

ENERGY IN THE EU

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EURELECTRIC ENERGY UNION



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EU CELEBRATES ITS FIFTIETH BIRTHDAY – HALF A CENTURY SINCE THE SIGNING OF THE TREATIES OF ROME

On 25 March the European Union celebrated its 50th birthday. It was under the Treaties of Rome signed in March 1957 that the European Economic Community and the European Atomic Energy Community were founded. If the prime impetus for the establishment of the European Communities was the intention to end the frequent wars and the attempt at economic cooperation between the Member States, a lot has change since then... The European Union has created a common single market in which people, services, goods and capital can move freely. The original Treaties of Rome have been amended several times and European integration is constantly deepening. Aside this, the European Union strives, thanks to social progress and fair economic competition, for as many people as possible to be able to benefit from this single market. In the last few years we have been witnesses of new discussions about the future of Europe. In October 2007 the draft of the Treaty on establishing a Constitution for Europe was adopted. However, the “Constitution” was rejected by the citizens of France and the Netherlands. It turns out that the citizens of the

European Union are convinced that the activity of the European Union is of fundamental importance and has great expectations of it. Nevertheless they do not have that much information about the functioning of the European Union itself. Energy, the environment and food safety are issues that citizens are interested in and perceive as positive aspects of European integration. The further extension of the authority of the Union is however perceived in a more negative sense. So what will the European Union look like in the next fifty years remains to be a great unknown... But it is certain that energy will certainly be one of the topics of the future of Europe. We bring you new information in the second issue of our bulletin about what has been happening in March in the energy sector and what the new European energy policy will look like further to the session of the European Council. ↗

Your SEA

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ACTION PLAN OF THE EUROPEAN COUNCIL FOR ENERGY

On 8 and 9 March of this year a session of the European Council was held under the chairmanship of Germany, a session which by many was called the „green summit“ due to the discussed threat of climate change and the response to it.



As regards energy, the European Council adopted in the appendix to its conclusions the Action Plan for Energy forming the foundation for the future European Energy Policy. This plan defines the fundamental objectives of the future European energy policy, instructs the Commission to draw up a proposal of new measures and responds to the existing challenges in the field of energy. Its validity is limited to two years so drawing up the next action plan will be a task for the Czech chairmanship on the European Council

in 2009. In general terms, this action plan may be considered a universal compromise between the member states as their opinions differed prior to the summit with regard to the binding nature of the share of renewable energy sources in the overall consumption of the European Union, utilisation of nuclear energy and structural changes in vertically integrated companies (ownership unbundling). The Commission has so far not enforced its proposal with regard to the separation of ownership of power transmission and distribution networks from production particularly due to the negative stance of France, Germany, Luxembourg and the Czech Republic. Therefore only effective unbundling has become the objective in this area whereby the letter and spirit of existing legislation is to be ensured promptly and in full. As far as the utilisation of renewable energy sources is concerned, the European Council has set a binding objective of 20% of the share of

energy from renewable sources for the entire energy consumption in the European Union by 2020, as well as the binding minimum objective which is to be achieved by all the member states, 10% of the share of bio fuel in the overall consumption of petrol and diesel for European Union transport by 2020. Differentiated national overall objectives should be deduced with the full participation of the member states from the total objectives in the sphere of renewable energy sources with appropriate consideration given to fair and reasonable separation respecting the different starting positions and possibilities of the individual states, including the existing situation in the field of renewable energy sources, while the decisions about the national objectives for individual specific branches of energy from renewable sources (electricity, heating and cooling, bio fuels) should be retained by the member states. This means that the shares of renewable energy sources

will be unequally distributed among the individual member states according to their real possibilities and to their ability to bargain. Finally in the field of nuclear energy, member states achieved a consensus in that the European Council agrees with the establishment of the nuclear forum as a platform for broad objective discussion by all the relevant interested parties of the opportunities and risks associated with nuclear energy. In conclusions it can be stated that the session of the European Council demonstrated how inconsistent the opinions of individual member states were and seeking a consensus of the 27 participating states is becoming more and more difficult even when merely adopting non-binding conclusions from the sessions of the European Council let alone adopting binding directives and regulations...

