DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Modernisation of the Energy Charter Treaty

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

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

Keywords: Modernisation, Energy Charter Treaty, list of topics