

ENERGY CHARTER SECRETARIAT
СЕКРЕТАРИАТ ЭНЕРГЕТИЧЕСКОЙ ХАРТИИ

Programme Proposal

Promoting the rule of law in African countries on the basis of the Energy Charter Treaty

Energy Charter Secretariat / DG Development and Cooperation, European Commission

24 August 2014

I. Introduction

This proposal is a short-term programme to provide capacity building on the basis of the Energy Charter Treaty (ECT or Treaty) to African countries. It is envisaged as a pilot project aiming to pave the way for a more comprehensive and multi-annual collaboration with African countries. The present proposal builds on existing resources of the Energy Charter Secretariat (ECS or Secretariat) that would need to be reviewed and adapted in the context of a multi-annual programme.

The ECT is an internationally legally binding text providing for clear and predictable rules in the areas of investments, trade and transit in energy and energy efficiency, while explicitly protecting national sovereignty over natural resources. The ECT is a unique international agreement in the energy sector which is legally enforceable and as such it contributes to enhance an international level playing field.

The programme is designed to raise the interest of African countries in the rule of law in the energy sector by providing capacity building based on the contents and objectives of the ECT. The ultimate goal is that African countries could share the same market-based principles and rules than the ECT constituency in general and EU countries in particular. This would be achieved with national accession to the ECT. However, this may be a long-term objective that needs of substantial technical assistance as well as to take into account the countries' readiness to commit to international principles and rules in the energy sector.

II. Methodology

The ECT, adopted in 1994, was preceded by the Energy Charter of 1991, a political declaration expressing the commitment of a signatory country to move towards an upgraded international legal system. A process to update the 1991 Energy Charter is currently underway among its 64 signatories and it is open to countries across the world, including many African countries.

Accession to the ECT is achieved through the following steps:

- Signature of the 1991 Energy Charter Declaration.
- Approval of Accession Reports by the Energy Charter Conference.
- Accession approval by the national government / parliament, and signature of the ECT.

Observer status to the ECT may be achieved in two ways:

- Signature of the 1991 Energy Charter Declaration.
- Signature of the Updated Energy Charter [working title] to be adopted in 2015.

The present capacity building programme is based on the different texts of the Energy Charter:

- Activity 1 – Secondment of national delegates to the Energy Charter Secretariat in Brussels
 - Activity 1.a. Preparation of pre-assessment Accession Reports to the 1991 Energy Charter Declaration
 - Activity 1.b Preparation of Accession Reports to the ECT
- Activity 2 – Participation in the ongoing updating of the 1991 Energy Charter Declaration
- Activity 3 - Participation of national delegates in the 3-day training organised by the ECS in Brussels
- Activity 4 - Participation of ECS staff in meetings with national authorities to report on the programme and seek further engagement

III. Countries

The programme targets the following four countries:

- **Mauritania:** already signed the 1991 Energy Charter Declaration on 29 April 2014 and is willing to get closer to the ECT by following related capacity building activities.

- **Mozambique:** in the context of the Updated Energy Charter, it has confirmed its interest in the ECT and its willingness to participate in related capacity building activities.
- **Nigeria:** is observer to the Energy Charter by invitation of the Conference. A delegate from the Embassy in Brussels is following the negotiations of the Updated Energy Charter.
- **Tanzania:** in the context of the Updated Energy Charter, it has confirmed its interest in the ECT and its willingness to participate in related capacity building activities.

IV. Detailed description of activities

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| Activity 1 – Secondment of national delegates to the Energy Charter Secretariat in Brussels |
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Activity 1.a. Preparation of pre-assessment Accession Reports to the 1991 Energy Charter Declaration for MOZAMBIQUE, NIGERIA and TANZANIA

Objectives

- Preparation of pre-assessment Accession Reports to the 1991 Energy Charter Declaration.
- Presentation and analysis of the potential benefits of the Energy Charter to Mozambique, Nigeria and Tanzania.

Description of work

To prepare pre-assessment Accession Reports on the contributions and implications of the ECT to the targeted countries. Selection of one expert from Mozambique, Nigeria and Tanzania, who will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months each.

The pre-assessment Accession Reports consist of basic information gathering and preliminary understanding of the issues relevant to the ECT. It will include the following contents:

- a) Country profile
- b) Overview of the economic sector and competitiveness
- c) Detailed review of the energy sector

- d) New energy challenges such as universal access, sustainability, clean technologies, rural electrification
- e) Detailed review on trade and commercial activities
- f) Membership in international organisations
- g) Contribution and benefits of the Energy Charter Process
- h) Implications and obligations of joining the Energy Charter Treaty

These reports will be presented to the authorities of Mozambique, Nigeria and Tanzania and to the ECT constituency at the regular meetings of Investment Group and Trade and Transit Group.

Deliverables

- Pre-assessment Accession Reports for Mozambique, Nigeria and Tanzania.
- Discussion of the pre-assessment Accession Reports with the governments of Mozambique, Nigeria and Tanzania.
- If possible, formal signature of the 1991 Energy Charter Declaration by Mozambique, Nigeria and Tanzania.
- In case Mozambique, Nigeria and Tanzania are not ready to sign the 1991 Energy Charter Declaration, the pre-assessment Accession Reports will include observations regarding the position of those countries vis-à-vis the rule of law in the energy sector and how they intend to pursue the objectives of regulatory stability and predictability in the areas of trade, transit, energy efficiency and investment protection.

Expected results

- To raise the awareness on the Energy Charter at national level.
- Prepare the ground to further work on acceding to the 1991 Energy Charter Declaration.
- Provide capacity building on the Energy Charter relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 1.b Preparation of Accession Reports to the ECT for MAURITANIA

Objectives

- To prepare one of the three Accession Reports to the ECT for Mauritania;
- As soon as the three Accession Reports to the ECT for Mauritania can be completed, they will be submitted to the Energy Charter Conference for adoption.

Description of work

Preparation of one of the three Accession Reports to the Energy Charter Treaty by Mauritania. This task includes the selection of an expert from Mauritania who will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months. The expert for Mauritania has been already identified.

According to the Energy Charter Conference Decision (CC.146 of 15.11.1999), the three Accession Reports will consist of an in-depth analysis relevant for the Energy Charter Treaty and will have the following content:

- I. Harmonisation of laws and regulations with the provisions of the Energy Charter Treaty, including inter alia constitutional provisions and legal systems in relation to international treaties, current situation of market reforms, membership to international economic and environmental organisations, customs unions of free trade areas, foreign trade regimes, non-tariff measures, export incentives, customs regulations, free trade zones, trade agreements, legislative framework for competition, state aid, pricing of energy materials, legislative framework for transit, access terms to transit, transfer of technology, access to capital discriminatory elements, regulation on foreign exchange transfers to nationals and foreigners, sovereignty over the natural resources, institutional framework of environmental aspects and taxation.
- II. Investment climate and exceptions to national treatment, including inter alia institutional structure and responsibility for energy policy, energy industry regulations, energy prices and taxation, energy supply and demand, energy efficiency policies and goals, market structures by sub-sectors: oil, gas, coal, electricity, nuclear power, renewable energy, monopolies and privatisation related with energy, general legislation related to investment, exceptions to national treatment.
- III. Energy efficiency, including inter alia existing energy efficiency policies, laws and regulations, energy price policies, energy efficiency measures implemented in various

sectors (private sector initiatives, financial incentives, promotion of technologies, sectoral programmes).

The reports will be discussed by the ECT constituency at the regular meetings of Investment Group, Energy Efficiency Group and Trade and Transit Group. The Secretariat will seek further engagement by the Mauritanian government.

Deliverables

- Preparation of one of the three Accession Reports to the ECT for Mauritania.
- Presentation of the Accession Report to the ECT at the Energy Charter Working Groups.
- Enhanced dialogue with Mauritania to move forward to the completion of the three Accession Reports and submit them to the Energy Charter Conference.
- General assessment regarding Mauritania's position vis-à-vis the rule of law in the energy sector and how it pursues the objectives of regulatory stability and predictability in the areas of trade, transit, energy efficiency and investment protection.

Expected results

- To raise the awareness on the ECT at national level.
- Prepare the ground to further work on the accession process to the ECT.
- Provide capacity building on the Energy Charter relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 2 – Participation in the ongoing updating of the 1991 Energy Charter Declaration

Objectives

- Participation of Mauritania, Mozambique, Nigeria and Tanzania in the ongoing negotiations on a political declaration contributing to a policy framework for global energy governance.

Description of work

The signatories of the 1991 Energy Charter Declaration have started negotiations on a political declaration establishing a policy framework for global energy governance and is inviting interested states to participate in these negotiations.

The political declaration is being negotiated in 2014 and 2015 on the basis of the 1991 Energy Charter Declaration adopted the aftermath of the fall of the Berlin Wall. The 1991 Energy Charter Declaration has been signed by countries from Europe, Asia, North America and Africa as well as the European Union. It provides for a long-term model for international co-operation in the field of energy. Most of its signatories went further and enshrined common rules for energy trade, transit, investments and environmental aspects in the legally binding ECT of 1994, which entered into force in 1998. Today ECT members aim at the expansion of its geographical scope and at a better common reflection of modern energy challenges.

This is the context of the decision to start negotiations on an Updated Energy Charter. The aim is to make the declaration more attractive and modern for new states to join the political process already in place, to promote its implementation, and to encourage further accessions to the ECT. The result will be an updated political declaration of intent, an Updated Energy Charter that might be called International or World Energy Charter. The updated declaration will not imply any legal obligations and will not oblige any party to accede to the ECT.

It is expected that the basic principles of the 1991 Energy Charter Declaration will be endorsed, including state sovereignty over energy resources, political and economic co-operation, the development of efficient energy markets, non-discrimination and the promotion of a climate favourable to the operation of enterprises and the flow of investments and technologies.

Deliverables

- The signatories of the 1991 Energy Charter Declaration are committed to include new countries world wide and to start a structured dialogue with them on common principles for energy co-operation in the global context. Therefore, the signatories of the 1991 Energy Charter Declaration have invited interested states to participate in the negotiations.

- The final document will be adopted at a High Level Conference by the signatories of the 1991 Energy Charter Declaration and signed by any state that joins the process. Signature of the new document will qualify for observership with the Energy Charter Conference, the decision-making body established under the ECT.

Expected results

- Support of further participation of Mauritania, Mozambique, Nigeria and Tanzania to the negotiations of the future International or World Energy Charter. This participation would be guaranteed during the period of secondment of the experts in Brussels and their participation at the Strategy Group Special Session on Updated Energy Charter to be held in 15-16 September and following months.

Activity 3 - Participation of national delegates at the 3-day training organised by the ECS in Brussels

Objectives

- Participation of 8 delegates, two per country, from Mauritania, Mozambique, Nigeria and Tanzania in the next edition of the intensive energy training organised by the ECS in Brussels on 5-7 November 2014. Half of the delegates will be the secondees already at the ECS in Brussels and the other half will be officials coming from the countries' capitals.

Description of work

Training programmes for young professionals in the energy field are part of the activities of the Knowledge Centre established under the auspices of the Energy Charter Secretariat in 2013. The goal is to let interested parties benefit from the expertise accumulated within the Energy Charter over two decades and create an international strong network of energy professionals.

During three days of intensive discussion, programme participants are given the opportunity to review various investment protection strategies, consider different approaches to energy security and analyse complex aspects of investment risk. Furthermore, participants engage in

an interactive dispute settlement simulation exercise. Here they have the chance to take part in a model game mimicking investor-state arbitration proceedings, which allows participants to explore a number of issues covered by the ECT.

Discussion will apply both to upstream energy investments and investments of energy producers in downstream markets. The notion of security of transit will also be examined, as well as risk sharing between producers and consumers on supply and demand sides respectively. All relevant methods and approaches will be considered with a view to better appreciate how to both secure and stimulate energy investments across the international economy.

The training programmes are open to the traditional ECT constituency and wider audiences. Information on former editions of the training programme are available at: www.encharter.org, including the detailed training programme, speakers' biographies and post-event brochure. The programme of the training on 5-7 November 2014 is under preparation.

Deliverables

- Five core “knowledge streaming” learning modules offered over three days.
- Instruction and top level expertise from up to a dozen international energy specialists.
- Simulation exercise modelling an investor-state dispute resolution process.
- International participants from across the Energy Charter member and observer constituency.
- EU energy policy field trip and/or oil and gas industry site visit.
- Dynamic and interactive professional learning environment at the Energy Charter Secretariat in Brussels.
- Strong networking opportunities with international government, industry, regulators, EU officials, energy experts, etc. In total, around 30 participants will be expected.
- Energy Charter Secretariat Knowledge Centre Certificate of Excellence upon completion.

Expected results

- To assist target countries officials to better understand different approaches to energy matters while exposing them to the use of legal instruments, guaranteeing efficient investment protection, the practice of intergovernmental negotiations, industry methods, and other relevant approaches in the framework of the ECT.

Activity 4 - Participation of ECS staff in meetings with national authorities to report on the programme and seek further engagement

Objectives

- Facilitate national governments to explore further steps towards the beginning of the accession to the Energy Charter Treaty and support to submitting the reports to the Energy Charter Conference.

Description of work

After the pre-assessment Accession Reports for Mozambique, Nigeria and Tanzania and the Accession Reports for Mauritania are developed, and discussed within the Energy Charter Working Groups, the ECS will organise 4 ad-hoc meetings (one per country) with the national governments. The main focus is to address officials in charge of national energy policy to report on the present programme and seek further engagement in the path to national adherence to the Energy Charter.

Deliverables

- Four ad-hoc meetings (one per country) with national governments.

Expected results

- To promote and facilitate a positive reaction to the Energy Charter and prepare the necessary further steps to become a member of the Energy Charter.

SPECIFIC TERMS OF REFERENCE
for
PROVIDING SUPPORT TO MAURITANIA, MOZAMBIQUE, NIGERIA, TANZANIA
IN COOPERATION WITH THE ENERGY CHARTER SECRETARIAT
THROUGH ACTIVITIES AIMING AT PROMOTING INVESTMENT FRIENDLY
REGULATORY ENVIRONMENT ON THE BASIS OF THE ENERGY CHARTER
TREATY

- Assignment no 1 –

Revision of 02/02/2015

Target countries: MAURITANIA, MOZAMBIQUE, NIGERIA and TANZANIA

1. BACKGROUND

The Energy Charter Treaty (ECT) is an internationally legally binding text providing clear and predictable rules in the areas of investments, trade and transit in energy and energy efficiency, while explicitly protecting national sovereignty over natural resources. The ECT is a unique international agreement in the energy sector which is legally enforceable and as such it contributes to enhance an international level playing field.

The ECT, adopted in 1994, was preceded by the Energy Charter of 1991, a political declaration expressing the commitment of a signatory country to move towards an upgraded international legal system. A process to update the 1991 Energy Charter is currently underway among its 64 signatories and it is open to countries across the world, including many African countries.

Accession to the ECT is achieved through the following steps:

- Signature of the 1991 Energy Charter Declaration.
- Approval of Accession Reports by the Energy Charter Conference.
- Accession approval by the national government / parliament, and signature of the ECT.

Observer status to the ECT may be achieved by:

- Signature of the 1991 Energy Charter Declaration.

The proposed support is designed to raise the interest of African countries in the rule of law in the energy sector by providing capacity building based on the contents and objectives of the ECT.

