



Brussels, 21 November 2017

CM 5166/17

**ENER
PROCED**

COMMUNICATION

WRITTEN PROCEDURE

Contact: paola.caselli@consilium.europa.eu
Tel./Fax: +32.2-281.4014

Subject: Written procedure for the extension of the deadline of the COMMISSION DELEGATED REGULATION (EU) .../... of 25.9.2017 correcting the Spanish language version of Commission Delegated Regulation (EU) No 812/2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device
- Intention to extend the deadline

On 25 September 2017, the Commission submitted the above draft delegated Regulation (doc. 13022/17 ENER 395 ENV 826 DELACT 184) to the Council, in accordance with the procedure set out in Article 290 TFEU and with Article 17 of Regulation (EU) 2017/1369 of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU.

The Council may object to that draft delegated Regulation within a period of two months which may be extended by two additional months at the initiative of the Council.

Whereas:

- the above draft delegated Regulation erroneously refers as its legal basis to the 2010 Energy Efficiency Labelling Directive that has been repealed by Energy Efficiency Labelling Regulation (EU) 2017/1369, while it should have been based on the latter Energy Efficiency Labelling Regulation (EU) 2017/1369 ;

- no relevant meetings are foreseen to take place before the deadline of 25 November 2017;

it will be necessary to recur to written procedure to state the intention of the Council to extend by two months the deadline for objection, so as to allow the Commission to possibly withdraw the current delegated act that has been based on an erroneous legal basis and submit a new delegated act containing the correct legal basis.

The Presidency has therefore proposed using a written procedure pursuant to Article 12 of the Council's Rules of Procedure to request such an extension. According to this provision, agreement by the Commission to the use of the written procedure is also required.

Please state whether you agree to:

- the use of the written procedure;
- extend the deadline for objection to the above Delegated Regulation by two months, as set out in doc. 13022/17 ENER 395 ENV 826 DELACT 184.

Please answer "YES" or "NO" to each of the above two questions; you may also reply "ABSTAIN" on the second question.

Any unilateral statements should be made separately.

Replies must reach the General Secretariat of the Council by **12h00 on Friday, 24 November 2017** and should be sent by email to energy@consilium.europa.eu