



**European Committee
of the Regions**

Commission for Citizenship, Governance,
Institutional and External Affairs

**CONSULTATION OF
THE SUBSIDIARITY MONITORING NETWORK AND
RELEVANT DECISIONS OF NATIONAL AND REGIONAL PARLIAMENTS
ON
SUBSIDIARITY AND PROPORTIONALITY RELATED ASPECTS
OF
'CLEAN ENERGY FOR ALL EUROPEANS' PACKAGE**

SYNTHESIS AND ANALYSIS

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, COM(2016)759 final

Proposal for a directive of the European Parliament and of the Council amending directive 2012/27/EU on energy efficiency, COM(2016) 761

Proposal for a directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings, COM(2016) 765

Proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, COM (2016) 767,

Proposal for a regulation of the European Parliament and of the Council on the internal market for electricity, COM (2016) 861

Proposal for a regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators, COM (2016) 863 and

Proposal for a directive of the European Parliament and of the Council on common rules for the internal market in electricity, COM(2016) 864

Disclaimer:

This document does not seek to reproduce all the contributions to the consultation and the decisions of national/regional parliaments, but rather to synthesise the main points. It is not binding on the Committee of the Regions and does not prejudice the final content of its relevant opinions.

1. INTRODUCTION

On 30 November 2016, the European Commission, as part of its ongoing Energy Union initiative, published a comprehensive legislative package entitled "Clean Energy for all Europeans" (or "Winter Package") which will reform some of the central pieces of EU energy legislation.

As the Energy Union is part of the **European Committee of the Regions' (CoR) Subsidiarity Work Programme 2017** the CoR initiated a consultation of its Subsidiarity Monitoring Network (SMN) so as to identify any issues within the proposals related to aspects of subsidiarity or proportionality.

The **consultation ran from 13 February to 10 April 2017** included and received **six contributions from three Member States**. Submitted replies included one on behalf of a regional parliament, three from regional governments, one by a municipality and another from an association of local authorities. In terms of EU Member States, four replies were received from Austria, one from Finland and one from the United Kingdom. All respondents reported that their local/regional authority is involved both in the application and in the enforcement of EU legislation.

The following summary and analysis of the contributions and relevant decisions of national and regional Parliaments, as well as any additional information, will be forwarded to **Bruno Hranič** (HR/EPP), rapporteur on Energy Union Governance, **Michiel Rijsberman** (NL/ALDE), rapporteur on Energy efficiency and performance of buildings, and **Daiva Matoniene** (LT/ECR), rapporteur on renewable energy and electricity market for the assessment of compliance with the principles of subsidiarity and proportionality.

Rule 55.2 of the Rules of Procedure of the CoR specifies the following:

"Committee opinions on proposals for legislative acts not falling within the Union's exclusive field of competence shall express a view on the proposal's compliance with the principles of subsidiarity and proportionality. Other Committee opinions may refer, if necessary, to the application of the subsidiarity and proportionality principles whenever appropriate."(Rule 55.2).

It is therefore necessary for rapporteurs to include such assessments in the draft opinions.

2. GOVERNANCE OF THE ENERGY UNION, COM (2016)759 final

Synthesis and analysis of contributions and parliamentary decisions

The provisions in the proposed regulation are based on Articles 191, 192 and 194 of the Treaty on the Functioning of the European Union (TFEU). Energy policy is an area in which competences are shared between the European Union and the Member States and the **subsidiarity principle** applies for legislative EU action in this field.

Main findings of consultation

Subsidiarity

All respondents believe that the new governance system is necessary to achieve the objectives of the Energy Union. A majority of respondents believe that the suggested measures are necessary in order to set up a functional governance process between the Commission and Member States. Moreover, respondents have highlighted that the new uniform governance system would enable a comprehensive overview of monitoring and reporting obligations related to energy and climate and thus support the achievement of the climate and energy goals.

However, a majority of respondents do not believe these measures are necessary to achieve a clear and coherent legal framework. They have highlighted that, particularly for the federal countries with many stakeholders involved in implementation, the proposed time frames are too narrow and are not compatible with the coordination process used in federal states.

