



COMMISSION OF THE EUROPEAN COMMUNITIES

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97/0369 (CNS)
97/0372 (CNS)
98/0234 (CNS)

Amended proposal for a

COUNCIL DECISION

adopting a multiannual framework programme for actions

in the energy sector

(1998 – 2002)

and

CONNECTED MEASURES

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

Explanatory Memorandum

The Commission presented on 18 November 1997 a proposal for a Council Decision adopting a multiannual framework programme for actions in the energy sector (1998-2002) and connected measures (COM(97)550 final). On 15 July 1998 the Commission presented a complementary proposal on two specific aspects (COM(98)423 final).

The European Parliament delivered on 8 October 1998 its opinion on the draft decision based on Article 235 CE and 203 EURATOM.

The European Parliament's main considerations coincide with those of the Commission.

The majority of the amendments adopted reinforce and clarify the initial proposals, in particular with respect to the key objectives of improving coherence, co-ordination and transparency of actions undertaken in the energy sector. Therefore they have been accepted by the Commission.

The Commission hereby presents the attached modified proposals which take into consideration most of the amendments adopted by the Parliament.

Amended proposal for a

COUNCIL DECISION

adopting a

**MULTIANNUAL FRAMEWORK PROGRAMME FOR
ACTIONS IN THE ENERGY SECTOR**

(1998-2002)

ADOPTING A MULTIANNUAL FRAMEWORK PROGRAMME FOR ACTIONS
IN THE ENERGY SECTOR (1998-2002)

ORIGINAL TEXT

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 235 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Having regard to the opinion of the Committee of the Regions,⁴

Whereas the Commission communicated its views on the future of Community energy policy to the Council in its White Paper "*An energy policy for the European Union*" of 13 December 1995;⁵

AMENDED TEXT

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 235 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Having regard to the opinion of the Committee of the Regions,⁴

Whereas the Commission communicated its views on the future of Community energy policy to the Council in its White Paper "*An energy policy for the European Union*" of 13 December 1995;⁵

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⁵ COM(95)682, 13.12.1995.

Whereas the Commission communicated to the Council in its White Paper of 1997 its views on the implementation and monitoring of a Community strategy and action plan for renewable energy sources to the year 2010 with the aid of new technologies;⁶

Whereas the Council adopted the SAVE II programme on 16 December 1996⁷ to boost energy efficiency initiatives in the Community with a view to reducing CO₂ emissions;

Whereas the Council and the European Parliament adopted a decision on 26 April 1994 concerning the fourth framework programme of European Community activities in the field of research, technological development and demonstration (1994-1998)⁸ and a decision of the same date concerning a framework programme of Community activities in the field of research and training for the European Atomic Energy Community;⁹ whereas the Commission adopted a proposal on the 5th framework programme of research and technological development on 30 April 1997;¹⁰

Whereas the Commission adopted and transmitted to the Council a communication on the energy dimension of climate change on 14 May 1997;¹¹

Whereas the Commission communicated to the Council in its White Paper of 1997 its views on the implementation and monitoring of a Community strategy and action plan for renewable energy sources to the year 2010 with the aid of new technologies;⁶

Whereas the Council adopted the SAVE II programme on 16 December 1996⁷ to boost energy efficiency initiatives in the Community with a view to reducing CO₂ emissions;

Whereas the Council and the European Parliament adopted a decision on 26 April 1994 concerning the fourth framework programme of European Community activities in the field of research, technological development and demonstration (1994-1998)⁸ and a decision of the same date concerning a framework programme of Community activities in the field of research and training for the European Atomic Energy Community;⁹ whereas the Commission adopted a proposal on the 5th framework programme of research and technological development on 30 April 1997;¹⁰

Whereas the Commission adopted and transmitted to the Council a communication on the energy dimension of climate change on 14 May 1997;¹¹

⁶ COM(97)

⁷ Decision 737/96/EC, OJ No L 335, 24.12.1996

⁸ Council and Parliament Decision 1110/94/EC, OJ No L 115, 6.5.1994., page 31

⁹ Council Decision 268/94 (Euratom), OJ No L115, 6.5.1994, page 31.

¹⁰ COM(97)142 final

¹¹ COM(97)196 final

Whereas the use of cleaner technologies contributes to the objectives of the Community strategy to combat acidification;¹²

Whereas energy is a vital factor in the economic and social development of the Community;

Whereas the Community's dependence on external energy supplies is set to increase significantly in the years to come;

Whereas the competitiveness of European business is heavily influenced by the level of energy costs;

Whereas it is necessary to the quality of life of citizens to ensure that the development of energy production and consumption is compatible with environmental protection objectives;

Whereas CO₂ emissions must be reduced;

Whereas, particularly in view of the political uncertainties involved in the external supply markets, the Community must implement a coherent, effective energy policy geared to the medium and long-term prospects for economic development;

Whereas the use of cleaner technologies contributes to the objectives of the Community strategy to combat acidification;¹²

Whereas energy is a vital factor in the economic and social development of the Community;

Whereas the Community's dependence on external energy supplies is set to increase significantly in the years to come;

Whereas the competitiveness of European business is heavily influenced by the level of energy costs;

Whereas for ensuring competitive energy prices it is essential to regularly monitor at EU level the implementation process of the two key liberalisation directives which have recently been adopted for the electricity and gas markets;

Whereas this monitoring process should be based on co-operation with Member State administrations as well as regulators, facilitating the exchange of best practices and ensuring greater transparency along the lines of the model initiated by the Commission for the internal electricity market;

Whereas it is necessary to the quality of life of citizens to ensure that the development of energy production and consumption is compatible with environmental protection objectives;

Whereas CO₂ emissions must be reduced;

Whereas, particularly in view of the political uncertainties involved in the external supply markets, the Community must implement a coherent, effective energy policy geared to the medium and long-term prospects for economic development;

¹² COM(97)88 final of 12.3.1997

Whereas the actions taken under the energy policy should therefore be focused on specific priority objectives;

Whereas, in view of the strategic challenges facing the Community, these objectives should focus in particular on ensuring the security of supplies, completing the integration of the energy markets, enhancing the competitiveness of European business and the quest for environmentally sustainable economic development;

Whereas the balanced achievement of these objectives requires particular attention to be devoted to the transparency, coherence and coordination of all of the energy actions taken at Community level;

Whereas the Council stressed this need in its Resolution of 8 July 1996¹³ on the White Paper "*An energy policy for the European Union*";

Whereas the Council, when it adopted the Regulation adopting a programme to promote international cooperation in the energy sector,¹⁴ considered that it would be opportune for the Commission to present a communication on all the Community programmes with an energy component, which could be followed by a proposal on the establishment of a framework programme for energy;

Whereas the Commission presented a communication: "An overall view of energy policy and actions",¹⁵ from which it emerges that the Community is pursuing a great many actions, but that these are scattered either between different energy policy programmes or various Community policies;

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Whereas the Commission presented a communication: "An overall view of energy policy and actions",¹⁵ from which it emerges that the Community is pursuing a great many actions, but that these are scattered either between different energy policy programmes or various Community policies;

¹³ OJ No C224, 1.8.1996

¹⁴ Council Regulation (EC) No 701/97, OJ No L 104, 22.4.1997

¹⁵ COM(97)167 final, 23.4.1997

Whereas it is necessary to ensure the management, complementarity and optimum use of budget resources;

Whereas only a truly integrated approach will enable proper account to be taken of all the aspects of the problems to be resolved;

Whereas this coherent, coordinated approach must apply both to energy policy as such and to the energy components of other Community policies;

Whereas it is therefore necessary to define and establish a multiannual framework programme for the actions taken under the Community's energy policy;

Whereas this framework programme should be implemented in the form of horizontal actions and thematic programmes;

Whereas the horizontal actions cover forward analyses, market monitoring and international energy cooperation;

Whereas the thematic programmes concern the promotion of renewable energy sources and the implementation of a Community strategy in this area, the promotion of energy efficiency, promotion of solid fuels and the safe use of nuclear energy;

Whereas, in view of the context and the specific structures within which energy actions relating to trans-European networks are conducted, the structures and the manner in which such actions are implemented must be maintained in the appropriate framework;

Whereas it is necessary to ensure the management, complementarity and optimum use of budget resources;

Whereas only a truly integrated and coordinated approach of Community actions in the energy field will enable the development of a coherent and effective energy policy which ensures that proper account is taken of all the aspects of the problems to be resolved;

Whereas this coherent, coordinated approach must apply both to energy policy as such and to the energy components of other Community policies;

