



Council of the  
European Union

Brussels, 12 November 2022  
(OR. en)

14316/22

---

---

**Interinstitutional File:  
2021/0203(COD)**

---

---

**LIMITE**

**ENER 558  
ENV 1102  
TRANS 682  
ECOFIN 1125  
RECH 574  
CLIMA 566  
IND 446  
COMPET 856  
CONSOM 280  
CODEC 1654**

**NOTE**

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (recast)Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (recast)  - Preparation for the trilogue

---

1. On 6 October 2022, the first trilogue concerning the revision of the Energy Efficiency Directive (EED) was held in Strasbourg. All institutions recognised the importance of this directive for the achievement of our common climate targets, also in the context of the current energy crisis provoked by Russia.
2. The trilogue fulfilled the expectations for the first round, allowing the co-legislators to present their respective positions and mandate further work to the technical level, in view of drafting compromises and exploring convergence.

3. There were, to this date, four productive technical meetings between the EP and the Council, on 13, 21 and 27 October, and on 15 November. The next technical meeting will take place on 17 November.
4. At the Energy Working Party meeting of 8 November 2022, the delegations were invited to indicate their positions and flexibilities on the Presidency's assessment and compromise suggestions drawn up on the basis of intense exchanges with the European Parliament and the European Commission and contained in documents WK 14900/2022 and WK 14904/2022 REV2.
5. In view of the 2<sup>nd</sup> trilogue scheduled for 22 November in Strasbourg, the basis for the discussion will be the four-column table contained in the Annex to this note. Against this background, the Presidency's proposes to accept or partially accept European Parliament's amendments or Commission's text which are aligned or not incompatible with the Council general approach, namely lines: 203; 204a; 206; 208; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 413a; 414; 415; 416; 417; 418; 420; 420a; 420b; 421; 422; 423; 424; 425; 426; 426a; 427; 428; 429; 430; 431; 431a; 432; 433; 433a; 434; 435; 436; 437; 437c; 438; 439; 440; 441; 442; 443; 444; 445; 446; 528; 529; 531; 532; 535; 536; 537; 538; 540; 541; 542; 544; 545; 546; 547; 548; 549; 550; 551; 553; 554; 557; 558; 584; 585; 586; 587; 588; 590; 591; 592; 593; 594; 595; 596; 597; 598; 599; 600; 601; 602; 603; 604; 605; 606; 607; 608; 609; 610; 611; 612; 612a; 613; 614; 615; 616; 617; 618; 619; 620; 621; 622; 624; 625; 626; 627; 628 and 629.
6. Moreover, the Czech Presidency is seeking political guidance of the Permanent Representatives Committee (Coreper), particularly concerning the following questions:
  - Q1: Would your delegation support an increase of the headline EU 2030 target as defined in the Article 4 of the General Approach, taking into account the REPowerEU amendment as well as the position of the European Parliament?
  - Q2: Would your delegation support an increase of ambition in Article 8 on the Energy Savings Obligation in exchange for more flexibility on accounting of eligible energy savings?
  - Q3: Bearing in mind the ongoing energy crisis, do you consider that the Presidency should be open to strengthening the provisions on energy poverty throughout the whole directive in line with the position of the European Parliament?

#### FOURTH COLUMN *explanations*

The **fourth column** contains Presidency compromise suggestions.

In that column, ***bold italics*** text indicates new text as it was proposed either by the EP or the Council.

Text in ~~*strikethrough italics*~~ indicates compromise text that is proposed to be deleted.

Where paragraphs are put in **[square brackets]**, these indicate wordings where further discussion is necessary.

**Columns marked in green** indicates where the Presidency proposes to accept the text, including possible amendments, or parts thereof, proposed by the EP.

Columns marked in **yellow** or **red**, indicates provisions addressed with the EP where the Presidency sees further discussion as needed.

Columns marked in white, indicate where discussion is still open.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (recast) (Text with EEA relevance)**

2021/0203(COD)

Non-versioned [LATEST TEXT]

11-11-2022 at 19h26

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 3				
201	Article 3 Energy efficiency first principle	Article 3 Energy efficiency first principle	Article 3 Energy efficiency first principle	
Article 3(1), introductory part				
202	1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions are taken into account in the planning, policy and major investment decisions related to the following sectors:	1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions, <u>including demand-side resources and system flexibilities, are assessed</u> <del>are taken into account</del> in the <u>design and planning</u> <del>of policy and decisions as well as</del> major investment decisions related to the following sectors:	1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions are taken into account in the planning, policy and major investment decisions, <b>that is to say large-scale investments with a value of more than 150 euro million each or 250 euro million for transport infrastructure projects</b> , related to the following sectors:	1. In conformity with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions, <u>including demand-side resources and system flexibilities, are assessed</u> <del>are taken into account</del> in the planning, policy and major investment decisions <u>of a value of more than [150 million] euro each or [250 million] euro for transport infrastructure projects</u> , related to the following sectors:

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level - not yet fully agreed
	Article 3(1), point (a)			
G	203 (a) energy systems, and	(a) energy systems, and	(a) energy systems, and	(a) energy systems, and Equal to the Commission's proposal Tech level - agreed
	Article 3(1), point (b)			
Y	204 (b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency.	(b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency, <u>including buildings, transport, water, information and communications technology (ICT), agriculture and financial sectors</u> .	(b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency.	(b) non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency, <u>such as buildings, transport, water, information and communications technology (ICT), agriculture and financial sectors</u> Tech level - not yet fully agreed
	Article 3(1a)			
G	204a		When implementing this paragraph, Member States may take into account the Commission Recommendation on the energy efficiency first	<u>When implementing this paragraph, Member States may take into account the Commission Recommendation on the energy efficiency first principle<sup>1</sup>.</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			principle <sup>1</sup> .  1. Commission Recommendation of 28.9.2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond (C(2021) 7014 final).	<u><a href="#">1. Commission Recommendation of 28.9.2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond (C(2021) 7014 final).</a></u>  Tech level - agreed
Article 3(2)				
205	2. Member States shall ensure that the application of the energy efficiency first principle is verified by the relevant entities where policy, planning and investment decisions are subject to approval and monitoring requirements.	2. Member States shall ensure that the application of the energy efficiency first principle, <u>including, where appropriate, sector integration and cross-sectoral impacts,</u> is verified by the relevant entities where policy, planning and investment decisions are subject to approval and monitoring requirements.	2. Member States shall ensure that <del>the</del> <u>assess</u> the application of the energy efficiency first principle is <del>verified by the relevant entities</del> <u>every two years,</u> where policy, planning and <del>major</del> investment decisions are subject to approval and monitoring requirements-	2. Member States shall ensure that the <u>relevant authorities assess the</u> application of the energy efficiency first principle, <u>including, where appropriate, sector integration and cross-sectoral impacts,</u> <del>/is verified by the relevant entities</del> where policy, planning and <u>major</u> investment decisions are subject to approval and monitoring requirements. <u>/</u>  Tech level - not yet fully agreed
Article 3(2a)				
205a		<u>2a. In applying this Article, Member States shall take into account the Commission</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u><a href="#">Recommendation (EU) 2021/1749<sup>1</sup>.</a></u>  <u><a href="#">1. Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond.</a></u>		
Article 3(3), introductory part				
206	3. In applying the energy efficiency first principle, Member States shall:	3. In applying the energy efficiency first principle, Member States shall:	3. In applying the energy efficiency first principle, Member States shall:	3. In applying the energy efficiency first principle, Member States shall:  Tech level - agreed Equal to the Commission's proposal
Article 3(3), point (a)				
207	(a) promote and, where cost-benefit assessments are required, ensure the application of cost-benefit methodologies that allow proper assessment of wider benefits of energy efficiency solutions from the societal perspective;	(a) <del>promote and, where cost-benefit assessments are required, ensure the application of</del> <u>develop, apply and make publicly available</u> a cost-benefit <del>methodologies that allow</del> <u>methodology that allows the</u> proper assessment of <u>the</u> wider benefits of energy efficiency solutions <u>taking into account the entire life cycle and foreseeable</u>	(a) promote and, where cost-benefit assessments are required, ensure the application of cost-benefit methodologies that allow proper assessment of wider benefits of energy efficiency solutions from the societal perspective;	(a) promote and, where cost-benefit assessments are required, ensure the application of cost-benefit methodologies that allow proper assessment of <u>the</u> wider benefits of energy efficiency solutions <u>where appropriate, taking into account the entire life cycle and long-term perspective, system and cost efficiency,</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>developments, system and cost efficiency, security of supply and quantification</u> from the societal, <u>health, economic and climate neutrality</u> perspective;		<u>security of supply and quantification</u> from the societal, <u>health, economic and climate neutrality</u> perspective, <u>sustainability and circularity principles in transition to climate neutrality</u> ;  Tech level - not yet fully agreed
Article 3(3), point (aa)				
207a		<u>(aa) ensure that the application of the energy efficiency first principle will have a positive impact on addressing energy poverty;</u>		
Article 3(3), point (b)				
208	(b) identify an entity responsible for monitoring the application of the energy efficiency first principle and the impacts of planning, policy and investment decisions on energy consumption and energy efficiency;	(b) identify an entity responsible for monitoring the application of the energy efficiency first principle and the impacts of <u>regulatory frameworks, including financial regulations</u> , planning, policy and investment decisions on energy consumption and energy efficiency <u>and energy systems</u> ;	(b) identify <del>an</del> the entity <b>or entities</b> responsible for monitoring the application of the energy efficiency first principle and the impacts of planning, policy and <b>major</b> investment decisions on energy consumption and energy efficiency;	(b) identify an entity <u>or entities</u> responsible for monitoring the application of the energy efficiency first principle and the impacts of <u>regulatory frameworks, including financial regulations</u> , planning, policy and <u>major</u> investment decisions on energy consumption and energy efficiency <u>and energy systems</u> ;



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level - agreed
Article 3(3), point (ba)				
208a		<u>(ba) secure that the investments made are environmentally sustainable at all stages of the energy value chain and apply circularity principles in transition to climate neutrality;</u>		
Article 3(3), point (c), introductory part				
209	(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the principle was taken into account in the national and regional planning, policy and major investment decisions related to the national and regional energy systems.	(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the <u>energy efficiency first</u> principle was taken into account in the national, <u>regional and local</u> <del>and regional</del> planning, policy and major investment decisions related to the national and regional energy systems- <u>and to non-energy sectors, where those sectors have an impact on energy consumption and energy efficiency, including, but not limited to, the following:</u>	(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the principle was taken into account in the national and regional planning, policy and major investment decisions related to the national and regional energy systems.	(c) report to the Commission, as part of the integrated national energy and climate progress reports in accordance with Article 17 of Regulation (EU) 2018/1999 on how the <u>energy efficiency first</u> principle was taken into account in the national, <u>regional [and local]</u> <del>and regional</del> planning, policy and major investment decisions related to the national and regional energy systems- <u>including, but not limited to, the following:</u>  Tech level - not yet fully agreed