THIRD REPORT OF THE HIGH LEVEL GROUP ON COMPETITIVENESS, ENERGY AND THE ENVIRONMENT

By a decision of the Commission dated 23 December 2005 the High Level Group on Competitiveness, Energy and the Environment was set up. [↗](#)

The task of this group is to examine the links between industry, energy and environment policies, ensure solidarity among the individual initiatives and also contribute to improving sustainability and competitiveness and by the balanced involvement of all parties concerned thereby contribute to creating a stable and foreseeable legal framework in which competitiveness, energy and the environment will go hand in hand particularly thanks to the application of knowledge in this field. The group consists of representatives of the Commission, member states, the European Parliament and all the relevant parties concerned, above all industry and civic societies, among them customers, trade unions, non-government organisations

and research/academic communities, and has become part of the Commission's advisory bodies. Its first session was held in February 2006. In the Czech Republic's point of view, the negative aspect of this group is the total absence of the participation of representatives from the new member states with regard to state administration and the private sphere. The proposal must also be mentioned here of the Commission confirmed by the European Council to set up a similar summit group to deal with the issues of nuclear safety. It is crucial that representatives of the new member states also become members of this group so it is objective. During its activity the abovementioned summit group has issued three reports, the last at the end of February 2007 dealing with technological progress and innovations in connection with climate change and challenges in the field of energy as a response to the energy efficiency action plan published by the Commission in 2006.

Zprávu lze nalézt na [↗](#)

FLORENCE – GROUP FOR TRANSPARENCY

The European Electricity Regulatory Forum, the so-called Florence Forum, was set up to under the auspices of the Commission in 1998 to discuss the creation of a true internal electricity market. It ranks among the platforms of this type already existing in the energy sector (Madrid Forum, Berlin Forum).

Its participants are the national regulatory authorities, member states, the Commission, operators of transmission systems, traders, consumers, users, energy stock markets and so on. This forum convenes several times a year in Rome, formerly in Florence, and its participants include representatives from the Czech Republic. Currently it is engaged in cross border trade of electricity. Its reports are delivered to the Commission which uses them when forming the future European energy policy. At the forum's 13th session the Transparency Group was set up at the incentive of the Commission which is to help the Commission



to draw up new transparency rules, advised in the Commission's energy package of this year. The members of this group are representatives of DG TREN, ERGEG, ETSO, EFET, Eurelectric and other organisations operating in the energy sector. A parallel to this forum should be the so-called Prague Nuclear Forum dealt with in this issue of the EU Bulletin. [↗](#)



SUPERVISION OF THE COMMISSION OVER OBSERVANCE OF COMPETITION RULES

Under the direction of Commissioner Neelie Kroes, the commissioner responsible for competition policy, the mission of the European Commission's Directorate-General for Competition is supervision over observance of the competition rules of the Treaty on the Establishment of the European Communities for the purpose of ensuring that economic competition within a single market will not be disrupted and that markets will operate as effectively as possible. ↗

The foundation of the European Communities' competition policy in

the sphere of cartels and abuse of dominant position are Articles 81 and 82 of the Treaty on the Establishment of the European Communities and Regulation No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty. In accordance with this legislation the Commission is authorised to investigate enterprises disrupting economic competition at its own incentive or based on a complaint by a third party. The Commission may, as part of the investigation, demand that illegal proceedings are terminated, impose fines and penalties and last but not least inspection on site at the enterprise in question. So far the highest fine imposed by the Commission in February of this year for a cartel in the sphere of elevator production on the companies Otis, KONE, Schindler and ThyssenKrupp to the astronomical amount of 992 million eur. As part of a Commission inspection, Commission officials are authorised above all to enter all premises, land and means of transport of enterprises, check accounting documents and other business records and also make copies of

these documents. In the last year Commissioner Neelie Kroes showed that she treats her supervision over economic competition seriously by carrying out these inspections. Inspections in the energy sector were made in Germany, France and Hungary. The investigation of these matters has not yet ended. In the event of such an inspection by anti-monopoly bodies, the European Agenda Section in cooperation with the Legal Department of ČEZ, a.s. has drawn up as a managing document the Rules of Conduct of Employees during Inspections made by Anti-monopoly bodies in ČEZ, a.s. to ensure the due course of inspection and cooperation with anti-monopoly bodies. But the Commission's supervision does not merely focus on the energy sector. In the Czech Republic there were inspections for example of postal services and agriculture, in Slovakia it was the chemical industry and in Austria or Slovenia the sphere of calcium carbide. So it can be seen that the sphere of activities of the Commission thanks to the active policy of Neelie Kroes very broadly and efficiently contributes to the creation of a single European mar-

ket. The newly issued Notice of the Commission on immunity from fines and reduction of fines in cartel cases (**leniency notice**) has been contributing to supervision over observance of the competition rules in the sphere of cartels since December 2006. ↗

