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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Governance system of the Energy Union
= Draft Council conclusions

In document 11531/3/15 REV 3, the first recital on page 2 should read as follows:

"- the relevant Articles of the **TEU, among which Articles 14(2) and 16(1) defining the joint legislative function of the European Parliament and the Council, and Article 17(2) according to the Commission the power of legislative initiative, and the relevant Articles of the TFEU**, in particular, **without prejudice to Articles 191 and 192**, Article 194 which sets out the objectives of energy policy, stating that '*in the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to: (a) ensure the functioning of the energy market; (b) ensure security of energy supply in the Union; (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and (d) promote the interconnection of energy networks*' (...) and that '*the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives (...)*', and also providing that '*such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, **without prejudice to Article 192(2)(c)**. (...)*;"

In document 11531/3/15 REV 3, the second recital on page 2, an explanatory footnote is inserted, so that the text should read as follows:

"- the conclusions of the European Council of 23 and 24 October 2014, which agreed on the 2030 climate and energy policy framework, including EU-level targets; which *inter alia* agreed **that an EU target of at least 27% is set for the share of renewable energy consumed in the EU in 2030. This target will be binding at EU level. It will be fulfilled through Member States contributions guided by the need to deliver collectively the EU target without preventing Member States from setting their own more ambitious national targets and supporting them, in line with the state aid guidelines, as well as taking into account their degree of integration in the internal energy market. The integration of rising levels of intermittent renewable energy requires a more interconnected internal energy market and appropriate back up, which should be coordinated as necessary at regional level. (...) These targets¹ will be achieved while fully respecting the Member States' freedom to determine their energy mix. Targets will not be translated into nationally binding targets;** which agreed that a reliable and transparent governance system without any unnecessary administrative burden **[] will** be developed to help ensure that the EU meets its energy policy goals, **with the necessary flexibility for Member States and fully respecting their freedom to determine their energy mix. This governance system will: build on the existing building blocks, such as national climate programmes, national plans for renewable energy and energy efficiency. Separate planning and reporting strands will be streamlined and brought together; step up the role and rights of consumers, transparency and predictability for investors, inter alia by systematic monitoring of key indicators for an affordable, safe, competitive, secure and sustainable energy system; facilitate coordination of national energy policies and foster regional cooperation between Member States; which furthermore [] recalled its goal to build an Energy Union aiming at affordable, secure and sustainable energy, as stated in its Strategic Agenda;**"

¹ **Note: "these targets", as well as "targets" in the next sentence, refer to both the EU target of at least 27% for renewable energy as well as the indicative target at the EU level of at least 27% for improving energy efficiency (as mentioned in the preceding subparagraphs of point I.3 of the quoted European Council conclusions)."**

In document 11531/3/15 REV 3, point 1.4bis on page 5, should read as follows:

"1.4bis the governance system [] will take into account the different nature and scope of binding, EU-binding or indicative 2030 climate and energy targets, as well as of those specific targets and more general policy objectives relating to the five dimensions; It will be accompanied by reviewing and developing legislation related to emissions reduction, energy efficiency and renewables to underpin the agreed 2030 targets;"