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*Committee on Industry, Research and Energy*

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**2011/0172(COD)**

16.11.2011

# **AMENDMENTS 245 - 423**

**Draft report**  
**Claude Turmes**  
(PE472.358v01-00)

on the proposal for a directive of the European Parliament and of the Council  
on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC

Proposal for a directive  
(COM(2011)0370 – C7-0168/2011 – 2011/0172(COD))

AM\_Com\_LegReport

**Amendment 245**

**Teresa Riera Madurell, Alejo Vidal-Quadras**

**Proposal for a directive**

**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should ***draw up national plans to develop high-efficiency CHP and district*** heating and cooling. ***These plans*** should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations ***which are*** substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. ***This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.***

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should ***carry out a comprehensive assessment of*** heating and cooling ***demand. This assessment*** should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations ***to be*** substantially refurbished or whose permit or licence is updated should ***analyse if it is technically and economically viable*** be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity.

Or. en

**Amendment 246**

**Herbert Reul**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. **To this end**, Member States **should** adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity ***provided there is also sufficient demand for heating, the operation of the installation is economically viable and the downstream infrastructure is either already in place or can be extended without undue cost.*** This waste heat could then be transported where it is needed through district heating networks. Member States ***might also*** adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. ***In that case*** Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. de

*Justification*

*Greenfield CHP plants make no sense. However, such plants cannot always be built, as the Commission suggests, in the immediate vicinity of their potential consumers, e.g. in the middle of a residential area. The choice of location should remain for the local authorities to*

*make, in dialogue with residents and other stakeholders in particular. The economic viability of the operation must also always be ensured.*

#### **Amendment 247**

**Evžen Tošenovský**

#### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

##### *Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling ***and assess the socio-economic and commercial grounds for this***. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity ***where it is technically, socio-economically and commercially feasible***. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. en

**Amendment 248**  
**Giles Chichester**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling ***where appropriate to their climate and housing structure***. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. en

**Amendment 249**  
**Gunnar Hökmark**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. ***Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.***

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union.

Or. en

**Amendment 250**  
**András Gyürk**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP)

*Amendment*

(23) High-efficiency cogeneration (CHP)

and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States *should draw up national plans to develop* high-efficiency CHP and district heating and cooling. *These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.*

and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States *shall promote* high-efficiency CHP and district heating and cooling.

Or. en

**Amendment 251**  
**Ioan Enciu**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling.

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling.



These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated **should** be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States **should** adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated **may** be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States **may** adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. ro

**Amendment 252**  
**Robert Goebbels**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations

which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met. ***To promote investment in CHP, these installations should not be required to be covered by Directive 2003/87/EC of 13 October 2003.***

Or. de

#### *Justification*

*It should be up to CHP plant operators to decide whether they wish to take part in emissions certificate trading.*

#### **Amendment 253**

**Markus Pieper, Marian-Jean Marinescu, Lambert van Nistelrooij, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Paul Rübig, Werner Langen, Ioannis A. Tsoukalas, Jan Březina, Holger Kraemer**

#### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national ***plans*** to develop high-efficiency CHP and district heating and cooling. ***These plans should cover a sufficiently long period to provide*** investors with information concerning national

##### *Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national ***analyses of their potential*** to develop high-efficiency CHP and district heating and cooling. ***Member States should aim at providing*** investors with information concerning national

development plans *and* contribute to a stable and supportive investment environment. *New* electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

development plans *over a sufficiently long period which would* contribute to a stable and supportive investment environment. *Where the cost-benefit analysis is positive, new* electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met. *When adopting authorisation criteria Member States should ensure that the regional and local competences as regards spatial planning are fully respected.*

Or. en

**Amendment 254**  
**Vicky Ford**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to *develop* high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a

*Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to *consider the potential for* high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute

stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should **be equipped with** high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to **ensure the location of** installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should **consider the feasibility of installing** high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to **explore the potential for locating** installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. en

#### **Amendment 255**

**Bendt Bendtsen, Krišjānis Kariņš, Ioannis A. Tsoukalas, Maria Da Graça Carvalho**

#### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units

##### *Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units

to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

to recover waste heat stemming from the production of electricity *where it is technically, economically and commercially feasible*. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. en

## **Amendment 256**

**Pilar del Castillo Vera, Cristina Gutiérrez-Cortines**

### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt

##### *Amendment*

(23) High-efficiency cogeneration (CHP) and district heating and cooling has significant potential for saving primary energy which is largely untapped in the Union. Member States should draw up national plans to develop high-efficiency CHP and district heating and cooling *which assesses the socio-economic costs*. These plans should cover a sufficiently long period to provide investors with information concerning national development plans and contribute to a stable and supportive investment environment. New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks.

authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points. Member States should however be able to lay down conditions for exemption from these obligations where certain conditions are met.

Or. en

**Amendment 257**  
**Adam Gierek**

**Proposal for a directive**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Manufacturing companies that use waste heat from power stations as process heat ought to obtain that heat at preferential prices, and the costs of such energy should not be subject to tax.***

Or. pl

*Justification*

*Significant amounts of primary energy are currently escaping unused as heat into the environment, especially where thermal power stations are located away from population centres.*

**Amendment 258**  
**Adam Gierek**

**Proposal for a directive**  
**Recital 23 b (new)**

*Text proposed by the Commission*

*Amendment*

***(23b) Chemical products for use as synthetic fuels accompanying fossil-fuel cogeneration of electricity or heat should***

*be subject to preferential taxation.*

Or. pl

*Justification*

*There are technologies that can substantially reduce CO<sub>2</sub> emissions; for example, CO<sub>2</sub> is a vital substrate in the production of synthetic fuels.*

**Amendment 259**

**András Gyürk**

**Proposal for a directive**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

*(25) To increase transparency for the final customer to be able to choose between electricity from cogeneration and electricity produced by other techniques, the origin of high-efficiency cogeneration should be guaranteed on the basis of harmonised efficiency reference values. Guarantee of origin schemes do not by themselves imply a right to benefit from national support mechanisms. It is important that all forms of electricity produced from high-efficiency cogeneration can be covered by guarantees of origin. Guarantees of origin should be distinguished from exchangeable certificates.*

*deleted*

Or. en

**Amendment 260**

**Krišjānis Kariņš**

**Proposal for a directive**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

***(25) To increase transparency for the final customer to be able to choose between electricity from cogeneration and electricity produced by other techniques, the origin of high-efficiency cogeneration should be guaranteed on the basis of harmonised efficiency reference values. Guarantee of origin schemes do not by themselves imply a right to benefit from national support mechanisms. It is important that all forms of electricity produced from high-efficiency cogeneration can be covered by guarantees of origin. Guarantees of origin should be distinguished from exchangeable certificates.***

*deleted*

Or. en

**Amendment 261**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) To increase transparency for the final customer to be able to choose between electricity from cogeneration and electricity produced by other techniques, the origin of high-efficiency cogeneration ***should be guaranteed*** on the basis of harmonised efficiency reference values. ***Guarantee of origin schemes do not by themselves imply a right to benefit from national support mechanisms.*** It is important that all forms of electricity produced from ***high-efficiency cogeneration can be*** covered by guarantees of origin. Guarantees of origin should be distinguished from exchangeable certificates.

(25) To increase transparency for the final customer to be able to choose between electricity from cogeneration and electricity produced by other techniques, ***the Member States should have the option of guaranteeing*** the origin of high-efficiency cogeneration on the basis of harmonised efficiency reference values. ***If a Member State decides to do this, it is*** important that all forms of electricity, ***including electricity produced from wind or solar energy, as well as from nuclear power, coal, gas, wave power, nuclear fusion and other future technologies*** are covered by guarantees of origin. ***Where electricity is produced from a mixture of***



*sources, the percentage share of each individual source, together with the cost – and the extra cost incurred by supplying this information – should be stated in order to ensure full transparency.*

Guarantees of origin should be distinguished from exchangeable certificates *and do not by themselves imply a right to benefit from national support mechanisms.*

Or. de

#### *Justification*

*If the EU takes transparency seriously, the customer must also be informed about the individual cost items, not just about the origin/type of production of his electricity or heating. Accordingly, where a Member State opts for a guarantee system, this system should cover all energy sources and production methods. The cost of the extra effort involved in this system must then be borne by the customer – and should also be shown.*

#### **Amendment 262** **Herbert Reul**

#### **Proposal for a directive** **Recital 26**

##### *Text proposed by the Commission*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the "Think Small First" principle.

##### *Amendment*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the "Think Small First" principle, ***provided the highest efficiency standards are complied with so as to meet the objective of the Directive.***

Or. de

## *Justification*

*Large installations are usually more efficient than a large number of smaller ones. If the objective of improving energy efficiency is taken seriously, the 'think small first' principle should not lead to eroding the efficiency target. Accordingly, small units too should be expected to meet the highest requirements of energy efficiency.*

### **Amendment 263**

**Ivo Belet**

#### **Proposal for a directive**

##### **Recital 26**

###### *Text proposed by the Commission*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the 'Think Small First' principle.