Whereas it is therefore necessary to define and establish a multiannual framework programme for the actions taken under the Community's energy policy;

Whereas this framework programme should be implemented in the form of horizontal actions and thematic programmes;

Whereas forward analyses and market monitoring are essential for the development of an adequate energy policy strategy for the medium and long term; whereas shared analyses with Member States and interested parties should be encouraged in this field;

Whereas the horizontal actions cover forward analyses, market monitoring and international energy cooperation;

Whereas the thematic programmes concern the promotion of renewable energy sources and the implementation of a Community strategy in this area, the promotion of energy efficiency, promotion of solid fuels and the safe use of nuclear energy;

Whereas, in view of the context and the specific structures within which energy actions relating to trans-European networks are conducted, the structures and the manner in which such actions are implemented must be maintained in the appropriate framework;

Whereas in view of the context and the specific structures within which energy actions relating to RTD are conducted, the structures and the manner in which such actions are implemented will continue to conform with the arrangements and procedures of the RTD framework programme; whereas, however, cooperation and coordination with the other structures must be enhanced;

Whereas the actions or programmes referred to above should be implemented where necessary by means of specific measures which, where appropriate, would replace the corresponding instruments currently in force;

Whereas the principle of seeking the greatest possible coherence calls for the setting up of a single committee of an advisory nature for the whole of the framework programme and its constituent actions;

Whereas, in view of the variety and technical complexity of the questions to be addressed, the single committee and the Commission should seek the assistance of appropriate experts where necessary;

Whereas the single committee will assist the Commission in ensuring the greatest

Whereas in view of the context and the specific structures within which energy actions relating to RTD are conducted, the structures and the manner in which such actions are implemented will continue to conform with the arrangements and procedures of the RTD framework programme; whereas, however, cooperation and coordination with the other structures must be enhanced;

Whereas the actions or programmes referred to above should be implemented where necessary by means of specific measures which, where appropriate, would replace the corresponding instruments currently in force;

Whereas support for enlargement of the European Union should put a particular focus on energy, given its political, social and economic importance in most of the accession countries; whereas this should include support for the implementation of the energy acquis, greater co-ordination of the PHARE and international energy cooperation (SYNERGY) programmes and the opening up of the energy saving (SAVE), renewables (ALTENER) and solid fuels programmes to the accession countries, as well as closer co-operation with European and international financial institutions (EIB, EBRD, Worldbank) and the implementation of the Energy Charter Treaty;

Whereas the principle of seeking the greatest possible coherence calls for the setting up of a single committee of an advisory nature for the whole of the framework programme and its constituent actions;

Whereas, in view of the variety and technical complexity of the questions to be addressed, the single committee and the Commission should seek the assistance of appropriate experts where necessary;

Whereas the single committee will assist the Commission in ensuring the greatest

possible transparency and the dissemination of information between all the parties concerned and ensure greater consistency of the energy actions taken under the various Community policies;

Whereas, notwithstanding a systematic, regular evaluation of the actions, the "energy" framework programme and its specific programmes should be the subject of a mid-term review by independent experts;

Whereas focusing the actions on the three major priority objectives of security of supply, competitiveness and protection of the environment will facilitate a more transparent and more efficient use of resources;

Whereas some additional funding could be decided in the light of the political choices and priorities adopted;

Whereas the funding of actions carried out in the priority areas of promotion of renewables (ALTENER programme) and energy efficiency (SAVE programme) in particular could be reviewed when the next financial perspective is drawn up;

possible transparency and the dissemination of information between all the parties concerned and ensure greater consistency of the energy actions taken under the various Community policies;

Whereas on the basis of key energy policy indicators regular reports should be drawn up on the implementation of the framework programme;

Whereas, notwithstanding a systematic, regular evaluation of the actions, the "energy" framework programme and its specific programmes should be the subject of a mid-term review by independent experts;

Whereas focusing the actions on the three major priority objectives of security of supply, competitiveness and protection of the environment will facilitate a more transparent and more efficient use of resources;

Whereas **the energy policy challenges which the European Union is facing in the next decade require that the budgetary appropriations for the energy framework programme be sufficient and that, in the context of the new financial perspectives,** additional funding could be decided in the light of the political choices and priorities adopted;

Whereas **in the light of the key role of energy in the strategy for reducing greenhouse gas emissions,** the funding of actions carried out in the priority areas of promotion of renewables (ALTENER programme) and energy efficiency (SAVE programme) in particular could be reviewed when the next financial perspective is drawn up, **in addition to an increased coordination effort in these areas with other Community policies (e.g. structural funds, environment and research);**

Whereas, in keeping with the subsidiarity principle and the principle of proportionality pursuant to Article 3b of the Treaty, the above priority objectives of energy policy and the boosting and coordination of energy actions carried out under the energy policy proper and in the framework of other Community policies should, by their nature, be implemented at Community level; whereas this Decision is confined to the minimum required to achieve these goals;

Whereas the Treaty does not provide powers for the adoption of this Decision, the purpose of which is the coordination of all aspects of energy policy, other than those in Article 235; whereas the specific programmes which will implement this framework programme will each be adopted on the appropriate legal basis, in particular where their objective is the prudent and rational utilisation of natural resources referred to in Article 130r of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

- (1) A multiannual framework programme for Community actions in the field of energy, hereinafter referred to as the "framework programme", is hereby adopted for the period 1998-2002.
- (2) The framework programme shall primarily contribute to the pursuit of the following priority objectives:
 - to guarantee the security of energy supplies;
 - to ensure competitiveness;
 - to promote the compatibility of the development of the energy market with environmental protection objectives.

Whereas, in keeping with the subsidiarity principle and the principle of proportionality pursuant to Article 3b of the Treaty, the above priority objectives of energy policy and the boosting and coordination of energy actions carried out under the energy policy proper and in the framework of other Community policies should, by their nature, be implemented at Community level; whereas this Decision is confined to the minimum required to achieve these goals;

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- (2) The framework programme shall primarily contribute to the pursuit of the following priority objectives:
 - to guarantee the security of energy supplies;
 - to ensure competitiveness;
 - to promote the compatibility of the development of the energy market with environmental protection objectives.

- (3) The framework programme shall also contribute to greater transparency, coherence and coordination of all the Community's energy actions in the field of energy policy and ensure that they mesh effectively with the actions taken in the framework of other Community policies.

Article 2

- (1) Notwithstanding the actions relating to energy conducted in the framework of research policy or trans-European networks respectively, the framework programme shall be implemented through six specific programmes of a horizontal or thematic nature corresponding to the following actions:

- (a) Development, in cooperation with the Member States, of a programme for regular monitoring of the evolution of the energy markets and trends, so that political decisions relating to energy can be taken on the basis of a joint analysis;
- (b) Reinforcement, within the area of competence of the framework programme, of international cooperation in the energy field in order to encourage, firstly, greater diversification of energy sources and, secondly, greater transparency and stability of the international gas and oil markets in particular;

- (3) The framework programme shall also contribute to greater transparency, coherence and coordination of all the Community's energy actions in the field of energy policy and ensure that they mesh effectively with the actions taken in the framework of other Community policies.

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| <p>(c) promotion of new and renewable energy sources and implementation of a Community strategy and action plan for renewable energy sources to the year 2010;</p> <p>(d) encouragement of rational and efficient use of energy resources;</p> <p>(e) regeneration of the coal sector, notably through the use of environmentally compatible technologies;</p> <p>(f) safer use of nuclear energy.</p> <p>(2) Each specific programme, the duration of which will coincide with the period of application of this framework programme, shall set out the arrangements for its implementation.</p> <p>(3) Implementation of the framework programme may give rise, within its area of competence, to additional programmes and Community participation in programmes undertaken by several Member States. It may also lead to cooperation with third countries or international organizations.</p> | <p>(c) promotion of new and renewable energy sources and implementation of a Community strategy and action plan for renewable energy sources to the year 2010;</p> <p>(d) encouragement of rational and efficient use of energy resources; <u>including the promotion of combined heat and power ;</u></p> <p>(e) regeneration of the coal sector, notably through the use of environmentally compatible technologies;</p> <p>(f) safer use of nuclear energy.</p> <p>(2) Each specific programme, the duration of which will coincide with the period of application of this framework programme, shall set out the arrangements for its implementation.</p> <p>(3) Implementation of the framework programme may give rise, within its area of competence, to additional programmes and Community participation in programmes undertaken by several Member States. It may also lead to cooperation with third countries or international organizations.</p> <p>(4) <u>The Commission will take initiatives to strengthen the coherence of the EU energy policy in relation to environmental policies, energy taxation, structural funds, research and development, the implementation of the partnership agreements with Central and Eastern European countries, and the Energy Charter Treaty.</u></p> |
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Moreover, the Commission will co-operate closer with the European and international financial institutions (EIB, EBRD, World Bank) to implement the EU energy policy.

