DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Industry, Research and Energy

on the proposal for a directive of the European Parliament and of the Council on energy efficiency (recast)

Rapporteur for opinion: Eleonora Evi
PA_Legam
Energy efficiency is our first fuel. As also pointed out by the International Energy Agency (IEA)\(^1\), scaling up energy efficiency improvements must be our priority this decade. This will give us a chance to meet the 1.5 C Paris goal, while bringing along environmental, health, social, and economic benefits. Yet, so far, energy efficiency has been the weak point of the Union and Member States’ climate action.

Coherently with the ambitious position taken during the last revision of this Directive, the Parliament, and specifically our committee, should propose to set the 2030 energy efficiency target at a level allowing Europe to exploit its full energy efficiency technical potential, while maximising its contribution to the achievement of the 1.5 C Paris goal. In my draft opinion, I propose setting a minimum 45% Union’s energy efficiency target compared to projections from the 2007 reference scenario. As there are substantial differences between the 2007 and the new 2020 reference scenarios, and as the Impact Assessment does not include correlation tables, I will leave the task to translate the 45% target into the equivalent percentage using the new scenario to ITRE, the lead committee.

National annual energy savings obligations set by former Article 7, now Article 8, have been one of the most successful elements of the Directive so far. To reflect the increased Union energy efficiency ambition, I suggest increasing the annual energy savings obligation from 1.5% to 2%.

Higher objectives alone will not trigger the necessary action. To be successful, the EU target must be underpinned by a robust governance, by clear requirements to mainstream energy efficiency in all sectors (“energy efficiency first”), and by ambitious flanking measures.

To strengthen the governance framework, I suggest setting binding national contributions solely based on the formula included in Annex I. Providing Member States with discretion to set their contributions has been an unsuccessful approach, as proven by the collective 2.8/3.1 percentage points gap compared to the current target resulting from the sum of National Energy and Climate Plans (NECPs). 2030 is at our doorstep, so there is no time to lose in iterations to establish each Member State’s fair share.

I welcome the proposed energy efficiency first article, but I suggest strengthening it with clearer implementation and reporting requirements, to make sure that all the benefits associated with energy efficiency measures are fully considered across all relevant sectors and across all Member States.

The main suggestions I make to strengthen the measures underpinning the achievement of the target are as follows:

- Reinforce the public sector’s role as driver of demand for best performing buildings, but also services and products;

- Give an exemplary role also to social infrastructure - in line with the Renovation Wave Strategy - requiring also private buildings providing a social service to fulfil an annual

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renovation rate requirement;

- Strengthen consideration of the link between resource consumption - particularly water - and energy consumption within energy audits, energy management systems, energy performance contracting and in public procurement rules;

- Require the exploitation of the energy efficiency potential among a larger group of consumers, by making audits and energy management systems mandatory also for smaller enterprises as well as for wastewater treatment plants, improving the quality and use of energy audits, and creating the basis for the definition of energy efficiency requirements for data centres.

An additional subject on which I have suggested amendments is heating and cooling. This Directive must support a more rapid shift towards an efficient and renewable energy based district heating and cooling sector. Examples of cities across Europe with H&C systems running on 100% renewable energy exist\(^2\), so new efficient district H&C systems today should be defined as systems that are only based on renewable energy. Considering the long life-time of district H&C systems, the Directive should not allow refurbished district H&C to be defined as efficient if they do not rely 100% on renewable energy beyond 2035, or else Europe would miss its climate neutrality target by 2050 at the latest.

Finally, to address the lack of robust data around energy efficiency improvements experienced with the current Directive, I suggest requiring regular, independent ex-post audits of declared energy efficiency improvements.

\(^2\) Integrating renewable and waste heat and cold sources into district heating and cooling systems, JRC, 2021
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

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AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the
following amendments:

**Amendment 1**

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

(8) The sum of national contributions communicated by Member States in their National Energy and Climate Plans (NECPs) falls short of the Union’s level of ambition of 32.5%. The contributions collectively would lead to a reduction of 29.4% for final energy consumption and 29.7% for primary energy consumption compared to the projections from the 2007 reference scenario for 2030. That would translate in a collective gap of 2.8 percentage points for primary energy consumption and 3.1 percentage points for final energy consumption for the EU 27.

*Amendment*

(8) The sum of national contributions communicated by Member States in their National Energy and Climate Plans (NECPs) falls short of the Union’s level of ambition of 32.5%. The contributions collectively would lead to a reduction of 29.4% for final energy consumption and 29.7% for primary energy consumption compared to the projections from the 2007 reference scenario for 2030. That would translate in a collective gap of 2.8 percentage points for primary energy consumption and 3.1 percentage points for final energy consumption for the EU 27.

*To address this ambition gap issue a clear formula is needed for the calculation of national binding contributions which collectively deliver the Union’s binding energy efficiency target.*

**Amendment 2**

**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

(11) This Directive takes a step forward towards climate neutrality by 2050, under which energy efficiency is to be treated as an energy source in its own right. The energy efficiency first principle is an overarching principle that should be taken into account across all sectors, going beyond the energy system, at all levels, including in the financial sector. Energy

*Amendment*

(11) This Directive takes a step forward towards climate neutrality by 2050, under which energy efficiency is to be treated as an energy source in its own right. The energy efficiency first principle is an overarching principle that should be taken into account across all sectors, going beyond the energy system, at all levels, including in the financial sector. Energy
efficiency solutions should be considered as the first option in policy, planning and investment decisions, when setting new rules for the supply side and other policy areas. While the energy efficiency first principle should be applied without prejudice to other legal obligations, objectives and principles, they should also not hamper its application or exempt from applying the principle. The Commission should ensure that energy efficiency and demand-side response can compete on equal terms with generation capacity. Energy efficiency improvements need to be made whenever they are more cost-effective than equivalent supply-side solutions. That should help exploit the multiple benefits of energy efficiency for the Union, in particular for citizens and businesses. Implementing energy efficiency improvement measures should also be a priority in alleviating energy poverty.

The energy efficiency first principle should be applied at all decision-making levels: Union, national and local. At Union level, the energy efficiency first principle has recently been enshrined in energy and climate law, notably in Regulation (EU) 2018/1999 of the European Parliament and of the Council,1a in Directive 2019/944 of the European Parliament and of the Council,1b in Regulation 347/2013 of the European Parliament and of the Council,1c and in this Directive. In the financial area, it has been introduced in Regulation (EU) 2020/852 of the European Parliament and of the Council.1d The Commission should provide clarity as to how it will propose to apply the principle to the remaining parts of the Union energy and climate policy and investment frameworks, as well as to all other relevant Union policies, for instance in the environment, transport, and financial areas. The Commission should ensure that energy efficiency and demand-side response can compete on equal terms with generation capacity. Energy efficiency improvements need to be made whenever they are more cost-effective than equivalent supply-side solutions. That should help exploit the multiple benefits of energy efficiency for the Union, in particular for citizens and businesses. Implementing energy efficiency improvement measures should also be a priority in alleviating energy poverty.

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Amendment 3
Proposal for a directive
Recital 12 a (new)
(12a) The principle complements the Circular Economy Action Plan. Designing products and infrastructures for longer lifetimes, or re-using and recycling raw materials, leads to lower energy consumption and GHG emissions along the life-cycle of products and infrastructures. Applying circularity to the building sector, for instance, can lead to significant co-benefits in terms of energy and resource efficiency, decarbonisation and depollution.

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 4

Proposal for a directive
Recital 13

(13) The energy efficiency first principle was defined in the Regulation (EU) 2018/1999 of the European Parliament and of the Council and is at the core of the Energy System Integration Strategy as well as the Renovation Wave Strategy. While the principle is based on cost-effectiveness, its application has wider implications, which can vary depending on the circumstances. The Commission prepared dedicated guidelines for the operation and application of the principle, by proposing specific tools and examples of application in various sectors. The Commission has also issued a recommendation to Member States that builds on the requirements of this Directive and calls for specific actions in relation to the application of the principle. The energy efficiency first principle builds on those
non-binding guidelines and recommendation, and enshrines in legislation their key elements. The Commission should supplement the guidelines and recommendation with sector-specific manuals and case studies.


52a A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives COM(2020) 662 final

Amendment 5
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) In order to have an impact, the energy efficiency first principle needs to be consistently applied by decision makers in all relevant policy, planning and major investment decisions – that is to say large-scale investments with a value of more than 50 euro million each or 75 euro

Amendment

(14) In order to have an impact, the energy efficiency first principle needs to be consistently applied by decision makers in all relevant policy, planning and investment decisions affecting, directly or indirectly, energy consumption or supply. The proper application of the principle
million for transport infrastructure projects – affecting energy consumption or supply. The proper application of the principle requires using the right cost-benefit analysis methodology, setting enabling conditions for energy efficient solutions and proper monitoring. Demand side flexibility can bring significant benefits to consumers and to society at large, and can increase the efficiency of the energy system and decrease the energy costs, for example by reducing system operation costs resulting in lower tariffs for all consumers. Member States should take into account potential benefits from demand side flexibility in applying the energy efficiency first principle and where relevant consider demand response, energy storage and smart solutions as part of their efforts to increase efficiency of the integrated energy system.

