

Report on the Misfunctioning of the Energy Charter Secretariat

This report, produced and presented for the attention and confidential use of the Energy Charter Conference by the Secretariat's Assistant Secretary General, Dr Masami Nakata, consists of four sections:

- 1) Executive Summary of analysis,
- 2) Responses to the Review Questionnaires, and
- 3) Proposals to the Contracting Parties.
- 4) Annexes I - X

1. Executive Summary

Introduction

This report aims to assist Members of the Conference to identify the current major regulatory, operational and governance failings of the Energy Charter Secretariat. This misfunctioning is principally attributable to a failed organisational restructuring, inadequate application of the proper legal framework and the Secretary General's management methods. These methods include the repeated, procedurally flawed, unprofessional and non-transparent selection of officials based on criteria other than expertise.

This report describes the negative impact these failings, in particular the restructuring, are having on staff and how this in turn is undermining the performance of the organisation as a whole. The report highlights how the organisation does not deal appropriately with serious personnel related matters such as harassment, the mishandling of internal grievances and recruitment abuse. There are compelling reasons to believe that, as a consequence, the results of the organisation are insufficient and well below par and that the limited available resources are not used in the most effective way for delivering what Contracting Parties expects and are thus being wasted and possibly misused. The principle reasons are summarised below and more specific details can be found in Section 2 and the Annexes I - X.

A. Dysfunctional Governance.

Every organisation operates within a structure and set of regulatory rules, which necessarily include a 'built-in' system of 'checks and balances', in order to avoid situations where too much power falls in the hands of just one entity, or individual. This is of particular importance

in the case of small organisations. The absence of a solid system of checks and balances could lead to autocratic leadership, with all the nefarious consequences that would entail.

In the case of the ECS, certain recent developments have destabilised, or done away with, the previously balanced governance structure. Externally the previously well-informed Chairmen, who acquired a depth of knowledge by serving multiple years, have been changed to rotating one-year Chairmanships. (Kazakhstan in 2014, Georgia in 2015, Japan in 2016, Turkmenistan in 2017, Romania in 2018, Albania in 2019, Azerbaijan in 2020, Armenia in 2021 and Mongolia in 2022). Internally the number of Senior Management has been cut from five to two. (Specific details can be found in Section 2 H).

Dysfunctional governance can easily be seen as the root cause of the failings indicated in the Introduction. Over time it can gradually lead to unchecked favouritism and clientelism, loss of focus, ineffective use/misuse and allocation of resources, the creation of an internal climate of ‘threat and fear’ and neglect of applicable rules and practices.

B. Lack of concrete, tangible results and real progress

The organisation is delivering well below its potential in terms of concrete output and progress.

The situation with respect to the main areas of work can be briefly summarised as follows:

- Modernisation: The Secretariat lacks the resources and expertise to respond to requests from Contracting Parties such as an impact assessment of the modernization of the Treaty, and to be able to make real progress. Modernisation is led internally by the General Counsel who has little knowledge of the recent, expected outcomes which will result from the implementation of the Paris Agreement and who furthermore does not share information on this topic with other units in the organisation.
- CONEXO: No use has been made of the momentum immediately following the successful International Energy Charter Conference held in May 2015. Consolidation should have been one of the most important priorities and should have been included in the core business for the organisation, however, concrete progress has been rather poor, notably with respect to larger countries. Not only has CONEXO stagnated during the past five years, but under the current leadership, two major countries, Italy and Russia, have left the organisation. Positive prospects in several South American countries and also in Asia between 2013 and 2016 were not properly handled, focussed upon, or followed up and were lost, which was a severe blow to the credibility of the ECS.
- EIRA: EIRA is labelled as the Flagship publication of the Secretariat. However, there is not a sufficiently robust theoretical and policy framework for this project, nor is there availability of the relevant expertise to handle the task. In spite of a considerable use of resources in terms of both budget and human resources, the quality of the

output leaves much to be desired, as does the issue of whether these reports are seriously taken into account.

- Knowledge Center: The Secretariat justified the establishment of the Centre by informing the Conference that it would be funded by voluntary contributions and would thus not use national contributions. However, since the Centre's creation, voluntary contributions have remained very limited, while expenditure has systematically hugely exceeded this income. In reality, the Centre's activities have significantly burdened other units in terms of human resource requirements and have impacted the core budget year on year.

C. Misrepresentation of the Financial situation in 2015/2016 and available options

It is true that the departure of two larger member states created some budgetary difficulties. However, in 2015, the year that the restructuring was initiated, it seems that the Secretary General consistently communicated with both delegations and staff only on the basis of a worst-case scenario. The SG seemed to ignore other viable scenarios, for example the proposals from the Staff Committee, and proposed just one draconian and unnecessary restructuring solution. It seems clear that delegations were not given the option to consider more viable and less risky alternatives and resorted to accepting the SG's proposal.

In reality the annual budgetary surpluses following the restructuring exercise have been huge for such a small organisation and the reserves of the organisation have reached excessively high levels. In fact, since 2016, the General Reserve Fund (GRF) has remained above EUR 600.000, twice the minimum level recommended by the Strategy Group of Euro 300-350.000. The GRF increased from €603,000 by the end of 2016 to €837,000 by 2017, to an estimated €1,110,000 by 2018. This, in spite of relatively high one-off exceptional expenses, already discounted in the above figures, for instance €38,000 for a new service car in 2018, €155,000 for the ILOAT cases in 2018, €251,834 for the office move in 2017 and €42,000 for cash awards to loyal officials in 2018.

Alternative scenarios were based on the maintenance of expertise and experience to the extent possible and a substantial reduction of the use of short term staff. This would have avoided many of the current failings, including the ILOAT cases, that have come to light in the past two years.

Large budgetary surpluses also mean that the Secretariat has clearly failed to implement properly the programme of work in its entirety and therefore output is substantially reduced as a result and falls well below member state expectations.

D. Assessment of the 2016 Restructuring

Despite comments from the SG suggesting otherwise, the 2016 restructuring cannot be considered a success. On the contrary, it can only be described as an abject failure. As Contracting Parties states may have noticed, there are serious concerns about both the quality and quantity of the Secretariat's output and the resulting structure created by the SG is unsustainable. The restructuring was based on the following main elements:

- An extensive and excessive use of lower cost C grades. Whilst this has helped to reduce staff-related costs, the organisation now suffers from the resulting lack of expertise and experience. The staff component of the Secretariat now consists of 60% of C grades; all young professionals. (Please see Annex I list of current staff). It is unrealistic to expect that such a category of support staff can provide policy advice to Contracting Parties (CPs) in terms of quality of output, despite their large number. This is particularly true when it comes to the modernisation of the treaty as most of the C grade staff are from countries which are less advanced in energy transition and the implementation of the Paris Agreement and lack the required experience.
- An extensive and excessive use of temporary officials (TO) staff. The percentage of temporary staff is 50% of the total staff component. While a limited number of temporary staff can be helpful, it is clear that an excessive use of inexperienced graduates at the beginning of their career does not add sufficient value to the organisation or its product/output. Furthermore, by definition, due to the temporary nature of their assignments, short term temporary staff will be unable to make use of the experience obtained in the Secretariat to contribute to the longer term benefit of the organisation. All TO contracts are renewed annually and their renewals are decided upon unilaterally by the SG personally.
- The merging of the two posts of Director (Energy Efficiency, Energy Transit and Energy Investment) and Head of Administration and Finance into one Assistant Secretary General position. While this resulted in some savings, the position of ASG now requires two very different skill sets. Much better results could have been achieved if the ASG had not had to split her time and attention across two totally different and unrelated areas of work. The requirements, workload and skill set required for the ASG position are such that it is impossible for one official to assume full responsibility for all activities under their authority and execute all tasks to the appropriate, or acceptable standards. This change has had a negative impact on performance within the Secretariat, has diminished the capacity of senior management and has adversely affected the delivery of the organisation's mandate.
- The number of Senior Management staff has been reduced from 5 to 4 (before the restructuring) and then 2 (after). This has resulted in a significantly weaker internal governance mechanism within the organization and reduced drastically the collective experience within the organisation which was necessary for proper management.

- The harm has been amplified as the restructuring was conducted unlawfully (see point 5 below) and was unnecessarily severe (see also point 3 above). This resulted in a significant loss of expertise, experience and institutional knowledge, the downgrading of some staff, excessive reliance on C-grades and junior temporary staff, the loss of employment of two highly experienced officials through the suppression of their posts and the loss of two management level posts, which further diminished the system of “checks and balances”.

E. The ILOAT judgments - unlawful decisions and payment of awards

As a result of two court cases brought against the organisation, which were directly related to the restructuring, so far, the organisation has had to pay additional expenses of around Euro 155.000. The SG’s decision to terminate the two staff members concerned was found to have been made unlawfully, as can be seen from the judgments. The expenses incurred were both foreseeable and avoidable, as they related to the non-observance of basic consultation procedures in accordance with the staff rules. The judgments also found that the restructuring involved "distorting the notion of a temporary contract". Two more cases are pending, one more is on the way and related court costs and potential damages can be expected to increase. (Specific details can be found in Section 2 G).

Even more seriously, the ILO Administrative Tribunal ruled that the restructuring decisions of the Conference in December 2015 and the SG’s decisions implementing these illegal Conference decisions were all unlawful. This was a direct result of SG’s failure to respect normal, legally-binding procedures. This, in itself, is serious enough, but it is particularly significant for an organisation that has, as one of its primary objectives, the promotion of the rule of law and good practice.

The Secretariat’s report to Delegations in BC 312 was incomplete and misleading. No mention was made of the fact that the Tribunal ruled the December 2015 Conference and SG's restructuring decisions were unlawful. Furthermore, the judgments totally dismissed the findings, decisions and contentions of the Advisory Board, the Secretary General and the General Counsel and this demonstrates their collective failure to understand and apply the Staff Regulations and Rules.

A number of other cases against the decisions and conduct of the SG are in the pipeline, which may equally result in revealing further unlawful behaviour and yet more substantial waste of the Secretariat’s time and resources as well as additional waste of the Conference’s national contributions. The Secretariat should not misuse its resources in seeking to justify the unjustifiable.

F. The irregular and self-serving procedure for the mid-term assessment of SG’s performance

It is highly unusual that delegations are asked to give their view on the performance of the Secretary General taking into account only the criteria that the SG himself developed three years ago. During such a period of time circumstances, priorities, prospects and insights are likely to change. It seems obvious that the Conference, as the highest decision-making authority of the organisation should be at liberty to assess the performance of any official, or entity, according to those criteria that delegations consider relevant.

In addition, the SG provided his own self-evaluation of his performance as his mid-term review in a manner that mislead CPs. Additionally, there are good reasons to suspect that the information provided by the Secretary General on his performance (Mess 1495) is biased, misleading, incomplete and/or incorrect in multiple instances. Please see Annex IV analysis of Mess 1495.

It is inappropriate and insufficient that some of the main criteria are indicated as on a 'best effort' basis. The Secretary General is not a regular member of staff, but is overall responsible for all activities and results of the Secretariat. He should be assessed on the basis of concrete results achieved and not just on the basis of 'best efforts'.

Conclusion

Due to the seriousness and complexity of the situation, the number of issues to be considered and the absence of relevant expertise within the Secretariat, the Conference may want to consider the following steps to ensure a sound functioning of the Secretariat:

- 1- Obtain the services of an external expert consultant to conduct an independent external evaluation and provide recommendations to achieve a soundly functioning Secretariat for consideration and decision by the Conference.
- 2- Setting-up a temporary Committee or Board composed of the highest contributing parties to the budget to facilitate and supervise a return to a soundly functioning Secretariat.
- (3- Put on stand-by the financial contributions of the Contracting parties to the Secretariat until the situation is cleared.)

2. Responses to the Review Questionnaires

A. The potential modernisation of the Energy Charter Treaty based on the list of topics identified.

Those contracting Parties, which are ahead in terms of decarbonisation and clean energy transition can propose amendments to the Treaty. However, the adoption of any such proposed amendments would require a Conference decision, as stipulated in Article 42 and unanimity is required for the adoption of the amendments to the treaty as stipulated in Article 36.

It is unlikely that Contracting Parties would reach an Agreement to align the Treaty with the Paris Climate Agreement, given that the EU and its Member States, Japan and Switzerland have developed decarbonisation strategies, while other Contracting Parties are either fossil fuel exporting countries, transit countries for fossil fuels, or, with the most recent expansion countries, face energy access issues and therefore seek investment in any locally-available energy source such as coal.

The Secretariat has not alerted Contracting Parties to the structural barriers in relation to the modernisation of the Treaty or proposed possible solutions/directions/platform for discussion on this particular issue. This lack of warning is due to the lack of expertise within the Secretariat and the fact that leadership of the modernisation process is in the hands of the General Counsel, who lacks the understanding required to discuss energy issues.

The Contracting Parties need to be aware of the officials within the Secretariat that is providing them with legal policy advice in terms of modernisation and of the inability of that official to provide such advice at the appropriate professional level.

The modernisation process is led by the Legal Affairs unit (LA), which has little knowledge, or expertise, in specific areas related to energy issues. Heads of other units have no access to the functional mailbox for modernisation. Legal Affairs decide unilaterally which emails to share and when.

An obvious starting point for the modernisation process, as suggested in Message 1492 from Luxembourg, ought to have been “to conduct a sound impact assessment on any and all major changes that will be proposed in the modernised Treaty”. However, given the lack of knowledge, expertise and capacity, such an impact assessment has not been included in the modernisation agenda.

For example, the MOD 8 “Report on Modernisation” shows only a “List of potential topics and policy options” based on a simple legal analysis, such as compatibility with other International Investment Agreements and Treaties. The Secretariat has never provided an independent impact assessment. The MOD 12 “Report on the Potential Policy Options for the Listed Topics on Modernisation” doesn’t show much difference from MOD 8. MOD 12 includes lists of potential policy options based on “International Trend” for each topic without any analysis. The document repeated the following phrase “*Modernisation is a process driven*

by the Members of the Energy Charter Conference. To facilitate the discussion delegates can find below an illustrative list of potential policy options (in addition to keeping the current status quo) that could be considered. Delegates are welcome to comment on it and propose other potential policy options” followed by several policy options without analysis on impacts on CPs of ECT.

Please see below and the attached Annex I List of All ECS staff. There are 4 staff members in total in the Legal Affairs.

Position	Country of origin	Comment
General Counsel (A4) (Senior Management)	Spain	Joined in August 2013 (extended for 7 years until 2020)
Legal Assistant (B4)	Ukraine	Trainee at ECS in 2014 (Previous) Junior Legal Assistant (C4) at ECS 2016 - 2017
Junior Legal Assistant (Temporary Official C4)	Belarus	Trainee at ECS in 2016 (Previous) Knowledge Center coordinator at ECS in 2017 and 2018
Junior Legal Assistant (Temporary Official C3)	Ukraine	Trainee and Young Professional at ECS in 2018

With the exception of the General Counsel, all LA staff are junior staff, two are TO with a one year contract, renewed based on the head of the organisation decision. They only recently completed their post graduate (LL.M) education and have worked as trainees at the ECS in very recent years. All three staff are lacking in professional experience, since the Secretariat is their first full-time employment position. LA’s capacity is significantly less than adequate to provide policy advice to CPs. In actual fact, LA does not track changes in energy policies, and therefore would be unable to provide advice when CP energy policy changes occur. (e.g. EU gas directive amendment, Japan’s hydrogen-based energy transitions.) LA tracks only disputes under the ECT.

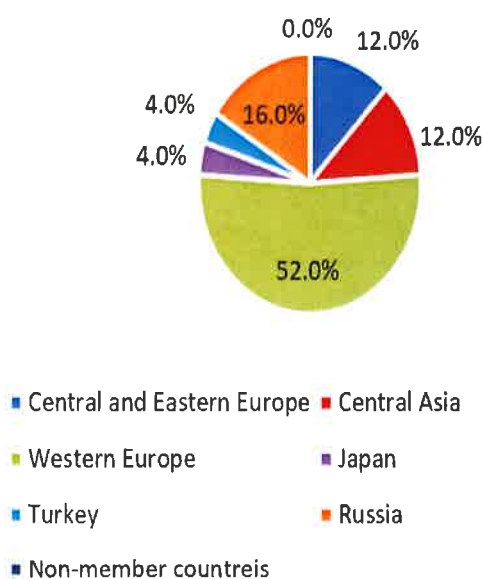
The Secretariat has failed to produce any coherent thought leadership on the implications of the Paris Agreement and Decarbonization on the modernisation. There have been several publications, which criticise the Secretariat on the basis that the modernisation agenda fails to address the implications of the Paris Agreement and the need for a sustainable future. However, the Secretariat has not been in a position to respond given that the modernisation process is led by the Legal Affairs unit and that there is no communication with, or to, other units within the organisation, which would be better-placed and more qualified to address the issue.

The Head of the Energy Efficiency unit (EE unit), together with her team, conducted an early analysis of the potential for modernisation of the treaty based on the impact assessment methodology of the EU. However, the project was stopped by the Secretary General, as this topic was not included in the Programme of Work #6 “Energy Efficiency and Environmental Aspects”. The Head of unit was criticised by the Secretary General and by the Energy Efficiency coordinator who accused her of using ECS resources for her own agenda. Aside from the EE unit, there is no in-house expertise with the ability to conduct an impact assessment of ECT modernisation. (See Annex I)

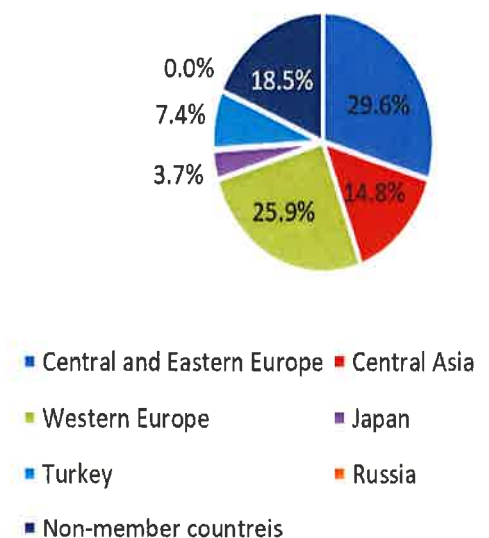
In 2019 Japan took on the G20 presidency. The central themes of the G20 is “Energy Transitions and Innovation” including the hydrogen economy. Japan is an ECT contracting party, the biggest contributor to the Secretariat and Vice Chair of the Modernisation subgroup. However, the Secretariat was unable to provide an assessment of the implication of the Treaty on Japan’s energy policy directions stated in G20 agenda. Although Japan has invited the ECS to the G20 Energy Working Group, there has been neither preparation, nor discussion internally regarding possible contributions to the G20.

It goes without saying that the Secretary General should be taking the lead and navigating the overall efforts of the Modernisation of the Treaty. However, when considering the strong bias he has shown towards the Central Asian and Central and Eastern European countries, it might become clearer how the Secretariat intends to navigate the Modernisation of the Treaty.

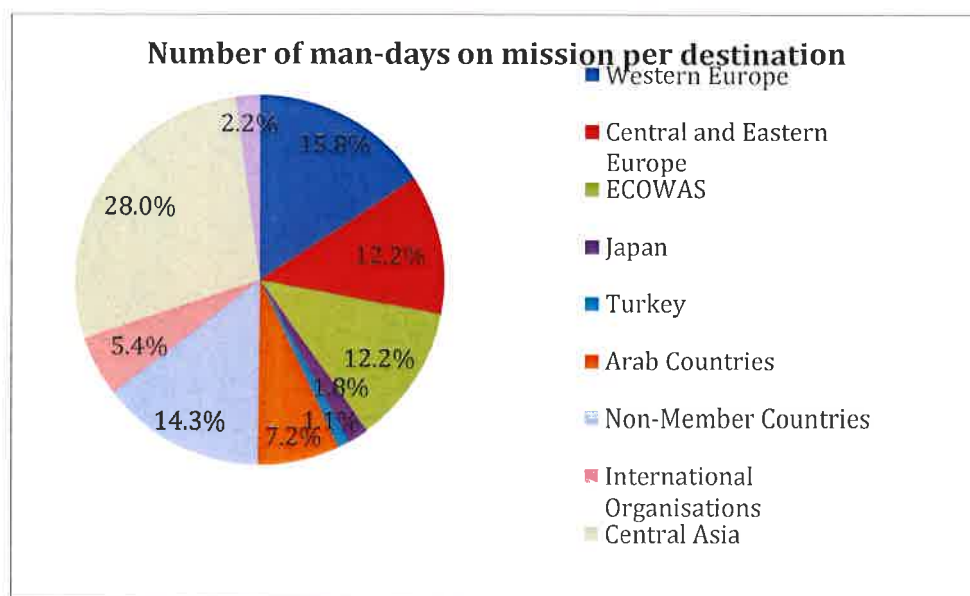
Staff nationalities in Dec. 2011



Staff nationalities in May 2019



Another example is staff's missions to those countries in 2019 on Modernisation and the Review.



(See details in Annex VIII official travels in 2019)

B. Assessment of the CONEXO policy, the potential for and direction of a further geographical enlargement of the Energy Charter Treaty, as well as the role and status of Observers to the Energy Charter Conference.

It seems that the Secretariat has made no adequate attempt to profit from the momentum immediately following the International Energy Charter Conference in May 2015. Progress in recent years has been rather poor, notably with respect to larger countries.

CONEXO policy has a huge impact on core activities, in terms of human resources in particular. In 2019, in addition to the Expansion unit (2 Establishment officials and 2 Temporary Officials), the Energy Efficiency unit is expected to deliver five accession reports (Nigeria, Gambia, Senegal, Benin and Palestine). Given the lack of Energy Efficiency programmes and expertise in these countries, the analytical contribution of secondees from these countries is expected to be correspondingly low. The 2019 Programme of Work for the EE unit includes only 1 accession report for Palestine. The LA unit is also expected to deliver 3 accession reports (Nigeria, Gambia, Senegal) in 2019. Given that for each report the Secretariat will host a secondee for 3 months, this is equivalent to 21 months of work with secondees over a period of 7 months from June - December in 2019. The increase in the number of accession reports is due to ECOWAS project which does not provide additional resources to the Secretariat. Instead it puts heavy pressure on the human and financial resources of the Secretariat as adopted at the Bucharest Conference.

The significant impact of Expansion activities in Africa on core human resources and the budget has also been pointed out by ASG and the Finance and Administration unit (FINAD). However, when the Head of Unit of Energy Efficiency asked the SG about additional human resources for an additional four reports, his reply clearly demonstrated that the Secretariat lacks a proper expansion strategy with adequate resource planning:

SG wrote to the head of the EE unit on 23rd April, 2019

“For substantial work-related issues, please quantify any additional support you may need and consult with your immediate superior (ASG), who as the responsible for FINAD could check availability of financial resources in budget 2019. Your deliverables have been agreed with ASG, taking into account division of tasks between you and Mr Antonenko (Energy Efficiency Coordinator).”

Although it is clear that the Secretariat’s expansion policy has been moving towards Africa and South America, a new head of expansion who speaks only Russian and English was recruited in 2019. As a result, the Secretariat has been forced to hire a Temporary Official to serve as ECOWAS coordinator and who speaks French, in addition to the 3 staff already in the Expansion unit (EXP unit). The post of ECOWAS coordinator was not included in the human resources budget approved by the Conference in November 2018. SG hired the former head of the EXP unit as the ECOWAS coordinator, despite questions from ASG and FINAD regarding planned human resources.

Consolidation was the most important priority for the organisation. The Secretary General was initially elected in 2011 on the basis that he would make Consolidation his first priority. However, not only has no progress been made during the last five years, but under the current SG's first mandate another major country (in addition to Russia, who confirmed its withdrawal in 2009) chose to leave the organisation, namely Italy, in January 2015.

C. To reconsider as requested in the Conclusions of the 2014 Review the possibility to move to a binding tariff standstill regime consistent with developments taking place in the WTO.

Nothing to report on this point.

D. Assessment of the concept, scope, geographical coverage, budget, human resources, timeline and methodology of the Energy Investment Risk Assessment (EIRA).

Is EIRA core business of the Secretariat?

Firstly, EIRA is not a core business of the Energy Charter Secretariat. It is not set out in the treaty as an objective. However, the Secretary General claims differently on the basis that it is

strongly supported by participating countries. I would point out here that the participation of those countries included in the publication has been obtained through persistent and insistent requests from the Secretary General to CPs and observer countries (OCs) to participate in EIRA and have not come from any initiative of the assessed countries.

In addition, it is questionable whether EIRA is representative of the interests of a broad based majority of CPs. Among 39 EIRA#2019 participating countries, about half (21) are ECT Contracting Parties. However, their combined national contributions to ECS amount to €147,780 or 3.7% of the total national contributions, while the proposed EIRA budget in 2019 is €594,000. As the project is not of the interest of all Contracting Parties or even a broad cross section of member countries including the largest contributors, such a project, while perhaps useful for a small group of members, would ordinarily be funded by voluntary contributions, rather than by the core budget. (Finally four countries were dropped from the list and one (Uzbekistan) was added in April in 2019. Final number of participating countries is 36.)

Methodology

EIRA is not based on a sufficiently robust theoretical and policy framework (e.g. see OECD policy investment framework) drawing from existing best practices and experience. EIRA's theoretical framework could be based on many sources (e.g. OECD as mentioned earlier) and in-house research could plug any gaps (so adding value). Instead, EIRA does not fully utilise existing research/sources as it should, but attempts to reinvent the wheel, so to speak. As a result of this shortfall, the recommendations are insufficiently grounded, too simplistic and risk being unhelpful, or wrong. A deeper knowledge base and robust framework would help to better focus EIRA, steer it through, or away from problematic areas and enable quality recommendations. However, the Secretariat has no qualified expertise/experts who could improve EIRA.

The EIRA methodology is flawed – e.g. inappropriately averaging the results of government/stakeholder surveys. Stakeholder responses can be used to verify government responses, but, for example, averaging responses relating to whether a law exists averaging yes-no responses or what it states is inappropriate.

The most recent criticism and only comment on EIRA 2018 came from one scholar from Columbia University 4th January 2019 after EIRA team's mission to the United States.

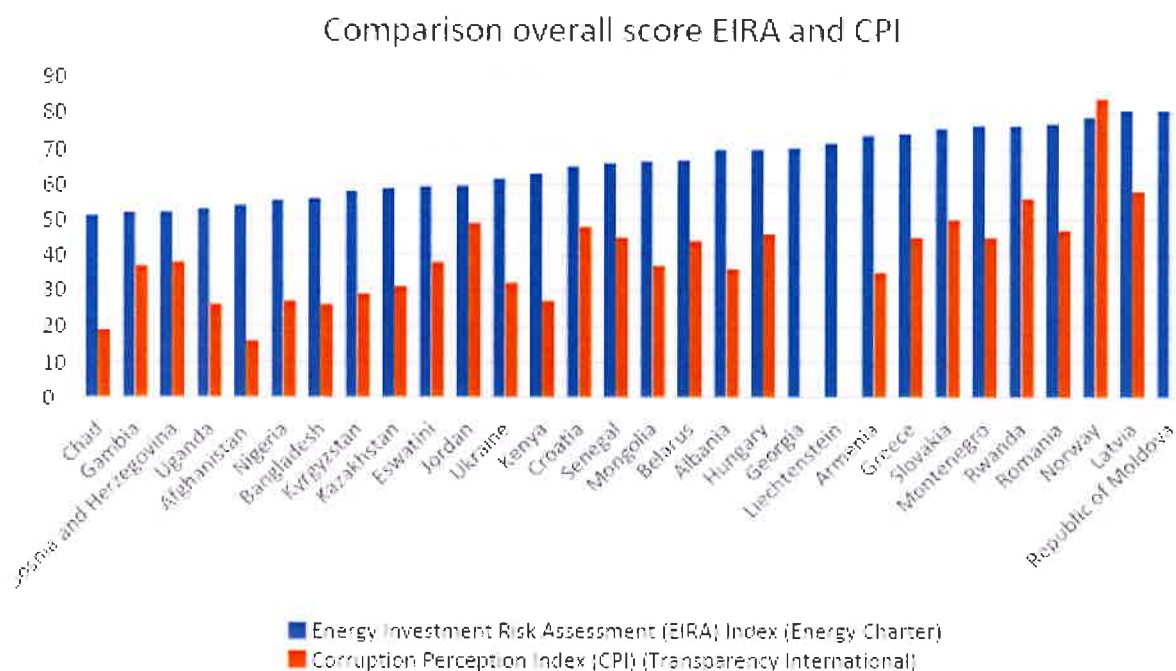
"You have evidently laboured hard over the assessment methodology, but I feel compelled nonetheless to express considerable scepticism about the extent to which it is possible to design an evaluation scheme that is empirically based and objective, which is your claim. As someone who has spent a reasonable amount time visiting, and interacting with investors and officials from, both Norway and Ukraine for example, I found it really odd when I compared the scoring of these two countries. On the "transparency" sub-indicator, for example, Norway scores only slightly better than Ukraine. On regulatory effectiveness, Norway scores

significantly worse than Ukraine. These figures defy observable reality in the countries in question.”

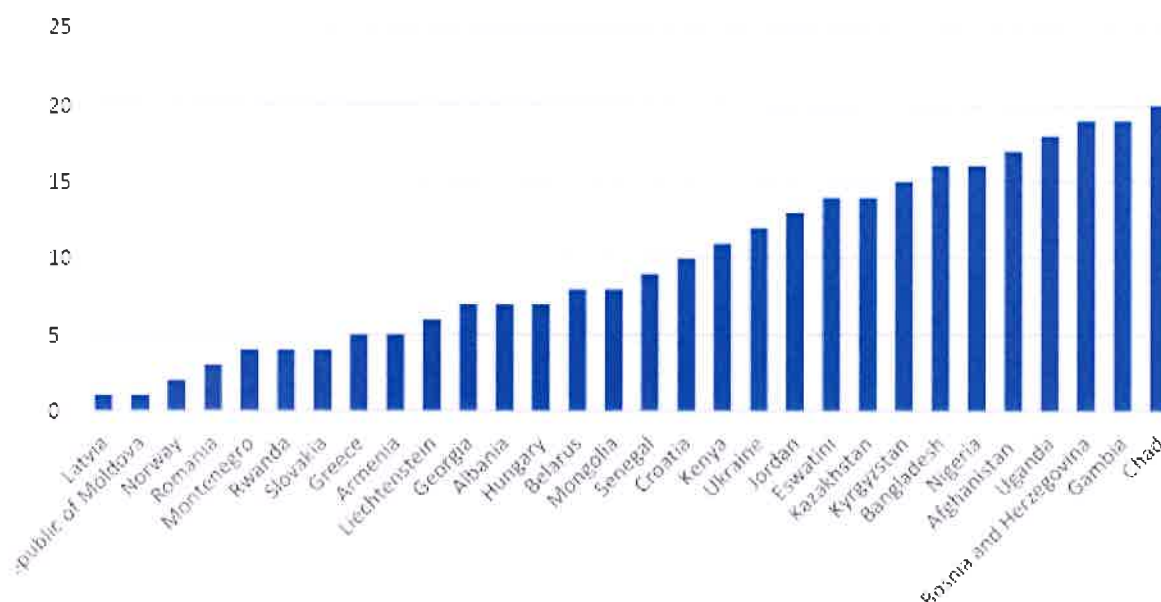
“...countries get positive scores for simply having laws and regulation on the books, regardless of whether those laws are undercut by institutional dis-functionality, jurisdictional conflicts and every day corruption?”

Another example is that the scoring of participating countries does not match with other existing scoring, which provides investors with equivalent information.

The graph below shows the difference between the EIRA overall scoring and Transparency International's Corruption Perception Index (CPI). The EIRA scores are remarkably high in numerous countries known for corruption and the lack of rule of law. It is worth noting that based on the EIRA overall scoring, it appears less risky to invest in Latvia and the Republic of Moldova, than in Norway. Also, investing in Norway appears almost as risky as investing in Rwanda and Montenegro, while these countries are known for their high level of corruption and the lack of long-term vision needed for investment in the energy sector as reflected by their CPI scores.



Similarly, if an investor were to invest in countries based on EIRA, they would choose to invest in the energy sector in Latvia and the Republic of Moldova despite the latter's poor ranking of 117th ex 180 countries by Transparency International.



Expertise for “Flagship Publication” of the Energy Charter Conference

The organisation’s “flagship” publication uses 15% of the budget allocated to Programme of Work (PoW), this is the largest portion of the PoW budget and human resources (five full time staff dedicated to the EIRA publication and additional support is required from other units), relied on expertise, knowledge and work of three young professionals (temporary officials).

The Investment Unit is responsible for the publication of EIRA. The unit is made up of five staff: two establishment table officials and three temporary officials. (Annex I List of Staff members) The Head of the Investment unit was a former delegate to the ECS before joining the Secretariat. While he has experience in the energy policy sector as a government official, his professional background does not include energy investment, energy law, or regulation. A new investment official from Armenia just joined the Secretariat in March 2019. The EIRA publication, therefore had to be created by three young professionals, who only recently completed their education. The main author of EIRA is one temporary official from India (neither a member country, nor an observer country), who was an intern at the Secretariat a few years ago. She provides the final check including a consistency check and then signs off on all country profiles. CPs should be aware that they have received Energy Investment policy advice from a young temporary official from a non-member country (India).

Whilst they are excellent young professionals, the Secretariat errs seriously in considering that they are sufficiently qualified, or experienced enough to provide policy advice to Contracting Parties. (See the list of ECS staff.) It may be useful to point out that the cost of these three young professionals (C4) is comparable to the cost of one expert (A3 or A4), who would no doubt have been in a position to produce a superior, more useful product, more in keeping with the requirements of CPs.

EIRA attempts to provide advice in certain policy/legal areas, but the EIRA team lacks the required expertise in many areas, particularly on utility regulation, investment/finance economics and competition, government policy impact assessment and process.

The EIRA has no project management steering committee, which is a standard governance feature for successful projects.

There is a lack of a project leader with sufficient scientific/academic qualifications and background to ensure application of a robust theoretical framework and methodology.

Human Resources and budget

The table in BC320 below shows the financial impact of that activity for 2018, as well as the forecast for 2019. EIRA uses more than 15% of the total budget of the Secretariat of 3.9 million, by far the biggest expenditure for any area of the PoW. The project also benefited from the assistance of Energy Efficiency, Legal Affairs, other ECS officials and the ASG, who drafted two country profiles in 2018.

all figures in Euros

Direct Costs	Anticipated resources in 2018		Implementation (full year expectation in 2018)		Proposed resources in 2019	
<i>Establishment Table</i>	<i>1½ Officials</i>	<i>239 900</i>	<i>2 Officials</i>	<i>295 000</i>	<i>2 Officials</i>	<i>310 000</i>
<i>Temporary Officials</i>	<i>1½ Officials</i>	<i>90 000</i>	<i>2½ Officials</i>	<i>145 000</i>	<i>3 Officials</i>	<i>175 000</i>
<i>Interns and Fellows</i>		<i>19 600</i>		<i>28 000</i>		<i>30 000</i>
<i>Other costs (design, print, launch event, etc.)</i>		<i>15 500</i>		<i>59 000</i>		<i>40 000</i>
<i>Missions</i>		<i>25 000</i>		<i>26 000</i>		<i>24 000</i>
<i>Secondment/YP</i>		<i>0</i>		<i>0</i>		<i>10 000</i>
Total	3 Officials	390 000	4½ Officials	553 000	5 Officials	594 000

Despite this extensive expenditure, it is clear that the Secretariat's human resources are far from sufficient to satisfy the ambition of the Secretary General to cover 40-60 countries every year. The above-mentioned young professionals have been working excessively since 2017. Their working conditions have seriously violated labour law, but given that they are temporary officials (one of them, non-European) and that their contracts and contract renewals depends solely on the Secretary General, they make every effort, above and beyond the norm, to satisfy whatever the SG requests and have, thus far, at least, made no complaint. However, if one or more of them were to make a complaint, there is a real risk they could present very strong cases before the ILOAT.

According to the organisation's Staff Regulations, overtime authorisation shall not be given for more than 13 hours a month or, in exceptional cases, for more than 30 hours a month. In 2019, the overtime for three professionals corresponded to "exceptional cases" for 3 months consecutively and they have now requested another month of "exceptional" overtime. The

Secretary General is of course aware of the situation. Below is an email of one of the three EIRA team members sent to the head of the INV unit on 14th April 2019.

Since you have raised the issues below, please allow me to provide the following clarifications:

- *Yes, this is the first request for overtime in the month of April. For the record, I worked more than 16 hours during the weekend of 13-14/04 and more than 12 hours the weekend before that.*
- *It is true that I do not always ask for overtime because I find it futile. I have already accumulated so much recuperation time that I literally don't know if and when I will be able to avail myself of it. Unfortunately, I am already in the same loop I found myself last year – accruing leave I will have to give up on due to the heavy workload and deadlines set for the deliverables. Yesterday, I had the same conversation with SG when he asked me whether I wanted recuperation for the mission to Benin.*
- *Theoretically speaking, I should already start taking the leave owed to the overtime but I cannot – I need to finalise 4 more profiles not to mention all the corrections on the ones already completed.*
- *More overtime will be needed in the next 2 months.*

Although the ASG was assigned by SG as “EIRA team leader” in 2019, she had no decision-making function. All decisions have been made by the Secretary General, and where those decisions were not fulfilled, the responsibility of any failure fell to the ASG, or to the head of the Investment unit. The ASG stepped down from the EIRA leader role in May 2019 as a direct result of the situation outlined above and due to constant and persistent disagreements with the SG regarding staff overtime and the project schedule.

The Staff Committee also received a request from the EIRA team regarding the requirements for overtime, which goes far beyond what can be properly authorised by Senior Management.

The worst-case Scenario

EIRA produces non-meaningful results that are based on a paper-testing exercise (the existence of regulations) and not reality of what is happening (the application of those regulations) . This explains why there is such disparity with the Transparency International CPI results. The blue lines on the chart are of theoretical or academic interest but are of limited real value. The EIRA results actually undermine and diminish the credibility of the Energy Charter, as pointed out by a Columbia University scholar and furthermore they present a dangerously 'rose-tinted' picture of actual risks.

In the event that EIRA does not protect investors, or where it exposes them to unseen risks, or simply provides false confidence to participating countries, the responsibility of the Conference, who welcomed EIRA as their flagship publication, must be called into question.

In conclusion, the EIRA project represents a grave waste of significant resources, both human and financial, which could be used for core businesses. It may also expose the Conference to criticism that unrealistic, misleading and potentially false impressions of risk in energy investment are being presented to investors.

E. Structure of the Programme of Work and Budget, including an assessment of the implications of voluntary contributions.

Budget

From a budgetary point of view, it is highly questionable whether the restructuring of the organisation, put forward by the Secretary General and which started in 2015 and produced its full effect in 2017 was ever necessary. The idea of the restructuring came after the successful launch of the International Energy Charter. In 2010, the Russian Federation stopped making contributions. In 2015, Italy withdrew from the Conference. To compensate for the loss of contributions of €285,000 (Russia) and €370,000 (Italy), a serious restructuring of the organisation combined with a 10% increase in national contributions was proposed by the SG. This resulted in CPs agreeing to a restructuring to avoid an increase in contributions and this was approved by the Conference at the end of 2015, to be fully implemented on 1 January 2017. The European Commission also decided to contribute €200,000 to the general budget in 2015, 2016 and 2017, which was then reduced to €150,000 for 2018 and 2019.

From 2005 to 2015 until Italy's withdrawal, total national contributions were €4,497,460. Then, with Italy's withdrawal, the budget was reduced to €4,193,282, incl. Russia, treatment of which was still under review with the Auditors. Once the Russian contribution was moved to a provision for bad debt the actual contributions reduced to €3,907,460 (excluding the €200,000 from the EU). To compensate for this budget decrease, the Secretariat proposed to restructure the Secretariat, principally by reducing human resources. In doing so, the Secretariat expected to cut Salaries and Allowances by €470,000. Numbers of A and B grade staff were drastically reduced from 15 to 8 and 9 to 2 respectively. Instead, C-grade and Project staff (Temporary Officials) were increased from 6 to 14.

However, as you can see below, the General Reserve Fund (GRF, unspent annual budget) has increased dramatically in 2017.

This demonstrated, on the one hand, that the Secretariat lost its capacity to implement core activities, as prescribed by CPs in the PoW, and, on the other, that possibly the restructuring as proposed by the SG represented a situation of overkill, at least in terms of requirements to meet a depleted budget, and may therefore have been motivated by other more personal considerations.

Year	2018	2017	2016	2015	2014	2013	2012	2011
annual GRF	275,000	235,508	29,671	0	108,575	0	21,651	213,247
Total GRF	1,116,425	837,676	622,438	567,996	599,105	1,248,862	1,295,034	1,000,556

So much for the GRF. If we look more closely at the budget, in 2017 the Secretariat moved to new premises. A one-time cost for the move of €251,834 has been recorded in the accounts, together with a provision for €155,000 for claims pertaining to complaints taken to the ILOAT. In total, the portion of the budget not directly related to the Programme of Work was **€642,342** in 2017. For 2018, the transfer of amounts back to the GRF will be €277,885 (to be confirmed by auditors), a new service car was purchased for €38,000 and cash awards were granted to some staff (13 staff) for an amount of €41,700 without defining criteria for the cash awards nor communicating openly to the staff about the awards. In total **€356,700** (equivalent to the former contribution of Italy). These not insignificant amounts (in 2017 and 2018) trigger the question: did the Secretariat really need such a restructuring at all? The budget figures suggest otherwise.

In addition, there were a select few winners during and following the restructuring and up to February 2019. Two staff including the Secretary General himself, have benefitted from promotions. The SG sought and obtained a promotion from A6+ to A7+ in 2019 and the GC was promoted from A3 to A4 in 2015. Additionally Mr. Terterov went from C6 Knowledge Center to A3 Expansion following refusal by CPs of the SG's request to have the C6 Knowledge Centre post upgraded to A3 in 2018. By contrast several other members of staff were downgraded and experienced a serious decrease in their salary or remained at the same level.

This demonstrates that while the restructuring was indeed announced as triggered by budgetary problems it has been used to reshuffle human resources in such a way as to result in:

1. a serious weakening of Senior Management (making decisions on personnel and put in place when the organisation began its life with a view to ensuring a proper “checks and balances” system),
2. an elimination of posts or individuals,
3. an introduction of many temporary officials under the direct control of the Secretary General for their contract,

all of which had a seriously negative impact on the organisation and its staff, with little sign of any positive impact. These changes will be explained in detail below.

Budget spending, at least in 2017 and 2018, demonstrates a very low implementation capacity, or excessive budget (transfer to GRF of unused resources) due to an unnecessary reduction in human resources. What the SG omitted to explain to CPs at the time in 2015 was

that by the end of 2016, at least 6 staff would have left the organisation already through natural contract ends in line with the Staff Regulations and rules, and these elements alone would have been sufficient to compensate for the reduction in budget as a result of the Russian and Italian withdrawals. There were even enough funds left to cover the cost of numerous temporary staff. Instead of giving priority to Establishment Table staff, the SG has maintained an excessive number of temporary staff (See also section I). It seems clear that the downgrading of many staff from B-grade to C-grade, which has resulted in a seriously demotivated workforce, and the termination of two staff members who have subsequently lodged complaints with the ILOAT, which have, thus far, cost the organisation €155,000, could all have been avoided. If the budget was used to get SG's restructuring plans approved, the question arises as to what other motivation the SG might have had for restructuring.

It seems clear that the implementation capacity of current Secretariat staff levels is very low and staff members' motivation and work morale are equally as low. The following table shows budget implementation rates as of end of April 2019. With the exception of missions/travel for the Secretary General (extensively to Central Asian countries) expenditure is only at around 10% (might be slightly higher if there are late expenditure claims, but certainly no more than 15%), while it should be at least at 30-40% in April.

2019	Missions			Secondment			Consultants			Total		
Description	Bud	Exp	%	Bud2	Exp2	%	Bud3	Exp3	%3	Bud4	Exp4	%
01 Transit Activity of Energy Resources	9,000.00	1,559.64	17.3%	18,000.00		0.0%	30,000.00	8,154.57	27.2%	57,000.00	9,714.21	17.0%
03 New flagship publication - EIRA	24,000.00	3,081.44	12.8%	10,000.00	5,250.06	52.5%	70,000.00	800.00	1.1%	104,000.00	9,131.50	8.8%
04 Investment Facilitation			N/A			N/A			N/A	0.00	0.00	N/A
05 Investment reports	5,000.00		0.0%	9,000.00		0.0%	5,000.00		0.0%	19,000.00	0.00	0.0%
06 Energy Efficiency	10,000.00	1,886.64	18.9%	9,000.00	2,942.03	32.7%	30,000.00	2,400.00	8.0%	49,000.00	7,228.67	14.8%
07 Model of Dispute Management Protocol	5,000.00	735.52	14.7%			N/A	10,000.00	1,857.46	18.6%	15,000.00	2,592.98	17.3%
08 Standard. of LNG Sale and Purch. Agr.	4,000.00		0.0%			N/A	6,000.00		0.0%	10,000.00	0.00	0.0%
09 Modernisation of the ECT	10,000.00	1,491.95	14.9%			N/A	51,000.00	1,972.68	3.9%	61,000.00	3,464.63	5.7%
10 CONEXO	27,000.00	4,604.75	17.1%	41,000.00		0.0%	9,000.00	2,430.00	27.0%	77,000.00	7,034.75	9.1%
11 Cooperation/Dialogue	32,000.00	21,074.28	65.9%	9,000.00	2,694.00	29.9%	5,000.00	800.00	16.0%	46,000.00	24,568.28	53.4%
12 Review under Art 34(7) ECT			N/A			N/A	10,000.00		0.0%	10,000.00	0.00	0.0%
13 Conflict Resolution Center	4,000.00		0.0%			N/A	5,000.00		0.0%	9,000.00	0.00	0.0%
14 Legal Affairs	5,000.00	1,485.66	29.7%	9,000.00		0.0%	40,000.00	6,006.46	15.0%	54,000.00	7,492.12	13.9%
15 Promotion	5,000.00	1,426.68	28.5%			N/A	29,000.00	8,812.74	30.4%	34,000.00	10,239.42	30.1%
16 Finance and Administration	10,000.00	2,976.86	29.8%			N/A	30,000.00	1,641.20	5.5%	40,000.00	4,618.06	11.5%
Total	150,000.00	40,323.42	26.9%	105,000.00	10,886.09	10.4%	330,000.00	34,875.11	10.6%	1,000,000.00	86,084.62	14.7%

The Secretariat continues to provide misleading information about the Auditors. The SG repeated to Contracting Parties during the Budget Committee meeting in October 2018: *"I already explained quite many times in previous BC meetings, in the Auditor's report attached to the financial statements you can read that the auditors have given their unqualified opinion and concluded that the financial statements for 2017 give a true and fair view of the Secretariat financial position and that the budget was managed in accordance with the financial rules, implementing instructions and accounting policies."* He provided this explanation when EIRA spending was questioned by CPs. For the information of CPs who may not be aware, the auditor's remit consists simply of checking expenditure is in line with existing rules and generally accepted accounting principles. They do not check expenditure versus budget items, the usefulness of such expenditure, or the purpose for which it was spent,

or whether it fits with the strategic policy of the organisation. They do not check if expenditure is in accordance with the PoW and the priorities of the Conference. For example, they do not question if a particular mission to a particular country was necessary, but only that the procedures applicable to missions were followed properly.

Programme of Work and Voluntary Contributions

The PoW is established every year without taking into account whether either the human resources, or the appropriate in-house expertise is available. The Secretariat's human resources in terms of both expertise and manpower are very limited. (Annex I List of current staff). The Secretariat is presently unable to deliver the outcomes and deliverables that are expected in line with the PoW, due part to a lack of proper expertise and to voluntary contribution projects.

Voluntary contribution projects (PoW#17-#27) also have a huge impact on the core Programme of Work (PoW#1 - #16) both in terms of budget and human resources. EU4Energy and ECOWAS, in particular.

For instance, the EU4Energy project (PoW#17) impacts heavily on the EE unit PoW. Under the terms of the contract for this project, 5% of the total of €1,181,723 (€59,086) is to be co-financed by the Secretariat, meaning one year of a 3-year project for a C5 staff member, while the EE unit has only 2 staff. In January 2019, EU4Energy requested 20 working days from the Energy Efficiency unit to contribute to the project by participating in workshops and events organised in the beneficiary countries. The Head of EE unit decided that on the basis of pressing work within her own unit, she could not afford to have her only staff spend this amount of time on EU4Energy. She therefore did not agree with this request. However, the SG intervened and clearly stated that the EU4Energy project is a higher priority than core PoW and the SG himself approved the work of the EE coordinator for EU4Energy. SG's direct control over human resources by undermining and bypassing heads of units/immediate supervisors has also created serious HRM problems and conflict among staff. This situation caused disastrous and destructive conflict within the unit and the office. See Annex V 3. Moral harassment.

For the ECOWAS project. It is clearly stated in BC332 that *"there would not be a direct impact on the Secretariat's budget."* However, on the basis of the project document, the true impact on the budget of the implementation of the ECOWAS project in 2019 is listed below:

- Legal Affairs 24 man-days (if only 6 man-days is necessary for one accession report)
- Energy Efficiency 24 man-days
- Transit 2 man-days
- Expansion 89 man-days
- Administration 22.5 man-days
- €35,000 for an ECOWAS coordinator for 6 months and potentially another €32,500 for an extra 5.5 months

Another EU funded project, the EU4Energy for **Central Asia** project proposal has been submitted to the European Commission DG DEVCO without any clear indication/calculation of the impact on core budget and core business being conveyed to CPs. The proposal is currently pending. SG has promised to offer the administrator post to a former Transit official.

Pending finalisation of the project, that official has remained as transit coordinator for a few months, and then transferred to the Knowledge Centre coordinator post for another 5 months (€30,000) and then he became a Seconded from his country for another 6 months (€15,000). Apart from raising possible concerns of favouritism shown by SG, this further demonstrates a misuse, or abuse of his power as a manager of the organisation and a clear waste of national contributions, which might have been more usefully and appropriately spent on priority requests from CPs in the PoW.

F. Assessment of the mandate and the activities of the Knowledge Centre.

The Knowledge Centre was proposed and created by Mr. Rusnak in 2012. In his proposal,

“The objective is to bring about a higher visibility of the Energy Charter as a relevant international organisation in the energy sector. The Centre will facilitate research on the Energy Charter, the Treaty and the Energy Charter Process. It will include a library and archive centre and will provide workshops on arbitration and other issues, training programmes for young professionals from member countries and Fellowship programmes for academics.”

The establishment of the Centre was further justified by the fact that it was supposed to bring in additional external funds and, thus, would not need to depend on, or make use of national contributions.

Then, in December 2012 SG recruited Mr. Marat Terterov, who was the Director of the Brussels Energy Club, and the European Geopolitical Forum without an open recruitment procedure. Mr Terterov has continued in this function, Director of these two organisations, until he was appointed as Head of Expansion in 2018 to start in 2019 (see Annex V, Conflict of Interest). Originally Mr. Terterov had been hired by the former SG, Mr. Mernier as Senior Advisor, however, his contract was not confirmed following the probation period.

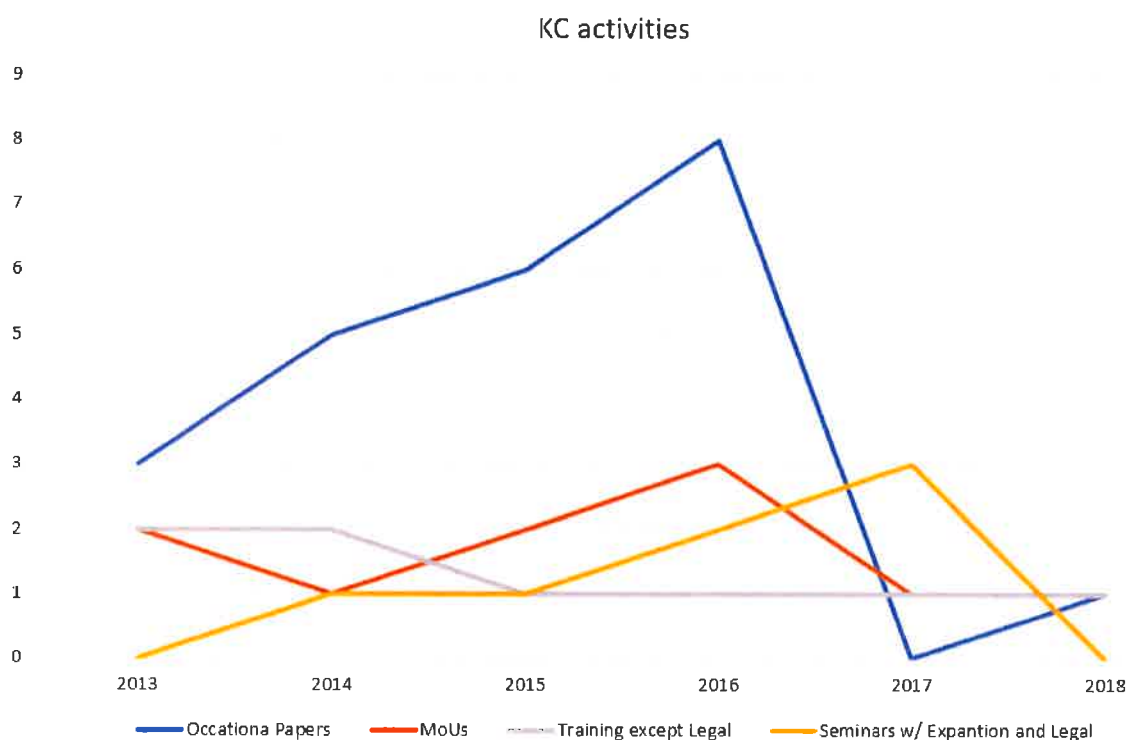
The Centre was originally staffed by 5 temporary officials, which was reduced to 2 temporary officials after the restructuring.

Since the Centre’s creation, expenditure has systematically exceeded income of the Centre, including salaries, which have always been charged to the Secretariat’s budget. In 2018, the Centre’s income was €12,590, expenditure €5,449, while operational costs of human resources and project costs (excluding Mr. Terterov’s travel for other purposes, the number of free trips) amount to €23,544. The SG claims there were voluntary contributions, but these fell far short of covering even the operational costs of the ‘training’ events let alone the salaries of those working for the KC. Participants rarely pay for the training (including lunches and outings as well as bus hire to ferry large groups of people around) sessions, which are funded largely from the Secretariat’s budget.

