KOMISIJA EVROPSKIH SKUPNOSTI

Bruselj, 14.9.2005
COM(2005) 435 končno

2005/0177 (ACC)
2005/0178 (AVC)

Predlog

SKLEP SVETA

o podpisu Pogodbe o Energetski skupnosti s strani Evropske skupnosti

Predlog

SKLEP SVETA

o sklenitvi Pogodbe o Energetski skupnosti s strani Evropske skupnosti

(predložila Komisija)

OBRAZLOŽITVENI MEMORANDUM

Evropski svet je v Solunu junija 2003 odobril „Solunsko agendo za države zahodnega Balkana: približevanje evropskemu združevanju“, katere cilj je nadaljnje utrjevanje odnosov med EU in zahodnim Balkanom in v kateri je Evropska unija spodbudila države te regije, da sprejmejo pravno zavezujoč sporazum, s katerim bi Evropska skupnost razširila energetski trg na jugovzhodno Evropo.

V Sporočilu Komisije Svetu in Evropskemu parlamentu z dne 26. maja 2003 o razvoju energetske politike za razširjeno Evropsko unijo, njene sosede in partnerske države je Komisija pozvala k oblikovanju resničnega integriranega energetskega trga v širšem evropskem prostoru, brez kakršnih koli ovir, vključno z jugovzhodno Evropo, ki bi spodbujal enakovredne konkurenčne pogoje in visoke okoljske standarde.

Na ministrskem srečanju foruma Atenskega procesa novembra 2002 pod pokroviteljstvom Evropske komisije so države članice energetskega trga jugovzhodne Evrope podpisale memorandum o soglasju, s katerim so se obvezale, da bodo izvajale vzporedne predpise z določbami Skupnosti o oblikovanju notranjega energetskega trga na tem območju. Decembra 2003 je podpis drugega memoranduma o soglasju, pri katerem je sodelovala tudi Evropska skupnost, zagotovil širitev Atenskega procesa na trg s plinom in potrdil prvi memorandum.

Komisija je novembra 2002 predlagala skupno strateško listino z mednarodnimi donorji, ki so dejavni v jugovzhodni Evropi. Skupna strateška listina je pozvala k oblikovanju regulativnega okvira, ki omogoča učinkovito finančno pomoč regiji. Skupna strategija je postala osnova za neprekinjeno vključevanje mednarodnih finančnih institucij.

Republika Bolgarija, Romunija, Republika Turčija in Republika Hrvaška so države kandidatke za pridružitev k Evropski uniji, tudi Nekdanja jugoslovanska republika Makedonija je prav tako zaprosila za članstvo. Evropski svet je v Kopenhagnu decembra 2002 potrdil evropsko perspektivo o Republiki Albaniji, Bosni in Hercegovini ter Srbiji in Črni gori kot o potencialnih kandidatkah za pristop k Evropski uniji in poudaril svojo odločitev, da bo podpiral njihova prizadevanja za približevanje k Evropski uniji.

V skladu s Sklepom Sveta z dne 17. maja 2004 je Evropska komisija sklenila Pogodbo o ustanovitvi Energetske skupnosti z Republiko Albanijo, Republiko Bolgarijo, Bosno in Hercegovino, Republiko Hrvaško, Nekdanjo jugoslovansko republiko Makedonijo, Republiko Črno goro, Romunijo, Republiko Srbijo, Republiko Turčijo in Misijo začasne uprave Združenih narodov na Kosovu (v skladu z Resolucijo Varnostnega sveta Združenih narodov 1244). Pogodba bo veliko prispevala k doseganju zgoraj navedenih ciljev.

Pogodba bo dala pravno zavezujoč okvir k obstoječemu sodelovanju, kakor je opredeljeno v Atenskem memorandumu o soglasju iz let 2002 in 2003 med Evropsko skupnostjo in državami te regije. Bistvo Pogodbe so decembra 2004 odobrile vse članice Atenskega procesa, vključno s petimi državami članicami Evropske unije. Komisija lahko predlaga skupno deklaracijo s Svetom, da se zaščitijo interesi teh držav članic.

Pogodba oblikuje notranji energetski trg med Evropsko skupnostjo in državami nečlanicami EU te regije, vključno z medsebojno pomočjo in po možnosti skupno zunanjo politiko glede trgovanja z energijo, ki je pomemben dejavnik za notranji trg. Pogodba omogoča vzpostavitev regulativnega okvira, ki ponuja učinkovito delovanje energetskih trgov v regiji, vključno v državah EU na tem območju. Zagotavlja izvajanje ključnega pravnega reda Skupnosti glede

energetike, okolja, konkurence in obnovljivih virov energije za države nečlanice EU te regije. Pogodba in za njo stoječi Atenski proces zagotavljata usklajevanje na regionalni ravni z namenom razreševanja političnih problemov na državni ravni, vključno z vprašanji regulativnega sodelovanja, naložb, statistike in usklajevanja fizičnega trga.

Z oblikovanjem prostora brez notranjih meja za plin in elektriko želi Pogodba spodbuditi visoko raven oskrbe s plinom in elektriko za vse državljane, katera temelji na obveznostih javne službe, in doseganje gospodarskega in družbenega napredka ter visoke stopnje zaposlovanja kot tudi uravnoteženega in trajnostnega razvoja.

Aktivno se razpravlja o vprašanjih v zvezi z zaposlovanjem in družbenimi vplivi, vključno z delovnimi pogoji, ter s socialnim dialogom, v komplementarnem memorandumu o soglasju se v zvezi s tem vprašanjem iščejo ločene politične obveze namenom varovanja te družbene razsežnosti, ki je integralni del notranjega trga. Udeležba socialnih partnerjev in drugih pomembnih interesnih skupin pri razvoju te družbene razsežnosti bo ključnega pomena.