Article 3

- (1) The annual appropriations shall be authorized by the budgetary authority within the constraints of the financial perspective.
- (2) The detailed rules for financial participation by the Community in actions taken under the framework programme shall be laid down in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

Article 4

- (1) The Commission shall be responsible for the implementation of the framework programme and for drafting guidelines applicable to the actions and measures to be taken under each of the specific programmes.
- (2) The Commission shall be assisted in the management of the framework programme by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

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- (1) The annual appropriations shall be authorized by the budgetary authority within the constraints of the financial perspective.
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Article 4

- (1) The Commission shall be responsible for the implementation of the framework programme and for drafting guidelines applicable to the actions and measures to be taken under each of the specific programmes.
- (2) The Commission shall be assisted in the management of the framework programme by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 5

(1) The Commission shall **examine each year** the state of implementation of the framework programme and its specific programmes. It shall assess the overall effectiveness of the framework programme and its contribution to the objectives of Community policy. It shall also assess whether the objectives, priorities and financial resources are still appropriate to the changing situation. If necessary, it shall submit proposals to adapt or supplement the framework programme and/or the specific programmes.

(2) In the third year of the period of application of this framework programme and at all events before submitting its proposals for the establishment of a subsequent framework programme, the Commission shall have an external assessment conducted by independent experts of the overall implementation of the Community actions carried out under the framework programme. The

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 5

(1) The Commission shall **submit to the European Parliament and the Council a regular report on** the state of implementation of the framework programme and its specific programmes. It shall assess the overall effectiveness of the framework programme and its contribution to the objectives of Community policy. **On the basis of the evolution of the main indicators of energy policy,** it shall also assess whether the objectives, priorities and financial resources are still appropriate to the changing situation. If necessary, it shall submit proposals to adapt or supplement the framework programme and/or the specific programmes.

(2) In the third year of the period of application of this framework programme and at all events before submitting its proposals for the establishment of a subsequent framework programme, the Commission shall have an external assessment conducted by independent experts of the overall implementation of the Community actions carried out under the framework programme. The

Commission shall communicate the conclusions thereof, together with its comments, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

- (3) The independent experts referred to in the preceding paragraph shall be chosen by the Commission in a balanced fashion.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President

Commission shall communicate the conclusions thereof, together with its comments, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

- (3) The independent experts referred to in the preceding paragraph shall be chosen by the Commission in a balanced fashion.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President

Amended proposal for a
COUNCIL DECISION

adopting a

**MULTIANNUAL PROGRAMME
OF STUDIES, ANALYSES, FORECASTS
AND OTHER RELATED WORK
IN THE ENERGY SECTOR
(1998-2002)**

(ETAP programme)

adopting a

**MULTIANNUAL PROGRAMME OF STUDIES, ANALYSES, FORECASTS AND
OTHER RELATED WORK IN THE ENERGY SECTOR
(1998-2002) (ETAP programme)**

ORIGINAL TEXT

AMENDED TEXT

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Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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Having regard to the proposal from the Commission,¹

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the European Parliament,²

Whereas the White Paper entitled "An energy policy for the European Union"³ proposes a new approach to the monitoring of energy trends based on cooperation with the Member States and which would give added benefits by establishing and encouraging the most effective methods, promoting a cooperative approach to studies and analyses and encouraging the exchange of know-how in the field in question;

Whereas the White Paper entitled "An energy policy for the European Union"³ proposes a new approach to the monitoring of energy trends based on cooperation with the Member States and which would give added benefits by establishing and encouraging the most effective methods, promoting a cooperative approach to studies and analyses and encouraging the exchange of know-how in the field in question;

Whereas in its resolution of 8 July 1996⁴ on the above mentioned White Paper, the Council believes that energy decision making at Community level needs to be placed in the context of a shared analysis of the energy situation and of future trends and invites the Commission to organise cooperation between the Member States;

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Whereas, in its conclusions of 11 May 1998 on the Kyoto Conference Protocol, the

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3 COM(95)682 of 13.12.1995.

4 OJ No C 224, 1.8.1996.

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Council welcomed the Commission's presentation on the energy policy options to respond to the climate change challenge and underlined the necessity to prepare a shared analysis of the economic impact of reducing greenhouse gases;

Whereas the Cardiff European Council invited in its conclusions, the "Energy" Council to implement the integration of the environment and development in its areas of competence and invited the Council and the Commission to follow regularly the organisational arrangements necessary to advance this process: and that it is therefore desirable to define appropriate indicators to follow the progress accomplished in this respect;

Whereas the consolidation and monitoring of the internal energy market are priority tasks for the Community and for the Member States; whereas it is necessary in this connection for energy trends and questions to be analysed at Community level in collaboration with the energy sector;

Whereas, it is therefore desirable to undertake within the multiannual framework programme for actions in the energy sector (1998 - 2002) a specific programme of studies, analyses, forecasts and other related actions in the energy sector;

Whereas it is desirable that these analyses, studies, forecasts and other related work should not unnecessarily duplicate similar work carried out by other international organisations and by the Member States;

Council welcomed the Commission's presentation on the energy policy options to respond to the climate change challenge and underlined the necessity to prepare a shared analysis of the economic impact of reducing greenhouse gases;

Whereas the Cardiff European Council invited in its conclusions, the "Energy" Council to implement the integration of the environment and development in its areas of competence and invited the Council and the Commission to follow regularly the organisational arrangements necessary to advance this process: and that it is therefore desirable to define appropriate indicators to follow the progress accomplished in this respect;

Whereas the consolidation and monitoring of the internal energy market are priority tasks for the Community and for the Member States; whereas it is necessary in this connection for energy trends and questions to be analysed at Community level in collaboration with the energy sector;

Whereas security of energy supplies is one of the key energy policy objectives; whereas in the context of growing external energy dependency of the European Union, it is necessary to closely monitor and analyse energy market trends both within the Union and at world level;

Whereas, it is therefore desirable to undertake within the multiannual framework programme for actions in the energy sector (1998 - 2002) a specific programme of studies, analyses, forecasts and other related actions in the energy sector;

Whereas it is desirable that these analyses, studies, forecasts and other related work should not unnecessarily duplicate similar work carried out by other international organisations and by the Member States;

Whereas some of these activities should be open to participation by the international organisations responsible for energy matters, such as the International Energy Agency, the bodies representing the industry and certain third countries, in accordance with the rules governing the Community's relations with those organisations and countries;

Whereas this set of actions should be coordinated with the other activities of the Community, the Member States, third countries and international organisations;

Whereas it is politically and economically desirable to open up the programme to associated Central and Eastern European countries, in accordance with the conclusions of the European Council held in Copenhagen in June 1994 and as stated in the communication on this subject presented to the Council by the Commission in May 1994, as well as to Cyprus;

Whereas the Treaty establishing the European Community does not provide powers for the adoption of this programme, other than those in Article 235.

HAS ADOPTED THIS DECISION:

Article 1

(1) Within the framework programme for actions in the energy sector, a specific programme of studies, analyses, forecasts and other related work concerning the future development of European energy policy, hereinafter referred to as ETAP, shall be implemented by the Community for the period 1998-2002.

(2) Apart from the priority objectives referred to in Article 1(2) of the Council Decision adopting a multiannual framework programme for actions in the energy sector, the objectives of the ETAP programme shall be:

Whereas some of these activities should be open to participation by the international organisations responsible for energy matters, such as the International Energy Agency, the bodies representing the industry, consumers, European environmental organisations and associations, and certain third countries, in accordance with the rules governing the Community's relations with those organisations and countries;

Whereas this set of actions should be coordinated with the other activities of the Community, the Member States, third countries and international organisations;

Whereas it is politically and economically desirable to open up the programme to associated Central and Eastern European countries, in accordance with the conclusions of the European Council held in Copenhagen in June 1994 and as stated in the communication on this subject presented to the Council by the Commission in May 1994, as well as to Cyprus;

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(2) Apart from the priority objectives referred to in Article 1(2) of the Council Decision adopting a multiannual framework programme for actions in the energy sector, the objectives of the ETAP programme shall be:

- to establish a shared approach at Community level to studies, analyses, forecasts and other related work in the energy sector;

- to promote analysis of energy markets and policies at the level of the Community and the Member States;

- analyse and evaluate energy and environmental questions, notably in relation to climate change;

- to analyse and evaluate energy market trends in Europe and the world;

- to help identify and transfer the best analysis methods and practices;

- to facilitate information networks in the energy field;

- to develop an active policy for the dissemination of the results obtained.

