Council of the European Union

Brussels, 2 December 2016
(OR. en)

15091/16
ADD 5

Interinstitutional File:
2016/0376 (COD)

ENER 413
ENV 754
TRANS 473
ECOFIN 1149
RECH 340
IA 124
CODEC 1789

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	1 December 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2016) 403 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE EVALUATION of Articles 6 and 7 of the Energy Efficiency Directive (2012/27/EU) Accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on Energy Efficiency

Delegations will find attached document SWD(2016) 403 final.

Encl.: SWD(2016) 403 final

EUROPEAN
COMMISSION

Brussels, 30.11.2016
SWD(2016) 403 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION of Articles 6 and 7 of the Energy Efficiency Directive (2012/27/EU)

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on Energy Efficiency

{COM(2016) 761 final}
{SWD(2016) 402 final}

As part of the Energy Union Strategy, the Commission carried out a review of Directive 2012/27/EU on energy efficiency (EED). Given the recent transposition date of the Directive (5 June 2014), this evaluation did not examine all aspects of the EED. It focussed on the two elements for which a review is explicitly required under Article 24: Article 6 (on purchasing by public bodies) and Article 7 (on efficiency obligation schemes / alternative measures).

Evaluation of Article 6

The evaluation of the effectiveness of Article 6 shows that it is too early to judge the achievement of the objectives of Article 6 due to the following reasons:

- The recent transposition date and the fact that most Member States are still putting in place the necessary measures to implement Article 6 requirements.

- Lack of expertise on the operational aspects of the use of energy efficiency criteria within public procurement based on the requirement of Article 6.

- Lack of data and of a reference scenario allowing quantification of progress in the rate of public procurement applying energy efficiency criteria.

It is therefore premature to proceed to a legal revision of Article 6 of the EED.

Policy recommendations of this evaluation highlight the need to improve guidance to the Member States on the use of the conditionalities and the energy efficiency criteria in public procurement. The knowledge base on certain operational aspects should be strengthened and more synergies between national purchasing bodies and existing EU-networks on public procurement should be developed to increase awareness and use of energy efficiency criteria.

Evaluation of Article 7

The evaluation of the implementation reveals that Member States are on track to achieve their savings requirements under Article 7, provided that the measures are effectively implemented by Member States and that robust monitoring and control systems are established.

More specifically the results of the evaluation are as follows:

- Energy Efficiency Obligation Schemes (EEOSs) are expected to generate the highest amount of savings by 2020 of a single measure notified under Article 7 (34 % or 86.1 Mtoe). Other major policy measures are financing schemes and fiscal incentives (19 % or 49.0 Mtoe) followed by energy and CO_2 tax measures (15 % or 34.4 Mtoe) and regulations and voluntary agreements (11 % or 27.1 Mtoe).

- Despite initial start-up costs, the administrative costs to run the EEOSs are relatively low, although they can be expected to vary between Member States.

- There is more evidence available on how the monitoring and verification systems work for the EEOS than for the alternative measures, including only limited evidence on the costs associated with the monitoring of alternative measures.

- As regards the existing framework, certain requirements (e.g. additionality, materiality and eligibility) require further clarification, simplification and/or guidance.