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Committee on Industry, Research and Energy

2011/0172(COD)

17.11.2011

AMENDMENTS 755 - 937

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))

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Amendment 755
Herbert Reul

Proposal for a directive
Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. Member States shall publish the energy savings achieved by each obligated party and data on the annual trend of energy savings under the scheme. For the purposes of publishing and verifying the energy savings achieved, Member States shall require obligated parties to submit to them at least the following data:

Amendment

6. Member States shall publish the energy savings achieved by each obligated party and data on the annual trend of energy savings under the scheme, ***while ensuring the integrity and confidentiality of private or commercially sensitive information.*** For the purposes of publishing and verifying the energy savings achieved, Member States shall require obligated parties to submit to them at least the following data:

Or. de

Justification

Such information must be confidential.

Amendment 756

Markus Pieper, Pilar del Castillo Vera, Paul Rübig, Françoise Grossetête, Romana Jordan Cizelj, Lena Kolarska-Bobińska, Jan Březina, Jolanta Emilia Hibner, Werner Langen, Vladimir Urutchev, Holger Kraahmer

Proposal for a directive
Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. Member States shall publish the energy savings ***achieved*** by each obligated party and data on the annual trend of energy ***savings*** under the scheme. For the purposes of publishing and verifying the energy savings ***achieved***, Member States shall require obligated parties to submit to them

Amendment

6. Member States shall publish the ***achieved*** energy savings ***potential*** by each obligated party and data on the annual trend of energy ***efficiency improvements*** under the scheme. For the purposes of publishing and verifying the ***achieved*** energy ***efficiency measures including their energy*** savings ***potential***, Member

at least the following data:

States shall require obligated parties to submit to them the *relevant* data.

Or. en

Amendment 757

Giles Chichester

Proposal for a directive

Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. Member States shall publish the energy *savings* achieved by each obligated party and data on the annual trend of energy *savings* under the scheme. For the purposes of publishing and verifying the energy *savings* achieved, Member States shall require obligated parties to submit to them at least the following data:

Amendment

6. Member States shall publish the energy *efficiency gains* achieved by each obligated party and data on the annual trend of energy *efficiency gains* under the scheme. For the purposes of publishing and verifying the energy *efficiency gains* achieved, Member States shall require obligated parties to submit to them at least the following data:

Or. en

Amendment 758

Bendt Bendtsen, Krišjānis Kariņš, Ioannis A. Tsoukalas

Proposal for a directive

Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. Member States shall publish the energy savings *achieved* by each obligated party and data on the annual trend of energy savings under the scheme. For the purposes of publishing and verifying the energy savings achieved, Member States shall require obligated parties to submit to them at least the following data:

Amendment

6. *Once a year* Member States shall publish the *results of achieved* energy savings by each obligated party, *their costs* and data on the annual trend of energy savings under the scheme. For the purposes of publishing and verifying the energy savings achieved, Member States shall require obligated parties to submit to them at least the following data:

Or. en

Justification

By publishing the results of the energy saving achieved and the cost used once a year, the public and the authority can monitor and follow the development and the market will develop towards lower cost and more cost efficient.

Amendment 759

Markus Pieper, Pilar del Castillo Vera, Paul Rübig, Françoise Grossetête, Bogdan Kazimierz Marcinkiewicz, Jan Březina, Werner Langen, Vladimir Urutchev, Holger Krahmer

Proposal for a directive

Article 6 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) the energy savings achieved;

deleted

Or. en

Amendment 760

Giles Chichester

Proposal for a directive

Article 6 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) the energy *savings* achieved;

(a) the energy ***efficiency gains*** achieved;

Or. en

Amendment 761

Giles Chichester

Proposal for a directive

Article 6 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) aggregated statistical information on their final customers (identifying significant changes to previously

deleted

submitted information); and

Or. en

Amendment 762

András Gyürk

Proposal for a directive

Article 6 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) aggregated statistical information on their final customers (identifying significant changes to previously submitted information); and *deleted*

Or. en

Amendment 763

Markus Pieper, Pilar del Castillo Vera, Paul Rübig, Françoise Grossetête, Bogdan Kazimierz Marcinkiewicz, Jan Březina, Werner Langen, Vladimir Urutchev, Holger Kraemer

Proposal for a directive

Article 6 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) aggregated statistical information on their final customers (identifying significant changes to previously submitted information); and *deleted*

Or. en

Amendment 764

Markus Pieper, Pilar del Castillo Vera, Paul Rübig, Françoise Grossetête, Bogdan Kazimierz Marcinkiewicz, Jan Březina, Werner Langen, Vladimir Urutchev, Holger Kraemer

Proposal for a directive
Article 6 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) current information on final customers' consumption, including, where applicable, load profiles, customer segmentation and geographical location of customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

deleted

Or. en

Amendment 765
Giles Chichester

Proposal for a directive
Article 6 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) current information on final customers' consumption, including, where applicable, load profiles, customer segmentation and geographical location of customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

deleted

Or. en

Amendment 766
András Gyürk

Proposal for a directive
Article 6 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) current information on final customers' consumption, including, where applicable, load profiles, customer segmentation and geographical location of customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

deleted

Or. en

Amendment 767

Cristina Gutiérrez-Cortines

Proposal for a directive

Article 6 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) current information on final customers' consumption, including, where applicable, load profiles, customer segmentation and geographical location of customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

(c) current information on final customers' consumption ***in both the public and private sector***, including, where applicable, load profiles, customer segmentation ***in line with the categories specified in the Commission's cooperation programmes with local authorities*** and geographical location of customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

Or. es

Amendment 768

Vicky Ford

Proposal for a directive

Article 6 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the costs passed through to their customers, while preserving the integrity and confidentiality of private or commercially sensitive information in compliance with applicable European Union legislation.

Or. en

Justification

Robust monitoring of costs passed through to consumers is essential as all or most of the cost of energy efficiency obligation schemes is likely to be passed through to consumers, including households.

Amendment 769

Vicky Ford

Proposal for a directive

Article 6 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Using all the information in Article 6, paragraph 6, national regulatory authorities shall publish annual reports on whether energy efficiency obligation schemes are meeting their objectives at the lowest possible cost to consumers. The national regulatory authorities shall also regularly commission independent reviews on the impacts that the scheme has on energy bills and fuel poverty as well as the energy savings from the scheme to ensure maximum cost-effectiveness. Member States shall be required to take these impacts into account through scheme adjustments.

Or. en

Amendment 770

Claude Turmes

Proposal for a directive

Article 6 – paragraph 7

Text proposed by the Commission

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

Amendment

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions: ***this shall be achieved in particular through the establishment of straightforward, transparent and open partnerships between energy distributors and/or suppliers and energy service installers so as to optimise the energy-saving targets for the end user.***

Or. fr

Amendment 771

Herbert Reul

Proposal for a directive

Article 6 – paragraph 7

Text proposed by the Commission

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

Amendment

7. Without prejudice to the existing provisions of competition law, Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including

foreclosing the market for competitors or abusing dominant positions.

Or. de

Justification

Any conflict with EU competition law must be ruled out.

Amendment 772
Bendt Bendtsen

Proposal for a directive
Article 6 – paragraph 7

Text proposed by the Commission

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy *efficiency* improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

Amendment

7. Member States shall ensure that market actors refrain from any activities that may impede the demand for and delivery of energy services or other energy *savings* improvement measures, or hinder the development of markets for energy services or other energy efficiency improvement measures, including foreclosing the market for competitors or abusing dominant positions.

Or. en

Amendment 773
Patrizia Toia

Proposal for a directive
Article 6 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

They shall do so:

(a) by respecting the strict independence between the energy distributor and the energy service provider;

(b) by implementing clear, transparent and open partnerships between energy

*distributors and energy service providers
in order to optimise the energy saving
obligations towards the end-customer.*

Or. en

Amendment 774
Patrizia Toia

Proposal for a directive
Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Member States shall ensure that the energy efficiency targets are met by offering incentives to make private dwellings more energy-efficient, in the form of ‘eco-loans’, i.e. access to ten-year zero-rate loans up to a maximum of EUR 30 000 for any beneficiary certified to have taken at least two of the following measures: increasing the energy efficiency of roofing and flooring or of outer walls or windows, external doors and solar shading, replacing heating or domestic hot water appliances and systems, installing heating and electricity production appliances and systems using renewable or equivalent sources, installing domestic hot water appliances and systems using renewable or equivalent sources.

