



**COUNCIL OF  
THE EUROPEAN UNION**



17165/09 (Presse 369)

**PRESS RELEASE**

2983rd Council meeting

**Transport, Telecommunications and Energy**

**ENERGY**

Brussels, 7 December 2009

President      **Ms Maud OLOFSSON**  
Minister for Enterprise and Energy

**P R E S S**

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17165/09 (Presse 369)

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**EN**

## **Main results of the Council**

*Ministers took note of the state of play concerning three proposals aimed at improving **energy efficiency**: directives on energy performance of buildings and on energy labelling, as well as a regulation on the labelling of tyres.*

*In the context of the **security of energy supply**, the Council:*

- took note of a progress report on the proposal for a regulation on the security of gas supply and held a policy debate on that proposal;*
- took note of a progress report on the proposal for a regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community;*
- held an exchange of views concerning regulation 663/2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy.*

*Ministers also had an exchange of views on the Commission communication entitled: "Investing in the Development of Low-Carbon Technologies (SET-Plan)".*

*Over lunch, the Presidency and the Commission informed ministers of recent developments in international relations in the field of energy.*

*In the margins of the Council, the following events took place:*

- an Intergovernmental Conference of the representatives of the governments of the member states in order formally to adopt a decision concerning the seat of the Agency for the Cooperation of Energy Regulators (ACER), which will be located in Ljubljana;*
- the signing of the memorandum of understanding regarding the Central Eastern European Forum for Electricity Market Integration.*

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<sup>1</sup> Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks. Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>). Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

**OTHER ITEMS APPROVED**

*ENERGY*

- Ministerial Council of the Energy Community..... 17

## PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

### Belgium:

Mr Paul MAGNETTE

Minister of Climate and Energy

### Bulgaria:

Mr Traicho TRAIKOV

Minister of Economy, Energy and Tourism

### Czech Republic:

Mr Vladimír TOŠOVSKÝ

Minister for Industry and Trade

### Denmark:

Ms Lykke FRIIS

Minister for Climate and Energy

### Germany:

Mr Jochen HOMANN

State Secretary at the Federal Ministry of Economics and Technology

### Estonia:

Mr Juhan PARTS

Minister for Economic Affairs and Communications

### Ireland:

Mr Eamon RYAN

Minister for Communications, Energy and Natural Resources

### Greece:

Mr Yannis MANIATIS

State Secretary at the Ministry of Environment, Energy and Climate Change

### Spain:

Mr Pedro MARÍN URIBE

State Secretary for Energy

### France:

Mr Philippe LEGLISE-COSTA

Deputy Permanent Representative

### Italy:

Mr Claudio SCAJOLA

Minister for Economic Development

### Cyprus:

Mr Antonis PASCHALIDES

Minister for Commerce, Industry and Tourism

### Latvia:

Ms Zaiga LIEPINA

Deputy State Secretary, Ministry of Economics

### Lithuania:

Mr Arvydas DRAGŪNAS

State Secretary at the Ministry of the Environment

### Luxembourg:

Mr Jeannot KRECKÉ

Minister for Economic Affairs and Foreign Trade,  
Minister for Sport

### Hungary:

Mr Péter HÓNIG

Minister for Transport, Telecommunications and Energy

### Malta:

Ms Theresa CUTAJAR

Deputy Permanent Representative

### Netherlands:

Ms Maria van der HOEVEN

Minister for Economic Affairs

### Austria:

Mr Reinhold MITTERLEHNER

Federal Minister for Economic Affairs, the Family and Youth

### Poland:

Mr Waldemar PAWLAK

Deputy Prime Minister, Minister for Economic Affairs

### Portugal:

Mr Carlos ZORRINHO

State Secretary for Energy and Innovation

**Romania:**

Mr Claudiu Constantin STAFIE

State Secretary for Industrial Policy and Competitiveness,  
Ministry of the Economy**Slovenia:**

Mr Matej LAHOVNIK

Minister for the Economy

**Slovakia:**

Mr Ľubomír JAHNÁTEK

Minister for the Economy

**Finland:**

Ms Mauri PEKKARINEN

Minister for Economic Affairs

**Sweden:**

Ms Maud OLOFSSON

Deputy Prime Minister and Minister for Enterprise and  
Energy

Mr Ola ALTERÅ

State Secretary to the Minister for Enterprise and Energy

**United Kingdom:**

Lord HUNT

Minister of State, Department for Energy and Climate  
Change**Commission:**

Mr Andris PIEBALGS

Member

## ITEMS DEBATED

### ENERGY EFFICIENCY PACKAGE

In a public deliberation, the Council the Council took note of the state of play and procedures concerning the so-called "energy efficiency package", which includes the following three proposals:

- an energy performance of buildings directive ([16082/09](#));
- an energy labelling directive ([16080/09](#));
- a regulation on labelling of tyres with respect to fuel efficiency ([14639/09](#)).