Proportionality

With regard to proportionality, respondents were more critical of the proposal with 83.3% stating that actions proposed in the draft regulation are not an appropriate way to achieve the intended objectives; and all respondents indicating that they don't leave as much room for national decision as possible. The choice of a regulation as instrument is also considered to be problematic as in federal states it limits the competences of federal entities such as the '*Länder*'. The respondents would have preferred to see the governance system introduced via directive which would allow the proper involvement of regional authorities in federal countries.

Then, the suggested governance system is considered as too complex, too detailed and to impose too tight reporting intervals. The respondents feel that the time limits have to be less strict and that unilateral recommendation and penalties by the Commission have to be removed to make more room for the decision of Member States and regional and local authorities.

One of the respondents noted that the proposal fails to provide the incentives for national governments to apply the partnership principle and involve local and regional authorities in developing national energy plans. Furthermore, all respondents believe that the role of the local and regional authorities hasn't been sufficiently considered.

Suggested amendments to the proposal

The respondents listed the following suggestions to amend the proposal:

- to merge articles 4.5 and 6, to take out the dimension of energy market and research, innovation and competitiveness and only to refer to the reporting obligations included in specific legislative acts;
- the time frames should be less strict;
- to take out article 8.2 b);
- to add "competent local and regional authorities" in articles 1, 4, 6, 7, 8,10, 15, 18 and 29.

Parliamentary decisions

The Early Warning System (EWS) deadline for any subsidiarity relevant decisions of national parliaments/chambers thereof was set at 8 March 2017. There have been no reasoned opinions of national parliaments/chambers thereof issued, but three contributions in the framework of political dialogue, however not raising any subsidiarity or proportionality issues were published on IPEX¹ with regard to the proposal. A joint position of Austrian regional governments was published on REGPEX² pointing out that a directive instead of regulation would have been a better instrument allowing to consider better regional level and that measures proposed (in particular reporting obligations) are too detailed and would cause an administrative burden.

¹ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160759.do#dossier-COD20160375>

² <http://portal.cor.europa.eu/subsidiarity/Pages/DocumentDetails.aspx?docnum=759&docyear=2016&docpart=COM>

3. ENERGY EFFICIENCY AND ENERGY PERFORMANCE OF BUILDINGS, COM (2016) 761 final and COM (2016) 765 final

Synthesis and analysis of contributions and parliamentary decisions

The provisions in the proposal for the energy efficiency directive and the proposal on the energy performance of buildings are both based on article 194 of the TFEU. Energy policy is an area in which competences are shared between the European Union and the Member States and the **subsidiarity principle applies** for legislative EU action in this field. However, it should be noted that actions related to the improvement of wellbeing in building, affordability of housing or growth and jobs in the construction sector cannot be justified by the current given legal base (art.194 TFEU).

Main findings of consultation

Subsidiarity

The majority of the respondents (83.3%) believe that in order to achieve the objectives of a reduction of energy consumption and achieving the target of energy efficiency it is necessary to extend the application of the energy savings obligation schemes beyond 2020 and to streamline procedures which have not delivered expected results (Proposal for EPBD).

However, the majority do not consider that it necessary to introduce new rules on energy metering and billing (suggested in the proposal for EED). Several respondents comment that the new obligations in articles 9a, 10a and 11a are too detailed and do not bring any clear benefit. More specifically, as highlighted by one respondent, the linear obligation of energy savings of 1.5% each year after 2030 until 2050 is "too far reaching and not necessary" as what occurs after 2030 cannot be forecast, as is the obligation of re-cabling non-residential buildings. Due to different local conditions, the regulation concerning the required number of charging points shall stay in the competence of the Member States, respectively the LRA's. Furthermore, passive houses and similar buildings should be exempted from the obligation to install smart meters because they are per se energy saving buildings. One respondent considers that uniform European rules for energy metering and billing for district heating and cooling are superficial as the networks are in effect local and regional.