The ultimate goal is that African countries could share the same market-based principles and rules than the ECT constituency in general and EU countries in particular. This would be achieved with national accession to the ECT. However, this may be a long-term objective that needs of substantial technical assistance as well as to take into account the countries' readiness to commit to international principles and rules in the energy sector.

2. BACKGROUND ON THE ENERGY CHARTER ACTIVITY IN TARGETED COUNTRIES

MAURITANIA: already signed the 1991 Energy Charter Declaration on 29 April 2014 and is willing to get closer to the ECT by following related capacity building activities.

MOZAMBIQUE: in the context of the Updated Energy Charter, it has confirmed its interest in the ECT and its willingness to participate in related capacity building activities.

NIGERIA: is observer to the Energy Charter by invitation of the Conference. A delegate from the Embassy in Brussels is following the negotiations of the Updated Energy Charter.

TANZANIA: in the context of the Updated Energy Charter, it has confirmed its interest in the ECT and its willingness to participate in related capacity building activities.

3. SPECIFIC ASSIGNMENT AND BUDGET

3.1 The “EU Technical Assistance Facility (TAF) for the "Sustainable Energy for All" Initiative (SE4All) - Western and Central Africa“ (Contract No 335152) has been chosen for this assignment as part of its scope describe in 1.1, 2.3, 4.2 and 6.5 of the Terms of Reference.

3.2 The budget of the 335152 Contract is sufficient to cover the incidental expenditures for the activities proposed that are estimated to EUR 46.920.

4. DESCRIPTION OF THE ASSIGNMENT

4.1. Objectives

The overall objective of this assignment is to provide capacity building on the basis of the Energy Charter Treaty (ECT) to African countries. This assignment is envisaged as a pilot project aiming to pave the way for a more comprehensive and multi-annual collaboration with African countries.

4.2. Methodology

Activity 1 – Secondment of national delegates to the Energy Charter Secretariat in Brussels

Activity 1.a. Preparation of pre-assessment reports to the 1991 Energy Charter Declaration for MOZAMBIQUE, NIGERIA and TANZANIA

Objectives

- Preparation of pre-assessment reports to the 1991 Energy Charter Declaration (including on the contributions and implications of the ECT to the targeted countries)
- Presentation and analysis of the potential benefits of the Energy Charter to Mozambique, Nigeria and Tanzania.

Description of work

One national expert from Mozambique, Nigeria and Tanzania will be selected and will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months each during which the reports will be produced. The selection of the experts to be seconded will be done by ECS in consultation with the EU Delegations concerned. The confirmation of the expert should be done in writing by the national government.

These reports will be the result of a joint effort of the national experts and the ECT experts and in constant contact with the National Ministries.

The pre-assessment reports consist of basic information gathering and preliminary understanding of the issues relevant to the ECT. It will include the following contents:

- a) Country profile
- b) Overview of the economic sector and competitiveness
- c) Detailed review of the energy sector
- d) New energy challenges such as universal access, sustainability, clean technologies, rural electrification
- e) Detailed review on trade and commercial activities
- f) Membership in international organisations
- g) Contribution and benefits of the Energy Charter Process
- h) Implications and obligations of joining the Energy Charter Treaty

Each of these reports will be presented to the authorities of Mozambique, Nigeria and Tanzania, the respective EU Delegations and to the ECT constituency at the regular meetings of Investment Group and Trade and Transit Group. This planning will be detailed at a later stage.

Deliverables

- Pre-assessment reports for Mozambique, Nigeria and Tanzania.
- Discussion of the pre-assessment report with the governments of Mozambique, Nigeria and Tanzania.
- If possible, formal signature of the 1991 Energy Charter Declaration by Mozambique, Nigeria and Tanzania.
- In case Mozambique, Nigeria and Tanzania are not ready to sign the 1991 Energy Charter Declaration, the pre-assessment report will include observations regarding the position of those countries vis-à-vis the rule of law in the energy sector and how they intend to pursue the objectives of regulatory stability and predictability in the areas of trade, transit, energy efficiency and investment protection.

Expected results

- Raise awareness on the Energy Charter at national level.
- Prepare the ground to further work on acceding to the 1991 Energy Charter Declaration.
- Provide capacity building on the Energy Charter relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 1.b Preparation of Accession Reports to the ECT for MAURITANIA

Objectives

- To prepare one of the three Accession Reports to the ECT for Mauritania. The other two Accession Reports will be developed beyond the present programme by the Energy Charter Secretariat and the government of Mauritania.
- As soon as the three Accession Reports to the ECT for Mauritania can be completed, they will be submitted to the Energy Charter Conference for adoption.

Description of work

One expert from Mauritania will be selected and will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months. The selection of the expert to be seconded will be done by ECS in consultation with the EU Delegation.

This report will be the result of a joint effort of the national expert and the ECT experts and in constant contact with the National Ministries.

According to the Energy Charter Conference Decision (CC.146 of 15.11.1999), the three Accession Reports will consist of an in-depth analysis relevant for the Energy Charter Treaty and will have the following content:

I. Harmonisation of laws and regulations with the provisions of the Energy Charter Treaty, including inter alia constitutional provisions and legal systems in relation to international treaties, current situation of market reforms, membership to international economic and environmental organisations, customs unions of free trade areas, foreign trade regimes, non-tariff measures, export incentives, customs regulations, free trade zones, trade agreements, legislative framework for competition, state aid, pricing of energy materials, legislative framework for transit, access terms to transit, transfer of technology, access to capital discriminatory elements, regulation on foreign exchange transfers to nationals and foreigners, sovereignty over the natural resources, institutional framework of environmental aspects and taxation.

II. Investment climate and exceptions to national treatment, including inter alia institutional structure and responsibility for energy policy, energy industry regulations, energy prices and taxation, energy supply and demand, energy efficiency policies and goals, market structures by sub-sectors: oil, gas, coal, electricity, nuclear power, renewable energy, monopolies and privatisation related with energy, general legislation related to investment, exceptions to national treatment.

III. Energy efficiency, including inter alia existing energy efficiency policies, laws and regulations, energy price policies, energy efficiency measures implemented in various sectors (private sector initiatives, financial incentives, promotion of technologies, sectoral programmes).

The reports will be discussed by the ECT constituency at the regular meetings of Investment Group, Energy Efficiency Group and Trade and Transit Group. The Secretariat will seek further engagement by the Mauritanian government.

Deliverables

- Preparation of one of the three Accession Reports to the ECT for Mauritania.
- Presentation of the Accession Report to the ECT at the Energy Charter Working Groups.
- Enhanced dialogue with Mauritania to move forward to the completion of the three Accession Reports and submit them to the Energy Charter Conference.
- General assessment regarding Mauritania's position vis-à-vis the rule of law in the energy sector and how it pursues the objectives of regulatory stability and predictability in the areas of trade, transit, energy efficiency and investment protection.

Expected results

- To raise the awareness on the ECT at national level.
- Prepare the ground to further work on the accession process to the ECT.
- Provide capacity building on the Energy Charter relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 2 – Participation in the ongoing updating of the 1991 Energy Charter Declaration

Objectives

Participation of Mauritania, Mozambique, Nigeria and Tanzania in the ongoing negotiations on the Political Declaration regarding the policy framework for global energy governance.

Description of work

The signatories of the 1991 Energy Charter Declaration have started negotiations on a political declaration establishing a policy framework for global energy governance and is inviting interested states to participate in these negotiations.

The political declaration is being negotiated in 2014 and 2015 on the basis of the 1991 Energy Charter Declaration. The aim is to make the declaration more attractive and modern for new states to join the political process already in place, to promote its implementation, and to encourage further accessions to the ECT. The result will be an updated political declaration of intent, an Updated Energy Charter that might be called International or World Energy Charter. The updated declaration will not imply any legal obligations and will not oblige any party to accede to the ECT.

It is expected that the basic principles of the 1991 Energy Charter Declaration will be endorsed, including state sovereignty over energy resources, political and economic co-operation, the development of efficient energy markets, non-discrimination and the promotion of a climate favourable to the operation of enterprises and the flow of investments and technologies.

Deliverables

- The signatories of the 1991 Energy Charter Declaration are committed to include new countries worldwide and to start a structured dialogue with them on common principles for energy co-operation in the global context. Therefore, the signatories of the 1991 Energy Charter Declaration have invited interested states to participate in the negotiations.
- The final document will be adopted at a High Level Conference by the signatories of the 1991 Energy Charter Declaration and signed by any state that joins the process. Signature of the new document will qualify for observership with the Energy Charter Conference, the decision-making body established under the ECT.

Expected results

- Support of further participation of Mauritania, Mozambique, Nigeria and Tanzania to the negotiations of the future International or World Energy Charter. This participation would be guaranteed during the period of secondment of the experts in Brussels and their participation at the Strategy Group Special Session on Updated Energy Charter to be held in 15-16 September and following months.

Activity 3 - Participation of national delegates in the 3-day training organised by the ECS in Brussels

Objectives

- Participation of 8 delegates, two per country, from Mauritania, Mozambique, Nigeria and Tanzania in the next edition of the intensive energy training organised by the ECS in Brussels on 5-7 November 2014. Half of the delegates nominated by the targeted countries will be the secondees already at the ECS in Brussels and the other half will be officials coming from the countries' capitals.

Description of work

Training programmes for young professionals in the energy field are part of the activities of the Knowledge Centre established under the auspices of the Energy Charter Secretariat in 2013. The goal is to let interested parties benefit from the expertise accumulated within the Energy Charter over the past two decades and create an international strong network of energy professionals. During three days of intensive discussion, programme participants are given the opportunity to review various investment protection strategies, consider different approaches to energy security and analyse complex aspects of investment risk. Discussion will apply both to upstream energy investments and investments of energy producers in downstream markets. The notion of security of transit will also be examined, as well as risk sharing between producers and consumers on supply and demand sides respectively. All relevant methods and approaches will be considered with a view to better appreciate how to both secure and stimulate energy investments across the international economy. The training programmes are open to the traditional ECT constituency and wider audiences. Information on former editions of the training programme are available at: www.encharter.org, including the detailed training programme, speakers' biographies and post-event brochure. The programme of the training on 5-7 November 2014 is under preparation.

Deliverables

- Five core “knowledge streaming” learning modules offered over three days.
- Instruction and top level expertise from up to a dozen international energy specialists.
- Simulation exercise modelling an investor-state dispute resolution process.
- International participants from across the Energy Charter member and observer constituency.
- EU energy policy field trip and/or oil and gas industry site visit.
- Dynamic and interactive professional learning environment at the Energy Charter Secretariat in Brussels.
- Strong networking opportunities with international government, industry, regulators, EU officials, energy experts, etc. In total, around 30 participants will be expected.
- Energy Charter Secretariat Knowledge Centre Certificate of Excellence upon completion.

Expected results

- To assist target countries officials to better understand different approaches to energy matters while exposing them to the use of legal instruments, guaranteeing efficient investment protection, the practice of intergovernmental negotiations, industry methods, and other relevant approaches in the framework of the ECT.

Activity 4 – Follow-up of the accession reports - Participation of ECS staff in meetings with national authorities to report on the programme and seek further engagement

Objectives

- Facilitate national governments to explore further steps towards the beginning of the accession to the Energy Charter Treaty and support to submitting the reports to the Energy Charter Conference.

Description of work

After the pre-assessment reports for Mozambique, Nigeria and Tanzania and the Accession Reports for Mauritania are developed, and discussed within the Energy Charter Working Groups, the ECS experts will have 4 ad-hoc meetings (one per country) with the national governments to follow-up on the reports. The travel costs and per diems of ECS staff participating in these meetings will be covered in the interest of this assignment¹. The main focus is to address officials

¹ ECS will have to send a signed note by its administration to the TAF management ensuring that no mission costs

in charge of national energy policy to report on the present programme and seek further engagement in the path to national adherence to the Energy Charter.

Subject to prior approval of the Commission, missions of ECS staff (and / or secondees) to other countries than the ones mentioned above might be carried out in order to attend meetings related to the objectives of the current assignment.

Deliverables

- Four ad-hoc meetings (one per country) with national governments.

Expected results

- To promote and facilitate a positive reaction to the Energy Charter and prepare the necessary further steps to become a member of the Energy Charter.

Activity 5 – Participation of the secondees from Mauritania, Mozambique, Nigeria and Tanzania to the Rabat Forum

Objective

Participation of the 4 Secondees to:

- an informative session addressed to embassies from African and Middle Eastern countries on the Energy Charter, organized by the Ministry of Energy, Mines, Water and Environment of Morocco in partnership with the Ministry of Foreign Affairs of the Netherlands and the EC (24 February 2015)
- the Rabat Forum on “Strengthening Cooperation and Partnership for Sustainable Energy Development in the Middle East and Africa: the Role of the International Energy Charter” (24-25 February 2015).

5. BRIEF DESCRIPTION OF SERVICES REQUESTED

The services will be provided by the qualified personnel through payment of fees according to the contract.

The services requested are described below:

Activity 1 - Secondment of national delegates to the Energy Charter Secretariat in Brussels

Activity 1.a. Preparation of pre-assessment reports to the 1991 Energy Charter Declaration for MOZAMBIQUE, NIGERIA and TANZANIA

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Pay monthly allowance (a lump-sum of EUR 2500/ month/ seconded expert will be applied instead of per diem)

Activity 1.b Preparation of Accession Reports to the ECT for MAURITANIA

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Pay monthly allowance (a lump-sum of EUR 2500/ month/ seconded expert will be applied instead of per diem)

Activity 2 – Participation in the ongoing updating of the 1991 Energy Charter Declaration - no cost under TAF.

Activity 3 - Participation of national delegates in the 3-days training organised by the ECS in Brussels

- a) Cover the costs directly related to the participation of the 4 African countries representatives
 - i. Booking and coverage of cost of flights to/from Brussels
 - ii. Visa support (if needed).
 - iii. Per diems (standard per-diems x 4 persons x 3 days).

Activity 4 - Participation of ECS staff in meetings with national authorities to report on the programme and seek further engagement

- a) Booking and coverage of cost of flights from/ to Brussels
- b) Visa support (if needed)
- c) Per-diems (standard per-diems x 2 persons x 4 countries x 3 days)

Activity 5 - Participation of the secondees from Mauritania, Mozambique, Nigeria and Tanzania to the Rabat Forum and to the informative session addressed to embassies from African and Middle Eastern countries on the Energy Charter, organized by the Ministry of Energy, Mines, Water and Environment of Morocco in partnership with the Ministry of Foreign Affairs of the Netherlands and the EC

- a) Booking and coverage of cost of flights to/from Rabat (depending on the departure country)
- b) Visa support if needed
- c) Payment of per-diems to the 4 secondees

6. TAF SUPPORT STAFF REQUIRED FOR THE ASSIGNMENT (EQUIVALENT TO NON-KEY EXPERT POSITIONS AS FORESEEN IN THE CONTRACT)

The coordination of this assignment should be made by TAF by appointing a Project Manager that will be responsible for the delivery of the services.

The Project Manager must have the following skills and experience:
(NKE3)

- At least 3 years of professional experience in a consulting, management, event organisation or operational environment and in a multi-cultural environment.
- Excellent communication skills and computer skills
- Knowledge of procurement procedures supplies and services and of the relevant market.
- Experience in similar thematic (energy, development) is an asset.