Article 2

The annual appropriations shall be determined by the budgetary authority within the constraints of the financial perspectives and budgetary discipline.

Article 3

In order to achieve the objectives referred to in Article 1(2), the Community may undertake and/or promote, directly or in cooperation with the interested parties, and/or fund the following measures:

(1) observation, monitoring and the exchange of comparable information in the energy field as well as the completion of studies, analyses and forecasts on all energy aspects, including trends, markets and prices;

- to establish a shared approach at Community level to studies, analyses, forecasts and other related work in the energy sector;

- to promote analysis of energy markets and policies at the level of the Community and the Member States;

- to analyse and evaluate energy and competitiveness questions, in particular in the context of the implementation of the internal energy market;

- to analyse and evaluate energy and environmental questions, notably in relation to climate change;

- to analyse and evaluate energy market trends in Europe and the world, **notably as regards their impact on the security of energy supplies within the European Union;**

- to help identify and transfer the best analysis methods and practices;

- to facilitate information networks in the energy field;

- to develop an active policy for the dissemination of the results obtained.

Article 2

The annual appropriations shall be determined by the budgetary authority within the constraints of the financial perspectives and budgetary discipline.

Article 3

In order to achieve the objectives referred to in Article 1(2), the Community may undertake and/or promote, directly or in cooperation with the interested parties, and/or fund the following measures:

(1) observation, monitoring and the exchange of comparable information in the energy field as well as the completion of studies, analyses and forecasts on all energy aspects, including trends, markets and prices;

(2) the provision of technical and methodological assistance to projects in order to identify and transfer the best practices in areas such as methods of analysis and forecasting, means of collecting energy data, access to and exchanges via electronic networks and any other measure which helps to achieve the general objective;

(3) assistance for the development of links with energy producers, users, academics and administrative circles in order to promote research into the policy and economic aspects of energy;

(4) the implementation of any initiative contributing to the dissemination of the results obtained, including the preparation and publication of reports and the organisation of workshops, seminars and conferences.

Article 4

(1) The Commission shall be responsible for the financial execution and implementation of the ETAP programme.

(2) For the purposes of implementing the programme, the Commission shall be assisted by the Committee referred to in Article 4 of the Council Decision adopting a multiannual framework programme for actions in the energy sector.

(3) The Commission shall draw up each year a draft programme of actions to be undertaken during the following year, which will be submitted to the Committee referred to in paragraph 2.

Article 5

The examination and internal and external assessment of the implementation of this programme shall be carried out in accordance with Article 5 of the Council Decision adopting a multiannual framework programme for actions in the energy sector⁵.

(2) the provision of technical and methodological assistance to projects in order to identify and transfer the best practices in areas such as methods of analysis and forecasting, means of collecting energy data, access to and exchanges via electronic networks and any other measure which helps to achieve the general objective;

(3) assistance for the development of links with energy producers, users, academics and administrative circles in order to promote research into the policy and economic aspects of energy;

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(3) The Commission shall draw up each year a draft programme of actions to be undertaken during the following year, which will be submitted to the Committee referred to in paragraph 2.

Article 5

The examination and internal and external assessment of the implementation of this programme shall be carried out in accordance with Article 5 of the Council Decision adopting a multiannual framework programme for actions in the energy sector⁵.

⁵ Council Decision No.

Article 6

The ETAP programme shall be open to participation by associated Central and Eastern European countries (CEEC) in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves, relating to participation in Community programmes. The programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 7

This Decision shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,
The President

Article 6

The ETAP programme shall be open to participation by associated Central and Eastern European countries (CEEC) in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves, relating to participation in Community programmes. The programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to EFTA/EEA countries, in accordance with procedures to be agreed with that country.

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This Decision shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,
The President

AMENDED PROPOSAL FOR

A COUNCIL REGULATION

adopting a

**MULTIANNUAL PROGRAMME TO PROMOTE
INTERNATIONAL COOPERATION IN THE ENERGY SECTOR**

(1998-2002)

AMENDED PROPOSAL PROPOSAL FOR A COUNCIL REGULATION ADOPTING A
MULTIANNUAL PROGRAMME TO PROMOTE INTERNATIONAL COOPERATION IN THE
ENERGY SECTOR (SYNERGY PROGRAMME) (1998-2002)

97/0369 (CNS)

ORIGINAL TEXT

AMENDED TEXT

THE COUNCIL OF THE EUROPEAN
UNION,

THE COUNCIL OF THE EUROPEAN
UNION,

Having regard to the Treaty establishing
the European Community, and in
particular Article 235 thereof,

Having regard to the Treaty establishing
the European Community, and in
particular Article 235 thereof,

Having regard to the proposal from the
Commission¹,

Having regard to the proposal from the
Commission¹,

Having regard to the opinion of the
European Parliament²,

Having regard to the opinion of the
European Parliament²,

Whereas, for reasons of the
competitiveness of the Community's
industries, security of supply and
protection of the environment, energy
matters must be an important element in
the Community's international activities;

Whereas, for reasons of the
competitiveness of the Community's
industries, security of supply and
protection of the environment, energy
matters must be an important element in
the Community's international activities;

Whereas a multiannual framework
programme for actions in the energy
sector is being implemented;

Whereas a multiannual framework
programme for actions in the energy
sector is being implemented;

Whereas the Community's accession to
the Energy Charter Treaty and the
Convention on Climate Change commits
it to continue with international
cooperation in the energy field;

Whereas the Community's accession to
the Energy Charter Treaty and the
Convention on Climate Change commits
it to continue with international
cooperation in the energy field;

Whereas the conclusions of the Council
of Ministers for Development and
Cooperation of 18 November 1992 on
the guidelines for cooperation with the
developing countries for clean and
efficient energy technology stressed that
an essential objective of energy
cooperation with all developing
countries was the implementation of

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of Ministers for Development and
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the guidelines for cooperation with the
developing countries for clean and
efficient energy technology stressed that
an essential objective of energy
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countries was the implementation of

1

2

effective energy policies;

Whereas, as stressed in the Council resolution of 8 July 1996 on the White Paper "An energy policy for the European Union", energy developments in the Community are increasingly influenced by external developments and efforts must therefore be made to ensure that the Community develops a coherent and consistent approach to energy matters with third countries;

Whereas the Community is engaged in international energy activities under various programmes; whereas, to ensure that these activities are consistent, they should be coordinated more closely;

Whereas coordination of the Community's other measures in the energy sector is necessary; whereas there must therefore be no duplication with other programmes of the Community, of the Member States or of third countries or international organisations in the field of energy policy;

Whereas, by reason of their wide-ranging nature, the principal objectives of the programme, particularly the coordination of the various programmes of international measures, can be attained best at Community level;

Whereas it is necessary to establish a specific legal instrument for the Community's international cooperation activities in the field of energy policy;

Whereas according to the Council resolution on the White Paper "An energy policy for the European Union", political and trade relations are essential components of energy policy and, accordingly, the Community's international energy cooperation measures should be integrated more effectively in its external policy as a whole;

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Whereas it is necessary to establish a specific legal instrument for the Community's international cooperation activities in the field of energy policy;

Whereas according to the Council resolution on the White Paper "An energy policy for the European Union", political and trade relations are essential components of energy policy and, accordingly, the Community's international energy cooperation measures should be integrated more effectively in its external policy as a whole;

Whereas the objectives of energy cooperation pursuant to the programme should be to improve the competitiveness of Community industries, to enhance security of supply, to promote sustainable development and to improve energy efficiency; whereas such cooperation may be put into effect by cooperating in and co-financing projects;

Whereas such cooperation should be anchored in an indicative programme and may be the subject of agreements with the States concerned or with international networks of study and research centres;

Whereas, since the cooperation in question is external cooperation, it is governed by the special provisions laid down in Title IX of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities,

HAS ADOPTED THIS
REGULATION:

Article 1

Within the framework programme for actions in the energy sector, a specific programme of cooperation with third countries in fields of mutual benefit, hereinafter referred to as "SYNERGY", shall be implemented by the Community.

This programme shall concern:

- aid with the definition, formulation and implementation of energy policy for third countries;
- promotion of industrial cooperation between the Community and third countries in the energy sector;
- closer coordination of the Community's external activities in the energy field.

