

**ENERGY CHARTER  
SECRETARIAT**

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CCDEC 2012  
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Brussels, 27 November 2012

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| Related documents:<br>CC 458,<br>RD 4 Rev. 2 (ECC of 26 11<br>2012) |
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: Updating of the Energy Charter**

[At the Energy Charter Conference at its 23<sup>rd</sup> Meeting held on 26<sup>th</sup>/27<sup>th</sup> November 2012], the Chairman reconvened the discussion on the Draft Mandate for the Updating of the Energy Charter and referred the Conference to Room Document 4 Rev 2 (Annex).

Having invited comments, and in absence of any, the Chairman said that the Conference had therefore found the revised text in Room Document 4 Rev 2 (Annex) *to be acceptable*.

Keywords: Updating, Energy Charter

## Revised Draft Decision to CC 436

The Energy Charter Conference, at its 23<sup>rd</sup> Meeting on 26 and 27 November 2012 in Warsaw, Poland,

Taking into account the wishes to update the European Energy Charter,

**Decides** the following:

1. The Energy Charter Conference will engage in a process that might lead to the adoption of an updated version of the European Energy Charter, henceforth referred to as “Updated Energy Charter” for the purposes of this decision;
2. The Strategy Group is tasked, with the assistance of the Legal Advisory Committee, to examine, in the coming months, the legal implications of the adoption of the Updated Energy Charter vis-à-vis the Energy Charter Treaty.
3. The Secretariat is tasked to prepare in the coming months an assessment of the objectives, scope, benefits and costs/risks as well as other relevant aspects with regard to the Updated Energy Charter.
4. Depending on the outcome of the work under paragraphs 2 and 3 above, the Strategy Group will resubmit a draft decision to the Conference for approval by written procedure, mandating the Strategy Group to negotiate the Updated Energy Charter as described in the paragraphs below.
5. Provided a mandate is received from the Conference as described in paragraph 4 above, the Strategy Group will first reconvene the signatories of the European Energy Charter with the aim of agreeing upon a text conveying their understanding of the Updated Energy Charter and its final name.
6. Provided an agreement on a text is reached as laid out in paragraph 5 above, the Chairman of the Strategy Group will invite, on behalf of the Energy Charter Conference, countries who have been invited by the Conference as observers pursuant to the Rules of Procedure of the Conference (CC 53 Corr.2) and CC 146 without having signed the European Energy Charter, also those states who participated in the 23<sup>rd</sup> Meeting of the Energy Charter Conference on 26-27 November 2012 in Warsaw and any other interested states, in particular those states termed as Outreach states in the CONEXO policy, to participate in the negotiation of the Updated Energy Charter.
7. Once the process under paragraph 6 has resulted in a high degree of convergence among the parties on the text of the Updated Energy Charter, an ad hoc high level Conference shall be convened for the signatories of the European Energy Charter to adopt the Updated Energy Charter and for partners mentioned in paragraph 6 above to sign the Updated Energy Charter after it has been adopted.