Predvsem pa bo Pogodba prva večstranska pogodba, ki je bila kdaj koli podpisana v tej regiji, in vključuje specifičen in visoko simbolični gospodarski sektor. Pritegnila bo naložbe z oblikovanjem stabilnega regulativnega in tržnega okvira ter bo omogočila gospodarski razvoj in družbeno stabilnost regije. Poleg tega bo krepila varnost oskrbe Evropske unije z zagotavljanjem pobud za povezovanje Balkana s kaspijskimi, severnoafriškimi in bližnjevzhodnimi rezervami plina in končala izolacijo grške mreže.

V sodelovanju z mednarodnimi donorji bo Pogodba okrepila usklajevanje finančne pomoči regiji. Svetovna banka je v zvezi s tem za sektor energetike in plina v regiji naznanila oblikovanje investicijskega sklada v višini 1,75 milijarde dolarjev. Dodelitev sredstev bo pogojeno z izpolnjevanjem Pogodbe. Sklad Svetovne banke se bo morda povečal, saj Svetovna banka predvideva, da bodo za doseganje tržne ravni EU potrebne naložbe v znesku 20 milijard dolarjev. Evropska banka za obnovo in razvoj je vključila proces Pogodbe o Energetski skupnosti v svojo posojilno politiko in ponudila več posojil, osnovanih na lastnih ambicijah. Cilj je zmanjšati možne konflikte med financerji.

Evropska skupnost bo imela korist od pravice do veta pri vse odločitvah, ki jih bo sprejela Energetska skupnost. Vpliv na proračun Evropske skupnosti je zelo omejen, saj bo proračun Pogodbe o Energetski skupnosti pokrival samo operativne stroške Energetske skupnosti, ki bodo potrebni za delovanje njenih institucij.

Od Komisije se zahteva, da odobri:

(1) Sklepe za podpis in sklenitev ter

(2) osnutek skupne deklaracije Komisije in Sveta.

2005/0177 (ACC)

Predlog

SKLEP SVETA

o podpisu Pogodbe o Energetski skupnosti s strani Evropske skupnosti

SVET EVROPSKE UNIJE JE –

ob upoštevanju Pogodbe o ustanovitvi Evropske skupnosti in zlasti členov 47(2), 55, 83, 89, 95, 133 in 175 v povezavi s prvim stavkom prvega pododstavka člena 300(2) Pogodbe,

ob upoštevanju predloga Komisije[1],

ob upoštevanju naslednjega:

(1) V skladu s Sklepom Sveta z dne 17. maja 2004 je Evropska komisija sklenila Pogodbo o ustanovitvi Energetske skupnosti z Republiko Albanijo, Republiko Bolgarijo, Bosno in Hercegovino, Republiko Hrvaško, Nekdanjo jugoslovansko republiko Makedonijo, Republiko Črno goro, Romunijo, Republiko Srbijo, Republiko Turčijo in Misijo začasne uprave Združenih narodov na Kosovu (v skladu z Resolucijo Varnostnega sveta Združenih narodov 1244).

(2) Ob upoštevanju njegove morebitne poznejše sklenitve je treba Sporazum, parafiran 31. maja 2005, podpisati v imenu Evropske skupnosti –

SKLENIL:

Člen 1

Ob upoštevanju možnosti poznejše sklenitve je predsednik Sveta s to odločbo pooblaščen, da imenuje osebo ali osebe, pooblaščene za podpis Pogodbe o Energetski skupnosti v imenu Evropske skupnosti.

[1] UL C , str.

Člen 2

Ta odločba se objavi v *Uradnem listu Evropske unije*.

V Bruslju,

Za Svet
Predsednik

2005/0178 (AVC)

Predlog

SKLEP SVETA

o sklenitvi Pogodbe o Energetski skupnosti s strani Evropske skupnosti

SVET EVROPSKE UNIJE JE –

ob upoštevanju Pogodbe o ustanovitvi Evropske skupnosti in zlasti členov 47(2), 55, 83, 89, 95, 133 in 175 in prvega stavka prvega pododstavka člena 300(2) Pogodbe, v povezavi z drugim pododstavkom tretjega odstavka Pogodbe,

ob upoštevanju predloga Komisije[2],

ob upoštevanju privolitve Evropskega parlamenta[3],

ob upoštevanju naslednjega:

(1) V skladu s Sklepom Sveta z dne 17. maja 2004 je Evropska komisija sklenila Pogodbo o ustanovitvi Energetske skupnosti z Republiko Albanijo, Republiko Bolgarijo, Bosno in Hercegovino, Republiko Hrvaško, Nekdanjo jugoslovansko republiko Makedonijo, Republiko Črno goro, Romunijo, Republiko Srbijo, Republiko Turčijo in Misijo začasne uprave Združenih narodov na Kosovu (v skladu z Resolucijo Varnostnega sveta Združenih narodov 1244).

(2) Dne [ ] je bila v skladu z Odločbo Sveta z dne [ ] podpisana Pogodba o Energetski skupnosti v imenu Skupnosti.

(3) Pogodba o Energetski skupnosti zagotavlja oblikovanje integriranega trga z naravnim plinom in elektriko, ki bo ustvaril stabilni regulativni in tržni okvir, ki bo omogočal privabljanje privlačnih naložb v plinska omrežja, pridobivanje energije in distribucijske mreže, tako da bodo vse podpisnice imele dostop do stabilne in stalne oskrbe s plinom in elektriko, ki je bistvena za gospodarski razvoj in družbeno stabilnost. Omogoča vzpostavitev regulativnega okvira, ki dovoljuje učinkovito delovanje energetskih trgov v regiji, vključno z upravljanjem zastojev, tokov čez mejo, izmenjavo energije in drugo. Torej želi spodbujati visoko raven oskrbe s plinom in elektriko za vse državljane, ki temelji na obveznostih javne službe, in doseganje gospodarskega in družbenega napredka ter visoke stopnje zaposlovanja.

