

TERMS OF REFERENCE

of

the Viet Nam Energy Partnership Group

1. BACKGROUND

On 25 September 2015, Viet Nam and most other countries in the world adopted the Sustainable Development Goals (SDGs) to end poverty, protect the planet, and ensure prosperity for all as part of the *2030 Agenda for Sustainable Development*. 17 SDGs were approved, including “*Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all*” and “*Goal 13: Take urgent action to combat climate change and its impacts*”. Most Parties to the UN Framework Convention on Climate Change (UNFCCC) also signed the Paris Agreement, which aims to “*strengthen the global response to the threat of climate change*”, including by “*holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels*”, which will require very significant global efforts to limit greenhouse gas emissions, in particular from the energy sector.

The Ministry of Industry and Trade of Viet Nam (MOIT) and Development Partners¹ (DPs) wish to cooperate on energy development in Viet Nam in the context of these two multilateral agreements. They will also endeavour to align Official Development Assistance (ODA) to the extent possible with national policies and systems, and enhance coordination and dialogue for effective ODA to the energy sector. This includes efforts to create the conditions for increased investment in sustainable energy, substantially increase access to modern energy services, and improving the efficiency of energy infrastructure and use.

Consultations with national agencies and DPs in late 2015 and 2016 have also led to the conclusion that the Viet Nam Energy Partnership Group should be established between Viet Nam and DPs. MOIT thus invites DPs to join the Viet Nam Energy Partnership Group (VEPG).

2. OBJECTIVES OF THE VIET NAM ENERGY PARTNERSHIP GROUP

The **overall objective** of the Viet Nam Energy Partnership Group is *to work towards effective and efficient international support to sustainable energy development in Viet Nam, in line with national law and international agreements of which Viet Nam is a member.*

¹ Development Partners include International Organizations, Inter-governmental Organizations, Multilateral Organizations providing Official Development Assistance to Viet Nam and diplomatic missions represented in Viet Nam that coordinate their multi-faceted relations with Viet Nam.

The **specific objectives** of the VEPG are as follows:

- 1) To provide a forum for high-level policy dialogue and thematic dialogue between the Vietnamese side and Development Partners, as well as representatives from the business, NGO and research communities on energy development in the context of the Sustainable Development Goals and the Paris Agreement on climate change;
- 2) To provide a platform to facilitate alignment of ODA with Viet Nam's energy and climate change strategies and action plans as well as shared international commitments, and private investment in the energy sector;
- 3) To provide a platform to facilitate implementation of development cooperation activities in the energy sector, and to reinforce coherence and effectiveness of international support while avoiding duplication and fragmentation of aid delivery;
- 4) To enhance learning through information sharing and communication between national and international participants on sustainable energy supply, access to affordable and modern energy services, renewable energy and energy efficiency.

3. PRINCIPLES OF THE VEPG

The VEPG will adhere to the following **principles**:

- 1) These Terms of Reference on the VEPG reflect the leadership by Viet Nam and active engagement of international DPs and other stakeholders;
- 2) Participants will align international assistance with national energy policies and shared international commitments, and focus on results;
- 3) The VEPG is open to agencies that are active in the energy sector and related fields;
- 4) Membership of the VEPG will be voluntary;
- 5) Membership of the VEPG does not constitute a commitment of funds to the VEPG by any participant, nor does it constitute financial support by any participant for any policy, program, project or fund;
- 6) Implementation of projects, programmes, research and other activities related to energy that may be discussed in the VEPG may be done by individual participants based on their own mechanisms, regulations and resources.

4. FUNCTIONS OF THE VEPG

The **main functions** of the VEPG are as follows:

- 1) Contribute to the development and implementation of national energy policies as well as shared international efforts through policy dialogue and other activities of the VEPG;
- 2) Identify opportunities for improved alignment of international assistance to energy and climate change strategies and action plans and shared international efforts, based on monitoring of progress towards outcomes and targets;

- 3) Enhance ODA coordination on energy issues, avoiding duplication and fragmentation of aid;
- 4) Enhance the mobilization of financial and other resources from the GoV, DPs, and the private sector for implementation of energy-related strategies and action plans;
- 5) Enhance information sharing on energy-related policies, programme and research activities in Viet Nam, notably through Technical Working Group activities and a VEPG web-page;
- 6) Support the development of an evidence-base for energy policy making in Viet Nam.

