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from : General Secretariat of the Council

to : Delegations

No. Cion prop. : 15906/1/08 ENER 390 ENV 847 CONSOM 188 CODEC 1585 + REV 1(fr,de,en)
15920/08 ENER 395 ENV 848 TRANS 409 CONSOM 187 CODEC 1588
15929/1/08 ENER 398 ENV 850 CODEC 1592 + REV 1 (en)

Subject : Energy efficiency package

- a) Proposal for a Directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast)
 - b) Proposal for a Directive of the European Parliament and of the Council on labelling of tyres with respect to fuel efficiency and other essential parameters
 - c) Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)
 - Progress report
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With a view to facilitating further work on this priority issue the attached progress report summarises the work conducted so far be it with respect to legislative proposals (points 1 to 5) or to comitology measures (point 6).

1. Council received the above proposals from the Commission on 17 November 2008. These proposals aim to contribute to the achievement of the objective to save 20% of the EU's energy consumption for 2020, as called for by the 2007 Spring European Council conclusions. The European Parliament adopted its opinions in first reading:
 - a) for the draft Directive on energy labelling (rapporteur Podimata), based on Art. 95 TEC, on 5 May 2009;
 - b) for the draft Directive on labelling of tyres (rapporteur Belet), based on Art. 95 TEC, on 22 April 2009;
 - c) for the draft Directive on the energy performance of buildings (rapporteur Țicău), based on Art. 175(1) TEC, on 23 April 2009.

2. The Commission has presented the three proposals to the Council instances, and a first exchange of views was held. Note was also taken of the amendments proposed by the European Parliament, and of the opinions of the Consultative Working Party on proposals a) and c). On the proposal for a Directive on the energy performance of buildings, a more detailed examination of the articles has commenced. Furthermore, a number of written comments were received from delegations. The Swedish delegation has announced that the three proposals will receive priority during its presidency in the second half of the year 2009.

3. The draft framework Directive on energy labelling (recast) was generally well received. The extension of the scope (from certain types of household appliances to energy-related products) was widely supported, although some delegations expressed doubt on the inclusion of construction products. Certain delegations expressed reticence vis-à-vis the provisions that would - through implementing measures - lead to minimum performance levels applicable to public procurement and to incentive systems. The need for alignment and synergy with other relevant Community legislation, in particular with the Ecodesign Directive, was underlined. Furthermore, some delegations expressed the view that the proposed labels should remain a simple and effective means of informing consumers and should serve continually to stimulate the purchase of the most energy-efficient products as well as to develop more energy efficient ones.

4. A majority of delegations expressed broad support for the aims of the draft Directive on labelling of tyres; some delegations expressed the wish to adopt and implement the Directive as soon as feasible. Some delegations explained that they saw a need to add a particular type of tyres suitable for Nordic winter conditions. Delegations expressed various views and concerns regarding the exact means and ways in which end consumers would be informed of the qualities of the tyres that they could choose. Delegations were informed that the Commission will present an amended proposal in the form of a Regulation; this change would enable direct application in all Member States and would therefore speed up implementation and reduce the administrative burden. The change is in line with the views of several delegations and will be made in response to an amendment of the European Parliament.

5. The draft Directive on the energy performance of buildings (recast) was welcomed, with many delegations expressing support for the general aims of the draft Directive. Several delegations underlined however that the administrative burden should not be significantly increased on account of this Directive, that subsidiarity, cost-efficiency considerations and adaptability to national circumstances are of key importance, and that owners should not be discouraged to carry out renovations as a result of stricter rules. Delegations also drew attention to differences in existing national policies to promote energy efficiency in buildings, and to different opinions on the functioning in practice of the Directive currently in force. Against this background, delegations expressed differing views on provisions of the draft Directive, and concern on several amendments proposed by the European Parliament which appear at first sight to be overly ambitious and unrealistic; the Commission's opinion on these amendments is therefore eagerly awaited. Furthermore, many delegations already expressed detailed positions in writing, addressing, among other things, the emphasis to be placed on *new* buildings, the proposed reduction of the existing threshold of 1000 m² (below which the current Directive does not have to apply) to 250 m²; the system of certification of buildings and the periods foreseen for the implementation of the draft Directive.

6. Another important contribution to achieving the 20% objective of energy savings by 2020, are a number of measures which were submitted by the Commission to the Council (and the European Parliament) in the context of the Regulatory procedure with scrutiny. Those measures are implementing measures under the current framework Directives establishing a framework for the setting of eco-design requirements (2005/32/EC)¹ and on the indication by labelling and standard product information of the consumption of energy and other resources fo household appliances (92/75/EEC) and are generally supported by the Council. The measures submitted by the Commission this year concern electric motors, standalone circulators, televisions and refrigerators for eco-design requirements, and televisions and refrigerators for energy labelling. The final decisions on the measures concerning energy labelling are still pending.²
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¹ It is recalled that the EP and Council recently agreed to a recast of the Directive establishing a framework for the setting of ecodesign requirements.

² In the context of the framework Directive on *eco-design requirements*, five implementing measures have already been adopted since the end of 2008:

Regulation (EC) No 1275/2008 of 17 December 2008 regarding standby and off mode losses of electrical equipment, OJ L 339 of 18.12.2008

Regulation (EC) No 107/2009 of 4 February 2009 regarding simple set-top boxes, OJ L 36 of 5.2.2009

Regulation (EC) No 244/2009 of 18 March 2009 regarding domestic lighting equipment, OJ L 76 of 24.3.2009

Regulation (EC) No 245/2009 of 18 March 2009 regarding street and office lighting equipment, OJ L 76 of 24.3.2009

Regulation (EC) No 278/2009 of 6 April 2009 regarding external power supplies, OJ L 93 of 7.4.2009