LEGAL ACTIONS FOR COMPENSATION FOR DAMAGES CAUSED BY ABUSE OF A DOMINANT POSITION

The Commission recently published its plan to present the White Book at the end of the year concerning private legal actions for compensation of damage whether individual or mass in the event of the breach of Articles 81 and 82 of the Treaty on the Establishment of the European Communities in the case of cartels or abuse of a dominant position.

Although this White Book will be of a non-binding nature, the next step is the issue of a green book on actions for compensation of damage caused by breach of antimonopoly rules of the European Communities dated December 2005, leading to the adop-

tion of binding legislation in future. The point of departure of this book is the Commission's conviction that „by facilitating a claim to compensation of damage caused by breach of competition rules the situation will not only be made simpler of those consumers and companies who have suffered injury as a consequence of anti-competition conduct and want the breaching party to compensate them for the damage, but it will also result in better enforcement of competition law as a whole“. The private legal way of enforcing competition law has two interlinked parts. This is direct application of Articles 81 and 82 of the Treaty on the Establishment of the European Communities based on the action filed with a national court aiming to achieve a statement on the breach of competition rules and therefore the nullity of the affected contracts. The other branch is satisfying the injured party in its claim to compensation that the breaching party has caused it by its anti-competition conduct. The principle of awarding compensation to the injured party was recently embodied in the verdict of the Court of Justice of the European Communities dated July 2006 concerning the case of Manfredi

v. Lloyd Adriatico Assicurazioni SpA (C-295/04) stressing the fundamental admissibility of raising private legal claims to compensation caused by the breach of competition law. Commissioner Neelie Kroes considers the incorporation of this institute into European law a further step to ensure observance of the competition rules. Whether this concept will be enforced will be seen in the outcome of the public discussions following the issue of the White Book which the EAS also intends to attend on behalf of the ČEZ Group. [↗](#)

MONITORING RADIOACTIVITY IN THE ENVIRONMENT ACCORDING TO ARTICLE 35 TREATY ON EURATOM

In order to implement Article 35 of the Treaty on Euratom, which lays down that „each member state shall set up the facilities necessary for the permanent control of the level of radioactivity in the atmosphere, water and soil and for controlling compliance with the basic standards“ and that „the Commission shall have right of access to such con-

trol facilities; it may examine their operation and efficiency“, the Commission issued a statement in 2006 containing implementing rules for Commission inspections entitled „Inspection of equipment for monitoring radioactivity in the environment according to Article 35 of the Treaty on Euratom – practical provisions on the course of inspections in the member states“.

The Commission's inspections concern every facility for monitoring radioactivity in the environment in a certain location as well as outlets into the atmosphere and water-courses operating at the facilities or that are associated with the activities resulting in the potential release of radioactive substances into the environment. These could be nuclear fuel cycle facilities (e.g. mines, fuel production, power plants, research reactors, radioactive waste disposal and storage sites). The prime objective of the Commission's inspections is to be convinced of i) the operation and efficiency of facilities for the monitoring of radioactivity in the environment and radioactivity discharge and ii)

the adequacy of the environment monitoring programme. The efficiency and adequacy is examined in relation to the total approach drawn up at national level for the purpose of ensuring the protection of the population in accordance with the fundamental safety standards. This approach is being considered, however it is not the object of an inspection as such. Inspections normally take place in accordance with an annual programme compiled by the Commission. The inspection lasts five days according to the working programme draw up in close cooperation with the relevant body of the member state. Inspections are announced, if possible, at least two months in advance so the relevant body can adopt the necessary measures. The Commission elaborates a general report on the programme of inspections for the European Parliament and Council.

