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COM(2013) 113 final

2013/0068 (NLE)

Proposal for a

COUNCIL DIRECTIVE

**adapting Directive 2012/27/EU on energy efficiency, by reason of the accession of
Croatia**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The present proposal for a Council Directive adapting Directive 2012/27/EU on energy efficiency is necessitated by the upcoming accession of the Republic of Croatia to the European Union. The Treaty concerning the accession of the Republic of Croatia to the European Union¹ was signed by all Member States of the European Union and the Republic of Croatia at Brussels on 9 December 2011. Article 3(3) of the Treaty of Accession provides that it shall enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.

Article 3(4) of the Treaty of Accession of the Republic of Croatia enables the institutions of the Union to adopt before accession measures referred to, inter alia, in Article 50 of the Act concerning the conditions of accession of the Republic of Croatia². These measures shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

Article 50 of the Act of Accession provides that where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in that Act or its Annexes, the Council or the Commission (if the original acts were adopted by the Commission) shall adopt the necessary acts.

The present proposal covers Directive 2012/27/EU of the European Parliament and the Council of 25 October 2012 on energy efficiency which requires technical adaptation by reason of the accession of Croatia.

The energy consumption figures for 2020 given in the energy efficiency Directive cover the EU27. With the accession of Croatia, the energy consumption figures are updated to take into account 28 countries. As this is based on the same underlying energy model figures, this can be considered a technical adaptation.

The present proposal remains outside the package of proposals COM(2013) 51 to COM(2013) 63 which the Commission transmitted to the Council on 8 February 2013. The package of proposals COM(2013) 51 to COM(2013) 63 covered only technical adaptations to the *acquis* which were published in the Official Journal of the European Union up to and including 1 September 2012.

Directive 2012/27/EU³ requires Member States to set indicative national energy efficiency targets, and in so doing the Member States should take into account the Union's 2020 energy consumption⁴. Due to the accession of Croatia it is necessary to technically adapt the projected energy consumption figures for the European Union in 2020 to reflect the EU 28. Projections made in 2007 showed a primary energy consumption in 2020 of 1842 Mtoe for the 27 Member States of the EU. The same

¹ OJ L 112/10, 24.4.2012, p. 10.

² OJ L 112/21, 24.4.2012, p. 21.

³ OJ L 315/1, 14.11.2012, p. 1.

⁴ Article 3(1)(a) of Directive 2012/27/EU

projections show a primary energy consumption in 2020 of 1853 Mtoe for the EU 28 including Croatia. A 20 % reduction results in 1483 Mtoe in 2020, i.e. a reduction of 370 Mtoe as compared to projections. This purely technical adaptation is necessary to allow Directive 2012/27/EU to be applicable in Croatia.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

As this proposal is of a purely technical nature and does not involve any political choices, consultations with interested parties or impact assessments would not have made sense.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis for the proposal is Article 50 of the Act concerning the conditions of accession of the Republic of Croatia.

The principles of subsidiarity and proportionality are fully respected. The action of the Union is necessary under the principle of subsidiarity (Article 5 (3) TEU) because it concerns technical adaptations to legal acts which were enacted by the Union. The proposal respects the principle of proportionality (Article 5 (4) TEU) because it does not go beyond what is necessary to reach the objective pursued.

4. BUDGETARY IMPLICATION

The proposal has no budgetary implications.

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COUNCIL DIRECTIVE

adapting Directive 2012/27/EU on energy efficiency, by reason of the accession of Croatia

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty of Accession of the Republic of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 50 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 50 of the Act of Accession, where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the Council, acting by qualified majority on a proposal from the Commission, shall, to this end, adopt the necessary acts, if the original act was not adopted by the Commission.
- (2) Directive 2012/27/EU¹ of the European Parliament and of the Council of 25 October 2012 on energy efficiency and amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC requires Member States to set indicative national energy efficiency targets, and in so doing the Member States should take into account the Union's 2020 energy consumption².
- (3) Due to the accession of Croatia it is necessary to technically adapt the projected energy consumption figures for the European Union in 2020 to reflect the EU 28. Projections made in 2007 showed a primary energy consumption in 2020 of 1842 Mtoe for the 27 Member States of the EU. The same projections show a primary energy consumption in 2020 of 1853 Mtoe for the EU 28 including Croatia. A 20 % reduction results in 1483 Mtoe in 2020, i.e. a reduction of 370 Mtoe as compared to

¹ OJ L 315/1, 14.11.2012, p. 1.

² Article 3(1)(a) of Directive 2012/27/EU

projections. This technical adaptation is necessary to allow Directive 2012/27/EU to be applicable in Croatia.

(4) Directive 2012/27/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2012/27/EU shall be amended as set out in the Annex.

Article 2

1. The adaptations set out in the Annex are without prejudice to the time limit provided in Article 28 of Directive 2012/27/EU.

Article 3

This Directive shall enter into force subject to, and as from the date of the entry into force of the Treaty of Accession of the Republic of Croatia.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

ENERGY

32012L0027 L 315/1: DIRECTIVE 2012/27/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1) :

a) Article 3(1)(a) is replaced by the following:

‘that the Union's 2020 energy consumption has to be no more than 1483 Mtoe of primary energy or no more than 1086 Mtoe of final energy;’

b) Article 3(2) is replaced by the following:

‘By 30 June 2014, the Commission shall assess progress achieved and whether the Union is likely to achieve energy consumption of no more than 1483 Mtoe of primary energy and/or no more than 1086 Mtoe of final energy in 2020.’

c) Article 3(3)(d) is replaced by the following:

‘compare the results under points (a) to (c) with the quantity of energy consumption that would be needed to achieve energy consumption of no more than 1483 Mtoe of primary energy and/or no more than 1086 Mtoe of final energy in 2020.’