



EUROPEAN COMMISSION

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COMMISSION DECISION

of 18.01.2011

**relating to the 2011 work programme
with regard to contracts and joint management
in the field of energy**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, and in particular Article 49(6) and Article 75(2) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities², and in particular Article 90 thereof,

Having regard to Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (OJ L 176, 15.7.2003, p. 1),

Having regard to Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ L 176, 15.7.2003, p. 37),

Having regard to Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ L 176, 15.7.2003, p. 57),

Having regard to Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards (OJ L 54, 28.2.2005, p.1) and the tasks resulting from specific powers directly conferred on the Commission by the Euratom Treaty under Chapters III and VII and Article 174,

Having regard to Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009),

¹ OJ L 248, 16.9.2002, pp. 1-48.

² OJ L 357, 31.12.2002, p. 1.

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the European Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Given that the 2011 work programme provides a sufficiently detailed framework within the meaning of Article 90(2) and (3) of the Implementing Rules, this Decision constitutes a financing decision for the expenditure envisaged under the work programme for contracts.
- (3) Article 49(6)(d) of the Financial Regulation provides that appropriations for measures carried out by the Commission by virtue of tasks resulting from its prerogatives at institutional level under the EC Treaty or Euratom Treaty may be implemented without a basic act.
- (4) This financing decision may also cover the payment of default interest due on the basis of Article 83 of the Financial Regulation and Article 106(5) of the Implementing Rules.
- (5) The term ‘substantial change’ within the meaning of Article 90(4) of the Implementing Rules should be defined for the purposes of the application of this Decision.
- (6) Grants and contracts relating to specific programmes are the subject of separate work programmes adopted by the Commission and which serve as financing decisions.
- (7) This decision is also a financing decision for expenditure from the EU’s budget incurred within the context of joint management.
- (8) The International Atomic Energy Agency (IAEA) is subject to compliance assessment in accordance with Article 53d of the Financial Regulation. In anticipation of the results of that assessment the authorising officer considers that, given the long-standing cooperation with this Organisation which has occurred without problems, joint management can be proposed and a standard agreement with an international organisation can be signed in accordance with the provisions of Article 43 of the Implementing Rules to the Financial Regulation,

HAS DECIDED AS FOLLOWS:

Article 1

The general work programme for contracts and joint management in the field of energy for 2011, as set out in Annexes I and II, is hereby adopted. It constitutes a financing decision within the meaning of Article 75 of the Financial Regulation.

Article 2

The maximum contribution authorised by this Decision for the implementation of the work programme is set at €25 828 000, to be financed from the following budget lines of the General Budget of the European Union for 2011:

- budget line 32 04 03: €3 000 000
- budget line 32 04 16: €250 000
- budget line 32 05 01: €20 378 000
- budget line 32 05 02: €2 200 000

These appropriations may also cover default interest.

The implementation of this decision is subject to the adoption of the 2011 budget in accordance with Article 314 of the Treaty on the Functioning of the European Union or the availability of appropriations, in 2011, under the rules of provisional twelfths referred to in Article 315 of the Treaty on the Functioning of the European Union.

Article 3

The budgetary implementation of the tasks linked to the additional support of missions carried out by the IAEA in the EU within the context of the implementation of the IRRS (Integrated Regulatory Review Service) programme may be assigned to the following international organisation: International Atomic Energy Agency (IAEA).

Article 4

Cumulated changes in the allocations for specific measures not exceeding 20% of the maximum contribution authorised by this Decision are not considered to be substantial, provided that they do not significantly affect the nature and objective of the work programme. This may include the increase of the maximum contribution authorised by this financing Decision by up to 20%.

Done at Brussels, 18.01.2011

For the European Commission
G. OETTINGER
Member of the European Commission

ANNEX I

List of contracts and administrative arrangements in the field of energy in 2011

The amounts shown in this decision refer to the European Union's 2011 budget.

Minor changes to the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature³, may be made by the authorising officer by delegation (AOD), or by the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without it being necessary to amend the financing decision.

This list of contracts constitutes a financing decision and is divided into three parts:

- A. Contracts for expenditure relating to the activity ‘Nuclear energy and reimbursements under Article 6 of Regulation (Euratom) No 302/2005’;
- B. Contracts for expenditure relating to the activity ‘Conventional energy’;
- C. Contracts for expenditure relating to the activity ‘Safety and security’.

DG ENER contracts are principally for studies but also for the provision of services and the purchase of data, supplies and nuclear material. The appropriations covered by the Work Programme may also be used to pay default interest in accordance with Article 83 of the Financial Regulation.

³ These essential elements of an indicative nature are, for grants, the indicative amount of the call for proposals and, for procurement, the indicative number and type of contracts envisaged and the indicative time frame for launching procurement procedures.

