

PROTOCOL
on the implementation of the Alpine Convention of 1991 in the field of energy
Energy Protocol

Preamble

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF AUSTRIA,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF SLOVENIA,

THE SWISS CONFEDERATION,

and

THE EUROPEAN COMMUNITY,

IN ACCORDANCE with their task, arising from the Convention on the Protection of the Alps (Alpine Convention) of 7 November 1991, of pursuing a comprehensive policy for the protection and the sustainable development of the Alpine region;

IN COMPLIANCE with their obligations under Article 2(2) and (3) of the Alpine Convention;

CONSCIOUS of the importance of establishing forms of energy production, distribution and use which are not harmful to nature and the countryside, which are environmentally friendly and compatible with the promotion of energy-saving measures;

TAKING account of the need to reduce greenhouse gases in the Alpine region and thereby comply with commitments under the United Nations Framework Convention on Climate Change;

CONVINCED of the need to harmonise economic interests and ecological requirements;

CONSCIOUS that the Alpine region is of particular importance in Europe and that, in terms of geomorphology, its climate, water, vegetation, fauna, countryside and culture, this is a heritage as unique as it is diverse, and that the region's high mountains, valleys and the Pre-Alps are environmental entities which all States, not just Alpine ones, have a duty to protect;

CONSCIOUS that the Alps are more than where the local population live and work but are also very important to extra-Alpine regions, in particular because it is a transit region with a high level of trans-European traffic of people and goods, but also international energy distribution networks;

TAKING ACCOUNT of the environmental sensitivity of the Alpine region, particularly concerning production, transport and energy-use activities which interact with the key aspects of nature protection, town and country planning and land use;

TAKING ACCOUNT of the fact that, faced with risks to environmental protection, in particular due to possible climate change caused by humans, it has become necessary to pay particular attention to the close links between mankind's social and economic activities and the conservation of ecosystems which require, especially in the Alpine region, appropriate and diversified measures to be adopted in agreement with the local population, political institutions and economic and social organisations;

CONVINCED that the local population must be able to define its own social, cultural and economic development plan and take part in its implementation in the existing institutional framework;

CONVINCED that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States and the local communities directly concerned;

CONVINCED that meeting energy needs is an important factor in economic and social development, both within and outside the Alpine region;

CONSCIOUS of the extent of the use and further development of economic instruments which could enable the actual costs to be better taken into account when calculating energy prices;

CONVINCED that the Alpine region will make a long-term contribution to meeting Europe's energy needs and that it must itself have, apart from sufficient drinking water, sufficient energy resources to improve local living conditions and economic productivity;

CONVINCED that the Alpine region plays a particularly important role in the interconnection of European countries' energy systems;

CONVINCED that, in the Alpine region, measures aimed at rational energy use and sustainable use of water and wood resources contribute towards meeting national energy needs and that it is increasingly important to make use of biomass and solar energy;

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Objectives

The Contracting Parties shall commit themselves to creating framework conditions and adopting measures for energy saving, production, transport, distribution and utilisation within the territorial scope of the Alpine Convention in order to establish sustainable development in the energy sector which is compatible with the Alpine region's specific tolerance limits. In so doing the Contracting Parties will make an important contribution to protecting local communities and the environment and to safeguarding resources and the climate.

Article 2

Basic commitments

1. In accordance with this Protocol, the Contracting Parties shall:

- (a) harmonise their energy-saving plans with their plans for the general development of the Alpine region;
- (b) adapt production, transport and energy distribution systems in order to make optimal overall use of the infrastructure system in the Alpine region, taking account of the need for environmental protection;
- (c) limit the impact of energy on the environment by optimising the provision of services to energy end-users through, amongst other things and as far as possible, adopting the following measures:
 - reducing energy needs through the use of more efficient technologies;
 - making wider use of renewable energy sources to meet remaining energy needs;
 - optimising existing plants which produce energy from non-renewable sources;

(d) limit the negative effects of power plants on the environment and the landscape, including those concerning the management of waste produced by them, by adopting preventive measures for the new plants and, if necessary, improving existing ones;

2. In the event of the construction of new, large power plants and a significant increase in the capacity of existing ones, the Contracting Parties, in accordance with current law, shall proceed to evaluate the impact on the Alpine environment and to evaluate the territorial and socioeconomic effects of this in accordance with Article 12. The Parties shall recognise the right to consultation at international level on projects with cross-border effects.