The expert will ensure the correct application of the TAF contract rules as regards incidental expenditure, liaise with both experts/delegates and the ECS for all activities. The 5 days represent a total period of engagement that can be spread throughout the duration of the activities.

7. LOCATION AND DURATION

7.1. Location: The place of work is Brussels for activities No 1 to 3, and the respective countries for activity No 4 (*PM: The ECS will provide suitable space and IT equipment at their headquarters for the four secondees to be able to work.*)

7.2 Duration: The duration of this specific assignment will be until the last activity is implemented that is tentatively scheduled for the second quarter of 2015.

7.3 Indicative calendar:

- October 2014 – May 2015: Activity 1 - Secondment of national delegates to the Energy Charter Secretariat in Brussels from the 4 selected countries.
- 4-7 November 2014: Activity 3 - Participation of national delegates in ECS training in Brussels.
- Early 2015: Activity 4 - Meetings of ECS staff with national / regional authorities.
- February 2015: Activity 5

8. REPORTING

The ECS and the respective countries will be providing the reports material needed for this action.

All reports will be transmitted to the TAF and DEVCO C5.

9. OTHER INFORMATION

Contact point at DG DEVCO C5:

Contact point at DG DEVCO C5 for TAF:

10. ADMINISTRATIVE INFORMATION

The expert(s) will have to liaise with their respective Embassies and Consulates for any issues related to visas.

The EU Delegations concerned have to be contacted immediately when the date of arrival and departure of the experts is known. The EU Delegations could assist (if needed) in establishing a meeting agenda for the experts.

The below table sets out the main activities and the resources/inputs expected.

Table 1 - Effort needed from Project Manager to be appointed under TAF conditions*

| | Expert category | TOTAL MANDAYS |
|--------------------------------------|------------------------|----------------------|
| <i>NKE Project Manager</i> | <i>NKE3</i> | <i>5</i> |
| <i>Additional day for Activity 5</i> | | <i>1,5</i> |
| TOTAL | | 6,5 |

*(in-house personnel of the TAF Consortium is not excluded provided that they are dedicated to this mission and replaced during designated full or part time working days).

Table 2 – Initial Estimated Budget for incidental expenditures

| | Quantity | Unit cost | Total (Euro) |
|---|----------|--------------------|--------------|
| Activity 1 | | | |
| Secondees (4 persons x 3 months) | 12 | 2.500 ² | 30.000 |
| Air fare (4 persons return ticket) | 4 | 600 | 2.400 |
| Total activity 1 | | | 32.400 |
| Activity 3 | | | |
| Training – travel (tickets and accommodation) | 4 | 1.350 | 5.400 |
| Total activity 3 | | | 5.400 |
| Activity 4 | | | |
| Air fare (2 persons x 4 countries) | 8 | 600 | 4.800 |
| Per diem (2 persons x 4 countries x 3 days) | 24 | 180 ³ | 4.320 |
| Total activity 4 | | | 9.120 |
| TOTAL | | | 46.920 |

Table 2 – Revised Estimated Budget for incidental expenditures

| | Quantity | Unit cost | Total initial TOR | New budget |
|--|----------|----------------------|-------------------|-----------------|
| Activity 1 | | | | |
| Secondees (4 persons x 3 months) | 12 | 2.500 ^[1] | 30.000 | 30000 |
| Air fare (4 persons return ticket) | 4 | 600 | 2.400 | 4267,693 |
| Cost for plane ticket of the 4 th secondee Uwakwe Ukuta Azikiwe – estimation of 1500, to be recovered at cost | | | | +1500= 5767,693 |
| Total activity 1 | | | 32.400 | 35.767,693 |
| Activity 3 | | | | |
| Training – travel (tickets and accommodation) | 4 | 1.350 | 5.400 | |
| Total activity 3 | | | 5.400 | 0 |
| Activity 4 | | | | |
| Air fare (2 persons x 4 countries) | 8 | 600 | 4.800 | |
| Per diem (2 persons x 4 countries x 3 days) | 24 | 180 ^[2] | 4.320 | |

² The allowance is a lump-sum to cover day-to-day living costs while in Brussels and all expenses to be covered by per diem need to be paid from this allowance. The receipt of the amount will be certified by signature by the four secondees. The total amount received by the secondees for this mission from TAF and from their government or any other source should not exceed the value of approved per diems rates for the respective periods (http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

³ Actual per diem rate will vary according to country visited.

^[1] The allowance is a lump-sum to cover day-to-day living costs while in Brussels and all expenses to be covered by per diem need to be paid from this allowance. The receipt of the amount will be certified by signature by the four secondees. The total amount received by the secondees for this mission from TAF and from their government or any other source should not exceed the value of approved per diems rates for the respective periods (http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

^[2] Actual per diem rate will vary according to country visited.

| | Quantity | Unit cost | Total initial TOR | New budget |
|---|----------|-------------|-------------------|-------------------|
| Total activity 4 | | | 9.120 | 9120 |
| Activity 5 (new) | | | | |
| Secondee 1: Mauritania, Moud Bousseif | | | | |
| Flight Nouakchott-Rabat (to be recovered at cost) | 1 | 700 | 700 | |
| Perdiem in Rabat 3 nights (23-26 of February) | 3 | 179 | 537 | |
| Secondee 2: Mozambique, Anucêncio Bouene | | | | |
| Flight Maputo-Rabat –Maputo (to be recovered at cost) | 1 | 2100 | 2100 | |
| Perdiem in Rabat 3 nights (23-26 of February) | 3 | 179 | 537 | |
| Secondee 3: Nigera, Uwakwe Ukuta Azikiwe | | | | |
| Flight Abuja-Rabat-Brussels (to be recovered at cost) This will be a cost allocated to Activity 1 | 1 | 1500 | 0 | |
| Perdiem in Rabat 4 nights (22-26 of February) | 4 | 179 | 716 | |
| Secondee 4: Tanzania, John Francis Kitonga | | | | |
| Return flight Bruxelles-Rabat – Dar Es Salam A new return ticket needs to be issued. The initial ticket was bought with Emirates Airlines and Emirates doesn't flight to Rabat, neither from Rabat to Dar Es salam (to be recovered at cost) | 1 | 1000 | 1000 | |
| Perdiem in Rabat 3 nights (23-26 of February) | 3 | 179 | 537 | |
| Total activity 5 (estimate) | | | 6127 | 6127 |
| TOTAL (without Activity 3, but including Activity 5) | | | | 51,014,693 |

(DEVCO)

From:
Sent: 21 May 2015 14:37
To:
Cc:
Subject: RE: International Energy Charter / Sub-Saharan Africa

Dear

Thanks very much for your email. With regard to the concerns on the political readiness of the proposed countries, I would like to say that we have already engaged in a dialogue with senior officials within the ministries of energy and they clearly expressed their interest in participating in the proposed programme leading to capacity building, political commitment and, at a later stage, legal agreement. The trade and investment framework of the Energy Charter provides an international benchmark for national market reform, which along international financial assistance, is a key instrument to leverage private capital and contribute to the objective of universal access to cleaner, modern and affordable energy.

Certainly, this programme may greatly benefit from a closer cooperation with EU Delegations. In the first assignment this collaboration was probably a bit neglected and limited to a consultation on the designation of the national expert to be seconded to Brussels. But we are learning and improving by doing and, in Maputo, the Energy Charter and the EU Delegation met together the Minister of Energy and Mineral Resources of Mozambique, after having held an exchange of views on the EU DEL premises. This is a precedent to build on.

We would be delighted to involve the EU Delegations, as much as they wish, throughout the entire programme: designation, secondment, pre-assessment report, meeting with national authorities, dissemination and follow-up. This implies that the secondee, while in Brussels, would be available to answer or facilitate any questions from the EU DEL. Also, the pre-assessment report could focus further on the EU action on the energy sector in the selected country.

Furthermore, the Energy Charter will offer its growing intergovernmental platform for the selected countries to channel their energy concerns across the world and business community. The International Energy Charter was adopted yesterday in The Hague by 75 countries and more countries will join in the next weeks and months, quite a few from Africa. The Energy Charter / DEVCO collaboration appears as a unique opportunity for African countries to raise their voice on energy issues and get attention from the EU and international community, both governments and industry, and benefit from best practices and experiences on energy market reform and an investment-friendly environment.

During the 2-day mission in Kigali beginning of March, the bilateral meetings with the 5 countries of the East Africa Community were continuously re-scheduled according to the ministers' availability, which unfortunately did not help to coordinate with the EU DEL in Rwanda. As said before, this was fixed in the mission to Maputo. And we are now starting to plan the missions to Mauritania and Nigeria within the current programme and we will be more than pleased to involve the EU Delegations.

Many thanks.

Regards,

From: .
Sent: Wednesday, May 20, 2015 3:40 PM
To:
Cc:
Subject: RE: International Energy Charter / Sub-Saharan Africa

Dear .

Thank you very much for this update.

I am happy to learn that the efforts supported by this project have started to show tangible results.

As I mentioned before, the EU Delegations (from the countries targeted by the first phase of the project, but also the ones in the proposed countries) are currently consulted regarding this project. According to the feedback received until now, it seems there are some concerns regarding the political readiness of the proposed countries for such a process, but also some questions on how to involve more the EU DELs in this project. As soon as the internal consultation is finalised, we will come back to you, but it would be very useful if in the meantime you could provide us with a short note of the concrete deliverables of this project and perspectives (for each targeted country) and also with a working plan for the proposed countries (in order to ensure a better implication of EU DEL in the project).

Thank you,

Best regards,

From: .
Sent: Wednesday, May 13, 2015 9:48 AM
To: .
Cc: .
Subject: International Energy Charter / Sub-Saharan Africa

Dear .

For your information – Attached you may find the list of countries to attend next week The Hague Ministerial Conference that will adopt the new International Energy Charter (IEC).

You may note that our project is beginning to bear fruit as an increasing number of African countries are drawn in to the process. Three out of four countries of the current project (Mauritania, Nigeria and Tanzania) will be in The Hague. The forth one, Mozambique, asked, during our visit to Maputo, for more time to settle the new ministry organisation and get ready for international relations. Also, the six countries proposed in the second assignment (Burundi, Chad, Namibia, Niger, Uganda and Rwanda) have confirmed their participation in The Hague Conference and are willing to work with the Energy Charter Secretariat. (Rwanda's letter arrived yesterday so it does not yet appeared in the attached draft list).

It is also interesting to see that four out of five countries composing the East Africa Community (Burundi, Uganda, Rwanda and Tanzania) will become members of the IEC. The fifth one, Kenya, is not ready to adopt the IEC but expressed interest in further involvement. All those countries were approached at high-level bilateral meetings during the Kigali conference beginning of March, which was financially supported by DEVCO/TAF.

I take this opportunity to kindly ask you about an update on the assessment of our proposal for a second assignment (emails below).

Thanks very much.

Best regards,

From: [REDACTED]
Sent: lunes, 23 de marzo de 2015 14:07
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Kigali + Pilot II

Dear [REDACTED],

Thank you for this document presenting the proposal to extend the current project to other African countries (namely Burundi, Chad, Kenya, Niger, Rwanda and Uganda).

In order to assess the possibility to support this project we would need some additional information as follows:

- A description of the concrete results of the first project targeting Mauritania, Mozambique, Nigeria and Tanzania.
- Brief presentations on the current status of the discussions on ECT and IEC with the proposed countries (Steps already taken, perspectives of their involvement / interest etc).

Thank you in advance for this information,
Best regards,

From: [REDACTED]
Sent: Wednesday, March 11, 2015 6:51 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Kigali + Pilot II

Dear [REDACTED],

I am writing to you with reference to my previous email.

As promised, I have attached a proposal for an extension to the current pilot project, in order to keep working and progressing in the African region.

The project is very welcome by the beneficiary countries and the outcomes are being satisfactory. Therefore, as anticipated yesterday, the idea is to continue further cooperation with Sub-Saharan countries on the dissemination and capacity building on international principles and rules for efficient energy markets.

I look forward to hearing from you in the near future. If you have any questions regarding our new proposal I remain at your full disposal.

Many thanks.

FLASH REPORT

Meeting of SG U RUSNAK and DDG K. RUDISCHHAUSER (24 June 2015)

- The meeting was requested by SG amb. U. Rusnak to discuss about ECS' proposal to extend the pilot project aiming at promoting the rule of law in African countries on the basis of the Energy Charter Treaty (ECT) (*targeting initially Mozambique, Tanzania, Nigeria and Mauritania*) to other African countries - Burundi, Chad, Kenya, Niger, Rwanda and Uganda.
- DEVCO expressed its appreciation for ECS commitment to extend their activities to Sub-Saharan African countries.
- ECS underlined that this proposed project is a programme with quick obligations for partner countries (many African countries have already committed themselves by signing the IEC), but the results will show on long term. That is why the project needs time to have concrete policy results. Although IEC is a political declaration and not a legally binding document, it is very encouraging to see the reactions and the interest expressed by the African countries. IEC process is complementary to EU actions on sustainable energy. In the new IEC, energy poverty has been included as one of the dimensions of the energy security concept.
- As a reaction to DEVCO's concerns regarding the readiness of the proposed countries to get engaged in such a complex process as ECT, amb Rusnak opined that more awareness about the complementarities of the ECT and EU actions is needed (stressing that EU is also a signatory of the ECT). He acknowledged that the involvement of the EU DELs in this project should have been done in a better way and this is one of the lessons learned from the first phase. In this context, he proposed DEVCO to invite ECS in our events to present their work, this contributing to building synergies between EU and ECT. Also, he expressed ECS availability to participate and present the ECT / IEC process in DEVCO's training sessions organized for colleagues from EU DELs.
- The budget proposed for this second phase of the project is around EUR 140.000 for 6 countries, but in case DEVCO can allocate for this just a smaller amount, ECS may redesign it and decrease the number of the targeted countries. ECS is very flexible in order to get a budget dedicated to this, because if DEVCO cannot fund it, they need to drop the project (that was initially proposed by ECS following DEVCO's suggestion to extend the activities the ECS was carrying out in North Africa and Middle East). ECS cannot cover the costs of this project from the general resources as there are some members in its constituency that are more interested in other regions and ask to redirect the available resources towards those countries and not to Africa.
- The requested budget will ensure activities in Sub-Saharan African countries until March 2016 and after that, considering also the outcomes of the project, new funding instruments could be identified.
- DEVCO mentioned that the first phase of the project targeting the 4 countries, being a pilot initiative, was funded under the EU TAF, but currently it is not possible to prioritise additional assistance for the second phase under this instrument. Also it was pointed out that no requests from partner countries for supporting them in relation with ECT/IEC process have been received by EU DELs.
- DDG Rudischhauser underlined that this project could be included as a component of EU's tool box supporting partner countries in Africa in achieving sustainable energy goals. In this context, he expressed its support for this proposal and assured ECS that DEVCO's services will try to identify

possible funding instruments for this proposal. The regional programmes could provide some funding. Since the Budgetary Committee of ECS will meet on 15 September, it is very important for ECS to know before if DEVCO can provide funds for this proposal so that they can organize and plan accordingly their activities.

