



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 January 2012

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ENER 15
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NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary of the meeting of the Committee on Industry, Research and Energy of the European Parliament, held in Brussels on 12 January 2012 - items 4 and 5

The meeting was chaired by Mr Herbert Reul (EPP, DE), Chair, and Mr Evžen Tošenovský (ECR, CZ), Vice-Chair of the Committee.

4. Briefing on the European Parliament delegation to the Climate Change conference in Durban (COP 17 - 28 November - 9 December 2011)

Members expressed their satisfaction with the successful negotiations in Durban, even if substantive progress had yet to be made in the context of a binding treaty. On the outcome, Ms Del Castillo (EPP, ES) recalled the Durban platform that constituted a commitment to reach further agreement by 2015. Ms Carvalho (EPP, PT) specified that there would be no distinction between developing countries and industrialised countries, as the commitments of all countries would have the same legal nature. In this context, both highlighted the opportunity for the EU to include its goals and the steps towards achieving them in the future agreement. In particular, Ms Del Castillo mentioned a common approach towards improving energy efficiency and reducing emissions and the series of binding goals in this area. Ms Carvalho (EPP, PT) also referred to other issues, such as the fight against poverty and economic growth.

She also welcomed the fact that the EU agenda had been a reference point throughout the conference and that its main points had been agreed on. Ms Jordan Cizelj (EPP, SI) highlighted the EU's leadership role in the negotiations. She considered as well that climate change should be part of EU foreign policy. Ms Carvalho and Ms Jordan Cizelj took the view that the role of ITRE was as significant as the role of ENVI and thought this should be reflected in the constitution of future delegations to the COP negotiations.

The representative of the Commission echoed Members' contributions regarding the success of the negotiations and the EU agenda driving the process.

5. Exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy

2011/0238(COD) COM(2011)0540

rapporteur : Krišjānis Kariņš (EPP, LV)

opinion : AFET, INTA

The rapporteur, Mr Kariņš, reminded Members that the aim of the report was to strengthen the role of the Commission in assessing intergovernmental agreements (IGAs). This would bring agreements with third countries into line with EU energy law. It would also create a first step towards finding a common voice for the EU on energy matters. Furthermore, the strengthened role of the Commission would give extended leverage to Member States negotiating with third parties. It would also introduce an element of uniformity in negotiations and ensure that exclusivity clauses were not inserted or maintained.

Members broadly welcomed the report. Mr Langen (EPP, DE) saw a Community interest in having IGAs assessed by the Commission. Nevertheless, he pointed to a possible "legislative cloud" over the commercial elements of the agreements and the protection of investors. Mr Theuer (ALDE, DE) echoed those concerns and added that the Commission should not assess private commercial agreements. In this context, Ms Tzavela (EFD, EL) and Mr Vidal-Quadras (EPP, ES) addressed the issue of the confidentiality of information. The latter stressed the need to ensure that the confidentiality clause (Art.7) was extended to all information made available by the Commission to Member States. He also considered it crucial to ensure that the clause was not abused and welcomed the definition of confidential information. In contrast, Ms Hibner (EPP, PL) was opposed to the idea of having various confidential and secret arrangements and called for a standard draft

agreement. Ms Tzavela was concerned that Member States supplying energy from countries such as Iran would need to respect any ad hoc decision adopted in relation to sanctions and suggested deleting the phrase "... or resulting from the acts of the institutions of the Union." from recital 2.

Members also mentioned a possibly dangerous legal retroactivity created by the evaluation of existing agreements (Mr Vidal-Quadras). They stressed the need for greater involvement of the EP in the process (Mr Langen, Mr Theuer), inquired about the timetable for Commission decisions (Ms Tzavela) and regretted the absence of a feasibility study in the proposal (Ms Tzavela). They also discussed the exception for interstate agreements (Ms Tzavela), the overlapping or duplication of notifications (Mr Vidal-Quadras) and the consequences of a negative opinion from the Commission on compatibility (Mr Vidal-Quadras).

Mr Kariņš reminded Members that two types of agreements (IGAs and commercial agreements) existed in the energy field and that most agreements were commercial and contained confidential information. He stressed the need to uphold the confidentiality of commercially sensitive issues.

The representative of the Commission reiterated the proposal's importance as a sign that the EU could speak with one voice on energy matters. She welcomed in particular the broad agreement on the general scope of the proposal and the definition of an IGA, as well as the mandatory requirement to notify the Commission. On Members' comments, she said that there was no need for an impact assessment (the Commission had conducted a public consultation instead) as the social and economic consequences were purely indirect. She concluded by outlining the procedural steps involved in a compatibility assessment of an IGA.

Timetable : Deadline for amendments : 17 January 2012 midday

Date of the next meetings

- 23 January 2012, 15.00 – 18.30
- 24 January 2012, 9.00 – 12.30 and 15.00 – 18.30
- 25 January 2012, 9.00 – 12.30