

Brussels, 10 October 2024

**35<sup>TH</sup> MEETING OF THE ENERGY CHARTER CONFERENCE**

**3 December 2024**

**DRAFT PUBLIC COMMUNICATION  
ON THE ADOPTION/APPROVAL OF THE DECISIONS ON THE  
MODERNISATION OF THE ENERGY CHARTER TREATY**

At its 35th meeting, the Energy Charter Conference will be invited to adopt the attached Public Communication on the Adoption/Approval of the Decisions on the Modernisation of the Energy Charter Treaty (Annex).

**35<sup>TH</sup> MEETING OF THE ENERGY CHARTER CONFERENCE**

**3 December 2024**

**PUBLIC COMMUNICATION**

**MODERNISATION OF THE ENERGY CHARTER TREATY**

The Statutory Session of the 35<sup>th</sup> Energy Charter Conference (Conference) was held in Brussels on 3 December 2024. During the Statutory Session, the Conference, in line with the procedures outlined in the Energy Charter Treaty (ECT), adopted and approved several key decisions:

- Amendments to the ECT, as set out in the Conference decision CCDEC *[to be filled on the date of adoption]* "Amendments to the Energy Charter Treaty";
- Modifications and changes to Annexes to the ECT, as set out in the Conference decision CCDEC *[to be filled on the date of adoption]* "Modifications and Changes to Annexes to the Energy Charter Treaty";
- Changes to understandings, declarations and decisions with respect to the ECT, as set out in the Conference decision CCDEC *[to be filled on the date of adoption]* "Changes to Understandings, Declarations and Decisions"; and
- Provisions on the entry into force and provisional application of the adopted amendments to the ECT and approved changes to its Annexes, as set out in the Conference decision CCDEC *[to be filled on the date of adoption]* "Entry into Force and Provisional Application of Amendments to the Energy Charter Treaty and Changes and Modifications to its Annexes".

These decisions represent the formal adoption by the Conference of the modernised text of the ECT, negotiated and agreed to in 2022 as the Agreement in Principle.

The Conference also adopted the Final Report of the Modernisation Group, marking the successful completion of the Group's mandate and its dissolution.<sup>1</sup> Additionally, the Conference approved the de-restriction of the travaux préparatoires related to the negotiations.<sup>2</sup>

**Background**

In November 2017, at its meeting in Ashgabat, Turkmenistan, the Conference initiated discussions on the potential modernisation of the ECT.<sup>3</sup> After consultations in early 2018, the Contracting Parties agreed to address a specific list of negotiation topics.<sup>4</sup> In Autumn 2019,

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<sup>1</sup> Conference decisions CCDEC *[to be filled on the date of adoption]* (3 December 2024) "Final Report of the Modernisation Group".

<sup>2</sup> Conference decision CCDEC *[to be filled on the date of adoption]* (3 December 2024) "De-restriction of Documents related to the Modernisation and Application of Policy on Access to Travaux Préparatoires".

<sup>3</sup> Conference decision [CCDEC201723](#) (28 November 2017) "Modernisation of the Energy Charter Treaty".

<sup>4</sup> Conference decision [CCDEC201821](#) (27 November 2018) "Report by the Chair of the Subgroup on Modernisation".

the Conference approved some suggested policy options for each of the agreed topics and the mandate for the Modernisation Group to conclude negotiations expeditiously.<sup>5</sup>

The formal negotiations commenced in July 2020, and, following 15 negotiation rounds, they successfully culminated in the Agreement in Principle on the modernisation of the ECT reached at an ad hoc meeting of the Conference on 24 June 2022.<sup>6</sup>

Subsequently, the Agreement in Principle underwent an editorial and legal review, followed by extensive political discussions.<sup>7</sup>

In August 2024, the Modernisation Group reconvened to develop an additional amendment to Article 49 of the ECT (Depositary).

Following the finalisation of the work by the Modernisation Group, the Contracting Parties proposed the modernised text for adoption by the 35<sup>th</sup> meeting of the Conference.

### **Content of the amendments**

The modernised ECT introduces significant revisions to provisions on energy investment, transit, sustainability, the definition of "Economic Activity in the Energy Sector", and investor-state dispute settlement (ISDS). These revisions recognise the present-day challenges in the energy sector and international investment policy, emphasising the need for greater regulation in the interest of environmental protection and energy security.

An overview of the main changes and novelties in the modernised text is outlined in the Conference decision [CCDEC202210](#) "Public Communication explaining the main changes contained in the agreement in principle".

### **Entry into force**

The amendments to the ECT, the modifications in Section C of Annex NI and the changes and modifications to other Annexes apply on a provisional basis from 3 September 2025. However, a Contracting Party may choose to opt out of such provisional application by delivering the Depositary a declaration before 3 March 2025. The Secretariat will publicise such declarations as soon as they are served.

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<sup>5</sup> Conference decisions [CCDEC201908](#) (6 October 2019) "Adoption by Correspondence – Policy Options for Modernisation of the ECT" and [CCDEC201910](#) (6 November 2019) "Adoption by Correspondence – Modernisation of the Energy Charter Treaty: Mandate, Procedural Issues and Timeline for Negotiations".

<sup>6</sup> Conference decision [CCDEC202210](#) (24 June 2022) "Public Communication explaining the main changes contained in the agreement in principle".

<sup>7</sup> The modernised text was initially proposed to be adopted in November 2022.

The modifications in Sections A and B of Annex NI enter into force on 3 September 2025.

The amendments to the ECT, modifications in Section C of Annex NI and the changes and modifications to other Annexes enter into force on the ninetieth day after the deposit with the Depositary of instruments of ratification, acceptance or approval by at least three-fourths of the Contracting Parties. The amendments and such changes and modifications shall enter into force between Contracting Parties having ratified, accepted or approved them.