Or. it

Amendment 775
Britta Thomsen, Judith A. Merkies

Proposal for a directive
Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States shall contribute *inter alia* through adequate financing of training programmes, to ensuring that information and consultation rights explicitly extend to include energy efficiency.

Or. en

Justification

Work place social dialogue can and should contribute to achieving the objectives of the Directive. As stated in the EESC opinion TEN/460 on the draft Directive, point 5.4.1., “worker participation is essential for better energy efficiency. Without their knowledge, experience and commitment results cannot be achieved.” Training programmes for social partners in social dialogue bodies, financed by the Member States and/or the European commission, should be adapted and financed accordingly. Strengthening information and consultation rights will provide an incentive to companies to discuss energy efficiency measures and their implication.

**Amendment 776
Britta Thomsen**

**Proposal for a directive
Article 6 – paragraph 8**

Text proposed by the Commission

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

deleted

Or. en

Justification

In order to stimulate the market for energy savings and energy services the exclusion of small DSOs or retailers will limit this market. By imposing a target on the obligated energy companies, regardless of size, you will avoid a situation in which some customers do not contribute to the reduction in energy consumption. Appointed obligated parties, either distributor or retailers should therefore be under an obligation regardless of the scope of the supply. Furthermore, according to experience from all obligation systems currently working in the EU, the obligation scheme will lead to a market price for saved energy. Hence it is up to any obligated party to buy the savings on the market like any other commodity they have to purchase to be running their business. If a company do not wish to have the responsibility of implementing, the obligation, it should be able to outsource the task to another energy company.

Amendment 777

Bendt Bendtsen

Proposal for a directive

Article 6 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

deleted

Or. en

Justification

By imposing a target on the obligated energy companies, regardless of size, you avoid a situation in which some customers do not contribute to the reduction in energy consumption. Companies that do not want to have the responsibility of implementing the saving obligation should be able to outsource the task or be part of energy saving centres.

Amendment 778
Paul Rübige

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

8. Member States *may* exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, ***employ fewer than 10 persons*** or have ***an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article***. Energy produced for self use shall not count towards these thresholds.

Amendment

8. Member States ***shall*** exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 220 GWh of energy per year or have ***less than 15.000 customers***. ***If the threshold of sold energy or the number of customers is exceeded over a time period of two years, then the concerned business shall be treated as an obligated party in the following third year***. Energy produced for self use shall not count towards these thresholds. ***Energy produced for self use as well as sales and deliveries within industrial grids and the end use of recovered energy products shall not count towards these thresholds***.

Or. en

Justification

The amount of sold energy per customer and the size of companies vary from Member State to Member State. Small energy distributors and small retail energy sales companies shall be exempt in order to avoid administrative burden. The number of costumers is a better indicator for the actual participation in the energy market than the size of the annual turnover and shall be included as a threshold. Additionally for companies close to the threshold a time frame of two years should be monitored.

Amendment 779
Herbert Reul

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the ***application of this Article***. Energy produced for self use ***shall not count towards these thresholds***.

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the ***obligation to offer energy services, provided that such exemption does not result in a distortion of competition and that alternative energy-saving measures are implemented***. Energy produced for self use ***shall not fall within the scope of this directive; nor shall those sectors already subject to the provisions of the Emissions Trading Directive***.

Or. de

Justification

The EU targets are very ambitious. Therefore, no general derogations should be permitted here: all energy suppliers must contribute to improving energy productivity or to energy savings. However, there is always scope for measures other than those proposed by the Commission. This is another area where flexibility is required.

Amendment 780
Gaston Franco

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell ***less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total***

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell ***a quantity of energy less than a nationally established threshold level***, from the application of this Article. Energy produced for self use shall not

that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

count towards these thresholds.

Or. fr

Justification

Energy sales thresholds cannot be applied indiscriminately to different types of energy producer. Moreover, it should be the responsibility of Member States to define the 'obligated parties' and thus, where applicable, to set the exemption thresholds.

Amendment 781

Fiona Hall, Vladko Todorov Panayotov

Proposal for a directive

Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, *namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.*

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies *in accordance with their specific national energy market circumstances.*

Or. en

Amendment 782

Eija-Riitta Korhola

Proposal for a directive

Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons, or have ***less than 500 final customers***, or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use ***and recovered energy products*** shall not count towards these thresholds.

Or. en

Justification

Member States should have the possibility to exempt small energy distributors and sales companies with only a very small number of final customers. Recovered energy should be promoted and not discouraged by putting strict obligations.

Amendment 783

Amalia Sartori, Antonio Cancian, Alajos Mészáros

**Proposal for a directive
Article 6 – paragraph 8**

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article ***if equivalent measures are established***. Energy produced for self use shall not count towards these thresholds.

Justification

The system must be set up in a way that does not discriminate among market participants and does not distort competition.

Amendment 784
Fiorello Provera

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, ***if equivalent measures are established***, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Justification

The system must be set up in a way that does not discriminate among market participants and does not distort competition.

Amendment 785
Robert Goebbels

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of 75 GWh of energy per year, employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Amendment

8. Member States may exempt small energy distributors and small retail energy sales companies, namely those that distribute or sell less than the equivalent of **130** GWh of energy per year, **or that** employ fewer than 10 persons or have an annual turnover or annual balance sheet total that does not exceed EUR 2 000 000, from the application of this Article. Energy produced for self use shall not count towards these thresholds.

Or. de

Justification

The figure of 75 GWh is set too low: 130 GWh is a threshold that excludes smaller companies.

Amendment 786
Amalia Sartori

Proposal for a directive
Article 6 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Member States may exempt energy sources which do not account for more than 5 % of total annual primary energy consumption for each category of use from the application of this Article.

Or. it

Justification

As well as small companies, the Member States must be able to exempt all energy sources accounting for less than 5 % of annual primary energy consumption for each category of use from the energy saving obligations laid down in Article 6 of the proposed Directive, so that energy efficiency obligations cannot be used as a means to remove certain energy products from the market, which would be at odds with the principle of diversifying energy sources.

Amendment 787
Marita Ulvskog

Proposal for a directive
Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

deleted

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Or. en

Amendment 788
Bendt Bendtsen

Proposal for a directive
Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. As an alternative to paragraph 1, Member States may opt to take other

deleted

measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Or. en

Justification

Schemes can already be introduced in accordance with the ESD Directive but this has not ensured progress towards achieving the 20% efficiency target. There is therefore no reason to presume that entrenching this possibility in the directive will promote the achievement of the 20% target. This is why the energy companies have been given a major role in the new directive. If Article 9 is maintained, it is essential that Member States cannot get credit for the results of existing initiatives.

Amendment 789
Bernd Lange

Proposal for a directive
Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual

deleted

amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Or. de

Justification

Improvements in energy efficiency should be implemented at local level: certificate trading should not be used as an alternative to them.

Amendment 790
Britta Thomsen

Proposal for a directive
Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

deleted

Member States opting for this option shall

notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Or. en

Justification

This option is already a part of the existing Energy Service Directive, Which has failed to deliver results or ensured progress towards achieving the 20% energy efficiency target. Therefore, there is no reason to believe that an option of this sort in the directive will promote a development towards the 20% reduction target. If Article 9 is maintained, it is vital that Member States cannot get credit for existing initiatives. The Member States should therefore document that the initiatives leads to new, additional energy savings with an effect corresponding to at least 1.5%.

Amendment 791

Fiona Hall, Corinne Lepage, Vladko Todorov Panayotov

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take other ***equally ambitious and additional*** measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be ***strictly*** equivalent to the amount of energy savings required in paragraph 1 ***and shall be subject to independent measurement, control and verification.***

Early actions may not be counted towards these measures.

Or. en

Amendment 792
Giles Chichester

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy **savings** among final customers. The annual amount of energy **savings** achieved through this approach shall be equivalent to the amount of energy **savings** required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy **efficiency gains** among final customers. The annual amount of energy **efficiency gains** achieved through this approach shall be equivalent to the amount of energy **efficiency gains** required in paragraph 1.

Or. en

Amendment 793
Paul Rübiger

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings **among final customers**. The annual amount of energy savings achieved through this approach shall **be equivalent to the amount of energy savings required** in **paragraph 1**.

