

**ENERGY CHARTER
SECRETARIAT**

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6 TTG

Brussels, 29 November 2011

Related documents: CC 423, CC 432 Rev.

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Decision on the draft Transit Protocol

[The Energy Charter Conference at its 22nd Meeting held on 29th November 2011]
adopted the Decision put forward by the Chairman (CC 423) (Annex).

Keywords: Transit Protocol

Decision on the Draft Transit Protocol

as adopted by the Energy Charter Conference
at its 22nd Meeting on 29 November 2011

The Energy Charter Conference, at its 22nd Meeting on 29 November 2011 in Sofia, Bulgaria, has taken the following decision regarding the draft Transit Protocol:

1. The Energy Charter Conference acknowledges the work done by the Trade and Transit Group to implement the mandate it received in CC 372 to restart formal negotiations on the remaining open issues of the draft TP, with a view to enabling the Energy Charter Conference to conclude negotiations of the draft TP, if possible, by the end of 2010, and taking the discussion and the texts worked out by the TTG in 2009 as the starting point for the negotiations of the final text.
2. The Conference takes note of the general interest delegations have shown in a binding Protocol on Transit. At the same time, it acknowledges the European Union's common views on the negotiations on the Transit Protocol, in particular that it appears no longer opportune to continue the negotiations on a Transit Protocol on the current basis.
3. Taking into account the report by the Chairman of the Trade and Transit Group and the common position of the European Union presented in October 2011, the Conference came to the conclusion that the mandate contained in CC 372 does not provide any more an appropriate basis for negotiations. This mandate is hereby repealed, and the TTG discharged from its obligations arising thereunder.
4. The Conference appreciates the willingness of the EU to consider a reset of the negotiations. Before considering the possibility of mandating negotiations on a new Protocol the Conference needs more information with regard to the prospects for such an initiative, including the issues to be addressed and the convergence of positions within the constituency in this regard.
5. The Conference tasks the TTG to conduct consultations among members and observers for this purpose, keeping the Strategy Group informed and consulting other stakeholders, in particular transmission-system-operators (TSO), as appropriate. In doing so, the TTG shall take into account the original mandate for the negotiations on the Transit Protocol in CC 156 adopted on 7 December 1999.
6. In support of this activity, the Conference tasks the Secretariat to draft, as foreseen under activity B.1 of its Programme of Work for 2012, a report setting out the lessons learnt during its negotiation, looking also at the possibility of making these available in a different geographical context, more universally in terms of the form of energy transited and with a strong focus on their potential practical use.