

**ENERGY CHARTER  
SECRETARIAT**

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CCDEC 1995

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Brussels, 21-22 September 1995

Related documents: CC 35, CC 40, CC 42, RD 8 Corr. (ProvECC of 21-22 09 1995), RD 8 Corr. 2 (ProvECC of 21-22 09 1995)
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject:      **Provisional Rules of Procedure****

After discussion, the Chairman noted that no final agreement could be reached at this meeting on the Rules of Procedure. The main outstanding question was the future language regime for the Conference and Working Group I. Compromise proposals by the Chairman on certain other issues were circulated at the meeting (RD 8 Corr. 2). The Chairman will prior to the November meeting of the Conference, through consultations, aim at tabling a consolidated text for adoption by the Conference. Meanwhile he asked that subsidiary bodies should, as far as practicable, be guided by the Rules proposed by the Chairman in doc. CC 35 and RD 8 (corr.) - now consolidated in doc. CC 40.

Norway proposed that delegations should have the right to have material circulated as Conference documents. The Chairman referred this proposal to the Legal Advisory Committee and asked for its advice on the legal implications.

[The text of the Rules of Procedure as contained in CC 40 is attached as Annex]

Keywords:      Rules of Procedure

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

**I. MEETINGS**

*Rule 1*

- (a) Ordinary meetings of the Conference shall be held at intervals determined by the Conference. The date of each ordinary meeting shall be fixed by the Conference at a previous meeting. Such meeting may, however, be rescheduled by the Chairperson of the Conference in consultation with the Secretariat and Vice-Chairpersons if necessary for reasons unforeseen by the Conference. Notice of rescheduling of a meeting shall be given at least 15 days in advance of the date for the rescheduled meeting.
- (b) Extraordinary meetings of the Conference may, as provided in Article 34(2) of the Energy Charter Treaty, be held at such times as are determined by the Conference, or at the written request of any Signatory to the Energy Charter Treaty (hereinafter referred to as "Signatory") provided that, within six weeks of the request being communicated in writing to the other Signatories by the Secretariat, it is supported in writing by at least one-third of the Signatories. Notice of extraordinary meetings shall be given at least 15 days in advance of the date of the extraordinary meeting.

*Rule 2*

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

*Rule 3*

Meetings of the Conference and of its subsidiary bodies normally shall be held in Brussels. Exceptionally, the Conference or a subsidiary body may decide to meet elsewhere.

## II. AGENDA

### *Rule 4*

- (a) The Secretariat, in agreement with the relevant Chairperson and after consultation with the Vice-Chairpersons, shall draw up and transmit to all Signatories the proposed agenda for each meeting of the Conference and of the subsidiary bodies.
- (b) In notifying the 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 circulated to them at least 15 days in advance of the meeting.

### *Rule 5*

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

### *Rule 6*

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

## III. OBSERVERS

### *Rule 7*

- (a) The representatives of a signatory to the European Energy Charter which has not signed the Energy Charter Treaty may at the request of his or her Government:
  - (i) subject to the agreement of that Charter signatory to contribute to the costs of the negotiations, participate in the negotiations referred to in Article 33(2) of the Energy Charter Treaty;
  - (ii) shall, subject to the agreement of that Charter signatory to contribute to the costs of the negotiations, be<sup>(1)</sup> involved in the negotiations referred to in Article 10(4) of the Energy Charter Treaty; as if the Charter signatory was a Treaty Signatory, enjoy in those negotiations the rights enjoyed therein by Treaty Signatories; and
  - (iii) in order to facilitate accession to the Energy Charter Treaty and the supplementary treaty referred to in Article 10(4), be<sup>(1)</sup> involved in all Working Groups during the negotiations of the supplementary treaty, subject to the agreement of that Charter signatory to contribute to the costs of those Working Groups.

- (b) The representatives of a signatory to the European Energy Charter which has not signed the Energy Charter Treaty may otherwise attend meetings of the Conference in the capacity of observers without a right to vote, and be invited by the Conference to attend meetings of its subsidiary bodies in the capacity of observers without a right to vote.
- (c) The Conference may invite representatives of states which have not signed the European Energy Charter or 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.
- (d) The Conference or its subsidiary bodies may decide, where appropriate, that particular meetings, or parts of meetings, shall be held without the attendance of observers mentioned in rule 7 (c).
- (e) At a meeting attended by an observer, the Chairperson may, at his or her own initiative or upon request, invite an observer to make a statement on a particular issue.
- (f) The Secretariat shall notify the observers of the dates of meetings or parts of meetings 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 Signatories for the purposes of rule 4.

#### IV. REPRESENTATIVES

##### *Rule 8*

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

#### V. SUBSIDIARY BODIES

##### *Rule 9*

- (a) The Conference may, as provided in Article 34(5) of the Energy Charter Treaty, establish such subsidiary bodies as it considers appropriate for the performance of its duties. Such subsidiary bodies shall be either "Standing Groups" established to deal with issues of a regular nature or "Working Groups" established to carry out negotiations or other work of a temporary nature.
- (b) The Conference shall determine the terms of reference for and the membership of subsidiary bodies.

##### *Rule 10*

The Conference or subsidiary bodies may set up temporary sub-groups to assist them in their work.

### *Rule 11*

- (a) A subsidiary body shall address such issues as it is instructed to do by the Conference.
- (b) A subsidiary body may decide to address any matter related to the issues within its competence.
- (c) The Conference may decide that the work undertaken by a subsidiary body should not be carried further.