###### *Amendment*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the 'Think Small First' principle. ***In this respect, the installation of micro-cogeneration units in individual premises should be facilitated.***

Or. en

### **Amendment 264**

**Gaston Franco**

#### **Proposal for a directive**

##### **Recital 26**

###### *Text proposed by the Commission*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when

###### *Amendment*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when

reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle.

reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle. ***Notably, the installation of micro-cogeneration units in individual premises should be facilitated.***

Or. en

#### *Justification*

*This amendment states that the administrative procedures for the installation of micro-cogeneration units shall be as simple as possible.*

#### **Amendment 265** **Maria Da Graça Carvalho**

#### **Proposal for a directive** **Recital 26**

##### *Text proposed by the Commission*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle.

##### *Amendment*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle. ***Notably, the installation of micro-cogeneration units in individual premises should be facilitated.***

Or. en

#### **Amendment 266** **Judith A. Merkies, Anni Podimata**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle.

*Amendment*

(26) The specific structure of the cogeneration and district heating and cooling sectors, which include many small and medium-sized producers, should be taken into account, especially when reviewing the administrative procedures for obtaining permission to construct cogeneration capacity or associated networks, in application of the ‘Think Small First’ principle. ***Notably, the installation of micro-cogeneration units in individual premises should be facilitated.***

Or. en

**Amendment 267**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information.

*Amendment*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information. ***Ideally, SMEs would then also be made responsible for implementing energy efficiency and savings measures, so that new jobs would be created there, or at least existing ones retained.***

Or. de

**Amendment 268**  
**Giles Chichester**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information.

*Amendment*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information ***while recalling that the best incentive for SMEs must be the financial savings to be achieved through energy efficiency measures.***

Or. en

**Amendment 269**  
**Ioan Enciu**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information.

*Amendment*

(27) Most EU businesses are small and medium-sized enterprises (SMEs). They represent an enormous energy saving potential for the EU. To help them adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical ***and financial*** assistance and targeted information.

Or. ro

**Amendment 270**  
**András Gyürk**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more.

***However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations and mineral oil and gas refineries, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and consider proposing additional measures if significant discrepancies exist between the actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out***

*Amendment*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more.

**Amendment 271**

**Herbert Reul**

**Proposal for a directive**

**Recital 28**

*Text proposed by the Commission*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations and mineral oil and gas refineries, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and **consider proposing additional measures** if significant discrepancies exist between the actual energy efficiency levels and the

*Amendment*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations and mineral oil and gas refineries, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and **publish the results, while ensuring the protection of confidential data**, if significant discrepancies exist between the

levels associated with the application of the Best Available Techniques. *The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out in Commission Decision 2007/74/EC of 21 December 2006.*

actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. *In that case the Commission, together with the Member States and the operators, should collaborate to find solutions to increasing energy efficiency without undermining competition.*

Or. de

### *Justification*

*The exemptions in the ETS Directive are entirely justified and should be retained – most importantly they should not be bypassed by another directive. The main thing is not to introduce still more legal obligations but to find solutions to guaranteeing the continued competitiveness of European industry. The (petro-) chemical industry is particularly at risk in this respect.*

### **Amendment 272** **Edit Herczog**

### **Proposal for a directive** **Recital 28**

#### *Text proposed by the Commission*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the

#### *Amendment*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the



Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations **and mineral oil and gas refineries**, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and consider proposing additional measures if significant discrepancies exist between the actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out in Commission Decision 2007/74/EC of 21 December 2006.

Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and consider proposing additional measures if significant discrepancies exist between the actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out in Commission Decision 2007/74/EC of 21 December 2006.

Or. en

#### *Justification*

*For refining, the energy costs represent more than 50% of the total operating costs. Managing energy (minimizing energy consumption and cost) is therefore a high priority. Refining is a sector exposed to carbon leakage, with a high trading intensity, and high CO2 costs versus added value. In ETS directive and EU's own NACE categorisation of industry, which is mandatory in the Union when economic activities are classified in statistics, refining is classified together with other energy intensive industries. The draft proposal mistakenly compares the refining sector to the electricity generation sector. The decision to specifically target oil refining, the only manufacturing sector targeted, in this Directive is unexpected and arbitrary. It has been introduced without any consultation, and was not addressed in the Impact Assessment. Refining would be covered by general provisions of the Directive addressed at energy intensive industries, so there is no need for specific reference to refining.*

**Amendment 273**  
**Gaston Franco**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations and mineral oil and gas refineries, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and consider proposing additional measures if significant discrepancies exist between the actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out in Commission Decision 2007/74/EC of 21 December 2006.

*Amendment*

(28) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions includes energy efficiency among the criteria for determining the Best Available Techniques that should serve as a reference for setting the permit conditions for installations within its scope, including combustion installations with a total rated thermal input of 50 MW or more. However, that Directive gives Member States the option not to impose requirements relating to energy efficiency on combustion units or other units emitting carbon dioxide on the site, for the activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community. To ensure that significant energy efficiency improvements are achieved in electricity and heat generation installations and mineral oil and gas refineries, actual energy efficiency levels should be monitored and compared with the relevant energy efficiency levels associated with the application of the Best Available Techniques. The Commission should compare energy efficiency levels and consider proposing additional measures ***in the framework of Directive 2010/75/EC*** if significant discrepancies exist between the actual energy efficiency levels and the levels associated with the application of the Best Available Techniques. The information collected on the actual energy efficiency values should also be used in reviewing the harmonised efficiency reference values for separate production of heat and electricity set out in Commission Decision 2007/74/EC of 21 December 2006.

*Justification*

*The Industrial Emissions Directive (2010/75/EC) already provides a framework for energy operators to invest in efficient power installations based on the best available techniques. New regulation such as setting new efficiency standards is therefore unnecessary and may clearly overlap with the IED Directive.*

**Amendment 274**

**Edit Herczog**

**Proposal for a directive**

**Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28 a) Any measure in this Directive, which applies to energy intensive industries recognized as exposed to significant risk of carbon leakage under ETS must consider the competitiveness of these industries and therefore should be cost effective.***

*Justification*

*High cost of energy, supplemented by the ETS, is the primary driver for energy efficiency improvements and emissions reductions for industries exposed to international competition.*

**Amendment 275**

**Herbert Reul**

**Proposal for a directive**

**Recital 29**

*Text proposed by the Commission*

*Amendment*

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the

bearing and sharing of costs of grid connections and grid reinforcements and for technical adaptations needed to integrate new producers of electricity produced from high efficiency cogeneration, taking into account guidelines and codes developed in accordance with Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005. Producers of electricity generated from high-efficiency cogeneration should be allowed to issue a call for tender for the connection work. Access to the grid system for electricity produced from high-efficiency cogeneration, especially for small scale and micro-cogeneration units, should be facilitated.

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Or. de

#### *Justification*

*A constant rise in electricity production from renewables would lead within just a few years to a conflict between power from CHP plants and power from renewable energy installations unless there are clear rules of precedence. Since CHP plants produce two products at once, cogeneration must be given precedence to avoid the expense of heat and cold storage systems. The construction of electricity storage systems will already lead to considerable extra costs in the coming decades.*

**Amendment 276**  
**András Gyürk**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the bearing and sharing of costs of grid connections and grid reinforcements and for technical adaptations needed to integrate new producers of electricity produced from high efficiency cogeneration, taking into account guidelines and codes developed in accordance with Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005. ***Producers of electricity generated from high-efficiency cogeneration should be allowed to issue a call for tender for the connection work.*** Access to the grid system for electricity produced from high-efficiency cogeneration, especially for small scale and micro-cogeneration units, should be facilitated.

*Amendment*

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the bearing and sharing of costs of grid connections and grid reinforcements and for technical adaptations needed to integrate new producers of electricity produced from high efficiency cogeneration, taking into account guidelines and codes developed in accordance with Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005. Access to the grid system for electricity produced from high-efficiency cogeneration, especially for small scale and micro-cogeneration units, should be facilitated.

Or. en

**Amendment 277**  
**Evžen Tošenovský**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the bearing and sharing of costs of grid connections and grid reinforcements and for technical adaptations needed to integrate new producers of electricity produced from high efficiency cogeneration, taking into account guidelines and codes developed in accordance with Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005. Producers of electricity generated from high-efficiency cogeneration should be allowed to issue a call for tender for the connection work. Access to *the* grid system for electricity produced from high-efficiency cogeneration, especially for small scale and *micro-cogeneration* units, should be facilitated.

*Amendment*

(29) Member States should establish, on the basis of objective, transparent and non-discriminatory criteria, rules governing the bearing and sharing of costs of grid connections and grid reinforcements and for technical adaptations needed to integrate new producers of electricity produced from high efficiency cogeneration, taking into account guidelines and codes developed in accordance with Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005. ***It should be ensured that costs are fairly distributed between the involved actors.*** Producers of electricity generated from high-efficiency cogeneration should be allowed to issue a call for tender for the connection work. Access to the grid system for electricity produced from high-efficiency cogeneration, especially for small scale and *microcogeneration* units, should be facilitated.

Or. en

**Amendment 278**  
**Gaston Franco**

**Proposal for a directive**  
**Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29 a) In accordance with Directives (EC)***

***2009/72 of the European Parliament and of the Council of 13 July 2009 and (EC) 2009/73 of the European Parliament and of the Council of 13 July 2009, distribution system operators are responsible for ensuring energy efficiency when operating, maintaining and developing the distribution system. This responsibility should clearly involved active development of energy efficiency toward connected consumers and potential new consumers, and all necessary indirect actions that can facilitate those promotion such as investments in energy efficiency R&D programs, commitment with local authorities or local business community training.***

Or. en

*Justification*

*The role of distribution system operators should be emphasized in accordance with article 12.*

**Amendment 279**

**Herbert Reul**

**Proposal for a directive**

**Recital 30**

*Text proposed by the Commission*

(30) A sufficient number of reliable professionals competent in the field of energy efficiency should be available to ensure the effective and timely implementation of this Directive, for instance as regards compliance with the requirements on energy audits and implementation of energy efficiency obligation schemes. Member States should therefore put in place certification schemes for the providers of energy services, energy audits and other energy efficiency

*Amendment*

(30) A sufficient number of reliable professionals competent in the field of energy efficiency should be available to ensure the effective and timely implementation of this Directive, for instance as regards compliance with the requirements on energy audits and implementation of energy efficiency obligation schemes. Member States should therefore put in place certification schemes for the providers of energy services, energy audits and other energy efficiency

improvement measures.

improvement measures. *The Member States should also offer special language courses for qualified expert staff in order to promote the mobility of service providers and workers within the EU.*

Or. de

#### *Justification*

*There are large differences in unemployment rates within the EU. Highly qualified workers in particular could benefit from a far wider labour market if they had the necessary language skills.*

#### **Amendment 280**

**Hannu Takkula, Riikka Manner, Anneli Jäätteenmäki**

#### **Proposal for a directive**

#### **Recital 30**

##### *Text proposed by the Commission*

(30) A sufficient number of reliable professionals competent in the field of energy efficiency should be available to ensure the effective and timely implementation of this Directive, for instance as regards compliance with the requirements on energy audits and implementation of energy efficiency obligation schemes. Member States should therefore put in place certification schemes for the providers of energy services, energy audits and other energy efficiency improvement measures.

