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ENER 417

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(**Transport**, **Telecommunications** and Energy)
3 and 4 December 2018

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MEETING ON MONDAY 3 DECEMBER 2018

1. Adoption of the agenda

14716/18

The Council adopted the agenda set out in 14716/18.

2. Approval of "A" items

a) Non-legislative list

14738/18

The Council adopted on 4 December 2018 the "A" items listed in 14738/18 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items the documents should read as follows:

Education

4. Conclusions on Mobility under Erasmus+
(CoA SR No 22/2018)
Adoption
approved by Coreper, Part 1, on 28.11.2018

14077/18

+ 14077/1/18

REV 1 (de)

EDUC

Legislative deliberations

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

Land

3. **Mobility package I**



- | | |
|---|-------------------------|
| a) Regulation on access to the profession and access to the haulage market | 14802/18
+ ADD 1 - 4 |
| b) Regulations on rest time periods and on tachographs | 9668/17 |
| c) Directive on enforcing social rules and on lex specialis for posting of drivers | 9670/17
9671/17 |

General approach

The Council agreed on a General Approach on the proposals on access the profession, access to the market, driving and rest times, tachographs, enforcement of social rules and special rules for posting drivers in the road transport sector. 9 delegations could not support the general approach (BE, BG, IE, LV, LT, HR, HU, MT, PL), and one abstained (RO).

The General Approach is set out in doc. 15084/18. Poland, Bulgaria, Lithuania, Malta and Hungary requested to enter a joint statement in the minutes on this agenda item. Sweden requested to enter another statement in the minutes on this agenda item.

4. **Mobility package II**



Directive amending Directive 92/106 on combined transport

13871/2/18 REV 2
14213/1/17 REV 1

General approach

The Council agreed on a General Approach on the Combined Transport Directive as set out in doc. 15147/18. The positions expressed coincided with those on mobility package I, as the general approaches were debated together.

5. **Mobility Package III**



Directive on road infrastructure safety management

14109/1/18 REV 1
9040/18 + ADD 1

General approach

The Council agreed on a General Approach on the Directive on road infrastructure safety management as set out in doc. 14109/1/18 REV 1.

6. **Directive on discontinuing seasonal changes of time** 14838/18
12118/18
Progress report



The Council took note of the Progress Report on the Directive on discontinuing seasonal changes of time as set out in doc. 14838/18.

7. **Regulation on rail passengers' rights and obligations** 14277/18
12442/17 + ADD 1
Progress report



The Council took note of the Progress Report on the Regulation on rail passengers' rights and obligations as set out in doc. 14277/18.

Non-legislative activities

The Council addressed the non-legislative discussion item 8

Shipping

8. Conclusions on inland waterways transport 13745/1/18 REV 1
Adoption

Legislative deliberations

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

Shipping

9. **Directive on the minimum training of seafarers** 13233/1/18 REV 1
+ **REV 1 ADD 1**
9123/18 + ADD 1
General approach



The Council agreed on a General Approach as set out in doc. 13233/1/18 REV 1 and took note of the statement made by the Latvian delegation.

10. **Mobility Package III** 14587/1/18 REV 1
9051/18 + ADD 1
Regulation establishing a European Maritime Single Window environment
General approach




The Council agreed on a General Approach as set out in doc. 14587/1/18 REV 1.


Horizontal

11. **Regulation on the Connecting Europe Facility (CEF)**  14712/18 + COR 1
Partial general approach 9951/18 + COR 1
+ ADD 3


The Council adopted its partial General Approach on the proposal in accordance with the compromise presented in doc. 14712/18 + COR 1. Lithuania requested to enter a statement in the minutes on this agenda item.

12. **Mobility Package III**  14226/18
Regulation on streamlining measures for the realisation of
the trans-European transport network (TEN-T) 9075/18
Progress report

The Council took note of the Progress Report on the Regulation on streamlining measures for the realisation of the trans-European transport network (TEN-T) of time as set out in doc. 14226/18.




13. Mobility Package II  14779/18
Directive on the promotion of clean and energy-efficient road
transport vehicles 14183/17 + ADD 1
Progress report

The Council took note of the Progress Report on the proposed Directive in relation to the the promotion of clean and energy-efficient vehicles as set out in doc. 14779/18.

