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PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Statuta Međunarodne agencije za obnovljivu energiju (IRENA), s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst) i članaka 129. i 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008), Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Statuta Međunarodne agencije za obnovljivu energiju (IRENA), s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila mr. sc. Đuru Popijača, ministra gospodarstva, rada i poduzetništva, Natašu Vujec, Tihanu Kraljić, Ivana Bubića, Roberta Markta i Ruđera Friganovića, državne tajnike u Ministarstvu gospodarstva, rada i poduzetništva, te Darka Horvata, ravnatelja u Ministarstvu gospodarstva, rada i poduzetništva.

PREDSJEDNICA

Jadranka Kosor, dipl. iur.

**PRIJEDLOG ZAKONA O POTVRĐIVANJU STATUTA
MEĐUNARODNE AGENCIJE ZA OBNOVLJIVU ENERGIJU (IRENA),
S KONAČNIM PRIJEDLOGOM ZAKONA**

PRIJEDLOG ZAKONA O POTVRĐIVANJU STATUTA MEĐUNARODNE AGENCIJE ZA OBNOVLJIVU ENERGIJU (IRENA)

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Statuta Međunarodne organizacije za obnovljivu energiju (IRENA) (u daljnjem tekstu: „Statut“), sadržana je u odredbi članka 139. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Međunarodna agencija za obnovljivu energiju (IRENA) (u daljnjem tekstu: IRENA) osnovana je 26. siječnja 2009. godine u Bonnu, s ciljem da postane ključno međunarodno tijelo na području obnovljive energije, savjetnik i partner pri proširivanju i korištenju obnovljive energije.

Članicom IRENA-e mogu postati države koje su članice Ujedinjenih naroda te regionalne međuvladine organizacije gospodarske integracije, koje su sposobne djelovati sukladno ciljevima i aktivnostima utvrđenim Statutom IRENA-e.

Do stupanja na snagu Statuta strankom se moglo postati potpisivanjem, nakon čega slijedi polaganje isprave o ratifikaciji. Po stupanju na snagu Statuta, subjekti koji nisu potpisali Statut mogu postati strankom polaganjem isprave o pristupu.

Statut IRENA-e stupio je na snagu 8. lipnja 2010. godine polaganjem 25. isprave o ratifikaciji. Do 21. ožujka 2011. godine Statut je potpisalo 149 država i Europska unija, a ukupno je položeno 65 isprava o ratifikaciji. Europska unija je 5. srpnja 2010. godine položila svoju ispravu o ratifikaciji.

Temeljem Odluke Vlade Republike Hrvatske o pokretanju postupka o pristupanju Statutu od 15. travnja 2010. godine, veleposlanik Republike Hrvatske u Saveznoj Republici Njemačkoj dr. Miro Kovač potpisao je u ime Vlade Republike Hrvatske 25. svibnja 2010. godine u sjedištu Ministarstva vanjskih poslova Savezne Republike Njemačke Statut IRENA-e.

Svojim članstvom Republika Hrvatska će, između ostalog, razmjenjivati recentna iskustva o novim tehnologijama te koristiti najbolja znanja u jačanju nacionalnih kapaciteta održivog korištenja obnovljive energije. Nadalje, Republika Hrvatska će sudjelovati u globalnom prikupljanju te razmjeni informacija i znanja u svezi s obnovljivim izvorima energije. Osim toga, bit će u prilici dodatno se međunarodno afirmirati i ponuditi drugim tržištima svoju tehnologiju i znanja.

Statut predstavlja temeljni akt IRENA-e i pravni okvir kojim se uspostavlja međunarodna organizacija za obnovljivu energiju koja potiče suradnju između svojih članica u odnosnom području.

Prema odredbama Statuta, IRENA se temelji na načelu jednakosti svih njezinih članica, a cilj je poticati opsežno i što veće usvajanje i održivo korištenje svih oblika obnovljive energije, uzimajući u obzir; nacionalne i domaće prioritete i koristi proistekle iz povezanog pristupa obnovljivoj energiji i mjerama energetske učinkovitosti, te doprinos obnovljive energije zaštiti okoliša i zaštiti klime, gospodarski rast, održivi razvoj, sigurnost energetske dobave, regionalni razvoj i međugeneracijsku odgovornost.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Statut, kako bi njegove odredbe u smislu članka 140. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst) postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Članstvo i aktivno sudjelovanje Republike Hrvatske u IRENA-i doprinijet će ostvarenju cilja izgradnje sustava uravnoteženog razvoja odnosa između sigurnosti opskrbe energijom, konkurentnosti i očuvanja okoliša, koji će hrvatskim građanima i hrvatskom gospodarstvu omogućiti kvalitetnu, sigurnu, dostupnu i dostatnu opskrbu energijom kao preduvjeta gospodarskog i socijalnog napretka.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU OVOG ZAKONA

Provedba ovoga Zakona zahtjeva osiguranje dodatnih financijskih sredstava u Državnom proračunu Republike Hrvatske za 2011. godinu.

Iznos članarine država potpisnica utvrđuje se prema ljestvici doprinosa u UN-u, slijedom rezolucije Opće skupštine UN-a (A/RES/61/237). Države članice IRENA-e određuju visinu proračuna slijedom programa rada IRENA-e, a visine pojedinih članarina ovise i o broju članica te dostupnim međunarodnim fondovima.

Uključivanjem u IRENA-u Republika Hrvatska se obvezala na plaćanje godišnje članarine koja se okvirno procjenjuje na iznos od 25.000 \$ (cca. 134.410,00 kn).

Za provedbu ovoga Zakona sredstva se osiguravaju u Državnom proračunu Republike Hrvatske za 2011. godinu na poziciji Ministarstva gospodarstva, rada i poduzetništva, prema materijalnim rashodima, u okviru aktivnosti broj: A817026 „konkurentnost i održivost energetskog sustava“, stavka: 3294-članarine.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje Zakona o potvrđivanju Statuta Međunarodne agencije za obnovljivu energiju (IRENA) po hitnom postupku, nalazi se u odredbi članka 159. Poslovnika Hrvatskog sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008) i to u drugim osobito opravdanim državnim razlozima. Obzirom na razloge navedene u točkama II. i III. Prijedloga zakona, te radi intenziviranja međunarodne suradnje na području energetike, kao i uzimajući u obzir da se u ovoj fazi postupka ne mogu vršiti izmjene i dopune teksta Statuta, predlaže se ovaj Prijedlog zakona raspraviti i prihvatiti po hitnom postupku, objedinjujući prvo i drugo čitanje.

KONAČNI PRIJEDLOG
ZAKONA O POTVRĐIVANJU STATUTA
MEĐUNARODNE AGENCIJE ZA OBNOVLJIVU ENERGIJU (IRENA)

Članak 1.

Potvrđuje se Statut Međunarodne agencije za obnovljivu energiju (IRENA), sastavljen u Bonnu 26. siječnja 2009. godine, u izvorniku na engleskom jeziku.

Članak 2.

Tekst Statuta iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik glasi:

Statut
Međunarodne agencije za obnovljivu energiju
(IRENA)

Stranke ovog Statuta,

želeći poticati opsežno i sve veće usvajanje i korištenje obnovljive energije s obzirom na održivi razvoj,

nadahnuće njihovim čvrstim uvjerenjem u neizmjerne mogućnosti koje obnovljive energije nude za rješavanje i postupno uklanjanje problema energetske sigurnosti i nestalnih cijena energije,

uvjerene u važnu ulogu koju obnovljive energije mogu odigrati u smanjenju koncentracije stakleničkih plinova u atmosferi, time doprinoseći stabilizaciji klimatskog sustava, te omogućivanju održivog, sigurnog i laganog prijelaza na gospodarstvo s niskim sadržajem ugljika,

želeći jačati pozitivan utjecaj koji tehnologije obnovljive energije mogu imati na poticanje održivog rasta i stvaranje zaposlenosti,

motivirane golemim potencijalom obnovljive energije u osiguravanju decentraliziranog pristupa energiji, posebice u zemljama u razvoju, te pristupom energiji izoliranih i udaljenih područja i otoka,

zabrinute zbog ozbiljnih negativnih posljedica koje korištenje fosilnih goriva i neučinkovito korištenje tradicionalnih biomasa može imati po zdravlje,

uvjerene da obnovljiva energija, povezana s poboljšanom energetsom učinkovitošću, može povećano pokrivati predviđeno pretjerano povećanje globalnih energetske potreba u predstojećim desetljećima,

potvrđujući njihovu želju za osnivanjem međunarodne organizacije za obnovljivu energiju koja olakšava suradnju između svojih članica, dok također uspostavlja blisku suradnju s postojećim organizacijama koje potiču korištenje obnovljive energije,

sporazumjele su se kako slijedi:

Članak I.

Osnivanje Agencije

- A. Stranke ovog Statuta ovime osnivaju Međunarodnu agenciju za obnovljivu energiju (u daljnjem tekstu „Agencija“) u skladu sa sljedećim odredbama i uvjetima.
- B. Agencija se temelji na načelu jednakosti svih njezinih članica i pružat će dužnu pažnju suverenim pravima i nadležnostima njezinih članica u obavljanju njihovih aktivnosti.

Članak II.

Ciljevi

Agencija potiče opsežno i što veće usvajanje i održivo korištenje svih oblika obnovljive energije, uzimajući u obzir:

- a.) nacionalne i domaće prioritete i koristi proistekle iz povezanog pristupa obnovljivoj energiji i mjerama energetske učinkovitosti, te
- b.) doprinos obnovljive energije zaštiti okoliša preko ograničavanja pritiska na prirodne izvore i smanjenje krčenja šuma, osobito krčenja tropskih šuma, širenja pustinja i gubitka bioraznolikosti; zaštitu klime; gospodarski rast i socijalnu povezanosti uključujući uklanjanje siromaštva i održivi razvoj; pristup i sigurnost energetske dobave; regionalni razvoj i međugeneracijsku odgovornost.

Članak III.