Whereas the objectives of energy cooperation pursuant to the programme should be to improve the competitiveness of Community industries, to enhance security of supply, to promote sustainable development and to improve energy efficiency; whereas such cooperation may be put into effect by cooperating in and co-financing projects;

Whereas such cooperation should be anchored in an indicative programme and may be the subject of agreements with the States concerned or with international networks of study and research centres;

Whereas, since the cooperation in question is external cooperation, it is governed by the special provisions laid down in Title IX of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities,

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This programme shall concern:

- aid with the definition, formulation and implementation of energy policy for third countries;
- promotion of industrial cooperation between the Community and third countries in the energy sector;
- closer coordination of the Community's external activities in the energy field.

Article 2

SYNERGY shall be addressed to all States which are not members of the Community and first and foremost those countries and regions considered priorities in the Community's external relations in terms of its political and economic interests and security of energy supply.

Article 3

1. Implementation of the SYNERGY programme shall start on 1 January 1998 and end on 31 December 2002.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 4

1. The programme shall help achieve the Community's main energy objectives as described in the White Paper "An energy policy for the European Union". To the same end, the Community may also maintain relations with international energy organisations. The measures to implement the programme shall be adopted in accordance with the rules set out in Article 4 of the Decision adopting the multiannual framework programme for actions in the energy sector. No funding may be granted to research, development and demonstration projects.

2. In order to achieve these objectives, the Community shall contribute, in particular, to the financing of activities concerning:

- energy policy advice and training;
- energy analyses and forecasting;

Article 2

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1. The programme shall help achieve the Community's main energy objectives as described in the White Paper "An energy policy for the European Union". To the same end, the Community may also maintain relations with international energy organisations. The measures to implement the programme shall be adopted in accordance with the rules set out in Article 4 of the Decision adopting the multiannual framework programme for actions in the energy sector. No funding may be granted to research, development and demonstration projects.

2. In order to achieve these objectives, the Community shall contribute, in particular, to the financing of activities concerning:

- energy policy advice and training;
- energy analyses and forecasting;

- closer dialogue and exchanges of information on energy policy, notably by means of organisation of conferences and seminars;

- support to regional transboundary cooperation;

- improving the framework for industrial cooperation on energy;

- coordination of the Community instruments for international action in the energy sector and other similar international programmes.

3. The cooperation shall also cover costs related to the preparation, implementation, monitoring and evaluation of performance of these operations, as well as costs concerning information.

Article 5

1. Community contributions may take the form of grants which shall be released in tranches as projects materialise.

2. SYNERGY programme funding shall be granted only after verification that the activities cannot qualify for financing from other programmes.

3. Financing decisions and any contracts resulting therefrom shall expressly provide, inter alia, for acceptance by the beneficiaries of supervision by the Commission and the Court of Auditors, which may be carried out on the spot if necessary.

- closer dialogue and exchanges of information on energy policy, notably by means of organisation of conferences and seminars;

- support to regional transboundary cooperation;

- improving the framework for industrial cooperation on energy;

- coordination of the Community instruments for international action in the energy sector and other similar international programmes.

3. The cooperation shall also cover costs related to the preparation, implementation, monitoring and evaluation of performance of these operations, as well as costs concerning information.

Article 5

1. Community contributions may take the form of grants which shall be released in tranches as projects materialise.

2. SYNERGY programme funding shall be granted only after verification that the activities cannot qualify for financing from other Community programmes, in order to avoid duplication.

3. Financing decisions and any contracts resulting therefrom shall expressly provide, inter alia, for acceptance by the beneficiaries of supervision by the Commission and the Court of Auditors, which may be carried out on the spot if necessary.

Article 6

1. An indicative programme covering the period referred to in Article 3 is established in the Annex. This programme defines the principal objectives, guidelines and priorities of Community cooperation in the indicative areas referred to in Article 4.
2. An action programme based on the indicative programme referred to in paragraph 1 shall be adopted in accordance with the procedure provided for in Article 4 of the Council Decision adopting a framework programme for actions in the energy sector. This action programme shall include a list of the main projects to be financed within the indicative areas referred to in Article 4. The content of the programme shall be determined so as to provide Member States with the relevant information to enable the committee set up under the abovementioned procedure to give its opinion.
3. Specific agreements may be concluded with third countries and international organisations, in the framework and for the duration of the indicative programme referred to in paragraph 1, in order to define the main lines of cooperation with the countries concerned and the consultation procedures regarding implementation of the programme.
4. Contracts may also be concluded within the framework of the indicative programme referred to in paragraph 1 with international networks of study and research centres in order to define the contribution of these networks to achievement of the objectives described in the abovementioned indicative programme.

Article 6

1. An indicative programme covering the period referred to in Article 3 is established in the Annex. This programme defines the principal objectives, guidelines and priorities of Community cooperation in the indicative areas referred to in Article 4.
2. An action programme based on the indicative programme referred to in paragraph 1 shall be adopted in accordance with the procedure provided for in Article 4 of the Council Decision adopting a framework programme for actions in the energy sector. This action programme shall include a list of the main projects to be financed within the indicative areas referred to in Article 4. The content of the programme shall be determined so as to provide Member States with the relevant information to enable the committee set up under the abovementioned procedure to give its opinion.
3. Specific agreements may be concluded with third countries and international organisations, in the framework and for the duration of the indicative programme referred to in paragraph 1, in order to define the main lines of cooperation with the countries concerned and the consultation procedures regarding implementation of the programme.
4. Contracts may also be concluded within the framework of the indicative programme referred to in paragraph 1 with international networks of study and research centres in order to define the contribution of these networks to achievement of the objectives described in the abovementioned indicative programme.

Article 7

1. The Commission shall implement operations in accordance with the action programme referred to in Article 6(2).

2. Service contracts shall, as a general rule, be awarded by restricted invitations to tender in conformity with Article 118 of the Financial Regulation applicable to the general budget of the European Communities.

Negotiated contracts may be awarded for operations involving an amount below ECU 50 000.

Supply contracts, where needed to supplement service contracts and limited to the objectives of SYNERGY, shall be awarded by means of open invitations to tender, except in the cases provided for in Article 116 of the Financial Regulation.

Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons in the Member States and in the beneficiary States.

Participation by natural and legal persons from other countries may be authorised by the Commission on a case-by-case basis if the programmes or projects concerned require specific forms of assistance specifically available in these countries.

3. Taxes, duties and the purchase of immovable property shall not be funded by the Community.

4. In the case of co-financing, the participation of enterprises from the third countries concerned in invitations to tender and contracts may be authorised by the Commission on a case-by-case basis. The Commission shall render account thereof in the report referred to in Article 9.

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Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons in the Member States and in the beneficiary States.

Participation by natural and legal persons from other countries **for the duration of the projects, funded from the appropriations earmarked for these activities** may be authorised by the Commission on a case-by-case basis if the programmes or projects concerned require specific forms of assistance specifically available in these countries.

3. Taxes, duties and the purchase of immovable property shall not be funded by the Community.

4. In the case of co-financing, the participation of enterprises from the third countries concerned in invitations to tender and contracts may be authorised by the Commission on a case-by-case basis. The Commission shall render account thereof in the report referred to in Article 9.

Article 8

1. The Commission shall, together with the Member States, ensure effective coordination of the expert assistance provided in the beneficiary States by the Community and individual Member States on the basis of the information supplied by the Member States.

2. Coordination and cooperation with the international financial institutions and other sources of funds shall be encouraged.

3. The Commission shall examine ways of promoting co-financing by the SYNERGY programme, bilateral cooperation from the Member States, the programmes of other international organisations and other Community programmes. It shall, in particular, contribute to closer coordination and complementarity between the contributions made by SYNERGY and the other Community instruments for international energy cooperation in order to avoid duplication. It shall also ensure that duplication is avoided between the SYNERGY programme and any other programme or action of other international organisations in the field of energy.

Article 9

1. The Commission shall present a report by 31 December 2000 on the implementation of the specific programme in the two previous financial years, based on an external assessment by independent experts.

Article 8

1. The Commission shall, together with the Member States, ensure effective coordination of the expert assistance provided in the beneficiary States by the Community and individual Member States on the basis of the information supplied by the Member States.

2. Coordination and cooperation with the international financial institutions and other sources of funds shall be encouraged.

3. The Commission shall examine ways of promoting co-financing by the SYNERGY programme, bilateral cooperation from the Member States, the programmes of other international organisations and other Community programmes. It shall ensure that duplication is avoided between the SYNERGY programme and any other programme or action of other international organisations in the field of energy. It shall also contribute to closer coordination and complementarity between SYNERGY and the other Community instruments for international energy cooperation required to carry forward actions begun by SYNERGY, thus avoiding duplication.

