



# EXISTING ECT ACCESSION REQUIREMENTS AND PROCESS/PATHWAY

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# MEMBERS AND OBSERVERS OF THE ENERGY CHARTER CONFERENCE

as of 25 June 2022

## MEMBERS (54)

Sig	Rat	EEC	IEC	Country
	2013	2006	2015	Afghanistan
1994	1997	1991	2015	Albania
1994	1997	1991	2015	Armenia
1994	1997	1991	2015	Austria
1994	1997	1991	2018	Azerbaijan
1994	1991	2015		Belarus (provisional application suspended)
1994	1998	1991	2015	Belgium
1995	2001	1995	2016	Bosnia and Herzegovina
1994	1996	1991	2015	Bulgaria
1994	1997	1993	2015	Croatia
1994	1998	1991	2015	Cyprus
1995	1996	1993	2015	Czech Republic
1994	1997	1991	2015	Denmark
1994	1998	1992	2015	Estonia
1994	1998	1991	2015	European Union
1994	1998	1991	2015	EURATOM
1994	1997	1991	2015	Finland
1994	1999	1991	2015	France
1994	1995	1991	2015	Georgia
1994	1997	1991	2015	Germany
1994	1997	1991	2015	Greece
1995	1998	1991	2015	Hungary
1994	2015	1991		Iceland
1994	1999	1991	2015	Ireland
1995	2002	1991	2015	Japan
	2018	2007	2015	Jordan
1994	1995	1991	2015	Kazakhstan
1994	1997	1992	2015	Kyrgyzstan
1994	1995	1991	2015	Latvia
1994	1997	1991	2015	Liechtenstein
1995	1998	1992	2015	Lithuania
1994	1997	1991	2015	Luxembourg
1994	2001	1991	2015	Malta
1994	1996	1992	2015	Moldova
	1999	1997	2015	Mongolia
	2015	2012	2015	Montenegro
1994	1997	1991	2015	Netherlands
	1998	1996	2015	North Macedonia
1995		1991	2015	Norway
1994	2000	1991	2015	Poland
1994	1997	1991	2015	Portugal
1994	1996	1991	2015	Romania
1994	1995	1993	2015	Slovakia
1994	1997	1992	2015	Slovenia
1994	1997	1991	2015	Spain
1994	1997	1991	2015	Sweden
1994	1996	1991	2015	Switzerland
1994	1997	1991		Tajikistan
1994	2001	1991	2015	Türkiye
1994	1997	1994	2015	Turkmenistan
1994	1998	1991	2015	Ukraine
1994	1996	1991	2015	United Kingdom
1995	1995	1991	2015	Uzbekistan
	2018	2014	2015	Yemen

## INTERNATIONAL ENERGY CHARTER 2015 (91)

## EUROPEAN ENERGY CHARTER 1991 (70)

## ENERGY CHARTER TREATY 1994 (56)

## EGT SIGNATORIES

## ACCESSION COUNTRIES

## OBSERVERS (44)

Country	EEC	IEC
Australia	1991	
Bangladesh		2015
Benin		2015
Burkina Faso		2017
Burundi	2015	2015
Cambodia		2015
Canada	1991	
Chad	2015	2015
Chile		2015
China		2015
Colombia		2015
EAC		2016
ECCAS		2016
ECOWAS		2015
Eswatini		2015
GS Sahel		2016
Gambia		2017
Guatemala		2016
Guyana		2018
Indonesia	2009	
Iran		2016
Iraq		2016
Italy	1991	2015
Kenya		2017
Mali		2017
Mauritania	2014	2015
Morocco	2012	2015
Niger	2015	2015
Nigeria		2017
Pakistan	2005	2015
Palestine	2014	2015
Panama		2017
Rwanda		2016
Senegal		2016
Serbia	2001	2015
Sierra Leone		2018
South Korea		2015
South Sudan		2021
Syria	2010	
Tanzania		2015
UAE		2017
Uganda	2019	2015
USA	1991	2015
Vietnam		2018

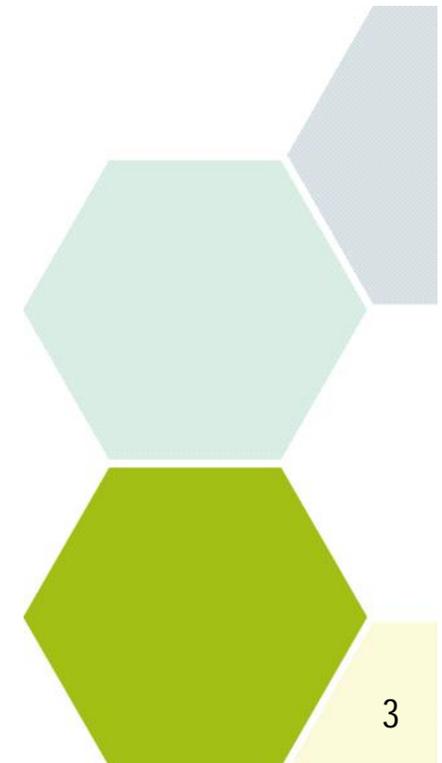
## INTERNATIONAL ORGANISATIONS WITH OBSERVER STATUS (by decision of the Energy Charter Conference):





## Observers/Signatories to the International Energy Charter Conference – ECOWAS Countries/Regional Bodies

1. Benin
2. Burkina Faso
3. Gambia
4. Mali
5. Mauritania
6. Niger
7. Nigeria
8. Senegal
9. Sierra Leone
10. ECOWAS Commission
11. G5 Sahel





# Introduction

- The procedure of accession to the ECT involves a number of steps which a country or REIO needs to complete in order to become a Contracting Party to the Treaty (and, as a consequence, a full member to the Energy Charter Conference).
- In this context, the notes below are intended to provide detailed information on the respective stages/pathway of the accession procedure to the ECT. The notes below are based on formal decisions of the Energy Charter Conference.