##### *Amendment*

(30) A sufficient number of reliable **qualified** professionals competent in the field of energy efficiency should be available to ensure the effective and timely implementation of this Directive, for instance as regards compliance with the requirements on energy audits and implementation of energy efficiency obligation schemes. Member States should therefore put in place certification schemes for the providers of energy services, energy audits and other energy efficiency improvement measures.

Or. fi

#### **Amendment 281**

**Herbert Reul**

#### **Proposal for a directive**

#### **Recital 31**



*Text proposed by the Commission*

(31) It is necessary to continue developing the market for energy services to ensure the availability of both the demand and the supply of energy services. Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party financing arrangements, in an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party.

*Amendment*

(31) It is necessary to continue developing the market for energy services to ensure the availability of both the demand and the supply of energy services. Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party financing arrangements, in an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party. ***At the same time, however, it needs to be ensured that not only measures with a rapid return are offered but a mix of differing measures to ensure that more effort-intensive and thus more expensive measures are also tackled swiftly.***

Or. de

*Justification*

*Energy service providers prefer measures that offer a rapid return. However, if we are really trying to attain a perceptible reduction in energy consumption in the building sector by 2050, more costly measures also need to be swiftly addressed. Only a combination of both, a good mix of measures that can provide a return over 10 to 20 years, promises lasting success.*

**Amendment 282**

**Alejo Vidal-Quadras, Pilar del Castillo Vera, Krišjānis Kariņš, Cristina Gutiérrez-Cortines**

**Proposal for a directive**

**Recital 31**

*Text proposed by the Commission*

(31) It is necessary to continue developing

*Amendment*

(31) ***Energy performance contracting***

the market for energy services to ensure the availability of both the demand and the supply of energy services. Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party financing arrangements, in an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party.

***(EPC) comprises a wide variety of mechanisms which open up opportunities to deploy more energy-efficient technologies and solutions.*** It is necessary to continue developing the market for energy services to ensure the availability of both the demand ***for*** and the supply of energy services ***in an open and transparent manner.*** Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party financing arrangements, in an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially, carried out by a third party. ***The market of energy performance contracting shall not be discriminatory to any energy services providers.***

Or. en

## **Amendment 283**

**Ioan Enciu**

### **Proposal for a directive**

#### **Recital 31**

##### *Text proposed by the Commission*

(31) It is necessary to continue developing the market for energy services to ensure the availability of both the demand and the supply of energy services. Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party financing arrangements, in an energy

##### *Amendment*

(31) It is necessary to continue developing the market for energy services to ensure the availability of both the demand and the supply of energy services, ***in a transparent and open manner.*** Transparency, for example by means of lists of energy services providers, can contribute to this. Model contracts and guidelines, in particular for energy performance contracting, can also help stimulate demand. As in other forms of third-party

performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party.

financing arrangements, in an energy performance contract the beneficiary of the energy service avoids investment costs by using part of the financial value of energy savings to repay the investment fully or partially carried out by a third party.

Or. ro

#### **Amendment 284**

**Ioan Enciu**

#### **Proposal for a directive**

##### **Recital 32**

###### *Text proposed by the Commission*

(32) There is a need to identify and remove regulatory and non-regulatory barriers to the use of energy performance contracting and other third-party financing arrangements for energy savings. These include accounting rules and practices that prevent capital investments and annual financial savings resulting from energy efficiency improvement measures from being adequately reflected in the accounts for the whole life of the investment. Obstacles to the renovating of the existing building stock based on a split of incentives between the different concerned actors should also be tackled at national level.

###### *Amendment*

(32) There is a need to identify and remove regulatory, **administrative** and non-regulatory barriers to the use of energy performance contracting and other third-party financing arrangements for energy savings. These include accounting rules and practices that prevent capital investments and annual financial savings resulting from energy efficiency improvement measures from being adequately reflected in the accounts for the whole life of the investment. Obstacles to the renovating of the existing building stock based **both** on a split of incentives between the different concerned actors **and on access to different means of funding** should also be tackled at national level.

Or. ro

#### **Amendment 285**

**Kathleen Van Brempt, Judith A. Merkies**

#### **Proposal for a directive**

##### **Recital 33**

*Text proposed by the Commission*

(33) Member States and regions should be encouraged to make full use of the Structural Funds and the Cohesion Fund to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency measures in public buildings and housing, and providing new skills to promote employment in the energy efficiency sector.

*Amendment*

(33) Member States and regions should be encouraged to make full use of the ***diverse available European funds such as the*** Structural Funds and the Cohesion Fund, ***but also the new and innovative funds such as the Elena fund and the European Energy Efficiency Fund*** to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency measures in public buildings and housing, and providing new skills to promote employment in the energy efficiency sector.

Or. en

**Amendment 286**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

(33) Member States and regions should be encouraged to make full use of the Structural Funds and the Cohesion Fund to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency

*Amendment*

(33) Member States and regions should be encouraged to make full use of the Structural Funds and the Cohesion Fund to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency

measures in public buildings and housing, and providing new skills to promote employment in the energy efficiency sector.

measures in public buildings and housing, ***promotion of the construction of near-zero-energy buildings up to the end of 2020 at the latest***, and providing new skills to promote employment in the energy efficiency sector.

Or. de

### *Justification*

*The Directive on the energy performance of buildings provides that the construction of buildings that are not near-zero-energy will not be banned until 1 January 2021. However, it seems entirely sensible to create incentives for the construction of such buildings at this stage, though such promotion should cease when the construction of any other type of building is banned anyway.*

### **Amendment 287** **Vladimir Urutchev**

#### **Proposal for a directive** **Recital 33**

##### *Text proposed by the Commission*

(33) Member States and regions should be encouraged to make full use of the Structural Funds and the Cohesion Fund to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency measures in public buildings and housing, and providing new skills to promote employment in the energy efficiency sector.

##### *Amendment*

(33) Member States and regions should be encouraged to make full use of the Structural Funds and the Cohesion Fund to trigger investments in energy efficiency improvement measures. Investment in energy efficiency has the potential to contribute to economic growth, employment, innovation and reduction of fuel poverty in households, and therefore has a positive contribution to economic, social and territorial cohesion. Potential areas for funding include energy efficiency measures in public buildings and housing, and providing new skills to promote employment in the energy efficiency sector ***as well as the funding of energy efficient new buildings.***

Or. en

**Amendment 288**  
**Eija-Riitta Korhola**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

*Amendment*

***(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.***

***deleted***

Or. en

*Justification*

*The amount of allowances of EU emission trading scheme is determined by ETS directive, so this energy efficiency directive is not a right place to try to change this cap. ETS is chosen to be a market-based instrument for decreasing the CO2-emission, and there should be no other acts to manipulate the price of allowances and to create uncertainties to CO2-market.*

**Amendment 289**  
**Sari Essayah**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

*Amendment*

***(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and***

***deleted***

*preparing the ETS sectors for the innovations needed in the future.*

Or. en

*Justification*

*EU Emission Trading Scheme (ETS) is a market based tool for decreasing CO2-emission. During the next phase of ETS 2013-2020 the gradually decreasing cap (maximum amount of allowances) will conduct the CO2-emissions to the set target. The price of allowances shall not be influenced by any authorities to avoid confusion on the market.*

**Amendment 290**

**Pilar del Castillo Vera, Cristina Gutiérrez-Cortines**

**Proposal for a directive**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

***(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.***

***deleted***

Or. en

**Amendment 291**

**Konrad Szymański**

**Proposal for a directive**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

***(34) In the implementation of the 20% energy efficiency target, the Commission***

***deleted***

*will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.*

Or. en

**Amendment 292**

**Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz**

**Proposal for a directive**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

*(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.*

*deleted*

Or. en

**Amendment 293**

**Paul Rübzig**

**Proposal for a directive**

**Recital 34**

*Text proposed by the Commission*

*Amendment*

*(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC*

*deleted*



*establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.*

Or. en

#### *Justification*

*The EU Emission Trading Scheme (EU ETS) must continue to be primarily a tool to reduce European industrial greenhouse gas emissions by 2020 and beyond in a cost-efficiency way. It is important that the regulator refrains from undue intervention in the market mechanisms to steer the allowances price. Any direct or indirect means of altering temporarily or permanently this target, for example to compensate the effect of energy efficiency measures on carbon price, would negatively interfere with the functioning of the market*

#### **Amendment 294** **Herbert Reul**

#### **Proposal for a directive** **Recital 34**

##### *Text proposed by the Commission*

(34) In the implementation of the 20% energy **efficiency** target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.

##### *Amendment*

(34) In the implementation of the 20% energy **savings** target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future. ***This presupposes that the economy can rely on a stable legal framework. Any change to the agreed emissions trading scheme before 2020 that constitutes an additional obstacle should therefore be clearly ruled out, in order to guarantee certainty for investment and planning.***

Or. de

## *Justification*

*The Commission is considering reducing the supply of CO<sub>2</sub> certificates and thus pushing up their cost. Such an intervention by the authorities would fundamentally go against the idea of a market economy system and would also create uncertainty among investors and lenders. It would achieve the opposite of what is needed: investments would not be made, no new jobs would be created, and energy-efficient technologies would not become established.*

### **Amendment 295**

**Daniel Caspary**

#### **Proposal for a directive**

##### **Recital 34**

###### *Text proposed by the Commission*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) ***in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.***

###### *Amendment*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS), ***and will conversely also have to factor in the positive impact of the ETS on implementing the 20% energy efficiency target.***

Or. de

### **Amendment 296**

**Ioan Enciu**

#### **Proposal for a directive**

##### **Recital 34**

###### *Text proposed by the Commission*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system

###### *Amendment*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor ***and take into consideration*** the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the

rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.

emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future. ***The measures proposed in this Directive must not overlap with the provisions of Directive 2003/87/EC in order not to disrupt emissions quota trading.***

Or. ro

**Amendment 297**  
**Bendt Bendtsen**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) In the implementation of the 20% energy efficiency target, the Commission will ***have to*** monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.

