

**ENERGY CHARTER
SECRETARIAT**

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Brussels, 7 December 2000

Related documents: CC 177, CC 183, CC 185, RD 1 (ECC of 07 12 2000), RD 3 (ECC of 07 12 2000), RD 5 (ECC of 07 12 2000), Mess 301/00

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Reports submitted to the 6th Meeting of the Energy Charter Conference held on 7 December 2000

- The Conference *took note* of the report by the Secretary General on the Secretariat's Activities in 2000.

The Secretary General drew attention to the Secretariat's intention to improve its documentation distribution service for delegations via the introduction of an internet-based system of distribution. In the spirit of developing greater transparency, the Secretary General proposed that the Secretariat's 2000 Annual Report and its Work Programme for 2001, once approved, should be made publicly available on the Charter's web-site.

The Conference *welcomed* the progress made during 2000 in returning the Secretariat to a normal working regime and in restoring confidence among delegations in the Secretariat's functioning.

The Conference *supported* the Secretary General's views concerning the direction of the Secretariat's future activities and need for a balanced long-term approach with regard to the four main subject areas (transit, trade, investments and energy efficiency), as well as for the flexibility to focus on particular priorities in the shorter term.

- The Conference *took note* of the report on the current status of negotiations on an Energy Charter Transit Protocol by the Chairman of the Transit Working Group (Room Document 1).

The Group Chairman appealed to delegations to provide for the necessary coordination of positions among their respective national authorities in capitals, and to ensure that their

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representatives attending future meetings of the Working Group were fully authorized to negotiate and agree finalized texts of articles for the Transit Protocol.

The Conference Chairman **concluded** that there was general agreement with the view that a Transit Protocol of real substance was needed, and that this would entail focusing the remaining negotiations on the most fundamental issues covered by the Protocol. He also underlined the Working Group Chairman's appeal for delegates participating in the negotiations to be duly mandated to agree on final texts.

- The Conference **took note** of the report by the Energy Charter Secretariat on consultations on Model Agreements and key findings by the Expert Group, circulated to delegations in document CC 177.

The Chairman of the Expert Group on Model Transit Agreements **noted** that the work within the expert group would continue, focusing on the texts of the Model Intergovernmental Agreement and Host Government Agreement, and a progress report would be presented to the next meeting of the Conference.

- The Conference **took note** of the report by the Chairman of the Working Group on Energy Efficiency and Related Environmental Aspects circulated in Room Document 3, including a report concerning progress made during 2000 in implementing the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects (PEEREA).

The Chairman of the Working Group noted that the process of energy efficiency reviews would continue to represent the Group's core activity in 2001. At the same time, other activities would also be developed, subject to available resources, such as studies on the role of energy efficiency institutions, third party financing, and the integration of energy efficiency objectives into other economic policies. Expansion of the number of in-depth energy efficiency reviews conducted was also considered appropriate by the Group.

The Conference Chairman **welcomed** the report from the Chairman of the Working Group, and **concluded** that the Working Group should proceed as outlined with its activities in 2001. In this connection, the Conference Chairman encouraged delegations to consider providing voluntary contributions for specific activities and projects in the context of the Working Group.

- The Conference **took note** of the report by the Chairman of the Investment Group on the draft Supplementary Treaty.

The Conference Chairman **welcomed** the fact that no Contracting Party/Signatory had introduced new discriminatory measures, as well as the fact that some Contracting Parties/Signatories had made progress towards reducing or removing such measures, thereby observing not only their obligations under the Treaty, but also the core principle of the text of the Supplementary Treaty. The Chairman noted that the possibility existed to consider formal implementation of the core principles of the draft Supplementary Treaty by other means than necessarily through the adoption of texts, as so far envisaged. He underlined his readiness to explore such possibilities further through contacts with delegations.

The Conference **approved** the Investment Group's efforts to foster dialogue with civil society representatives on this subject, including by increasing the availability of relevant information on the Energy Charter web site, and via contacts with appropriate representatives of civil society on a case-by-case basis.

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- The Conference *took note* of the report on Outstanding Transitional Arrangements maintained by Contracting Parties/Signatories circulated to delegations in Message 301/00.

The Conference *took note* of the termination of the following transitional arrangements contained in Annex T of the Treaty:

- Armenia regarding Article 6(5), as of 31 December 2000
- Russian Federation regarding Article 20(3), as of 31 December 2000

In the absence of any further information, all remaining transitional arrangements would be phased out on 1 July 2001. The Secretariat would accordingly inform all Contracting Parties/Signatories and the Depositary.

- The Conference *took note* of the Progress report on Ratification by the Secretary General (Room Document 5).

The Conference Chairman *underlined* the importance attached by the Conference as a whole to completion of ratification by Russia, noting that progress in this respect would also serve as an encouragement to certain other Signatories to complete the ratification process.

The Conference Chairman *concluded* that all Contracting Parties/Signatories that had not yet completed their ratification of the Trade Amendment should be encouraged to do so.

- The Conference *took note* of the report by the Secretary General on Status of Cooperation with Non-Signatories. In particular, the Secretariat's dialogue with People's Republic of China, Morocco, Tunisia, Economic Co-operation Organisation and APEC Energy Working Group was noted.

The Chairman *concluded* that whilst work within the Charter's existing constituency remained the main priority for the Charter process, the Secretariat should nonetheless continue to develop contacts with the above-mentioned countries and organizations, and to keep the Conference informed about relevant developments in this respect.

The Chairman also *noted* that political and/or financial support from Contracting Parties/Signatories for the development of such contacts with Non-Signatories would be highly appreciated.

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