Amendment 6
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) It is projected that the 32,5% Union’s energy efficiency target for 2030 and the other policy instruments of the existing framework would lead to a reduction in GHG emission of about 45% by 2030. For an increased climate ambition of a 55% decrease of GHG emissions by 2030, the impact assessment of the 2030 Climate Target Plan assessed what level of efforts would be needed in the different policy areas. It concluded that, in relation to the baseline, achieving the GHG emissions target in a cost-optimal way meant that final and primary energy consumption are to decreased by at least

Amendment

(21) It is projected that the 32,5% Union’s energy efficiency target for 2030 and the other policy instruments of the existing framework would lead to a reduction in GHG emission of about 45% by 2030. For an increased climate ambition of a 55% decrease of GHG emissions by 2030, the impact assessment of the 2030 Climate Target Plan assessed what level of efforts would be needed in the different policy areas. It concluded that, in relation to the baseline, achieving the GHG emissions target in a cost-optimal way meant that final and primary energy consumption are to decreased by at least 36-37% and 39-41% respectively.
According to the latest United Nations (UN) Environment Programme Emissions Gap report\textsuperscript{59a}, current countries’ climate plans would lead to 2.4°C global warming, while the Paris Agreement aims to keep global warming below 1.5°C. Hence, at the 26th Conference of the Parties (COP) to the UN Framework Convention on Climate Change of 31 October - 12 November 2021, it was concluded that countries should revise their plans to keep the 1.5°C within reach. Europe has the responsibility to at least ensure that sectoral law of the “Fit for55” package allows overshooting the 2030 and 2050 GHG emissions targets set by Regulation (EU) 2021/1119 of the European Parliament and of the Council\textsuperscript{59b}. The Target Plan identified the cost-optimal energy efficiency potential, but the technical energy efficiency potential is higher. With the appropriate regulatory and financial framework, tapping the energy efficiency technical potential can be economically viable. Accelerating investments in energy efficiency means creating additional jobs, further reducing consumers’ energy bills, and more easily achieving Europe’s shift away from fossil fuels.

\textsuperscript{59} Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank – A Clean Planet for all A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy (COM(2018) 773 final).

\textsuperscript{59a} Emissions Gap Report 2021, UN Environment Programme.

Amendment 7

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) The Union’s energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union’s 2030 energy efficiency target is set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 9% in 2030 compared to the level of efforts under the 2020 Reference Scenario. The new way of expressing the level of ambition for the Union’s targets does not affect the actual level of efforts needed and corresponds to a reduction of 36% for final and 39% for primary energy consumption respectively when compared to the 2007 Reference Scenario projections for 2030.

Amendment

(22) This Directive sets the increased Union’s energy efficiency ambition at least 45% in 2030 compared to the 2007 Reference Scenario.
Amendment 8

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) The need for the Union to improve its energy efficiency should be expressed in primary and final energy consumption, to be achieved in 2030, indicating additional level of efforts required when compared to the measures in place or planned measures in the national energy and climate plans. The 2020 Reference Scenario projects 864 Mtoe of final energy consumption and 1124 Mtoe of primary energy consumption to be reached in 2030 (excluding ambient heat and including international aviation). An additional reduction of 9% results in 787 Mtoe and 1023 Mtoe in 2030 respectively. Compared to 2005 levels, it means that final energy consumption in the Union should be reduced by some 23% and primary energy consumption should be reduced by some 32%. There are no binding targets at Member State level in the 2020 and 2030 perspective, and Member States should establish their contributions to the achievement of the Union’s energy efficiency target taking into account the formula provided in this Directive. Member States should be free to set their national objectives based either on primary or final energy consumption or primary or final energy savings, or on energy intensity. This Directive amends the way how Member States should express their national contributions to the Union’s target. Member States’ contributions to the Union’s target should be expressed in final and primary energy consumption to ensure consistency and monitoring of progress. A regular evaluation of progress towards the achievement of the Union's 2030 targets is necessary and is provided for in Regulation (EU) 2018/1999.

Amendment

(24) The need for the Union to improve its energy efficiency should be expressed in primary and final energy consumption, to be achieved in 2030, indicating additional level of efforts required when compared to the measures in place or planned measures in the national energy and climate plans. The 2020 Reference Scenario projects 864 Mtoe of final energy consumption and 1124 Mtoe of primary energy consumption to be reached in 2030 (excluding ambient heat and including international aviation). An additional reduction of 9% results in 787 Mtoe and 1023 Mtoe in 2030 respectively. Compared to 2005 levels, it means that final energy consumption in the Union should be reduced by some 23% and primary energy consumption should be reduced by some 32%. There are no binding targets at Member State level in the 2020 and 2030 perspective, and Member States should establish their contributions to the achievement of the Union’s energy efficiency target taking into account the formula provided in this Directive. Member States should be free to set their national objectives based either on primary or final energy consumption or primary or final energy savings, or on energy intensity. This Directive amends the way how Member States should express their national contributions to the Union’s target. Member States’ contributions to the Union’s target should be expressed in final and primary energy consumption to ensure consistency and monitoring of progress. A regular evaluation of progress towards the achievement of the Union's 2030 targets is necessary and is provided for in Regulation (EU) 2018/1999. To reach its climate neutrality objective by 2050, the Union
will have to continue to improve energy efficiency beyond 2030; to provide predictability and confidence for all economic actors and governments, the Commission should by 2025 make proposals for adequate post-2030 Union and national energy efficiency targets. Such targets, like overall new Union GHG emissions targets, should be based on five-year cycles, to reflect the international commitment taken at the 26th COP.

Or. en

**Justification**

*Necessary for the internal logic and for coherence of the text.*

**Amendment 9**

**Proposal for a directive**

**Recital 32**

*Text proposed by the Commission*

(32) Buildings and transport, alongside industry, are the main energy users and main source of emissions. Buildings are responsible for about 40% of the Union’s total energy consumption and for 36% of its GHG from energy. The Commission Communication entitled Renovation Wave addresses the twin challenge of energy and resource efficiency and affordability in the building sector and aims at doubling the renovation rate. It focusses on the worst performing buildings, energy poverty and on public buildings. Moreover, buildings are crucial to achieving the Union objective of reaching climate neutrality by 2050. Buildings owned by public bodies account for a considerable share of the building stock and have high visibility in public life. It is therefore appropriate to set an annual rate of renovation of buildings owned by public bodies on the territory of a Member

*Amendment*

(32) Buildings and transport, alongside industry, are the main energy users and main source of emissions. Buildings are responsible for about 40% of the Union’s total energy consumption and for 36% of its GHG from energy. The Commission Communication entitled Renovation Wave addresses the twin challenge of energy and resource efficiency and affordability in the building sector and aims at doubling the renovation rate. It focusses on the worst performing buildings, energy poverty and on public buildings and social infrastructure. Moreover, buildings are crucial to achieving the Union objective of reaching climate neutrality by 2050. Buildings owned or occupied by public bodies and buildings providing social services, such as education (kindergartens, schools, universities), health (hospitals and other health care facilities) and social
Member States are invited to set a higher renovation rate, where that is cost-effective in the framework of the renovation of their buildings stock in conformity with their Long Term Renovation Strategies or national renovation programmes. That renovation rate should be without prejudice to the obligations with regard to nearly-zero energy buildings (NZEBs) set in Directive 2010/31/EU of the European Parliament and of the Council. During the next review of Directive 2010/31/EU, the Commission should assess the progress Member States achieved regarding the renovation of public bodies’ buildings. The Commission should consider submitting a legislative proposal to revise the renovation rate, while taking into account the progress achieved by the Member States, substantial economic or technical developments, or where needed, the Union’s commitments for decarbonisation and zero pollution. The obligation to renovate public bodies’ buildings in this Directive complements that Directive, which requires Member States to ensure that when existing buildings undergo major renovation their energy performance is upgraded so that they meet the requirements on NZEBs.

assistance (social housing, and community centers serving the youth, elderly, or low-income people), account for a considerable share of the building stock and have high visibility in public life. It is therefore appropriate to set an annual rate of deep renovation of buildings owned or occupied by public bodies and building fulfilling a social service function on the territory of a Member State to reach the highest energy performance levels set by Directive (EU) 2022/... of the European Parliament and of the Council [on the energy performance of buildings].

Member States are invited to set a higher renovation rate, where that is cost-effective in the framework of the renovation of their buildings stock in conformity with their Long Term Renovation Strategies or national renovation programmes. That renovation rate should be without prejudice to the obligations with regard to nearly-zero energy buildings (NZEBs) set in Directive 2010/31/EU of the European Parliament and of the Council. During the next review of Directive 2010/31/EU, the Commission should assess the progress Member States achieved regarding the renovation of public bodies’ buildings. The Commission should consider submitting a legislative proposal to revise the renovation rate, while taking into account the progress achieved by the Member States, substantial economic or technical developments, or where needed, the Union’s commitments for decarbonisation and zero pollution. The obligation to renovate buildings owned or occupied by public authorities and privately owned and occupied buildings providing social infrastructure in this Directive complements that Directive, which requires Member States to ensure that when existing buildings undergo major renovation their energy performance is upgraded so that they meet the requirements on NZEBs.
61 COM/2020/562 final.
62 See IRP, Resource Efficiency and Climate Change, 2020, and UN Environment Emissions Gap Report, 2019. These figures refer to the use and operation of buildings, including indirect emissions in the power and heat sector, not their full life cycle. The embodied carbon in construction is estimated to account for about 10% of total yearly greenhouse gas emissions worldwide.

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 10

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) The European Green Deal recognises the role of circular economy in contributing to overall Union decarbonisation objectives. The public sector can contribute to those objectives by using their purchasing power to, where appropriate, choose environmentally friendly products, buildings, services and works via available tools for green public procurement, and thus making an important contribution to reduce energy consumption and environmental impacts.