5. THEMATIC FOCUS AND TECHNICAL WORKING GROUPS OF THE VEPG

Thematic focus areas of the VEPG include, but are not limited to the following:

- 1) Renewable energy;
- 2) Energy efficiency;
- 3) Structural energy sector development and reform, including power market reform;
- 4) Access to energy;
- 5) Energy data & statistics.

These thematic focus areas may be updated and revised in accordance with the needs and development in the energy sector as assessed jointly by MOIT and DPs.

Technical Working Groups (TWGs) will be initiated on each of these thematic focus areas, which should serve the objectives and functions of the VEPG. TWGs must produce outputs that feed into high level policy dialogues. TWGs will address specific topics within the thematic focus areas and will aim to complement dialogues on related matters in other partnerships or TWGs.

TWGs will function over a set period with possibility of extension, and will end as their goals are accomplished. TWGs will be initiated at the VEPG launch and other TWGs may be set-up in future, as demand evolves. TWGs may organise subgroups on specific issues and results. Membership will include people with knowledge of the theme from Government, DPs, businesses, research organisations and/or NGOs. Membership of TWGs will be approved by their chairs and co-chairs.

TWGs will design and decide upon their overall mission, workplans and modes of operation. TWGs will minimise the number of coordination meetings and focus on studies, technical reviews, working sessions, electronic exchanges, workshops and conferences, etc.

Draft Terms of Reference for the TWGs are given in Annex II.

6. GOVERNANCE AND ORGANIZATION

The **organisations participating in the VEPG** are the following:

- The principal participants in the VEPG are the Ministry of Industry and Trade (MOIT) who will invite representatives of other Ministries to participate as relevant and as per their mandates, including the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Planning and Investment (MPI), Ministry of Natural Resources and Environment, Ministry of Construction, Ministry of Transport, Ministry of Science and Technology and/or the Office of the Government; and DPs active in the energy sector or closely related sectors;
- Representatives from the business, Non-Governmental Organisations (NGOs) and research communities will be invited to policy and technical dialogues.

The **main VEPG leadership arrangements** are as follows:

- These Terms of Reference will remain open for additional DP participation later;
- A Steering Committee will guide the management, work planning and operations of the VEPG including the Secretariat. It will be chaired by a vice-minister of MOIT, and include a leader of the focal unit (appointed by the Minister of MOIT), and two representatives of DPs. It will meet twice per year;
- The leader of a focal department appointed by the Minister of MOIT will supervise the VEPG Secretariat;
- High Level Meetings will focus on policy dialogue; they will be organised at least once a year and will be chaired by the Minister of MOIT or a deputy Prime Minister, and co-chaired by a leader from DPs;
- Each Technical Working Group (TWG) will be chaired by a leader of a department appointed by the Minister of MOIT, depending on the thematic focus area, and co-chaired by an equivalent representative of the DPs;
- DPs will agree on rotation of co-chairs of High Level Meetings, representatives on the Steering Committee, and co-chairs of TWGs;
- The TWG chairs and co-chairs' responsibilities include: (i) approving TWG (annual) workplans, subgroups, modes of operation and membership of the TWG; (ii) deciding the agenda of (e.g. 6-monthly) meetings; (iii) monitoring implementation of TWG workplans; providing inputs into the overall VEPG annual workplan.

A **Secretariat** to support the operation of the **VEPG** will be established. The principal **responsibilities** of the **VEPG Secretariat** will include the following:

- Assist VEPG chairs, co-chairs and members with the formulation of annual VEPG workplans for approval by the Steering Committee;
- Assist TWGs with the formulation of annual TWG workplans;
- Prepare draft agendas and do logistics of High Level Meetings (HLMs) and TWG meetings;

- Maintain a VEPG stakeholder database;
- Assist in developing and maintaining a web-page;
- Develop draft Terms of Reference for experts who support dialogues;
- Monitor progress by TWGs, consultant-experts and the VEPG Secretariat;
- Report on progress by TWGs, consultant-experts and the VEPG Secretariat.