Amendment

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings. The annual amount of energy savings achieved through this approach shall **account towards the final target** in **2020**.

Or. en

Justification

Given their different starting points and challenges, Member states should have the flexibility to develop the most appropriate mix of measures tailored to local realities.

Amendment 794

Daniel Caspary

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach **shall** be equivalent to the amount of energy savings required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach **should** be equivalent to the amount of energy savings required in paragraph 1.

Or. de

Amendment 795

Ivo Belet

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take **a limited amount of** other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Or. en

Amendment 796

Vicky Ford

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take other measures to achieve energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take other measures to achieve ***the equivalent*** energy savings among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Or. en

Amendment 797

Markus Pieper, Pilar del Castillo Vera, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Werner Langen, Vladimir Urutchev, Jan Březina, Holger Kraemer, Romana Jordan Cizelj

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

As an alternative to paragraph 1, Member States may opt to take ***other*** measures to ***achieve*** energy ***savings*** among final customers. The annual amount of energy savings achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Amendment

As an alternative to paragraph 1, Member States may opt to take ***alternative or complementary*** measures to ***initiate*** energy ***efficiency measures*** among final customers. The annual amount of ***the*** energy savings ***potential by the energy efficiency measures*** achieved through this approach shall be equivalent to the amount of energy savings required in paragraph 1.

Or. en

Amendment 798

Markus Pieper, Pilar del Castillo Vera, Paul Rübig, Bogdan Kazimierz Marcinkiewicz, Jan Březina, Werner Langen, Vladimir Urutchev, Holger Kraemer

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, **by 1 January 2013 at the latest**, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required **amount of savings**. **The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.**

Amendment

Member States opting for this option shall notify to the Commission **in the context of the national energy efficiency plan referred to in Article 19(2) of this directive**, the alternative **or complementary** measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve **energy efficiency measures with the required verified energy savings potential**.

Or. en

Amendment 799
Herbert Reul

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, **by 1 January 2013 at the latest**, the alternative measures that they plan to adopt, **including the rules on penalties referred to in Article 9, and** demonstrating how they would achieve the required amount of savings. The Commission may **refuse such measures or** make suggestions for modifications in the 3 months following notification. In such cases, **the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.**

Amendment

Member States opting for this option shall notify to the Commission, **no later than two years after the directive's publication in the Official Journal**, the alternative measures that they plan to adopt, demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for modifications in the 3 months following notification. In such cases, the Member State concerned **shall take these recommendations or modifications into account**.

Justification

The Member States need more flexibility and more time to take such additional measures. Moreover, an incentive-based approach is preferable to the use of sanctions.

Amendment 800**Ioan Enciu****Proposal for a directive****Article 6 – paragraph 9 – subparagraph 2***Text proposed by the Commission*

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may *refuse such measures or* make suggestions for modifications in the 3 months following notification. *In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.*

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for modifications in the 3 months following notification, *and the Member States shall take the Commission's suggestions into account when implementing alternative measures.*

Or. ro

Amendment 801**Angelika Niebler****Proposal for a directive****Article 6 – paragraph 9 – subparagraph 2***Text proposed by the Commission*

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures

that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may **refuse such measures or** make suggestions for modifications in the 3 months following notification. **In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.**

that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for modifications in the 3 months following notification. **The Commission should agree such modifications with the Member States.**

Or. de

Justification

This directive should see the achievement of the target set by the Heads of State and Government in March 2007 of a 20% increase in energy efficiency. The Member States must be afforded flexibility in relation to their respective measures for achieving the target. The Commission should not, therefore, be able to reject alternative measures en bloc.

Amendment 802
Konrad Szymański

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may **refuse such measures or** make suggestions for modifications in the 3 months following notification. **In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.**

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for modifications in the 3 months following notification. **The Member States shall take these suggestions or modifications into account.**

Amendment 803
Lena Kolarska-Bobińska

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of *savings*. The Commission may *refuse such measures or* make suggestions for modifications in the 3 months following notification. *In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.*

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of *efficiency*. The Commission may make suggestions for modifications in the 3 months following notification. *The Member States shall take these suggestions or modifications into account.*

Amendment 804
Bogdan Kazimierz Marcinkiewicz, Andrzej Grzyb, Jolanta Emilia Hibner

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may *refuse such measures or*

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for

make suggestions for modifications in the 3 months following notification. ***In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.***

modifications in the 3 months following notification. ***The Member States shall take these suggestions or modifications into account.***

Or. en

Amendment 805

Hannu Takkula, Riikka Manner, Anneli Jäätteenmäki

Proposal for a directive

Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, ***by 1 January 2013 at the latest***, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. ***The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.***

Amendment

Member States opting for this option shall notify to the Commission, ***no later than two years from the date of adoption of this Directive***, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings.

Or. fi

Justification

Member States have to be given enough time to draw up alternative measures.

Amendment 806

Vicky Ford

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States ***opting for this option*** shall ***notify to the Commission, by 1 January 2013 at the latest, the*** alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. ***The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.***

Amendment

Member States shall ***outline*** the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating ***specifically for each measure*** how they would achieve the required amount of savings.

Or. en

Amendment 807
Evžen Tošenovský

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may ***refuse such measures or*** make suggestions for modifications in the 3 months following notification. ***In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.***

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. The Commission may make suggestions for modifications in the 3 months following notification. ***The Member States*** shall take these suggestions or ***modifications into account.***

Amendment 808
Gaston Franco, Françoise Grossetête

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and demonstrating how they would achieve the required amount of savings. ***The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification.*** In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures that they plan to adopt, including the rules on penalties referred to in Article 9, and showing how they would achieve the required amount of savings.

Or. fr

Justification

Under the principle of subsidiarity, Member States must have the option of implementing alternative measures, entailing comparable effort on their part, without the Commission being able to object.

Amendment 809
Teresa Riera Madurell

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures

Amendment

Member States opting for this option shall notify to the Commission, by 1 January 2013 at the latest, the alternative measures

that they plan to adopt, including the rules on penalties referred to in Article 9, and **demonstrating** how they would achieve the required amount of savings. **The Commission may refuse such measures or make suggestions for modifications in the 3 months following notification. In such cases, the alternative approach shall not be applied by the Member State concerned until the Commission expressly accepts the resubmitted or modified draft measures.**

that they plan to adopt, including the rules on penalties referred to in Article 9, and **showing** how they would achieve the required amount of savings.

Or. en

Amendment 810
Vicky Ford

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

These may include, but are not limited to:

(a) Without prejudice to Directive 2009/29/EC, individual energy efficiency targets by consumer based on results of energy audits;

(b) Establishing, supporting and promoting energy service companies (ESCOs), and, where Member States decide to do so, setting performance targets for ESCOs;

(c) Measures to improve demand-response management;

(d) Improvements to the energy efficiency of buildings, including public buildings;

(e) Campaigns to alter consumer behaviour, encouraging more efficient use of energy;

(f) Energy tariff structures which incentivise energy efficiency;

(g) Voluntary agreements among customers, energy service companies, financial and insurance bodies, and/or local institutions, which stimulate cooperation on energy efficiency programmes and boost the energy services market as a result of a common voluntary engagement of all the actors.

Or. en

Amendment 811
Vicky Ford

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure at least bi-annual monitoring of such measures, and, in line with reporting requirements set out in Article 19 of this Directive, shall indicate to the Commission how these measures are planned to meet equivalent savings to the target defined in paragraph 1.

Or. en

Amendment 812
Vicky Ford

Proposal for a directive
Article 6 – paragraph 9 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

Where bi-annual monitoring suggests that alternative measures under this Article are materially failing to meet the required savings, the Commission may suggest new measures that will help the Member State to achieve the savings, including if

necessary an energy efficiency obligation scheme as described in paragraph 1.

Or. en

Amendment 813

Claude Turmes

Proposal for a directive

Article 6 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. The Commission shall establish by 1 January 2013 by means of a delegated act in accordance with Article 18 a harmonised methodology in accordance with the minimum requirements as set out in Annex Vb for the calculation model for the purpose of measuring, monitoring and verifying energy savings attained primarily through energy efficiency improvement measures and programmes in all end-use sectors referred to in this Article. The new harmonised bottom-up calculation model shall first be used as from 1 January 2013.