14. Mobility Package III  14231/18
Regulation on electronic freight transport information (eFTI) 9060/1/18 REV 1
Progress report + ADD 1

The Council took note of the Progress Report on the Regulation on electronic freight transport information (eFTI) as set out in doc. 14231/18.


Any other business

15. a) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Directive on electronic road tolling and exchange of information** 
 - ii) **Regulation on safeguarding competition in air transport** 
 - iii) **Revision of Regulation on wet-lease** 
Information from the Presidency

The Council took note of the information provided by the Presidency.

The Council addressed the following "Any other business" items (15 b)-e)

- b) ASEAN negotiations 15015/18
Information from the Commission
- c) The Social Agenda in Aviation 14873/18
Information from the Luxembourg delegation
- d) Sustainable transport infrastructure charging and internalisation of transport externalities
Information from the Commission
- e) **Current legislative proposal**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

Regulation establishing the space programme of the Union  13987/18 + ADD 1
+ ADD 1 COR 1
9898/18 + ADD 1
Information from the Presidency on the state of play

The Council took note of the information provided by the Presidency.

The Council addressed the following "Any other business" items (15 f)-g))

- | | | |
|----|---|----------|
| f) | Informal Meeting of Transport and Environment Ministers
(Graz, 29-30 October 2018)
<i>Information from the Presidency</i> | 14696/18 |
| g) | Work programme of the incoming Presidency
<i>Information from the Romanian delegation</i> | 14896/18 |

Ministers' lunch debate on airspace capacity

The lunch debate highlighted that urgent action is required to address the delays and cancellations in European air transport. Eurocontrol, as the EU's Network Manager, has identified seven action points to improve the performance already in 2019. The EU Ministers of Transport affirmed their support for these short-term actions. The Ministers also concurred on the longer-term goal to modernise of the European air traffic management system.

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TELECOMMUNICATIONS

2. Approval of "A" items

- b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**

14739/18

Telecommunications

- 1. Regulation on the Body of European Regulators for Electronic Communications (BEREC)**



14288/18 + ADD 1
PE-CONS 51/18
TELECOM

Adoption of the legislative act

approved by Coreper, Part 1, on 28.11.2018

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. (Legal basis: Article 114 TFEU). Statements related to these items are set out in the Annex.

- 2. Directive on the European Communications Code**



14291/18
PE-CONS 52/18
+ COR 1 (el)
+ COR 2 (pl)
TELECOM

Adoption of the legislative act

approved by Coreper, Part 1, on 28.11.2018

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. (Legal basis: Article 114 TFEU).

Energy

- 3. Directive on energy efficiency**




14281/18 + ADD 1
PE-CONS 54/18
ENER

Adoption of the legislative act

approved by Coreper, Part 1, on 28.11.2018

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Belgian and Czech delegations voting against and the Slovakian and Croatian delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194(2) TFEU). Statements related to these items are set out in the Annex.

4. **Regulation on Governance of the Energy Union**  14282/18 + ADD 1
Adoption of the legislative act
approved by Coreper, Part 1, on 28.11.2018 PE-CONS 55/18
ENER

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. (Legal basis: Article 194(2) and Article 192(1) TFEU). Statements related to these items are set out in the Annex.

5. **Directive on renewable energy**  14286/18 + ADD 1
Adoption of the legislative act
approved by Coreper, Part 1, on 28.11.2018 PE-CONS 48/18
ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Czech delegation voting against and the Belgian, Hungarian and Slovakian delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194(2) TFEU). Statements related to these items are set out in the Annex.

Internal Market and Industry

6. **Directive on empowering national competition authorities:**  14278/18
ECN Plus + ADD 1 - ADD 2
Adoption of the legislative act PE-CONS 42/18
approved by Coreper, Part 1, on 28.11.2018 RC

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. (Legal basis: Article 103 and Article 114 TFEU). Statements related to these items are set out in the Annex.

Legislative deliberations

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

16. **Regulation establishing the Digital Europe programme for the period 2021-2027** **1****C** 14488/1/18 REV 1
10167/18 + ADD 1
Partial general approach

The Council adopted a partial general approach on Digital Europe Programme as set out in doc. 14488/1/18 REV 1. Statement by several delegations related to this item is set out in the Annex.

