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# COMMISSION OF THE EUROPEAN COMMUNITIES



Brussels, 26.6.2009 COM(2009) 326 final

2009/0085 (CNS)

Proposal for a

# **COUNCIL DECISION**

on the conclusion of the Statute of the International Renewable Energy Agency (IRENA) by the European Community and on the exercise of its rights and obligations

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### EXPLANATORY MEMORANDUM

The creation of an "International Renewable Energy Agency" (IRENA), with the objective of becoming a centre of excellence for renewable energy, advising governments on drawing up national programmes for the introduction of renewable energy, dissemination of information about renewables and offering training activities and advice on best practice and financing options, has been under discussion for some time. The Statute of IRENA (the "Statute") was signed by 75 States, among which 20 Member States, in Bonn on 26 January 2009.

Article VI of the Statute provides for the possibility for regional inter-governmental economic integration organisations to become members. Twenty Member States have already signed the statue, and there is a clear need for the Community to be represented in an Agency where some obligations provided for by the Statute affect or are likely to affect the arrangements laid down by Community acts adopted in the areas of environment and energy, and thus to affect Community competences. The process of joining does not entail any negotiations as the Statute was agreed already by 75 States. Therefore joining IRENA can accordingly be made on the basis of a Council decision designating the person empowered to sign the Statute on behalf of the European Community and providing for its provisional application.

In accordance with Article VI.C of the Statute, it is necessary at the conclusion stage to declare the respective competences and responsibilities of the Community and its Member States in the performance of their obligations under the Statute.

Following signature of the Statute, this proposal provides for conclusion of the Statute by the European Community as well as for the adoption of a declaration of competences.

#### 1.1. Community signature and conclusion

Article XIX of the Statute foresees that the Statute remains open for signature, including for regional inter-governmental economic integration organisations, until it enters into force on the thirtieth day after the date of deposit of the twenty-fifth instrument of ratification.

#### 1.2. The budget

The budget (Article XII of the Statute) of the Agency is to be financed by mandatory (and voluntary) contributions of its members. The mandatory contributions will be based on the scale of assessment of the United Nations, as to be determined by the IRENA Assembly. Contributions amounting to an order of U\$25 million per year are expected to be needed for the day-to-day functioning of IRENA. On this basis, the Community's contributions are expected to be in the region of 2.5% of the total mandatory contributions, or 480.000 Euros per annum.

#### 1.3. Community and Member State responsibilities: Declaration of competences

It follows from Article VI.C of the Statute that the Community should declare the extent of its competence with respect to matters governed by the Statute and to inform the depositary Government of any relevant modification in the extent of its competence.

Article IV of the Statute describes the list of activities the Agency will perform. It is the view of the Commission that, at least, the activities relating to analysing and/or advising on renewable energy policy Article IV, as well as activities under Article V relating to the work programme of the Agency, activities under Article XIV relating to relations with other organisations, and activities under Article XV.A relating to amendments of the Statute, fall under shared Community competence.

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#### THE COUNCIL OF THE EUROPEAN UNION.

Having regard to the Treaty establishing the European Community, and in particular Article 175 paragraph 1 in conjunction with Article 300 paragraph 2 first subparagraph and Article 300 paragraph 3 first subparagraph,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

#### Whereas

- (1) On [], the Statute of the International Renewable Energy Agency ("the Statute") was signed on behalf of the European Community.
- (2) It is appropriate for the European Community to conclude the Statute.
- (3) Both the European Community and its Member States have competence in the areas covered by the Statute.
- (4) Article VI.C of the Statute foresees that regional intergovernmental economic integration organisations that become members of the International Renewable Energy Agency ("IRENA") declare the extent of their competence with respect to the matters governed by the Statute.
- (5) The European Community should therefore adopt such a declaration of competence.
- (6) The European Community should pay an annual contribution to IRENA to strengthen the work of the Agency and to cover additional administrative expenses, foreseen from IEE Programme.

#### HAS DECIDED AS FOLLOWS:

#### Article 1

1. The Statute of the International Renewable Energy Agency is hereby approved on behalf of the Community.

#### Article 2

- 1. The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of ratification, on behalf of the Community, with the Government of the Federal Republic of Germany as depositary of the statute in accordance with Article XIX and Article XX.A of the Statue in order to express the consent of the Community to be bound.
- 2. The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Community, the declaration of competence contained in Annex II, in accordance with Article VI.C of the Statute.