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Article 3(3), point (c)(i)			
Y	209a	<u>(i) an assessment of the systematic application and benefits of the energy efficiency first principle in energy systems, in particular in relation to energy consumption;</u>		<u>i) an assessment of the application and benefits of the energy efficiency first principle in energy systems, in particular in relation to energy consumption;</u>
	Article 3(3), point (c)(li)			
Y	209b	<u>(ii) a list of actions taken to remove any unnecessary regulatory or non-regulatory barriers to the implementation of the energy efficiency first principle and of demand-side solutions, including through the identification of national legislation and measures that are contrary to the energy efficiency first principle;</u>		<u>ii) a list of actions taken to remove any unnecessary regulatory or non-regulatory barriers to the implementation of the energy efficiency first principle and of demand-side solutions, including through the identification of national legislation and measures that are contrary to the energy efficiency first principle;</u>  Tech level - not yet fully agreed
	Article 3(3a)			
Y	209c	<u>3a By ... /6 months after the date</u>		<u>3a By ... /6 months after the date</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<i><u>of entry in force of this Directive, the Commission shall adopt a delegated act supplementing this Directive by establishing a common general framework including supervision, the monitoring and reporting procedure that Member States may use to design the cost-benefit methodologies referred to in paragraph 3, point (a), in order to ensure comparability while leaving the possibility for Member States to adapt to national and local circumstances.</u></i>		<i><u>of entry in force of this Directive, the Commission shall adopt guidelines providing common general framework including supervision, the monitoring and reporting procedure that Member States may use to design the cost-benefit methodologies referred to in paragraph 3, point (a), in order to ensure comparability while leaving the possibility for Member States to adapt to national and local circumstances.</u></i>  Tech level - not yet fully agreed
Article 4				
210	Article 4 Energy efficiency targets	Article 4 Energy efficiency targets	Article 4 Energy efficiency targets	
Article 4(1)				
211	1. Member States shall collectively ensure a reduction of energy consumption of at least 9 % in 2030 compared to the projections of the 2020 Reference Scenario so that the Union's final energy consumption amounts to no	1. Member States shall collectively ensure a reduction of energy consumption of at least <del>940</del> % in 2030 <i><u>in final energy consumption and 42,5 % in primary energy consumption</u></i> compared to the projections of the	1. Member States shall collectively ensure a reduction of energy consumption of at least 9 % in 2030 compared to the projections of the 2020 Reference Scenario so that the Union's final energy consumption amounts to no	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>more than 787 Mtoe and the Union's primary energy consumption amounts to no more than 1023 Mtoe in 2030.<sup>1</sup></p> <p>1. The Union's energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union's 2030 energy efficiency target is set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 9 % in 2030 compared to the level of efforts under the 2020 Reference Scenario. The new way of expressing the level of ambition for the Union's targets does not affect the actual level of efforts needed.</p>	<p><del>2020</del>2007 Reference Scenario so that the Union's final energy consumption amounts to no more than <del>787</del>740 Mtoe and the Union's primary energy consumption amounts to no more than <del>1023</del>960 Mtoe in 2030.<sup>1</sup></p> <p>1. <del>///</del> The Union's energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union's 2030 energy efficiency target is set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 9 % in 2030 compared to the level of efforts under the 2020 Reference Scenario. The new way of expressing the level of ambition for the Union's targets does not affect the actual level of efforts needed.</p>	<p>more than 787 Mtoe. <b>Member States shall make efforts to collectively contribute to the indicative and the Union's primary energy consumption amount targets amounting to no more than 1023 Mtoe in 2030.</b><sup>1</sup></p> <p>1. The Union's energy efficiency target was initially set and calculated using the 2007 Reference Scenario projections for 2030 as a baseline. The change in the Eurostat energy balance calculation methodology and improvements in subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union's 2030 energy efficiency target is set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 9 % in 2030 compared to the level of efforts under the 2020 Reference Scenario. The new way of expressing the level of ambition for the Union's targets does not affect the actual level of efforts needed.</p>	
Article 4(2), first subparagraph				
212				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>2. Each Member State shall set national energy efficiency contributions for final and primary energy consumption to meet, collectively, the binding Union target set in paragraph 1. Member States shall notify those contributions together with an indicative trajectory for those contributions to the Commission as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999. When doing so, Member States shall use the formula defined in Annex I of this Directive and explain how, and on the basis of which data, the contributions have been calculated.</p>	<p>2. Each Member State shall set <u>binding</u> national energy efficiency contributions for <del>final</del> and primary energy consumption to meet, collectively, the binding Union target set in paragraph 1. Member States shall notify those contributions together with <del>an indicative trajectory</del> <u>a trajectory with two reference points (milestones) in 2025 and 2027</u> for those contributions, to the Commission as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999. <del>When doing so,</del> <u>When setting their binding national contributions,</u> Member States shall <del>use</del> <u>apply</u> the formula defined in Annex I of this Directive and explain how, and on the basis of which data, the contributions have been calculated.</p>	<p>2. Each Member State shall set <b>an indicative</b> national energy efficiency <del>contributions</del> <b>contribution based on</b> final and primary energy consumption to meet, collectively, the binding Union's final energy consumption target set in paragraph 4 <del>and shall take efforts to contribute collectively to the indicative Union primary energy consumption target set in paragraph 1.</del> Member States shall notify those contributions together with an indicative trajectory for those contributions to the Commission as part of the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999. When doing so, Member States <del>shall use the formula defined in Annex I of this Directive</del> <b>also express their contributions in terms of an absolute level of primary energy</b></p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			consumption in 2030. When setting its indicative national energy efficiency contribution, Member States shall take into account the requirements set out in paragraph 3 and explain how, and on the basis of which data, the contributions have– been calculated. For this purpose, they may use the formula defined in Annex I.	
Article 4(2), second subparagraph				
213	Member States shall also provide the shares of energy consumption of energy end-use sectors, as defined in Regulation (EC) No 1099/2008 on energy statistics, including industry, residential, services and transport, in their national energy efficiency contributions. Projections for energy consumption in information and communications technology (ICT) shall also be indicated.	Member States shall also provide the shares of energy consumption of energy end-use sectors, as defined in Regulation (EC) No 1099/2008 on energy statistics, including industry, residential, services and transport, in their national energy efficiency contributions. Projections for energy consumption in <del>information and communications technology (ICT)</del> <b>ICT</b> shall also be indicated.	Member States shall also provide the shares of energy consumption of energy end-use sectors, as defined in Regulation (EC) No 1099/2008 on energy statistics, including industry, residential, services and transport, in their national energy efficiency contributions. Projections for energy consumption in information and communications technology (ICT) shall also be indicated.	
Article 4(3)				
214	In setting those contributions ,	In setting those contributions ,	3. In setting those contributions-,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Member States shall take into account:	Member States shall take into account:	Member States shall take into account:  In the Commission proposal it was not separated, to constitute Article 4.(3) - as a new paragraph (and not as a subparagraph). To be corrected - with implication on numbering of a couple of next cells.	
Article 4(3) point (a)				
215	(a) that the Union's 2030 energy consumption has to be no more than 787 Mtoe of final energy or no more than 1023 Mtoe of primary energy consumption;	(a) that the Union's 2030 energy consumption has to be no more than <del>787</del> <u>740</u> Mtoe of final energy or no more than <del>1023</del> <u>960</u> Mtoe of primary energy consumption;	(a) that the Union's 2030– energy consumption has to be no more than 787 Mtoe of final energy <del>and should be</del> no more than 1023– Mtoe of primary energy consumption;	
Article 4(3), point (b)				
216	(b) the measures provided for in this Directive;	(b) the measures provided for in this Directive;	(b) the measures provided for in this Directive;	
Article 4(3),, point (c)				
217	(c) other measures to promote energy efficiency within Member States and at Union level;	(c) other measures to promote energy efficiency within Member States and at Union level;	(c) other measures to promote energy efficiency within Member States and at Union level;	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 4(3), point (d)				
218	(d) any relevant factors affecting efficiency efforts, such as:	(d) <del>any</del> <u>the following</u> relevant factors affecting efficiency efforts; <del>such as</del> <u>included in the formula established in Annex I</u> :	(d) any relevant factors affecting efficiency efforts, <del>such as</del> :	
Article 4(3), point (d), introductory part				
219	(i) the collective level of ambition necessary to reach climate objectives;	(i) the collective level of ambition necessary to reach climate objectives;	(i) the collective level of ambition necessary to reach climate objectives;	
Article 4(3), point (d)(ii)				
220	(ii) the equitable distribution of efforts across the Union;	(ii) the equitable distribution of efforts across the Union;	(ii) the equitable distribution of efforts across the Union;	
Article 4(3), point (d)(iii)				
221	(iii) the energy intensity of the economy;	(iii) the energy intensity of the economy;	(iii) the energy intensity of the economy;	
Article 4(3), point (d)(iv)				
222	(iv) the remaining cost-effective	(iv) the remaining cost-effective	(iv) the remaining cost-effective	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	energy-saving potential;	energy-saving potential;	energy-saving potential;	
Article 4(3), point (e), introductory part				
223	(e) other national circumstances affecting energy consumption, in particular:	(e) other national <del>circumstances</del> <b>factors</b> affecting energy consumption, in particular:	(e) other national circumstances affecting energy consumption, in particular:	
Article 4(2), third subparagraph , point (e)(i)				
224	(i) GDP evolution and forecast;	(i) GDP evolution and forecast;	(i) GDP <b>and demographic</b> evolution and forecast;	
Article 4(3), point (e)(ii)				
225	(ii) changes of energy imports and export , developments in energy mix and deployment of new sustainable fuels ;	(ii) changes of energy imports and export , developments in energy mix and deployment of new sustainable fuels ;	(ii) changes of energy imports and export , developments in energy mix and deployment of new sustainable fuels ;	
Article 4(3), point (e)(iii)				
226	(iii) development of all sources of renewable energies, nuclear energy, carbon capture and storage;	(iii) development of all sources of renewable energies, nuclear energy, carbon capture and storage;	(iii) development of all sources of renewable energies, nuclear energy, carbon capture and storage;	
Article 4(3), point (e)(iv)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
227	(iv) decarbonisation of energy intensive industries.	(iv) decarbonisation of energy intensive industries.	(iv) decarbonisation of energy intensive industries.	
Article 4(2), third subparagraph , point (e)(iva))				
227a		<u>(iv a) the level of ambition in the national decarbonisation/climate neutrality plans.</u>		
Article 4(2), third subparagraph , point (e)(iva)				
227b			(v) economic energy savings potential;	
Article 4(2), fourth subparagraph				
227c		<u>Where Member States take into account the national factors referred to in point (e) of the third subparagraph, this shall not lead to a failure to achieve the Union's energy efficiency target. The Commission shall assess whether the collective contribution of Member States is sufficient to achieve the Union's energy efficiency target and assess if the</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>contributions are in line with achieving the milestones. Where it concludes that it is not sufficient, it shall, within two months of the Member States' notification of their national energy efficiency contributions, propose to each Member State a corrected national energy efficiency contribution ensuring that the collective contribution of Member States reaches the Union's energy efficiency target. When applying that mechanism, the Commission shall ensure that there is no difference in the primary and final energy consumption between the sum of the Member States' national contributions and the Union's energy efficiency target.</u>		
Article 4(2), third subparagraph , point (e)(ivb)				
227d			(vi) current climate conditions and climate change forecast.	
Article 4(3), first subparagraph, introductory part -a				
227e			4. When applying the	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			requirements set out in paragraph 3, Member States shall ensure that their contribution be within a 2,5 percentage point margin of what it would have been if resulted from the formula defined in Annex I.	
Article 4(3), first subparagraph -b				
227f			<p>5. The Commission shall assess that the collective contribution of Member States is at least equal to the binding Union 's target for final energy consumption set in paragraph 1. Where the Commission concludes that it is insufficient, within two months after notification by Member States, the Commission shall address to each Member State with a national contribution below what it would have been using the formula in Annex I, a corrected indicative national energy efficiency contribution for final energy consumption based on:</p> <p>(a) the remaining collective</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			<p>reduction of final energy consumption needed to achieve the binding Union target set in paragraph 1;</p> <p>(b) the relative GHG intensity per GDP unit in 2019 among those Member States concerned by the address of the Commission;</p> <p>(c) the GDP of those Member States in 2019.</p> <p>Those Member States shall update within six months their notification as set out in paragraph 2, with their new indicative national energy efficiency contributions for final energy consumption together with an update of their indicative trajectory for those contributions and, where applicable, their additionnal measures.</p> <p>When a Member State has notified an indicative national contribution for final energy consumption equal or above what it would have been</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			<p>using the formula in Annex I, the Commission shall not revise this aforementioned contribution.</p> <p>When applying the mechanism set out in this paragraph, the Commission shall ensure that there is no difference left between the sum of the national contributions of all Member States and the binding Union target set in paragraph 1.</p>	
Article 4(3), first subparagraph , introductory part				
228	<p>3. Where the Commission concludes, on the basis of its assessment pursuant to Article 29(1) and (3) of Regulation (EU) 2018/1999, that insufficient progress has been made towards meeting the energy efficiency contributions, Member States that are above their indicative trajectories referred to in paragraph 2 of this Article shall ensure that additional measures are implemented within one year following the date of reception of</p>	<p>3. <del>Where</del> The Commission <del>concludes</del><u>shall</u>, on the basis of its assessment pursuant to Article 29(1) and (3) of Regulation (EU) 2018/1999, <u>assess the progress of Member States towards the achievement of their binding national contributions and milestones referred to in paragraph 2 of this Article. Where the Commission concludes, on the basis of its assessment,</u> that insufficient progress has been made towards meeting the energy</p>	<p>36. Where the Commission concludes, on the basis of its assessment pursuant to Article 29(1) and (3) of Regulation (EU) 2018/1999, that insufficient progress has been made towards meeting the energy efficiency contributions, Member States that are above their indicative trajectories <b>for final energy consumption</b> referred to in paragraph 2 of this Article shall ensure that additional measures are implemented within one year</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	the Commission's assessment in order to ensure getting back on track to reach their energy efficiency contributions. Those additional measures shall include, but shall not be limited to, the following measures:	efficiency contributions, Member States that are above their <del>indicative trajectories</del> <u>trajectories and milestones</u> referred to in paragraph 2 of this Article shall ensure that additional measures are implemented within one year following the date of reception of the Commission's assessment in order to ensure getting back on track to reach their energy efficiency contributions. Those additional measures shall include, but shall not be limited to, the following measures:	following the date of reception of the Commission's assessment in order to ensure getting back on track to reach their energy efficiency contributions. Those additional measures shall include, but shall not be limited to, <b>at least one of</b> the following measures:	
Article 4(3), first subparagraph , point (a)				
229	a. national measures delivering additional energy savings, including stronger project development assistance for the implementation of energy efficiency investment measures;	a. national measures delivering additional energy savings, including stronger project development assistance for the implementation of energy efficiency investment measures;	a. national measures delivering additional energy savings, including stronger project development assistance for the implementation of energy efficiency investment measures;	
Article 4(3), first subparagraph , point (b)				
230	b. increasing the energy savings obligation set out in Article 8;	b. increasing the energy savings obligation set out in Article 8;	b. increasing the energy savings obligation set out in Article 8;	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 4(3), first subparagraph , point (c)				
231	c. adjusting the obligation for public sector;	c. adjusting the obligation for public sector;	c. adjusting the obligation for public sector;	
Article 4(3), first subparagraph , point (d)				
232	d. making a voluntary financial contribution to the National Energy Efficiency Fund referred to in Article 28 or another financing instrument dedicated to energy efficiency, where the annual financial contributions shall be equal to the investments required to reach the indicative trajectory.	d. making a voluntary financial contribution to the National Energy Efficiency Fund referred to in Article 28 or another financing instrument dedicated to energy efficiency, where the annual financial contributions shall be equal to the investments required to reach the <del>indicative</del> trajectory.	d. making a voluntary financial contribution to the National Energy Efficiency Fund referred to in Article 28 or another financing instrument dedicated to energy efficiency, where the annual financial contributions shall be equal to the investments required to reach the indicative trajectory.	
Article 4(3), second subparagraph				
233	Where a Member State is above its indicative trajectory referred to in paragraph 2 of this Article, it shall include in its integrated national energy and climate progress report pursuant to Article 17 of Regulation (EU) 2018/1999, an explanation of how it will cover the gap to ensure reaching its national energy efficiency contributions.	Where a Member State is above its <del>indicative</del> trajectory referred to in paragraph 2 of this Article, it shall include in its integrated national energy and climate progress report pursuant to Article 17 of Regulation (EU) 2018/1999, an explanation of <del>how</del> <u>the measures</u> it will <u>take to</u> cover the gap to ensure reaching its national energy efficiency contributions <u>and the</u>	Where a Member State is above its indicative trajectory <b>for final energy consumption</b> referred to in paragraph 2 of this Article, it shall include in its integrated national energy and climate progress report pursuant to Article 17 of Regulation (EU) 2018/1999, an explanation of how it will cover the gap to ensure reaching its national energy efficiency contributions.	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u><i>amount of energy savings each measure is expected to deliver.</i></u>		
Article 4(3), third subparagraph				
234	The Commission shall assess whether the national measures referred to in this paragraph are sufficient to achieve the Union's energy efficiency targets. Where national measures are deemed to be insufficient, the Commission shall, as appropriate, propose measures and exercise its power at Union level in order to ensure, in particular, the achievement of the Union's 2030 targets for energy efficiency.	The Commission shall assess whether the national measures referred to in this paragraph are sufficient to achieve the Union's energy efficiency targets. Where national measures are deemed to be insufficient, the Commission shall, as appropriate, propose measures and exercise its power at Union level in order to ensure, in particular, the achievement of the Union's 2030 targets for energy efficiency.	The Commission shall assess whether the national measures referred to in this paragraph are sufficient to achieve the Union's energy efficiency targets. Where national measures are deemed to be insufficient, the Commission shall, as appropriate, propose measures and exercise its power at Union level in order to ensure, in particular, the achievement of the Union's 2030 targets for energy efficiency.	
Article 4(4)				
235	4. The Commission shall assess by 31 December 2026 any methodological changes in the data reported pursuant to Regulation (EC) No 1099/2008 on energy statistics, in the methodology for calculating energy balance and in energy models for European energy use and, if necessary,	4. The Commission shall assess by 31 December 2026 any methodological changes in the data reported pursuant to Regulation (EC) No 1099/2008 on energy statistics, in the methodology for calculating energy balance and in energy models for European energy use and, if necessary,	47. The Commission shall assess by 31 December 2026 any methodological changes in the data reported pursuant to Regulation (EC) No 1099/2008 on energy statistics, in the methodology for calculating energy balance and in energy models for European energy use and, if necessary,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	propose technical calculation adjustments to the Union's 2030 targets with a view to maintaining the level of ambition set out in paragraph 1 of this Article.	propose technical calculation adjustments to the Union's 2030 targets with a view to maintaining the level of ambition set out in paragraph 1 of this Article.	propose technical calculation adjustments to the Union's 2030 targets with a view to maintaining the level of ambition set out in paragraph 1 of this Article.	
CHAPTER III				
264	CHAPTER III EFFICIENCY IN ENERGY USE	CHAPTER III EFFICIENCY IN ENERGY USE	CHAPTER III EFFICIENCY IN ENERGY USE	
Article 8				
265	Article 8 Energy savings obligation	Article 8 Energy savings obligation	Article 8 Energy savings obligation	
Article 8(-1)				
265a		<u><i>-1 With a view to ensuring a stable and predictable contribution towards achieving the Union's energy and climate targets for 2030 and the climate neutrality objective for 2050, Member States shall achieve cumulative end-use energy savings in the obligation periods. The first obligation period, which is referred to in paragraph 1,</i></u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>point (a), was from 2014 to 2020. The second obligation period, which is referred to in paragraph 1, points (b) and (c), shall run from 2021 to 2030.</u>		
Article 8(1), first subparagraph , introductory part				
266	1. Member States shall achieve cumulative end-use energy savings at least equivalent to:	1. Member States shall achieve cumulative end-use energy savings at least equivalent to:	1. Member States shall achieve cumulative end-use energy savings at least equivalent to:	
Article 8(1), first subparagraph , point (a)				
267	(a) new savings each year from 1 January 2014 to 31 December 2020 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2013. Sales of energy, by volume, used in transport may be excluded, in whole or in part, from that calculation;	(a) new savings each year from 1 January 2014 to 31 December 2020 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2013. Sales of energy, by volume, used in transport may be excluded, in whole or in part, from that calculation;	(a) new savings each year from 1 January 2014 to 31 December 2020 of 1,5 % of annual energy sales to final customers by volume, averaged over the most recent three-year period prior to 1 January 2013. Sales of energy, by volume, used in transport may be excluded, in whole or in part, from that calculation;	
Article 8(1), first subparagraph , point (b)				
268	(b) new savings each year from 1 January 2021 to 31 December 2023	(b) new savings each year from 1 January 2021 to 31 December 2023	(b) new savings each year from 1 January 2021 to 31 December 2023	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	of 0,8 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019. By way of derogation from that requirement, Cyprus and Malta shall achieve new savings each year from 1 January 2021 to 31 December 2023 equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019;	of 0,8 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019. By way of derogation from that requirement, Cyprus and Malta shall achieve new savings each year from 1 January 2021 to 31 December 2023 equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019;	of 0,8 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019. By way of derogation from that requirement, Cyprus and Malta shall achieve new savings each year from 1 January 2021 to 31 December 2023 equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019; <b>2030 of:</b>  Text moved below, new structure: 8.1.b)i) (with 2023 changed to 2030)	
Article 8(1), first subparagraph , point (ba)				
268a			<b>(b) i) 0,8 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019. By way of derogation from that requirement, Cyprus and Malta shall achieve new savings each year from 1 January 2021 to 31 December 2023 equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period</b>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			prior to 1 January 2019;	
Article 8(1), first subparagraph , point (bb)				
268b			(b) ii) 1,1 % of annual final energy consumption from 1 January 2024 to 31 December 2025, averaged over the most recent three-year period prior to 1 January 2019.	
Article 8(1), first subparagraph , point (bc)				
268c			(b)iii) 1,3 % of annual final energy consumption from 1 January 2026 to 31 December 2027, averaged over the most recent three-year period prior to 1 January 2019.	
Article 8(1), first subparagraph , point (bd)				
268d			(b) iv) 1,5 % of annual final energy consumption from 1 January 2028 to 31 December 2030, averaged over the most recent three-year period prior to 1 January 2019.	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 8(1), first subparagraph, point (c)				
269	(c) new savings each year from 1 January 2024 to 31 December 2030 of 1,5 % of annual final energy consumption, averaged over the three-year period prior to 1 January 2020.	(c) new savings each year from 1 January 2024 to 31 December 2030 of <del>1,5</del> <sup>2</sup> % of annual final energy consumption, averaged over the three-year period prior to 1 January 2020.	<i>deleted</i>	
Article 8(1), first subparagraph, point (ca)				
269a			<b>(c) By way of derogation from the requirements set out in point (b) (ii – iv) of the first subparagraph, Cyprus and Malta shall achieve new savings each year from 1 January 2024 to 31 December 2030 equivalent to 0,45 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019.</b>	
Article 8(1), second subparagraph				
270	Member States shall decide how to phase the calculated quantity of new savings over each period referred to in points (a), (b) and (c) of the first subparagraph, provided	Member States shall decide how to phase the calculated quantity of new savings over each period referred to in points (a), (b) and (c) of the first subparagraph, provided	Member States shall decide how to phase the calculated quantity of new savings over each period referred to in points (a), <del>(b) and (c)</del> <b>and (b)</b> of the first subparagraph,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	that the required total cumulative end-use energy savings have been achieved by the end of each obligation period.	that the required total cumulative end-use energy savings have been achieved by the end of each obligation period.	provided that the required total cumulative end-use energy savings have been achieved by the end of each obligation period.	
Article 8(1), third subparagraph				
271	Member States shall continue to achieve new annual savings in accordance with the savings rate provided in point (c) of the first subparagraph for ten-year periods after 2030.	Member States shall continue to achieve new annual savings in accordance with the savings rate provided in point (c) of the first subparagraph for ten-year periods after 2030.	Member States shall continue to achieve new annual savings in accordance with the savings rate provided in point <del>(c)</del> <b>(b) (ii)</b> of the first subparagraph for ten-year periods after 2030-	
Article 8(2)				
272	2. Member States shall achieve the amount of energy savings required under paragraph 1 of this Article either by establishing an energy efficiency obligation scheme referred to in Article 9 or by adopting alternative policy measures referred to in Article 10. Member States may combine an energy efficiency obligation scheme with alternative policy measures. Member States shall ensure that energy savings resulting from policy measures	2. Member States shall achieve the amount of energy savings required under paragraph 1 of this Article either by establishing an energy efficiency obligation scheme referred to in Article 9 or by adopting alternative policy measures referred to in Article 10. Member States may combine an energy efficiency obligation scheme with alternative policy measures. Member States shall ensure that energy savings resulting from policy measures	2. Member States shall achieve the amount of energy savings required under paragraph 1 of this Article either by establishing an energy efficiency obligation scheme referred to in Article 9 or by adopting alternative policy measures referred to in Article 10. Member States may combine an energy efficiency obligation scheme with alternative policy measures. Member States shall ensure that energy savings resulting from policy measures	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	referred to in Articles 9 and 10 and Article 28(11) are calculated in accordance with Annex V.	referred to in Articles 9 and 10 and Article 28(11) are calculated in accordance with Annex V.	referred to in Articles 9 and 10 and Article 28(11) are calculated in accordance with Annex V.	
Article 8(3), first subparagraph				
273	<p>3. Member States shall implement energy efficiency obligation schemes, alternative policy measures, or a combination of both, or programmes or measures financed under an Energy Efficiency National Fund, as a priority among people affected by energy poverty, vulnerable customers and, where applicable, people living in social housing. Member States shall ensure that policy measures implemented pursuant to this Article have no adverse effect on those persons. Where applicable, Member States shall make the best possible use of funding, including public funding, funding facilities established at Union level, and revenues from allowances pursuant to Article 22(3)(b) with the aim of removing adverse effects and ensuring a just and inclusive energy transition.</p>	<p>3. Member States shall implement energy efficiency obligation schemes, alternative policy measures, or a combination of both, or programmes or measures financed under an Energy Efficiency National Fund, as a priority among people affected by energy poverty, <u>low-income households</u>, vulnerable customers and, where applicable, people living in social housing. Member States shall ensure that policy measures implemented pursuant to this Article have no adverse effect on those persons. Where applicable, Member States shall make the best possible use of funding, including public funding, funding facilities established at Union level, and revenues from allowances pursuant to Article 22(3)(b) with the aim of removing adverse effects and ensuring a just and inclusive energy transition.</p>	<p>3. Member States shall implement energy efficiency obligation schemes, alternative policy measures, or a combination of both, or programmes or measures financed under an Energy Efficiency National Fund, as a priority among, <b>but not limited to</b>, people affected by energy poverty, vulnerable customers and, where applicable, people living in social housing, <b>or financially weak households</b>. Member States shall ensure that policy measures implemented pursuant to this Article have no adverse effect on those persons. Where applicable, Member States shall make the best possible use of funding, including public funding, funding facilities established at Union level, and revenues from allowances pursuant to Article 22(3)(b) with the aim of removing adverse effects and ensuring a just and inclusive</p>	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			energy transition.	
Article 8(3), second subparagraph				
274	In designing such policy measures, Member States shall consider and promote the role of renewable energy communities and citizen energy communities in the contribution to the implementation towards these policy measures.	In <del>designing such policy measures</del> <u>order to achieve the amount of energy savings required under paragraph 1</u> , Member States shall consider and promote the role of renewable energy communities and citizen energy communities in the contribution to the implementation towards these policy measures.	<b>Without prejudice to Directive (EU) 2019/944 on common rules for the internal market for electricity and Regulation (EU) 2019/943 on the internal market for electricity</b> in designing such policy measures, Member States shall consider and promote the role of renewable energy communities and citizen energy communities in the contribution to the implementation towards these policy measures.	
Article 8(3), third subparagraph, introductory part				
275	Member States shall achieve a share of the required amount of cumulative end-use energy savings among people affected by energy poverty vulnerable customers and, where applicable, people living in social housing. This share shall at least equal the proportion of households in energy poverty as assessed in their National Energy	Member States shall <u>establish and</u> achieve a <u>minimum</u> share of the required amount of cumulative end-use energy savings among people affected by energy poverty, <u>low-income households</u> , vulnerable customers and, where applicable, people living in social housing. This share shall at least equal the proportion of households	Member States shall achieve a share of the required amount of cumulative end-use energy savings among people affected by energy poverty vulnerable customers and, where applicable, people living in social housing. This share shall at least equal the proportion of households in energy poverty as assessed in their National Energy	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	and Climate Plan established in accordance with Article 3(3)(d) of the Governance Regulation 2018/1999. If a Member State had not notified the share of households in energy poverty as assessed in their National Energy and Climate Plan, the share of the required amount of cumulative end-use energy savings among people affected by energy poverty vulnerable customers and, where applicable, people living in social housing, shall at least equal the arithmetic average share of the following indicators for the year 2019 or, if not available for 2019, for the linear extrapolation of their values for the last three years that are available:	in energy poverty as assessed in their National Energy and Climate Plan established in accordance with Article 3(3)(d) of the Governance Regulation 2018/1999. <u>Member States shall, in their assessment of the share of energy poverty in their National Energy and Climate Plans, consider the indicators referred to in points (a) to (bb) of this subparagraph.</u> If a Member State had not notified the share of households in energy poverty as assessed in their National Energy and Climate Plan, the share of the required amount of cumulative end-use energy savings among people affected by energy poverty, <u>low-income households</u> , vulnerable customers and, where applicable, people living in social housing, shall at least equal the arithmetic average share of the following indicators for the year 2019 or, if not available for 2019, for the linear extrapolation of their values for the last three years that are available:	and Climate Plan established in accordance with Article 3(3)(d) of the Governance Regulation 2018/1999. If a Member State had not notified the share of households in energy poverty as assessed in their National Energy and Climate Plan, the share of the required amount of cumulative end-use energy savings among people affected by energy poverty vulnerable customers and, where applicable, people living in social housing, shall at least equal the arithmetic average share of the following indicators for the year 2019 or, if not available for 2019, for the linear extrapolation of their values for the last three years that are available:	
Article 8(3), third subparagraph, point (a)				
276				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	a) Inability to keep home adequately warm (Eurostat, SILC [ilc_mdcs01]);	a) Inability to keep home adequately warm (Eurostat, SILC [ilc_mdcs01]);	a) Inability to keep home adequately warm (Eurostat, SILC [ilc_mdcs01]);	
Article 8(3), third subparagraph, point (b)				
277	b) Arrears on utility bills (Eurostat, SILC, [ilc_mdcs07]); and	b) Arrears on utility bills (Eurostat, SILC, [ilc_mdcs07]); and	b) Arrears on utility bills (Eurostat, SILC, [ilc_mdcs07]); and	
Article 8(3), third subparagraph, point (ba)				
