Rule 17(b): <i>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.</i></p>
III	PROTOCOLS
	<p>Energy Charter Treaty</p> <p>Article 1(13)(a): <i>“Energy Charter Protocol” or “Protocol” means a treaty, the negotiation of which is authorised and the text of which is adopted by the Charter Conference, which is entered into by two or more Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty with respect to any specific sector or category of activity within the scope of this Treaty, or to areas of cooperation pursuant to Title III of the Charter.</i></p> <p>Article 33 devoted to “Energy Charter Protocols and Declarations”</p>
IV	DECLARATIONS
	<p>Energy Charter Treaty</p> <p>Art.1(13)(b): <i>“Energy Charter Declaration” or “Declaration” means a nonbinding instrument, the negotiation of which is authorised and the text of which is approved by the Charter Conference, which is entered into by two or more Contracting Parties to complement or supplement the provisions of this Treaty.</i></p> <p>Article 33 devoted to “Energy Charter Protocols and Declarations”</p>
D	DECISION MAKING PROCESS AND VOTING
I	VOTING RIGHTS
	<p>ECT, Article 36 (7)-(8)</p> <p><i>(7) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Treaty; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and vice versa.</i></p> <p><i>(8) In the event of persistent arrears in a Contracting Party’s discharge of financial obligations under this Treaty, the Charter Conference may suspend that Contracting Party’s voting rights in whole or in part.</i></p> <p>PEEREA, Article 12(4)-(5)</p> <p><i>(4) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Protocol; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and vice versa.</i></p> <p><i>(5) In the event of persistent arrears in a Contracting Party's discharge of financial obligations under this Protocol, the Charter Conference may suspend that Contracting Party's voting rights in whole or in part.</i></p> <p>Rules of Procedure, Rule 17(c)-(d)</p> <p><i>(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.</i></p> <p><i>(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.</i></p>
II	QUORUM

	<p>ECT, Article 36(5)-(6): <i>(5) For purposes of this Article, “Contracting Parties Present and Voting” means Contracting Parties present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.</i> <i>(6) Except as provided in paragraph (2) [decisions on budgetary matters], no decision referred to in this Article shall be valid unless it has the support of a simple majority of the Contracting Parties.</i></p> <p>PEEREA, Article 12(2)-(3): <i>(2) For purposes of this Article, “Contracting Parties Present and Voting” means Contracting Parties to this Protocol present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.</i> <i>(3) [...] no decision referred to in this Article shall be valid unless it has the support of a simple majority of Contracting Parties.</i></p>
III	DECISIONS BY CORRESPONDENCE
	<p>ECT, Article 36(5): <i>[...] the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.</i></p> <p>Rules of Procedure, Rule 20 <i>(a) Decisions of the Conference may, in the intervals between the meetings of the Conference, be taken by correspondence.</i> <i>(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. A subsidiary group may also recommend the Conference to take a decision by correspondence.</i> <i>(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.</i> <i>(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).</i> <i>(e) A subsidiary body may adopt rules for decisions of that body to be taken by correspondence.</i> <i>(f) For information purposes, a dissemination message will be sent to delegates each time a Conference decision by correspondence is initiated.</i></p>