Article 9

1. The Commission shall present a report by 31 December 2000 on the implementation of the specific programme in the two previous financial years, based on an external assessment by independent experts.

2. The Commission shall present a report by 31 December 2002 on the implementation of the programme and the results obtained in third countries and Member States, accompanied by the external assessment by independent experts on which it is based.

3. Each year the Commission shall present a report on the implementation of the external energy activities under the various Community instruments.

4. These reports shall be addressed to the European Parliament and the Council.

Article 10

This Regulation annuls and replaces Council Regulation (EC) No...../.....

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

2. The Commission shall present a report by 31 December 2002 on the implementation of the programme and the results obtained in third countries and Member States, accompanied by the external assessment by independent experts on which it is based.

3. Each year the Commission shall present a report on the implementation of the external energy activities under the various Community instruments.

4. These reports shall be addressed to the European Parliament and the Council.

Article 10

This Regulation annuls and replaces Council Regulation (EC) No...../.....

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

Amended proposal for a

COUNCIL DECISION

adopting a

**MULTIANNUAL PROGRAMME OF
TECHNOLOGICAL ACTIONS PROMOTING THE
CLEAN AND EFFICIENT USE
OF SOLID FUELS
(1998-2002)**

Amended proposal for a Council Decision

adopting a

MULTIANNUAL PROGRAMME OF TECHNOLOGICAL ACTIONS

PROMOTING THE CLEAN AND EFFICIENT USE

OF SOLID FUELS (1998-2002)

97/0372 (CNS)

ORIGINAL TEXT

AMENDED TEXT

THE COUNCIL OF THE EUROPEAN UNION

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof;

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission¹;

Having regard to the proposal from the Commission¹;

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Coal and Steel Community Consultative Committee;

Having regard to the opinion of the European Coal and Steel Community Consultative Committee;

Having regard to the opinion of the Committee of the Regions;

Having regard to the opinion of the Committee of the Regions;

Having regard to the White Paper on Energy indicating the energy policy objectives of economic competitiveness,

Having regard to the White Paper on Energy indicating the energy policy objectives of economic competitiveness,

¹ OJ No

² OJ No

environmental control, security of supply and maintenance of employment;

Whereas solid fuels are available in the Community and the ready, abundant, diverse sources of hard coal traded world-wide ensure that such fuels are and will remain a low-cost energy source;

Whereas the promotion of clean and efficient technologies for solid fuels contributes to the diversification of primary energy resources and to the balance of Community energy policy objectives;

Whereas solid fuels will be increasingly utilised both in developed and emerging areas of the world, thereby contributing to emissions of pollutants and CO₂; whereas every effort should be made to ameliorate such emissions by the promotion of clean and efficient technologies and the application of BAT (Best Available Technologies) to existing and new plant using solid fuels;

Whereas the manufacture and supply of equipment for the clean utilisation of coal, lignite and other forms of solid fuels, for use both within and outside the European Community, can contribute to the maintenance of employment;

Whereas, pursuant to Article 130r of the Treaty on the European Union, action by the Community relating to the environment should improve the quality of the environment and ensure a prudent and rational utilization of natural resources, objectives which are furthered by the implementation of clean coal technologies;

Whereas the promotion of more efficient clean solid fuel technologies can make a significant contribution to the reduction of polluting emissions arising from the traditional use of fossil fuels at European Union level; whereas use of cleaner technologies contributes to the objectives of the Community strategy to combat

environmental control, security of supply and maintenance of employment;

Whereas solid fuels are available in the Community and the ready, abundant, diverse sources of hard coal traded world-wide ensure that such fuels are and will remain a low-cost energy source;

Whereas the promotion of clean and efficient technologies for solid fuels contributes to the diversification of primary energy resources and to the balance of Community energy policy objectives;

Whereas solid fuels will be increasingly utilised both in developed and emerging areas of the world, thereby contributing to emissions of pollutants and CO₂; whereas every effort should be made to ameliorate such emissions by the promotion of clean and efficient technologies and the application of BAT (Best Available Technologies) to existing and new plant using solid fuels;

Whereas the manufacture and supply of equipment for the clean utilisation of coal, lignite and other forms of solid fuels, for use both within and outside the European Community, can contribute to the maintenance of employment;

Whereas, pursuant to Article 130r of the Treaty on the European Union, action by the Community relating to the environment should improve the quality of the environment and ensure a prudent and rational utilization of natural resources, objectives which are furthered by the implementation of clean coal technologies;

Whereas the promotion of more efficient clean solid fuel technologies can make a significant contribution to the reduction of polluting emissions arising from the traditional use of fossil fuels at European Union level; whereas use of cleaner technologies contributes to the objectives of the Community strategy to combat

acidification ;³

Whereas the promotion of more efficient clean solid fuel technologies will contribute to the reduction of greenhouse gases and the danger of global climate change; whereas wide-ranging co-operation is therefore desirable in order to obtain significant results;

Whereas, since the Treaty establishing the European Economic Community does not provide for other powers to cover the energy aspects of the programme referred to in Article 2 below, Article 235 of the Treaty should be invoked;

Whereas Council has adopted a White Paper defining the main lines of new Community energy policy objectives for coherence and convergence of the policies of the Member States; whereas this White Paper states that the contribution of new clean solid fuel technologies can enhance the use of a wide variety of fuels, so that they can continue to play a significant part in the overall energy balance sheet but with an improved environmental image;

Whereas the promotion and exploitation of clean solid fuel technologies offers economic advantages in terms of employment opportunities with companies in the Union operating on a world-wide basis;

Whereas to sustain a cleaner environment, advanced clean solid fuel technologies should be developed to achieve improved BAT (Best Available Technologies) at costs

acidification ;³

Whereas the promotion of more efficient clean solid fuel technologies will contribute to the reduction of greenhouse gases and the danger of global climate change; whereas wide-ranging co-operation is therefore desirable in order to obtain significant results;

Whereas it is necessary to ensure that promotion of clean coal technologies should be applied equally to domestic and small scale commercial and industrial boilers as well as large electrical power generation plant;

Whereas, since the Treaty establishing the European Economic Community does not provide for other powers to cover the energy aspects of the programme referred to in Article 2 below, Article 235 of the Treaty should be invoked;

Whereas Council has adopted a White Paper defining the main lines of new Community energy policy objectives for coherence and convergence of the policies of the Member States; whereas this White Paper states that the contribution of new clean solid fuel technologies can enhance the use of a wide variety of fuels, so that they can continue to play a significant part in the overall energy balance sheet but with an improved environmental image;

Whereas the promotion and exploitation of clean solid fuel technologies offers economic advantages in terms of employment opportunities with companies in the Union operating on a world-wide basis;

Whereas to sustain a cleaner environment, advanced clean solid fuel technologies should be developed to achieve improved BAT (Best Available Technologies) at costs

³ COM(97)88 final, 12.3.97

which can be afforded;

Whereas certain countries which are expected to become members of the European Union in the coming years are very strongly dependent on the production and use of solid fuels to meet their energy requirements; whereas those countries will need to modernise and improve their energy technologies in order to comply with European Union legislation relating to the protection of the environment;

Whereas a number of Member States have their own clean solid fuel technology programmes; whereas there should be an opportunity for those programmes to co-ordinate with each other and with the relevant European Union programmes;

Whereas it is also important to promote the uptake of technologies developed with financing from the specific Research and Technical Development non-nuclear energy programme;

Whereas a multiannual Framework Programme for Actions in the energy field has been established;

Whereas the European Parliament and EU industry have indicated their keen interest in pursuing a policy of developing clean coal technologies for use in the Union and elsewhere in the world;

Whereas the Amsterdam European Council highlighted the importance of solid fuel Research and Development by its request that the research in that field currently supported under the Treaty establishing the European Coal and Steel Community should be continued after the expiry of the Treaty in 2002;

Whereas there is a need to transfer to the industry the results of the research funded under the European Coal and Steel Community, the need for whose continuation has been acknowledged by the Amsterdam European Council;

which can be afforded;

Whereas certain countries which are expected to become members of the European Union in the coming years are very strongly dependent on the production and use of solid fuels to meet their energy requirements; whereas those countries will need to modernise and improve their energy technologies in order to comply with European Union legislation relating to the protection of the environment;

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Whereas it is also important to promote the uptake of technologies developed with financing from the specific Research and Technical Development non-nuclear energy programme;

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Whereas the European Parliament and EU industry have indicated their keen interest in pursuing a policy of developing clean coal technologies for use in the Union and elsewhere in the world;

Whereas the Amsterdam European Council highlighted the importance of solid fuel Research and Development by its request that the research in that field currently supported under the Treaty establishing the European Coal and Steel Community should be continued after the expiry of the Treaty in 2002;

Whereas there is a need to transfer to the industry the results of the research funded under the European Coal and Steel Community, the need for whose continuation has been acknowledged by the Amsterdam European Council;

Whereas the promotion, demonstration and exploitation of clean solid fuel technologies throughout the Community are likely to strengthen its economic and social cohesion, as called for by Article 130a of the Treaty;

Whereas, to this end, it is appropriate to take account of the Community's indicative objectives and make provision for resources to further the attainment of those objectives, taking into consideration the particular conditions in each Member State;

Whereas provision should be made for a five-year programme;

HAS ADOPTED THIS DECISION:

Article 1

Member States shall endeavour to contribute in their energy policies to the promotion of clean solid fuel technologies, where appropriate, so as to ensure that the best available technologies (BAT) are used in order to limit emissions from solid fuel use, including carbon dioxide emissions. Account shall be taken of the Community's indicative objectives relating to clean coal technologies. These objectives are to be reviewed with the Energy Committee (see Article 7.2) on a year by year basis.