# PATHWAY/STEPS TO ACCESSION TO THE ECT:

1. A country's first step to express formal interest in accession to the ECT can be the signing (or explicitly mentioning conformity with) of the Transnational Energy Charter of 2015 and/or the European Energy Charter of 1991.
2. Following the signature of the International Energy Charter and/or the European Energy Charter, the signatory country or REIO automatically becomes an observer to the Energy Charter Conference.



## PATHWAY/STEPS TO ACCESSION TO THE ECT (CONTD):

3. Observership status allows a country or REIO to be invited to participate in some meetings of the Energy Charter Conference and its subsidiary bodies. Participation in such meetings facilitates the understanding of the functioning of the organisation and provides useful interaction with delegates from Members of the Energy Charter Conference



4. Once a country or REIO expresses its interest in acceding to the ECT, e.g. by an official letter addressed to the Secretary General of the Energy Charter Secretariat or through any other appropriate form, it may then commence the formal process of accession
5. In the ensuing step, the country or REIO concerned would be expected to nominate one or more government officials to work on the drafting and completion of three reports:
  - (i) A report on the harmonisation of laws and regulations with the provisions of the Treaty
  - (ii) A report on the investment environment and exceptions to national treatment
  - (iii) A report on energy efficiency

These reports are developed by officials from the acceding country or REIO usually whilst on a secondment to the Energy Charter Secretariat in Brussels, in consultation with officials from the Secretariat. However, it should be noted that while most secondments of government officials from an acceding country to the Energy Charter Secretariat indicates a country's active accession to the ECT, it should not be taken for granted that all such secondments equate to a country's formal accession path.

On certain occasions, the Secretariat hosts seconded government officials from countries interested in, or seeking to learn more, about the Energy Charter process, without formally commencing accession to the ECT itself. It should be noted that all matters of administration, logistics and practical procedures of the seconded official on assignment at the Secretariat, including the schedule for completion of the work, are determined by the Secretariat and the country/REIO concerned



6. Once the reports are finalised and discussed within the decision-making body of the acceding country/REIO, an official letter should be addressed by the acceding country/REIO to the Secretary General of the Energy Charter Secretariat (i) acknowledging completion of the reports, (ii) expressing its readiness and willingness to comply with the obligations of the Treaty and Protocol, and (iii) explicitly mentioning conformity with the 1991 European Energy Charter (in case it has not been signed previously).

7. Once having received such notification, the Secretariat will disseminate the letter and the reports to the Members of the Energy Charter Conference for internal consultation. Further to the internal consultation, which usually takes 20 days (but can be prolonged by the Chairmanship of the Conference in case needed), the Energy Charter Conference is expected, on the basis of consensus, to formally invite the requesting country/REIO to accede to the ECT under particular conditions.



**8.** The decision by the conference to invite the requesting country/REIO to accede to the ECT will be transmitted by the Secretary General. The letter of the Secretary General will include the terms and conditions which will have to be fulfilled by the acceding country/REIO as approved by the Conference

**9.** In response to the letter of the Secretary General, the country/REIO concerned is expected to submit a reply letter confirming its acceptance of the invitation by the Conference and thereby its intention of acceding to the ECT and its protocol, and, accepting the terms and conditions stated in the invitation of the Conference pre-accession reports on investment



10. The country/REIO will then be in the final stage of accession: that of national/internal ratification of the Treaty and Protocol based on its own regulations.

11. After all internal requirements are fulfilled, the acceding country should deposit the instrument of accession to both the ECT and its Protocol with the Depositary (the Ministry of Foreign Affairs of the government of Portugal). In order to facilitate a smooth process, the acceding country/REIO is encouraged to notify the Secretariat that the instrument of accession is to be sent to Portugal.

12. Upon depositing the instrument of accession, the acceding country/REIO should also submit all necessary information included in the Conference decision inviting it accede.



**13.** The Treaty will enter into legal force in the acceding country/REIO on the 90th day after the date of deposit of its instrument of accession. The Protocol will enter into force for the acceding country 30 days after the entry into force of the Treaty. On the day of entry into force of the ECT, the country/REIO becomes a full member to the Energy Charter Conference.

**14.** As per current practice, annual national contributions are payable (taking into account its percentage of contributions under the UN Regular budget scale of assessment), from the date that the ECT enters into force for the given country/REIO.



# NIGERIA –CURRENT ECT ACCESSION OUTLOOK

- **Steps 1-5 already achieved:**

1. International Energy Charter Political Declaration was signed on 07 March 2017 in a high level ceremony in the state house, Abuja, Nigeria
2. Observer status achieved, thereby allowing Nigeria’s participation in energy charter related meetings and ministerial conferences
3. Official communication to SG, ECS, of expression of interest by Nigeria to accede to the ECT was received, and formal process of accession to ECT has since 2018 commenced
4. Expectation of a country to nominate one or more government officials to work on the drafting and completion of three accession reports is achieved
5. Three accession reports- Investment, Legal and EE are completed



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