# EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL A6-0020/2006

1.2.2006

## REPORT

with recommendations to the Commission on heating and cooling from renewable sources of energy (2005/2122(INI))

Committee on Industry, Research and Energy

Rapporteur: Mechtild Rothe

(Initiative – Rule 39 of the Rules of Procedure)

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#### DRAFT MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

# with recommendations to the Commission on heating and cooling from renewable sources of energy

#### (2005/2122(INI))

The European Parliament,

- having regard to Article 192, second paragraph of the EC Treaty,
- having regard to Rules 39 and 45 of its Rules of Procedure,
- having regard to its resolution of 29 September 2005 on the share of renewable energy in the EU and proposals for concrete actions<sup>1</sup>,
- having regard to the Communication from the Commission 'Energy for the Future: Renewable Sources of Energy - White Paper for a Community Strategy and Action Plan (COM(1997)0599),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to the report of the Committee on Industry, Research and Energy (A6-0020/2006),
- A. whereas there is at present no provision concerning heating and cooling from renewable sources of energy,
- B. whereas no proposal within the meaning of Rule 39(2) of the Rules of Procedure is in preparation,
- C. whereas directives to promote renewable sources of energy in the fields of electricity and transport have resulted in, or boosted, sustainable development in the Member States,
- D. whereas market developments in renewable energies in the individual Member States, which vary enormously from one to another, are due for the most part not to differences in potential, but rather to different, and in some cases inadequate, political and legal framework conditions,
- E. whereas the promotion of a renewable energy market will help to achieve the new Lisbon objectives by increasing employment in the Member States and by increasing the Member States' and the EU's research and innovation effort,
- F. noting also that the use of waste heat from electricity production processes or industrial processes and free cooling contribute to reducing demand for conventional energy, Member States should identify the potentials for utilisation of these resources, show how they can be exploited more effectively, ensure legal clarity, better information for the public and an increase in research efforts,
- G. having regard to the necessity to amend the Sixth Council Directive 77/388/EEC of 17 May 1997 on the harmonization of the laws of the Member States relating to turnover

<sup>&</sup>lt;sup>1</sup> Adopted texts, P6\_TA(2005)0365.

taxes - Common system of value-added tax: uniform basis of assessment<sup>1</sup> so that Member States may apply a reduced rate of value-added tax to materials and services for the utilisation of renewable heating and cooling,

- 1. Requests the Commission to submit to Parliament by 31 July 2006, on the basis of Article 175(1) of the EC Treaty, a legislative proposal on increasing the share of renewable energy for heating and cooling, following the detailed recommendations below;
- 2. Confirms that the recommendations respect the principle of subsidiarity and the fundamental rights of citizens;
- 3. Considers that the requested proposal will not have any financial implications for the Community budget;.
- 4. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and Council.

<sup>&</sup>lt;sup>1</sup> OJ L 145, 13.6.1977, p. 1.

PE 364.804v02-00

#### ANNEX TO THE MOTION FOR A RESOLUTION

#### DETAILED RECOMMENDATIONS ON THE CONTENT OF THE PROPOSAL REQUESTED

#### A. PRINCIPLES AND AIMS OF THE PROPOSAL

- 1. The objective of the proposal requested is to evaluate and exploit economic potential with the aim of increasing the share of renewable energies used in heating and cooling in the EU from the present level of approximately 10% to a realistic and ambitious figure of at least a double that by 2020.
- 2. An increase in the share of renewable energy used in heating and cooling should make a substantive contribution to securing European energy supplies, to creating jobs and to improving the environment, and significantly reduce demand in the EU for conventional energy, overall energy consumption in the EU heating and the cooling sector, the EU's dependence on oil and gas, in particular, and the cost of energy to consumers for domestic and professional uses.
- 3. The directive is intended to set the framework conditions for national support schemes, with due respect for the principle of subsidiarity and existing European rules in the energy and environmental spheres.
- 4. The potential of renewable sources of energy for heating and cooling, which has so far hardly been tapped, ought to be exploited, provided that the energy and environmental outcomes prove positive and compatible with sustainable production methods. Such action must not provide an excuse for the EU not to become the most energy efficient economy in the world by 2020; in particular, barriers to technologies which are already competitive should be eliminated, where possible by way of collaboration between national and decentralised authorities.
- 5. The directive is intended to allow all the relevant technologies to achieve a high degree of market penetration and development in all Member States. Inter-regional and cross-border co-operation can be enhanced in this field. To this end, appropriate use shall be made of the relevant Community policies and programmes, such as the Framework Programme for Competitiveness and Innovation and the Seventh Framework Programme for Research and Development.
- 6. The economic feasibility of the technologies and procedures concerned is to be accelerated by mass production and mass marketing.