Definicija

U ovom Statutu izraz „obnovljiva energija“ znači sve vrste energije proizvedene iz obnovljivih izvora, što uključuje, između ostalog:

1. bioenergiju;
2. geotermalnu energiju;
3. hidroenergiju;
4. energiju oceana, uključujući između ostalog energiju plime i oseke, energiju valova i oceansku termalnu energiju;
5. solarnu energiju; i
6. energiju vjetra.

Članak IV.

Aktivnosti

A. Kao centar izvrsnosti za tehnologiju obnovljive energije i djelujući kao pomagač i katalizator, osiguravajući iskustvo za praktične primjene i politike, nudeći potporu u svim pitanjima koja se odnose na obnovljivu energiju i pomažući zemljama da izvuku korist od učinkovitog razvoja i prijenosa znanja i tehnologije, Agencija obavlja sljedeće aktivnosti;

1. Posebice u korist svojih članica Agencija:

- a.) analizira, nadzire, te bez obveza za politike članica, sistematizira trenutačne prakse obnovljive energije, uključujući instrumente politike, poticaje, investicijske mehanizme, najbolju praksu, dostupne tehnologije, cjelovite sustave i opremu te faktore uspjeha-neuspjeha;
- b.) započinje raspravu i osigurava međudjelovanje s drugim vladinim i nevladinim organizacijama i mrežama na ovom i drugim odgovarajućim područjima;
- c.) osigurava svojim članicama relevantne političke savjete i pomoć na njihov zahtjev, uzimajući u obzir njihove potrebe, te potiče međunarodne rasprave o politici obnovljive energije i njenim okvirnim uvjetima;

- d.) poboljšava odgovarajući prijenos znanja i tehnologije i potiče razvoj lokalnih kapaciteta i nadležnosti u državama članicama, uključujući potrebne međupovezanosti;
- e.) nudi stvaranje kapaciteta, uključujući osposobljavanje i izobrazbu svojim članicama;
- f.) osigurava svojim članicama na njihov zahtjev savjet o financiranju obnovljive energije i podupire primjenu odnosnih mehanizama;
- g.) potiče i ohrabruje istraživanje, uključujući socijalno-gospodarska pitanja, te jača istraživačke mreže, zajedničko istraživanje, te razvoj i razmještaj tehnologija; i
- h.) osigurava informacije o razvoju i razmještaju nacionalnih i međunarodnih tehničkih standarda u vezi s obnovljivom energijom temeljenom na čvrstom razumijevanju kroz aktivno sudjelovanje na odgovarajućim forumima.

2. Nadalje, Agencija širi informacije i povećava javnu svijest o koristima i potencijalima koje obnovljiva energija nudi.

B. U obavljanju svojih aktivnosti, Agencija:

- 1. postupa u skladu s ciljevima i načelima Ujedinjenih naroda kako bi poticala mir i međunarodnu suradnju, te u skladu s politikama Ujedinjenih naroda unapređivala održivi razvoj;
- 2. raspodjeljuje svoje resurse na način da osigura njihovo učinkovito korištenje u namjeri da uputi na sve svoje ciljeve i obavlja svoje aktivnosti za postizanje najvećih mogućih koristi za svoje članice, te na svim područjima svijeta, imajući na umu posebne potrebe zemalja u razvoju te udaljenih i izoliranih regija i otoka;
- 3. blisko surađuje i stremi uspostavljanju međusobno korisnih odnosa s postojećim institucijama i organizacijama kako bi se izbjeglo nepotrebno dupliciranje rada i učinkovito koristilo resurse i pokrenute aktivnosti vlada, drugih organizacija i agencija, koje ciljaju na poticanje obnovljive energije.

C. Agencija:

- 1. podnosi svojim članicama godišnje izvješće o svojim aktivnostima;
- 2. obavještava članice o svom političkom savjetu nakon što ga je dala te; i
- 3. obavještava članice o konzultacijama i suradnji i radu s postojećim međunarodnim organizacijama koje rade na ovom području.

Članak V.

Program rada i projekti

A. Agencija obavlja svoje aktivnosti na temelju godišnjeg programa rada kojeg je pripremila Tajništvo, kojega je razmotrilo Vijeće i usvojila Skupština.

B. Agencija može, uz svoj program rada, nakon konzultiranja svojih članica i u slučaju neslaganja, nakon odobrenja Skupštine, provoditi projekte koje su članice započele i financirale, ovisno o raspoloživosti nefinancijskih sredstava Agencije.

Članak VI.

Članstvo

A. Članstvo je otvoreno državama koje su članice Ujedinjenih naroda i regionalnih međuvladinih organizacija gospodarske integracije koje su voljne i sposobne djelovati u skladu s ciljevima i aktivnostima utvrđenim u ovom Statutu. Da bi bila podobna za članstvo u Agencije, regionalna međuvladina organizacija gospodarske integracije mora biti sastavljena od suverenih država, od kojih je najmanje jedna članica Agencije, i na koju su njezine države članice prenijele nadležnosti u barem jednoj stvari u području djelokruga Agencije.

B. Takve države i regionalne međuvladine organizacije gospodarske integracije postaju:

1. izvorne članice Agencije potpisivanjem Statuta i polaganjem isprave o ratifikaciji;
2. druge članice Agencije polaganjem isprave o pristupu nakon što je njihov zahtjev za članstvo odobren. Članstvo se smatra odobrenim ukoliko tri mjeseca nakon što je zahtjev poslan članicama nije izraženo neslaganje, u slučaju neslaganja o zahtjevu odlučuje Skupština u skladu s člankom IX. stavkom H. brojem 1.

C. U slučaju bilo koje regionalne međuvladine organizacije gospodarske integracije, organizacija i njezine države članice odlučuju o njihovim odnosnim odgovornostima za obavljanje njihovih obveza iz ovog Statuta. Organizacija i njene države članice nisu ovlaštene ostvarivati prava, uključujući prava glasovanja, iz ovoga Statuta istodobno. U svojim ispravama o ratifikaciji ili pristupu gore navedene organizacije izjavljuju opseg svojih nadležnosti s obzirom na pitanja uređena ovim Statutom. Te Organizacije također obavještavaju Vladu depozitara o bilo kojoj važećoj promjeni u opsegu njihove nadležnosti. U slučaju glasovanja o stvarima koje su u njezinoj nadležnosti, regionalne međuvladine organizacije gospodarske integracije moraju glasovati sa brojem glasova jednakim ukupnom broju glasova koji je dodijeljen njihovim državama članicama koje su također članice ove Agencije.

Članak VII.

Promatrači

A. Skupština može odobriti status promatrača:

1. međuvladinim i nevladinim organizacijama aktivnim na području obnovljive energije;
2. potpisnicima koji nisu ratificirali Statut; i
3. podnositeljima zahtjeva za članstvo, čiji je zahtjev za članstvo odobren u skladu s člankom VI. stavkom B. brojem 2.

B. Promatrači mogu sudjelovati bez prava glasa u javnoj sjednici Skupštine i njezinih pomoćnih tijela.

Članak VIII.

Tijela

A. Ovime se osnivaju kao glavna tijela Agencije:

1. Skupština;
2. Vijeće; i
3. Tajništvo.

B. Skupština i Vijeće, mogu, podložno odobrenju Skupštine, osnivati takva pomoćna tijela koja smatraju potrebnim za obavljanje njihovih funkcija u skladu s ovim Statutom.

Članak IX.

Skupština

A. 1. Skupština je vrhovno tijelo Agencije.

2. Skupština može raspravljati o bilo kojem pitanju u okviru ovog Statuta ili koje je povezano s ovlastima i zadaćama bilo kojeg tijela predviđenog ovim Statutom.

3. O svakom takvom pitanju Skupština može:

- a.) donijeti odluke i dati preporuke bilo kojem takvom tijelu; i
- b.) dati preporuke članovima Agencije, na njihov zahtjev.

4. Osim toga, Skupština je ovlaštena predlagati pitanja koja treba razmotriti Vijeće te tražiti od Vijeća i Tajništva izvješća o bilo kojem pitanju povezanom s radom Agencije.

B. Skupština je sastavljena od svih članica Agencije. Skupština se sastaje na redovitim sjednicama koje se održavaju na godišnjoj razini, osim ako ne odluči drugačije.

C. Skupština uključuje jednog predstavnika svake članice koji mogu biti u pratnji zamjenika i savjetnika. Svaka pojedina članica snosi troškove sudjelovanja svog izaslanstva.

D. Sjednice Skupštine održavaju se u sjedištu Agencije, osim ako Skupština ne odluči drugačije.

E. Na početku svake redovite sjednice Skupština bira predsjednika i ostale službenike prema potrebi, uzimajući u obzir pravičnu geografsku zastupljenost. Oni obavljaju dužnost dok se ne izaberu novi predsjednik i ostali službenici na idućoj redovitoj sjednici. Skupština usvaja svoj poslovnik u skladu s ovim Statutom.

F. U skladu s člankom VI. stavkom C., svaka članica Agencije ima jedan glas u Skupštini. Skupština donosi odluke o postupovnim pitanjima običnom većinom glasova članica koje su prisutne i glasuju. Odluke o suštinskim pitanjima donose se konsenzusom prisutnih članica. Ako se ne može postići konsenzus, smatra se da je konsenzus postignut ako najviše 2 članice glasuju protiv, osim ako je Statutom predviđeno drugačije. U slučaju nedoumice u pogledu odlučivanja je li pitanje suštinsko ili nije, to se pitanje smatra suštinskim osim ako Skupština konsenzusom prisutnih članica ne odluči drugačije, koji će se u slučaju da se konsenzus ne može postići, smatrati postignutim ako najviše 2 članice glasuju protiv. Kvorum Skupštine čini većina članica Agencije.

G. Skupština, konsenzusom prisutnih članica:

1. bira članice Vijeća;
2. na svojim redovitim sjednicama donosi proračun i radni program Agencije, kojeg dostavlja Vijeće te je ovlaštena odlučivati o izmjenama i dopunama proračuna i radnog programa Agencije;
3. donosi odluke vezane uz nadzor financijskih politika Agencije, financijskih propisa i ostalih financijskih pitanja i bira revizora;
4. odobrava izmjene i dopune ovog Statuta;
5. odlučuje o osnivanju pomoćnih tijela i odobrava njihove uvjete poslovanja; i
6. odlučuje o ovlaštenju za glasovanje u skladu s člankom XVII. stavkom A.

