

Date stamp: 16 April 1999

DECISION OF THE COUNCIL
Establishing an International Energy Agency
of the Organisation

(adopted by the Council at its 373rd Meeting on
15th November, 1974. The Delegates
for Finland, France and Greece abstained)

The Council,

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14th December, 1960 (hereinafter called the "Convention") and, in particular, Articles 5(a), 6, 9, 12, 13 and 20 of the Convention;

Having regard to the Financial Regulations of the Organisation and, in particular, to Articles 5, 10, 14(b) and 16(b) thereof;

Having regard to the Regulations, Rules and Instructions for Council Experts and Consultants of the Organisation;

Noting that the Governments of certain Member countries have declared their intention to enter into a separate Agreement on an International Energy Program which is attached to document C(74)204 of 6th November, 1974, and Corrigendum 1 thereto, which is circulated for reference and is hereinafter referred to as the "Agreement";

Having regard to the Recommendation of the Council of 29th June, 1971 on Oil Stockpiling [C(71)113(Final)];

Having regard to the Decision of the Council of 14th November, 1972 on Emergency Plans and Measures and Apportionment of Oil Supplies in an Emergency in the OECD European Area [C(72)201(Final)];

Having regard to the Recommendation of the Council of 10th January, 1974 on the Supply of Bunker Fuels for Shipping and Fishing [C(73)257(Final)];

Having regard to the Recommendation of the Council of 10th January, 1974 on the Supply of Fuel for Civil Aircraft [C(73)258(Final)];

Having regard to the Note by the Secretary-General of 6th November, 1974 concerning the International Energy Program [C(74)203 and Corrigendum 1];

DECIDES:

Article 1

An International Energy Agency (hereinafter called the "Agency") is hereby established as an autonomous body within the framework of the Organisation.

Article 2

Participating Countries of the Agency are:

- (a) Austria, Belgium, Canada, Denmark, Germany, Ireland, Italy, Japan, Luxembourg, the Netherlands, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States;
- (b) other Member countries of the Organisation which accede to this Decision and to the Agreement in accordance with its terms.

Article 3

This Decision will be open for accession by the European Communities upon their accession to the Agreement in accordance with its terms.

Article 4

A Governing Board composed of all the Participating Countries of the Agency shall be the body from which all acts of the Agency derive, and shall have the power to make recommendations and to take decisions which shall, except as otherwise provided, be binding upon Participating Countries, and to delegate its powers to other organs of the Agency. The Governing Board shall adopt its own rules of procedure and voting rules.

Article 5

The Governing Board shall establish such organs and procedures as may be required for the proper functioning of the Agency.

Article 6

- (a) The Governing Board shall decide upon and carry out an International Energy Program for co-operation in the field of energy, the aims of which are:
 - (i) development of a common level of emergency self-sufficiency in oil supplies;
 - (ii) establishment of common demand restraint measures in an emergency;
 - (iii) establishment and implementation of measures for the allocation of available oil in time of emergency;
 - (iv) development of a system of information on the international oil market and a

framework for consultation with international oil companies;

(v) development and implementation of a long-term co-operation programme to reduce dependence on imported oil, including: conservation of energy, development of alternative sources of energy, energy research and development, and supply of natural and enriched uranium;

(vi) promotion of co-operative relations with oil producing countries and with other oil consuming countries, particularly those of the developing world.

The Governing Board may adopt other measures of co-operation in the energy field which it may deem necessary and otherwise amend the Program by unanimity, taking into account the constitutional procedures of the Participating Countries.

(b) Upon the proposal of the Governing Board of the Agency the Council may confer additional responsibilities upon the Agency.

Article 7

(a) The organs of the Agency shall be assisted by an Executive Director and such staff as is necessary who shall form part of the Secretariat of the Organisation and who shall, in performing their duties under the International Energy Program, be responsible to and report to the organs of the Agency.

(b) The Executive Director shall be appointed by the Governing Board on the proposal or with concurrence of the Secretary-General.

(c) Consultants to the Agency may be appointed for a period exceeding that provided in Regulation 2(b) of the Regulations and Rules for Council Experts and Consultants of the Organisation.

Article 8

The Governing Board shall report annually to the Council on the activities of the Agency. The Governing Board shall submit, upon the request of the Council or upon its own initiative, other communications to the Council.

Article 9

The Agency shall co-operate with other competent bodies of the Organisation in areas of common interest. These bodies and the Agency shall consult with one another regarding their respective activities.

Article 10

(a) The budget of the Agency shall form part of the Budget of the Organisation and expenditure of the Agency shall be charged against the appropriations authorised for it under Part II of the Budget which shall include appropriate Budget estimates and provisions for all

expenditure necessary for the operation of the Agency. Each Participating Country's share in financing such expenditure shall be fixed by the Governing Board. Special expenses incurred by the Agency in connection with activities referred to in Article 11 shall be shared by the Participating Countries in such proportions as shall be determined by unanimous agreement of those countries. The Governing Board shall designate an organ of the Agency to advise the Governing Board as required on the financial administration of the Agency and to give its opinion on the annual and other budget proposals submitted to the Governing Board.

(b) The Governing Board shall submit the annual and other budget proposals of the Agency to the Council for adoption by agreement of those Participating Countries of the Agency which voted in the Governing Board to submit the proposals to the Council.

(c) Notwithstanding the provisions of Article 14(b) of the Financial Regulations, the Governing Board may accept voluntary contributions and grants as well as payments for services rendered by the Agency.

(d) Notwithstanding the provisions of Article 16(b) of the Financial Regulations of the Organisation, appropriations in respect of the special activities referred to in Article 11 of this Decision, for which no commitment has been entered into before the end of the Financial Year for which they were appropriated, shall be automatically carried forward to the budget for the ensuing year.

Article 11

Any two or more Participating Countries may decide to carry out within the scope of the Program special activities, other than activities which are required to be carried out by all Participating Countries under the Agreement. Participating Countries who do not wish to take part in such activities shall abstain from taking part in such decisions and shall not be bound by them. Participating Countries carrying out such activities shall keep the Governing Board informed thereof.

Article 12

In order to achieve the objectives of the Program, the Agency may establish appropriate relationships with countries which are not Participating Countries, international organisations, whether Governmental or non-Governmental, other entities and individuals.

Article 13

(a) A Participating Country for which the Agreement shall have ceased to be in force or to apply provisionally shall be deemed to have withdrawn from the Agency.

(b) Notwithstanding the provisions of paragraph (a), a Country whose Government shall have signed the Agreement may, upon written notice to the Governing Board and to the Government of Belgium to the effect that the adoption of the Program by the Governing Board is binding on it pursuant to this Decision, remain a Participating Country of the Agency after the Agreement shall have ceased to apply for it, unless the Governing Board decides otherwise. Such a Country shall have the same obligations and the same rights as a Participating Country of the Agency for

which the Agreement shall have entered definitively into force.

Article 14

The present Decision shall enter into force on 15th November, 1974.