

**Explanatory note
to the draft Decision of the IGC
"On making amendments to some TRACECA documents"**

Prerequisites

The holding of the IGC meeting does not allow to enforce the provisions of the MLA in terms of ensuring the Chairmanship in the IGC for one year. In practice, the term of the Chairmanship of the MLA Parties exceeds this period. For example, the First IGC Meeting was held in 2000, while the Seventeenth IGC Meeting is scheduled to be held in 2025. In case of full compliance with the term specified in the MLA, the Twenty-fifth IGC Meeting should have been held in 2025. This shows that the Chairmanship of one or another of the MLA Parties exceeded a one-year term, which in total led to a 7-year extension of the Chairmanship in the IGC.

At the Meeting of the PS IGC TRACECA, the issue of making amendments and additions to some TRACECA documents was considered, within the framework of which the proposal to set a period of 12 months for the MLA Party which assumes the Chairmanship in the IGC to decide on the date and venue of the IGC meeting was discussed, however, during the discussions it became clear that setting a term does not guarantee strict compliance with the provisions of the MLA.

In this regard, according to the Final Recommendations adopted following the Meeting of the PS IGC TRACECA on December 11, 2024, the PS IGC TRACECA prepared a new approach to determining the Chairmanship by adopting Rule 6 in a new wording with appropriate amendments to the text of the Rules of Procedure of the IGC (hereinafter referred to as the Rules), as well as the Statute of the PS IGC TRACECA (hereinafter referred to as the Statute), where necessary.

Proposed amendments

The draft Decision of the IGC proposed for consideration provides for amendments to Rule 2 ("Definitions") Rule 6 ("Meetings") and Rule 10 ("Chairman Party in the IGC") of the Rules, as well as paragraphs 1.1 and 3.5 of the Statute, and is aimed to regulate the process in more detail and determine the term for the transition of the Chairmanship in the IGC TRACECA between the MLA Parties.

According to the current wording of Rule 6, the IGC shall meet regularly, not less than once a year, while the Chairmanship in the IGC shall rotate every year according to the English alphabetical order. If a Party is not prepared to assume the Chairmanship, the Chairmanship shall pass to the subsequent Party, according to the same alphabetical order (paragraphs 6.1 and 6.3 of the Rules). This wording does not disclose the concept of "unwillingness" of the Parties and leaves without regulation the situation when the Party to whom the Chairmanship should pass for a long time (a year or more from the date of the regular IGC meeting) does not inform about the time and venue of the next IGC meeting, without openly stating its unwillingness to hold it. This kind of situation

leads to a violation of the period of Chairmanship specified in Article 8 of the MLA for one year. Accordingly, in order to prevent the recurrence of such situations, the proposed wording includes a provision on the automatic transition of the Chairmanship in the IGC at a strictly defined period (paragraph 6.3 of the proposed wording). At the same time, the holding of the IGC meeting remains the right of the Party, which it can use during the first 9 months of term of Chairmanship. If the IGC meeting is not held, this right automatically passes to the next country in alphabetical order after 12 months.

The draft Decision proposed for consideration also contains a number of clarifying proposals regarding procedures, authorized entities and the timing of invitations to the next IGC meeting. Thus, paragraph 6.10 of Rule 6 of the draft Decision proposes sending an invitation to the IGC meeting on behalf of the inviting Party via diplomatic channels and by e-mail, no later than sixty days before the meeting. This provision will allow the Secretary General of the PS IGC TRACECA to agree on the draft agenda with the IGC Chairman and send the relevant documents to the MLA Parties thirty days before the IGC meeting, as stipulated in paragraph 6.12. This issue has not been previously resolved.

Along with the additional paragraphs, the proposed draft amendments also propose deleting paragraph 6.2 of the current version of the Rules, as the PS IGC TRACECA considers it redundant, since Article 8 of the MLA contains wording that allows to hold the IGC meeting not less than once a year. It is also proposed to delete paragraph 10.1 of the Rules as contradicting the objectives of the proposed amendments.

The proposed amendments to the Statute are aimed at bringing it in line with the proposed amendments to the Rules. In particular, it is proposed to provide for a single definition of "Chairman of the IGC" in both documents, as well as to exclude references to an extraordinary IGC meeting from paragraph 3.5.

The PS IGC TRACECA expresses confidence that the proposed draft additions and amendments will improve the regulation of the preparation and holding of the IGC meetings, as well as streamline the process of transition of the Chairmanship in the IGC between the MLA Parties.