As shown in the analysis of 2019 first semester missions (see Annex VIII), the Knowledge Centre, travels and missions of the Knowledge Centre’s staff are financed by other PoWs. The number of missions of the Knowledge Centre has already exceeded other units without having

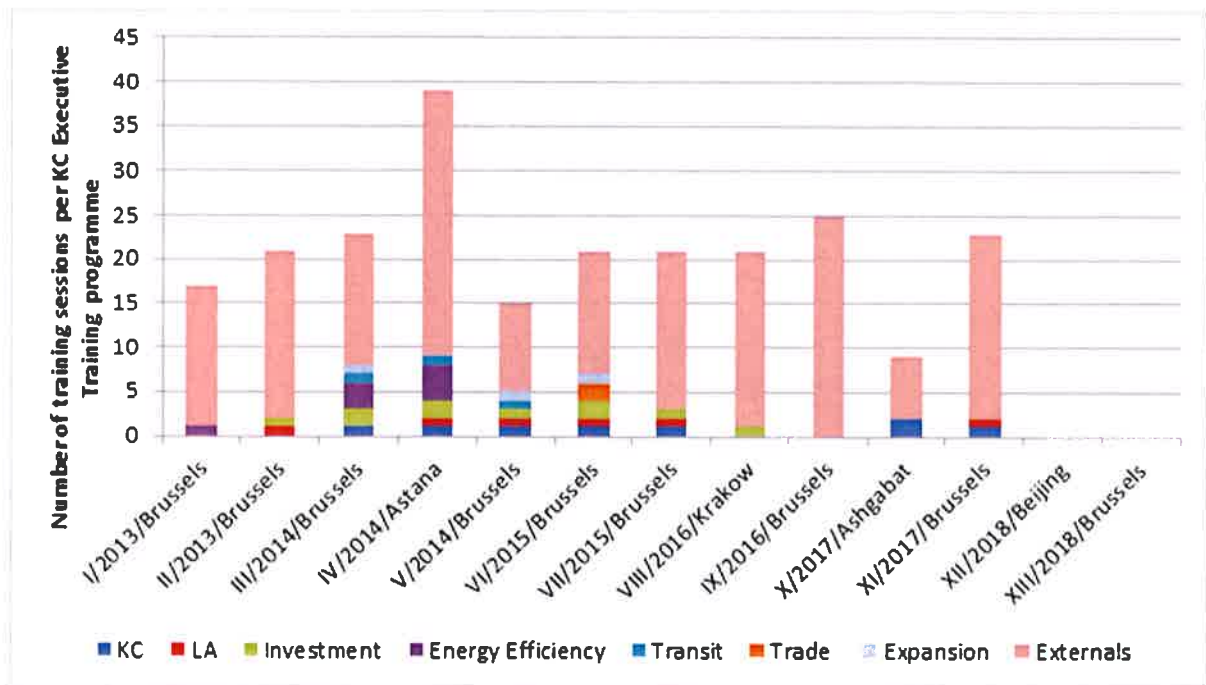
a clear added value to the PoW. On the contrary, some of the staff are obliged to contribute to trainings organised by the Knowledge at the expense of their units.

IMPL46 Overview of Knowledge Centre Activities shows KC's activities since its establishment in 2013. The main deliverables are Training Programmes, seminars, Memoranda of Understanding and publication of occasional papers. There were five staff in the KC in 2016, which was reduced to two in 2017. An overview of the KC's activity in 2017; they organized only 1 training session, 3 seminars together with Expansion unit, 0 papers and 1 MoU. In 2018, 1 training session, 0 seminars, 1 MoU and 1 paper (one more paper was published in 2018 but the paper was written in 2016). Occasional papers were written by external authors, except for one which was written by the Secretariat's trade expert.



The KC mainly uses the resources of other units to deliver work, which it then labels as KC deliverables. In other words, the KC is an event organiser and not a knowledge centre. Importantly, the events organised by the KC are imposed on other units by the SG and are funded largely from national contributions.

Please see the chart below that indicates contributions of each unit and of the externals to KC training sessions.



The chart above is an assessment of the contribution of each unit and of externals to the Executive Training sessions organised by the KC between 2013 and 2018. Most training sessions were provided by externals because of the lack of internal expertise.

Below are two examples where the SG has insisted that the EEU ensure that the KC delivers something:

Executive training in Jordan: The training session was promised by the previous KC head (Mr Terterov) to the Jordanians. It should have taken place in 2018. However, for reasons, which are unclear, it took place only in March 2019. EEU contributed by holding 4 training sessions out of the 6 major training sessions provided and contributed and participated in the design of the programme. However, the SG sent an email to the EEU HoU clarifying that the training is a deliverable of the KC and not of the EEU. The Head of the EE unit proposed to conduct the training in two days, which was more than adequate time to provide training as requested. However, the former head of KC insisted on a full week of training. SG decided on a 4-day training session, which in reality could have been shortened to 2 days and would thus have reduced the overall cost. Importantly, the training session was not included in the 2019 PoW, nevertheless the SG decided to consider it under PoW#11, which is related to international organisations. It's worth noting that Jordan has been a contracting party of the treaty since December 2018 and its national contribution is €2,063 while the overall training session cost the Secretariat twenty man-days and 12,700€. Evidence of yet more waste and misuse of scarce and limited resources, both human and financial.

Smart grid report: similarities and differences between the EU and China: This report was designed as one of the deliverables of the China Electricity Council and International Energy Charter Joint Research Centre, which falls under the responsibility of the KC. In practice, the report was delivered by the former and current Head of the EEU and despite the fact that the KC did not contribute to the report, SG decided at a Management meeting in March that the report is to be considered as one of the deliverables of the KC. In April, SG sent an email to the Head of the EEU, in which he clearly mentioned that the report is under her responsibility,

but yet the deliverable is to be considered as part of the KC output. This presents a highly misleading picture of the organisation's internal outputs and abilities.

The recruitment of officials for the centre is not transparent. All recruitments have been solely and unilaterally decided upon by SG. Senior management, at least the ASG, has no idea how these people have been identified/selected by the SG. For the current officials, ASG has received the following email without any explanation during her sick leave. (More general recruitment abuse will be discussed later.)

SG sent ASG and GC on 27 November 2018

Dear Colleagues,

In accordance with Rule 25.1 I would like to consult with you my intention to appoint Ms xxxxx the temporary official position of Principal coordinator- Head of the Knowledge Center as of 1 January 2019 at C6 step 9 position.

I would appreciate your opinion before Friday, 30 Nov 9:00.

Her CV and motivation letters are attached.

Best regards,

Urban Rusnák

SG sent the following email to ASG and GC on 12th December 2018

Dear Senior Staff,

According to the rule 25.1 I would like to consult with you my intention to offer Temporary official position of Knowledge center Coordinator to xxxxx for period of 1 January 2019 to 31 May 2019 at C5 step 7. As both officials of KC finished their work for KC by the end on 2018 and new Head of KC is not available to start work earlier than by 1 February 2019 and she doesn't speak Russian. Mr xxxxx as an experienced official can play a stabilizing role in KC activities at the beginning of the 2019, until the new Head of KC will be fully operational.

Given the time stress I would appreciate your opinion by 13 December, 16:00.

Thank you,

Urban Rusnák

Although ASG was on sick leave, he gave her only three days to respond with respect to the principal coordinator and one day for the coordinator. It is clear that he expects staff to respond with little reflection time, or basically to rubber-stamp his decisions. The "time stress" of one day in addition to the fact that ASG had not seen this person (for KC principal coordinator), had opportunity to interview the person and had only a CV on which to make a quick judgement cannot, by any stretch of the imagination, be considered as a professional means of recruitment. In addition, SG has never consulted the Staff Committee regarding his decision to recruit Temporary Officials neither are the posts published internally. The SG's continued failure to consult properly with Senior Management on appointments represents a repeat of the failure to consult properly with the Staff Committee on the restructuring, which as you are all now aware was confirmed by the ILOAT to be unlawful.

G. The ILO Administrative Tribunal judgments against the 2015 Energy Charter Conference deliberations and the decisions taken by the Secretary General in 2015 and 2016 that resulted in compensation awards leading to budgetary implications.

Before Mr. Rusnak took the SG position, there were only two previous ILOAT cases at ECS in 2005 and 2011. The Conference paid €122,830 in total for these two cases and also paid €220,000 for external lawyers. Since Mr. Rusnák took the post of Secretary General in 2012, the Secretariat already has four cases submitted against it, two of which are currently in the process of being finalised and put before the Tribunal, with potentially one more about to be submitted imminently to the ILOAT. Three are related to the SG's neglect and violation of Staff Regulations and Rules and international administrative law during the restructuring exercise and two arise from allegations of harassment at work by the Secretary General. The defendant in all of these cases is the Conference, which means that Contracting Parties (CPs) are publicly being sued in an International Tribunal for the alleged unlawful acts of the SG. Some cases have already been proven. In 2017, the Conference lost two cases and paid 155,000 EURO from National Contributions. The Secretariat claimed that since the General Counsel (GC) and Legal Affairs unit (LA) handled the cases, the Secretariat saved the costs of external lawyers, although the GC and LA's time were paid for from the core budget, and furthermore, whilst their time was taken up dealing with these cases, performance of their regular work was not being carried out, or was delayed. Given the nature of the results it cannot be claimed that the cases were handled with any particular expertise and the cases should never have got as far as they did. Two more ILOAT cases against the Conference came in October 2018 and January 2019. They are pending and at least one more (described later) will be on its way. Therefore, the Budget Committee should be expected to discuss a provision for ILOAT costs in the Annual Budget for next year. If the Conference loses these three cases, they will be paid for by the Secretariat from National Contributions through its budget, or from the General Reserve Fund. In any event, win or lose, it is the Secretariat who must pay a certain cost per case to the Tribunal. This is yet another example of how the scarce and limited resources of the organisation have been needlessly wasted, as these cases were all avoidable, if only a different approach had been adopted.

In the background information on the Review questionnaire, information regarding other organisations was included, but in terms of the size of the organisation, these are not comparable with ECS cases 1) UNESCO (2110 employees, annual budget of 530 million USD) paid €150,000, 2) ICC (900 employees, annual budget of 148 million Euro) paid €183,000 and 3) OMS (more than 7000 employees, annual budget of 4400 million) paid \$100,000, and ECS (29 employees, annual budget of 3.9 million) to pay €150,000 + internal lawyers salaries. It is clear that four and possibly five cases for such a tiny organisation of 28 staff are unusual, to say the least, and would appear to flag up underlying, more serious issues with respect to the improper and dysfunctional management of staff giving rise to a disproportionate number of staff legal claims.

From my observations, the Secretariat's internal justice system is fundamentally flawed because the **SG sits in judgement of his own decisions**. This unusual situation stems from an

inadequate legal framework that lacks independence together with an inadequate application of the internal justice system. Apparently the SG has suppressed all “checks and balance” systems, which were previously in place and which could have prevented such situations.

Advisory Board

The function of the Advisory Board is “to advise the Secretary General,” at the request of the official concerned:

On any individual dispute arising from a decision of the Secretary-General and which an official, former official or the duly qualified claimants to their rights consider inequitable to themselves or contrary to the terms of the appointment or to the provisions of these Staff Regulations or of applicable Staff Rules or applicable Staff circulars.

When the official considers that an administrative decision on job classification is inequitable to him or her or contrary to the provisions of these Staff Regulations or of applicable Staff Rules:

When the official considers that he or she is exposed to harassment, as defined in Regulation 25-bis b)(i), by another member of the Secretariat, and has already made a communication required by Regulation 25-bis c)

Advisory Board’s legal competency and independency from Secretary General are crucial conditions to prevent from the Secretariat from involving in any ILOAT cases. If so, how it is possible that the ILOAT judgments deviate so much from the opinion given by the Advisory Board.

In BC 312 (Explanatory note and proposal for the revision of the ILOAT judgments), the Secretariat reported that the Advisory Board concluded “that the Secretary General had acted within his authority on the basis of the decisions taken at the Conference and in compliance with the applicable procedures.” However, the ILOAT judgments came to entirely different conclusions. From the judgments:

“Since the plea that the rules regarding consultation of the Staff Committee were breached is well founded, the deliberations of the Conference on 3 December 2015 were unlawful. The individual decision taken with regard to the complainant on the basis of those deliberations is therefore likewise unlawful. Moreover, this individual decision is also unlawful in other respects.”

“...the Secretary General should have abided by Staff Rule 25.1 and consult Senior Management officers...”

“...the procedure to consult the Staff Committee was tainted with several flaws.”

“...the Secretary General breached Staff Rules 4.1 and 4.3 quoted above.”

“He cannot lawfully consult each staff member individually instead of consulting the properly constituted Staff Committee.”

In view of the Tribunal’s observations and conclusions, it must be asked what kind of legal expertise did the Advisory Board rely on, if any? To what extent did they come to their conclusions with complete impartiality, or indeed any impartiality at all? And the Secretariat,

before, during and after the restructuring? In view of the conclusions of the Tribunal, does the Secretariat consider the advice they obtained from the Advisory Board to have been sufficient? Given the findings of the ILOAT in judgments 4008 and 4009 with respect to the Advisory Board, why, for the next occasion, has the make-up of the Board not been completely overhauled with a view to avoiding any repeat partial advice?

The independence and competence of the Advisory Board is questionable, to say the least. The Advisory Board consists of two temporary officials nominated by the Staff Committee plus two officials nominated by SG – all highly dependent on SG for their contract extensions. The Chair of the Advisory Board is a Dutch diplomat, who was one of the main supporters of Mr. Rusnák when he was first elected as Secretary General and he is since 2013 a special envoy of SG. The Chair held various positions in the Netherlands' Ministry of Economic Affairs, was Minister Plenipotentiary at the Ministry of Foreign Affairs and was the Netherlands Energy Envoy from 2006 till 2013. However, he does not have an adequate legal background as can be seen by his failure to identify the breaches of the Staff Rules. Other members included Mr. Rusnák's Personal Assistant, an Investment expert, former Polish diplomat in 2018, a temporary official and a project staff for EU4Energy. None of these members have any technical legal background. In 2019, a junior legal assistant from the Ukraine joined the Advisory Board in replacement of the departing investment official. She has a legal background, but reports to the General Counsel. Not only does the Advisory Board lack the necessary skills it is also visibly lacking in independence.

One harassment dispute between two staff members was brought to the Advisory Board (AB) in 2019. One of the two members asked ASG for HR information. Given the confidentiality of the situation, ASG provided the information directly to the AB not to the staff. SG then issued ASG with a disciplinary measure for providing "unsolicited" information to the AB. The internal note issued by the SG clearly indicated that he learned about *the content* of the information provided to the AB. This means that the information provided to the Advisory Board was disclosed by one of its members to a third party, in this particular case the Secretary General, and, thus, was not kept confidential.

Staff Committee

The Secretary General's active interference with the Staff Committee has been a thorn in the side of the Secretariat since 2015, when serious discontent reigned and staff were split between those who supported SG's plan for restructuring and those who did not. This continues until today. (See Annex VI). (According to former staff members, the Staff Committee did not agree with the SG's purported budgetary reasons in light of other personnel elements due to occur during the course of, or by the end of 2016.)

The KC principal coordinator, Mr. Terterov, was the Staff Committee Chair for three years from 2016 to 2018. For these three years, Mr. Terterov was the only person who stood as a candidate for the Chair. Given that there was no other candidate he was automatically elected. For the duration of those three years, the SC behaved as a convener of the SG's voice to Staff and the SG had full and complete control over the Staff Committee during that period. In 2019, another A-grade official was elected Chair by 18 votes and replaced Mr. Terterov as he

received only 6 votes. The Assistant Secretary General (A-grade and Senior Management) was also elected as a SC member. After the new Staff Committee was formed, the Secretary General began to threaten the SC chair with termination of her contract based on a violation of the “Conflict of Interest” rule. Strangely he has refused to apply the same logic to the contract of Mr Terterov who has, for years, had a conflict of interest as Director/Owner of his own company (Brussels Energy Club) and of the Geopolitical Forum. The SC chair has also complained of harassment by the former chair of the SC and more recently by the GC and the B/C grade representative. See Annex VI.

In addition, the SG warned ASG to step down from the ASG position, despite their agreement that she should stay at least until the end of her contract, and also to step down as a SC member, because of a potential “Conflict of Interest.”

At the same time both SG and Mr. Terterov proposed to change the staff rules so that persons on probation (like the SC Chair, who has since become a confirmed official), or in senior management (A-grade representatives), should not be able to run for Staff Committee elections.

On 14th May 2019, the SC members were forced to resign due to pressure from SG, GC, Marat Terterov and consequently sent a message to the Conference Chair. (Annex VI Note sent from SC together with Annexes.) Despite SG’s knowledge of the message to the Conference Chair he has at the time of writing insisted that the Staff Committee election be held on 28th May without waiting for any potential investigation/response by the Conference Chair, Budget Committee Chair, or the Review coordinators and the General Counsel who is accused of leading the group harassment against the previous Chair of the SC decided to be one of the members of the Elections Committee.

General Counsel and Legal Affairs Unit

It is highly questionable whether the current General Counsel (GC) is fulfilling his obligation to protect the Conference and the organisation, by maintaining his independence and impartiality as required of the organisation’s General Counsel. Instead, as exposed by the ILOAT, he has acted in defence of the Secretary General, actively seeking ways to allow the SG to do what he wishes.

The ILOAT did not accept the Conference decision made by SG based on the advice of the Advisory Board. This means that the Advisory Board was incapable of providing correct and proper advice and cost the Conference €155,000 (competency and impartiality of Advisory Board was discussed above), as well as the resources and time of the General Counsel and his LA staff.

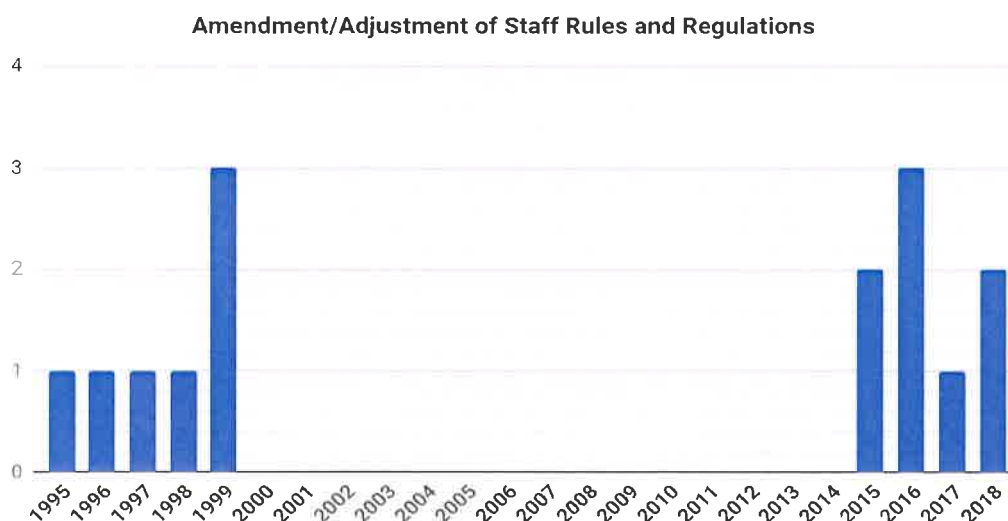
The General Counsel was also in a position to provide legal advice to SG and it was very likely that GC had in fact provided his advice to SG. Since the AB has no legal competency, if the adoption of AB’s advice was potentially going to cost the Conference money, the GC

could and should have intervened to influence SG's decision and, thus, to prevent negative consequences for the Conference.

However, the ILOAT ruling was made against the SG's decision. It is unclear how the GC did not advise that the restructuring procedure was unlawful, based on groundless or difficult to justify reasons and obviously flawed process, at least as presented to CPs. According to former staff members and current staff who has knowledge in the past, all the previous GCs who worked for the organisation, had reputations for erring on the side of caution and certainly in the best interests of the Conference and of the organisation.

The current GC, contrary to all those who preceded him, seems intent on finding loopholes and ways around rules and regulations to allow the SG to do what he wants. One has to question his motive for doing so - he has already received a promotion from A3 to A4 in 2015, an extra year of extension (7 years until 2020 instead of the usual 6 years for A-grades), as well as double step advancements and large cash awards.

Staff Regulations and Rules are conveniently changed, and Staff Circulars were issued with the approval of the Staff Committee allowing SG to carry out his plans. Please see Annex III conference decisions 1994-2019 and the chart below: the number of conference decisions regarding amendments to staff rules. There were 3 decisions in 1999 to implement changes on expatriation as decided by the Co-ordinated Organisations and the decoupling of the Secretariat's rules from the World Customs Organisation's rules. There was no decision regarding any amendment of the Staff Regulations and Rules between 2000 and 2014. There were 7 decisions in total between 1995 and 2014, but there are already eight decisions since Mr. Alejandro Carballo took the GC post in 2013. For instance, amendment to staff rule 8.1.a in 2015, which allows SG to appoint temporary staff from non-member countries and which has subsequently led to recruitment abuse.



Sexual harassment case: ASG has brought to the attention of SG, Senior Management and the Advisory Board a case of sexually oriented harassment by one male member of staff (who appears to be under the protection of the SG) to multiple female members of staff. The ASG's request to discuss the matter was rejected and the issue was never discussed as described

further in Annex V. If his harassment of female staff members continues, there is a strong likelihood of another ILOAT case due to gross negligence by management. However, the General Counsel's solution to this problem has been to propose to change the Staff Rules so that non-staff (interns, fellows and secondees) can also bring harassment issues to the Advisory Board, because some of the alleged harasser's victims are interns and a secondee.

In addition to the question of the GC's competency and impartiality, his actions as outlined below and in the Annex about group harassment included in the SC note are symptomatic of what he sees as his professional duty as the GC of the organisation. He produces frequent changes to Staff Regulations and Rules, and issues numerous Staff Circulars to permit SG to change the goal posts to suit SG's plans and ensure less and less control on his actions and to provide him with more and more control over staff. There is a distinct lack of proper and adequate adherence to Staff Regulations and Rules preferring instead a constant circumventing to suit requirements. There has been persistent and excessive intervention on his part with respect to the Staff Committee and its decisions with a view to supporting the SG.

The GC also intervenes regularly in Staff Committee business to protect SG's interest. Below is his email to all staff after the Staff Committee conducted a staff survey using EC system and circulated to Staff by the new Staff Committee Chair (Head of Energy Efficiency). SG was strongly against to conduct the survey.

Several officials voiced concerns about the lack of objectivity and accuracy of the "current situation" column. SC acknowledged on March 19 those concerns and confirmed they would organize a general staff meeting. However, SC just continued with the same type of inaccurate survey instead of having the mentioned meeting.

The minutes also show that the SC continues to act unilaterally without consulting first the staff (eg. the message sent to SG or the lack of discussion regarding ILOAT amendments) Furthermore, there are inaccuracies in the minutes (e.g. there is no general practice of 6 years of service for B/C grades).

Please see Annex VI for further intervention to SC by the General Counsel.

Additional information regarding GC and Legal Advisory Committee is in Annex V

H. The functioning of the Energy Charter Conference including the practice of its Chairmanship and its subsidiary bodies, as well as the relationship of the International Energy Charter with other international organisations and the business community.

The external governance of the ECS is unhealthy and no longer works as a result of the one-year rotation of Chairmanship. Other international organisations are usually governed by a board, which generally has a mandate of more than a year to allow for a better understanding of the issues and to better guide the organisation or Secretariat, as well as having a thorough and objective overview on how the organisation is managed. Importantly, usually the Chair of the board is from the country which pays the highest contribution. This is not the case of the ECS, as the current chairmanship is Albania, whose contribution to the budget represents 0.02%. The next one (2020) will Azerbaijan, whose contribution to the budget is 0.12%, followed by Armenia (2021) whose contribution to the budget is 0.02%, and for 2022

Mongolia, whose contribution to the budget is 0.01%. It is unlikely that the current or the upcoming chairmanships will be in a position to contribute to improve the ECS even if they were to find a way to get to grips with this in the very limited space of a year and a sum total of perhaps half a dozen meetings during that time.

This rotating Chairmanship was introduced by Mr. Rusnak to (perhaps) enforce the sense of ownership among Contracting Parties and because it is how things are done with the EU, albeit the ECS is hardly comparable in stature to the EU. It was welcomed at the time by the CPs and agreed by the Conference in 2012. However, the Conference might not have realised that they would be losing control over the Secretariat because the Chairmanship also had a function of “a board of directors” with respect to the Secretary General. This system necessarily resulted in the loss of a “boss” for the Secretary General. A rotating chairmanship system, can only work properly and effectively with an organisation like the Secretariat if the Chairmanship is a country with a strong presence in the Secretariat, if the Chairman knows the organisation and its operational functions well and if the time is put in by the Chair to monitor and manage the organisation closely on behalf of all contracting parties.

However, if the Chairmanship is weak, does not particularly know the Secretariat and its machinations and is not prepared, or able, to take the time to learn, then there is not much possibility to oversee/manage the Secretary General except through Senior Management (to be discussed later), which has been the case for quite some time. The Chairmanship, based on a rotating policy, was decided in 2013 for implementation the following year. Chairmanships thus far have been 2014 (Kazakhstan), 2015 (Georgia), 2016 (Japan), 2017 (Turkmenistan), 2018 (Romania), 2019 (Albania) and will be in 2020 (Azerbaijan), 2021 (Armenia) and 2022 (Mongolia).

Here’s an example. In 2019, the Secretary General proposed his own promotion to the Conference Chairman. Below are the communications between Mr. Rusnák and the Albanian Chairmanship, which clearly demonstrate the lack of control and lack of management over SG’s decisions.

In January 2019 the Albanian government was reshuffled and selected Ms. xxxx as the Minister of Infrastructure and Energy. She had no previous knowledge of the Energy Charter, although her subordinate had been the focal point. The Secretary General travelled on 5 February to Tirana, just after her nomination, to brief her on the Energy Charter Chairmanship. It was the first time that the Minister learned about the Energy Charter. She is new to the energy sector and is overseeing a large ministry dealing with many sectors between which there is not always much synergy. The SG’s mission debriefing report stated, *“Although we have tried to explain to the Minister and her staff as much as possible regarding the Chairmanship expectations and ensuing responsibilities, a lot will depend of the Minister and which level of activeness it will assume.”*

Then, on 25th February, the Secretary General emailed her to request his promotion. He wrote;

“Taking into account my previous performance and applicable rule I would like to ask you to consider my advancement from Grade 6 step 8 to Grade 7 step 5 (+5%) applying Rule 12.2 para (a) as of 1 January 2019”

He described it “Advancement” but actually what he requested is “Promotion” and in fact rule 12.2 applies for “Promotion” not “Advancement.” He provided wrong information. However, on March 11, the Minister replied;

“Taking into consideration your previous performance and applicable rules, in my capacity as Chair of the Energy Charter Conference 2019, I express my approval for your advancement from Grade 6 step 8 to Grade 7 step 5 (+5%) applying Rule 12.2 para (a) as of 1 January 2019”

Although this action was carried out on behalf of the Conference, no CPs seem to have been consulted regarding his promotion, or at least, this has been done without the knowledge of EU and Japan. There has been no reporting to the Conference about this either. Most likely, if mentioned at all, it will be presented as a point on the agenda (and a fait accompli) to the Conference at the end of the year. In addition, in the interests of transparency, the SG ought to have briefed the Minister that his performance is under review this year and that all contracting parties have been working on it. It appears that all information about the Energy Charter passed on to the Chairperson was received from the Secretary General himself. Naturally if he has chosen not to inform her about the Review in detail, she has acted without knowledge of the questionnaire, which was published only later at the end of March.

Before Mr. Rusnák came, the Conference Chair was appointed by the Conference and continued in the role for several years, depending on re-appointment by the Conference. The Chair then took on the role of a defacto immediate superior with respect to the SG who reported to him or her on a regular basis. No SG, prior to Mr. Rusnak, was in a position to act under only their own authority. In 1999, Mr. Schuetterle was replaced by Ms. Kemper due to an internal scandal, then a CCM (Conference Chairman’s Meeting) was created to oversee the Secretary General. Below is the chronology of Chairmanships since 1999.

1999	Before Mr. Rusnák	After Mr. Rusnák came in 2012	Before Restructuring	After Restructuring
Appointed by Conference for 1 year Special decision to solve issue with SG (terminated) Conference Chairman’s Meeting Chair + SG + Senior Management (later BC chair was added) chaired by the Conference Chairman	Appointed by Conference for 1 year Continued for 3-4 years.	Conference Chairman post suppressed and replaced by Rotating Chairmanship: less control and chairmanship fully relies on SG for info Former Conference Chairman (S. Kuneralp) appointed DSG – some delegations (EU) disapproved	Rotating Chairmanship (weak chairmanship)	Rotating Chairmanship (weak chairmanship) 2017 Turkmenistan (2018 Romania EU) 2019 Albania 2020 Azerbaijan 2021 Armenia 2022 Mongolia

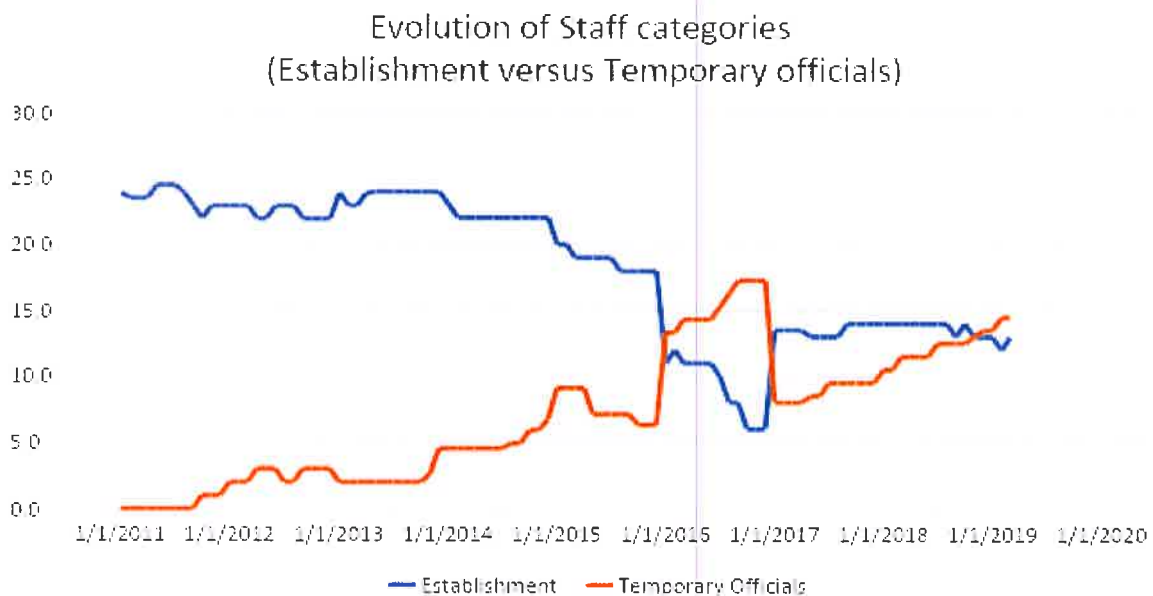
I. Mid-term review of the performance of the Secretary-General and implementation of his Vision-Plan 2017-2021 based on the criteria in the Secretary-General's letter of 11 May 2016.

The good functioning of the Secretariat as claimed by SG in his self-evaluation is questionable for the following reasons:

The Secretariat has only 29 staff members. Therefore mistakes or wrong-doing in the area of Human Resources Management cause amplified, irreversible, long-term damage to the organization.

There is a significant imbalance between financial contributions and the role of countries in the ECS and this is also true when it comes to staff nationality and the disproportionate split. The EU and its Member States contribute 65% to the budget of the Secretariat, while only half of the staff employed by the Secretariat are EU citizens. On the other hand, neighbouring Eastern European countries, which contribute less than 1% to the budget of the Secretariat represent almost half of the staff employed. It is worth noting that the Secretariat employs 4 Ukrainians (out of which 2 have a dual citizenship), which is equivalent to approximately 14% of staff while Ukraine's contribution to the budget is 0.14%.

Most of the non-EU staff hired by SG are TO (temporary officials) and for the most part, do not necessarily have the expertise, or an educational background in the energy sector and/or investment. Given the length of their contract (one year) and their need to have a job in order to stay in Brussels, they are easily controlled by SG. See graph below regarding the changes in the number of TO versus Officials since SG took office in 2012. Mr. Rusnak restructured the Secretariat in 2016 and the restructuring was complete in January 2017.



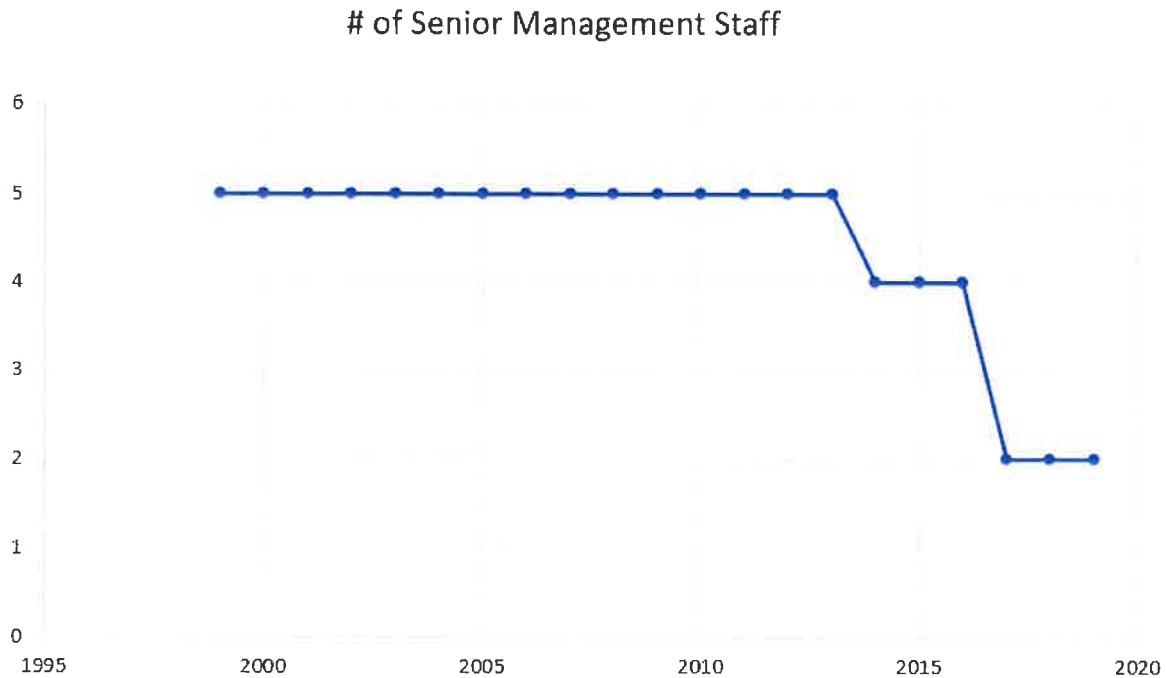
The Staff Committee conducted a staff survey based on questions raised by staff at the first 2019 General Staff Meeting. From the survey, it is clear that many issues need to be discussed and changed.

Diminution of Senior Management

The current Senior Management shows a distinct lack of healthy internal governance. The principle internal decision-making body responsible for advising SG is Senior Management (SM), as dictated by the Staff Regulations and Rules and approved by the Conference. SM currently consists of only two senior members: Assistant Secretary General (ASG) and the General Counsel (GC). Since the conception of the organisation in 1996 until the restructuring, Senior Management historically consisted of 4 to 5 senior members. Under the current situation, there are only two members, ASG and the General Counsel who is highly partial to and in favour of SG (to be described above). As a result, it is in practice impossible to object to whatever the Secretary General proposes, even when his actions are not in the interest of CPs.

The Senior Management

1999	Before Mr. Rusnák	After Mr. Rusnák came in 2012	Before Restructuring	After Restructuring
DSG, 2 Directors and 2 heads of unit (Admin & Finance and Legal Affairs)	DSG, 2 Directors and 2 heads of unit (Admin & Finance and Legal Affairs)	DSG, 2 Directors and 2 heads of unit (Admin & Finance and Legal Affairs)	DSG, 1 Director (merge of the 2 directorates at the end of contract of 1 director), 2 heads of unit (Admin & Finance and Legal Affairs)	ASG and General Counsel
5	5	5	4	2



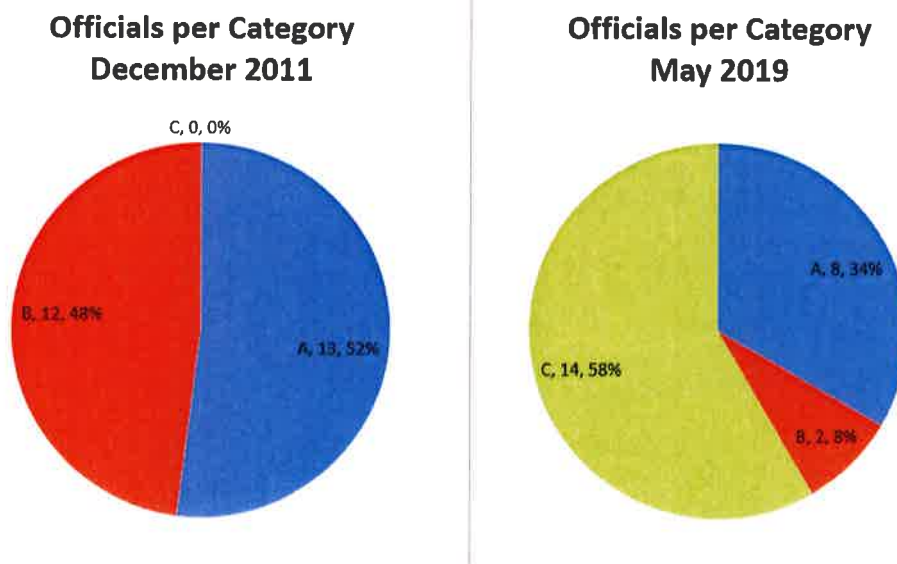
In addition, due to the lack of a solid Administration and Finance Unit - too small to cope with the quantity of work and the ASG wearing three hats - an absence of issuance of an agenda, Senior Management meetings are held too frequently and, more often than not, on an ad-hoc basis. Moreover, Senior Management convene only with a view to conforming to/agreeing with SG's actions, mostly pre-agreed with the GC and which ASG is instructed not to oppose or disagree with.

Loss of experts and expertise

Loss of experts and expertise is the single, most serious consequence of the restructuring of the Secretariat. Following the restructuring which likely targeted the wrong resources by removing people who represented a “problem” with respect to SG’s management style as he does in the current situation, SG has since rewarded staff on the basis of perceived loyalty to him during the restructuring exercise, rather than for their ability to do the job at the right level, contribute usefully and add value to the organisation. Through the restructuring of human resources, the Secretariat has lost institutional memory, intellectual capital, their knowledge and their expertise. (This is also discussed in the section on EIRA above). Now, the Secretariat is made up principally and almost exclusively of very junior level professionals (temporary officials recruited solely and unilaterally by SG, with no adherence to recruitment procedures) and students, not experts - resulting in a significant loss of real added-value in terms of output for member states - and further, in order to keep these staff members occupied, there is invention of activities not requested by CPs, e.g. EIRA, diplomatic dialogue.) CPs need to be aware that today, the Energy Charter Secretariat, once a thriving hub of highly qualified energy experts and strategic advisors as ASG had believed before she

joined the Secretariat, has lost its credibility as a policy advisor. (See Annex I the list of ECS staff.)

As a result of the restructuring exercise, the number of A-grade level staff was reduced from 15 to 8 (including SG and ASG), and the number of C-grades was increased from 1 in 2012 to 14 in 2019.



This was purportedly to save money to compensate for the loss of Italy. (Budgetary misconceptions have been presented above). However, by the same token, the organisation has lost significant levels of accumulated experience, expertise and institutional memory in particular. On 8th February 2018, the first and last staff brainstorming meeting was held in the Secretariat. During the meeting, the ASG expressed her opinion regarding the absence of experts and expertise within the organisation. The Secretary General responded that the Secretariat did not need experts/expertise because the organisation is not a “Think-Tank.” The lack of expertise in the Secretariat has also been pointed out by the successive Energy Efficiency experts. Whilst it is true that the Secretariat is not simply a “think tank”, one of the Secretariat’s key tasks still remains to provide expert advice to CPs. The Secretariat’s answer to that has been to publish EIRA as a “flagship” publication.

In 2019, the Secretariat no longer uses the word “expert” principally because staff simply have no expertise anymore. The Transit official is the former legal assistant, the Investment Official is a former delegate, etc. Currently only the Energy Efficiency official has the right technical background and expertise and would warrant the title of expert.

Current situation in 2019: the capacity and ability of the Secretariat is far too limited to allow it to provide credible, or meaningful policy advice to member countries. There exists just a handful of A-grade officials (8 incl. SG and ASG). A-grade officials tend to have a legal (2), or generalist background (5) and not the deeper technical and economic background (1) required for policy work. A-grade officials work in stand-alone mode, independently and not

as a team, largely because there is no team leader responsible for policy development/strategy, coordination and quality control, as can be seen from the EIRA project.

Quality control on substance of policy advice being issued by Secretariat staff is inadequate and falls well short in comparison to mechanisms used by other International Organizations.

The PEEREA process in particular requires deep technical knowledge. However, the process is no longer fit for purpose - it has not evolved over time: it has been overtaken by SE4ALL, IPEEC, IEA, and the development banks that are actually delivering tangible energy saving outcomes and investments; the PEEREA process has failed due to the lack of importance attributed to the process by the Secretary General and a lack of experts and expertise. The Secretariat has not been able to monitor and evaluate its own policy advice and has been unable to follow up its recommendations with sustained technical assistance in the process. The Secretariat is not sufficiently plugged in to policy expert networks, etc.

Due to the loss of the Head of Administration and of a Senior Administrator as a result of the restructuring process, the Secretariat seriously lacks Administration capacity. Therefore, those staff on posts previously called ‘experts’ now carry out many administration and process-oriented activities, particularly the organisation of events. With so much multi-tasking, the ‘experts’ do not develop, or even maintain what little expertise they have, and yet this is an essential requirement if part of their job entails providing governments with policy advice in a fast-moving policy landscape.

Below is an example of the lack of expertise and quality control. On 31 October – 2 November 2017, the Knowledge Centre attended the APNGVA (Asia-Pacific Natural Gas Vehicle Association) meeting in Iran. The KC Principal coordinator made a presentation “Do energy transitions lead to low carbon economies?” He circulated his draft presentation among senior staff before his participation.

He wrote on 25th October 2017 :

“...The presentation has been developed with the very able assistance of one of my former students, who prepared the slides under my supervision.”

Some colleagues including heads of the Investment unit, the EE unit and the ASG responded on 25 October 2017.

“(his presentation includes) no references to the Energy Charter or ECT and ... I really don’t think students should be developing presentations...”

“ – from the agenda it is not clear to me when you are speaking, presumably in the ‘paper session’ so is there a paper too? I am also unclear as to the purpose even though you mention ‘speaking debate’ and ‘reality check’ etc. – in particular, what is the purpose from our organisation’s perspective.

“The title question of the presentation “Do energy transitions lead to low carbon economies?” is problematic for a number of reasons. If I were to answer that question I would have used a completely different slide pack. But I actually don’t think the Int. En Ch should be asking/answering such a question in the first place. I have a number of issues with the framing, coherence and accuracy of the messaging, narrative, analysis and conclusions. The

bulk of the presentation – from slide 6-46 consists of a great deal of data absent of messages and analysis on the way so you are highly likely to lose your audience. I know this doesn't sound very positive or helpful from me and let's wait to see what others say (I have not copied in debriefing so as not to influence individual's responses) but I think a discussion would be useful rather than lots of written comments. "

Despite these useful, meaningful and not insignificant comments, SG allowed Mr. Terterov to retain his presentation and it was presented as it was. In addition, his presentation was published in the proceedings with no mention of, or reference to the Energy Charter with Mr. Terterov being affiliated only as representing the Brussels Energy Club. This inevitably raises questions of conflict of interest and misuse of resources. (Annex VII)

The document ably demonstrates that Mr. Terterov's skills and knowledge are outdated and inadequate and that he is not fit to act as an energy policy advisor for ECS and the Conference. However, in spite of my opinion and that of other staff, he has acted as a policy advisor to SG.

Recruitment abuse

Recruitment should be conducted according to Regulation 8 and Rule 8.1:

- a) In recruiting staff, the Secretary-General shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. He or she shall notify Contracting Parties and Signatories of prospective vacancies.*
- b) The Secretary-General shall provide, as far as possible, for an equitable distribution of senior posts amongst nationals of Contracting Parties and Signatories. No particular post shall be reserved for nationals of any specific Contracting Party or Signatory.*

However, the current practice breaches this regulation particularly for the recruitment of temporary officials which now consist 50% of the Secretariat staff members.

Further, Rule 8.1 has purportedly been amended to allow recruitment of non-CP nationals:

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The approved amendment to Staff Rule 8.1.a would allow the appointment of temporary/short term officials (also known as Project staff since they are linked to the implementation or completion of a specific project) who are not a national of a Contracting Party or a Signatory of the Energy Charter Treaty. The proposal reads as follows (in colour the proposed changes):

'A person shall not be appointed as an official to posts established by the Conference unless he or she is a national of a Contracting Party or a Signatory to the Energy Charter Treaty

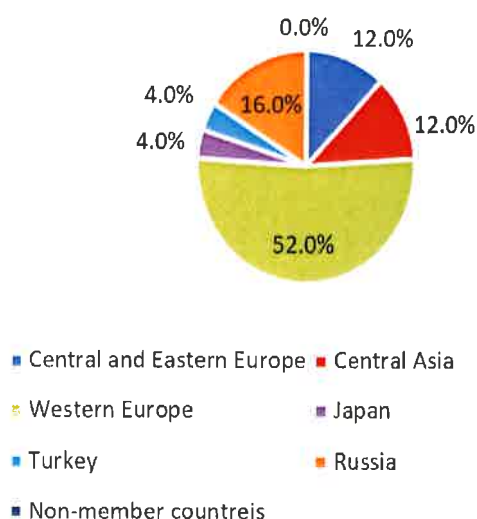
Project staff are supposed to be linked to the implementation, or completion of a specific project. For this reason it was accepted that they need not be a national of a CP, or Signatory. However, Temporary Staff (former project staff) now implement the core Programme of Work. This should certainly be questioned by CPs.

Recruitment of establishment table officials and temporary officials is normally conducted following a set of procedures, to ensure fairness and impartiality. This has been abused over and over by the Secretary General, and also the General Counsel, through non-transparent appointment decisions and a significant increase in the number of temporary officials. There are cases described below where it is clear that SG has chosen on the basis of personal interest, (he/she is loyal to him) rather than in the interest of the organisation, as he is mandated to do by CPs. In an organisation as small as the Secretariat with less than 30 staff, operating an abusive recruitment system is likely to prove, sooner or later, fatal to the organisation's survival.

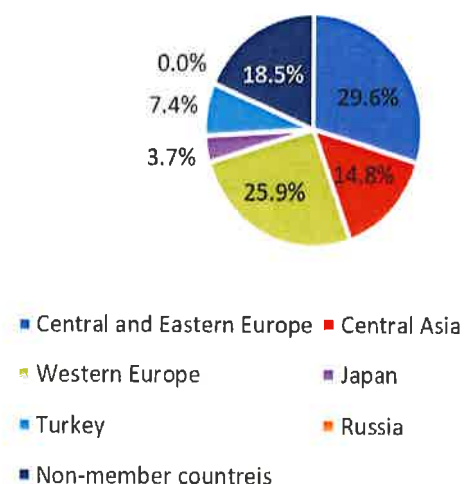
The proportion and make-up of Staff member nationalities has changed drastically following the arrival of Mr. Rusnak. Prior to his taking the SG position in 2012, 52 % of staff members were nationals from Western Europe and Japan, and 24 % were from Central/Eastern Europe and Central Asia countries. However, currently more than 60% of staff members are from Central/Eastern Europe and Central Asia. There are also staff members from non-member countries. The General Counsel proposed the amendment of staff rule 8.1 a *"A person shall not be appointed as an official **"to posts established by the Conference"** unless he or she is a national of a Contracting Party or a Signatory to the Energy Charter Treaty.*' and the Conference approved "by correspondence." This effectively allows SG to appoint Temporary Officials from non-member countries. Staff from Nigeria for the Expansion unit could be justified given the Expansion activities in Africa. However, an Indian Temporary Official for EIRA, or a Canadian Temporary Official for SG's private office cannot be justified, given that employment opportunities for citizens from member countries, which provide national contributions, are effectively being taken away, in violation of the Staff Rules. It is also clear that there is an unreasonably strong bias towards recruitment from Central Asia and Central and Eastern Europe nationalities.

Staff nationalities by birth (Country of origin)

Staff nationalities in Dec. 2011



Staff nationalities in May 2019



(non-member countries include Nigeria, India, Canada, Algeria and Italy) Since staff from Algeria and Italy are in the establishment table, their nationalities are registered with their 2nd nationality, France and Belgium.)

Expansion official: Mr. Terterov was appointed as head of the expansion unit in January 2019, despite a different recommendation by the recruitment selection committee and ASG's opposition through a written rule 25.1 procedure. The selection committee consisted of the General Counsel, the Head of Expansion and an Administration Assistant. The ASG and the Head of HRM, was removed from the selection committee by SG for, as he put it, her partiality vis-à-vis Mr. Terterov and a potential "Conflict of Interest", although no clarification of this conflict was provided by SG.

The advertisement for an open call for the post was drafted by the ASG. One of the "must have" qualifications included was language skills. Since the Secretariat was actively trying to expand into Africa, ability in the French language was indicated as a "must have" criteria. However, this condition was removed by Mr. Rusnák and Russian was added. Since Russia left the Secretariat and major Russian speaking countries are already members, Russian language, while useful in certain contexts is definitely not a "must have" for this particular post. When the selection committee interviewed and recommended several candidates to Mr. Rusnák for his interview, Mr. Terterov was not in the list, given his lack of French language ability, a prerequisite for the post, but he has been added by Mr. Rusnák, as an internal candidate. Following completion of all interviews, SG selected Mr. Terterov, and initiated the procedure under staff rule 25.1 to consult with Senior Management (ASG and GC) about his decision.

On 30 November, the ASG responded to rule 25.1 as follows:

"I have checked CVs of shortlisted candidates. I fully support the selection committee's recommendation. Mr. xxxxx has an excellent career, necessary qualifications and more importantly credibility which Mr. Terterov might not have..... Mr. xxxxx has very extensive experience in large public institutions. On the other hand, Mr. Terterov has no or a little experience as a full-time staff in the system...." I further reminded him that as our geographic coverage is expanding to Africa and South America, French and Spanish language skills (native level) are crucial. Mr. Terterov speaks only Russian and English, and for expansion purposes "Russian" isn't necessary. Furthermore, his lack of necessary language skills should not increase the workload of other staff, or create a financial burden through a need later on to hire additional human resources."

SG maintained his decision and appointed Mr. Terterov. During the Senior Management meeting on 18th December 2018, Mr. Rusnák explained that 1) Mr. xxxxx requested higher remuneration than the Secretariat planned to provide and 2) Mr. xxxxx made a false statement in his CV. These are reasons why Mr. xxxxx was not chosen. I have talked personally to Mr. xxxxx to ascertain the veracity of SG's indications and was informed by the candidate that while he indicated a desired salary level, he did not insist upon it and neither did he recall SG mentioning a false statement in his CV.

(On Mr. Terterov's mission to Senegal and the Gambia in April 2019, he was accompanied by one expansion coordinator and a French-speaking member of staff from Legal Affairs, on the basis that LA staff were required to brief them about the accession process. It is both unfathomable and unacceptable that the Head of expansion was not in a position to brief observer countries about the accession process himself.) This prompts a question regarding the fitness for purpose of Mr. Terterov in his current role and the possible misuse of the recruitment process in his appointment. Furthermore, the requirement for three staff travelling and running up mission costs instead of one again amounts to a substantial waste of human resources and funds which are directly attributable to the SG.

Temporary Officials. As described in the previous section, temporary officials make up 50% of the organisation (14 out of 28). Only one among fourteen was recruited through an open call recruitment procedure and therefore the vast majority of current staff recruited by the SG have been engaged in an unlawful manner and in breach of the Staff Rules. Seven of the fourteen are junior level professionals for whom it is their first, or second job, so it is easy to control them using contract renewal. It should be noted that the Staff Regulations and Rules apply equally to temporary staff in the same way that they do to Establishment Table staff. Given that there are procedures regarding the recruitment of personnel, these requirements ought to have been respected, but it appears that they were not. If established this represents a misuse or abuse of power on the part of the SG.

The recruitment processes both for officials and temporary officials have, once again, not been transparent. As described in the Knowledge Centre section above, Senior Management (ASG and GC) received an email from the Secretary General appointing someone without explanation and/or interview by anyone other than the SG. In asking for Senior Management to sign off under Rule 25.1 the SG can tick the procedure list and say he complied and "consulted" with Senior Management but no real consultation has taken place.

Responsibilities of Assistant Secretary General

The restructuring has created this new post, which is essentially 2 and possibly one more posts (Deputy Secretary General, Director and Head of Administration and Finance) rolled into one post to save money. The tasks of ASG are as follows.

- *direction and coordination of the work of the Experts (Energy Transit, Energy Efficiency, and Energy Investment) and the administrative assistants of the Secretariat, as well as daily office administration;*
- *ensuring overall coordination of potential negotiations on legal instruments related to the ECT, as well as monitoring and assisting the implementation of the ECT;*
- *preparation of the Budget, the Financial Statements, periodic spending reports and other financial documents as required and management of human resources administration.*

Responsibilities linked to the post cover an unreasonably wide range of very different job functions and require multiple different qualifications and experience. It is almost impossible

to find someone with good/excellent knowledge of all substantial aspects relevant to the energy sector (energy transit, energy investment and energy efficiency), as well as someone with strong experience in budget, finances, personnel management, information technology, etc. The tasks are so far-reaching and extensive in requirements and skill sets needed that they cannot be properly done by just one person.

J. To consider the second edition of the Investment Facilitation Toolbox, in the context of the activities of the Investment Promotion Centre.

- No activities of the Investment Promotion Centre on this matter since the publication of the Investment Facilitation Toolbox in 2017 due to EIRA

Additional information and individual cases relevant to the Review and the Management of the Secretariat are also in **Annex V**.

3. Proposals to Member States and Conclusion

A) Restore the organisational structure

Creation of a "Supervisory Board of Contracting Parties" akin to a “a board of directors” to oversee the SG’s performance. This board could be made up of senior Conference members, who might oversee closely the performance of the SG for a minimum of two years, with at least one monthly meeting throughout the first year, in order to understand fully the internal functioning of the organisation, but also to ensure SG follows Conference instructions in the form of correct application of procedures, regulations and rules, proper prioritisation of the PoW and adherence to budget, as well as expenditure control. Such micro-management in the short term seems inevitable in light of the current dysfunctional management of the organisation, promulgated first and foremost by the SG himself and secondly by the General Counsel and Mr Terterov.

Re-evaluation of the Senior Management structure (build a properly functioning “checks and balances” system back in) and add more senior staff to the Senior Management. The wide roles of the current ASG post should be abandoned and the organisation should revert to a Director/ASG1 and a Head of Administration and Finance/ASG2.

Re-evaluate current existing expertise and build up and strengthen expertise by decreasing the number of Temporary Officials and increasing properly qualified and experienced senior experts, particularly those with government policy advisory experience.

Re-evaluate the Knowledge Centre. This was presented as an idea from Mr. Terterov, which provided him with a way back into the organisation and was approved by SG. The Centre has

always maintained strong links to Mr. Terterov's Brussels Energy Club and the Geopolitical Forum and does little to enhance knowledge of, or add value to the Secretariat, its process and energy issues in general.

Balance in nationalities of staff members. Observe the requirements of the Staff Rules in relation to the requirements of membership and balance of employees from member states.

B) Improve transparency towards member states

Transparent and open recruitment for both Officials and Temporary Officials. Review staff rules on the matter to avoid discrimination and/or partiality.

Define the staff recruitment and retention policy and ensure budgeting is observed according to the policy.

Involve the CP or the Supervisory Board of Contracting Parties mentioned above in the recruitment/contract renewal/appraisal process of the most senior staff levels (i.e. SG, ASG, GC, Heads of Units).

CPs should instruct the General Counsel to desist with immediate effect in representing the interests of the SG and instead to represent only the interests of the Conference and the organisation, as all previous incumbents in this post have done.

C) Internal justice system

Create an Advisory Board that is neutral, impartial and independent. At the very least the current membership of the Advisory Board Chair should be changed. Given the very small size of the Secretariat it would make sense to draw members of the board from another international organisation (of which there are several in the Brussels area, who might be approached) with a view to promoting impartiality and expertise which are currently lacking.