Article 2

Within the Framework Programme for Energy, the Community shall support a series of actions to promote the exploitation of clean solid fuel technologies within the context of the specific programme CARNOT (actions for greater penetration and exploitation of clean solid fuel technologies), hereinafter referred to as 'the programme'.

Whereas the promotion, demonstration and exploitation of clean solid fuel technologies throughout the Community are likely to strengthen its economic and social cohesion, as called for by Article 130a of the Treaty;

Whereas, to this end, it is appropriate to take account of the Community's indicative objectives and make provision for resources to further the attainment of those objectives, taking into consideration the particular conditions in each Member State;

Whereas provision should be made for a five-year programme;

HAS ADOPTED THIS DECISION:

Article 1

Member States shall endeavour to contribute in their energy policies to the promotion of clean solid fuel technologies, where appropriate, so as to ensure that the best available technologies (BAT) are used in order to **promote increased efficiency of combustion and to** limit emissions from solid fuel use, including carbon dioxide emissions. Account shall be taken of the Community's indicative objectives relating to clean coal technologies. These objectives are to be reviewed with the Energy Committee (see Article 7.2) on a year by year basis.

Article 2

Within the Framework Programme for Energy, the Community shall support a series of actions to promote the exploitation of clean solid fuel technologies within the context of the specific programme CARNOT (actions for greater penetration and exploitation of clean solid fuel technologies), hereinafter referred to as 'the programme'.

The programme shall last for five years, from 1 January 1998 to 31 December 2002.

The annual appropriations are authorised by the budgetary authority within the ceiling of the financial perspectives.

Article 3

Two categories of actions on clean solid fuel technologies shall be financed under the programme, namely:

a) Measures to foster the creation of an information network aimed at promoting better market and technical information between national, Community and international activities through the establishment of appropriate means for exchanging information, helping to remove barriers and evaluating the impact of the various actions provided for in this article:

b) Measures to foster industrial strategic cooperation, such as business workshops and seminars, industrial on-site visits, studies, evaluations and concertation groupings, aimed at promoting the industrial exploitation of clean technologies for energy purposes, in particular heat and power production. This will include the promotion of exports of European clean solid fuel technology.

Article 4

All costs relating to the actions referred to in Article 3 a) shall be borne by the Community.

The level of funding for the actions referred to in Article 3 b) shall be between 30 and 50% of their total cost.

The balance of the funding of the actions referred to in Article 3 b) may be made up from either public or private sources or from a combination of the two.

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The annual appropriations are authorised by the budgetary authority within the ceiling of the financial perspectives.

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The level of funding for the actions referred to in Article 3 b) shall be between 30 and 50% of their total cost.

The balance of the funding of the actions referred to in Article 3 b) may be made up from either public or private sources or from a combination of the two.

Article 5

The Commission shall establish guidelines for the support measures referred to in Article 3 b) each year, in consultation with the committee provided for in Article 7.1.

The proposed initiatives referred to in Article 3 and the list of bodies which are to implement them shall be submitted annually by the Member States to the Commission, which shall decide on the level and conditions of Community funding according to the procedure provided for in Article 7. The Commission shall sign contracts relating to the support measures with those bodies.

Article 6

The Commission shall be responsible for the implementation of the programme.

For the implementation of the actions referred to in Article 3 a) and b) the Commission shall apply the procedure laid down in Article 7.

Article 7

The Commission shall be assisted by the Committee referred to in article 4 of the Council decision setting up a multiannual Energy Framework Programme.

Article 8

1. During the third year of the programme, the Commission shall present a report to the European Parliament and to the Council on the results achieved. The report shall be accompanied by proposals for any amendments which might be necessary in the light of these results.

Article 5

The Commission shall establish guidelines for the support measures referred to in Article 3 b) each year, in consultation with the committee provided for in Article 7.1.

The proposed initiatives referred to in Article 3 and the list of bodies which are to implement them shall be submitted annually by the Member States to the Commission, which shall decide on the level and conditions of Community funding according to the procedure provided for in Article 7. The Commission shall sign contracts relating to the support measures with those bodies.

Article 6

The Commission shall be responsible for the implementation of the programme.

For the implementation of the actions referred to in Article 3 a) and b) the Commission shall apply the procedure laid down in Article 7.

Article 7

The Commission shall be assisted by the Committee referred to in article 4 of the Council decision setting up a multiannual Energy Framework Programme.

Article 7 a

During the first year of the programme the Commission shall report to the Parliament on the extent and type of existing solid fuels generating capacity.

Article 8

1. During the third year of the programme, the Commission shall present a report to the European Parliament and to the Council on the results achieved. The report shall be accompanied by proposals for any amendments which might be necessary in the light of these results.

2. On expiry of the programme, the Commission shall assess the results obtained, the application of this Decision and the consistency of national and Community actions. It shall present a report thereon to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

Article 9

The programme shall be open to associated Central and East European countries in accordance with the conditions, including financial arrangements, agreed on in the Additional Protocols to the Association Agreements, for participation in Community programmes. The programme shall be open to Cyprus on the basis of additional appropriations in accordance with the same rules as those applied to the EFTA countries following procedures to be agreed on with the countries concerned.

Article 10

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President

2. On expiry of the programme, the Commission shall assess the results obtained, the application of this Decision and the consistency of national and Community actions. It shall present a report thereon to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

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The programme shall be open to associated Central and East European countries in accordance with the conditions, including financial arrangements, agreed on in the Additional Protocols to the Association Agreements, for participation in Community programmes. The programme shall be open to Cyprus on the basis of additional appropriations in accordance with the same rules as those applied to the EFTA countries following procedures to be agreed on with the countries concerned.

Article 10

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President

Amended proposal for a

COUNCIL DECISION

adopting a

**MULTIANNUAL PROGRAMME OF ACTIONS IN THE NUCLEAR SECTOR,
RELATING TO THE SAFE TRANSPORT OF RADIOACTIVE MATERIALS AND
TO SAFEGUARDS AND INDUSTRIAL COOPERATION
TO PROMOTE SAFETY FEATURES OF NUCLEAR INSTALLATIONS
IN COUNTRIES PARTICIPATING IN THE TACIS PROGRAMME (1998-2002).
(SURE programme)**

adopting a

**PROPOSAL FOR A COUNCIL DECISION ADOPTING A MULTIANNUAL PROGRAMME OF ACTIONS IN THE NUCLEAR SECTOR, RELATING TO THE SAFE TRANSPORT OF RADIOACTIVE MATERIALS AND TO SAFEGUARDS AND INDUSTRIAL COOPERATION TO PROMOTE SAFETY FEATURES OF NUCLEAR INSTALLATIONS IN COUNTRIES PARTICIPATING IN THE TACIS PROGRAMME (1998-2002).
(SURE programme)**

ORIGINAL TEXT

AMENDED TEXT

THE COUNCIL OF THE EUROPEAN UNION,

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the European Parliament,²

Whereas the desire to promote safeguards for the use of nuclear materials as well as a high degree of safety are fundamental objectives of Community energy policy in the nuclear field; whereas a specific programme to promote certain actions related to nuclear safeguards and safety should therefore be implemented within the multiannual framework programme for actions in the energy sector (1998-2002);

Whereas the desire to promote safeguards for the use of nuclear materials as well as a high degree of safety are fundamental objectives of Community energy policy in the nuclear field; whereas a specific programme to promote certain actions related to nuclear safeguards and safety should therefore be implemented within the multiannual framework programme for actions in the energy sector (1998-2002);

