

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 727 final

Brussels, 11 November 1982

Proposal for a
COUNCIL REGULATION (EEC)
instituting a special energy development programme

(submitted to the Council by the Commission)

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Explanatory Memorandum

1. Despite an improvement in the diversification of the provision of energy in the Community and an easing of the situation with regard to oil prices, the Community's authorities are continually concerned not to relax efforts to reduce the Community's dependence on oil imports.

2. The Commission considers that it will be in the Community's interest to contribute towards improving the structure of energy consumption by taking action in the fields of research and the diversification of energy resources, as well as with regard to the more rational use of energy in the Member States where energy consumption is high, especially in the Federal Republic of Germany.

3. The proposed regulation envisages the establishing of a special energy development programme within which the Community could participate in the financing of particular measures and projects to improve the situation.

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Proposal for a
COUNCIL REGULATION (EEC)
instituting a special energy development programme

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and 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 Court of Auditors ³⁾,

Whereas the energy situation in the Community is still precarious and energy consumption is at a high level in certain Member States, in particular in the Federal Republic of Germany;

Whereas it is necessary that the Community make a financial contribution to a special programme designed to improve the structure of energy consumption;

Whereas such improvement may be obtained by action in the field of research, energy diversification and energy efficiency in the Member States with high levels of energy consumption, in particular the Federal Republic of Germany; whereas the Treaty does not provide the necessary powers to this end,

HAS ADOPTED THIS REGULATION:

Article 1

A special energy development programme is hereby established, to which the Community shall make a contribution in the Federal Republic of Germany.

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- (1) OJ No C ... 1982, p.
(2) OJ No C ... 1982, p.
(3) OJ No C ... 1982, p.

Article 2

1. The special programme referred to in Article 1 shall be implemented by means of financial assistance for the implementation of projects and measures associated with Community policy in the fields of research, the development and demonstration of energy technologies and energy efficiency.
2. The projects and measures shall be submitted to the Commission together with all the information necessary in order to assess whether they serve the objectives of the Community policy with which they are associated and comply with the eligibility criteria laid down in Article 3.
3. The Commission may request any additional information necessary for examination of the said projects and measures.

Article 3

The projects or measures shall be eligible for a financial contribution by the Community provided that they are financed by public authorities and fulfil the following criteria:

- a) they must serve the objectives of the Community's energy policy;
- b) they must not be incompatible with other Community policies;
- c) they must not give rise to distortions of competition.

Article 4

1. Under this Regulation, the Commission shall examine the measures and projects submitted to it by the Federal Republic of Germany and shall refer them for information to the Committee referred to in Article 7.
2. In accordance with the procedure laid down in Article 8, the Commission shall decide on:
 - a) the projects and measures meriting Community assistance in the light of the criteria laid down in Article 3;
 - b) the amount of the Community's financial contribution within the limits of the appropriations available.

3. The Community's financial contribution, the total amount of which is hereby fixed at 210 million ECU, may not exceed 70% of annual public expenditure for each project or measure for its execution.

4. The Commission decisions referred to in paragraph 2 shall be published in the Official Journal of the European Communities.

Article 5

1. The appropriations relating to the special measures shall be entered in the 1982 budget.

2. As soon as the decision referred to in Article 4(2) has been taken, the Commission shall make a payment of 90% of the amount of the Community contribution decided on in the light of the appropriations available.

3. The payment of the 10% balance shall be effected immediately after the exhaustion of the payment referred to in paragraph 2, as certified by the Government of the Federal Republic of Germany, and at the latest before the end of 1983, provided that implementation of the project or measure proceeds as planned.

Article 6

1. The Commission shall ensure that each project or measure is implemented in accordance with the provisions of this Regulation, with those adopted in implementation thereof and with those of the Regulations adopted pursuant to Article 209 of the Treaty. To this end, the Federal Republic of Germany shall make available to the Commission all information requested and shall take all steps with regard to Community-assisted projects and measures to facilitate such supervision as the Commission may consider appropriate, including on-the-spot checks made at its request with the approval of the Federal Republic of Germany by the competent authorities in the Federal Republic of Germany, in which Commission officials may participate. The Federal Republic of Germany shall make available to the Commission, for a period of three years after transfer of the balance referred to in Article 5(3), all supporting documents or certified copies thereof relating to expenditure.

2. Where a project or measure is not implemented in conformity with this Regulation or departs substantially from decisions taken in implementation thereof, the Commission may suspend payments still due. In this case, the Commission may decide that sums already paid or still due are to be allocated, in accordance with the procedure laid down in Article 8, to other projects or measures submitted under this Regulation. If, in the opinion of the Commission, no other project or measure is available, it shall recover the payments made to the Federal Republic of Germany.

Article 7

1. A Committee is hereby established, composed of representatives of the Member States and chaired by a representative of the Commission.

2. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.

Article 8

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit drafts of decisions to be taken. The Committee shall deliver its opinion on the drafts within a time limit which the Chairman may fix according to the urgency of the questions under consideration. An opinion shall be adopted by qualified majority in accordance with Article 148(2) of the Treaty.

3. The Commission shall adopt decisions which shall apply immediately. However, if these decisions are not in accordance with the opinion of the Committee, they shall be communicated to the Council as soon as possible and at the latest within one month. In that event, the Commission shall defer application of the decisions which it has adopted for not more than two months from the date of such communication. The Council, acting by a qualified majority, may take a different decision within two months.

Article 9

The Federal Republic of Germany, in agreement with the Commission, shall take the necessary steps to ensure that suitable publicity is given to the assistance granted under this Regulation.

Article 10

The Commission shall report to the Council and to the European Parliament on the implementation of this Regulation.

Article 11

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

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

Done at, ...1982

For the Council

The President