17. **Regulation establishing the European Cybersecurity Competence Centre and the Network of National Coordination Centres** **1****C** 14368/1/18 REV 1
12104/18
Progress report

The Council took note of the progress report set out in doc. 14368/1/18 REV 1.

18. **Regulation on ePrivacy** **1****C** 14491/18 + COR 1
5358/17
Progress report and exchange of views

The Council took note of the progress report set out in doc. 14491/18 + COR 1.

The Council exchanged views on the basis of a question set out in doc. 14491/18 + COR 1.

Any other business

19. a) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

i) **Directive on the re-use of public sector information** **1****C** 8531/18 + ADD 5

ii) **Regulation on .eu Top Level Domain (TLD) name** **1****C** 8468/18 + ADD 1

iii) **Regulation on the Cybersecurity Act** **1****C** 12183/2/17 REV 2
Information from the Presidency

The Council took note of the information provided by the Presidency on items 19 a) i)-iii).

b) Status of the implementation of the DSM Strategy
Information from the Presidency and the Commission



The Council took note of the information provided orally by the Presidency and the Commission.

c) Work programme of the incoming Presidency
Information from the Romanian delegation

14574/18

The Council took note of the information on the work programme of the incoming Presidency as set out in doc. 14574/18.



First reading



Item based on a Commission proposal



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)

STATEMENTS TO THE LEGISLATIVE "B" ITEMS SET OUT IN 14716/18Ad "B" item 3:**Mobility Package I**

- a) **Regulation on access to the profession and access to the haulage market**
- b) **Regulations on rest time periods and on tachographs**
- c) **Directive on enforcing social rules and on lex specialis for posting of drivers**

*General approach***STATEMENT BY POLAND, BULGARIA, LITHUANIA, MALTA AND HUNGARY**

"Poland, Bulgaria, Lithuania, Malta, Hungary regretfully note that efforts to divide the market and protect the internal markets of some Member States have overshadowed the initial goal of the Mobility Package I to simplify and clarify the rules for the transport sector, and to improve drivers' social and working conditions.

The general approach on the Mobility Package I does not take into account the geographical specificities of Member States located at EU external borders. The proposed package also fails to take into account the specific problems of island states. In addition, not only does it create an uneven playing field for the operators within the EU, but it also endangers the international competitiveness of the EU road haulage sector.

Instead of balanced provisions and a genuine compromise contributing to well-functioning Single Market, the proposed general approach imposes restrictive, disproportionate and protectionist measures that go against basic Treaty principles and fundamental EU freedoms. Forcing a particular place of return of the driver is an example of such provision.

Poland, Bulgaria, Lithuania, Malta, Hungary strongly object to:

- **The split model, which foresees application of posting regime for drivers performing cross-trade and cabotage operations.** The proposal will lead to fragmentation of the EU market, discriminating some Member States and drivers from these countries. It will impede on the proper functioning of the internal market for road transport, will create disproportionate administrative burden for operators, especially small and medium-sized enterprises and in addition, will deepen the unfair competition between EU and non-EU operators to the detriment of the former. Last but not least, it will also increase barriers to EU trade.
- **Full ban on taking regular weekly rest in the cabin.** This is a restrictive solution that does not take into account the lack of suitable rest areas with proper accommodation in Europe. In such a situation the drivers' working conditions will not improve, as drivers will not benefit from the infrastructure which does not exist and will take time to be constructed.
- **Imposition of additional restrictions on cabotage in the form of a cooling-off period of a number of days.** This is another restrictive, disproportionate and protectionist measure imposing an arbitrary administrative barrier to market access.

As a consequence, instead of boost to the EU transport sector's competitiveness and prosperity, the implementation of the Mobility Package I in its current form will result in bankruptcies of small and medium-sized hauliers, increase in EU unemployment rates, steep price rise for many goods and services affecting negatively the consumers and slowdown of economic growth. The effects will be much tougher in Member States located not in the centre of the EU and where transport constitutes an important sector of the economy.

Consequently, in view of the obvious lack of fairness and balance in the proposed general approach of the Council on Mobility Package **Poland, Bulgaria, Lithuania, Malta, Hungary vote against it.**"

Ad "B" item 3: **Mobility Package I**
 c) Directive on enforcing social rules and on lex specialis for posting of drivers
 General approach

STATEMENT BY SWEDEN

"Sweden can support the general approach of this proposal, but would like the following remark on article 2(4)(a) to be added to the protocol and to be considered in the forthcoming process.