277a		<u>(ba) total population living in a dwelling with a leaking roof, damp walls, floors or foundation, or rot in window frames or floor (Eurostat, SILC [ilc_mdho01]);</u>		
Article 8(3), third subparagraph, point (bb)				
277b		<u>(bb) at-risk-of-poverty rate (Eurostat, SILC and ECHP surveys [ilc_li02]) (cutoff point: 60 % of median equivalised income after social transfers.</u>		
Article 8(3), third subparagraph, point (c)				
278				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	c) Structure of consumption expenditure by income quintile and COICOP consumption purpose (Eurostat, HBS, [hbs_str_t223], data for [CP045] Electricity, gas and other fuels).	<i>deleted</i>	c) Structure of consumption expenditure by income quintile and COICOP consumption purpose (Eurostat, HBS, [hbs_str_t223], data for [CP045] Electricity, gas and other fuels).	
Article 8(4)				
279	4. Member States shall include information about the indicators applied, the arithmetic average share and the outcome of policy measures established in accordance with paragraph 3 of this Article in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999, and respective progress reports in accordance with Article 17 of that Regulation.	4. Member States shall include information about the indicators applied, the arithmetic average share and the outcome of policy measures established in accordance with paragraph 3 of this Article in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999, and respective progress reports in accordance with Article 17 of that Regulation.	4. Member States shall include information about the indicators applied, the arithmetic average share and the outcome of policy measures established in accordance with paragraph 3 of this Article in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999, and respective progress reports in accordance with Article 17 of that Regulation.	
Article 8(5)				
280	5. Member States may count	5. Member States may count	5. Member States may count	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	energy savings that stem from policy measures, whether introduced by 31 December 2020 or after that date, provided that those measures result in new individual actions that are carried out after 31 December 2020. Energy savings achieved in any obligation period shall not count towards the amount of required energy savings for the previous obligation periods set out in paragraph 1.	energy savings that stem from policy measures, whether introduced by 31 December 2020 or after that date, provided that those measures result in new individual actions that are carried out after 31 December 2020. Energy savings achieved in any obligation period shall not count towards the amount of required energy savings for the previous obligation periods set out in paragraph 1.	energy savings that stem from policy measures, whether introduced by 31 December 2020 or after that date, provided that those measures result in new individual actions that are carried out after 31 December 2020. Energy savings achieved in any obligation period shall not count towards the amount of required energy savings for the previous obligation periods set out in paragraph 1.	
Article 8(6), introductory part				
281	6. Provided that Member States achieve at least their cumulative end-use energy savings obligation referred to in point (b) of the first subparagraph of paragraph 1, they may calculate the required amount of energy savings referred to in point (b) of the first subparagraph of paragraph 1 by one or more of the following means:	6. Provided that Member States achieve at least their cumulative end-use energy savings obligation referred to in point (b) of the first subparagraph of paragraph 1, they may calculate the required amount of energy savings referred to in point (b) of the first subparagraph of paragraph 1 by one or more of the following means:	6. . Provided that Member States achieve at least their cumulative end-use energy savings obligation referred to in point (b) (i) of the first subparagraph of paragraph 1, they may calculate the required amount of energy savings referred to in point (b) (i) of the first subparagraph of paragraph 1– by one or more of the following means:	
Article 8(6), point (a)				
282				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(a) applying an annual savings rate on energy sales to final customers or on final energy consumption, averaged over the most recent three-year period prior to 1 January 2019;	(a) applying an annual savings rate on energy sales to final customers or on final energy consumption, averaged over the most recent three-year period prior to 1 January 2019;	(a) applying an annual savings rate on energy sales to final customers or on final energy consumption, averaged over the most recent three-year period prior to 1 January 2019;	
Article 8(6), point (b)				
283	(b) excluding, in whole or in part, energy used in transport from the calculation baseline;	(b) excluding, in whole or in part, energy used in transport from the calculation baseline;	(b) excluding, in whole or in part, energy used in transport from the calculation baseline;	
Article 8(6), point (c)				
284	(c) making use of any of the options set out in paragraph 84.	(c) making use of any of the options set out in paragraph 84.	(c) making use of any of the options set out in paragraph 84.	
Article 8(7), introductory part				
285	7. Where Member States make use of any of the possibilities provided for in paragraph 6 regarding the required energy savings referred to in point (b) of the first subparagraph of paragraph 1, they shall establish:	7. Where Member States make use of any of the possibilities provided for in paragraph 6 regarding the required energy savings referred to in point (b) of the first subparagraph of paragraph 1, they shall establish:	7. Where Member States make use of any– of the possibilities provided for in paragraph 6 regarding the required energy savings referred to in point (b) (i) of the first subparagraph of paragraph 1-, they shall establish:	
Article 8(7), point (a)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
286	(a) their own annual savings rate that will be applied in the calculation of their cumulative end-use energy savings, which shall ensure that the final amount of their net energy savings is no lower than those required under point (b) of the first subparagraph of paragraph 1;	(a) their own annual savings rate that will be applied in the calculation of their cumulative end-use energy savings, which shall ensure that the final amount of their net energy savings is no lower than those required under point (b) of the first subparagraph of paragraph 1;	(a) their own annual savings rate that will be applied in the calculation of their cumulative end-use energy savings, which shall ensure that the final amount of their net energy savings is no lower than those required under point (b) (i) of the first subparagraph of paragraph 1;	
Article 8(7), point (b)				
287	(b) their own calculation baseline, which may exclude, in whole or in part, energy used in transport.	(b) their own calculation baseline, which may exclude, in whole or in part, energy used in transport.	(b) their own calculation baseline, which may exclude, in whole or in part, energy used in transport.	
Article 8(8), introductory part				
288	8. Subject to paragraph 9, each Member State may:	8. Subject to paragraph 9, each Member State may:	8. Subject to paragraph 9, each Member State may:	
Article 8(8), point (a)				
289	(a) carry out the calculation required under point (a) of the first subparagraph of paragraph 1 using values of 1 % in 2014 and 2015; 1,25 % in 2016 and 2017; and 1,5	(a) carry out the calculation required under point (a) of the first subparagraph of paragraph 1 using values of 1 % in 2014 and 2015; 1,25 % in 2016 and 2017; and 1,5	(a) carry out the calculation required under point (a) of the first subparagraph of paragraph 1 using values of 1 % in 2014 and 2015; 1,25 % in 2016 and 2017; and 1,5	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	% in 2018, 2019 and 2020;	% in 2018, 2019 and 2020;	% in 2018, 2019 and 2020;	
Article 8(8), point (b)				
290	(b) exclude from the calculation all or part of the sales of energy used, by volume, with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1, or final energy consumed, with respect to the obligation period referred to in point (b) of that subparagraph, by industrial activities listed in Annex I to Directive 2003/87/EC;	(b) exclude from the calculation all or part of the sales of energy used, by volume, with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1, or final energy consumed, with respect to the obligation period referred to in point (b) of that subparagraph, by industrial activities listed in Annex I to Directive 2003/87/EC;	(b) exclude from the calculation all or part of the sales of energy used, by volume, with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1, or final energy consumed, with respect to the obligation period referred to in point (b) of that subparagraph, by industrial activities listed in Annex I to Directive 2003/87/EC;	
Article 8(8), point (c)				
291	(c) count towards the amount of required energy savings in point (a) and (b) of the first subparagraph of paragraph 1 , energy savings achieved in the energy transformation, distribution and transmission sectors, including efficient district heating and cooling infrastructure, as a result of implementing the requirements set out in in Article 23(4), point (a) of Article 24(4), and Article 25(1), (5)	(c) count towards the amount of required energy savings in point (a) and (b) of the first subparagraph of paragraph 1 , energy savings achieved in the energy transformation, distribution and transmission sectors, including efficient district heating and cooling infrastructure, as a result of implementing the requirements set out in in Article 23(4), point (a) of Article 24(4), and Article 25(1), (5)	(c) count towards the amount of required energy savings in point (a) and (b) of the first subparagraph of paragraph 1 , energy savings achieved in the energy transformation, distribution and transmission sectors, including efficient district heating and cooling infrastructure, as a result of implementing the requirements set out in in Article 23(4), point (a) of Article 24(4), and Article 25(1), (5)	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	to (9) and (11). Member States shall inform the Commission about their intended policy measures under this point for the period from 1 January 2021 to 31 December 2030 as part of their integrated national energy and climate plans. The impact of those measures shall be calculated in accordance with Annex V and included in those plans;	to (9) and (11). Member States shall inform the Commission about their intended policy measures under this point for the period from 1 January 2021 to 31 December 2030 as part of their integrated national energy and climate plans. The impact of those measures shall be calculated in accordance with Annex V and included in those plans;	to (9) and (11). Member States shall inform the Commission about their intended policy measures under this point for the period from 1 January 2021 to 31 December 2030 as part of their integrated national energy and climate plans. The impact of those measures shall be calculated in accordance with Annex V and included in those plans;	
Article 8(8), point (d)				
292	(d) count towards the amount of required energy savings, energy savings resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1 and beyond 2020 with respect to the period referred to in point (b) of the first subparagraph of paragraph 1, and which can be measured and verified;	(d) count towards the amount of required energy savings, energy savings resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1 and beyond 2020 with respect to the period referred to in point (b) of the first subparagraph of paragraph 1, and which can be measured and verified;	(d) count towards the amount of required energy savings, energy savings resulting from individual actions newly implemented since 31 December 2008 that continue to have an impact in 2020 with respect to the obligation period referred to in point (a) of the first subparagraph of paragraph 1 and beyond 2020 with respect to the period referred to in point (b) of the first subparagraph of paragraph 1, and which can be measured and verified;	
Article 8(8), point (e)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
293	(e) count towards the amount of required energy savings, energy savings that stem from policy measures, provided that it can be demonstrated that those measures result in individual actions carried out from 1 January 2018 to 31 December 2020 which deliver savings after 31 December 2020;	(e) count towards the amount of required energy savings, energy savings that stem from policy measures, provided that it can be demonstrated that those measures result in individual actions carried out from 1 January 2018 to 31 December 2020 which deliver savings after 31 December 2020;	(e) count towards the amount of required energy savings, energy savings that stem from policy measures, provided that it can be demonstrated that those measures result in individual actions carried out from 1 January 2018 to 31 December 2020 which deliver savings after 31 December 2020;	
Article 8(8), point (f)				
294	(f) exclude from the calculation of the amount of required energy savings pursuant to point (a) and (b) of the first subparagraph of paragraph 1, 30 % of the verifiable amount of energy generated on or in buildings for own use as a result of policy measures promoting new installation of renewable energy technologies;	(f) exclude from the calculation of the amount of required energy savings pursuant to point (a) and (b) of the first subparagraph of paragraph 1, 30 % of the verifiable amount of energy generated on or in buildings for own use as a result of policy measures promoting new installation of renewable energy technologies;	(f) exclude from the calculation of the amount of required energy savings pursuant to point (a) and (b) (i) of the first subparagraph of paragraph 1-, 30 % of the verifiable amount of energy generated on or in buildings for own use as a result of policy measures promoting new installation of renewable energy technologies;	
Article 8(8), point (g)				
295	(g) count towards the amount of required energy savings pursuant to point (a) and (b) of the first subparagraph of paragraph 1,	(g) count towards the amount of required energy savings pursuant to point (a) and (b) of the first subparagraph of paragraph 1,	(g) count towards the amount of required energy savings pursuant to point (a) and (b) (i) of the first subparagraph of paragraph 1,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	energy savings that exceed the energy savings required for the obligation period from 1 January 2014 to 31 December 2020, provided that those savings result from individual actions carried out under policy measures referred to in Articles 9 and 10, notified by Member States in their National Energy Efficiency Action Plans and reported in their progress reports in accordance with Article 24.	energy savings that exceed the energy savings required for the obligation period from 1 January 2014 to 31 December 2020, provided that those savings result from individual actions carried out under policy measures referred to in Articles 9 and 10, notified by Member States in their National Energy Efficiency Action Plans and reported in their progress reports in accordance with Article 24.	energy savings that exceed the energy savings required for the obligation period from 1 January 2014 to 31 December 2020, provided that those savings result from individual actions carried out under policy measures referred to in Articles 9 and 10, notified by Member States in their National Energy Efficiency Action Plans and reported in their progress reports in accordance with Article 24.	
Article 8(9), first subparagraph, introductory part				
296	9. Member States shall apply and calculate the effect of the options chosen under paragraph 8 for the period referred to in points (a) and (b) of the first subparagraph of paragraph 1 separately:	9. Member States shall apply and calculate the effect of the options chosen under paragraph 8 for the period referred to in points (a) and (b) of the first subparagraph of paragraph 1 separately:	9. Member States shall apply and calculate the effect of the options chosen under paragraph 8 for the period referred to in points (a) and (b) <b>(i)</b> of the first subparagraph of paragraph 1 separately:	
Article 8(9), first subparagraph, point (a)				
297	(a) for the calculation of the amount of energy savings required for the obligation period referred to in point (a) of the first subparagraph of paragraph 1,	(a) for the calculation of the amount of energy savings required for the obligation period referred to in point (a) of the first subparagraph of paragraph 1,	(a) for the calculation of the amount of energy savings required for the obligation period referred to in point (a) of the first subparagraph of paragraph 1,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Member States may make use of points (a) to (d) of paragraph 8. All the options chosen under paragraph 8 taken together shall amount to no more than 25 % of the amount of energy savings referred to in point (a) of the first subparagraph of paragraph 1;	Member States may make use of points (a) to (d) of paragraph 8. All the options chosen under paragraph 8 taken together shall amount to no more than 25 % of the amount of energy savings referred to in point (a) of the first subparagraph of paragraph 1;	Member States may make use of points (a) to (d) of paragraph 8. All the options chosen under paragraph 8 taken together shall amount to no more than 25 % of the amount of energy savings referred to in point (a) of the first subparagraph of paragraph 1;	
Article 8(9), first subparagraph, point (b)				
298	(b) for the calculation of the amount of energy savings required for the obligation period referred to in point (b) the first subparagraph of paragraph 1, Member States may make use of points (b) to (g) of paragraph 8, provided individual actions referred to in point (d) of paragraph 8 continue to have a verifiable and measurable impact after 31 December 2020. All the options chosen under paragraph 8 taken together shall not lead to a reduction of more than 35 % of the amount of energy savings calculated in accordance with paragraphs 6 and 7.	(b) for the calculation of the amount of energy savings required for the obligation period referred to in point (b) the first subparagraph of paragraph 1, Member States may make use of points (b) to (g) of paragraph 8, provided individual actions referred to in point (d) of paragraph 8 continue to have a verifiable and measurable impact after 31 December 2020. All the options chosen under paragraph 8 taken together shall not lead to a reduction of more than 35 % of the amount of energy savings calculated in accordance with paragraphs 6 and 7.	(b) for the calculation of the amount of energy savings required for the obligation period referred to in point (b) (i) the first subparagraph of paragraph 1, Member States may make use of points (b) to (g) of paragraph 8, provided individual actions referred to in point (d) of paragraph 8 continue to have a verifiable and measurable impact after 31 December 2020. All the options chosen under paragraph 8 taken together shall not lead to a reduction of more than 35 % of the amount of energy savings calculated in accordance with paragraphs 6 and 7.	
Article 8(9), second subparagraph				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
299	Regardless of whether Member States exclude, in whole or in part, energy used in transport from their calculation baseline or make use of any of the options listed in paragraph 8, they shall ensure that the calculated net amount of new savings to be achieved in final energy consumption during the obligation period referred to in point (b) of the first subparagraph of paragraph 1 from 1 January 2021 to 31 December 2023 is not lower than the amount resulting from applying the annual savings rate referred to in point (b) of the first subparagraph of paragraph 1.	Regardless of whether Member States exclude, in whole or in part, energy used in transport from their calculation baseline or make use of any of the options listed in paragraph 8, they shall ensure that the calculated net amount of new savings to be achieved in final energy consumption during the obligation period referred to in point (b) of the first subparagraph of paragraph 1 from 1 January 2021 to 31 December 2023 is not lower than the amount resulting from applying the annual savings rate referred to in point (b) of the first subparagraph of paragraph 1.	Regardless of whether Member States exclude, in whole or in part, energy used in transport from their calculation baseline or make use of any of the options listed in paragraph 8, they shall ensure that the calculated net amount of new savings to be achieved in final energy consumption during the obligation period referred to in point (b) <b>(i)</b> of the first subparagraph of paragraph 1– from 1 January 2021 to 31 December 2023– is not lower than the amount resulting from applying the annual savings rate referred to in point (b) of the first subparagraph of paragraph 1–	
Article 8(10)				
300	10. Member States shall describe in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999 and in	10. Member States shall describe in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999 and in	10. Member States shall describe in the updates of their integrated national energy and climate plans in accordance with Article 14 of Regulation (EU) 2018/1999, in their subsequent integrated national energy and climate plans pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999 and in	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	accordance with Annex III to Regulation (EU) 2018/1999, and respective progress reports the calculation of the amount of energy savings to be achieved over the period from 1 January 2021 to 31 December 2030 and shall, if relevant, explain how the annual savings rate and the calculation baseline were established, and how and to what extent the options referred to in paragraph 8 of this Article were applied.	accordance with Annex III to Regulation (EU) 2018/1999, and respective progress reports the calculation of the amount of energy savings to be achieved over the period from 1 January 2021 to 31 December 2030 and shall, if relevant, explain how the annual savings rate and the calculation baseline were established, and how and to what extent the options referred to in paragraph 8 of this Article were applied.	accordance with Annex III to Regulation (EU) 2018/1999, and respective progress reports the calculation of the amount of energy savings to be achieved over the period from 1 January 2021 to 31 December 2030 and shall, if relevant, explain how the annual savings rate and the calculation baseline were established, and how and to what extent the options referred to in paragraph 8 of this Article were applied.	
Article 8(11)				
301	11. Member States shall notify the Commission with the amount of the required energy savings referred to in point (c) of the first subparagraph of paragraph 1 and paragraph 3 of this Article, a description of the policy measures to be implemented to achieve the required total amount of the cumulative end-use energy savings and their calculation methodologies pursuant to Annex V of this Directive, as part of the updates of their integrated national energy and climate plans in	11. Member States shall notify the Commission with the amount of the required energy savings referred to in point (c) of the first subparagraph of paragraph 1 and paragraph 3 of this Article, a description of the policy measures to be implemented to achieve the required total amount of the cumulative end-use energy savings and their calculation methodologies pursuant to Annex V of this Directive, as part of the updates of their integrated national energy and climate plans in	11. Member States shall notify the Commission with the amount of the required energy savings referred to in point <del>(c)</del> (b) of the first subparagraph of paragraph 1 and paragraph 3 of this Article, a description of the policy measures to be implemented to achieve the required total amount of the cumulative end-use energy savings and their calculation methodologies pursuant to Annex V of this Directive, as part of the updates of their integrated national energy and climate plans in	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999. Member States shall use the reporting template provided to the Member States by the Commission.	accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999. Member States shall use the reporting template provided to the Member States by the Commission.	accordance with Article 14 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure pursuant to Articles 3 and 7 to 12 of Regulation (EU) 2018/1999. Member States shall use the reporting template provided to the Member States by the Commission.	
Article 8(12)				
302	12. Where on the basis of the assessment of the integrated national energy and climate progress reports pursuant to Article 29 of Regulation (EU) 2018/1999, or of the draft or final update of the latest notified integrated national energy and climate plan pursuant to Article 14 of Regulation (EU) 2018/1999, or the assessment of the subsequent draft and final integrated national energy and climate plans pursuant to Article 3 and 7 to 12 of Regulation (EU) 2018/1999, the Commission concludes that policy measures do	12. Where on the basis of the assessment of the integrated national energy and climate progress reports pursuant to Article 29 of Regulation (EU) 2018/1999, or of the draft or final update of the latest notified integrated national energy and climate plan pursuant to Article 14 of Regulation (EU) 2018/1999, or the assessment of the subsequent draft and final integrated national energy and climate plans pursuant to Article 3 and 7 to 12 of Regulation (EU) 2018/1999, the Commission concludes that policy measures do	12. Where on the basis of the assessment of the integrated national energy and climate progress reports pursuant to Article 29 of Regulation (EU) 2018/1999, or of the draft or final update of the latest notified integrated national energy and climate plan pursuant to Article 14 of Regulation (EU) 2018/1999, or the assessment of the subsequent draft and final integrated national energy and climate plans pursuant to Article 3 and 7 to 12 of Regulation (EU) 2018/1999, the Commission concludes that policy measures do	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	not ensure the achievement of the required amount of cumulative end-use energy savings by the end of the obligation period, the Commission may issue recommendations in accordance with Article 34 of Regulation (EU) 2018/1999 to the Member States whose policy measures it deems insufficient to ensure the fulfilment of their energy savings obligations.	not ensure the achievement of the required amount of cumulative end-use energy savings by the end of the obligation period, the Commission may issue recommendations in accordance with Article 34 of Regulation (EU) 2018/1999 to the Member States whose policy measures it deems insufficient to ensure the fulfilment of their energy savings obligations.	not ensure the achievement of the required amount of cumulative end-use energy savings by the end of the obligation period, the Commission may issue recommendations in accordance with Article 34 of Regulation (EU) 2018/1999 to the Member States whose policy measures it deems insufficient to ensure the fulfilment of their energy savings obligations.	
Article 8(13)				
303	13. Where a Member State has not achieved the required cumulative end-use energy savings by the end of each obligation period set out in paragraph 1 of this Article, it shall achieve the outstanding energy savings in addition to the cumulative end-use energy savings required by the end of the following obligation period.	13. Where a Member State has not achieved the required cumulative end-use energy savings by the end of each obligation period set out in paragraph 1 of this Article, it shall achieve the outstanding energy savings in addition to the cumulative end-use energy savings required by the end of the following obligation period.	13. Where a Member State has not achieved the required cumulative end-use energy savings by the end of each obligation period set out in paragraph 1 of this Article, it shall achieve the outstanding energy savings in addition to the cumulative end-use energy savings required by the end of the following obligation period. <b>Alternatively, where a Member State has achieved cumulative end-use energy savings above the required level by the end of each obligation period set out in paragraph 1 of this Article, it</b>	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			shall be entitled to carry the eligible amount of no more than 10% of such surplus into the following obligation period without having the target commitment being increased.	
Article 8(14), introductory part				
304	14. As part of their updates of national energy and climate plans and respective progress reports, and their subsequent integrated national energy and climate plans and notified pursuant to Regulation (EU) 2018/1999 Member States shall demonstrate including, where appropriate, evidence and calculations:	14. As part of their updates of national energy and climate plans and respective progress reports, and their subsequent integrated national energy and climate plans and notified pursuant to Regulation (EU) 2018/1999 Member States shall demonstrate including, where appropriate, evidence and calculations:	14. As part of their updates of national energy and climate plans and respective progress reports, and their subsequent integrated national energy and climate plans and notified pursuant to Regulation (EU) 2018/1999 Member States shall demonstrate including, where appropriate, evidence and calculations:	
Article 8(14), point (a)				
305	(a) that where there is an overlap in the impact of policy measures or individual actions, there is no double counting of energy savings;	(a) that where there is an overlap in the impact of policy measures or individual actions, there is no double counting of energy savings;	(a) that where there is an overlap in the impact of policy measures or individual actions, there is no double counting of energy savings;	
Article 8(14), point (b)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
306	(b) how energy savings achieved pursuant to points (b) and (c) of the first subparagraph of paragraph 1 contribute to the achievement of their national contribution pursuant to Article 4;	(b) how energy savings achieved pursuant to points (b) and (c) of the first subparagraph of paragraph 1 contribute to the achievement of their national contribution pursuant to Article 4;	(b) how energy savings achieved pursuant to points (b) and (c) of the first subparagraph of paragraph 1 contribute to the achievement of their national contribution pursuant to Article 4;	
Article 8(14), point (c)				
307	(c) that policy measures are established for fulfilling their energy savings obligation, designed in compliance with the requirements of this Article and that those policy measures are eligible and appropriate to ensure the achievement of the required amount of cumulative end-use energy savings by the end of each obligation period.	(c) that policy measures are established for fulfilling their energy savings obligation, designed in compliance with the requirements of this Article and that those policy measures are eligible and appropriate to ensure the achievement of the required amount of cumulative end-use energy savings by the end of each obligation period.	(c) that policy measures are established for fulfilling their energy savings obligation, designed in compliance with the requirements of this Article and that those policy measures are eligible and appropriate to ensure the achievement of the required amount of cumulative end-use energy savings by the end of each obligation period.	
Article 11				
329	Article 11 Energy management systems and energy audits	Article 11 Energy management systems and energy audits	Article 11 Energy management systems and energy audits	
Article 11(1) first subparagraph introductory part				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
330	1. Member States shall ensure that enterprises with an average annual consumption higher than 100TJ of energy over the previous three years and taking all energy carriers together, implement an energy management system. The energy management system shall be certified by an independent body according to the relevant European or International Standards.	1. Member States shall ensure that enterprises <del>with an average annual consumption higher than 100TJ</del> <u>of implement an energy management system, where their average annual energy consumption</u> over the previous three years <del>and</del> taking all energy carriers together, <del>implement an energy management system. The energy management system shall be certified by an independent body according to the relevant European or International Standards</del> <u>is:</u>	1. Member States shall ensure that enterprises with an average annual consumption higher than 100TJ of energy over the previous three years and taking all energy carriers together, implement an energy management system. The energy management system shall be certified by an independent body according to the relevant European or International Standards.	
Article 11(1) first subparagraph point (a)				
330a		<u>(a) higher than 100 TJ, from 1 January 2024;</u>		
Article 11(1) first subparagraph point (b)				
330b		<u>(b) higher than 70 TJ, from 1 January 2027.</u>		
Article 11(1) second subparagraph				
330c				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u><i>The energy management system shall be certified by an independent body according to the relevant European or international standards.</i></u>		
Article 11(2), first subparagraph introductory part				
331	2. Member States shall ensure that enterprises with an average annual consumption higher than 10TJ of energy over the previous three years and taking all energy carriers together that do not implement an energy management system are subject to an energy audit. Energy audits shall be carried out in an independent and cost-effective manner by qualified or accredited experts in accordance with requirements provided in Article 26 or implemented and supervised by independent authorities under national legislation. Energy audits shall be carried out at least every four years from the date of the previous energy audit.	2. Member States shall ensure that enterprises <del>with an average annual consumption higher than 10TJ of energy over the previous three years and taking all energy carriers together</del> that do not implement an energy management system are subject to an energy audit. <del>Energy audits shall be carried out in an independent and cost-effective manner by qualified or accredited experts in accordance with requirements provided in Article 26 or implemented and supervised by independent authorities under national legislation.</del> <u><i>where their average annual energy audits shall be carried out at least every four consumption over the previous three years from the date of the previous energy audit.</i></u> <u><i>taking all energy carriers</i></u>	2. Member States shall ensure that enterprises with an average annual consumption higher than 10TJ of energy over the previous three years and taking all energy carriers together that do not implement an energy management system are subject to an energy audit. Energy audits shall be carried out in an independent and cost-effective manner by qualified or accredited experts in accordance with requirements provided in Article 26 or implemented and supervised by independent authorities under national legislation. Energy audits shall be carried out at least every four years from the date of the previous energy audit.	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>together, is:</u>		
Article 11(2), first subparagraph point (a)				
331a		<u>(a) higher than 10 TJ, from 1 January 2024;</u>		
Article 11(2), first subparagraph point (b)				
331b		<u>(b) higher than 6 TJ, from 1 January 2027.</u>		
Article 11(2), second subparagraph				
331c		<u>Energy audits shall be carried out according to the relevant European or international standards in an independent and cost-effective manner by qualified or accredited sector specific experts or accredited independent bodies in accordance with requirements provided in Article 26 or implemented and supervised by independent authorities under national legislation. Energy audits shall be carried out at least every four years from the date of the previous energy audit.</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 11(2), third subparagraph				
332	The results of the energy audits including the recommendations from these audits shall be transmitted to the management of the enterprise. Member States shall ensure that the results and the implemented recommendations are published in the enterprise's annual report, where applicable.	The results of the energy audits including the recommendations from these audits shall <u>result in concrete and feasible implementation plans indicating the cost and payback period for each recommended energy efficiency action and shall</u> be transmitted to the management of the enterprise. Member States shall ensure that the <u>implementation of the recommendations is mandatory, with the exception of those where the payback period is longer than three years. Member States shall ensure that the</u> results and the implemented recommendations are published in the enterprise's annual report, <del>where applicable</del> <u>and made public available, except information subject to national laws protecting trade and business secrets and confidentiality.</u>	The results of the energy audits including the recommendations from these audits shall be transmitted to the management of the enterprise. Member States shall ensure that the results and the implemented recommendations are published in the enterprise's annual report, <del>where applicable</del> <b>except information subject to national laws protecting trade and business secrets and confidentiality.</b>	
Article 11(2a ), introductory part				
332a				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>2a. Member States may encourage all eligible companies to provide the following information in their annual report:</u>		
Article 11(2), second subparagraph a				
332b			For the purposes of paragraphs 1 and 2, Member States shall require that if an enterprise has an annual consumption of more than 100 TJ and 10 TJ respectively any given year, this information be made available to the national authorities in charge of the implementation of this article. For this purpose, Member States can promote the use of a new or existing platform to facilitate the collection of the required data at national level.	
Article 11(2a), point (a)				
332c		<u>(a) information on the yearly energy consumption in kWh;</u>		
Article 11(2a), point (b)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
332d		<u>(b) information on the yearly volume of water consumed in cubic metres;</u>		
Article 11(2a), point (c)				
332e		<u>(c) comparisons of the yearly energy and water consumption with previous years of the same facility.</u>		
Article 11(3), first subparagraph, introductory part				
333	3. Member States shall promote the availability to all final customers of high quality energy audits which are cost-effective and:	3. Member States shall promote the availability to all final customers of high quality energy audits which are cost-effective and:	3. Member States shall promote the availability to all final customers of high quality energy audits which are cost-effective and:	
Article 11(3), first subparagraph, point (a)				
334	(a) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or	(a) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or	(a) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or	
Article 11(3), first subparagraph, point (b)				
335				



