Council of the European Union

Brussels, 18 July 2023
(OR. en)

Interinstitutional File: 2021/0203(COD)

11795/1/23 REV 1

CODEC 1360
ENER 445
ENV 846
TRANS 311
ECOFIN 770
RECH 353
CLIMA 353
IND 390
COMPET 759
CONSOM 280

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on energy efficiency and amending Regulation (EU) 2023/955 (recast) **(first reading)** - Adoption of the legislative act

1. On 14 July 2021 the Commission submitted its proposal[1], based on Article 194(2) TFEU, to the Council.

2. The European Economic and Social Committee delivered its opinion on 9 December 2021[2].

3. The Committee of the Regions delivered its opinion on 28 April 2022[3].

[1] Docs 10745/2/21 REV 2 + 10745/21 ADD 1 REV 1 + ADD 2 to 8.
[2] OJ C 152, 6.4.2022, p. 134.
[3] OJ C 301, 5.8.2022, p. 139.

4. On 11 July 2023 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council[4].

5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council approve the European Parliament's position, as set out in PE-CONS 15/23, as an "A" item at a forthcoming meeting, with Hungary and Poland, voting against and Belgium, Latvia, Portugal and Slovakia abstaining.

6. Should there be no Council meeting with quorum before 26 July 2023, the Permanent Representatives Committee is invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure, that the Council uses the written procedure for the adoption of the Directive of the European Parliament and of the Council on energy efficiency and amending Regulation (EU) 2023/955 (recast) as set out in PE-CONS 15/23.

7. The statements for the minutes of the Council meeting are set out in the Addendum to this note.

8. If the Council approves the European Parliament's position, the legislative act will be adopted.

   After being signed by the Presidents of the European Parliament and of the Council, the legislative act will be published in the *Official Journal of the European Union*.

---

[4] Doc. 11456/23.