*Amendment*

(34) In the implementation of the 20% energy efficiency target, the Commission will monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) ***and take measures to provide for a minimum carbon price to ensure that the ETS market works in conjunction with its original purpose*** in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.

Or. en

*Justification*

*Some clarification is needed with regards to what specific measures the Commission is allowed to take in order for the ETS to incentivise investments in energy efficiency and renewable energy sources.*

**Amendment 298**  
**Markus Pieper, Françoise Grossetête, Marian-Jean Marinescu, Lambert van Nistelrooij,**

**Romana Jordan Cizelj, Amalia Sartori, Antonio Cancian, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Gaston Franco, Werner Langen, Ioannis A. Tsoukalas, Jan Březina, Holger Kraemer, Maria Da Graça Carvalho**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future.

*Amendment*

(34) In the implementation of the 20% energy efficiency target, the Commission will have to monitor the impact of new measures on Directive 2003/87/EC establishing the EU's emissions trading directive (ETS) in order to maintain the incentives in the emissions trading system rewarding low carbon investments and preparing the ETS sectors for the innovations needed in the future ***without interfering with the ETS implementing provisions.***

Or. en

*Justification*

*It should be clarified that an intervention by the Commission such as setting aside CO<sub>2</sub>-allowances of the ETS trading period 2013-2020 is not possible. Otherwise, market actors and authorities wouldn't have legal certainty, future-orientated investment decisions, including on energy efficiency would be more difficult.*

**Amendment 299**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement

*Amendment*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement

measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy saving target for 2020, *and* therefore *there is* no need *to address the level of the targets*.

measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy saving target for 2020, *as compared with forecasts made in 2007. There is* therefore no need *at this stage to propose legally binding instruments as part of this directive. However, Member States which are not on track to achieve the target set for 2016 should be encouraged to implement further measures for themselves, among which binding instruments may be considered.*

Or. de

#### *Justification*

*If most Member States show that they are able to achieve the 9% energy savings target, it makes no sense now to introduce numerous binding instruments as the Commission proposes. In order to reach the 9% target, Member States have already had to introduce a great many instruments. At most, then, it would be worth considering an exchange of best practices between the Member States.*

#### **Amendment 300**

**Markus Pieper, Françoise Grossetête, Lambert van Nistelrooij, Romana Jordan Cizelj, Lena Kolarska-Bobińska, Vladimir Urutchev, Werner Langen, Jan Březina, Holger Krahmer, Jolanta Emilia Hibner**

#### **Proposal for a directive**

#### **Recital 35**

*Text proposed by the Commission*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy *saving* target for 2020, and therefore there is *no* need to address the level of *the targets*.

*Amendment*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy *efficiency* target for 2020, and therefore there is need to address the level of *ambition*.

Or. en

**Amendment 301**  
**Daniel Caspary**

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement

*Amendment*

(35) Directive 2006/32/EC requires Member States to adopt and aim to achieve an overall national indicative energy savings target of 9% by 2016, to be reached by deploying energy services and other energy efficiency improvement

measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy *saving* target for 2020, and therefore there is no need to address the level of the targets.

measures. That Directive states that the second Energy Efficiency Plan adopted by the Member States shall be followed, as appropriate and where necessary, by Commission proposals for additional measures, including extending the period of application of targets. If a report concludes that insufficient progress has been made towards achieving the indicative national targets laid down by that Directive, these proposals are to address the level and nature of the targets. The impact assessment accompanying this Directive finds that the Member States are on track to achieve the 9% target, which is substantially less ambitious than the subsequently adopted 20% energy *efficiency* target for 2020, and therefore there is no need to address the level of the targets *aspired to*.

Or. de

**Amendment 302**  
**Adam Gierek**

**Proposal for a directive**  
**Recital 36**

*Text proposed by the Commission*

(36) Although this Directive repeals Directive 2006/32/EC, Article 4 of Directive 2006/32/EC should continue to apply until the deadline for the achievement of the 9% target.

*Amendment*

(36) Although this Directive repeals Directive 2006/32/EC, Article 4 of Directive 2006/32/EC should continue to apply until the deadline for the achievement of the 9% *EU average* target.

Or. pl

*Justification*

*This target may be higher or lower than 9% depending on the type of economy and the energy mix involved.*

**Amendment 303**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) Since the objective of this Directive, which is to achieve the Union's energy **efficiency** target of 20% primary energy savings by 2020 and pave the way towards further energy efficiency improvements beyond 2020, is not on track to be achieved by the Member States without taking additional energy efficiency measures, **and can be better achieved at Union level, the Union may adopt measures**, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

*Amendment*

(37) Since the objective of this Directive, which is to achieve the Union's energy **savings** target of 20% primary energy savings by 2020 and pave the way towards further energy efficiency improvements **and further energy savings** beyond 2020, is not on track to be achieved by the Member States without taking additional energy efficiency measures, **the EU should be able to make recommendations to the Member States as to the best instruments to be used. Energy savings can nearly always be achieved at local level, and so** in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union **concrete measures should be adopted as close to the citizen as possible. Furthermore, traditions as well as climatic, economic and other conditions within the EU and to some extent within the Member States vary so much that there is a need for instruments tailored to each case. The EU cannot do justice to this diversity through binding instructions as to the instruments to be used.** In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. de

*Justification*

*The EU's motto of 'united in diversity' must be taken seriously if it is to carry its citizens with it. Centralist instructions, particularly in an area where local action is needed and there is such great diversity, will only strengthen rejection of Europe. This cannot be in Parliament's interest.*



**Amendment 304**  
**Daniel Caspary**

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) **Since** the objective of this Directive, which is to achieve the Union's energy efficiency target of 20% primary energy savings by 2020 and pave the way towards further energy efficiency improvements beyond 2020, is not on track to be achieved by the Member States without taking additional energy efficiency measures, **and can be better achieved at Union level**, the Union **may** adopt measures, **in accordance** with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, **this Directive does not go beyond what is necessary in order to achieve that objective.**

*Amendment*

(37) **If** the objective of this Directive, which is to achieve the Union's **non-binding** energy efficiency target of 20% primary energy savings by 2020 and pave the way towards further energy efficiency improvements beyond 2020, is not on track to be achieved by the Member States without taking additional energy efficiency measures, the Union **might** adopt measures, **while strictly complying** with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union **and** in accordance with the principle of proportionality, as set out in that Article.

Or. de

**Amendment 305**  
**Herbert Reul**

**Proposal for a directive**  
**Recital 38**

*Text proposed by the Commission*

(38) **In order to permit adaptation to technical progress and changes in the distribution of energy sources, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of certain matters. It will be of particular**

*Amendment*

*deleted*

*importance that the Commission carry out consultations during its preparatory work, including at expert level.*

Or. de

*Justification*

*It would be more democratic to provide the directive with an expiry or review date from the outset. Taking the route proposed by the Commission would risk transforming certain elements of the directive into a non-transparent and undemocratic procedure. Such a move must be rejected.*

**Amendment 306**  
**Hannes Swoboda**

**Proposal for a directive**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41 a) Member States should help CHP undertakings in particular to benefit from support measures.***

Or. de

**Amendment 307**  
**Herbert Reul**

**Proposal for a directive**  
**Chapter 1 – title**

*Text proposed by the Commission*

*Amendment*

Subject matter, scope, definitions and energy ***efficiency*** targets

Subject matter, scope, definitions and energy ***saving*** targets

Or. de

**Amendment 308**  
**Robert Goebbels**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date. ***As low-CO<sub>2</sub> and renewable energy become established, the pressure to make savings will ease after 2020.***

Or. de

*Justification*

*The human race will always need energy. Energy savings cannot be pursued indefinitely in a linear fashion, even though efficiency gains will still be possible.*

**Amendment 309**  
**Silvia-Adriana Țicău**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements ***beyond that date.***

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union, ***taking into account technical feasibility, cost-effectiveness, climatic conditions and internal climate requirements,*** in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements.

**Amendment 310**  
**Fiona Hall, Corinne Lepage**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020, ***which amounts to an annual primary energy consumption of 1474 Mtoe in 2020 according to the PRIMES projections***, and to pave the way for further energy efficiency improvements beyond that date.

Or. en

**Amendment 311**  
**Hannes Swoboda**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020, ***with the option of taking into account Early actions by Member States***, and to pave the way for further energy efficiency improvements beyond that date.

Or. de

**Amendment 312**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% **primary energy savings by** 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement, by means of improved energy efficiency, of the Union's target of **a 20% increase in energy efficiency compared to projections for** 2020 and to pave the way for further energy efficiency improvements beyond that date.

Or. de

*Justification*

*The wording of the directive should be based on the conclusions adopted by the Heads of State and Government at the March 2007 European Council. Furthermore it is not appropriate to equate energy efficiency standards with absolute energy savings, since increasing energy efficiency leads only to specific energy savings, not necessarily to a reduction in energy consumption in absolute terms.*

**Amendment 313**  
**Paul Rübige**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 **including the early actions of Member States** and to pave the way for

that date.

further energy efficiency improvements  
beyond that date.

Or. en

*Justification*

*The level of energy efficiency and available programs in the member states is quite different. It is important to spotlight on (voluntary) programs and measures in the member states in the past. This makes sense not to discriminate those who are front runners and give best practice examples to the others.*

**Amendment 314**  
**Catherine Trautmann**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020, ***taking into account the energy intensity indicator***, and to pave the way for further energy efficiency improvements beyond that date.