Or. en

Amendment 814

Fiona Hall, Corinne Lepage, Vladko Todorov Panayotov

Proposal for a directive

Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall

deleted

allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

Or. en

Justification

EU-wide White Certificates will lead to energy savings being concentrated in a number of Member States with benefits from the economic and social advantages accruing from improved energy efficiency not distributed equally across the Union.

Amendment 815

Hannu Takkula, Riikka Manner, Anneli Jäätteenmäki

**Proposal for a directive
Article 6 – paragraph 10**

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. fi

Justification

A system based on mutual recognition of energy savings would be administratively cumbersome and very costly.

Amendment 816

Giles Chichester

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. en

Amendment 817
Teresa Riera Madurell

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. en

Amendment 818
Vicky Ford

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. en

Amendment 819

Bendt Bendtsen, Ioannis A. Tsoukalas

**Proposal for a directive
Article 6 – paragraph 10**

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. en

Amendment 820

Bernd Lange

**Proposal for a directive
Article 6 – paragraph 10**

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. de

Amendment 821
Angelika Niebler

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. de

Justification

This paragraph would give the Commission the option of introducing a system of energy efficiency certificates that could be traded between Member States throughout the EU. Such a step is not, however, a technicality for which the Commission may provide by means of a delegated act: it would require a decision by Parliament and the Council, taken in accordance with normal legislative procedure.

Amendment 822
Gaston Franco

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency obligation schemes. Such a system shall allow obligated parties to count energy savings achieved and certified in a given Member State towards their obligations in another Member State.

deleted

Or. fr

Amendment 823

Markus Pieper, Pilar del Castillo Vera, Françoise Grossetête, Lambert van Nistelrooij, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Werner Langen, Vladimir Urutchev, Holger Krahrmer

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency **obligation** schemes. Such a system shall allow obligated parties to count energy **savings** achieved and certified in a given Member State towards their obligations in another Member State.

10. If appropriate, the Commission shall establish, by means of a delegated act in accordance with Article 18, a system of mutual recognition of energy savings achieved under national energy efficiency **support** schemes. Such a system shall allow obligated parties to count energy **efficiency measures** achieved and certified in a given Member State towards their obligations in another Member State.

Or. en

Amendment 824
Paul Rübiger

Proposal for a directive
Article 6 – paragraph 10 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States may make use of Voluntary Agreements among customers, energy companies, local institutions, in order to stimulate cooperation on energy efficiency programs and to boost the energy services market as a result of a common voluntary engagement of all the actors.

Or. en

Justification

In addition to obligation schemes, successful alternative or complementary instruments have been introduced or will be developed, and should also be acknowledged.

Amendment 825
Fiorello Provera

Proposal for a directive
Article 6 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Member States shall encourage the diffusion of Voluntary Agreements among customers, energy service companies, financial and insurance bodies, local institutions, in order to stimulate cooperation on energy efficiency programs and to boost the energy services market as a result of a common voluntary engagement of all the actors.

Or. en

Justification

In order to successfully open the energy services market and reach substantial results as regarding energy saving, all the players involved in the process should play an active role within the efficiency framework. Some of them, notably end users, do not often have sufficient financial or conceptual tools to fully tap their saving potential, and that's why there is the need to provide for some support mechanisms notably in the field of capitals and regulatory issues. Voluntary agreements would be the natural outcome of a business relationship involving players who positively see their commitment to energy efficiency, thus giving life to the system approach energy efficiency strongly needs to exploit its full potential.

Amendment 826 **Britta Thomsen**

Proposal for a directive **Article 6 – paragraph 10 a (new)**

Text proposed by the Commission

Amendment

10a. The Commission shall contribute, inter alia through inclusion of a chapter dedicated to energy efficiency in training programmes for social partners and through adequate financing of these programmes, to ensuring that the remit of European social dialogue bodies (European Works' Councils, European sectorial social dialogue committees, European works' councils employment-skills) is extended to include energy efficiency.

Or. en

Justification

European works' councils and social dialogue can and should contribute to achieving the objectives of the Directive. As stated in the EESC opinion TEN/460 on the draft Directive, point 5.4.1., "worker participation is essential for better energy efficiency. Without their knowledge, experience and commitment results cannot be achieved." Accordingly, the EESC calls on the Commission to help ensure that the remit of European Works' Councils is extended to include energy efficiency so that the aims of the Directive can be achieved." (point 1.10). Training programmes for social partners in European social dialogue bodies, financed by the European Commission (DG employment), should be adapted accordingly.

Amendment 827
Matthias Grootte

Proposal for a directive
Article 6 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. When encouraging energy companies to achieve the energy efficiency objectives set out in Article 1(2), Member States should be urged to include the whole value-creation chain, from energy production through distribution to consumption.

Or. de

Amendment 828
Fiorello Provera

Proposal for a directive
Article 6 – paragraph 10 b (new)

Text proposed by the Commission

Amendment

10b. Member States shall create a regulatory and fiscal framework encouraging the implementation of energy efficiency initiatives and programs.

Or. en

Justification

In order to successfully open the energy services market and reach substantial results as regarding energy saving, all the players involved in the process should play an active role within the efficiency framework. Some of them, notably end users, do not often have sufficient financial or conceptual tools to fully tap their saving potential, and that's why there is the need to provide for some support mechanisms notably in the field of capitals and regulatory issues. Voluntary agreements would be the natural outcome of a business relationship involving players who positively see their commitment to energy efficiency, thus giving life to the system approach energy efficiency strongly needs to exploit its full potential.

Amendment 829
Gaston Franco

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are **affordable** and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are **cost-effective** and carried out in an independent manner by qualified or accredited experts. ***Energy audits may be carried out by in-house experts, provided that these are qualified or accredited, that they are not directly engaged in the activity audited, and that the Member State has put in place a scheme to assure and check their quality and to impose sanctions if needed. Member States shall support training programmes leading to qualifications for energy auditors.***

Or. fr

Justification

As indicated in recital 20 of the proposal for a directive, large companies that have developed real expertise in energy auditing must be allowed to use qualified or accredited in-house experts not directly engaged in the audited activity to carry out the auditing.

Amendment 830
Fiona Hall

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of **energy audits which are affordable** and carried out in an independent manner by qualified

Amendment

Member States shall promote the availability to all final customers of **investment grade audits in order to assess and ensure the energy performance of**

or accredited experts.

industrial facilities, industrial processes and buildings. These audits shall be economically and technically adapted to each industrial facility or building, depending on the complexity of the audited facility, process or building, and carried out in an independent manner by qualified or accredited experts, including in-house experts.

Or. en

Justification

This will ensure that energy audits have high enough quality and are adapted to the economic needs and possibilities of the audited enterprise or building. At the same time, it will ensure that energy audits are cost-effective and proportional to energy efficiency goals.

Amendment 831 Giles Chichester

Proposal for a directive Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of ***energy audits which are affordable*** and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of ***investment grade audits in order to assess and ensure the energy performance of industrial facilities, industrial processes and buildings. These audits will be economically and technically adapted to each industrial facility or building, depending on the complexity of the audited facility, process or building, and*** carried out in an independent manner by qualified or accredited experts.

Or. en

Amendment 832 Bernd Lange

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out ***in an independent manner*** by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out ***in a professional manner*** by qualified or accredited experts. ***No participants in the market should be excluded from offering energy services. Well-developed methods of initial and further training should be kept in place.***

Or. de

Justification

The energy services market should be open to all market participants, including employees of local energy companies.

Amendment 833
Herbert Reul

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts. ***Energy audits may be carried out by in-house experts, provided that these are qualified or accredited and that they are not directly engaged in the activity audited.***

Or. de

Justification

In many cases there is existing in-house expertise on which to draw.

Amendment 834

Mario Pirillo

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an **objective and** independent manner by qualified or accredited experts. **Vocational courses shall also be developed in the different Member States in order to train such experts.**

Or. it

Amendment 835

Vicky Ford

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are **affordable** and carried out in an independent manner by qualified or accredited experts.

Amendment

Where statutory requirements on companies to report and audit emissions do not already apply, Member States shall promote the availability to all final customers of energy audits which are **cost-effective** and carried out in an independent manner by qualified or accredited experts.