The Council has been working intensively on the proposals and has already adopted the regulation on labelling of tyres and reached an informal agreement with the European Parliament on the two directives. Nevertheless, the entry into force of the Lisbon Treaty requires some adaptations mainly concerning the legal basis and the comitology provisions. Consultations are ongoing between the institutions on these issues.

These proposals were presented by the Commission in November 2008 with the aim of contributing to the EU's target of reducing energy consumption by 20% and producing 20% of energy from renewable sources by 2020. Agreement on this package was one of the main priorities of the Swedish Presidency, with a view in particular to the Copenhagen conference in December .

In the context of international cooperation on energy efficiency, the Council has also recently adopted a decision on the signing and conclusion by the European Community of the 'Terms of Reference for the International Partnership for Energy Efficiency Cooperation', also known as "IPEEC" ([16564/09](#)). The agreement is an important and timely step in this field and will contribute to the diffusion of best practices worldwide.

## Energy performance of buildings

The aim of this proposal is to clarify, strengthen and extend the scope of the current directive 2002/91, as well as to reduce the large differences between member states' practices in this sector. Its provisions cover energy needs for space and hot water heating, cooling, ventilation and lighting for new and existing, residential and non-residential buildings .

The buildings sector is responsible for about 40% of the EU's total final energy consumption and CO2 emissions. Improving the overall energy performance of buildings through cost-effective measures will therefore bring social, economic and environmental benefits at national and EU level,

The revised legislation provides in particular for:

- all new buildings must be nearly zero energy buildings by 2020 and for buildings occupied by public authorities by 2018. Member States should draw up national plans to increase the number of "nearly zero energy buildings", whose energy needs should to a very significant extent be covered by energy from renewable sources, including renewable energy produced on-site or nearby;
- the public sector should assume a leading role: public buildings with a total floor area over 500m<sup>2</sup> and frequently visited by the public will have to display **energy performance certificates** visibly. In five years, this threshold will be lowered to 250 m<sup>2</sup>;
- **minimum energy performance requirements** for buildings or building units, in order to achieve a "cost-optimal level" (the energy performance level which leads to the lowest cost during the estimated economic life-cycle);
- **minimum energy performance requirements** when a major renovation is to be carried out in existing buildings or building units;
- regular **inspections** of heating and air-conditioning systems;
- independent control systems for energy performance certificates and inspection reports.

## Energy labelling

The proposal recasts directive 92/75 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances. Its objective is to extend its scope, providing for the labelling of all energy-related products including for the household, commercial and industrial sectors and of some non-energy using products, such as windows which have a significant potential to save energy once in use or installed.

The basis of labelling will continue to be the scale A–G, from dark green (the most energy-efficient) to red, which is well understood by consumers. For products that are already subject to labelling requirements and where a majority of the products on the market are in the highest energy classes, up to three more energy classes can be added to the label ( A+, A++ and A+++). Advertising should also indicate, as appropriate, the energy class, where energy-related or price information is disclosed.

In public procurement, member states should endeavour to procure only the highest energy class of labelled products.

## Labelling of tyres

The Council was informed of the adoption of the regulation on the labelling of tyres with respect to fuel efficiency and other essential parameters.

The aim of this regulation is to increase the safety and the economic and environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels. Mainly because of their rolling resistance, tyres, account for 20 % to 30 % of vehicle fuel consumption.

The regulation establishes a framework for the provision of harmonised information on tyre parameters, such as rolling resistance, wet grip and external rolling noise, thus enabling consumers to make an informed choice when purchasing tyres, since the labels on tyres will be displayed at the point of sale, as well as in technical promotional material.

This initiative is in line with the revised Commission strategy on CO<sub>2</sub> emissions from passenger cars and light commercial vehicles ([12389/06](#)) which sets CO<sub>2</sub> targets to be achieved through reductions of car emissions, including the promotion of fuel efficient tyres.