[↗](#)

CZECH REPUBLIC IS FIGHTING FOR THE NUCLEAR FORUM TO CONVENE REGULARLY IN PRAGUE

Many discussion forums exist at European Union level specialising in individual fields of energy. So at the end of 2006 an idea emerged in the Czech Republic to establish with the direct support of the European Commission a broad discussion platform for the field of nuclear energy which is one of the strategic key fields of electricity production.

So a project was drawn up at government level which was presented by the Czech Industry and Trade Minister, Mr. Martin Říman to European Energy Commissioner, Mr. Andris Piebalgs. At government prime minister level the project to set up the so-called Prague nuclear forum was presented by the Czech Republic's prime minister during the session of the European Council on 8 and 9 March of this year. The outcome was that one of the items of the Action Plan of the Energy Policy for Europe (2007 – 2009), on which the European Council agreed (with a significant contribution by the Czech Republic) is that a broad discussion should take place of all interested parties concerning the opportunities and risks associated with nuclear energy. It must be stressed that the Prague Forum should not be a platform directed at the whole-hearted support of the expansion

of nuclear energy, but the venue for open and objective discussion of experts, politicians, scientists, representatives of industry and non-government organisations on the subject of how nuclear energy can contribute to the achievement of the objectives of the European Strategy for Sustainability, Competitiveness and Safety of Energy Supplies. Likewise, problem areas must be specified which prevent the more extensive utilisation of nuclear energy within the European Union such as storage of radioactive waste, spent nuclear fuel, operation economy, progress in nuclear safety, protection of the population against ionising radiation, informing the public and so on. The first session of the Prague Nuclear Forum should be held this autumn under the organisational contribution of ČEZ, a.s. The result of the discussions should be specific recommendations and conclusions

for the European Commission, or the European Union with regard to the further procedure in the field of nuclear energy. What has already been demonstrated in professional circles is that the subject of nuclear energy is of special significance to the Czech Republic. Further member states of the European Union such as France have expressed their support for setting up the nuclear forum. In conclusion it must be mentioned

that other member states such as neighbouring Slovakia, which has already presented an official request to have this forum organised in Bratislava, are logically interested in the organisation of a nuclear forum due to its strategic importance. Maximum efforts should be exerted in the Czech environment so that Prague can take over the auspices of the nuclear forum together with the European Commission.





ENERGY BUSINESS RESERVED WITH REGARD TO SANCTIONS ON GLOBAL EMISSION REDUCTION

The representatives of some large energy companies point out that the main obstacle in the fight to reduce emissions will be to convince the biggest world polluters to join the European effort so the initiatives of the European Union are not fruitless.

These voices were heard at the Brussels conference of the European Business Summit, which was held on 16 March of this year. The information server EurActiv cites the Chief Executive Officer of EnBW, Professor Utz Claassen, who considers climate change a great threat

to mankind, however he points out that the fight against it does not end on the borders of the member states and the borders of the European Union. Professor Claassen emphasises the potential particularly of solar energy which has been exploited to a minimum so far, and also stressed the „indisputable“ contribution of nuclear energy to save the climate and to secure the safety of energy supplies. Lars Josefsson, Chief Executive Officer of Vattenfall, recalls that the world has at its disposal the relevant technology and capital but so far a consistent policy has been lacking. The US Ambassador to the EU, Boyden Gray, admitted at the summit that the USA is the biggest world emitter of greenhouse gases, nevertheless he drew attention to the fact that China will soon catch up and that Europe with its low growth in emissions is also experiencing low economic growth in the last few years, while the United States has managed to unblock the link between the growth of GDP and emissions. ➤

IAEA ANNOUNCES PROGRESS IN TALKS WITH NORTH KOREA

Mohamed ElBaradei, the Director General of the International Atomic Energy Agency (IAEA), visited the Democratic People's Republic of Korea on 13 and 14 March, where according to IAEA sources, he played an „open-door“ role. According to the agency the visit brought positive results in an attempt to renew talks with North Korea, blocked since December 2002, when IAEA inspectors left the country.