From:
Sent: 13 July 2016 19:38
To:
Cc:
Subject: RE: Meeting
Attachments: Int Energy Charter Signatories & Adopting Countries.pdf; Senegal.pdf; Nigeria.pdf; Mission to Cabo Verde.pdf; Chad.pdf; SADC Ministers Meeting 21 June 2016.pdf; 20160711 IntEnCh session UNCTAD WIF.docx; TICAD.pdf; ECOWAS ERERA.pdf

Dear ,

I would like to tell you in advance of our meeting on Friday about the Energy Charter recent work regarding Africa. Please consider the following activities and related documents attached:

- **DEVCO TAF** pilot project 2014 – 2015. Secondment and assessment reports of Mauritania, Mozambique, Nigeria and Tanzania, and missions to Rwanda to the East African Community Oil Conference and to Mozambique to meet the Minister of Energy Pedro Couto.
- **2015 INTERNATIONAL ENERGY CHARTER** - Signed by Benin, Botswana (adopted), Burkina Faso (adopted), Burundi, Chad, ECOWAS, Mauritania, Morocco, Niger, Swaziland, Tanzania and Uganda. (Attachment)
- **SENEGAL** – Letter on 6 June 2016 expressing the agreement by the President of Senegal H.E. Macky Sall to sign the International Energy Charter. (Attachment)
- **NIGERIA** – Letter on 13 June 2016 informing that approval to sign the International Energy Charter was being sought, through the Minister of Science and Technology, during a planned June-July 2016 visit to Nigeria. (Attachment)
- **ECOWAS ECREEE** (ECOWAS Centre for Renewable Energy and Energy Efficiency) – Mission to Praia, Cabo Verde, on 29 May – 2 June 2016 to prepare a joint Ministerial ECOWAS Forum on Renewable Energy and Energy Efficiency in October 2016. (Attachment)
- **ECOWAS RERA** (Regional Electricity Regulatory Authority) – Request for support for the implementation of the principles of the ECOWAS Energy Protocol and of the Energy Charter in West Africa. (Attachment)
- **ECOWAS Ambassadors Group** meeting in Brussels on 14 June 2016 – Presentation of the International Energy Charter and invitation to the Ministerial Conference on 25-26 November 2016 in Tokyo, Japan.
- **CHAD** – Letter by the Minister of Oil and Energy, Mr Djerasse Le Bemadhel, regarding a Seminar next week on 18-19 July 2016 in N'Djamena about the dissemination of the Energy Charter. (Attachment)
- **SWAZILAND** – Signature of the International Energy Charter on 16 Dec 2016 in Brussels by the Swazi Ambassador H.E. Joel M. Nhleko. Secondment of energy expert to the Secretariat in Brussels from June to August 2016 to prepare accession reports to the Energy Charter Treaty.

- **SADC** Ministers of the 15-country Southern African Development Community in Gaborone, Botswana, on 21 June 2016, were invited to note and consider the International Energy Charter as well as Tanzania's and Swaziland's experiences as observer countries. (Attachment)
- **UNCTAD** World Investment Forum 2016 in Nairobi, Kenya – Energy Charter / UNCTAD Join session on 20 July 2016 devoted to “Open markets to mobilise sustainable energy investments – Predictability and rule of law in sustainable investment strategies”. (Attachment)
- **TICAD** – Participation in the Ministerial Meeting of the Tokyo International Conference for Africa Development (TICAD) in Banjul, Gambia on 15-17 June 2016, and on 27-28 August 2016 in Nairobi, Kenya, at the level of Heads of State and Governments. (Attachment)

The International Energy Charter and Energy Charter Treaty are benchmarks for good governance in the energy sector and contribute to an investment-friendly environment. In order to expand the knowledge and implementation of those principles and rules the Secretariat focuses on the following areas of work: 1) Secondment programs of 3-month in Brussels; 2) Assessment reports; 3) Meetings in capitals with Ministers of Energy and other relevant ministries (e.g. industry, trade, economy, foreign affairs); 4) Training programs of a few days in Brussels and capitals.

The Secretariat estimates that engaging with African countries amounts to 50,000 Euros/country/24 months. This would cover secondments programs, assessment reports, translation and dissemination, missions to meet ministers, participation in relevant international meetings, and training programs.

The experience has shown a great interest from African countries in embracing and implementing the common principles of the International Energy Charter, and some countries are moving towards accession to the Energy Charter Treaty. The pilot project under the TAF targeted four countries and amounted to around 50,000 Euros. This appeared to be value for money and a cost-effective way to actively promote principles for good governance in the energy sector. African countries, as observers or as full contracting parties, may greatly benefit from the Energy Charter at no cost (zero in the case of observers and symbolic in the case of future contracting parties). However, the budget of the Secretariat does not allow the continuation of this activity at the same level. This is why external funding, such as the generously granted by DEVCO in 2014-2015 to the Energy Charter Secretariat, is necessary to meet the increasing demand in capacity building and participation in the International Energy Charter process.

Thanks very much. I look forward to meeting you on Friday.

Regards

From: (b) (6)
Sent: Friday, July 15, 2016 2:52 PM
To: (b) (6)
Cc: (b) (6)
Subject: Energy Charter - flash report

Dear (b) (6),

Following last week meeting of Energy Charter Secretariat (ECS) and DG (b) (6), I met this morning with (b) (6) ECS. The main issues discussed were:

- There is **high interest in the Energy Charter expressed by several African countries**, but there is not enough knowledge and capacity. The best way to build the knowledge is to bring national civil servants to Brussels for a 3-month secondment to ECS.
- Main results of the pilot project targeting Mauritania, Tanzania, Nigeria and Mozambique are:
 - o Following the secondment of its expert and the discussions with the ECS experts, Tanzania decided to sign the International Energy Charter in the Hague Conference (May 2015).
 - o Mauritania – one of the reports needed for the country's accession is now ready.
 - o Mozambique and Nigeria – reports are finalised, the one on Mozambique was published last week (with disclaimer, as the Government did not agreed to publish it as a Governmental report) and the one on Nigeria will follow. A meeting with the Nigerian Government – Ministry of Science and Technology is currently planned for taking place in the following period. ECS will inform EUD also in case it is possible / there is interest to join.
 - o All targeted countries have now a clear understanding about the role of the Energy Charter and its impact for market reform, being therefore interested in working together towards putting in place the needed regulatory framework.
- The **annual Energy Charter Conference will take place in Tokyo end November 2016**. New countries are expected to sign the Energy Charter with that occasion. Several countries have shown interest in becoming more engaged in the Energy Charter process such as: Cape Verde, Senegal, Chad, Swaziland.

- ECS approach in promoting the International Energy Charter includes three components: **at country level – political discussions**; with support from **regulatory authorities / organisations** and through **regional associations** that could play a key role in facilitating an open, regulated and secure energy market (East African Community (EAC), Southern African Development Community (SADC), ECOWAS, SAHEL).
- A meeting with ECOWAS ambassadors was held in Brussels on 14 June (ECS came with the idea to invite also DEVCO, but because it was too late this was not possible).
- A seminar about the dissemination of Energy Charter information will take place next week in Chad (18-19 July). EUD is also invited.
- ECS budget is to be reduced significantly starting with next year and resources to continue extending the Energy Charter process towards Africa need to be identified. EU DEVCO support would be very much appreciated. The estimation done by ECS is around **50.000 EUR* / country / 2 years**. Taking into consideration the experience of the pilot project, ECS considers that a duration of 24 months per country is a realistic period to achieve good results.
- The main activities proposed are similar with the ones of the pilot project: 1) Secondment programs of 3-month in Brussels; 2) Assessment reports; 3) Meetings in capitals with Ministers of Energy and other relevant ministries (e.g. industry, trade, economy, foreign affairs); 4) Training programs of a few days in Brussels and capitals. Also, support might be needed to cover costs linked to the participation of African officials' in Tokyo.
- The governments interested in the Energy Charter process could request EU support through the EU Delegation. ECS stressed that some support letters have been already sent, but they are addressed to the Secretariat. However, they will discuss with their partners and advise them to ask support also through EU Delegations.
- A meeting between [redacted] ECS, and DG [redacted] is planned for **September 2016**. ECS would like to have some progress / decisions before this meeting.

I would propose, as a first step, to contact EU Delegations (for the moment in those countries that have already shown interest - Cape Verde, Senegal, Chad, Swaziland) to ask their opinion about this initiative.

Thank you for your feedback and instructions.

Best,

From:

Sent: Tuesday, March 28, 2017 5:07 PM

To:

Cc:

Subject: RE: DEVCO - Speaker Invitation 12 May 2017 International Energy Charter

Dear

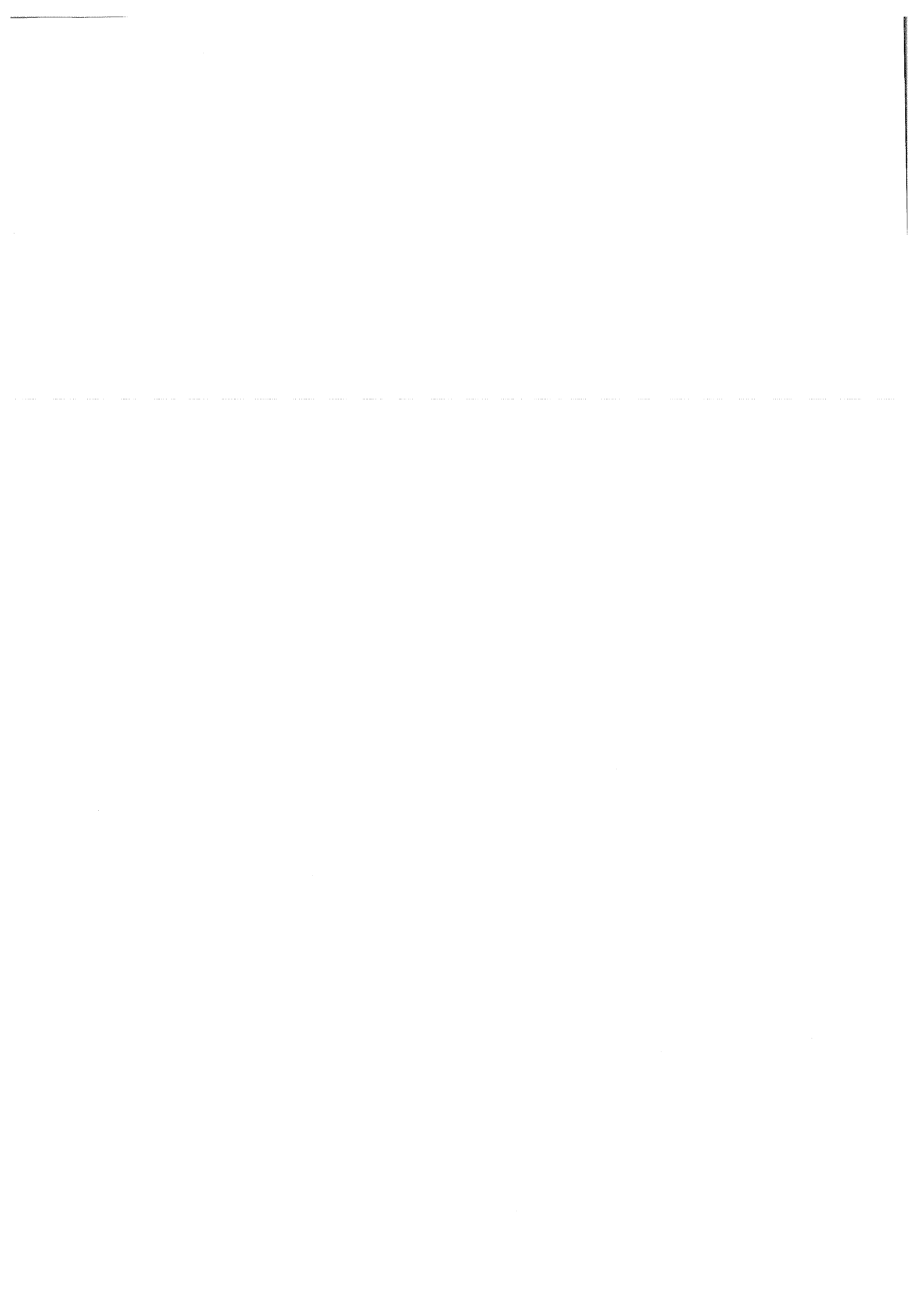
Thanks very much. The 12 May forum announcement and link to the draft agenda are now available at <http://www.energycharter.org/what-we-do/events/brussels-international-energy-charter-forum/>

You will be part of the Second session, "The right to regulate – Best practices in regulatory reform to attract investment and minimise investment disputes". We would like to know DEVCO's views on investment friendly frameworks for sustainable energy as an objective of development and cooperation policies. Other speakers will present regional regulatory experiences (EU, ECOWAS and ACP).

Registration was opened a few days ago. So far we have received registrations from country representatives of Kenya, Burundi, Yemen, Jordan, Ukraine, Pakistan, Estonia, Mongolia, the EU (DG Trade and DG Maritime), law firms and energy companies. I will be pleased to send you an updated list of participants later on.

Please let us know any questions you may have.

Kind regards,





Brussels, 3 February 2017
Reg. No.: SG/17/E/073

Mr Felice Zaccheo
Head of Unit - Sustainable Energy and Climate Change
European Commission, DG DEVCO

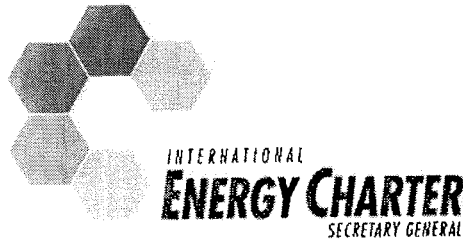
Dear Mr Felice Zaccheo,

I would like to invite you as a speaker to the International Energy Charter Forum 'Mobilising Investments for a Sustainable Energy Future' that will take place on 12 May 2017 in Brussels on the new premises of the Energy Charter Secretariat at 46 Boulevard de la Woluwe. Your contribution would be highly appreciated, as the forum aims to deliver cutting-edge thinking and debate on policy, legal and regulatory aspects concerning the undergoing transition towards a sustainable energy model.

The forum is organised by the Secretariat in partnership with the Florence School of Regulation (FSR), the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the Permanent Court of Arbitration (PCA) and the International Centre for Settlement of Investment Disputes (ICSID). I am very pleased that the former EU Commissioner for Energy and for Development Mr Andris Piebalgs is part of the organisation team.

The forum will look into two key instruments at stake in the sustainable energy transition: the 1994 Energy Charter Treaty (ECT), a legally-binding agreement with more than 50 contracting parties, and the 2015 International Energy Charter, a declaration to reinforce the political commitment to create a friendly-investment climate, which has so far 80 signatories. Both documents provide legal and political benchmarks for stable and sustained investment in the energy sector. They are technological-neutral and have a broad approach covering the whole energy sector.

The first morning session will deal with the necessity of stable investment conditions to implement the UNFCCC Paris Agreement and achieve the UN Sustainable Development Goals on universal energy access. At the same time, stable conditions legitimately expected by investors need to conciliate with states' right to regulate the public economic interest in changing market circumstances. The second session will focus on best practices in regulatory reform to attract investment and minimise disputes. Regulatory experiences, such as those examined by the FSR, could play a role in supporting the International Energy Charter.



