



Council of the
European Union

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DELECT 11

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: 13022/17 ENER 395 ENV 826 DELACT 184

Subject: 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 raise objections to a Delegated Act

1. 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 Commission having notified the delegated act with regard to a correction of the Spanish language version of Commission Delegated Regulation (EU) No 812/2013 on 26 September 2017, the Council could object to it within two months, i.e. until 25 November 2017.

2. Although no delegations showed their intention to raise any objections during the above two-months deadline for objections, it occurred that the above-mentioned draft Delegated Regulation (as regards the Spanish linguistic version) referred as its legal basis to the 2010 Energy Efficiency Labelling Directive, while it should have been based on the newly adopted Energy Efficiency Labelling Regulation.
3. In a spirit of good cooperation, the Estonian Presidency considered it appropriate to request an extended deadline for objections by two additional months so that the Commission had time to formally withdraw the current delegated act and adopt a new one within that timeframe. By written procedure, successfully concluded on 24 November 2017 (CM 5235/17), the delegations agreed to extend the deadline for objections by two additional months.
4. Delegations were again invited to express their intention about the present draft delegated act by 22 December 2017. No objections were raised by this date.
5. Nevertheless, since within the timeframe of the two additional months, the above-mentioned draft Delegated Regulation was not withdrawn or replaced with a correct one, it is suggested that Coreper recommend that the Council object to the delegated act and that the Commission and the European Parliament are to be informed thereof.