3. The Contracting Parties shall take account in their energy policies of the fact that the Alpine region lends itself to using renewable energy sources and shall encourage mutual collaboration in development programmes in this area.

4. The Contracting Parties shall preserve protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and countryside; they shall optimise energy infrastructures according to the different levels of vulnerability, tolerance and the ongoing deterioration of the Alpine ecosystem.

5. The Contracting Parties should be aware that an appropriate research and development policy instigating preventive and improving measures can make a significant contribution to protecting the Alps from the impact of energy infrastructures on the environment. They shall encourage research and development activities on this subject and shall exchange the main results.

6. The Contracting Parties shall cooperate with a view to developing methods for taking better account of the true costs in the field of energy.

Article 3

Conformity with international law and other policies

1. This Protocol shall be implemented in accordance with international legal standards, particularly those of the Alpine Convention and the Protocols drafted pursuant to it, and in accordance with current international agreements.

2. The Contracting Parties shall undertake to also take account of the aims of this Protocol in their other policies, particularly in the fields of town and country planning and regional development, transport, agriculture and forestry as well as tourism in order to avoid negative or conflicting effects in the Alpine region.

Article 4

Participation of regional and local authorities

1. Each Contracting Party shall define, within its institutional framework, the best level of coordination and cooperation between the institutions and regional authorities directly concerned so as to encourage solidarity of responsibility, in particular to exploit and develop synergies when applying energy policies in the Alpine region and implementing measures under them.

2. The regional and local authorities directly concerned shall be parties to the various stages of preparing and implementing these policies and measures, within their competence and within the existing institutional framework.

3. The Contracting Parties shall encourage international cooperation between the institutions directly concerned by the problems linked to energy and the environment so as to encourage an agreement on the solutions to common problems.

CHAPTER II

SPECIFIC MEASURES

Article 5

Energy saving and rational use

1. The Alpine region requires specific measures for saving, distributing and making rational use of energy. These measures must take account of:

- (a) energy needs which are spread over vast areas and which vary greatly according to altitude, the season and the demands of tourism;
- (b) the local availability of renewable energy resources;
- (c) the particular impact of atmospheric immissions in basins and valleys due to their geomorphological configuration.

2. The Contracting Parties shall seek to make energy use more environmentally friendly and shall, as a priority, encourage energy saving and rational energy use, particularly concerning production processes, public services and large hotel complexes, as well as facilities for transport and sport and leisure activities.

3. They shall adopt measures and make provisions, particularly in the following areas:

- (a) improving insulation in buildings and the efficiency of heating systems;
- (b) optimising the performance of heating, ventilation and air conditioning systems;
- (c) periodic monitoring and reduction, where appropriate, of polluting emissions from thermal plants;
- (d) saving energy through modern technological processes for energy use and conversion;
- (e) individual calculation of the costs of heating and hot water;
- (f) planning and promoting new buildings which use low-energy technologies;
- (g) promoting and implementing municipal or local energy and climate projects in accordance with measures provided for in Article 2, paragraph 1.c;
- (h) improving energy performance in buildings undergoing renovation and encouraging the use of environmentally-friendly heating systems.

Article 6

Renewable energy resources

1. The Contracting Parties shall undertake, within the limits of their financial resources, to promote and give preferential treatment to renewable energy resources which are environmentally friendly and do not harm the countryside.
2. They shall also encourage the use of decentralised plants for the use of renewable energy sources such as water, the sun and biomass.
3. The Contracting Parties shall encourage the use of renewable energy resources, even in combination with existing conventional supplies.
4. The Contracting Parties shall particularly encourage energy produced through the rational use of water and wood from sustainably managed mountain forests.

