COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.6.2009
COM(2009) 327 final

Proposal for a

COUNCIL DECISION

on the signing and provisional application of the Statute of the International Renewable Energy Agency (IRENA) by the European Community

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.

This proposal provides for signature of the Statute and its provisional application.

1.1. Community signature

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. Participation in IRENA prior to accession

As IRENA's statute may not enter into force in the immediate future due to the provision of Article XIX, it is envisaged that the Community participates to the extent possible in any preparatory activities such as the Preparatory or Interim Commission.

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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 and Article 300 paragraph 2, first subparagraph,

Having regard to the proposal from the Commission,

Whereas

(1) On 26 January 2009, the Statute of the International Renewable Energy Agency ("the Statute") was signed at the Founding Conference in Bonn by seventy-five States, including twenty EU Member States.

(2) According to the Statute, the objective of the International Renewable Energy Agency ("IRENA") is "to promote the widespread and increased adoption as well as the sustainable use of all forms of renewable energy, taking into account national and domestic priorities and benefits derived from a combined approach of renewable energy and energy efficiency measures, and the contribution of renewable energy to environmental preservation, through limiting pressure on natural resources and reducing deforestation, particularly tropical deforestation, desertification and biodiversity loss; to climate protection; to economic growth and social cohesion including poverty alleviation and sustainable development; to access to and security of energy supply; to regional development and to inter-generational responsibility".

(3) Both the European Community and its Member States have competence in the areas covered by the Statute. Certain obligations, provided for by the Statute, affect or are likely to affect the arrangements laid down by Community acts adopted regarding the environment and energy.

(4) In view of its entry into force only on the thirtieth day after the deposit of the twenty-fifth instrument of ratification, and in view of the Statute remaining open for signature until that time, the Statute should be signed on behalf of the European Community in accordance with its Article XIX A. Considering that at the Founding Conference of IRENA on 26 January 2009 established a Preparatory Commission for IRENA, which is intended to ensure the rapid and effective establishment of IRENA, including by establishing an interim work programme and budget, it is considered beneficial to fully participate in IRENA activities from signature. The Statute should be applied on a provisional basis from 1 June 2009.

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the European Community, the Statute of the International Renewable Energy Agency founded on 26 January 2009 in Bonn.

Article 2

Pending its entry into force, the Community shall apply the Statute on a provisional basis from 1 June 2009.

Done at Brussels,

For the Council
The President