Whereas the use of nuclear energy to produce electricity and the increasing use of radioactive materials in the health sector, industry and research mean that more radioactive materials are being transported; whereas the desire to increase safety in the nuclear field must therefore lead to an improvement in the safety conditions under which radioactive materials are transported;

Whereas the use of nuclear energy to produce electricity and the increasing use of radioactive materials in the health sector, industry and research mean that more radioactive materials are being transported; whereas the desire to increase safety in the nuclear field must therefore lead to an improvement in the safety conditions under which radioactive materials are transported;

Whereas the Community cannot disregard the situation prevailing in the nuclear sector in the countries participating in the TACIS programme;

Whereas the Community cannot disregard the situation prevailing in the nuclear sector in the countries participating in the TACIS programme;

¹

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whereas it can help to ensure nuclear safeguards in those countries by passing on the benefits of its experience and to promote high safety standards for nuclear equipment design and maintenance by encouraging industrial cooperation;

Whereas it is politically and economically desirable to open up the programme to associated Central and Eastern European countries, in accordance with the conclusions of the European Council held in Copenhagen in June 1994 and as stated in the communication on this subject presented to the Council by the Commission in May 1994, as well as to Cyprus;

Whereas the Treaty establishing the European Atomic Energy Community does not provide powers for the adoption of this programme other than those in Article 203;

HAS ADOPTED THIS DECISION:

Article 1

- I. Within the framework programme for actions in the energy sector a specific programme of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote safety features of nuclear installations in countries participating in the TACIS programme, hereinafter referred to as "SURE", shall be implemented by the Community for the period 1998-2002.
- II. Apart from the priority objectives referred to in Article 1(2) of the Council decision adopting a multiannual framework programme for actions in the energy sector, the objectives of the SURE programme shall be:

whereas it can help to ensure nuclear safeguards in those countries by passing on the benefits of its experience and to promote high safety standards for nuclear equipment design and maintenance by encouraging industrial cooperation;

Whereas the establishment of an effective and reliable safeguards system and the compliance of nuclear equipment and installations with internationally recognised high safety standards are priority areas for the negotiations on enlargement of the European Union;

Whereas it is politically and economically desirable to open up the programme to associated Central and Eastern European countries, in accordance with the conclusions of the European Council held in Copenhagen in June 1994 and as stated in the communication on this subject presented to the Council by the Commission in May 1994, as well as to Cyprus;

Whereas it is important to improve public information in the areas covered by the programme and to regularly inform the European Parliament and the Council on the implementation of the programme;

Whereas the Treaty establishing the European Atomic Energy Community does not provide powers for the adoption of this programme other than those in Article 203;

HAS ADOPTED THIS DECISION:

Article 1

- I. Within the framework programme for actions in the energy sector a specific programme of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote safety features of nuclear installations in countries participating in the TACIS programme, hereinafter referred to as "SURE", shall be implemented by the Community for the period 1998-2002.
- II. Apart from the priority objectives referred to in Article 1(2) of the Council decision adopting a multiannual framework programme for actions in the energy sector, the objectives of the SURE programme shall be:

- A. to improve the conditions for the safe transport of radioactive materials in the European Community;
- B. to help to establish in countries participating in the TACIS programme an effective and reliable system of safeguards through cooperation measures;
- C. to promote cooperation with those countries and exchange of know-how within the nuclear industry in order to help them meet the internationally recognised high safety standards for nuclear equipment and installations.

Article 2

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 3

In order to achieve the objectives referred to in Article 1, the Community shall contribute in particular to the funding of actions which:

1. in the field of the safe transport of radioactive materials:
 - facilitates the functioning of the internal market by identifying those harmonisation measures which are called for;
 - help to improve legislation further by developing experimentation and know-how;
 - evaluate technically incidents which have occurred during transport and learn the lessons for the future;

- A. to improve the conditions for the safe transport of radioactive materials in the European Community;
- B. to help to establish in countries participating in the TACIS programme an effective and reliable system of safeguards through cooperation measures;
- C. to promote cooperation with those countries and exchange of know-how within the nuclear industry in order to help them meet the internationally recognised high safety standards for nuclear equipment and installations.

Article 2

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 3

In order to achieve the objectives referred to in Article 1, the Community shall contribute in particular to the funding of actions which:

1. in the field of the safe transport of radioactive materials:
 - facilitates the functioning of the internal market by identifying those harmonisation measures which are called for;
 - **help to increase safety standards by standardising requirements at a high level;**
 - help to improve legislation further by developing experimentation and know-how;
 - **help to improve cooperation and the exchange of information between the monitoring authorities in the EU and in the countries participating in the programme;**
 - evaluate technically incidents which have occurred during transport and learn the lessons for the future;
 - **propose a uniform, efficient system of obligations on the part of licence-holders to report to the monitoring authorities in the event of an incident;**

- make transport emergency procedures more consistent and give those involved more training;
- cooperate with countries participating in the TACIS programme to help them improve transport safety in their own countries;
- improve public information, comprehension and awareness in this area.

2. In the field of safeguards in countries participating in the TACIS programme:

- A. training, familiarisation, testing, retraining and technological upgrading of experts from those countries in the matter of nuclear safeguards;
- B. cooperation on the implementation of accounting and control systems for nuclear materials;
- C. installation of modern logistical, evaluation and control equipment and the training relating thereto.

3. In the field of industrial cooperation on nuclear matters with the countries participating in the TACIS programme:

- A. analyse the industrial, administrative, legal and financial context specific to each of them;
- B. encourage industrial cooperation measures capable of transferring the European technologies for nuclear safety;
- C. facilitate the cooperation of partners from the European Community and countries participating in the TACIS programme in the development of joint industrial projects.

Article 4

The level of funding for the actions and measures referred to in Article 3 shall be between 80 and 100% of their total cost.

- make transport emergency procedures more consistent and give those involved more training;
- cooperate with countries participating in the TACIS programme to help them improve transport safety in their own countries;
- improve public information, comprehension and awareness in this area.

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- A. training, familiarisation, testing, retraining and technological upgrading of experts from those countries in the matter of nuclear safeguards;
- B. cooperation on the implementation of accounting and control systems for nuclear materials;
- C. installation of modern logistical, evaluation and control equipment and the training relating thereto.

3. In the field of industrial cooperation on nuclear matters with the countries participating in the TACIS programme:

- A. analyse the industrial, administrative, legal and financial context specific to each of them;
- B. encourage industrial cooperation measures capable of transferring the European technologies for nuclear safety;
- C. facilitate the cooperation of partners from the European Community and countries participating in the TACIS programme in the development of joint industrial projects **allowing the implementation of equivalent safety standards.**

Article 4

The level of funding for the actions and measures referred to in Article 3 shall be between 80 and 100% of their total cost.

Article 5

1. The Commission shall be responsible for the financial execution and implementation of the SURE programme.
2. To these ends, the Commission shall be assisted by the Committee referred to in Article 4 of the Council Decision adopting the multiannual framework programme for actions in the energy sector³.

Article 6

The examination and internal and external assessment of the implementation of this programme shall be carried out in accordance with Article 5 of the Council Decision adopting a multiannual framework programme for actions in the energy sector.

Article 7

The SURE programme shall be open to participation by associated Central and Eastern European countries (CEEC) in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves, relating to participation in Community programmes. The programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 8

This Decision shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Article 5

1. The Commission shall be responsible for the financial execution and implementation of the SURE programme.
2. To these ends, the Commission shall be assisted by the Committee referred to in Article 4 of the Council Decision adopting the multiannual framework programme for actions in the energy sector³.
3. **The Commission shall draw up each year a draft programme of actions to be undertaken during the following year, which is submitted to the Committee referred to in paragraph 2. The Commission shall regularly inform the European Parliament and the Council on the implementation of the programme;**

Article 6

The examination and internal and external assessment of the implementation of this programme shall be carried out in accordance with Article 5 of the Council Decision adopting a multiannual framework programme for actions in the energy sector.

Article 7

The SURE programme shall be open to participation by associated Central and Eastern European countries (CEEC) in accordance with the conditions, including financial provisions, laid down in the additional protocols to the Association Agreements or in the Association Agreements themselves, relating to participation in Community programmes. The programme shall also be open to participation by Cyprus, on the basis of additional appropriations, under the same rules as those applied to EFTA/EEA countries, in accordance with procedures to be agreed with that country.

Article 8

This Decision shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

Article 9

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

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