Amendment

(38) The European Green Deal recognises the role of circular economy in contributing to overall Union decarbonisation objectives. The public sector can contribute to those objectives by using their purchasing power to choose environmentally friendly products, buildings, services and works via available tools for green public procurement, and thus making an important contribution to reduce energy consumption and environmental impacts.
Amendment 11
Proposal for a directive
Recital 39

Text proposed by the Commission

(39) It is important that Member States provide the necessary support to public bodies in the uptake of energy efficiency requirements in public procurement and, where appropriate, use of green public procurement, by providing necessary guidelines and methodologies on carrying out the assessment of life-cycle costs, and environment impacts and costs. Well-designed tools, in particular digital tools, are expected to facilitate the procurement procedures and reduce the administrative costs especially in smaller Member States that may not have sufficient capacity to prepare tenders. In this regard, Member States should actively promote the use of digital tools and cooperation amongst contracting authorities including across borders for the purpose of exchanging best practice.

Amendment

(39) It is important that Member States provide the necessary support to public bodies in the uptake of energy efficiency requirements in public procurement and use of green public procurement, by providing necessary guidelines and methodologies on carrying out the assessment of life-cycle costs, and environment impacts and costs. Well-designed tools, in particular digital tools, are expected to facilitate the procurement procedures and reduce the administrative costs especially in smaller Member States that may not have sufficient capacity to prepare tenders. In this regard, Member States should actively promote the use of digital tools and cooperation amongst contracting authorities including across borders for the purpose of exchanging best practice.

Amendment 12
Proposal for a directive
Recital 47

Text proposed by the Commission

(47) Member States are required to achieve cumulative end-use energy savings for the entire obligation period up to 2030, equivalent to new annual savings of at least 0,8% of final energy consumption up to 31 December 2023 and of at least 1,5% as of 1 January 2024. That requirement could be met by new policy measures that are adopted during the obligation period from 1 January 2021 to 31 December 2030 or by

Amendment

(47) Member States are required to achieve cumulative end-use energy savings for the entire obligation period up to 2030, equivalent to new annual savings of at least 0,8% of final energy consumption up to 31 December 2023 and of at least 2% as of 1 January 2024. That requirement could be met by new policy measures that are adopted during the obligation period from 1 January 2021 to 31 December 2030 or by
new individual actions as a result of policy measures adopted during or before the previous period, provided that the individual actions that trigger energy savings are introduced during the following period. To that end, Member States should be able to make use of an energy efficiency obligation scheme, alternative policy measures, or both.

(50) When designing policy measures to fulfil the energy savings obligation, Member States should respect the climate and environmental standards and priorities of the Union and comply with the principle of ‘do no significant harm’ within the meaning of Regulation (EU) 2020/852. Member States should not promote activities that are not environmentally sustainable such as use of solid fossil fuels. The energy savings obligation aims at strengthening the response to climate change by promoting incentives to Member States to implement a sustainable and clean policy mix, which is resilient, and mitigates climate change. Therefore, energy savings from policy measures regarding the use of direct fossil fuel combustion will not be eligible energy savings under energy savings obligation as of transposition of this Directive. It will allow aligning the energy savings obligation with the objectives of the European Green Deal, the Climate Target Plan, the Renovation Wave Strategy, and mirror the need for action identified by the IEA in its net zero report. The restriction aims at encouraging Member States to
spend public money into future-proof, sustainable technologies only. It is important that Member States provide a clear policy framework and investment certainty to market actors. The implementation of the calculation methodology under energy savings obligation should allow all market actors to adapt their technologies in a reasonable timeframe. Where Member States support the uptake of efficient fossil fuel technologies or early replacement of such technology, for example through subsidy schemes or energy efficiency obligation schemes, energy savings may not be eligible anymore under the energy savings obligation. While energy savings resulting, for example, from the promotion of natural gas-based cogeneration would not be eligible, the restriction would not apply for indirect fossil fuel usage, for example where the electricity production includes fossil fuel generation.

Policy measures targeting behavioural changes to reduce the consumption of fossil fuel, for example through information campaigns, eco-driving, should remain eligible. The energy savings from policy measures targeting building renovations may contain measures such as a replacement of fossil fuel heating systems together with building fabric improvements, which should be limited to those technologies that allow achieving the required energy savings according to the national building codes established in a Member State. Nevertheless, Member States should promote upgrading heating systems as part of deep renovations in line with the long-term objective of carbon neutrality, i.e. reducing the heating demand and covering the remaining heating demand with a carbon-free energy source.


Amendment 14

Proposal for a directive
Recital 59

Text proposed by the Commission

(59) The effective management of water can make a significant contribution to energy savings. The water and wastewater sectors account for 3.5% of electricity use in the Union and that share is expected to rise. At the same time, water leaks account for 24% of total water consumed in the Union and the energy sector is the largest consumer of water, accounting for 44% of consumption. The potential for energy savings through the use of smart technologies and processes should be fully explored and applied whenever cost-effective and the energy efficiency first principle should be considered. In addition, advanced irrigation technologies could substantially reduce water consumption in agriculture and the energy used for treating and transporting it.

Amendment

(59) Consideration of the water-energy nexus is particularly important to address the interdependent energy and water use and the increasing pressure on both resources. The IEA once estimated that a 35% increase in world energy demand by 2035 would correspond an 85% increase in water consumption. The World Resources Institute projects that by 2030 there will be a 56% gap between global renewable water supply and demand, while the European Environment Agency estimates that water stress already affects 20% of the European territory and 30% of its population and estimates the cost of droughts in Europe between EUR 2-9 billion annually. The effective management of water can make a significant contribution to energy savings, yielding climate, but also economic and social benefits. The water and wastewater sectors account for 3.5% of electricity use in the Union and that share is expected to rise. At the same time, water leaks account for 24% of total water consumed in the Union and the energy sector is the largest consumer of water, accounting for 44% of consumption. The potential for energy
savings through the use of smart technologies and processes such as water reuse techniques, data analytics of industrial processes, advanced irrigation technologies, green roof technologies, smart showers, processes for the reduction of leakages of water systems, etc. in the water sector, including supply, sanitation and stormwater management, and across all industrial, residential and commercial water cycles and applications, should be fully explored and applied whenever cost-effective and the energy efficiency first principle should be considered.

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1b Water resources across Europe — confronting water stress: an updated assessment, European Environment Agency, 14 October 2021

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 15

Proposal for a directive
Recital 59 a (new)

Text proposed by the Commission

(59a) Light pollution, and related negative impacts on the environment, biodiversity, and animal and human health, has increased in the last years. Member States should make sure that energy efficiency measures in the public lighting sector do not merely focus on the replacement of old, inefficient light bulbs
with more efficient technologies, such as LED. They should also consider smart lighting, dimming and other solutions to decrease light pollution. This will have a positive impact on the environment, health and energy consumption. The Commission should evaluate how the relevant Green Public Procurement criteria could be strengthened to support public authorities’ efforts in this regard.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 16

Proposal for a directive

Recital 63

Text proposed by the Commission

(63) To tap the energy savings potential in certain market segments where energy audits are generally not offered commercially (such as small and medium-sized enterprises (SMEs)), Member States should develop programmes to encourage SMEs to undergo energy audits. Energy audits should be mandatory and regular for large enterprises, as energy savings can be significant. Energy audits should take into account relevant European or International Standards, such as EN ISO 50001 (Energy Management Systems), or EN 16247-1 (Energy Audits), or, if including an energy audit, EN ISO 14000 (Environmental Management Systems) and thus be also in line with the provisions of Annex VI to this Directive as such provisions do not go beyond the requirements of these relevant standards. A specific European standard on energy audits is currently under development. Energy audits may be carried out on a stand-alone basis or be

Amendment

(63) To tap the energy savings potential in certain market segments where energy audits are generally not offered commercially (such as small and medium-sized enterprises (SMEs)), Member States should develop programmes to encourage SMEs to undergo energy audits. Energy audits should be mandatory and regular for large enterprises, as energy savings can be significant. Energy audits should not only analyse the use of energy; they should also assess the use of water, which has an impact on energy consumption. Energy audits should take into account relevant European or International Standards, such as EN ISO 50001 (Energy Management Systems), or EN 16247-1 (Energy Audits), or, if including an energy audit, EN ISO 14000 (Environmental Management Systems) and EU Eco-Management and Audit Scheme (EMAS) and thus be also in line with the provisions of Annex VI to this Directive as such provisions do not go
part of a broader environmental management system or an energy performance contract. In all such cases those systems should comply with the minimum requirements of Annex VI. In addition, specific mechanisms and schemes established to monitor emissions and fuel consumption by certain transport operators, for example under EU law the EU ETS, may be considered compatible with energy audits, including in energy management systems, if they comply with the minimum requirements set out in Annex VI.

Beyond the requirements of these relevant standards. A specific European standard on energy audits is currently under development. For the large enterprises, energy audits should be a part of a broader environmental management system or an energy performance contract. In all such cases those systems should comply with the minimum requirements of Annex VI. In addition, specific mechanisms and schemes established to monitor emissions and fuel consumption by certain transport operators, for example under EU law the EU ETS, may be considered compatible with energy audits, including in energy management systems, if they comply with the minimum requirements set out in Annex VI.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 17

Proposal for a directive
Recital 65

Text proposed by the Commission

(65) Where energy audits are carried out by in-house experts, the necessary independence would require these experts not to be directly engaged in the activity audited.

Amendment

(65) To guarantee the high quality and impartiality of audits, auditors should be independent experts, who, when working in-house, are not directly engaged in the activity audited. To guarantee transparency, both the audit recommendations and the measures implemented following the audit recommendations should be easily available on the enterprise’s website.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.
Amendment 18
Proposal for a directive
Recital 65 a (new)

Text proposed by the Commission

(65a) Waste water treatment plants are major energy users and account for around 0.8% of all electricity use in Europe. Recent analysis\(^{1a}\) shows that there is substantial potential to improve their energy efficiency, yet because of their nature there may be limited market pressure for them to do so. Their inclusion under the scope of the audit obligation will add no more than 1000 plants but cover about 40% of the sector’s energy use\(^{1b}\).