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(b) implemented and supervised by independent authorities under national legislation.	(b) implemented and supervised by independent authorities under national legislation.	(b) implemented and supervised by independent authorities under national legislation.	
Article 11(3), second subparagraph				
336	The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that the Member State concerned has put in place a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.	The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that the Member State concerned has put in place <u>safeguards to ensure their ability to carry out audits in an independent manner as well as</u> a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.	The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that the Member State concerned has put in place a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.	
Article 11(3), third subparagraph				
337	For the purpose of guaranteeing the high quality of the energy audits and energy management systems, Member States shall establish transparent and non-discriminatory minimum criteria for energy audits based on Annex VI. Member States	For the purpose of guaranteeing the high quality of the energy audits and energy management systems, Member States shall establish transparent and non-discriminatory minimum criteria for energy audits based on Annex VI <u>and specified</u>	For the purpose of guaranteeing the high quality of the energy audits and energy management systems, Member States shall establish transparent and non-discriminatory minimum criteria for energy audits based on Annex VI. Member States	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	shall ensure that quality checks are carried out to ensure the validity and accuracy of energy audits.	<u>in European and international standards</u> . Member States shall ensure that quality checks are carried out to ensure the validity and accuracy of energy audits.	shall <b>designate a competent authority or body</b> to ensure that quality checks are carried out to ensure the validity and accuracy of energy audits. <b>the timelines for conducting energy audits as specified in paragraph 2 are respected and the minimum criteria set out in Annex VI are correctly applied.</b>	
Article 11(3), fourth subparagraph				
338	Energy audits shall not include clauses preventing the findings of the audit from being transferred to any qualified/accredited energy service provider, on condition that the customer does not object.	Energy audits shall not include clauses preventing the findings of the audit from being transferred to any qualified/accredited energy service provider, on condition that the customer does not object.	Energy audits shall not include clauses preventing the findings of the audit from being transferred to any qualified/accredited energy service provider, on condition that the customer does not object.	
Article 11(4), first subparagraph				
339	4. Member States shall develop programmes to encourage SMEs that are not subject to paragraph 1 or 2 to undergo energy audits and the subsequent implementation of the recommendations from these audits.	4. Member States shall develop programmes <del>to encourage</del> <u>with the aim of encouraging and providing technical support to</u> SMEs that are not subject to paragraph 1 or 2 <del>to</del> undergo energy audits and the subsequent implementation of the recommendations from these	4. Member States shall develop programmes to encourage SMEs that are not subject to paragraph 1 or 2 to undergo energy audits and the subsequent implementation of the recommendations from these audits.	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		audits. <u><del>complying with the</del> minimum criteria set out in Annex VI.</u>		
Article 11(4), second subparagraph				
340	On the basis of transparent and non-discriminatory criteria and without prejudice to Union State aid law, Member States may set up support schemes for SMEs, including if they have concluded voluntary agreements, to cover costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits, if the proposed measures are implemented.	On the basis of transparent and non-discriminatory criteria and without prejudice to Union State aid law, Member States <del>may</del> <u>shall</u> set up <u>mechanisms such as energy audit centres for SMEs and microenterprises, where these are not in competition with private auditors, to provide subsidised energy audits, as well as other</u> support schemes for SMEs, including if they have concluded voluntary agreements, to cover costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits, if the proposed measures are implemented.	On the basis of transparent and non-discriminatory criteria and without prejudice to Union State aid law, Member States may set up support schemes for SMEs, including if they have concluded voluntary agreements, to cover costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits, if the proposed measures are implemented.	
Article 11(4), third subparagraph				
340a		<u>Member States shall support and provide incentives for the implementation of the</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<i><u>recommendations by means of technical and financial support, which shall not be accounted under the maximum amount of de minimis aid to enterprises, easier access to finance, with a special attention to SMEs and those companies that implement recommendations with the highest decarbonisation impact in terms of energy efficiency.</u></i>		
Article 11(4), fourth subparagraph				
341	Member States shall bring to the attention of SMEs, including through their respective representative intermediary organisations, concrete examples of how energy management systems could help their businesses. The Commission shall assist Member States by supporting the exchange of best practices in this domain.	Member States shall bring to the attention of SMEs, including through their respective representative intermediary organisations, concrete examples of how energy management systems could help their businesses. The Commission shall assist Member States by supporting the exchange of best practices in this domain.	Member States shall bring to the attention of SMEs, including through their respective representative intermediary organisations, concrete examples of how energy management systems could help their businesses. The Commission shall assist Member States by supporting the exchange of best practices in this domain.	
Article 11(4a), introductory part				
341a		<i><u>4a. For the purpose of paragraph 4, Member States shall ensure that</u></i>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>the programmes include:</u>		
Article 11(4a), point (a)				
341b		<u>(a) integration of energy management systems involving the management of the enterprise, including financial incentives with the commitment of the enterprise to uptake the energy efficiency measures identified;</u>		
Article 11(4a), point (b)				
341c		<u>(b) support to SMEs in quantifying the multiple benefits of energy efficiency measures within their operations;</u>		
Article 11(4a), point (c)				
341d		<u>(c) development of company-specific energy efficiency roadmaps developed in an interactive process, with a prioritisation of goals, measures, financial and technological options;</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 11(4a), point (d)				
341e		<u>(d) development of energy transition networks of SMEs, facilitated by independent facilitators;</u>		
Article 11(4a), point (e)				
341f		<u>(e) support mechanisms for such networks for the deployment of energy audits or energy management systems.</u>		
Article 11(5)				
342	5. Member States shall develop programmes to encourage non-SMEs that are not subject to paragraph 1 or 2 to undergo energy audits and the subsequent implementation of the recommendations from these audits.	5. Member States shall develop programmes to encourage non-SMEs that are not subject to paragraph 1 or 2 to undergo energy audits and the subsequent implementation of the recommendations from these audits <u>complying with the minimum criteria set out in Annex VI.</u>	5. Member States shall develop programmes to encourage non-SMEs that are not subject to paragraph 1 or 2 to undergo energy audits and the subsequent implementation of the recommendations from these audits.	
Article 11(6), first subparagraph				
343	6. Energy audits shall be	6. Energy audits shall be	6. Energy audits shall be	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	considered as fulfilling the requirements of paragraph 2 when they are carried out in an independent manner, on the basis of minimum criteria based on Annex VI, and implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned, or other bodies to which the competent authorities have delegated the responsibility concerned, or by the Commission.	considered as fulfilling the requirements of paragraph 2 when they are carried out in an independent manner, on the basis of minimum criteria based on Annex VI, and implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned, or other bodies to which the competent authorities have delegated the responsibility concerned, or by the Commission.	considered as fulfilling the requirements of paragraph 2 when they are carried out in an independent manner, on the basis of minimum criteria based on Annex VI, and implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned, or other bodies to which the competent authorities have delegated the responsibility concerned, or by the Commission.	
Article 11(6), second subparagraph				
344	Access of market participants offering energy services shall be based on transparent and non-discriminatory criteria.	Access of market participants offering energy services shall be based on transparent and non-discriminatory criteria.	Access of market participants offering energy services shall be based on transparent and non-discriminatory criteria.	
Article 11(7)				
345	7. Enterprises that implement an energy performance contract shall be exempted from the requirements of paragraphs 1 and 2 provided that the energy performance contract	7. Enterprises that implement an energy performance contract shall be <del>exempted from</del> <u>considered to fulfil</u> the requirements of paragraphs 1 and 2 provided that	7. Enterprises that implement an energy performance contract shall be exempted from the requirements of paragraphs 1 and 2 provided that the energy performance contract	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	complies with the requirements set out in Annex XIV.	the energy performance contract <u><i>covers the necessary elements of the energy management system</i></u> and complies with the requirements set out in Annex XIV.	<b>covers the necessary elements of the energy management system and that the contract</b> complies with the requirements set out in Annex XIV.	
Article 11(8)				
346	8. Enterprises that implement an environmental management system - certified by an independent body according to the relevant European or iInternational standards - shall be exempted from the requirements of paragraphs 1 and 2 , provided that the environmental management system concerned includes an energy audit on the basis of the minimum criteria based on Annex VI.	8. Enterprises that implement an environmental management system - certified by an independent body according to the relevant European or <del>iInternational</del> <u>international</u> standards - shall be <del>exempted from</del> <u>considered to fulfil</u> the requirements of paragraphs 1 and 2 , provided that the environmental management system concerned includes an energy audit on the basis of the minimum criteria based on Annex VI.	8. Enterprises that implement an environmental management system - certified by an independent body according to the relevant European or iInternational standards - shall be exempted from the requirements of paragraphs 1 and 2 , provided that the environmental management system concerned includes an energy audit on the basis of the minimum criteria based on Annex VI.	
Article 11(9), first subparagraph				
347	9. Energy audits may stand alone or be part of a broader environmental audit. Member States may require that an assessment of the technical and	9. Energy audits may stand alone or be part of a broader environmental audit. Member States may require that an assessment of the technical and	9. Energy audits may stand alone or be part of a broader environmental audit. Member States may require that an assessment of the technical and	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	economic feasibility of connection to an existing or planned district heating or cooling network shall be part of the energy audit.	economic feasibility of connection to an existing or planned district heating or cooling network shall be part of the energy audit.	economic feasibility of connection to an existing or planned district heating or cooling network shall be part of the energy audit.	
Article 11(9), second subparagraph				
348	Without prejudice to Union State aid law, Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.	Without prejudice to Union State aid law, Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.	Without prejudice to Union State aid law, Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.	
Article 11(9a)				
348a		<u>9a. Member States shall promote the implementation of energy management systems and energy audits within the public administration at national, regional and local level.</u>		
CHAPTER IV				
402	CHAPTER IV CONSUMER INFORMATION AND EMPOWERMENT	CHAPTER IV CONSUMER INFORMATION AND EMPOWERMENT	CHAPTER IV CONSUMER INFORMATION AND EMPOWERMENT	CHAPTER IV CONSUMER INFORMATION AND EMPOWERMENT  Text Origin: Commission

