



UNCTAD High-level International Investment Agreements (IIA) Conference 2018

Mr. Urban Rusnák

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Your Excellencies, ladies and gentlemen,

It is a great pleasure to be with you here today. I would like to thank UNCTAD for providing the forum for this important discussion and the opportunity to present this morning the Energy Charter's Flagship Publication - Energy Investment Risk Assessment Report 2018, or in short: EIRA. EIRA aims to assist governments improve investment conditions for foreign investors in the energy sector. This way, the coherence between the Energy Charter Treaty and the national legal framework for investment is enhanced.

This year we are getting closer to identify a list of potential topics for the modernisation of the Energy Charter Treaty.

As you may all know, the first phase of modernisation of the Energy Charter Process was finalised successfully in 2015 with the adoption of the International Energy Charter. As of today, 88 countries and international organisations have signed it, thus, enlarging and diversifying the Charter family.

The second phase of modernisation consisted in achieving important tools and improvements beneficial for both the governments and the industry, but without touching the Treaty. The EIRA publication is just one example.

Now is the time to start the third phase of modernisation – the potential revision of the Energy Charter Treaty. The ECT was negotiated in the early 90s. It is the only multilateral legally binding instrument in the energy sector dealing with the issues of investment protection, transit and trade. The Treaty's provisions are supported by the dispute settlement mechanisms.

As was decided by the Energy Charter Conference – the governing and decision-making body for the organisation – discussions on modernisation will concern the Energy Charter Treaty as a whole and not only the investment protection standards.

This year was devoted mainly for scoping exercise and the consultation with observers and the industry on the topics proposed for modernisation. However, no reform options were agreed or discussed. Once the final list of topics is agreed, the members will start discussion on how to address each particular topic: by amendment; by adoption of clarifying declaration or protocol.

By the end November this year I believe we will have more clarity about the final list of topics and detailed timeline of further steps.

I hope to be able to update you on positive news in a month at the International Energy Charter Forum that the Secretariat will organize in Brussels on 17 December to commemorate 20th Anniversary of the Treaty's Entry into Force.

Thank you for your attention.