A. CONTRACTS FOR THE ACTIVITY 'NUCLEAR ENERGY AND REIMBURSEMENTS UNDER ARTICLE 6 OF REGULATION (EURATOM) NO 302/2005'

Nuclear expenditure comprises, in particular, expenditure relating to on-the-spot inspections relating to safeguards and the training of inspectors, purchases of equipment, services and specific work, expenditure on the decommissioning of nuclear power stations, nuclear safety and security expenditure and radiation protection expenditure.

Nuclear energy expenditure also includes expenditure relating to the physical and chemical monitoring of nuclear material and the purchase and maintenance of monitoring equipment.

These appropriations cover, in particular, contracts for:

- the purchase of monitoring equipment such as nuclear-specific detectors, cameras, videos, batteries, data storage units, servers, small replacement equipment, data transmission systems and electronic seals;
- the purchase of computer equipment, specific software and hardware, the replacement of obsolete software and hardware, extensions to guarantees for specific computer equipment and the development of specific hardware;
- the maintenance, decontamination and calibration of specific monitoring equipment;
- maintenance of specific computer equipment and applications;
- the testing of new computer applications;
- nuclear studies.

The actions will be contracts involving framework contracts or open or negotiated procedures.

In accordance with Article 6 of Regulation (Euratom) No 302/2005: 'The Commission shall reimburse operators the cost of special services provided for in the particular safeguard provisions or which arise from a special request by the Commission or the inspectors and on the basis of an agreed estimate. The extent of and procedures for the reimbursement will be fixed by mutual agreement between the parties concerned and will be reviewed periodically as necessary.'

These reimbursements are not, strictly speaking, contracts but are intended to pay operators for certain contracts which they alone are authorised to conclude, having regard to the applicable national law (see Legal Service Note of 10 October 2003, Adonis 15580).

They also cover expenditure incurred by the Commission for collecting and processing information of all kinds needed for the analysis, definition, promotion, monitoring, evaluation and implementation of the common policy on nuclear safety and security, particularly in the new Member States, and for the policy on decommissioning.

Lastly, they cover expenditure on radiation protection, i.e. measures and actions relating to monitoring and protection against the effects of radiation, aimed at helping to protect the population and the environment against the dangers of ionising radiation and radioactive substances, as well as expenditure on the establishment and operation of a corps of inspectors to check protection against ionising radiation in the Member States.

Budget line	<i>32 05 01 Nuclear safeguards</i>		
Legal basis	<p>Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards (OJ L 54, 28.2.2005, p.1). Task resulting from specific powers directly conferred on the Commission by the Euratom Treaty under Chapter VII and Article 174.</p> <p><u>Reference acts</u> Verification agreements between the Community, the non-nuclear weapon Member States and the International Atomic Energy Agency. Tripartite agreement between the Community, the United Kingdom and the International Atomic Energy Agency. Tripartite agreement between the Community, France and the International Atomic Energy Agency. Cooperation agreements between the Community and non-Community countries such as the United States, Canada and Australia. Commission Communication of 24 March 1992 to the European Parliament and to the Council concerning a Commission decision on the implementation of on-site laboratories for verification analysis of safeguards samples (SEC(92) 515 final).</p>		
Appropriations 2011		Initial budget	20 378 000
		Transfers	0
		Total	20 378 000
Use of appropriations		Grants	0
		Contracts	20 378 000
Amount of this financing decision			20 378 000
Details of grants (for the record)			
<i>No grant will be awarded under this budget line.</i>			
Details of contracts			
<i>Type</i>	<i>Number</i>	<i>Indicative amount</i>	<i>Date of conclusion of contract</i>
Specific contract under a framework contract	Consultant (1), Supplies (3), Operational projects (10), Provision of services (6)	3 274 700	Q1 (15), Q2 (2), Q3 (3)
Open procedure	Supplies (1), Operational projects (9)	3 110 000	Q2 (2), Q4 (8)
Negotiated procedures/administrative agreement/other cases and Article 6(1)	Supplies (6), Inspection (1), Operational projects (16), Provision of services (10)	13 993 300	Q1 (7), Q2 (9), Q3 (4), Q4 (6)

Q1: Quarter 1, Q2: Quarter 2, Q3: Quarter 3, Q4: Quarter 4

*1 : Purchase of equipment or service specific to the nuclear field. It is installed by operators directly on the plant site and covered by the legal basis.

Budget line	<i>320502 Nuclear safety and protection against radiation</i>		
Legal basis	Task resulting from specific powers directly conferred on the Commission by the Euratom Treaty under Chapter III and Article 174.		
Appropriations 2011	Initial budget	2 200 000	
	Transfers	0	
	Total	2 200 000	
Use of appropriations	Joint management	600 000	
	Contracts	1 600 000	
Amount of this financing decision		1 600 000	
Details of grants (for the record)			
<i>No grant will be awarded under this budget line.</i>			
Details of contracts			
<i>Type</i>	<i>Number</i>	<i>Indicative amount</i>	<i>Date of conclusion of contract</i>
Specific contract under a framework contract	Provision of services (2), studies (1)	330 000	Q2 (1), Q3 (1), Q4 (1)
Open procedure	Consultant (1), Studies (4),	780 000	Q2 (3), Q4 (2)
Negotiated procedure/other cases under Article 35 Euratom Treaty	Inspection (1), Conference (1), Consultant (1), Studies (2), Operational project (1), Provision of services (2)	490 000	Q1 (2), Q2 (4), Q3 (2)

