



**2018/0385(COD)**

28.11.2018

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## **DRAFT REPORT**

on the proposal for a decision of the European Parliament and of the Council on adapting Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency [as amended by Directive 2018/XXX/EU] and Regulation (EU) 2018/XXX of the European Parliament and of the Council [Governance of the Energy Union], by reason of the withdrawal of the United Kingdom from the European Union  
(COM(2018)0744 – C8-0482/2018 – 2018/0385(COD))

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

**on the proposal for a decision of the European Parliament and of the Council on adapting Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency [as amended by Directive 2018/XXX/EU] and Regulation (EU) 2018/XXX of the European Parliament and of the Council [Governance of the Energy Union], by reason of the withdrawal of the United Kingdom from the European Union (COM(2018)0744 – C8-0482/2018 – 2018/0385(COD))**

**(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), and Article 192(1) and (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 (A8-0000/2018),
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 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<sup>6</sup>, as amended by Directive 2018/XXX/EU<sup>7</sup>, requires Member States to set indicative national energy efficiency contributions towards the Union's energy efficiency

*Amendment*

(2) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency<sup>6</sup>, as amended by Directive 2018/XXX/EU<sup>7</sup>, 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<sup>8</sup>.

**targets** of at least 32,5% for 2030. In doing so the Member States should take into account the Union's 2030 energy consumption *in terms of primary and/or final energy*<sup>8</sup>.

Or. en

#### *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 2**

#### **Proposal for a directive**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) Regulation (EU) 2018/XXX [Governance of the Energy Union]<sup>9</sup> 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<sup>10</sup>. The energy consumption at Union level is also relevant for the Commission's assessment of the progress towards collectively achieving the Union's targets<sup>11</sup>.

###### *Amendment*

(3) Regulation (EU) 2018/XXX [Governance of the Energy Union]<sup>9</sup> 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*<sup>10</sup>. The energy consumption at Union level is also relevant for the Commission's assessment of the progress towards collectively achieving the Union's targets<sup>11</sup>.

Or. en

#### *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 3**

#### **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 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 energy consumption levels in 2030.

*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 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 energy consumption levels in 2030.

Or. en

*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 4**

**Proposal for a directive  
Article 3 – paragraph 1**

*Text proposed by the Commission*

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*

Articles 1 and 2 of this Decision are without prejudice to the time **limits** provided in Article 2 of Directive 2018/XXX/EU [**Energy Efficiency**] and Article 59 of Regulation (EU) 2018/XXX [Governance of the Energy Union].

Or. en

### *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 5**

#### **Proposal for a directive Article 4 – paragraph 1**

##### *Text proposed by the Commission*

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*

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.

Or. en

### *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.*



## EXPLANATORY STATEMENT

### 1. Commission proposal

The present proposal for a Decision of the European Parliament and the Council adapting Directive 2012/27/EU [as amended by Directive 2018/XXX/EU] on energy efficiency and Regulation (EU) 2018/XXX [Governance of the Energy Union] is necessitated by the upcoming withdrawal of the United Kingdom from the European Union.

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.