Sweden considers that it would be beneficial if article 2.4 (a) clearly expresses respect for national labour law models and recognizes the role of the social partners with respect to the Treaties. The social partners have a role in monitoring working conditions, and terms and conditions of employment in some Member States. This is safeguarded in the general directives on posting from which the proposed directive is meant to be a lex specialis. In order for the lex specialis to function in the same way as the general directives in this respect, a clarification is desirable. Thus it is important that Article 2.4 (a) states that the national competent authority may make the information in the posting declaration available, for example via a register, to other authorities or the social partners in accordance with national law and practices.

Sweden would also like to recall that the Interinstitutional Proclamation on the European Pillar of Social Rights respects the role of the social partners."

Ad "B" item 9: **Directive on the minimum training of seafarers**
General approach

STATEMENT BY LATVIA

"Latvia agrees that it is necessary to simplify EU's *acquis* in the field of training and certification of seafarers and mutual recognition of the certificates issued by the Member States. We would like to thank Austrian Presidency for its work and efforts to balance interests and achieve solution acceptable to all Member States.

At the same time, while assessing the text prepared by the Presidency for the Council's General Approach Latvia still has concerns about the principle of better regulation regarding seafarers' training issues not being ensured in the articles of the proposal.

Latvia, in the spirit of compromise, can support the General Approach. However, Latvia considers that it is very important to retain current wording of recital (3a) in the future negotiations. This is essential in order to prevent any unwarranted situations when seafarers for the purpose of certification would be requested to repeatedly complete training course programme established by the STCW Convention.

Latvia would like to emphasise the importance of continuation of the actions mentioned in the EU policy documents in order to make seafaring profession more attractive, by creating the interest in the maritime transport sector for future generations. The Members States have undertaken this by Council conclusions on "Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster" adopted by the Council at its meeting held on June 8 2017."

Ad "B" item 11: **Regulation on the Connecting Europe Facility**
Partial general approach

STATEMENTS BY LITHUANIA

- On Vilnius connection

"Intergovernmental Agreement signed between Estonia, Latvia and Lithuania on the development Rail Baltica railway connection clearly established that Vilnius connection is a part of Rail Baltica route, and was agreed that the connection of Vilnius – Kaunas as part of the described Route should be equally eligible for the EU funding from the Connecting Europe Facility.

Moreover, Vilnius connection is part of the overall Rail Baltica project delivery schedule, with the same conditions for accomplishment as other sections of global Rail Baltica railway, under the European Commission's Implementing Decision C(2018) 6969, approved unanimously by the TEN-T Committee and adopted on 26 October 2018.

Lithuania welcomes the current EU Council Presidency's proposal on the EU budget 2021-2027 and stresses the need to ensure same EU co-funding rate up to 85 per cent for both Vilnius connection and rest of Rail Baltica project, thus reflecting their high importance in the fulfillment of the TEN-T core network corridors.

However, Lithuania regrets the fact that in the Presidency proposal Vilnius connection is treated separately (missing link) from the rest of Rail Baltica project (cross-border), thus neglecting the provisions of the Intergovernmental Agreement and Implementing Decision. Such treatment gives the connection a secondary, lower significance that may impede the efforts to connect all the capitals within the TEN-T core network with decent high quality railways.

Reiterating that integrity of the project needs to be maintained in all strategic documents to ensure its long-term stability and clarity, Lithuania maintains its position that Vilnius connection is an integral part of the Rail Baltica cross-border project, and will refer to this question in the future negotiations on the CEF regulation."

- On military mobility

"As underlined in the Joint Communication on improving military mobility in the European Union of November 2017 and the Action Plan on Military Mobility adopted on 28 March 2018, improving military mobility is key towards building a European Defence Union by 2025. This task will entail additional efforts in achieving more ambitious infrastructure requirements on the TEN-T network enabling dual civil-military use.

We welcome the Commission proposal to allocate a dedicated CEF budget line for defence and military mobility and underline the necessity to maintain the level of ambition in the negotiations to follow. Military mobility will provide benefits to the development of the whole TEN-T, and should remain one of the key pillars of the future CEF.