In a series of negotiations Dr. ElBaradei called on Korea to return to the membership of the agency and in his own words, the country's top representatives stated that they were considering this step. Of course he stressed that progress „cannot be achieved overnight“. The talks also concerned the agency's original monitoring and inspection role in the process of closing North Korean nuclear facilities. According to Dr. ElBaradei, Korea is aware of the obligations of the so-called Six-Party Statement and admits that inspectors will be able to resume work to fulfil the obligations of the other par-

ties of the statement, i.e. China, Russia, Republic of Korea, Japan and the USA with regard to Korea. These obligations being the outcome of the statement of 13 February of this year when the representatives of the parties undertook to take a number of steps – North Korea for example to close and seal the Yongbon nuclear facility and allow the inspection of these steps by IAEA and the United States to resume bilateral talks including negotiations about sanctions which arise from including North Korea among hostile countries supporting terrorism. During the February talks the parties also approved the establishment of five working groups which are to be engaged in individual issues:

- 1 Denuclearisation of the Korean peninsula
- 2 Normalisation of relations between DPRK and USA
- 3 Normalisation of relations between DPRK and Japan
- 4 Cooperation in the field of economy and energy
- 5 Peace and security mechanisms in North-East Asia.

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US DEPARTMENT OF ENERGY DEMANDS MORE FUNDS FOR ENERGY MEASURES

The US Department of Energy presented a proposal to increase funds in 2007 to implement the objectives of the US energy policy particularly with regard to the objectives announced by President Bush in his January Report on the State of the Union – in total more than 23 billion USD is to be spent in 2007. [↗](#)

The new objectives of the American energy policy stress the attempt to increase the supply of cleaner energy sources on the market and reduce dependence on imports. The initiatives advised by President Bush include the so-called American Competitiveness Initiative (ACI) and the Advanced Energy Initiative (AEI). Under the ACI, federal expenditure is to be increased on research including expenditure on education in technical disciplines at American schools. The aim of the AEI is to contribute to the reduction of dependency on fossil fuels; this plan should help to fulfil the Bush initiative concerning a reduction in petrol consumption by 20 % in the next decade (the so-called „Twenty in Ten Initiative“). This ambitious plan is the object of extraordinary attention because it requires the approval of Congress to introduce a fuel standard allowing the consumption of 35 billion gallons of renewable and alternative fuels in 2017. [↗](#)

7 MARCH As of 7 March anyone interested may send their opinions or remarks concerning European strategy for energy technology (the so-called SET.Plan) by filling in an on-line questionnaire available at the following address: [↗](#)

The date by which the questionnaire should be sent is 13 May 2007. The actual SET-Plan is available for example at the following address [↗](#)

13 APRIL Any one interested may file an application for the tender to fill job positions within the European Commission's Directorate General for Energy and Transport (DG TREN). This concerns the post of administrator for energy, transport and nuclear energy and the post of assistant for inspection of nuclear facilities. For more information see [↗](#)

19 APRIL The German Federal Ministry for Economic Cooperation and Development in cooperation with the Federal Environment, Nature Protection and Nuclear Safety Ministry are organising as part of the German chairmanship of the European Union a ministerial conference entitled „Renewable Energy and Energy Efficiency – Innovative Policy and Financial Instruments for Southern and Eastern Neighbours of the EU“. For details see [↗](#)

20 – 21 APRIL A conference of the European Union and G8 states will be held in Berlin on these days on the topic of increasing energy efficiency. The specific agenda has not been published as yet.

23 – 27 APRIL An international conference on the role of technological and scientific institutions in the area of increasing nuclear energy safety will be held on these days under the auspices of the International Atomic Energy Agency in Aix-en-Provence, France. For information on the conference including attendance forms see: [↗](#)

3 – 4 MAY Prague's Mariott Hotel will host an international conference entitled „European Nuclear Energy – Opportunity for Growth and Investment“; the event is being organised by Platts, the leading world agency operating in energy information and consultation with the support of the company Westinghouse. Representatives of the European Commission will attend the conference, and ČEZ is preparing a paper on the group's plans in the field of nuclear energy. For more see: [↗](#)

EURELECTRIC ENERGY UNION

Eurelectric – the energy union within the European Union, which represents the electricity sector in public, particularly with regard to the institutions of the European Union and other international organisations, and protects the interests of its members at a political level and informs not just the professional public of energy concepts, brings useful suggestions and knowledge to the ongoing discussions about the all-European energy market.