Or. en

Justification

Necessary for the internal logic and for coherence of the text.
Amendment 19

Proposal for a directive
Recital 67

Text proposed by the Commission

(67) The data centre sustainability indicators can be used to measure four basic dimensions of a sustainable data centre, namely **how efficiently it uses** energy, **how much of that energy comes** from renewable energy sources, the reuse of any waste heat that it produces and the **usage of freshwater**. The data centre **sustainability indicators should raise awareness amongst** data centre owners and operators, manufactures of equipment, developers of software and services, users of data centre services at all levels as well as entities and organisations that deploy, use or procure cloud and data centre services. **It should also give confidence about the** actual improvements following efforts and measures to increase the sustainability in new or existing data centres. Finally, it should be used as a basis for transparent and evidence-based planning and decision-making. **Use of the data centre sustainability indicators should be optional for Member States.** Use of the data centre sustainability indicator should be optional for Member States.

Amendment

(67) Minimum energy performance standards for data centres to be developed by the Commission will help address four basic dimensions of a sustainable data centre, namely **efficient use of** energy, energy from renewable energy sources, the reuse of any waste heat that it produces and the **efficient use of water**. The data centre **minimum energy performance standards will have an impact on** data centre owners and operators, manufactures of equipment, developers of software and services, users of data centre services at all levels as well as entities and organisations that deploy, use or procure cloud and data centre services. **They should steer actual improvements following efforts and measures to increase the sustainability in new or existing data centres. Finally, it should be used as a basis for transparent and evidence-based planning and decision-making.**

Or. en

Amendment 20

Proposal for a directive
Recital 80

Text proposed by the Commission

(80) High-efficiency cogeneration and efficient district heating and cooling have significant potential for saving primary

Amendment

(80) High-efficiency cogeneration and efficient district heating and cooling have significant potential for saving primary
energy in the Union. Member States should carry out a comprehensive assessment of the potential for high-efficiency cogeneration and efficient district heating and cooling. Those assessments should be coherent with the integrated national energy and climate plans and long term renovation strategies. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should, subject to a cost-benefit analysis showing a cost-benefit surplus, be equipped with high-efficiency cogeneration units to recover waste heat stemming from the production of electricity. Similarly, other facilities with substantial annual average energy input should be equipped with technical solutions to deploy waste heat from the facility where the cost-benefit analysis shows a cost-benefit surplus. This waste heat could be transported where it is needed through district heating networks. The events that trigger a requirement for authorisation criteria to be applied will generally be events that also trigger requirements for permits under Directive 2010/75/EU of the European Parliament and of the Council and for authorisation under Directive (EU) 2019/944.


Justification

Necessary for the internal logic and for coherence of the text.

Amendment 21

Proposal for a directive
Recital 83

Text proposed by the Commission

(83) To implement national comprehensive assessments, Member States should encourage the assessments of the potential for high-efficiency cogeneration and efficient district heating and cooling in regional and local level. Member States should take steps to promote and facilitate deployment of identified cost-efficient potential of the high-efficiency cogeneration and efficient district heating and cooling.

Amendment

(83) To implement national comprehensive assessments, Member States should require the assessments of the potential for high-efficiency cogeneration and efficient district heating and cooling in regional and local level. Member States should take steps to promote and facilitate deployment of identified cost-efficient potential of the high-efficiency cogeneration and efficient district heating and cooling.

Amendment 22

Proposal for a directive
Recital 84

Text proposed by the Commission

(84) Requirements for efficient district heating and cooling should be consistent with long-term climate policy goals, the climate and environmental standards and priorities of the Union, and should comply with the principle of ‘do no significant harm’ within the meaning of Regulation (EU) 2020/85. All the district heating and cooling systems should aim for improved

Amendment

(84) Requirements for efficient district heating and cooling should be consistent with long-term climate policy goals, the climate and environmental standards and priorities of the Union, and should comply with the principle of ‘do no significant harm’ within the meaning of Regulation (EU)2020/85. All the district heating and cooling systems should aim for improved
ability to interact with other parts of the energy system in order to optimise the use of energy and prevent energy waste by using the full potential of buildings to store heat or cold, including the excess heat from service facilities and nearby data centres. For that reason, efficient district heating and cooling system should ensure the increase of primary energy efficiency and a progressive integration of renewable energy and waste heat or cold. Therefore, this Directive introduces progressively stricter requirements for heating and cooling supply which should be applicable during specific established time periods and should be permanently applicable from 1 January 2050 onwards.

For that reason, any new efficient district heating and cooling system should be supplied only with renewable energy, while existing efficient district heating and cooling systems undergoing substantial refurbishment should ensure the increase of primary energy efficiency and be supplied only with renewable energy by 2035.

Or. en

Amendment 23
Proposal for a directive
Recital 102

Text proposed by the Commission

(102) It is necessary to continue developing the market for energy services to ensure the availability of both the demand for and the supply of energy services. Transparency, for example by means of lists of certified energy services providers and available model contracts, exchange of best practice and guidelines greatly contribute to the uptake of energy services and energy performance contracting and can also help stimulate demand and increase the trust in energy services providers. In an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party. That can help attracting private capital which is key for increasing building renovation rates

Amendment

(102) It is necessary to continue developing the market for energy services to ensure the availability of both the demand for and the supply of energy services. Transparency, for example by means of lists of certified energy services providers and available model contracts, exchange of best practice and guidelines greatly contribute to the uptake of energy services and energy performance contracting and can also help stimulate demand and increase the trust in energy services providers. In an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party. That can help attracting private capital which is key for increasing building renovation rates
in the Union, bring expertise into the market and create innovative business models. Therefore, non-residential buildings with the useful floor area above 1000 m² should be required to **assess the feasibility of using** energy performance contracting for renovation. That is a step ahead to increase the trust in energy services companies and pave the way for increasing such projects in the future.

Amendment 24

Proposal for a directive
Recital 124

**Text proposed by the Commission**

(124) Some of the changes introduced by this Directive might require a subsequent amendment to Regulation (EU) 2018/1999 in order to ensure coherence between the two legal acts. New provisions, mainly related to setting national contributions, gap filling mechanisms and reporting obligations, should be streamlined and transferred to that Regulation, once it is amended. Some provisions of Regulation (EU) 2018/1999 might also need to be reassessed in view of the changes proposed in this Directive. The additional reporting and monitoring requirements should not create any new parallel reporting systems but would be subject to the existing monitoring and reporting framework under Regulation (EU) 2018/1999.

**Amendment**

(124) Some of the changes introduced by this Directive might require a subsequent amendment to Regulation (EU) 2018/1999 in order to ensure coherence between the two legal acts. New provisions, mainly related to setting **binding** national contributions, **trajectories and their binding milestones**, gap filling mechanisms and reporting obligations, should be streamlined and transferred to that Regulation, once it is amended. Some provisions of Regulation (EU) 2018/1999 might also need to be reassessed in view of the changes proposed in this Directive. The additional reporting and monitoring requirements should not create any new parallel reporting systems but would be subject to the existing monitoring and reporting framework under Regulation (EU) 2018/1999.
Amendment 25
Proposal for a directive
Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission
This Directive establishes a common framework of measures to promote energy efficiency within the Union in order to ensure that the Union's target on energy efficiency is met and enables further energy efficiency improvements.

Amendment
This Directive establishes a common framework of measures to promote energy efficiency within the Union in order to ensure that the Union's 2030 binding target on energy efficiency is met and enables further energy efficiency improvements.

Or. en

Justification
Necessary for the internal logic and for coherence of the text.

Amendment 26
Proposal for a directive
Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission
This Directive lays down rules designed to implement energy efficiency as a priority across all sectors, remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy. It also provides for the establishment of indicative national energy efficiency contributions for 2030.

Amendment
This Directive lays down rules designed to implement energy efficiency as a priority across all sectors, remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy. It also provides for the establishment of binding national energy efficiency contributions for 2030.

Or. en

Justification
Necessary for the internal logic and for coherence of the text.

Amendment 27
Proposal for a directive
Article 2 – paragraph 1 – point 14
(14) ‘energy management system’ means a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective, including monitoring of actual energy consumption, actions taken to increase energy efficiency and measurement of progress;

(14) ‘energy management system’ means a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective, including monitoring of actual energy and water consumption, actions taken to increase energy and water efficiency and measurement of progress.

Or. en

Amendment 28

Proposal for a directive
Article 2 – paragraph 1 – point 28

(28) ‘energy audit’ means a systematic procedure with the purpose of obtaining adequate knowledge of the energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identifying and quantifying opportunities for cost-effective energy savings identifying the potential for cost-effective use or production of renewable energy and reporting the findings;

(28) ‘energy audit’ means a systematic procedure with the purpose of obtaining adequate knowledge of the energy and water consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identifying and quantifying opportunities for cost-effective energy and water savings identifying the potential for cost-effective use or production of renewable energy and reporting the findings;

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 29

Proposal for a directive
Article 2 – paragraph 1 – point 29
Text proposed by the Commission

(29) ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, verified and monitored during the whole term of the contract, where work, supply or service in that measure are paid for in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings;

Amendment

(29) ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, verified and monitored during the whole term of the contract, where investments (work, supply or service) in that measure are paid for in relation to a contractually agreed level of energy or water efficiency improvement or other agreed energy performance criterion, such as financial savings;

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 30

Proposal for a directive
Article 2 – paragraph 1 – point 33 a (new)

Text proposed by the Commission


Amendment


Or. en

Justification

Necessary for the internal logic and for coherence of the text.
<table>
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<td><strong>Article 2 – paragraph 1 – point 50 a (new)</strong></td>
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Text proposed by the Commission

(50a) ‘water-energy nexus’ means the correlation between energy and water consumption in economic life. Water is needed for energy purposes, e.g. for cooling, heating, storage, biofuels, processing of raw materials, hydrogen and e-fuels production or hydropower. Energy is needed for the production of water, to abstract, pump, heat, cool, clean, treat and desalinate water.