Proportionality

Two thirds of respondents (66.67%) think that the actions proposed in the EED and EPBD are not an appropriate way to achieve the intended objectives. The majority of respondents think that the actions proposed do not leave much room for national decisions. Both proposals are considered by the respondents as being too detailed and imposing disproportionate burden. The measures in articles 8.5, 8.6, 10.6 a) of the proposal for energy performance of buildings are considered as particularly disproportionate. Specifically, the inclusion of information on the actual energy consumption in a national database for public buildings with a total useful floor area over 250 m² is rejected, as there is no obligation for such a database in article 18.3 and this would require a disproportionate compliance cost at the regional level and this would not be in line with the intended administrative simplification.

Furthermore, 83.3 per cent of respondents think that the experience of local and regional authorities (e.g. with SECAPs under the Covenant of Mayors) hasn't been sufficiently taken into account when setting the energy efficiency targets.

One respondent expressed concern that municipalities might face double and sometimes triple EU and national reporting compliance requirements; the data already collected on the national level should be used. It is suggested to either consolidate the EED, EPBD and RES reporting obligations under the new governance of Energy Union (preferred option) or to leave the existing EPBD EED and RES as they stand.

Parliamentary decisions

The Early Warning System (EWS) deadline for both proposals was set at 27 January 2017. Two contributions in the framework of political dialogue, one from the Portuguese Parliament and one of the Austrian Federal Council were published on IPEX³ with regard to the proposal of a directive on

³ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160761.do#dossier-COD20160376>

energy efficiency. Three positions – a joint position of Austrian regional governments and a position of Austrian Federal Council and a position of Emilia Romagna Regional Legislative Assembly – were submitted to REGPEX⁴. With regard to the proposal for a directive on the energy performance of buildings, two reasoned opinions - one from the Dutch Senate and the Dutch House of Representatives respectively – and two contributions in the framework of political dialogue – one from the Portuguese Parliament and another from the Austrian Federal Council – were issued and published on IPEX⁵.

Three positions– a joint position of Austrian regional governments, a position of Austrian Federal Council and a position of Emilia-Romagna regional legislative assembly– were also submitted to REGPEX⁶.

The Dutch Senate and by the Dutch House of Representatives issued reasoned opinions⁷ contesting the compliance of the proposal for a directive on the energy performance of buildings with the subsidiarity principle, as the proposed detailed instructions for implementation do not allow for the national assessment of local conditions. Such detailed instructions for implementation are deemed unnecessary and in the view of both chambers of Dutch parliament the suggested new label does not appear to provide any clear benefits and could even put a well-functioning national system at risk. Furthermore, a concern could be raised regarding the use of delegating acts – as one of the suggested measures' 'smartness indicator' is not defined in the proposed directive, but should be defined in a delegated act.

For the proposal on energy efficiency, the Austrian Federal Council⁸ in the framework of political dialogue argued that the system of collecting information on consumption should be revised within the framework of a thorough cost-benefit analysis; the provisions regarding the installation of smart meters could be left to the Member States. The Emilia-Romagna Regional Legislative Assembly does not raise subsidiarity issues, however, suggests to clearly state in the Proposal for a directive on energy efficiency that meters have to be always installed as the current directive 2012/27/EU provides for the mandatory installation of accounting systems in apartment buildings by 31 December 2016, and that the term has been transposed into national law.

4. RENEWABLE ENERGY AND INTERNAL MARKET FOR ELECTRICITY, COM (2016) 767 final, COM (2016) 861 final, COM (2016) 863 final and COM (2016) 864 final

Synthesis and analysis of contributions and parliamentary decisions

The proposals fall within the EU competence on energy, established by Article 194 of the TFEU. Energy policy is a policy area in which competences are shared between the European Union and the Member States. As a result, the **subsidiarity principle applies** for legislative EU action in this field.

Main findings of consultation

Subsidiarity

The majority of respondents (83.33%) believe that the proposal for a recast directive on the promotion and use of energy from renewable sources gives rise to subsidiarity concerns. One respondent draws attention to the fact that the given legal base (art. 194 TFEU) does not empower the EU to regulate "energy poverty", other respondent points out that the construction law is not covered by the art. 194 TFEU.