#### **B. MEASURES TO BE PROPOSED**

#### I. Objectives, Definition and Monitoring

- 1. A realistic and ambitious EU target of at least a doubling of the share of renewable heating and cooling by 2020 shall be set, in order to increase that share throughout the EU.
- 2. National binding targets, which take into account current differences in the share of renewable heating and cooling in the Member States and their regions and the potential of each of the relevant technologies and associated analyses, should contribute to reaching that EU target.
- 3. A clear definition should be provided for the forms of energy concerned, namely geothermal, solar thermal (including passive energy), district-heating and district-cooling using renewable sources of energy, ambient heat and biomass (in accordance with Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market<sup>1</sup>), as a basis for action.
- 4. At the latest one year after the entry into force of the directive, Member States should be required to agree on action plans to attain the objectives on the basis of their national potential and target for exploiting renewable sources for heating and cooling. The Member States' action plans should be renewed every three years and submitted to the Commission.
- 5. To assess the EU's energy requirements for heating and cooling and to monitor the growth of the renewable share, an EU-wide monitoring system valid in all Member States should be developed, in order to create a reliable and comparable data resource.

#### II. Dismantling administrative barriers

- 1. Member States must be required to ensure a clear legal framework for the authorisation, control and certification of the use of renewable forms of energy for heating and cooling.
- 2. In authorising the utilisation of renewable energy systems ("RE systems") and associated heating and cooling networks, Member States shall ensure that the remit of the authorities is defined in a clear, efficient and transparent manner.
- 3. Provision shall be made for streamlining and expediting procedures at the appropriate administrative level. The burden of proof as regards the grounds for denying authorisation shall lie with the authorities.
- 4. Administrative charges must be transparent, fair and non-discriminatory and may not constitute covert taxation on resources.

#### **III. National Support Schemes**

<sup>&</sup>lt;sup>1</sup> OJ L 283, 27.10.2001, p. 33.

- 1. Financial incentives should, as a matter of principle, be provided by the Member States, in accordance with the principle of subsidiarity.
- 2. However, national support schemes must comply with the following principles in attaining their objective:
  - a) support should be limited in time and be gradually reduced;

b) security of investments should be achieved by support conditions which are reliable and consistent in the medium term;

c) avoidance of stop-and-go market developments by providing for reliable terms for the support schemes;

d) efficient and systematic support to exploit existing potentials and to achieve the objectives;

e) economic feasibility of renewable energy technologies to be speeded up by extending mass production;

f) account to be taken of the special needs of the technologies involved and long- term objective of fully exploiting the potential of the various technologies;

- g) cost-effective renewable technologies to be supported regardless of their size .
- 3. Where renewable technologies have not yet achieved a high degree of market penetration at competitive prices and development, Member States may consider incentive mechanisms, such as the following:

a) tax advantages/derogations for RE systems and associated heating and cooling networks;

b) direct investment aid;

c) regulatory measures, such as the promotion of the utilisation and/or the mandatory utilisation of RE systems, CHP and local and remote district heating/cooling from renewable energies, in the case of new buildings or renovation work;

d) pay-as-you-go arrangements to cover the costs of subsidized RE systems or of the RE heating/cooling produced, for example, in connection with a quota which is compatible with national objectives; fuels for use in highly efficient CHP systems and remote district heating and cooling systems should not be burdened financially;

e) other mechanisms within the framework of the single market and of the Rules on State aid for the Environment, State aid for innovation and State aid for regional development.