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Proposal
Article 20				
403	Article 20 Basic contractual rights for heating, cooling and domestic hot water	Article 20 Basic contractual rights for heating, cooling and domestic hot water	Article 20 Basic contractual rights for heating, cooling and domestic hot water	Article 20 Basic contractual rights for heating, cooling and domestic hot water  Text Origin: Commission Proposal
Article 20(1)				
404	<p>1. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council<sup>1</sup> and Council Directive 93/13/EEC<sup>2</sup>, Member States shall ensure that final customers and, where explicitly referred to, final users are granted the rights provided for in paragraphs 2 to 8 of this Article.</p> <p><sup>1</sup>. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and</p>	<p>1. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council<sup>1</sup> and Council Directive 93/13/EEC<sup>2</sup>, Member States shall ensure that final customers and, where explicitly referred to, final users are granted the rights provided for in paragraphs 2 to 8 of this Article.</p> <p><sup>1</sup>. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and</p>	<p>1. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council<sup>1</sup> and Council Directive 93/13/EEC<sup>2</sup>, Member States shall ensure that final customers and, where explicitly referred to, final users are granted the rights provided for in paragraphs 2 to 8 of this Article.</p> <p><sup>1</sup>. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and</p>	<p>1. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council<sup>1</sup> and Council Directive 93/13/EEC<sup>2</sup>, Member States shall ensure that final customers and, where explicitly referred to, final users are granted the rights provided for in paragraphs 2 to 8 of this Article.</p> <p><sup>1</sup>. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and</p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 20(2), first subparagraph, introductory part				
405	2. Final customers shall have the right to a contract with their supplier that specifies:	2. Final customers shall have the right to a contract with their supplier that specifies:	2. Final customers shall have the right to a contract with their supplier that specifies:	2. Final customers shall have the right to a contract with their supplier that specifies:  Equal to the Commission's proposal Tech level - agreed
Article 20(2), first subparagraph, point (a)				
406	(a) the identity and address of the supplier;		(a) the identity <del>and</del> , address <b>and contact details</b> of the supplier;	(a) the identity <del>and</del> , address <u>and contact details</u> of the supplier;  Tech level - agreed
Article 20(2), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
407	(b) the services provided and the service quality levels offered;	(b) the services provided and the service quality levels offered;	(b) the services provided and the <b>minimum</b> service quality levels <del>offered</del> <b>included</b> ;	(b) the services provided and the service quality levels <del>offered</del> <b>included</b> ;  Tech level - agreed
Article 20(2), first subparagraph, point (c)				
408	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	(c) the types of maintenance service <del>offered</del> <b>included in the contract without additional charges</b> ;	(c) the types of maintenance service <del>offered</del> <b>included in the contract without additional charges</b> ;  Tech level - agreed
Article 20(2), first subparagraph, point (d)				
409	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;  Tech level - agreed   Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 20(2), first subparagraph, point (e)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
410	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 20(2), first subparagraph, point (f)				
411	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 20(2), first subparagraph, point (g)				
412				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 21;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 21;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 21;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 21;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 20(2), first subparagraph, point (h)				
413	(h) information relating to consumer rights, including information on complaint handling and all of the information referred to in this paragraph, which is clearly communicated on the bill or the undertaking's web site.	(h) information relating to consumer rights, including information on complaint handling and all of the information referred to in this paragraph, which is clearly communicated on the bill or the undertaking's web site <u>and includes the contact details or link to the web site of the single point of contact referred to in Article 21.</u>	(h) information relating to consumer rights, including information on complaint handling and all of the information referred to in this paragraph, which is clearly communicated on the bill or the undertaking's web site-;	(h) information relating to consumer rights, including information on complaint handling and all of the information referred to in this paragraph, which is clearly communicated on the bill or the undertaking's web site <u>and includes the contact details or link to the web site of the single points of contact referred to in point (iv) of the third subparagraph of Article 21(2).</u>  Tech level - agreed
Article 20(2), first subparagraph, point (ha)				
413a			(i) the contact details enabling	<u>(ha) the contact details enabling</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			the customer to identify relevant one-stop-shops referred to in point (i) of the third subparagraph of Article 21(2).	<u>the customer to identify relevant one-stop-shops referred to in point (i) of the third subparagraph of Article 21(2).</u>  Tech level - agreed
Article 20(2), second subparagraph				
414	Conditions shall be fair and known in advance. In any case, this information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract.	Conditions shall be fair and known in advance. In any case, this information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract.	Conditions shall be fair and known in advance. In any case, this information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract.	Conditions shall be fair and known in advance. In any case, this information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 20(2), third subparagraph				
415	Final customers and final users shall be provided with a summary of the key contractual conditions in	Final customers and final users shall be provided with a summary of the key contractual conditions in	Final customers and final users shall be provided with a summary of the key contractual conditions,	Final customers and final users shall be provided with a summary of the key contractual conditions.