This branch union was founded in 1999 with the merger of two related unions in the electricity industry UNIPEDE (International Union of Electricity Producers and Distributors, established in 1925) and EURELECTRIC (European Union of the Electricity Industry in 1900). EURELECTRIC processes and issues standpoints, political attitudes and reports which are formulated on the basis of the activity of experts from the electricity industry in working groups. This guarantees the high quality of issued expert opinions and the constant updating of the flow of information. These reports are subsequently delivered to the institutions of the European Union for which they form a valuable source of information. It must be pointed out that Eurelectric is considered a partner of the European Commission in issues of the electricity industry and defining the exact

position with regard to proposals of the European Commission is highly fundamental. The Czech Union of Employers in the Energy Industry and through it ČEZ is a regular member of EURELECTRIC. The CEO of ČEZ, Mr. Martin Roman and Director of the Sales Division, Mr. Alan Svoboda represents the Czech Republic on Eurelectric's council of directors. The ČEZ representatives are actively involved in the activity of Eurelectric on all its committees and relevant working groups. The main objectives of the ČEZ representatives in Eurelectric are above all to implement the further opening of the electricity market and the integration of the individual member states of the European Union into one all-European market and also support of the position of nuclear energy in the portfolio of the European Union's production facilities.



EDF PLANS TO EXTEND ITS GLOBAL ACTIVITIES INTO NUCLEAR ENERGY

According to the commentator of the server Energy Business Review Online the plans of the French company EdF to „internationalise“ its nuclear activities in the world have a fair chance of success. EdF presented its plans to the world to develop nuclear energy in four key regions – China, South Africa, Great Britain and the USA – as part of its last annual financial briefing. The author of the commentary points out the important background to these attempts by EdF, which, above all, are efforts to compensate for the future potential loss caused by the full liberalisation of the French electricity market that will occur this July. The company is placing special emphasis on the development of nuclear energy in China in view of enormous increase in total electricity consumption in the country. EdF relies, among other things, on the fact that nuclear energy has played a very small role in the Chinese energy mix until now. [↗](#)

EUROPEAN PARLIAMENT WILL CREATE A COMMITTEE FOR CLIMATE CHANGE

The President of the European Parliament and heads of the individual political fractions agreed on 15 March to create the Committee for Climate Change by which de facto they followed a similar initiative to that of the US Congress. The agreement was not unanimous – the proposal was supported by representatives of moderate right wing parties (EEP-ED), socialists (PES) and several other groups including the communists, those against were the liberals (ALDE), as well as the Greens and the so-called Euro-sceptics (IND-DEM). The proposal must be approved by the EP plenum. Of course, this would be a committee with a temporary mandate (according to the proposal to last for 12 months so far) and therefore without legislative powers. [↗](#)

REVOLUTIONARY TECHNOLOGY TO UTILISE CO₂ AS A SOURCE OF ENERGY ON THE HORIZON?

Scientists from the Max Planck Institute are attempting to construct a new type of catalyst which would be able to split CO₂ found in the atmosphere and thereby provide a new source of energy based on atmospheric carbon. This is a process similar to the one used by plants for millions of years to acquire energy from CO₂. According to Frederick Goettmann, member of the team, the splitting of strong chemical bonds between atoms in the CO₂ molecule is one of the biggest challenges for chemistry of our age. The team has already tested the original procedure – applying the analogy to that of natural fission in plants – based on a nitrogen catalyst and the heating of a mixture of CO₂ with petrol to a temperature of 150 °C at a pressure three times that of atmospheric pressure. They managed to gain a key reactive compound called “carbamate”- the transition to fixed bonds of CO₂ in a mixture containing this compound is a key element for obtaining carbon as a basis for a new source of energy. [↗](#)

IEA EXECUTIVE DIRECTOR COMMENTED ON THE AMBITIOUS OBJECTIVES OF THE EU ENERGY POLICY

At a conference devoted to the issue of the energy policy in Paris on 20 March Claude Mandill, the executive director of the International Energy Agency (IEA) welcomed the aims of the European Union’s new energy policy for measures that would prove friendlier to the environment and reduce the energy dependency of our continent. However he also pointed out the fact that it is planning „too many objectives“ from the reduction of emissions and the increase of energy efficiency to higher utilisation of renewable energy sources and bio fuels and warned that the ambitious plans of the European Union in all these spheres could pose a threat to the existing successes particularly thanks to the implementation of the mechanism in trading in emissions. [↗](#)