B. CONTRACTS FOR CONVENTIONAL ENERGY ACTIVITY

This section covers contracts for expenditure relating to the activity 'conventional and renewable energy with a basic act'. This appropriation is intended to cover expenditure incurred by the Commission for collecting and processing information of all kinds needed for the analysis, definition, promotion, monitoring, evaluation and implementation of a European policy on competitive, safe and sustainable energy, of the internal energy market and its extension to third countries, of security of energy supply for all aspects in a European and global perspective as well as the strengthening of the rights and protection of energy users by supplying quality services at transparent and comparable prices.

The principal objectives established are to set up a progressive European policy assuring continuous energy supply security, the smooth running of the internal energy market and access to transport networks for energy, the observation of the energy market, analysis of modelling including scenarios on the impact of policies being considered, the strengthening of the rights and protection of energy users, based on general and specific information on global and European energy markets for all energy types.

Budget line	<i>32 04 03 Support activities to the European energy policy and internal energy market</i>		
Legal basis	Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (OJ L 176, 15.7.2003, p. 1).		
Appropriations <u>20092011</u>	Initial budget	3 000 000	
	Transfers	0	
	Total	3 000 000	
Use of appropriations	Grants	0	
	Contracts	3 000 000	
Amount of this framework decision		3 000 000	
Details of grants (for the record)			
<i>No grant will be awarded under this budget line.</i>			
Details of contracts			
<i>Type</i>	<i>Number</i>	<i>Indicative amount</i>	<i>Date of conclusion of contract</i>
Specific contract under a framework contract	Consultant (3), Study (4), Impact study (1), provision of services (1)	2 035 000	Q1 (3), Q2 (4), Q3 (1), Q4 (1)
Open procedure	Studies (2), Provision of services (1)	911 000	Q2 (1), Q3 (2)
Negotiated procedure	Consultant (1), Studies (1),	54 000	Q2 (1), Q4 (1)

C. CONTRACTS AND ADMINISTRATIVE ARRANGEMENTS FOR EXPENDITURE RELATING TO THE ACTIVITY ‘SAFETY AND SECURITY’

This section covers expenditure incurred by the Commission for collecting and processing information of all kinds needed for the analysis, definition, promotion, monitoring, evaluation and implementation of the measures and rules and regulations needed in order to enhance energy safety and security, technical assistance and specific training actions. The main objectives of the measure are to develop and implement energy safety and security rules.

Budget line	<i>32 04 16 Security of energy installations and infrastructures</i>		
Legal basis	Task resulting from the Commission’s prerogatives at institutional level in accordance with Article 49(6)(d) of the Financial Regulation.		
Appropriations 2011		Initial budget	250 000
		Transfers	0
		Total	250 000
Use of appropriations		Grants	0
		Contracts	250 000
Amount of this financing decision			250 000
Details of grants			
<i>No grant will be awarded under this budget line.</i>			
Details of contracts			
<i>Type</i>	<i>Number/subject</i>	<i>Indicative amount</i>	<i>Date of conclusion of contract</i>
Open procedure	Studies (1)	250 000	Q3 (1)

ANNEX II – Joint management

Budget line: 32 05 02 - Nuclear security and radiation protection

Legal basis:

- Task resulting from specific powers directly conferred on the Commission by the Euratom Treaty under Chapter III and Article 174.
- Article 9(3) of Council Directive 2009/71/Euratom adopted on 25 June 2009

Objective(s):

- Implementation of the Nuclear Safety Directive

Contribution proposed for 2011	Additional support for IAEA missions performed in the European Union within the context of the setting up of the IRRS programme (FV 2011-119)
Delegated entity	<p>(1) International Atomic Energy Agency (IAEA)</p> <p>The main reason for an increased cooperation with the Organization (IAEA) remains with the fact that the Organization is carrying out projects that are addressing the resolution of generic safety issues based on developing and disseminating well recognised international safety standards and guidelines.</p> <p>The purpose of the proposed contribution agreement between the European Commission and the IAEA joint management is to provide additional resources to the Organisation to accelerate peer review activities in EU Member States, hence facilitating compliance by such Member States with their obligations under Article 9(3) of the Nuclear Safety Directive[1]. The objective is to strengthen the nuclear regulatory capabilities of all countries within the EU with or without nuclear power programmes so that their regulatory responsibilities and functions can be carried out in a more effective manner.</p> <p>[1] Council Directive 2009/71/Euratom of 25 June 2009</p>
Planned date of delegation	07/2011
Overall objective and purpose of the action	Under Article 9(3) of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (hereinafter referred to as the ‘Nuclear Safety Directive’), Member States are required to arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and/or authorities with the aim of continuously improving nuclear safety.
Estimated budget	€600 000