H. Konsenzusom prisutnih članica, koji se u slučaju nepostojanja konsenzusa smatra postignutom ako najviše 2 članice glasuju protiv, Skupština:

1. prema potrebi odlučuje o zahtjevima za članstvo;
2. odobrava pravilnik Skupštine i Vijeća, koje potonji dostavlja;
3. usvaja godišnje izvješće kao i ostala izvješća;
4. odobrava sklapanje sporazuma o svim pitanjima, predmetima ili temama u okviru ovog Statuta; i
5. odlučuje u slučaju neslaganja između članica o dodatnim projektima u skladu s člankom V. stavkom B.

I. Skupština određuje sjedište Agencije i glavnog ravnatelja Tajništva (u daljnjem tekstu „glavni ravnatelj“) konsenzusom prisutnih članica, ili ako se konsenzus ne može postići, većinom glasova dvije trećine članica koje su prisutne i glasuju.

J. Skupština razmatra i odobrava prema potrebi na svojoj prvoj sjednici sve odluke, prijedloge sporazuma, odredbe i smjernice koje je izradilo Pripremno povjerenstvo u skladu s postupcima glasovanja za pojedino pitanje, kako je predviđeno člankom IX. stavkom F. do I.

Članak X.

Vijeće

A. Vijeće se sastoji od najmanje 11 ali ne više od 21 predstavnika članica Agencije koje je izabrala Skupština. Točan broj predstavnika između 11 i 21 treba odgovarati zaokruženom broju jedne trećine članica Agencije, a koji se izračunava na osnovi broja članica Agencije na početku pojedinog razdoblja glasovanja za članice Vijeća. Članovi Vijeća biraju se na osnovi rotacije, kako je predviđeno pravilnikom Skupštine, s ciljem osiguranja učinkovitog sudjelovanja zemalja u razvoju i razvijenih zemalja te postizanja pravične i jednake geografske distribucije i učinkovitosti rada Vijeća. Članovi Vijeća biraju se na razdoblje od dvije godine.

B. Vijeće se sastaje na polugodišnjoj osnovi, a njegovi sastanci se održavaju u sjedištu Agencije, osim ako Vijeće ne odluči drugačije.

C. Na početku svakog sastanka za razdoblje do sljedećeg sastanka Vijeće bira predsjedatelja i po potrebi druge službenika između svojih članova. Ono ima pravo izraditi svoj poslovnik. Takav poslovnik treba dostaviti Skupštini na odobrenje.

D. Svaki član Vijeća ima jedan glas. Vijeće donosi odluke o postupovnim pitanjima običnom većinom glasova svih članova. Suštinske odluke donose se većinom od dvije trećine glasova njegovih članova. U slučaju nedoumice u pogledu odlučivanja je li neko pitanje suštinsko ili nije, to se pitanje tretira kao suštinsko, osim ako Vijeće, većinom glasova od dvije trećine glasova njegovih članova ne odluči drugačije.

E. Vijeće je odgovorno Skupštini. Vijeće provodi ovlasti i zadaće koje su mu povjerene Statutom, kao i one zadaće koje mu dodijeli Skupština. U svom radu Vijeće djeluje u skladu s odlukama i poštujući preporuke Skupštine te osigurava njihovu ispravnu i neprekidnu provedbu.

F. Vijeće:

1. olakšava konzultacije i suradnju između članica;
2. razmatra i podnosi Skupštini prijedlog radnog programa i prijedlog proračuna Agencije;
3. odobrava dogovore za sjednice Skupštine, uključujući pripremu prijedloga dnevnog reda;
4. razmatra i dostavlja Skupštini prijedlog godišnjeg izvješća o aktivnostima Agencije i ostala izvješća kako ih je pripremilo Tajništvo u skladu sa člankom XI. stavkom E. brojem 3. ovog Statuta;
5. priprema i ostala izvješća koja Skupština može tražiti;
6. sklapa sporazume ili dogovore s državama, međunarodnim organizacijama i međunarodnim agencijama u ime Agencije, podložno prethodnom odobrenju Skupštine;

7. obrazlaže radni program kako ga je donijela Skupština s ciljem njegove provedbe od strane Tajništva i u okviru ograničenje donesenog proračuna;
8. ovlašteno je uputiti Skupštini pitanja na razmatranje; i
9. osniva pomoćna tijela kada je potrebno u skladu s člankom VIII. stavkom B. te odlučuje o njihovim uvjetima poslovanja i trajanju.

Članak XI.

Tajništvo

A. Tajništvo pomaže Skupštini, Vijeću i njihovim pomoćnim tijelima u obavljanju njihovih zadaća. Tajništvo obavlja druge zadaće koje su mu povjerene prema ovom Statutu, kao i one zadaće koje mu dodjele Skupština ili Vijeće.

B. Tajništvo se sastoji od glavnog ravnatelja, koji je njegov čelnik i glavni administrativni službenik, te od osoblja koje može biti potrebno. Glavnog ravnatelja imenuje Skupština na preporuku Vijeća na razdoblje od četiri godine, a njegov se mandat može produžiti za još jedno daljnje razdoblje, ali ne duže.

C. Glavni ravnatelj odgovoran je Skupštini i Vijeću, između ostalog za imenovanje osoblja, kao i za organizaciju i djelovanje Tajništva. Najvažniji kriterij pri zapošljavanju osoblja i određivanju uvjeta službe je potreba osiguranja najviših standarda učinkovitosti, stručnosti i integriteta. Dužna se pažnja posvećuje važnosti zapošljavanja osoblja prvenstveno iz država članica te na što široj mogućoj geografskoj osnovi, uzimajući posebno u obzir odgovarajuću zastupljenost zemalja u razvoju s naglaskom na rodnoj jednakosti. U pripremi proračuna predloženo zapošljavanje se rukovodi načelom da se osoblje zadržava na najmanjem mogućem broju potrebnom za odgovarajuće obavljanje obveza Tajništva.

D. Glavni ravnatelj, ili predstavnik kojeg on odredi, sudjeluje, bez prava glasa, na svim sastancima Skupštine i Vijeća.

E. Tajništvo:

1. priprema i podnosi Vijeću prijedlog radnog programa i prijedlog proračuna Agencije;
2. provodi radni program Agencije i njezine odluke;
3. priprema i podnosi Vijeću prijedlog godišnjeg izvješća o aktivnostima Agencije, te druga izvješća koja Skupština ili Vijeće mogu tražiti;
4. osigurava administrativnu i tehničku potporu Skupštini, Vijeću i njihovim pomoćnim tijelima;
5. olakšava komunikaciju između Agencije i njenih članica; i
6. prosljeđuje savjete u pogledu politike koje su donijele članice Agencije u skladu sa člankom IV. stavkom C. brojem 2. te priprema i podnosi Skupštini i Vijeću izvješće o svojim savjetima u pogledu politike za svaku od njihovih sjednica. Izvješće Vijeću uključuje i savjet u pogledu planirane politike u provedbi godišnjeg radnog programa.

F. U obavljanju svojih dužnosti glavni ravnatelj i ostali članovi osoblja ne traže niti ne dobivaju upute od bilo koje vlade ili bilo kojeg izvora izvan Agencije. Oni se suzdržavaju od bilo koje aktivnosti koja bi se mogla odraziti na njihov položaj kao međunarodnih službenika odgovornih samo Skupštini i Vijeću. Svaka članica poštuje isključivo međunarodnu narav odgovornosti glavnog ravnatelja i ostalih članova osoblja i ne nastoji utjecati na njih u obavljanju njihovih odgovornosti.

Članak XII.

Proračun

A. Proračun Agencije financira se iz:

1. obveznih doprinosa njihovih članica, koji se temelje na ljestvici procjene Ujedinjenih naroda, kako ju je utvrdila Skupština;
2. dobrovoljnih doprinosa; i
3. ostalih mogućih izvora

u skladu sa financijskim propisima koje će Skupština usvojiti konsenzusom, kako je predviđeno člankom IX. stavkom G. ovog Statuta. Financijski propisi i proračun trebaju Agenciji osigurati solidnu financijsku osnovu, te osiguravaju efikasnu i učinkovitu provedbu aktivnosti Agencije, kako su utvrđene radnim programom. Iz obveznih doprinosa financirat će se osnovne aktivnosti i administrativni troškovi.

B. Prijedlog proračuna Agencije priprema Tajništvo i dostavlja ga Vijeću na provjeru. Vijeće ga ili prosljeđuje Skupštini s preporukom za odobravanje ili vraća Tajništvu na ponovno razmatranje i ponovno podnošenje.

C. Skupština imenuje vanjskog revizora koji će obavljati dužnost tijekom razdoblja od četiri godine i koji može biti ponovno izabran. Prvi revizor obavlja dužnost tijekom razdoblja od dvije godine. Revizor provjerava račune Agencije i daje komentare i preporuke koje smatra potrebnim u pogledu učinkovitosti upravljanja i unutarnjih financijskih kontrola.

Članak XIII.

Pravna osobnost, povlastice i imunitet

A. Agencija ima međunarodnu pravnu osobnost. Na državnom području svake članice i podložno njezinom nacionalnom zakonodavstvu, ona uživa domaću pravnu sposobnost koja je potrebna za obavljanje njezinih zadaća i ispunjenje njezine svrhe.

B. Članice posebnim sporazumom odlučuju o povlasticama i imunitetima.

Članak XIV.

Odnosi s ostalim organizacijama

Podložno odobrenju Skupštine Vijeće je ovlašteno sklapati sporazume u ime Agencije uspostavljajući odgovarajuće odnose s Ujedinjenim narodima i ostalim organizacijama čiji je rad povezan s radom Agencije. Odredbe ovog Statuta ne utječu na prava i obveze bilo koje članice, koji proizlaze iz bilo kojeg postojećeg međunarodnog ugovora.