Or. en

Amendment 836
Krišjānis Kariņš, Bendt Bendtsen, Alejo Vidal-Quadras

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are **affordable and** carried out in an independent manner by **qualified or accredited** experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are carried out in an independent manner by **certified** experts.

Or. en

Amendment 837
Britta Thomsen

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all **final** customers of energy audits which are affordable and carried out in an independent manner by qualified **or** accredited experts.

Amendment

Member States shall promote the availability to all customers of **high quality** energy audits which are **cost-effective and** affordable and carried out in an independent manner by qualified **and/or** accredited experts, **as defined in Annex XVa**.

Or. en

Justification

The term “qualified” alone is too vague and can be subject to too many interpretations. Accredited experts can ensure quality through adequate criteria conditioning their accreditation, which need to be defined in an Annex to the Directive, modelled on the annex to the Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

Amendment 838
Paul Rübzig

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an **independent** manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable, **cost-effective** and carried out in an **objective** manner by qualified or accredited experts.

Or. en

Justification

The term “objective” is non-ambiguous, whereas “in an independent manner” could be interpreted differently in different Member States. The energy service market should be open to all market participants.

Amendment 839
Ioan Enciu

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are **efficient, cost-effective,** affordable and carried out in an independent manner by qualified or accredited experts.

Or. ro

Amendment 840
Silvia-Adriana Țicău

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts.

Amendment

Member States shall promote the availability **and accessibility** to all final customers of energy audits which are affordable and carried out in an independent manner by qualified or accredited experts.

Or. ro

Amendment 841
Hannes Swoboda

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out **in an independent manner** by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out **in a professional manner** by qualified or accredited experts.

Or. de

Amendment 842
Daniel Caspary

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out **in an independent manner** by qualified or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out **in an objective manner** by qualified or accredited **in-house** experts.

Or. de

Amendment 843

Bendt Bendtsen, Ioannis A. Tsoukalas, Maria Da Graça Carvalho

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by *qualified* or accredited experts.

Amendment

Member States shall promote the availability to all final customers of energy audits which are affordable and carried out in an independent manner by *certified* or accredited experts.

Or. en

Amendment 844

Claude Turmes

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall, for the purpose of guaranteeing that energy audits and energy management systems are able to identify, deliver and secure in the long term the available energy savings for the obliged or addressed enterprises and households as set out in this Article, ensure that these audits and systems include and observe the minimum criteria as set out in Annex Va.

Or. en

Amendment 845

Vicky Ford

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Audits may be carried out by in-house experts, provided that these are qualified and accredited and that the Member State has put in place a scheme to assure and check their quality and to impose sanctions if needed.

Or. en

Amendment 846
Vicky Ford

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that training programmes are available for the qualification of energy auditors.

Or. en

Amendment 847
Francisco Sosa Wagner

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits. ***Such programmes shall include incentive and financial schemes to ensure the implementation of highly cost-effective recommendations from the energy audits, in line with the applicable state aid rules***

Justification

SMEs need support to cover the costs of implementing the proposed recommendations within the audits which is a key feature for an effective and efficient energy savings policy based on audits

Amendment 848

Fiona Hall, Corinne Lepage

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits. ***In particular, Member States may introduce incentives and financial support, such as tax rebates and subsidies, to ensure that cost-effective recommendations from the energy audits are implemented within a reasonable timescale.***

Amendment 849

Anni Podimata, Kathleen Van Brempt, Judith A. Merkies

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits. ***These energy audits shall identify and quantify cost-effective saving opportunities in the short, medium and***

long term.

Or. en

Amendment 850

András Gyürk

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits. ***The Commission shall assist Member States by supporting the exchange of existing best practices.***

Or. en

Amendment 851

Antonio Cancian, Amalia Sartori

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes ***to encourage*** households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop programmes ***encouraging*** households and small and medium-sized enterprises to undergo energy audits ***and promoting the adoption of energy performance contracting.***

Or. en

Amendment 852

Teresa Riera Madurell

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits ***and to subsequently implement the results of such audits.***

Or. en

Amendment 853
Silvia-Adriana Țicău

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall develop programmes to encourage households and small and medium-sized enterprises to undergo energy audits.

Amendment

Member States shall develop ***financing*** programmes ***and tax concessions*** to encourage households and small and medium-sized enterprises to undergo energy audits.

Or. ro

Amendment 854
Ivo Belet

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Members States shall develop incentives and financial schemes to ensure that small and medium sized enterprises and households can cover totally or partly the costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits, if the proposed measures are implemented.

Amendment 855
Silvia-Adriana Țicău

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that a sufficient number of qualified and/or authorised experts are available.

Or. ro

Amendment 856
Gaston Franco

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Member States shall bring to the attention of small and medium-sized enterprises concrete examples of how energy management systems could help their business.

Member States shall bring to the attention of small and medium-sized enterprises concrete examples of how energy management systems could help their business. ***In doing this, Member States must cooperate with the intermediary organisations that represent small enterprises.***

Or. fr

Justification

Individual support provided in a structured way through the organisations that represent small enterprises is vital in facilitating the application of energy-saving policies in small and micro enterprises.

Amendment 857
Fiorello Provera

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The implementation of investments or investment plans resulting from audits in the framework of voluntary agreements shall have ad hoc incentives or specific fiscal treatment meaning also tax relief supporting labour policies.

Or. en

Justification

Any investment in efficiency should be given support to let the involved parties fully commit themselves to the project(s) they are interested into. Financial incentives and favourable fiscal treatment should be prioritized in order to have involved players trustful as regarding the viability and payback of the efficiency investment they are getting into

Amendment 858
Mario Pirillo

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Member States shall introduce financial or tax incentives to cover all or part of the cost incurred by SMEs in completing an energy audit, along with incentives to enable those municipalities having signed the Covenant of Mayors to carry out the actions provided for in the sustainable energy action plan with a view to improving energy efficiency.

Or. it

Amendment 859
Angelika Niebler

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall **ensure that** enterprises not included in the second subparagraph of paragraph 1 **are subject to** an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Amendment

2. Member States shall **encourage** enterprises not included in the second subparagraph of paragraph 1 **to undergo** an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

To this end, Member States may introduce incentives to regular energy auditing, for example by making energy audits and/or energy management systems the subject of agreements with undertakings or associations of undertakings, in accordance with Article 17(1)(b) of Directive 2003/96/EC.

Energy audits may be carried out by in-house experts, provided that these are qualified or accredited, that they are not directly engaged in the activity audited, and that the Member State has put in place a scheme to assure and check their quality and to impose sanctions if needed.

Or. de

Justification

In a number of Member States, voluntary agreements with undertakings or associations of undertakings, along with national incentive systems, have – in combination with strict monitoring arrangements – proved an extremely effective means of achieving climate and environmental-protection targets and of increasing energy efficiency. As Article 7 sets out the permitted arrangements for energy auditing, it should directly reflect the wording of recital 20.

Amendment 860
Herbert Reul

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall **ensure that** enterprises not included in the second subparagraph of paragraph 1 **are subject to** an energy audit carried out **in an independent and cost-effective manner** by qualified or accredited experts **at the latest by 30 June 2014 and every three years from the date of the previous energy audit.**

Amendment

2. Member States shall **encourage** enterprises not included in the second subparagraph of paragraph 1 **to undergo** an energy audit carried out by qualified or accredited experts **and to repeat the process at intervals of no more than five years.**

Or. de

Justification

If the auditors' main recommendations have already been implemented within three years, a further audit after a shorter interval may well be worthwhile. Flexibility should be exercised here.

Amendment 861
Gaston Franco, Françoise Grossetête

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **by 30 June 2014** and every **three** years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **two years after the entry into force of this directive** and every **five** years from the date of the previous energy audit. **Member States shall permit those enterprises that have implemented the recommendations**

of their previous energy audit to carry out a fresh audit within 10 years.

Or. fr

Justification

Member States should ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest two years after the entry into force of this directive and every five years from the date of the previous energy audit. Member States should permit those enterprises that have implemented the recommendations of their previous energy audit to carry out a fresh audit within 10 years.