4. In connection with incentive mechanisms, care should be taken to ensure that there is no disproportionate increase in heating and cooling costs for the final consumer.

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#### IV. Accompanying measures

- 1. Member States should seek to ensure that the public is fully informed about possible applications of renewable sources of energy for heating and cooling.
- 2. Member States shall ensure the publication of studies concerning the benefits to consumers from the use of renewable sources of energy for heating and cooling.
- 3. Member States should seek to ensure that the professional groups concerned are familiar with and master the appropriate technologies. Care should be taken to ensure that renewable energy technologies are accorded the importance they deserve in training and further training.
- 4. Member States shall encourage the high quality of the products and services concerned by taking appropriate measures.
- 5. Members shall encourage the public sector to accord priority to heating and cooling from renewable sources of energy as part of procurement policy, taking due account of cost-effectiveness, particularly as regards newly constructed buildings or buildings being renovated.
- 6. The EU shall encourage the launching of EU-wide information campaigns for existing budgetary lines to highlight the use of renewable energies in heating and cooling.
- 7. The EU shall encourage the utilisation of structural and cohesion funds for the support and promotion of renewable heating and cooling.
- 8. Research efforts shall be increased in order to facilitate greater market penetration of renewable energy for heating and cooling.
- 9. Eco-labels for heating and cooling systems should be developed at European level.
- 10. The Member States shall take steps to prevent marginalisation of heating and cooling from highly efficient CHP plants through the development of national support schemes in accordance with Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market<sup>1</sup> (EU-CHP-Directive).
- 11. The Commission is asked to extend the existing Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings<sup>2</sup> to all buildings of more than 200 m<sup>2</sup> with regard to total energy efficiency and the use of renewable energies.
- 12.. The Commission is asked to work with Member States to introduce by 2012, at the latest, minimum building standards for all private homes, based on passive energy (below 10 kW/m2) standards.

<sup>&</sup>lt;sup>1</sup> OJ L 52, 21.2.2004, p. 50.

<sup>&</sup>lt;sup>2</sup> OJ L 1, 4.1.2003, p. 65.

#### **EXPLANATORY STATEMENT**

## **I.)** Why do we need a directive to increase the share of heating and cooling from renewable energy?

One of the most important strategic choices for the future of Europe will be made in the field of energy policy. What is at stake is whether Europe will succeed in achieving a very large measure of energy independence. It can do so only if renewable energy accounts for a growing share of energy consumption and if energy is used more efficiently. Energy independence for Europe's economy will mean above all that its competitiveness is no longer jeopardised by drastic increases and fluctuations in oil and gas prices (Annex 1). Oil, gas, coal and uranium are all finite fossil sources of energy: given the rapidly increasing demand for energy and the alarming climate changes, we cannot rely on these energy sources for our supplies in future.

## 1.) ... because the potential for using renewable energy in heating and cooling is enormous.

There is no doubt that the great potential of renewable energy for heating and cooling is only beginning to be tapped. In Europe, heating accounts for an estimated 50% of total energy requirements (Annex 2). Demand for cooling is also increasing dramatically. In a number of countries peak electricity consumption no longer occurs in winter, but in summer. The market development of cooling from renewable energy must be accelerated above all in order to avert a further increase in electricity consumption. Geothermal and solar thermal energy and biomass are able to replace large amounts of fossil fuels and thereby reduce emissions of CO2 and other harmful substances.

The increasing utilisation of renewable energy in heating offers enormous opportunities for local craft industries, for agriculture, forestry and small- and medium-sized industrial enterprises. The Eastern European Member States with their large agricultural sectors are in a particularly good position to benefit from this development.

Renewable energy as a whole makes an important contribution to Europe's economy. In 2004 the renewable energy sector had an overall turnover of 15 billion euros. The enterprises involved predict that by the year 2020 they will grow by at least 10% annually and attract investments totalling 450 billion euros in Europe (Annex 3). The heating and cooling sectors may account for a large share of this. A European legislative framework is intended to allow the potential of renewable energy for warming and cooling, which has so far been largely ignored, to be fully exploited.

### 2.) ... because only a stable legislative framework can create the necessary market maturity in heating and cooling from renewable energy.