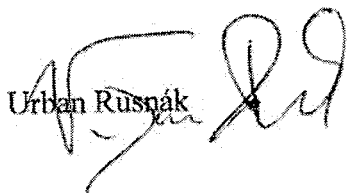
The policy-oriented, preventive and ex-ante regulatory presentations of the morning, will be complemented in the afternoon with an ex-post legal approach related to disputes settlement. The third session will tackle the concept of investment protection standards, which are ultimately interpreted by arbitral tribunals in actual investor-state disputes. The fourth session will review the work in progress in investment dispute settlement. By January 2017, more than 100 investment disputes under the ECT have been lodged before the SCC, the PCA and the ICSID, most of the cases are still pending and have a direct impact on the sustainable energy transition.

The forum targets a broad international audience, including policy-makers, government representatives, regulatory authorities, energy companies, lawyers, experts and academics.

Should you have any question, please contact at your earliest convenience Mr Andris Piebalgs (Andris.Piebalgs@eui.eu) or Mr Ernesto Bonafé (Ernesto.Bonafe@encharter.org).

I sincerely hope that you will be in a position to accept this invitation and look forward to welcoming you personally in Brussels.

Sincerely,


Urban Rusnák

From:
Sent: 02 March 2017 20:35
To:
Cc:
Subject: Africa / International Energy Charter
Attachments: IEC-Programme of event Febr 2017.doc; 0178-IN-020317-Burkina Faso, Embassy in Brussels.pdf

Dear

An update on Africa:

1. **Chad** - As requested, I will liaise with Costina to start the preparations needed for the new assignment. For all correspondence with the Chadian authorities, I will keep you and EUD in copy.
2. **Nigeria** – Attached the final programme of the signing ceremony in Abuja on 7 March (It was shared with the EUD). SG Urban Rusnák will meet Mr Richard Young, Deputy Head of Delegation, since Amb Mr Arrion won't be in Abuja on 6 and 7 of March.
3. **Uganda** - A civil servant from the Ministry of Energy and Mineral Development started on 27 February a 3-month secondment to prepare an energy efficiency report at the Secretariat in Brussels.
4. **Burkina Faso** - The Embassy in Brussels has told us about the Government's decision to sign the International Energy Charter (letter attached).

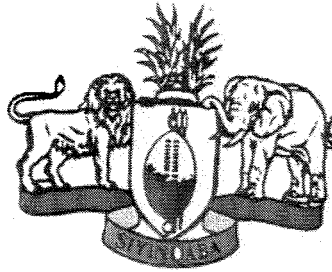
Many thanks.

Regards,



SWAZILAND

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6244/8
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404 7252
Telex: 2301 WD
E-mail: mnre@realnet.co.sz.



GOVERNMENT

Ministry of Natural Resources and
Energy
P. O. Box 57,
Mbabane,
Swaziland

YOUR REF:

12th March, 2015.

OUR REF: NRF/E/118.

H.E. Ambassador Urban RUSNAK,
Secretary General,
Energy Charter Secretariat,
Brussels.

Your Excellency,

RE: INTERNATIONAL ENERGY CHARTER SECRETARIAT.

Reference is made to your letter SG/15/E/0065 dated 22nd January, 2015.

The Ministry confirms receipt of the draft text of the International Energy Charter. The Ministry has reviewed the text and is in acceptance of the contents of the final draft text of the Charter which does not bear any legally binding obligation. In addition, the Government of the Kingdom of Swaziland would be honoured to take part as an observer in the Ministerial Conference on the International Energy Charter, "The Hague II" which will take place in May, 2015.

Grateful for your kind consideration and due process thereon.

Yours Faithfully,

A handwritten signature in dark ink, appearing to be 'J. Mashwama', written over a circular stamp.

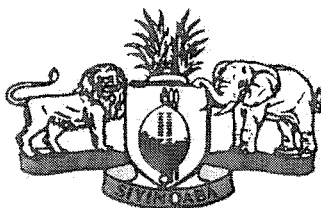
JABULILE MASHWAMA (SENATOR).

MINISTER OF NATURAL RESOURCES AND ENERGY.

Cc: H.E. J.M. Nhleko
Ambassador to the Swaziland Embassy, Brussels.

SWAZILAND

Telephone: (+268) 404 6244/8
Fax: (+268) 404 4708
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E-mail: mnre@realnet.co.sz



GOVERNMENT

Ministry of Natural Resources and
Energy
P. O. Box 57,
Mbabane,
Swaziland

Our Ref: NRF/E/118.

16th AUGUST, 2016.

Your Ref:

Mr. Nicola Bellomo,
His Excellency the Ambassador,
EU Delegation to the Kingdom of Swaziland,
MBABANE,
Swaziland.

| | |
|---------------------|-------------|
| RECEPTION SWAZILAND | |
| INCOMING DOCUMENT | |
| RECEPTION | |
| DATE: | 22/08/2016 |
| NAME: | EN |
| SIGN: | [Signature] |

Dear Sir,

**RE: REQUEST FOR SUPPORT FROM THE EUROPEAN UNION TECHNICAL
ASSISTANCE FACILITY FOR CAPACITY BUILDING ON THE
INTERNATIONAL ENERGY CHARTER.**

The Ministry humbly requests support of Swaziland for capacity building for the Energy Department to fully participate in the International Energy Charter Process.

The International Energy Charter is a declaration of political intention aiming at strengthening energy cooperation between the signatory states and which does not bear any legally binding obligation or financial commitment. The International Energy Charter reflects some of the most topical energy challenges of the 21st century, in particular:

- the full scope of multilateral documents and agreements on energy developed in the last two decades, and the synergies among energy-related multilateral fora, including the Energy Charter, in view of ensuring there is follow-up action,
- the growing need of developing countries for global energy security,

- the “trilemma” between energy security, economic development and environmental protection,
- the role of enhanced energy trade for sustainable development,
- the need to promote access to modern energy services, energy poverty reduction, clean technology and capacity building,
- the need for diversification of energy sources and routes,
- and, the role of regional integration of energy markets.

Swaziland signed the International Energy Charter in December 2015 as an observer. With support from the Energy Charter Secretariat an officer from the Energy Department was seconded to the Secretariat to prepare three (3) country reports for Swaziland's accession to the Charter.

In order to fully benefit from the status as observer to the International Energy Charter Swaziland is allowed to take part in the following initiatives for the purposes of Capacity Building:

1. Expert Meetings of the Strategy, Budget, Energy Efficiency, Investment and Trade & transit Groups
2. The Annual International Energy Charter Conference
3. Trainings offered by the International Energy Charter Secretariat
4. Secondment of officials of the Energy Department to the Secretariat and
5. Internships and Fellowships.

The Ministry therefore kindly requests the EU Delegation to support the Ministry in its endeavor to develop its capacity in the energy sector particularly with the vision to implement the principles of the Energy Charter in order to attract sustainable investments into the country's energy sector.

Grateful for your kind consideration and due process thereon.

Yours faithfully,


WINNIE T. STEWART.
PRINCIPAL SECRETARY.

From:
Sent: 04 October 2016 18:21
To:
Cc:
Subject: Energy Charter - Swaziland
Attachments: ToR Energy Charter second phase Swaziland - ver 04 10.doc
Importance: High

Dear

The Energy Charter Secretariat (ECS) has submitted to us a new proposal to extend the pilot project aiming to pave the way for a more comprehensive and multi-annual collaboration with African countries regarding the Energy Charter process project to other African countries.

Following the consultations we had with EU Delegations in the new proposed countries and considering the request received from the Ministry of Natural Resources and Energy of the Kingdom of Swaziland, it has been agreed to **mobilize support for Swaziland for the Energy Charter process under the EU TAF.**

In order to ensure consistency and continuity it would be a good option to use the TAF W&C Africa contract this being in line with the general ToRs of this contract that allow to deliver support also outside the geographical scope of the contract, but no more than 10% of the contract amount.

The main activities proposed for this new phase are similar with the ones of the pilot project and are detailed in the draft ToRs attached. Before launching formally this assignment, I would kindly ask the TAF opinion / suggestions on this draft document.

In order to avoid the difficulties faced in the initial pilot project, we would like to propose a slightly different working approach. First of all we would like to organize an **administrative meeting with you, ECS and C6** to discuss exactly the procedures and inform ECS that in case they do not follow them, we will not be in the position to cover those costs. Secondly, we consider useful to organize also a **meeting with the expert from Swaziland, ECS, TAF team** (a KE that is available and can be designated to follow the reports to be prepared by the secondee) and **C6 / geo colleagues**. This second meeting should take place the first week the secondee comes to Brussels.

Thank you in advance for your comments on this draft ToRs. Considering that the first training under Activity 3 is planned for 19-21 October 2016, the assignment needs to be launched very quickly and in this context I would very much appreciate receiving your comments / suggestions by tomorrow cob.

Best,

SPECIFIC TERMS OF REFERENCE
for
PROVIDING SUPPORT TO SWAZILAND IN COOPERATION WITH THE ENERGY
CHARTER SECRETARIAT
THROUGH ACTIVITIES AIMING AT PROMOTING INVESTMENT FRIENDLY
REGULATORY ENVIRONMENT ON THE BASIS OF THE ENERGY CHARTER
TREATY
- Assignment no 2 -

1. BACKGROUND

The Energy Charter Treaty (ECT) is an internationally legally binding text providing clear and predictable rules in the areas of investments, trade and transit in energy and energy efficiency, while explicitly protecting national sovereignty over natural resources. The ECT is a unique international agreement in the energy sector which is legally enforceable and as such it contributes to enhance the rule of law and an international level playing field.

The ECT, adopted in 1994, was preceded by the European Energy Charter of 1991, a political declaration expressing the commitment of a signatory country to move towards an upgraded international legal system. The 1991 European Energy Charter was updated by the adoption of the 2015 International Energy Charter, which has been signed by more than 75 countries from all continents.

Accession to the ECT is achieved through the following steps:

- Signature of the 1991 European Energy Charter.
- Approval of Accession Reports by the Energy Charter Conference.
- Accession approval by the national government / parliament, and signature of the ECT.

Observer status to the ECT may be achieved by:

- Signature of the 2015 International Energy Charter.
- Signature of the 1991 Energy Charter Declaration.

The proposed support is designed to assist Swaziland in its accession path to the ECT by providing capacity building and political dialogue for energy policy reform in line with the contents and objectives of the ECT.

The ultimate goal is that Swaziland could share the same market-based principles and rules with the ECT constituency in general and EU countries in particular. This would be achieved with national accession to the ECT. However, this may be a long-term objective that needs substantial technical assistance and political engagement as well as to take into account the country readiness to commit to international principles and rules in the energy sector.

2. BACKGROUND ON THE ENERGY CHARTER ACTIVITY IN SWAZILAND

On 16 December 2015, the International Energy Charter was signed by H.E. Mr Joel. M. Nhleko, Ambassador of Swaziland to Belgium. In this context and following further bilateral meetings, Swaziland confirmed its interest in the ECT and its willingness to participate in related capacity building activities.

The Energy Charter Secretary General Dr. Urban Rusnák met with H.E. Honourable Senator Jabulile Mashwama, the Minister of Natural Resources and Energy during the margins of the “The Growing Economies Energy Forum” on 22-23 June 2016 in London. During the bilateral meeting, the Minister expressed the country’s determination to move forward in the Energy Charter Process.

Following the country’s interest, a civil servant from the Ministry of Natural Resources and Energy, Ms. Candy Stromvig, was seconded to the Energy Charter Secretariat in Brussels for three months, from 1 June to 31 August 2016. During this period she started preparing the three accession reports on harmonisation of laws and regulations with the provisions of the ECT, energy efficiency, investment climate and market structure.

On 17 June 2016, the Energy Charter Secretariat participated in Southern African Development Community (SADC) meeting of Senior Officials responsible for energy in Gaborone, Botswana. During the meeting, the International Energy Charter was presented to the 15 member states of SADC. In their conclusions, Tanzania and Swaziland, being observers to the Charter, were invited to share their experiences as observers to the International Energy Charter with other SADC member states. Senior Officials report to SADC Ministers responsible for energy to take note of these developments during their 35th Meeting on 21 June 2016, one day after their participation in the SADC Joint Energy and Water Ministerial Workshop.

3. SPECIFIC ASSIGNMENT AND BUDGET

3.1 The “EU Technical Assistance Facility (TAF) for the "Sustainable Energy for All" Initiative (SE4All) - Western and Central Africa“ (Contract No 335152) has been chosen for this assignment as part of its scope described in 1.1, 2.3, 4.2 and 6.5 of the Terms of Reference.

3.2 The budget of the 335152 Contract is sufficient to cover the incidental expenditures for the activities proposed that are estimated to EUR **36.559**.

4. DESCRIPTION OF THE ASSIGNMENT

4.1. Objectives

The overall objective of this assignment is to provide capacity building on the basis of the ECT to Swaziland. This assignment is envisaged as the second phase of a project aiming to pave the way for a more comprehensive and multi-annual collaboration with African countries.

The assignment also aims to strengthen the capacity and energy framework of Swaziland to be in line with the requirements of the International Energy Charter in particular by the Secretariat’s experts assisting the development of an Energy Efficiency Policy and Strategy based on the Energy Charter Protocol on Energy Efficiency.

4.2. Methodology

Activity 1. To finalise the three Accession Reports for Swaziland

Objectives

To finalise the three Accession Reports which have been prepared by a secondee from Swaziland. These include: (i) Report on Harmonisation of laws and Regulations with the provisions of the ECT; (ii) Report on Energy Efficiency for Swaziland; (iii) Report on Investment Climate and Market Structure. As soon as the three Accession Reports to the ECT for Swaziland can be completed, they will be submitted to the Energy Charter Conference for adoption.

Description of work

One national expert from Swaziland will be selected and will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months during which the reports will be finalised. The selection of the expert to be seconded will be done by ECS in consultation with the EU Delegation. The confirmation of the expert should be done in writing by the national government. These reports will be the result of a joint effort of the national experts and the ECT experts and in constant contact with the national authorities.

According to the Energy Charter Conference Decision (CC.146 of 15.11.1999), the three Accession Reports consist of an in-depth analysis relevant for the ECT and will have the following content:

I. Harmonisation of laws and regulations with the provisions of the Energy Charter Treaty, including inter alia constitutional provisions and legal systems in relation to international treaties, current situation of market reforms, membership to international economic and environmental organisations, customs unions of free trade areas, foreign trade regimes, non-tariff measures, export incentives, customs regulations, free trade zones, trade agreements, legislative framework for competition, state aid, pricing of energy materials, legislative framework for transit, access terms to transit, transfer of technology, access to capital discriminatory elements, regulation on foreign exchange transfers to nationals and foreigners, sovereignty over the natural resources, institutional framework of environmental aspects and taxation.

II. Investment climate and exceptions to national treatment, including inter alia institutional structure and responsibility for energy policy, energy industry regulations, energy prices and taxation, energy supply and demand, energy efficiency policies and goals, market structures by sub-sectors: oil, gas, coal, electricity, nuclear power, renewable energy, monopolies and privatisation related with energy, general legislation related to investment, exceptions to national treatment.

III. Energy efficiency, including inter alia existing energy efficiency policies, laws and regulations, energy price policies, energy efficiency measures implemented in various sectors (private sector initiatives, financial incentives, promotion of technologies, sectoral programmes).

Each of these reports will be presented to the authorities in Swaziland, to the EU Delegation and to the ECT constituency at the regular meetings of Investment Group and Trade and Transit Group.

Deliverables

- Finalisation of the three Accession Reports
- Discussion of Accession Reports with the government of Swaziland
- If possible at political level, signature of the Energy Charter Treaty.