Or. en

<table>
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<tr>
<th>Amendment 32</th>
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<td><strong>Proposal for a directive</strong></td>
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<td><strong>Article 2 – paragraph 1 – point 50 b (new)</strong></td>
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Text proposed by the Commission


Or. en

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<td><strong>Proposal for a directive</strong></td>
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<tr>
<td><strong>Article 2 – paragraph 1 – point 50 c (new)</strong></td>
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</table>

Text proposed by the Commission

(50c) ‘building providing social infrastructure’ means a building within
which a social service is provided; this may include the health sector (hospitals and healthcare facilities), the education sector (kindergartens, schools, universities), and the social sector (social housing, and community centres serving the youth, elderly, or low-income people).

Amendment 34
Proposal for a directive
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions are taken into account in the planning, policy and major investment decisions related to the following sectors:

Amendment

1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions are taken into utmost account in the planning, policy and major investment decisions related to the following sectors:

Amendment 35
Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency.

Amendment

(b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency, including, but not limited to: buildings, transport, water, information and communications technology (ICT), agriculture, and financial sectors.
Amendment 36
Proposal for a directive
Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) promote and, where cost-benefit assessments are required, ensure the application of cost-benefit methodologies that allow proper assessment of wider benefits of energy efficiency solutions from the societal perspective;

Amendment

(a) develop, promote and, where cost-benefit assessments are required, ensure the application of transparent, publicly available and easily accessible cost-benefit methodologies that allow proper assessment, including identification and monetisation, of wider benefits of energy efficiency solutions from the societal perspective, considering both short- and long-term perspectives;

Or. en

Amendment 37
Proposal for a directive
Article 3 – paragraph 3 – point b

Text proposed by the Commission

(b) identify an entity responsible for monitoring the application of the energy efficiency first principle and the impacts of planning, policy and investment decisions on energy consumption and energy efficiency;

Amendment

(b) identify, make publicly known and properly train and inform an entity responsible for monitoring the application of the energy efficiency first principle and the impacts of planning, policy and investment decisions on energy consumption and energy efficiency;

Or. en

Amendment 38
Proposal for a directive
Article 3 – paragraph 3 – point b a (new)

Text proposed by the Commission

(ba) provide information, guidance and
assistance to relevant entities, especially at local level, on how the energy efficiency first principle shall be applied;

Or. en

Amendment 39
Proposal for a directive
Article 3 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) remove all barriers to the application of energy efficiency first principle in practice in each sector;

Or. en

Amendment 40
Proposal for a directive
Article 3 – paragraph 3 – point b c (new)

Text proposed by the Commission

Amendment

(bc) ensure that national guidelines and policies encourage asset owners to invest in energy savings whenever they contribute to a cost-effective decarbonisation pathway;

Or. en

Amendment 41
Proposal for a directive
Article 3 – paragraph 3 – point b d (new)

Text proposed by the Commission

Amendment

(bd) fully consider the interdependencies between energy use
and use of other resources, including the water-energy nexus, and prioritise measures which yield simultaneous energy and resource efficiencies;

Amendment 42
Proposal for a directive
Article 3 – paragraph 3 – point c

Text proposed by the Commission
(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the principle was taken into account in the national and regional planning, policy and major investment decisions related to the national and regional energy systems.

Amendment
(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the principle was taken into utmost account in the national and regional planning, policy and major investment decisions related to the national and regional energy systems and to non-energy sectors, where those sectors have impact on energy consumption and energy efficiency.

Amendment 43
Proposal for a directive
Article 3 – paragraph 3 a (new)

Text proposed by the Commission
3a. The wider benefits of energy efficiency solutions from the societal perspective to be properly assessed according to the methodologies referred to in paragraph 3, point a shall include social and environmental benefits, such as, but not limited to:

Amendment
(a) social benefits: improved health, well being and comfort level, increased disposable household income, alleviation
of energy poverty;
(b) environmental benefits: reduced GHG emissions and reduced air pollution related to energy use, improved management and reduced consumption of energy sources, water and other resources, reduced pressure on ecosystems, decreased material consumption, decreased fossil fuels consumption and needed renewables investments to achieve the set policy targets;
(c) economic benefits: increased industrial productivity, increased market value of assets, changes in GDP and employment, changes in public budgets (particularly energy and social welfare spending), improved innovation and competitiveness, improved energy security and dependence.

Amendment 44
Proposal for a directive
Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. In the reports to the Commission referred to in paragraph 3, point c, Member States shall at least explain:
(a) which cost-benefit methodologies referred to in paragraph 3, point a they have applied and promoted;
(b) which potential barriers to the implementation of the energy efficiency first principle they have identified and which related solutions they have implemented;
(c) how they have integrated the energy efficiency first principle in their policy, legal and financial frameworks.
Amendment 45
Proposal for a directive
Article 3 – paragraph 3 c (new)

Text proposed by the Commission

3c. If, when reviewing the reports referred to in paragraph 3, point (c), the Commission concludes that the quality of the report does not allow for proper comparability and assessment, the Commission is empowered to adopt delegated acts, in accordance with Article 32 to supplement this Directive by developing a template for the report referred to in Article 3(3), point c.

Amendment

Or. en

Amendment 46
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall collectively ensure a reduction of energy consumption of at least 9% in 2030 compared to the projections of the 2020 Reference Scenario so that the Union’s final energy consumption amounts to no more than 787 Mtoe and the Union’s primary energy consumption amounts to no more than 1023 Mtoe in 2030.\(^91\)

Amendment

1. Member States shall collectively ensure a reduction of energy consumption of at least 45% in 2030 compared to the projections of the 2007 Reference Scenario so that the Union’s final energy consumption amounts to no more than 689 Mtoe and the Union’s primary energy consumption amounts to no more than 919 Mtoe in 2030.

\(^{91}\) The Union’s energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in

91 The Union’s energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in
subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union’s 2030 energy efficiency target is set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 9% in 2030 compared to the level of efforts under the 2020 Reference Scenario. The new way of expressing the level of ambition for the Union’s targets does not affect the actual level of efforts needed.

Amendment 47

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Each Member State shall set national energy efficiency contributions for final and primary energy consumption to meet, collectively, the binding Union target set in paragraph 1. Member States shall notify those contributions together with an indicative trajectory for those contributions to the Commission as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999. When doing so, Member States shall use the formula defined in Annex I of this Directive and explain how, and on the basis of which data, the indicative trajectory shall reach a reference point of

*Amendment*

Each Member State shall set binding national energy efficiency contributions for final and primary energy consumption to meet, collectively, the binding Union target set in paragraph 1. When doing so, *Member States shall use the formula defined in Annex I of this Directive and use its result*. Member States shall notify those contributions together with an indicative trajectory for those contributions to the Commission as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999. By 2027, the indicative trajectory shall reach a reference point of
contributions have been calculated. at least 65 % of the total decrease in energy consumption between that Member State’s binding 2020 national target and its contribution to the 2030 target.

Amendment 48
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall also provide the shares of energy consumption of energy end-use sectors, as defined in Regulation (EC) No 1099/2008 on energy statistics, including industry, residential, services and transport, in their national energy efficiency contributions. Projections for energy consumption in information and communications technology (ICT) shall also be indicated.

Amendment

Member States shall also provide the shares of energy and water consumption of energy end-use sectors, as defined in Regulation (EC) No 1099/2008 on energy statistics, including industry, residential, services, water supply and sanitation services and transport, in their national energy efficiency contributions. Projections for energy and water consumption in information and communications technology (ICT) shall also be indicated.

Amendment 49
Proposal for a directive
Article 4 – paragraph 2 – subparagraph 3

Text proposed by the Commission

In setting those contributions, Member States shall take into account:

(a) that the Union’s 2030 energy consumption has to be no more than 787 Mtoe of final energy or no more than 1023 Mtoe of primary energy consumption;

(b) the measures provided for in this
Directive;

(c) other measures to promote energy efficiency within Member States and at Union level;

(d) any relevant factors affecting efficiency efforts, such as:

(i) the collective level of ambition necessary to reach climate objectives;

(ii) the equitable distribution of efforts across the Union;

(iii) the energy intensity of the economy;

(iv) the remaining cost-effective energy-saving potential;

(e) other national circumstances affecting energy consumption, in particular:

(i) GDP evolution and forecast;

(ii) changes of energy imports and exports, developments in energy mix and deployment of new sustainable fuels;

(iii) development of all sources of renewable energies, nuclear energy, carbon capture and storage;

(iv) decarbonisation of energy intensive industries.

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 50

Proposal for a directive
Article 4 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Where the Commission concludes, on the basis of its assessment pursuant to Article

Amendment

Where the Commission concludes, on the basis of its assessment pursuant to Article
29(1) and (3) of Regulation (EU) 2018/1999, that insufficient progress has been made towards meeting the energy efficiency contributions, Member States that are above their indicative trajectories referred to in paragraph 2 of this Article shall ensure that additional measures are implemented within one year following the date of reception of the Commission's assessment in order to ensure getting back on track to reach their energy efficiency contributions. Those additional measures shall include, but shall not be limited to, the following measures:

**Amendment 51**

**Proposal for a directive**

**Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

3a. By 1 January 2025, the Commission shall, where appropriate, present a legislative proposal to amend this Directive to set binding Union and Member States’ energy efficiency targets for the years 2035, 2040, 2045 and 2050. Those targets shall be set at levels allowing to achieve the Union’s climate neutrality objective set in Regulation (EU) 2021/1119 by 2050 at the latest.

