

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2023

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Brussels, 20 November 2023

Related documents: CC 805 Rev

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Proposal concerning the conduct of the review under Article 34(7) ECT in 2024

The Energy Charter Conference at its 34th Statutory Meeting held on 20 November 2023 **finalised** and **approved** the attached proposal for review 2024.

Proposal concerning the conduct of the next review under Article 34(7) of the Energy Charter Treaty

Procedures and Timetable:

- The Secretariat will send out, during the first semester of 2024, a questionnaire to members requesting their views on some issues central to the review 2024 process (as outlined below). The Secretariat will prepare the questionnaire in close cooperation with members. If needed, the newly-created Strategy and Implementation Group may be organised during such period to discuss the questionnaire.
- Delegations will be asked to respond to this questionnaire no later than August 2024. In parallel, the Secretariat may consult with Observers, relevant international organisations and the Industry Advisory Panel to solicit their views on the issues raised in the questionnaire.
- Based on the responses received, the Secretariat will prepare a preliminary draft report on the review 2024 and circulate it to members no later than the end of September 2024 for their comments.
- During the autumn of 2024, the Strategy and Implementation Group will discuss the preliminary draft report on the review 2024 in more detail.
- Based on the outcome of this discussion, the Secretariat will prepare a final version of the report and draft conclusions of the review 2024 for submission to the Strategy and Implementation Group for finalisation before the 35th Meeting of the Conference. The Conference will be invited to take note of the report and to approve the conclusions.

Terms of Reference:

- Against the background of notified withdrawals from the ECT, which have considerable political and financial consequences for the organisation, and considering the modernisation of the ECT, it is understood that the review 2024 should aim to assess the following main issues:
 - *Modernisation of the ECT: the way forward.*
 - *Consequences of the notified withdrawals from the ECT.*
 - *An overall assessment of the contribution of the ECT to long-term cooperation in the energy field, as per Article 2 of the ECT.*

- *The functioning of the Conference and its subsidiary bodies.¹*
- *Assessment of the consolidation, expansion and outreach (CONEXO) policy.*
- *Assessment of the implementation of the investment provisions of the ECT.*
- *Assessment of the implementation of the energy efficiency provisions of the ECT and Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects (PEEREA).*
- *Assessment of the implementation of the transit provisions of the ECT.*
- *The relationship of the International Energy Charter with other international organisations and the Industry Advisory Panel.*
- *The practical application and effectiveness of the International Energy Charter whistleblowing guidelines.²*
- *Appointment of new Secretary-General due to potential early departure of Secretary-General Lentz.*
- *The future of the Energy Charter Secretariat.*
- *Future priorities for the organisation.*
- The review process should aim to develop specific conclusions concerning the above points, which the Conference will be invited to approve in 2024.

¹ According to Rule 12bis(a) of the updated Rules of Procedure of the Conference, “*The mandates of subsidiary groups should be reviewed during the review under Article 34(7) ECT, unless otherwise specified in group’s mandate/ToR approved by the Conference.*”

² According to Article 10 of the International Energy Charter whistleblowing guidelines (CCDEC 2021 12), “*The practical application and effectiveness of these whistleblowing guidelines will be evaluated in a year after their adoption and thereafter during the regular review process under Article 34 (7) of the Energy Charter Treaty. In light of the results of this evaluation, these guidelines may be revised as appropriate by the Conference.*”