So far there are only a number of regions in Europe, such as Barcelona (mandatory utilisation) or Upper Austria (education and information) with successful strategies - which are largely

independent of budgets - for the use of heating and cooling from renewable energy. This means that over 80% of plants in Europe (Annexes 4, 5 and 6) are concentrated in a few Member States or even regions. This is determined not by different potentials of the regions or Member States, but rather by political framework conditions. Most Member States have aid programmes, such as for example the market incentive programme in Germany, which are all dependent on the budget and cannot therefore be calculated. This means that no Member State pursues a policy of continuous national aid support which could provide the kind of long-term investment and planning security which is so important for energy investments. The result is a stop-and-go market development which has not led to any genuine market penetration or the establishment of sustainable industries. A higher degree of market penetration is, however, necessary in order to achieve economic feasibility through mass production and marketing. A European directive which provides a legislative framework for national aid instruments is intended to provide such a long-term and stable strategy in all Member States.

The European Union has already pursued such a strategy in adopting Directive 2001/77/EC 'on the promotion of electricity produced from renewable energy sources in the internal electricity market' and Directive 2003/30/EC 'on the promotion of the use of biofuels or other renewable fuels for transport'. These European provisions in the electricity and transport sectors create clear framework conditions with national targets and ensure that legislative and other measures are taken in all Member States to achieve the targets. These developments have led to a rising share of renewable sources of energy, the further development of innovative technologies and the creation of new skilled jobs in almost all Member States (Annex 7). It was the legislative framework, rather than intensity of sun or wind that was decisive both now and in the pass. Measures that have proved successful for electricity generation from renewable sources and biofuels must now be applied with whatever adjustments are needed to heating and cooling. The legislative gap must be closed!

The biomass action plan which the Commission is due to unveil at the end of November 2005 will not in itself be enough to achieve the sustainable development of all renewable heating and cooling technologies. It can only be regarded as a measure in a specific sector which complements a directive.

## 3.) ... because this is the only way in which a share of renewable sources of energy in total energy consumption of 12% by 2010 and 20% by 2020 can be achieved.

For years the European Union has been pursuing a policy of sustainable energy supplies. In the 1997 White Paper, the European Union set the target of increasing the share of renewable energy in the EU's total energy consumption to 12% by 2010 (Annex 8). In its recent report 'on the share of renewable energy in the EU', the European Parliament had demanded that renewable sources account for at least 20% by 2020 and considered a share of 25% by 2020 to be feasible.

These targets can only be achieved if efforts are stepped up to increase the share of renewable energy in the electricity and transport sectors on the one hand, but also, more particularly, in heating and cooling. In its communication on 'the share of renewable energy in the EU' of 26 May 2004, the Commission estimates that *'with the measures that have been put in place (...) the share of renewable energy sources in the EU 15 is on course to reach 10% in 2010. The shortfall compared to the 12% target is caused by sluggish growth of renewable energy markets for heating and cooling, leading to the conclusion that considerable extra action is* 

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#### needed in this sector to enable the full 12% target to be reached.'

The Commission has identified the problem, but has not so far taken any legislative measures, while the European Parliament is convinced of the need for such measures and in its report on the communication (the Turmes report, see above), which was adopted by a large majority, called for a directive to increase the share of heating and cooling generated by renewable energy. The present legislative own-initiative report now commits the Commission to respond to Parliament's demands.

#### II.) What should a directive contain?

Although the heating sector functions structurally in a different way from the electricity market, a directive can create both a legislative framework for national support schemes and nationally binding objectives for a share of renewable sources of energy (Annexes 9 and 10). Furthermore, a standard Europe-wide monitoring system must be developed (1). This monitoring will be essential for the future of energy supplies. This is the only way to assess European energy requirements for heating and cooling and oversee the growth of the renewable share.