**Amendment**

*Or. en*

**Amendment 52**

**Proposal for a directive**

**Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

4a. Member States shall ensure that
public bodies consider life cycle carbon emissions of their public bodies’ investment and policy activities.

Amendment 53
Proposal for a directive
Article 6 – title

Text proposed by the Commission
Exemplary role of public bodies’ buildings

Amendment
Exemplary role of public bodies’ buildings and buildings providing social infrastructure

Justification
Necessary for the internal logic and for coherence of the text.

Amendment 54
Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission
Without prejudice to Article 7 of Directive 2010/31/EU of the European Parliament and of the Council, each Member State shall ensure that at least 3 % of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year to at least be transformed into nearly zero-energy buildings in accordance with Article 9 of Directive 2010/31/EU.

Amendment
Without prejudice to Article 7 of Directive 2010/31/EU of the European Parliament and of the Council, each Member State shall ensure that at least 3 % of the total floor area of heated and/or cooled buildings owned or occupied by public bodies and, separately, at least 3% of the total floor area of heated and/or cooled privately owned and occupied buildings providing social infrastructure is subject to deep renovations each year to at least be transformed into the highest standard buildings in accordance with Directive (EU) 2022/... of the European Parliament and of the Council [on the energy}

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 55

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where public bodies occupy a building that they do not own, they shall exercise their contractual rights to the extent possible and encourage the building owner to renovate the building to a nearly zero-energy building in accordance with Article 9 of Directive 2010/31/EU. When concluding a new contract for occupying a building they do not own, public bodies shall aim for that building to fall into the top two energy efficiency classes on the energy performance certificate.

Amendment

When purchasing a building and concluding a new contract for occupying a building they do not own, public bodies shall ensure that that building complies with the highest standard set by Directive (EU) 2022/... of the European Parliament and of the Council [on the energy performance of buildings], in compliance with Annex IV point (f) of this Directive.

Amendment 56

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The rate of at least 3% shall be calculated on the total floor area of buildings having a total useful floor area over 250 m² owned

Amendment

The rates of at least 3% shall be calculated on the total floor area of buildings having a total useful floor area over 250 m² owned.
by public bodies of the Member State concerned and which, on 1 January 2024, are not nearly zero-energy buildings.

Amendment 57
Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, Member States may count towards the annual renovation rate of buildings new buildings owned as replacements for specific public bodies’ buildings demolished in any of the two previous years. Such exceptions shall only apply where they would be more cost effective and sustainable in terms of the energy and lifecycle CO₂ emissions achieved compared to the renovations of such buildings. The general criteria, methodologies and procedures to identify such exceptional cases shall be clearly set out and published by each Member State.

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 58
Proposal for a directive
Article 6 – paragraph 3 – introductory part
3. For the purposes of this Article, Member States shall make publicly available an inventory of heated and/or cooled public bodies’ buildings with a total useful floor area of more than 250 m². This inventory shall be updated at least once a year. The inventory shall contain at least the following data:

Amendment 59
Proposal for a directive
Article 6 – paragraph 3 – point a a (new)

Text proposed by the Commission

(aa) the energy intensity in kW/m²/year based on real data;

Amendment

Or. en

Amendment 60
Proposal for a directive
Article 6 – paragraph 3 – point b a (new)

Text proposed by the Commission

(ba) the expected target date of renovation (in case not meeting already the highest standard set by Directive (EU) 2022/... of the European Parliament and of the Council [on the energy performance of buildings].

Amendment

Or. en
Amendment 61
Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraph 4 of Article 26 of this Directive, Member States shall ensure that contracting authorities and contracting entities assess the feasibility of concluding long-term energy performance contracts that provide long-term energy savings when procuring service contracts with significant energy content.

Amendment

3. Notwithstanding paragraph 4 of Article 24 of this Directive, Member States shall ensure that contracting authorities and contracting entities conclude long-term energy performance contracts that provide long-term energy savings when procuring service contracts with significant energy content, unless this is not technically and economically feasible. Member States shall ensure that the parameters used for feasibility assessment are clearly defined and justified at central government level. When the use of energy performance contracting is assessed not to be feasible, the reasoning shall be made publicly available.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 62
Proposal for a directive
Article 7 – paragraph 5 – subparagraph 2

Text proposed by the Commission

To ensure transparency in the application of energy efficiency requirements in the procurement process, Member States shall make publicly available information on the energy efficiency impact of contracts with a value equal to or greater than the thresholds referred to in paragraph 1. Contracting authorities may decide to require that tenderers disclose information

Amendment

To ensure transparency in the application of energy efficiency requirements in the procurement process, Member States shall make publicly available information on the energy efficiency impact of contracts with a value equal to or greater than the thresholds referred to in paragraph 1. Contracting authorities shall require that tenderers disclose information on the life
on the life cycle global warming potential of a new building and may make that information publically available for the contracts, in particular for new buildings having a floor area larger than 2000 square meters.

cycle global warming potential of a new building and on a building to be renovated and shall make that information publically available for the contracts, in particular for new buildings having a floor area larger than 1000 square meters.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 63

Proposal for a directive
Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Member States shall support contracting authorities and contracting entities in the uptake of energy efficiency requirements, including at regional and local level, by providing clear rules and guidelines including methodologies on the assessment of lifecycle costs and environment impacts and costs, setting up competence support centres, encouraging cooperation amongst contracting authorities including across borders and using aggregated procurement and digital procurement where possible.

Amendment

Member States shall support contracting authorities and contracting entities in the uptake of energy efficiency requirements, including at regional and local level, by providing clear rules and guidelines including methodologies on the assessment of lifecycle costs and environment impacts and costs, by providing support for the implementation of Union methodologies as soon as available, setting up competence support centres, encouraging cooperation amongst contracting authorities including across borders and using aggregated procurement and digital procurement where possible.

Or. en

Amendment 64

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1– point c
Text proposed by the Commission

(c) new savings each year from 1 January 2024 to 31 December 2030 of 1,5 % of annual final energy consumption, averaged over the three-year period prior to 1 January 2020.

Amendment

(c) new savings each year from 1 January 2024 to 31 December 2030 of 2 % of annual final energy consumption, averaged over the three-year period prior to 1 January 2020.

Or. en

Amendment 65

Proposal for a directive
Article 8 – paragraph 11

Text proposed by the Commission

11. Member States shall notify the Commission with the amount of the required energy savings referred to in point (c) of the first subparagraph of paragraph 1 and paragraph 3 of this Article, a description of the policy measures to be implemented to achieve the required total amount of the cumulative end-use energy savings and their calculation methodologies pursuant to Annex V of this Directive, as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999. Member States shall use the reporting template provided to the Member States by the Commission.

Amendment

11. Member States shall notify the Commission with the amount of the required energy savings referred to in point (c) of the first subparagraph of paragraph 1 and paragraph 3 of this Article, a description of the policy measures to be implemented to achieve the required total amount of the cumulative end-use energy savings and their calculation methodologies pursuant to Annex V of this Directive, as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999. Calculations of the required amount of cumulative end-use energy savings from policy measures shall be transparent and supported by results from ex post evaluations pursuant to Annex V paragraph 5a of this Directive. Member States shall use the reporting template provided to the Member States by the Commission.

Or. en
Amendment 66

Proposal for a directive
Article 8 – paragraph 14 a (new)

Text proposed by the Commission

14a. Member States shall carry out transparent ex post evaluations of the energy savings from all policy measures under this Article at least once every five years. A representative and statistically significant sample of energy efficiency actions from each policy measure shall be evaluated using ex-post energy consumption data in accordance with Annex V paragraph 5a. The Commission shall produce guidance on the design of these independent evaluations by 1 January 2023.

Or. en

Amendment 67

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that enterprises with an average annual consumption higher than 100TJ of energy over the previous three years and taking all energy carriers together, implement an energy management system. The energy management system shall be certified by an independent body according to the relevant European or International Standards.

Amendment

1. Member States shall ensure that enterprises with an average annual consumption higher than 70TJ of energy over the previous three years and taking all energy carriers together, implement an energy management system. The energy management system shall be certified by an independent body according to the relevant European or International Standards.

Or. en
Amendment 68

Proposal for a directive
Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that enterprises with an average annual consumption higher than $10TJ$ of energy over the previous three years and taking all energy carriers together that do not implement an energy management system are subject to an energy audit. Energy audits shall be carried out in an independent and cost-effective manner by qualified or accredited experts in accordance with requirements provided in Article 26 or implemented and supervised by independent authorities under national legislation. Energy audits shall be carried out at least every four years from the date of the previous energy audit.

Amendment

Member States shall ensure that enterprises with an average annual consumption higher than $7TJ$ of energy over the previous three years and taking all energy carriers together that do not implement an energy management system are subject to an energy audit. From 1 January 2026, Member States shall ensure that waste-water treatment plants are also subject to an audit. By...[ one year after the date of entry into force of this Directive], the Commission shall publish a Recommendation supporting the implementation of the audit requirement for waste-water treatment plants. Energy audits shall be carried out in an independent and cost-effective manner by qualified or accredited experts in accordance with requirements provided in Article 26 and implemented and supervised by independent authorities under national legislation. Accreditation of energy auditors shall be sector specific, including for buildings, industrial process and transport. Energy audits shall be carried out at least every four years from the date of the previous energy audit.

Or. en

Amendment 69

Proposal for a directive
Article 11 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The results of the energy audits including the recommendations from these audits shall be transmitted to the management of

Amendment

The results of the energy audits including the recommendations from these audits must be transmitted to the management of
the enterprise. Member States shall ensure that the results and the implemented recommendations are published in the enterprise’s annual report, where applicable.

the enterprise. Member States shall ensure that the results and the implemented recommendations are published on the enterprise’s website, as well as the annual report, where applicable. Member States shall ensure that the recommendations from the audits are implemented by the enterprises every time the life cycle cost analysis (LCCA) referred to in Annex VI, point (e) of the associated investments is positive and before the next audit.