Regarding the proposal for a regulation on the internal market for electricity, half of all respondents

⁴ <http://portal.cor.europa.eu/subsidiarity/Pages/documentdetails.aspx?docnum=761&docyear=2016&docpart=COM>

⁵ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160765.do#dossier-COD20160381>

⁶ <http://portal.cor.europa.eu/subsidiarity/Pages/DocumentDetails.aspx?docnum=765&docpart=COM&docyear=2016>

⁷ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160765.do#dossier-COD20160381>

⁸ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160761.do#dossier-COD20160376>

believe that it gives rise to subsidiarity concerns, with one respondent pointing out that regional operational centres (art.32f) could be established by Member States themselves.

More than a half of the respondents feel that the proposal for establishing a European Agency for the Cooperation of Energy Regulators raises subsidiarity concerns. They believe that too many competencies are given to the Agency and that it goes beyond the coordinating role attributed to the Agency. In particular tasks linked to network codes and guidelines (art. 5.2) could be better regulated on the national level and review of bidding zones of electricity transmission networks could be better led by the concerned MS, due to their proximity to the technical and regional circumstances.

The respondents do not see any issues in terms of subsidiarity regarding the proposal for a revised directive on common rules for the internal market.

Proportionality

More than half of all respondents feel that proposals for a recast directive on the promotion and use of energy from renewable sources raises proportionality concerns. The proposal is considered as too detailed, does not leave any room for national decisions and would increase burden, particularly for smaller regions. Furthermore, the "one-stop-shop procedure" for approval of construction of renewables as proposed by the Commission would interfere in national approval procedures and therefore disproportionate. In addition, the new and extended evidences for the sustainability of biomass are considered very complex and causing administrative burden. Specific types of biomass already monitored by other legal instruments could be exempted from strict evidence obligations.

Regarding the proposal for regulation on the internal market for electricity, half of all respondents believe that it gives rise to proportionality concerns. Two respondents consider that the measure proposed in art. 17.2 of the regulation as not proportionate because it would limit the use of revenues from the allocation of interconnection capacities. One respondent notes that a legal obligation to offer customers "dynamic tariffs" is not proportionate as an open market in place will secure the necessary dynamics between competitors.

The consultation's respondents believe that the proposal for establishing a European Agency for the Cooperation of Energy Regulators does not give rise to proportionality concerns.

Regarding the proposal for a revised directive on common rules for the internal market, half of respondents believe that it gives rise to proportionality concerns.

Furthermore, all respondents believe that the local and regional authorities won't be sufficiently involved in the formulation of the rules governing the internal market for electricity.

Parliamentary decisions

Regarding proposal on renewable energy (the EWS deadline for this proposal was 17 May 2017), no reasoned opinions of national parliaments/chambers thereof regarding the proposal have been issued, however two contributions – by Czech Chamber of Deputies and Polish Senate in the framework of political dialogue were published on IPEX⁹ and one position of regional parliament – of Emilia-Romagna and a joint position of Austrian regional governments - have been published on REGPEX¹⁰. The national parliaments call for strict maintaining of non-binding nature of national contributions to the European RES and EE targets and draw attention to the fact that many of the measures outlined in the Proposal fail to take into account the specific features of individual MS. The Assembly of Emilia-Romagna considers the Proposal to be in line with both principles and highlights that the proposal introduces forms of EU coordination and encourages cross border cooperation among Member States, and it deems this approach useful and positive. The Austrian regional governments, on the contrary,

⁹ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160767.do#dossier-COD20160382>

¹⁰ <http://portal.cor.europa.eu/subsidiarity/regpex/Pages/default.aspx>

consider the proposal raising subsidiarity and proportionality concerns, in their view, MS could better set the national targets and regulate deployment; the proposal does not leave enough room for national decisions.

Regarding the proposal for internal market for electricity (the EWS deadline for this proposal was 17 May 2017), ten¹¹ reasoned opinions have been issued and two¹² contributions in the framework of political dialogue were published on IPEX¹³. Two positions have been published on REGPEX¹⁴. The main issues raised are: the transfer of competence to review bidding zones of electricity transmission network to Agency for the Cooperation of Energy Regulators and European Commission; establishing of regional operational centres which might be parallel structure to the existing national systems and take over some part of the decision-making power of the MS; the numerous wholesale transfers of powers to adopt delegated acts in entire areas of activity is seen as being contrary to the principle of proportionality.