Expected results

- Raise awareness on the ECT at national level.
- Provide capacity building on the ECT relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 2. Development of an Energy Efficiency Policy and Strategy for Rural Areas based on the Energy Charter Protocol on Energy Efficiency

Objectives

To draft a country Energy Efficiency and Strategy.

Description of work

One national expert from Swaziland will be selected and will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 months during which the reports will be finalised. The selection of the expert to be seconded will be done by ECS in consultation with the EU Delegation. The confirmation of the expert should be done in writing by the national government. The secondment outcomes will be the result of a joint effort of the national expert and the ECT experts and in constant contact with the national authorities.

The work to be done includes preparing a country Energy Efficiency Policy and Strategy to be presented to the government for adoption. The Policy and Strategy will be aimed at addressing issues of efficiency, micro finance/subsidy schemes for renewable energy standards and equipment labelling.

The Policy and Strategy will then be presented to EU delegation and Swaziland cabinet for approval.

Deliverables

- Preparation of Energy Efficiency Policy and Strategy for Rural Areas
- Presentation and adoption of Policy and Strategy by government

Expected results

- Build capacity on Energy Efficiency Policy and Strategy issues
- Provide capacity building on the ECT relevant issues, such as investment, trade, transit and energy efficiency as the official will be exposed to the operations of the ECT and attend expert group meetings
- Strengthening of the national policy framework and political engagement to attract foreign investments in the energy sector

Activity 3 –Participation of national delegates in the 3-day training on Investment Dispute Resolution organised by the ECS in Brussels

Objectives

Participation of 2 delegates from Swaziland in energy trainings organised by the ECS in Brussels, the first of which will be on 19-21 October 2016 and it is expected to be attended by a delegate from the capital. The second training will be attended by the secondee who will be in Brussels to carry out Activity 2 above.

Description of work

Training programmes for young professionals in the energy field are part of the activities of the Knowledge Centre established under the auspices of the Energy Charter Secretariat in 2013. The Trainings tuition fees normally paid by attendees will be waived by the ECS for the Swazi delegates

The training will focus on the practicalities of Investment Arbitration. This hands-on training and open discussion will guide participants through the main stages of a typical Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and the Permanent Court of Arbitration (PCA) investment arbitration process in a very practical way. The training will also cover the complex area of determination of damages.

Upon completion of the training, participants will benefit from grasping a clear understanding, know how and skills necessary in order to help them face a typical investment arbitration process in a confident manner.

Deliverables

- Five core “knowledge streaming” learning modules offered over three days
- Instruction and top level expertise from up to a dozen international energy specialists.
- Simulation exercise modelling an investor-state dispute resolution process.
- International participants from across the Energy Charter member and observer constituency
- Dynamic and interactive professional learning environment at the Energy Charter Secretariat in Brussels
- Strong networking opportunities with international government, industry, regulators, EU officials, energy experts, etc. In total, around 30 participants will be expected
- Energy Charter Secretariat Knowledge Centre Certificate of Excellence upon completion.

Expected results

- To assist target countries officials to better understand different approaches to energy matters while exposing them to the use of legal instruments, guaranteeing efficient investment protection, the practice of intergovernmental negotiations, industry methods, and other relevant approaches in the framework of the ECT.

Activity 4 – Participation of the Minister from Swaziland in the 27th Meeting of the Energy Charter Conference in Tokyo on 25 - 26 November 2016

Objective

Participation of the Minister and one official from Swaziland in the 27th Meeting of the Energy Charter Conference in Tokyo.

Description

The Energy Charter Conference will hold its 27th Meeting on 25-26 November 2016 in Tokyo under the Chairmanship of Japan and the kind invitation of the Chairman of the Energy Charter Conference, Mr Fumio Kishida, the Minister for Foreign Affairs of Japan.

Deliverables

- Participation of Swaziland in its first ever Energy Charter Annual Conference.

Expected results

- To take active part in the governing body of the ECT as an international benchmark for good governance of the energy sector.

Activity 5 – Follow-up of the Accession Reports - Participation of ECS staff in a workshop with national authorities and stakeholders to report on the programme, disseminate the results and seek further engagement

Objectives

Facilitate the national government to explore further steps towards the beginning of the accession to the ECT and support to submitting the reports to the Energy Charter Conference.

Description of work

After Accession Reports for Swaziland are finalised and discussed within the Energy Charter Working Groups, the ECS experts will have one ad-hoc workshop with the national government representatives to follow-up on the reports. The travel costs and per diems of ECS staff participating in these meetings will be covered in the interest of this assignment.¹ The main focus is to meet officials in charge of national energy policy and those responsible for accession procedures i.e. the Ministry of Foreign Affairs and International Cooperation and the Ministry of Justice and Constitutional Affairs to report on the present programme and seek further engagement in the path to national adherence to the ECT.

Deliverables

- One workshop with the government of Swaziland.

Expected results

¹ ECS will have to send a signed note by its administration to the TAF management ensuring that no mission costs will be covered by the ECS

- To promote and facilitate a positive reaction to the Energy Charter and prepare the necessary further steps to become a member of the ECT.

3. BRIEF DESCRIPTION OF SERVICES REQUESTED

The services will be provided by the qualified personnel through payment of fees according to the contract.

The services requested are described below:

Activity 1 – Finalisation of the of Accession Reports to the ECT.

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Pay monthly allowance (a lump-sum of EUR 2500/ month/ seconded expert will be applied instead of per diem)

Activity 2 – Energy Efficiency Policy and Strategy for Rural Areas.

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Pay monthly allowance (a lump-sum of EUR 2500/ month/ seconded expert will be applied instead of per diem)

Activity 3 – Participation of national delegates in the 3-days training organised by the ECS in Brussels. One delegate nominated by the Swaziland will be the secondee already at the ECS in Brussels and the other will be an official coming from the capital.

- a) Cover the costs directly related to the participation of one representative from Swaziland.
 - i. Booking and coverage of cost of flights to/from Brussels
 - ii. Visa support (if needed).
 - iii. Per diems for one official (standard per-diems x 1 persons x 5 days).

Activity 4 - Participation of the Minister and one official from Swaziland in in the 27th Meeting of the Energy Charter Conference in Tokyo from 27 - 28 November 2016.

- a) Booking and coverage of cost of flights to/from Tokyo.
- b) Visa support if needed
- c) Payment of per-diems

Activity 5 - Follow-up of the Accession Reports in Swaziland - Participation of ECS staff in a workshop with national authorities and stakeholders, to report on the programme, disseminate the results and seek further engagement.

- a) Booking and coverage of cost of flights from Brussels to Swaziland
- b) Visa support if needed
- c) Payment of per-diems

4. TAF SUPPORT STAFF REQUIRED FOR THE ASSIGNMENT (EQUIVALENT TO NON-KEY EXPERT POSITIONS AS FORESEEN IN THE CONTRACT)

The coordination of this assignment should be made by TAF by appointing a Project Manager that will be responsible for the delivery of the services.

The Project Manager must have the following skills and experience:

(NKE3)

- At least 3 years of professional experience in a consulting, management, event organisation or operational environment and in a multi-cultural environment.
- Excellent communication skills and computer skills
- Knowledge of procurement procedures supplies and services and of the relevant market.
- Experience in similar thematic (energy, development) is an asset.

The expert will ensure the correct application of the TAF contract rules as regards incidental expenditure, liaise with both experts/delegates and the ECS for all activities. The 5 days represent a total period of engagement that can be spread throughout the duration of the activities.

5. LOCATION AND DURATION

7.1. Location: The places of work are: Brussels for activities No 1, 2 and 3; Tokyo, Japan, for activity No 4; and Mbabane, Swaziland for Activity No 5. *(PM: The ECS will provide suitable space and IT equipment at their headquarters for the secondee to be able to work.)*

7.2 Duration: The duration of this specific assignment will be until the last activity is implemented that is tentatively scheduled for second quarter of 2017.

7.3 Indicative calendar:

- October 2016 – January 2017: Activity 1 - Secondment of national delegate to the Energy Charter Secretariat in Brussels from the Swaziland.
- April-June 2017 : Activity 2 - Secondment of national delegate to the Energy Charter Secretariat in Brussels from the Swaziland
- 19-21 October 2016: Activity 3 - Participation of national delegates in ECS training in Brussels.
- 25-26 November 2016: Activity 4 - Participation of Minister in the Energy Charter Annual Conference in Tokyo.
- Early 2017: Activity 5 - Meetings of ECS staff with national authorities.

6. REPORTING

The ECS and Swaziland will be providing the reports material needed for this action.

All reports will be transmitted to the TAF, EUD and DEVCO C6.

7. OTHER INFORMATION

Contact point at DG DEVCO C6: .

Contact point at EU Delegation to Swaziland:

8. ADMINISTRATIVE INFORMATION

The expert(s) will have to liaise with their respective Embassies and Consulates for any issues related to visas.

The EU Delegation has to be contacted immediately when the date of arrival and departure of the experts is known. The EU Delegation could assist (if needed) in establishing a meeting agenda for the experts.

The below table sets out the main activities and the resources/inputs expected.

Table 1 - Effort needed from Project Manager to be appointed under TAF conditions*

| | | |
|----------------------------|------------------------|----------------------|
| | | |
| | Expert category | TOTAL MANDAYS |
| <i>NKE Project Manager</i> | <i>NKE3</i> | <i>5</i> |
| <i>TOTAL</i> | | <i>5</i> |

*(in-house personnel of the TAF Consortium is not excluded provided that they are dedicated to this mission and replaced during designated full or part time working days).

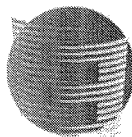
Table 2 – Estimated Budget for incidental expenditures

| | Quantity | Unit cost | Total (Euro) |
|---|----------|--------------------|--------------|
| Activity 1 – Brussels secondment | | | |
| Seconded (1 person x 3 months) | 3 | 2.500 ² | 7.500 |
| Air fare (1 person return ticket) | 1 | 1.500 | 1.500 |
| Total activity 1 | | | 9.000 |
| | | | |
| Activity 2 – Brussels secondment | | | |
| Seconded (1 person x 3 months) | 3 | 2.500 ³ | 7.500 |
| Air fare (1 person return ticket) | 1 | 1.500 | 1.500 |
| Total activity 2 | | | 9.000 |
| | | | |

² The allowance is a lump-sum to cover day-to-day living costs while in Brussels and all expenses to be covered by per diem need to be paid from this allowance. The receipt of the amount will be certified by signature by the seconded. The total amount received by the seconded for this mission from TAF and from their government or any other source should not exceed the value of approved per diems rates for the respective periods (http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

³ The allowance is a lump-sum to cover day-to-day living costs while in Brussels and all expenses to be covered by per diem need to be paid from this allowance. The receipt of the amount will be certified by signature by the seconded. The total amount received by the seconded for this mission from TAF and from their government or any other source should not exceed the value of approved per diems rates for the respective periods (http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

| | | | |
|---|------------|--------------|---------------|
| Activity 3 – Brussels training | | | |
| Air fare (1 civil servant from Swaziland) | 1 | 1.500 | 1.500 |
| Per diem (1 person x 5 days) | 5 | 232 | 1.160 |
| | | | |
| Total activity 3 | | | 2.660 |
| | | | |
| Activity 4 – Tokyo Conference | | | |
| Air fare (Minister and 1 officer) | 2 | 2.000 | 4.000 |
| Per diem (2 persons x 3 days) | 6 | 224 | 1.344 |
| Total activity 4 | | | 5.344 |
| | | | |
| Activity 5 – Swaziland meetings | | | |
| Air fare (2 persons from the Secretariat) | 2 | 1.500 | 3.000 |
| Per diem (2 persons x 3 days) | 6 | 155 | 930 |
| Workshop Venue 25 delegates | 1 | 500 | 500 |
| Coffee break and lunch for 25 pax (only if the venue charges separately for venue rental and catering) | 25 | 25 | 625 |
| Printing of reports - 3 reports approx. 50pgs | 150 | 10 | 1.500 |
| Total activity 5 | | | 6.555 |
| | | | |
| | | | |
| TOTAL | | | 32.559 |
| Contingency for business flight tickets (to be used only if there is a need for business flights for activity 4 and recovered at cost) | 2 | 2000 | 4000 |
| | | | 36.559 |



ENERGY CHARTER SECRETARIAT
СЕКРЕТАРИАТ ЭНЕРГЕТИЧЕСКОЙ ХАРТИИ

The Secretary-General
Генеральный Секретарь

Brussels, 23 December 2016

SG/16/E/0658

Dr. Dumisani Mngomezulu
Acting Principal Secretary
Ministry of Natural Resources and Energy
Mbabane, Swaziland

Dear Dr. Dumisani Mngomezulu,

Thank you very much for nominating Mr. Mzwandile Mkhulisi Thwala as secondee to the Energy Charter Secretariat for a period of 3 months.

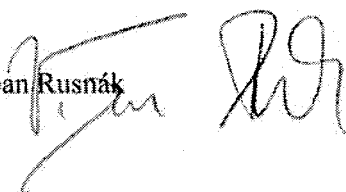
We are looking forward to hosting Mr. Thwala at the Secretariat in Brussels at his earliest convenience from 16 January 2016. I request you to let us know the precise dates for his arrival as soon as possible.

The secondment is an excellent opportunity to participate further in the Energy Charter Process. According to your recommendation, we are very pleased that Mr Thwala participates during his secondment in the development of the Energy Efficiency Policy and Strategy based on the Energy Charter Protocol on Energy Efficiency.

The related costs of the secondment will be covered by the Secretariat, in particular, an allowance 2.500 and a return ticket from Mbabane to Brussels.

To further facilitate this cooperation and other mutually beneficial activities between your country and the Energy Charter, my staff member (e-mail: urban.rusnak@encharter.org) is available to answer any questions you may have.

Yours sincerely,

Urban Rusnák 

Copy: H.E Joël Musa Nhleko Ambassador of Kingdom of Swaziland to Belgium

From:
Sent: 27 April 2017 11:38
To:
Cc:
Subject:
Attachments: 0407-SG-270417

Dear

Please find attached a letter by Secretary General of Swaziland that I kindly ask you to draw to the attention of A. and

Thanks very much.

Regards,

Expert on Regulation & Coordinator for Expansion
International Energy Charter
Bd de la Woluwe 46, B-1200 Brussels, Belgium

Brussels, 26 April 2017
SG/17/E/0407

H.E. Honourable Senator Ms Jabulile Mashwama
Minister of Natural Resources and Energy
Kingdom of Swaziland

Your Excellency,

I am very pleased to tell you that today Mr Mzwandile Mkhulisi Thwala, senior energy officer at the Ministry of Natural Resources and Energy of Swaziland, has successfully completed the 3-month secondment according to the existing collaboration framework funded by the European Commission, DG DEVCO, through the EU Technical Assistance Facility for the SE4All initiative.

Within the same framework, I am planning a mission to Mbabane in order to meet and discuss with you further engagement in the Energy Charter Process. Particularly, I am interested in the stakeholders' review and publication of Mr Thwala's report and, also, in the approval of the three Energy Charter Treaty accession reports that were prepared last year by the Ms Candy Stromvig during her secondment to the Secretariat in Brussels.

If you seem it appropriate, as possible dates of my mission to Mbabane could be considered a SADC regional energy ministerial meeting and a workshop that the ministry envisages to organise with stakeholders according to my understanding. In all cases, I will be very pleased to inform the EU Delegation to Swaziland as its involvement in this project is highly important. I would also like to consider the possibility of requesting an audience with His Majesty King Mswati III.