Article 7

Hydroelectric power

1. The Contracting Parties shall ensure that the ecological functions of watercourses and the integrity of the landscape are maintained through appropriate measures, such as establishing minimum flows, implementing standards for the reduction of artificial fluctuations in water level and shall guarantee animal migration in the case of new hydroelectric plants, and existing ones where possible.
2. The Contracting Parties may adopt measures aimed at improving the competitiveness of existing hydroelectric plants, subject to compliance with their safety and environmental standards.
3. They shall also undertake to protect water resources in areas reserved for drinking water, in protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and countryside.
4. The Contracting Parties shall recommend reopening disused hydroelectric plants rather than building new ones. The provision under paragraph (1) on the protection of aquatic ecosystems and other related systems shall also be applied to the reopening of existing hydroelectric plants.
5. The Contracting Parties may, in the framework of their national legislation, examine how they can make end-consumers of Alpine resources pay market-related prices, and the extent to which the local population can be fairly compensated for services supplied in the general interest.

Article 8

Energy from fossil fuels

1. The Contracting Parties shall ensure that the best available techniques are used in new thermal plants using fossil fuels to produce electricity or heat. The Contracting Parties shall limit emissions from existing plants in the Alpine region as far as possible through the use of appropriate technologies and/or fuel types.
2. The Contracting Parties shall examine the technical and economic feasibility and the environmental compatibility of replacing fossil fuel thermal plants with ones which use renewable energy sources or are decentralised.
3. The Contracting Parties shall adopt measures in favour of cogeneration in order for energy to be used more rationally.

4. In border regions, the Contracting Parties shall, as far as possible, harmonise and connect their emission and immission monitoring systems.

Article 9

Nuclear energy

1. The Contracting Parties shall undertake, within the framework of international conventions, to exchange comprehensive information on plants and other nuclear installations which have, or could have, consequences for the Alpine region, with the aim of ensuring the long-term protection of the health of the people, the flora and fauna, and their biocoenosis, habitat and interactions.

2. Furthermore, the Contracting Parties shall ensure the harmonisation and connection, as far as possible, of their systems for monitoring environmental radioactivity.

Article 10

Transport and energy distribution

1. The Contracting Parties shall continue to rationalise and optimise all existing infrastructures while taking account of requirements for environmental protection and especially the need to preserve very sensitive ecosystems and the landscape, while at the same time, where appropriate, taking steps to protect the local people and the Alpine environment.

2. When constructing electricity transmission lines and power stations linked to them, as well as oil and gas pipelines, including pumping stations and booster stations and plants which are very significant from an environmental point of view, the Contracting Parties shall implement all the necessary measures to avoid disturbance to the local people and the environment, including, if possible, the use of pre-existing facilities and grids.

3. Concerning electricity transmission lines, the Contracting Parties shall take particular account of the importance of protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and landscape, as well as birdlife.

Article 11

Renaturalisation and environmental engineering

The Contracting Parties shall use pilot studies and environmental impact studies provided for under current legislation to establish arrangements for the restoration of aquatic

locations and environments following the completion of public or private works in the energy field relating to the Alpine environment and ecosystems. This shall be done, as far as possible, by employing environmental engineering techniques.

Article 12

Environmental impact analysis

1. The Contracting Parties shall, in accordance with national legislation and international conventions and agreements, carry out an initial evaluation of the environmental impact of any planned power plant under Articles 7, 8, 9 and 10 of the present Protocol, and of any substantial change made to these plants.

2. The Contracting Parties shall recognise the advisability of adopting, as far as possible, the best available techniques so as to eliminate or limit environmental impact by making provision for the decommissioning of disused and non-environmentally friendly plants.