Your rapporteur is not proposing a special support scheme. In accordance with the principle of subsidiarity, each Member State should decide by itself which incentives should be provided. However, it is absolutely critical these instruments be based on certain principles (III). It is particularly important that investment and planning security are provided by supporting conditions which are stable in the medium and long-term. In this way, stop-and-go market developments will be averted and market maturity achieved as rapidly as possible by mass production and mass marketing. The financing of renewable technologies in the heating sector should therefore concentrate above all on initial investment costs, since these are still in part significantly higher than for fossil technologies. Wood pellets and, of course, solar or geothermal energy are already often cheaper than oil or gas - and of course cost virtually nothing (Annex 11). Once market maturity has been achieved, support schemes must stop. In order to ensure that incentives actually function and have the desired effect, existing administrative barriers must be dismantled (II). It is particularly important to create legal clarity for the use of renewable sources of energy for heating and cooling - this applies particularly to geothermal energy - and authorisation procedures must be clear, efficient and transparent and have priority for renewables.

Finally, accompanying measures (IV) are particularly important so as to provide comprehensive information, to introduce the appropriate technologies to the professional groups which will be applying them and to ensure quality standards. A further important measure is the adaptation of the Value Added Tax directive 77/388/EEC, since Member States are currently entitled to apply a reduced rate of VAT only to electricity and gas consumption, but not to renewable energy technologies.

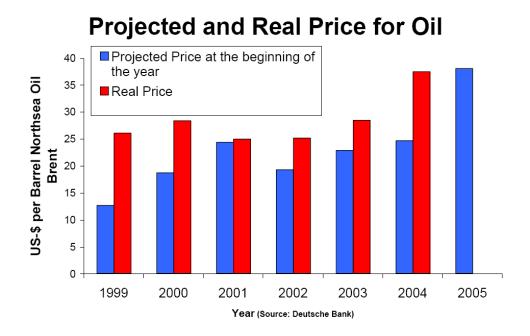
#### **III.)** Conclusion

The European Parliament has already adopted an own-initiative report calling on the Commission to take action in the field of renewable energy. In 1996 it had called upon the Commission to put forward a strategy to promote renewable sources of energy. The Commission responded with its milestone White Paper on renewable energies which led later

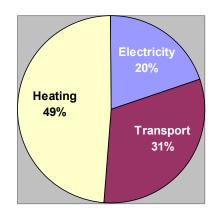
to the abovementioned directives on electricity from renewables, on biofuels and on buildings. This is an important initiative by Parliament to produce a directive to cover heating and cooling as well. It will contribute not only to securing Europe's energy supplies, but also to attaining the Kyoto and Lisbon objectives.

#### ANNEXES

#### Annex, 1:



Annex, 2: Primary Energy Consumption by sector, EU-25



Source: elaboration based on Eurostat data

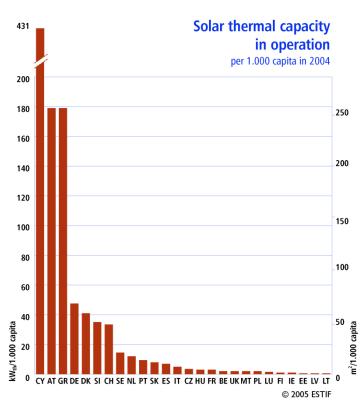
#### **Annex, 3:** Forecasted investment in RES technologies

Investments (in billion €)			
	2001-2010	2011-2020	2001-2020
Wind	55	101	156
Photovoltaic	10	66	76
Biomass	44	45	89
Hydro	11	9	20
Geothermal	4	7	11
Solar Thermal	16	75	91
TOTAL RES	140	303	443

# The implementation of new policies to promote renewable energy sources will have a considerable impact on the amount of investments made in this sector. In order to reach the target an investment of at least €443 billion in renewable energy is needed over the period 2001-2020.

Source: EREC





This diagram shows the strong imbalance in the use of solar thermal heating and cooling in the EU. If the whole EU was at the same level as Austria today, we would have a solar thermal capacity in operation of 82.000 MW<sub>th</sub>, providing more than 70 TWh of solar thermal energy, replacing substantial amounts of precious fossil fuels or electricity. Instead, the current EU average is less than 21 kW<sub>th</sub>

per 1000 inhabitants, and many countries with high potential are much below the average.

