



Council of the  
European Union

Brussels, 8 July 2022  
(OR. en)

10699/22  
PV CONS 46  
TRANS 447  
TELECOM 297  
ENER 335

**DRAFT MINUTES**

COUNCIL OF THE EUROPEAN UNION  
(Transport, Telecommunications and Energy)

27 June 2022

## CONTENTS

	<b>Page</b>
1. Adoption of the agenda.....	3
2. Approval of "A" items.....	3
a) Non-legislative list	
b) Legislative list	
<b><u>Legislative deliberations</u></b>	
3. Fit for 55 package (legislative initiatives for the implementation of the 2030 climate target) ....	5
a) Revision of the Energy Efficiency Directive (recast)	
b) Revision of the Renewable Energy Directive	
4. Regulation on methane emissions reduction in the energy sector.....	5
5. Revision of the Directive on the energy performance of buildings.....	5
<b><u>Non-legislative activities</u></b>	
6. Energy situation in the EU in the context of the war in Ukraine.....	5
<b><u>Any other business</u></b>	
7. a) Current legislative proposals.....	6
b) Recent developments in the field of external energy relations .....	6
c) Work programme of the incoming Presidency .....	6
ANNEX - Statements for the Council minutes.....	7

\*\*\*

## 1. Adoption of the agenda

The Council adopted the agenda set out in 10443/22.

## 2. Approval of 'A' items

### (a) Non-legislative list

10444/22

The Council adopted the "A" items listed in 10444/22 including COR and REV documents presented for adoption.

For the following items the documents should read as follows:

### Transport

1. Preparation of the 41st Session of the ICAO Assembly  
(Montreal, 18 September - 14 October 2022)  
*Approval*  
approved by Coreper, Part 1, on 22 June 2022  

10057/22  
+ ADD 1-9  
+ ADD 2 COR 1 (pl)  
+ ADD 3 COR 1 (pl)  
+ ADD 4 COR 1 (pl)  
+ ADD 5 COR 1 (pl)  
+ ADD 6 COR 1 (pl)  
+ ADD 7 COR 1 (pl)  
AVIATION
3. Council Decision authorising the signing and provisional  
application of the agreement on the carriage of goods by road  
between the European Union and the Republic of Moldova  
*Adoption*  
approved by Coreper, Part 1, on 24 June 2022  

10148/22  
10152/22  
10409/22  
TRANS
4. Council Decision authorising the signing and provisional  
application of the agreement on the carriage of goods by road  
between the European Union and Ukraine  
*Adoption*  
approved by Coreper, Part 1, on 24 June 2022  

10147/22  
10151/22  
10407/22  
TRANS

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

10445/22

### Energy

1. **Regulation on gas storage**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 22 June 2022



10563/22

PE-CONS 24/22

ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 194(2) TFEU).

### Justice and Home Affairs

2. **Regulation amending Regulation (EU) 2018/1862 on the Schengen Information System (SIS)**

*Adoption of the legislative act*

approved by Coreper, Part 2, on 20 June 2022



10187/22


PE-CONS 16/22

SIRIS

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 88(2)(a) TFEU).

## Legislative deliberations

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

3. **Fit for 55 package (legislative initiatives for the implementation of the 2030 climate target)**  10490/22
- a) **Revision of the Energy Efficiency Directive (recast)** 10490/22  
*General approach*


The Council reached a general approach, on the basis of the texts submitted to the Council and complemented by a Presidency room document, as reflected in the outcome of proceedings, 10697/22. A statement by the Bulgarian delegation (10743/22) and a statement by the Finnish delegation (10717/22) are annexed to these Council minutes.

- b) **Revision of the Renewable Energy Directive** 10488/22  
*General approach*

The Council reached a general approach, on the basis of the texts submitted to the Council. A statement by the Spanish delegation (10742/22) as well as a joint statement by the German, Luxembourg, Polish, Portuguese and Slovenian delegations (10740/22) are annexed to these Council minutes.

4. **Regulation on methane emissions reduction in the energy sector**  10161/22  
*Progress report*

The Council took note of the progress report prepared by the Presidency on this proposal.

5. **Revision of the Directive on the energy performance of buildings**  9894/22  
*Progress report*

The Council took note of the progress report prepared by the Presidency on this proposal.