D) Organisational management

The CPs should ensure that the SG is instructed **not to interfere with the Staff Committee** through the General Counsel and other favoured staff by threatening contract renewals. The SG actively and openly promotes and promulgates the use of contract renewal in order to control staff - the SG runs the organisation through threat, punishment and fear. Those in the SG's favour receive benefits such as promotion or cash awards. His management methods come, it seems, from a bygone era and violate the internal law such as the Staff Rules.

Reward staff based on performance and not "loyalty", therefore reasons for granting cash awards should be communicated to staff with clarity and transparency, as happened previously.

Administration and Finance - **follow the rules and regulations** that are in place. SG should refrain from his frequent requests for AF to circumvent procedures.

E. External evaluation of the Secretariat.

I strongly recommend that it would be in the best interest of both CPs and of the organisation if they were to authorise conducting an **external evaluation of the functioning of the Secretariat** to be carried out by a professional, external consultant.

CONCLUSIONS

From my two and a half-year tenure at the Secretariat, I have observed the following:

An Unusually strong and unilateral centralization of the decision-making process;

A deeply flawed and malfunctioning internal justice system;

A significant decrease in morale, which is ever-decreasing, in particular since the restructuring. The falling morale contradicts the SG's assertions that the restructuring is a success;

The SG has created a politicized favoured group of Central Asian and former Eastern European countries, to the detriment of other contracting parties and to his own benefit ;

A lack of proper prioritization of work and neglect of the implementation of the principles of the Charter;

A serious lack of the necessary expertise to advise CPs;

A lack of trust and transparency, which have declined more and more since the restructuring, increasing conflict, restricted communication, and lack of teamwork. The SG operates a strict “divide to rule” policy in order to maintain control.

As a result of the restructuring, the loss of any “checks and balances” system on the Secretary-General’s conduct and management and the negative outcomes far outweigh the positive, as I have described above. The “checks and balances” system was already seriously diminished even before the restructuring, mainly as a result of the set-up of the SG’s rotating one-year Chairmanship, which effectively did away with his immediate superior.

The Secretariat’s productivity is minimal, of low calibre in terms of quality and expertise and therefore of little value. In addition, it appears that the ECS is now absent from global energy dialogue.

In 2019, the Secretary General’s focus is primarily to maintain his position and his mandate and to keep the Secretariat under his control and staff in check. Much of the resources foreseen for the budget item on missions is being spent in actively travelling to Central Asian countries to brief “the Review and Modernization” (4 man-days to Turkmenistan in January, 9 man-days to Kazakhstan in February, 8 man-days to Tajikistan in March, and 12 man-days to Kyrgyzstan and Uzbekistan in May), although there was no explanation given as to why there is a need to travel extensively to Central Asian countries to brief them on the Review and Modernization Process, or why travel to other, less eastern, countries is not equally conducted

for the same reason and with the same vigour. (It seems this was also the case in 2015 and 2016)

I hope and trust that this report will trigger the required responses and result in major improvements in the management of the organisation. I write this report with the sole intention of acting in the best interests of the Secretariat and bringing to light the mismanagement, waste and potential misuse of the organisation's resources. It is my intention by writing this report to help all the CPs, to see the reality and seriousness of the situation, including the increasingly negative impact the SG has brought upon the organisation. This serious decline is not just felt internally, but also externally, and has been accelerated in particular by the adverse effects of the restructuring, contrary to the SG's claims. I do hope this report will be of help to you in taking back control of your organisation and in building it back up into the expert policy advisory institution capable of delivering its mandate that it once was, assuming, of course, that this is what you want.

For all these reasons I strongly recommend that the Conference conduct an audit of **the structure and performance of the Secretariat as well as an in-depth review of its rules and procedures** to be carried out by a professional, external and independent consultant/body.

4. List of Annexes

Attached:	Annex I	List of Staff
	Annex II	Staff Survey conducted by Staff Committee
	Annex III	Conference decisions 1994 - 2019
	Annex IV	Message 1495 analysis
	Annex V	Additional information and individual cases
	Annex VI	Staff Committee's note to the Conference Chair and BC Chair
	Annex VII	Mr. Terterov's paper presented at APNGVA
	Annex VIII	List of Official Travel in 2019
	Annex IX	ILOAT Decisions v Energy Charter Conference (4008 and 4009)
	Annex X	Teheran Energy Charter Forum – Concept Note



Dr Masami Nakata

Assistant Secretary General

Energy Charter Secretariat

30th May 2019

This report is STRICTLY CONFIDENTIAL. You may use the information for the Review of the Secretariat or more generally to observe the functions of the Charter Conference under Article 34 and Article 35 of the Treaty. The report is for your eyes only. Please do not circulate.

This report is therefore submitted pursuant to Articles 34(1), 34(2), 34(3)(a)(b)(c)(d)(e), 34(5), 34(6), 34(7) of the Treaty, together with the obligations owed under Articles 35(3) and 35(4) of the Treaty, having regard to exclusively to the interests of the Secretariat and together with and in fulfilment of my duties and obligations under the Code of Conduct to report fraud, waste and abuse.

Annex I List of all staff members of the Energy Charter Secretariat

Position (HoU: head of unit) (TO: Temporary Official)	Age at Recruitment	Country of Origin	Comments
Secretary General (A6→A7 in 2019)		Slovakia	Joined in 2012 (Previous) Slovak ambassador until 2012 MS in Oil and Gas in 1990, Ph.D. in Public Administration in 1998
Assistant Secretary General (A5)		Japan	Joined in January 2017 (Previous) Prof. at Kumamoto University in Japan Ph.D. in Engineering Background: Renewable Energy and Policy
Legal Affairs Unit			
General Counsel (A3→A4 in 2015)	37	Spain	Joined in August 2013 (extended for 7 years until 2020) Ph.D. in International Law (Previous) Senior Associate at a private law firm in Spain
Legal Assistant (C5 TO →B4)	27	Ukraine (Belgium)	Trainee at ECS in 2014 (Previous) Junior Legal Assistant at ECS 2016 - 2017 LL.M.
Junior Legal Assistant (TO C4)	25	Belarus (France)	Trainee at ECS in 2016 (Previous) KC coordinator at ECS in 2017 and 2018 LL.M.
Junior Legal Assistant (TO C3)	24	Ukraine	Trainee and Young Professional at ECS in 2018 LL.M. in International Dispute Resolution in 2017
Investment Unit/EIRA team			
Investment Official (HoU A4)	42	Netherland	Official of ECS delegate until Jan 2017 MS in Science and Policy in 2000
Investment Official (A2)		Armenia	Joined in March 2019
Investment Coordinator (TO C4))	28	India	Trainee at ECS in 2016 Young professional at ECS in 2017 LL.M.
Investment Coordinator (TO C4)	29	Greece	(open recruitment) Bachelor in Law in 2017 On leave from Law School (process for LL.M.)
Investment Coordinator (TO C3→C4 in 2019)	37	Greece	Ph.D. in Law in 2014 Young professional at ECS until 2018
Transit unit			
Transit Official (HoU A3)		Turkmenist an (Russia)	(Previous) Legal Assistant at ECS until 2018 LL.M. in Common law
Transit coordinator (TO C5)		Estonia	(Previous) Personal Assistant to ASG at ECS
Energy Efficiency Unit			
Energy Efficiency Official (HoU A3)		Algeria (France)	Joined in Oct. 2018, IPCC AR 6 lead author (Previous) EC-JRC, IEA, EUROVENT, ADEME PhD in Energy Engineering (2003), MS in Energy Economics and Urban Policies, Engineer in Building Technologies

Energy Efficiency Coordinator (TO C5)		Ukraine	Joined in Jan. 2017
Expansion unit			
Expansion Official (HoU, C6 TO →A3 in 2019)		Ukraine (UK, Australia)	(Previous) KC principal coordinator at ECS 2012-2018 Ph.D. in Middle Eastern Studies Director Brussels Energy Club, European Geopolitical Forum until Dec. 2018.
Expansion Official (B5)		Turkey (France)	
Expansion coordinator (TO C4)		Nigeria	Ph.D. in International Relations in 2015 Young professional at ECS in 2017
ECOWAS coordinator (TO C6))		Spain	Until 2012 Transit Official at ECS 2012-December 2018 Expansion official/Head of Unit ECOWAS coordinator since Jan 2019 PhD in Energy Law (2011)
Knowledge Center			
KC principal coordinator (TO C6)		Turkey	Ph.D. in Energy Law in 2018 Trainee at ECT in 2014 Young professional at ECS in 2015, 2016
KC coordinator (TO C6)		Kyrgyzstan	2012-August 2018 Transit Official/ Head of Unit May-Dec 2018 Transit Coordinator KC Coordinator (Jan-May 2019) Secondee ((June 2019 onwards)
EU4Energy			
Project manager (TO A2)		Bulgaria	(Previous) Energy Efficiency Official at ECS
Project Assistant (TO C4)		Uzbekistan	(Previous) Secretary to Director at ECS
Office of SG			
Personal Assistant to SG and Secretary to OSG (C6)		Italy (Belgium)	
Assistant to SG (TO C4)		Canada	Trainee at ECS from April 2016-January 2017 Joined as in 2017
Office of ASG			
Personal Assistant to ASG and Secretary to OASG (C4)		Belarus (Belgium)	Joined in May 2019
Administration and Finance			
Administration Assistant (C6)		France	
Administration Assistant (C5)		UK	
Administration Assistant (C6)		Croatia	

The list above is incomplete as SG and GC decided not to give full access to personal files to ASG despite being HR responsible.

Annex II Staff Survey conducted by Staff Committee

Disclaimer:

The following information summarises the result of the anonymous survey conducted by the SC between March 14th and March 22nd, using the EU Survey tool.

Responses to the survey have been submitted by 19 Officials out of the 28 currently working at the ECS. This is equivalent to 68% of the staff.

The list of issues considered in the survey are those included in the summary record of the GSM of February 19th and entitled “the proposed actions to improve the working conditions”. The full list of issues included in the survey are those:

- raised and discussed at the GSM of February 19th,
- reported to the SC after the GSM of February,
- suggested by SG for discussion with the SC.

The survey is an attempt to bring some clarity into the discussions that took place at the GSM of February 19th. Although the survey is part of a constructive exercise, the SC recognises that it may include some flaws. The survey was designed to facilitate and better frame further discussions on the improvement of the working conditions of all staff. The survey does not substitute the summary record of the meeting but complements it. The summary record will be amended at the next GSM if amendments are proposed by the staff.

<i>Role of each body and level of management within the organisation</i>	Current situation	Proposed actions	% of votes
Q#1: SG	SG has end responsibility and takes all decisions about staff on his own (regularly overruling other opinions).	a- No changes	36.84%
		b- Decisions about staff to be taken by the majority of the Senior Management.	31.58%
		c- Decisions about staff to be taken by the majority of Senior Management and the Chair of the SC.	31.58%
Q#2: Senior Management	SG, ASG and GC are members of the Senior Management. Their role is consultative and final decisions are taken by SG.	a- No changes	31.58%
		b- Describing the role, tasks and procedures of the Senior management.	31.58%
		c- Option b + Enlarging Senior management to include Heads of Unit (HoUs).	15.79%

		d- Option b + Enlarging Senior Management to include HoUs and the Chair of the SC.	21.05%
Q#3: HoUs	Heads of units have the management of their unit in their job description. The Staff Manual (SM) of 12-2-2019 refers to immediate superior. There is no reference to HoUs role in the SM. This creates ambiguity and conflicting situations: 1. between Heads of Unit horizontally and vertically between members of Senior Management and HoUs, 2. with (temporary) officials required to perform tasks for officials which are not their immediate superior.	a- No changes b- Define the role and responsibilities of HoUs including those related to the management of human resources and allocated budget. c- Option b + Defining and implementing disciplinary measures against those who interfere in the daily management of the tasks of the units (i.e. direct requests to temporary officials to perform tasks without a prior approval by HoUs).	21.05% 68.42% 10.53%
Q#4: Advisory Board	The nomination of the Advisory Board members by the SC took place several years ago, based on Rule 25.2. However, this rule does not specify the duration of their nomination	a- No changes b- Nominate new members c- Nominate new members and define the duration of the tenure in the Staff Manual.	15.79% 5.26% 78.95%
Strengthening the role of the SC			
Q#5: Membership of Staff Committee to the Federation of International Civil Servants' Associations (FICSA)	SC is not a member	a- SC to become a member of FICSA b- No need for SC to become a member of FICSA	73.68% 26.32%
Q#6: Allocating budget to the SC	There is no budget allocated to the SC	a- No need to allocate budget to the SC b- A budget should be allocated to the SC for pre-defined actions, including FICSA membership c- Option b + SC members get time for their work in the SC and it is recognised in their appraisal	26.32% 47.37% 26.32%

Q#7: Amending decisions, that affect staff cohesion and structure of units, taken by the Management	No possibility for appeals given that all bodies within the organisation have a consultative role only	<div><div>a- No changes.</div><div>b- A right of the SC to amend Senior Management or SG decisions on staff cohesion and structure of the organisation.</div><div>c- Decisions related to daily management of units to be taken at the majority by Senior Management including HoUs and the Chair of the SC.</div></div>	<div><div>42.11%</div><div>10.53%</div><div>47.37%</div></div>
Q#8: Potential conflict of interest regarding Senior management in the Staff Committee	The ECS is a small organisation. Rule 4.2 doesn't mention about restrictions, except for the SG (This item was discussed during the first GSM. During the meeting no immediate concern was raised.). The role of the Senior Management is not defined in the Staff Manual, so it is hard to identify any potential conflict of interest. It has been common practice that Senior management was able to join the SC.	<div><div>a- No changes</div><div>b- Senior Management should not be able to join the SC</div><div>c- Senior Management members in the SC should step back for a moment from his/her role in the SC for topics where they have a conflict of interest. Then the other SC members should be mandated to handle the topic.</div></div>	<div><div>36.84%</div><div>21.05%</div><div>42.11%</div></div>
Q#9: How to deal with conflict of interests?	(Alleged) conflicts of interest are dealt with on ad-hoc basis at the discretion of SG	<div><div>a- No changes</div><div>b- Management to define with the SC a conflict of interest policy based on international best practices.</div></div>	<div><div>15.79%</div><div>84.21%</div></div>
Working environment			
Q#10: Recuperation time after a long flight as well as from travel and missions during weekends	Overtime worked by A-Grade is not compensated. For C/B Grade, compensation is calculated using a complex formula.	<div><div>a- No changes</div><div>b- Compensation for worked overtime for all</div><div>c- Management to work with SC to simplify the formula for calculated compensation time.</div></div>	<div><div>31.58%</div><div>31.58%</div><div>36.84%</div></div>
Q#11: Travelling conditions	-Overnight flights are requested by SG to save money	<div><div>a- No changes</div></div>	<div><div>5.26%</div></div>

(Overnight flights, business class for long flights)	despite their impact of the health of the staff. Furthermore, staff is not entitled to business class tickets for long flights. SG is the only person travelling on business class.	b- Avoid overnight flights for all if possible.	31.58%
		c- Reinstate rules for business class for long flights based on international best practices.	10.53%
		d- b + c.	52.63%
Q#12: Trainings	According to Regulation 23, the secretariat pays only up to 80% and no more than 1000 Euros of the total cost of the training including training costs, meals, travel and accommodation and the training time is not considered as a mission. The SG, at his discretion, declared in 2018 that no leave would be granted for trainings.	a- No changes	15.79%
		b- HoUs to develop with the SC an annual training programme to be implemented under the current conditions for the payment and the training time.	26.32%
		c- HoUs to develop with the SC an annual training programme to be implemented and totally paid by the Secretariat and the training time to be considered as working hours or study leave.	57.89%
Q#13: Sensitivity trainings to improve communication between Officials and respectful work environment	A training was provided by Danny in December 2018.	a- No need for further trainings.	47.36%
		b- Individualised trainings are needed.	10.53%
		c- An office wide professional feedback training is needed.	42.10%
		d- Other follow-up.	0%
Q#14: Transparency in management decisions A) Upgrades, appraisals	Based on regulation 12, final decision on posting, advancement and promotion is made by SG with consultation with Senior Management under rule 25.1. The direct superior needs to inform the one involved. This is not practiced.	a- No changes	63.16%
		b- Decisions on posting, advancement and promotion to be taken by the immediate superior, after consultation with the Senior Management.	36.84%
b) Cash award	Some officials were awarded cash in 2018 based on the Rule 12.1. The decision was solely made by SG	a- No changes	36.84%
		b- Defining clear criteria for cash awards	5.26%

	with consultation with Senior management and communicated by him to the beneficiaries through FINAD.	c- Communicate about the cash awards granted and the reasons behind the awards. d- b + c	10.53% 47.37%
c) Selection of officials for open positions	A selection committee is set by SG. However, its role is not described in the staff manual and the final decision is taken by SG.	a- No changes b- Describe the role of the selection committee and have no interference of SG during the selection stage (SG can provide preferred criteria at the beginning of the selection and still has the end choice from the final selection) c- Hiring position to be taken at consensus of the selection committee.	26.32% 47.37%
d) Advertisement of new positions	Only Establishment Table posts are advertised. No open call for Temporary Officials. The selection process especially for TO is not clear nor transparent.	a- No changes b- Advertise TO positions internally c- Advertise TO positions internally and externally	15.79% 31.58% 52.63%
Q#15: Teleworking	Only one official is authorized to telework two days in a row in accordance with Rule 22.13 on Teleworking page 151 of SM 12.2-2019	a- No changes b- Teleworking as standard option based on maximum one day per week on average, taking into account personal circumstances. Front office and secretaries excepted.	21.05% 78.95%
Q#16: Transport allowances	-9 Officials use the parking places. The ECS pays the rent of the parking places. -A request to provide transport allowances to staff using public transport was proposed by the Secretariat in 2017 but was rejected by Budget	a- Prepare for the next budget committee a proposal to offer transport allowances for staff using public transport and/or bikes equivalent to the contribution of the Secretariat to the payment of the parking.	57.89%

	Committee.	b- Prepare for the next budget committee a proposal to offer transport allowances for staff using public transport and/or bikes jointly with a proposal to slightly raise the staff contribution to individual parking spaces.	42.10%
Q#17: Privacy and data protection of Staff (tracking mechanisms of emails/the use of the badges)	Regulation 2 c) Manual on data protection, GC explained that "According to Art. 9.5 of the Manual on data protection, SG can request "statistical and general" data from controllers. In the case of (time of access to the building), the data controller is Febiac. In addition, SG can also process personal information for management of human resources (article 6.2) and in case of investigations (article 9.5)". However, the current situation is that the Staff members have not been informed by the Senior Management what type of staff members' data have been controlled/collected by whom.	<p>a. No changes to current rules</p> <p>b. SG to provide details on the data collected about the staff, including the use of badges, the purpose of this data gathering and how this data has been processed and used. This would be in accordance with the Manual of Data Protection.</p>	15.79% 84.21%
Q#18: Energy Charter Family/Alumni	There is no Alumni network	<p>a- No changes</p> <p>b- Create an Alumni network</p>	57.89% 42.11%
ILO decisions regarding amendments to the procedure on withdrawal.	The Secretariat intends to follow the decision of majority of ILO member organizations.	No follow-up actions.	NA
Legal implications of the signature of the form related to the understanding of the Staff Manual.	GC explained during the meeting that there are no legal implications for signing the form	No follow-up actions.	NA

Q#19: Employee satisfaction Employee satisfaction can be described as the sense of wellbeing that employees gain from their work and is the basis for every employee within every organisation. The sense of wellbeing that employees experience influences several aspects of their work life, including: commitment to the organisation, job motivation, enjoyment in going to work and being a team player. Once an employee has a sense of dissatisfaction it can negatively influence their motivation and commitment. This can in turn mean that an employee might look for a different job, but it can also mean that it will lower their level of performance or negatively affect their colleagues. Satisfied employees feel good about themselves and because of this are better able to perform and communicate.	Currently there is no measurement of employee satisfaction. No tools related to this are being used to enhance the performance of the organisation.	a- No changes	15.79%
		b- A first employee satisfaction survey should be conducted, to know where we stand. The senior management should use the results to improve the performance of the organisation.	10.53%
		c- Option b + annually recurring, so progress can be measured.	60.87%
A0B:			
Q#20: Improving the working conditions of staff when travelling, especially for B/C grades	-Only A-Grades are entitled a professional cell phone - No laptops nor tablets are provided for the staff	a- No changes	21.05%
		b- Provide B/C grades a professional phone when travelling.	31.58%
		c- Option b + Provide laptops/tablets for A- Grades and one additional laptop/tablet for each unit.	47.37%
Q#21: Payment by staff of the coffee/tea available in the kitchen	Staff pays an annual fee for the coffee/tea made available by the secretariat in the kitchen which is used by the staff but also by the guests.	a- No changes	15.79%
		b- Secretariat to provide tea/coffee for free for all.	84.21%

Greening the secretariat	DK, OA and YS proposed an action plan to green the secretariat. The plan including reactions from the consultation is circulated jointly with this questionnaire.	a- No need to green the Secretariat b- Management to work on the implementation of the action plan to be proposed by the staff.	63.16% 36.84%

Annex III Conference decisions 1994 – 2019

Year	Document N°	Type	Reference Documents	Subject	Keywords
1994	CCDEC 1994 01	APP	CC 1	Election of the Conference Chairman	Negotiating Conference Chairman, Charles Rutten
	CCDEC 1994 02	APP	CC 1	Appointment of the Secretary-General	Provisional Secretary-General, Clive Jones
	CCDEC 1994 03	GEN	CC 1	Organisation of the Secretariat: Headquarters Agreement (under Article 34(3)f of the Treaty)	Provisional Charter Secretariat, Headquarters Agreement
	CCDEC 1994 04	INV	CC 1	Opening of negotiations on a supplementary treaty (Article 10(4))	Supplementary Treaty
	CCDEC 1994 05	TTG	CC 1	Opening of negotiations on a Treaty amendment dealing with Tariff Standstill (Article 29(5))	Trade Amendment, Tariff Standstill
	CCDEC 1994 06	TTG	CC 1	Opening of negotiations on the inclusion of Energy-Related Equipment in the Trade Provisions of the Treaty (Article 31)	Trade Amendment, Energy-Related Equipment
	CCDEC 1994 07	BUD	CC 1	Establishment of the Provisional Budget Committee	Provisional Budget Committee
	CCDEC 1994 08	GEN	CC 1	Rules of Procedure Preparation	Rules of Procedure
1995	CCDEC 1995 01	APP	CC 20	Election of the Chairman of the Provisional Energy Charter Conference	Provisional Charter Conference Chairman, Charles Rutten
	CCDEC 1995 02	SGN	CC 20	Signature by the Republic of Bosnia and Herzegovina of the European Energy Charter	Accession, Bosnia and Herzegovina
	CCDEC 1995 03	GEN	CC 1 CC 11 CC 20	Establishment of the Working Groups and adjournment of the negotiations on additional Protocols	Working groups, Supplementary Treaty, Trade Amendment, Trade Issues
	CCDEC 1995 04	INV	CC 20 RD 7 (ProvECC of 05-06 04 1995)	Establishment of the Working Group I (Supplementary Investment Treaty): Terms of Reference and Chairman	ToR, Terms of Reference, Working Group I, Supplementary Treaty, Chairman, Sydney Fremantle
	CCDEC 1995 05	TTG	CC 20 RD 6 (ProvECC of 05-06 04 1995)	Establishment of the Working Group II (Trade Amendment): Terms of Reference and Chairman	ToR, Terms of Reference, Working Group II, Trade Amendment, Chairman, Ivan Ivanov
	CCDEC 1995 06	TTG	CC 20	Establishment of the Working Group III (Energy-Related Equipment): Terms of Reference	ToR, Terms of Reference, Working Group III, Energy-Related Equipment
	CCDEC 1995 07	GEN	CC 11 CC 20	Establishment of the Working Group on Nuclear Energy including Safety: Provisional Terms of Reference	Provisional Terms of Reference, Working Group IV, Nuclear Energy, Chairman, Robert Morrison
	CCDEC 1995 08	BUD	CC 12 CC 20	Establishment of the Budget Committee	Subsidiary Bodies, Budget Committee
	CCDEC 1995 09	BUD	CC 9 CC 10 CC 20 RD 5 (ProvECC of 05-06 04 1995)	Secretariat's Budget for 1995; Inclusion of "Travel" item in the Secretariat's Budget	Secretariat's Budget
	CCDEC 1995 10	GEN	CC 18 CC 20	Secretariat's Domestic Legal Capacity	Domestic Legal Capacity
	CCDEC 1995 11	GEN	CC 14 CC 20 RD 2 (ProvECC of 05-06 04 1995)	Secretariat's Location and Negotiations on terms of headquarters agreement	Secretariat's Location, Headquarters Agreement
	CCDEC 1995 12	GEN	CC 16 CC 20	Adjournment of discussion of the Secretariat's organigram and Staff table	Secretariat Staffing
	CCDEC 1995 13	GEN	CC 13 CC 20 RD 1 Rev. (ProvECC of 05-06 04 1995)	Adjournment of discussion of the Rules of Procedure of the Provisional Energy Charter Conference	Rules of Procedure
	CCDEC 1995 14	NOT	CC 20	Reports and Notes considered by the 2nd Meeting of the Provisional Energy Charter Conference	Signature Process, Ratification Progress
	CCDEC 1995 15	APP	CC 25 CC 27 CC 33	Chairman of the Budget Committee	Budget Committee, Chairman, Viktor Segalla
	CCDEC 1995 16	APP	CC 21 CC 27 CC 33	Chairman of the Working Group III (Energy-Related Equipment)	Working Group, Energy-Related Equipment, Chairman, Lucian Leonida Biro
	CCDEC 1995 17	GEN	CC 37 CC 42 RD 12 (ProvECC of 21-22 09 1995)	Secretariat's Location	Secretariat's Location
	CCDEC 1995 18	GEN	CC 34 CC 42 RD 10 (ProvECC of 21-22 09 1995) RD 11 (ProvECC of 21-22 09 1995)	Terms of the Headquarters Agreement	Headquarters Agreement
	CCDEC 1995 19	GEN	CC 23 CC 27 CC 33 CC 42 RD 13 (ProvECC of 21-22 09 1995) RD 14 (ProvECC of 21-22 09 1995)	Organisation of the Secretariat: top officials grading and the Secretary-General contract	Secretariat's Organigram, Secretariat Staffing, Secretary-General
	CCDEC 1995 20	GEN	CC 35 CC 40 CC 42 RD 8 Corr. (ProvECC of 21-22 09 1995) RD 8 Corr. 2 (ProvECC of 21-22 09 1995)	Provisional Rules of Procedure	Rules of Procedure
	CCDEC 1995 21	GEN	CC 24 CC 42	Establishment of Legal Advisory Committee: Framework and Tasks	ToR, Terms of Reference, Legal Advisory Committee
	CCDEC 1995 22	BUD	CC 36 Corr. CC 42	Terms of Reference for the Budget Committee	ToR, Terms of Reference, Budget Committee
	CCDEC 1995 23	SGN	CC 31 CC 32 CC 42	Inclusion of Bosnia and Herzegovina in the Annex ID of the Energy Charter Treaty	Accession, Bosnia and Herzegovina, Annex ID
	CCDEC 1995 24	BUD	CC 42	Financial Rules Preparation	Financial Rules
	CCDEC 1995 25	GEN	CC 42	Postponement of Negotiations on Nuclear Declaration	Nuclear Working Group, Nuclear Declaration, Russian Federation Statement
	CCDEC 1995 26	NOT	CC 26 CC 29	Reports and Notes considered by the 3rd Meeting of the Provisional Energy Charter Conference	Financial Situation, Secretariat Expenditure, Progress on Ratification, Former Yugoslav Republic of Macedonia, Secretary-

Year	Document N°	Type	Reference Documents	Subject	Keywords
			CC 42		General, Russian Federation Statement, Notification Requirements, Budget Contributions
	CCDEC 1995 27	APP	CC 49 CC 52 Rev.	Appointment of the Secretary-General	Secretary-General, Peter Schutterle
	CCDEC 1995 28	BUD	CC 47 CC 52 Rev. RD 7 (ProvECC of 22-23 11 1995)	Financial Rules	Financial Rules
	CCDEC 1995 29	BUD	CC 43 Corr. CC 52 RD 8 (ProvECC of 22-23 11 1995) RD 9 (ProvECC of 22-23 11 1995) RD 10 (ProvECC of 22-23 11 1995)	Secretariat's Budget for 1996: additional B6 Finance officer	Secretariat's Budget
	CCDEC 1995 30	GEN	CC 40 CC 48 CC 52 CC 53 Corr. 2 RD 12 (ProvECC of 22-23 11 1995)	Rules of Procedure for the Provisional Charter Conference (Canada and United States attendance, Language Regime)	Rules of Procedure, Language Regime, United States, Canada
	CCDEC 1995 31	SGN	CC 52	Application of the former Yugoslav Republic of Macedonia	Accession, Former Yugoslav Republic of Macedonia
	CCDEC 1995 32	APP	CC 52	Election of Chairmen and Vice-Chairmen of the Conference, the Working Group III and the Legal Advisory Committee	Conference Chairman, Chairman, Vice-Chairman, Working Group III, Legal Advisory Committee, Charles Rutten, Steivan Defilla, Kenichi Suganuma, Esa Paasivirta
	CCDEC 1995 33	WPR	CC 44 CC 52	Provisional Secretariat's Work Programme for 1996	Secretariat's Work Programme
	CCDEC 1995 34	NOT	CC 45 CC 52 RD 2 (ProvECC of 22-23 11 1995)	Reports and Notes considered by the 4th Meeting of the Provisional Energy Charter Conference	Financial Situation, Staff Regulations, Working Group Report, Ratification Progress, Protocol on Electrical Power Supply, Nuclear Instrument
1996	CCDEC 1996 01	BUD	CC 62 CC 65 Corr. 1 RD 2 (ECC of 05 06 1996)	Secretariat's Budget for 1996	Secretariat's Budget
	CCDEC 1996 02	BUD	CC 63 CC 65 Corr. 1 RD 3 (ECC of 05 06 1996)	Terms of Reference governing the External Auditor	Budget Committee, ToR, Terms of Reference, External Auditor
	CCDEC 1996 03	GEN	CC 60 Rev. CC 65 Corr. 1 RD 4 (ECC of 05 06 1996)	Staff Regulations	Staff Regulations
	CCDEC 1996 04	APP	CC 58 CC 65 Corr. 1 RD 15 (ECC of 05 06 1996)	Election of the Vice-Chairpersons of WG I and II and the Budget Committee	Vice-Chairman, Budget Committee, Working Group II, Roman Luczkiewicz, Jens Eikaas
	CCDEC 1996 05	GEN	CC 55 65 Corr. 1 BC 7	Provisional Application of Headquarters Agreement	Headquarters Agreement
	CCDEC 1996 06	WPR	CC 61 CC 65 Corr. 1 RD 5 (ECC of 05 06 1996)	Secretariat's Work Programme for 1996: Update	Secretariat's Work Programme
	CCDEC 1996 07	NOT	CC 65 Corr. 1 RD 1 (ECC of 05 06 1996) RD 2 (ECC of 05 06 1996) RD 8 (ECC of 05 06 1996) RD 14 (ECC of 05 06 1996)	Reports and Notes considered by the 5th Meeting of the Provisional Energy Charter Conference	Budget Implementation, Financial Situation, Working Groups Reports, Ratification Progress
	CCDEC 1996 08	GEN	CC 59 CC 65 Corr. 1 RD 6 (ECC of 05 06 1996)	Negotiations on Nuclear Instrument: Russian Federation Statement	Nuclear Instrument, Russian Federation
	CCDEC 1996 09	GEN	CC 56 CC 57 CC 65 Corr. 1 RD 12 (ECC of 05 06 1996)	Establishment of new Working Groups: Protocol on Electric Power Sector and Protocol on Major Accidents	Electric Power Sector Protocol, CIS Power Council, Major Accidents Protocol, Russian Federation
	CCDEC 1996 10	SGN	CC 65 Corr. 1 RD 9 (ECC of 05 06 1996)	Amendments to Annexes T and ID: Republic of Bosnia and Herzegovina	Annex T, Annex ID, Bosnia and Herzegovina
	CCDEC 1996 11	SGN	CC 54 CC 65 Corr. 1	Subscription to the European Energy Charter by the Former Yugoslav Republic of Macedonia	Accession, Former Yugoslav Republic of Macedonia
	CCDEC 1996 12	GEN	CC 65 Corr. 1 RD 10 (ECC of 05 06 1996) RD 11 (ECC of 05 06 1996)	Organisation of Seminars; Social Protocol Proposal	Mediterranean Countries, Treaty Implications Seminar, European Communities, Japan, ICEM, Social Protocol
	CCDEC 1996 13	SGN	CC 76 CC 81	Application of Mongolia to become a signatory to the Concluding Document of the Hague Conference on the European Energy Charter	Accession, Mongolia
	CCDEC 1996 14	WPR	CC 67 CC 81	Work Programme 1997 of the Secretariat	Secretariat's Work Programme
	CCDEC 1996 15	BUD	CC 68 CC 81 RD 4 (ECC of 13 12 1996) RD 10 (ECC of 13 12 1996)	Secretariat's Budget for 1997	Secretariat's Budget
	CCDEC 1996 16	APP	CC 81 Mess 79/96	Election of the Chairperson and the Vice-Chairperson of the Conference for 1997	Conference Chairman, Conference Vice-Chairman, Charles Rutten, Kenichi Suganuma

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	CCDEC 1996 17	APP	CC 81 Mess 80/96	Election of the Chairman and Vice-Chairman of the Budget Committee for 1997	Chairman, Vice-Chairman, Budget Committee, Viktor Segalla, Roman Luczkiewicz
	CCDEC 1996 18	NOT	CC 69 CC 70 CC 71 CC 72 CC 77 CC 80 CC 81 RD 2 (ECC of 13 12 1996) RD 3 (ECC of 13 12 1996) RD 5 (ECC of 13 12 1996) RD 6 (ECC of 13 12 1996) RD 7 (ECC of 13 12 1996)	Reports and Notes considered by the 6th Meeting of the Provisional Energy Charter Conference	Former Yugoslav Republic of Macedonia, Accession, Budget Implementation, Headquarters Agreement, Staff Rules, Working Group Reports, Ratification Progress, Legal Advisor Status
	CCDEC 1996 19	GEN	CC 75 CC 81	Suspension of work on Nuclear Protocol	Nuclear Instrument
	CCDEC 1996 20	GEN	CC 73 CC 78 CC 78 Corr. CC 81	Work on Electricity and Observer Status for CIS Electric Power Council	Observer Status, CIS Electric Power Council, Electricity Co-operation
	CCDEC 1996 21	GEN	CC 74 CC 81	Continuation of work on Major Accidents Protocol	Major Accidents Protocol
1997	CCDEC 1997 01	GEN	CC 81 CC 93	Corrigenda to the Summary Record of the Sixth Meeting of the Charter Conference	Summary Record
	CCDEC 1997 02	APP	CC 87 CC 93	Appointment of the Vice-Chairman of the Conference for 1997	Conference Vice-Chairman, Toshio Sano
	CCDEC 1997 03	APP	CC 86 CC 93	Appointment of the Chairperson of the Budget Committee for 1997	Chairman, Budget Committee, Christian Pauletto
	CCDEC 1997 04	GEN	CC 83 CC 93 RD 2 (ECC of 08-09 07 1997)	Transitional Arrangements	Transitional Arrangements
	CCDEC 1997 05	SGN	CC 82 CC 93	Accession of the former Yugoslav Republic of Macedonia to the Energy Charter Treaty	Former Yugoslav Republic of Macedonia, Accession
	CCDEC 1997 06	BUD	CC 93 RD 1 (BC of 07 07 1997)	Headquarters Agreement: Tax Position on Secretarial Officials	Headquarters Agreement, Belgium Statement
	CCDEC 1997 07	NOT	CC 85 CC 88 CC 89 CC 90 CC 93 RD 1 (ECC of 08-09 07 1997) RD 5 (ECC of 08-09 07 1997) RD 6 (ECC of 08-09 07 1997) RD 7 (ECC of 08-09 07 1997) RD 8 (ECC of 08-09 07 1997) RD 9 (ECC of 08-09 07 1997) BC 36 BC 37 RD 6 (BC of 07-08 07 1997) RD 8 Corr. (BC of 07-08 07 1997)	Reports and Notes considered by the 7th Meeting of the Provisional Energy Charter Conference	Budget Contributions, National Treatment Exceptions, Working Group Reports, Danish Energy Agency, Conciliation Rules, Mongolia, Ratification Progress, Blue Book, IEA, International Energy Agency, Staff Rules
	CCDEC 1997 08	INV	CC 84 CC 93	Discussion of Key Issues Related to the Supplementary Treaty	Supplementary Treaty
	CCDEC 1997 09	SGN	CC 93	Observer Status for the CIS Electric Power Council	Observer Status, CIS Electric Power Council
	CCDEC 1997 10	GEN	CC 91 CC 92 CC 93	Amendment of Staff Rules	Staff Rules
	CCDEC 1997 11	BUD	CC 98 CC 102	Reduction of the General Reserve Fund	Secretariat's Budget, Budget Deficit, Budget Contributions, General Reserve Fund
	CCDEC 1997 12	NOT	CC 102 RD 2 (ECC of 04-05 11 1997)	Reports and Notes considered by the 8th Meeting of the Provisional Energy Charter Conference	Ratification Progress
	CCDEC 1997 13	INV	CC 95 CC 99 CC 102 RD 4 (ECC of 04-05 11 1997) RD 8 (ECC of 04-05 11 1997) RD 9 (ECC of 04-05 11 1997) RD 11 (ECC of 04-05 11 1997)	Negotiations based on report from WG I: Supplementary Treaty	Working Group I, Supplementary Treaty
	CCDEC 1997 14	TTG	CC 96 CC 100 CC 102 RD 6 (ECC of 04-05 11 1997)	Negotiations based on report from WG III: Trade Amendment	Working Group II, Trade Amendment
	CCDEC 1997 15	TTG	CC 97 CC 101 CC 102	Negotiations based on report from WG III: Energy-Related Equipment	Working Group III, Energy-Related Equipment
	CCDEC 1997 16	GEN	CC 102	Process of Negotiations on Additional Protocols	Working Group I, Working Group II, Working Group III, Supplementary Treaty, Trade Amendment, Energy-Related Equipment

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	CCDEC 1997 17	WPR	CC 104 Rev. CC 112 Corr. RD 4 (ECC of 17-18 12 1997)	Secretariat's Work Programme for 1998	Secretariat's Work Programme
	CCDEC 1997 18	BUD	CC 105 CC 112 Corr. RD 6 (ECC of 17-18 12 1997)	Secretariat's Budget for 1998	Secretariat's Budget
	CCDEC 1997 19	APP	CC 112 Corr. Mess 100/97	Election of the Chairperson and Vice-Chairpersons of the Energy Charter Conference for 1998	Conference Chairman, Conference Vice-Chairman, Charles Ritten, Toshio Sano, Elena Teleguina
	CCDEC 1997 20	APP	CC 112 Corr.	Election of the Chairperson of the Budget Committee for 1998	Chairman, Budget Committee, Christian Pauletto
	CCDEC 1997 21	APP	CC 112 Corr.	Election of the Chairperson of the Legal Advisory Committee for 1998	Chairman, Advisory Committee, Esa Paasivirta
	CCDEC 1997 22	NOT	CC 103 CC 112 Corr. RD 1 (ECC of 17-18 12 1997) RD 2 (ECC of 17-18 12 1997)	Reports and Notes considered by the 9th Meeting of the Provisional Energy Charter Conference	Ratification Progress, Accession Progress, Conciliation Rules
1998	CCDEC 1997 23	GEN	CC 106 CC 107 CC 111 CC 112 Corr.	Chairman's Conclusions on Negotiations on Supplementary Treaty, Trade Amendment and Energy-Related Equipment	Supplementary Treaty, Trade Amendment, Energy-Related Equipment
	CCDEC 1998 01	GEN	CC 113 CC 115 CC 119 CC 124 RD 10 (ECC of 23-24 04 1998) RD 11 (ECC of 23-24 04 1998) RD 24 Rev. (ECC of 23-24 04 1998)	Amendment to the Trade-Related Provisions of the Energy Charter Treaty	Trade Amendment
	CCDEC 1998 02	GEN	CC 113 CC 115 CC 115 Addendum CC 124 RD 9 (ECC of 23-24 04 1998) RD 26 Rev. (ECC of 23-24 04 1998) Mess 115/98 Mess 116/98	Adjournment of the negotiations on the Supplementary Treaty to the Energy Charter Treaty	Supplementary Treaty
	CCDEC 1998 03	GEN	CC 116 CC 116 Rev. CC 124	Transitional Arrangements	Transitional Arrangements
	CCDEC 1998 04	SGN	CC 117 CC 124	accession to the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects of the State which has been admitted to membership of the UN as the former Yugoslav Republic of Macedonia	Accession, FYROM, Former Yugoslav Republic of Macedonia
	CCDEC 1998 05	TTG	CC 118 CC 103 Rev. CC 124 Mess 117/98	Provisional use of Conciliation Rules for Transit Disputes (pending final approval)	Conciliation Rules, Transit Disputes
	CCDEC 1998 06	NOT	CC 124 RD 5 (ECC of 23-24 04 1998)	Reports submitted to the 1st Meeting of the Energy Charter Conference held on 23-24 April 1998	External Auditor, Coopers & Lybrand, G8, Energy Conservation Initiative, WTO, Rosler of Panellists
	CCDEC 1998 07	GEN	CC 120 CC 124	Confirmation of Decisions of the Provisional Energy Charter Conference	Provisional Charter Conference, ILO, International Labour Organisation, Appeal Tribunal
	CCDEC 1998 08	APP	CC 124	Designation of the Conference Vice-Chairman	Appointments, Conference Vice-Chairman, Kazuo Sunaga
	CCDEC 1998 09	GEN	CC 126 RD 40 (ECC of 23-24 04 1998, Informal Consultations of 18-19 05 1998, ECC of 24-25 06 1998)	Adjournment of adoption of the Supplementary Treaty	Supplementary Treaty
	CCDEC 1998 10	NOT	CC 126	Reports submitted to the Adoption Conference Session on 24 June 1998	Ratification Progress, Memorandum of Co-operation, China
	CCDEC 1998 11	TTG	CC 103 Rev. 2 CC 137	Adoption of the Rules Concerning the Conduct of Conciliation of Transit Disputes	Conciliation Rules, Transit Disputes
	CCDEC 1998 12	NOT	CC 128 CC 136 CC 137 RD 1 (ECC of 03-04 12 1998)	Reports submitted to the 2nd Meeting of the Energy Charter Conference held on 3-4 December 1998	Ratification Progress, WTO, Transparency
	CCDEC 1998 13	GEN	CC 129 CC 137	Transitional Arrangements	Transitional Arrangements, Armenia, Belarus, Azerbaijan, Kyrgyzstan, FYROM, Former Yugoslav Republic of Macedonia, Staff Rules
	CCDEC 1998 14	GEN	CC 130 CC 137	Adjournment of discussion of Staff Regulation and Rules	Staff Rules
	CCDEC 1998 15	INV	CC 131 CC 137	Review of Standstill and Rollback of Pre-Investment Exceptions	Investment Survey Group, Pre-Investment Exceptions
	CCDEC 1998 16	SGN	CC 132 CC 137	Terms and Conditions for the Accession of Mongolia to the Energy Charter Treaty and the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects	Accession, Mongolia
	CCDEC 1998 17	EEF	CC 133 CC 133 Corr. CC 137	Procedures for Implementation of the Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects	PEEREA, Implementation Procedures
	CCDEC 1998 18	WPR	CC 134 CC 137	Secretariat's Work Programme for 1999	Secretariat's Work Programme
	CCDEC 1998 19	TTG	CC 134 CC 137	Establishment of the Working Group on Transit: Terms of Reference	ToR, Terms of Reference, Working Group on Transit
	CCDEC 1998 20	EEF	CC 134 CC 137	Establishment of the Working Group on Energy Efficiency and Related Environmental Aspects: Terms of Reference	ToR, Terms of Reference, Working Group on Energy Efficiency and Related Environmental Aspects

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	CCDEC 1998 21	BUD	CC 137 RD 7 (ECC of 03-04 12 1998) RD 8 (ECC of 03-04 12 1998) RD 10 (ECC of 03-04 12 1998)	Secretariat's Budget for 1999	Secretariat's Budget, Termination Benefit Fund, Azerbaijan, Switzerland, Netherlands
	CCDEC 1998 22	APP	CC 137 Mess 133/98 Mess 155/98	Designation of the Conference Vice-Chairpersons and the Chairpersons/Vice-Chairpersons of Subsidiary Bodies for 1999	Appointments, Conference Vice-Chairman, Chairman, Vice-Chairman, Henning Christophersen, Helga Sleeg, Valekh Aleskerov, Boleslaw Rey, Sergei Ter-Sarkisyanis, Peter Helmer Sleen, Tamas Jaszay, Christian Pauletto, Corinna Fehr
	CCDEC 1998 23	TTG	CC 137 RD 3 (ECC of 03-04 12 1998)	Consultations on a Multilateral Transit Framework	Transit Issues, Multilateral Transit Framework
1999	CCDEC 1999 01	GEN	CC 138 CC 145 RD 4 (ECC of 30 06 1999)	Procedures for Changes to Annex ID of the Energy Charter Treaty	Annex ID, Bosnia & Herzegovina, FYROM, Former Yugoslav Republic of Macedonia, Mongolia, Japan Statement
	CCDEC 1999 02	SGN	CC 138 CC 145	Observer Status for the Organisation of Black Sea Economic Cooperation	Observer Status, BSEC, Organisation of Black Sea Economic Cooperation
	CCDEC 1999 03	GEN	CC 140 CC 145	Review under Article 34(7) of the Energy Charter Treaty	Energy Charter Review
	CCDEC 1999 04	NOT	CC 126 CC 141 CC 143 CC 145 RD 2 (ECC of 30 06 1999) Mess 179/99	Reports submitted to the 3rd Meeting of the Energy Charter Conference held on 30 June 1999	Ratification Progress, Salaries Alignment, Supplementary Treaty, Working Practices
	CCDEC 1999 05	GEN	CC 142 CC 145	Adjournment of modification of Staff Regulations and Rules to a future Conference Meeting	Staff Rules
	CCDEC 1999 06	BUD	CC 144 CC 145	Financial Rules	Secretariat's Budget, Euro
	CCDEC 1999 07	TTG	CC 145 RD 1 (ECC of 30 06 1999)	Report of the Working Group on Transit	Working Group on Transit, Transit Instrument, Multilateral Transit Framework
	CCDEC 1999 08	NOT	CC 148 CC 152 CC 153 CC 155 CC 159 CC 162 RD 2 (ECC of 07 12 1999) RD 3 (ECC of 07 12 1999) RD 4 (ECC of 07 12 1999)	Reports submitted to the 4th Meeting of the Energy Charter Conference held on 7 December 1999	Roster of Panellists, Dispute Resolution, Customs Duties, Notification System, Model Agreements, Ratification Progress
	CCDEC 1999 09	GEN	CC 147 CC 162	Transitional Arrangements	Transitional Arrangements, Armenia, Bosnia and Herzegovina, Bulgaria, Czech Republic, Kazakhstan, Russian Federation, Turkmenistan, Uzbekistan
	CCDEC 1999 10	WPR	CC 149 CC 162	Adoption of the Energy Charter Secretariat's Work Programme for 2000	Secretariat's Work Programme
	CCDEC 1999 11	GEN	CC 150 CC 162 RD 1 (ECC of 07 12 1999) RD 5 (ECC of 07 12 1999)	Report under Article 34(7) of the Energy Charter Treaty	Energy Charter Review, Review Conclusions
	CCDEC 1999 12	INV	CC 151 CC 162	Progress Report and Recommendations on the development in pre-investment exceptions	Pre-Investment Exceptions, Armenia, Poland, Russian Federation
	CCDEC 1999 13	TTG	CC 154 CC 162	Rules of Procedure for Panel Proceedings under Article 29 and Annex D	Trade-Related Dispute Settlement, Rules of Procedure, Panel Proceedings
	CCDEC 1999 14	TTG	CC 156 CC 162 Addendum 1 CC 162	Mandate for Negotiations on a Multilateral Transit Framework	Multilateral Transit Framework, Transit Protocol, Mandate for Negotiations, Norway Statement
	CCDEC 1999 15	EEF	CC 157 CC 162	Recommendations on the in-depth energy efficiency review of the Slovak Republic	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Slovak Republic
	CCDEC 1999 16	GEN	CC 158 CC 162	Concerning the Request of Turkey to be listed in Annex ID of the Energy Charter Treaty	Annex ID, Turkey
	CCDEC 1999 17	GEN	CC 160 CC 162	Modification of Staff Regulations and Rules	Staff Rules, Budget Committee
	CCDEC 1999 18	APP	CC 162 RD 6 (ECC of 07 12 1999) RD 9 (ECC of 07 12 1999)	Implementation of the Structural Review of the Energy Charter Secretariat: Replacement of the Secretary-General	Appointments, Secretary General, Peter Schütterle, Ria Kemper
	CCDEC 1999 19	BUD	CC 162 RD 7 (ECC of 07 12 1999) RD 8 (ECC of 07 12 1999)	Adoption of the Secretariat's Budget for 2000	Secretariat's Budget, Voluntary Contribution, Denmark, General Reserve Fund
	CCDEC 1999 20	APP	CC 162 Mess 216/99	Designation of the Conference Chairman, Vice-Chairpersons and the Chairperson/Vice-Chairperson of Budget Committee for 2000	Appointments, Chairman, Vice-Chairperson, Henning Christophersen, Kazuo Sunaga, Alexander Misyulin, Christian Pauletto, Corinna Fehr
	CCDEC 1999 21	GEN	CC 146 CC 162	Expansion of the Energy Charter Process: Accession Procedures, Accession Reports Preparation Guidelines	Expansion Policy, Accession
	CCDEC 1999 22	INV	CC 162	Supplementary Treaty: Procedural Proposal	Supplementary Treaty
	CCDEC 2000 01	APP	CC 163 CC 173	Designation of new Vice-Chairperson of the Energy Charter Conference	Appointments, Conference Vice-Chairperson, Kazuo Sunaga, Hidenobu Sobashima
	CCDEC 2000 02	GEN	CC 164 CC 173	Procedures for Future Selections and Appointments of the Secretary General and Senior Officials in the Energy Charter Secretariat	Appointments, Election Procedure, Secretary General, Senior Staff
	CCDEC 2000 03	TTG	CC 165 CC 173	Understanding of the Energy Charter Conference with respect to Article 7(7) of the Energy Charter Treaty	Transit Issues, Conciliation Mechanism

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2000			RD 8 (ECC of 29 06 2000)		
	CCDEC 2000 04	NOT	CC 166 CC 167 CC 170 CC 171 CC 172 CC 173 RD 1 (ECC of 29 06 2000) RD 2 (ECC of 29 06 2000)	Reports submitted to the 5th Meeting of the Energy Charter Conference held on 29 June 2000	Transit Protocol, Model Transit Agreements, WTO Notifications, Rules of Procedure, Panel Proceedings, Ratification Progress, Tenth Anniversary, Supplementary Treaty
	CCDEC 2000 05	EEF	CC 168 CC 173	Recommendations on the In-depth Review of Energy Efficiency Policies and Programmes of Lithuania	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Lithuania
	CCDEC 2000 06	BUD	CC 169 CC 173 RD 7 (ECC of 29 06 2000)	Structural Adjustment to the Secretariat's Budget	Structural Adjustment, Secretariat's Budget
	CCDEC 2000 07	INV	CC 173 RD 3 (ECC of 29 06 2000)	Investment Climate and Exceptions to National Treatment Reports	Investment issues, Exceptions, National Treatment, Albania, Azerbaijan, Estonia, Latvia, FYROM, Former Yugoslav Republic of Macedonia, Russian Federation
	CCDEC 2000 08	INV	CC 173 RD 4 (ECC of 29 06 2000)	Review of Non-conforming measures with respect to privatisation	Privatisation Exceptions, Non-Conforming measures, Azerbaijan, Belarus, Bulgaria, Hungary
	CCDEC 2000 09	INV	CC 173 RD 5 (ECC of 29 06 2000)	Recommendations / Best Practice Guidelines on Market Restructuring	Market Restructuring, Best Practice Guidelines, Armenia
	CCDEC 2000 10	INV	CC 173 RD 6 (ECC of 29 06 2000)	Development of the Draft Recommendations on Non-Payment Problems	Non-Payment Problems
	CCDEC 2000 11	WPR	CC 174 CC 185	Adoption of the Energy Charter Secretariat's Work Programme for 2001	Secretariat's Work Programme
	CCDEC 2000 12	GEN	CC 175 CC 185	Proposal to mark the 10th Anniversary of the Energy Charter Process in December 2001	Energy Charter Process, Tenth Anniversary
	CCDEC 2000 13	TTG	CC 176 CC 185	Timetable for finalisation of Negotiations on the Energy Charter Transit Protocol and for its adoption and signing	Timetable, Transit Protocol
	CCDEC 2000 14	NOT	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	Reports submitted to the 6th Meeting of the Energy Charter Conference held on 7 December 2000	Documentation Distribution System, Transit Protocol, Model Transit Agreements, PEEREA, Supplementary Treaty, Transitional Arrangements, Armenia, Russian Federation, Ratification Progress, Non-Signatories
	CCDEC 2000 15	EEF	CC 178 CC 185	Recommendations on In-Depth Energy Efficiency Review of Poland	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Poland
	CCDEC 2000 16	INV	CC 179 CC 185	Investment Climate Reports	Investment issues, Investment Climate, Exceptions, National Treatment, Georgia, Kyrgyzstan, Lithuania, Russian Federation
	CCDEC 2000 17	INV	CC 180 CC 185	Review of Pre-Investment Exceptions	Pre-Investment Exceptions, Belarus, Bulgaria, Romania, Poland, Former Yugoslav Republic of Macedonia, FYROM
	CCDEC 2000 18	INV	CC 181 CC 185	Market Restructuring Reports	Market Restructuring Reports, Estonia, FYROM, Kyrgyzstan, Macedonia, Uzbekistan, RAO EES Russia
	CCDEC 2000 19	INV	CC 182 CC 185	Recommendations on addressing Non-Payment Problems	Non-Payment Problems
	CCDEC 2000 20	SGN	CC 184 CC 185	Application for Observer Status from the Baltic Sea Regional Energy Cooperation	Baltic Sea Regional Energy Cooperation, BASREC, Observer Status
	CCDEC 2000 21	TTG	CC 185 RD 2 (ECC of 07 12 2000)	Trade Group Report; Submission of WTO-based notifications	WTO-based Notifications, Trade Amendment, Roster of Panelists
	CCDEC 2000 22	BUD	CC 185 RD 6 (ECC of 07 12 2000)	Adoption of the Secretariat's Budget for 2001	Secretariat's Budget
	CCDEC 2000 23	APP	CC 185 RD 7 (ECC of 07 12 2000)	Designation of the Conference Chairman, Vice-Chairpersons and other Officers of the Conference's Subsidiary Bodies for 2001	Chairman, Vice-Chairman, Designations, Appointments, Electing Practice, Conference Officers, Henning Christophersen, Hidenobu Sobashima, Alexander Misyulin, Christian Pauletto, Corinna Fehr
	CCDEC 2001 01	NOT	CC 185 CC 186 Rev. 1 CC 188 CC 192	Reports submitted to the 7th Meeting of the Energy Charter Conference held on 11 May 2001	Current Activities, Ratification Progress, Transit Protocol, Model Agreements
	CCDEC 2001 02	GEN	CC 189 CC 192	Decision adopted by the Energy Charter Conference at its 7th Meeting held on 11 May 2001 concerning the Special Session of the Charter Conference to mark the 10th Anniversary of the Energy Charter Process in December 2001	Tenth Anniversary
	CCDEC 2001 03	APP	CC 190 CC 192	Designation of the Chairman of the Group on Trade and the Chairman and Vice-Chairman of the Investment Group	Appointments, Chairman, Vice-Chairman, Working Group on Trade, Investment Group, Steivan Defilla, Argyrios Fatouros, Mirosław Duda
	CCDEC 2001 04	SGN	CC 191 CC 192	Decision adopted by the Energy Charter Conference at its 7th Meeting held on 11th May 2001 concerning the request of the Federal Republic of Yugoslavia to become a party to the European Energy Charter and the Energy Charter Treaty	Accession, Yugoslavia
	CCDEC 2001 05	TTG	CC 192 RD 1 (ECC of 11 05 2001)	Timetable for finalisation of Negotiations on the Energy Charter Transit Protocol and for its adoption and signing	Timetable, Transit Protocol
	CCDEC 2001 06	TTG	CC 187 CC 192	Withdrawal of an Addendum to the Rules Concerning the Conduct of Conciliation on Transit Disputes from the agenda	Conciliation Rules, Transit Disputes
	CCDEC 2001 07	EEF	CC 193	Recommendations on the In-Depth Energy Efficiency Review of Hungary	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Hungary
	CCDEC 2001 08	GEN	CC 194 CC 198 RD 3 (ECC of 11 10 2001)	Special Session of the Energy Charter Conference on 17th December 2001 to mark the 10th Anniversary of the Energy Charter Process	Tenth Anniversary, General Reserve Fund
	CCDEC 2001 09	NOT	CC 198 RD 2 (ECC of 11 10 2001) RD 4 (ECC of 11 10 2001)	Reports submitted to the 8th Meeting of the Energy Charter Conference held on 11 October 2001	Model Agreements, Customs Duties, Ratification Progress, Transit Protocol, Energy Transit Facilities, EU Declaration