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	a comprehensible manner and in concise and simple language.	a comprehensible manner and in concise and simple language.	<b>including prices and tariffs</b> , in a comprehensible manner and in concise and simple language.	<u>including prices and tariffs</u> , in a comprehensible manner and in concise and simple language.  Tech level - agreed
Article 20(2a)				
415a		<u>2a. Suppliers shall provide final customers and final users with a copy of the contract, transparent information on applicable prices and tariffs and on standard terms and conditions in respect of access to and use of heating, cooling and domestic hot water services.</u>		<u>2a. Final customers shall be provided with a copy of the contract, transparent information on applicable prices and tariffs and on standard terms and conditions in respect of access to and use of heating, cooling and domestic hot water services.</u>  <u>Member States shall decide who is to be responsible for providing the information referred to in this paragraph to final users without a direct or individual contract with a supplier upon request in an appropriate way and free of charge.</u>  Tech level - not yet fully agreed
Article 20(3)				
416				



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>3. Final customers shall be given adequate notice of any intention to modify contractual conditions. Suppliers shall notify their final customers, in a transparent and comprehensible manner, directly of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, at an appropriate time no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect.</p>	<p>3. Final customers shall be given adequate notice of any intention to modify contractual conditions. Suppliers shall notify their final customers, in a transparent and comprehensible manner, directly of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, at an appropriate time no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect.</p> <p><u><i>Final customers shall be informed of their right to terminate a contract if they do not accept the new contractual conditions or adjustments in the price notified to them by the supplier in accordance to the contract. Final customers shall inform final users of the intended contractual changes without delay.</i></u></p>	<p>3. Final customers shall be given adequate notice of any intention to modify contractual conditions <b>and the possibility to terminate their contract if they do not accept the new conditions.</b> Suppliers shall notify their final customers, in a transparent and comprehensible manner, directly of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, at an appropriate time no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. <b>The termination of contract shall not result in extra cost to the final customer.</b></p>	<p>3. Final customers shall be given adequate notice of any intention to modify contractual conditions <u><i>and the possibility to terminate their contract if they do not accept the new conditions.</i></u> Suppliers shall notify their final customers, in a transparent and comprehensible manner, directly of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, at an appropriate time no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect.</p> <p><u><i>Final customers shall inform final users of the new conditions without delay. The termination of contract shall not result in extra cost to the final customer.</i></u></p> <p>Tech level - agreed</p>
Article 20(4)				
417	<p>4. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly</p>	<p>4. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly</p>	<p>4. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly</p>	<p>4. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly</p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in line with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127.</p>	<p>discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in line with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127.</p>	<p>discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in line with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127.</p>	<p>discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in line with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127.</p> <p>Equal to the Commission's proposal Tech level - agreed</p> <p>Text Origin: Commission Proposal</p>
Article 20(5)				
G 418	5. Pursuant to paragraph 6, household customers who have	5. Pursuant to paragraph 6, household customers who have	5. Pursuant to paragraph 6, household customers who have	5. Pursuant to paragraph 6 <sup>4</sup> , household customers who have

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.  Tech level - agreed
Article 20(6)				
419	6. Suppliers shall offer final customers and final users fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Final users shall be provided access to these general terms and conditions upon request. Final customers and final users shall be protected against unfair or misleading selling methods. Final customers with disabilities shall be provided all relevant information on their contract with their supplier in accessible formats.	6. Suppliers shall offer final customers and, <u>where applicable</u> , final users fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Final users shall be provided access to these general terms and conditions upon request. Final customers and final users shall be protected against unfair or misleading selling methods. Final customers with disabilities shall be provided all relevant information on their contract with their supplier in accessible formats.	6. Suppliers shall offer final customers and final users fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Final users shall be provided access to these general terms and conditions upon request. Final customers and final users shall be protected against unfair or misleading selling methods. Final customers with disabilities shall be provided all relevant information on their contract with their supplier in accessible formats.	6. <del>Suppliers shall offer</del> Final customers and, <u>where applicable</u> , final users <u>shall be offered</u> fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Final users shall be provided access to these general terms and conditions upon request. Final customers and final users shall be protected against unfair or misleading selling methods. Final customers with disabilities shall be provided all relevant information on their contract with their supplier in accessible formats.  Tech level - not yet fully agreed

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 20(7)				
420	7. Final customers and final users shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	7. Final customers and final users shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	7. Final customers and final users shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	7. Final customers and final users shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 20(7a)				
420a		<u>7a. Competent authorities responsible for the enforcement of the consumer protection measures laid down in this Directive shall be independent from market interests and shall be able to take administrative decisions.</u>		<u>7a. Competent authority shall ensure that the consumer protection measures laid down in this Directive are enforced. The competent authorities shall act independently from any market interests.</u>  Tech level - agreed
Article 20(7a)				
420b			7a. In case of planned	<u>7a. 7a. In case of planned</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			disconnection, suppliers shall provide the customers concerned with adequate information on alternative measures sufficiently in advance and at no extra cost. Such alternative measures may refer to sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria.	<u>disconnection, final customers concerned shall be provided with adequate information on alternative measures sufficiently in advance, and no later than one month before the planned disconnection, and at no extra cost. Such alternative measures may refer to sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria. Final customers shall inform final users of the planned disconnection without delay.</u>  Tech level - agreed
Article 21				
421	Article 21 Information and awareness raising	Article 21 Information and awareness raising	Article 21 Information and awareness raising	Article 21 Information and awareness raising  Text Origin: Commission Proposal
Article 21(1)				
422	1. Member States shall ensure that	1. Member States, <u>in cooperation</u>	1. Member States shall ensure that	1. Member States, <u>in cooperation</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	information on available energy efficiency improvement measures, individual actions and financial and legal frameworks is transparent and widely disseminated to all relevant market actors, such as final customers, final users,, consumer organisations, civil society representatives, renewable energy communities, citizen energy communities, local and regional authorities, energy agencies, social service providers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in by Article 2(9) of Directive 2010/31/EU.	<u>with regional and local authorities</u> , shall ensure that information on available energy efficiency improvement measures, individual actions and financial and legal frameworks is transparent, <u>accessible</u> and widely disseminated to all relevant market actors, such as final customers, final users, consumer organisations, civil society representatives, renewable energy communities, citizen energy communities, local and regional authorities, energy agencies, social service providers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in by Article 2(9) of Directive 2010/31/EU.	information on available energy efficiency improvement measures, individual actions and financial and legal frameworks is transparent and widely disseminated to all relevant market actors, such as final customers, final users,, consumer organisations, civil society representatives, renewable energy communities, citizen energy communities, local and regional authorities, energy agencies, social service providers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in by Article 2(9) of Directive 2010/31/EU.	<u>with regional and local authorities, where applicable</u> , shall ensure that information on available energy efficiency improvement measures, individual actions and financial and legal frameworks is transparent, <u>accessible</u> and widely disseminated to all relevant market actors, such as final customers, final users, consumer organisations, civil society representatives, renewable energy communities, citizen energy communities, local and regional authorities, energy agencies, social service providers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in by Article 2(9) of Directive 2010/31/EU.  Tech level - agreed
Article 21(2), first subparagraph				
423	2. Member States shall take appropriate measures to promote and facilitate an efficient use of energy by final customers and final users . These measures shall be	2. Member States shall take appropriate measures to promote and facilitate an efficient use of energy by final customers and final users-. These measures shall be	2. Member States shall take appropriate measures to promote and facilitate an efficient use of energy by final customers and final users . These measures shall be	2. Member States shall take appropriate measures to promote and facilitate an efficient use of energy by final customers and final users-. These measures shall be