Amendment 862

Markus Pieper, Pilar del Castillo Vera, Amalia Sartori, Antonio Cancian, Bogdan Kazimierz Marcinkiewicz, Vladimir Urutchev, Werner Langen, Jan Březina, Ioannis A. Tsoukalas, Holger Kraemer, Romana Jordan Cizelj

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

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June **2014** and every three years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June **2015** and every three years from the date of the previous energy audit. ***Audits may be carried out by in-house experts, provided that these are qualified and accredited, that they are not directly engaged in the activity audited, and that the Member state has put in place a scheme to assure and check their quality.***

Or. en

**Amendment 863
Paul Rübiger**

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an **independent** and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every **three** years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an **objective** and cost-effective manner by qualified or accredited experts, **who could also be an in-house expert**, at the latest by 30 June 2014 and every **five** years from the date of the previous energy audit.

No market participant should be excluded from offering energy services.

Member States shall ensure that data from energy audits are treated confidentially.

Or. en

Justification

The term “objective” is non-ambiguous, whereas “in an independent manner “could be interpreted differently in different Member States. The energy service market should be open to all market participants. It clarifies that audits carried out by in-house experts as laid out in Recital 20 fulfil the requirement of objectiveness. As the directive will not end with 2020, a more long term perspective with energy audits should be envisaged

Amendment 864
Eija-Riitta Korhola

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall **ensure that** enterprises not included in the second subparagraph of paragraph 1 **are subject to** an energy audit **carried out** in an independent and cost-effective manner by qualified or accredited experts **at the latest**

Amendment

2. Member States shall **encourage** enterprises not included in the second subparagraph of paragraph 1 to **carry out** an energy audit **regularly** in an independent and cost-effective manner by qualified or accredited experts **including**

by 30 June 2014 and every three years from the date of the previous energy audit.

in-house experts.

For this purpose Member States may include energy audits as part of long-term voluntary energy efficiency agreements supervised by Member State concerned.

Or. en

Justification

The possibility of having energy audits carried out by in-house experts shall be approved, as mentioned in the recital 20. Enterprise's own regular auditing programmes should be accepted for instance in the frame of long-term voluntary agreements. .

Amendment 865
Lambert van Nistelrooij

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ***ensure that*** enterprises not included in the second subparagraph of paragraph 1 ***are subject to an energy audit carried*** out in an independent and cost-effective manner by qualified or accredited experts ***at the latest by 30 June 2014 and every three years from the date of the previous energy audit.***

Amendment

2. Member States shall ***encourage*** enterprises not included in the second subparagraph of paragraph 1 to ***carry out energy audits on a regularly basis*** in an independent and cost-effective manner by qualified or accredited experts.

For this purpose Member States may include energy audits as part of wider voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission.

Or. en

Justification

Energy audits should be promoted on a voluntary basis allowing Member States to keep their flexibility in modelling national energy efficiency incentive schemes based on voluntary and long-term agreements with the private business sector / industry. Such voluntary agreements have proved to be a highly successful contribution to energy efficiency improvements and climate protection in a number of Member States.

Amendment 866 **Konrad Szymański**

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

Text proposed by the Commission

2. Member States shall ***ensure that*** enterprises not included in the second subparagraph of paragraph 1 ***are subject to an energy audit carried out*** in an independent and cost-effective manner by qualified or accredited experts ***at the latest by 30 June 2014 and every three years from the date of the previous energy audit.***

Amendment

2. Member States shall ***encourage*** enterprises not included in the second subparagraph of paragraph 1 ***to carry out energy audits on a regularly basis*** in an independent and cost-effective manner by qualified or accredited experts.

For this purpose Member States may include energy audits as part of wider voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission.

Or. en

Amendment 867 **Silvia-Adriana Țicău**

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

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second

Amendment

2. Member States shall ensure that enterprises not included in the second

subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and *cost-effective* manner by qualified or accredited experts at the latest by 30 June 2014 *and every three years from the date of the previous energy audit.*

subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and *affordable* manner by qualified or accredited experts at the latest by 30 June 2014.

Or. ro

Amendment 868
Vicky Ford

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall *ensure that* enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every *three* years from the date of the previous energy audit.

Amendment

2. Member States shall *encourage* enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts, *including in-house experts*, at the latest by 30 June 2014 and every *seven* years from the date of the previous energy audit, *unless there is a material change in the operations of the enterprise in whole or in part.*

Or. en

Amendment 869
Daniel Caspary

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an

independent and cost-effective manner by qualified or accredited experts at the latest **by 30 June 2014** and every **three** years from the date of the previous energy audit.

independent and cost-effective manner by qualified or accredited experts at the latest **two years after the entry into force of this directive** and every **five** years from the date of the previous energy audit.

Or. de

Amendment 870

Jolanta Emilia Hibner, Andrzej Grzyb, Bogdan Kazimierz Marcinkiewicz

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **by 30 June 2014** and every **three** years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **two years from the entry into force of this Directive** and **at least** every **five** years from the date of the previous energy audit.

Or. pl

Amendment 871

Lena Kolarska-Bobińska

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **by 30 June 2014** and every **three** years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest **by two years after entry into force of this directive** and **at least** every **five** years from

the date of the previous energy audit.

Or. en

Amendment 872

Britta Thomsen

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified *or* accredited experts at the latest by 30 June **2014** and every three years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified *and/or* accredited experts, *as defined in Annex XVa*, at the latest by 30 June **2013** and every three years from the date of the previous energy audit.

Or. en

Justification

The term “qualified” alone is too vague and can be subject to too many interpretations. Qualified and/or accredited experts can ensure quality through adequate criteria conditioning their accreditation, which need to be defined in an Annex to the Directive, modelled on the annex to the Directive 2009/28/EC on the promotion of the use of energy from renewable sources. Industry needs to be involved more closely: the cut-off date of 2014 for the first energy audits should be brought forward.

Amendment 873

Teresa Riera Madurell

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second

Amendment

2. Member States shall ensure that enterprises not included in the second

subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every **three** years from the date of the previous energy audit.

subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every **five** years from the date of the previous energy audit.

Or. en

Amendment 874
Marian-Jean Marinescu

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June **2014** and every three years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified or accredited experts at the latest by 30 June **2015** and every three years from the date of the previous energy audit.

Or. en

Amendment 875
Hannes Swoboda

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in **an independent** and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in **a professional** and cost-effective manner by qualified or accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Amendment 876
Ivo Belet

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified *or* accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Amendment

2. Member States shall ensure that enterprises not included in the second subparagraph of paragraph 1 are subject to an energy audit carried out in an independent and cost-effective manner by qualified *and* accredited experts at the latest by 30 June 2014 and every three years from the date of the previous energy audit.

Or. en

Amendment 877
Vicky Ford

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

For this purpose Member States may include energy audits as part of wider voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned.

Or. en

Amendment 878
Vicky Ford

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2 (new)

Text proposed by the Commission

Amendment

Offices or sites of enterprises consuming less than 2,000 MWH per year may undertake energy audits on a voluntary basis.

Or. en

Amendment 879
Bernd Lange

Proposal for a directive
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall ensure by 30 June 2014 that aspects of other auditing or sustainability reporting systems may be incorporated into the obligatory energy audit if they meet its criteria.

Or. de

Justification

In order to ensure greater energy efficiency, energy consumption must be monitored and optimised. A comprehensive and sustainable approach is therefore of the essence.

Amendment 880
Paul Rübzig

Proposal for a directive
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall secure that companies are supported with incentives

*to be able to finance recommendations
from the energy audit.*

Or. en

Justification

Companies need support to cover costs from energy audits and the following investments due to the energy audits.

Amendment 881
Silvia-Adriana Țicău

Proposal for a directive
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2a. The energy audit shall be valid for a
maximum of 10 years.***

Or. ro

Amendment 882
Angelika Niebler

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

***3. Energy audits carried out in an
independent manner resulting from
energy management systems or
implemented under voluntary agreements
concluded between organisations of
stakeholders and an appointed body and
supervised by the Member State
concerned or by the Commission, shall be
considered as fulfilling the requirements
of paragraph 2.***

deleted

Or. de

Justification

Rendered redundant by the amendments to Article 7(2).

Amendment 883

Lambert van Nistelrooij

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

deleted

Or. en

Justification

Article 7 paragraph 3 becomes obsolete with the proposed changes on Article 7 paragraph 2.

Amendment 884

Eija-Riitta Korhola

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State

deleted

concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. en

Justification

Article 7 paragraph 3 becomes obsolete with the proposed changes on Article 7 paragraph 2.

