REPORT


Committee on Industry, Research and Energy

Rapporteur: Miroslav Poche
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

− having regard to the Commission proposal to Parliament and the Council (COM(2018)0744),
− having regard to Article 294(2), Article 192(1) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0482/2018),
− having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
− having regard to Rule 59 of its Rules of Procedure,
− having regard to the report of the Committee on Industry, Research and Energy (A8-0014/2019),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a decision
Recital 1

Text proposed by the Commission

Amendment

(1) On 29 March 2017, the United Kingdom notified the European Council of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. Consequently, unless another date is established in a withdrawal
agreement, or the European Council, in agreement with the United Kingdom, unanimously establishes another date, Union law will cease to apply to the United Kingdom from 30 March 2019. The United Kingdom will then become a third country.

date of entry into force of a withdrawal agreement or, failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.

Justification

This is a technical change reflecting the interinstitutionally agreed horizontal wording applying to all legislative acts related to BREXIT.

Amendment 2

Proposal for a decision
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to and in the United Kingdom. If that agreement enters into force, Directive 2012/27/EU of the European Parliament and of the Council1a, as amended by Directive (EU) 2018/2002 of the European Parliament and of the Council1b, and Regulation (EU) 2018/1999 of the European Parliament and of the Council1c, will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.


Justification

This is a technical change reflecting the interinstitutionally agreed horizontal wording applying to all legislative acts related to BREXIT.

Amendment 3

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, as amended by Directive 2018/XXX/EU, requires Member States to set indicative national energy efficiency contributions towards the Union’s energy efficiency target of at least 32,5% for 2030. In doing so the Member States should take into account the Union's 2030 energy consumption.

Amendment

(2) Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, requires Member States to set indicative national energy efficiency contributions towards the Union’s energy efficiency targets of at least 32,5% for 2030. In doing so the Member States are to take into account the Union's 2030 energy consumption in terms of primary and/or final energy.
Justification

Technical clarification to reflect more accurately the terminology used in the recently agreed revision of the Energy Efficiency Directive with regard to the Union's energy efficiency targets for 2030 in terms of primary/final energy consumption.

Amendment 4

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Regulation (EU) 2018/XXX [Governance of the Energy Union] requires Member States in their contribution setting process towards the Union targets in the area of energy efficiency to take into account the Union's 2030 energy consumption. The energy consumption at Union level is also relevant for the Commission's assessment of the progress towards collectively achieving the Union's targets.

Amendment

(3) Regulation (EU) 2018/1999 requires Member States in their contribution setting process towards the Union targets in the area of energy efficiency to take into account the Union's 2030 energy consumption in terms of primary and/or final energy. The energy consumption at Union level is also relevant for the Commission's assessment of the progress towards collectively achieving the Union's targets.

Justification

Technical clarification to reflect more accurately the terminology used in the recently agreed revision of the Energy Efficiency Directive with regard to the Union's energy efficiency targets for 2030 in terms of primary/final energy consumption.

Amendment 5

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Due to the United Kingdom’s withdrawal from the Union, it is necessary to technically adapt the projected energy consumption figures for the European Union in 2030 to reflect the Union of 27 Member States (‘EU 27’). Projections made for the at least 32,5 % Union headline target show that primary energy consumption should equal 1 273 million tonnes of oil equivalent (Mtoe) and 956 Mtoe of final energy consumption in

Amendment

(4) Due to the United Kingdom’s withdrawal from the Union, it is necessary to technically adapt the projected energy consumption figures for the European Union in 2030 to reflect the Union of 27 Member States (‘EU 27’). Projections made for the at least 32,5 % Union headline targets show that primary energy consumption should equal 1 273 million tonnes of oil equivalent (Mtoe) and 956 Mtoe of final energy consumption in
The equivalent projections for the EU 27 excluding the United Kingdom show that primary energy consumption should equal 1 128 Mtoe and final energy consumption should equal 846 Mtoe in 2030. This requires the adaptation of the figures for energy consumption levels in 2030.