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2001			RD 5 (ECC of 11 10 2001)		
	CCDEC 2001 10	NOT	CC 199 CC 207 RD 2 (ECC of 17 12 2001)	Reports submitted to the 9th Meeting of the Energy Charter Conference held on 17 December 2001	Transit Protocol, Outstanding Issues, Supplementary Treaty, Customs Duties, Voluntary Contribution
	CCDEC 2001 11	EEF	CC 200 CC 207	Report on Progress in Implementation of PEEREA	PEEREA Implementation
	CCDEC 2001 12	EEF	CC 201 CC 207	Recommendations on the In-depth Review of Energy Efficiency Policies and Programmes of Bulgaria	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Bulgaria, Implementation Reports
	CCDEC 2001 13	WPR	CC 202 CC 207 RD 3 (ECC of 17 12 2001)	Secretariat's Work Programme for 2002	Secretariat's Work Programme
	CCDEC 2001 14	APP	CC 203 CC 207 RD 7 (ECC of 17 12 2001)	Designation of the Conference Chairman, Vice-Chairpersons and other Officers of the Conference's Subsidiary Bodies for 2002	Chairman, Vice-Chairman, Appointments, Henning Christophersen, Hidenobu Sobashima, Gennady Ustyuzhanin, Hakki Akil, Corina Fehr, Steivan Defilla, Peter Stefanov, Argyriou Fatours, Miroslaw Duda
	CCDEC 2001 15	INV	CC 204 CC 207	Investment Climate Reports and Investment Climate and Market Restructuring Reports	ICMS, Combined Report Format, Blue Book, Cyprus, Malta, Bulgaria, Kazakhstan, Uzbekistan, Czech Republic, Estonia, Kyrgyzstan, Latvia
	CCDEC 2001 16	TTG	CC205 CC 207 RD 5 (ECC of 17 12 2001)	Decision concerning Article 29 (2) of the Energy Charter Treaty (fulfilment of trade-related obligations under the Treaty with respect to trade with Contracting Parties that are not WT members)	WTO Obligations, GATT
	CCDEC 2001 17	SGN	CC 206 CC 207	Application of the People's Republic of China for Observer Status at the Energy Charter Conference	Accession, Observer Status, People's Republic of China
	CCDEC 2001 18	BUD	CC 207 RD 6 (ECC of 17 12 2001)	Secretariat's Budget for 2002	Secretariat's Budget
	CCDEC 2001 19	GEN	CC 208	Declaration on the Occasion of the Tenth Anniversary of the Founding of the Energy Charter Process	Tenth Anniversary, Declaration
2002	CCDEC 2002 01	NOT	CC 209 CC 209 Corr. CC 211 CC 213 RD 4 (ECC of 20 06 2002) RD 5 (ECC of 20 06 2002) RD 6 (ECC of 20 06 2002)	Reports submitted to the 10th Meeting of the Energy Charter Conference held on 20 June 2002	Transit Protocol, Working Capital Fund, Exceptional Draw, Policy Discussion, Gas Market Issues, Customs Duties, Croatia, Slovenia
	CCDEC 2002 02	INV	CC 212 CC 213	Recommendations on Country Reports on Investment Climate and Market Structure	ICMS, Croatia, Ukraine, Albania
	CCDEC 2002 03	TTG	CC 213 RD 2 (ECC of 20 06 2002)	Nomination for the Roster of Trade Dispute Settlement Panelists	Roster of Panelists, Annex D, Donald Kenyon, John Arnott
	CCDEC 2002 04	EEF	CC 213 RD 3 (ECC of 20 06 2002)	Recommendations on the In-Depth Energy Efficiency Review of Romania	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Romania
	CCDEC 2002 05	TTG	CC 210 CC 213	Addendum to the Rules Concerning the Conduct of Conciliation of Transit Disputes: Adjournment of adoption until a future Conference Meeting	Conciliation Rules, Transit Disputes
	CCDEC 2002 06	APP	CC 215 Mess 450/02	Designation of new Vice-Chairperson of the Energy Charter Conference for the remainder of 2002	Vice-Chairman, Appointments, Kazuyuki Katayama
	CCDEC 2002 07	NOT	CC 216 CC 219 CC 220 CC 221 CC 222 CC 223 CC 225 CC 227 CC 232 CC 233 RD 2 (ECC of 17 12 2002)	Reports submitted to the 11th Meeting of the Energy Charter Conference held on 17-18 December 2002	Outstanding Issues, Transit Protocol, Model Agreements, Ratification Progress, Supplementary Treaty, Roster of Panelists, Electricity Trade Issues, CIS Electric Power Council
	CCDEC 2002 08	SGN	CC 217 CC 218 CC 233	Applications of the Republic of Korea and of the Islamic Republic of Iran for Observer Status at the Energy Charter Conference	Accession, Korea, Iran, Observer status
	CCDEC 2002 09	INV	CC 224 CC 233	Recommendations on Investment Climate and Market Restructuring Reports on Belarus, Bosnia & Herzegovina, Moldova and Poland	ICMS, Belarus, Bosnia & Herzegovina, Moldova, Poland
	CCDEC 2002 10	EEF	CC 226 CC 233	Recommendations on the In-Depth Energy Efficiency Reviews of Estonia and Turkey	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Estonia, Turkey
	CCDEC 2002 11	BUD	CC 228 CC 233 RD 3 (ECC of 17-18 12 2002)	Secretariat's Budget for 2003	Secretariat's Budget
	CCDEC 2002 12	WPR	CC 229 CC 233 RD 7 (ECC of 17-18 12 2002)	Secretariat's Work Programme for 2003	Secretariat's Work Programme
	CCDEC 2002 13	APP	CC 230 CC 233	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2003	Chairman, Vice-Chairman, Appointments, Henning Christophersen, Kazuyuki Katayama, Hakki Akil, Katrin Forgo, Steivan Defilla, Peter Stefanov, Argyriou Fatours, Miroslaw Duda
	CCDEC 2002 14	APP	CC 231 CC 233	Prolongation of the term of appointment of the Secretary General	Mandate Prolongation, Secretary General, Appointments, Ria Kemper
	CCDEC 2002 15	TTG	CC 232 CC 233 CC 233 Addendum RD 4 Rev. (ECC of 17-18 12 2002) RD 5 Rev. (ECC of 17-18 12 2002)	Finalisation of negotiations on an Energy Charter Protocol on Transit based on the Transit Working Group Chairman's Final Compromise text	Transit Protocol, Right of First Refusal, REIO Clause, Transit Tariffs

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			RD 6 (ECC of 17-18 12 2002) RD 8 (ECC of 17-18 12 2002)		
	CCDEC 2002 16	TTG	CC 233 RD 1 (ECC of 17-18 12 2002)	Rules Concerning the Conduct of Conciliation of Transit Disputes under Article 7 of the Energy Charter Treaty	Conciliation Rules, Trade Disputes
2003	CCDEC 2003 01	SGN	CC 234 CC 250	Application of the Federal Republic of Nigeria for Observer Status at the Energy Charter Conference	Accession, Observer Status, Federal Republic of Nigeria
	CCDEC 2003 02	NOT	CC 211 CC 227 CC 235 CC 236 CC 238 CC 239 CC 242 CC 243 CC 244 CC 246 CC 247 CC 248 CC 249 CC 250	Reports submitted to the 12th Meeting of the Energy Charter Conference held on 26 June 2003	Transit Protocol, Law of the Sea, Electricity Protocol, IAP, Industry Advisory Panel, UN-ECE, Gas Market Issues
	CCDEC 2003 03	TTG	CC 237 CC 250	Establishment of a subsidiary body of the Energy Charter on Transit Issues, based on initial Mandate of the Transit Working Group	Working Group on Transit, ToR, Terms of Reference
	CCDEC 2003 04	INV	CC 240 CC 250	Best-Practice Guidelines on Energy Market Restructuring, including Privatisation	Best-Practice Guidelines, Energy Market Restructuring
	CCDEC 2003 05	INV	CC 241 CC 250	Conclusions on Investment Climate and Market Restructuring Reports on Georgia and Mongolia	ICMS, Georgia, Mongolia
	CCDEC 2003 06	EEF	CC 246 CC 250	Recommendations on the In-Depth Energy Efficiency Review of Denmark	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Denmark
	CCDEC 2003 07	GEN	CC 251 CC 266 RD 1 (ECC of 10 12 2003) Mess 512/03	Conclusion of Negotiations on and Adoption of the Energy Charter Protocol on Transit	Transit Protocol, Final Text
	CCDEC 2003 08	NOT	CC 252 CC 254 CC 255 CC 257 CC 259 CC 260 CC 263 CC 266	Reports submitted to the 13th Meeting of the Energy Charter Conference held on 10 December 2003	Cross-Border Pipelines, Model Agreements, IAP Status Report, Industry Advisory Panel
	CCDEC 2003 09	SGN	CC 253 CC 266 RD 10 (ECC of 10 12 2003)	Application of the ASEAN Centre for Energy for Observer Status at the Energy Charter Conference	Accession, Observer Status, ASEAN Centre for Energy, Guillermo R. Balce
	CCDEC 2003 10	INV	CC 256 CC 266	Conclusions on Investment Climate and Market Structure Reports on the Russian Federation and the Slovak Republic	ICMS, Russian Federation, Slovak Republic
	CCDEC 2003 11	EEF	CC 258 CC 266	Recommendations on the In-Depth Energy Efficiency Review of the Czech Republic	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Czech Republic
	CCDEC 2003 12	BUD	CC 261 CC 266 RD 8 (ECC of 10 12 2003)	Secretariat's Budget for 2004	Secretariat's Budget
	CCDEC 2003 13	WPR	CC 262 CC 262 Rev. 1 CC 266 RD 4 (ECC of 10 12 2003)	Adoption of the Energy Charter Secretariat's Work Programme for 2004	Secretariat's Work Programme
	CCDEC 2003 14	GEN	CC 264 CC 266 RD 2 (ECC of 10 12 2003)	Conduct of the Review envisaged under Article 34(7) of the Energy Charter Treaty	Energy Charter Review, ToR, Terms of Reference
	CCDEC 2003 15	APP	CC 265 CC 266 RD 1 (ECC of 10 12 2003)	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2004	Chairman, Vice-Chairman, Appointments, Henning Christophersen, Kazuyuki Katayama, Andrei Denisov, Hakki Akil, Katrin Forgo, Steivan Defilla, Peter Stefanov, Argyriou Fatours, Miroslaw Duda
	CCDEC 2004 01	APP	CC 267 Mess 513/04 Mess 519/04	Designation of Officers of Certain Subsidiary Bodies of the Energy Charter Conference for 2004	Appointments, Energy Charter Review, Legal Advisory Committee, Pieter Boot, Colin Brown
	CCDEC 2004 02	APP	CC 268 CC 270	Designation of the positions of Chairman and Vice-Chairman of the Charter Conference's Transit Group	Appointments, Working Group on Transit, Hakki Akil, Geza Szephalmi
	CCDEC 2004 03	NOT	CC 269 CC 271 CC 273 CC 274 CC 276 CC 278 RD 1 (ECC of 15 06 2004) RD 3 (ECC of 15 06 2004)	Reports submitted to the 14th Meeting of the Energy Charter Conference held on 15 June 2004	Transit Protocol, Energy Charter Review, Spending Targets, Ratification Progress
	CCDEC 2004 04	INV	CC 272 CC 278	Conclusions on Investment Climate and Market Structure Reports on Armenia and Romania	ICMS, Armenia, Romania
	CCDEC 2004 05	EEF	CC 278 RD 2 (ECC of 15 06 2004)	Recommendations on the In-Depth Energy Efficiency Review of Moldova	In-depth Review of Energy Efficiency Policies, PEEREA, Recommendations, Moldova
	CCDEC 2004 06	IAP	CC 275 CC 278	Establishment of an Industry Advisory Panel to the Energy Charter Process	IAP, Industry Advisory Panel, ToR, Terms of Reference
	CCDEC 2004 07	APP	CC 277 CC 278	Designation of Officers of the Conference's Budget Committee	Appointments, Budget Committee, Katrin Forgo, Helge Westborg
	CCDEC 2004 08	GEN	CC 279 CC 280 CC 281	Conclusions of the Review conducted under Article 34(7) of the Energy Charter Treaty	Energy Charter Review, Trade in Electricity, Combined Group, Trade and Transit Group, Budgetary Implications

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2004			CC 282 CC 294 RD 5 (ECC of 14 12 2004) RD 8 (ECC of 14 12 2004) Mess 559/04		
	CCDEC 2004 09	IAP	CC 283 CC 294 RD 2 (ECC of 14 12 2004) RD 7 (ECC of 14 12 2004)	Composition of the Industry Advisory Panel to the Energy Charter Process	IAP, Industry Advisory Panel, Composition
	CCDEC 2004 10	NOT	CC 284 CC 285 CC 286 CC 288 CC 290 CC 294	Reports submitted to the 15th Meeting of the Energy Charter Conference held on 14 December 2004	Transit Issues, Protocol on Transit, Ratification, Report
	CCDEC 2004 11	INV	CC 287 CC 294	Conclusions of the Investment Climate and Market Structure Report on Azerbaijan	ICMS, Azerbaijan
	CCDEC 2004 12	EEF	CC 289 CC 294	Recommendations on the In-Depth Energy Efficiency Review of Croatia	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Croatia
	CCDEC 2004 13	BUD	CC 291 CC 294 RD 3 (ECC of 14 12 2004)	Secretariat's Budget for 2005	Secretariat's Budget
	CCDEC 2004 14	WPR	CC 292 CC 292 Rev. 1 CC 294 RD 4 (ECC of 14 12 2004)	Secretariat's Work Programme for 2005	Secretariat's Work Programme
	CCDEC 2004 15	APP	CC 293 CC 294 RD 1 (ECC of 14 12 2004)	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2005	Chairman, Vice-Chairman, Appointments, Henning Christophersen, Ivan Materov, Michael Caramanis, Miroslaw Duda, Katrin Forgo, Helge Westborg, Wolfgang Slingwagner
2005	CCDEC 2005 01	TTG	Mess 578/05 Mess 581/05	Terms of Reference for the merged Group on Trade and Transit	IoR, Terms of Reference, Group on Trade and Transit
	CCDEC 2005 02	NOT	CC 295 CC 298 CC 300 CC 301 CC 303 CC 304 CC 309 RD 1 (ECC of 09 12 2005)	Reports submitted to the 16th Meeting of the Energy Charter Conference held on 9 December 2005	Ratification Progress, Energy Charter Review, IAP, Industry Advisory Panel
	CCDEC 2005 03	SGN	CC 297 CC 309	Application of Pakistan to sign the Energy Charter Political Declaration (Concluding Document of the Hague Conference from 16-17 December 1991)	Accession, Observer Status, Pakistan
	CCDEC 2005 04	TTG	CC 299 CC 309	Decision on the Draft Energy Charter Protocol on Transit	Transit Protocol
	CCDEC 2005 05	INV	CC 302 CC 309	Conclusions of the In-Depth Reports on Investment Climate and Market Structure (ICMS) for Uzbekistan	ICMS, Uzbekistan
	CCDEC 2005 06	EEF	CC 305 CC 309	Recommendations on the In-Depth Energy Efficiency Review of Georgia	In-depth Review of Energy Efficiency Policies, PEEREA, Recommendations, Georgia
	CCDEC 2005 07	WPR	CC 306 CC 309	Secretariat's Work Programme for 2006	Secretariat's Work Programme
	CCDEC 2005 08	APP	CC 307 CC 307 Addendum CC 309	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2006	Chairman, Vice-Chairman, Appointments, Henning Christophersen, Ivan Materov, Manabu Miyagawa, Michael Caramanis, Mithal Rende, Yrjo Sahrakorpi, Shukhrat Khamidov, Helge Westborg
	CCDEC 2005 09	BUD	CC 296 CC 308 CC 309	Secretariat's Budget for 2006	Secretariat's Budget
	CCDEC 2005 10	APP	CC 309	Election of the Secretary General of the Energy Charter Secretariat	Appointments, Secretary General, Andre Memier
2006	CCDEC 2006 01	SGN	CC 310 Mess 651/06	Approval of Afghanistan's request to become a signatory to the Concluding Document of The Hague Conference on the European Energy Charter	Accession, Observer Status, Afghanistan
	CCDEC 2006 02	EEF	CC 311	Recommendations on the In-depth Energy Efficiency Review of Sweden	In-depth Review of Energy Efficiency Policies, PEEREA, Recommendations, Sweden
	CCDEC 2006 03	SGN	CC 312 CC 326	Accession of the Islamic Republic of Pakistan to the Energy Charter Treaty	Accession, Pakistan
	CCDEC 2006 04	APP	CC 313 CC 326	Designation of the Conference Chairman for 2007	Conference Chairman, Appointments, Takekazu Kawamura
	CCDEC 2006 05	NOT	CC 314 CC 316 CC 317 CC 318 CC 320 CC 321 CC 322 CC 326	Reports submitted to the 17th Meeting of the Energy Charter Conference held on 20 November 2006	Energy Charter Review, IAP, Industry Advisory Panel, Model Agreements, Cross-Border Pipelines, G.E.H. Joosten
	CCDEC 2006 06	TTG	CC 315 CC 326 RD 2 (ECC of 20 11 2006)	Decision on the Draft Energy Charter Protocol on Transit	Transit Protocol
	CCDEC 2006 07	INV	CC 319 CC 326	Conclusions of the In-Depth Reports on Investment Climate and Market Structure (ICMS) for the Republic of Turkey and the Former Yugoslav Republic of Macedonia	ICMS, Turkey, FYROM, Macedonia
	CCDEC 2006 08	BUD	CC 323 CC 326 RD 3 (ECC of 20 11 2006)	Secretariat's Budget for 2007	Secretariat's Budget

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2007	CCDEC 2006 09	WPR	CC 324 CC 326	Secretariat's Work Programme for 2007	Secretariat's Work Programme
	CCDEC 2006 10	APP	CC 325 CC 326 RD 1 (ECC of 20 11 2006)	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2007	Chairman, Vice-Chairman, Appointments, Takekazu Kawamura, Ivan Materov, Michael Caramanis, Mithat Rende, Yrjo Sahrakorpi, Shukhrat Khamidov, Victor Kalmykov
	CCDEC 2007 01	GEN	CC 327 Rev. 1 RD 8 (ECC of 07 12 2007) Mess 685/07	Accession of the Energy Charter Conference to the status of observer to the General Assembly of the United Nations	Observer Status, United Nations
	CCDEC 2007 02	SGN	CC 328 Mess 690/07	Approval by the Energy Charter Conference of the Philippines' request to become a signatory to the 1991 Energy Charter Declaration	Accession, Philippines
	CCDEC 2007 03	EEF	CC 329	Recommendations on the In-depth Energy Efficiency Review of Latvia	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Latvia
	CCDEC 2007 04	SGN	CC 330 Mess 715/07	Approval by the Energy Charter Conference of Jordan's request to join the Energy Charter Treaty as an observer	Accession, Observer Status, Hashemite Kingdom of Jordan
	CCDEC 2007 05	SGN	CC 331 CC 347	Accession of Afghanistan to the 1994 Energy Charter Treaty	Accession, Afghanistan
	CCDEC 2007 06	NOT	CC 332 CC 334 CC 336 CC 338 CC 339 CC 342 CC 343 CC 347 RD 4 (ECC of 07 12 2007) RD 8 (ECC of 07 12 2007)	Reports submitted to the 18th Meeting of the Energy Charter Conference held on 7 December 2007	Ratification Progress, Observer Status, UN, Follow-Up ICMS, Armenia, Blue Book
	CCDEC 2007 07	TTG	CC 333 CC 347 RD 3 (ECC of 07 12 2007)	Second Edition of the Model Agreements on Cross-Border Pipelines	Cross-Border Pipelines, Model Agreements, Guidelines, LATF, Legal Advisory Task Force
	CCDEC 2007 08	TTG	CC 335 CC 347	Decision on Next Steps in Relation to the Draft Transit Protocol	Transit Protocol
	CCDEC 2007 09	INV	CC 337 CC 347	Conclusions on the In-Depth Reports on Investment Climate and Market Structure (ICMS) of Belarus, Georgia and Kyrgyzstan	ICMS, Belarus, Georgia, Kyrgyzstan
	CCDEC 2007 10	EEF	CC 340 CC 347	Recommendations on the In-depth Energy Efficiency Review of the former Yugoslav Republic of Macedonia	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, FYROM, Macedonia
	CCDEC 2007 11	EEF	CC 341 CC 347	Bucharest Conclusions on Capacity Building in Energy Efficiency	Bucharest Conclusions, Capacity Building, Energy Efficiency
	CCDEC 2007 12	BUD	CC 344 CC 347	Secretariat's Budget for 2008	Secretariat's Budget
	CCDEC 2007 13	WPR	CC 345 CC 347 RD 10 (ECC of 07 12 2007)	Secretariat's Work Programme for 2008	Secretariat's Work Programme
2008	CCDEC 2007 14	APP	CC 346 CC 347 RD 1 (ECC of 07 12 2007) RD 2 (ECC of 07 12 2007)	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2008	Chairman, Vice-Chairman, Appointments, Takekazu Kawamura, Anatoliy Yanovskiy, Aymo Brunetti, Michael Caramanis, Vural Altay, Yrjo Sahrakorpi, Shukhrat Khamidov, Victor Kalmykov
	CCDEC 2008 01	EEF	CC 348	Recommendations on the In-depth Review of Energy Efficiency Policies and Programmes of Bulgaria	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Bulgaria
	CCDEC 2008 02	NOT	CC 349 Rev. 1 CC 351 CC 353 CC 354 CC 357 CC 362 CC 368	Reports submitted to the 19th Meeting of the Energy Charter Conference held on 28 November 2008	Strategy Issues, Ratification Progress, Pricing Seminars, Low-Carbon Economy
	CCDEC 2008 03	TTG	CC 350 CC 368	Energy Charter Model Agreements for Cross-Border Electricity Projects	Cross-Border Electricity Projects, Model Agreements, LATF, Legal Advisory Task Force
	CCDEC 2008 04	INV	CC 352 CC 368	Conclusions of the In-depth Report on Investment Climate and Market Structure (ICMS) of Albania	ICMS, Albania
	CCDEC 2008 05	EEF	CC 355 CC 368	Recommendations on the In-depth Review of Energy Efficiency Policies and Programmes of the Slovak Republic	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Slovak Republic
	CCDEC 2008 06	IAP	CC 356 CC 368	Extension of the mandate of the Industry Advisory Panel	Mandate Extension, IAP, Industry Advisory Panel
	CCDEC 2008 07	BUD	CC 358 CC 368	Secretariat's Budget for 2009	Secretariat's Budget
	CCDEC 2008 08	WPR	CC 359 CC 368	Secretariat's Work Programme for 2009	Secretariat's Work Programme
	CCDEC 2008 09	GEN	CC 360 Rev. 1 CC 366 CC 368	Quinquennial Energy Charter Review under Article 34(7) of the Energy Charter Treaty	Energy Charter Review, ToR, Terms of Reference, Sergio Garriba, Special Representative
	CCDEC 2008 10	APP	CC 361 CC 368 Mess 805/09	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2009	Chairman, Vice-Chairman, Appointments, Takekazu Kawamura, Anatoliy Yanovskiy, Aymo Brunetti, Michael Thomadakis, Shukhrat Khamidov, Vural Altay, Victor Kalmykov, Yrjo Sahrakorpi, Victor Shakhin, Johan Vellesen, Odd Sverre Haraldsen
	CCDEC 2008 11	SGN	CC 363 CC 368	Application of the Arab Republic of Egypt for Observer Status	Accession, Observer Status, Arab Republic of Egypt
	CCDEC 2008 12	BUD	CC 364 CC 368	Special Salary Adjustment 2008	Special Salary Adjustment, CCR, Co-ordinating Committee on Remuneration
	CCDEC 2008 13	SGN	CC 365 CC 368	Application of the Palestinian National Authority for Observer Status	Accession, Observer Status, Palestinian National Authority
	CCDEC 2008 14	TTG	CC 368 RD 1 (ECC of 28 11 2008)	Decision on next steps in relation to the draft Transit Protocol	Transit Protocol
	CCDEC 2008 15	GEN	CC 368 RD 2 (ECC of 28 11 2008)	Recommendations of the 2008 Policy Conference	Policy Conference, Energy Efficiency, Low-carbon Economy

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2009	CCDEC 2009 01	SGN	CC 367 Mess 797/09	Accession by the Republic of Serbia as a signatory to the Concluding Document of The Hague Conference on the European Energy Charter	Accession, Serbia
	CCDEC 2009 02	SGN	CC 369 Mess 811/09	Application by the Republic of Indonesia for observer status	Accession, Observer Status, Republic of Indonesia
	CCDEC 2009 03	APP	CC 387 CC 390 Rev. 2 Mess 856/09	Prolongation of the Mandate of the Secretary General of the Energy Charter Secretariat until the end of 2011	Secretary General, Appointments, Andre Mernier, Mandate Prolongation
	CCDEC 2009 04	NOT	CC 371 CC 374 CC 376 CC 378 CC 379 CC 382 CC 385 CC 390 Rev. 2	Reports submitted to the 20th Meeting of the Energy Charter Conference held on 9 December 2009	Energy Charter Review, Trade Amendment, Strategy Issues, IAP, Industry Advisory Panel
	CCDEC 2009 05	SGN	CC 370 CC 390 Rev. 2	Accession of the Hashemite Kingdom of Jordan (Jordan) to the Energy Charter Treaty	Accession, Hashemite Kingdom of Jordan
	CCDEC 2009 06	TTG	CC 372 CC 390 Rev. 2	Mandate for the Negotiation of the Remaining Open Issues of the draft Protocol on Transit	Transit Protocol, Mandate for Negotiations
	CCDEC 2009 07	EEF	CC 373 CC 390 Rev. 2	Non-binding schedule of In-Depth and Regular Reviews for 2010-2012	Reviews Schedule, Group on Energy Efficiency and Related Environmental Aspects
	CCDEC 2009 08	INV	CC 375 CC 390 Rev. 2	Conclusions on the In-Depth Report on Investment Climate and Market Structure (ICMS) of Tajikistan	ICMS, Tajikistan
	CCDEC 2009 09	BUD	CC 377 CC 390 Rev. 2	Secretariat's Budget for 2010	Secretariat's Budget
	CCDEC 2009 10	INV	CC 380 CC 390 Rev. 2	Market and System Inter-Operability Agreement (IMA) Guidelines	Market and System Inter-Operability, Model Agreements, Guidelines, LATF, Legal Advisory Task Force
	CCDEC 2009 11	APP	CC 383 CC 390 Rev. 2 Mess 859/09	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2010	Chairman, Vice-Chairman, Appointments, Anatoliy Yanovskiy, Aymo Brunetti, Odd Sverre Haraldsen, Michael Thomadakis, Shukhrat Khamidov, Murat Ates, Yrjo Sahrakorpi
	CCDEC 2009 12	GEN	CC 384 CC 390 Rev. 2	Main conclusions from the 2009 Policy Conference	Policy Conference, Multilateral Action
	CCDEC 2009 13	STR	CC 386 Rev. 1 CC 390 Rev. 2	Establishment of the Energy Charter Strategy Group	Strategy Group, Establishment, Subsidiary Body
	CCDEC 2009 14	GEN	CC 390 Rev. 2 Mess 847/09 Rev. 2	Rome Joint Statement	Rome Joint Statement, Modernisation
2010	CCDEC 2010 01	SGN	CC 388 Mess 880/10	Application by the Syrian Arab Republic for observer status	Accession, Observer Status, Syrian Arab Republic
	CCDEC 2010 02	TTG	CC 395 Mess 871/10	Amendment of the Terms of Reference of the Group on Trade and Transit	ToR, Terms of Reference, Trade and Transit Group
	CCDEC 2010 03	STR	CC 389 Mess 879/10	Terms of Reference for and Membership in the Energy Charter Strategy Group	ToR, Terms of Reference, Strategy Group
	CCDEC 2010 04	WPR	CC 381 Rev. 2	Secretariat's Work Programme for 2010	Secretariat's Work Programme
	CCDEC 2010 05	NOT	CC 391 CC 393 CC 394 CC 396 CC 399 CC 400 CC 404 CC 407	Reports submitted to the 21st Energy Charter Conference meeting held on 24 November 2010	Transparency Initiative, Transit Protocol, Risk Mitigation Dialogue, Secretary-General
	CCDEC 2010 06	BUD	CC 392 CC 407	Secretariat's Budget for 2011	Secretariat's Budget, 2011
	CCDEC 2010 07	INV	CC 397 CC 407	Conclusions on Follow up Investment Climate and Market Restructuring Reports on Bulgaria and Bosnia & Herzegovina	ICMS, Bosnia and Herzegovina, Bulgaria
	CCDEC 2010 08	GEN	CC 398 CC 407	Energy Charter Public Statement on Supporting the Extractive Industries Transparency Initiative (EITI) and Strengthening Transparency in the Energy Sector of the ECT Constituency	Extractive Industries Transparency Initiative, Public Statement, Ukraine
	CCDEC 2010 09	EEF	CC 401 CC 407	Recommendations on the In-depth Review of Energy Efficiency Policies and Programmes of Mongolia	In-depth Review of Energy Efficiency Policies and Programmes, PEEREA, Recommendations, Mongolia
	CCDEC 2010 10	GEN	CC 402 CC 407	Road Map for the Modernisation of the Energy Charter Process	Road Map, Modernisation, Strategy Group
	CCDEC 2010 11	WPR	CC 403 CC 403 Rev. CC 407	Secretariat's Work Programme for 2011	Secretariat's Work Programme
	CCDEC 2010 12	APP	CC 405 CC 407	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2011	Appointments, Chairman, Vice-Chairman, Selim Kuneralp, Anatoliy Yanovskiy, Odd Sverre Haraldsen, Koenraad Lenaerts, Michael Thomadakis, Shukhrat Khamidov, Murat Ates, Yrjo Sahrakorpi
2011	CCDEC 2011 01	APP	CC 432 Rev.	Appointment of a new Secretary General and approval of the proposal of setting up a Working Group to look at the rules of procedure for election of the Secretary General	Appointment, Secretary General, Rusnak
	CCDEC 2011 02	NOT	CC 410 CC 432 Rev.	Policy on Outreach, Expansion and Consolidation – Report by the Secretary General	Policy, Outreach, Expansion, Consolidation, Report, Secretary General
	CCDEC 2011 03	STR	CC 411 CC 432 Rev.	Endorsement of the paragraph on the next steps in regard to the policy paper on outreach, expansion and consolidation	Endorsement, paragraph, next steps, policy, outreach, expansion, consolidation
	CCDEC 2011 04	INV	CC 412 CC 413 CC 432 Rev.	Adoption of Conclusions with regard to Investment Climate and Market Structure Reports on Moldova, Azerbaijan and Poland	Conclusions, Investment Climate, Market Structure, Reports, Moldova, Azerbaijan, Poland
	CCDEC 2011 05	NOT	CC 414 CC 432 Rev.	Report by the Chairman of the Trade and Transit Group	Report, Chairman, TTG
	CCDEC 2011 06	TTG	CC 423 CC 432 Rev.	Decision on the draft Transit Protocol	Transit Protocol
	CCDEC 2011 07	TTG	CC 415 CC 432 Rev.	Decision regarding the possibility to move to the binding tariff regime for import and export customs duties on selected items (Art. 29(6) and (7) of the ECT)	Binding tariff regime, Import and Export customs, duties
	CCDEC 2011 08	EEF	CC 416 CC 417 CC 432 Rev.	Adoption of the Recommendations on the In-Depth Energy Efficiency Reviews of Georgia and Bosnia and Herzegovina	Adoption, Recommendations, In-Depth Energy Efficiency Reviews, Georgia, Bosnia and Herzegovina, PEEREA

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	CCDEC 2011 09	IAP	CC 418 CC 432 Rev.	Communication by the Chairman of the Industry Advisory Panel	Communication, Chairman, Industry Advisory Panel
	CCDEC 2011 10	WPR	CC 419 Rev 2 CC 432 Rev.	Energy Charter's Work Programme for 2012	Work Programme, 2012
	CCDEC 2011 11	BUD	CC 420 CC 421 CC 432 Rev. RD 4 (ECC of 29 11 2011)	Discharge of the Secretary General from his management and administrative responsibility in respect of the 2010 budget and Report by the Chairman of the Budget Committee	Discharge, Secretary General, management and administrative responsibility, 2010 budget
	CCDEC 2011 12	BUD	CC 424 CC 432 Rev.	Voluntary Contribution from the Federal Republic of Germany	Voluntary Contribution, Germany
	CCDEC 2011 13	APP	CC 422 CC 432 Rev. RD 1 (ECC of 29 11 2011)	Designation of the Conference Chairman, Vice-Chairmen and other Officers of the Conference's Subsidiary Bodies for 2012	Appointments, Chairman, Vice-Chairman, Selim Kuneralp, Anatoly Yanovskiy, Odd Sverre Haraldsen, Natalia Boitsun, Michael Thomadakis, Shukhrat Khamidov, Murat Ates, Masahiko Fujihara, Erik Ulfstedt, Lubomir Mazouch
2012	CCDEC 2012 01	APP	CC 429 Mess. 1002/12	Reconfirmation of observer status	Observer Status, Algeria, Bahrain, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, the United Arab Emirates, Venezuela
	CCDEC 2012 02	STR	CC 430 Mess. 1005/12	Updated Energy Charter - Netherlands' voluntary contribution to support an ad hoc political conference to develop a new basic political declaration	Updated Energy Charter, Netherlands, voluntary contribution
	CCDEC 2012 03	STR	CC 431 Mess. 1012/12	Approval of Final Draft of the "Policy on Consolidation, Expansion and Outreach" (CONEXO)	CONEXO, major issues, Strategy Group, Policy, Consolidation, Expansion, Outreach
	CCDEC 2012 04	SGN	CC 453 CC 454 CC 458	Approval of the request for Observer status from the Republic of Yemen and Montenegro	Observer status, Republic of Yemen, Montenegro
	CCDEC 2012 05	NOT	CC 437 CC 458	Report on Consolidation, Expansion and Outreach	CONEXO
	CCDEC 2012 06	NOT	CC 438 CC 458	Report by the Chairman of the Investment Group	Report, Chairman, Investment Group
	CCDEC 2012 07	INV	CC 439 CC 458	Assessment of the ECT provisions with regard to low-carbon investment	ECT, low-carbon investment
	CCDEC 2012 08	INV	CC 440 CC 458	Multilateral co-operation on promoting low-carbon investment	Multilateral, co-operation, low-carbon, investment
	CCDEC 2012 09	INV	CC 441 CC 458	Policy Conclusions and Recommendations with regards to Country Reports on Investment Climate and Market Structure of Lithuania and Kazakhstan	Country Reports, Investment Climate, Market Structure, Lithuania, Kazakhstan
	CCDEC 2012 10	TTG	CC 443 CC 458	Binding customs tariff standstill regime	Binding Customs, tariff, standstill regime
	CCDEC 2012 11	TTG	CC 444 CC 458	Approval of nominations for the roster of panelists for the resolution of trade disputes	Nominations, roster of panelists, resolution, trade disputes
	CCDEC 2012 12	TTG	CC 442 CC 458	The Views of the Conference on the Stakeholder Consultations on Energy Transit and Cross-border Co-operation	Stakeholder, Consultations, Energy Transit, Cross-border Co-operation, TTG Chairman's report
	CCDEC 2012 13	EEF	CC 445 CC 446 CC 458	Adoption of the Recommendations on In-Depth Energy Efficiency Reviews of Albania, Azerbaijan Republic and Belarus	PEEREA, In-Depth Energy Efficiency Reviews, Albania, Azerbaijan Republic, Belarus
	CCDEC 2012 14	APP	CC 447 CC 458	Working Group on Rules of Procedure for Appointing the Secretary General	Working Group, Secretary General
	CCDEC 2012 15	APP	CC 448 CC 458	Renewal of the Mandate of the Industry Advisory Panel, approval of the nomination of Chairman of the IAP and approval of nomination of IAP members	Communication, Industry Advisory Panel, Renewal of Mandate, nomination of Chairman
	CCDEC 2012 16	WPR	CC 449 CC 458	Adoption of the Energy Charter's Work Programme for 2013	Work Programme, 2013
	CCDEC 2012 17	BUD	CC 450 CC 451 CC 458 RD 2 (ECC of 26 11 2012)	Budgetary Issues	Budget, 2013, Financial Plan
	CCDEC 2012 18	APP	CC 452 Rev. CC 458	Designation of Conference Chairman, Vice-Chairmen and Other Officers of the Conference's Subsidiary Bodies for 2013	Designation, Chairman, Vice-Chairman, Officers, Selim Kuneralp, Turkey
	CCDEC 2012 19	GEN	CC 458 RD 4 Rev. 2 (ECC of 26 11 2012)	Updating of the Energy Charter	Updating, Energy Charter
	CCDEC 2013 01	APP	CC 456 Mess. 1057/13	Designation of the Chairman of the PEEREA Working Group	Designation, Appointment, Chairman, PEEREA, Kazakhstan, Sergey Katyshev
	CCDEC 2013 02	APP	CC 457 Mess. 1056/13	Designation of the Deputy Chairman of the Energy Charter Conference	Designation, Appointment, Vice-Chairman, Kazakhstan, Jambulat Sarsenov
	CCDEC 2013 03	INV	CC 459 Mess. 1095/13	Adoption of the Policy Conclusions and Recommendations of the In-depth Review on ICMS in the Energy Sector of Mongolia	In-depth review, Investment Climate, Market Structure, Investment Group, Mongolia
	CCDEC 2013 04	EEF	CC 460 Mess. 1097/13	Adoption of the Recommendations of the In-depth Energy Efficiency Review of Ukraine	In-depth review, Energy Efficiency, PEEREA, Ukraine
	CCDEC 2013 05	EEF	CC 461 Mess. 1096/13	Adoption of the Recommendations of the In-depth Energy Efficiency Review of Tajikistan	In-depth review, Energy Efficiency, PEEREA, Tajikistan
	CCDEC 2013 06	SIR	CC 462 Mess 1090/13 RD 2 (ECC of 26-27 11 2012)	Adoption of the negotiation mandate for updating the European Energy Charter	Updating, European Energy Charter, Strategy Group, Mandate
	CCDEC 2013 07	SIR	CC 464 Mess. 1092/13	Adoption of the practice of the Energy Charter Conference related to the Chairmanship of the Conference	Chairmanship, Energy Charter Conference, Strategy Group, Practice, Explanatory Note
	CCDEC 2013 08	SIR	CC 463 Mess. 1091/13	Adoption of the de-restriction of CCDEC documents and change in the default setting of CC documents	De-restriction, CCDEC documents, Default Setting, CC documents, Strategy Group, Summary Record, Decisions
	CCDEC 2013 09	INV	CC 482 Mess. 1094/13	Adoption of the Policy Conclusions and Recommendations of the In-depth Review on ICMS in the Energy Sector of Morocco	In-depth review, Investment Climate, Market Structure, Investment Group, Morocco
	CCDEC 2013 10	NOT	CC 465 CC 484	Secretary General's Report of the year 2013	Report, 2013, Secretary General
	CCDEC 2013 11	GEN	CC 466, CC 484 RD 1 (ECC of 5-6 12 2013)	Proposal concerning the conduct of the Review under Article 34 (7) ECT	Energy Charter Treaty, Review, Art. 34 (7), Terms of Reference, Proposal, Timetable, Azerbaijan, European Union, Japan, United Kingdom
	CCDEC 2013 12	NOT	CC 467 CC 484	Report by the Chairman of the Strategy Group	Report, Chairman, Strategy Group
	CCDEC 2013 13	NOT	CC 468 CC 484	Report on Policy on Consolidation, Expansion and Outreach (CONEXO) for 2013	Report, Policy, Consolidation, Expansion, Outreach, CONEXO
	CCDEC 2013 14	SGN	CC 469 CC 484	Terms and Conditions for the Accession of Montenegro to the Energy Charter Treaty	Accession, Terms and Conditions, Montenegro

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2013	CCDEC 2013 15	NOT	CC 470 CC 484	Report by the Chairman of the Investment Group	Report, Chairman, Investment Group
	CCDEC 2013 16	NOT	CC 471, CC 484 RD 6 (ECC of 5-6 12 2013)	Report by the Chairman of the Trade and Transit Group	Report, Chairman, Trade and Transit Group
	CCDEC 2013 17	TTG	CC 472 CC 484	Technical Changes to annexes EM I, NI and EQ I	Annexes, EM I, NI, EQ I, Harmonized Commodity Description, Coding System, Trade and Transit, technical changes, Article 34(3)(m), Article 36(1)(e)
	CCDEC 2013 18	NOT	CC 473 CC 484	Report by the Chairman of the Working Group on Energy Efficiency and related Environmental Aspects	Report, Chairman, Working Group, Energy Efficiency, related Environmental Aspects
	CCDEC 2013 19	APP	CC 474 CC 484	Report of the Working Group on rules and procedures for appointing the SG and decision to repeal its mandate	Report, Rules, Procedure, Appointing, Secretary General, Repeal, Mandate, Working Group, Discharge, Dissolve, Art 34(7) Review
	CCDEC 2013 20	IAP	CC 475 CC 484	Communication from the Chairman of the Industry Advisory Panel	Communication, Chairman, Industry Advisory Panel, IAP
	CCDEC 2013 21	WPR	CC 476 CC 484	Adoption of the Secretariat's Work Programme for 2014	Work Programme, 2014
	CCDEC 2013 22	BUD	CC 477, 478 CC 484	Budgetary Issues	Discharge, Secretary General, Management, Administrative, Responsibility, 2012, 2014, Budget, Financial Statement, Auditor, Budget Committee
	CCDEC 2013 23	APP	CC 479, CC 484 CC 484	List of Chairmanships of the Energy Charter Conference for 2014, 2015, 2016	Chairmanship Energy Charter Conference, Kazakhstan, Georgia, Japan
	CCDEC 2013 24	APP	CC 480 Rev CC 484 RD 8 (ECC of 5-6.12.2013)	Designation of the Conference Chairman, Vice Chairman and other Officers of the Conference subsidiary bodies for 2014	Designation, Chairman, Chair, Vice-Chair, Officers, Subsidiary Bodies, Uzakbay Karabalin, Kazakhstan, Sarsenov Jambulat, Mariam Valishvili, Georgia, Anatoliy Yanovskiy, Russian Federation, Odd Sverre Haraldsen, Norway, Ramiz Rzaev, Azerbaijan, Klara Rakhmetova, Leila Stieger, Switzerland, Erik Ulfstedt, Finland, Lubomir Mazouch, Czech Republic
	CCDEC 2013 25	SGN	CC 481, CC 484 RD 5 (ECC of 5-6 12 2013)	Approval of the Request of Yemen to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Yemen
	CCDEC 2013 26	SIR	CC 484, RD 2 (ECC of 5-6 12 2013)	Timetable for the Updated Energy Charter and the Review	Timetable, Review, Article 34(7), Mandate, Updated Energy Charter
	CCDEC 2013 27	GEN	CC 484, RD 7 (ECC of 5-6 12 2013)	Venue and date for the 25 ECC Meeting	Date, Venue, Astana, Kazakhstan, 25 Meeting
	CCDEC 2013 28	SGN	CC 484, RD 8 (ECC of 5-6 12 2013)	Approval of the Request of Lebanon to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Lebanon
	CCDEC 2013 29	NOT	CC 484, RD 4 (ECC of 5-6 12 2013)	Communication on the Terms of Reference for Energy Charter Forums	ToR, Terms of Reference, Energy Charter Forum
	CCDEC 2013 30	SIR	CC 484, RD 3 (ECC of 5-6 12 2013)	Starting text for UEC negotiations	UEC, Updated Energy Charter, Basic text
2014	CCDEC 2014 01	APP	CC 483 Mess. 1106/14	Appointment of the Vice-Chairperson of the Strategy Group	Appointment, Vice-Chairperson, Strategy Group, Carmen-Sofia Sanz Estébanez
	CCDEC 2014 02	SGN	CC 485 Mess. 1133/14	Approval of the Request of Mauritania to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Mauritania
	CCDEC 2014 03	EEF	CC 486 Mess. 1146/14	Adoption of the Recommendations of the In-depth Energy Efficiency Review of Turkey	In-depth review, Energy Efficiency, PEEREA, Turkey
	CCDEC 2014 04	SGN	CC 487 Mess. 1144/14	Approval of the Observer status of IRENA	Request, Observer status, International Renewable Energy Agency, IRENA
	CCDEC 2014 05	SGN	CC 485 Mess. 1133/14	Approval of the Request of Palestine to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Palestine
	CCDEC 2014 06	GEN	CC 492, Mess. 1176/14, SIG 71 rev., CC 509	Approval of the Conclusions of the Review under Art 34(7) ECT	Review, Article 34(7), Conclusions, Report, 2014
	CCDEC 2014 07	GEN	CC 505 Rev CC 509	Astana Declaration 2015-2019	Astana, Declaration, 2014, Conclusions, Energy Charter Process
	CCDEC 2014 08	INV	CC 508 CC 509	Adoption of the Policy Conclusions and Recommendations of the In-depth Review on ICMS in the Energy Sector of Armenia	In-depth review, Investment Climate, Market Structure, Investment Group, Armenia
	CCDEC 2014 09	SIR	CC 491 Rev CC 509	Issues related to the adoption of the International Energy Charter in 2015	International Energy Charter, Guidelines
	CCDEC 2014 10	BUD	CC 493, Mess. 1177, CC 494 CC 509	Budgetary Issues	Discharge, Secretary General, Management, Administrative, Responsibility, 2013, 2015, Budget, Financial Statement, Auditor, Budget Committee
	CCDEC 2014 11	GEN	CC 490 Rev 2 CC 509	Establishment and Terms of Reference for a Working Group on Procedural Issues	ToR, Terms of Reference, Working Group, Procedural Issues
	CCDEC 2014 12	APP	CC 495 CC 509	List of Chairmanships of the Energy Charter Conference for 2015, 2016, 2017	Chairmanship Energy Charter Conference, Georgia, Japan, Turkmenistan
	CCDEC 2014 13	APP	CC 496 CC 509	Designation of the Conference Chairman, Vice Chairmen and other Officers of the Conference Subsidiary bodies for 2015	Designation, Chairman, Chair, Vice-Chair, Officers, Subsidiary Bodies, Kakha Kaladze, Mariam Valishvili, Uzakbay Karabalin, Keiichi Katagami, Odd Sverre Haraldsen, Sofia C. Sanz Estébanez, Parviz Garibzade, Klara Rakhmetova, Tomáš Pavlík, Leila Stieger, Quentin Perret, Colin Brown, Georgia, Kazakhstan, Japan, Norway, Spain, Azerbaijan, Czech Republic, Switzerland, France, European Union
	CCDEC 2014 14	TTG	CC 501 CC 509	Model Energy Charter Early Warning Mechanism	Model, Early Warning Mechanism, Transit
	CCDEC 2014 15	NOT	CC 497 CC 509	Secretary Generals Report of the year 2014	Report, 2014, Secretary General
	CCDEC 2014 16	NOT	CC 498 CC 509	Report by the Chairman of the Strategy Group	Report, Chairman, Strategy Group
	CCDEC 2014 17	NOT	CC 499 CC 509	Report by the Chairman of the Investment Group	Report, Chairman, Investment Group
	CCDEC 2014 18	NOT	CC 500 Rev CC 509	Report by the Chairman of the Trade and Transit Group	Report, Chair, Trade and Transit Group
	CCDEC 2014 19	NOT	CC 503 Rev CC 509	Report by the Chairman of the Working Group on Energy Efficiency and related Environmental Aspects	Report, Chairman, Working Group, Energy Efficiency, related Environmental Aspects
	CCDEC 2014 20	NOT	CC 504 CC 509	Report by the Chairman of the Industry Advisory Panel	Report, Chairman, Industry Advisory Panel
	CCDEC 2014 21	POW	CC 506 CC 509	Adoption of the Secretariat's Work Programme for 2015	Work Programme, 2015
	CCDEC 2014 22	GEN	CC 507 CC 509	Venue and date of the 26 ECC Meeting	Date, Venue, Tbilisi, Georgia, 26 Meeting
	CCDEC 2015 01	BUD	CC 510 Mess. 1198/15	Approval by written procedure of the acceptance of a voluntary contribution from the European Commission	European Commission, voluntary contribution, 2015
	CCDEC 2015 02	SGN	CC 511 Mess. 1200/15	Approval of the Request of Niger to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Niger
	CCDEC 2015 03	SGN	CC 512 Mess. 1201/15	Approval of the Request of Chad to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Chad

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2015	CCDEC 2015 04	GEN	CC 513 Mess. 1202/15	Confirmation of the new date of the 26th Meeting of the Energy Charter Conference	Date, Venue, Tbilisi, Georgia, 26 Meeting
	CCDEC 2015 05	INV	CC 514 Mess. 1214/15	Adoption of the Policy Conclusions and Recommendations of the In-depth Review on ICMS in the Energy Sector of Latvia	In-depth review, Investment Climate, Market Structure, Investment Group, Latvia
	CCDEC 2015 06	APP	CC 515 Mess. 1220/15	Appointment of the Vice-Chairperson of the WG on Procedural Issues	Appointment, Vice-Chairperson, Working Group, Procedural Issues, Dzmitry Nikolaevich Nikalayenia
	CCDEC 2015 07	GEN	CC 516 Mess. 1228/15	Approval of the Amendment to Staff Rule 8.1.a	Staff Rule, Amendment, project staff, temporary official, national
	CCDEC 2015 08	SGN	CC 517 Mess. 1228/15	Approval of the Request of Burundi to become a signatory to the 1991 Energy Charter	Request, Signatory, Concluding Document, Hague Conference, European Energy Charter, Burundi
	CCDEC 2015 09	BUD	CC 519 Mess. 1234/15	Approval by written procedure of the acceptance of a voluntary contribution from the Slovak Republic	Slovak Republic, voluntary contribution, 2015
	CCDEC 2015 10	EEF	CC 518 Mess. 1235/15	Adoption of the Recommendations of the In-depth Energy Efficiency Review of Moldova	In-depth review, Energy Efficiency, PEEREA, Moldova
	CCDEC 2015 11	TTG	CC 520 Mess. 1248/15	Adoption of the amendments to the Rules of Conciliation	Conciliation Rules, Conciliation of Transit Disputes, Amendments
	CCDEC 2015 12	SGN	CC 521 Mess. 1253/15	Approval of the Request of El Salvador to become a Signatory to the International Energy Charter	Request, Signatory, International Energy Charter, El Salvador
	CCDEC 2015 13	GEN	CC 523 Mess. 1252/15	Approval Amendments to the Staff Regulations and Rules	Staff Rules and Regulations, Amendment, 2015
	CCDEC 2015 14	BUD	CC 524 Mess. 1254/15	Approval of discharge of the Secretary General from his management and administrative responsibility in respect of the 2014 Budget	Discharge, Secretary General, Management, Administrative, Responsibility, 2014
	CCDEC 2015 15	INV	CC 545 Mess. 1259/15	Approval of review of the Blue Book and directions regarding implementation of Article 10(5) ECT	Review, Blue Book, Directions, Implementation, Article 10(5)
	CCDEC 2015 16	STR	CC 528 Mess. 1268/15	Approval of the Conclusions of the CONEXO Policy Review	Conclusions, CONEXO, Review, Observer by invitation
	CCDEC 2015 17	INV	CC 529 Mess. 1257/15	Approval of the Conclusions and recommendations from the assessment of the ICMS country reviews	Conclusions, Assessment, ICMS, Reviews, Recommendations
	CCDEC 2015 18	EEF	CC 530 Mess. 1256/15	Terms of Reference for the Energy Efficiency Group	Energy Efficiency, PEEREA, Terms of Reference
	CCDEC 2015 19	EEF	CC 526 Mess. 1255/15	Approval of the Conclusions and Recommendations from the PEEREA review process assessment	Energy Efficiency, PEEREA, Conclusions, Recommendations, Review
	CCDEC 2015 20	GEN	CC 525 Mess. 1260/15	Approval of amendments to the procedural rules of the Conference	Procedural Rules, Energy Charter Conference, Amendments
	CCDEC 2015 21	WPR	CC 531 Mess. 1261/15	Adoption of the Energy Charter Secretariat's Work Programme for 2016-2017	Work Programme, 2016-2017
	CCDEC 2015 22	TTG	CC 527 Mess. 1262/15	Approval of the Conclusions of the review of implementation of the ECT transit provisions	Conclusions, Review, TTG, Transit, Implementation
	CCDEC 2015 23	TTG	CC 522 Mess. 1263/15	Approval of the Declaration on Promotion of the Environmental Goods Agreement	Declaration, Environmental Goods Agreement, Promotion, WTO, Trade
	CCDEC 2015 24	APP	CC 542 CC 548	List of Chairmanships of the Energy Charter Conference for 2016, 2017, 2018	Chairmanship, Energy Charter Conference, Japan, Turkmenistan, Romania
	CCDEC 2015 25	APP	CC 543 CC 548	Designation of the Conference Chairman, Vice Chairmen and other Officers of the Conference Subsidiary bodies for 2016	Designation, Chairman, Chair, Vice-Chair, Officers, Subsidiary Bodies, Fumio Kishida, Mariam Valishvili, Keiichi Katakami, Myratgely Meredov, Odd Sverre Haraldsen, Sofia C. Sanz Estébanez, Parviz Garibzade, Klara Rakhmetova, Tomáš Pavlík, Bno-Airrian Mykhailo, Quentin Perrel, Colin Brown, Georgia, Kazakhstan, Japan, Turkmenistan, Norway, Spain, Azerbaijan, Belarus, Czech Republic, Ukraine, France, European Union
	CCDEC 2015 26	NOT	CC 534 CC 548	Secretary Generals Report of the year 2015	Report, 2015, Secretary General
	CCDEC 2015 27	NOT	CC 535 CC 548	Report by the Deputy Secretary General on CONEXO	Report, Deputy Secretary General, CONEXO
	CCDEC 2015 28	NOT	CC 536 CC 548	Report by the Chairman of the Working Group on Procedural Issues	Report, Chairman, Working Group, Procedural Issues
	CCDEC 2015 29	NOT	CC 537 CC 548	Report by the Chairman of the Strategy Group	Report, Chairman, Strategy Group
	CCDEC 2015 30	NOT	CC 538 CC 548	Report by the Chairman of the Trade and Transit Group	Report, Chair, Trade and Transit Group
	CCDEC 2015 31	NOT	CC 539 CC 548	Report by the Chairman of the Investment Group	Report, Chairman, Investment Group
	CCDEC 2015 32	NOT	CC 540 CC 548	Report by the Chairman of the Working Group on Energy Efficiency and related Environmental Aspects	Report, Chairman, Working Group, Energy Efficiency, related Environmental Aspects
	CCDEC 2015 33	NOT	CC 541 CC 548	Industry Advisory Panel Communication, Revised Terms of Reference and membership list	Communication, Chairman, Industry Advisory Panel, IAP, Terms of Reference, Membership List, Mandate, Renewal
	CCDEC 2015 34	BUD	CC 532 CC 548	Approval of the Budget for 2016-2017	
	CCDEC 2015 35	SGN	CC 534 CC 548	Terms and Conditions for the Accession of Yemen to the Energy Charter Treaty	Accession, Terms and Conditions, Yemen
	CCDEC 2015 36	STR	CC 547 CC 548	Approval of the new logo	Logo
	CCDEC 2015 37	NOT	CC 548	EU Regional Energy Cooperation Programme with Eastern Partnership and Central Asian Countries	EU, Regional Energy Cooperation, Programme, Eastern Partnership, Central Asia
	CCDEC 2016 01	APP	CC 549 Mess. 1269/16	Appointment of the second Vice-Chairperson of the TTG	Appointment, Vice-Chairperson, TTG, Trade, Transit, Tamar Tsurtsumia
	CCDEC 2016 02	GEN	CC 550 Mess. 1281/16	Venue and date of the 27 ECC Meeting	Date, Venue, Tokyo, Japan, 27 Meeting
	CCDEC 2016 03	SGN	CC 551 Mess. 1282/16	Terms and Conditions for the Accession of Mauritania to the Energy Charter Treaty	Accession, Terms and Conditions, Mauritania
	CCDEC 2016 04	APP	CC 533 Rev 2 Mess. 1289/16	Re-appointment of the Secretary General	Re-appointment, Secretary General, Rusnák
	CCDEC 2016 05	APP	CC 553 Mess. 1292/16	Appointment of the Vice-Chair of the Budget Committee	Appointment, Vice-Chair, Budget Committee, Wataru Takahama
	CCDEC 2016 06	BUD	CC 554 Mess. 1293/16	Approval by written procedure of the acceptance of a voluntary contribution from the European Commission	European Commission, voluntary contribution, 2016
	CCDEC 2016 07	TTG	CC 555 Mess. 1294/16	Adoption of the Commentary to the Rules Concerning the Conduct of Conciliation of Transit Disputes	Conciliation Rules, Conciliation of Transit Disputes, Commentary
	CCDEC 2016 08	STR	CC 556 Mess. 1295/16	Informal Working Name	Informal working name, International Energy Charter
	CCDEC 2016 09	GEN	CC 557 Mess. 1296/16	Approval of the Amendment to Staff Rule 8.1.a	Staff Rule, Amendment, Signatory, arrears