Članak XV.

Izmjene i dopune, povlačenje, razmatranje

A. Izmjene i dopune ovog Statuta može predložiti bilo koja članica. Ovjerene preslike teksta bilo koje predložene izmjene i dopune priprema glavni ravnatelj i priopćava ih svim članicama najkasnije devedeset dana prije njihovog razmatranja od strane Skupštine.

B. Izmjene i dopune stupaju na snagu za sve članice:

1. kada ih odobri Skupština nakon razmatranja komentara koje podnese Vijeće o svakoj predloženoj izmjeni i dopuni; i

2. nakon što sve članice pristanu biti vezane izmjenama i dopunama u skladu s njihovim ustavom predviđenim postupcima. Članice izražavaju svoj pristanak biti vezane polaganjem odgovarajuće isprave kod depozitara predviđenog člankom XX. stavkom A.

C. U svako doba nakon pet godina od datuma stupanja na snagu ovog Statuta u skladu sa stavkom D. članka XIX., članica se može povući iz Agencije uz pisanu obavijest o tomu upućenu depozitaru iz članka XX. stavka A., koji bez odgode obavještava Vijeće i sve članice.

D. Takvo povlačenje stupa na snagu na kraju godine u kojoj je iskazano. Povlačenje članice iz Agencije ne utječe na njezine ugovorne obveze preuzete u skladu s člankom V. stavkom B., ili njenim financijskim obvezama za godinu u kojoj se povlači.

Članak XVI.

Rješavanje sporova

A. Članice rješavaju svaki međusobni spor u pogledu tumačenja ili primjene ovog Statuta mirnim sredstvima u skladu s člankom 2. stavkom 3. Povelje Ujedinjenih naroda i, u tu svrhu, nastoje pronaći rješenje na načine predviđene člankom 33. stavkom 1. Povelje Ujedinjenih naroda.

B. Vijeće može doprinijeti rješavanju spora na bilo koji način koji smatra primjerenim, uključujući davanjem svojih usluga, pozivanjem članica u sporu da započnu postupak rješavanja spora po njihovom izboru te davanjem preporuke za rok za bilo koji dogovoreni postupak.

Članak XVII.

Privremena obustava prava

A. Svaka članica Agencije koja je u zaostatku s plaćanjem svojih financijskih doprinosa Agenciji nema pravo glasovanja ako njena neplaćena dugovanja dostignu ili prijeđu iznos njenog doprinosa za dvije prethodne godine. Međutim, Skupština može dozvoliti toj članici da glasuje ako je uvjeren da je neplaćanje proizašlo iz okolnosti izvan kontrole te članice.

B. Na prijedlog Vijeća Skupština može dvotrećinskom većinom glasova članica, koje su prisutne i glasuju, članici koja dugotrajno krši odredbe Statuta ili bilo kojeg sporazuma sklopljenog u okviru ovog Statuta obustaviti pravo na ostvarivanje povlastica i članskih prava.

Članak XVIII.

Sjedište Agencije

Sjedište Agencije određuje Skupština na prvoj sjednici.

Članak XIX.

Potpisivanje, ratifikacija, stupanje na snagu i pristup

A. Ovaj Statut otvoren je za potpisivanje na Osnivačkoj konferenciji svim državama koje su članice Ujedinjenih naroda i regionalnim međuvladinim organizacijama gospodarske integracije kako su određene člankom VI. stavkom A. On ostaje otvoren za potpisivanje do datuma stupanja na snagu ovog Statut.

B. Za države i regionalne međuvladine organizacije gospodarske integracije, kako su određene člankom VI. stavkom A., koje još nisu potpisale ovaj Statut, ovaj Statut je otvoren za pristup nakon što Skupština odobri njihovo članstvo u skladu sa člankom VI. stavkom B. brojem 2.

C. Pristanak biti vezana ovim Statutom iskazuje se polaganjem isprave o ratifikaciji ili pristupu kod depozitara. Ratifikaciju ili pristup ovom Statutu države provode u skladu sa svojim ustavom predviđenim postupcima.

D. Ovaj Statut stupa na snagu tridesetog dana nakon datuma polaganja dvadesetpete isprave o ratifikaciji.

E. Za države ili regionalne međuvladine organizacije gospodarske integracije, koje su položile ispravu o ratifikaciji ili pristupu nakon stupanja na snagu Statuta, ovaj Statut stupa na snagu tridesetog dana nakon datuma polaganja odgovarajuće isprave.

F. Niti na jednu odredbu sadržanu u ovom Statutu ne mogu se staviti rezerve.

Članak XX.

Depozitar, registracija, vjerodostojan tekst

A. Vlada Savezne Republike Njemačke ovime se određuje depozitarom ovog Statuta i bilo koje isprave o ratifikaciji ili pristupu.

B. Ovaj Statut registra Vlada depozitar u skladu s člankom 102. Povelje Ujedinjenih naroda.

C. Ovaj Statut, sastavljen na engleskom jeziku, pohranjuje se u arhivu Vlade depozitara.

D. Propisno ovjerene preslike ovog Statuta Vlada depozitar prosljeđuje vladama država i izvršnim tijelima regionalne međuvladine organizacije gospodarske integracije, koje su potpisale Statut, ili im je odobreno članstvo u skladu sa člankom VI. stavkom B. brojem 2.

E. Vlada depozitar bez odgode obavještava sve potpisnice ovog Statuta o datumu svakog polaganja bilo koje isprave o ratifikaciji i datumu stupanja na snagu Statuta.

F. Vlada depozitar bez odgode obavještava sve potpisnice i članice o datumima kada države ili regionalne međuvladine organizacije gospodarske integracije naknadno postanu njegove članice.

G. Vlada depozitar bez odgode šalje nove zahtjeve za članstvo svim članicama Agencije na razmatranje u skladu s člankom VI. stavkom B. brojem 2.

U POTVRDU TOGA dolje potpisani, propisno ovlašteni, potpisali su ovaj Statut.

SASTAVLJENO u Bonnu, dana 26. siječnja 2009. godine u jednom izvorniku na engleskom jeziku.

Izjava Konferencije o vjerodostojnim verzijama Statuta

“Okupljeni u Bonnu dana 26. siječnja 2009, predstavnici država pozvanih na Osnivačku konferenciju Međunarodne agencije za obnovljivu energiju usvojili su sljedeću izjavu, koja čini sastavni dio Statuta:

Statut Međunarodne agencije za obnovljivu energiju, potpisan dana 26. siječnja 2009. u Bonnu , uključujući i ovu izjavu, bit će utvrđen vjerodostojan i na drugim službenim jezicima Ujedinjenih naroda, osim engleskog, kao i na jeziku depozitara na zahtjev odnosnih potpisnika. ⁽¹⁾⁽²⁾”

⁽¹⁾ Konferencija prima na znanje da je Francuska već poslala zahtjev Vladi depozitaru francusku verziju Statuta, želeći utvrđivanje vjerodostojnosti Statuta na francuskom jeziku.

⁽²⁾ Ova izjava nije u suprotnosti sa sporazumom o radnom jeziku Završne pripremne konferencije u Madridu.

**Statute
of the
International Renewable
Energy Agency
(IRENA)**

The *Parties* to this Statute,

desiring to promote the widespread and increased adoption and use of renewable energy with a view to sustainable development,

inspired by their firm belief in the vast opportunities offered by renewable energy for addressing and gradually alleviating problems of energy security and volatile energy prices,

convinced of the major role that renewable energy can play in reducing greenhouse gas concentrations in the atmosphere, thereby contributing to the stabilisation of the climate system, and allowing for a sustainable, secure and gentle transit to a low carbon economy,

desiring to foster the positive impact that renewable energy technologies can have on stimulating sustainable economic growth and creating employment,

motivated by the huge potential of renewable energy in providing decentralised access to energy, particularly in developing countries, and access to energy for isolated and remote regions and islands,

concerned about the serious negative implications that the use of fossil fuels and the inefficient use of traditional biomass can have on health,

convinced that renewable energy, combined with enhanced energy efficiency, can increasingly cover the anticipated steep increase in global energy needs in the coming decades,

affirming their desire to establish an international organisation for renewable energy, that facilitates the cooperation between its Members, while also establishing a close collaboration with existing organisations that promote the use of renewable energy,

have agreed as follows:

Article I

Establishment of the Agency

A. The Parties to this Statute hereby establish the International Renewable Energy Agency (hereinafter referred to as "the Agency") in accordance with the following terms and conditions.

B. The Agency is based on the principle of the equality of all its Members and shall pay due respect to the sovereign rights and competencies of its Members in performing its activities.

Article II

Objectives

The Agency shall promote the widespread and increased adoption and the sustainable use of all forms of renewable energy, taking into account:

a.) national and domestic priorities and benefits derived from a combined approach of renewable energy and energy efficiency measures, and

b.) the contribution of renewable energy to environmental preservation, through limiting pressure on natural resources and reducing deforestation, particularly tropical deforestation, desertification and biodiversity loss; to climate protection; to economic growth and social cohesion including poverty alleviation and sustainable development; to access to and security of energy supply; to regional development and to inter-generational responsibility.

Article III

Definition

In this Statute the term "renewable energy" means all forms of energy produced from renewable sources in a sustainable manner, which include, inter alia:

1. bioenergy;
2. geothermal energy;
3. hydropower;
4. ocean energy, including inter alia tidal, wave and ocean thermal energy;
5. solar energy; and
6. wind energy.