However, we regret that Member States eligible from Cohesion fund will not be able to benefit fully from the dedicated budget line, as the proposed co-financing rates do not provide necessary incentives. Cohesion countries need more EU co-financing for infrastructure in general, and this is even more important in case of improving quality for dual use requirements.

Most importantly, in the context of overall reduction of the Cohesion fund and its co-financing rates, Cohesion countries would face a serious lack of funding for transport infrastructure. They most certainly will not be able to use the possibility to transfer resources under the shared management provision, as suggested by the Presidency in the compromise proposal.

Overall, we regret that the compromise proposal does not foresee the possibility for the Cohesion Member States to fund dual-use civil-military infrastructure up to 85 per cent from the budget line of Article 4 (2) (iii). We deem such a compromise will effectively stall the development of military mobility in Cohesion countries, and the EU's added value in improving military mobility will be severely diminished. It will have a negative effect on the implementation of the EU Global Strategy in the area of security and defence and the commitment to implement the EU Level of Ambition in protecting the EU and its citizens, as well as the delivery of European Defence Union by 2025."

Ad "B" item 16: Regulation establishing the Digital Europe programme for the period 2021-2027
Partial general approach

STATEMENT BY THE CZECH REPUBLIC, FINLAND, IRELAND, PORTUGAL, SLOVAKIA AND THE UNITED KINGDOM

"Funding for the deployment of new technologies such as Artificial Intelligence and High Performance Computing across the EU is both a worthy and timely aim, and the Digital Europe Programme (DEP) offers unparalleled opportunity towards advancing the future digital competitiveness of the EU.

We all share the concerns that the security of the Programme as a whole is essential. In particular, safeguarding the cybersecurity integrity of the Programme is crucial. Article 12 of the Partial General Approach attempts to address this concern, however Article 12.5 does this too bluntly.

Article 12.5 proposes to potentially exclude swathes of entities from Actions and/or Calls under the DEP based on their ownership and control model, rather than filtering individual harmful proposals. This provision does so not only for Cybersecurity-specific Calls and Actions, which we support, but extends this exclusion to both the Artificial Intelligence and High Performance Computing of the Programme.

We are concerned that Article 12.5 could eliminate some of the EU's high potential start-ups and SMEs have received venture capital funding from outside the EU and who pose no security risk whatsoever. High potential start-ups and SMEs which are developing leading edge technology in the same areas that DEP seeks to encourage could be excluded from even applying for funding under the DEP. It is also counterproductive to the original strategic objective of the DEP of increasing investment in key strategic digital capacities in order to enhance the future competitiveness of the EU.

We do not consider this approach to be either necessary or proportionate. Furthermore, we do not believe that it offers as sophisticated a filtering system as a security scrutiny procedure for individual applicants. Article 12.3 in contrast, allows for granular filtering of applicants based on security concerns and it is sufficient to address any security concerns for Artificial Intelligence and High Performance computing.

It is essential that the Digital Europe Programme fulfil its full potential. For the Union to be able to exploit the opportunities of a fast changing digital environment, the European regulatory framework has to support the development of competitive and innovative entrepreneurship, whilst respecting the importance of security across the whole Programme. Security safeguards need to be sophisticated and fit for purpose. They should not be framed as a blunt instrument which is inadequate and may have unintended harmful consequences."

STATEMENTS TO THE LEGISLATIVE "A" ITEMS SET OUT IN 14739/18

Ad "A" item 1: **Regulation on the Body of European Regulators for Electronic Communications (BEREC)**
Adoption of the legislative act

STATEMENT BY FINLAND

"Finland welcomes the agreement reached between the Council and the Parliament on the Directive establishing the European Electronic Communications Code and the Berec Regulation. Finland fully supports promotion of the Digital Single Market, which is an essential element of the competitiveness of the EU. For Finland, the key aim in the discussions has been to relax and update the currently stringent regulation on telecommunications services. Finland is strongly in favour of the key objectives of the Regulatory Fitness and Performance (REFIT) programme and the better regulation agenda, namely the aim to ensure that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. We regret to note that the price regulation on Intra-EU Calls is in conflict with these general objectives, as well as the with the modernization and investment objectives of the regulatory framework. First, the price regulation does not reflect a future-proof regulatory approach, particularly as the regulation is applied on services whose usage among consumers is generally in decline. Second, this kind of EU-wide price regulation is unjustified in the market where consumers are provided with a variety of alternatives. The provision of traditional intra-EU calls and SMS is competitive in many Member States. In addition, number-independent interpersonal communications are increasingly popular among consumers, also in the cross-border communications. The price regulation would impose significant technical, commercial and administrative changes to the service-providers without clearly demonstrated wide scale consumer benefit. For these reasons, Finland expresses its disappointment over the agreement to include price regulation of intra-EU calls in the final compromise."