#### Article 3

Member States and the Commission shall observe the code of conduct set out in Annex III.

#### Article 4

The European Community shall pay an annual contribution to IRENA as of [1 July 2010]. Done at Brussels,

For the Council The President

## **ANNEX I**

#### Declaration of competences

- 1. Article VI.C. of the Statute provides that the instrument of ratification of accession of a regional intergovernmental economic integration organisation shall contain a declaration of the extent of its competence with respect to the matters governed by the Statute.
- 2. In accordance with the Treaty establishing the European Community, the European Community has competence, shared with the Member States, in the field of renewable energy.
- 3. The exercise of competence which Member States of the European Community have transferred to the European Community pursuant to the Treaties is, by its nature, liable to continuous change. The European Community therefore reserves the right to adjust the declaration.

#### **ANNEX II**

#### Code of conduct

- 1. The code will apply to all meetings organised within the framework of the International Renewable Energy Agency which are relevant for the implementation of the Statute, in particular to meetings of the Assembly and the Council. The code also applies mutatis mutandis to Article XV of the Statute on amendments withdrawal and review.
- 2. On matters falling within the competence of Member States, the Presidency will convene on its own initiative or at the request of the Commission or of a Member State coordination meetings of EU Member States' delegations before, during and after each meeting referred to in paragraph 1, aiming at elaborating coordinated positions. Draft statements on positions will be circulated among Member States beforehand. Member States will express these coordinated positions and exercise their voting rights on matters on the basis of these coordinated positions.
- 3. On matters falling within shared competence, in particular in relation to:
  - policy advice on overall renewable energy policy, such as target setting, administrative barriers, sustainability schemes and requirements, cooperation with third countries on counting renewable energy sources towards other countries' targets and other issues covered by Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources.
  - relations with other organisations and agreements with other bodies,
  - amendments to the Statute,
  - the work programme of the Agency, rules of procedure and financial rules, and the annual report,
  - coordination for electing the Director General and members of the Council;

the Commission will convene coordination meetings of EU Member States' delegations before, during and after each meeting referred to in paragraph 1, aiming at elaborating Community positions. Draft statements on positions will be circulated among Member States beforehand. The Commission will express, on behalf of the Community, Community positions on these matters.

- 4. In accordance with Article VI.C of the Statute, the Commission, on behalf of the European Community, will exercise the Community's voting rights on the basis of Community positions on matters referred to in paragraph 3.
- 5. It may be agreed that in cases where the Community is not represented, the Member States will exercise their voting rights on matters referred to in paragraph 3 on the basis of Community positions.

- 6. The Commission and the Member States will use best endeavours in coordination meetings on the spot to establish an agreed position.
- 7. If no agreement can be reached on matters referred to in paragraph 3, then the matter will be referred without undue delay to the Council's Energy Working Group or to the Permanent Representatives Committee.
- 8. Where no agreement between the Commission and the Member States is reached in accordance with paragraph 3, Member States may speak and vote on matters falling clearly within their competence on condition that the position will be coherent with Community policies and in conformity with Community law. The Commission may speak and vote on matters falling clearly within Community competence to the extent necessary to defend the Community acquis.

## **LEGISLATIVE FINANCIAL STATEMENT**

#### 1. NAME OF THE PROPOSAL:

Membership fee for International Renewable Energy Agency (IRENA)

## 2. ABM/ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

**Energy and Transport** 

0604 Conventional and renewable energies

## 3. BUDGET LINES

# 3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

060406 Competitiveness and Innovation Framework Programme – Intelligent Energy – Europe Programme

## 3.2. Duration of the action and of the financial impact:

480.000 per annum

# 3.3. Budgetary characteristics :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective	
060406	Non- comp	Diff1	NO	YES	YES	No 1a	