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[2] UL C, str.
[3] UL C, str.

(4) „Solunska agenda za države zahodnega Balkana: približevanje evropskemu združevanju“, ki jo je odobril Evropski svet junija 2003, si prizadeva za nadaljnje utrjevanje dobrih odnosov med Evropsko unijo in zahodnim Balkanom. Z oblikovanjem ugodnih gospodarskih pogojev in uvajanjem ter izvrševanjem ustreznega pravnega reda Skupnosti prispeva Pogodba o Energetski skupnosti h gospodarskemu povezovanju drugih podpisnic Pogodbe.

(5) Pogodba o Energetski skupnosti krepi varnost oskrbe podpisnic Pogodbe tako, da povezuje Grčijo s celinskimi trgi Evropske unije s plinom in elektriko ter zagotavlja pobude za povezavo Balkana s kaspijskimi, severnoafriškimi in bližnjevzhodnimi rezervami plina.

(6) Pogodba o Energetski skupnosti omogoča bolj množično razvoj konkurenčnosti energetskih trgov in izkoriščanje ekonomije obsega.

(7) Pogodba o Energetski skupnosti izboljšuje okoljski položaj v povezavi s plinom in elektriko ter spodbuja učinkovito rabo energije in obnovljivih virov energije.

(8) Pogodba omogoča zainteresiranim sosednjim tretjim državam, zlasti Moldaviji, Kraljevini Norveški in Ukrajini, da postanejo podpisnice ali opazovalke Energetske skupnosti.

(9) Pogodba o Energetski skupnosti se s to odločbo odobri.

(10) Energetska skupnost je avtonomna pri sprejemanju odločitev. Energetsko skupnost zastopata dva predstavnika v Ministrskem svetu in Stalni skupini na visoki ravni, ki se ustanovita s Pogodbo. Treba je določiti pravila in postopke za organizacijo institucij Energetske skupnosti, predstavništva Evropske skupnosti kot tudi za odločanje ter izražanje stališča Evropske skupnosti.

(11) Glede odločb Energetske skupnosti, ki bodo ustvarile večje obveznosti za Evropsko skupnost, bo Svet odločil o stališču Evropske skupnosti v skladu z drugim pododstavkom člena 300(2) ES.

(12) Države članice, ki jih neposredno zadeva Naslov III, bodo igrale bistveno vlogo pri izvrševanju ciljev Energetske skupnosti. Zato je ne glede na bistvene postopke Pogodbe ES treba pridobiti njihovo dejavno udeležbo pri sprejemanju odločitev in polno podporo pri izvedbenih ukrepih, ki bodo sprejeti v skladu z Naslovom III.

(13) Ustrezno je določiti pravila, v katerih primerih predstavnik Sveta Evropske unije ali Evropske komisije izrazi stališča Evropske skupnosti.

(14) Ustrezno je določiti poseben postopek za uporabo klavzule o notranji reviziji, predvidene v členu 101(iii) Pogodbe –

SKLENIL:

Člen 1

(1) Pogodba o ustanovitvi Energetske skupnosti se s to odločbo odobri v imenu Evropske skupnosti.
(2) Besedilo Pogodbe o Energetski skupnosti je priloženo tej odločbi.

Člen 2

Predsednik Sveta je s to odločbo pooblaščen, da imenuje osebo, pooblaščeno, da v imenu Evropske skupnosti uradno obvesti Generalnega sekretarja Sveta, ki je depozitar te pogodbe v skladu s členom 106, o odobritvi iz člena 1, in s tem izrazi privolitev Skupnosti, da je zavezana s Pogodbo.

Člen 3

(1) Energetsko skupnost bosta zastopala v Ministrskem svetu in Stalni skupini na visoki ravni, ki se ustanovita s Pogodbo:

(a) predstavnik Sveta Evropske unije, ki ga imenuje država članica, ki predseduje Svetu Evropske unije; in

(b) pooblaščeni predstavnikom Evropske komisije.

(2) Komisija deluje kot podpredsednik Ministrskega sveta in Stalne skupine na visoki ravni.

(3) Evropska komisija zastopa Evropsko skupnost v Upravnem odboru in Forumu, ki se ustanovita s Pogodbo.

Člen 4

(1) Stališča glede odločitev Evropske skupnosti v Ministrskem svetu, Stalni skupini na visoki ravni in Upravnem odboru, kot določa drugi odstavek člena 76 Pogodbe, ki jih sprejme Energetska skupnost v skladu s členi 82, 84, 91, 92, 96 in 100 Pogodbe in zadevajo Evropsko skupnost, sprejme Svet na predlog Komisije s kvalificirano večino.

(2) Stališča glede odločitev Energetske skupnosti iz prvega odstavka, ki spadajo pod Naslov III Pogodbe in veljajo za območje ene ali več držav članic, se sprejmejo v skladu s pravnim redom Skupnosti.

(3) Evropski parlament se takoj in v celoti obvesti o vseh odločitvah Sveta iz odstavka 1 zgoraj glede oblikovanja stališča Skupnosti v Ministrskem svetu, Stalni skupini na visoki ravni in Upravnem odboru.