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2016	CCDEC 2016 10	SGN	CC 552 Mess. 1297/16	Approval of the Request of several African countries and the Southern African Development Community (SADC) to become Signatories to the International Energy Charter	Request, Signatory, International Energy Charter, SADC, Southern African Development Community, Cabo Verde, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, the Gambia, Guinea, Guinea Bissau, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Senegal, Sierra Leone, Seychelles, Togo, Zambia and Zimbabwe
	CCDEC 2016 11	GEN	CC 558 Mess. 1299/16	Approval - Rules for Appointment of DSG, amendment Rules of Procedure, dissolution of WG Procedural Issues	Procedural Rules, Energy Charter Conference, Amendments, Appointment, Deputy Secretary-General, Dissolve, Working Group
	CCDEC 2016 12	INV	CC 560 Mess. 1301/16	Adoption by correspondence of the Guide on Investment Mediation	Guide, investment Mediation, Disputa, Enforcement, Amicable Resolution, Good Offices
	CCDEC 2016 13	SGN	CC 562 Mess. 1303/16	Approval of the Request of G5 Sahel to become a Signatory to the International Energy Charter	Request, Signatory, International Energy Charter, G5 Sahel
	CCDEC 2016 14	GEN	CC 561 Mess. 1302/16	Confirmation of the new date of the 2016 Annual Meeting of the Energy Charter Conference	Date, Venue, Tokyo, Japan, 27 Meeting
	CCDEC 2016 15	APP	CC 563 Mess. 1311/16	New Vice-Chair of the Conference	Appointment, Vice-Chair, Conference, Dovranmammed Redjepov, Myratgeldy Meredov
	CCDEC 2016 16	SGN	CC 564 Mess. 1313/16	Approval of the Request of the Economic Community of Central African States (CEEAC) to become a Signatory to the IEC	Request, Signatory, International Energy Charter, Economic Community of Central African States, CEEAC
	CCDEC 2016 17	SGN	CC 565 Mess. 1318/16	Approval of the Request of EAC to sign the IEC	Request, Signatory, International Energy Charter, East African Community, EAC
	CCDEC 2016 18	APP	CC 566 Mess. 1320/16	New Vice-Chair of the Conference	Appointment, Vice-Chair, Conference, Kelichi Katakami, Kazuo Kodama
	CCDEC 2016 19	BUD	CC 567 Mess. 1321/16	Approval by correspondence of an increase of the multi-annual commitment authority related to the relocation of the offices of the Secretariat	Increase, multi-annual commitment authority, relocation
	CCDEC 2016 20	TTG	CC 568 Mess. 1322/16	Adoption by correspondence - Concept paper for a Multilateral Framework Agreement on Energy Transit	Concept paper, Multilateral Framework Agreement, Transit, consultations, experts
	CCDEC 2016 21	INV	CC 570 Mess. 1324/16	Adoption by correspondence - Removing barriers to the establishment of energy investments	Barriers, establishment of energy investments, paper, experts, discriminatory
	CCDEC 2016 22	SGN	CC 569 Mess. 1325/16	Approval of the Request of Kenya to become a Signatory to the International Energy Charter	Request, Signatory, International Energy Charter, Kenya
	CCDEC 2016 23	EEF	CC 571 Mess. 1326/16	Adoption of the Recommendations of the In-depth Energy Efficiency Review of Armenia	In-depth review, Energy Efficiency, PEEREA, Armenia
	CCDEC 2016 24	SIR	CC 559 Mess. 1300/16 Rev2	Adoption by correspondence - De-restriction of some documents of the travaux préparatoires and new policy on access to the travaux préparatoires	De-restriction, publication, travaux préparatoires, policy, access
	CCDEC 2016 25	GEN	CC 572 Mess. 1328/16	Adoption by correspondence - Exceptional measure regarding the Terminal Allowance	Exceptional measure, terminal allowance
	CCDEC 2016 26	GEN	CC 574 Mess. 1329/16	Adoption by correspondence - Amendments to the Staff Regulations and Rules	Staff Rules and Regulations, Amendment
	CCDEC 2016 27	BUD	CC 575 Mess. 1330/16	Adoption by correspondence - Review of the Financial Rules	Financial Rules, amendments
	CCDEC 2016 28	SIR	CC 576 Mess. 1331/16	Adoption by correspondence - Establishment and Terms of Reference of the Implementation Group	Implementation Group, terms of reference
	CCDEC 2016 29	BUD	CC 577 Mess. 1332/16	Discharge of the Secretary General from his management and administrative responsibility in respect of the 2015 Budget	Discharge, Secretary General, Management, Administrative, Responsibility, 2015
	CCDEC 2016 30	WPR	CC 580 Mess. 1333/16	Programme of Work priorities for 2017	Work Programme, Priorities, 2017
	CCDEC 2016 31	GEN	CC 588 CC 590	Tokyo Declaration on the Energy Charter	Tokyo, Declaration
	CCDEC 2016 32	SGN	CC 589 CC 590	Approval of Observer status of ECO	Request, Observer status, Economic Cooperation Organisation, ECO
	CCDEC 2016 33	BUD	CC 590	Approval of the acceptance of a voluntary contribution from the European Commission	European Commission, voluntary contribution, 2017
	CCDEC 2016 34	BUD	CC 587 CC 590	Adjustments to the Secretariats draft Budget for 2017	Adjustments, Budget, 2017
	CCDEC 2016 35	APP	CC 578 CC 590	List of Chairmanships of the Energy Charter Conference for 2017, 2018, 2019	Chairmanship, Energy Charter Conference, Turkmenistan, Romania, Albania
	CCDEC 2016 36	APP	CC 579 CC 590	Designation of the Conference Chairman, Vice Chairmen and other Officers of the Conference Subsidiary bodies for 2017	Designation, Chairman, Chair, Vice-Chair, Officers, Subsidiary Bodies, Yagshygeldy Kakaev, Dovranmammed Redjepov, Kazuo Kodama, Mihnea Constantinescu, Elzbieta Piskorz, Sofia Sanz Estébanez, Sergey Katsyhev, Parviz Garibzade, Klara Rakhmetova, Johan Vellesen, Alejandro Carballo Leyda, General Counsel, Romania, Kazakhstan, Japan, Turkmenistan, Norway, Spain, Poland, Azerbaijan, Energy Charter Secretariat
	CCDEC 2016 37	INV	RD 1 (ECC of 25 11 2016) CC 590	Pilot project for a flagship publication on energy investment risk assessment	Pilot Project, Flagship publication, Energy Investment Risk
	CCDEC 2016 38	NOT	CC 581 CC 590	Report by the Secretary General and progress report on the CONEXO implementation 2016	Report, 2016, Secretary General, CONEXO, implementation
	CCDEC 2016 39	NOT	CC 582 CC 590	Report by the acting Chair of the Strategy Group	Report, acting Chair, Strategy Group
	CCDEC 2016 40	NOT	CC 583, 584, 573	Reports by the Chairs of the Groups on Investment, Trade and Transit and Energy Efficiency	Reports, Chair, Trade and Transit, Investment, Energy Efficiency
	CCDEC 2016 41	NOT	CC 585 CC 590	Report by the Chairman of the Industry Advisory Panel	Communication, Chairman, Industry Advisory Panel, IAP, Membership List
	CCDEC 2016 42	NOT	Mess. 1327	Provisional Schedule of meetings for 2017	Provisional, schedule of meetings, 2017
	CCDEC 2016 43	GEN	CC 586	Date and venue of the 28th Meeting of the Conference	Date, Venue, Ashgabat, Turkmenistan, 28th Meeting
	CCDEC 2016 44	SGN	CC 591 Mess. 1337/16	Terms and Conditions for the Accession of Burundi to the Energy Charter Treaty	Accession, Terms and Conditions, Burundi
	CCDEC 2016 45	GEN	CC 592 Mess. 1336/16	Approval of the Amendment to Staff Rule 25.2.b	Staff Rule, Amendment, request, Advisory Board
2017	CCDEC 2017 01	BUD	CC 593 Mess. 1344/17	Approval by written procedure of the acceptance of two voluntary contributions by the Secretary General	European Commission, Iran, voluntary contribution
	CCDEC 2017 02	APP	CC 594 Mess. 1350/17	Adoption by correspondence - New Chair and Vice-Chair of the Conference	Appointment, Chair, Vice-Chair, Conference, Babayev Maksat Mammetzapparovich, Puchekov Charymyrad Hyvalyevich
	CCDEC 2017 03	BUD	CC 595 Mess. 1355/17	Approval by correspondence of the acceptance of a voluntary contribution by OFID	OFID, Palestine, voluntary contribution
	CCDEC 2017 04	INV	CC 596 Mess. 1357/17	Adoption by correspondence - Best practices in regulatory reform	Best Practices, Regulatory Reform, conflicts, foreign investors
	CCDEC 2017 05	BUD	CC 597 Mess. 1368/17	Multiannual commitment authorities & Discharge of the Secretary General from his management and administrative responsibility in respect of the 2016 Budget	Discharge, Secretary General, Management, Administrative, Responsibility, 2016, Multi-annual commitment authorities
	CCDEC 2017 06	GEN	CC 599 Mess. 1370/17	Adoption by correspondence - Code of Conduct and Revisions to the Staff Regulations and Rules	Staff Regulations and Rules, Amendment, Code of Conduct

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2018	CCDEC 2017 07	INV	CC 600 Mess. 1377/17	Adoption by correspondence – Energy Investment Risk Assessment Pilot Report 2017	EIRA, Risk, Investment Assessment, 2017, Methodology, flagship, pilot report
	CCDEC 2017 08	INV	CC 601 Mess. 1378/17	Adoption by correspondence – Investment Facilitation Toolbox	Investment, Facilitation, Toolbox, Promotion, pre-establishment
	CCDEC 2017 09	SIG	CC 602 Mess. 1380/17	Adoption by correspondence – Simplification of the accession procedure to the ECT	Simplification, accession procedure
	CCDEC 2017 10	EEF	CC 604 Mess. 1383/17	Adoption of the Recommendations of the In-depth Energy Efficiency Review of the Kyrgyz Republic	In-depth review, Energy Efficiency, Kyrgyz Republic
	CCDEC 2017 11	TTG	CC 603 Mess. 1384/17	Adoption by correspondence - Multilateral Framework Agreement on Energy Transit	Multilateral Framework Agreement, Transit, policy dialogue, soft law, good governance, access, guiding principles, tariff, model agreements
	CCDEC 2017 12	BUD	CC 609 Mess. 1385/17	Adoption by correspondence - Budget for 2018-2019	
	CCDEC 2017 13	WPR	CC 610 Mess. 1388/17	Adoption by correspondence - Programme of Work for 2018-2019	Work Programme, 2018-2019
	CCDEC 2017 14	NOT	CC 614 CC 615	Report of the Budget Committee	Report, Budget Committee, Relocation
	CCDEC 2017 15	APP	CC 611 Rev CC 615	Designation of the Conference Chair, Vice Chairs and other Officers of the Conference Subsidiary bodies for 2018	Designation, Chair, Vice-Chair, Officers, Subsidiary Bodies, Robert Tudorache, Elena Popescu, Vepa Hajiyev, Dorina Çinari, Elzbieta Piskorz, Sofia Sanz Estebanez, Parviz Garibzade, Klara Rakhmetova, Johan Vetlesen, Alejandro Carballo Leyda, General Counsel, Romania, Kazakhstan, Japan, Albania, Turkmenistan, Norway, Spain, Poland, Azerbaijan, Energy Charter Secretariat, travel costs, daily subsistence allowance, reimbursement
	CCDEC 2017 16	NOT	Mess. 1365/17 Rev CC 615	Provisional Schedule of meetings for 2018	Provisional, schedule of meetings, 2018
	CCDEC 2017 17	GEN	CC 605 CC 615	Ashgabat Energy Charter Declaration	Ashgabat, Declaration
	CCDEC 2017 18	NOT	CC 613 CC 615	Report by the Secretary General and Progress Report on the CONEXO policy implementation 2017	Report, 2017, Secretary General, CONEXO, implementation
	CCDEC 2017 19	NOT	CC 606 CC 615	Report by the Chair of the Strategy Group	Report, Chair, Strategy Group
	CCDEC 2017 20	NOT	CC 607 CC 615	Report by the Chair of the Implementation Group	Report, Chair, Implementation Group
	CCDEC 2017 21	NOT	CC 608 CC 615	Report by the Chairman of the Industry Advisory Panel	Communication, Chairman, Industry Advisory Panel, IAP, Membership List
	CCDEC 2017 22	GEN	CC 612 CC 615	Date and venue of the 29th Meeting of the Conference	Date, Venue, Bucharest, Romania, 29th Meeting
	CCDEC 2017 23	STR	RD 3 (ECC of 28-29 11 2017) CC 615	Modernisation of the Energy Charter Treaty	Modernisation, Energy Charter Treaty, subgroup, amendment, declaration, Sofia Sanz Estebanez, Observers, Industry, Consultation
	CCDEC 2018 01	GEN	CC 619 Mess. 1425/18	Adoption by correspondence - Amendments to the Staff Regulations and Rules	Staff Regulations and Rules, Amendment
	CCDEC 2018 02	APP	CC 620 Mess. 1432/18	Adoption by correspondence – Approval of the List of Chairmanships for 2019-2022	Chairmanship, Energy Charter Conference, Albania, Azerbaijan, Armenia, Mongolia
	CCDEC 2018 03	BUD	CC 621 Mess. 1438/18	Adoption by correspondence - Reconfirmation of CCDECs 2015 (34) and 2017 (12)	
	CCDEC 2018 04	APP	CC 617 Mess. 1400/18	Adoption by correspondence – Designation of a Vice-Chair of the Budget Committee	Appointment, Vice-Chair, Budget Committee, Miriama Kiselyova
	CCDEC 2018 05	INV	CC 623 CC 623 Rev Mess. 1443/18	Adoption by correspondence – Energy Investment Risk Assessment 2018	EIRA, Risk, Investment Assessment, 2018, Flagship
	CCDEC 2018 06	GEN	CC 618 CC 618 Rev Mess. 1455/18	Adoption by correspondence - Amendment to the Rules of Procedure of the Conference (Chairmanship)	Procedural Rules, Chairmanship, Amendment
	CCDEC 2018 07	GEN	CC 627 Mess. 1452/18	Adoption by correspondence - Manual on Data Protection	Manual on Data Protection, Staff Regulations and Rules, Amendment
	CCDEC 2018 08	TTG	CC 625 Mess. 1454/18	Adoption by correspondence - Rosters of trade panelists and transit conciliators	Nominations, roster, trade panelists, trade disputes, transit conciliators, conciliation, transit disputes
	CCDEC 2018 09	BUD	CC 628 Mess. 1457/18	Adoption by correspondence - Multi-annual commitment authorities and discharge of the Secretary General from his management and administrative responsibility in respect of the 2017 Budget	Discharge, Secretary General, Management, Administrative, Responsibility, 2017, Multi-annual commitment authorities
	CCDEC 2018 10	SGN	CC 624 Mess. 1459/18	Adoption by correspondence - Request of Guyana to sign the International Energy Charter	Request, Signatory, International Energy Charter, Guyana
	CCDEC 2018 11	GEN	CC 629 Mess. 1448/18 Mess. 1460/18	Adoption by correspondence – Proposal concerning the conduct of the next Review under Article 34 (7) of the Energy Charter Treaty	Energy Charter Treaty, Review, Article 34 (7), Terms of Reference, Proposal, Procedures and Timetable, European Union, Japan, Kazakhstan
	CCDEC 2018 12	BUD	CC 638 Mess. 1461	Adoption by correspondence – Revision of the Budget for 2019	Budget, Revision, 2019
	CCDEC 2018 13	WPR	CC 640 Mess. 1462	Adoption by correspondence - Revised Plan of Activities for 2019	Work Programme, Revision, 2019
	CCDEC 2018 14	NOT	CC 639 CC 641	Report of the Budget Committee	Report, Budget Committee, Programme of Work
	CCDEC 2018 15	GEN	CC 630 CC 641	Bucharest Energy Charter Declaration	Bucharest, Declaration
	CCDEC 2018 16	APP	CC 831 Rev CC 641	Designation of Officers of the Conference and its Subsidiary Bodies for 2019	Designation, Chair, Vice-Chair, Officers, Subsidiary Bodies, Damian Gjiknuri, Dorina Çinari, Elena Popescu, Samir Valiyev, Sofia Sanz Estebanez, Klara Rakhmetova, Johan Vetlesen, Miriama Kiselyova, General Counsel, Albania, Romania, Azerbaijan, Spain, Kazakhstan, Norway, Slovakia, Energy Charter Secretariat, travel costs, daily subsistence allowance, reimbursement
	CCDEC 2018 17	SGN	CC 622 CC 641	Terms and Conditions for the accession of the Kingdom of Eswatini to the ECT	Accession, Terms and Conditions, Kingdom of Eswatini
	CCDEC 2018 18	STR	CC 626, Message 1456, CC 641	Modernisation of the Energy Charter Treaty	Modernisation, Energy Charter Treaty, list of topics
	CCDEC 2018 19	NOT	CC 632 CC 641	Report by the Secretary General on the implementation of the vision 2017-2021, the activities in 2018, the CONEXO policy implementation in 2018, and the EU4Energy project in 2018	Report, 2018, Secretary General, CONEXO, Vision 2017-2021, EU4Energy, implementation
	CCDEC 2018 20	NOT	CC 633 CC 641	Report by the Chair of the Strategy Group	Report, Chair, Strategy Group
	CCDEC 2018 21	NOT	CC 634 Rev CC 641	Report by the Chair of the Subgroup on Modernisation	Report, Chair, Subgroup on Modernisation

Year	Document N°	Type	Reference Documents	Subject	Keywords
	CCDEC 2018 22	NOT	CC 635 CC 641	Report by the Chair of the Implementation Group	Report, Chair, Implementation Group
	CCDEC 2018 23	NOT	CC 636 CC 641	Report by the Chair of the Industry Advisory Panel	Communication, Chairman, Industry Advisory Panel, IAP, Membership List
	CCDEC 2018 24	NOT	CC 641	Provisional Schedule of meetings for 2019	Provisional, schedule of meetings, 2019
	CCDEC 2018 25	GEN	CC 637 CC 641	Date and venue of the 30th Meeting of the Conference	Date, Venue, Tirana, Albania, 30th Meeting
		INV	CC 642 Mess 1470	Adoption by correspondence - Model Instrument on Management of Investment Disputes	Model Instrument, Disputes, Management, Explanatory Note
	CCDEC 2018 26	EEF	CC 643 Mess 1458	Adoption by correspondence - Recommendations of the In-depth Energy Efficiency Review of Montenegro	In-depth review, Energy Efficiency, Montenegro
	CCDEC 2018 27				
	CCDEC 2019 01	APP	CC 644 Message 1483	Adoption by correspondence - New Chair of the Conference	Appointment, Chair, Belinda Balluku
	CCDEC 2019 02	APP	CC 645 Message 1494	Adoption by correspondence - New Vice-Chair of the Conference	Appointment, Vice-Chair, Ilir Bejtija
	CCDEC 2019 03	BUD	CC 646 Message 1506	Adoption by correspondence - Jordan Contribution for 2018	Jordan, contribution, 2018, General Reserve Fund
	CCDEC 2019 04	BUD	CC 647 Message 1515	Adoption by correspondence - Acceptance of a Voluntary Contribution from the ECOWAS	Voluntary Contribution, ECOWAS

Annex IV SG's self-assessment of his performance and Re-assessment of SG's self-assessment

	SG's self-Assessment	Re-assessment of SG's Assessment
Implementation of the principles of the Treaty (best efforts obligations)	<p>The Energy Charter Conference took note of the annual reports of the Secretary-General on 2016 (CCDEC 2016 38), 2017 (CCDEC 2017 18) and 2018 (CCDEC 2018 19)</p>	<p><i>Not achieved and the claimed achievement is based on SG's self-assessment</i></p> <p>-CCDEC 2016 38 is not from the relevant period</p> <p>-CCDEC 2017 18 and CCDEC 2018 19 simply take note of SG's report. Neither states whether the Conference agrees that the principles of the Treaty have been implemented according to best efforts obligations.</p> <p>-CCDEC 2017 18 contains a note from only the Turkmenistan Chairmanship that the Secretariat "successfully fulfilled its obligations and maintained high efficiency in all areas of the Energy Charter Treaty" but without specifying which areas, or how.</p> <p>-CCDEC 2018 19 contains a complaint from the SG that the core members, including the EU, have recently demonstrated political neglect and under-financing of the modernisation of the ECT. It also includes his self-assessment which states that "The Secretariat has proven the operability in all core areas of the ECT, with a particular focus on investment, transit and dispute resolution in a new budgetary situation and in the new, more suitable premises".</p>
Successful restructuring of the Secretariat as agreed by the Conference in	<p>The successful restructuring has been confirmed by:</p> <ul style="list-style-type: none"> - The Mid-term review of Turkmenistan's Chairmanship (point 4 of RD 1, of StG meeting of 	<p><i>Not successful</i></p> <ul style="list-style-type: none"> - The restructuring has resulted in the loss of the last remaining internal element of checks and balances on the Secretary

December 2015	<p>8.06.2017)</p> <ul style="list-style-type: none"> - Statement of the Staff Committee (RD 3 of BC meeting of 9.06.2017) - Report of the Chair of the Budget Committee (CCDEC2017 14, end of point 4) <p>In 2018, the decisions on the restructuring were reconfirmed by the Conference with the support of the Staff Committee and the Budget Committee (CCDEC2018 3).</p>	<p>General by management and the negative outcomes far outweigh the positive ones.(see section H in the Report)</p> <ul style="list-style-type: none"> - The overall structure as proposed in CCDEC 2015 34 required reconfirmation following the judgments issued by the ILOAT which declared that SG had not adhered to procedural requirements, as can be seen in ILOAT 4008 and ILOAT 4009 -3 ILOAT cases resulted from the restructuring out of which 2 were lost on procedural grounds (Mistakes by SG). -ILOAT 4008 and 4009 demonstrate that SG first interfered with and then totally ignored the Staff Committee and put pressure (these took the form of threats in some cases and promises in others) on individuals to support his restructuring proposal. Pressure and direct interference by SG on SC members continues today, see section G - SC committee statement RD 3 was created without proper consultation with staff only 6 months after the restructuring and before any meeting of BC or CC (involving lot of work). To date there has never been any consultation of staff regarding the restructuring and its outcome. <p><i>Not properly evaluated by SG and the staff survey conducted by the Staff Committee in March 2019 shows the opposite</i></p> <ul style="list-style-type: none"> - SG's claim of "sound functioning" is not based on a proper evaluation, or indeed any evaluation of staff satisfaction. A number of decisions taken during any given period is irrelevant and has no bearing on "sound functioning." The decisions in 2016-2018 include many irrelevant decisions such as venue and date of the ECC. In addition, General Counsel introduced
Sound functioning of the Secretariat in its new structure 2017-2019	<p>The Secretariat has been functioning in a cost-effective way and maintained its ability to fulfil the Programme of Work in 2016, 2017 and 2018 after 15% reduction of national contributions (Budget Part I).</p> <p>In 2016, the Conference approved 45 decisions; in 2017, 23 decisions and in 2018, 27 decisions prepared by the Secretariat, which is well above the average (18.8 in the period 1994-2015)</p>	

	<p>In December 2017, the Conference welcomed the fact that the Secretariat had continued working effectively under its new structure successfully implementing the Programme of Work 2016-2017 (See Mess. 1389).</p> <p>Similarly, on 26 October 2018, the Budget Committee took note of the work of the Energy Charter Secretariat in 2018 and welcomed the work done (BC 325).</p>	<p>“hasty” approval mechanism “adoption by correspondence” (AbC) in 2015. The numbers of AbC was 2 in 2015, 10 in 2016, 11 in 2017 and 15 in 2018. Please see the attached Annex III list of Conference decisions. AbC are highlighted in yellow.</p> <p>- The first staff survey was conducted in 2019 by the Staff Committee, the results are clear, staff is dis-satisfied with SG’s management of the secretariat and several changes are proposed (See Annex II Staff Survey);</p> <p>- Numerous issues related to SG’s management methods have been addressed to the new Staff Committee since January 2019. However, the new SC was dissolved in May due to external pressures and threat. See Annex V.</p> <p>-Quite many harassment claims are ongoing at the Secretariat. SG did not prevent them despite several requests from Staff. On the contrary, some of the harassed colleagues claim that SG engineered harassment they are experiencing.</p>
<p>Sound and sustainable budget management on the basis of regular Auditor’s report</p>	<p>The Energy Charter Conference discharged the SG of his management responsibilities for the years 2016 (CCDEC 2017 5) and 2017 (CCDEC 2018 9). Auditor’s report of 2018 is expected to be finalized in August 2019.</p> <p>In 2016 Secretariat has spent 99.3 %</p> <p>In 2017 Secretariat has spent 94,3 %</p> <p>In 2018 Secretariat has spent 93% (estimate) of Budget Part I (national contributions). Unspent resources have been transferred to the General Reserve Fund.</p>	<p><i>Management of the budget raises questions</i></p> <p>- See section E for under spending for 2017 and 2018. In reality, the amounts are larger than SG’s estimates. Under spending raises new questions about efficiency, proper management of budget, high number of temporary officials, who lack expertise and experience.</p> <p>- Please see section E for Auditors. The ECS auditors only check if budget was spent according to financial rules. They do not check at all how budget is managed.</p>
<p>Successful expansion (best)</p>	<p>Jordan (2018) and Yemen (2019) acceded to the ECT</p>	<p>- Jordan and Yemen are now CPs. However, Yemen was not</p>

efforts obligations).	7 countries completed accession reports: <u>Eswatini (2016)</u> , <u>Burundi (2016)</u> , <u>Chad (2017)</u> , <u>Bangladesh (2017)</u> , <u>Niger (2017)</u> , <u>Uganda (2018)</u> and <u>China (2018)</u> completed the 3 accession reports. Countries underlined have been invited by the Conference to accede to the ECT.	part of the 2012 CONEXO policy.
Completing accession report by 5 countries in Period July 2016-July 2019	Senegal, Gambia, Nigeria, Panama, Cambodia, Colombia prepared at least one accession report in period 2016-2018 3 organisations + 14 countries signed the International Energy Charter and became Observers to the Energy Charter Conference in the period 2016-2018	<ul style="list-style-type: none"> - Countries in the consolidation stage (Australia, Belarus, Norway, Russian Federation), announced by SG as his priority in terms of consolidation and included in his own mandate during his 2011 election campaign, have not progressed at all towards accession. On the contrary, Russia has sent a letter in 2015 to withdraw from the Treaty and again confirmed in 2018. - Pakistan did not ratify the treaty. - Eswatini is the only country which has completed and adopted accession reports. However, it is not part of the CONEXO policy. - China's 3 reports are presented as accession reports only by the Secretariat. Despite hosting secondees continuously at (least between 2014-2018, 30000 Euro per year), there is no sign of China's accession. - Signing of EEC or IEC is open to all without limitation
Successful steps (best efforts) of the PoW and Vision plan 2017-2021 for the 2nd mandate	See below	

Vision: the International Energy Charter 2021	This was not part of SG's vision plan 2017-2021.
The (modernised) Energy Charter Treaty has the potential to become a global "golden	

<p>standard” for energy investment and transit rules. It can become an indispensable tool for securing private investment necessary for successful global low carbon transition. This will be impossible without mobilising the political support of its core members, improving operational conditions of the Secretariat by providing adequate financial resources. The recent political neglect and the underfinancing of the process give a very low starting point. Even a limited political engagement and relatively small voluntary contribution would have important positive impact for achieving the goals of the modernized Treaty.</p> <p>In 2021 the International Energy Charter with (a modernised) ECT will remain a niche organisation, standing for ‘protecting investment for the global energy transition’. Its membership would spread on all continents and would become quasi universal. By 2021 modernized, faster and more transparent investment dispute settlements procedures, would continue to play important balancing role between ‘legitimate rights of governments to regulate’ and ‘legitimate expectations of (foreign) investors for fair and equitable treatment’.</p>	
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Main tasks and deliverables from Vision 2017-2021 (as of Feb 2019)		
<p>Maintain the operability of the Secretariat in all core areas of the ECT, with special focus on investment, transit and dispute resolution in a new budgetary situation</p>	<p>Implemented - see PoW 2017, PoW 2018, PoW 2019.</p> <p>In December 2017, the Conference welcomed the fact that the Secretariat had continued working effectively under its new structure successfully implementing the Programme of Work 2016-2017 (See Mess. 1389).</p> <p>Similarly, on 26 October 2018, the Budget Committee took note of the work of the Energy Charter Secretariat in 2018 and welcomed the work done (BC 325).</p>	<p>The link between human resources (number and expertise) and PoW is missing and the human resources necessary to successfully fulfill the tasks in the PoW are insufficient and staff hired recently often lack expertise in the energy sector</p> <p>-Lack of vision and planning of activities for example in the second half of 2019, the Energy Efficiency Unit (made up of just 2 staff) is expected to deliver 2 forums, the Conference, 2 IDR and 4 accession reports. In addition, the unit is also expected to provide support to EU4Energy Project (40-man days between May 2019 and April 2020 (this is in addition to the 20-man day between January and April 2019) required to meet</p>

		the agreed in-kind contribution to the project.)
Increase of professional awareness about the International Energy Charter within its constituency through the Secretariat's Knowledge Centre training, publication and social media activities.	Implemented – KC activities, Social media, Website, newsletter, Annual reports 2016, 2017, 2018. For list of Publications: see the website www.energycharter.org . Establishment of the Beijing Research Centre (2017). Enhancing cooperation with academia and other IOs through MoUs (5 signed in 2017 and 3 in 2018).	The KC is an event organiser. It does not produce any knowledge; -KC Training sessions are mainly delivered by other units and external experts, and publications are produced not by the Centre, but by fellows and external experts. Social media covers principally SG's visits and handled mainly by TO in the Office of SG (see Section F on evaluation of KC activities). -KC becomes a burden for other units, requiring excessive amounts of their time, as the sessions are extended in length unnecessarily. (See section F) - Majority of missions by KC coordinators to support SG and Expansion unit, not related to PoW#15 (Knowledge Center) See Annex VIII List of missions in 2019. KC coordinator is the official with the highest number of days on mission, more than the SG, since she joined the Secretariat in February 2019.
Propose and implement a strategy for streamlining the working method and meetings of the Subsidiary bodies of the Energy Charter Conference at the Secretariat in Brussels	Implemented - a more efficient, result oriented system of meetings have been introduced, fewer working days in Brussels and better focus of Secretariat's expertise to agreed priorities in investment, transit, dispute resolution and expansion – PoW The Conference established the IMPL Group in 2016 (CCDEC2016 28). Two additional subsidiary bodies were established to better coordinate the discussions on modernisation and transit. Mid-term review of Turkmenistan Chairmanship (RD 1,	Not properly evaluated -The grouping of three previous WGs into one IMPL group has led to lost interest on the part of CPs. -SG's proposal included 5 IMPL meetings. In reality, only 3 are scheduled in 2019 -StG convenes 3 times in 2019 while SG foresaw only 1 meeting per year.

	StG 8.06.2017, point 4) The Conference approved in October 2017 (CCDEC2017 06) the Code of Conduct and in 2018 the Manual on Data Protection (CCDEC2018 07)	
Developing distance training courses to facilitate outreach and expansion efforts.	Not (yet) implemented – It was not accepted by delegates as part of PoW 2019. Could be implemented if approved as activity of the PoW 2020-2021	Not implemented. -The former head of KC developed only 1 training for the press in 2018.
Preparatory work for an evaluation of a possibility of introducing a legal instrument dealing with non discrimination in the pre-investment phase. Organising a series of investment expert meetings with governments, industry and academic representatives. Preparation of a policy paper on the scope of the potential legal instrument and the Secretariat's initial draft as basis for the Conference decision on the negotiation of a legal instrument on pre-investment (2017).	Implemented – In 2016 (CCDEC2016 21) delegates decided to focus on non-binding instruments. The topic of pre-investment was included in the modernisation discussions. Moreover, in November 2017 the Secretariat published the first edition of the Investment Facilitation Toolbox (welcomed by the Conference on 15 November 2017, CCDEC2017 08). In addition, the Secretariat published in 2017 a Handbook on General Provisions Applicable to Investment Agreements in the Energy Sector.	Implemented but real impact of the developed tools not evaluated -Toolbox and handbook were published in 2017, but no follow up actions have been taken and the impact/usefulness of these tools has not been evaluated. INV team focused on the development of EIIRA.

Development of a methodology (in 2016) and implementation of a pilot first publication (in 2017) of a flagship publication "International Energy Charter Investment Risk Assessment ".	Implemented - #EIRA2017 – non public pilot (9 countries). Moreover #EIRA 2018 public (29 countries). #EIRA2019 in progress (38 countries) New web-site dedicated to EIRA www.eira.org is in progress (expected in 2019)	EIRA methodology is questionable -See section D on EIRA. Questions are raised when EIRA scoring and ranking of countries are compared to other instruments that are similarly aimed at providing information to investors concerning the level of risk in the country. It is likely that EIRA is misleading investors about the investment risks in the energy sector.
Preparatory work for resuming negotiations on a "Multilateral Framework Agreement on Energy Transit ". Preparation of a policy paper on the scope of the Agreement and the Secretariat's initial draft as basis for the Conference decision on resuming the negotiations on an International Energy Charter protocol on transit (2016).	Implemented – In 2016 the Conference welcomed the work of the Secretariat (CCDEC 2016 20) but in 2017 delegates decided not to resume negotiation on multilateral legally binding framework agreement on transit (CCDEC2017 11). Some transit issues were included in the modernisation discussion. Moreover a technical subgroup on transit issues was created in 2017	Implemented to the extent possible -Delegates decided to move on with soft law instruments.
Finalising and further implementing the improvement of the investment dispute settlement mechanism of the ECT, including introducing minimum requirements on	Implemented - Delegates decided not to include dispute resolution within the discussions on modernisation. However, some related topics such as transparency, third party funding, frivolous claims, security for costs, valuation of damages were included for modernisation discussion. The Conference (CCDEC2016 07) endorsed the	Partially implemented -The Secretariat did not introduce minimum requirements on transparency.

transparency.	<p>Commentary to the Rules Concerning the Conciliation Rules as a helpful, non-binding explanatory tool.</p> <p>The Conference endorsed (CCDECC2016 12) the Guide on Investment Mediation as a helpful, voluntary instrument to facilitate the amicable resolution of investment disputes.</p> <p>Several successful trainings have been concluded in 2017 and 2018 for investment mediators with the cooperation of ICSID.</p> <p>In 2018, the Conference updated the roster of transit conciliators and panellists for trade disputes (CCDECC2018 08).</p>	
Further development of the Secretariat's role in providing neutral, independent legal advice and assistance in dispute resolution .	<p>Implemented – Requests for legal advice or assistance received by the Conflict Resolution Centre: 3 in 2018; 2 in 2017; 3 in 2016.</p> <p>Model instrument on dispute management approved by the Conference in 2018 (CCDECC201826). Nigeria, Albania and Azerbaijan interested in implementing it in their own legal framework in 2019.</p> <p>New legal website energychartertreaty.org was developed in 2018.</p>	<p>Partially implemented:</p> <ul style="list-style-type: none"> -There is no transparency within the Secretariat on regarding conflict resolution, either received, or resolved. This is kept secret within the legal affairs unit. -Web site energychartertreaty.org is only about actual cases based mainly on web-search and not about resolution, or actual requests received. - No information was provided to the outside about the Legal Affairs unit at the ECS.
ECT consolidation	Partially implemented Turkey ratified the Trade Amendment (2017). Only one Contracting Party does not apply the Trade Amendment. Russia, Belarus, Australia and Norway didn't ratified ECT	Not implemented

Continuation of Expansion efforts with focus on those countries where internal ratification is pending (Jordan, Yemen, Pakistan)	Work in progress Jordan (2018) Yemen (2019) acceded to the ECT. Pakistan not yet.	Partially implemented. -See previous point on successful expansion.
Focus on countries working on their internal approval of the accession reports (Morocco, Mauritania, Burundi, Niger) and on countries expressing their interest to accede to the ECT (Eswatini, Serbia).	Work in progress Mauritania (2016), Burundi (2017) and Eswatini (2018) (former Swaziland) concluded internal procedure and have been invited to accede to the ECT. Morocco, Niger, Serbia have not requested to accede to the ECT yet	Not implemented -Eswatini reports were adopted in 2018 and the country was invited to join ECT. -No progress on other countries.
Signatories of the 2015 International Energy Charter would form the priority group for further deepening of their involvement in the Energy Charter Process. One of the main expansion efforts was to be focused on trying to get former "Observers by invitation" continuing as Observers by signing the IEC/EEC.	Work in progress 2016: EAC, ECCAS, G5 Sahel, Guatemala, Iran, Rwanda, Senegal 2017: Burkina Faso, Gambia, Kenya, Mali, Nigeria, Panama, UAE 2018: Guyana, Sierra Leone, Viet-Nam Total: 3 organisations + 14 countries signed IEC within 2016-2018. Of the previous "Observers by invitation", China, Iran, Korea, Nigeria, UAE signed the IEC.	Hardly implemented. -Attention is given to a different group than foreseen.
Best efforts to develop working relations to USA & Canada, to the BRICS	Work in progress - 5 of high priority countries are involved in different stages of accession process	Hardly implemented; -Attention given to Bangladesh, Iran, Nigeria and Vietnam.

<p>(Brazil, India, China & South Africa) and to the members of so called “next eleven economies” (Bangladesh, Egypt, Indonesia, Iran, Mexico, Nigeria, the Philippines, South Korea, Vietnam).</p>	<p>(highlighted) .</p> <p>Relations with USA were slowed down since 2017. Canada, Indonesia, Egypt, Mexico, Philippines and South Korea showed only limited interest to the ECT.</p> <p>Brazil, India, South Africa are not interested in the ECT.</p> <p>For the successful engagement of those important countries in the Energy Charter Process active political support from the leading Energy Charter Contracting Parties, jointly working with the Energy Charter Secretariat, is essential</p>	
<p>Modernization of the Energy Charter Treaty</p>	<p>Work in progress –</p> <p>Since its 2017 Ashgabat annual meeting, the Energy Charter Conference commenced preparatory work on possible future Modernisation of the ECT. In 2018 a list of topics for potential ECT modernization was identified.</p> <p>Implementation exceeds Vision 2017-2021</p>	<p>Not successful and Lack of Capacity (See section A)</p> <ul style="list-style-type: none"> -Discussion on modernisation is ongoing but modernisation is hardly achievable. -The modernisation exercise is procedural because it is led by the General Counsel who does not seem to have required knowledge of the energy sector, nor of energy investment. No impact assessment has been carried out, despite requests from some CPs. - CPs are split into two groups, the first group is moving towards decarbonisation of its energy system and the other one has no immediate/real plans to move to decarbonisation. Some of the countries in the second group need to rely on the sale of fossil fuels. The Secretariat did not alert Contracting Parties about the structural barriers to the modernisation of the Treaty nor to propose possible solutions. This lack of warning seems to be due, as shown in this report, to the lack of

		<p>expertise and capacity of the secretariat.</p> <p>-See section A on modernisation for more details.</p>
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Annex V Additional information and individual cases relevant to the Review and the Management of the Secretariat.

1. Represent his own interest not CPs interests

Message 1495

The Review under Art. 34(7) is being conducted through the use of questionnaires to the Contracting Parties, Observer Countries and IAP members. There are 3 coordinating countries/party: EU, Japan and Kazakhstan. The review questionnaires include “Mid-term review of the performance of the Secretary – General and implementation of his vision-plan 2017-2021 based on the criteria in the Secretary-General’s letter of 11 May 2016”. It should be noted that previous Reviews have, for the large part, been conducted and controlled by an independent, externally nominated (by the Conference) expert, who prepared questionnaires, collated responses and put together a final, impartial review report to the Conference (2004 – Mr. Pieter Boot from the Netherlands, 2009 - Dr Garriba from Italy). However, it was General Counsel (Mr. Alejandro Carballo) for 2014 and 2019. It is clear that the current SG has, since his nomination to the post, ensured direct and personal involvement in the process, by using the General Counsel (GC) to collect responses and produce the Review, which clearly leaves much room for his personal interpretation (e.g. a review of his own performance, as he has already attempted, see Annex IV) and manipulation.

Kazakhstan delegation has been led for years by a strong supporter of Mr. Rusnak. She used to be the Energy Charter Project Manager at Kazenergy Association. She has been retired from the function and has no further relations with the Kazakhstan government. Mr. Rusnak travelled to Astana in February 2019, accompanied by 2 officials to request that the government maintain her representation of Kazakhstan to the Energy Charter.

On March 12th 2019, the three coordinators discussed and finalized the questionnaire so that this could be presented at the Strategy Meeting on 14 March with a view to obtaining approval of the StG members. The coordinators’ meeting was attended by the EU, Japan and Kazakhstan (one via Skype), and the Secretariat’s junior Legal Assistant for technical assistance. Prior to the meeting, the Secretary General created a document which was his own self-evaluation of his performance entitled “**mid-term performance review**” and proposed to the coordinators to upload this to the delegates website for their information. The EU and Japan opposed this idea first and foremost because it is his own evaluation of his performance and not an evaluation provided by CPs, and secondly, they felt that the document might lead to an unreasonably biased view on the part of some CPs. They therefore specifically requested the document to not be uploaded.

Despite this, the document was uploaded by the General Counsel as Message 1495 immediately following the coordinators’ meeting on 12th March. Japan promptly questioned the General Counsel as to why the document had been uploaded, despite the coordinators request that this should not happen. The GC responded to Japan that the junior Legal Assistant present in the coordinators meeting misinterpreted the

request, with the result that SG and GC understood the document could be uploaded. Although GC explained that it was “misinterpretation” by his staff, the document was not withdrawn. ASG was neither informed, nor consulted about Message 1495. ASG emailed to SG on 2nd April for a written explanation. SG responded;

SG wrote to ASG on 5th April 2019.

“As per your request of “written explanation”, please read the Regulation 2 – Officials are subject to the authority of the Secretary General and not vice-versa. The title of the Message 1495 is more than clear: SG’s position related to the mid-term review of his performance and implementation of his vision-plan 2017-2021”

The document was originally uploaded as “Mid-term review.” There was no “SG’s position” mentioned. The document was subsequently discussed at the StG meeting with strong request to leave it uploaded by Kazakhstan and other Central Asian countries, and finally uploaded as an appendix to the Questionnaire as “Secretary-General’s own view on his Mid-term review”

Staff Committee has also asked SG in its email of March 31 for clarification regarding message 1495:

“The SC took note of the message 1495 which was uploaded on delegates portal on March 11th, at 18:03. Unfortunately, the SC has not been consulted on this document as specified in the SM, nor did the document go the regular internal silent procedure. Therefore, the SC would like to know which staff members have been consulted in the preparation of this document and if not any were, please clarify why not.”

SG has never responded to the SC request. Instead a campaign via email against SC regarding this request has been organized by the GC and Mr. Terterov (Former SC chair and Current Expansion Head of Unit (see group harassment table included in Annex VI entitled Note Sent to Chairs and Coordinators). Furthermore, the Chair of the SC was put under pressure by the B/C-grade representative, to send an email to SG to disregard SC request for clarification about message 1495.

Despite his 45 sms and 20 emails to her, the Chair of the SC refused to withdraw the request. B/C-grade representative sent on April 8th an email to SG inviting him to” disregard previous correspondences sent by the Chair in the past on behalf of the Staff Committee without informing the Chair and the A-Grade representative. It is worth noting that B/C-grade representative has previously informed the Chair of the SC by sms that his employment at the Secretariat was affected by SC activities.

(Analysis of Message 1495 was attached as Annex IV)

Written (Silent) procedures and approvals by Subsidiary Group Chairs

The Secretariat’s (SG’s) excessive use of written procedures (silent procedures, often with very short response requirements in terms of time) to the CPs and approvals only by Chairperson of Subsidiary Groups, without the subsidiary groups being informed of the decision made by their Chairperson, to rush things through with Member States with inadequate explanation, or time to provide reasoned and proper consideration –

or reliant on the inactivity of member states – has weakened governance further. Such behaviour is clearly carried out with a view to manipulate and largely to avoid transparency. It constitutes ‘bullying’ tactics vis-à-vis CPs, albeit considerably less severe than those used internally towards staff. See also in Annex III, the number of “adoption by correspondence after 2015, highlighted in yellow.

Lack of expertise and respect of constituencies

On 12th December 2018 the SG sent an appointment letter to an official from the Ministry of Foreign Affairs of Azerbaijan confirming his appointment as a secondee for three months under the supervision of the Head of EU4Energy project (which is not a core activity in the PoW). It transpired that the secondee foresaw that he would work on the energy efficiency In-depth Review (IDR) of Azerbaijan, which is under the responsibility of the head of Energy Efficiency unit.

On 19th December 2018 the SG sent another letter to Azerbaijan, this time to the Ministry of Energy informing the Minister that the IDR is part of the 2019 PoW. However, SG omitted to mention to the Minister of Energy the hosting of a secondee from the Ministry of Foreign Affairs. On 1st March, the secondee from MoFA joined the ECS. He informed the Head of EEU that he has no expertise in energy efficiency and that he joined the Secretariat for the three months in order to prepare for his move to Brussels in July when he will take up post as the 1st Secretary at the embassy of Azerbaijan. However, he was willing to work on the IDR and whatever other tasks.

The HoU asked the secondee to gather information from the relevant institutions in his country. She provided him with a questionnaire and asked him to check with the Ministry of Energy which information was available. It was at this moment that the Ministry of Energy discovered that the ECS was hosting a secondee from the Ministry of Foreign Affairs.

The Deputy Minister responded that conducting an IDR is not priority for the Ministry this year. However, SG decided to conduct the IDR anyway this year. He called the Deputy Minister to convince him and according to what SG reported, the Ministry of Energy has “in principle” agreed on the IDR for this year. Most importantly, an IDR cannot and should not be conducted now, simply because Azerbaijan has no EE policies yet. Despite this key point, the current head of the EU4Energy project has already conducted an IDR of EE policies (which did not exist) in 2013. One has to question the point (management) of using significant resources, both financial and human, conducting an IDR of policies in a country where these do not exist yet, not once, but twice.

Later, the Head of EEU is blamed by SG and the Energy Efficiency Coordinator for having behaved incorrectly towards the Ministry of Energy and the fact that there is no progress on the IDR. ASG was also berated by SG and told that her discussion with the Azerbaijan secondee regarding his expertise in Energy Efficiency was insulting. The secondment will end on May 31st, and the Energy Efficiency Coordinator has proposed to hire a consultant or intern to gather the data needed for the IDR. Overall the secondee will have cost approx. 8500 €.

General Counsel's abuse of interim Chair of the Legal Advisory Committee

“The Chairman of the Charter Conference has decided that a sub-group of the Conference, to be known as the Legal Advisory Committee, will be needed to provide legal advice to the Chairman of the Conference and to Working Group Chairmen. Working Group I, at its first meeting, recommended that a legal sub-group be established (CC 24 of 15 June 1995).

The ToR for the Legal Advisory Committee specifies that *“The Chairman of the Legal Advisory Committee, with the assistance of the Secretariat, will be responsible for conducting the work of the Advisory Committee and reporting to the Conference Chairman or Working Group Chairmen on the results, as appropriate.” And the “Legal Advisory Committee shall consist of experts from delegations desiring to participate. The Chairman will aim to have representatives of the major forms of legal systems present.”*

Currently, the Legal Advisory Committee is chaired by the Secretariat's General Counsel which is not aligned with the CC24 and aside from being unlawful on its face also deprives the Conference from access to the independent legal advice that it needs to supervise the Secretariat and its General Counsel in particular.

Message 1504 of 20 March 2019 (see below) from the Secretariat related to the list of current vacancies and call for nominations for officers of the conference's subsidiary bodies **glaringly omitted to include the vacancy of the Chair of the Legal Advisory Committee**, this is not aligned with Rule 13 of Rules and Procedures of the Conference.

“In accordance with Rule 13 of its Rules of Procedure (“Officers”), the Conference is required to designate each year the Chairs and Vice-Chairs of the Conference and its Standing Groups for the forthcoming year.

Below is the list of current vacancies for which the Secretariat welcomes nominations.

Strategy Group:

Two Vice-Chairs

Implementation Group:

2nd Vice-Chair

Budget Committee:

Two Vice-Chairs”

2. Demonstration of Favoritism

Mr. Marat Terterov (Security Breach)

On 17th July 2018, ASG received complaints from several staff members that someone other than staff was working on Secretariat premises since the previous day. It soon became apparent that the Knowledge Centre Coordinator, Mr. Marat Terterov gave

access to the person, a Pakistani, and let him use the office without accompanying him. Neither the front desk, nor administration was informed of such a situation in advance. The Pakistani visitor was working in the office alone from 16th July until ASG found him on 17th July and moved him to a desk from where he had no access to the ECS internal drive on 18th July. This means that the person had access to the Secretariat internal drive containing all restricted, official documents and personal data and also had access to official documents in the Knowledge Centre for almost 2 days. ASG immediately informed SG. SG decided a simple verbal warning to the KC principal coordinator was sufficient and also requested that I find a desk for the Pakistani visitor outside of the centre.

In February 2019, one official was issued with a written disciplinary measure by SG for incorrect handling of security badges. The badges allow staff and visitors to access the building and the office. Some badges of staff who had left the Secretariat had inadvertently been overlooked and not de-activated. Although no damage was detected, nor any stranger seen in the office, SG declared this to be a serious security breach, and issued a disciplinary warning

When the disciplinary measure was first issued, ASG informed SG that the incident in the KC represented much more of a serious security breach than the case of security badges. SG declared it was not serious, because there was no proof that the person accessed, or downloaded official documents. SG advised ASG that he would consider a disciplinary measure if ASG were to provide proof that the Pakistani visitor had, in fact, accessed the ECS internal drive. This is a clear demonstration of SG's application of one rule for some and different rules for others. A rule should be applicable uniformly to all and should not be used as a means of demonstrating favouritism.

Mr. Marat Terterov (Conflict of Interest)

In 2017, following the appointment to the ASG post, ASG was informed by several staff members about Mr. Terterov's external activities as Director of the Brussels Energy Club and of the European Geopolitical Forum. In her opinion and from her experience at UNESCO, this represents a potential conflict of interest, and there are many instances since Mr. Terterov joined the Secretariat pertaining to his personal use of public resources for the purposes of furthering his interests in the external club/forum. ASG emailed SG on 8th March 2017 during his mission to Kenya. Below is a partial quote from her email.

ASG wrote to SG on 8th March 2017:

Since Mr. Terterov accepts a temporary official position at ECS, the staff rules and regulations apply. He is currently Director of Brussels Energy Club and European Geopolitical Forum. Since he has accepted a full time position as a (temporary) official at ECS, he should not engage in any occupation, hold any position, or accept any functions external to the Secretariat unless you approves. Therefore, if you permit him to work for the above organizations, I need your approval in writing with justification for the exception. I would also like to have Mr. Terterov's confirmation in writing that no conflict of interest (neither actual nor potential) will occur and he

does not work for these organizations during ECS work hours, he shall not use his position at ECS or knowledge he obtained as ECS official for these organizations and keep confidentiality. If in case he has been receiving remuneration from these organizations or through their activities, he has to report to FINAD and also needs a written confirmation that the organizations he receives salary from have no link to any government which might cause any conflict of interest of ECS.

If he created these organizations by himself, again he shall not use his position at ECS or knowledge he obtained as ECS official for these organizations, and he is not supposed to work for these organizations during his work hour at ECS, no conflict of interest, etc.

Following receipt of her email, SG called her to his office. He did not discuss the issue of “Mr. Terterov’s external activities or potential conflict of interest. Instead SG instructed her not to send “emails about issues which could potentially be harmful to the Secretariat”. However, since ASG insisted that there was a potential conflict of interest, SG subsequently forwarded his email communication with Mr. Terterov to her.

MT wrote to SG on 24 March 2017.

Dear SG;

Further to the email below, I wanted to reinforce my openness to the fact that I remain associated with the Brussels Energy Club and European Geopolitical Forum as to your prior approval. However, I also want to emphasise that neither of the aforementioned are fully fledged organisations or entities in their own right, nor do I currently work for any other professional salary bearing organisations outside of my present employer, the Energy Charter Secretariat.