Amendment 70
Proposal for a directive
Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that the Member State concerned has put in place a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.

Amendment

The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that they are not directly engaged in the activity audited, and that the Member State concerned has put in place a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.

Amendment 71
Proposal for a directive
Article 11 – paragraph 10

Text proposed by the Commission

10. Without prejudice to paragraphs 1 to 9, Member States shall require, by 15 March 2024 and every year thereafter, owners and operators of every data centre

Amendment

10. Without prejudice to paragraphs 1 to 9, Member States shall require, by 15 March 2023 and every year thereafter, owners and operators of every data centre
in their territory with a significant energy consumption to make publicly available the information set out in Annex VI (‘Minimum requirements for monitoring and publishing the energy performance of data centres’), which Member States shall subsequently report to the Commission.

in their territory with an energy consumption higher than 150 000 kWh/year to make publicly available the information set out in Annex VI, point 2 which Member States shall subsequently report to the Commission.

Amendment 72
Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

1. As part of its integrated national energy and climate plan, its subsequent integrated national energy and climate plan and respective progress reports notified in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment. That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001.

Amendment

1. As part of its integrated national energy and climate plan, its subsequent integrated national energy and climate plan and respective progress reports notified in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment. That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001. Member States shall ensure that at least one of the alternative scenarios to the baseline to be produced as part of the comprehensive heating and cooling assessments in accordance with Annex IX, point 8, leads to a fully renewable energy based national heating and cooling sector within a timeframe compatible with the achievement of the climate neutrality objective by 2050 set by Regulation (EU)2018/1999.

Or. en
Amendment 73
Proposal for a directive
Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States shall designate the
competent authorities responsible for
carrying out the cost-benefit analyses,
provide the detailed methodologies and
assumptions in accordance with Annex X
and establish and make public the
procedures for the economic analysis.

Amendment

Member States shall designate the
competent authorities responsible for
carrying out the cost-benefit analyses,
provide the detailed methodologies and
assumptions in accordance with Annex X
and establish and make public the
procedures for the economic analysis. With
a view to ensuring comparability and
consistency of Member States’ analyses,
the Commission shall cooperate with the
designated competent authorities in order
to provide best European energy and CO₂
price development forecasts and
European discount rates.

Or. en

Amendment 74
Proposal for a directive
Article 23 – paragraph 5

Text proposed by the Commission

5. Member States shall adopt policies
and measures which ensure that the
potential identified in the comprehensive
assessments carried out pursuant to
paragraph 1 is realised. These policies and
measures shall include at least the elements
set out in Annex IX. Each Member State
shall notify those policies and measures as
part of the update of its integrated national
energy and climate plans, its subsequent
integrated national energy and climate
plan, and respective progress reports
notified in accordance with Regulation

Amendment

5. Member States shall adopt policies
and measures, which ensure that the
potential identified in the comprehensive
assessments carried out pursuant to
paragraph 1 is realised. These policies and
measures shall include at least the elements
set out in Annex IX. Each Member State
shall notify those policies and measures as
part of the update of its integrated national
energy and climate plans, its subsequent
integrated national energy and climate
plan, and respective progress reports
notified in accordance with Regulation
(EU) 2018/1999. Member States shall
explain whether policies and measures
are aligned with the scenario leading to a
fully renewable energy based national energy system within a timeframe compatible with the achievement of the climate neutrality objective by 2050 set by Regulation (EU) 2018/1999 as referred to in paragraph 1 of this Article.

Amendment 75

Proposal for a directive
Article 23 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall encourage regional and local authorities to prepare local heating and cooling plans at least in municipalities having a total population higher than 50,000. Those plans should at least:

Amendment

Member States shall ensure that regional and local authorities prepare local heating and cooling plans at least in municipalities and communities having a total population higher than 20,000. Those plans shall at least:

Amendment 76

Proposal for a directive
Article 23 – paragraph 6 – subparagraph 1 – point d a (new)

Text proposed by the Commission

(da) assess how renewable energy communities and other consumer-led initiatives can actively contribute to the implementation of local heating and cooling projects;

Amendment

Or. en
Amendment 77
Proposal for a directive
Article 23 – paragraph 6 – subparagraph 1 – point d b (new)

Text proposed by the Commission

(db) include a strategy to empower and protect people affected by energy poverty, vulnerable consumers and, where applicable, people living in social housing, pursuant to Article 22 of this Directive;

Or. en

Amendment 78
Proposal for a directive
Article 23 – paragraph 6 – subparagraph 1 – point d c (new)

Text proposed by the Commission

(dc) assess how to finance the implementation of policies and measures identified and foresee financial mechanisms allowing consumers to shift to renewable heating and cooling;

Or. en

Amendment 79
Proposal for a directive
Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. In order to increase primary energy efficiency and the share of renewable energy in heating and cooling supply, an efficient district heating and cooling system is a system which meets the following criteria:

Amendment

1. In order to increase primary energy efficiency and the share of renewable energy in heating and cooling supply, an existing or substantially refurbished efficient district heating and cooling system is a system which meets the following criteria:
Amendment 80

Proposal for a directive
Article 24 – paragraph 1 – point a

Text proposed by the Commission
a. until 31 December 2025, a system using at least 50% renewable energy, 50% waste heat, 75% cogenerated heat or 50% of a combination of such energy and heat;

Amendment
a. until 31 December 2025, a system using up to 75% fossil fuel based heat sources;

Amendment 81

Proposal for a directive
Article 24 – paragraph 1 – point b

Text proposed by the Commission
b. from 1 January 2026, a system using at least 50% renewable energy, 50% waste heat, 80% of high-efficiency cogenerated heat or at least a combination of such thermal energy going into the network where the share of renewable energy is at least 5% and the total share of renewable energy, waste heat or high-efficiency cogenerated heat is at least 50%;

Amendment
b. from 1 January 2026, a system using up to 50% fossil fuel based heat sources;

Amendment 82

Proposal for a directive
Article 24 – paragraph 1 – point c

Text proposed by the Commission
c. from 1 January 2035, a system

Amendment
c. from 1 January 2030, a system
using at least 50% renewable energy and waste heat, where the share of renewable energy is at least 20%;

using up to 25% fossil fuel based heat sources;

Amendment 83
Proposal for a directive
Article 24 – paragraph 1 – point d

Text proposed by the Commission

Amendment
d. from 1 January 2045, a system using at least 75% renewable energy and waste heat, where the share of renewable energy is at least 40%;

d. from 1 January 2035, a system using no fossil fuel based heat sources and using only renewable energy.

Amendment 84
Proposal for a directive
Article 24 – paragraph 1 – point e

Text proposed by the Commission

Amendment
e. from 1 January 2050, a system using only renewable energy and waste heat, where the share of renewable energy is at least 60%.

deleted

Amendment 85
Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that where a district heating and cooling system

2. Member States shall ensure that where a district heating and cooling system
is built or substantially refurbished it meets the criteria set out in paragraph 1 applicable at such time when it starts or continues its operation after the refurbishment. In addition, Member States shall ensure that when a district heating and cooling system is built or substantially refurbished, there is no increase in the use of fossil fuels other than natural gas in existing heat sources compared to the annual consumption averaged over the previous three calendar years of full operation before refurbishment, and that any new heat sources in that system do not use fossil fuels other than natural gas.

Amendment 86
Proposal for a directive
Article 24 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that as from 1 January 2025, and every five years thereafter, operators of all existing district heating and cooling systems with a total energy output exceeding 5 MW and which do not meet the criteria set out in paragraph 1(b) to (e), prepare a plan to increase primary energy efficiency and renewable energy. The plan shall include measures to meet the criteria set out in paragraph 1(b) to (e) and shall be approved by the competent authority.

Amendment

3. Member States shall ensure that as from 1 January 2025, and every five years thereafter, operators of all existing district heating and cooling systems with a total energy output exceeding 5 MW and which do not meet the criteria set out in paragraph 1(b) to (d), prepare a plan to increase primary energy efficiency and renewable energy. The plan shall include measures to meet the criterion set out in paragraph 1 (d) and shall be approved by the competent authority.
Amendment 87
Proposal for a directive
Article 24 – paragraph 3 a (new)

Text proposed by the Commission

3a. **New efficient district heating and cooling systems from...[the date of entry into force of this Directive] are systems using no fossil fuel based heat sources and using only renewable energy.**

Or. en

Amendment 88
Proposal for a directive
Article 24 – paragraph 3 b (new)

Text proposed by the Commission


Or. en

Amendment 89
Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1
Member States shall encourage public bodies to use energy performance contracting for renovations of large buildings. For renovations of large non-residential buildings with a useful floor area above 1000 m², Member States shall ensure that public bodies assess the feasibility of using energy performance contracting.

Member States shall ensure that the parameters used for feasibility assessment are clearly defined and justified at central government level. When the use of energy performance contracting is assessed not to be feasible, the reasoning shall be made publicly available.

