

**ENERGY CHARTER  
SECRETARIAT**

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Brussels, 26/27 November 2012

Related documents: CC 442, CC 458
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject: The Views of the Conference on the Stakeholder Consultations on Energy Transit and Cross-border Co-operation**

[The Energy Charter Conference at its 23<sup>rd</sup> Meeting held on 26<sup>th</sup>/27<sup>th</sup> November 2012] *approved* the views of the Conference on the Stakeholder Consultations on Energy Transit and Cross-border Co-operation, as part of the TTG Chairman's report, as contained in document CC 442 (Annex).

Keywords: Stakeholder, Consultations, Energy Transit, Cross-border Co-operation, TTG Chairman's report

## Annex

1. “The Conference reiterates the need for unimpeded and effective cross-border energy trade and transit in order to achieve the three key objectives of energy policy – energy security, economic development, and environmental protection. The development and operation of fixed infrastructure for the transportation of electricity, gas and oil is indispensable to achieve these objectives.
2. There is a possibility to reset negotiations on the basis of a new document reflecting the common views of the constituency if an important number of stakeholders/contracting parties express a genuine interest in such negotiations and a commitment to be bound by its result.
3. The transportation of energy materials and products by fixed infrastructure (grids and pipelines) across borders or transiting the Area of countries with different regulatory systems remains a challenge for market participants. There is a need for common rules to facilitate the development and operation of energy transport infrastructure. The Energy Charter can have most added value in developing basic rules for cooperation outside the EU and the Energy Community or for projects involving the EU as a whole on the one side and third countries on the other. For this approach to be developed effectively, observer and outreach countries should be involved in further discussions on this subject.
4. The scope of common rules that could be developed under the Energy Charter Treaty requires further analysis. In particular, there is need to analyse how the specificities of electricity, gas and oil transportation by fixed infrastructure can be addressed. If they are addressed in form of general rules and principles, a common framework for these three energy forms could still be envisaged. Alternatively, if they are addressed with some regulatory detail, these specificities would require differential regulatory treatment for each, electricity, gas and oil.
5. The TTG will continue to facilitate transparency on energy policies, future supply and demand balance and infrastructure development. In 2013, a workshop shall be organised by the Secretariat to discuss contractual issues related to energy trade, including the role of long-term energy supply contracts for energy security and investment.”