Amendment 885

Ivo Belet

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2. *The requirement for independence allows the audits to be carried out by in-house experts, provided that these are qualified or accredited, that they are not directly engaged in the activity audited, and that the Member State has put in place a scheme to assure and check their quality.*

Or. en

Amendment 886

Daniel Caspary

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an **independent** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, **shall be considered as fulfilling the requirements of paragraph 2.**

Amendment

3. Energy audits carried out in an **objective** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission **may be part of a Member State's incentive scheme.**

Or. de

Amendment 887

Paul Rübiger

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an **independent** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an **objective** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2. **No market participant should be excluded from offering energy services.**

Or. en

Justification

The term “objective” is non-ambiguous, whereas “in an independent manner” could be interpreted differently in different Member States. The energy service market should be open to all market participants.

Amendment 888
Antonio Cancian, Amalia Sartori

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.
For this purpose energy audits shall comply with most recent recognized international standards.

Or. en

Amendment 889
Marian-Jean Marinescu

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner, ***following specific common European harmonised standards***, resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. en

Amendment 890
Lena Kolarska-Bobińska

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner ***on the basis of European harmonised standards*** resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. en

Amendment 891
Ioan Enciu

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits, carried out ***on the basis of harmonised European standards and*** in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. ro

Amendment 892

Markus Pieper, Pilar del Castillo Vera, Gaston Franco, Jan Březina, Werner Langen,
Vladimir Urutchev, Holger Krahmer, Jolanta Emilia Hibner

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems ***such as complying with EN ISO 50001*** or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. en

Amendment 893

Vicky Ford

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned ***or by the Commission***, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in an independent manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned, shall be considered as fulfilling the requirements of paragraph 2.

Or. en

Amendment 894

Hannes Swoboda

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Energy audits carried out in ***an independent*** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Amendment

3. Energy audits carried out in ***a professional*** manner resulting from energy management systems or implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned or by the Commission, shall be considered as fulfilling the requirements of paragraph 2.

Or. de

Amendment 895
Fiona Hall

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For energy audits carried out by in-house experts, the competent authorities or bodies to which the competent authorities have delegated the responsibility for implementing the independent control system shall make a random selection of at least a statistically significant percentage of all the energy audits referred to in paragraph 2 annually and subject those audits to verification.

Or. en

Amendment 896
Lambert van Nistelrooij

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Energy audits may stand alone or be part of a broader environmental audit.

Amendment

4. Energy audits ***can be carried out by in-house experts, provided that these are qualified or accredited. Member States shall create the right framework conditions to assure sufficient availability of accredited and qualified experts in the market.***

Energy audits may stand alone or be part of a broader environmental audit.

Or. en

Justification

The possibility of having energy audits carried out by in-house experts as mentioned in recital 20 is part of the definition of 'independent audits' foreseen in Article 7 paragraph 2 and should therefore be integrated in Article 7. There is no reason to believe that involving an in-house expert in the audited activity necessarily sparks a conflict of interest. It is in companies own interest to acquire reliable information about its energy consumption profile. Crucially, experts are ought to be sufficiently qualified to carry out energy audits.

Amendment 897
Frédérique Ries

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Energy audits may stand alone or be part of a broader environmental audit.

Amendment

4. Energy audits may stand alone or be part of a broader environmental audit. ***As a minimum requirement, such audits shall include a health impact assessment.***

Or. en

Amendment 898
Fiona Hall

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall use investment grade audits in order to assess and ensure the quality of buildings' Energy Performance Certificates as required by Directive 2010/31/EC. The Commission will provide guidelines for Member States to ensure the quality of their Energy Performance Certificates and of the energy efficiency improvement of the measures undertaken as a result of recommendations from these certificates.

Or. en

Justification

This will ensure that Energy Performance Certificates (EPCs) for buildings complement energy audits in enterprises and are a visible and high-quality tool for enhancing the visibility of energy savings in homes. There is documented evidence of the inadequacy of EPCs in many EU Member States. This is one of the biggest shortcomings of Directive 2010/31/EC on Energy Performance of Buildings, which this amendment could contribute to overcome.

Amendment 899
Giles Chichester

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall use investment grade audits in order to assess and ensure the quality of buildings' Energy Performance Certificates as required by Directive 2010/31/EC. The Commission will provide guidelines for Member States to ensure the quality of their Energy Performance Certificates and of the energy efficiency improvement of the measures undertaken as a result of

recommendations from these certificates.

Or. en

Amendment 900
Eija-Riitta Korhola

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Energy audits and energy management systems implemented under this article do not exclude the same or similar measures to be used as a justification for existing or future incentive and support schemes such as tax rebates. If necessary, European state aid guidelines in this field and the EU energy taxation directive are to be adapted accordingly.

Or. en

Amendment 901
Bendt Bendtsen, Ioannis A. Tsoukalas, Maria Da Graça Carvalho

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall incentivise industry, in particular SMEs, e.g. through national energy efficiency funds, to make use of energy services to optimise industrial processes and commercial installations

Or. en

Amendment 902
Vicky Ford

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States should ensure that consumers have access to independent advice on their energy audit to prevent unnecessary work being carried out or exploitation of funding.

Or. en

Amendment 903
Britta Thomsen

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The results of the energy audits should be made public in a transparent and easy to use manner.

Or. en

Justification

In order to avoid the results of energy audits being ignored by enterprises, the publication of results will create pressure on companies to act on the results of an audit. Further it will provide information for other companies about the potential benefits of energy audits.

Amendment 904
Britta Thomsen

Proposal for a directive
Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. In order to encourage the implementation of energy management systems, enterprises, not included in the second subparagraph of paragraph 1, shall not be subject to mandatory energy audits once they have proven to comply with recognised energy management systems standards such as EN 16001 / ISO 50001.

Or. en

Justification

The most important is not to undergo an energy audit but what is realised with the identified measures. In other words, the implementation of the identified measures is "the" key issue. In order to promote flexibility and to drive the implementation of energy management systems, large enterprises should not be subject to energy audits if they chose to introduce an energy management standard such as EN 16001 / ISO 50001 are well well-known and acknowledged. It has been proven that they lead to substantial improvements.

Amendment 905
Vicky Ford

Proposal for a directive
Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Where an accredited audit is provided, consumers should be able to transfer the results and recommendations of the audit to any accredited service provider in order to enable competition in the market.

Or. en

Amendment 906
Britta Thomsen

Proposal for a directive
Article 7 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. Member states shall leverage inter alia the funding streams referred to in Article 2a to incentivize the implementation of cost-effective measures identified through energy audits. The Commission shall establish within the EU state aid guidelines to identify which financial incentives set up by Member States in favour of their enterprises will be compatible with the internal market rules and State aid rules.

Or. en

Justification

It should be clarified that funding must be made available to implement cost-effective measures identified through energy audits.

Amendment 907
Daniel Caspary

Proposal for a directive
Article 8 – title

Text proposed by the Commission

Amendment

Metering and ***informative billing***

Metering and ***billing information***

Or. de

Amendment 908
Markus Pieper, Paul Rübiger, Lambert van Nistelrooij, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, an Březina, Werner Langen, Vladimir Urutchev, Ioannis A. Tsoukalas, Holger Kraemer, Maria Da Graça Carvalho

Proposal for a directive
Article 8 – title

Text proposed by the Commission

Amendment

Metering and **informative** billing

Metering and billing **information**

Or. en

Amendment 909

Paul Rübige

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual **time of use**, in accordance with Annex VI.

When Member States ***put in place the roll-out of smart meters based on a positive cost-benefit analysis as foreseen by Directives 2009/72/EC and 2009/73/EC concerning electricity and gas markets,*** they shall ensure that ***the objectives of energy efficiency and final customer benefits as well as privacy issues and data security are fully taken into account when establishing the minimum functionalities of the meters and obligations imposed on market participants. Member States may ensure that final*** customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of,* their actual energy consumption and provide information on actual ***energy consumption***, in accordance with Annex VI.