## Non-legislative activities

6. Energy situation in the EU in the context of the war in Ukraine 9898/22  
*Exchange of views*

**Any other business**

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

**Regulation on gas storage**  
*Information from the Presidency*



7406/22 + ADD 1

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

- (b) Recent developments in the field of external energy relations  
*Information from the Commission* 10259/22
- (c) Work programme of the incoming Presidency  
*Information from the Czech delegation*



First reading



Item based on a Commission proposal

---

Statements to the legislative "B" items set out in doc. 10443/22

Ad "B" item 3a:

**Fit for 55 package (legislative initiatives for the implementation of the 2030 climate target)**  
**Revision of the Energy Efficiency Directive (recast)**  
*General approach*

**STATEMENT BY FINLAND**

“Energy efficiency continues to play an important role in Finland’s efforts to achieve carbon neutrality by 2035. Our carbon neutrality target is more ambitious than the EU target. Achieving the target by 2035, requires a temporary increase in the consumption of emission-free electricity. Unfortunately, the proposal General Approach, especially Article 4, does not adequately take into account the special characteristics of the Member States.

For these reasons Finland cannot support this draft General Approach. Finland votes against.”

**STATEMENT BY THE REPUBLIC OF BULGARIA**  
**on the English version of the Directive**

“The Republic of Bulgaria attaches great importance to the promotion and protection of human rights. The country is, and will remain, dedicated to its human rights commitments.

In 2018 the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (‘Istanbul Convention’) promotes legal concepts related to the notion of gender that are incompatible with main principles of the Bulgarian Constitution. In addition, in 2021 the Constitutional Court further clarified that the notion of ‘sex’ used in the Constitution, could, in the context of the national legal order, only be regarded in the sense of its biological determination (men and women).

The Republic of Bulgaria does not oppose the adoption of a general approach on the draft Directive on Energy Efficiency, but with regard to the simultaneous use of the terms ‘sex’ and ‘gender’ in recital 99, declares in accordance with the abovementioned decisions of the Constitutional Court, that it does not accept any **differentiation between ‘sex’ as a biological (women and men) category and ‘gender’ as a social construct.** ”

**Ad "B" item 3b:**

**Fit for 55 package (legislative initiatives for the implementation of the 2030 climate target)**  
**Revision of the Renewable Energy Directive**  
*General approach*

**JOINT STATEMENT BY GERMANY, LUXEMBOURG, POLAND, PORTUGAL AND SLOVENIA**

“DE, LU, PL, PT and SI have the common understanding that the Council will revert to the issues raised in the German non-paper and the EC proposals from RepowerEU on permitting under the CZ presidency as a matter of priority.

In this context, we would like to underline that we do not support that the provision in Article 15 (8b) providing that renewables and the related grid infrastructure are to be considered as being in the overriding public interest and as serving the public safety is limited to the three Directives mentioned in the current version of the text of the General Approach. The provision needs to apply also to other relevant provisions for the balancing of legal interests in the planning and permitting procedures.

If the EU is to achieve ambitious renewable energy targets by 2030, renewables and the related grid infrastructure need to be considered as being in the overriding public interest more broadly. The legal reasoning behind the limitation of the overriding public interest to specific articles needs further thorough assessment and discussion.”

**STATEMENT BY SPAIN**

“Spain underlines the importance of the strong political signal provided by the adoption today of the Council’s general approach on the Renewable Energy Directive under the French Presidency. This is a key step towards the achievement of the EU’s ambitious climate and energy targets and commitments, while accelerating the reduction of the dependence on fossil fuels.

Spain welcomes a clear signal to accelerate the decarbonisation of maritime transport, including international maritime bunkering. However, such process should ensure its coherence with crucial principles of the ‘Fit for 55’ package: avoidance of carbon leakage, fight against deforestation and delivery of food security.

In this regard, Spain regrets the content of recital 29a and article 27.1b in the text with regard to the consideration of the energy consumed in maritime transport, including international bunkering, for the calculation of the renewables target in the transport sector. The extension of the scope of this quantitative target to maritime transport is likely to cause undesired spillover effects which have not been sufficiently assessed.

The decarbonisation of international maritime bunkering is a challenge for the EU economies due to the high risk of carbon leakage in a sector subject to fierce competition with third countries. In addition, this rapid switch of fuels by 2030 would require huge volumes of biofuels, particularly non-sustainable first generation biofuels, undermining the efforts made at EU level against imported deforestation and indirect land-use change, resulting in a negative environmental impact and an increasing risk in food security.

Spain will continue working so that these concerns are accommodated in the text in a targeted manner in the upcoming trilogues with the European Parliament. Furthermore, Spain requests that the Presidency of the Council ensure that the final text is fully consistent with the principles of the ‘Fit for 55’ package stressed above. ”

---