



Council of the
European Union

Brussels, 16 March 2017
(OR. en)

6834/17
ADD 1

PV/CONS 9
TRANS 87
TELECOM 51
ENER 95

DRAFT MINUTES

Subject: **3521st** meeting of the Council of the European
(Transport, Telecommunications and **Energy**),
held in Brussels on 27 February 2017

PUBLIC DELIBERATION ITEMS¹

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LEGISLATIVE DELIBERATIONS

"A" ITEMS (6416/17 PTS A 13)

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2. Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Georgia) [First reading]..... 4

"B" ITEMS (6413/17 OJ CONS 9 TRANS 70 TELECOM 40 ENER 52)

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

1. Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (revision of the suspension mechanism) [First reading]

= Adoption of the legislative act

PE-CONS 58/16 VISA 399 COMIX 821 CODEC 1872

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Irish and the United Kingdom delegations did not participate in the vote.

(Legal basis: Art. 77(2)(a) TFEU).

Joint statement by the Commission and the Council

"When adopting the implementing act referred to in point (a) of paragraph 4 of Article 1a, the Commission will ensure, based on its assessment and on the types of travel documents specified by the Member State(s) in its / their notification(s), that the categories covered are sufficiently large in order to efficiently address the circumstances at stake.

Those categories can include, depending on the circumstances, all holders of ordinary, service or diplomatic passports from the third country concerned.

Where strong migratory pressure arises from circumstances as described in points (a), (b) or (c) of paragraph 2 of Article 1a, or a high security risk arises from the circumstances as described in point (d) of paragraph 2 of that Article, the Commission will include holders of ordinary passports issued by the third country concerned."

Statements by the Commission

- "1. The Commission will continue to report in accordance with its statement of November 2010 on the establishment of a follow-up mechanism to the visa liberalisation processes for the Western Balkan countries.
2. The Commission acknowledges that, as stated in recital (4), for the purposes of the suspension mechanism a substantial increase may indicate an increase lower than a threshold of 50 % if applicable in the particular case notified by the Member State concerned.
3. The Commission acknowledges that, as stated in recital (5), for the purposes of the suspension mechanism a low recognition rate may indicate a recognition rate higher than around 3 or 4 % if applicable in the particular case notified by the Member State concerned."

2. Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Georgia) [First reading]

= Adoption of the legislative act

PE-CONS 64/16 VISA 414 COEST 344 COMIX 852 CODEC 1931

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Irish and the United Kingdom delegations did not participate in the vote.

(Legal basis: Art. 77(2)(a) TFEU).

"B" ITEMS

5. Clean energy package [First reading]

a) Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)

Interinstitutional file: 2016/0379 (COD)

15135/16 ENER 418 ENV 758 CLIMA 169 COMPET 637 CONSOM 301
FISC 221 IA 131 CODEC 1809

+ ADD 1 – 2

b) Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)

Interinstitutional file: 2016/0380 (COD)

15150/16 ENER 420 ENV 760 CLIMA 171 COMPET 640 CONSOM 302
FISC 222 IA 133 CODEC 1816

+ ADD 1

c) Proposal for a Regulation of the European Parliament and of the Council on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC

Interinstitutional file: 2016/0377 (COD)

15151/16 ENER 421 IA 136 CODEC 1817

+ ADD 1

d) Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast)

Interinstitutional file: 2016/0378 (COD)

15149/16 ENER 419 IA 134 CODEC 1815

+ ADD 1

e) Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast)

Interinstitutional file: 2016/0382 (COD)

15120/16 ENER 417 CLIMA 168 CONSOM 298 TRANS 479 AGRI 650
IND 261 ENV 757 IA 130 CODEC 1802

+ ADD 1

- f) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency**
Interinstitutional file: 2016/0376 (COD)
 15091/16 ENER 413 ENV 754 TRANS 473 ECOFIN 1149 RECH 340
 IA 124 CODEC 1789
 + ADD 1
- g) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings**
Interinstitutional file: 2016/0381 (COD)
 15108/16 ENER 416 ENV 756 TRANS 477 ECOFIN 1152 RECH 341
 IA 125 CODEC 1797
 + ADD 1
- h) **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**
Interinstitutional file: 2016/0375 (COD)
 15090/16 ENER 412 CLIMA 167 IA 123 CODEC 1788
 +ADD 1
- = Exchange of views
 5800/1/17 ENER 24 CLIMA 13 CONSOM 28 TRANS 35 AGRI 51 IND 20
 ENV 88 COMPET 84 FISC 39 ECOFIN 81 RECH 37 IA 23
 CODEC 129 REV 1

On the basis of 5800/1/17 REV 1 and the questions set out therein, the Council held an exchange of views on the main elements of the Clean Energy Package.

Statement by the Visegrad Group (Czech Republic, Hungary, Poland and the Slovak Republic)

"The *Clean Energy for all Europeans* package, without any doubt, constitutes one of the biggest sets of legislative proposals in terms of volume and potential impact on the EU energy markets and Member States' energy systems the Commission has ever initiated.

Having the package on the negotiating table, we raise the following crucial concerns both in terms of procedure and substance.

As far as the handling of the package is concerned, we underline that such an important change in the EU energy market as presented in the package must be discussed in-depth and the schedule for the negotiating process of all the pieces of legislation must be realistic and feasible. That is why we would like to raise serious concerns regarding the very tight timeframe in respect to the proceedings with the package in the Council. For the sake of the quality of the final legislative solutions we are deeply convinced that all the proposals need thorough discussion as the vital interests of many energy consumers across Europe are at stake. For that reason we cannot afford to proceed hastily with the package.

In terms of substance, we underline the fact that the proposed legislative initiatives in some specific parts might be seen as undermining the Member States' competences enshrined in the Treaties, i.e. the right to freely determine its own energy mix, technologically neutral approach towards energy production and the fundamental right to ensure stable, affordable energy supplies to all Europeans. In our point of view, any legislative action should respect the principles of subsidiarity and proportionality and must **not** encroach on the energy mix competence of the Member States nor impede the functioning of the market.

Moreover, there is a strong need to ensure cohesion between the legislative proposals laid out in the *Clean Energy for all Europeans* and the European Council Conclusions adopted in October 2014 and the TTE Council Conclusions adopted in November 2015."

6. Any other business

a) Current legislative proposals

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

i) **Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 [First reading]**

Interinstitutional file: 2016/0030 (COD)

6225/16 ENER 29 CODEC 174 IA 6

+ ADD 3

ii) **Proposal for a Regulation of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU [First reading]**

Interinstitutional file: 2015/0149 (COD)

11012/15 ENER 284 ENV 493 CONSOM 131 CODEC 1054

+ ADD 1

= Information from the Presidency on the state of play

5807/17 ENER 27 ENV 91 CONSOM 30 IA 24 CODEC 131

On the basis of 5807/17, the Council took note of the state of play on the above-mentioned two legislative proposals.