## **SECURITY OF ENERGY SUPPLY**

### **Proposal for a regulation on the security of gas supply and repealing directive 2004/67**

The Council held a policy debate on the proposal ([11892/09](#)), on the basis of a questionnaire prepared by the Presidency ([16000/09](#)), and following a presentation by the Commissioner for Energy, Mr Piebalgs.

The proposal, which was submitted by the Commission last July, is aimed at providing for a coordinated response regarding both preventive action and reaction to concrete disruptions of supply in the short and in the longer term. It is one key element of the legislative framework contributing to the EU's security of energy supply, following the Russian-Ukrainian gas crisis of January 2009. It is also a follow-up to European Council's call for an accelerated revision of the existing directive on measures to safeguard security of natural gas supply, so that the Community will be better prepared for any future gas supply disruption. Natural gas constitutes one quarter of primary energy supply. Gas consumption in Europe has increased rapidly during the last ten years and domestic production has decreased, thus increasing dependence on imports.

In principle, the general approach of the Commission's proposal was well received. Ministers highlighted, however, certain points of concern regarding specific aspects of the draft regulation.

Many ministers stressed, in particular, the need to clarify further the roles and responsibilities of the market actors, the member states and the Commission, in line with the subsidiarity principle. For ensuring gas supply, the hierarchy going from gas undertakings, Member States, to the regional and the EU level was underlined. Crisis management should be based on an in-depth risk analysis, and there must be a balance between solidarity, the market's responsibilities and Member States' responsibility for their own gas supply.

A majority of ministers welcomed the Commission's proposal of mandatory infrastructure and supply standards, while asking for increased flexibility in order to take account of national circumstances and specificities. The implementation of the standards should be based on a cost-benefit analysis, with due priority given to market-based instruments. Regional and bilateral cooperation has been strongly supported in the debate, but more details will be needed, in particular regarding the breakdown of costs.

Finally, a clear-cut definition of protected customers was esteemed necessary, allowing nevertheless for sufficient flexibility to take national or regional circumstances into account, including financial issues.

The incoming Spanish Presidency announced its intention of reaching a political agreement on the Commission's proposal before the end of June 2010.

### **Financial assistance to projects in the field of energy**

Ministers were updated by Energy Commissioner Piebalgs on the state of play concerning regulation 663/2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy, followed by an exchange of views on the subject.

Mr Piebalgs informed the ministers that following the publication of a tender, 87 projects have been received for this programme (46 for interconnections, 29 for offshore and 12 for carbon capture and storage). The first contracts for offshore wind energy and carbon capture and storage should be signed before the end of this year, and as regards interconnection projects, the evaluation process should be completed in the next few weeks. The Commissioner expected that the whole amount earmarked for the energy part of the European Economic Recovery Plan would be committed in 2010, thus providing for a major stimulus of the Europe's economy.

The regulation forms part of the European Economic Recovery Plan (EERP) and provides for EUR 2 billion in 2009 and EUR 1.98 billion in 2010 for projects in the field of energy, such as gas and electricity infrastructures, small islands, offshore wind and carbon capture and storage.

## Investment projects in energy infrastructure

Ministers took note of a progress report (15692/09) on the proposal for a regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community (12235/09), following a presentation of the proposal by Commissioner Piebalgs.

According to the European Council Action Plan 2007-09 on Energy Policy for Europe<sup>1</sup>, the Commission and the member states should identify investment required to satisfy EU strategic needs in relation to gas and electricity supply and demand. This regulation establishes a common and more transparent framework for the notification to the Commission of data and information on investment projects in energy infrastructure in the oil, natural gas, electricity and bio-fuel sectors, as well on investment projects related to carbon dioxide produced by those sectors.

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<sup>1</sup> (7224/07, Annex I).

## **INVESTING IN THE DEVELOPMENT OF LOW-CARBON TECHNOLOGIES (SET-PLAN)**

Ministers had an exchange of views on the Plan, following the presentation of the communication by Commissioner Piebalgs, on the basis of the six recommendations set out in the communication's conclusions ([14230/09](#)).

In general, Ministers welcomed the communication, underlining the importance of low carbon technologies for achieving the emission reductions and energy efficiency targets. Subject to further clarification of the financing issues, Ministers also acknowledged the need for an increase of the research efforts and to concentrate resources on projects with the highest added value. Many ministers shared the view that public financing should be complemented by private money. Furthermore, the seven European Industrial Initiatives (E2I) outlined in the communication were also broadly supported: the European wind initiative, the solar Europe initiative, the European electricity grid initiative, the sustainable bio-energy Europe initiative, the European CO<sub>2</sub> capture, transport and storage initiative, the sustainable nuclear fission initiative, and the initiative on fuel cells and hydrogen.