7. RESOURCES OF THE VEPG

Some DPs may provide financial support for the proper functioning of the VEPG and its Secretariat, including for the organization of policy dialogues and workshops, thematic reviews, and communication. This will happen through separate funding arrangements in compliance with relevant regulations of Viet Nam. In addition, some DPs may provide, through separate arrangements, in-kind technical expertise and assistance, in particular regarding research and sharing of findings in policy dialogues and TWGs.

MOIT and other ministries will provide in-kind contributions such as an office for the Secretariat, venues for technical meetings, technical expertise and human resources for VEPG activities on an ad-hoc basis.

However, these Terms of Reference do not constitute an international treaty and do not give rise to any legal rights or obligations under domestic or international law. Nothing in these Terms of Reference will, or is intended to:

- 1) Create any legal or procedural right or obligation whatsoever, including any such right or obligation which is enforceable by any of the participants against any of the others; or
- 2) Prevent any of the participants from complying with any law which applies to them; or
- 3) Fetter or restrict in any way whatsoever the exercise of any discretion which the law requires or allows the participants to exercise; or
- 4) Create any legitimate expectation on the part of any person that either of the participants will do any act (either at all, or in any particular way, or at any particular time), or will refrain from doing any act.

ANNEX I
ROADMAP WITH PRINCIPAL ACTIVITIES IN 2017

- Organise High Level Meeting with VEPG Launch and policy dialogue
- Mapping of DP support in the energy sector, regularly updated
- Final design and going live of the VEPG website, regularly updated
- Consolidation of a stakeholder database, regularly updated
- Regular communication with VEPG participants
- Formulation of draft action plans and modes of operation of TWGs
- First meetings and initiation of TWGs
- Support implementation of the workplan of the TWGs
- Support the organisation of conferences and workshops in Viet Nam
- Steering Committee approval of work-plan and budget 2018
- Organise High Level Meeting including policy dialogue

ANNEX II.
DRAFT TERMS OF REFERENCE FOR TECHNICAL WORKING GROUPS

1. Objectives of Technical Working Groups

Technical Working Groups (TWGs) will contribute to the overall and specific objectives of the Viet Nam Energy Partnership Group (VEPG): they will prepare inputs into High Level Meetings (HLMs) which will focus on policy dialogue. TWGs will address specific topics within the VEPG thematic areas and must complement dialogues on related matters in other partnerships or TWGs under the VEPG. TWGs study and discuss specific issues to deepen the policy and technical discourse.

2. Thematic Areas

Thematic focus areas of the VEPG include, but are not limited to the following:

- 1) Renewable energy;
- 2) Energy efficiency;
- 3) Structural energy sector development and reform, including power market reform;
- 4) Access to energy;
- 5) Energy data & statistics.

The actual initiation of each TWG will be flexible, with some TWGs set up and functioning earlier than the others, depending on availability of chairs and co-chairs and (immediate) interest of VEPG participants.

As the VEPG is established and operating, the thematic focus of TWGs may be updated and revised in accordance with the needs and developments in the energy sector as assessed jointly by the Ministry of Industry and Trade and Development Partners (DPs).

3. Structure, Leadership and Membership

TWGs will be chaired by senior representatives from the Ministry of Industry and Trade (MOIT) who are managers at the department level or equivalent.

Each TWG is co-chaired by a senior manager of one of the DPs. The co-chair can be rotated between the DPs, for example every year, with the rotation coinciding with a plenary HLM. Initially, the Renewable Energy TWG is proposed to be co-chaired by the Director of Department of New and Renewable Energy (GDE) and the First Counsellor, Economic Cooperation and Development of the German Embassy; the Energy Efficiency TWG by Director of Science Technology and Energy Conservation Department (GDE) and the Country Director of UNDP; the energy sector reform TWG will be co-chaired by Director of the Planning Department (GDE) and the Lead Energy Specialist and Energy Cluster Leader of the World Bank in Vietnam; the access to energy TWG by the Director of Rural Electricity and Power Grid (GDE) and the Head

of Cooperation & Development Section EU Delegation, Hanoi; and the energy data & statistics TWG by the Deputy Director of the Planning Department (GDE) and an Energy specialist from Denmark.