Differentiated appropriations

# 4. SUMMARY OF RESOURCES

## **4.1.** Financial Resources

# 4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
Operational expenditure <sup>2</sup>									
Commitment Appropriations (CA)	8.1.	a	0.240	0.480	0.480	0.480	0.480	0.480 p.a.	
Payment Appropriations (PA)		b	0.240	0.480	0.480	0.480	0.480	0.480 p.a.	
Administrative expenditu	re within	refere	nce am	ount <sup>3</sup>					
Technical & administrative assistance (NDA)	8.2.4.	с	X	X	X	X	X	X	х
TOTAL REFERENCE AMO	DUNT								
Commitment Appropriations		a+c	0.240	0.480	0.480	0.480	0.480	0.480 p.a.	
Payment Appropriations		b+c	0.240	0.480	0.480	0.480	0.480	0.480 p.a.	
Administrative expenditu	re <u>not</u> inc	luded	in refer	ence an	nount <sup>4</sup>				
Human resources and associated expenditure (NDA)	8.2.5.	d	0.040	0.040	0.040	0.040	0.040	0.040 p.a.	
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e	0.005	0.005	0.005	0.005	0.005	0.005 p.a.	
Total indicative financial	cost of int	ervent	tion						
TOTAL CA including cost of Human Resources		a+c +d +e	0.285	0.525	0.525	0.525	0.525	0.525 p.a.	
TOTAL PA including cost of Human Resources		b+c +d +e	0.285	0.525	0.525	0.525	0.525	0.525 p.a.	

Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

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Expenditure within article xx 01 04 of Title xx.

Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

# Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
Member States (in case all would become member of IRENA, currently 20 are member)	f	7.2	14.5	14.5	14.5	14.5	14.5 p.a.	
Non EU-countries (based on countries that are Member or shown interest to become a member; may expand over time)		2.4	4.8	4.8	4.8	4.8	4.8 p.a.	
TOTAL CA including co- financing	a+c +d +e +f	9.6	19.8	19.8	19.8	19.8	19.8 p.a.	

# 4.1.2. Compatibility with Financial Programming

	•	, ,
	$\square$	Proposal is compatible with existing financial programming.
		Proposal will entail reprogramming of the relevant heading in the financial perspective.
		Proposal may require application of the provisions of the Interinstitutional Agreement <sup>5</sup> (i.e. flexibility instrument or revision of the financial perspective).
4.1.3.	Fina	ncial impact on Revenue
		Proposal has no financial implications on revenue
		Proposal has financial impact – the effect on revenue is as follows:

See points 19 and 24 of the Interinstitutional agreement.

		Prior to action		Situ	ation foll	owing ac	tion	
Budget line	Revenue	[Year n-1]	[Yea r n]	[n+1]	[n+2]	[n+3	[n+4]	[n+5] 6
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

# **4.2.** Human Resources FTE (including officials, temporary and external staff) – see detail under point **8.2.1.**

Annual requirements	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources	0.4	0.4	0.4	0.4	0.4	0.4 p.a.

#### 5. CHARACTERISTICS AND OBJECTIVES

### 5.1. Need to be met in the short or long term

IRENA's main objective is to disseminate best practices both within the EU as on a global level in the field of renewables.

# 5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

As a member, the Commission would have better and more direct access to information about activities in the field of renewables both within the EU and globally. This is beneficial for policy making in general (f.i. sustainability discussion of biofuels and biomass) and would strengthen the monitoring of the progression by Member States towards their binding renewable target in 2020.

Furthermore, on many aspects of renewable energy policy, the Community has shared competences with Member States. It is desirable that the Community acts in a coordinated way within IRENA. In the proposed Community mandate for signing IRENA it is proposed that the Community becomes a member of IRENA; this implicates membership fees.

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Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

# 5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

IRENA's main objective is to disseminate best practices both within the EU as on a global level in the field of renewables. This includes:

- The promotion of renewable energy technology in the EU and globally for a broader market uptake, in particular to bring down costs but also to increase market experience.
- To reduce barriers for renewable energy and stimulate best practice and awareness rising.

#### Results:

Dissemination of knowledge and best practices, with the Community being active within IRENA according to coordinated positions on matters of shared competence.