Article IV

Activities

A. As a centre of excellence for renewable energy technology and acting as a facilitator and catalyst, providing experience for practical applications and policies, offering support on all matters relating to renewable energy and helping countries to benefit from the efficient development and transfer of knowledge and technology, the Agency performs the following activities:

1. In particular for the benefit of its Members the Agency shall:

- a.) analyse, monitor and, without obligations on Members' policies, systematise current renewable energy practices, including policy instruments, incentives, investment mechanisms, best practices, available technologies, integrated systems and equipment, and success-failure factors;
- b.) initiate discussion and ensure interaction with other governmental and non-governmental organisations and networks in this and other relevant fields;
- c.) provide relevant policy advice and assistance to its Members upon their request, taking into account their respective needs, and stimulate international discussions on renewable energy policy and its framework conditions;
- d.) improve pertinent knowledge and technology transfer and promote the development of local capacity and competence in Member States including necessary interconnections;
- e.) offer capacity building including training and education to its Members;
- f.) provide to its Members upon their request advice on the financing for renewable energy and support the application of related mechanisms;
- g.) stimulate and encourage research, including on socio-economic issues, and foster research networks, joint research, development and deployment of technologies; and

h.) provide information about the development and deployment of national and international technical standards in relation to renewable energy, based on a sound understanding through active presence in the relevant fora.

2. Furthermore, the Agency shall disseminate information and increase public awareness on the benefits and potential offered by renewable energy.

B. In the performance of its activities, the Agency shall:

1. act in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering sustainable development;

2. allocate its resources in such a way as to ensure their efficient utilisation with a view to appropriately address all its objectives and perform its activities for achieving the greatest possible benefit for its Members and in all areas of the world, bearing in mind the special needs of the developing countries, and remote and isolated regions and islands:

3. cooperate closely and strive for establishing mutually beneficial relationships with existing institutions and organisations in order to avoid unnecessary duplication of work and build upon and make efficient and effective use of resources and on-going activities by governments, other organisations and agencies, which aim to promote renewable energy.

C. The Agency shall:

1. submit an annual report on its activities to its Members;

2. inform Members about its policy advice after it was given; and

3. inform Members about consultation and cooperation with and the work of existing international organisations working in this field.

Article V

Work programme and projects

A. The Agency shall perform its activities on the basis of the annual work programme, prepared by the Secretariat, considered by the Council and adopted by the Assembly.

B. The Agency may, in addition to its work programme, after consultation of its Members and, in case of disagreement, after approval by the Assembly, carry out projects initiated and financed by Members subject to the availability of non-financial resources of the Agency.

Article VI

Membership

A. Membership is open to those States that are members of the United Nations and to regional intergovernmental economic integration organisations willing and able to act in accordance with the objectives and activities laid down in this Statute. To be eligible for membership to the Agency, a regional intergovernmental economic integration organisation must be constituted by sovereign States, at least one of which is a Member of the Agency, and to which its Member States have transferred competence in at least one of the matters within the purview of the Agency.

B. Such States and regional intergovernmental economic integration organisations shall become:

1. original Members of the Agency by having signed this Statute and having deposited an instrument of ratification;

2. other Members of the Agency by depositing an instrument of accession after their application for membership has been approved. Membership shall be regarded as approved if three months after the application has been sent to Members no disagreement has been expressed. In case of disagreement the application shall be decided on by the Assembly in accordance with Article IX paragraph H number 1.

C. In the case of any regional intergovernmental economic integration organisation, the organisation and its Member States shall decide on their respective responsibilities for the

performance of their obligations under this Statute. The organisation and its Member States shall not be entitled to exercise rights, including voting rights, under the Statute concurrently. In their instruments of ratification or accession, the organisations referred to above shall declare the extent of their competence with respect to the matters governed by this Statute. These organisations shall also inform the Depositary Government of any relevant modification in the extent of their competence. In the case of voting on matters within their competence, regional intergovernmental economic integration organisations shall vote with the number of votes equal to the total number of votes attributable to their Member States which are also Members of this Agency.

Article VII Observers

A. Observer status may be granted by the Assembly to:

1. intergovernmental and non-governmental organisations active in the field of renewable energy;
2. Signatories that have not ratified the Statute; and
3. applicants for membership whose application for membership has been approved in accordance with Article VI paragraph B number 2.

B. Observers may participate without the right to vote in the public sessions of the Assembly and its subsidiary organs.

Article VIII Organs

A. There are hereby established as the principal organs of the Agency:

1. the Assembly;
2. the Council; and
3. the Secretariat.

B. The Assembly and the Council, subject to approval by the Assembly, may establish such subsidiary organs as they find necessary for the exercise of their functions in accordance with this Statute.

Article IX
The Assembly

A. 1. The Assembly is the supreme organ of the Agency.

2. The Assembly may discuss any matter within the scope of this Statute or relating to the powers and functions of any organ provided for in this Statute.

3. On any such matter the Assembly may:

a.) take decisions and make recommendations to any such organ; and

b.) make recommendations to the Members of the Agency, upon their request.

4. Furthermore, the Assembly shall have the authority to propose matters for consideration by the Council and request from the Council and the Secretariat report on any matter relating to the functioning of the Agency.

B. The Assembly shall be composed of all Members of the Agency. The Assembly shall meet in regular sessions which shall be held annually unless it decides otherwise.

C. The Assembly includes one representative of each Member. Representatives may be accompanied by alternates and advisors. The costs of a delegation's participation shall be borne by the respective Member.

D. Sessions of the Assembly shall take place at the seat of the Agency, unless the Assembly decides otherwise.

E. At the beginning of each regular session, the Assembly shall elect a President and such other officials as may be required, taking into account equitable geographic representation. They shall hold office until a new President and other officials are elected at the next regular session. The Assembly shall adopt its rules of procedure in conformity with this Statute.

F. Subject to Article VI paragraph C. each Member of the Agency shall have one vote in the Assembly. The Assembly shall take decisions on questions of procedure by a simple majority of the Members present and voting. Decisions on matters of substance shall be taken by consensus of the Members present. If no consensus can be reached, consensus shall be considered achieved if no more than 2 Members object, unless the Statute provides otherwise. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless the Assembly by consensus of the Members present decides otherwise, which, if no consensus can be reached, shall be considered achieved if no more than 2 Members object. A majority of the Members of the Agency shall constitute a quorum for the Assembly.

G. The Assembly shall, by consensus of the Members present:

1. elect the members of the Council;
2. adopt at its regular sessions the budget and the work programme of the Agency, submitted by the Council, and have the authority to decide on amendments of the budget and the work programme of the Agency;
3. take decisions relating to the supervision of the financial policies of the Agency, the financial rules and other financial matters and elect the auditor;
4. approve amendments to this Statute:
5. decide on the establishment of subsidiary bodies and approve their terms of reference;
and
6. decide on permission to vote in accordance with Article XVII paragraph A.

H. The Assembly shall by consensus of the Members present, which if no consensus can be reached shall be considered achieved if no more than 2 Members object:

1. decide, if necessary, on applications for membership;
2. approve the rules of procedure of the Assembly and of the Council, which shall be submitted by the latter;

3. adopt the annual report as well as other reports;
4. approve the conclusion of agreements on any questions, matters or issues within the scope of this Statute; and
5. decide in case of disagreement between its Members on additional projects in accordance with Article V paragraph B.

I. The Assembly shall designate the seat of the Agency and the Director-General of the Secretariat (hereinafter referred to as „Director-General“) by consensus of the Members present, or, if no consensus can be reached, by a majority vote of two thirds of the Members present and voting.

J. The Assembly shall consider and approve as appropriate at its first session any decisions, draft agreements, provisions and guidelines developed by the Preparatory Commission in accordance with the voting procedures for the respective issue as outlined in Article IX paragraphs F to I.

Article X

The Council

A. The Council shall consist of at least 11 but not more than 21 representatives of the Members of the Agency, elected by the Assembly. The concrete number of representatives between 11 and 21 shall correspond to the rounded up equivalent of one third of the Members of the Agency to be calculated on the basis of the number of Members of the Agency at the beginning of the respective election for members of the Council. The members of the Council shall be elected on a rotating basis as laid down in the rules of procedure of the Assembly, with a view to ensuring effective participation of developing and developed countries and achieving fair and equitable geographical distribution and effectiveness of the Council's work. The members of the Council shall be elected for a term of two years.

B. The Council shall convene semi-annually and its meetings shall take place at the seat of the Agency, unless the Council decides otherwise.

C. The Council shall, at the beginning of each meeting for the duration until its next meeting, elect a Chairperson and such other officials from among its members as may be

required. It shall have the right to elaborate its rules of procedure. Such rules of procedure have to be submitted to the Assembly for approval.

D. Each member of the Council shall have one vote. The Council shall take decisions on questions of procedure by a simple majority of its members. Decisions on matters of substance shall be taken by a majority of two thirds of its members. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless the Council, by a majority of two thirds of its members, decides otherwise.

E. The Council shall be responsible and accountable to the Assembly. The Council shall carry out the powers and functions entrusted to it under this Statute, as well as those functions delegated to it by the Assembly. In so doing, it shall act in conformity with the decisions and with due regard to the recommendations of the Assembly and assure their proper and continuous implementation.

F. The Council shall:

1. facilitate consultations and cooperation among Members;
2. consider and submit to the Assembly the draft work programme and the draft budget of the Agency;
3. approve arrangements for the sessions of the Assembly including the preparation of the draft agenda;
4. consider and submit to the Assembly the draft annual report concerning the activities of the Agency and other reports as prepared by the Secretariat according to Article XI paragraph E number 3 of this Statute;
5. prepare any other reports which the Assembly may request;
6. conclude agreements or arrangements with States, international organisations and international agencies on behalf of the Agency, subject to prior approval by the Assembly;
7. substantiate the work programme as adopted by the Assembly with a view to its implementation by the Secretariat and within the limits of the adopted budget;

8. have the authority to refer to the Assembly matters for its consideration; and
9. establish subsidiary organs, when necessary, in accordance with Article VIII paragraph B, and decide on their terms of reference and duration.

