EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL RENEWABLE ENERGY AGENCY (LEGAL CAPACITIES) ORDER 2011

2011 No. 2438

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office.

2. Purpose of the instrument

2.1 The International Renewable Energy Agency (Legal Capacities) Order 2011 ("the Order") confers the legal capacities of a body corporate on the International Renewable Energy Agency ("IRENA"). IRENA was established by the Statute of the International Renewable Energy Agency ('the IRENA Statute') adopted in Bonn on 26th January 2009 and serves to promote the widespread and increased adoption and sustainable use of all forms or renewable energy.

2.2 The United Kingdom signed the IRENA Statute on 26th June 2009. Article XIII A of the IRENA Statute requires members to confer legal capacity on IRENA in order that IRENA can enter into contracts and acquire and hold property as part of its functions. In order for Her Majesty's Government to give effect to the IRENA Statute, it is therefore necessary to make this instrument.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

Section 1(2)(a) of the International Organisations Act 1968 allows Her Majesty by Order in Council to confer on an international organisation the legal capacities of a body corporate.

5. Territorial Extent and Application

This instrument applies to the United Kingdom.

6. European Convention on Human Rights

As the instrument is only required to be laid and does not amend primary legislation, no statement is required.

7. Policy background

IRENA has a key role to play in promoting deployment of renewable technologies needed to meet global climate goals and provide economic benefits for countries,

including for the United Kingdom. IRENA will focus on the benefits of taking action on renewable energy internationally, e.g. to help reduce costs, undertake collaborative research and development, and share best practice and experience.

The United Kingdom want IRENA to become the foremost international organisation for addressing barriers to the deployment of renewable energy technologies in developing countries, through its knowledge sharing and capacity building activities. Such activities are particularly useful when they are linked to on-the-ground activity, allowing barriers to be tackled and lessons to be learned. It therefore needs to be closely linked to funding sources (such as the World Bank, development agencies, etc), analysis organisations such as the International Energy Agency (IEA), as well as to institutions working on the ground, such as the Renewable Energy and Energy Efficiency Partnership (REEEP).

8. Consultation outcome

8.1 No specific consultations have been carried out with respect to this order conferring legal capacity on IRENA. However, in the wider context of ratification of the IRENA Statute generally, the Devolved Administrations, relevant Government departments and Agencies were consulted during the negotiations and gave their approval to the final draft of the Agreement. In addition, the Foreign & Commonwealth Office and the Ministry of Justice have agreed that the UK should ratify the IRENA Statute and that the Overseas Territories and the Crown Dependencies may choose to have the Statute extended to them at a later date.

9. Guidance

The instrument is not complex and neither the Department for Energy and Climate Change nor the Foreign and Commonwealth Office is intending to issue guidance.

10. Impact

10.1 The impact on business, charities or voluntary bodies is expected to be minimal.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

This will be undertaken as necessary by the Department of Energy and Climate Change.

13. Contact

Jonathan Drakeford in Foreign and Commonwealth Office Legal Advisers can answer any queries regarding the instrument.

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