Regarding the proposal establishing a European Union Agency for the Cooperation of Energy Regulators (the EWS deadline for this proposal was 6 April 2017), three reasoned opinion (by French Senate, German Bundestag and Romanian Senate) have been issued and four contributions in the framework of political dialogue (by Austrian Federal Council, Czech Chamber of Deputies, Danish Parliament and Portuguese Parliament) were published on IPEX¹⁵. Three positions have been published on REGPEX¹⁶. Among key issues raising subsidiarity concerns are: the extension of the decision-making powers and the areas of responsibility of ACER and the modification of the ACER coordination procedure.

Regarding the proposal for a directive on common rules for the internal market (the EWS deadline for this proposal was 9 May 2017) in electricity three reasoned opinions were issued and three contributions in the framework of political dialogue were published on IPEX¹⁷. One position was published on REGPEX¹⁸. The parliaments raise concern regarding Article 5 of the Proposal as it would unnecessarily restrain the MS competence regarding price regulation of electricity and would disregard the current instruments of MS to safeguard the rights of consumers and to tackle energy poverty and consider that the proposed directive encroaches too far on the powers reserved to the MS in the scope of energy security policy, by transferring the powers of regulatory authorities and transmission system operators to the supranational level, while leaving the responsibility for system hazards to MS; as a result, this may reduce the energy security level in individual MS and the EU as a whole. Also possibility to use delegated acts is criticised by the parliaments.

5. Use of Delegated and Implementing Acts

All respondents to consultation believe that the delegated and implementing powers of the Commission provided in the proposals of the Clean Energy for all Europeans package are cause of concern. The respondents believe that the delegated and implementing acts should be used as little as

¹¹ By Austrian Federal Council, Czech Chamber of Deputies, German Bundestag and Bundesrat, Hungarian National Assembly, Polish Senate, Polish Sejm, Romanian Senate and Chamber of Deputies and Spanish Parliament.

¹² Danish Parliament and Portuguese Parliament.

¹³ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160861.do>

¹⁴ <http://portal.cor.europa.eu/subsidiarity/Pages/documentdetails.aspx?docnum=861&docyear=2016&docpart=COM>

¹⁵ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160863.do#dossier-COD20160378>

¹⁶ <http://portal.cor.europa.eu/subsidiarity/Pages/documentdetails.aspx?docnum=863&docyear=2016&docpart=COM>

¹⁷ <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20160864.do>

¹⁸ <http://portal.cor.europa.eu/subsidiarity/Pages/documentdetails.aspx?docnum=864&docyear=2016&docpart=COM>

possible in line with the Inter-institutional Agreement of 2016. Some respondents are of the opinion that the use of this instrument reduces the possibilities of democratic co-decision on the issues which are of interest of the regional authorities. One respondent draws attention to the fact that delegations are given for unlimited time and this is considered too far reaching; furthermore, delegations in art. 31.3 and in art 55.1 in COM (2016) 861 touch upon essential elements, which is not covered by art. 290 TFEU. National Parliaments have also raised the issue of extensive use of delegated acts in the proposal (see parts 2-4 above referring to single proposals).

6. Additional information

The Subsidiarity team (in the CIVEX commission secretariat) is at the disposal of the rapporteur in case of any inquiries and can be contacted via email at subsidiarity@cor.europa.eu .



**European Committee
of the Regions**

**Commission for Citizenship, Governance,
Institutional and External Affairs**

**CONSULTATION OF THE SUBSIDIARITY MONITORING NETWORK
on
'CLEAN ENERGY FOR ALL EUROPEANS' PACKAGE
Questionnaire**

BACKGROUND

On 30 November 2016, the European Commission published a comprehensive legislative package entitled 'Clean Energy for all Europeans' (or “Winter Package”) as part of its ongoing Energy Union initiative, which will reform some of the central pieces of EU energy legislation.