(4) Stališča Evropske skupnosti, ki se sprejmejo v institucijah Energetske skupnosti glede določanja pogojev za izkoriščanje virov energije, izbire med viri energije in splošne strukture oskrbe z energijo, morajo bit takšna, da Energetska skupnost ne sprejme nobenega ukrepa za Evropsko skupnost, ki bi bil v nasprotju s katerim koli delom pravnega reda Skupnosti, bi ustvarjal razlikovanje med državami članicami ali škodil konkurenci katere države članice EU.

(5) O stališču Evropske skupnosti, ki se sprejme v Upravnem odboru, se odloči po posvetovanju z Evropsko skupino regulatorjev za električno energijo in plin (ERGEG) v skladu s Sklepom Komisije z dne 11. novembra 2003 o ustanovitvi Skupine evropskih regulatorjev za električno energijo in plin (2003/796/ES).

Člen 5

(1) Postopek, določen v spodnjih dveh odstavkih, se uporabi pred sprejetjem stališča s strani Evropske skupnosti v skladu s členom 4(1) zgoraj za odločitve, ki jih sprejme Energetska skupnost v skladu s členom 100(iii) Pogodbe.

(2) Po priporočilu Komisije Svet s kvalificirano večino pooblasti Komisijo, da se posvetuje v okviru institucij Energetske skupnosti. Komisija vodi ta pogajanja v posvetovanju s posebnim odborom, ki ga Svet imenuje za pomoč pri tej nalogi, in v okviru smernic, ki jih Svet naslovi nanjo.

(3) Svet se pred sprejetjem stališča Evropske skupnosti posvetuje z Evropskim parlamentom.

Člen 6

Stališča Evropske skupnosti izrazi Evropska komisija v okviru institucij Energetske skupnosti.

Člen 7

Ta odločba se objavi v *Uradnem listu Evropske unije*.

V Bruslju,

Za Svet
Predsednik

FINANCIAL STATEMENT

This document is intended to accompany and complement the Explanatory Memorandum. As such, when completing this Legislative Financial Statement, and without prejudice to its legibility, an attempt should be made to avoid repeating information contained in the Explanatory Memorandum. Before filling in this template, please refer to the specific Guidelines that have been drafted to provide guidance and clarification for the items below.

1. NAME OF THE PROPOSAL

Proposal for the Treaty creating the Energy Community based on a Council Decision for a Negotiating Directive under Article 300 of 17 May 2004, the "Energy Community Treaty".

2. ABM / ABB FRAMEWORK

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

06: Energy and Transport – Conventional energies

3. BUDGET LINES

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

060403xx

(new budget line based on the treaty creating the Energy Community and extending the internal energy market – **to be financed under future Heading 4**)

NOTE: – action **to be administered by DG TREN , but intended to be financed under the DG ELARG Pre-accession instrument (IPA) , therefore– future Heading 4 'External policies' in the financial perspective**

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

The Treaty itself will cover the period 2007 to 2016, whereas this Legislative Financial Statement covers the period 2007-2013. Towards the end of the period 2007-2013, a revised financial statement should be presented concerning the years 2014-2016.

In the years 2005 and 2006 the interim Energy Community Secretariat is paid under CARDS program.

3.3. Budgetary characteristics (*add rows if necessary*) :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
060403xx	Non-comp	Diff[4]/ [5]	YES	NO	YES	Future No [04]

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 2007	n + 2008	n + 2 2009	n + 3 2010	n + 4 2011	n + 5 and later 2012+ 2013	Total
Operational expenditure[6]									
Commitment Appropriations (CA)	8.1	a	3,171	4,227	4,713	4,989	5,091	10,575	32,765
Payment Appropriations (PA)		b	3,171	4,227	4,713	4,989	5,091	10,575	32,765
Administrative expenditure within reference amount[7]									
Technical & administrative assistance (NDA)	8.2.4	c	0,02	0,02	0,03	0,03	0,03	0,08	0,21

[4] Differentiated appropriations
[5] Non-differentiated appropriations hereafter referred to as NDA
[6] Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.
[7] Expenditure within article xx 01 04 of Title xx.

TOTAL REFERENCE AMOUNT

Commitment Appropriations		**a+c**	**3,191**	**4,247**	**4,743**	**5,019**	**5,121**	**10,655**	**32,975**
Payment Appropriations		**b+c**	**3,191**	**4,247**	**4,743**	**5,019**	**5,121**	**10,655**	**32,975**

Administrative expenditure not included in reference amount[8]

Human resources and associated expenditure (NDA)	8.2.5	d	0,648	0,648	0,648	0,648	0,648	1,296	4,536
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0,080	0,080	0,080	0,080	0,080	0,16	0,563

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d+ e	3,919	4,975	5,471	5,747	5,849	12,111	38,074
TOTAL PA including cost of Human Resources		b+c +d+ e	3,919	4,975	5,471	5,747	5,849	12,111	38,074

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 (constant share over period as to Treaty)		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
……	f	0,306	0,408	0,455	0,481	0,491	1,021	3,162

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

Co-funding		Year n (2007)	n+1 (2008)	n+2 (2009)	n+3 (2010)	n+4 (2011)	n+5 (2012	n+6 (2013)	
% as to Treaty		in mio €							**total/C**
Republic of Albania	0,10%	0,003	0,005	0,005	0,005	0,006	0,006	0,006	**0,036**
Republic of Bulgaria	1,00%	0,035	0,046	0,052	0,055	0,056	0,057	0,059	**0,359**
Bosnia and Herzegovina	0,30%	0,010	0,014	0,016	0,016	0,017	0,017	0,018	**0,108**
Republic of Croatia	0,50%	0,017	0,023	0,026	0,027	0,028	0,029	0,029	**0,180**
former Yugoslav Republic of Macedonia	0,10%	0,003	0,005	0,005	0,005	0,006	0,006	0,006	**0,036**
Republic of Montenegro	0,10%	0,003	0,005	0,005	0,005	0,006	0,006	0,006	**0,036**
Romania	2,10%	0,073	0,097	0,109	0,115	0,117	0,120	0,123	**0,754**
Republic of Serbia	0,70%	0,024	0,032	0,036	0,038	0,039	0,040	0,041	**0,251**
Republic of Turkey	3,80%	0,132	0,176	0,196	0,208	0,212	0,218	0,223	**1,365**
UN Interim Administration Kosovo	0,10%	0,003	0,005	0,005	0,005	0,006	0,006	0,006	**0,036**
Total Co-funding	8,80%	**0,306**	**0,408**	**0,455**	**0,481**	**0,491**	**0,505**	**0,516**	**3,162**