As I believe you are already aware, Brussels Energy Club is merely an informal discussion platform which I have been convening in Brussels for some time, which hosts occasional debates about energy issues amongst an established network of Brussels-based energy professionals. These normally take place in the evenings and are widely appreciated by the participants. European Geopolitical Forum is likewise merely a web portal and blog on geopolitical issues, which also produces a very useful monthly publication on associated issues. There is no physical organisational structure standing behind these initiatives, both of which are small scale, non-professional activities which I established along the lines of my professional interests some years ago. Any activity which I presently conduct on behalf of these initiatives is normally undertaken on my own time.

There is no connection here to governments and occasional assistance to these fully independent initiatives is provided by young people, mainly on a volunteer basis. Thus I do not believe there is anything here that goes against the grain of Regulation 3, below, or any other aspects of our work, nor is there any conflict of interest. I am fully committed to meeting my workplace duties for the Energy Charter Secretariat to the highest degree of professionalism, integrity and ethical standards as has always been the case in the past.

SG replied on 30 March, 2017.

“Thank you for the compliance statement about your external activities. I re-confirm my previous approval on your current activities as stated below.”

However, it is not so simple as Mr. Terterov was the owner of Brussels Energy Club, and the Club receives membership fees. How can he not be associated, at least to the fees?

Annual membership subscription fees for 2019 are:

€5,000 for international energy companies and corporate entities of similar legal status

€3,500 for industry associations and NGOs of similar status

€2,500 for EU bodies and diplomatic missions of G20/OECD member countries

€1,500 for diplomatic missions and permanent representations of other countries

€1,000 for think tanks and academic institutions

€500 for individual memberships

No charge for relevant information partners

In July 2017, a delegation from the Secretariat (SG, Mr. Terterov and Expansion coordinator) travelled on a mission to Turkey to attend World Petroleum Congress on behalf of the Secretariat. (Message 1366/17, 10 October 2017) At the same time, Mr. Terterov who was the owner of Brussels Energy Club announced his participation, which was paid for through the core budget of the Secretariat, on the Brussels Energy Club website as one of the events that the club participated in. This is a clear demonstration that SG condoned Mr. Terterov taking advantage of being an official of the Secretariat for his personal purposes.

An Energy Charter Forum was held in Tehran in 2018. Five of 9 keynote speakers were introduced as experts from the Brussels Energy Club (Prof. Zolotukhin, Ms. Stanic, Dr. Mitrova, Mr. Gao, Mr. Ogutcu.) and SG was aware. See Annex X.

Mr. Terterov claimed that he resigned from his Director post of the Brussels Energy Club and European Geopolitical Forum in January 2019. However, both organizations' registered address remained Mr. Terterov's home address in Brussels, and his father, who resides in Australia, is now registered as a new Director of the EG forum. Once again, SG has elected to ignore, or overlook these facts.

On 30 January 2019, Mr. Terterov brought to the ECS office a guest from Pakistan, and later that day, Mr. Terterov took him to the Brussels Energy Club as a speaker for the club's forum. Two months later, Secretary General proposed to Contracting Parties to appoint this Pakistani guest as Special Envoy for the Energy Charter. (It is strongly recommended that there should be a check on his background). ASG pointed out that this would be a clear “Conflict of Interest.” Although SG extended another staff member's probation based on his interpretation of “Conflict of Interest,” SG chose to ignore this case, Mr. Terterov's potential personal connection with this person and Brussels Energy Club.

“Conflict of Interest” is another of the items with no clear definition, together with “Security Breach”, thus allowing Mr. Rusnák and the General Counsel to provide ad

hoc and different interpretations of their meaning to fit their requirements and their specific purposes. Since there is no clear definition of “Conflict of Interest” internally, they can and do apply interpretations to suit their requirements. To support SG and GC ad-hoc and case by case interpretation of the potential “Conflict of interest”, The Advisory Board (which is composed of a special envoy of SG (Chair) and 4 staff Members is invited to provide advice to SG on his perceived conflict of interest. This was the case of SG’s perceived conflict of interest of the Head of Energy Efficiency Unit as described below:.

February 2019, The Head of Energy Efficiency Unit was asked by SG to withdraw from her external activities as a board member of an NGO promoting energy efficiency measurements and from a network of experts working on sustainability issues. The probation period of the Head of Energy Efficiency unit was extended for one month based on the fact that her activities with professional organizations were a "Conflict of Interest". SG asked the Advisory Board for advice about his requirement to head of EEU to withdraw from her external activities. The Advisory Board confirmed the conflict of interest without hearing the head of EEU who was on sick leave. SG has issued her contract termination letter and sent this to her in the afternoon of 31 March, Sunday, during her sick leave. It was then withdrawn the following day (Monday) following ASG’s request for clarification to SG.

Contrary the regulation 25 of the Staff Manual which requires members of the Advisory Board to be completely independent, the current members are obviously not independent as shown in the way the case of the Head of Energy Efficiency Unit conflict of interest.

Overall, the Head of Energy Efficiency Unit considers herself discriminated on the grounds of climate change convictions, which pertain to human rights. The Head of EEU is working with her lawyer to sue the Secretariat for discrimination for political opinion and for not preventing group harassment despite her various requests to SG to intervene.

Below the email sent by SG to the head of EEU about her climate change convictions:

“Those activities, representing movement for social and economic change driven by climate change related concerns are in conflict with your Declaration as an Official (Regulation 2). You have provided enough behavioural evidence to the Energy Charter Secretariat and its Staff about your personal conviction about the need of rapid phase out of fossil energy, which is negatively influencing your attitude towards some of our member countries and observers. Energy Charter Treaty is fuel neutral and the officials should avoid to promote any particular fuel or technology, unless decided by the Conference.”

Cover up of Sexual Harassment

During the first half of 2018, ASG has received several complaints from staff members (2 interns, 1 secondee and 1 temporary official) concerning inappropriate behaviour from a male Temporary Official, recruited by SG. Given TO’s seniority and sensitivity, the interns and secondee told her that they felt that they were not permitted to confront him, or to discuss the matter with SG.

As a result of this reaction, ASG broached the issue with SG on 4 June 2018, maintaining anonymity of those involved. A general staff meeting was held, and some solutions were discussed on 13 June. On 6 July, ASG gave the name of the Temporary Official to SG at his request. SG was, therefore, fully aware of the sexually-oriented harassment issue in 2018, but elected to take no action in this regard.

In 2019, there was another complaint of this employee's inappropriate behaviour, this time towards his immediate superior.

Since complaints of harassment continue, it is of prime importance that Management take concrete action to improve the work environment. In addition, given the fact that there are multiple ILOAT cases in the Secretariat currently, it also is important to take pre-emptive steps to avoid any more potential lawsuits from staff. However, this appears not to apply to current Senior Management of the Secretariat. On the contrary, the Secretary General issued two disciplinary measures to ASG for bringing up the sexual harassment on the grounds that she had used incorrect "procedures" to bring this up.

The most recent attempt to bring the issue to the Senior Management was, once again, turned down. Below is SG's email on this matter.

SG wrote to ASG on 1st April 2019.

"Please clarify your intention. Are you referring to a request for disciplinary measure (Rule 24.1)? If so, we could discuss it today in the afternoon at 16:00, should you send me a request for disciplinary measure, together with report supported by evidence. If you refer to any alleged harassment according to the Regulation 25 bis, it is for the affected official to bring it to the Advisory Board, not for the Senior Management."

The GC limited himself to pointing out procedural mistakes and changes of rules, which now allow non-establishment table staff (interns, fellows, and secondees) to consult the Advisory Board directly on such issues.

ASG was penalized twice for her attempts to resolve the sexually-oriented harassment problem, protect female staff and to improve the working environment. The alleged subject was not given any disciplinary measure. Over the relevant period he was granted a cash award in both 2017 and 2018 for his work at the Charter Conference (which is contrary to the staff rules).

To date, this harassment issue has neither been discussed.

3. Moral Harassment

There are recently unusually a large number of harassment claims against staff in a tiny organization of 28 staff members. Many staffs have been spending time to make claims and to respond to claims. GC and LA staff have been working for harassment

claims made against SG. This ridiculous situation has clearly affected the performance of the Secretariat.

Assistant Secretary General

Following a strong disagreement with SG regarding the recruitment of the Head of Energy Efficiency in August 2018, ASG began receiving SG's criticism/accusations about her work performance and also received frequent internal notes about her irresponsibility. In addition, SG removed ASG from the selection committee for the Head of Expansion Unit saying that my "partiality" vis-à-vis Mr. Terterov was unfair for him.

During the Senior Management meetings around the Conference in Romania, ASG was subjected to constant accusation and interrogation by the Secretary General and the General Counsel. As a direct result, working at the Secretariat has become increasingly difficult. This situation resulted in a serious decline in her health. She was obliged to take medical leave twice from 2 – 8 October and 16 November – 15 December in 2018.

(During ASG's sick leave, her personal data was obtained by SG and the GC without her knowledge and processed by SG. According to the General Counsel's explanation, individual data can be obtained by Senior Management for HR management purposes without informing staff.)

On her return to work, she requested several changes from the Secretary General in an attempt to improve her working conditions and her relationship with the Secretary General, however, he has seen fit not to grant any of her requests. His reaction, or lack thereof, appears to indicate that the Secretary General has no intention of trying to solve the problem and, with enough pressure from his side, he hopes she shall leave the organisation of her own volition.

SG's harassment subsided after ASG expressed in January 2019 her intention to leave the organisation, but began again after she was elected in February as a member of the Staff Committee, where she was vocal in her criticism of EIRA and also failed, despite repeated attempts, to bring up internal sexual harassment issues. In 2019, after ASG was elected as SC member, SG and GC frequently told her to step down from Staff Committee because of potential "Conflict of Interest" since ASG is in the Senior Management team, although there is no rule that SM member cannot be in the SC. In fact, there were several cases in the past that some officials were both in SM and SC. SG and GC continued pressuring her to step down from SC until she and SC chair stepped down on 14th May and the SC note was sent to the Conference Chair to request protection. See Annex VI.

Group Harassment toward the Staff Committee

See page 6 to 20 in Annex VI entitled "Note to the Chairs of the Conference and Budget Committee and the coordinators of the review" and sent to May 14th by the former SC.

4. Misuse of resources for personal purpose

Purchase of the service vehicle

At the end of 2018, a new service car was purchased for the SG at a cost of 38,000 Euro. The Secretary General consulted nobody, not even Senior Management (although it is possible that he consulted at least the GC), regarding his decision to purchase a new car.

Following this decision, contracts committee members were selected: General Counsel, ASG and one Admin staff. Since ASG was very aware of how staff felt about the car (following multiple and significant reductions in net salary for many staff following the restructuring), and also with a view to reducing the administrative burden, she proposed leasing a car, rather than purchasing. Owning a service vehicle creates unnecessary additional work for an administration team, which has been significantly depleted since the restructuring. However, her proposal was blocked by the General Counsel. His reasoning was that contract committee members were only asked to choose the best deal, or contract, and not to advise on the decision of the Secretary General to purchase. Finally, the Secretary General purchased a new car.

However, as he needed to have a new car delivered in 2018, admin staff had to work extremely hard to ensure that the car was delivered. It was a huge burden for one admin staff member in particular, who was also responsible for dealing with logistics for the Conference, as well as trying to ensure delivery of a new car. From the organisation's point of view, the Conference took first priority, but this did not stop SG taking up inordinate amounts of her time to deal with the purchase of the office car.

When staff learned of the decision to purchase a car, one of 7 staff who were downgraded through the restructuring process wrote to the SC Chair (Mr. Marat Terterov) as indicated.

The staff emailed to the SC Chair on 8 October 2018

Positions have been suppressed and others have been downgraded. (I myself got a more than 30% decrease of my salary). The Budget Committee and Conference were both informed there was not enough money for salaries... and Secretary General wants to buy a car?

Isn't it the proof that such restructuration was not necessary and was only a means to achieve other goal(s)?

Here are my questions:

Was it agreed with the Staff Committee, as part of the restructuration, that the Secretary-General would benefit of a new car even though posts had to be suppressed and others to be downgraded?

Was it agreed by the Conference (on the advice of the Budget Committee) that the Secretary-General would benefit of a new car even though posts had to be suppressed and others to be downgraded?

I find such decision an(other) insult made to those officials whose contract have been downgraded (copied to 6 staffs)... and I am wondering who is to blame hence my questions above.

May I propose that, instead of buying a car, salaries of those officials whose posts have been downgraded be paid at the level they were before the downgrade, taking into account the subsequent salary increase and step advancement.

SC Chair (Mr. Terterov) responded on 10th October 2018.

"It's not easy for the SC to comment on allowances of individuals employed by the Secretariat. There are for the most part personal or confidential matters, a part of people's employment contracts. I would imagine that an official car may be part of SG's remuneration package..."

Mr. Terterov proposed subsequently to facilitate a meeting with concerned staff and SG, but such meeting never took place.

It should be pointed out that the Secretary General's contract states only that he "will be entitled to the use of a service car, the model of which will be comparable to that of service cars used by Director-Generals in the European Commission." There is no mention about "purchasing" a car. In fact, all previous Secretaries-General used "leased cars" with one exception during the final year of Mr. Mernier's tenure.

Unethical behavior

During the subsidiary meetings in May 2017, ASG spotted an admin member of staff carrying a large plate of sandwiches from the delegate lunch buffet to the Secretariat Office, while the delegates were still having lunch. When she questioned her, the staff replied that she had been instructed to do this by SG. According to several admin staff members, SG regularly requests that they set aside one plate of sandwiches for him to take back home. ASG has been given to understand that this is a regular practice whenever the Secretariat organizes buffets in the context of internal meetings. The last occasion was on 18 December for the 20th Anniversary of ECT. She would have liked to suggest and request that SG stop this unethical behaviour, since these occasions are funded from the core budget of the Secretariat. However, she elected not to do so as the admin staff concerned were afraid for their contract renewal, should it become known to SG that they had spoken out of turn.

Cash awards

Staff are rewarded on the basis of perceived loyalty to SG rather than in accordance with any ability to perform their job. No explanation has been provided as to the reason for the cash awards, which I am led to believe was always listed in written documentation, both to Senior Management (who approved the awards) and to the

official receiving the award, prior to this SG. It is SG's decision alone, although it was supposedly "consulted" upon by senior management. (Please see senior management.) The General Counsel was one of 13 recipients in 2018 and was awarded the biggest award. Other awards went to many 'loyal' staff who openly and actively demonstrated their support for SG's restructuring process.

Annex VI Staff Committee's note to the Conference Chair and BC Chair

ECS/CS/19/05/02

May 14th, 2019

EXTERNAL NOTE

To: Conference Chair, Budget Committee Chair and the Coordinators of the review

From: Staff Committee

Subject: Request for Conference's protection for Staff Committee members and colleagues threatened in their employment and intimidated in the workplace at the Energy Charter Secretariat

Dear Conference Chair, Dear Budget Committee Chair, Dear coordinators of the review,

In line with paragraph 9 of the Circular to Staff Rule 4.2 (b) that allows the Staff Committee to "[...] *address notes to the Chairpersons of the Charter Conference and/or the Budget Committee*", the Staff Committee has decided to address you to seek the protection of the Conference for the Staff Committee Members (past and future) as well as other colleagues who are or might be threatened in their employment and/or intimidated in the workplace at the Energy Charter Secretariat either by their immediate superior or by their peers for their support to the Staff Committee.

Given the current situation and the importance of the sound functioning of the Secretariat for the review, the Staff Committee decided to also address this note to the coordinators of the review. The Staff Committee kindly asks the Conference for its indulgence and understanding for also addressing this note to the coordinators of the review.

Below is a short description of the current situation which brought the Staff Committee to this decision:

- The 2019 Staff Committee was elected on February 4th (see Annex I).
- Since the election, a campaign to discredit any action undertaken by the 2019 Staff Committee is ongoing at the Secretariat (See Annex II).
- The campaign against the 2019 Staff Committee is led by the General Counsel and the former Chair of the Staff Committee (See Annex II) who has during his three consecutive terms (2016, 2017 and 2018) accepted all changes proposed by the Secretary General on Staff Regulations and Rules, and drafted by the General Counsel, without necessarily consulting staff (See Annex III).
- The campaign to discredit and obstruct the activities undertaken by the 2019 Staff Committee is supported either regularly or occasionally by 5 colleagues (See Annex II). The vast majority of the staff (22 out of the 28 staff members), is usually silent given the atmosphere of fear in the workplace at the Energy Charter Secretariat (See Annex II).
- Despite ILOAT judgment No.4008 (see Annex IV), the Secretary General intimidates Staff Committee members in their role (see Annex V and VI, VII).
- The Staff Committee members are also threatened in their employment (see Annex V, VI and VII) and the Chair of the Staff Committee has been, since the election, continuously victim of an affront to her personality and to her professional integrity (see Annex II).

- The 2019 Staff Committee organised a partial election for B/C-Grade representative as the elected one resigned from the Staff Committee with immediate effect on May 6th.
- The election of B/C-Grade representative took place on May 9th, 10th and 13th to accommodate colleagues who were travelling or on a mission.
- The campaign to discredit actions undertaken by the Staff Committee continued but this time with a clear target to dismiss the elected 2019 Staff Committee (see Annex II, # 21 to #33) and to make the Staff Committee non-operational.
- Several B/C-Grades reported to Staff Committee about intimidation(s) either by their immediate superior or by their peers if they would participate in the election.
- The Staff Committee decided to cancel the election because free voting conditions were not met and to cancel the General Staff Meeting planned for the following day. Staff was informed of this decision by email on Monday, May 13th at 3 PM (see Annex VIII).
- The personal assistant of the Secretary General called for an unlawful General Staff Meeting (see Annex IX). This echoes previous calls from the campaigners against the 2019 Staff Committee (see Annex II).
- Staff Committee members contacted an independent lawyer (at their own expense as there is no budget allocated for the Staff Committee) to seek advice.
- The lawyer suggested to send the present note and to seek protection from the Conference.

In order to protect the interests of the Conference, the Secretariat and its Staff, recipients of this note may want to consider the following steps to smooth relations in the workplace at the Energy Charter Secretariat.

- Setting-up a temporary "Management Committee" composed of representatives from contracting parties to restore a healthy working environment in the workplace at the Energy Charter Secretariat.
- Launching an investigation about the intimidations and the threats the staff is facing regarding the election of the B/C-Grade representative. A special attention should be given by the investigators to the B/C-Grade colleagues and the non-EU citizens in particular as they are in a more vulnerable position.
- Ensuring that secret and anonymous voting conditions are met to allow for the organisation of a full election of the Staff Committee freely without fear.

By sending this note, the Chair of the Staff Committee and the A-Grade representative resign from the Staff Committee with immediate effect. Nevertheless, they both remain at the disposal of the recipients of this note to provide any additional information which might be needed to conduct the investigation.

Chair of the Staff Committee
Dr. Yamina Saheb

A-Grade Representative
Dr. Masami Nakata

B/C-Grade Representative
Vacant since May 6th, 2019




The following annexes are attached to this note:

Annex I: 2019 Staff Committee election's results

Annex II: Group Harassment against Staff Committee's actions and Chair

Annex III: Amendment/Adjustment of Staff Rules and regulations in recent years

Annex IV: ILOAT Judgment No.4008

Annex V: Threat and intimidation of A-Grade representative

Annex VI: Threat of B/C-Grade representative

Annex VII: Threat and intimidation of the Staff Committee Chair

Annex VIII: Call for an unlawful General Staff Meeting by the personal Assistant of the Secretary General

Annex IX: Cancellation of the B/C-grade election due intimidations and the atmosphere of fear in the workplace at the Energy Charter Secretariat.

Annex I: 2019 Staff Committee election's results

From: Staff Committee

Sent: lundi 4 février 2019 14:08

To: Augustin CHABROL; Alejandro CARBALLO LEYDA; Bilyana CHOBANOVA; Ruslan GALKANOV; David KRAMER; Masami NAKATA; Yamina SAHEB; Vlatka ANIC; Oleksandr ANTONENKO; Julia BOEGAEVA; Margaret BOLAN; Ernesto BONAFÉ; Kanat BOTBAEV; Iryna DE MEYER; Monica EMMANUEL; Vitali HIARLOUSKI; Anna NOSICHENKO; Mara NOVELLO; Can ÖGÜTCÜ; Danaï OIKONOMAKOU; Ishita PANT; Anna PITARAKI; Yuriy POCHTOVYK; Yves RAYEUR; Scott SUTHERLAND; Gökçe METE; Marat TERTEROV

Subject: RE: Staff Committee 2019 Elections - 1 February and 4 February 2019 -

Dear all – please see below the results of the elections for the 3 Staff Committee representative roles for 2019:

Chair:

Yamina – 18 votes
Marat – 06 votes
Yves – 02 votes
Ruslan – 01 vote

A-Grade Representative:

Masami – 4 votes
Alejandro – 1 vote
Bilyana – 1 vote
Ruslan – 1 vote

B/C-Grade Representative:

Can – 9 votes
Mara – 7 votes
Monica – 1 vote
Yves – 1 vote
Vlatka – 1 vote
void vote - 1

Based on these results, the Staff Committee in 2019 will be comprised of the following officials in the following categories:

Yamina Saheb – Chair of SC

Masami Nakata – A-Grade Representative

Can Ogutcu – B/C Grade Representative

The outgoing SC would like to congratulate the 3 colleagues dully elected to the SC as result of the completed elections and wishes them all the very best for their term. The outgoing SC will also be pleased to hold a handover meeting with the new SC shortly, to go over issues that the new SC will need to address in representing the staff

Many thanks to all colleagues for participating in the elections

Best wishes

The outgoing SC for 2018

Annex II: Group Harassment against Staff Committee's actions and Chair

From: Yamina SAHEB

Sent: lundi 13 mai 2019 09:11

To: Alejandro CARBALLO LEYDA; Marat TERTEROV; Ishita PANT; Vitali HIARLOUSKI; Bilyana CHOBANOVA; Iryna DE MEYER; Oleksandr ANTONENKO

Cc: Staff Committee; David KRAMER; Masami NAKATA; Ruslan GALKANOV; Vlatka ANIC; Julia BOEGAEVA; Mara NOVELLO; Margaret BOLAN; Ernesto BONAFÉ; Kanat BOTBAEV; Monica EMMANUEL; Anna NOSICHENKO; Can ÖGÜTCÜ; Danai OIKONOMAKOU; Anna PITARAKI; Yuriy POCHTOVYK; Yves RAYEUR; Scott SUTHERLAND; Gökçe METE; Edward SAFARYAN; Elena BRATIKOVA

Subject: Offensive emails seemingly intended to intimidate and humiliate me in my role of a SC Chair

Importance: High

Dear Mr Terterov (2018, 2017, 2016 Chair of the SC), Dear Mr Carballo (General Counsel), Dear Ms Pant (Investment Coordinator), Dear Mr Hiarlouski (Legal Assistant), Dear Ms Chobanova (Head of EU4Energy project), Dear Ms De Meyer (Legal Assistant), Dear Mr Antonenko (2018 B/C-Grade representative),

With regret I must communicate that since I was elected for chairing the SC on February 4th by 18 colleagues out of the 27 voters, I have been continuously discredited for any email I have sent or any action I have undertaken in my new role.

The intimidating communications/actions included:

1. Obstructing the "Handover meeting" (see #1 to # 5 of the attached file).
2. Obstructing the first GSM and accusing me of being responsible of the "acrimonious environment" experienced (see # 8 and # 12 of the attached file).
3. Undermining the Staff Survey, a very legitimate attempt of the 2019 SC to get a better understanding of the concerns of the staff given the fear some colleagues have in expressing their opinions publicly about Staff Rules and Regulations and other management issues (see #7 to #14 and # 16, #19, #20 of the attached file).
4. Casting doubts about the role of the SC and its functioning (see #6, #15, # 18, #23, # 25 and # 26, of the attached file).
5. Calling for unlawful full election of SC (see # 21 to #26 of the attached file).
6. Obstructing the election of B/C-grade representative (see #27 to #33 of the attached file).
7. Undermining my professional and personal integrity (see #13, #15, #17 and #29 to #31 of the attached file).
8. Undermining my role as a Chair of the SC (see #1 to #5 and # 34 to # 35 of the attached file).

These communications are seemingly an affront to my personality and my professional integrity in the workplace at the Energy Charter Secretariat. Emails included in the attached file intended to humiliate me and their pernicious tone about my actions (see attached) to intimidate me in my role as a SC Chair.

Dear Silent Majority,

During more than three months, you witnessed my avoidance of escalating the intimidating emails included in the attached file. I find these emails unprofessional and unacceptable, particularly as their authors send them continuously and in a coordinated manner. I believe many of you find also these emails unprofessional and unacceptable in the workplace at the Energy Charter Secretariat. Some of you have, already, expressed a negative opinion, either publicly or privately, about these emails. I am thankful for this support.

However, I would like to inform you all that I will NO LONGER TOLERATE any additional email such as those included in the attached file, since I find them offensive, unwelcome and I consider them an affront to my personality and to my professional integrity in the workplace at the Energy Charter Secretariat.

Our rules on harassment are outlined in Regulation 25-bis "Harassment Claims" and our Code of Conduct obliges us "to not tolerate those who" harass their colleagues.

As a professional person, I will continue to behave with cordiality with all and I look forward to hearing from you.

Best,



Yamina SAHEB, Ph.D.
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This e-mail is intended for the use of the named recipient only. Information contained in this e-mail and its attachments may be privileged, confidential and protected from disclosure. If you are not the intended recipient, please do not read, copy, use or disclose this communication to others. Also please notify the sender by replying to this message and then delete it from your system.

No	Offensive emails/acts	Author	Date	Time	What might have triggered the offensive emails/acts
35	"There are way too many people away on the 14th and 15th so no point in holding the meeting then . Masami is here on the 17th and is more than capable of chairing the meeting"	Mr Terterov (2018, 2017, 2016 Chair of the SC	09/05/2019	15:54	Mr Terterov (2018, 2017, 2016 Chair of the SC echoes Mr Carballo (General Counsel) misleading suggestion to hold GSM in the absence of the 2019 SC Chair (#34).
34	"According to the Calendar, five colleagues are out of office on the 14 th while only one will be on leave the 17th afternoon . The use of a GSM is to consult with staff so it's better to have the staff attending it. In particular since I understand that SC will consult the staff before meeting with SG."	Mr Carballo (General Counsel)	09/05/2019	15:46	Mr Carballo (General Counsel) is adding more confusion by suggesting to hold the GSM without the Chair of the SC which would be on leave on the 17 th . Also, Mr Carballo (General Counsel) ignores that the GSM planned for May 14 th is to discuss B/C grade issues and not to consult with staff before meeting with SG.
33	"I must say that I find it absolutely scandalous that so many members of the staff called for the elections to be postponed and to have a GSM, and the SC continues with the elections. The only people who are trying to create confusion and use this as an opportunity for their own purposes are the ones seeking to postpone the requested staff meeting. But then again they have already been doing this by endorsing the spurious survey which the SC continues to advocate. We all understand the objectives of the SC by holding an election for a B/C Grade representative first and then calling for a GSM. If the SC were honest, they would have explained the circumstances leading to Can's resignation and approached the person who had the next set of B/C grade votes in the last elections to replace him"	Mr Terterov (2018, 2017, 2016 Chair of the SC	09/05/2019	10:08	Mr Terterov (2018, 2017, 2016 Chair of the SC, who is A-grade, continuously creates confusion and accuses the Chair of the 2019 SC and the A-grade representative of dishonesty despite the email of the A-grade to him clarifying that his behaviour is plain harassment (#26). This is an affront to the personality and the professional integrity of SC members as clearly stated in the code of conduct. Mr Terterov (2018, 2017, 2016 Chair of the SC does not take into account the B/C graders calling for the election in their emails, dated on 09/05/2019 at 09:12 and 10:08, in their reply to the head of investment who has tried to clarify the rules " David is absolutely right. According to rule 4.2(5.3) "No question concerning a given category or an official of a given category shall be examined unless a representative of that category is present". There can be no decisions at a general staff meeting until a B/C representative is chosen.
32	" you are an intelligent guy and I am sure you have a pretty good idea as to what issues people want to raise with our colleagues at the staff committee. So no sense in swimming against the tide and holding back the inevitable by lobbying against a staff	Mr Terterov (2018, 2017, 2016 Chair of the SC	08/05/2019	19:07	Furthermore, dear all B/C graders, please cast your votes so we can have this GSM. There are people trying to create confusion and use this as an opportunity for their own purposes. B/C graders are the majority in this office and their voices should not be drowned out. " This email is a reply to the email from Head of Investment, dated on 08/05/2019 at 18:54, who was asking "Also for the sake of transparency, what would the issues be to be discussed?"

	meeting"				I am not yet convinced of the added value of having a GSM now with an incomplete SC, also as this might raise concerns about the legitimacy of some potential outcomes of such a meeting (as happened before the last elections). Having an overview of the topics would therefore help to evaluate whether it would be legitimate to have a meeting before elections (then maybe only for B/C grades?) and/ or whether it would be better to have it after. I think people could suggest topics in this discussion thread or e-mail the topics to be addressed to the SC directly, if that feels more comfortable."
31	"For the sake of transparency and open discussion, I would also be in favor of the GSM before any action is taken."	Ms De Meyer (Legal Assistant)	08/05/2019	18:20	Ms De Meyer (Legal Assistant) echoes Ms Pant (Investment Coordinator) (#27), Mr Hiarlouski (Legal Assistant) (#28) and Ms Chobanova (Head of EU4Energy project) (#29) in the unlawful request of Ms Pant (Investment Coordinator).
30	"are you referring to this email sent by the SC Chair on March 19, just after all of this survey-related melodrama began?"	Mr Terterov (2018, 2017, 2016 Chair of the SC)	08/05/2019	18:10	This sarcastic email from Mr Terterov(2018, 2017, 2016 Chair of the SC echoes the Ms Chobanova (Head of EU4Energy project) about the planned GSM which did not take place because of the five weeks of sick leave of the 2019 SC Chair (#29).
29	"Ass issues have been raised concerning all staff, not only B/C, I would also support a GSM to be organised. I recall an earlier message from SC in which there was commitment to send invitation for such meeting in April."	Ms Chobanova (Head of EU4Energy project)	08/05/2019	18:02	Ms Chobanova (Head of EU4Energy project), who is A grade, echoes Ms Pant (Investment Coordinator) (#27) (as well as Mr Hiarlouski (Legal Assistant)) (#28) in the unlawful request of Ms Pant (Investment Coordinator) to postpone the election of B/C grade representative. Also, she ignores the five weeks of sick leave of the 2019 SC Chair in her remark about the planned GSM which did not take place.
28	"It would be very useful to discuss these issues during short but efficient GSM."	Mr Hiarlouski (Legal Assistant)	08/05/2019	17:35	Mr Hiarlouski (Legal Assistant) echoes the Ms Pant (Investment Coordinator) (#27)
27	"The elections for the B/C grade representative are scheduled to begin tomorrow. However, a number of staff members have concerns they would like to discuss before they take a decision to vote. In light of this, the Staff Committee is requested to postpone the elections and hold a GSM to discuss the issues of the staff."	Ms Pant (Investment Coordinator)	08/05/2019	16:56	As mentioned in #12, Ms Pant (Investment Coordinator) attended only part of the previous GSM but she is asking for a GSM. Also she requests SC to postpone the elections because of concerns which she does not disclose. In practice, she is asking for a GSM without an agenda which is lawful.
26	"Sorry, Regulation 2.c.	Mr Carballo	08/05/2019	09:53	Mr Carballo (General Counsel)'s email is a reply to my

<p>Regarding the survey, you confirmed a meeting would be organised to raise the concerns some staff members had on the questionnaire/survey since SC should have coordinated better its actions, but you still went ahead with it. Therefore, no legitimacy can be derived from such exercise."</p>	(General Counsel)			<p>second clarification email, dated on 08/05/2019 at 08:53 about the rules which clarifies to Mr Carballo (General Counsel) that "SM does not include Rule 2.5 you are referring to!</p> <p>Furthermore, given the high importance of conflict of interest issues for the 2019 SC and following the discussion at the last GSM on this topic, SC has taken twofold actions:</p> <ol style="list-style-type: none"> 1. In light of the code of conduct, SC members agreed that when a potential conflict of interest arises within the SC, the person who has this conflict of interest steps down for a moment from his/her role in the SC for topics where this person has a conflict of interest. So far, this rule worked well. I would like to emphasize that the current SC rule is also the preferred option of the respondents to the survey. <p>When this said, SC would welcome proposals from staff to amend the current SC's rule related to conflict of interests of its members. Approval of a such proposal will be based on Rule 4.2 (b) point 13 which stipulates that " any proposal to amend the present rules of procedures of the SC shall require the approval of all members of the Committee".</p> <ol style="list-style-type: none"> 2. SC is gathering from other international organisations conflict of interest policies. FYI, so far, policies gathered are quite exhaustive: up to 11 pages in the most progressive organisations! SC will share, in June, with all staff a comparative study of the existing conflict of interest policies and will make the policies gathered, by that time, available for those interested in conducting their own comparative study. <p>Last but not least, I would like to point out that in the past, Directors have been members of the SC. From the previous SC and GSM summary records being a Director and a member of the SC was not seen as conflict of interest. "</p> <p>Also Mr Carballo (General Counsel) did not take into account the A grade representative email, dated on 08/05/2019 at 07:22 where she clearly states that "There is no Conflict of Interest in my case i.e. the A</p>
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					grade. I will certainly serve as SC member until the end of this year. If this continues, I consider it plain harassment."
25	"I referred to Rule 2.5 and Code of Conduct. Avoid conflict, or appearance of conflict, and take prompt action to remove from situations where conflicts can or have occurred."	Mr Carballo (General Counsel)	07/05/2019	21:34	Obviously, Mr Carballo (General Counsel) does not know the rules he drafted. His email is a reply to mine sent on 07/05/2019 at 18:14 where I was clarifying that : "Rule 4.2 (b), point 2.3 stipulates that " The composition of the Committee shall reflect the composition of various categories of officials in accordance with Regulation 1.1 a) and the size of the Secretariat. The Committee, until the size of the Secretariat would req-ire otherwise, shall comprise three full members: one representing the A category, one representing B/C categories plus one member from any category elected by all staff, who shall be the Chairperson" Rule 4.2 (b), point 1.1 on the elections during the Committee's term of office stipulates that " In the event of long lasting absence of one of its full members, the Committee may nominate an Elections Committee comprising of at least two officials to organize elections among the officials belonging to that member's term of office..." Based on these rules, there is no need to consider election of new A-Grade representative."
24	"Well, Alejandro, I hope our colleagues in the Staff Committee reply to you about the need to hold A-Grade elections. Concerns about conflict of interest relating to the A-grade representative are a very serious issue. I advised the A-Grade representative against becoming entangled in conflict of interest at our SC handover meeting at the start of the year. A number of staff have said since then that they wanted to change the rules so that management could not serve on the SC. Taking into account these sad circumstances, the A-Grade representative can no longer serve on the SC. Elections for an alternative A-grade representative need to be organized at the earliest possible moment. I suggest Tuesday May 28 and am happy to put myself forward as a candidate. Furthermore, and taking into account all the troubles that we have experienced, a general staff meeting for a mid-term review of SC activities, with or without SC participation, is also strongly advisable. I am happy	Mr Terterov (2018, 2017, 2016 Chair of the SC	07/05/2019	17:45	Mr. Terterov (2018, 2017, 2016 Chair of the SC echoes Mr Carballo (General Counsel)'s unlawful suggestion to replace also the A-Grade representative (#23). For the 2 nd time, Mr Terterov (2018, 2017, 2016 Chair of the SC calls for a meeting without SC (see # 16). Mr Terterov (2018, 2017, 2016 Chair of the SC keeps undermining the current SC, despite the efforts undertaken in first three months of mandate including i) holding a GSM (which was highly disturbed by Mr Terterov (2018, 2017, 2016 Chair of the SC), ii) conducting a survey to understand priorities of staff, iii) sending two notes to SG about staff concerns, iv) organising its own meeting, v) sharing with all staff the adopted summary record of this meeting as required by the rules and to provide evidence about the transparency of the SC, vi) providing SC's opinion

	and available to host such a meeting and people are welcome to come and see me to discuss as many of you have already been doing"				on the notice period to withdraw from ILOAT and vii) organising the election of B/C grade representative as soon as the resignation was announced. These achievements were possible despite the five weeks sick leave of the 2019 SC Chair and should be compared to the ones of Mr Tetterov(2018, 2017, 2016 Chair of the SC during his three mandates which were limited to approving, very often without consulting staff, all the changes to staff regulations proposed by SG and drafted by Mr Carballo (General Counsel).
23	"since concerns on conflict of interest were raised in the past regarding the A grades' representative, I would suggest to have additional election for A grades."	Mr Carballo (General Counsel)	07/05/2019	11:20	Mr Carballo (General Counsel) proposal is unlawful.
22	"please refer to my message below and follow instructions accordingly"	Mr Tetterov (2018, 2017, 2016 Chair of the SC	06/05/2019	11:37	This email was a reply to my announcement of the election sent on 06/05/2019 at 11:30 which states that "as announced by current B/C grade representative, SC will organise according to Rule 4.2 (b), point 11 (page 29 of the SM) the election of a new B/C Grade representative. SC invites all prospective candidates to announce themselves to the SC by noon on Wednesday 8 th May, 2019. Announcing your candidacy to the Staff Committee by Wednesday noon will allow us to prepare the ballot papers so that people can start to cast their votes as of 9.30 am on Thursday 9 th , May at 9.30. The ballot will be made available at the front desk and will remain open during open office hours until 5 pm on Monday May 13 th or until everyone has cast their vote. SC encourages as many people as possible to announce their nominations, and particularly welcomes new colleagues and younger colleagues to serve and participate in the work of the staff committee."
21	"Sorry, but its not going to play out this way. We will either have elections to <u>elect an entire new staff committee</u> , or as an alternative, the person who received the next amount of votes after Can during the last elections should automatically be appointed to the B/C Grade representation. In principle, <u>as we DO NOT have a staff committee at the present time further to Can's resignation</u> , and since the staff committee has caused so many problems and disruptions to the work environment at the	Mr Tetterov (2018, 2017, 2016 Chair of the SC	06/05/2019	11:11	The target of Mr Tetterov (2018, 2017, 2016 Chair of the SC cannot be more clear: Electing new SC. His plan to achieve his target is to use the opportunity of the election of new B/C grade representative due to the resignation from the Secretariat of the current one. Also, Mr Tetterov (2018, 2017, 2016 Chair of the SC keeps casting doubts about the functioning of the SC. Proposing a date for the election, of the B/C grade

	Secretariat during its short and disastrous tenure, elections need to be organized. I suggest May 31 as an appropriate date"				representative, suggests that Mr. Terterov(2018, 2017, 2016 Chair of the SC does not recognise the results of February election of the 2019 SC Chair. This email from Mr Terterov (2018, 2017, 2016 Chair of the SC is a reply to B/C grade representative email dated on 06/05/2019 at 10:45 announcing "that the Staff Committee will be organising elections to elect a representative for B/C grade staff members. The preliminary date is set for next week 13th May. The Staff Committee will inform on the preparations. I am stepping down as Staff Committee member with immediate effect in order to facilitate the transition before the end of my term at the Secretariat"
20	'In relation to the online survey, it is my kind request that item 3 of the GSM agenda, as well as any other reference to the utilisation of the online survey, be deleted from the documents. On 18 March, I emailed my specific concerns on the survey to the B/C grade rep of the SC. I believe the SC will uphold it's commitment. Request it to kindly circulate a new version of the survey to the staff and then obtain their opinion/feedback (on the structure, format, issues raised, choices given etc) at the next GSM. I would like to reiterate that the impact of some questions and proposed options can be serious."	Ms Pant (Investment Coordinator)	19/04/2019	11:24	The 1 st sentence in bold highlights the fear Ms Pant (Investment Coordinator) has about the changes proposed by the colleagues.. Regarding the 2 nd sentence in bold, while it is true that investment coordinator sent to B/C grade representative the questions she does not feel comfortable with, she has never submitted a reformulation of these questions. The 3 rd sentence in bold echoes the previous comment from the investment coordinator about the "serious implications" the questions raised could have on her (#12).
19	"Several officials voiced concerns about the lack of objectivity and accuracy of the "current situation" column. SC acknowledged on March 19 those concerns and confirmed they would organize a general staff meeting. However, SC just continued with the same type of inaccurate survey instead of having the mentioned meeting. The minutes also show that the SC continues to act unilaterally without consulting first the staff"	Mr Carballo (General Counsel)	18/04/2019	19:38	Mr Carballo (General Counsel) clearly undermines SC's efforts to move on with the changes to propose to the Staff Manual. The meeting of March did not take place because the 2019 SC Chair was on sick leave. Also, Mr Carballo (General Counsel) casts doubts in the mind of the colleagues about the functioning of the SC. This email from Mr Carballo (General Counsel) was a reply to my email, dated on 18/04/2019 at 18:12, and which includes the minutes of the SC meeting which took place at my return from sick leave on 15/04/2019. The summary record includes an agenda for next GSM. The date was not decided due to missions/leave of B/C grade representative. The survey result were also attached to this email (this was the 1 st time the survey results were shared with Staff).

18	<p>The Staff Manual does not contain any specific or express obligation, though SC is supposed to represent staff. Therefore I mentioned that SC would be expected to consult. Current SC has consulted some things while others not. Maybe it would be better for the SC to explain when are they going to consult staff before acting and when not. In the latest email, Chair of the SC seems to be launching an investigation on whether SC consulted staff adequately in relation to a 2017 document while for other things current SC doesn't consider necessary to consult staff</p>	Mr Carballo (General Counsel)	19/03/2019	08:35	Mr Carballo (General Counsel) is clearly misleading staff about the note sent to SG regarding his positive self assessment of the sound functioning of the secretariat following the restructuring (#11, #15).
17	<p>"I only asked for the disclaimer because I can no longer trust the SC in any communications it has with SG. SC seems to be overstepping its mandate and there is something else, rather strange going on behind of all of this in my opinion. Also, we don't know if this is the SC acting together in this way, or if its just the SC Chair initiating on her own."</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC	18/03/2019	15:35	This email is not aligned with the code of conduct as it is an affront to the personality and professional integrity of the 2019 SC Chair.
16	<p>In my opinion this survey cannot be used to gather inputs since the SC does not have a mandate under the existing staff rules to engage in this sort of exercise, and certainly not without prior consultation with the staff. You have already seen the reactions of multiple staff members about the survey – many of the questions asked and options for response provided are drafted in way that simply does not reflect staff opinion. It is neither the job nor the mandate of the SC to 'decide on behalf of the staff' on such important questions and options for answers. Had the questions been sent around before, and the SC would have explained to all staff that it would like to conduct a survey instead of drafting minutes, this may have been more appropriate since people would then have been provided the option of correcting the questions and responses. Additionally, staff members could also be given the option of opting out of the survey if they don't agree with its content, or contributing to the discussion in another way. Also, it would be useful to know if all members of the SC were involved in the drafting of the survey and unanimously agreed to send it to all staff. I hope this point will not be ignored.</p> <p>Dear all – in case people feel it to be useful, I am open to the idea of a hosting an informal staff meeting without the staff committee tomorrow directly after the MCM to take people's views about the survey and subsequent discussion. We could then try to formulate a collective opinion about these matters and present to the SC.</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC	18/03/2019	12:45	Mr Terterov (2018, 2017, 2016 Chair of the SC clearly undermines the work undertaken by 2019 SC and casts doubts in the mind of the colleagues.

15	<p>"As discussed at the general staff meeting, SC should represent the staff and no act on behalf of a small group of officials. Can, Masami did you both agree on sending such email signed only by the chair? A situation similar to 2015 when SC acted independently of the staff should be avoided. Message 1495 contains SG position regarding his mid term review. If someone has concerns regarding the restructuring they could raise the issue with SC to be discussed by all staff in another general meeting. Instead of sending emails like the one below, please better organise a general staff meeting if needed.</p> <p>SC is expected to consult all staff before sending such kind of emails. Similarly SC should avoid the misleading type of questions of the survey."</p>	Mr Carballo (General Counsel)	18/03/2019	11:40	<p>Mr Carballo (General Counsel) is clearly misleading staff.</p> <p>The 1st sentence in bold is not aligned with -Rule 4.3 (a) 1 which states that SC "may bring to the attention of the SG any matter affecting the interests of the staff". It is clear that SC must consider requests received from few colleagues.</p> <p>The 2nd sentence in bold is aims clearly at dividing SC and casting doubts about the professional integrity of the 2019 SC Chair as well as the functioning of the SC. This echoes #13 form Mr Terterov(2018, 2017, 2016 Chair of the SC.</p> <p>The 3rd sentence in bold s not aligned with Rule 4.2 (b) 8.1 which states "whenever it considers necessary, SC may submit a note to the SG". It is clear that there is no need to consult staff before sending a note to SG.</p> <p>So far,</p> <ul style="list-style-type: none"> -no reformulation of the questions has been sent by Mr Carballo (General Counsel) to SC. -SG did not respond to SC email about MESS1495.
14	<p>"I can only endorse and support Ishia's comments. I don't want SC to talk on behalf of myself if I wasn't properly consulted (or at least through B/C grade representative) and in particular if SC statements / actions may contradict staff members minds. It is difficult to call the last GSM as a consultation because some remarks were not reflected at all in the table you've sent. As already mentioned, some statements are clearly not accurate in the table."</p>	Mr Hiarlouski (Legal Assistant)	18/03/2019	11:27	<p>This email is also a reply to my email included in #12. It echoes those from Investment Coordinator (#10, #12), Mr Terterov (2018, 2017, 2016 Chair of the SC and Mr Carballo (General Counsel). It suggests a well-coordinated action, a fear and may be a hidden alliance.</p> <p>So far, SC did not receive any corrections to update the description of the "current situation".</p> <p>Like in #12, this email is a reply to my email mentioned in #12.</p> <p>The 2nd sentence in bold provides evidence about the perception of Mr Terterov (2018, 2017, 2016 Chair of the SC of the changes asked for by staff.</p> <p>The 3rd sentences raise questions about the fear of Mr Terterov (2018, 2017, 2016 Chair of the SC which echoes the "serious implications" referred to by the Investment coordinator in the last sentence in bold in #12.</p> <p>The last sentence in bold clearly casts doubts about the functioning of the SC in the mind of the colleagues.</p>
13	<p>I don't know about you, but I find all of these emails extremely distracting and disruptive to my concentration. Do we really need to make such a big melodrama about all of this business with the elections, the mandate for change, or perhaps even revolution ? If the SC, or perhaps more specifically the SC Chair, would like to advance the cause of a revolution in the Secretariat, I would personally like to request the following:</p> <p>1/ take the revolution somewhere else. I value my work here and need to concentrate on my deliverables under the POW. Any disagreements we have with SG can be solved by dialogue</p> <p>2/ omit me from any subsequent communications, surveys, etc and add to them the disclaimer that emails sent by the SC do not necessarily represent the view of Marat TERTEROV</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC)	18/03/2019	11:11	

	(especially emails that 'you send on behalf of the staff') I will also inform the SG that any initiative taken by the current SC 'on behalf of staff' is not representative of my opinion/position so that there is no misunderstanding." further to my email from last Friday, I would be grateful if either the SC or someone else could clarify if consensus was reached within the SC about the drafting and sending of the survey without prior consultation ?				
12	"The proposals under the survey constitute integral changes to the staff regulations and rules. Some of the issues mentioned in the questionnaire redefine the structure of decision making in the organization. It would be premature to make any final conclusions, based on 1 GSM and an anonymous survey, on such critical changes. Indeed, I agree that the staff is looking for change and the efforts of the SC are commendable. However, just my personal opinion, I do not want to be subject to changes that I do not necessarily agree with, which I did not have time to consider properly and which may end up having serious implications for me. The implementation of some of these questions is also unclear. I will bring this up to the C grade rep on the SC, however, I think it best to have an open and inclusive approach. For this, maybe another GSM should be organized where everyone gets to have a say and the discussion is on just one or two topics so it is not rushed. A less acrimonious environment, compared to the last meeting, would be welcome"	Ms Part (Investment Coordinator)	18/03/2019	10:59	The 1 st sentence in bold echoes the one from Mr Terterov(2018, 2017, 2016 Chair of the SC included in (#8) The 2 nd sentence in bold raises questions about what are the "serious implications" the official is referring to. The 3 rd sentence in bold questions the seriousness of the request for another GSM given that the investment coordinator attended only few minutes of the 1 st one (#10). The 4 th sentence in bold echoes Mr Terterov(2018, 2017, 2016 Chair of the SC's description of the GSM in #8. The email from Ms Part (Investment Coordinator) was a reply to my email below, sent on 18/03/2019 at 05:35, where I tried to answer #7, 8, 9, 10. I clarified that "The SC takes note of the unhappiness of colleagues, who did attend only part of the GSM, about the formulation of some of the questions and the options included in the questionnaire. for each question included in the questionnaire, the first option proposed is "no changes" for those who are satisfied about how the question raised is dealt with at the Secretariat... Of course, colleagues are more than welcome to send individual answers directly to the SC, if they feel that alternative options to the ones in the questionnaire should be considered. About the description of the current situation: We have done our best to include all the comments received. However, if, from your perspective, the description of the current situation is still not accurate, grateful for sending via email the additional corrections. It is highly important for the SC to set an accurate baseline."

					So far, SC did not receive any corrections to the current situation nor reformulation of the questions or new options for the answers.
11	<p>"does the SC have the mandate to send a communication to SG allegedly on behalf of a small group of unnamed officials without consulting with the staff as a whole ?</p> <p>I should add that this is not the first time that the new SC Chair is sending messages to SG allegedly on behalf of a small group of unnamed officials and I am very concerned about these actions. I have told SC that these emails do not represent my view but SC continues to send messages (to SG without staff consultation)</p> <p>In fact the situation is starting to resemble what we went through in late 2015, when the SC Chair of the time acted on behalf of a small group of officials sans consultation with the rest on key issues affecting all staff. This was a very difficult situation, which damaged relations between staff, and I personally do not want the Secretariat to go down that path once again."</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC	18/03/2019	10:44	<p>Following the upload by SG of MESS1495 which includes SG's positive assessment of the restructuring and the functioning of the secretariat, without sending the document for regular internal silent procedure, some colleagues approached the SC and asked for requiring clarification from SG.</p> <p>According to Rule 4.2 (b)-8-1, SC (all three members) agreed to send an email, on 17/03/2019 at 10:36, to SG asking for clarification about the fact "SC has not been consulted on this document as specified in the SM, nor did the document go the regular internal silent procedure. Therefore, the SC would like to know which staff members have been consulted in the preparation of this document and if not any were, please clarify why not."</p> <p>On 18/03/2019 at 05:44, I forwarded the message sent to SG to all staff. This decision was adopted by simple majority of the SC.</p> <p>Mr Terterov (2018, 2017, 2016 Chair of the SC's email was triggered by these two emails related to MESS1495.</p>
10	"I would like to indicate that we were limited in our choices. Not to mention, that these options do not clearly reflect the choices of the staff completely. As mentioned by other staff members, request you to circulate a new questionnaire after discussion on options with staff. It is also important to discuss: if a staff member feels like his/her opinion is not taken into account by the SC or if he/her does not feel represented by the SC can they opt out of SC decisions?"	Ms Pant (Investment Coordinator)	15/03/2019	23:12	<p>This message echoes the ones from Mr Carballo (General Counsel) (#7 and 9) and Mr Terterov (2018, 2017, 2016 Chair of the SC (#8).</p> <p>The Ms Pant (Investment Coordinator), who is asking to discuss with staff and who complains that her choices were not proposed in the survey, attended only few minutes of the GSM, somewhere in the middle.</p>
9	"The problem is that some of the statements in the column of "current situation" are clearly not accurate. I explained some of those issues to Yamina but they are not reflected. "	Mr Carballo (General Counsel)	15/03/2019	19:38	<p>There is no evidence of Mr Carballo (General Counsel)'s contribution to the description of "current situation" as he provided handwritten comments on "current situation" to 2019 SC Chair (#7) instead of responding on the digital version.</p>
8	"but from a first reading many of them seem to be phrased in a way which is too prejudiced for my liking, and certainly not reflecting many of my inputs into the discussion at the last General Staff Meeting (if we can really call it that). Also, can someone point me to the provisions in the Staff	Mr Terterov (2018, 2017, 2016 Chair of the SC	15/03/2019	15:14	<p>Per request of some colleagues who informed SC about their interest in giving their opinion on the different questions if this can be done anonymous, SC decided to turn the questions and options discussed at GSM into an online anonymous survey.</p>

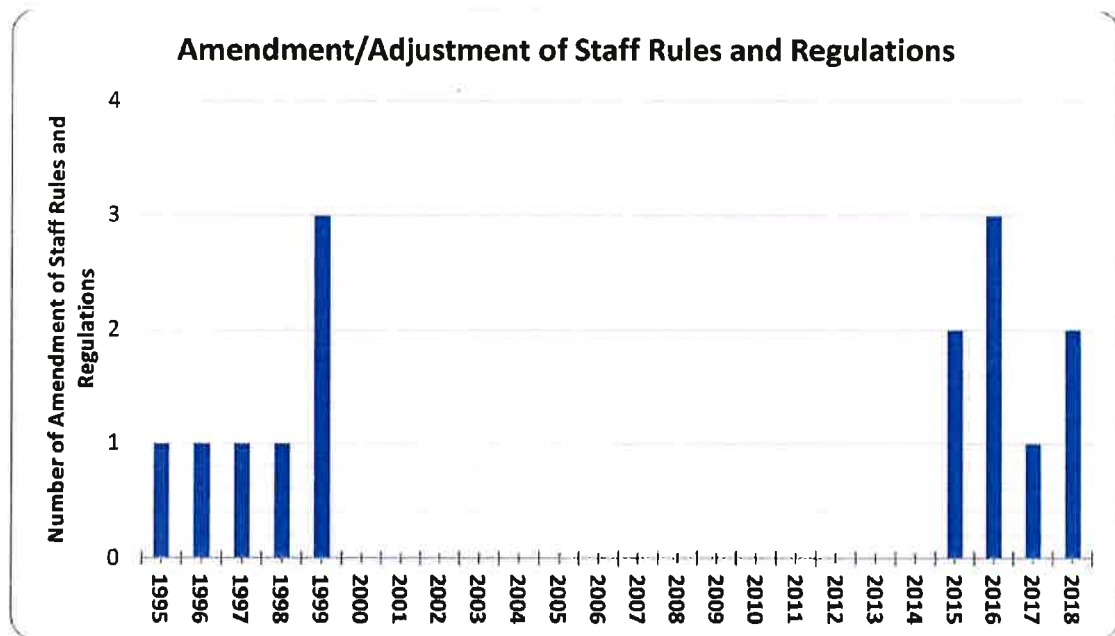
	Manual which allow the SC to embark upon an initiative which, in essence, aims to plant the seeds for an alteration in the governance structure of the Secretariat, essentially by divulging power from the institution of the Secretary General to other areas of staffing. I would have thought that the staff need to be consulted in the event that the SC decides to take it upon itself that it has the power to act in this manner. Or am I missing something ?				The statement from Mr Terterov (2018, 2017, 2016 Chair of the SC echoes the one included in #7 from the Mr Carballo (General Counsel). They both cast doubt about actions undertaken by the 2019 SC.
7	"some of the questions of the review do not seem accurate so I would encourage SC to agree first with all staff the questions to be discussed."	Mr Carballo (General Counsel)	15/03/2019	14:56	On 18/02/2019 at 14:22, I sent an email to Mr Carballo (General Counsel) asking him to review sections "highlighted in yellow the points where your expertise is needed." In the description of current situation as gathered from the colleagues, Mr Carballo (General Counsel) provided his hand-written corrections the following day which were all included in the description of current situation.
6	"thanks for this but I would prefer and/or suggest that you consult with all staff before sending the below email to SG, since it does not really represent my view. We discussed the need to sign this form in the MCM meeting on Tuesday in some detail and in principle there was adequate enough explanation from SG. You could have briefed the staff on this discussion in an email rather than asking for further clarifications from SG without first consulting with the staff. I personally do not think this is a big issue any more and do not feel that SC needs to devote its time to it."	Mr Terterov (2018, 2017, 2016 Chair of the SC)	14/02/2019	13:03	Following the stress triggered by SG's request to sign by 15/02/2019 COB a declaration form related to SM and the requests received from colleagues asking for clarifications, I sent the following message on 13/02/2019 at 15:50 to SG and Mr Carballo (General Counsel). "The Staff Committee would like to kindly request for clarification on intentions and reasons behind the request made to all staff to sign a declaration form related to Staff Manual. Officials sign an employment contract referring to the Staff Rules already. This request needs to be clarified to the staff and to the SC. We would appreciate receiving a clarification by COB 14 th February." SG replied on 13/02/2019 at 16:36. I forwarded his reply to Staff on the 13/02/2019 at 16:52 and proposed to "ask for a deadline extension for the submission of the signed form and to include this point in the agenda of our next meeting. Suggestions are welcome on how to deal with this request". I responded to Mr Terterov(2018, 2017, 2016 Chair of the SC on 14/02/2019 at 14:47 as follows: "Delighted to read the request to sign this form is not anymore an issue for you and that you will sign it! However, this is not the case for some of the colleagues who did ask for clarification and extension

5	<p>"Many thanks for taking the time to explain this in a transparent way. No harm done at all since Masami indicated that she was OK to start a little late and overall I thought (and I hope others agree) that we had a very useful and constructive meeting. FYI, this goes a long way from what happened during the handover meeting in January 2016, when the outgoing chairman of the time engaged in the explicit and open use of foul language directed at the incoming staff committee members during the handover meeting (Ernesto was present and will recall).</p> <p>On the other hand, you are certainly right, Yamina's message below is a little inappropriate for my liking, particularly taking into account her role as SC Chair, and we are not here to accuse anyone of anything. We are all well paid professionals and I urge people to conduct themselves respectfully and professionally in the work place."</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC	08/02/2019	13:15	of deadline until the issue is discussed/agreed at the next GSM."
4	<p>"I did not know about the SC handover meeting this morning as the invitation for the meeting had been sent when I was on vacation. However, this morning Vitaly reminded me about a Library Committee meeting scheduled at 10am and kindly requested to participate. I found out about the SC handover meeting at 9:45 am only. Taking into account that I have already agreed to take part in the Library Committee meeting and the fact that it was not supposed to be longer than 30 minutes, I asked you to postpone the SC meeting for 30 minutes or to start it without me.</p> <p>Please accept my apologies if some of your have interpreted it as prioritising one meeting against another. On another note, I would like to remind the new SC members that the promotion of the co-operation between the Secretariat and the Staff as a whole is one of the objectives of the SC. Therefore, accusing a staff member of giving higher priorities to another meeting is not the best way on how to meet this objective."</p>	Mr Antonenko (2018 B/C-grade representative)	08/02/2019	13:01	In response to my message to postpone the meeting included (#3), Mr Antonenko (2018 B/C-grade representative) claimed that he knew about the SC handover meeting at 09:45. However, he sent his email to postpone the meeting at 09:58 without mentioning this to me while we were in the same room.
3	<p>"Sasha – why don't you do what you need to do in the library and we will start as soon as you finish (assuming it will not take more than about 20 minutes)".</p>	Mr Terterov (2018, 2017, 2016 Chair of the SC	08/02/2019	09:58	I was the one who called for the meeting. However, Mr Terterov (2018, 2017, 2016 Chair of the SC agreed to postpone the meeting 2 mins before the meeting without consulting with me. I discovered the meeting was postponed when I went to the EXP room just before 10:00 asking Mr Terterov (2018, 2017, 2016

					Chair of the SC and the 2019 B/C Grade representative to join me for the meeting. I sent an update of the invitation to the meeting with the following message "The meeting is postpone because Sash decided to give a priority to a Library meeting!"
2	"Can we postpone the SC handover meeting for 30 minutes as the time of this meeting clashes with Library committee meeting also scheduled at 10am. If not, please feel free to start without me and I will join you in 15-30 minutes."	Mr Antonenko (2018 B/C-Grade representative)	08/02/2019	09:54	I called for a handover meeting between outgoing and incoming SC for the 08/02/2019 at 10 AM. B/C grade representative sent his request to postpone the meeting 6 mins before the start of the meeting without mentioning this to me while we were sharing an office.
1	"I will also be on hand throughout the year to provide further advice. Speaking of which, my first advice is – as I have already mentioned to you in the corridors – please be more prudent in your word choice when formulating your work place communication, both oral and written, as this can be taken the wrong way and undermine workplace relations. Please see below, section highlighted. The elections were organized by the staff committee, fully and totally, so this needs to be acknowledged correctly in formal workplace communications. Front desk supervised the poll on behalf of the SC, as was indicated in previous emails. The counting up of the votes was done by both colleagues working at the front desk, as well as another colleague. Therefore the message below singling out one colleague is somewhat out of context. It can be seen as purporting towards some sort of favoritism and does not seem to fit in with your earlier comment (below) where you state your intended aim to represent all staff"	Mr Terterov (2018, 2017, 2016 Chair of the SC	05/02/2019	10:04	Following the announcement of the results of the 2019 election of the SC, I sent an email on February 4 th at 19:48 to thank the organizers. Below the section of my email which triggered the reaction of the 2018 Chair of the SC. The yellow highlight is the one mentioned in the offensive email included in column 2. "I would also like to thank the organisers of the election, especially Augustin for his commitment and excellent organization of the overall process."