As part of this package (all available from [this link](#)), the Commission adopted the following proposals:

- a [Regulation on the Governance of the Energy Union](#)
- a [Directive](#) amending the existing Energy Efficiency Directive; and
- a [Directive](#) amending the existing Energy Performance of Buildings Directive.
- a revised [Directive on the Internal Market for Electricity](#)
- a revised [Electricity Market Regulation](#)
- a revised [Renewable Energy Directive](#)
- a recast [Regulation on the Agency for the Cooperation of Energy Regulators](#)

This questionnaire relates only to the above mentioned proposals.

As the Energy Union is part of the **CoR's Subsidiarity Work Programme 2017**; members of the Subsidiarity Monitoring Network have been asked to contribute to the subsidiarity and proportionality analysis on relevant aspects of the Commission's proposals.

The outcome of the consultation will be forwarded to **Bruno Hranic** (HR/EPP), rapporteur on Energy Union Governance, **Michiel Rijsberman** (NL/ALDE) rapporteur on Energy efficiency and performance of buildings and **Daiva Matoniene** (LT/ECR) rapporteur on renewable energy and electricity market. The rapporteurs will be able to take account of the outcome of the consultation for the drafting of their opinions.

Privacy Statement:

The follow-up to your contribution requires that your personal data (name, contact details, etc.) be processed in a file. All the answers to the questions are voluntary. Your replies will be kept for a period of 5 years after the reception of the questionnaire. Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data controller (Head of Unit B3) at subsidiarity@cor.europa.eu. If necessary, you may also contact the CoR Data Protection

Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu).

For further information on CoR data protection policy and the use of your contributions, please consult the following legal notice on the [CoR internet website](#).

Please note that the answers you provide can be used, in an anonymised form, for drafting a report. That report could be transmitted to CoR rapporteurs and other EU institutions and used in CoR studies and publications. If you do not wish so, please inform us accordingly.

Please answer the following questions:

Name of Authority:	
Contact person:	
Contact details (email)	

ROLE OF LOCAL AND REGIONAL AUTHORITIES
<p><i>Is your local/regional authority involved in:</i></p> <p><i>a) the application of EU legislation</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p><i>b) the enforcement of EU legislation (e.g. surveillance, controls)</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p><i>As relevant, please briefly specify how your local/regional authority is involved.</i></p>

***Governance of the Energy Union
COM (2016)759 final***

The proposed Regulation sets out the requirements for integrated national energy and climate plans and a streamlined process to establish them.

SUBSIDIARITY
<p><i>Do you believe that the suggested measures are necessary in order to:</i></p> <p><i>i) achieve the objectives of the Energy Union?</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p><i>ii) set up a functional (dynamic, reliable and transparent) governance process between the Commission and Member States?</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p><i>iii) achieve a clear and coherent legal framework?</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p>

iv) streamline existing energy and climate planning, reporting and monitoring obligations?

Yes / No

If yes, please briefly specify the need for and the added value from the new governance rules in order to achieve the above objectives?

If no, and where possible, please briefly detail the reasons why the proposed EU action, (i.e. new governance rules) is not necessary to achieve the above objectives.

PROPORTIONALITY

Do you believe that the actions proposed in the draft Regulation

i) is the appropriate way to achieve the intended objectives?

Yes / No

ii) leave as much room for national decision as possible?

Yes / No

If you consider that the proposed actions go further than necessary, what, in your opinion, would be a less restrictive, alternative way of achieving the intended objectives?

ROLE OF LOCAL AND REGIONAL AUTHORITIES

Do you consider that the role of local and regional authorities has been sufficiently taken into account by the Proposal for a Regulation on the Governance of Energy Union?

Yes / No

Do you have any suggestions what should be amended in Commission's proposal? Please briefly specify.

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**Energy efficiency and energy performance of buildings
COM (2016) 761 and COM (2016) 765**

The Commission proposes a revision of the Energy Efficiency Directive (EED) and of the European Performance of Buildings Directive (EPBD) to bring them up to date with the 2030 energy and climate goals, to check their effectiveness, to simplify and improve the text, and to facilitate implementation at national level. It is also proposed to review the target to be reached by 2030 to a binding 30% EU level, emphasising the European Union's commitment to its international climate and energy goals for 2030 and beyond.

