



MEMORANDUM OF UNDERSTANDING
Cooperation between the Energy Charter Secretariat and
ECOWAS Regional Electricity Regulatory Authority

On one part Dr. Urban Rusnák, as Secretary General of the Energy Charter Secretariat (ECS), located in Boulevard de la Woluwe 46, Brussels (Belgium),

and on the other part, Prof. Honoré Bogler, as Chairperson of the ECOWAS Regional Electricity Regulatory Authority (ERERA), located in Energy Commission New Building, Airport Residential Area, Ghana Airways Avenue, PMB 76 Ministries Post Office, Accra (Ghana),

wherefore the parties, have agreed to develop a structured process of cooperation.

Parties

The International Energy Charter is an intergovernmental organisation with more than 90 members and observers from all continents with the objective to expand and promote a level playing field and the rule of law and to bring trust and confidence to international energy markets. The Energy Charter Secretariat provides technical expertise and administration support to the organisation's governing body, the Energy Charter Conference.

ERERA was established in January 2008 by Supplementary Act A/SA.2/1/08 within the framework of the Energy Protocol and the West African Power Pool Program by the Member States of ECOWAS. The commitment of ECOWAS Member States to achieve electricity interconnections for the pooling and sharing energy resources in the region is translated into the establishment of an appropriate legal and institutional framework for the development of the electricity sector in West Africa. ECOWAS signed the International Energy Charter at the Ministerial Conference on 20/21 May 2015 in The Hague, Netherlands.

Purpose

Both ECS and ERERA have a common and complementary mission to provide stable, predictable and transparent frameworks for energy investments, cross-border trade and transit, leading to a secure, sustainable and affordable energy. The International Energy Charter and



ERERA while operating from different angles and in different time frames, seek to achieve the same objectives. While regulators are technical and autonomous bodies, the International Energy Charter is an intergovernmental and political platform. While regulators act in the short- and mid-term, the International Energy Charter provides a long-term and stable regulatory framework. The ultimate purpose of this Memorandum of Understanding (MoU) is to unlock and capitalise on the benefits of those complementarities. The Energy Charter and ERERA can benefit from each others' specific areas of expertise and experience with a view of improving the attractiveness and stability of market conditions for energy investments.

Cooperation

The parties seek to promote their relations and to enhance their synergies by an exchange of information, experiences and views in areas of work of common interest. By way of example:

- a) The ECS may inform ERERA, and seek voluntary input and dissemination, regarding ECS activities of international or regional interest for ERERA, such as:
 - Dispute resolution
 - Discriminatory barriers in the pre-investment phase
 - Reports on investment risk assessment
 - National reports on investment climate and market structure
 - Discussions on a framework agreement on transit
- b) The ECS may seek ERERA members' voluntary assistance to facilitate dialogue with relevant national ministries where the country is interested in participating in the International Energy Charter process.
- c) The ECS may convey to its member and observer countries relevant messages and recommendations from ERERA on investment promotion and protection, cross-border trade and transit.
- d) Ad-hoc participation in each parties' working groups, forums, conferences and capacity building programmes, at the invitation of each party.

The contents of this MoU may be adjusted and amended at any time with the mutual consent of the parties.



Representatives

Each party shall appoint a representative who will be responsible for implementing this MoU and its related activities. The representatives will develop the means of cooperation, secure the funding needed for the execution, and provide suitable suggestions and recommendations.

Resources

This MoU does not imply contribution to the budget of either party. The development of activities realised in the framework of cooperation will be subject to the assessment of budgetary availability of each party and its respective review and approval by each party.

Duration

This MoU is agreed upon a term of three years from the date of final signature by both parties and will be renewed for the same duration automatically. All activities conducted before this date within the vision of the joint collaboration will be deemed to fall under this MoU. It should be noted that unilateral cancellation is possible at any time upon the request of either of the parties, after one month prior notice in writing to the other party or by mutual agreement.

Prof. Honoré BOGLER

Chairman of ERERA

Dr. Urban RUSNAK

Energy Charter Secretary General

Brussels, 12 May 2017

