

DECISION

OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2015/08/MC-EnC: on the implementation of the 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

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 2(d), 24, 25, 79 and 81 thereof,

Having regard to the proposal from the European Commission,

Whereas:

1. The Ministerial Council of the Energy Community on 18 December 2009 adopted Decision 2009/05/MC-EnC incorporating Directive 2006/32/EC on energy end-use efficiency and energy services, Directive 2002/91/EC on the energy performance of buildings ('Directive 2002/91/EC') and Directive 92/75/EEC on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances ('Directive 92/75/EEC'), as well as eight Implementing Directives, into the Energy Community acquis,
2. The Ministerial Council of the Energy Community on 24 September 2010 adopted Decision No 2010/02/MC-EnC amending Decision 2009/05/MC-EnC of 18 December 2009 on the implementation of certain Directives on Energy Efficiency, respectively Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, recasting and repealing Directive 2002/91/EC, and Directive 2010/30/EU of the European Parliament and of the Council on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products, recasting and repealing Directive 92/75/EEC,
3. The 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, was published in the Official Journal of the European Union L315/1 on 14.11.2012,
4. The Ministerial Council of the Energy Community adopted on 24 October 2013 a Recommendation R/2013/01/MC-EnC on energy efficiency
5. The Energy Community should adapt its *acquis* to the recent changes in the European Union law, taking into account its own institutional framework and the specific situation of each of its Contracting Parties.

6. While the European Council of October 2014 set an indicative target at the EU level of at least 27% for improving energy efficiency in 2030 compared to projections of future energy consumption based on the current criteria, this target will be reviewed by 2020, having in mind an EU level of 30%. Accordingly the Commission will propose an review of the Directive for the Energy Community by 2020.
7. Whereas at its meeting on 24 June 2015, the Permanent High Level Group discussed the present proposal and endorsed it on 22 September 2015.

HAS ADOPTED THIS DECISION:

Article 1
Implementation of the *acquis*

Each Contracting Party shall transpose and implement 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 by 15 October 2017.

They shall forthwith inform the Energy Community Secretariat thereof.

Transposition shall be made without changes to the structure and text of Directive 2012/27/EU other than translation.

Article 2
General adaptations under Article 24 of the Energy Community Treaty

1. Save where otherwise stated in this Decision, the text of the Directive 2012/27/EU referred to in Article 1 shall be adapted to the Energy Community as follows:
 - (a) the term 'Member States' shall be replaced by 'Contracting Parties';
 - (b) references to the Official Journal of the European Union shall be replaced by the expression 'a dedicated section of the website of the Energy Community';
 - (c) references to Directive 2010/31/EU, shall be replaced with 'Directive 2010/31/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC..'
 - (d) references to Directives 2009/72/EC and 2009/73/EC, shall be replaced with 'Directives 2009/72/EC and 2009/73/EC as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC':
 - (e) references to Directive 2010/75/EU shall be replaced with 'Directive 2010/75/EU, as incorporated and adapted by the Ministerial Council decision 2013/06/MC-EnC';
 - (f) references to Regulation (EC) No 714/2009 shall be replaced with 'Regulation (EC) No 714/2009, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC';
2. The adaptations referred to in Article 3 of this Decision shall apply in addition to the adaptations referred to in paragraph 1 of this Article.

Article 3 *Ad hoc adaptations*

1. Article 1(1) shall be replaced by the following:

'This Directive establishes a common framework of measures for the promotion of energy efficiency within the Energy Community, to set a 20 % headline target on energy efficiency in the Energy Community in 2020 and to pave the way for further energy efficiency improvements beyond that date. It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of indicative national energy efficiency targets for 2020.'
2. Article 2(21) shall be replaced by the following

'distribution system operator' means 'distribution system operator' as defined in Directive 2009/72/EC and Directive 2009/73/EC respectively, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC';
3. Article 2(29) shall be replaced by the following:

'transmission system operator' means 'transmission system operator' as defined in Directive 2009/72/EC and Directive 2009/73/EC respectively, as incorporated and adapted by Ministerial Council Decision 2011/02/MC-EnC.'
3. Article 3(1)(a) shall be replaced by the following

'that the Energy Community's 2020 energy consumption has to be no more than 187 Mtoe of primary energy or no more than 133 Mtoe of final energy;';
4. Article 3(2) shall be replaced by the following:

'By 30 June 2018, the Energy Community Secretariat shall assess progress achieved and whether the Energy Community is likely to achieve energy consumption of no more than 187 Mtoe of primary energy and/or no more than 133 Mtoe of final energy in 2020.';
5. Article 3(3)(d) shall be replaced by the following:

'compare the results under points (a) to (c) with the energy consumption of no more than 187 Mtoe of primary energy and/or no more than 133 Mtoe of final energy in 2020';
6. Article 4, last sentence shall be replaced by the following:

'A first version of the strategy shall be published by 30 March 2017 and updated every three years thereafter and submitted to the Energy Community Secretariat as part of the National Energy Efficiency Action Plans.';
7. In Article 5 the renovation rate shall be set at 1 %.
8. In Article 5(1) the date 1 January 2014 shall be replaced by 1 December 2017 and the date 9 July 2015 shall be replaced by of 1 January 2019.
9. In Articles 5(5) and 5(6) the date 31 December 2013 shall be replaced by the date 1 January 2017.
10. Paragraph 2 in Article 6(1) shall be replaced by the following:

'The obligation set out in the first subparagraph shall apply to contracts for the purchase of products, services and buildings by public bodies in so far as such contracts have a value equal to or greater than the thresholds laid in each Contracting Party's national

legislation. Each Contracting Party shall submit its national thresholds to the Energy Community Secretariat, by 15 October 2017';

11. In Article 6(2), the second sentence 'The obligation shall not apply to contracts for the supply of military equipment as defined by Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security' shall not be applicable.
12. Paragraph 2 in Article 7(1) shall be replaced by
'That target shall be at least equivalent to achieving new savings each year from 1 January 2017 to 31 December 2020 of 0,7 % of the annual energy sales to final customers of all energy distributors or all retail energy sales companies by volume, averaged over the most recent three-year period prior to 1 January 2016. The sales of energy, by volume, used in transport may be partially or fully excluded from this calculation.';
13. Article 7(2)(a) shall be replaced by
'carry out the calculation required by the second subparagraph of paragraph 1 using values of 0.5 % in 2017 and 2018; and 0.7 % in 2019 and 2020';
14. In Article 7(3) the date 5 June 2014 shall be replaced by the date 15 October 2017;
15. In last paragraph in Article 7(9) the date 5 December 2013 shall be replaced by the date 15 March 2017;
16. Article 7(10)(a) shall not be applicable;
17. In Article 8(4) the date 5 December 2015 shall be replaced by the date 5 November 2018;
18. In Article 9(3) the date 31 December 2016 shall be replaced by the date 30 November 2019;
19. In Article 10(1), the date 31 December 2014 shall be replaced by the date 30 November 2017;
20. In Article 13, the date 5 June 2014 shall be replaced by the date 15 October 2017;
21. In Article 14(1)
 - (a) the date 31 December 2015 shall be replaced by the date 30 November 2018,
 - (b) the second paragraph shall not be applicable;
22. In Article 14(5) the date 5 June 2014 shall be replaced by the date 15 October 2017;
23. In Article 14(6) the date 31 December 2013 shall be replaced by the date 15 October 2017;
24. In Article 15(2) the date 30 June 2015 shall be replaced with 15 October 2018;
25. In Article 16(1) the date 31 December 2014 shall be replaced with 31 December 2017;
26. Article 22 shall not be applicable;
27. Article 23 shall not be applicable;
28. Article 24(1) shall be replaced by the following