Please note that the accession of Bulgaria and Romania will change the Co-funding pattern. According to current assumptions the share of the EC increases by 3,10%

TOTAL CA including co-financing	a+c +d+ e+f	4,225	5,383	5,926	6,228	6,340	13,132	41,236

4.1.2. Compatibility with Financial Programming

☐ 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[9] (i.e. flexibility instrument or revision of the financial perspective

The proposal concerns the period 2007-2013 and the request for funding as detailed in point 4. will be covered by the future Pre-accession instrument (IPA).

4.1.3. Financial impact on Revenue

☒ Proposal has no financial implications on revenue

☐ Proposal has financial impact – the effect on revenue is as follows:

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

		Prior to action	Situation following action					
Budget line	Revenue	[Year n-1]	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5][10]
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

[9] See points 19 and 24 of the Interinstitutional agreement.

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

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	6	6	6	6	6	12

5. CHARACTERISTICS AND OBJECTIVES

Details of the context of the proposal are required in the Explanatory Memorandum. This section of the Legislative Financial Statement should include the following specific complementary information:

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

The creation of the Energy Community by means of a binding treaty is a major initiative of the European Commission to prepare a smooth transition of pre-accession candidate countries having in mind a sectoral approach. It is an initiative of EC accession and neighbourhood policy, however limited to the energy sector.

The aim is to bring the signatory countries to comply with European standards and specific provisions of the acquis communautaire.

In that respect it is essential to guide the process intensively in the short as well as in the longer term (2007-2013) to ensure the respect of the compliance with commitments agreed and the safeguard of the European Community's interests.

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

The Community – and the Commission as the guardian of the Treaties and the arbiter of compliance with the *acquis communautaire*-involvement is a condition sine qua non and not only contributes to stabilising the region but also to enhance the European Community's possibility to secure security of supply on energy resources.

Coherence with other financial instruments and possible synergies:

The new Institutions can better co-ordinate the needs of the region with respect to energy. The Institutions have a detailed regional overview and a co-ordination role on all Donor's activities in that area, raising thus synergies and avoiding overlaps.

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

Objectives:

- to establish a stable and reliable energy supply which is a precondition to economic growth in that area

- to ensuring EU access to gas resources in Middle East and the Caspian Area, enhancing diversity of supply and security of supply

- to increase environmental standards to EU acquis provisions

- to introduce sectoral provisions of the acquis communautaire and to create a larger single European energy market

- to foster investment climate and reduce regulatory risk in the area

Operational objectives (cost allocation to activities):

- to run the institutions effectuating the tasks attributed to them by the Treaty and indicatively depicted in the details' section below

- to organise and co-fund/reimburse larger meetings as the PHLG (Permanent High level group meetings), the Ministerial, the Fora (electricity and gas) if so decided under the Treaty provisions

Details:

1. The ENERGY COMMUNITY process

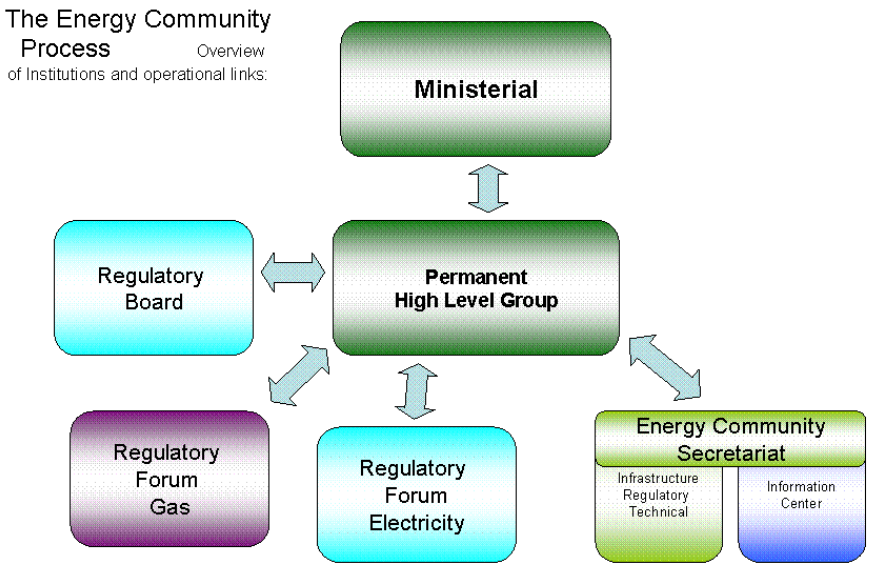
1.1. The Energy Community Process

The project of the creation of the Energy Community in South East Europe is a major step of European Union foreign policy with respect to the EC neighbouring countries. It is the first initiative where the European Union takes a sectoral approach to questions of trade and environment, to assist applying EU standards with a view to possible future accession. A stable and reliable energy supply is an important precondition for economic growth and prosperity.