Annex III: Amendment/Adjustment of Staff Rules and Regulations

Based on conference decisions, Staff Rules and Regulations have been amended several times since the current GC took post in 2013, especially during the latest mandates of the Staff Committee, as shown in the graph below. It is worth noting that in 2016, 2017 and 2018 the Chair of the Staff Committee was the same official. During that time, the practice to amend staff Rules and Regulations is as showed in the email below:



From: Urban RUSNÁK
Sent: 09 July 2018 13:25
To: Marat TERTEROV
Cc: Masami NAKATA; Alejandro CARBALLO LEYDA
Subject: Re: Online course on energy

Dear Marat,

Regarding Management's proposal on régularisation of contracts I need clear position of SC (preferably acceptance). In such case I will consult with Senior Management my individual régularisation proposals to each affected staff member. (Rule 25.1). If everything goes as we preagreed, letters will be signed next week.

Regards

Urban Rusnák
Sent from my iPhone

Annex IV: ILOAT Judgment No.4008

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

C. J. (Nos. 1, 2 and 3)

v.

Energy Charter Conference

126th Session

Judgment No. 4008

THE ADMINISTRATIVE TRIBUNAL,

Considering the first and second complaints filed by Ms L. C. J. against the Energy Charter Conference on 30 August 2016 and corrected on 18 October 2016, the Conference's single reply of 26 January 2017, the complainant's single rejoinder of 7 April, the Conference's single surrejoinder of 24 May, the complainant's additional submissions of 15 September and the Conference's final comments thereon of 14 November 2017;

Considering the third complaint filed by Ms L. C. J. against the Energy Charter Conference on 15 November 2016 and corrected on 25 November 2016, Conference's reply of 21 February 2017, corrected on 3 March, the complainant's rejoinder of 8 May, the Conference's surrejoinder of 16 June, the complainant's additional submissions of 15 September and the Conference's final comments thereon of 14 November 2017;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

and Finance Unit should be redistributed in 2017 between three new category C posts. The Secretariat also explained that in order to bridge the gap until the entry into force of the new establishment table in 2017, a "Project Staff contract" ending on 31 December 2016 would be offered to most of the staff members whose posts were to be abolished. The Conference approved this draft budget on 3 December 2015.

The Secretary General informed the complainant by a letter of 4 December 2015 that the Conference had decided to abolish her post as of 31 December 2015 and that her contract would not therefore be extended beyond that date, as stated in the letter of 26 June. However, he offered her a Project Staff contract for the period 1 January to 31 December 2016 with "the same job description" and at the same grade and step. The complainant accepted this offer while making it clear that she reserved the right to contest "the decision(s)" contained in the letter of 4 December.

On 17 December the complainant requested the Secretary General to review the decision of which she had been notified by the letter of 4 December and to renew her fixed-term contract. On 23 December 2015 the Secretary General informed her that as, in his opinion, all the relevant rules and procedures had been followed correctly and the terms of her contract had been respected, he had decided to maintain the decision not to extend that contract. He noted that the complainant had accepted the Project Staff contract offered to her.

On 8 April 2016 the complainant referred the matter to the Advisory Board. She submitted that the "succession of definite duration contracts" which she had been granted since her initial recruitment constituted an abuse of authority and she challenged the lawfulness of the decision to abolish her post and not to extend her fixed-term contract. She requested a review of the latter decision and the redefinition of her contract as a contract of indefinite duration. Subsidiarily she requested the extension of her contract in an established post.

In its report of 11 May 2016 the Advisory Board, which had heard the complainant on 3 May, found that Staff Rule 10.1 precluded the redefinition of the complainant's contractual relationship. Moreover, it considered that, as her post had been abolished, it was impossible to

her that, on the basis of the advice of the Advisory Board, which had heard her on 12 August, he had decided to maintain his decision to reject both of her applications. That is the decision which the complainant impugns in her third complaint.

In her first complaint, the complainant asks the Tribunal to set aside the decision of 3 June 2016 and likewise the decisions of 4 and 23 December 2015. In her second complaint she asks the Tribunal to set aside the decisions of 16 August 2016 and 15 June 2016 and to cancel the three vacancy notices published on 3 June 2016. In her third complaint she asks the Tribunal to set aside the decisions of 18 August 2016, 24 June 2016 and 11 July 2016. She also requests the Tribunal to cancel, if necessary, the appointments of the candidates chosen at the end of the selection procedures in which she participated.

In addition, in each of her complaints, she seeks reinstatement and the retroactive reconstruction of her career. In her third complaint she asks that interest be added to the sums due under that head. If her reinstatement is impossible, she seeks redress for material injury in respect of the period 1 January 2017 to 31 March 2021, the date on which she would have retired. She asks that interest be paid on the amounts due under that head. At all events, she requests moral damages in the amount of 25,000 euros and costs.

The Conference submits that the complaints should be dismissed as groundless. It asks the Tribunal to join the first two complaints.

CONSIDERATIONS

1. The three complaints essentially seek the same redress and are largely interdependent. It is therefore appropriate to join them in order to rule on them in the same judgment.

2. Article 34(3) of the Energy Charter Treaty provides that the Conference shall “appoint the Secretary General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees”. In pursuance of this provision, the Conference

The latter must therefore confine itself to ascertaining whether the decision was taken in accordance with the rules on competence, form or procedure, whether it involves a mistake of fact or of law, whether it constituted abuse of authority, whether it failed to take account of material facts, or whether it draws clearly mistaken conclusions from the evidence (see Judgment 3582, under 6).

6. Since a breach of rules concerning consultation of a staff representative body constitutes a procedural flaw, this plea lies within the scope of review defined above. First, the complainant submits that the Secretary General violated Staff Rule 4.3 by failing to consult the Staff Committee about the proposed restructuring of the Secretariat before submitting the proposal, in particular the first version thereof which formed the basis of the "whole decision-making procedure", to the competent authorities.

The defendant organisation contends that discussions were held with the Staff Committee well before the restructuring proposal was submitted to the Conference for final approval. It states that the Committee was indeed consulted and that its "main ideas" were taken into account.

Staff Rule 4.1 reads in pertinent part:

"(b) The main objectives of the Staff Committee shall be:

- (i) to promote co-operation between the Secretariat and the staff as a whole;

[...]

- (c) Before making decisions affecting the position of a particular category, of all categories or of a specific group of officials of the Secretariat, the Secretary-General shall consult the Staff Committee."

Staff Rule 4.3 provides that:

"(a) In pursuance of the main objectives specified in Rule 4.1, the Staff Committee:

- (i) shall be bound to give its opinion on proposed amendments to the Staff Regulations or Staff Rules and administrative action proposed by the Secretary-General in furtherance of the Staff Regulations or Staff Rules. [...]"

7. The complainant also contends that the Secretary General completely ignored the Staff Committee's role by taking it upon himself to consult staff members directly about his restructuring proposal, and that he brought pressure to bear on them to support it.

The defendant organisation replies that, on the contrary, it was the Staff Committee which tried to force its view on all the staff regardless of the general interest. It adds that the Secretary General consulted the staff by organising town hall meetings and considers that it is not the Staff Committee's role to substitute its opinion for that of the staff.

The evidence in the file shows that on 23 October 2015 the Staff Committee advised the Secretary General that staff members who so wished should be able to retain their current status. On 28 October the Secretary General replied that while neither version of the restructuring proposal had received unanimous backing from the staff members, there had been majority support, confirmed in writing, for one version. He also took the Staff Committee to task for having misled the members of the Budget Committee by telling them that its alternative draft budget was supported by a majority of the staff. He informed the Staff Committee that he intended to proceed on the basis of the written opinion of the majority of the staff.

Staff Rules 4.1 and 4.3 stipulate that the Secretary General must obtain the Staff Committee's opinion before adopting his position. He is free to follow or to reject that opinion. He may criticise it and explain why he cannot endorse it, but he cannot lawfully consult each staff member individually instead of consulting the properly constituted Staff Committee.

The evidence in the file also shows that town hall meetings were indeed held, but they cannot make up for the lack of a Staff Committee opinion or remedy a flaw relating to its consultation.

This plea is well founded.

8. The complainant also submits that the Staff Committee was twice given a deadline for stating its opinion much shorter than that specified in Staff Rule 4.3(a)(i). The defendant organisation replies that these tight deadlines were given to the Staff Committee when it was

This plea is well founded.

9. In conclusion, as explained in considerations 6 to 8, above, the procedure for consulting the Staff Committee was tainted with several flaws.

The Tribunal recalls that, in keeping with the principle *tu patere legem quam ipse fecisti*, when a text provides for the consultation of a body representing the staff before the adoption of a decision, the competent authority must follow that procedure, otherwise its decision will be unlawful (see, for example, Judgments 3883, under 20, 3671, under 4, and 1488, under 10).

Since the plea that the rules regarding consultation of the Staff Committee were breached is well founded, the deliberations of the Conference on 3 December 2015 were unlawful. The individual decision taken with regard to the complainant on the basis of those deliberations is therefore likewise unlawful. Moreover, this individual decision is also unlawful in other respects.

10. The complainant submits that the decision not to extend her fixed-term contract is in fact a decision to terminate a twenty-year “perennial employment relationship”. She contends that her duties, which she performed continuously for over 19 years, were of a permanent nature and that her fixed-term contract “must [...] be redefined” as a contract of indefinite duration. She infers from this that the question of extending her fixed-term contract was, by definition, moot.

The complainant acknowledges that the Staff Regulations and Staff Rules make no provision for employment under a contract of indefinite duration and that Staff Rule 10.1 lays down that “[n]o action by the Secretary-General shall be construed as, or have the effect of, granting employment for an indefinite period or constituting a permanent appointment”. However, in her opinion, this provision contradicts other provisions of the Staff Regulations. First, she emphasises that the Preamble to the Staff Regulations and Staff Rules provides that it is staff policy to enable officials wherever possible to pursue a career within the Secretariat. Moreover, in her view, Staff Regulation 12(d)

the complainant, must be construed in the broad sense to encompass non-extension of a contract.

The defendant organisation explains that Staff Rule 25.1 applies only when a contract is terminated prior to its expiry, and not when it is not extended. It contends that Senior Management officers were consulted about the decision not to extend the complainant's fixed-term contract, as "discussions" took place during management meetings attended by a large number of participants, including Senior Management officers.

13. Staff Rule 25.1 reads:

"The Secretary-General shall consult with Senior Management officers including the Deputy Secretary-General and Directors before personnel decisions are taken in accordance with Staff Regulations and Staff Rules, in particular regarding appointments, probation, promotion, advancement, disciplinary actions, termination of employment.

Conclusions shall be recorded in writing."

Whereas the Staff Committee is responsible for giving its opinion on matters of general concern to the staff (Staff Rule 4.1(e)), Senior Management officers have to give their opinion on issues concerning individual staff members (Staff Rule 25.1).

Contrary to the defendant organisation's submissions, Staff Rule 25.1 does apply in this case, as it requires Senior Management officers to give their opinion on all issues concerning individual staff members. Termination of employment is mentioned only as an example, and the non-extension of a contract also falls within the scope of this provision. In addition, this rule required Senior Management officers to give their opinion on the granting of a Project Staff contract to the complainant.

The submissions in the file certainly show that the general issue of the budget and personnel management was raised at various management meetings during which the Secretary General summarised progress on this subject. These general explanations did not give rise to an opinion. However, in any case, these discussions cannot replace an opinion of Senior Management officers on the complainant's personal situation. In accordance with the principle *tu patere legem quam ipse fecisti*, the Secretary General had to abide by Staff Rule 25.1 and consult Senior

perform the same duties with the same remuneration. The only differences between the contract under which she was employed and that which was offered to her, were their name and duration. As the complainant had been employed since 1996 as Administrative Assistant under a fixed-term contract, the Secretary General could not offer her a temporary contract to continue performing exactly the same work as she was performing under a fixed-term contract without contravening the spirit of the applicable texts (see Judgment 2708, under 10).

The defendant organisation explains that as the complainant's post had been abolished, she could no longer be retained under a fixed-term contract. However, as the Tribunal has consistently held, although job abolitions may arise from a restructuring, they must be justified by real needs and not be immediately followed by the creation of equivalent posts (see Judgments 3422, under 2, and 2156, under 8). In this case, the purpose of offering the complainant a Project Staff contract was to keep her in her post for another year. This could not, however, involve distorting the notion of a temporary contract.

This plea is well founded.

16. It follows from the foregoing that the Secretary General's decision of 4 December 2015 not to extend the complainant's fixed-term contract and to offer her a one-year Project Staff contract is unlawful. For this reason, the decisions of 23 December 2015 and 3 June 2016 confirming it are likewise unlawful. These three decisions must therefore be set aside, without there being any need to examine the other pleas regarding them.

17. In her second complaint, the complainant seeks the cancellation of three vacancy notices published on 3 June 2016 which concerned Administrative Assistant positions at grade C5/C6. She also requests the setting aside of the Secretary General's decision of 16 August 2016 confirming the decision of 15 June 2016 by which he refused to modify the three vacancy notices.

20. The complainant is, however, entitled to an award of damages. When assessing these damages, account will be taken of the fact that, although she had been in the Secretariat's service since 1 April 1996, she had held a fixed-term contract and thus did not have any right to have it extended until she reached retirement age. Account will also be taken of the fact that, after her fixed-term contract was not extended, she continued for a period of one year to earn the same amount of salary as she had previously received. In view of all the circumstances of the case, the Tribunal considers that the various forms of injury suffered by the complainant may be fairly redressed by awarding her compensation assessed *ex aequo et bono* at 35,000 euros.

21. As the complainant succeeds, she is also entitled to costs, which the Tribunal sets at 5,000 euros.

DECISION

For the above reasons,

1. The Secretary General's decision of 3 June 2016 and those of 4 and 23 December 2015 are set aside.
2. The vacancy notices published on 3 June 2016 and the Secretary General's decisions of 15 June and 16 August 2016 are cancelled.
3. It is unnecessary to rule on the complainant's third complaint.
4. The Energy Charter Conference shall pay the complainant 35,000 euros in compensation under all heads.
5. The Energy Charter Conference shall also pay the complainant costs in the amount of 5,000 euros.
6. All other claims in the first and second complaints are dismissed.

Annex V: Threats and intimidations of A-Grade representative

From: Masami NAKATA
Sent: jeudi 4 avril 2019 09:20
To: Staff Committee
Subject: SC member

Dear Staff Committee,

Jus for the record, SG again complained to me today around 11:30 am that I had accepted SC member responsibility.

He told me that he didn't like that I was in the SC because he had a trouble dealing with SC before when a Senior Management member was in the SC.

Thanks.

Masami

From: Masami NAKATA
Sent: mercredi 3 avril 2019 08:37
To: Staff Committee
Subject: Meeting with SG

Dear Staff Committee,

*This is just for your information. I'm sending this just for the record.
No need to act on it for now.*

Around 9:45 or so, I was called by the Secretary General to his office. He told me the following.

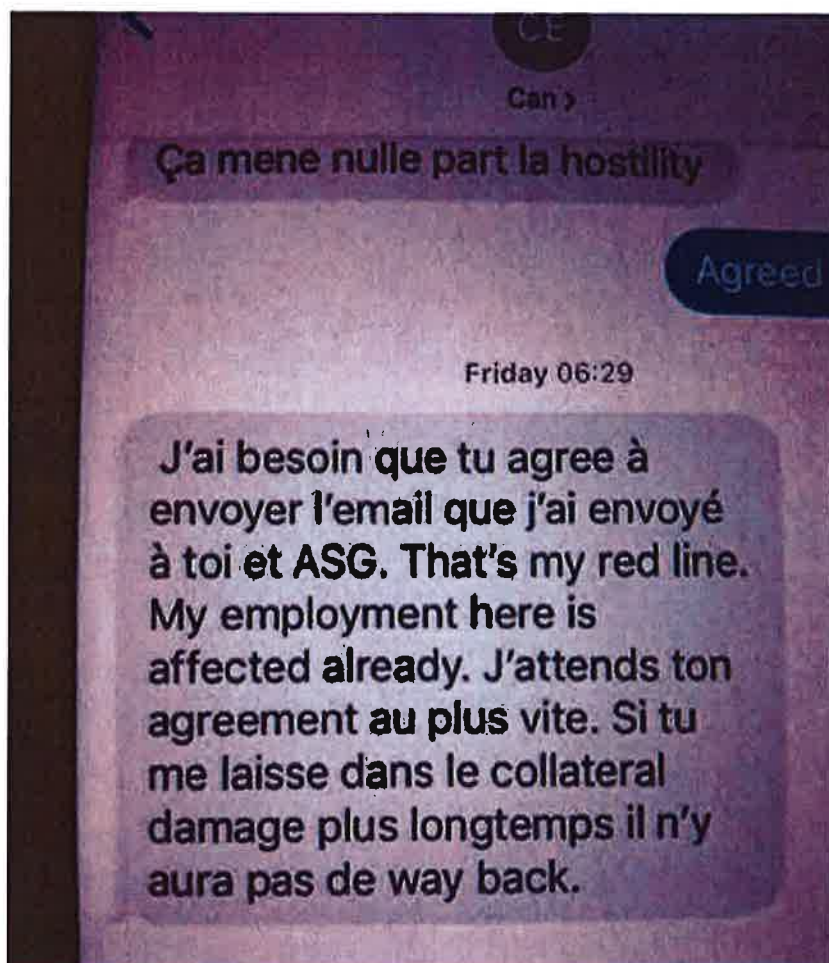
- 1. I "...better to step down from ASG post by the end of April" as I originally wished but extended until the end of this year.
He also said that my job performance was bad and unsatisfactory. I failed to do many things. He implied that he would do bad PAR soon (or now).*
- 2. SG again blamed that I was in the SC committee despite "his disapproval." I told him to talk to staff because they selected me. (SC member selections should not be affected by "SG's disapproval")*
- 3. SG also said that he was not happy because I didn't oppose to SC's conducting survey. He said it was conflict of interest, because I'm in the Senior Management. I asked him why he knew about the survey. He said that he had a way to know.*
- 4. He said he didn't like me because I was impolite.*

If I remember more, I'll add later.

Best,

Masami

Annex VI: Threat of B/C-Grade representative



This text message was sent on 22/03/2019 by B/C-grade representative to the Chair of the Staff Committee to put pressure on her to withdraw the following message sent by staff committee to SG. In total, B/C-grade representative sent 30 SMS to the Chair of the Staff Committee about the withdrawal of this message and several emails. As consensus was not reached within the Staff Committee, the B/C-Grade representative sent an email on behalf of the Staff Committee to SG inviting to disregard the previous emails sent by the Chair, see email below dated on April 8.

From: Staff Committee
Sent: dimanche 17 mars 2019 10:36
To: Urban RUSNÁK
Subject: Message 1495
Importance: High

Dear SG,

The SC took note of the message 1495 which was uploaded on delegates portal on March 11th, at 18:03.

Unfortunately, the SC has not been consulted on this document as specified in the SM, nor did the document go the regular internal silent procedure. Therefore, the SC would like to know which staff members have been consulted in the preparation of this document and if not any were, please clarify why not.

Best regards,

YS: Chair of the SC.

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From: Staff Committee
Sent: lundi 8 avril 2019 11:28
To: Urban RUSNÁK
Subject: RE: Meeting and Communication

Dear Secretary General,

Unfortunately, the Staff Committee is not in a position to meet with you until a working relationship can be established among the members of the Staff Committee where communication is absent. Please disregard previous correspondences sent by the Chair in the past.

The Staff Committee will inform in the future if and when it can meet with you, until further notice the Staff Committee is not operational and is on hold.

Kind regards,
Staff Committee

Annex VII: Threat of the Chair of the Staff Committee

Summary record of the meeting between the Secretary General (SG) and the Head of Energy Efficiency Unit (EEU).

In the morning of May 8th, the Secretary General called the Head of Energy Efficiency Unit (EEU) for a meeting in his office. The meeting was unplanned. The Head of EEU enquired about the discussion points over the phone. The SG answered that he had several points he would like to discuss with her.

At the start of the meeting, SG clarified that he would like to discuss with her the way forward following the confirmation of her position after the end of the extension of her probationary period.

The following points were discussed:

- SG informed EEU Head that he was delighted with her acceptance of his conditions which consist of resigning from the Board of EVO and legally stopping the activities of OpenExp. The Head of EEU clarified that her decision to step down legally from these two organisations does not mean she agrees with his perception of a conflict of interest. She still considers this unjustified and not evidence-based. SG informed EEU Head that he acted based on the rules and that moving forward, she will be assessed based on her performance only.
- SG informed EEU Head that in case of an appeal at the ILOAT, as mentioned in some of her emails, she won't be able to continue working at the Secretariat. The Head of EEU asked for clarification. SG replied that he acts based on the rules. EEU Head replied that she also acts based on the rules.
- SG asked EEU Head to make sure her communication by email is factual. EEU Head inquired about which emails SG was referring to. He answered that he was referring to two emails she send to him in her role as a Chair of the SC. According to the SG, the first email relates to SC note about overtime in EIRA team. SG stated that the note was not discussed with all EIRA team members. Also, according to him, the note does not include the recent decisions related to overtime. EEU Head explained SG that the note he received from her was in her role as Chair of SC and she cannot discuss it with him in the absence of other SC members given that 2019 SC members have agreed to not held meetings with the SG on SC issues separately. She informed SG that she will report to the SC about this meeting and propose to add an agenda item on the EIRA note for the meeting SC will have with SG. SG replied that he respects the rules and stated that anyway SC is not operational, especially given the resignation of B/C grade representative. EEU Head disagreed with SG's statement about the SC. She argued that the summary record of the SC meeting of April 15th which she shared with him provides evidence that SC is operational and an election of new B/C grade representative is underway as required by the rules. SG informed EEU Head that the second email he was

referring to was related to the summary record of the SC meeting of April 15th and asked the EEU Head to respond to his email where he was asking her to share with him the annexes mentioned in the summary record. EEU Head reminded SG, once again, that issues related to SC cannot be discussed with her separately. Instead, they will be discussed with the SC members and that he will receive replies to his emails in due time.

At some point during the meeting, EEU Head put her phone on the desk. SG reacted by saying “I hope you are not recording me”. EEU Head confirmed that she was not recording him.

The meeting was adjourned.

Please note the following correspondence between the SG and the Chair of the SC following the meeting.

From: Urban RUSNÁK
Sent: jeudi 9 mai 2019 12:24
To: Yamina SAHEB
Subject: RE: Summary record of today's meeting

Dear Ms Saheb,
I take note of your own record, but it doesn't reflect our conversation. Please don't continue accusing me of threatening you.

Best Regards,

Urban Rusnák

From: Yamina SAHEB
Sent: jeudi 9 mai 2019 09:11
To: Urban RUSNÁK
Subject: RE: Summary record of today's meeting

Dear Mr Rusnak,

Your comment is noted. However, the Summary record is based on the notes I have taken during the meeting.

Regarding bullet point 2, I have even asked you for clarification and you confirmed that if I take a legal action against your recent decisions, it won't be possible for me to work at the ECS.

Best regards,



Yamina SAHEB, Ph.D.
Head of the Energy Efficiency Unit

From: Urban RUSNÁK
Sent: mercredi 8 mai 2019 18:11
To: Yamina SAHEB
Subject: FW: Summary record of today's meeting

Dear Ms Saheb,
I disagree with your summary which doesn't reflect my words and the positive spirit of our conversation today as an example I refute the accusations contained in the second bullet point.

Best Regards,

Urban Rusnák

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From: Yamina SAHEB
Sent: mercredi 8 mai 2019 16:04
To: Urban RUSNÁK
Subject: Summary record of today's meeting

Dear Mr Rusnak,
Please find attached a summary record of today's meeting. Please note that I included what was literally said, according to the notes I took during the meeting. If I missed anything, please let me know.
Best regards,



Yamina SAHEB, Ph.D.
Head of the Energy Efficiency Unit
Energy Charter Secretariat

Annex VIII: Cancellation of the B/C-grade election due to intimidations and the atmosphere of fear in the workplace at the Energy Charter Secretariat.

From: Staff Committee

Sent: lundi 13 mai 2019 15:01

To: Elena BRATIKOVA; David KRAMER; Alejandro CARBALLO LEYDA; Ishita PANT; Masami NAKATA; Ruslan GALKANOV; Bilyana CHOBANOVA; Vlatka ANIC; Oleksandr ANTONENKO; Julia BOEGAEVA; Mara NOVELLO; Margaret BOLAN; Ernesto BONAFÉ; Kanat BOTBAEV; Iryna DE MEYER; Monica EMMANUEL; Vitali HIARLOUSKI; Anna NOSICHENKO; Can ÖGÜTCÜ; Danai OIKONOMAKOU; Anna PITARAKI; Yuriy POCHTOVYK; Yves RAYEUR; Scott SUTHERLAND; Gökçe METE; Yamina SAHEB; Edward SAFARYAN; Marat TERTEROV

Subject: Cancellation of the B/C grade election and postpone of the GSM planned for Tuesday

Importance: High

Dear Colleagues,

Several officials reported to SC that they have been intimidated and/or threatened in their employment either by their peers or their immediate superiors regarding their participation to the B/C grade representative election.

SC has, therefore, decided to cancel the election. A new election of B/C grade representative will be organized as soon as the intimidating behavior stops and all officials in B/C-grade category will be able to cast their votes freely without fear.

Consequently, the GSM planned for Tuesday, May 14th to discuss B/C grade issues is postponed as the SC won't be able to voice concerns of B/C graders in the absence of a representative from this category.

Given the obvious conflict of interest of Legal Affairs (see various emails sent by the Mr Carballo (General Counsel) as well as by Ms De Meyer and Mr Hiarlouski (both Legal Assistant), last week) in the confidence crisis the Energy Charter Secretariat is experiencing, SC will seek advice from an independent lawyer (at the expense of the SC members as no budget is allocated to SC) and get back to you by the end of this week at the latest with a roadmap to overcome the crisis triggered by few officials.

SC is thankful to the B/C grades who voted despite the atmosphere of intimidation and fear at the Energy Charter Secretariat these days. The voting list has been eliminated by the SC. There should be no pressure on the colleagues who voted. However, in case this happens, SC invites the potential victims to get in touch.

SC will inform the SG, at his return from mission, about the situation and the proposed steps to move forward.

Best regards,

YS: Chair of the SC

Annex IX: Call for an unlawful General Staff Meeting by the personal Assistant of the Secretary General

From: Mara NOVELLO

Sent: lundi 13 mai 2019 17:24

To: Staff Committee; Elena BRATIKOVA; David KRAMER; Alejandro CARBALLO LEYDA; Ishita PANT; Masami NAKATA; Ruslan GALKANOV; Bilyana CHOBANOVA; Vlatka ANIC; Oleksandr ANTONENKO; Julia BOEGAEVA; Margaret BOLAN; Ernesto BONAFÉ; Kanat BOTBAEV; Iryna DE MEYER; Monica EMMANUEL; Vitali HIARLOUSKI; Anna NOSICHENKO; Can ÖGÜTCÜ; Danai OIKONOMAKOU; Anna PITARAKI; Yuriy POCHTOVYK; Yves RAYEUR; Scott SUTHERLAND; Gökçe METE; Yamina SAHEB; Edward SAFARYAN; Marat TERTEROV

Subject: RE: Cancellation of the B/C grade election and postpone of the GSM planned for Tuesday

Importance: High

Dear Staff Committee,

I personally have never been intimidated or threatened by anybody in the Secretariat regarding my participation in the election of the B/C grade representative.

I am very puzzled at your initiative to cancel the elections for the B/C grades and disappointed about your decision not to hold the General Staff Meeting tomorrow.

I think that now more than ever we need to speak to each other and to renew with a constructive dialogue. We must sit together and confront our views. In a positive, polite and constructive manner. DIALOGUE IS THE ONLY WAY FORWARD.

I therefore invite you to maintain tomorrow's GSM. I will be present at 14:00. Hoping we will be many to share this need.

Kind regards

Mara

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DO ENERGY TRANSITIONS LEAD TO LOW CARBON ECONOMIES?

Marat Terterov²³

Good morning everybody. Allow me to begin with a short remark on the title of my presentation and then to speak about sustainability and energy transition issues in more detail.

The topic of my brief intervention this morning is “do energy transitions lead to low carbon economies?” I ask this question due to the view that sustainability as a concept and the idea of transition to low carbon economies are in many ways becoming the dominant narratives and the most fashionable terms in our discussions about energy. That said, if we briefly glance at the ‘energy experiences’ of some of the countries I tend to visit for professional purposes, then I am not entirely sure that all international stakeholders are on the same page when it comes to these important topics. In the European energy discussion, which has implications on policy making, the idea of an energy transition has become somewhat of an ‘ideology’. Indeed, to reinforce the view from Europe, a top level British decision maker stated a few weeks ago that in “30 years from now there will be no more combustion engine vehicles in the United Kingdom”. This is a very provocative statement but does reflect a European narrative on the energy transition (he did not clarify as to which cars we will be driving in the future, however).

What does this really mean and how are these ideas embraced by different sets of countries, particularly those outside of Europe? To begin with, there is substantial confusion, or lack of consensus, about the concept of decarbonization. From my perspective, the idea of decarbonization does not correspond to the end of conventional fuels. We certainly can make fuels more efficient, but can we fly a plane on energy efficiency? Energy efficiency makes for great energy policy, in both producer and consumer countries, but neither energy efficiency nor decarbonization equate to the end of fossil fuels.

That said, it is clear to me that we are going somewhere, for sure, as we cannot deny that renewable energy is playing a greater role in our lives today than it has been in the past. Many changes are taking place in the manner that we produce and consume energy at the international level. At this point I would like to say that we live in a world of profound energy diversity: the energy balance of many countries is dependent on a very diverse set of fuels. Indeed, as the centuries passed, the world shifted from conventional energy forms such as wood, then coal, to oil, to renewables in the 21st century: we are currently in the era of diversity.

We can also note that a North-South ‘energy policy priorities gap’ emerges: on the one hand, while Europe and the OECD countries are leading a surge towards ‘environmentally friendly’ usage of energy, many developing countries, which are more interested in energy access and alleviation of energy poverty, continue to go for cheaper, easier and invariably dirtier options such as coal and petroleum products. The shale revolution represented a major game breaking development as it drove prices down and led to an oversupply of hydrocarbons for the first time in a decade, creating in turn a situation in which there is much more primary fuel available. Consequently security of supply became

²³ Brussels Energy Club (BrEC).

less of a problem and also gas prices fell fostering higher levels of consumption especially in developing countries. All of this seems to have led to a larger volume of CO₂ emissions.

There is some sense of unity on sustainability and energy transitions in the countries of the North, which utilize instruments such as the G-7 in order to promote policy level change in favour of the energy transition. There is recognition that energy needs to remain affordable, but there is an increasing consensus now on the need to evaluate the harmful effects of low oil prices more closely. Increasingly, we came to a situation in which it is necessary to act concretely at the global level and to establish a framework through which to shape the policy debate.

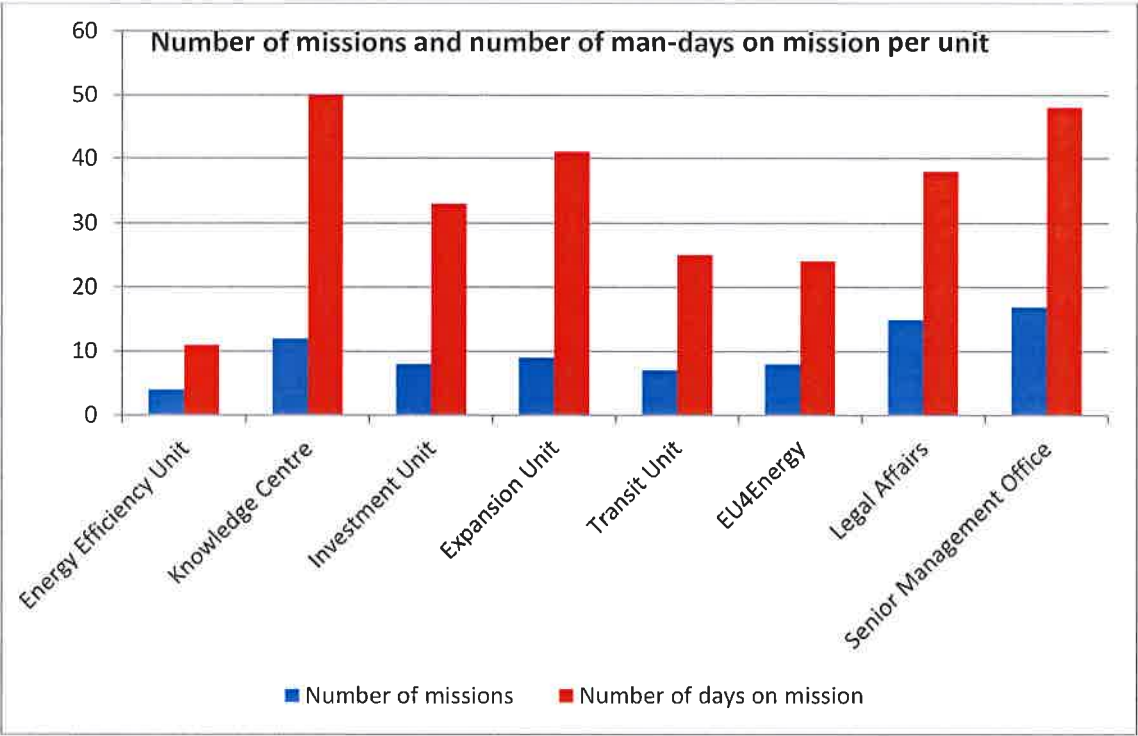
European leaders fully realize that Europe cannot go it alone and global level cooperation is necessary to achieve global objectives. There is a view within the EU that CO₂ emissions can be managed by acting together. This is not necessarily the view from the developing countries. One interesting caveat to note here is what one could refer to as the German Paradox within the EU: the Germans see themselves as the leaders in Europe when it comes to the energy transition but at the same time they are the largest consumer of coal within the European Union. This begs the question as to the type of energy transition that Europe is really moving towards and whether 'energy transitions lead to low carbon economies'

So, on this last point, when it comes to the idea of the energy transition, I hope that our children are not going to be engaged in the same debate in 30 years' time from now as we are at present.

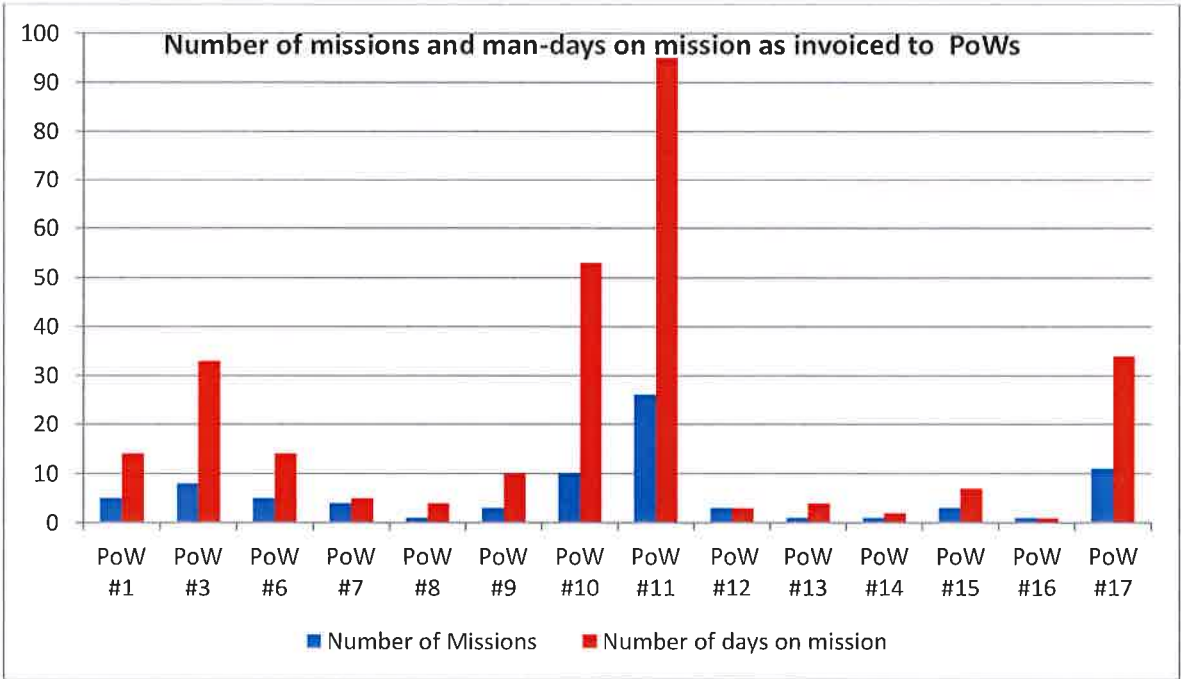
Thank you for your attention.

Annex VIII Approved/performed missions in 2019 first semester

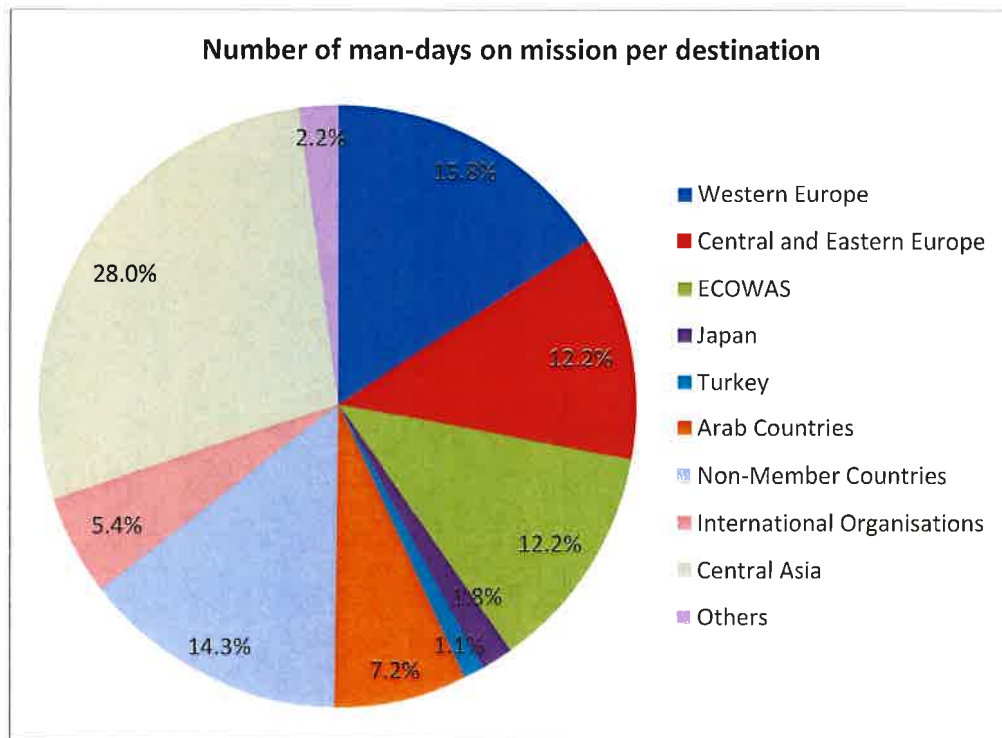
1. Missions per unit



2. Missions per PoW:



3. Missions per destination



4. Full list of missions performed/approved since the start of 2019

Traveller	Departure date	Return date	Number of days on mission including travel	Purpose of the meeting	PoW invoiced	Destination city/Country
Head of EE unit	08/01/2019	08/01/2019	1	Meeting with the new French delegate	6	Paris (France)
Head of EE unit	09/01/2019	13/01/2019	5	IRENA GA	6	Abu Dhabi (UAE)
Secretary General	10/01/2019	14/01/2019	5	IRENA GA, Atlantic Council Forum	11	Abu Dhabi (UAE)
Head of Expansion Unit	11/01/2019	15/01/2019	5	Atlantic Council Forum	10	Abu Dhabi (UAE)
General Counsel	14/01/2019	15/01/2019	2	UNCITRAL meeting on Arbitration	11	Vienna (Austria)
Head of Transit Unit	16/01/2019	23/01/2019	8	Modernisation meeting with MFA and other ministries	11	Ashgabat (Turkmenistan)
Secretary General	21/01/2019	23/01/2019	3	Modernisation meeting with MFA and other ministries	11	Ashgabat (Turkmenistan)
EE Coordinator	29/01/2019	31/01/2019	3	EU4Energy capacity building and ESCO workshop	17	Minsk (Belarus)
Head of EU4Energy	29/01/2019	01/02/2019	4	EU4Energy capacity building and ESCO workshop	17	Minsk (Belarus)
Assistant EU4Energy	29/01/2019	01/02/2019	4	EU4Energy capacity building and ESCO workshop	17	Minsk (Belarus)
Secretary General	29/01/2019	29/01/2019	1	Modernisation meeting with MFA and other ministries	11	Bratislava (Slovakia)
General Counsel	31/01/2019	31/01/2019	1	EU and future of international investment and arbitration law	9	London (UK)
Head of Transit Unit	31/01/2019	31/01/2019	1	EDF- NEPSI project	1	Paris (France)
Assistant to Secretary General	31/01/2019	31/01/2019	1	EDF- NEPSI project	1	Paris (France)

Head of Transit Unit	04/02/2019	05/02/2019	2	Meeting with Albanian Minister (Chairmanship)	11	Tirana (Albania)
Head of Investment Unit	04/02/2019	08/02/2019	5	EIRA and accession	3	Rabat (Morocco)
Expansion assistant	04/02/2019	07/02/2019	4	EIRA and accession	10	Rabat (Morocco)
Secretary General	04/02/2019	05/02/2019	2	Meeting with Albanian Minister (Chairmanship)	11	Tirana (Albania)
Knowledge Centre coordinator	10/02/2019	14/02/2019	5	EU4Energy Tblisi Forum	17	Tblisi (Georgia)
Assistant to Secretary General	10/02/2019	14/02/2019	5	G20 Meeting	11	Tokyo (Japan)
Legal Assistant	17/02/2019	20/02/2019	4	Meeting with Kazakh Minister of Energy	9	Astana (Kazakhstan)
Head of Transit Unit	17/02/2019	20/02/2019	4	Meeting with Kazakh Minister of Energy	11	Astana (Kazakhstan)
Secretary General	17/02/2019	20/02/2019	4	Meeting with Kazakh Minister of Energy	11	Astana (Kazakhstan)
Legal Assistant	21/02/2019	22/02/2019	2	International arbitration (Spanish Arbitration Club)	14	Bucharest (Romania)
ECOWAS Coordinator	26/02/2019	28/02/2019	3	Gas forum	10	London (UK)
Knowledge Centre coordinator	28/02/2019	02/03/2019	3	NAPSI Meeting	17	Ulaanbaater (Mangolia)
Head of Knowledge Centre	28/02/2019	01/03/2019	2	Pipelines and International Law	15	London (UK)
Expansion assistant	03/03/2019	09/03/2019	7	Accession and EIRA	10	Hanoi (Vietnam)
Investment Coordinator	03/03/2019	09/03/2019	7	EIRA and accession	3	Hanoi (Vietnam)
Legal Assistant	07/03/2019	07/03/2019	1	Dispute resolution in MENA countries and Africa	7	London (UK)
Investment Coordinator	08/03/2019	08/03/2019	1	Dispute resolution in MENA countries and Africa	3	London (UK)

Expansion assistant	11/03/2019	12/03/2019	2	Accession and EIRA	10	Phnom Penh (Cambodia)
Head of EU4Energy	12/03/2019	15/03/2019	4	UNDP/UNECE Workshop on Buildings	17	Yerevan (Armenia)
Legal Assistant	12/03/2019	12/03/2019	1	ILOAT Meeting	12	Geneva (Switzerland)
Assistant to Secretary General	12/03/2019	12/03/2019	1	ILOAT Meeting	16	Geneva (Switzerland)
Head of Knowledge Centre	16/03/2019	22/03/2019	7	ECS training on sustainable energy policies	11	Amman (Jordan)
Head of EE unit	17/03/2019	22/03/2019	6	ECS training on sustainable energy policies	11	Amman (Jordan)
General Counsel	18/03/2019	19/03/2019	2	Conference on arbitration	7	Madrid (Spain)
Secretary General	18/03/2019	19/03/2019	2	Lecture at Queen Mary University and Meetings at BEIS	11	London (UK)
Assistant to SG	18/03/2019	22/03/2019	5	ECS training on sustainable energy policies	11	Amman (Jordan)
Investment Coordinator	20/03/2019	21/03/2019	2	Training on EIRA	3	Amman (Jordan)
General Counsel	22/03/2019	22/03/2019	1	AIB Round Table	7	London (UK)
ECOWAS Coordinator	26/03/2019	28/03/2019	3	Florence School Forum	10	Florence (Italy)
Head of Transit Unit	26/03/2019	29/03/2019	4	RECA Meeting	11	Ashgabat (Turkmenistan)
Secretary General	26/03/2019	28/03/2019	3	Meeting with MFA and other ministers	11	Dushande (Tajikistan)
Legal Assistant	31/03/2019	03/04/2019	4	UNCITRAL WG III meeting	11	New York (USA)
Head of EU4Energy	05/04/2019	05/04/2019	1	EU4Energy SC Meeting	17	Paris (France)
Secretary General	05/04/2019	05/04/2019	1	EU4Energy SC Meeting	17	Paris (France)
Secretary General	09/04/2019	10/04/2019	2	Berlin Energy Day	11	Berlin (Germany)
Assistant to SG	09/04/2019	10/04/2019	2	Berlin Energy Day	11	Berlin (Germany)
Head of Knowledge Centre	13/04/2019	14/04/2019	2	2nd Energy Academy "Energu Union Future Leaders"	15	Thseloniki (Greece)
Legal Assistant	16/04/2019	16/04/2019	1	ILO 100 years anniversary	12	Geneva (Switzerland)
Expansion Assistant	22/04/2019	29/04/2019	8	Gambia workshop and Senegal Stakeholders meetings	10	Banjul (Gambia) and Dakar (Senegal)

Legal Assistant	22/04/2019	29/04/2019	8	Gambia workshop and Senegal Stakeholders meetings	10	Banjul (Gambia) and Dakar (Senegal)
Head of Expansion Unit	22/04/2019	29/04/2019	8	Gambia workshop and Senegal Stakeholders meetings	10	Banjul (Gambia) and Dakar (Senegal)
Head of Investment Unit	29/04/2019	05/05/2019	7	JODI workshop and IEF Symposium	3	Cape town (South Africa)
Expansion assistant	08/05/2019	12/05/2019	5	EIRA and accession	10	Cotonou (Benin)
Investment Coordinator	08/05/2019	12/05/2019	5	EIRA and accession	3	Cotonou (Benin)
Legal Assistant	09/05/2019	09/05/2019	1	Spring seminar in energy arbitration	7	Geneva (Switzerland)
Knowledge Centre coordinator	12/05/2019	17/05/2019	6	Power Uzbekistan	1	Bishkak (Kyrgyz Republic)
Head of Knowledge Centre	12/05/2019	15/05/2019	4	LNG Conference	8	Amsterdam (Netherlands)
Legal Assistant	13/05/2019	17/05/2019	5	Seminar on modernisation and review and Power Uzbekistan	9	Bishkak (Kyrgyz Republic) and Tashkent (Uzbekistan)
Secretary General	13/05/2019	17/05/2019	5	Seminar on modernisation and review and Power Uzbekistan	11	Bishkak (Kyrgyz Republic) and Tashkent (Uzbekistan)
EE Coordinator	15/05/2019	17/05/2019	3	KoF on NEEAP Development	17	Minsk (Belarus)
Head of EU4Energy	15/05/2019	17/05/2019	3	KoF on NEEAP Development	17	Minsk (Belarus)
Head of EE unit	15/05/2019	16/05/2019	2	Conference on energy renovation and energy sufficiency	6	Paris and Strasbourg (France)
Head of Knowledge Centre	20/05/2019	22/05/2019	3	Bilateral meetings with Gvt Officials	11	Reykjavik (Iceland)
Secretary General	20/05/2019	22/05/2019	3	Bilateral meetings with Gvt Officials	11	Reykjavik (Iceland)
Head of EU4Energy	21/05/2019	23/05/2019	3	UNECE Seminar on EE in Buildings	17	Minsk (Belarus)
Head of Transit Unit	22/05/2019	24/05/2019	3	Energy Disputes Conference	1	Istanbul (Turkey)
Head of Knowledge Centre	22/05/2019	24/05/2019	3	Academic conference security and regulation of the energy market	15	Warsaw (Poland)
Head of Investment Unit	26/05/2019	28/05/2019	3	Investment Toolbox, EIRA and Meeting with OPEC	3	Vienna (Austria) and Bratislava (Slovenia)

Junior Investment Official	26/05/2019	28/05/2019	3	Investment Toolbox, EIRA	3	Bratislava (Slovakia)
Secretary General	27/05/2019	28/05/2019	2	OSCE Forum and Meetings at MFA and other ministries	11	Bratislava (Slovakia)
Head of Knowledge Centre	09/06/2019	12/06/2019	4	Raising awareness on ECS-Dundee Energy Forum	11	Edinburgh (UK)
Secretary General	09/06/2019	12/06/2019	4	Raising awareness on ECS-Dundee Energy Forum	11	Edinburgh (UK)
EE Coordinator	12/06/2019	14/06/2019	3	Tirana Forum	6	Tirana (Albania)
Head of Transit Unit	12/06/2019	14/06/2019	3	Tirana Forum	1	Tirana (Albania)
Secretary General	12/06/2019	14/06/2019	3	Tirana Forum	11	Tirana (Albania)
Assistant to SG	12/06/2019	14/06/2019	3	Tirana Forum	6	Tirana (Albania)
Legal Assistant	18/06/2019	18/06/2019	1	OECD/EDPS data protection workshop	12	Paris (France)
General Counsel	14/08/2019	17/08/2019	4	Sustainable Global Investment Forum on Energy Law	13	Hong Kong (China)

Annex IX ILOAT Decisions v Energy Charter Conference (4008 and 4009)

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

W.

v.