My collaborator responsible for regulatory and expansion activities Mr [redacted] will be the contact person to deal with any questions.

Sincerely,

Urban Rusnak

Copy:

- Ambassador Nicola Bellomo, Head of EU Delegation to Swaziland
- Mr Felice Zaccheo, Head of Unit, DG DEVCO – European Commission

Energy Charter Secretariat
Boulevard de la Woluwe 46
B-1200 Brussels, Belgium

Email: sgcgen@encharter.org
Web: www.energycharter.org
Phone: +32 2 775 98 10
Fax: +32 2 775 98 13

From:
Sent: 09 Februarv 2017 20:36
To:
Cc:
Subject: RE: InfoPoint Lunchtime Conference / Energu Charter / Swaziland & C°

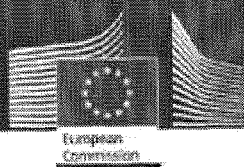
C'est bien noté pour le 20 avril.
Je reviendrai vers vous avec les informations requises la semaine prochaine.
Bien à vous.

From:
Sent: jueves, 09 de febrero de 2017 17:06
To:
Cc:
Subject: RE: InfoPoint Lunchtime Conference / Energu Charter / Swaziland & C°

Fixons le jeudi 20 avril.
Merci de m'envoyer dès que possible les informations suivantes pour préparer l'invitation.

- Votre intervention (titre)
- Le nom des participants au panel (les 3 stagiaires) et leur fonction, plus un titre pour le panel
- Un court descriptif de l'événement
- Une photo libre de droits

Merci
Exemple



EUROCLIMA+

EU Regional Climate Change and Environmental Sustainability Programme in Latin America

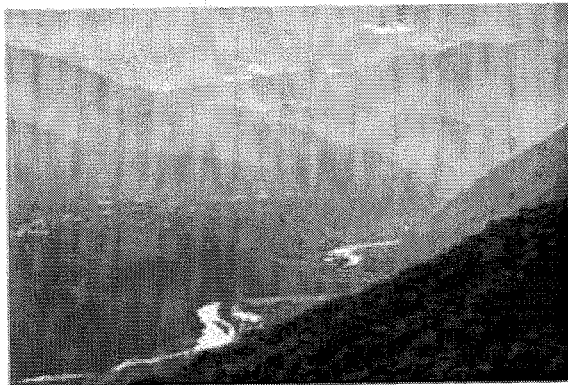
Thursday 16 February 2017, 12:30 – 14:00
Lunchtime Conference External Cooperation Infopoint

Introduction

- **Horst Pilger**
Head of sector, DEVCO G2 - Regional operations
Continental Latin America and Caribbean

Presentations

- **Jan Kerremans**
Director of EUROCLIMA Technical Assistance
- **Sonsoles Morales Álvarez**
Director for Economic Development and Environment,
International and Ibero American Foundation for
Administration and Public Policies (IIAAPP)
- **Dr. Jürgen Hess**
Climate Change Coordinator of the Department Asia,
Latin America and the Caribbean, German
Corporation for International Development (GIZ)



This year will see the launch of a new regional flagship programme EUROCLIMA+. It will build and go beyond the ongoing, successful, EUROCLIMA Programme. EUROCLIMA+ will assist Latin American countries in the implementation of the commitments on climate change they undertook in the run-up to the Climate Change conferences (COP21 and COP22).

Conference Language: English
Language Q&A session: English

Rue de la Loi 43-45, Ground floor, Brussels - Registration required via <https://www.eventbrite.com/e/infopoint-lunchtime-conference-euroclima-tickets-31963315136>
Information and web-streaming: www.ec.europa.eu/europeaid/infopoint



From: _____
Sent: Monday, February 06, 2017 3:25 PM
To: _____
Subject: RE: InfoPoint Lunchtime Conference

Le jeudi 20 avril. Merci.

From: _____
Sent: lunes, 06 de febrero de 2017 13:18
To: _____
Subject: FW: InfoPoint Lunchtime Conference

20 ou 21 avril ?

From: _____
Sent: Monday, February 06, 2017 12:52 PM
To: _____
Cc: DEVCO INFOPOINT CONFERENCES
Subject: RE: InfoPoint Lunchtime Conference

Chère

Malheureusement le 25 Avril a déjà été réservé. La semaine du 24 au 28 n'est pas disponible mais toutes les autres dates en avril sont encore libres.
Est-ce que je dois annuler le 9 Mars? Faites-moi savoir.

Merci,

REPUBLIQUE DU TCHAD

PRESIDENCE DE LA REPUBLIQUE

PRIMATURE

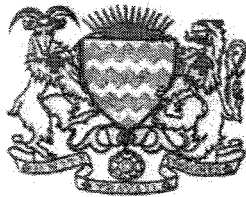
MINISTERE DU PETROLE, DES MINES ET DE L'ENERGIE

SECRETARIAT GENERAL

DIRECTION GENERALE DE L'ENERGIE

DIRECTION DE LA PLANIFICATION ENERGETIQUE

N° 18/PR/PM/MPME/SG/DGE/DPE/2015



UNITE-TRAVAIL-PROGRES

Ndjamena, le 26 FEV 2015

A

Monsieur le Secrétaire Général de la Charte de l'Énergie

OBJET : *Adhésion du Tchad à la charte de l'Énergie*

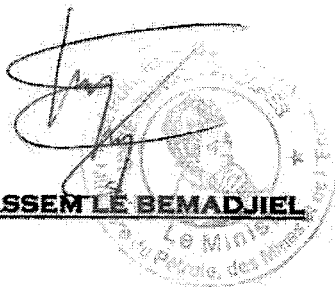
Monsieur le Secrétaire Général,

Suite à votre lettre référencée SG/IS/F/D132, du 4 février 2015, à travers laquelle vous avez exprimé le souhait de voir le Tchad devenir membre de la charte de l'Énergie, l'Ambassade de la République sœur de Turquie au Tchad, par le biais du Ministère des Affaires Étrangères et de l'Intégration Africaine, nous en a fait part par une correspondance datée du 6 février 2015.

A cet effet, tout en vous remerciant sur la considération que vous avez faite à mon pays, j'ai le plaisir, en tant que Ministre en charge de l'Énergie, de venir par la présente vous transmettre officiellement la candidature du Tchad, comme membre à part entière de ladite charte.

En vous souhaitant bonne réception, je vous adresse mes salutations les plus chaleureuses.

Le Ministre du Pétrole, des Mines et de l'Énergie.



DJERASSEM LE BEMADJEL

CC :

-MAEA-Tchad,

-Ambassade de Turquie au Tchad

| | |
|-------------------------------|------------|
| ENERGY CHARTER SECRETARIAT | |
| Date : | 03.03.2015 |
| Reg. No : | 0225 |
| For Info : | SG |

REPUBLIQUE DU TCHAD

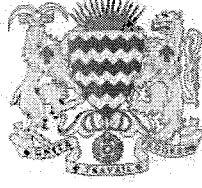
جمهورية تشاد

UNITE - TRAVAIL - PROGRES

وحدة- عمل- تقدم

AMBASSADE DU TCHAD

auprès du Royaume de Belgique
du Royaume des Pays Bas,
du Grand-duché de Luxembourg,
du Royaume Uni,
Représentation Permanente auprès de l'Union Européenne
et du Groupe des Etats ACP



سفارة تشاد

لدى المملكة البلجيكية والمملكة الهولندية
ولكسمبورغ والمملكة البريطانية العظمى
وايرلندا الشمالية
الممثلة الدائمة لدى الاتحاد الأوروبي
ودول أفريقيا والكاراييب والمحيط الهادي

N°017/ATBEL/AB/2016

Bruxelles, le 03 Mai 2016

L'Ambassade de la République du Tchad à Bruxelles présente ses compliments au Secrétariat Général de la Charte de l'Energie et a l'honneur de lui transmettre la note émanant du Ministère du Pétrole et de l'Energie de la République du Tchad relative à la désignation d'un expert et à la demande d'organisation d'un séminaire au Tchad pour disséminer la charte.

L'Ambassade de la République du Tchad à Bruxelles saisit cette occasion pour renouveler au Secrétariat Général de la Charte de l'Energie, les assurances de sa très haute considération.

SECRETARIAT GENERAL DE LA CHARTE
DE L'ENERGIE

Boulevard de la Woluwe,
56-B-1200 Bruxelles.



| | |
|-------------------------------|------------|
| ENERGY CHARTER SECRETARIAT | |
| Date: | 11.05.2016 |
| Reg No: | 0110 |
| For Info: | 86 |

RÉPUBLIQUE DU TCHAD



UNITÉ-TRAVAIL-PROGRÈS

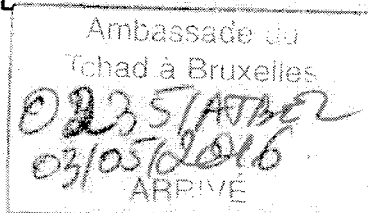
PRÉSIDENCE DE LA RÉPUBLIQUE

PRIMATURE

MINISTÈRE DU PÉTROLE
ET DE L'ÉNERGIE

SECRÉTARIAT GÉNÉRAL

N° 0237/PR/PM/MPE/SG/2016



N'Djaména, le 20 AVR 2016

Le Ministre du Pétrole et de l'Energie

A

Monsieur le Secrétaire Général de la Charte Internationale de l'Energie

Objet : Désignation d'un expert et demande de tenu d'un séminaire au Tchad

Monsieur le Secrétaire Général,

Comme vous le savez, mon pays a signé la Charte Internationale de l'Energie le 20 mai 2015. Cette adhésion à la Charte marque la volonté ferme du Gouvernement du Tchad de faire de l'énergie une de ces priorité pour le développement du pays. Cette adhésion constitue aussi une opportunité d'échanges des compétences et d'investissement dans le domaine de l'énergie. Afin de saisir cette opportunité, j'ai l'honneur de designer Monsieur **ADOUM ORZE** expert de mon Département pour séjourner au siège de la Charte Internationale de l'Energie pour bénéficier de l'expérience et des compétences dans le domaine de l'energie.

Je saisis aussi cette occasion pour vous demander de nous assister à organiser un séminaire en juillet 2016 pour permettre la dissémination de la Charte Internationale de l'Energie auprès des instances et acteurs de l'Energie au Tchad.

Veuillez agréer, Monsieur le Secrétaire Général, l'expression de mes salutations distinguées.

DJERASSEM LEBEMADJIEL



From: [redacted] <[redacted]@energycharter.org>
Sent: 09 February 2017 19:17
To:
Cc:

Subject: RE: Chad
Attachments: ToR Energy Charter_08_02_2017.docx

Dear ,

Thanks very much. Please find attached the updated ToRs for Chad. They were reviewed in consultation with our contact at the Ministry of Oil and Energy in N'Djamena and former secondees to the Secretariat in Brussels. Please let me know any questions you may have.

Many thanks.

Best regards,



From:
Sent: jueves, 26 de enero de 2017 12:19
To:
Cc:
Subject: Chad

Dear ,

I hope my message finds you well.

I contact you regarding the possible EU TAF support in Chad to provide capacity building on the basis of the ECT.

As you probably know, the Ministry of Petroleum and Energy from Chad has contacted the EU Delegation to ask support for this action. In this context and considering the strong EU commitment to support partner countries in achieving their sustainable energy objectives including through putting in place an enabling regulatory framework, the possibility to mobilize support under the EU TAF contract for Chad also is currently considered.

As indicated in our previous discussions, this type of project is not exactly the standard support provided under the EU TAF. However, considering the ongoing similar support provided to Swaziland, using the same framework can be considered for Chad also, while the extension to other countries shall be assessed after the implementation of the activities in these 2 countries based on the results achieved.

In order to prepare the mobilization of the EU TAF for supporting ECS activities in Chad, we would kindly ask you to send us the updated activities proposed (the current draft ToRs include activities that passed).

I use this opportunity to reiterate the need to keep EUD and DEVCO informed and involved in the activities carried out under this project.

Thank you in advance for your kind cooperation.

Best regards,

From:
Sent: 01 March 2017 16:51
To:
Cc:
Subject: Chad - ECS
Attachments: ToR Energy Charter_08_02_2017.docx
Importance: High

Dear

Following the request for support received from the Ministry of Petroleum and Energy from Chad and in consultation with EUD Chad and ECS, it has been decided to extend the EU TAF mobilization (under the W&C Africa contract) to support the Chadian cooperation with ECS through activities aiming at promoting investment friendly regulatory environment on the basis of the Energy Charter Treaty. In this way, this second phase of the project will included therefore Swaziland and Chad.

Please find attached the approved ToRs for Chad.

Could you please propose us an expert to be responsible for this assignment (it is possible to select the same expert working on Swaziland so that we ensure coordination and continuity)?

Thank you very much for your support,

Best regards,

SPECIFIC TERMS OF REFERENCE
for
PROVIDING SUPPORT TO CHADIAN COOPERATION WITH THE ENERGY
CHARTER SECRETARIAT
THROUGH ACTIVITIES AIMING AT PROMOTING INVESTMENT FRIENDLY
REGULATORY ENVIRONMENT ON THE BASIS OF THE ENERGY CHARTER
TREATY
- Assignment no 3-

1. BACKGROUND

The Energy Charter Treaty (ECT) is an internationally legally binding text providing clear and predictable rules in the areas of investments, trade and transit in energy and energy efficiency, while explicitly protecting national sovereignty over natural resources. The ECT is a unique international agreement in the energy sector which is legally enforceable and as such it contributes to enhance the rule of law and an international level playing field.

The ECT, adopted in 1994, was preceded by the European Energy Charter of 1991, a political declaration expressing the commitment of a signatory country to move towards an upgraded international legal system. The 1991 European Energy Charter was updated by the adoption of the 2015 International Energy Charter, which has been signed by more than 80 countries from all continents.

Accession to the ECT is achieved through the following steps:

- Signature of the 1991 European Energy Charter.
- Submission of Accession Reports by the Energy Charter Conference.
- Accession approval by the national government / parliament, and signature of the ECT.

Observer status to the ECT may be achieved by:

- Signature of the 2015 International Energy Charter.
- Signature of the 1991 Energy Charter Declaration.

The proposed support is designed to assist Chad in its accession path to the ECT by providing capacity building and political dialogue for energy policy reform in line with the contents and objectives of the ECT.

The ultimate goal is that Chad could share the same market-based principles and rules with the ECT constituency in general and EU countries in particular. This would be achieved with national accession to the ECT. However, this may be a long-term objective that needs substantial technical assistance and political engagement as well as to take into account the country readiness to commit to international principles and rules in the energy sector.

2. BACKGROUND ON THE ENERGY CHARTER ACTIVITY IN CHAD

In 2015 Chad signed the European Energy Charter and the International Energy Charter. On 18-19 July 2016, at the invitation of the Minister of Oil and Energy of Chad, Mr Djerassem Le Bemadjiel, the Energy Charter Secretariat conducted a seminar in N'Djamena. The seminar was attended by more than twenty-five participants from all relevant ministries, energy companies and stakeholders. In his opening remarks, the Secretary General of the Ministry, Mr Adoum Mahamat Adoum, stated that the ECT enjoyed a political commitment at the highest level in the country.