Justification

Technical clarification to reflect more accurately the terminology used in the recently agreed revision of the Energy Efficiency Directive with regard to the Union’s energy efficiency targets for 2030.

Amendment 6

Proposal for a decision
Recital 5 a (new)

\textit{Text proposed by the Commission} \quad \textit{Amendment}

(5a) \textbf{In accordance with Article 4(3) of Regulation (EEC, Euratom) No 1182/71 of the Council\textsuperscript{1a}, cessation of application of acts fixed at a given date is to occur on the expiry of the last hour of the day falling on that date. This Decision should therefore apply from the day following that on which Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, and Regulation (EU) 2018/1999 cease to apply to the United Kingdom.}


Justification

This is a technical change reflecting the interinstitutionally agreed horizontal wording applying to all legislative acts related to BREXIT.
Amendment 7
Proposal for a directive
Article 3

Text proposed by the Commission

Article 3

Articles 1 and 2 of this Decision are without prejudice to the time limit provided in Article 28 of Directive 2012/27/EU [as amended by Directive 2018/XXX/EU] and Article 59 of Regulation (EU) 2018/XXX [Governance of the Energy Union].

Amendment

Article 3

Articles 1 and 2 of this Decision are without prejudice to the time limits provided in Article 2 of Directive (EU) 2018/2002 and Article 59 of Regulation (EU) 2018/1999.

Justification

Reference should be made to the transposition of the recently agreed Directive on energy efficiency [amending Directive 2012/27/EU]. Article 28 of Directive 2012/27/EU provides for a general transposition date on 5 June 2014 (with specific dates for certain provisions); it is not therefore relevant to refer to that Article.

Amendment 8
Proposal for a decision
Article 4

Text proposed by the Commission

Article 4

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union and shall apply from the day following that on which Union law ceases to apply to the United Kingdom.

Amendment

Article 4

This Decision shall enter into force on the third day following that of its publication in the Official Journal of the European Union and shall apply from the day following that on which Union law ceases to apply to the United Kingdom.

Article 1 shall apply from the day following that on which Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, ceases to apply to and in the United Kingdom.

Article 2 shall apply from the day following that on which Regulation (EU) 2018/1999 ceases to apply to and in the United Kingdom.
Article 3 shall apply from [date of entry into force].

Justification

Due to the time constraints for the timely completion of the legislative procedure, this change is necessary to ensure that the Decision can enter into force before the day on which Union law ceases to apply to the United Kingdom. Other changes reflect the interinstitutionally agreed horizontal wording applying to all legislative acts related to BREXIT.
EXPLANATORY STATEMENT

1. Commission proposal


Due to the United Kingdom’s withdrawal from the Union, it is necessary to technically adapt the projected energy consumption figures for the European Union in 2030 to reflect the Union of 27 Member States (‘EU 27’). Projections made for the at least 32.5 % Union headline targets show that primary energy consumption should equal 1 273 million tonnes of oil equivalent (Mtoe) and 956 Mtoe of final energy consumption in 2030 for the Union of 28 Member States. The equivalent projections for the EU 27 excluding the United Kingdom show that primary energy consumption should equal 1 128 Mtoe and final energy consumption should equal 846 Mtoe in 2030. This requires the adaptation of the figures for primary and final energy consumption provided for in the recently amended Energy Efficiency Directive.

The new Regulation on the Governance of the Energy Union requires Member States in their contribution setting process for the Union 2030 targets for energy efficiency to take into account the Union's 2030 energy consumption; the energy consumption at Union level is also relevant for the European Commission’s assessment of progress towards collectively achieving the Union’s targets. Therefore, the Regulation on the Governance of the Energy Union should be also amended to reflect the adapted figures for energy consumption in 2030.