Energy Charter Conference

126th Session

Judgment No. 4009

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr D. W. against the Energy Charter Conference on 14 November 2016 and corrected on 22 November 2016, the Conference's reply of 6 February 2017, the complainant's rejoinder of 7 April, the Conference's surrejoinder of 26 May, the complainant's additional submissions of 15 September and the Conference's final comments thereon of 14 November 2017;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the decision not to extend his fixed-term contract following the abolition of his post, but to give him a Project Staff contract.

At the material time, the complainant, who joined the Energy Charter Secretariat – the secretariat of the Energy Charter Conference – in 1995, had held the post of Head of Administration and Finance since 1 July 1998. His fixed-term contract, which had been extended several times, was due to expire on 30 June 2016.

The Budget Committee, which is made up of one representative of each Signatory to the Energy Charter Treaty, is the body responsible for advising the Conference on matters relating to the financial administration of the Secretariat and which, as such, gives its opinion on the Secretariat budget before it is submitted to the Conference for adoption. On 7 September 2015 the Secretary General presented the Committee with a first version of the draft Secretariat budget for the 2016-2017 biennium, which provided for a restructuring of the Secretariat entailing the abolition of several posts, including that of the complainant.

At the end of the Budget Committee's meeting on 17 September 2015, the Secretariat was asked to prepare a second version of the draft budget. This was submitted to the Budget Committee. At its meeting on 20 October, the Budget Committee decided that it could not adopt a decision until the Secretary General and the Staff Committee reached consensus. They were invited to do so.

In the draft budget for the 2016-2017 biennium which it submitted to the Conference on 17 November 2015, the Secretariat proposed the abolition of several posts, including that of the complainant, at the date of expiry of the incumbent's contract. It explained that in order to bridge the gap until the entry into force of the new establishment table in 2017, a "Project Staff contract" ending on 31 December 2016 would be offered to most of the staff members whose posts were to be abolished. The Conference approved this draft budget on 3 December 2015.

The Secretary General informed the complainant by a letter of 4 December 2015 that the Conference had decided to abolish his post as of 30 June 2016 and that his contract would not therefore be extended beyond that date. However, he offered the complainant a Project Staff contract for the period 1 July to 31 December 2016 with "the same job description" and at the same grade and step. The complainant accepted this offer while making it clear that he reserved the right to challenge this decision.

On 17 December the complainant requested the Secretary General to review the decision of which he had been notified by the letter of 4 December and to extend his fixed-term contract. On 23 December 2015 the Secretary General informed him that as, in his opinion, all the

relevant rules and procedures had been followed correctly and the terms of his contract had been respected, he had decided to maintain the decision not to extend that contract. He noted that the complainant had accepted the Project Staff contract offered to him.

On 21 June 2016 the complainant referred the matter to the Advisory Board and requested a review of the decision not to extend his fixed-term contract and its extension for one year as from 1 July 2016, or the granting of a one-year contract affording him the same rights. In its report of 4 August the Advisory Board, which had heard the complainant on 1 July, stated that as his post had been abolished, it was impossible to extend his fixed-term contract or to award him a contract affording him the same rights. The Board held that the Secretary General had acted within his authority on the basis of the decisions taken at the Conference and in compliance with the applicable procedures. On 16 August 2016 the Secretary General informed the complainant that, in accordance with the Board's advice, he had decided to maintain his decision not to extend the complainant's fixed-term contract. That is the impugned decision.

The complainant asks the Tribunal to set aside this decision and likewise the decisions of 4 and 23 December 2015. He also seeks his reinstatement, with the retroactive reconstruction of his career, in a post matching his profile, and the payment of the remuneration arrears which he considers are due since 1 January 2017. If his reinstatement is impossible, he requests, as compensation for material injury, the payment of a sum equal to the remuneration he would have received between 1 January 2017 and 31 May 2021, the date on which he would have retired, with interest. At all events, he requests moral damages in the amount of 25,000 euros and costs.

The Conference submits that the complaint should be dismissed as unfounded.

CONSIDERATIONS

1. Article 34(3) of the Energy Charter Treaty provides that the Conference shall “appoint the Secretary General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees”. In pursuance of this provision, the Conference creates officials’ posts when approving the Secretariat budget to which an establishment table, prepared by the Secretariat, is appended (Staff Regulation 11).

At the material time, the complainant held the position of Head of Administration and Finance, a grade A4 post which was listed in the establishment table.

At its meeting on 3 December 2015 the Conference approved the Secretariat’s budget for the 2016-2017 biennium, which included a new establishment table giving effect to a restructuring of the Secretariat entailing the abolition of the complainant’s post as of 30 June 2016.

The complainant challenges the decision, taken following the adoption of this budget, not to extend his fixed-term contract but to give him a Project Staff contract.

2. In his written submissions the complainant contends that the Conference’s decision was tainted with flaws.

The adoption of an establishment table is a general decision which, according to the case law, cannot be impugned if it requires individual implementing decisions, in which case only the latter may be impugned (see Judgments 3736, under 3, and 3628, under 4, and the case law cited therein). However, the decision not to extend the complainant’s fixed-term contract but to offer him a Project Staff contract is an individual decision implementing the amendment of the establishment table and, in support of his claims directed against that decision, the complainant is entitled to challenge the lawfulness of the said amendment, which formed the basis of the decision in question.

3. The complainant contends that the rules concerning consultation of the Staff Committee were breached. In this connection, he submits that the Committee was not properly consulted, that its role was disregarded and that it was allowed too little time to give its opinion.

4. A firm line of precedent has it that a decision concerning the restructuring of an international organisation's services which leads to the abolition of a post is subject to only limited review by the Tribunal. The latter must therefore confine itself to ascertaining whether the decision was taken in accordance with the rules on competence, form or procedure, whether it involves a mistake of fact or of law, whether it constituted abuse of authority, whether it failed to take account of material facts, or whether it draws clearly mistaken conclusions from the evidence (see Judgment 3582, under 6).

5. Since a breach of rules concerning consultation of a staff representative body constitutes a procedural flaw, this plea lies within the scope of review defined above. First, the complainant submits that the Secretary General violated Staff Rule 4.3 by failing to consult the Staff Committee about the proposed restructuring of the Secretariat before submitting the proposal, in particular the first version thereof which formed the basis of the "whole decision-making procedure", to the competent authorities.

The defendant organisation contends that discussions were held with the Staff Committee well before the restructuring proposal was submitted to the Conference for final approval. It states that the Committee was indeed consulted and that its "main ideas" were taken into account.

Staff Rule 4.1 reads in pertinent part:

"(b) The main objectives of the Staff Committee shall be:

- (i) to promote co-operation between the Secretariat and the staff as a whole;

[...]

- (e) Before making decisions affecting the position of a particular category, of all categories or of a specific group of officials of the Secretariat, the Secretary-General shall consult the Staff Committee."

Staff Rule 4.3 provides that:

- “(a) In pursuance of the main objectives specified in Rule 4.1, the Staff Committee:
- (i) shall be bound to give its opinion on proposed amendments to the Staff Regulations or Staff Rules and administrative action proposed by the Secretary-General in furtherance of the Staff Regulations or Staff Rules. [...]”

These provisions make it plain that the Staff Committee’s advisory role primarily involves advising the Secretary General. It follows that restructuring proposals must be submitted to the Staff Committee for an opinion before being forwarded to the Conference or the Budget Committee. Indeed, the consultation would be meaningless without this step, the purpose of which is precisely to inform the Secretary General before he adopts a position.

Before the Conference took its decision on 3 December 2015, the Budget Committee twice discussed the restructuring of the Secretariat, namely on 17 September and 20 October 2015.

The first version of the restructuring proposal presented by the Secretary General was sent to the Budget Committee on 7 September 2015 ahead of its meeting on 17 September. The Staff Committee was not consulted about this first version. In a note to the Budget Committee of 17 September 2015, the Staff Committee pointed out that it had not been properly consulted and deplored the planned restructuring.

The submissions in the file show that the Staff Committee, owing to circumstances beyond its control, was unable to meet the deadline agreed with the Secretary General for giving its opinion on the second version of the proposal, which was examined by the Budget Committee at its meeting on 20 October 2015, and that the Secretary General therefore considered on 6 October 2015 that his duty to consult the Staff Committee had been accomplished and sent his second version of the proposal to the Budget Committee without waiting for the Staff Committee’s opinion. The latter did in fact send the Budget Committee an alternative draft budget on 7 October 2015. However, the fact that paragraph 9 of the Staff Circular concerning Staff Rule 4.2 at that time permitted the Staff Committee to send a note to the Chairman of the

Budget Committee, as in fact occurred, did not exonerate the Secretary General from his duty to consult the Staff Committee before submitting his proposal to the Budget Committee.

In conclusion, the Secretary General breached Staff Rules 4.1 and 4.3 quoted above. This plea is well founded.

6. The complainant also contends that the Secretary General completely ignored the Staff Committee's role by taking it upon himself to consult staff members directly about his restructuring proposal, and that he brought pressure to bear on them to support it.

The defendant organisation replies that, on the contrary, it was the Staff Committee which tried to force its view on all the staff regardless of the general interest. It adds that the Secretary General consulted the staff by organising town hall meetings and considers that it is not the Staff Committee's role to substitute its own opinion for that of the staff.

The evidence in the file shows that on 23 October 2015 the Staff Committee advised the Secretary General that staff members who so wished should be able to retain their current status. On 28 October the Secretary General replied that while neither version of the restructuring proposal had received unanimous backing from the staff members, there had been majority support, confirmed in writing, for one version. He also took the Staff Committee to task for having misled the members of the Budget Committee by telling them that its alternative draft budget was supported by a majority of the staff. He informed the Staff Committee that he intended to proceed on the basis of the written opinion of the majority of the staff.

Staff Rules 4.1 and 4.3 stipulate that the Secretary General must obtain the Staff Committee's opinion before adopting his position. He is free to follow or to reject that opinion. He may criticise it and explain why he cannot endorse it, but he cannot lawfully consult each staff member individually instead of consulting the properly constituted Staff Committee.

The evidence in the file also shows that town hall meetings were indeed held, but they cannot make up for the lack of a Staff Committee opinion or remedy a flaw relating to its consultation.

This plea is well founded.

7. The complainant also submits that the Staff Committee was twice given a deadline for stating its opinion much shorter than that specified in Staff Rule 4.3(a)(i). The defendant organisation replies that these tight deadlines were given to the Staff Committee when it was consulted in connection with the various draft versions of the restructuring proposal, but not for the proposal that was ultimately submitted to the Conference.

Staff Rule 4.3(a)(i) provides as follows:

“[...] The Secretary-General shall likewise refer to the Staff Committee any question of a general nature affecting the interests of the staff [...]. In all cases under this paragraph, the Staff Committee shall state its opinion on a matter within 30 days of notice thereof, except that by mutual agreement a shorter or longer period may be decided upon in exceptional cases[.]”

The written submissions show that in a matter as important as an extensive restructuring of the Secretariat, the Secretary General twice set a very tight deadline, much shorter than that provided for in Staff Rule 4.3(a)(i), for the Staff Committee to give its opinion.

On 28 September 2015, in preparation for the second meeting of the Budget Committee on 20 October 2015, the Secretary General submitted to the Staff Committee two options regarding staff members whose posts were to be abolished and expressly asked it to indicate its preference in writing by 30 September 2015, i.e. within two days. As the Staff Committee refused to respond within this time limit, the Secretary General proposed an extension of the deadline to 2 October 2015. However, on 5 October the Staff Committee said that it could not provide its opinion until 7 October because its Chairman had resigned. The Secretary General then informed it on 6 October that since it had not given its opinion within the time limit set, he considered that his duty to consult the Staff Committee had been accomplished. Given that the Staff Committee had been unable to meet the set deadline owing to circumstances beyond its control, it was up to the Secretary General to agree on a new time limit. As he did not do so, Staff Rule 4.3(a)(i) was breached.

Similarly, in preparation for the Conference meeting of 3 December 2015, the Secretary General invited the Staff Committee on 20 October 2015 to inform him of its position in writing by midday on 22 October 2015, in other words within two days. However, the Secretary General had no right under any provision unilaterally to reduce the period for consulting the Staff Committee to two days.

This plea is well founded.

8. In conclusion, as explained in considerations 5 to 7, above, the procedure for consulting the Staff Committee was tainted with several flaws.

The Tribunal recalls that, in keeping with the principle *tu patere legem quam ipse fecisti*, when a text provides for the consultation of a body representing the staff before the adoption of a decision, the competent authority must follow that procedure, otherwise its decision will be unlawful (see, for example, Judgments 3883, under 20, 3671, under 4, and 1488, under 10).

Since the plea that the rules regarding consultation of the Staff Committee were breached is well founded, the deliberations of the Conference on 3 December 2015 were unlawful. The individual decision taken with regard to the complainant on the basis of those deliberations is therefore likewise unlawful. Moreover, this individual decision is also unlawful in other respects.

9. The complainant submits that the decision not to extend his fixed-term contract is in fact a decision to terminate a twenty-year “perennial employment relationship”. He contends that his duties, which he performed continuously for over 17 years, were of a permanent nature and that his fixed-term contract “must [...] be redefined” as a contract of indefinite duration. He infers from this that the question of extending his fixed-term contract was, by definition, moot.

The complainant acknowledges that the Staff Regulations and Staff Rules make no provision for employment under a contract of indefinite duration and that Staff Rule 10.1 lays down that “[n]o action by the Secretary-General shall be construed as, or have the effect of, granting

employment for an indefinite period or constituting a permanent appointment”. However, in his opinion, this provision contradicts other provisions of the Staff Regulations and Staff Rules. First, he emphasises that the Preamble to the Staff Regulations and Staff Rules provides that it is staff policy to enable officials wherever possible to pursue a career within the Secretariat. Moreover, in his view, Staff Regulation 12(d) requires account to be taken of the need to provide officials with the opportunity to pursue a career within the Secretariat, when considering applications for posts. He also points out that Staff Regulation 23 provides that officials’ training and instruction must be taken into consideration for the purposes of promoting their careers. Lastly, the complainant submits that pursuant to Staff Rule 13.1(b), if a post is suppressed, the official may be transferred to a post at the same level that is or may become vacant.

10. As the defendant organisation notes, the complainant’s “request” to have his fixed-term contract redefined was not submitted to the Advisory Board. It is true that in his internal appeal the complainant asked only to have his fixed-term contract extended for one year. The Tribunal’s case law clearly establishes that a complainant’s claims must not exceed in scope the claims submitted during the internal appeal process. However, a complainant is not precluded from advancing new pleas, as the present complainant does, before the Tribunal even if these pleas were not placed before the internal appeal body (see Judgments 3686, under 22, and 2571, under 5). In the instant case, the complainant’s submission is receivable as a plea challenging the lawfulness of the decision not to extend his fixed-term contract.

11. The Preamble to the Staff Regulations and Staff Rules has no binding legal force and it refers to the pursuit of a career within the Secretariat “wherever possible”. The Staff Regulations requiring account to be taken of the possibility for career advancement at the time of recruitment and in training, and the Staff Rule concerning transfer when a post is abolished, do not preclude the conclusion of fixed-term contracts. Moreover, the Tribunal finds that the organisation is expressly required to conclude fixed-term contracts by Staff Regulation 10(a),

which stipulates that “[o]fficials shall be appointed for a fixed term”. Lastly, Staff Rule 10.1 provides that “[n]o action by the Secretary-General shall be construed as, or have the effect of, granting employment for an indefinite period or constituting a permanent appointment”.

Indeed, the letter offering the complainant a fixed-term appointment stated: “this offer does not imply that [the contract] will be renewed or converted into another kind of appointment”.

The wording of Staff Regulation 10 and Staff Rule 10.1 is clear and must be construed according to the primary rule that unambiguous words must be given their obvious and ordinary meaning (see Judgments 3701, under 4, 3213, under 6, and 1222, under 4).

There is plainly nothing in these provisions which would entitle the complainant to have his fixed-term contract redefined. Nor is there anything in the case law establishing such a right. The complainant is therefore wrong to submit that his fixed-term contract should have been redefined, and the organisation was correct in holding that it was entitled not to extend the complainant’s fixed-term contract.

12. The complainant also alleges a breach of Staff Rule 25.1, which requires the Secretary General to consult Senior Management officers before personnel decisions are taken, in particular those regarding termination of employment – a notion which, according to the complainant, must be construed in the broad sense to encompass non-extension of a contract.

The defendant organisation explains that Staff Rule 25.1 applies only when a contract is terminated prior to its expiry, and not when it is not extended. It contends that Senior Management officers were consulted about the decision not to extend the complainant’s fixed-term contract, as “discussions” took place during management meetings attended by a large number of participants, including Senior Management officers.

13. Staff Rule 25.1 reads:

“The Secretary-General shall consult with Senior Management officers including the Deputy Secretary-General and Directors before personnel decisions are taken in accordance with Staff Regulations and Staff Rules,

in particular regarding appointments, probation, promotion, advancement, disciplinary actions, termination of employment.

Conclusions shall be recorded in writing."

Whereas the Staff Committee is responsible for giving its opinion on matters of general concern to the staff (Staff Rule 4.1(e)), Senior Management officers have to give their opinion on issues concerning individual staff members (Staff Rule 25.1).

Contrary to the defendant organisation's submissions, Staff Rule 25.1 does apply in this case, as it requires Senior Management officers to give their opinion on all issues concerning individual staff members. Termination of employment is mentioned only as an example, and the non-extension of a contract also falls within the scope of this provision. In addition, this rule required Senior Management officers to give their opinion on the granting of a Project Staff contract to the complainant.

The submissions in the file certainly show that the general issue of the budget and personnel management was raised at various management meetings during which the Secretary General summarised progress on this subject. These general explanations did not give rise to an opinion. However, in any case, these discussions cannot replace an opinion of Senior Management officers on the complainant's personal situation. In accordance with the principle *tu patere legem quam ipse fecisti*, the Secretary General had to abide by Staff Rule 25.1 and consult Senior Management officers about the non-extension of the complainant's contract and the proposal to give him a Project Staff contract. Furthermore, their conclusions should have been recorded in writing, in accordance with that provision.

This plea is well founded.

14. The complainant contends that the decision to give him a Project Staff contract has no legal basis and was taken *ultra vires*, since his employment relationship after 1 July 2016 plainly could not be described as a Project Staff contract. He submits that no provision is made for this kind of appointment in the Staff Regulations and Staff Rules, and that the Secretary General thus created a new category of staff, which is normally within the competence of the Conference.

The defendant organisation replies that this plea was not raised during the internal proceedings.

As stated in consideration 10, above, the Tribunal considers that a complainant may advance a new plea before the Tribunal, even if it was not placed before the internal appeal body. In the instant case, the complainant's submission is receivable as one of his pleas challenging the lawfulness of the decision to grant him a Project Staff contract.

The defendant organisation explains that Project Staff contracts should really be regarded as temporary contracts within the meaning of Staff Rule 1.2. The complainant's contention regarding lack of a legal basis is therefore groundless.

15. The complainant further submits that his employment relationship after 1 July 2016 could not be termed a Project Staff contract because his duties, which remained the same, could not be subsumed under the notion of a project, nor could they be viewed as short-term.

The Tribunal notes that according to the terms of the letter of 4 December 2015, the Secretary General offered the complainant a six-month Project Staff contract, with "the same job description" and at the same grade and step. In other words, the complainant continued to perform the same duties with the same remuneration. The only differences between the contract under which he was employed and that which was offered to him, were their name and duration. As the complainant had been employed since 1998 as Head of Administration and Finance under a fixed-term contract, the Secretary General could not offer him a temporary contract to continue performing exactly the same work as he was performing under a fixed-term contract without contravening the spirit of the applicable texts (see Judgment 2708, under 10).

The defendant organisation explains that as the complainant's post had been abolished, he could no longer be retained under a fixed-term contract. However, as the Tribunal has consistently held, although job abolitions may arise from a restructuring, they must be justified by real needs and not be immediately followed by the creation of equivalent posts (see Judgments 3422, under 2, and 2156, under 8). In this case,

the purpose of offering the complainant a Project Staff contract was to keep him in his post for a further six months. This could not, however, involve distorting the notion of a temporary contract.

This plea is well founded.

16. It follows from the foregoing that the Secretary General's decision of 4 December 2015 not to extend the complainant's fixed-term contract and to offer him a six-month Project Staff contract is unlawful. For this reason, the decisions of 23 December 2015 and 16 August 2016 confirming it are likewise unlawful. These three decisions must therefore be set aside, without there being any need to examine the other pleas regarding them.

Nonetheless, in the circumstances of this case, there are no grounds for ordering the complainant's reinstatement, given the amount of time that has passed, and bearing in mind the fact that, as already stated, the complainant did not hold a contract of indefinite duration and that the organisation is facing financial difficulties.

17. The complainant is, however, entitled to an award of damages. When assessing these damages, account will be taken of the fact that, although he had been in the Secretariat's service since 1 November 1995, he had held a fixed-term contract and thus did not have any right to have it extended until he reached retirement age. Account will also be taken of the fact that, after his fixed-term contract was not extended, he continued for a period of six months to earn the same amount of salary as he had previously received. In view of all the circumstances of the case, the Tribunal considers that the various forms of injury suffered by the complainant may be fairly redressed by awarding him compensation assessed *ex aequo et bono* at 60,000 euros.

18. As the complainant succeeds, he is also entitled to costs, which the Tribunal sets at 5,000 euros.

DECISION

For the above reasons,

1. The Secretary General's decision of 16 August 2016 and those of 4 and 23 December 2015 are set aside.
2. The Energy Charter Conference shall pay the complainant 60,000 euros in compensation under all heads.
3. The Energy Charter Conference shall also pay him costs in the amount of 5,000 euros.
4. All other claims are dismissed.

In witness of this judgment, adopted on 26 April 2018, Mr Patrick Frydman, Vice-President of the Tribunal, Ms Fatoumata Diakité, Judge, and Mr Yves Kreins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 26 June 2018.

(Signed)

PATRICK FRYDMAN

FATOUMATA DIAKITÉ

YVES KREINS

DRAŽEN PETROVIĆ

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

C. J. (Nos. 1, 2 and 3)
v.
Energy Charter Conference

126th Session

Judgment No. 4008

THE ADMINISTRATIVE TRIBUNAL,

Considering the first and second complaints filed by Ms L. C. J. against the Energy Charter Conference on 30 August 2016 and corrected on 18 October 2016, the Conference's single reply of 26 January 2017, the complainant's single rejoinder of 7 April, the Conference's single surrejoinder of 24 May, the complainant's additional submissions of 15 September and the Conference's final comments thereon of 14 November 2017;

Considering the third complaint filed by Ms L. C. J. against the Energy Charter Conference on 15 November 2016 and corrected on 25 November 2016, Conference's reply of 21 February 2017, corrected on 3 March, the complainant's rejoinder of 8 May, the Conference's surrejoinder of 16 June, the complainant's additional submissions of 15 September and the Conference's final comments thereon of 14 November 2017;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

In her first complaint, the complainant, who held a post at grade B6, challenges the decision not to extend her fixed-term contract following the abolition of her post, but to give her a Project Staff contract. In her second complaint she challenges three vacancy notices concerning C category posts. In her third complaint, she challenges the rejection of her application for two of the above-mentioned posts.

At the material time, the complainant, who had been recruited in 1996 under a fixed-term contract which was extended several times, held a post at grade B6 in the Administration and Finance Unit. By a letter of 26 June 2015 the Secretary General offered her an extension of her contract, which was due to expire on 31 December 2015, until 31 December 2016. However, he informed her that this extension was subject to confirmation by the Conference that her post would be retained in the establishment table. The complainant accepted this offer on the same day, on the terms and conditions stated in the letter.

The Budget Committee, which is made up of one representative of each Signatory to the Energy Charter Treaty, is the body responsible for advising the Conference on matters relating to the financial administration of the Secretariat and which, as such, gives its opinion on the Secretariat budget before it is submitted to the Conference for adoption. On 7 September 2015 the Secretary General presented the Committee with a first version of the draft Secretariat budget for the 2016-2017 biennium, which provided for a restructuring of the Secretariat entailing the abolition of several posts, including that of the complainant.

At the end of the Budget Committee's meeting on 17 September 2015, the Secretariat was asked to prepare a second version of the draft budget. This was submitted to the Budget Committee. At its meeting on 20 October, the Budget Committee decided that it could not adopt a decision until the Secretary General and the Staff Committee reached consensus. They were invited to do so.

In the draft budget for the 2016-2017 biennium which it submitted to the Conference on 17 November 2015, the Secretariat proposed the abolition of several posts, including that of the complainant, at the date of expiry of the incumbent's contract. It suggested that the duties related to the category B posts which would be abolished in the Administration

and Finance Unit should be redistributed in 2017 between three new category C posts. The Secretariat also explained that in order to bridge the gap until the entry into force of the new establishment table in 2017, a “Project Staff contract” ending on 31 December 2016 would be offered to most of the staff members whose posts were to be abolished. The Conference approved this draft budget on 3 December 2015.

The Secretary General informed the complainant by a letter of 4 December 2015 that the Conference had decided to abolish her post as of 31 December 2015 and that her contract would not therefore be extended beyond that date, as stated in the letter of 26 June. However, he offered her a Project Staff contract for the period 1 January to 31 December 2016 with “the same job description” and at the same grade and step. The complainant accepted this offer while making it clear that she reserved the right to contest “the decision(s)” contained in the letter of 4 December.

On 17 December the complainant requested the Secretary General to review the decision of which she had been notified by the letter of 4 December and to renew her fixed-term contract. On 23 December 2015 the Secretary General informed her that as, in his opinion, all the relevant rules and procedures had been followed correctly and the terms of her contract had been respected, he had decided to maintain the decision not to extend that contract. He noted that the complainant had accepted the Project Staff contract offered to her.

On 8 April 2016 the complainant referred the matter to the Advisory Board. She submitted that the “succession of definite duration contracts” which she had been granted since her initial recruitment constituted an abuse of authority and she challenged the lawfulness of the decision to abolish her post and not to extend her fixed-term contract. She requested a review of the latter decision and the redefinition of her contract as a contract of indefinite duration. Subsidiarily she requested the extension of her contract in an established post.

In its report of 11 May 2016 the Advisory Board, which had heard the complainant on 3 May, found that Staff Rule 10.1 precluded the redefinition of the complainant’s contractual relationship. Moreover, it considered that, as her post had been abolished, it was impossible to

extend her fixed-term contract. In addition, the Board stated that the Secretary General had acted within his authority on the basis of the decisions taken at the Conference and in compliance with the applicable procedures. On 3 June 2016 the Secretary General informed the complainant that, in accordance with the Board's advice, he had decided to maintain his decision not to renew her fixed-term contract. That is the decision impugned in the complainant's first complaint.

On 3 June 2016 three vacancy notices were published for Administrative Assistant posts at grade C5/C6 which were included in the establishment table as of 1 January 2017. On 13 June the complainant asked the Secretary General to modify or withdraw those vacancy notices because, in her view, the duties related to the posts advertised matched those which she was performing. On 15 June 2016 the Secretary General replied that he would not modify the three vacancy notices in question, since they resulted from the implementation of the Conference's decision of 3 December 2015 and an agreement reached with the Staff Committee after consultation of Senior Staff.

On 25 June the complainant referred the matter to the Advisory Board, asking it to recommend the withdrawal or modification of the three vacancy notices. In its report of 4 August the Advisory Board, which had heard the complainant on 7 July, found that the complainant's job description did not match that of any of the posts advertised and stated that in organising the selection procedure the Secretary General had implemented the Conference's decisions and that he had consequently acted within his authority and in compliance with the respective procedures. On 16 August 2016 the Secretary General informed the complainant that, in accordance with the Board's advice, he had decided to maintain his decision. That is the decision which the complainant impugns in her second complaint.

On 13 June 2016 the complainant had applied for two of the posts advertised. Having been informed by the Secretary General on 24 June that he was "unable to offer [her] any post", on 4 July she asked him to withdraw that decision and to offer her one of the two positions. As this request was rejected on 11 July, the complainant referred the matter to the Advisory Board. On 18 August 2016 the Secretary General informed

her that, on the basis of the advice of the Advisory Board, which had heard her on 12 August, he had decided to maintain his decision to reject both of her applications. That is the decision which the complainant impugns in her third complaint.

In her first complaint, the complainant asks the Tribunal to set aside the decision of 3 June 2016 and likewise the decisions of 4 and 23 December 2015. In her second complaint she asks the Tribunal to set aside the decisions of 16 August 2016 and 15 June 2016 and to cancel the three vacancy notices published on 3 June 2016. In her third complaint she asks the Tribunal to set aside the decisions of 18 August 2016, 24 June 2016 and 11 July 2016. She also requests the Tribunal to cancel, if necessary, the appointments of the candidates chosen at the end of the selection procedures in which she participated.

In addition, in each of her complaints, she seeks reinstatement and the retroactive reconstruction of her career. In her third complaint she asks that interest be added to the sums due under that head. If her reinstatement is impossible, she seeks redress for material injury in respect of the period 1 January 2017 to 31 March 2021, the date on which she would have retired. She asks that interest be paid on the amounts due under that head. At all events, she requests moral damages in the amount of 25,000 euros and costs.

The Conference submits that the complaints should be dismissed as groundless. It asks the Tribunal to join the first two complaints.

CONSIDERATIONS

1. The three complaints essentially seek the same redress and are largely interdependent. It is therefore appropriate to join them in order to rule on them in the same judgment.

2. Article 34(3) of the Energy Charter Treaty provides that the Conference shall “appoint the Secretary General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees”. In pursuance of this provision, the Conference

creates officials' posts when approving the Secretariat budget to which an establishment table, prepared by the Secretariat, is appended (Staff Regulation 11).

At the material time, the complainant held a post at grade B6, which was listed in the establishment table, in the Administration and Finance Unit.

At its meeting on 3 December 2015 the Conference approved the Secretariat's budget for the 2016-2017 biennium, which included a new establishment table giving effect to a restructuring of the Secretariat entailing the abolition of the complainant's post as of 31 December 2015.

In her first complaint, the complainant challenges the decision, taken following the adoption of this budget, not to extend her fixed-term contract but to give her a Project Staff contract.

3. In her written submissions the complainant contends that the Conference's decision was tainted with flaws.

The adoption of an establishment table is a general decision which, according to the case law, cannot be impugned if it requires individual implementing decisions, in which case only the latter may be impugned (see Judgments 3736, under 3, and 3628, under 4, and the case law cited therein). However, the decision not to extend the complainant's fixed-term contract but to offer her a Project Staff contract is an individual decision implementing the amendment of the establishment table and, in support of her claims directed against that decision, the complainant is entitled to challenge the lawfulness of the said amendment, which formed the basis of the decision in question.

4. The complainant contends that the rules concerning consultation of the Staff Committee were breached. In this connection, she submits that the Committee was not properly consulted, that its role was disregarded and that it was allowed too little time to give its opinion.

5. A firm line of precedent has it that a decision concerning the restructuring of an international organisation's services which leads to the abolition of a post is subject to only limited review by the Tribunal.

The latter must therefore confine itself to ascertaining whether the decision was taken in accordance with the rules on competence, form or procedure, whether it involves a mistake of fact or of law, whether it constituted abuse of authority, whether it failed to take account of material facts, or whether it draws clearly mistaken conclusions from the evidence (see Judgment 3582, under 6).

6. Since a breach of rules concerning consultation of a staff representative body constitutes a procedural flaw, this plea lies within the scope of review defined above. First, the complainant submits that the Secretary General violated Staff Rule 4.3 by failing to consult the Staff Committee about the proposed restructuring of the Secretariat before submitting the proposal, in particular the first version thereof which formed the basis of the “whole decision-making procedure”, to the competent authorities.

The defendant organisation contends that discussions were held with the Staff Committee well before the restructuring proposal was submitted to the Conference for final approval. It states that the Committee was indeed consulted and that its “main ideas” were taken into account.

Staff Rule 4.1 reads in pertinent part:

“(b) The main objectives of the Staff Committee shall be:

- (i) to promote co-operation between the Secretariat and the staff as a whole;

[...]

- (e) Before making decisions affecting the position of a particular category, of all categories or of a specific group of officials of the Secretariat, the Secretary-General shall consult the Staff Committee.”

Staff Rule 4.3 provides that:

“(a) In pursuance of the main objectives specified in Rule 4.1, the Staff Committee:

- (i) shall be bound to give its opinion on proposed amendments to the Staff Regulations or Staff Rules and administrative action proposed by the Secretary-General in furtherance of the Staff Regulations or Staff Rules. [...]”

These provisions make it plain that the Staff Committee's advisory role primarily involves advising the Secretary General. It follows that restructuring proposals must be submitted to the Staff Committee for an opinion before being forwarded to the Energy Charter Conference or the Budget Committee. Indeed, the consultation would be meaningless without this step, the purpose of which is precisely to inform the Secretary General before he adopts a position.

Before the Conference took its decision on 3 December 2015, the Budget Committee twice discussed the restructuring of the Secretariat, namely on 17 September and 20 October 2015.

The first version of the restructuring proposal presented by the Secretary General was sent to the Budget Committee on 7 September 2015 ahead of its meeting on 17 September. The Staff Committee was not consulted about this first version. In a note to the Budget Committee of 17 September 2015, the Staff Committee pointed out that it had not been properly consulted and deplored the planned restructuring.

The submissions in the file show that the Staff Committee, owing to circumstances beyond its control, was unable to meet the deadline agreed with the Secretary General for giving its opinion on the second version of the proposal, which was examined by the Budget Committee at its meeting on 20 October 2015, and that the Secretary General therefore considered on 6 October 2015 that his duty to consult the Staff Committee had been accomplished and sent his second version of the proposal to the Budget Committee without waiting for the Staff Committee's opinion. The latter did in fact send the Budget Committee an alternative draft budget on 7 October 2015. However, the fact that paragraph 9 of the Staff Circular concerning Staff Rule 4.2 at that time permitted the Staff Committee to send a note to the Chairman of the Budget Committee, as in fact occurred, did not exonerate the Secretary General from his duty to consult the Staff Committee before submitting his proposal to the Budget Committee.

In conclusion, the Secretary General breached Staff Rules 4.1 and 4.3 quoted above. This plea is well founded.

7. The complainant also contends that the Secretary General completely ignored the Staff Committee's role by taking it upon himself to consult staff members directly about his restructuring proposal, and that he brought pressure to bear on them to support it.

The defendant organisation replies that, on the contrary, it was the Staff Committee which tried to force its view on all the staff regardless of the general interest. It adds that the Secretary General consulted the staff by organising town hall meetings and considers that it is not the Staff Committee's role to substitute its opinion for that of the staff.

The evidence in the file shows that on 23 October 2015 the Staff Committee advised the Secretary General that staff members who so wished should be able to retain their current status. On 28 October the Secretary General replied that while neither version of the restructuring proposal had received unanimous backing from the staff members, there had been majority support, confirmed in writing, for one version. He also took the Staff Committee to task for having misled the members of the Budget Committee by telling them that its alternative draft budget was supported by a majority of the staff. He informed the Staff Committee that he intended to proceed on the basis of the written opinion of the majority of the staff.

Staff Rules 4.1 and 4.3 stipulate that the Secretary General must obtain the Staff Committee's opinion before adopting his position. He is free to follow or to reject that opinion. He may criticise it and explain why he cannot endorse it, but he cannot lawfully consult each staff member individually instead of consulting the properly constituted Staff Committee.

The evidence in the file also shows that town hall meetings were indeed held, but they cannot make up for the lack of a Staff Committee opinion or remedy a flaw relating to its consultation.

This plea is well founded.

8. The complainant also submits that the Staff Committee was twice given a deadline for stating its opinion much shorter than that specified in Staff Rule 4.3(a)(i). The defendant organisation replies that these tight deadlines were given to the Staff Committee when it was

consulted in connection with the various draft versions of the restructuring proposal, and not for the proposal that was ultimately submitted to the Conference.

Staff Rule 4.3(a)(i) provides as follows:

“[...] The Secretary-General shall likewise refer to the Staff Committee any question of a general nature affecting the interests of the staff [...]. In all cases under this paragraph, the Staff Committee shall state its opinion on a matter within 30 days of notice thereof, except that by mutual agreement a shorter or longer period may be decided upon in exceptional cases[.]”

The written submissions show that in a matter as important as an extensive restructuring of the Secretariat, the Secretary General twice set a very tight deadline, much shorter than that provided for in Staff Rule 4.3(a)(i), for the Staff Committee to give its opinion.

On 28 September 2015, in preparation for the second meeting of the Budget Committee on 20 October 2015, the Secretary General submitted to the Staff Committee two options regarding staff members whose posts were to be abolished and expressly asked it to indicate its preference in writing by 30 September 2015, i.e. within two days. As the Staff Committee refused to respond within this time limit, the Secretary General proposed an extension of the deadline to 2 October 2015. However, on 5 October the Staff Committee said that it could not provide its opinion until 7 October because its Chairman had resigned. The Secretary General then informed it on 6 October that since it had not given its opinion within the time limit set, he considered that his duty to consult the Staff Committee had been accomplished. Given that the Staff Committee had been unable to meet the set deadline owing to circumstances beyond its control, it was up to the Secretary General to agree on a new time limit. As he did not do so, Staff Rule 4.3(a)(i) was breached.

Similarly, in preparation for the Conference meeting of 3 December 2015, the Secretary General invited the Staff Committee on 20 October 2015 to inform him of its position in writing by midday on 22 October 2015, in other words within two days. However, the Secretary General had no right under any provision unilaterally to reduce the period for consulting the Staff Committee to two days.

This plea is well founded.

9. In conclusion, as explained in considerations 6 to 8, above, the procedure for consulting the Staff Committee was tainted with several flaws.

The Tribunal recalls that, in keeping with the principle *tu patere legem quam ipse fecisti*, when a text provides for the consultation of a body representing the staff before the adoption of a decision, the competent authority must follow that procedure, otherwise its decision will be unlawful (see, for example, Judgments 3883, under 20, 3671, under 4, and 1488, under 10).

Since the plea that the rules regarding consultation of the Staff Committee were breached is well founded, the deliberations of the Conference on 3 December 2015 were unlawful. The individual decision taken with regard to the complainant on the basis of those deliberations is therefore likewise unlawful. Moreover, this individual decision is also unlawful in other respects.

10. The complainant submits that the decision not to extend her fixed-term contract is in fact a decision to terminate a twenty-year “perennial employment relationship”. She contends that her duties, which she performed continuously for over 19 years, were of a permanent nature and that her fixed-term contract “must [...] be redefined” as a contract of indefinite duration. She infers from this that the question of extending her fixed-term contract was, by definition, moot.

The complainant acknowledges that the Staff Regulations and Staff Rules make no provision for employment under a contract of indefinite duration and that Staff Rule 10.1 lays down that “[n]o action by the Secretary-General shall be construed as, or have the effect of, granting employment for an indefinite period or constituting a permanent appointment”. However, in her opinion, this provision contradicts other provisions of the Staff Regulations. First, she emphasises that the Preamble to the Staff Regulations and Staff Rules provides that it is staff policy to enable officials wherever possible to pursue a career within the Secretariat. Moreover, in her view, Staff Regulation 12(d)

requires account to be taken of the need to provide officials with the opportunity to pursue a career within the Secretariat, when considering applications for posts. She also points out that Staff Regulation 23 provides that officials' training and instruction must be taken into consideration for the purposes of promoting their careers.

11. The Preamble to the Staff Regulations and Staff Rules has no binding legal force and it refers to the pursuit of a career within the Secretariat "wherever possible". The Staff Regulations requiring account to be taken of the possibility for career advancement at the time of recruitment and in training do not preclude the conclusion of fixed-term contracts. Moreover, the Tribunal finds that the organisation is expressly required to conclude fixed-term contracts by Staff Regulation 10(a), which stipulates that "[o]fficials shall be appointed for a fixed term". Lastly, Staff Rule 10.1 provides that "[n]o action by the Secretary-General shall be construed as, or have the effect of, granting employment for an indefinite period or constituting a permanent appointment".

Indeed, the letter offering the complainant a fixed-term appointment stated: "this offer does not imply that [the contract] will be renewed or converted into another kind of appointment".

The wording of Staff Regulation 10 and Staff Rule 10.1 is clear and must be construed according to the primary rule that unambiguous words must be given their obvious and ordinary meaning (see Judgments 3701, under 4, 3213, under 6, and 1222, under 4).

There is plainly nothing in these provisions which would entitle the complainant to have her fixed-term contract redefined. Nor is there anything in the Tribunal's case law establishing such a right. The complainant is therefore wrong to submit that her fixed-term contract should have been redefined, and the organisation was correct in holding that it was entitled not to extend the complainant's fixed-term contract.

12. The complainant also alleges a breach of Staff Rule 25.1, which requires the Secretary General to consult Senior Management officers before personnel decisions are taken, in particular those regarding termination of employment – a notion which, according to

the complainant, must be construed in the broad sense to encompass non-extension of a contract.

The defendant organisation explains that Staff Rule 25.1 applies only when a contract is terminated prior to its expiry, and not when it is not extended. It contends that Senior Management officers were consulted about the decision not to extend the complainant's fixed-term contract, as "discussions" took place during management meetings attended by a large number of participants, including Senior Management officers.

13. Staff Rule 25.1 reads:

"The Secretary-General shall consult with Senior Management officers including the Deputy Secretary-General and Directors before personnel decisions are taken in accordance with Staff Regulations and Staff Rules, in particular regarding appointments, probation, promotion, advancement, disciplinary actions, termination of employment.

Conclusions shall be recorded in writing."

Whereas the Staff Committee is responsible for giving its opinion on matters of general concern to the staff (Staff Rule 4.1(e)), Senior Management officers have to give their opinion on issues concerning individual staff members (Staff Rule 25.1).

Contrary to the defendant organisation's submissions, Staff Rule 25.1 does apply in this case, as it requires Senior Management officers to give their opinion on all issues concerning individual staff members. Termination of employment is mentioned only as an example, and the non-extension of a contract also falls within the scope of this provision. In addition, this rule required Senior Management officers to give their opinion on the granting of a Project Staff contract to the complainant.

The submissions in the file certainly show that the general issue of the budget and personnel management was raised at various management meetings during which the Secretary General summarised progress on this subject. These general explanations did not give rise to an opinion. However, in any case, these discussions cannot replace an opinion of Senior Management officers on the complainant's personal situation. In accordance with the principle *tu patere legem quam ipse fecisti*, the Secretary General had to abide by Staff Rule 25.1 and consult Senior

Management officers about the non-extension of the complainant's contract and the proposal to give her a Project Staff contract. Furthermore, their conclusions should have been recorded in writing, in accordance with that provision.

This plea is well founded.

14. The complainant contends that the decision to give her a Project Staff contract has no legal basis and was taken *ultra vires*, since her employment relationship after 1 January 2016 plainly could not be described as a Project Staff contract. She submits that no provision is made for this kind of appointment in the Staff Regulations and Staff Rules, and that the Secretary General thus created a new category of staff, which is normally within the competence of the Conference.

The defendant organisation replies that this plea was not raised during the internal proceedings.

The Tribunal considers that a complainant may advance a new plea before the Tribunal, even if it was not placed before the internal appeal body (see Judgments 3686, under 22, and 2571, under 5). In the instant case, the complainant's submission is receivable as one of her pleas challenging the lawfulness of the decision to grant her a Project Staff contract.

The defendant organisation explains that Project Staff contracts should really be regarded as temporary contracts within the meaning of Staff Rule 1.2. The complainant's contention regarding lack of a legal basis is therefore groundless.

15. The complainant further submits that her employment relationship after 1 January 2016 could not be termed a Project Staff contract because her duties, which remained the same, could not be subsumed under the notion of a project, nor could they be viewed as short-term.

The Tribunal notes that according to the terms of the letter of 4 December 2015, the Secretary General offered the complainant a one-year Project Staff contract, with "the same job description" and at the same grade and step. In other words, the complainant continued to

perform the same duties with the same remuneration. The only differences between the contract under which she was employed and that which was offered to her, were their name and duration. As the complainant had been employed since 1996 as Administrative Assistant under a fixed-term contract, the Secretary General could not offer her a temporary contract to continue performing exactly the same work as she was performing under a fixed-term contract without contravening the spirit of the applicable texts (see Judgment 2708, under 10).

The defendant organisation explains that as the complainant's post had been abolished, she could no longer be retained under a fixed-term contract. However, as the Tribunal has consistently held, although job abolitions may arise from a restructuring, they must be justified by real needs and not be immediately followed by the creation of equivalent posts (see Judgments 3422, under 2, and 2156, under 8). In this case, the purpose of offering the complainant a Project Staff contract was to keep her in her post for another year. This could not, however, involve distorting the notion of a temporary contract.

This plea is well founded.

16. It follows from the foregoing that the Secretary General's decision of 4 December 2015 not to extend the complainant's fixed-term contract and to offer her a one-year Project Staff contract is unlawful. For this reason, the decisions of 23 December 2015 and 3 June 2016 confirming it are likewise unlawful. These three decisions must therefore be set aside, without there being any need to examine the other pleas regarding them.

17. In her second complaint, the complainant seeks the cancellation of three vacancy notices published on 3 June 2016 which concerned Administrative Assistant positions at grade C5/C6. She also requests the setting aside of the Secretary General's decision of 16 August 2016 confirming the decision of 15 June 2016 by which he refused to modify the three vacancy notices.

Ordinarily, a vacancy notice is neither a final administrative decision nor a decision adversely affecting an individual staff member (see Judgment 2540, under 22). However, there may be circumstances where a vacancy notice can have an adverse effect. This is the case here. The vacancy notices to which the complainant responded and which concerned positions that were intended to replace hers adversely affect her in that they are connected with the non-extension of her fixed-term contract flowing from the abolition of her post. Indeed, in support of her second complaint, the complainant enters the same pleas as those on which she relies to challenge the decision not to extend her fixed-term contract, including her plea regarding the breach of the rules on consulting the Staff Committee when the Conference decided to carry out restructuring, a plea which the Tribunal considers to be well founded (see considerations 6 to 8, above).

The setting aside of the Secretary General's decision of 4 December 2015 therefore entails the cancellation of the vacancy notices published on 3 June 2016. The decisions of 15 June and 16 August 2016 must also be set aside. The organisation must shield the successful candidates from any injury resulting from the cancellation of those vacancy notices.

18. In her third complaint the complainant requests the setting aside of the Secretary General's decision of 18 August 2016 which confirmed the decisions of 24 June 2016 and 11 July 2016 rejecting the complainant's applications for two posts.

Since, as stated above, the two vacancy notices must be cancelled, the third complaint has become moot. For this reason, there is no need to rule on it.

19. In the circumstances of the case, there are no grounds for ordering the complainant's reinstatement, given the amount of time that has passed, and bearing in mind the fact that, as already stated, the complainant did not hold a contract of indefinite duration and that the organisation is facing financial difficulties.

20. The complainant is, however, entitled to an award of damages. When assessing these damages, account will be taken of the fact that, although she had been in the Secretariat's service since 1 April 1996, she had held a fixed-term contract and thus did not have any right to have it extended until she reached retirement age. Account will also be taken of the fact that, after her fixed-term contract was not extended, she continued for a period of one year to earn the same amount of salary as she had previously received. In view of all the circumstances of the case, the Tribunal considers that the various forms of injury suffered by the complainant may be fairly redressed by awarding her compensation assessed *ex aequo et bono* at 35,000 euros.

21. As the complainant succeeds, she is also entitled to costs, which the Tribunal sets at 5,000 euros.

DECISION

For the above reasons,

1. The Secretary General's decision of 3 June 2016 and those of 4 and 23 December 2015 are set aside.
2. The vacancy notices published on 3 June 2016 and the Secretary General's decisions of 15 June and 16 August 2016 are cancelled.
3. It is unnecessary to rule on the complainant's third complaint.
4. The Energy Charter Conference shall pay the complainant 35,000 euros in compensation under all heads.
5. The Energy Charter Conference shall also pay the complainant costs in the amount of 5,000 euros.
6. All other claims in the first and second complaints are dismissed.

In witness of this judgment, adopted on 26 April 2018, Mr Patrick Frydman, Vice-President of the Tribunal, Ms Fatoumata Diakité, Judge, and Mr Yves Kreins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 26 June 2018.

(Signed)

PATRICK FRYDMAN

FATOUMATA DIAKITÉ

YVES KREINS

DRAŽEN PETROVIĆ

Tehran Energy Charter Forum

Tehran, June 19-20, 2018

Concept Note

Following on from Energy Charter speaker participation in the last two editions of the Iran International Energy Conference (2014, 2016), the Secretariat has been invited to co-organise the 2018 edition of the conference in partnership with the government of Iran. The main theme of the 2018 Tehran International Energy Charter Conference, due to be held in Tehran on June 19-20, 2018, is "**Innovative Systems in Energy-Water-Environment Nexus**".

This strand of cooperation activity between the Secretariat and the government of Iran comes within the framework of Iran's signing of the International Energy Charter in November 2018, the fact that the signing of the aforementioned document has made Iran an Observer of the Energy Charter Conference, the Voluntary Contribution made to the Secretariat and the Action Plan currently being developed between the Secretariat and the Iranian Ministry of Energy.

The conference – which is a major public event on the Iranian calendar – and subsequent cooperation with the Secretariat is intended to provide Iran's energy sector with increased visibility as well as international exposure with respect to possible foreign investment. Robust discussions on the Iranian, regional and international energy sector are anticipated during the conference proceedings. It is envisaged that a multitude of international energy specialists from a diverse range of disciplines will address the two day event, which will be comprised of paper presentations, workshops, key speaker addresses and round table debates.

It is also foreseen that a number of dedicated side events will accompany the proceedings of the conference, including an ad hoc meeting on the modernisation of the Energy Charter Treaty (ECT), a training program on energy governance for young professionals for ECT members and observers, as well as a workshop on regional electricity cooperation. An energy industry exhibition will also accompany the main conference. Significant opportunities for networking with high level Iranian and international energy decision makers will be on offer.

Registration forms and a draft agenda will be available shortly. Likely participants may already register their interest by contacting Mr Can Ogutcu at the Energy Charter Secretariat on Can.Ogutcu@encharter.org. Please also see this link to the official conference website: <http://irannec.com/English/default.aspx>

Energy Charter Panel and the Secretariat's contribution to the event

The Iranian organising committee for this conference has asked ECS to do the following:

1/ Host/put together a 'Regional Energy Cooperation Ministerial Panel' during the morning of the first day of the conference. The panel should aim to attract the participation of ministers from Iran's main neighbouring countries including Turkey, Pakistan, Turkmenistan, Afghanistan, Iraq, UAE and the Caucasus states. This Ministerial panel will be one of the key features of the conference, seeking to showcase its international dimension. The panel will take place on the morning of the first day of the conference, following on from the key note section and opening ceremony.

A sample composition of the panel might be as follows:

Maximising Iran's role in the international energy markets: Boosting new partnerships, enhancing investment and trade

Speakers:

Moderator:

- Urban Rusnak, Secretary General, International Energy Charter

With contributions from amongst:

- Ashot Manukyan, Minister of Energy and Natural Resources of Armenia
- Ali Ahmad Osmani, Minister of Energy and Water of Afghanistan
- Parviz Shahbazov, Minister of Energy of Azerbaijan
- Ilia Eloshvili, Minister of Energy of Georgia
- Jabar Al Luaibi, Minister of Oil of Iraq
- Mohammed bin Hamad Al Rumhy, Minister of Oil and Gas of Oman
- Abid Sher Ali, Minister of Energy and Water of Pakistan
- Berat Albayrak, Minister of Energy and Natural Resources of Turkey
- Ministerial-level speaker from Turkmenistan
- Suhail Mohammed Faraj Al Mazrouei, Ministry of Energy of the UAE

Summation and some reflections:

- Dr Marat Terterov, International Energy Charter

Discussions points:

- How to best use Iran's energy potential to boost regional trade and investment
- Where should investments be focused and why: the upstream sector, transport, infrastructure or renewable energy ?

- What about refining and petrochemicals?
- Which Iranian energy projects are most attractive to international partners
- What is to be done for Iran to realise its renewable energy potential?
- Scope for realisation of demand regulation and energy efficiency investments
- Gas-to-power projects and regional trade opportunities
- Iran's role in the international gas markets: let's look to the future
- Creating the right domestic incentives for strong international partnerships

*However there is also a view that the Secretariat's panel should be developed more along the lines of Iran's '**Window to Europe**' session, in terms of investment and trade in the energy sector. The speakers in this session would be energy ministers from a number of European countries which are interested in doing business with Iran. Alternatively (additionally), the session could be expanded to Ministers from '**Beyond Europe**', since there are so many countries in the International Energy Charter Family.

The value that the Secretariat would bring to Iran/the Conference would be that we would, in principle, secure the participation from countries outside of Iran's immediate neighbourhood, who would be less likely to attend the session than some of the neighbours. Iran would host an event of substantial international flavour, rather than just focusing on the region.

2/ Provide a list of around 10 key international speakers from our network, who would then make key note presentations at various stages of the conference program. Tehran would mostly pay for the cost of their travel and accommodation. A provisional list has already been circulated within the Secretariat and also sent to Tehran for comments. Please see below.

3/ The prospect of dedicated side events, as introduced above, has also been discussed and is envisaged.

Logistical arrangements

The Ministry of Energy of Iran will provide organisational, logistical and technical management of the meeting:

- An appropriate venue of international calibre in order to host the event;
- Cover travel and accommodation expenses for key note speakers
- Technical aides/liaison officers and support before and during the meeting (registration desk, projector, screen, microphones, etc.);
- Visa support for the speakers and participants;
- Board and refreshments for speakers and participants (coffee break, lunch and reception).

The Energy Charter will provide overall coordination and support for the organisation of the meeting:

- Develop the concept and agenda of the meeting, suggest topics to be discussed, identify relevant speakers;

- Provide its accumulated knowledge and expertise on the topic, as well as promotion and marketing of the event (e.g. invitations, participants, drafting and others);
- Cover the flight expenses for the Secretariat's officials travelling to the conference
- Assist in all matters concerning the contents and topics discussed during the event.

Sample conference topics as suggested by the Iranian organising committee:

- Advanced Sustainable Energy Conversion Systems
- Climate Change
- Energy and Water Market
- Energy Efficiency
- Energy-Water- Environment Integration
- Environmental Policy and Management
- Financial System Development
- Green Economy and Good Governance
- Hydro Energy
- International and Regional Cooperation
- Regulation and Deregulation
- Renewable Energies
- Resilience of Water and Energy Systems
- Smart Cities
- Smart Energy Systems
- Social Acceptance and Responsibilities
- Water Desalination

Provisional list of proposed key note speakers by the Secretariat:

Professor Anatoly Zolotukhin, Moscow: <https://brusselsenergyclub.org/members/global-energy-associates/#url=/members/global-energy-associates/anatoly-zolotukhin/>

Ms Ana Stanic, London: <https://brusselsenergyclub.org/members/global-energy-associates/#url=/members/global-energy-associates/ana-stani/>

Dr Tatiana Mitrova, Moscow: <https://brusselsenergyclub.org/members/global-energy-associates/#url=/members/global-energy-associates/tatiana-mitrova/>

Victor Zhikai Gao, Beijing: <https://brusselsenergyclub.org/members/global-energy-associates/#url=/members/global-energy-associates/victor-zhikai-gao/>

Mehmet Ogutcu, London and Istanbul; <https://brusselsenergyclub.org/members/global-energy-associates/#url=/members/global-energy-associates/mehmet-ogutcu/>

Gabriella Prata Dias, Senior Executive Officer, UN Environment Copenhagen Centre for Energy Efficiency (former-Director of the Energy Efficiency Agency of Portugal)

Dr Stefan Buettner, Head of International Affairs and Strategy at the Institute of Energy Efficiency in Production (Stuttgart, DE)

Spencer Dale, Chief Economist, BP, London

Erik Waerness, Chief Economist, Statoil, Norway