

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2018

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Brussels, 27 November 2018

Related documents: CC 626, Message 1456, CC 641

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Modernisation of the Energy Charter Treaty

The Energy Charter Conference at its 29th Meeting held on 27-28 November 2018 **approved** the following list of topics for modernisation of the Energy Charter Treaty:

- ✓ Pre-investment
- ✓ Definition of ‘charter’
- ✓ Definition of ‘economic activity in the energy sector’
- ✓ Definition of investment
- ✓ Definition of investor
- ✓ Right to regulate
- ✓ Definition of Fair and Equitable Treatment (FET)
- ✓ MFN Clause
- ✓ Clarification of ‘most constant protection and security’
- ✓ Definition of indirect expropriation
- ✓ Compensation for losses
- ✓ Umbrella clause
- ✓ Denial of benefits
- ✓ Transfers related to investments
- ✓ Frivolous claims
- ✓ Transparency
- ✓ Security for costs
- ✓ Valuation of damages
- ✓ Third party funding
- ✓ Sustainable development and corporate social responsibility
- ✓ Definition of ‘transit’
- ✓ Access to infrastructure (including denial of access and available capacities)
- ✓ Definition and principles of tariff setting
- ✓ REIO
- ✓ Obsolete provisions

Keywords: Modernisation, Energy Charter Treaty, list of topics