Article XI

The Secretariat

- A. The Secretariat shall assist the Assembly, the Council, and their subsidiary organs in the performance of their functions. It shall carry out the other functions entrusted to it under this Statute as well as those functions delegated to it by the Assembly or the Council.
- B. The Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such staff as may be required. The Director-General shall be appointed by the Assembly upon the recommendation of the Council for a term of four years, renewable for one further term, but not thereafter.
- C. The Director-General shall be responsible to the Assembly and the Council, inter alia for the appointment of the staff as well as the organisation and functioning of the Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff primarily from Member States and on as wide a geographical basis as possible, taking particularly into account the adequate representation of developing countries and with emphasis on gender balance. In preparing the budget the proposed recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Secretariat.
- D. The Director-General or a representative designated by him or her shall participate, without the right to vote, in all meetings of the Assembly and of the Council.
- E. The Secretariat shall:
 1. prepare and submit to the Council the draft work programme and the draft budget of the Agency;
 2. implement the Agency's work programme and its decisions;

3. prepare and submit to the Council the draft annual report concerning the activities of the Agency and such other reports as the Assembly or the Council may request;
4. provide administrative and technical support to the Assembly, the Council and their subsidiary organs;
5. facilitate communication between the Agency and its Members; and
6. circulate the policy advice after it was given to the Members of the Agency in accordance with Article IV paragraph C number 2 and prepare and submit to the Assembly and the Council a report on its policy advice for each of their sessions. The report to the Council shall include also the planned policy advice in implementing the annual work programme.

F. In the performance of their duties, the Director-General and the other members of the staff shall not seek or receive instructions from any government or from any other source external to the Agency. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Assembly and the Council. Each Member shall respect the exclusively international character of the responsibilities of the Director-General and the other members of the staff and shall not seek to influence them in the discharge of their responsibilities.

Article XII

The budget

A. The budget of the Agency shall be financed by:

1. mandatory contributions of its Members, which are based on the scale of assessments of the United Nations, as determined by the Assembly;
2. voluntary contributions; and
3. other possible sources

in accordance with the financial rules to be adopted by the Assembly by consensus, as laid down in Article IX paragraph G of this Statute. The financial rules and the budget shall secure a solid financial basis of the Agency and shall ensure the effective and efficient

implementation of the Agency's activities, as defined by the work programme. Mandatory contributions will finance core activities and administrative costs.

B. The draft budget of the Agency shall be prepared by the Secretariat and submitted to the Council for examination. The Council shall either forward it to the Assembly with a recommendation for approval or return it to the Secretariat for review and re-submission.

C. The Assembly shall appoint an external auditor who shall hold office for a period of four years and who shall be eligible for re-election. The first auditor shall hold office for a period of two years. The auditor shall examine the accounts of the Agency and shall make such observations and recommendations as deemed necessary with respect to the efficiency of the management and the internal financial controls.

Article XIII

Legal personality, privileges and immunities

A. The Agency shall have international legal personality. In the territory of each Member and subject to its national legislation, it shall enjoy such domestic legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

B. Members shall decide upon a separate agreement on privileges and immunities.

Article XIV

Relations with other organisations

Subject to the approval of the Assembly the Council shall be authorised to conclude agreements on behalf of the Agency establishing appropriate relations with the United Nations and any other organisations whose work is related to that of the Agency. The provisions of this Statute shall not affect the rights and obligations of any Member deriving from any existing international treaty.

Article XV

Amendments and withdrawal, review

A. Amendments to this Statute may be proposed by any Member. Certified copies of the text of any amendment proposed shall be prepared by the Director-General and

communicated by him to all Members at least ninety days in advance of its consideration by the Assembly.

B. Amendments shall come into force for all Members:

1. when approved by the Assembly after consideration of observations submitted by the Council on each proposed amendment; and
2. after all the Members have consented to be bound by the amendment in accordance with their respective constitutional processes. Members shall express their consent to be bound by depositing a corresponding instrument with the Depositary referred to in Article XX paragraph A.

C. At any time after five years from the date when this Statute takes effect in accordance with paragraph D of Article XIX, a Member may withdraw from the Agency by notice in writing to that effect given to the Depositary referred to in Article XX paragraph A, which shall promptly inform the Council and all Members.

D. Such withdrawal shall take effect at the end of the year in which it is expressed. Withdrawal by a Member from the Agency shall not affect its contractual obligations entered into pursuant to Article V paragraph B or its financial obligations for the year in which it withdraws.

Article XVI

Settlement of disputes

A. Members shall settle any dispute between them concerning the interpretation or application of this Statute by peaceful means in accordance with Article 2 paragraph 3 of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33 paragraph 1 of the Charter of the United Nations.

B. The Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the Members to a dispute to start the settlement process of their choice and recommending a time limit for any agreed procedure.

Article XVII

Temporary suspension of rights

A. Any Member of the Agency which is in arrears with its financial contributions to the Agency shall have no right to vote if its arrears reach or exceed the amount of its contributions for the two preceding years. However, the Assembly may permit this Member to vote if it is convinced that the non-payment is due to circumstances beyond the Member's control.

B. A Member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the Assembly acting by a two-thirds majority of the Members present and voting upon recommendation of the Council.

Article XVIII

Seat of the Agency

The seat of the Agency shall be determined by the Assembly at its first session.

Article XIX

Signature, ratification, entry into force and accession

A. This Statute shall be open for signature at the Founding Conference by all States that are members of the United Nations and regional intergovernmental economic integration organisations as defined in Article VI paragraph A. It shall remain open for signature until the date this Statute enters into force.

B. For States and regional intergovernmental economic integration organisations as defined in Article VI paragraph A having not signed this Statute, this Statute shall be open for accession after their membership has been approved by the Assembly in accordance with Article VI paragraph B number 2.

C. Consent to be bound by this Statute shall be expressed by depositing an instrument of ratification or accession with the Depositary. Ratification of or accession to this Statute shall be effected by States in accordance with their respective constitutional processes.

D. This Statute shall enter into force on the thirtieth day after the date of deposit of the twenty-fifth instrument of ratification.

E. For States or regional intergovernmental economic integration organisations having deposited an instrument of ratification or accession after the entry into force of the Statute, this Statute shall enter into force on the thirtieth day after the date of deposit of the relevant instrument.

F. No reservations may be made to any of the provisions contained in this Statute.

Article XX

Depositary, registration, authentic text

A. The Government of the Federal Republic of Germany is hereby designated as the Depositary of this Statute and any instrument of ratification or accession.

B. This Statute shall be registered by the Depositary Government pursuant to Article 102 of the Charter of the United Nations.

C. This Statute, done in English, shall be deposited in the archives of the Depositary Government.

D. Duly certified copies of this Statute shall be transmitted by the Depositary Government to the governments of States and to the executive organs of regional intergovernmental economic integration organisations which have signed or have been approved for membership according to Article VI paragraph B number 2.

E. The Depositary Government shall promptly inform all Signatories to this Statute of the date of each deposit of any instrument of ratification and the date of entry into force of the Statute.

F. The Depositary Government shall promptly inform all Signatories and Members of the dates on which States or regional intergovernmental economic integration organisations subsequently become Members thereto.

G. The Depositary Government shall promptly send new applications for membership to all Members of the Agency for consideration in accordance with Article VI paragraph B number 2.

IN WITNESS WHERE OF the undersigned, being duly authorised, have signed this Statute.

DONE at Bonn, this 26th January 2009, in a single original, in the English language.

Declaration of the Conference Regarding Authentic Versions of the Statute

"Gathering in Bonn the 26th January 2009, the representatives of the invited States to the Founding Conference of the International Renewable Energy Agency have adopted the following declaration which shall form an integral part of the Statute:

The Statute of the International Renewable Energy Agency, signed on the 26th January 2009 in Bonn, including this declaration, shall also be authenticated in the official languages of the United Nations other than English, as well as in the language of the depositary, on the request of the respective Signatories. ⁽¹⁾⁽²⁾"

⁽¹⁾ The Conference notes that France has already sent to the depositary Government a French version of the Statute desiring the authentication of the Statute in the French language.

⁽²⁾ This declaration shall not be in conflict with the agreement on the working language of the Final Preparatory Conference in Madrid.

Članak 3.

Provedba ovoga Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za poslove energetike.

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Statut iz članka 1. ovoga Zakona, nije na snazi za Republiku Hrvatsku, te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Članak 5.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

OBRAZLOŽENJE

Člankom 1. Konačnog prijedloga zakona utvrđuje se da Hrvatski sabor potvrđuje Statut Međunarodne agencije za obnovljivu energiju (IRENA), sukladno odredbama članka 139. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst).

čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana ovim Statutom, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

Članak 2. Konačnog prijedloga Zakona sadrži tekst Statuta Međunarodne agencije za obnovljivu energiju (IRENA) u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Člankom 3. Konačnog prijedloga Zakona o potvrđivanju utvrđuje se da je provedba Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za poslove energetike.

Člankom 4. utvrđuje se da na dan stupanja na snagu Zakona, Statut Međunarodne agencije za obnovljivu energiju (IRENA) nije na snazi za Republiku Hrvatsku, te da će se podaci o njegovom stupanju na snagu u odnosu na Republiku Hrvatsku, objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Člankom 5. Konačnog prijedloga zakona uređuje se stupanje na snagu ovoga Zakona.

Prilog - preslika Statuta Međunarodne agencije za obnovljivu energiju (IRENA), u izvorniku na engleskom jeziku

Statute
of the
International Renewable
Energy Agency
(IRENA)

The *Parties* to this Statute,

desiring to promote the widespread and increased adoption and use of renewable energy with a view to sustainable development,

inspired by their firm belief in the vast opportunities offered by renewable energy for addressing and gradually alleviating problems of energy security and volatile energy prices,

convinced of the major role that renewable energy can play in reducing greenhouse gas concentrations in the atmosphere, thereby contributing to the stabilisation of the climate system, and allowing for a sustainable, secure and gentle transit to a low carbon economy,

desiring to foster the positive impact that renewable energy technologies can have on stimulating sustainable economic growth and creating employment,

motivated by the huge potential of renewable energy in providing decentralised access to energy, particularly in developing countries, and access to energy for isolated and remote regions and islands,

concerned about the serious negative implications that the use of fossil fuels and the inefficient use of traditional biomass can have on health,

convinced that renewable energy, combined with enhanced energy efficiency, can increasingly cover the anticipated steep increase in global energy needs in the coming decades,

affirming their desire to establish an international organisation for renewable energy, that facilitates the cooperation between its Members, while also establishing a close collaboration with existing organisations that promote the use of renewable energy,

have agreed as follows:

Article I

Establishment of the Agency

A. The Parties to this Statute hereby establish the International Renewable Energy Agency (hereinafter referred to as "the Agency") in accordance with the following terms and conditions.