### *Rule 12*

- (a) A subsidiary body shall through its Chairperson report to the Conference.
- (b) Recommendations submitted by the Chairperson of a subsidiary body to the Conference shall call attention to differences in the views of Signatories.
- (c) 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.

## **VI. OFFICERS**

### *Rule 13*

- (a) The Chairpersons and Vice-Chairpersons of the Conference and Standing Groups shall be designated each year by the Conference.
- (b) The Chairpersons and Vice-Chairpersons of Working Groups shall as a general rule be designated by the Conference for the duration of those Groups, but may at the discretion of the Conference be designated for fixed terms.
- (c) The Chairperson and Vice-Chairpersons shall be designated, taking into account the principle of equitable geographical distribution among the Signatories.
- (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 Signatories attending the meeting shall elect an interim Chairperson for that meeting or that part of the meeting.
- (e) If a Chairperson can no longer perform the functions of the office, the Signatories which are members of the relevant body shall designate a Vice-Chairperson to perform those functions pending the election of a new Chairperson.

## VII. CONDUCT OF BUSINESS

### *Rule 14*

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.

### *Rule 15*

During the discussion of any matter in the Conference or in a subsidiary body a member thereof may raise a point of order. In this case the relevant Chairperson shall immediately state his or her ruling. If the ruling is challenged by a member, the Chairperson shall forthwith submit his or her ruling for decision by the body in which the matter is under discussion, and it shall stand unless overruled.

## VIII. VOTING

### *Rule 16*

- (a) Decisions on strictly procedural matters not provided for in the Energy Charter Treaty shall, except as otherwise provided in these Rules, be taken by a majority of the Signatories whose representatives are present and voting in the Conference, or in the case of a subsidiary body, by a majority of the Signatories which are members of that body whose representatives are present and voting.
- (b) Every effort shall be made to reach consensus on recommendations to the Conference by subsidiary bodies. If agreement cannot be reached by consensus, such recommendations shall have the support of a majority of the Signatories which are members of that body whose representatives are present and voting.
- (c) Each Signatory shall be entitled to one vote.
- (d) A Regional Economic Integration Organisation shall vote in accordance with Article 36(7) of the Energy Charter Treaty.

## [IX. LANGUAGES]<sup>(2)(3)</sup>

### *Rule 17*

- (a) English, French, German, Italian, Russian and Spanish shall be the working languages for meetings of the Conference.
- (b) English and Russian shall be the working languages for meetings of subsidiary bodies.

## [X. RECORDS AND DOCUMENTS]<sup>(3)</sup>

### *Rule 18*

A summary record shall be drawn up in English and Russian of decisions and conclusions reached by the Conference and Standing Groups. It shall be sent as soon as possible to representatives of all Signatories and observers as appropriate and approved at an early meeting of the body concerned.

(4)

### *Rule 19*

All reports, messages and other documents of the Conference and the Standing Groups shall be distributed in English and Russian.

## XI. PUBLICITY OF MEETINGS

### *Rule 20*

- (a) Meetings of the Conference and of its subsidiary bodies shall not be public, unless the Conference or the relevant subsidiary body decides otherwise.
- (b) After a meeting has been held, the Chairperson of the Conference may issue a communiqué to the press.

## XII. RULES FOR DECISIONS BY CORRESPONDENCE

### *Rule 21*

- (a) Decisions of the Conference provided for in Article 36(2) and (4) of the Energy Charter Treaty may, in the intervals between the meetings of the Conference, be taken by correspondence.
- (b) The Chairperson of the Conference, upon application by a Signatory for a decision to be taken by correspondence or upon his or her own initiative, shall decide after consultation with Signatories in each case whether the matter warrants the taking of the decision by correspondence.
- (c) In any case where the Chairperson of the Conference decides that a decision should be taken by correspondence, he or she shall instruct the Secretariat to dispatch a letter or telefacsimile to each Signatory containing such information as the Chairperson considers necessary to an informed decision.

- (d) The Chairperson of the Conference shall determine the date and hour by which responses must be received, which shall in no case be earlier than 20 days from the date of transmission by the Chairperson of the letter or telefacsimile referred to in paragraph (c). In exceptional circumstances, the Chairperson may, upon request and at his or her discretion, extend the time limit for receipt of responses. Any Signatory which has not replied in writing within such time limit is regarded as not voting.
- (e) The states or Regional Economic Integration Organisation entitled to participate in decisions by correspondence are those which are Signatories on the date of transmission by the Chairperson of the letter or the telefacsimile referred to in paragraph (c).
- (f) A subsidiary body may adopt rules for decisions of that body to be taken by correspondence.

### XIII. REVISION

#### *Rule 22*

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

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#### Specific comments

1: CDN suggests insertion of "fully" or "actively".

2: J proposal for the language regime (rule 17):

#### *"Rule 17*

English and Russian shall be the working languages for meetings of the Conference and of subsidiary bodies."

3: EC proposal for the language regime (rules 17,18,19):

#### *"Rule 17*

- (a) English, French, German, Italian, Russian and Spanish shall be the working languages for meetings of the Conference, and for the preparations of negotiations on the supplementary treaty.
- (b) English and Russian shall be the working languages for meetings of subsidiary bodies.



*Rule 18*

A summary record shall be drawn up in English, French, German, Italian, Russian and Spanish of decisions and conclusions reached by the Conference and Standing Groups. It shall be sent as soon as possible to representatives of all Signatories and observers as appropriate and approved at an early meeting of the body concerned.

*Rule 19*

All key reports, messages and other important documents of the Conference and the Standing Groups shall be distributed in English, French, German, Italian, Russian and Spanish."

4: N proposal for a new Rule 18 bis:

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