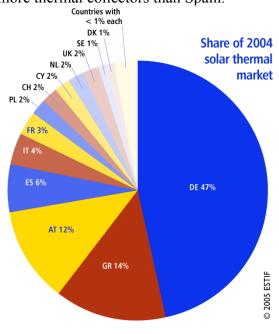
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#### Annex, 5:

"Solar thermal energy has taken off only in Germany, Greece, Austria and Cyprus. At the end of 2002 the installed surface of solar collectors in the EU15 was nearly 12.8 million square metres, compared with around 11.8 at the end of 2001. This increase was led by the German market. In 2002, 80% of the total solar thermal capacity of the EU15 was installed in the three leader countries. Austria, for example, has 9 times more thermal collectors than Spain.

Among the new Member States, Cyprus stands out with about 600,000 square metres installed."

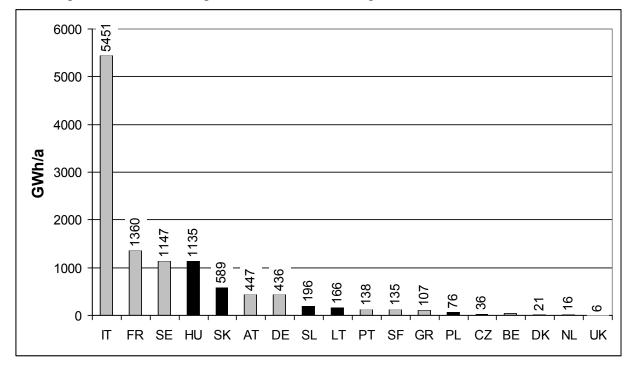
source: Communication from the Commission to the Council and the European Parliament "The share of renewable energy in the EU"



Annex,6:

Geothermal energy use in the enlarged EU 2004

This diagram shows the strong imbalance in the use of geothermal use in the EU.

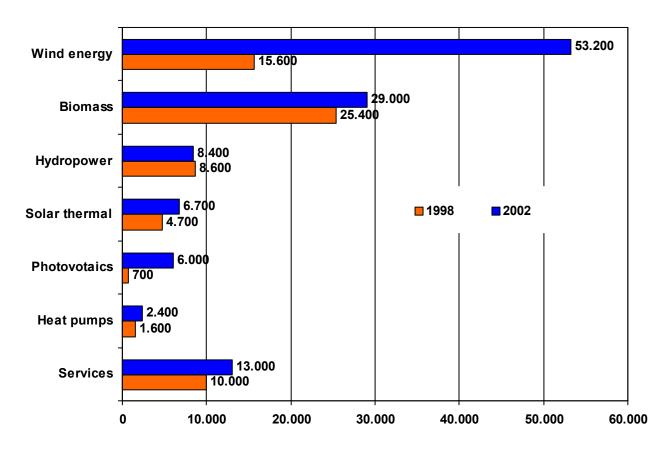


Source: country update reports of WGC

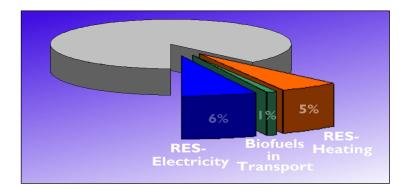
#### Annex, 7:

The introduction of favourable policies for renewables electricity has led to a significant increase in employment in the sector in Germany (as an example). The main effects were during the last four years.

Source: Ministry for Environment, Germany



Annex, 8: Allocation of 12% RES target per sector



Source: ESTIF

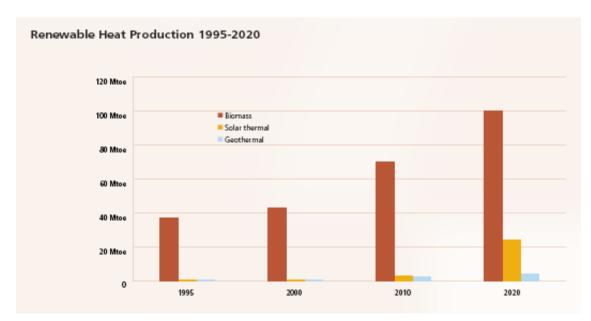
The targets included in the Directive 2001/77/EC on the promotion of renewable electricity correspond roughly to 6% of the EU's primary energy consumption, i.e. half of the 12% target

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set in the White Book of 1997.