This process, which already accomplished significant achievements with the signing of the Athens Memoranda 2002 and 2003 as well as the Tirana Declaration, was endorsed by the European Council by granting a negotiating directive to the European Commission with a view of establishing a binding treaty with the countries of the region. The treaty has been initialled recently and is likely to be signed in mid 2005.

This includes the CARDS countries (Albania, Bosnia & Herzegovina, Croatia, the FYROM, Serbia and Montenegro, the UNMIK) and the energy-wise linked neighbouring countries of Bulgaria, Romania and Turkey [NOTE: Turkey participation unclear].

Several institutions will be established by the Treaty (which are already in place from the stipulations of the Athens Memoranda), shadowing the institutions of the European Union as can be seen in the following graph:



1.1.1. The ENERGY COMMUNITY Secretariat

The purpose of the ENERGY COMMUNITY Secretariat is to assist the European Commission in its tasks to assure the ENERGY COMMUNITY process co-ordination on a daily basis and to serve as a monitoring institution.

To avoid any unclear interpretation of the purpose, the activity of the ENERGY COMMUNITY Secretariat does under no circumstances intervene with the task of the Commission to act as "the secretariat" to the institutions stipulated in the Memoranda and the draft treaty.

1.1.2. Overview-The tasks of the ENERGY COMMUNITY Secretariat

The tasks of the ENERGY COMMUNITY Secretariat stem from the obligations of the EC with respect to the stipulations of the Athens Memoranda (MOU) 2002 & 2003, the Tirana Declaration and the negotiating directive of the Council. In that sense and reflecting the negotiating directive of the Council as well as the initialled treaty, it is clear that the EC has substantive control over the work of the Secretariat. The detailed tasks follow the Annexe 2 of the EC ENERGY COMMUNITY strategy discussion paper, issued at the Athens Energy Week in June 2004. It is clear that when the treaty enters into force, the definitions and tasks therein and to be confirmed by procedural act under the terms of the Treaty itself are the base of work for the Secretariat.

1.1.2.1. The ENERGY COMMUNITY Secretariat Structure

Given the work load attributed to the Secretariat and the estimated time necessary for the accomplishment of the aim of creating an Energy Community in South East Europe in line with the relevant provisions of the acquis communautaire, it is envisaged to set up a permanent structure, embracing the specific advantages of local know how and geographic synergies. In the period until the end of 2006, an interim Secretariat has been established in Vienna, the major part

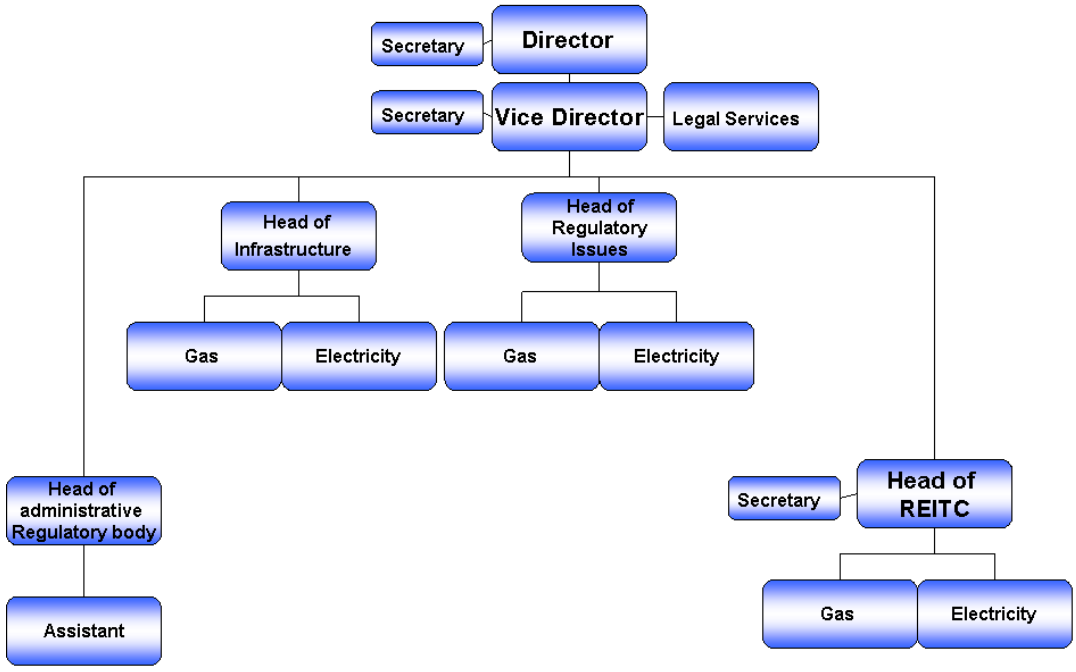
of which is funded under EC CARDS provisions. Being an interim Secretariat, the structure and budget are limited to set-up the process and to prepare for the entry into force of the treaty.

Thereafter, it is envisaged to build up the Secretariat as well as other institutions to cope with its tasks as currently envisaged in the Treaty.

The budget plan runs from 2007 to 2013. The likely duration of the treaty is until 2016, with a possible extension. The specific budget plan for 2014-16 will be presented in time and according to the exigencies then needed.

The chart below demonstrates a possible structure of the Secretariat:

Organigram of the Energy Community Secretariat (post 2006-7)



To realise efficient cost management all tasks attributed to the Secretariat or any other Institution of the Treaty are administered via the Secretariat. The Secretariat re-distributes funds when entitled to do so. The financial auditing of the whole process can be assured and double or triple overhead costs avoided.

Some funds might be attributed to staff which will work most of the time on other locations than the Secretariat, supporting other Institutions mainly for administrative purposes.