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	part of a national strategy such as the integrated national energy and climate plan in accordance with Regulation (EU) 2018/1999, or the long term renovation strategy as defined in Directive 2010/31/EU .	part of a national strategy such as the integrated national energy and climate plan in accordance with Regulation (EU) 2018/1999, or the long term renovation strategy as defined in Directive <del>2010/31/EU</del> ... <a href="#">[recast EPBD - 2021/0426 (COD)]</a> .	part of a national strategy such as the integrated national energy and climate plan in accordance with Regulation (EU) 2018/1999, or the long term renovation strategy as defined in Directive 2010/31/EU .	part of a national strategy such as the integrated national energy and climate plan in accordance with Regulation (EU) 2018/1999, or the long term renovation strategy as defined in Directive 2010/31/EU-  Tech level - agreed
Article 21(2), second subparagraph, introductory part				
424	For the purposes of this Article, these measures shall include a range of instruments and policies to promote behavioural change such as :	For the purposes of this Article, these measures shall include a range of instruments and policies to promote behavioural change such as :	For the purposes of this Article, these measures shall include a range of instruments and policies to promote behavioural change such as :	For the purposes of this Article, these measures shall include a range of instruments and policies to promote behavioural change such as :  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 21(2), second subparagraph , point(i)				
425	(i) fiscal incentives;	(i) fiscal incentives;	(i) fiscal incentives;	(i) fiscal incentives;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Article 21(2), second subparagraph, point(ii)			
G 426	(ii) access to finance, vouchers, grants or subsidies;	(ii) access to finance, vouchers, grants or subsidies;	(ii) access to finance, vouchers, grants or subsidies;	(ii) access to finance, vouchers, grants or subsidies;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
	Article 21(2), second subparagraph, point(ii)(a)			
G 426a		<u>(ii a) the availability of publicly-supported energy audits and tailored-made advisory services and support for household consumers, in particular vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing;</u>		<u>IIa publicly-supported energy consumption assessments and targeted advisory services and support for household consumers, in particular vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing;</u>  Tech level agreed on 27/10/2022
	Article 21(2), second subparagraph, point(ii)(b)			
Y 426b		<u>(ii b) tailored-made advisory services for SMEs and</u>		<u>ii b) tailored-made advisory services for SMEs and</u>



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>microenterprises;</u>		<u>microenterprises;</u>  <u>OR</u> <u>targeted advisory services for SMEs and microenterprises;</u>  Tech level - not yet fully agreed
Article 21(2), second subparagraph, point(iii)				
427	(iii) information provision in accessible form to people with disabilities ;	(iii) information provision in accessible form to people with disabilities ;	(iii) information provision in accessible form to people with disabilities ;	(iii) information provision in accessible form to people with disabilities ;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 21(2), second subparagraph, point(iv)				
428	(iv) exemplary projects;	(iv) exemplary projects;	(iv) exemplary projects;	(iv) exemplary projects;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 21(2), second subparagraph, point(v)				
429	(v) workplace activities;	(v) workplace activities;	(v) workplace activities;	(v) workplace activities;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 21(2), second subparagraph, point(vi)				
430	(vi) training activities;	(vi) training activities;	(vi) training activities;	(vi) training activities;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 21(2), second subparagraph, point(vii)				
431	(vii) digital tools.	(vii) digital tools.	(vii) digital tools.	(vii) digital tools.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 21(2), second subparagraph(vii)(a)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
431a		<u>(vii a) engagement strategies.</u>		<u>viii engagement strategies.</u> Tech level agreed on 27/10/2022
Article 21(2), third subparagraph, introductory part				
432	For the purposes of this article, these measures shall also include but not be limited to the following ways and means to engage market actors such as those referred in paragraph 1 :	For the purposes of this article, these measures shall also include but not be limited to the following ways and means to engage market actors such as those referred in paragraph 1 :	For the purposes of this article, these measures shall <del>also include but not be limited to the following ways and means to engage</del> <b>the creation of a supportive framework for</b> market actors such as those referred in paragraph 1, <b>in particular for the-</b>	For the purposes of this article, these measures shall <del>also include but not be limited to the following ways and means to engage</del> <b>the creation of a supportive framework for</b> market actors such as those referred in paragraph 1, <b>in particular for the-</b> Tech level agreed on 27/10/2022
Article 21(2), third subparagraph, point(i)				
433	(i) creation of one-stop shops or similar mechanisms for the provision of technical, administrative and financial advice and assistance on energy efficiency, including energy renovations of buildings and the take-up of renewable energy for buildings to final customers and final users, especially household	(i) creation of one-stop shops or similar mechanisms for the provision of technical, administrative and financial advice and assistance on energy efficiency, including <u>onsite energy checks for households</u> , energy renovations of buildings, <u>information on the replacement of old and inefficient heating systems</u>	(i) creation of one-stop shops or similar mechanisms for the provision of technical, administrative and financial advice and assistance on energy efficiency, including energy renovations of buildings and the take-up of renewable energy for buildings to final customers and final users, especially household	(i) <u>i</u> creation of one-stop shops or similar mechanisms for the provision of technical, administrative and financial advice and assistance on energy efficiency, <del>including such as</del> <u>energy checks for households</u> , energy renovations of buildings, <u>information on the replacement of old and inefficient heating systems</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	and small non-household ones.	<u>with modern and more efficient appliances</u> and the take-up of renewable energy <u>and energy storage</u> for buildings to final customers and final users, especially household and small non-household ones, <u>including SMEs and microenterprises;</u>	and small non-household ones.	<u>with modern and more efficient appliances</u> and the take-up of renewable energy <u>and energy storage</u> for buildings to final customers and final users, especially household and small non-household ones, <u>including SMEs and microenterprises;</u>  Tech level agreed on 27/10/2022
Article 21(2), third subparagraph, point(i)(a)				
433a		<u>(i a) cooperation with private actors that provide services such as energy audits, financing solutions and execution of energy renovations and promotion of such services;</u>		<u>Ia (i a) cooperation with private actors that provide services such as energy audits and energy consumption assessments, financing solutions and execution of energy renovations;</u>  Tech level agreed on 27/10/2022
Article 21(2), third subparagraph, point (ii)				
434	(ii) communication of:	(ii) communication of:	(ii) communication of:	(ii) communication of:  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Article 21(2), third subparagraph(ii), point(ii)			
G 435	cost-effective and easy-to-achieve changes in energy use;	cost-effective and easy-to-achieve changes in energy use;	cost-effective and easy-to-achieve changes in energy use;	cost-effective and easy-to-achieve changes in energy use;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
	Article 21(2), third subparagraph, point (iii)			
G 436	(iii) dissemination of information on energy efficiency measures and financing instruments ;	(iii) dissemination of information on energy efficiency measures and financing instruments ;	(iii) dissemination of information on energy efficiency measures and financing instruments ;	(iii) dissemination of information on energy efficiency measures and financing instruments ;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
	Article 21(2), third subparagraph, point (iv)			
G 437	(iv) provision of single points of contact, to provide final customers and final users with all necessary information concerning their rights, the applicable law and dispute	(iv) provision of single points of contact, to provide final customers and final users with all necessary information concerning their rights, the applicable law and dispute	(iv) provision of single points of contact, to provide final customers and final users with all necessary information concerning their rights, the applicable law and dispute	(iv) provision of single points of contact, to provide final customers and final users with all necessary information concerning their rights, the applicable law and dispute

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points.	settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points.	settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points.	settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
	Article 21(2a) first subparagraph, introductory part			
Y	437a	<u>2a. For the purpose of this Article, Member States shall engage with relevant authorities and private stakeholders for the purpose of developing dedicated local, regional or national one-stop shops for energy efficiency. Those one-stop shops shall be cross-sectoral and interdisciplinary and lead to locally developed projects by:</u>		<u>2a For the purpose of this Article, Member States shall in cooperation with relevant authorities, and private stakeholders establish dedicated one-stop shops or similar mechanism for the provision of technical, administrative and financial advice for energy efficiency. Those facilities shall, where appropriate:</u>  Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a) first subparagraph ,point (a)			
Y	437b			

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>(a) advising and providing streamlined information on technical and financial possibilities and solutions to households, SMEs, microenterprises, public bodies;</u>		<u>a) provide streamlined information on technical and financial possibilities and solutions to households, SMEs, microenterprises, public bodies;</u>  <u>ALTERNATIVE:</u>  <u>advising with streamlined information on technical and financial possibilities to households, SMEs, microenterprises and public bodies;</u>  Tech level - not yet fully agreed, on 27/10/2022
Article 21(2a), first subparagraph, point (b)				
G	437c	<u>(b) connecting potential projects with market players, in particular smaller-scale projects;</u>		<u>b) connect potential projects with market players, in particular smaller-scale, local projects;</u>  Tech level agreed on 27/10/2022
Article 21(2a), first subparagraph, point (c)				
Y	437d	<u>(c) advising on energy consumption behaviour with the</u>		<u>c) advise on energy consumption behaviour;</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>aim of actively engaging the consumers;</u>		Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a), first subparagraph, point (d)			
Y	437e	<u>(d) providing information on training programmes and education to ensure more energy efficiency professionals and to re-skill and up-skill professionals in order to meet the market needs;</u>		<u>d) provide information about qualified energy efficiency professionals;</u>  Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a), first subparagraph, point (e)			
Y	437f	<u>(e) collecting and submitting typology aggregated data from energy efficiency projects facilitated by the one-stop-shops to the Commission, which shall be published by the Commission in a report every second year in order to share experiences and enhance cross-border cooperation between Member States in order to promote best practice examples from different building, housing and enterprise typologies;</u>		<u>e) collect typology aggregated data from energy efficiency projects, share experiences and make them publicly available; the Commission shall assist in order to facilitate best practices and cross-border cooperation between best practices;</u>  Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a), point (f)			



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Y	437g	<u>(f) providing holistic support to all households, with a special attention to households in energy poverty and worst performing buildings, as well as to accredited companies and installers providing retrofit services, adapted to different housing typologies and geographical scope, and providing support covering the different stages of the retrofit project in particular to facilitate the implementation of Minimum Energy Performance Standards provided for in Article 9 of Directive ... [recast EPBD - 2021/0426 (COD)];</u>		<u>f) provide holistic support to all households.</u>  Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a), first subparagraph, point (g)			
Y	437h	<u>(g) developing services for energy poor, vulnerable consumers and low-income households.</u>		<u>2b) The one-stop shops shall offer dedicated services for people affected by energy poverty and vulnerable households.</u>  Tech level - not yet fully agreed, on 27/10/2022
	Article 21(2a), second subparagraph			

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Y	437i	<u>Member States shall work together with local and regional authorities to encourage cooperation among public bodies, energy agencies and community-led initiatives and to promote, develop and upscale one-stop shops through an integrated process. The Commission shall provide Member States with guidelines to develop those one-stop shops with the aim of creating a harmonised approach throughout the Union.</u>		<u>The Commission shall provide Member States with guidelines to develop those one-stop shops with the aim of creating a harmonised approach throughout the Union. The guidelines shall encourage cooperation among public bodies, energy agencies and community-led initiatives.</u>  Tech level - not yet fully agreed, on 27/10/2022
Article 21(3)				
G	438	3. Member States shall establish appropriate conditions for market <del>actors</del> <u>actors</u> to provide adequate and targeted information and advice to final consumers , including vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing on energy efficiency, <u>SMEs and microenterprises</u> .	3. Member States shall establish appropriate conditions for market actors to provide adequate and targeted information and advice to final consumers , including vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing on energy efficiency.	3. Member States shall establish appropriate conditions for market actors <del>to</del> provide adequate and targeted information and advice to final <del>consumers</del> , including vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing <del>on</del> energy efficiency, <u>SMEs and microenterprises</u> .  Tech level - agreed

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Article 21(4), first subparagraph			
439	<p>4. Member States shall ensure that final customers, final users, vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsperson or a consumer body, or through a regulatory authority. Where the final customer is a consumer as defined in Article 4(1)(a) of Directive 2013/11/EU of the European Parliament and of the Council<sup>1</sup>, such out-of-court dispute settlement mechanisms shall comply with the requirements set out therein.</p> <p><sup>1</sup>. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending</p>	<p>4. Member States shall ensure that final customers, final users, vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsperson or a consumer body, or through a regulatory authority. Where the final customer is a consumer as defined in Article 4(1)(a) of Directive 2013/11/EU of the European Parliament and of the Council<sup>1</sup>, such out-of-court dispute settlement mechanisms shall comply with the requirements set out therein.</p> <p><sup>1</sup>. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending</p>	<p>4. Member States shall ensure that final customers, final users, vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsperson or a consumer body, or through a regulatory authority. Where the final customer is a consumer as defined in Article 4(1)(a) of Directive 2013/11/EU of the European Parliament and of the Council<sup>1</sup>, such out-of-court dispute settlement mechanisms shall comply with the requirements set out therein. <b>Out of court dispute settlement mechanisms already existing in Member States may be used for this purpose, provided</b></p>	<p>4. Member States shall ensure that final customers, final users, vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsperson or a consumer body, or through a regulatory authority. Where the final customer is a consumer as defined in Article 4(1)(a) of Directive 2013/11/EU of the European Parliament and of the Council<sup>1</sup>, such out-of-court dispute settlement mechanisms shall comply with the requirements set out therein. <u><b>Out of court dispute settlement mechanisms already existing in Member States may be used for this purpose, provided</b></u></p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).	Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).	<b>they are equally effective.</b>  1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).	<u><i>they are equally effective.</i></u>  1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).  Tech level agreed on 27/10/2022  Text Origin: Council Mandate
Article 21(4), second subparagraph				
440	Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling under the scope of this Directive.	Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling under the scope of this Directive.	Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling under the scope of this Directive.	Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling under the scope of this Directive.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Article 21(4), third subparagraph			
441	The participation of undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective.	The participation of undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective.	The participation of undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective.	The participation of undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
	Article 21(5), first subparagraph			
442	5. Without prejudice to the basic principles of their property and tenancy law, Member States shall take necessary measures to remove regulatory and non-regulatory barriers to energy efficiency, as regards the split of incentives between the owners and tenants or among owners of a building or building unit , with a view to ensuring that these parties	5. Without prejudice to the basic principles of their property and tenancy law, Member States shall take necessary measures to remove regulatory and non-regulatory barriers to energy efficiency, as regards the split of incentives between the owners and tenants or among owners of a building or building unit , with a view to ensuring that these parties	5. Without prejudice to the basic principles of their property and tenancy law, Member States shall take necessary measures to remove regulatory and non-regulatory barriers to energy efficiency, as regards the split of incentives between the owners and tenants or among owners of a building or building unit , with a view to ensuring that these parties	5. Without prejudice to the basic principles of their property and tenancy law, Member States shall take necessary measures to remove regulatory and non-regulatory barriers to energy efficiency, as regards the split of incentives between the owners and tenants or among owners of a building or building unit , with a view to ensuring that these parties