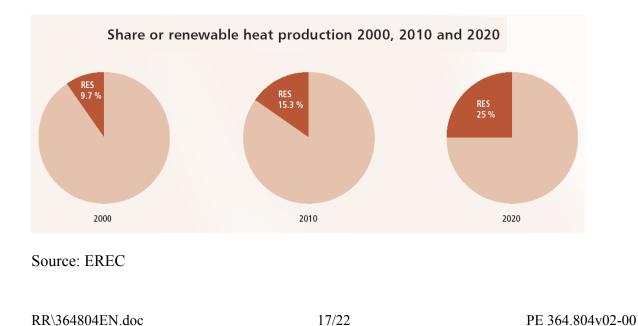
The target included in the Directive 2003/30/EC on the promotion of biofuels or other renewable fuels for transport correspond to roughly 1% of the EU's primary energy consumption.

5% are missing to reach the EU 12% target. This 5% can come only from renewable heating and cooling.



#### Annex, 9, 10:

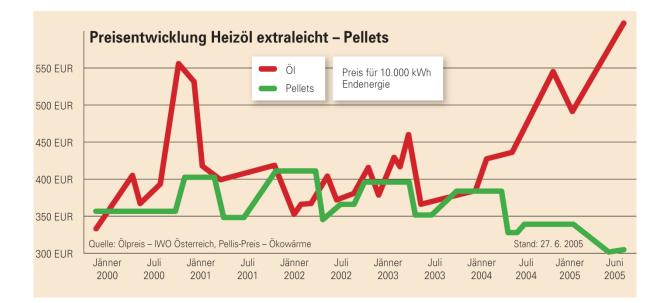
The projection sees the share of RES heat production in 2020 reach 25%, which means that a quarter of total heat generation in the EU-15 can come from renewable energy sources, provided that favourable policy frameworks are introduced.



#### Annex, 11:

This graph shows the price development of oil for heating purposes and wood pellets in Austria.

Sources: IWO Österreich, Tecson GmbH, Ökowärme



#### **OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS**

Mr Giles Chichester Chairman Committee on Industry, Research and Energy BRUSSELS

Subject: Legal basis of the own-initiative report on Heating and Cooling from Renewable Energy Sources (2005/2122(INI))

Dear Mr Chairman,

By letter of 2 December 2005 you asked the Committee on Legal Affairs pursuant to Rule 35(2) to consider whether the legal basis of the above own-initiative report was valid and appropriate.

The Committee considered that question at its meeting of 16 January 2006.

Article 175(1) of the EC Treaty

ITRE proposes that Article 175(1) of the EC Treaty should be taken as the legal basis:

*Article* 175(1)

1. The Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Community in order to achieve the objectives referred to in Article 174.

Article 174, to which Article 175(1) refers, provides as follows:

*Article* 174(1)

1. Community policy on the environment shall contribute to pursuit of the following objectives:

*— preserving, protecting and improving the quality of the environment,* 

*— protecting human health,* 

- prudent and rational utilisation of natural resources,

*— promoting measures at international level to deal with regional or worldwide environmental problems.* 

#### Energy

Article 3(1)(u) of the EC Treaty provides that the activities of the Community are to include "measures in the sphere of energy ...". But there is no specific legal basis for energy and in

Declaration (No 1) on civil protection, energy and tourism annexed to the EU Treaty the Commission declared that Community action in those spheres would be pursued on the basis of the present provisions of the Treaties establishing the European Communities. Neither the Amsterdam Treaty nor the Treaty of Nice gave effect to the declaration of the 1992 Intergovernmental Conference that, upon a subsequent amendment of the Treaty, titles on those spheres might be included<sup>1</sup>.

#### The aim and content of the own-initiative report

It appears from the Annex to the draft motion for a resolution that the prime aim of the proposal is environmental (see, in particular, the third indent of Article 174(1) of the EC Treaty: "the prudent and rational utilisation of natural resources"). Paragraphs 1 and 2 of Section A state as follows: "The objective of the proposal is to increase the share of renewable energy used for heating and cooling in the EU from the present level of approximately 10% to 25% by 2020" and "An increase in the share of renewable energy used for heating and cooling should make a substantive contribution to securing European energy supplies and significantly reduce Europe's dependence on oil and gas in particular".

