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signed by Mr Jordi AYET PUIGARNAU, Director

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OF THE FITNESS CHECK Reporting, Planning and Monitoring Obligations
in the EU Energy acquis Accompanying the document Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the Governance of the Energy Union, amending Directive
94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No
663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council
Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU,
Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing
Regulation (EU) No 525/2013

Delegations will find attached document SWD(2016) 396 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE FITNESS CHECK

Reporting, Planning and Monitoring Obligations in the EU Energy acquis

Accompanying the document

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

on the Governance of the Energy Union,

**amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC,
Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC,
Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive
2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No
525/2013**

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1. EXECUTIVE SUMMARY

This Staff Working Document presents the results and findings of the Fitness Check evaluation carried out by the European Commission on the planning, reporting and monitoring obligations within the EU energy acquis. In particular, the Member States' and the Commission's reporting and planning obligations are assessed, as well as potential knock-on effects on stakeholders as data providers, where these can be identified for further details¹. The purpose of this Fitness Check is to ascertain whether there is a potential for simplification and reduction of administrative burden within the EU energy acquis and to assess the extent to which the current obligations are in line with the Better Regulation criteria of effectiveness, efficiency, coherence, relevance and EU added value. It also assessed, which obligations could be streamlined in the framework of the new governance system of the Energy Union in order to improve on the five Better Regulation criteria and reduce the overall costs and administrative burdens on Member States and on the European Commission while enhancing the benefits resulting from the planning, reporting and monitoring obligations. In this aspect, the Fitness Check also evaluated interlinkages between the planning, reporting and monitoring obligation in the energy acquis with the obligations under the key EU climate legislation.

The Fitness Check assessed a total of 91 obligations in 31 different legal acts of the energy acquis and based on the findings of the evaluation provided a recommendation for each of these obligations in relation to the governance system of the Energy Union in terms of whether the obligation in question should be integrated in the governance system, be kept entirely separate of it, be kept separate but reflected in the integrated national energy and climate plans (National Plans) and integrated national energy and climate progress reports (Progress Reports) or, for those obligations that were found to provide no added value or presenting unjustified administrative burdens, to be entirely repealed and thus deleted from the energy acquis.

Overall, the Fitness Check found that the regulatory framework relating to planning, reporting and monitoring obligations within the EU energy acquis delivers mostly good results, while at the same time enticing a series of shortcomings. The majority of current obligations are considered effective and make a positive contribution towards achieving their objectives. The findings are however less positive with regard to efficiency, where a high administrative burden of some obligations was found to be disproportionate, although overall efficiency is considered acceptable to good. The relevance of current obligations is generally considered good, with only a relatively small number of obligations found to be irrelevant or not providing information that is actually used. The evaluation also found that most of the information collected or produced through current obligations would not be available from other sources and gives to MS and the Commission the possibility to measure progress at EU and national level and benefit from best practice examples.

Overall the Fitness Check assessed that there is still potential for improving the planning, reporting and monitoring obligations with regards to coherence in particular. Inconsistencies and incoherence have been identified both within the energy acquis as well as concerning the interlinkages with the climate acquis. The Fitness Check therefore recommends that out of the 91 reporting, planning and monitoring obligations within the energy acquis, 19 should be repealed, 18 should be integrated in the national plans and/or progress reports, 15 should stay

¹ See Fitness Check Roadmap available at: http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_ener_024_cwp_refit_reporting_planning_obligations_en.pdf.

separate in sectorial legislation but should be reflected in the plans and/or progress reports, while 39 obligations should stay separate from the plans/progress reports. In addition, for the 22 obligations stemming from the Monitoring Mechanism Regulation (MMR) and following earlier streamlining in the climate acquis the recommendation is to repeal 1 and integrate the 21 remaining obligations.

The analysis strongly suggests that a systematic integration of Member States' planning and reporting as well as of the Commission's monitoring will be necessary to ensure coherence and enable Member States as well as the Commission to make full use of synergies and ensure consistency between various planning and reporting strands. On this basis, the Fitness Check concluded that while the existing planning, reporting and monitoring system within the EU energy acquis has delivered overall good results, there is potential for significant improvement of the current EU energy acquis as regards the planning reporting and monitoring obligations, as well as concerning interlinkages with the EU climate acquis, thus significantly improving the current benefits/costs ratio. This improvement and development of the system will also help make the system fit for purpose under the new overarching framework of the Energy Union.