1.2. Some assumptions for the Institutions in the ENERGY COMMUNITY process, other than the Secretariat

1.2.1. Ministerial

The ministerial is the decision making body of the process. It entitles other institutions to act. The venue of the Ministerial meetings will rotate. It is funded by the host, some co-funding is included in the forecast.

1.2.2. Permanent High Level Group

The Permanent High level group shadows the work of the Council Energy Working Group and gives guidance within their competence given by the ministerial. The PHLG organisation is co-funded.

1.2.3. Regulatory Board

The Regulatory Board might have secretarial services at its disposal. The Funds are dispatched via the Secretariat accounting system.

1.2.4. Regulatory Forum Electricity

The Regulatory Forum Electricity shadows the Florence Forum process. Roughly 50.000 € per year are foreseen from 2007 onwards (indexed)

1.2.5. Regulatory Forum Gas

The Regulatory Forum Gas shadows the Madrid Forum process. Roughly 50.000 € per year are foreseen from 2007 onwards (indexed)

2. The detailed tasks of the ENERGY COMMUNITY Secretariat Divisions

(according to annex 2, EC ENERGY COMMUNITY strategy discussion paper and interpreting the treaty on the creation of the energy community)

The ENERGY COMMUNITY Regulatory Secretariat

The tasks of the ENERGY COMMUNITY Regulatory Secretariat are the following:

Regulation and Legislation:

Operation of Treaty, Athens Memoranda 2002/2003

Benchmarking and Peer Review activities

Establishing of policy guidelines (road map to reform)

Monitoring of the implementation of the acquis (assist to establish state action plans,..)

Liaison with the Regulators

Aspects of granting derogations

Aspects of Inter TSO and transmission guidelines

Aspects of Market Design

Donor Co-ordination

Co-ordination of the donors' group (currently done by EC) with respect to legal and regulatory aspects

Act as an information clearing house of Donor's activities with respect to legal and regulatory aspects

The ENERGY COMMUNITY Infrastructure Secretariat

The tasks of the ENERGY COMMUNITY Infrastructure Secretariat are the following:

Infrastructure Project Preparation and Infrastructure Identification:

Assist the World Bank with respect to infrastructure investment funding

Prepare the project dossiers following an agreed methodology and in line with the World Bank APL (Advanced P Loans) Procedures.

Assist other Donors with respect to infrastructure investment funding activities

Prepare the project dossiers following an agreed methodology and in line with the donors' specific programs' rules and procedures.

On site evaluation of project feasibility

Evaluation of compliance with environmental standards, following the provisions of the acquis

Follow up and monitoring of compliance with environmental standards

Liaise with the responsible project managers of the projects' parent companies.

Follow-up project implementation, if accepted for realisation

Preparation of in-depth progress reports on each "project realisation" and subject to information to the PHLG

Assuring the good use of funds for project realisation, project auditing activities in liaison with the donors' respective activities.

Establish guidelines for good procurement policy and practice, suitable for each state.

Establish in liaison with the activities of the donors an indicative priority list for infrastructure projects

Donor Co-ordination

Co-ordination of the donors' group (currently done by EC) with respect to infrastructure aspects

Act as an information clearing house of Donor's activities with respect to infrastructure aspects

Information and energy outlook

Establish demand forecast scenarios for the Energy Community in South East Europe

Monitor demand structure and development

Issue a bi-annual energy outlook report

The ENERGY COMMUNITY Information Center

The tasks of the ENERGY COMMUNITY Information Center are the following:

Regional Energy Information and Techncial Center:

To act as an information clearing house for participants to the process, statistical data should be gathered for all energy sources

To act as an information platform for the public

To act as a platform for technical co-operation for technical associations.

5.4 Method of Implementation (indicative)

Show below the method(s)[11] chosen for the implementation of the action.

x***Centralised Management***

x Directly by the Commission

Indirectly 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

 Shared or decentralised management

 With Member states

 With Third countries

 Joint management with international organisations (please specify)

Relevant comments:

[11] If more than one method is indicated please provide additional details in the "Relevant comments" section of this point

6. MONITORING AND EVALUATION

6.1. Monitoring system

The institutions act under the supervision of the European Commission and the Permanent High Level Group. Activities include reports and road maps. Transparency of activities is a key requisite for the institutions' acceptance. The European Commission monitors progress ultimately itself with adequate internal measures.

Auditing is done twice, once on behalf of the Institutions, once on behalf of the European Commission independently.

6.2. Evaluation

6.2.1. Ex-ante evaluation

The Council and the signatory states evaluate the initiative and demonstrate with their signature their commitment

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

The European Commission envisages to benefit from experience gained through the set up of Agencies. However no similar activity has been undertaken so far.

6.2.3. Terms and frequency of future evaluation

The process is under permanent evaluation by the signatory countries and the European Commission. Once a year independent auditing is taking place.

7. ANTI-FRAUD MEASURES

Normal auditing provisions apply as well as the applicable legal framework on anti-fraud measures.