Those aims are to be secured by exploiting the potential of renewable sources of energy for heating and cooling and allowing the relevant technologies to achieve a high degree of market penetration and development, which is to be facilitated by mass production and mass marketing (Section A, paragraphs 4, 5 and 6).

The proposal seeks to have EU and national targets set to increase the share of renewable heating and cooling from the present 10% to 25% by 2020 (Section B1, paragraphs 1 and 2). The forms of energy concerned are defined as geothermal, solar thermal and biomass.

Other aims include an action plan agreed as between the Member States and a Europe-wide monitoring system designed to assess requirements for heating and cooling and monitor the growth of the renewable share (Section B1, paragraphs 4 and 5).

Under Section BII, ITRE proposes to remove administrative barriers to building renewable energy plants.

Under Section BIII, a number of principles are set out which national financial instruments must comply with. Moreover, a number of incentive mechanisms are proposed (including tax advantages, direct investment aid, etc).

Lastly provision is made for public information campaigns and the possibility of applying a reduced rate of VAT to materials and services for the utilisation of heating and cooling (Section BIV).

#### Conclusion

In the light of the aim and content of the proposed measure, it is considered that the appropriate legal basis is Article 175(1).

At its meeting of 16 January 2006 the Committee on Legal Affairs accordingly decided,

<sup>&</sup>lt;sup>1</sup> See Lenaerts and Van Nuffel, Constitutional Law of the EU, Sweet & Maxwell, London., 2005, para. 5-005.

unanimously<sup>1</sup>, to recommend that you retain Article 175(1) of the EC Treaty as the legal basis.

Yours sincerely,

Giuseppe Gargani

<sup>&</sup>lt;sup>1</sup> The following were present for the vote Giuseppe Gargani (chairman), Diana Wallis (draftswoman), Maria Berger, Bert Doorn, Monica Frassoni, Jean-Paul Gauzès (for Kurt Lechner), Klaus-Heiner Lehne, Antonio Masip Hidalgo, Manuel Medina Ortega (for Nicola Zingaretti), Aloyzas Sakalas and Jaroslav Zvěřina.

#### PROCEDURE

Title	Heating and cooling from renewable sources of energy		
Procedure number	2005/2122(INI)		
Legal basis	Article 192, second paragraph, EC		
Basis in Rules of Procedure	Rules 39 and 45		
Committee responsible	ITRE		
Date authorisation announced in plenary Rule 45 Rule 39	4.7.2005 15.12.2005		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI JURI   4.7.2005 4.7.2005		
Not delivering opinion(s) Date of decision	ENVI 12.7.2005		
Enhanced cooperation Date announced in plenary			
Motion(s) for resolution(s) included in report			
Rapporteur(s) Date appointed	Mechtild Rothe 25.5.2005		
Previous rapporteur(s)			
Discussed in committee	29.8.2005		
Date adopted	26.1.2006		
Result of final vote	for:39against:0abstentions:3		
Members present for the final vote	Jan Březina, Jerzy Buzek, Joan Calabuig Rull, Giles Chichester, Den Dover, Lena Ek, Nicole Fontaine, Norbert Glante, Fiona Hall, David Hammerstein Mintz, Rebecca Harms, Erna Hennicot-Schoepges, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Vincenzo Lavarra, Eluned Morgan, Angelika Niebler, Reino Paasilinna, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Andres Tarand, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal- Quadras Roca, Dominique Vlasto		
Substitutes present for the final vote	Daniel Caspary, Matthias Groote, Malcolm Harbour, Edit Herczog, Gunnar Hökmark, Mieczysław Edmund Janowski, Peter Liese, Erika Mann, Lambert van Nistelrooij, Vittorio Prodi		
Substitutes under Rule 178(2) present for the final vote			
Date tabled – A6	1.2.2006 A6-0020/2006		
Comments			