The TWG chairs and co-chairs' responsibilities include: (i) agreeing on the TWG's annual workplan, subgroups, modes of operation and membership of the TWG; (ii) agreeing the agenda of (e.g. 6-monthly) TWG meetings; (iii) monitoring implementation of TWG workplans; providing inputs into the overall VEPG annual workplan. They will be assisted by the VEPG Secretariat.

Each TWG consists of core members from government agencies and DPs as well as non-core members from businesses, research organisations and/or NGOs, as appropriate. All members should have adequate technical and/or policy expertise to contribute to discussions on the thematic area of the TWG.

4. TWG Operations

TWGs will function over a set period with possibility of extension, and will be ended as their missions will be accomplished.

TWG initiation

The TWGs are initiated based on the VEPG Terms of Reference at the launch of the VEPG. They will have a chair from MOIT and co-chair as well as a core group of members who will be agreed at the VEPG launch. TWGs will be open for additional members at and after the VEPG launch.

Through exchanges between chair and co-chair and core members and with the help of the VEPG secretariat a draft annual workplan, membership list, and modes of operation will be developed prior to the first TWG meetings that will be organised in [month xxx] 2017.

TWG annual workplans

TWGs will design their workplans and agree their modes of operation. The TWGs' annual workplans will indicate focal topics, concrete results and timing of the main activities for the year ahead. TWGs may organise subgroups working on specific issues and results, initiate technical reviews, etc. The activities could include thematic studies, research, technical / policy reviews and information exchanges, and informal working sessions and electronic exchanges. These could be initiated by the VEPG secretariat, the chair and co-chair or active members and their operational projects in the energy sector.

The preparation of annual TWG workplans is intended to be supported and coordinated by the VEPG secretariat with inputs provided by the chair, co-chair and any other members. In preparation of the TWG annual workplans, the VEPG secretariat will

consider the outcome and recommendations of the last plenary HLM, and any request by the TWG members. The final plan should be agreed by a TWG meeting, the chair and co-chair, and be made available to all group members.

TWG resources

The VEPG secretariat constitutes a resource for TWGs. It will assist the TWGs with formulation of annual workplans; organisation of meetings including finalising the agenda for approval by the chairs and co-chairs and sharing of materials with members; membership registration and communication; making logistical arrangements for meetings; disseminating results of the TWG activities; assisting in the development of Terms of Reference for expert inputs into TWG activities; monitoring and reporting of progress with TWG activities.

DPs are expected to provide financial or in-kind support to specific activities agreed by the TWGs, such as reviews, research and sharing of findings in policy and technical dialogues of TWGs and the VEPG High Level Meetings (HLMs). MOIT and possibly other ministries will provide in-kind contributions such as venues for technical meetings, technical expertise and human resources for VEPG activities on an ad-hoc basis.

TWG meetings and coordination

The TWGs will limit the number of (coordination) meetings to two or maximum three per year. In addition to these meetings, working sessions in small (sub)groups could be organised to address any special request or proposal made by VEPG members. TWG meetings should be held before a VEPG (annual) plenary HLM so the outcome of TWG activities could feed into VEPG policy dialogues.

Before each TWG meeting, focal topics should be selected and agreed for the meeting agenda. The focal topics should match the annual workplan or ad hoc emerging issues as suggested by group members. The VEPG secretariat assists the chair and co-chair in developing and agreeing agendas and input materials / findings & recommendations to be presented and discussed at the meeting.

TWG meetings will be attended by the VEPG secretariat staff, who may support specific TWG members prior to a meeting where they would share information or give a presentation.

Outcomes and reporting

Before the (annual) VEPG plenary HLM, the TWGs will prepare annual reports, with assistance from the VEPG Secretariat and approved by the chair and co-chair. The reports should summarise:

- TWG activities undertaken over the year;

- Achievements, outcomes of the TWG activities;
- Inputs and recommendations (to be) made to the VEPG plenary HLM;
- Tentative workplan for the following year.