The Commission submitted this communication in October, following the endorsement of the Strategic Energy Technology Plan in spring 2008. The communication sets out the Commission's analysis of the main requirements for transition to a low-carbon economy in the Community, while contributing to the EU leadership in these Research & Development areas. It includes detailed Technology Roadmaps 2010-2020, as well as indicative financing. The funding required would have to come from private and (national) public sources, whilst some Community funding could act as leverage for stimulating investment. The Communication also estimates the additional investment over 2010-2020 to be as about EUR 75-80 billion for the seven initiatives contained in the original SET-Plan and endorsed by the Council (6326/1/08 REV 1), as well as for other supporting initiatives. That represents an increase from the current EUR 3 billion a year to around EUR 8 billion a year.

## **INTERNATIONAL RELATIONS IN THE FIELD OF ENERGY<sup>1</sup>**

During lunch, ministers were informed by Commissioner Piebalgs and the Presidency on the latest state of play concerning the various international events that had taken or were about to take place in the field of energy ([16001/09](#)):

- EU-Russia Summit
- Energy Community Treaty<sup>2</sup>
- Eastern Partnership
- EU-US Energy Council
- Energy Charter Treaty
- Other important meetings.

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<sup>1</sup> The joint declarations agreed at bilateral meetings are to be found on the Council's website [www.consilium.europa.eu](http://www.consilium.europa.eu)

<sup>2</sup> A treaty aimed at establishing a fully integrated electricity and gas market among the countries of south-eastern Europe (Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, FYROM, Romania, Serbia-Montenegro).

## **OTHER BUSINESS**

### **Baltic Energy Market Interconnection Plan (BEMIP)**

Commissioner Piebalgs briefed the Council on progress achieved so far in implementing the Baltic Energy Market Interconnection Plan (BEMIP), and in particular on the BEMIP regional conference that was held in Vilnius, Lithuania on 25 November.

BEMIP is an action plan on energy interconnections and market improvement in the Baltic Sea region and it forms part of the "EU Strategy for the Baltic Sea region". It responds to the urgent need of connecting the "energy islands" (the three Baltic states and Finland) to the EU, which was one of the priorities stressed in the second strategic energy review and was endorsed by the 2008 autumn European Council. The next progress report will be presented mid-2010.

### **Memorandum of understanding regarding Central Eastern European Forum for Electricity Market Integration**

The Polish Minister informed the Council of the signing that day, in the margins of the Council, of the memorandum of understanding regarding the Central Eastern European Forum for Electricity Market Integration. Delegations at the ministerial level from seven EU member states from Central Eastern Europe were to take part in the ceremony.

The purpose of the memorandum is to establish a regional platform at the ministerial level in order to support further regional integration of the electricity markets in the region of Central Eastern Europe.

### **Sustainability criteria for Biomass**

The Benelux countries, supported by Poland and the United Kingdom, invited the Commission to present a proposal for harmonized and binding sustainability criteria for solid biomass used for energy purposes. That proposal should accompany the Commission report which is due before the end of the year.

### **Work programme of the incoming Spanish presidency**

The Spanish minister outlined the provisional work programme for the 1st half of 2010.

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In the margins of the Council, the representatives of the member states met within the Council in an Intergovernmental Conference and decided to grant the seat of the Agency for the Cooperation of Energy Regulators (**ACER**) to **Ljubljana**. This decision followed the adoption earlier this year of the 3rd Internal Energy Market package which included the regulation establishing ACER.

**OTHER ITEMS APPROVED****ENERGY****Ministerial Council of the Energy Community**

The Council adopted the EU position within the Ministerial Council of the Energy Community to be held in Zagreb on 18 December 2009. It also took note of the agenda for this meeting.

The Ministerial Council is due to take note of the progress achieved in the implementation of the Community *acquis* within the Energy Community countries, in particular with respect to security of supply, and will *inter alia* adopt a number of decisions, including:

- on the future accession of the Republic of Moldova and of Ukraine to the Energy Community Treaty,
  - on the implementation of three Community Directives on energy efficiency in the Energy Community, and
  - on an annual (instead of biannual) rhythm of the Ministerial Council meetings.
-