#### **Indicators:**

- Number of IRENA members who have adopted new actions/ measures on RES as a direct outcome of IRENA advice.
- Number of new measures implemented as result of IRENA advice.
- Share of agreed Community coordinated positions on relevant issues within IRENA

## **5.4.** Method of Implementation (indicative)

Relevant comments:

V	Cent	tralise	ed Management
	$\overline{\mathbf{A}}$	dire	ctly by the Commission
		indi	rectly by delegation to:
			executive Agencies
			bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
			national public-sector bodies/bodies with public-service mission
	Shar	red or	decentralised management
		with	Member states
		with	Third countries
	Join	t man	agement with international organisations (please specify)

## 6. MONITORING AND EVALUATION

# **6.1.** Monitoring system

Not applicable

# **6.2.** Evaluation

#### *6.2.1. Ex-ante evaluation*

Not applicable

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

Based on low performance on indicators the continuation of the annual contribution could be reconsidered.

6.2.3. Terms and frequency of future evaluation

After 5 years, in case signals occur of lacking success of and support for IRENA.

## 7. ANTI-FRAUD MEASURES

Not considered relevant

# 8. **DETAILS OF RESOURCES**

# 8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and	Type of output	Av. cost	Year	r n	Year 1	n+1	Year 1	n+2	Year I	n+3	Year 1	n+4	Year n⊣ late		тот	AL
outputs should be provided)			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost								
OPERATIONAL OBJECTIVE No.1				0.240		0.480		0.480		0.480		0.480		0.480 p.a.		
Action 1																
- Output 1																
Sub-total Objective 1																
OPERATIONAL OBJECTIVE No.2																
Action 1																
- Output 1																
Sub-total Objective 2																

As described under Section 5.3

OPERATIONAL OBJECTIVE No.n								
Sub-total Objective n								
TOTAL COST		0.240	0.480	0.480	0.480	0.480	0.480 p.a.	

# 8.2. Administrative Expenditure

# 8.2.1. Number and type of human resources

Types of post		Staff to			t of the action umber of pos		g and/or
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or	A*/AD	0.222	0.222	0.222	0.222	0.222	0.222
staff <sup>8</sup> (XX 01 01)	B*, C*/AST						
Staff financed XX 01 02	by art.	0.178	0.178	0.178	0.178	0.178	0.178
Other staff <sup>10</sup> financed by art. XX 01 04/05							
TOTAL		0.4	0.4	0.4	0.4	0.4	0.4

# 8.2.2. Description of tasks deriving from the action

- Follow activities in IRENA
- Provide input to work program
- Call, prepare and follow up on coordination meetings with MS

# 8.2.3. Sources of human resources (statutory)

	Posts currently allocated to the management of the programme to be replaced or extended
	Posts pre-allocated within the APS/PDB exercise for year n
	Posts to be requested in the next APS/PDB procedure
V	Posts to be redeployed using existing resources within the managing service (internal redeployment)
	Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

<sup>8</sup> Cost of which is NOT covered by the reference amount

<sup>&</sup>lt;sup>9</sup> Cost of which is NOT covered by the reference amount

Cost of which is included within the reference amount

8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies <sup>11</sup>							
Other technical and administrative assistance							
- intra muros							
- extra muros							
Total Technical and administrative assistance							

8.2.5. Financial cost of human resources and associated costs <u>not</u> included in the reference amount

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	0.027	0.027	0.027	0.027	0.027	0.027 p.a.
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.)	0.013	0.013	0.013	0.013	0.013	0.013 p.a.
(specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.040	0.040	0.040	0.040	0.040	0.040 p.a.

Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation- Officials and Temporary agents

Multi-annual work, so cost are based on average costs of desk officers in Commission

0.4 fte x  $(122 \times 5/9) + 0.4$  fte x  $(73 \times 3/9) + 0.4$  fte x  $(64 \times 1/9) = 40,000$  Euro

Calculation- Staff financed under art. XX 01 02

See box above

## 8.2.6. Other administrative expenditure <u>not</u> included in reference amount

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions	0.005	0.005	0.005	0.005	0.005	0.005 p.a.	
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees <sup>12</sup>							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0.005	0.005	0.005	0.005	0.005	0.005 p.a.	

Calculation - Other administrative expenditure <u>not</u> included in reference amount

*5 missions at 1000 Euro = 5000 Euro* 

Depending on decision of where the permanent location of secretariat will be, these costs may

Specify the type of committee and the group to which it belongs.

change.