

2013 PROTOCOL TO AMEND THE AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CENTRE FOR ENERGY

Adopted in Bali, Indonesia on 25 September 2013

The Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, being the Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter referred to collectively as "ASEAN Member States", or individually as "ASEAN Member State" in this Protocol);

RECALLING the Agreement on the Establishment of the ASEAN Centre for Energy signed on 22 May 1998 in Manila, the Philippines (hereafter referred to as "the Agreement");

ACKNOWLEDGING the instrumental role and contribution of the ASEAN Centre for Energy since its establishment in supporting the implementation of the Agreement on ASEAN Energy Cooperation signed on 24 June 1986 in Manila, the Philippines, the Protocol Amending this Agreement signed on 15 December 1995 in Bangkok, Thailand, and in Kuala Lumpur, Malaysia on 23 July 1997, and the ASEAN Plan of Action for Energy Cooperation (APAEC);

DESIRING to enhance the ASEAN Centre for Energy to ensure that it serves as a high-performing institution which builds a coherent, coordinated, focused and robust energy policy agenda and strategy for ASEAN and to fulfill three critical roles: (i) advance ASEAN energy goals; (ii) function as an energy data and knowledge hub; and (iii) serve as an ASEAN energy think tank;

CONSIDERING Article 12, Paragraph 2 of the Agreement, which provides that the Agreement may be amended by consent of the ASEAN Member States and such amendment shall become effective upon the signing of the Protocol amending this Agreement;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 AMENDMENT OF ARTICLE 3(4) (E) OF THE AGREEMENT

Article 3(4) (e) of the Agreement shall be substituted as follows:

"To appoint a professional Executive Director for the Centre with a long-term performance-based contract, selected from among nationals of the ASEAN Member States through an open recruitment process."

ARTICLE 2 AMENDMENT OF ARTICLE 7(1) (E) OF THE AGREEMENT

Article 7(1) (e) of the Agreement shall be substituted as follows:

"The Executive Director shall have a term of office of three (3) years which may be extended on an annual basis for a period not exceeding two (2) years. The extension is subject to the consensus of all Council members and is to be based on the annual performance appraisal of the Executive Director as conducted by the Council."

ARTICLE 3

AMENDMENT OF ARTICLE 7(1) (E) OF THE AGREEMENT

Article 7(1) (e) of the Agreement shall be substituted as follows:

"Notwithstanding paragraph 1.d. above, the Council shall have overall responsibility for the Fund including the promulgation and approval of rules and procedures for the investment and the use of the Fund. The Fund may be used to finance the operations of the Centre, subject to an annual ceiling to be determined by the Council."

ARTICLE 4

AMENDMENT OF ARTICLE 11 OF THE AGREEMENT

Article 11 of the Agreement shall be substituted as follows:

"Any dispute concerning the interpretation or implementation of this Agreement shall be settled amicably through negotiations and consultations among the Member States of ASEAN, in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism signed on 29 November 2004 in Vientiane, Lao People's Democratic Republic."

ARTICLE 5

1. This Protocol shall enter into force on the date of signing.
2. This Protocol shall be deposited with the Secretary-General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol to Amend the Agreement on the Establishment of the ASEAN Centre for Energy.

DONE at Bali, Indonesia, this Twenty-Fifth Day of September in the Year Two Thousand and Thirteen, in a single original copy in the English Language.

For the Government of Brunei Darussalam: **MOHAMMAD YASMIN UMAR**, Minister of Energy at the Prime Minister's Office

For the Royal Government of the Kingdom of Cambodia: **ITH PRAING**, Secretary of State of Ministry of Industry, Mines and Energy

For the Government of the Republic of Indonesia: **JERO WACIK**, Minister of Energy and Mineral Resources

For the Government of the Lao People's Democratic Republic: **VIRAPHONH VIRAVONG**, Vice Minister of Energy and Mines

For the Government of Malaysia: **MAXIMUS JOHNTY ONGKILI**, Minister of Energy, Green Technology and Water

For the Government of the Republic of the Union of Myanmar: **ZAY YAR AUNG**, Union Minister for Energy

For the Government of the Republic of the Philippines: **CARLOS JERICHO L. PETILLA**, Secretary of Department of Energy

For the Government of the Republic of Singapore: **S. ISWARAN**, Minister in the Prime Minister's Office and Second Minister for Home Affairs and Trade and Industry

For the Government of the Kingdom of Thailand: **WICHIANHOT SUKCHOTRAT**, Vice Minister for Energy

For the Government of the Socialist Republic of Viet Nam: **LE DUONG QUANG**, Vice Minister of Industry and Trade