Or. fr

**Amendment 315**  
**Konrad Szymański**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to

*Amendment*

This Directive establishes a common framework ***of measures*** for the promotion of energy efficiency within the Union in

ensure the achievement of the Union's **target of 20% primary energy savings by 2020** and to pave the way for further energy efficiency improvements beyond that date.

order to ensure the achievement of the Union's **2020 20% headline target on energy efficiency** and to pave the way for further energy efficiency improvements beyond that date.

Or. en

**Amendment 316**  
**Lena Kolarska-Bobińska**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's **target of 20% primary energy savings by 2020** and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework **of measures** for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's **2020 20% goal on energy efficiency** and to pave the way for further energy efficiency improvements beyond that date.

Or. en

**Amendment 317**  
**Francisco Sosa Wagner**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of **at least** 20% primary energy savings by 2020 **compared to 2007** and to pave the way for further energy efficiency improvements beyond that date.

*Justification*

*The current definition of the EU's 2020 energy savings target is to achieve a 20% reduction below PRIMES projections for 2020 energy consumption. Changing this to a 20% target set against a base year is a more stable method than relying on uncertain projections, thus providing investment security. A 20% reduction below 2007 levels will also lead to greater energy savings and correspondingly steeper reductions in energy imports and greenhouse gas emissions*

**Amendment 318**  
**Herbert Reul**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings **by** 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of at least the Union's target of 20% primary energy savings **compared to projections for** 2020 and to pave the way for further energy efficiency improvements beyond that date.

**Amendment 319**  
**Marita Ulvskog**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of **at least** 20% primary energy savings by 2020 and to pave the way for



energy efficiency improvements beyond *that date*.

further energy efficiency improvements *for 2025, 2030 and* beyond.

Or. en

**Amendment 320**  
**Daniel Caspary**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's ***non-binding*** target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

Or. de

**Amendment 321**  
**Gaston Franco**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

*Amendment*

This Directive establishes a common framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the Union's target of 20% primary ***or final*** energy savings by 2020 and to pave the way for further energy efficiency improvements beyond that date.

Or. fr

*Justification*

*Final energy is the only energy which directly affects consumers: measures relating to final energy have a visible impact on end-users' bills and therefore help to combat energy poverty and, more generally, to boost ordinary citizens' purchasing power and companies' competitiveness.*

**Amendment 322**  
**Herbert Reul**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It **lays down rules** designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy **efficiency** targets for 2020.

*Amendment*

It **makes recommendations** designed to remove barriers in the energy market **and the energy service markets** and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy **savings** targets for 2020.

Or. de

*Justification*

*For reasons of subsidiarity the EU cannot impose instruments applicable to all Member States with a view to meeting the energy savings targets: at most it can recommend instruments.*

**Amendment 323**  
**Marita Ulvskog**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and **provides for the establishment of** national energy

*Amendment*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and **lays down binding** national energy efficiency

efficiency targets for 2020.

targets for 2020, *2025 and 2030*.

Or. en

**Amendment 324**

**Britta Thomsen, Kathleen Van Brempt**

**Proposal for a directive**

**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It lays down rules designed to remove barriers in the energy *market* and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy efficiency targets for 2020.

*Amendment*

It lays down rules designed to remove barriers in the energy and *energy services markets and* overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy efficiency targets for 2020.

Or. en

*Justification*

*One of the central aims of the Directive is to encourage the growth of the energy services markets in the European Union. Therefore, this should be reflected in subject matter and scope of the Directive.*

**Amendment 325**

**Ioan Enciu**

**Proposal for a directive**

**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy efficiency targets for 2020.

*Amendment*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of *the main* national energy efficiency targets for 2020.

**Amendment 326**  
**Lena Kolarska-Bobińska**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy efficiency targets for 2020.

*Amendment*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of *indicative* national energy efficiency targets for 2020.

Or. en

**Amendment 327**  
**Konrad Szymański**

**Proposal for a directive**  
**Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of national energy efficiency targets for 2020.

*Amendment*

It lays down rules designed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of *indicative* national energy efficiency targets for 2020.

Or. en

**Amendment 328**  
**Bendt Bendtsen, Krišjānis Kariņš, Ioannis A. Tsoukalas, Maria Da Graça Carvalho**

**Proposal for a directive**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. The requirements laid down in this Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures. Such measures shall be compatible with the Union's legislation. National legislation foreseeing more stringent measures shall be notified to the Commission.

*Amendment*

2. The requirements laid down in this Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures ***which are cost-effective and entail further savings***. Such measures shall be compatible with the Union's legislation. National legislation foreseeing more stringent measures shall be notified to the Commission.

Or. en

*Justification*

*Stringent measures should not be used as an excuse for trade barriers or preferential treatment of one Member State over another.*

**Amendment 329**  
**Cristina Gutiérrez-Cortines**

**Proposal for a directive**  
**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Buildings of special architectural, historical or cultural merit may be exempted from the minimum requirements set by the Directive, due to its particular technical and aesthetic characteristics. Therefore Member States should establish a specific system, in consultation with representatives experts of cultural heritage in each country, when a specific building of such a nature would require this exemption.***

Or. en

**Amendment 330**  
**Patrizia Toia**

**Proposal for a directive**  
**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Buildings of special architectural or historical merit shall be exempted from the minimum requirements set by this Directive.***

Or. en

**Amendment 331**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

'energy' means all forms of energy products, as defined in Regulation (EC) No 1099/2008;

***1. 'energy' means all forms of commercially available energy, including electricity, natural gas (including liquefied natural gas), liquefied petroleum gas, any fuel for heating and cooling (including district heating and cooling), coal and lignite, peat, transport fuels (excluding aviation and maritime bunker fuels) and biomass as defined in Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market;***

Or. en

**Amendment 332**  
**Daniel Caspary**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. ‘Energy efficiency’: In this phrase ‘efficiency’ refers to the cost-benefit ratio. ‘Energy efficiency’ should not therefore be treated as equivalent to ‘energy savings’, but should be understood from a macro-economic perspective as the ratio between primary energy input and GDP (energy productivity/ energy intensity).***

Or. de

**Amendment 333**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. ‘primary energy’ means the chemical energy contained in fossil fuels or their products, and in other organic substances, as well as all forms of renewable or nuclear energy;***

Or. pl

*Justification*

*The text concerns primary energy efficiency, so a definition of ‘primary energy’ is required.*

**Amendment 334**  
**Markus Pieper, Pilar del Castillo Vera, Françoise Grossetête, Lambert van Nistelrooij, Amalia Sartori, Antonio Cancian, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Romana Jordan Cizelj, Paul Rübiger, Werner Langen, Ioannis A. Tsoukalas, Jan Březina, Krišjānis Kariņš, Holger Kraemer**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. 'energy efficiency' means the use of less energy inputs while maintaining an equivalent level of economic activity or service;***

Or. en

*Justification*

*The term energy efficiency is the basis for the directive and should be explicitly stated in the directive based on the Commission definition given in the Energy Efficiency Plan 2011 – COM(2011)109.*

**Amendment 335**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. 'energy efficiency' means either achieving the same end use or outcome with less energy than before, or achieving greater output or end use from the same amount of energy;***

Or. en

**Amendment 336**  
**Robert Goebbels**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. 'Energy efficiency' means the input of less primary energy to produce the***



*same or more economic activities;*

Or. de

**Amendment 337**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. 'energy efficiency' means a ratio between an output of performance, service, goods or energy, and an input of energy;***

Or. en

*Justification*

*As defined in 2006/32/EC, which this directive is repealing.*

**Amendment 338**  
**András Gyürk**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. 'energy efficiency' means a ratio between an output of performance, service, goods or energy, and an input of energy;***

Or. en

**Amendment 339**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. "energy efficiency" means a ratio between an output of performance, service, goods or energy, and an input of energy;***

Or. en

**Amendment 340**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. 'sector-specific primary energy efficiency' means efficiency expressed by means of the ratio of energy used (numerator) to the total quantity of primary energy used that is made available in order to attain a specific, practical sector-specific objective, e.g. generating electricity from fossil fuels (denominator), multiplied by 100, as a percentage;***

Or. pl

*Justification*

*Different Commission documents contain differing interpretations of 'efficiency'. It is therefore necessary to state clearly what conversion efficiency means in practice in the relevant sector.*

**Amendment 341**  
**Markus Pieper**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1 b. ‘Improving energy efficiency’ means increasing energy end-use efficiency by developments in technology, the economy or individual behaviour;***

Or. de

**Amendment 342**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. ‘gross primary energy efficiency’ means the ratio of the annual unit primary energy consumption factor per capita as per Eurostat data (numerator) to the unit primary energy consumption factor in the previous year as per Eurostat data (denominator), multiplied by 100, as a percentage;***

Or. pl

*Justification*

*Member States will account for the total savings resulting from ‘individual efficiency’ in different sectors, i.e. per capita ‘gross efficiency’.*

**Amendment 343**  
**Markus Pieper**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1 c. 'energy efficiency improvement measures' means all actions that normally lead to verifiable and measurable or estimable energy efficiency improvement;***

Or. de

**Amendment 344  
Giles Chichester**

**Proposal for a directive  
Article 2 – paragraph 1 – point 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1 c. 'energy efficiency measures' means all actions that normally lead to verifiable and measurable or estimable energy efficiency improvement;***

Or. en

**Amendment 345  
Herbert Reul**

**Proposal for a directive  
Article 2 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. 'gross end-use energy consumption' means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution and transmission<sup>1</sup>;***

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*<sup>1</sup>Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, Article 2f.*

Or. de

**Amendment 346**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2 a. 'final energy consumption' is the energy consumed in the following sectors: industry, transport, commercial and public services, agriculture/forestry, fishing, residential and other. It excludes the non-energy consumption, deliveries to the energy transformation sector and to the energy sector;*