The seminar was attended by regional organizations to which Chad is member such as G5 Sahel and CEEAC. Both organizations signed the International Energy Charter at the Tokyo Conference on 25-26 November 2016. During the mission to N'Djamena the Secretariat delegates also met officials from the *Agence Française du Développement* and the EU Delegation. With more than ten countries and four regional organisations (EAC, ECOWAS, ECCAS¹ and G5 Sahel) among its signatories, the International Energy Charter is contributing to the extension of common principles on good governance of the energy sector, including investment protection, regional integration and universal access to sustainable energy, across the African continent.

Mr. Adoum Orze, Electricity Director of the Ministry of Oil and Energy, was seconded to the Energy Charter Secretariat in Brussels for three months, from 15 August 2016 to 15 November 2016. During this period he started preparing the three accession reports on harmonisation of laws and regulations with the provisions of the ECT, energy efficiency, investment climate and market structure. Mr. Adoum Orze also participated in the energy training organised by the Energy Charter Secretariat in Brussels on Investment Dispute Resolution on 19-21 October 2016.

3. SPECIFIC ASSIGNMENT AND BUDGET

3.1 The “EU Technical Assistance Facility (TAF) for the "Sustainable Energy for All" Initiative (SE4All) - Western and Central Africa“ (Contract No 335152) has been chosen for this assignment as part of its scope described in 1.1, 2.3, 4.2 and 6.5 of the Terms of Reference.

3.2 The budget of the 335152 Contract is sufficient to cover the incidental expenditures for the activities proposed that are estimated to **EUR22.401**

4. DESCRIPTION OF THE ASSIGNMENT

4.1. Objectives

The overall objective of this assignment is to provide capacity building on the basis of the ECT and the International Energy Charter to Chad. This assignment is envisaged as the third phase of a project aiming to pave the way for a more comprehensive and multi-annual collaboration with African countries.

4.2. Methodology

Activity 1. To finalise the three Accession Reports for Chad

¹ The East African Community, the Economic Community for West African States, and the Economic Community of the Central African States.

Objectives

To finalise the three Accession Reports which have been prepared by a secondee from Chad. These include: (i) Report on Harmonisation of laws and Regulations with the provisions of the ECT; (ii) Report on Energy Efficiency; (iii) Report on Investment Climate and Market Structure. As soon as the three Accession Reports to the ECT for Chad are completed and after being translated from French to English by a professional translator, they will be submitted to the attention of the Energy Charter Conference.

Description of work

One national expert from Chad, will be invited to the Energy Charter Secretariat in Brussels for a secondment period of 3 weeks, namely 1 week every 2 months, starting on 1 March 2017, during which the reports will be finalised. Mr. Adoum Orze was designated by his Minister in a letter addressed to the EU Delegation in N'Djamena on 14 November 2016. The reports will be the result of a joint effort of the national and the Secretariat's experts, in close contact with the national authorities, the EU delegation in N'Djamena and DG DEVCO in Brussels.

According to the Energy Charter Conference Decision (CC.146 of 15.11.1999), the three Accession Reports consist of an in-depth analysis relevant for the ECT and will have the following content:

I. Harmonisation of laws and regulations with the provisions of the ECT, including inter alia constitutional provisions and legal systems in relation to international treaties, current situation of market reforms, membership to international economic and environmental organisations, customs unions of free trade areas, foreign trade regimes, non-tariff measures, export incentives, customs regulations, free trade zones, trade agreements, legislative framework for competition, state aid, pricing of energy materials, legislative framework for transit, access terms to transit, transfer of technology, access to capital discriminatory elements, regulation on foreign exchange transfers to nationals and foreigners, sovereignty over the natural resources, institutional framework of environmental aspects and taxation.

II. Investment climate and exceptions to national treatment, including inter alia institutional structure and responsibility for energy policy, energy industry regulations, energy prices and taxation, energy supply and demand, energy efficiency policies and goals, market structures by sub-sectors: oil, gas, coal, electricity, nuclear power, renewable energy, monopolies and privatisation related with energy, general legislation related to investment, exceptions to national treatment.

III. Energy efficiency, including inter alia existing energy efficiency policies, laws and regulations, energy price policies, energy efficiency measures implemented in various sectors (private sector initiatives, financial incentives, promotion of technologies, sectoral programmes).

Each of these reports will be presented to the authorities in Chad, to the EU Delegation and to the ECT constituency at the regular meetings of Investment Group and Trade and Transit Group.

Deliverables

- Finalisation of the three Accession Reports.
- Discussion of Accession Reports with the Government of Chad.

- Translation from French (official State language of Chad) to English of the three Accession Reports. Estimated volume is 36,000 words and estimated cost is EUR 5,040 (subcontracted to a professional translator).
- If possible at political level, signature of the ECT.

Expected results

- Raise awareness on the ECT at national level.
- Provide capacity building on the ECT relevant issues, such as investment, trade, transit and energy efficiency.
- Better understanding of the national legal framework and political engagement to attract foreign investments in the energy sector.

Activity 2–Participation of the Chad Seconded in a validation workshop and retreat with national authorities and relevant stakeholders to report on the programme, disseminate the results and seek further engagement and discussion

Objectives

Presentation and discussion of the Accession Reports amongst key ministries and stakeholders to facilitate validation and ownership of the Accession Reports by the relevant ministries with competence on ECT issues.

Description of work

After the Accession Reports for Chad are finalised and discussed within the Energy Charter Working Groups, Mr. Adoum Orze, the Electricity Director of the Ministry of Oil, Energy and Renewable Energy Promotion will have one ad-hoc validation workshop and retreat with the national authorities to present and discuss the Accession Reports. The reports will be disseminated in advance to key ministries, relevant agencies, electricity companies and other stakeholders for their input.

The main focus and purpose of the retreat is to meet officials in charge of national energy policy and those responsible for accession procedures i.e. the Ministry of Oil, Energy and Renewable Energy Promotion, the Ministry of Planning, Economy and International Cooperation and the Ministry of Foreign Affairs, amongst other key ministries, to assess and address issues in areas for which they have competence to take ownership of the reports for further implementation in the path to national adherence to the ECT.

The report on investment climate will be assessed by the Ministry of Foreign Affairs, African Integration and International Cooperation, and the Ministry of Industrial Development, Trade and Promotion of the Private Sector. The report on energy efficiency will be assessed by the Ministry of Oil, Energy and Renewable Energy Promotion, the Ministry of Industrial Development, Trade and Promotion of the Private Sector, the Ministry of Environment and Fisheries, and the National Electricity Company. Finally, the report on harmonisation of laws and regulation with the provisions of the ECT will be assessed by the Ministry of Justice, Seals Guard for Human Rights and the Ministry Environment and Fisheries.

Deliverables

- One validation workshop and retreat with government officials.

Expected results

- To engage government officials in the contents of the Accession Reports so they actively participate and share the ownership of the Energy Charter Process in the country.
- To discuss, assess, and address the impact of the ECT on the relevant national policies and legislations.
- To consolidate and validate the Accession Reports amongst the government experts.

Activity 3 – Follow-up of the accession reports - Participation of ECS staff in discussions with the national authorities to seek further engagement and policy dialogue on the basis of the reports, to be held at a meeting in the capital or at a regional event, such as a meeting of the Economic Community of the Central African States (ECCAS).

Objectives

Facilitate national government to explore further steps towards the accession to the ECT and support to submitting the reports to the Energy Charter Conference. In the context of an ECCAS regional meeting, the policy dialogue will be extended to other ECCAS members taking advantage of Chad's commitment to international standards and common principles for the energy sector.

Description of work

After the validation workshop has taken place and the Accession Reports have been consolidated with input from the relevant ministries, the ECS experts will have an ad-hoc meeting with the Government of Chad to follow-up on the reports. The travel costs and per diems of ECS staff participating in these meetings will be covered in the interest of this assignment². The main focus is to address officials in charge of national energy policy to report on the present programme and seek further engagement in the path to national adherence to the ECT.

Deliverables

- One national or regional meeting to engage with the Government of Chad and approach other countries in the region.

Expected results

- To engage further in energy market reform according to the principles of the ECT and move forward in the accession procedures. To draw the interest of ECCAS countries to the common principles of the ECT.

²ECS will have to send a signed note by its administration to the TAF management ensuring that no mission costs will be covered by the ECS

3. BRIEF DESCRIPTION OF SERVICES REQUESTED

The services will be provided by the qualified personnel through payment of fees according to the contract.

The services requested are described below:

Activity 1 –Finalisation of the of Accession Reports to the ECT

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Payment of per-diems

Activity 2- Follow-up of the Accession Reports in Chad - Participation of Chad secondee in a workshop/retreat with national authorities and stakeholders, to report on the programme, disseminate the results and seek further engagement.

- a) Coverage of transportation costs to workshop and retreat
- b) Payment of meals for approximately 20 delegates for 2 days
- c) Payment of meeting venue for approximately 20 delegates for 2 days

Activity 3 – Follow-up of the Accession Reports - Participation of ECS staff (including seconded expert) in regional meeting with national government to follow-up on the reports.

- a) Booking and coverage of cost of flights to/from Brussels
- b) Visa support (if needed)
- c) Payment of per-diems

4. TAF SUPPORT STAFF REQUIRED FOR THE ASSIGNMENT (EQUIVALENT TO NON-KEY EXPERT POSITIONS AS FORESEEN IN THE CONTRACT)

The coordination of this assignment should be made by TAF by appointing a Project Manager that will be responsible for the delivery of the services.

The Project Manager must have the following skills and experience:
(NKE3)

- At least 3 years of professional experience in a consulting, management, event organisation or operational environment and in a multi-cultural environment.
- Excellent communication skills and computer skills
- Knowledge of procurement procedures supplies and services and of the relevant market.
- Experience in similar thematic (energy, development) is an asset.

The expert will ensure the correct application of the TAF contract rules as regards incidental expenditure, liaise with both experts/delegates and the ECS for all activities. The 5 days represent a total period of engagement that can be spread throughout the duration of the activities.

5. LOCATION AND DURATION

7.1. Location: The places of work are: Brussels for Activity No 1; N'Djamena, Chad for Activity No 2, and N'Djamena or other place in the ECCAS region for Activity No 3. *(PM: The ECS will provide suitable space and IT equipment at their headquarters for the secondees to be able to work.)*

7.2 Duration: The duration of this specific assignment will be until the last activity is implemented that is tentatively scheduled for final quarter of 2017.

7.3 Indicative calendar:

- March 2017–September 2017: Activity 1 - Secondment of national delegate to the Energy Charter Secretariat in Brussels from Chad.
- July 2017: Activity 2 – Validation Workshop and Retreat in N'Djamena Chad
- July 2017: Activity 3- Meetings of ECS staff with national / regional authorities.

6. REPORTING

The ECS and Chad will be providing the reports material needed for this action.

All reports will be transmitted to the TAF, EUD and DEVCO C6.

7. OTHER INFORMATION

Contact point at DG DEVCO C6:

Contact point at DG DEVCO C6 for TAF:

Contact point at EU Delegation to Chad:

8. ADMINISTRATIVE INFORMATION

The expert(s) will have to liaise with their respective Embassies and Consulates for any issues related to visas.

The EU Delegation has to be contacted immediately when the date of arrival and departure of the experts is known. The EU Delegation could assist (if needed) in establishing a meeting agenda for the experts.

The below table sets out the main activities and the resources/inputs expected.

Table 1 - Effort needed from Project Manager to be appointed under TAF conditions*

| | Expert category | TOTAL MANDAYS |
|----------------------------|-----------------|---------------|
| | | |
| <i>NKE Project Manager</i> | <i>NKE3</i> | <i>5</i> |
| <i>TOTAL</i> | | <i>5</i> |

*(in-house personnel of the TAF Consortium is not excluded provided that they are dedicated to this mission and replaced during designated full or part time working days).

Table 2 –Estimated Budget for incidental expenditures

| | Quantity | Unit cost | Total (Euro) |
|---|----------------|---------------------|---------------|
| Activity 1 – Brussels secondment | | | |
| Secondee (1 person x 6 days x 3) | 18 | 232 ³ | 4.176 |
| Air fare (1 person return ticket x 3) | 3 | 1.500 | 4.500 |
| Translation from French to English of the three accession reports to the Energy Charter Treaty (ECT) – subcontracted to a professional translator | c.36,000 words | EUR 0.14 (per word) | 5.040 |
| Total activity 1 | | | 8.676 |
| Activity 2 – Chad Workshop and Retreat | | | |
| Transportation (20 persons x 2 days) | 40 | 60 | 2.400 |
| Meal (20 persons x 2 days) | 40 | 15 | 600 |
| Meeting Venue (20 delegates - 2 days) | 2 | 100 | 200 |
| Total activity 2 | | | 3.200 |
| Activity 3 - Meeting (Regional, including participation of the secondee) | | | |
| Air fare (3 persons from the Secretariat) | 3 | 1.500 | 4.500 |
| Per diem (3 persons x 3 days) | 9 | 225 | 2.025 |
| Total activity 3 | | | 6.525 |
| TOTAL | | | 18.401 |
| Contingency for business flight tickets (to be used only if there is a need for business flights for activity 3 and recovered at cost) | 2 | 2000 | 4000 |
| | | | 22.401 |

³The receipt of the amount will be certified by signature by the secondee. The total amount received by the secondee for this mission from TAF and from their government or any other source should not exceed the value of approved per diems rates for the respective periods
(http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm).

SIMION Anca-Maria (DEVCO)

From:
Sent: 03 February 2017 09:29
To:
Cc:
Subject: RE: Energy Charter - launching the assignment on Swaziland

This is to inform you that I have started his secondment at the Secretariat in Brussels on Wednesday 1st February 2017 to fulfil Activity 2 ToR.

I have been in contact with the Minister for Natural Resources and Energy in Swaziland regarding Activity 5 to hold a workshop in Mbabane. The Minister suggested that the Head of the EUDEL approaches His Majesty to get him on board.

I will liaise with the relevant parties to discuss a date for the DEVCO Info-Point Lunch Conference.

Thanks very much.

Best regards,

Exp

Bd de la Woluwe 56, B-1200 Brussels, Belgium
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Ernesto.Bonafe@encharter.org

From:
Sent: martes, 18 de octubre de 2016 17:24
To:
Cc:
Subject: Energy Charter - launching the assignment on Swaziland

Dear

I hope my message finds you well.

Today we had a meeting with the Energy Charter Secretariat (ECS) and the TAF team to discuss some administrative issues related to this assignment on providing support to Swaziland in relation with the Energy Charter. Having all these clear now and since the ToRs have been approved by all parties involved, the assignment is now launched. Next step is the designation by Swaziland of the expert/s to be seconded to Brussels. EUD and DEVCO will be always kept informed about the evolutions of this project. In this context, please let me e-introduce to you who is in charge with this project within ECS.

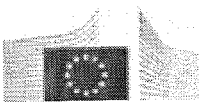
Dear Ernesto,

As discussed earlier, I use this opportunity to put you in contact with _____, Head of cooperation in the EU Delegation to the Kingdom of Swaziland. As you know, EUD was very supportive to include Swaziland in this second phase of the ECS project and _____ was very much involved in the preparation of the ToRs for this assignment.

Thank you very much for your commitment to work closely on this project. I am confident that this will be a successful assignment.

PS: In order to have all the final version of the ToRs, I attach here the approved one.

Best regards,



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