It should be reminded that the Union’s 2030 headline targets for energy efficiency were set compared to projections made in 2007 using an econometric modelling exercise (PRIMES energy system model) known as the 2007 Reference Scenario (or REF 2007). The targets were translated into levels of primary and final energy consumption by reducing the 2007 Reference Scenario projections for 2030 by 32.5%. The Mtoe numbers are based on the above mentioned energy modelling projection. The adjustment of the figures proposed by the Commission in order to take account of the UK withdrawal from the EU is based on the same underlying energy model.

2. Rapporteur’s position

The Rapporteur welcomes the Commission's proposal as a technical adaptation of the Union's energy consumption figures for 2030, which is necessitated by the upcoming withdrawal of the United Kingdom from the European Union. As this is a technical adjustment, based directly on a modelling exercise that served as the basis of the original calculation of the absolute levels of energy consumption of the Union’s headline targets, the Rapporteur is not proposing any changes to the figures proposed by the Commission.

The Rapporteur has included in this draft report a very limited number of technical amendments with the broad aim of clarifying some of the provisions proposed by the Commission. The amendments proposed by the Rapporteur cover the following issues:
Technical clarification of the wording used in the recitals in relation to the Union’s energy efficiency targets for 2030, to reflect more accurately the terminology used in the recently agreed revision of the Energy Efficiency Directive. It should be noted that the Directive refers to headline targets (in plural), to reflect that the target for energy efficiency is expressed in primary/final energy consumption.

Clarification that the Decision should be without prejudice to the transposition of the recently agreed Directive on energy efficiency, and not that of Directive 2012/27/EU which has been already transposed.

Change of the date of entry into force of the Decision (three days instead of twenty following its publication in the Official Journal of the European Union), in order to ensure that it can enter into force before the day on which Union law ceases to apply to the United Kingdom. This change seems necessary in view of the time constraints for the completion of the legislative procedure before 29 March 2019.
**PROCEDURE – COMMITTEE RESPONSIBLE**

| **Date submitted to Parliament** | 14.11.2018 |
| **Committee responsible** | ITRE 15.11.2018 |
| **Committees asked for opinions** | ENVI 15.11.2018 |
| **Not delivering opinions** | ENVI 20.11.2018 |
| **Rapporteurs** | Miroslav Poche 21.11.2018 |
| **Discussed in committee** | 3.12.2018 |
| **Date adopted** | 14.1.2019 |
| **Result of final vote** | +: 49  
−: 1  
0: 3 |
| **Substitutes present for the final vote** | Pilar Ayuso, Michał Boni, Gunnar Hökmark, Rupert Matthews, Clare Moody, Caroline Nagtegaal, Dennis Radtke, Giancarlo Scottá, Davor Škrlec |
| **Date tabled** | 14.1.2019 |
## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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<tr>
<th>49</th>
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<tr>
<td>ALDE</td>
<td>Fredrick Federley, Igor Gräzin, Angelika Mlinar, Caroline Nagtegaal, Morten Helveg Petersen, Carolina Punset</td>
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<td>ECR</td>
<td>Edward Czesak, Ashley Fox, Zdzisław Krasnodębski, Rupert Matthews, Evžen Tošenovský</td>
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<tr>
<td>ENF</td>
<td>Barbara Kappel, Christelle Lechevalier, Giancarlo Scottà</td>
</tr>
<tr>
<td>S&amp;D</td>
<td>Theresa Griffin, Eva Kaili, Jeppe Kofod, Peter Kouroumbashev, Miapetra Kumpula-Natri, Édouard Martin, Csaba Molnár, Clare Moody, Miroslav Poche, Patrizia Toia, Kathleen Van Brempt, Flavio Zanonato, Carlos Zorrinho</td>
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<tr>
<td>VERTS/ALE</td>
<td>Jakop Dalunde, Rebecca Harms, Tilly Metz, Julia Reda, Davor Škrlec</td>
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<tr>
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<td>GUE/NGL</td>
<td>Jaromír Kohlíček, Paloma López Bermejo, Neoklis Sylkiotis</td>
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</tbody>
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Key to symbols:
+ : in favour
- : against
0 : abstention