**Amendment 90**

Proposal for a directive
Article 27 – paragraph 5 – point b

(b) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach;

(b) providing information on best practices for energy performance contracting, including, cost-benefit analysis using a life-cycle approach;

**Amendment 91**

Proposal for a directive
Article 31 – paragraph 3

3. The Commission is empowered to

3. The Commission is empowered to
adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by establishing, after having consulted the relevant stakeholders, a common Union scheme for rating the sustainability of data centres located in its territory. The scheme shall establish the definition of data centre sustainability indicators, and, pursuant to paragraph 10 of Article 11 of this Directive, define the minimum energy performance standards for data centres located in its territory and set out the key indicators and the methodology to measure them.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 92

Proposal for a directive
Annex I – point 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The level of national contributions is calculated based on the <em>indicative</em> formula:</td>
<td>1. The level of national contributions is calculated based on the formula:</td>
</tr>
</tbody>
</table>

Or. en

Amendment 93

Proposal for a directive
Annex I – point 2 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>2. The following <em>indicative</em> formula represents the objective criteria reflecting the factors listed in points (d) (i) to (iv) of Article 4(2), each used for defining the level of</td>
<td>2. The following formula represents the objective criteria reflecting the factors listed in points (d) (i) to (iv) of Article 4(2), each used for defining the level of</td>
</tr>
</tbody>
</table>

Or. en
level of national-specific ambition in % (Target) and having the same weight in the formula (0,25): national-specific ambition in % (Target) and having the same weight in the formula (0,25):

Or. en

Amendment 94

Proposal for a directive
Annex III – point a – paragraph 1 – indent 3

Text proposed by the Commission

— direct emissions of the carbon dioxide from cogeneration production that is fuelled with fossil fuels, are less than 270 gCO\textsubscript{2} per 1 kWh of energy output from the combined generation (including heating/cooling, power and mechanical energy).

Amendment

— life cycle greenhouse gas emissions from cogeneration production that is fuelled with all fuels, are less than 100 gCO\textsubscript{2} e\textsubscript{e} per 1 kWh of energy output from the combined generation (including heating/cooling, power and mechanical energy).

Or. en

Amendment 95

Proposal for a directive
Annex III – point a – paragraph 1 – indent 4

Text proposed by the Commission

— When a cogeneration unit is built or substantially refurbished, Member States shall ensure that there is no increase in the use of fossil fuels other than natural gas in existing heat sources compared to the annual consumption averaged over the previous three calendar years of full operation before refurbishment, and that any new heat sources in that system do not use fossil fuels other than natural gas.

Amendment

— When a cogeneration unit is built or substantially refurbished, Member States shall ensure that there is no increase in the use of fossil fuels in existing heat sources compared to the annual consumption averaged over the previous three calendar years of full operation before refurbishment, and that any new heat sources in that system do not use fossil fuels.

Or. en
Amendment 96
Proposal for a directive
Annex IV – paragraph 1 – point c

Text proposed by the Commission

(c) where a product or a service is covered by the Union green public procurement criteria, with relevance to energy efficiency of the product or service, make best efforts to purchase only products and services that respect at least the technical specifications set at ‘core’ level in the relevant Union green public procurement criteria including among others for data centres, server rooms and cloud services, Union green public procurement criteria for road lighting and traffic signals, Union green public procurement criteria for computers, monitors tablets and smartphones;

Amendment

(c) where a product or a service is covered by the Union green public procurement criteria, with relevance to energy efficiency of the product or service, and to aspects with an impact on energy efficiency such as water use and waste generation, purchase only products and services that respect the relevant Union green public procurement criteria;

Amendment 97
Proposal for a directive
Annex IV – paragraph 1 – point f – introductory part

Text proposed by the Commission

(f) purchase, or make new rental agreements for, only buildings that comply at least with the minimum energy performance requirements referred to in Article 4(1) of Directive 2010/31/EU unless the purpose of the purchase is:

Amendment

(f) purchase, or make new rental agreements for, only buildings that comply with the highest standards referred to by Directive (EU) 2022/... of the European Parliament and of the Council on the energy performance of buildings] unless the purpose of the purchase is:
Amendment 98

Proposal for a directive
Annex IV – paragraph 1 – point f – point i

Text proposed by the Commission

(i) to undertake deep renovation or demolition;

Amendment

(i) to undertake deep renovation to transform the building into a building complying with the highest standards referred to by Directive (EU) 2022/... of the European Parliament and of the Council [on the energy performance of buildings] or demolition;

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 99

Proposal for a directive
Annex V – point 5 – paragraph 1 – point m

Text proposed by the Commission

(m) the calculation methodology, including how additionality and materiality have been determined and which methodologies and benchmarks are used for deemed and scaled savings, and, where applicable, the net calorific values and conversion factors used;

Amendment

(m) the calculation methodology, including how additionality and materiality have been determined, which methodologies and benchmarks are used for deemed and scaled savings, how the results from ex post evaluations of energy savings have been considered, and, where applicable, the net calorific values and conversion factors used;

Justification

Necessary for the internal logic and for coherence of the text.
Amendment 100

Proposal for a directive
Annex V – point 5a (new)

Text proposed by the Commission

5a. Ex-post evaluation of energy savings

Member States shall appoint an independent entity to carry out transparent ex post evaluations of energy savings resulting from policy measures to assess whether the estimated energy savings have materialised and inform future ex-ante energy savings calculations.

The ex post evaluations shall be carried out by 31 December 2025, and every five years thereafter.

The ex-post evaluations shall be made publicly available and notified to the Commission. Each ex post evaluation shall include:

a) the estimation of energy savings using energy consumption data from a representative and statistically significant sample of energy efficiency actions. Energy consumption data from the sample should be compared with estimates of counterfactual energy consumption, i.e. what energy consumption would have been without the policy measure. Estimates of counterfactual energy consumption should be based on historic energy consumption and any other relevant variables that have a significant impact on energy consumption, such as outdoor air temperature;

b) a comparison between the estimates of energy savings from the evaluation and the energy savings that were expected from the policy measure;

c) a list of recommendations to improve the ex-ante calculation of expected savings where the evaluation
concludes that there is a discrepancy between the expected savings and ex-post energy consumption data.

Energy savings calculated using the metered savings method shall be exempt from this requirement.

Justification

Necessary for the internal logic and for coherence of the text.

### Amendment 101

Proposal for a directive
Annex VI – paragraph 1 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) be based on up-to-date, measured, traceable operational data on energy consumption and (for electricity) load profiles;</td>
<td>(a) be based on up-to-date, measured, traceable operational data on energy consumption and (for electricity) load profiles and water consumption;</td>
</tr>
</tbody>
</table>

### Amendment 102

Proposal for a directive
Annex VI – paragraph 1 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) comprise a detailed review of the energy consumption profile of buildings or groups of buildings, industrial operations or installations, including transportation;</td>
<td>(b) comprise a detailed review of the profile of buildings or groups of buildings, industrial operations or installations, including transportation in terms of energy and water consumption;</td>
</tr>
</tbody>
</table>
Amendment 103
Proposal for a directive
Annex VI – paragraph 1 – point c

Text proposed by the Commission
(c) identify energy efficiency measures to decrease energy consumption;

Amendment
(c) identify efficiency measures to decrease energy and water consumption;

Or. en

Justification
Necessary for the internal logic and for coherence of the text.

Amendment 104
Proposal for a directive
Annex VI – paragraph 1 – point e

Text proposed by the Commission
(e) build, whenever possible, on life-cycle cost analysis (LCCA) instead of Simple Payback Periods (SPP) in order to take account of long-term savings, residual values of long-term investments and discount rates;

Amendment
(e) build on life-cycle cost analysis (LCCA) instead of Simple Payback Periods (SPP) in order to take account of long-term savings, residual values of long-term investments and discount rates;

Or. en

Justification
Necessary for the internal logic and for coherence of the text.

Amendment 105
Proposal for a directive
Annex IX – Part I – point 2 – introductory part

Text proposed by the Commission
2. identification, or in the case of point 2(a)(i), identification or estimation,

Amendment
2. identification, or in the case of point 2(a)(i), identification or estimation, of current heating and cooling supply and
of current heating and cooling supply: associated GHG emissions;

Amendment 106
Proposal for a directive
Annex IX – Part I – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) geological heat reservoirs.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.

Amendment 107
Proposal for a directive
Annex IX – Part III – point 7 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) renewable energy sources (such as geothermal, solar thermal and biomass) other than those used for high efficiency cogeneration;

(d) renewable energy sources for heat and/or cold (such as geothermal, solar thermal and sustainable biomass) other than those used for high efficiency cogeneration and electricity with subsequent conversion into heat and/or cold (solar and wind electricity), complementary thermal energy storage;

Or. en

Justification

Necessary for the internal logic and for coherence of the text.
Amendment 108

Proposal for a directive
Annex IX – Part III – point 8 – point b – paragraph 1 – point i – indent 2

Text proposed by the Commission  
— external benefits such as environmental, greenhouse gas emissions and health and safety benefits, to the extent possible;

Amendment  
— external benefits such as environmental, including reduced air pollution related to energy use, improved management and decreased consumption of energy sources, water and other resources, reduced pressure on ecosystems, decreased material consumption, decreased fossil fuels consumption, greenhouse gas emissions and health, wellbeing, comfort and safety benefits, increased disposable household income, alleviation of energy poverty, to the extent possible; labour market benefits effects, energy security and competitiveness, industrial competitiveness, increased market value of assets, changes in GDP, changes in public budgets (including energy and social welfare spending), avoided CO₂ costs, household disposable income, to the extent possible.

Or. en

Amendment 109

Proposal for a directive
Annex IX – Part III – point 8 – point e – point iii

Text proposed by the Commission  
(iii) Member States shall use national, European or international energy price development forecasts if appropriate in their national and/or regional/local context;

Amendment  
(iii) Member States shall use national, European or international energy and CO₂ price development forecasts if appropriate in their national and/or regional/local context;

Or. en
Amendment 110

Proposal for a directive
Annex XIV – indent 1

Text proposed by the Commission

— Findings /recommendations of an analysis/ audit carried out before the contract has been concluded that covers energy use of the building with a view to implement energy efficiency improvement measures.

Amendment

— Findings /recommendations of an analysis/ audit carried out before the contract has been concluded that covers energy and water use of the building with a view to implement energy efficiency improvement measures.

Or. en

Justification

Necessary for the internal logic and for coherence of the text.