Or. en

**Amendment 347**  
**Catherine Trautmann**

**Proposal for a directive**  
**Article 2 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. 'energy intensity' means energy consumption in relation to an economic activity indicator such as GDP ;*

Or. fr

**Amendment 348**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. 'energy intensity' means the ratio of energy used to produce one unit of gross national product;**

Or. en

**Amendment 349**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. 'conversion' means the process of transforming one form of energy into another or into work;**

Or. pl

*Justification*

*Different conversion processes have different levels of efficiency.*

**Amendment 350**  
**András Gyürk**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b. 'energy savings' means an amount of saved energy determined by measuring**

*and/or estimating consumption before and after implementation of one or more energy efficiency improvement measures, whilst ensuring normalisation for external conditions that affect energy consumption;*

Or. en

**Amendment 351**  
**Francisco Sosa Wagner**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2 b. "energy savings": an amount of saved energy determined by measuring and/or estimating consumption by the final customer before and after implementation of one or more improvement measures, whilst ensuring normalisation for external conditions that affect energy consumption;*

Or. en

*Justification*

*It is needed to precise the definition of energy savings as in Directive 2006/32/EC.*

**Amendment 352**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2 b. 'energy savings' means an amount of saved energy determined by measuring and/or estimating consumption before*

*and after implementation of one or more energy efficiency improvement measures, whilst ensuring normalisation for external conditions that affect energy consumption;*

Or. en

**Amendment 353**

**Markus Pieper, Françoise Grossetête, Lambert van Nistelrooij, Romana Jordan Cizelj, Amalia Sartori, Antonio Cancian, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Paul Rübiger, Werner Langen, Ioannis A. Tsoukalas, Krišjānis Kariņš, Holger Kraemer**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2 b. ‘energy saving’ means a reduction of energy consumption through the implementation of energy efficiency, behaviour change or decreased economic activity;*

Or. en

*Justification*

*It should be distinguished between the terms “energy efficiency” and “energy saving”; the Energy Efficiency Plan 2011 – COM(2011)109 provides for an adequate distinction.*

**Amendment 354**

**Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*2 c. ‘end-use energy savings’: an amount of saved energy determined by measuring and/or estimating consumption by the*



*final customer before and after implementation of one or more improvement measures, whilst ensuring normalisation for external conditions that affect energy consumption;*

Or. en

**Amendment 355**  
**Norbert Glante**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*2 c. ‘end-use energy savings’ means the amount of saved primary energy determined by measuring and/or estimating consumption by the final customer before and after implementation of one or more energy efficiency improvement measures, whilst ensuring normalisation for external conditions that affect energy consumption;*

Or. de

*Justification*

*Since the European energy savings target is defined as primary energy saving, the saving should be measured in terms of primary energy.*

**Amendment 356**  
**Henri Weber**

**Proposal for a directive**  
**Article 2 – point 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*2c. ‘final energy consumption savings’ means the level of reduction of energy*

*consumption, as determined by the measurement and/or estimation of energy consumption by the end user before and after the implementation of one or more measures aimed at improving energy performance and taking into account external conditions affecting energy consumption;*

Or. fr

**Amendment 357**

**Alejo Vidal-Quadras, Pilar del Castillo Vera, Cristina Gutiérrez-Cortines**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

3. 'energy service' means the physical benefit, utility or good derived from a combination of energy with energy efficient technology *or* with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or primary energy savings;

*Amendment*

3. 'energy service' means the physical benefit, utility or good derived from a combination of energy with energy ***management system and/or energy*** efficient technology with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or primary energy savings;

Or. en

**Amendment 358**

**Herbert Reul**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

3. 'energy service' means the physical benefit, utility or good derived from a

*Amendment*

3. 'energy service' means the physical benefit, utility or good derived from a

combination of energy with energy efficient technology or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or **primary** energy savings;

combination of energy with energy efficient technology or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or energy **end-use** savings;

Or. de

#### *Justification*

*The use of primary energy consumption as a reference value would permit an energy switch which, while it could perhaps reduce CO2 emissions, would not reduce energy consumption itself. End-use savings are therefore what matters.*

#### **Amendment 359** **Claude Turmes**

#### **Proposal for a directive** **Article 2 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. 'energy efficiency service (EES)' means an agreed task or tasks designed to lead to an energy efficiency improvement and other agreed performance criteria on the basis of a contract which offers added value to the customer by guaranteeing results. It consists of an energy audit, identification, selection and implementation of energy efficiency improvement actions and measurement and verification of energy savings. A documented description of the proposed or agreed framework for the actions and the follow-up procedure shall be provided. The improvement of energy efficiency shall be measured and verified over a contractually defined period of time through contractually agreed methods.;***

**Amendment 360**  
**Claude Turmes**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3 b. ‘partial service related to energy efficiency services’ means a service that just include parts (“components”) of the energy efficiency services chain like energy audits, but are designed to directly or indirectly lead to an energy efficiency improvement;***

Or. en

**Amendment 361**  
**Claude Turmes**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***3 c. ‘energy efficiency service provider’ means a natural or legal person who delivers energy efficiency services or partial services related to energy efficiency services in a final customer’s facility or premises;***

Or. en

**Amendment 362**  
**Catherine Trautmann, Henri Weber**

**Proposal for a directive**  
**Article 2 – point 4**

*Text proposed by the Commission*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in **Article 1(9)** of Directive 2004/18/EC<sup>1</sup>;

- **'public authorities' means the State, regional or local authorities, or associations formed by one or several of such authorities.**

- **'bodies governed by public law', i.e. any body:**

**a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character,**

**b) having legal personality, and**

**c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;**

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<sup>1</sup>**Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114)**

Or. fr

**Amendment 363**  
**Herbert Reul**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC, ***provided the contracting authority is a body governed by public law***;

Or. de

*Justification*

*A clear defining criterion is needed in order to avoid unnecessary disputes.*

**Amendment 364**

**Marita Ulvskog**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC ***with the exception of public bodies operating in competitive market whose operations and investments are not financed by government funds***;

Or. en

**Amendment 365**

**Judith A. Merkies, Kathleen Van Brempt, Matthias Grootte**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC ***and bodies that provide housing as part of a service of general***

*interest, which is characterised by regulated rent or means-tested access for tenants;*

Or. en

**Amendment 366**  
**Silvia-Adriana Țicău**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC *as well as the institutions, bodies, offices and agencies of the European Union;*

Or. ro

**Amendment 367**  
**Bendt Bendtsen, Maria Da Graça Carvalho**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC;

*Amendment*

4. 'public bodies' means 'contracting authorities' as defined in Directive 2004/18/EC; *social housing not owned by the public authorities is excluded from this definition;*

Or. en

**Amendment 368**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. 'public buildings' means buildings owned by public bodies which are in use and which are heated or cooled;**

Or. en

**Amendment 369**  
**Francisco Sosa Wagner**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. 'Deep renovation' means the comprehensive energy reform of a building or group of buildings to improve their energy efficiency by at least 75% compared to pre-renovation levels;**

Or. es

*Justification*

*It is important to emphasise that deep renovation is the best solution for buildings with a poor energy performance in order to realise the full savings potential (or reduce wasted expenditure). A clear definition is needed to bring clarity to this concept.*

**Amendment 370**  
**Markus Pieper, Pilar del Castillo Vera, Françoise Grossetête, Lambert van Nistelrooij, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Paul Rübiger, Werner Langen, Ioannis A. Tsoukalas, Jan Březina, Holger Krahmer**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 4 a (new)**



**4 a. 'cost-optimal level' means the energy performance level of products or services which leads to the lowest cost during the estimated economic lifecycle, where:**

**(a) the lowest cost is determined taking into account energy-related investment costs, maintenance and operating costs, where applicable, and disposal costs, where applicable; and**

**(b) the estimated economic lifecycle is determined by each Member State by product or service category.**

**The cost-optimal level shall lie within the range of performance levels where the cost benefit analysis calculated over the estimated economic lifecycle is positive; For cost-optimal levels related to buildings and building refurbishment, Article 2(14) of Directive 2010/31/EU shall apply;**

Or. en

*Justification*

*This definition is derived from the cost-optimal definition agreed in the Energy performance of Buildings Directive.*

**Amendment 371**  
**Catherine Trautmann, Henri Weber**

**Proposal for a directive**  
**Article 2 – point 5**

*Text proposed by the Commission*

*Amendment*

5. 'energy management **system**' means a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective;

5. 'energy management **strategy**' means a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective;

**Amendment 372**

**Paul Rübiger**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. ‘energy distributor’ means a natural or legal person, including a distribution system operator, responsible for transporting energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;

*Amendment*

7. ‘energy distributor’ means a natural or legal person, including a distribution system operator, responsible for transporting energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers ***excluding energy transports from natural and legal persons for which manufacturing is the main business activity***;

Or. en

*Justification*

*Natural or legal persons for which energy distribution/sale is not the main business activity should be excluded. Energy products from manufacturing industries are predominantly generated as by-products or by recovery of energy and fuels and are used in affiliated undertakings. Manufacturers investing in increased resource efficiency shall not be hindered by additional burdens*

**Amendment 373**

**Giles Chichester**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. ‘energy distributor’ means a natural or legal person, including a distribution system operator, responsible for transporting energy with a view to its delivery to final customers or to

*Amendment*

7. ‘energy distributor’ means a natural or legal person, including a distribution system operator, responsible for transporting energy with a view to its delivery to final customers or to

distribution stations that sell energy to final customers;

distribution stations that sell energy to final customers, *regardless of whether the energy is transported by means of a grid*;

Or. en

**Amendment 374**  
**Silvia-Adriana Țicău**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. 'energy distributor' means a natural or legal person, including a distribution system operator, *responsible for transporting* energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;

*Amendment*

7. 'energy distributor' means a natural or legal person, including a distribution system operator, *the main aim of whose activity is to transport* energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;

Or. ro

**Amendment 375**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. 'energy distributor' means a natural or legal person, including a distribution system operator, *responsible for transporting* energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;