Or. en

Justification

The roll-out of smart meters should be based on the rules and preconditions set by the 3rd energy package (2009/72 and 2009/73 EC). Minimal technical requirements, data protection issues, cost-benefit analysis etc are of utmost importance. Only if the legal and technical issues have been clarified (see European Standardization Mandate M/441) and the cost-

benefit analysis is clearly positive, the roll-out of smart metering can be started. In addition, any double regulation has to be avoided, taking into account that according to the 3rd Energy Package the cost-benefit analysis should be finished by 3rd of September 2012 – which is at odds with the legislative process of the Energy Efficiency Directive. To increase the technical effort for (smart) metering and informative billing in the area of heating and hot tap water would increase the costs for the consumer. Also it is important to respect the acknowledged different considerations between electricity smart metering and gas.

Amendment 910

Kathleen Van Brempt, Judith A. Merkies, Britta Thomsen

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with ***individual meters that accurately measure and allow to make available*** their actual energy consumption ***and provide*** information ***on actual time of use, in accordance with Annex VI.***

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with ***correct and detailed information regarding*** their actual energy consumption. ***If this information is provided by smart meters, their installation must be based on the positive outcome of a full cost-benefit analysis, through which clear beneficial effects, a net zero financial impact for the customer and the protection of low income users can be guaranteed.***

Or. en

Amendment 911

Herbert Reul

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided

with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, in accordance with Annex VI, ***in so far as this is technically and economically justified – i.e. subject to positive findings in a cost-benefit analysis and to the principle of proportionality. A further precondition is that the Member States guarantee comprehensive data protection.***

Or. de

Justification

In-house studies show that, in terms of the cost-benefit ratio, it makes sense to install so-called 'smart meters' only in approximately 40% of homes. Making it compulsory to install them in all homes would therefore be disproportionate. Issues in relation to data-protection law cannot be overlooked.

Amendment 912 Gaston Franco

Proposal for a directive Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that, ***where it is technically and economically feasible***, final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water ***who so wish*** are provided with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, ***at no additional cost and in a format that affords customers improved understanding of their energy consumption***, in accordance with Annex VI.

Or. fr

Justification

It has not been demonstrated that giving customers real-time information about their energy consumption is significantly effective as a means of promoting energy-saving efforts in a sustainable way. There is, on the other hand, no doubt that continuing the widespread dissemination of information to all customers would generate a significant cost to those customers. The real-time information service should, however, be available at a reasonable cost to any customer who requests it.

Amendment 913

Ioannis A. Tsoukalas

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual **smart** meters that accurately measure and allow to make available **to them** their actual energy consumption **either via the smart meter's display or via the Internet** and provide information on actual time of use **in a way that is easily understood by the consumers and will better involve them in the effort for energy savings**, in accordance with Annex VI.

Or. en

Amendment 914

Catherine Trautmann

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas,

Amendment

Member States shall ensure that final customers for electricity, natural gas,

district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, in accordance with Annex VI, ***without such customers, and particularly the most vulnerable among them, being disadvantaged by any additional charges, and with due regard to the European framework of rules on personal data protection.***

Or. fr

Amendment 915

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

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and ***district-supplied*** domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that, ***where technically feasible and cost-effective for the investor, including consideration of maintenance, management and replacement costs,*** final customers for electricity, natural gas, district ***or other central*** heating or cooling and ***district or other central-supplied*** domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 916

Patrizia Toia

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that, ***where technically feasible and cost-effective for the investor, including consideration of maintenance, management and replacement costs***, final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 917
Eija-Riitta Korhola

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that ***where technically feasible and cost-effective for the investor, including consideration of maintenance, management and replacement costs***, final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 918
Giles Chichester

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI **and the relevant provisions for electricity in Directive 2009/72/EC and for gas in Directive 2009/73/EC.**

Or. en

Amendment 919
Vicky Ford

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

When smart meters are installed, Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided, **in a cost-effective manner,** with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI. **Information should be in a format that enables consumers to best understand their energy use.**

Or. en

Amendment 920
Britta Thomsen

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information **on actual time** of use, in accordance with Annex VI.

Amendment

When smart meters are installed, Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide ***real time*** information ***free of charge and in format that enables customers to better understand their energy*** use, in accordance with Annex VI.

Or. en

Justification

The original wording of paragraph 1 implies that smart meters are mandatory. This is however not the intention of the Third energy package which requires a national business impact assessment to be carried out (see also whereas 55 of Dir 2009/72/EC “It should be possible to base the introduction of intelligent metering systems on an economic assessment. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of electricity consumption, Member States should be able to take this into account when implementing intelligent metering systems.”).

Amendment 921
Ivo Belet

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and ***district-***

Amendment

When smart meters are installed, Member States shall ensure that final customers for electricity, natural gas, district ***or other***

supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

central heating or cooling and *district or other centrally supplied* domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide *real time* information on actual time of use, *free of surcharge and in a format that enables customers to better understand their energy use*, in accordance with Annex VI.

Or. en

Amendment 922
Marita Ulvskog

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling *and* district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas *excluding gas only just for cooking purposes*, district-supplied domestic hot water, *newly constructed buildings and buildings undergoing major renovation and* district heating or cooling and are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 923
Angelika Niebler

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall **ensure that** final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water **are** provided with individual meters that accurately measure and allow *to make available* their actual energy consumption and provide information on actual time of use, **in accordance with Annex VI.**

Amendment

Member States shall **make provision, consistent with the Third Internal Market Package rules on electricity and gas, for** final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water **to be** provided with individual meters that accurately measure, *and allow readings to be taken of,* their actual energy consumption and provide information on actual time of use.

Or. de

Justification

Regulatory provision for smart metering should continue to be underpinned by the directives in the Third Internal Market Package for electricity and gas.

Amendment 924

Hannu Takkula, Riikka Manner, Anneli Jäätteenmäki

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of,* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI. **Meters must be cost-effective and must improve the households' energy efficiency.**

Or. fi

Amendment 925
Bendt Bendtsen

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and ***district-supplied*** domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district ***or other central*** heating or cooling and ***district or other central-supplied*** domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 926
Gaston Franco

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that ***when it is technically and economically feasible*** final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 927
Ioan Enciu

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure, ***following a positive cost-benefit analysis***, that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. ro

Amendment 928
Maria Da Graça Carvalho

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption ***and*** provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption, provide information on actual time of use, in accordance with Annex VI ***and provide information on the excess energy that is fed back into the grid.***

Or. en

Amendment 929
Judith A. Merkies

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption **and** provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption, provide information on actual time of use, in accordance with Annex VI **and provide information on the excess energy that is fed back into the grid.**

Or. en

Amendment 930
Daniel Caspary

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters **that** accurately measure **and allow to make available** their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that **if, where it is technically feasible and cost-effective,** final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters, **these will** accurately measure, **and allow readings to be taken of,** their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. de

Amendment 931
Françoise Grossetête

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall ensure that final customers for electricity, natural gas, district ***and/or central*** heating or cooling and district-supplied ***and/or central*** domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. fr

Amendment 932
András Gyürk

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

When new smart meters are installed,
Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 933
Markus Pieper, Françoise Grossetête, Lena Kolarska-Bobińska, Bogdan Kazimierz Marcinkiewicz, Jan Březina, Werner Langen, Vladimir Urutchev, Holger Krahmer, Maria Da Graça Carvalho

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

When smart meters are installed Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 934
Marian-Jean Marinescu

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

By 1 January 2016 Member States shall ensure that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure and allow to make available ***information on*** their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. en

Amendment 935
Hermann Winkler

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall **ensure** that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure *and allow to make available* their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Amendment

Member States shall **propose** that final customers for electricity, natural gas, district heating or cooling and district-supplied domestic hot water are provided with individual meters that accurately measure, *and allow readings to be taken of*, their actual energy consumption and provide information on actual time of use, in accordance with Annex VI.

Or. de

Amendment 936
Fiona Hall, Corinne Lepage

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall require that appropriate advice and information be given to customers at the time of installation, notably about the full potential of smart meters with regard to tariff structures, meter reading management and the monitoring of energy consumption.

Or. en

Justification

Member States should inform and educate all end users about their possibilities of new tariff structures and meter reading management in order to ensure that the costs of establishing these new services and opportunities will always promote energy efficiency and savings.

Amendment 937
Silvia-Adriana Țicău

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Final customers who have already installed individual meters for electricity, natural gas, domestic hot water and individual heating or cooling consumption by ... (date of entry into force of this Directive) shall be considered as fulfilling the requirements of paragraph 1.

Or. ro