Ad "A" item 3: **Directive on energy efficiency**
Adoption of the legislative act

STATEMENT BY BELGIUM

"Having voted against does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement. Furthermore, Belgium subscribes fully to the principle of energy efficiency.

The ambitious goal set out in the submitted proposal, more specifically Article 7, presents Belgium nonetheless with an unreachable challenge to achieve this in a cost efficient manner.

Notwithstanding, Belgium will continue to deliver constructive contributions to the European energy efficiency goal."

STATEMENT BY CROATIA

"The Republic of Croatia expresses its concerns regarding the provisions of Article 7 and the values of the actual annual savings in the total energy consumption, with the target being set at 0.8 %. The Republic of Croatia could, in accordance with its previously expressed positions agree to support a compromise solution with a maximum 0.7 %.

Although the implementation of energy efficiency measures in all sectors will contribute considerably to the decrease in EU energy consumption, the value of actual annual savings in the total energy consumption of 0.8 % is not economically viable and could have a significant negative economic impact on the Republic of Croatia. Therefore, the Republic of Croatia will abstain when the final compromise text on the proposal for a Directive of the European Parliament and of the Council amending Directive [2012/27/EU](#) will be adopted."

STATEMENT BY THE CZECH REPUBLIC

"Having voted against does not deter the Czech Republic from remaining fully committed to the principles of energy efficiency, decarbonisation and sustainable energy policy. Nonetheless, in our view, the ambitious obligation set out in the revised Article 7 represents a great challenge for the Czech Republic. The revised obligation will require a fundamental change in the energy efficiency policy framework and it could eventually be almost impossible to reach in a cost efficient manner.

The Czech Republic remains devoted to the implementation of successful energy efficiency policies and will strive to contribute to the Union energy efficiency goal."

STATEMENT BY PORTUGAL

"Despite of its strong commitment with the principle of energy efficiency first, Portugal reaffirms the concerns raised at earlier stages of the negotiation regarding the extremely high level of effort associated to the Article 7 of the Directive."

Ad "A" item 4: **Regulation on Governance of the Energy Union**
Adoption of the legislative act

STATEMENTS BY THE COMMISSION

Commission Statement on methane on Article 16

"The Commission notes the agreement of the co-legislators relating to Article 16 by which a strategic plan should be presented for methane.

The Commission confirms its commitment to analyse methane emissions, notably in the context of the Union's long-term strategy.

The Commission emphasizes however that it reserves the right to respond in accordance with the rules of the Treaty, with due regard in particular to its right of initiative."

Commission Statement on Article 44

"The Regulation on the Governance of the Energy Union is central to the Clean Energy for All Europeans Package. This Regulation aims to set out the process ensuring the ambition and coherence of policies and measures which are taken at various levels for the achievement of the Energy Union objectives and, in particular, the 2030 EU climate and energy targets.

In their Joint Declaration on the EU's legislative priorities for 2018 - 2019, the three Institutions committed to delivering on the objective of an ambitious Energy Union with a forward-looking climate change policy, notably by implementing the 2030 EU climate and energy framework, by continuing to follow up the Paris Agreement, including through legislation on clean energy for all Europeans.

Against this background, the Commission notes the agreement of the co-legislators relating to Article 44, which provides that the Commission shall be assisted by two committees in the implementation of the Regulation.

The Commission regrets that the co-legislators could not accept the Commission proposal that the exercise of implementing powers conferred on the Commission should be under the control of a single committee, in full compliance with the applicable comitology rules set forth in Regulation 182/2011¹ and in view of streamlining and Better Regulation.

The Commission reiterates the importance of a clear division of competences between the committees which is essential for a proper exercise of the Commission's implementing powers and the application of Regulation 182/2011 establishing horizontal rules applicable to committees."

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.

Ad "A" item 5: **Directive on renewable energy**
Adoption of the legislative act

STATEMENT BY BELGIUM

"The abstention does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement.