B. The Agency is based on the principle of the equality of all its Members and shall pay due respect to the sovereign rights and competencies of its Members in performing its activities.

Article II

Objectives

The Agency shall promote the widespread and increased adoption and the sustainable use of all forms of renewable energy, taking into account:

- a.) national and domestic priorities and benefits derived from a combined approach of renewable energy and energy efficiency measures, and

- b.) the contribution of renewable energy to environmental preservation, through limiting pressure on natural resources and reducing deforestation, particularly tropical deforestation, desertification and biodiversity loss; to climate protection; to economic growth and social cohesion including poverty alleviation and sustainable development; to access to and security of energy supply; to regional development and to inter-generational responsibility.

Article III

Definition

In this Statute the term "renewable energy" means all forms of energy produced from renewable sources in a sustainable manner, which include, inter alia:

1. bioenergy;

2. geothermal energy;
3. hydropower;
4. ocean energy, including inter alia tidal, wave and ocean thermal energy;
5. solar energy; and
6. wind energy.

Article IV

Activities

A. As a centre of excellence for renewable energy technology and acting as a facilitator and catalyst, providing experience for practical applications and policies, offering support on all matters relating to renewable energy and helping countries to benefit from the efficient development and transfer of knowledge and technology, the Agency performs the following activities:

1. In particular for the benefit of its Members the Agency shall:
 - a.) analyse, monitor and, without obligations on Members' policies, systematise current renewable energy practices, including policy instruments, incentives,

investment mechanisms, best practices, available technologies, integrated systems and equipment, and success-failure factors;

b.) initiate discussion and ensure interaction with other governmental and non-governmental organisations and networks in this and other relevant fields;

c.) provide relevant policy advice and assistance to its Members upon their request, taking into account their respective needs, and stimulate international discussions on renewable energy policy and its framework conditions;

d.) improve pertinent knowledge and technology transfer and promote the development of local capacity and competence in Member States including necessary interconnections;

e.) offer capacity building including training and education to its Members;

f.) provide to its Members upon their request advice on the financing for renewable energy and support the application of related mechanisms;

g.) stimulate and encourage research, including on socio-economic issues, and foster research networks, joint research, development and deployment of technologies; and

h.) provide information about the development and deployment of national and international technical standards in relation to renewable energy, based on a sound understanding through active presence in the relevant fora.

2. Furthermore, the Agency shall disseminate information and increase public awareness on the benefits and potential offered by renewable energy.

B. In the performance of its activities, the Agency shall:

1. act in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering sustainable development;

2. allocate its resources in such a way as to ensure their efficient utilisation with a view to appropriately address all its objectives and perform its activities for achieving the greatest possible benefit for its Members and in all areas of the world, bearing in mind the special needs of the developing countries, and remote and isolated regions and islands;

3. cooperate closely and strive for establishing mutually beneficial relationships with existing institutions and organisations in order to avoid unnecessary duplication of work and build upon and make efficient and effective use of resources and on-going activities by governments, other organisations and agencies, which aim to promote renewable energy.

C. The Agency shall:

1. submit an annual report on its activities to its Members;
2. inform Members about its policy advice after it was given; and
3. inform Members about consultation and cooperation with and the work of existing international organisations working in this field.

Article V

Work programme and projects

A. The Agency shall perform its activities on the basis of the annual work programme, prepared by the Secretariat, considered by the Council and adopted by the Assembly.

B. The Agency may, in addition to its work programme, after consultation of its Members and, in case of disagreement, after approval by the Assembly, carry out projects initiated and financed by Members subject to the availability of non-financial resources of the Agency.

Article VI

Membership

A. Membership is open to those States that are members of the United Nations and to regional intergovernmental economic integration organisations willing and able to act in accordance with the objectives and activities laid down in this Statute. To be eligible for membership to the Agency, a regional intergovernmental economic integration organisation must be constituted by sovereign States, at least one of which is a Member of the Agency, and to which its Member States have transferred competence in at least one of the matters within the purview of the Agency.

B. Such States and regional intergovernmental economic integration organisations shall become:

1. original Members of the Agency by having signed this Statute and having deposited an instrument of ratification;

2. other Members of the Agency by depositing an instrument of accession after their application for membership has been approved. Membership shall be regarded as approved if three months after the application has been sent to Members no disagreement has been expressed. In case of disagreement the application shall be decided on by the Assembly in accordance with Article IX paragraph H number 1.

C. In the case of any regional intergovernmental economic integration organisation, the organisation and its Member States shall decide on their respective responsibilities for the performance of their obligations under this Statute. The organisation and its Member States

shall not be entitled to exercise rights, including voting rights, under the Statute concurrently. In their instruments of ratification or accession, the organisations referred to above shall declare the extent of their competence with respect to the matters governed by this Statute. These organisations shall also inform the Depositary Government of any relevant modification in the extent of their competence. In the case of voting on matters within their competence, regional intergovernmental economic integration organisations shall vote with the number of votes equal to the total number of votes attributable to their Member States which are also Members of this Agency.

Article VII

Observers

A. Observer status may be granted by the Assembly to:

1. intergovernmental and non-governmental organisations active in the field of renewable energy;
2. Signatories that have not ratified the Statute; and
3. applicants for membership whose application for membership has been approved in accordance with Article VI paragraph B number 2.

B. Observers may participate without the right to vote in the public sessions of the Assembly and its subsidiary organs.

Article VIII

Organs

A. There are hereby established as the principal organs of the Agency:

1. the Assembly;
2. the Council; and
3. the Secretariat.

B. The Assembly and the Council, subject to approval by the Assembly, may establish such subsidiary organs as they find necessary for the exercise of their functions in accordance with this Statute.

Article IX

The Assembly

A. 1. ~~The Assembly is the supreme organ of the Agency.~~

2. The Assembly may discuss any matter within the scope of this Statute or relating to the powers and functions of any organ provided for in this Statute.

3. On any such matter the Assembly may:

- a.) take decisions and make recommendations to any such organ; and
- b.) make recommendations to the Members of the Agency, upon their request.

4. Furthermore, the Assembly shall have the authority to propose matters for consideration by the Council and request from the Council and the Secretariat reports on any matter relating to the functioning of the Agency.

B. The Assembly shall be composed of all Members of the Agency. The Assembly shall meet in regular sessions which shall be held annually unless it decides otherwise.

C. The Assembly includes one representative of each Member. Representatives may be accompanied by alternates and advisors. The costs of a delegation's participation shall be borne by the respective Member.

D. Sessions of the Assembly shall take place at the seat of the Agency, unless the Assembly decides otherwise.

E. At the beginning of each regular session, the Assembly shall elect a President and such other officials as may be required, taking into account equitable geographic representation. They shall hold office until a new President and other officials are elected at the next

regular session. The Assembly shall adopt its rules of procedure in conformity with this Statute.

F. Subject to Article VI paragraph C, each Member of the Agency shall have one vote in the Assembly. The Assembly shall take decisions on questions of procedure by a simple majority of the Members present and voting. Decisions on matters of substance shall be taken by consensus of the Members present. If no consensus can be reached, consensus shall be considered achieved if no more than 2 Members object, unless the Statute provides otherwise. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless the Assembly by consensus of the Members present decides otherwise, which, if no consensus can be reached, shall be considered achieved if no more than 2 Members object. A majority of the Members of the Agency shall constitute a quorum for the Assembly.

G. The Assembly shall, by consensus of the Members present:

1. elect the members of the Council;
2. adopt at its regular sessions the budget and the work programme of the Agency, submitted by the Council, and have the authority to decide on amendments of the budget and the work programme of the Agency;
3. take decisions relating to the supervision of the financial policies of the Agency, the financial rules and other financial matters and elect the auditor;

4. approve amendments to this Statute;
5. decide on the establishment of subsidiary bodies and approve their terms of reference; and
6. decide on permission to vote in accordance with Article XVII paragraph A.

H. The Assembly shall by consensus of the Members present, which if no consensus can be reached shall be considered achieved if no more than 2 Members object:

1. decide, if necessary, on applications for membership;
2. approve the rules of procedure of the Assembly and of the Council, which shall be submitted by the latter;
3. adopt the annual report as well as other reports;
4. approve the conclusion of agreements on any questions, matters or issues within the scope of this Statute; and
5. decide in case of disagreement between its Members on additional projects in accordance with Article V paragraph B.

I. The Assembly shall designate the seat of the Agency and the Director-General of the Secretariat (hereinafter referred to as "Director-General") by consensus of the Members present, or, if no consensus can be reached, by a majority vote of two thirds of the Members present and voting.

J. The Assembly shall consider and approve as appropriate at its first session any decisions, draft agreements, provisions and guidelines developed by the Preparatory Commission in accordance with the voting procedures for the respective issue as outlined in Article IX paragraphs F to I.

Article X

The Council

A. The Council shall consist of at least 11 but not more than 21 representatives of the Members of the Agency, elected by the Assembly. The concrete number of representatives between 11 and 21 shall correspond to the rounded up equivalent of one third of the Members of the Agency to be calculated on the basis of the number of Members of the Agency at the beginning of the respective election for members of the Council. The members of the Council shall be elected on a rotating basis as laid down in the rules of procedure of the Assembly, with a view to ensuring effective participation of developing and developed countries and achieving fair and equitable geographical distribution and effectiveness of the Council's work. The members of the Council shall be elected for a term of two years.

B. The Council shall convene semi-annually and its meetings shall take place at the seat of the Agency, unless the Council decides otherwise.

C. The Council shall, at the beginning of each meeting for the duration until its next meeting, elect a Chairperson and such other officials from among its members as may be required. It shall have the right to elaborate its rules of procedure. Such rules of procedure have to be submitted to the Assembly for approval.

D. Each member of the Council shall have one vote. The Council shall take decisions on questions of procedure by a simple majority of its members. Decisions on matters of substance shall be taken by a majority of two thirds of its members. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless the Council, by a majority of two thirds of its members, decides otherwise.