SUBSIDIARITY
<i>Do you believe that in order to achieve the objectives of a reduction of energy consumption and achieving the target of energy efficiency (of 30%) is necessary:</i>
<i>i) to extend the application of the energy savings obligation schemes beyond 2020</i>
Yes <input type="checkbox"/> / No <input type="checkbox"/>
<i>ii) to introduce new rules on energy metering and billing (Energy Efficiency Directive (EED))</i>
Yes <input type="checkbox"/> / No <input type="checkbox"/>
<i>iii) to streamline procedures which have not delivered expected results (Performance of Buildings Directive (EPBD))</i>
Yes <input type="checkbox"/> / No <input type="checkbox"/>
<i>If yes, and as possible, please briefly detail the need for and the added value resulting from the proposed actions in these directives.</i>
<i>If no, and if possible, please specify briefly the reasons why proposed actions are not necessary in this context.</i>
PROPORTIONALITY
<i>Do you believe that the actions proposed in the revised Energy Efficiency Directive (EED) and in the European Performance of Buildings Directive (EPBD):</i>
<i>i) are the appropriate way to achieve the intended objectives?</i>

<p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p><i>ii) leave as much room for national decision making as possible?</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p>
<p><i>If you consider that the proposed actions go further than necessary, what, in your opinion, would be a less restrictive, alternative way of achieving the intended objectives? If relevant, please provide a brief answer.</i></p>
<p>ROLE OF LOCAL AND REGIONAL AUTHORITIES</p> <p><i>Do you think that the experience of local and regional authorities (e.g. with SECAPs under the Covenant of Mayors) has been sufficiently taken into account (e.g. when setting the energy efficiency targets)?</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p>

Renewable energy and internal market for electricity

COM (2016) 767, COM (2016) 861, COM (2016) 863 and COM (2016) 864

The proposed recast directive on the internal market for electricity would oblige Member States to ensure a more competitive, customer-centred, flexible and non-discriminatory EU electricity market with market-based supply prices. It would strengthen existing customer rights, introduce new ones and provide a framework for energy communities. Member States would have to monitor and address energy poverty. The proposal clarifies the tasks of distribution system operators and emphasises the obligation of neighbouring national regulators to cooperate on issues of cross-border relevance.

<p>SUBSIDIARITY</p> <p><i>Do you believe that any of the following proposals give rise to any subsidiarity concerns:</i></p> <p><i>i) Proposal for a recast Directive on the promotion and the use of energy from renewable sources COM (2016) 767</i></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p>

ii) *Proposal for a revised Regulation on the internal market for electricity COM (2016) 861*

Yes / No

iii) *Proposal for a revised Regulation establishing a European Union Agency for the Cooperation of Energy Regulators COM (2016) 863*

Yes / No

iv) *Proposal for a revised Directive on common rules for the internal market COM (2016) 864*

Yes / No

If possible, please briefly specify these concerns

PROPORTIONALITY

Do you believe that any of the following proposals give rise to any proportionality concerns:

i) *Proposal for a recast Directive on the promotion and the use of energy from renewable sources COM (2016) 767*

Yes / No

ii) *Proposal for a revised Regulation on the internal market for electricity COM (2016) 861*

Yes / No

iii) *Proposal for a revised Regulation establishing a European Union Agency for the Cooperation of Energy Regulators COM (2016) 863*

Yes / No

iv) *Proposal for a revised Directive on common rules for the internal market COM (2016) 864*

Yes / No

If relevant, please specify briefly

ROLE OF LOCAL AND REGIONAL AUTHORITIES

Do you consider that local and regional authorities will be sufficiently involved in the formulation of the rules governing the internal market for electricity as outlined in the above mentioned Commission's proposals?

Yes / No

If relevant, please specify briefly

DELEGATED AND IMPLEMENTING ACTS

Some of the provisions in the above mentioned Proposals contain empowerment clauses which give the Commission the power to adopt delegated and/or implementing acts in accordance with Article 290 and 291 TFEU.

Do you believe that the delegated and implementing powers of the Commission provided in the proposals of the package are a cause for concern?

Yes / No

If relevant, please specify briefly why and in which of the proposals.

ADDITIONAL REMARKS

Please indicate briefly any other subsidiarity or proportionality concerns that any of the above mentioned Proposals give rise to in your view.