Article 13

Dialogue

1. The Contracting Parties shall undertake to consult one another prior to starting any project which may have cross-border effects.

2. For projects which may have cross-border effects, the Contracting Parties concerned must be able to present their comments in good time, and these will be taken into account when issuing permits.

Article 14

Further action

The Contracting Parties may take further action than measures on energy and sustainable development set out in this Protocol.

CHAPTER III

RESEARCH, TRAINING AND INFORMATION

Article 15

Research and observation

1. The Contracting Parties shall, in close collaboration and taking account of results already achieved at various national and international levels, encourage and harmonise research and systematic observation in order to achieve the targets set out in this Protocol; in particular concerning the methods and criteria for analysis and for evaluation of the impact on the environment and the climate, as well as specific technologies for saving and making rational use of energy in the Alpine region.

2. They shall also take account of the results of research in the process of defining and checking targets and energy policy measures as well as in their training and technical assistance activities at local level for the benefit of local people, economic operators and regional and local authorities.

3. The Contracting Parties shall ensure that the various national results of the research and systematic observation are integrated in a joint permanent observation and information system and that they are made accessible to the public under the existing institutional framework.

Article 16

Training and information

1. The Contracting Parties shall encourage basic and further training and the provision of information to the public about the objectives, measures and implementation of this Protocol.

2. They shall particularly encourage the further development of training, continuous training and technical assistance concerning energy, including protecting the environment, nature and the climate.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION

Article 17

Implementation

The Contracting Parties shall undertake to ensure the implementation of this Protocol by taking any appropriate measures within the existing institutional framework.

Article 18

Monitoring of compliance with obligations

1. The Contracting Parties shall regularly report to the Standing Committee on measures taken under this Protocol. The reports shall also cover the effectiveness of the measures taken. The Alpine Conference shall determine the intervals at which the reports must be submitted.

2. The Standing Committee shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations under this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.

3. The Standing Committee shall draw up a report on the compliance of the Contracting Parties with the obligations arising from the Protocol, for the attention of the Alpine Conference.

4. The Alpine Conference shall take note of this report. If it finds that obligations have not been met, it may adopt recommendations.

Article 19

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They shall consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve objectives.

2. The regional and local authorities shall be associated with this evaluation within the existing institutional framework. Non-governmental organisations active in this field may be consulted.

CHAPTER V

FINAL PROVISIONS

Article 20

Links between the Alpine Convention and the Protocol

1. This Protocol constitutes a Protocol to the Alpine Convention within the meaning of Article 2 thereof and any other relevant articles of the Convention.

2. Only Contracting Parties to the Alpine Convention may become a party to this Protocol. Any denunciation of the Alpine Convention also implies denunciation of this Protocol.

3. Where the Alpine Conference discusses matters relating to this Protocol, only the Contracting Parties to this Protocol may take part in the vote.

Article 21

Signature and ratification

1. This Protocol shall be open for signature by the signatory States of the Alpine Convention and the European Community on 16 October 1998 and in the Republic of Austria, as the depositary, from 16 November 1998.

2. This Protocol shall enter into force for the Contracting Parties which have expressed their agreement to be bound by the said Protocol three months after the date on which three States have deposited their instrument of ratification, acceptance or approval.

3. For Parties which express their agreement to be bound by the Protocol at a later date, the Protocol shall enter into force three months after the date of deposit of the instrument of ratification, acceptance or approval. After the entry into force of an amendment to the Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

Article 22

Notification

The depositary shall, in respect of this Protocol, notify each State referred to in the Preamble and the European Community of:

- (a) any signature,
- (b) the deposit of any instrument of ratification, acceptance or approval,
- (c) any date of entry into force,
- (d) any declaration made by a Contracting Party or signatory,
- (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Bled on 16 October 1998 in French, German, Italian and Slovene, all four texts being equally binding, in one copy to be deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory Parties.