E. The Council shall be responsible and accountable to the Assembly. The Council shall carry out the powers and functions entrusted to it under this Statute, as well as those functions delegated to it by the Assembly. In so doing, it shall act in conformity with the decisions and with due regard to the recommendations of the Assembly and assure their proper and continuous implementation.

F. The Council shall:

1. facilitate consultations and cooperation among Members;

2. consider and submit to the Assembly the draft work programme and the draft budget of the Agency;
3. approve arrangements for the sessions of the Assembly including the preparation of the draft agenda;
4. consider and submit to the Assembly the draft annual report concerning the activities of the Agency and other reports as prepared by the Secretariat according to Article XI paragraph E number 3 of this Statute;
5. prepare any other reports which the Assembly may request;
6. conclude agreements or arrangements with States, international organisations and international agencies on behalf of the Agency, subject to prior approval by the Assembly;
7. substantiate the work programme as adopted by the Assembly with a view to its implementation by the Secretariat and within the limits of the adopted budget;
8. have the authority to refer to the Assembly matters for its consideration; and
9. establish subsidiary organs, when necessary, in accordance with Article VIII paragraph B, and decide on their terms of reference and duration.

Article XI

The Secretariat

A. The Secretariat shall assist the Assembly, the Council, and their subsidiary organs in the performance of their functions. It shall carry out the other functions entrusted to it under this Statute as well as those functions delegated to it by the Assembly or the Council.

B. The Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such staff as may be required. The Director-General shall be appointed by the Assembly upon the recommendation of the Council for a term of four years, renewable for one further term, but not thereafter.

C. The Director-General shall be responsible to the Assembly and the Council, *inter alia* for the appointment of the staff as well as the organisation and functioning of the Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff primarily from Member States and on as wide a geographical basis as possible, taking particularly into account the adequate representation of developing countries and with emphasis on gender balance. In preparing the budget the proposed recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Secretariat.

D. The Director-General or a representative designated by him or her shall participate, without the right to vote, in all meetings of the Assembly and of the Council.

E. The Secretariat shall:

1. prepare and submit to the Council the draft work programme and the draft budget of the Agency;
2. implement the Agency's work programme and its decisions;
3. prepare and submit to the Council the draft annual report concerning the activities of the Agency and such other reports as the Assembly or the Council may request;
4. provide administrative and technical support to the Assembly, the Council and their subsidiary organs;
5. facilitate communication between the Agency and its Members; and
6. circulate the policy advice after it was given to the Members of the Agency in accordance with Article IV paragraph C number 2 and prepare and submit to the Assembly and the Council a report on its policy advice for each of their sessions. The report to the Council shall include also the planned policy advice in implementing the annual work programme.

F. In the performance of their duties, the Director-General and the other members of the staff shall not seek or receive instructions from any government or from any other source external to the Agency. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Assembly and the Council. Each

Member shall respect the exclusively international character of the responsibilities of the Director-General and the other members of the staff and shall not seek to influence them in the discharge of their responsibilities.

Article XII

The budget

A. The budget of the Agency shall be financed by:

1. mandatory contributions of its Members, which are based on the scale of assessments of the United Nations, as determined by the Assembly;
2. voluntary contributions; and
3. other possible sources

in accordance with the financial rules to be adopted by the Assembly by consensus, as laid down in Article IX paragraph G of this Statute. The financial rules and the budget shall secure a solid financial basis of the Agency and shall ensure the effective and efficient implementation of the Agency's activities, as defined by the work programme. Mandatory contributions will finance core activities and administrative costs.

B. The draft budget of the Agency shall be prepared by the Secretariat and submitted to the Council for examination. The Council shall either forward it to the Assembly with a recommendation for approval or return it to the Secretariat for review and re-submission.

C. The Assembly shall appoint an external auditor who shall hold office for a period of four years and who shall be eligible for re-election. The first auditor shall hold office for a period of two years. The auditor shall examine the accounts of the Agency and shall make such observations and recommendations as deemed necessary with respect to the efficiency of the management and the internal financial controls.

Article XIII

Legal personality, privileges and immunities

A. The Agency shall have international legal personality. In the territory of each Member and subject to its national legislation, it shall enjoy such domestic legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

B. Members shall decide upon a separate agreement on privileges and immunities.

Article XIV

Relations with other organisations

Subject to the approval of the Assembly the Council shall be authorised to conclude agreements on behalf of the Agency establishing appropriate relations with the United Nations and any other organisations whose work is related to that of the Agency. The provisions of this Statute shall not affect the rights and obligations of any Member deriving from any existing international treaty.

Article XV

Amendments and withdrawal, review

A. Amendments to this Statute may be proposed by any Member. Certified copies of the text of any amendment proposed shall be prepared by the Director-General and communicated by him to all Members at least ninety days in advance of its consideration by the Assembly.

B. Amendments shall come into force for all Members:

1. when approved by the Assembly after consideration of observations submitted by the Council on each proposed amendment; and

2. after all the Members have consented to be bound by the amendment in accordance with their respective constitutional processes. Members shall express their consent to be bound by depositing a corresponding instrument with the Depositary referred to in Article XX paragraph A.

C. At any time after five years from the date when this Statute takes effect in accordance with paragraph D of Article XIX, a Member may withdraw from the Agency by notice in writing to that effect given to the Depositary referred to in Article XX paragraph A, which shall promptly inform the Council and all Members.

D. Such withdrawal shall take effect at the end of the year in which it is expressed. Withdrawal by a Member from the Agency shall not affect its contractual obligations

entered into pursuant to Article V paragraph B or its financial obligations for the year in which it withdraws.

Article XVI

Settlement of disputes

A. Members shall settle any dispute between them concerning the interpretation or application of this Statute by peaceful means in accordance with Article 2 paragraph 3 of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33 paragraph 1 of the Charter of the United Nations.

B. The Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the Members to a dispute to start the settlement process of their choice and recommending a time limit for any agreed procedure.

Article XVII

Temporary suspension of rights

A. Any Member of the Agency which is in arrears with its financial contributions to the Agency shall have no right to vote if its arrears reach or exceed the amount of its contributions for the two preceding years. However, the Assembly may permit this

Member to vote if it is convinced that the non-payment is due to circumstances beyond the Member's control.

B. A Member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the Assembly acting by a two-thirds majority of the Members present and voting upon recommendation of the Council.

Article XVIII

Seat of the Agency

The seat of the Agency shall be determined by the Assembly at its first session.

Article XIX

Signature, ratification, entry into force and accession

A. This Statute shall be open for signature at the Founding Conference by all States that are members of the United Nations and regional intergovernmental economic integration organisations as defined in Article VI paragraph A. It shall remain open for signature until the date this Statute enters into force.

B. For States and regional intergovernmental economic integration organisations as defined in Article VI paragraph A having not signed this Statute, this Statute shall be open for accession after their membership has been approved by the Assembly in accordance with Article VI paragraph B number 2.

C. Consent to be bound by this Statute shall be expressed by depositing an instrument of ratification or accession with the Depository. Ratification of or accession to this Statute shall be effected by States in accordance with their respective constitutional processes.

D. This Statute shall enter into force on the thirtieth day after the date of deposit of the twenty-fifth instrument of ratification.

E. For States or regional intergovernmental economic integration organisations having deposited an instrument of ratification or accession after the entry into force of the Statute, this Statute shall enter into force on the thirtieth day after the date of deposit of the relevant instrument.

F. No reservations may be made to any of the provisions contained in this Statute.

Article XX

Depository, registration, authentic text

A. The Government of the Federal Republic of Germany is hereby designated as the Depository of this Statute and any instrument of ratification or accession.

B. This Statute shall be registered by the Depositary Government pursuant to Article 102 of the Charter of the United Nations.

C. This Statute, done in English, shall be deposited in the archives of the Depositary Government.

D. Duly certified copies of this Statute shall be transmitted by the Depositary Government to the governments of States and to the executive organs of regional intergovernmental economic integration organisations which have signed or have been approved for membership according to Article VI paragraph B number 2.

E. The Depositary Government shall promptly inform all Signatories to this Statute of the date of each deposit of any instrument of ratification and the date of entry into force of the Statute.

F. The Depositary Government shall promptly inform all Signatories and Members of the dates on which States or regional intergovernmental economic integration organisations subsequently become Members thereto.

G. The Depositary Government shall promptly send new applications for membership to all Members of the Agency for consideration in accordance with Article VI paragraph B number 2.

IN WITNESS WHERE OF the undersigned, being duly authorised, have signed this Statute.

DONE at Bonn, this 26th January 2009, in a single original, in the English language.

Declaration of the Conference Regarding Authentic Versions of the Statute

"Gathering in Bonn the 26th January 2009, the representatives of the invited States to the Founding Conference of the International Renewable Energy Agency have adopted the following declaration which shall form an integral part of the Statute:

The Statute of the International Renewable Energy Agency, signed on the 26th January 2009 in Bonn, including this declaration, shall also be authenticated in the official languages of the United Nations other than English, as well as in the language of the depositary, on the request of the respective Signatories.⁽¹⁾⁽²⁾"

⁽¹⁾ The Conference notes that France has already sent to the depositary Government a French version of the Statute desiring the authentication of the Statute in the French language.

⁽²⁾ This declaration shall not be in conflict with the agreement on the working language of the Final Preparatory Conference in Madrid.

Ich bescheinige hiermit die Übereinstimmung der vorstehenden Abschrift mit der Urschrift, die bei der Regierung der Bundesrepublik Deutschland hinterlegt worden ist.

Berlin, 12. März 2009

I hereby certify that the foregoing text is a true copy, the original of which has been deposited with the Government of the Federal Republic of Germany.

Berlin, 12th March 2009

Je certifie que le texte qui précède est une copie conforme du texte original déposé auprès du Gouvernement de la République fédérale d'Allemagne.

Berlin, le 12 Mars 2009



Dr. Ludwig Biewer

Vortragender Legationsrat Erster Klasse

Leiter des Politischen Archivs des Auswärtigen Amtes