*Amendment*

7. 'energy distributor' means a natural or legal person, including a distribution system operator, *having as its core business activity the transport of* energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;

Or. de

*Justification*

*Small energy distributors should as a matter of principle not be excluded from the scope of the directive.*

**Amendment 376**

**Paul Rübiger**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. ‘retail energy sales company’ means a natural or legal person who sells energy to final customers;

*Amendment*

9. ‘retail energy sales company’ means a natural or legal person who sells energy to final customers; ***excluding energy sales from natural and legal persons for which manufacturing is the main business activity;***

Or. en

*Justification*

*Natural or legal persons for which energy distribution/sale is not the main business activity should be excluded. Energy products from manufacturing industries are predominantly generated as by-products or by recovery of energy and fuels and are used in affiliated undertakings. Manufacturers investing in increased resource efficiency shall not be hindered by additional burdens.*

**Amendment 377**

**Giles Chichester**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. ‘retail energy sales company’ means a natural or legal person who sells energy to final customers;

*Amendment*

9. ‘retail energy sales company’ means a natural or legal person who sells energy to final customers, ***regardless of whether the energy is connected or not to the grid;***

Or. en

**Amendment 378**  
**Silvia-Adriana Țicău**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. 'retail energy sales company' means a natural or legal person *who sells* energy to final customers;

*Amendment*

9. 'retail energy sales company' means a natural or legal person, *the main aim of whose activity is to sell* energy to final customers;

Or. ro

**Amendment 379**  
**Fiorello Provera**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. 'retail energy sales company' means a natural or legal person who sells energy to final customers;

*Amendment*

9. 'retail energy sales company' means a natural or legal person who sells energy to final customers *and who holds the contact with the final customers*;

Or. en

*Justification*

*When stressing the importance of the relationship between retailer and final customer, it should be the retailer itself, instead of the DSO or other subjects, in charge of transmitting the price signals which push the customer towards efficient consumption patterns*

**Amendment 380**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 9**

*Text proposed by the Commission*

9. 'retail energy sales company' means a natural or legal person who sells energy to final customers;

*Amendment*

9. 'retail energy sales company' means a natural or legal person who sells energy to final customers ***as its core business activity***;

Or. de

*Justification*

*Small energy distributors should as a matter of principle not be excluded from the scope of the directive.*

**Amendment 381**

**Catherine Trautmann, Henri Weber**

**Proposal for a directive**

**Article 2 – point 11**

*Text proposed by the Commission*

11. 'energy service provider' means a natural or legal person who delivers energy services or other energy efficiency improvement measures in a final customer's facility or premises;

*Amendment*

11. 'energy service provider' means a natural or legal person who delivers energy services or other energy efficiency improvement measures in a final customer's facility or premises, ***including landlords of buildings with communal heating***;

Or. fr

**Amendment 382**

**András Gyürk**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***11 a. 'energy service company' (ESCO) means a legal person that delivers energy services and/or other energy efficiency***

*improvement measures in a user's facility or premises, and accepts some degree of financial risk in doing so. The payment for the services delivered is based (either wholly or in part) on the achievement of energy efficiency improvements and on the meeting of the other agreed performance criteria;*

Or. en

**Amendment 383**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11 a. 'energy service company' (ESCO) means a legal person that delivers energy services and/or other energy efficiency improvement measures in a user's facility or premises, and accepts some degree of financial risk in doing so. The payment for the services delivered is based (either wholly or in part) on the achievement of energy efficiency improvements and on the meeting of the other agreed performance criteria;*

Or. en

**Amendment 384**  
**Catherine Trautmann**

**Proposal for a directive**  
**Article 2 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11a. 'energy consumption modulation programmes' means a set of measures to reduce energy consumption temporarily*

*in response to energy supply conditions. Energy consumption modulation allows cooperation between the energy supplier and user for the purpose of encouraging a reduction in consumption in energy peak situations or improving the efficiency of the energy value chain;*

Or. fr

**Amendment 385**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11 a. 'demand response' means programs which make possible for energy consumers to temporarily reduce their demand for electricity in response to supply conditions. Demand response allows collaboration between energy provider and energy user to incentive reduction of energy demand at times of peak load, or in response to curtailment requests increasing efficiency of the energy value chain;*

Or. en

**Amendment 386**  
**Fiona Hall, Adina-Ioana Vălean**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11 a. "demand response" means changes in electric usage by end-use customers/micro generators from their current/normal consumption/injection*



*patterns in response to changes in the price of electricity over time, or to incentive payments designed to adjust electricity usage or in response to acceptance of the consumer's bid, alone or through aggregation, to sell demand reduction at a price in an organized electricity markets or to a retail provider;*

Or. en

**Amendment 387**  
**Judith A. Merkies, Kathleen Van Brempt**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11a. 'demand response program' means an ICT-application allowing energy consumers to adjust their demand for electricity to fluctuations in price and supply;*

Or. en

**Amendment 388**  
**Maria Da Graça Carvalho**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11 a. 'demand response program' means an ICT-application allowing energy consumers to adjust their demand for electricity to fluctuations in price and supply;*

Or. en

**Amendment 389**

**Alejo Vidal-Quadras, Pilar del Castillo Vera, Krišjānis Kariņš, Cristina Gutiérrez-Cortines**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***11 a. ‘demand response’ programs make possible for energy consumers to temporarily reduce their demand for electricity in response to supply conditions. Demand response allows collaboration between energy provider and energy user to incentivate reduction of energy demand at times of peak load, or in response to curtailment requests increasing efficiency of the energy value chain;***

Or. en

**Amendment 390**

**Britta Thomsen**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

***12. ‘energy audit’ means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy savings opportunities, and report the findings;***

***12. “energy audit” means a systematic high quality investment grade audit to obtain adequate knowledge of the actual energy performance of industrial facilities, industrial processes and buildings, or a private or public service. The audit identifies and quantifies cost-effective savings, and makes recommendations for realizing these savings and improving energy performance. The basis for these calculations must be life-cycle costs and benefits, while also taking into account variable elements such as user or occupiers’ behaviour. This provides***

*facility and buildings owners and managers, utilities, energy services companies and investors with a high level of certainty about project costs and expected savings and risks;*

Or. en

*Justification*

*This definition will set a clear and ambitious frame for energy audits, based on life-cycle cost and benefits rather than on partial and misleading calculations based on simple payback periods, which fail to take into account a large share of the long-term energy savings and the time value of money. The use of these high quality energy audits will also allow Member States to develop quality improvement programmes for Energy Performance Certificates, complementing the Directive 2010/31/EU on the energy performance of buildings.*

**Amendment 391**  
**Frédérique Ries**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

12. ‘energy audit’ means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy savings opportunities, and report the findings;

*Amendment*

12. ‘energy audit’ means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy savings opportunities, **taking into account health impacts**, and report the findings;

Or. en

*Justification*

*When assessing cost-effective energy savings opportunities, impacts on health should be taken into account in order to ensure a balance between good indoor air quality, moisture control and comfort and an increase in energy efficiency.*

**Amendment 392**  
**Markus Pieper**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

12. 'energy audit' means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy **savings opportunities**, and report the findings;

*Amendment*

12. 'energy audit' means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy **efficiency measures**, and report the findings;

Or. de

**Amendment 393**  
**Gaston Franco**

**Proposal for a directive**  
**Article 2 – point 12**

*Text proposed by the Commission*

12. 'energy audit' means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy savings opportunities, **and report the findings**;

*Amendment*

12. 'energy audit' means a systematic procedure to obtain adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identify and quantify cost-effective energy savings opportunities;

Or. fr

*Justification*

*The information referred to in Article 2(12) should be kept confidential in order to avoid any distortion of competition between stakeholders inside and outside the EU.*

**Amendment 394**  
**Britta Thomsen**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**12 a. 'highly cost-effective recommendations' means measures identified by an energy audit that have pay-back periods of five years or less;**

Or. en

*Justification*

*Clarification of Turmes' proposed amendment*

**Amendment 395**  
**Britta Thomsen**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 13**

*Text proposed by the Commission*

*Amendment*

13. 'energy performance contracting' means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, **according to which the payment for the investment made by the provider is** in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings;

13. 'energy performance contracting' means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, **verified and monitored during the whole term of the contract, where investments (work, supply or service) in that measure are paid for** in relation to a contractually agreed **guaranteed** level of energy efficiency improvement or other agreed energy performance criterion, such as financial **or kilowatt hour** savings;

Or. en

## *Justification*

*The definition should reflect industrial practice. EPCs are marketed and sold on the basis of the guarantee they offer. This needs to be reflected. Additionally, the savings which are guaranteed are not just financial but also include the kilowatt hour saved.*

### **Amendment 396**

**Miloslav Ransdorf**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 13**

##### *Text proposed by the Commission*

13. ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, ***according to which the payment for the investment made by the provider is*** in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion, ***such as financial savings;***

##### *Amendment*

13. ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, ***verified and monitored for the duration period of the contract, where investments in that measure, including works, goods or services, are made*** in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion.