The ambitious goal set out in the submitted proposal, presents Belgium nonetheless with a real challenge to achieve this in a cost efficient manner.

Notwithstanding this challenge, Belgium will continue to deliver constructive contributions to achieve the set goal."

STATEMENT BY GERMANY

"Germany wishes to comment as follows on Article 2(14) and (15), Article 21 and recitals 66 to 69 in the version set out in the current final compromise text (PE-CONS 48/18):

The Federal Government agrees to the final compromise text (PE-CONS 48/18) of the proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast) on the understanding that the exemption from charges and fees provided for in point (a)(ii) of Article 21(2) applies in principle only to individual self-consumption, unless the Member States provide otherwise; and that recital 69 is intended to make it clear that point (a) of Article 21(3) covers both the possibility of levying fees and charges if support is simultaneously provided via a support scheme and the possibility of applying only partial exemptions, provided that the outcome is the same: the economic viability of such projects is ensured."

STATEMENT BY THE CZECH REPUBLIC

"Having voted against the final compromise on the Directive doesn't mean that the Czech Republic would stop promoting sustainable energy policy and climate protection as laid down in the Council Conclusions of October 2014 and agreed in the Paris Agreement. The Czech Republic aims at further development and promotion of renewable energy sources to ensure the increasing role of renewable energy sources in the energy mix.

The Czech Republic will constructively contribute to the achievement of the overall EU target as well as the individual sectoral targets. These contributions will be delivered in a cost-efficient manner, taking into account the geographical and climatic conditions as well as economic possibilities of the Czech Republic. In this context, it is necessary to take into account the funds already spent to support renewable energy sources

The Czech Republic acts very responsibly and consistently in meeting the target for energy from RES until 2020. The very same approach will be pursued in the period from 2021 to 2030. This is evidenced by the fact that the binding target for RES for the year 2020 was reached by the Czech Republic 7 years earlier than required by European legislation."

STATEMENT BY CROATIA

"The Republic of Croatia will support the adoption but expresses its concerns regarding the level of at least 14 % of the mainstream renewable energy use in the transport sector by 2030, as already stated in the discussions within the Council.

Although there is a need to meet the decarbonisation goals and to significantly decrease the energy consumption in order to reach the Energy Union goals, we regret that the above mentioned level of ambition was defined without taking into account the state of the economy and the different levels of technological development in the Member States."

STATEMENT BY THE COMMISSION

"The Commission notes that both Co-Legislators have agreed on Article 4 with the content going beyond the general principles of the Commission proposal COM(2016) 767 final. While fully supporting the objectives of the Directive, the Commission considers that they could be achieved without the agreed wording of paragraphs 3 (third sub-paragraph), 4 (second and third sub-paragraphs), 5 and 6 of Article 4, as demonstrated by the currently applicable Directive 2009/28/EC."

Ad "A" item 6: **Directive on empowering national competition authorities: ECN Plus**
Adoption of the legislative act

STATEMENT BY DENMARK

"Denmark supports the proposal and the overall aim of empowering the national competition authorities. Effective competition rules are crucial for ensuring a well-functioning Single Market and growth as competition encourages innovation, efficiency and guarantees consumers the best choice.

However, Denmark finds that, as point of principle, the choice of applicable procedural law should remain a matter for the Member States, who can thereby ensure that proceedings are in line with their rules and legal traditions. Therefore, Denmark strongly regrets the wording of Article 13 of this Directive.

Although it does not change Denmark's position on this matter, Denmark welcomes the references in Article 3 and recital 14 and 42 of this Directive, to the general principles of EU law and the Charter of Fundamental Rights of the European Union. These references make it clear that those rules apply in all proceedings concerning infringements of Articles 101 and 102 TFEU, including non-criminal judicial proceedings."

STATEMENT BY THE COMMISSION

"The Commission takes note of the text of Article 11 agreed by the European Parliament and the Council on interim measures.

Interim measures can be a key tool for competition authorities to ensure that competition is not harmed while an investigation is on-going.

With a view to enabling competition authorities to deal more effectively with developments in fast-moving markets, the Commission commits that it will undertake an analysis of whether there are means to simplify the adoption of interim measures within the European Competition Network within two years from the date of transposition of this Directive. The results of this will be presented to the European Parliament and the Council."