'By 30 June each year as from 2017, Contracting Parties shall report on the progress achieved towards national energy efficiency targets, in accordance with Part 1 of Annex XIV.';

29. In Article 24(2)

(a) the date 30 April 2014 shall be replaced with the date 30 April 2019

(b) second subparagraph shall be replaced by the wording

'The National Energy Efficiency Action Plans shall in any case include the information specified in Annex XIV.';

30. Article 24(4) shall not be applicable;

31. Article 24(7) shall be replaced by the following:

'By 30 June 2018 the Energy Community Secretariat shall submit the assessment referred to in Article 3(2) to the Ministerial Council of the Energy Community, accompanied, if necessary, by proposals for further measures.';

32. Article 24(8) shall be replaced by the following:

'The Energy Community Secretariat shall review the effectiveness of the implementation of Article 6 by 5 November 2018 and shall submit a report to the Ministerial Council of the Energy Community. That report shall be accompanied, if appropriate, by proposals for further measures.'

33. Article 24(9), first paragraph, shall be replaced by the following:

'By 30 May 2019, the Energy Community Secretariat shall submit a report to the Ministerial Council of the Energy Community on the implementation of Article 7. That report shall be accompanied, if appropriate, by a legislative proposal for one or more of the following purposes'

34. In Article 24(10) the date 30 June 2018 shall be replaced with the date 30 September 2020;

35. Article 26 shall not be applicable;

36. Article 27 shall be replaced by the following:

'1. Article 1 of the Ministerial Council Decision 2009/05/MC-EnC is repealed from 15 October 2017. By way of exception, Article 4(1) to (4) of Directive 2006/32/EC as incorporated and adapted by Ministerial Council Decision 2009/05/MC-EnC thereof and Annexes I, III and IV thereto, shall continue to apply, without prejudice to the obligations of the Contracting Parties relating to the time-limit for its transposition into national law. Article 4(1) to (4) of, and Annexes I, III and IV of Directive 2006/32/EC as incorporated and adapted by Ministerial Council Decision 2009/05/MC-EnC, shall cease to apply with effect from 1 January 2020. References to Directive 2006/32/EC shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex XV.'

2. Article 9(1) and (2) of Directive 2010/30/EU, as incorporated and adapted by Ministerial Council Decision 2010/01/MC-EnC shall cease to apply from 15 October 2017.'

37. In Article 28 the date 5 June 2014 shall be replaced with 15 October 2017;

38. Article 29 shall be replaced by the following

'This Directive shall enter into force on the date of its adoption by the Ministerial Council.';

39. Article 30 shall not be applicable;
40. Annex III (b)(c) and (d) shall not be applicable;
41. Annex V(2)(a) shall be deleted; Annex V(3)(a) shall not be applicable;
42. In Annex V(4) first paragraph the date 5 December 2013 shall be replaced with the date 15 November 2017;
43. In Annex XV in the correlation table rows relating to Directive 2004/8/EC shall not be applicable;

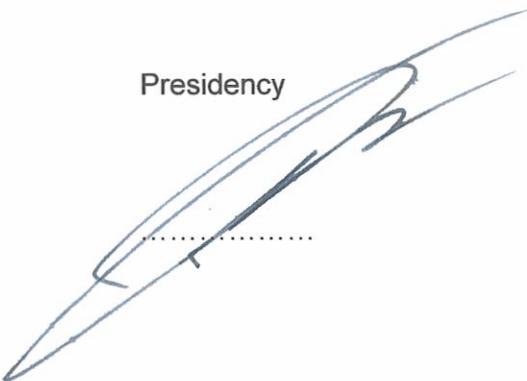
Article 4

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

Done in Tirana on 16 October 2015

For the Ministerial Council

Presidency



A large, stylized handwritten signature in blue ink is written over the text 'Presidency'. The signature is slanted upwards from left to right and consists of several overlapping loops and strokes.