Or. en

### **Amendment 397**

**Gaston Franco**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 13**

##### *Text proposed by the Commission*

13. ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, ***according to which the payment for the investment made by the provider is*** in relation to a contractually agreed level of energy efficiency improvement or other

##### *Amendment*

13. ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, ***verified and monitored during the whole term of the contract, where investments in that measure, including works, goods or services, are*** made in relation to a

agreed energy performance criterion, *such as financial savings*;

contractually agreed level of energy efficiency improvement or other agreed energy performance criterion;

Or. en

*Justification*

*Energy performance contracting does not always imply that the investment is made by the energy service provider.*

**Amendment 398**  
**Herbert Reul**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 13**

*Text proposed by the Commission*

13. 'energy performance contracting' means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, according to which the payment for the investment made by the provider is in relation to a contractually **agreed** level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings;

*Amendment*

13. 'energy performance contracting' means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, according to which the payment for the investment made by the provider is in relation to a contractually **guaranteed** level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings **or kWh**;

Or. de

*Justification*

*In view of its long preparatory work, the Commission should know that energy service providers work on the basis of guaranteed, not agreed, energy savings. In addition, energy prices often vary, not least owing to state intervention. Agreed savings in kWh should therefore also be permitted.*

**Amendment 399**  
**Fiona Hall**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***13 a. 'smart meter' means an electronic device that can measure the consumption of energy, adding more information than a conventional meter, and can transmit data using a form of electronic communication. A key feature of a smart meter is the ability to provide bi-directional communication between the consumer and supplier/operator. It should also promote services that facilitate energy savings within the home. In addition to bi-directional communication, a smart meter may have any or all of the other additional functionalities identified by Mandate M/441 on smart metering, but for the purposes of this Directive must be connected to an interface described in Annex VI, 1.1;***

Or. en

*Justification*

*Neither in Directive 2006/32/EC nor in Directive 2009/72/EC is a smart meter defined. The above definition is taken from the Commission Staff Working Paper "Interpretive Note" on 2009/72/EC and 2009/73/EC, and refers to the additional functionalities of a smart meter identified in standardization Mandate M/441 on Smart Metering.*

**Amendment 400**  
**Fiona Hall**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 13 b (new)**

*Text proposed by the Commission*

*Amendment*

***13 b. "statement" means a statement of account showing how much energy has been consumed and its costs;***



*Justification*

*A statement provides information to the consumer. It must be distinguished from a bill requesting payment, as consumers may wish to even out their payments through the year by means of direct debit or pre-payment schemes.*

**Amendment 401**

**Fiona Hall**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 13 c (new)**

*Text proposed by the Commission*

*Amendment*

***13 c. "bill" means an invoice requesting payment;***

*Justification*

*A statement provides information to the consumer. It must be distinguished from a bill requesting payment, as consumers may wish to even out their payments through the year by means of direct debit or pre-payment schemes.*

**Amendment 402**

**Adam Gierek**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 15**

*Text proposed by the Commission*

*Amendment*

15. 'cogeneration' means the simultaneous generation in one process of thermal energy and electrical or mechanical energy;

15. 'cogeneration' means the simultaneous generation in one process of thermal energy and electrical or mechanical energy, ***or a material substance;***

*Justification*

*Cogeneration as a purely energy-related process can produce waste, such as CO<sub>2</sub> or other CO<sub>2</sub>-based substances.*

**Amendment 403**

**Bogdan Kazimierz Marcinkiewicz, Andrzej Grzyb, Jolanta Emilia Hibner**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17 a. “Industrial waste heat” means hot streams from industry that is a by-product, impossible to avoid at production of the industrial product and could not be used inside the industrial production;***

Or. en

**Amendment 404**

**Norbert Glante**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17 a. ‘Waste heat’ means heat unavoidably produced as a by-product of industrial and power generation processes and which cannot be used within the industrial production or power production unit;***

Or. de

*Justification*

*Serves to promote clarity in the transposition of the directive.*

**Amendment 405**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17 a. 'waste heat' means thermal energy that is a by-product of a process whose first objective is not to produce this heat;***

Or. en

**Amendment 406**  
**Konrad Szymański**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17 a. “Industrial waste heat” means hot streams from industry that is a by-product, impossible to avoid at production of the industrial product and could not be used inside the industrial production.***

Or. en

**Amendment 407**  
**Miloslav Ransdorf, Jan Březina**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 17 b (new)**

*Text proposed by the Commission*

*Amendment*

***17 b. Industrial waste heat' hot streams from industry that is a by-product, impossible to avoid at production of the industrial product and could not be used inside the industrial production;***

*Justification*

*This definition is needed to clarify implementation article 10.*

**Amendment 408**

**Judith A. Merkies, Kathleen Van Brempt**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***21 a. 'micro technologies to generate energy' or 'micro energy generators' means a variety of small-scale electrical and heat generation technologies that can be installed and used in individual households;***

Or. en

**Amendment 409**

**Maria Da Graça Carvalho**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***21 a. 'micro technologies to generate energy' or 'micro energy generators' means a variety of small-scale electrical and heat generation technologies that can be installed and used in individual households;***

Or. en

**Amendment 410**

**Catherine Trautmann, Henri Weber**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 25**

*Text proposed by the Commission*

25. 'plot ratio' means the ratio between the land area and the building floor area in a given territory;

*Amendment*

*(Does not affect English version.)*

Or. fr

**Amendment 411**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***25a. 'cogeneration potential of urban centres' means the possibility of using waste heat for heating, technological or cooling purposes;***

Or. pl

*Justification*

*The various possibilities for cogeneration set out in the proposal depend on the distance from the heat source, rather than on the number and nature of the consumers involved.*

**Amendment 412**  
**Norbert Glante**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as

*Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as

referred to in Directive 2010/31/EU, of **at least 0.8**;

referred to in Directive 2010/31/EU, **and calculated in accordance with the EN 15603 standard, of no more than 0.8**;

Or. de

#### *Justification*

*Reference to the European standard defining the method for calculating the primary energy factor will aid the harmonised transposition of this directive. This European standard was developed on the basis of a mandate from the Commission to transpose the Directive on the Total Energy Efficiency of Buildings. At that time the Commission considered the factor should be equal to or less than 0.8.*

#### **Amendment 413** **Henri Weber**

#### **Proposal for a directive** **Article 2 – point 26**

##### *Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

##### *Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8 **and real economic efficiency**;

Or. fr

#### **Amendment 414** **Krišjānis Kariņš, Bendt Bendtsen, Alejo Vidal-Quadras**

#### **Proposal for a directive** **Article 2 – paragraph 1 – point 26**

##### *Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using **at least 50% renewable, waste or cogenerated heat or a combination thereof**

##### *Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using cogenerated heat and having a primary energy factor, as referred to in

and having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

Directive 2010/31/EU, of at least 0.8;

Or. en

#### **Amendment 415**

**Miloslav Ransdorf, Jan Březina**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 26**

##### *Text proposed by the Commission*

26. ‘efficient district heating and cooling’ means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof **and** having a primary energy factor, as referred to in Directive 2010/31/EU, of **at least** 0.8;

##### *Amendment*

26. ‘efficient district heating and cooling’ means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof; **or** having a primary energy factor, as referred to in Directive 2010/31/EU, of **maximum** 0.8;

Or. en

##### *Justification*

*Primary energy factor mentioned in definition of efficient district heating and cooling is not clear described in 2010/31/UE Directive. This Directive does not specify methodology of calculation of such measure. In result primary energy factor can be interpreted in different way and in consequence can lead to dissimilar implementation of Directive. In addition methodology of calculation this factor should be presented in Annex of Directive together with methodology of renewable, waste or cogeneration share in district heating and cooling. At the same time defining efficient district heating and cooling as using at least 50% renewable, waste or cogenerated heat is justified and sufficient. Promotion of cogeneration and waste heat is in line with energy efficiency directive and additional using of renewables can lead to fulfil renewable directive targets.*

#### **Amendment 416**

**Lena Kolarska-Bobińska**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof **and** having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

*Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof; **or** having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

Or. en

**Amendment 417**  
**Konrad Szymański**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof **and** having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

*Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof **or** having a primary energy factor, as referred to in Directive 2010/31/EU, of at least 0.8;

Or. en

**Amendment 418**  
**Adam Gierek**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as

*Amendment*

26. 'efficient district heating and cooling' means a district heating or cooling system using at least 50% renewable, waste or cogenerated heat or a combination thereof and having a primary energy factor, as



referred to in Directive 2010/31/EU, of at least **0.8**;

referred to in Directive 2010/31/EU, of at least **0.7**;

Or. pl

*Justification*

*Given the current levels of primary energy that are being wasted, every cogeneration factor that is already above 0.7 should be regarded as efficient.*

**Amendment 419**  
**Silvia-Adriana Țicău**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 27**

*Text proposed by the Commission*

27. 'substantial refurbishment' means a refurbishment whose cost exceeds 50% of the investment cost for a new comparable unit in accordance with Decision 2007/74/EC or which requires the update of the permit granted under Directive 2010/75/EU.

*Amendment*

27. 'substantial refurbishment' means a refurbishment whose cost exceeds 50% of the investment cost for a new comparable unit in accordance with Decision 2007/74/EC or which requires the update of the permit granted under Directive 2010/75/EU; ***in the case of buildings, 'substantial refurbishment' means the renovation of a building as defined in Article 2(10) of Directive 2010/31/EC.***

Or. ro

**Amendment 420**  
**Giles Chichester**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***27 a. 'third party financing' means a contractual arrangement involving a third party - in addition to the energy supplier and the beneficiary of the energy efficiency improvement measure - that***

*provides the capital for that measure and charges the beneficiary a fee equivalent to a part of the energy efficiency achieved as a result of the energy efficiency improvement measure. That third party may or may not be an ESCO;*

Or. en

**Amendment 421**

**Paul Rübzig**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*27a. 'early action savings' are those savings resulting from energy efficiency improvement measures initiated in a previous year not earlier than 1995 and still generating savings in 2016 and beyond;*

Or. en

**Amendment 422**

**Hannes Swoboda**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*27 a. Early Action savings are savings resulting from energy efficiency measures by the Member States, initiated no earlier than 1995 and effective until at least 2016.*

Or. de

**Amendment 423**

**Britta Thomsen, Judith A. Merkies, Kathleen Van Brempt, Teresa Riera Madurell, Anni Podimata**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***27 a. 'Energy poverty' means having to spend a disproportionate amount of income on energy. Specifically this is defined as households having to spend in percentage terms of their household income, more than twice the median value of the percentage spend by households on energy used within the home; the spend is calculated to attain the same indoor temperatures as the majority of the national households***

Or. en

*Justification*

*Part of energy efficiency benefits must be targeted at those suffering from energy poverty. In order to do this the concept must be defined. The UK experience points to problems with an absolute share, which is why the relative share approach is chosen instead.*