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 outputs should be provided)	Type of output	Av. cost	Year n 2007		Year n+ 2008		Year n+2 2009		Year n+3 2010		Year n+4 2011		Year n+5 and later 2012 +2013		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 [12] Run Institutions (actions and activities see section 5.2) and the insitutions	Running an institution to monitor and pursue the implementation of the acquis communautaire in the energy community signatory countries			3,477		4,635		5,167		5,470		5,582		11,595		35,927
	Coûts pour la Communauté européenne (91,2%) (vu que financé en co-financement)			**3,171**		**4,227**		**4,713**		**4,989**		**5,091**		**10,575**		**32,765**
OPERATIONAL OBJECTIVE No.2 [13] Co-fund meetings such as PHLG and Fora	Included in total, but separately spelled out here (details of rubrique meeting organisation/refunding below)			0,3		0,3		0,35		0,35		0,35		0,70		2,35

[12] As described under Section 5.3

[13] As described under Section 5.3

Additional information:

The Institutions are financially operated via one central accounting system and one bank account to raise synergies and cost efficiency. This is why the cost of the activities is integrated in the overall running costs o the treaty institutions. See details below:

Cost estimates Energy Community
Institutions in total

	2007	2008	2009	2010	2011	2012	2013
Staff	2.438.106	3.223.250	3.602.405	3.710.477	3.821.792	3.936.445	4.054.539
Total other expenditures	1.039.000	1.412.000	1.565.000	1.760.000	1.760.000	1.800.000	1.804.000
Rent	100.000	130.000	130.000	200.000	200.000	200.000	200.000
Legal and audit advice	20.000	20.000	20.000	20.000	20.000	20.000	20.000
Insurance	7.000	7.000	10.000	10.000	10.000	10.000	10.000
office needs/working material	15.000	15.000	15.000	15.000	15.000	15.000	15.000
Advertising/Marketing	50.000	100.000	100.000	100.000	100.000	140.000	140.000
Consultancy	300.000	500.000	600.000	700.000	700.000	700.000	700.000
Travel expenses	200.000	270.000	270.000	270.000	270.000	270.000	270.000
Infrastructure (tel, Fax, ..)	17.000	20.000	20.000	30.000	30.000	30.000	34.000
Seminars/courses	10.000	20.000	20.000	25.000	25.000	25.000	25.000
other	20.000	30.000	30.000	40.000	40.000	40.000	40.000
Meeting Organising/Refunding	300.000	300.000	350.000	350.000	350.000	350.000	350.000
total	3.477.106	4.635.250	5.167.405	5.470.477	5.581.792	5.736.445	5.858.539

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (**number of posts/FTEs**)					
		Year n 2007	Year n+ 2008	Year n+2 2009	Year n+3 2010	Year n+4 2011	Year n+5 and later 2012+2013
Officials or temporary staff[14] (XX 01 01)	A*/AD	4	4	4	4	4	4 + 4
	B*, C*/AST	1	1	1	1	1	1 + 1 + 1
Staff financed[15] by art. XX 01 02		Not foreseen					
Other staff[16] financed by art. XX 01 04/05		Not foreseen					
TOTAL		6	6	6	6	6	6 + 6

8.2.2 Description of tasks deriving from the action

-analyse political impact of the initiative

-develop the implementation policy strategy to enlarging the single energy market

-manage the process of enlarging the single energy market

-give guidance to the process and the institutions

-manage high level (international) donor co-ordination

-ensure consistency of EU-25 acquis communautaire with energy community activities

-moderate the process and the stakeholders to achieve regional optimisation

-assist and market process in the signatory countries (pre-accession)

8.2.3 Sources of human resources (statutory)

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[14] Cost of which is NOT covered by the reference amount

[15] Cost of which is NOT covered by the reference amount

[16] Cost of which is included within the reference amount

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

x☐ Posts currently allocated to the management of the programme to be replaced or extended (currently 2 A posts)

☐ Posts pre-allocated within the APS/PDB exercise for year n

x☐ Posts to be requested in the next APS/PDB procedure (2 A, 1 B, 1 C)

☐ 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

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 2007	Year n+ 2008	Year n+2 2009	Year n+3 2010	Year n+4 2011	Year n+5 and later 2012+2013	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies[17]							
Other technical and administrative assistance							
-*intra muros*							
-*extra muros (Auditing)*	0.02	0.02	0.03	0.03	0.03	0.08	0.21
Total Technical and administrative assistance	0.02	0.02	0.03	0.03	0.03	0.08	0.21

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

8.2.5 Financial cost of human resources and associated costs not 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)	0,648	0,648	0,648	0,648	0,648	1,296
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)	NA					
Total cost of Human Resources and associated costs (NOT in reference amount)	0,648	0,648	0,648	0,648	0,648	1,296

Calculation– ***Officials and Temporary agents***

Reference should be made to Point 8.2.1, if applicable

The calculation is based on the indication in 8.2.1.; 4 persons grade A and 1 grade B and 1 grade C at 108.000 €/a each. It is assumed that the internal calculatory cost remains stable over the period (no indexation).

Calculation– ***Staff financed under art. XX 01 02***

Reference should be made to Point 8.2.1, if applicable

N.A.

8.2.6 Other administrative expenditure not 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	0,080	0,080	0,080	0,080	0,080	0,16	0,562
XX 01 02 11 02 – Meetings & Conferences	Incl.						

XX 01 02 11 03 – Committees[18]	Incl						
XX 01 02 11 04 – Studies & consultations	N.A.						
XX 01 02 11 05-Information systems	N.A.						
2 Total Other Management Expenditure (XX 01 02 11)	0,080	0,080	0,080	0,080	0,080	0,16	0,562
3 Other expenditure of an administrative nature (specify including reference to budget line)	N.A.						
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0,080	0,080	0,080	0,080	0,080	0,16	0,562

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

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

Internal calculatory costs Activities	Number of meetings	Ressources/meeting	Travel costs/meeting/person	other costs	total
Ministerial	2	2	1200		4800
PHLG	6	2	1200		14400
energy week electricity	1	3	1200		3600
Donor's meeting	4	2	1200		9600
Hydrocarbon Forum	1	1	1200		1200
Electricity Forum	2	3	1200		7200
Gas Forum	2	3	1200		7200
Secretariat Board meeting	2	1	1200		2400
Preparatory Auditing meetings	2	1	1200		2400
Regulatory Board meeting	3	2	1200		7200
Conferences/Seminars	2	1	1200		2400
Missions to countries	15	1	1200		18000

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.