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them;	are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them;	are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them;	are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 21(5), second subparagraph				
443	Measures to remove such barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures, including national rules and measures regulating decision-making processes in multi-owner properties . The measures may be combined with the provision of education, training and specific information and technical assistance on energy efficiency to	Measures to remove such barriers may include providing incentives, <u>including on financing and the possibility to turn to third-party financing solutions</u> , repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures, including national rules and measures regulating decision-making processes in multi-owner properties . The measures may be combined with the provision of education, training	Measures to remove such barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures, including national rules and measures regulating decision-making processes in multi-owner properties, <b>and the possibility to turn to third-party financing solutions-</b> . The measures may be combined with the provision of education, training and specific	Measures to remove such barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures, including national rules and measures regulating decision-making processes in multi-owner properties, <u>and the possibility to turn to third-party financing solutions-</u> . The measures may be combined with the provision of education, training and specific

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	market actors such as those referred in paragraph 1 .	and specific information and technical assistance on energy efficiency to market actors such as those referred in paragraph 1-.	information and technical assistance on energy efficiency to market actors such as those referred in paragraph 1 .	information and technical assistance on energy efficiency to market actors such as those referred in paragraph 1 .  Tech level agreed on 27/10/2022
Article 21(5), third subparagraph				
444	Member States shall take appropriate measures to support a multilateral dialogue with the participation of relevant public and social partners such as owners and tenants organisations, consumer organisations, renewable energy communities, citizen energy communities local and regional authorities, relevant public authorities and agencies and the aim to set out proposals on jointly accepted measures, incentives and guidelines pertinent to the split of incentives between the owners and tenants or among owners of a building or building unit.	Member States shall take appropriate measures to support a multilateral dialogue with the participation of relevant <u>local and regional authorities</u> , public and social partners such as owners and tenants organisations, consumer organisations, <u>energy distributors or retail energy sales companies, ESCOs</u> , renewable energy communities, citizen energy communities local and regional authorities, relevant public authorities and agencies and the aim to set out proposals on jointly accepted measures, incentives and guidelines pertinent to the split of incentives between the owners and tenants or among owners of a building or building unit.	Member States shall take appropriate measures to support a multilateral dialogue with the participation of relevant public and social partners such as owners and tenants organisations, consumer organisations, renewable energy communities, citizen energy communities local and regional authorities, relevant public authorities and agencies and the aim to set out proposals on jointly accepted measures, incentives and guidelines pertinent to the split of incentives between the owners and tenants or among owners of a building or building unit.	Member States shall take appropriate measures to support a multilateral dialogue with <del>the participation of relevant public and social partners such as</del> <u>relevant partners, such as local and regional authorities, social partners</u> , owners and tenants organisations, consumer organisations, <del>renewable energy</del> <u>distributors or retail energy sales companies, ESCOs, renewable energy communities</u> , <del>local and regional authorities, citizen energy communities</del> , <del>relevant</del> public authorities and agencies, <del>with</del> <u>and</u> the aim to set out proposals on jointly accepted measures, incentives and guidelines pertinent to the split of incentives between the owners and tenants or among

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				owners of a building or building unit.  Tech level agreed on 27/10/2022
Article 21(5), fourth subparagraph				
445	Each Member State shall report such barriers and the measures taken in its long-term renovation strategy pursuant to Article 2a of Directive 2010/31/EU and Regulation (EU) 2018/1999.	Each Member State shall report such barriers and the measures taken in its long-term renovation strategy pursuant to Article 2a of Directive 2010/31/EU and Regulation (EU) 2018/1999.	Each Member State shall report such barriers and the measures taken in its long-term renovation strategy pursuant to Article 2a of Directive 2010/31/EU and Regulation (EU) 2018/1999.	Each Member State shall report such barriers and the measures taken in its long-term renovation strategy pursuant to Article 2a of Directive 2010/31/EU and Regulation (EU) 2018/1999.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 21(6)				
446	6. The Commission shall encourage the exchange and wide dissemination of information on good energy efficiency practices and methodologies to mitigate the split of incentives in Member States.	6. The Commission shall encourage the exchange and wide dissemination of information on good energy efficiency practices and methodologies <u>and provide technical assistance</u> to mitigate the split of incentives in Member States.	6. The Commission shall encourage the exchange and wide dissemination of information on good energy efficiency practices and methodologies to mitigate the split of incentives in Member States.	6. The Commission shall encourage the exchange and wide dissemination of information on good energy efficiency practices and methodologies <u>and provide technical assistance</u> to mitigate the split of incentives in Member States.



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level agreed on 27/10/2022
Article 21a				
446a		<u>Article 21a</u> <u>Partnerships for energy efficiency</u>		
Article 21a(1)				
446b		<u>1. By ... /12 months after the date of entry into force of this Directive], the Commission shall establish European sector-specific energy efficiency partnerships by bringing together key stakeholders, including the social partners, in sectors such as ICT, transport, financial and building sectors, in an inclusive and representative manner. The Commission shall appoint a chair for each European sector-specific energy efficiency partnership.</u>		
Article 21a(2)				
446c		<u>2. The partnerships referred to in paragraph 1 shall facilitate climate dialogues and encourage</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>sectors to draw up energy efficiency roadmaps in order to map available measures and technological options to achieve energy efficiency savings, prepare for renewable energy and decarbonise the sectors. Such roadmaps shall make a valuable contribution in assisting sectors in planning the necessary investments needed to reach the objectives of this Directive and of Regulation (EU) 2021/1119 as well as facilitate cross-border cooperation between actors to strengthen the internal market of the Union.</u>		
Article 23				
465	Article 23 Heating and cooling assessment and planning	Article 23 Heating and cooling assessment and planning	Article 23 Heating and cooling assessment and planning	
Article 23(1)				
466	1. As part of its integrated national energy and climate plan, its subsequent integrated national energy and climate plan and	1. As part of its integrated national energy and climate plan, its subsequent integrated national energy and climate plan and	1. As part of <del>its</del> the integrated national energy and climate plan, <del>its subsequent integrated national energy and climate plan and</del>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	respective progress reports notified in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment. That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001.	respective progress reports notified in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment, <u>including the mapping of areas identified for new heating and cooling networks</u> . That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001.	<del>respective progress reports notified</del> <b>plans and their updates (as from June 2024)</b> , in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment. That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001.	
Article 23(2)				
467	2. Member States shall ensure that the public is given the opportunity to participate in the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures.	2. Member States shall ensure that <del>the</del> <u>all relevant parties, including public <del>is</del> and private stakeholders, are</u> given the opportunity to participate in the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures.	2. Member States shall ensure that <b>stakeholders, affected by the comprehensive assessment, are</b> <del>the public is</del> given the opportunity to participate in the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures, <b>subject to national laws protecting trade and business secrets and confidentiality..</b>	
Article 23(3), first subparagraph				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
468	<p>3. For the purpose of the assessment referred to in paragraph 1, Member States shall carry out a cost-benefit analysis covering their territory and based on climate conditions, economic feasibility and technical suitability. The cost-benefit analysis shall be capable of facilitating the identification of the most resource- and cost-efficient solutions to meeting heating and cooling needs. That cost-benefit analysis may be part of an environmental assessment under Directive 2001/42/EC of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).</p>	<p>3. For the purpose of the assessment referred to in paragraph 1, Member States shall carry out a cost-benefit analysis covering their territory and based on climate conditions, economic feasibility and technical suitability. The cost-benefit analysis shall be capable of facilitating the identification of the most resource- and cost-efficient solutions to meeting heating and cooling needs, <u>taking into account overall system efficiency, power system adequacy and resiliency, and the energy efficiency first principle</u>. That cost-benefit analysis may be part of an environmental assessment under Directive 2001/42/EC of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. <u>[1]</u> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).</p>	<p>3. For the purpose of the assessment referred to in paragraph 1, Member States shall carry out a cost-benefit analysis covering their territory and based on climate conditions, economic feasibility and technical suitability. The cost-benefit analysis shall be capable of facilitating the identification of the most resource- and cost-efficient solutions to meeting heating and cooling needs. That cost-benefit analysis may be part of an environmental assessment under Directive 2001/42/EC of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).</p>	
Article 23(3), second subparagraph				
469				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Member States shall designate the competent authorities responsible for carrying out the cost-benefit analyses, provide the detailed methodologies and assumptions in accordance with Annex X and establish and make public the procedures for the economic analysis.	Member States shall designate the competent authorities responsible for carrying out the cost-benefit analyses, provide the detailed methodologies and assumptions in accordance with Annex X and establish and make public the procedures for the economic analysis.	Member States shall designate the competent authorities responsible for carrying out the cost-benefit analyses, provide the detailed methodologies and assumptions in accordance with Annex X and establish and make public the procedures for the economic analysis.	
Article 23(4), first subparagraph				
470	4. Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 identify a potential for the application of high-efficiency cogeneration and/or efficient district heating and cooling whose benefits exceed the costs, Member States shall take adequate measures for efficient district heating and cooling infrastructure to be developed and/or to accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with paragraph 1 and Article 24(4) and (6).	4. Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 identify a potential for the application of high-efficiency cogeneration and/or efficient district heating and cooling <u>and/or power generation from waste heat for self-consumption</u> whose benefits exceed the costs, Member States, <u>or the local and regional authorities responsible</u> , shall take adequate measures for efficient district heating and cooling infrastructure to be developed and/or to <u>encourage the development of installations for the conversion of waste excess heat to power for self-</u>	4. Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 identify a potential for the application of high-efficiency cogeneration and/or efficient district heating and cooling whose benefits exceed the costs, Member States shall take adequate measures for efficient district heating and cooling infrastructure to be developed and/or to accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with paragraph 1 and Article 24(4) and (6).	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>consumption and/or to</u> accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with paragraph 1, and Article 24(4) and (6).		
Article 23(4), second subparagraph				
471	Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 do not identify a potential whose benefits exceed the costs, including the administrative costs of carrying out the cost-benefit analysis referred to in Article 24(4), the Member State concerned may exempt installations from the requirements laid down in that paragraph.	Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 do not identify a potential whose benefits exceed the costs, including the administrative costs of carrying out the cost-benefit analysis referred to in Article 24(4), the Member State <u>together with the local and regional authorities</u> concerned may exempt installations from the requirements laid down in that paragraph.	Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 do not identify a potential whose benefits exceed the costs, including the administrative costs of carrying out the cost-benefit analysis referred to in Article 24(4), the Member State concerned may exempt installations from the requirements laid down in that paragraph.	
Article 23(5) first subparagraph				
472	5. Member States shall adopt policies and measures which ensure that the potential identified	5. Member States shall adopt policies and measures which ensure that the potential identified	5. Member States shall adopt policies and measures which ensure that the potential identified	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	in the comprehensive assessments carried out pursuant to paragraph 1 is realised. These policies and measures shall include at least the elements set out in Annex IX. Each Member State shall notify those policies and measures as part of the update of its integrated national energy and climate plans, its subsequent integrated national energy and climate plan, and respective progress reports notified in accordance with Regulation (EU) 2018/1999.	in the comprehensive assessments carried out pursuant to paragraph 1 is realised. These policies and measures shall include at least the elements set out in Annex IX. Each Member State shall notify those policies and measures as part of the update of its integrated national energy and climate plans, its subsequent integrated national energy and climate plan, and respective progress reports notified in accordance with Regulation (EU) 2018/1999.	in the comprehensive assessments carried out pursuant to paragraph 1 is realised. These policies and measures shall include at least the elements set out in Annex IX. Each Member State shall notify those policies and measures as part of the update of its integrated national energy and climate plans, its subsequent integrated national energy and climate plan, and respective progress reports notified in accordance with Regulation (EU) 2018/1999.	
Article 23(5), second subparagraph				
472a		<u><i>When preparing its policies and measures, Member States shall collect information on cogeneration plants and units in existing district heating and cooling networks and carry out an assessment of the potential for energy savings. That information shall contain at least the data on system efficiency, system losses, connection density, network losses and temperature spread, primary energy and final energy consumption, emission factors</i></u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>and upstream chains of the energy sources. That data shall be published and Member States shall make that data publicly available.</u>		
Article 23(6), first subparagraph, introductory part				
473	6. Member States shall encourage regional and local authorities to prepare local heating and cooling plans at least in municipalities having a total population higher than 50.000. Those plans should at least:	6. Member States shall <del>encourage</del> <u>ensure that</u> regional and local authorities to prepare local heating and cooling plans at least in municipalities having a total population <del>higher than 50.000</del> <u>of at least 35 .000 and encourage municipalities with a lower population to prepare such plans.</u> Those plans <del>should at least</del> <u>shall</u> :	6. Member States shall encourage regional and local authorities to prepare local heating and cooling plans at least in municipalities <b>or communities</b> having a total population higher than 50.000. Those plans should at least:	
Article 23(6), first subparagraph, point (a)				
474	(a) be based on the information and data provided in the comprehensive assessments carried out pursuant to paragraph 1 and provide an estimate and mapping of the potential for increasing energy efficiency, including via waste heat recovery, and renewable energy in heating and cooling in	(a) be based on the information and data provided in the comprehensive assessments carried out pursuant to paragraph 1 and provide an estimate and mapping of the potential for increasing energy efficiency, including via <u>low-temperature district heating readiness, high efficiency</u>	(a) be based on the information and data provided in the comprehensive assessments carried out pursuant to paragraph 1 and provide an estimate and mapping of the potential for increasing energy efficiency, including via <b>district heating and cooling</b> , waste heat recovery, and renewable	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	that particular area;	<u>cogeneration</u> , waste heat recovery, and renewable energy in heating and cooling in that particular area; <u>in addition, an analysis of the heating and cooling appliances in local building stocks shall be conducted that takes into account the area-specific potentials for energy efficiency measures and that develops renovation roadmap templates for similar building types with the aim of a rapid, cost-efficient and mutually coordinated transformation of buildings and supply infrastructure;</u>	energy in heating and cooling in that particular area;	
Article 23(6), first subparagraph, point (a)(a)				
474a		<u>(aa) be fully compliant with the energy efficiency first principle;</u>		
Article 23(6), first subparagraph, point (b)				
475	(b) include a strategy for the use of the identified potential pursuant to paragraph 6(a);	(b) include a strategy for the use of the identified potential pursuant to paragraph 6(a);	(b) include a strategy for the use of the identified potential pursuant to paragraph 6(a);	
Article 23(6), first subparagraph, point (c)				
476				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(c) be prepared with the involvement of all relevant regional or local stakeholders and ensure participation of general public;	(c) be prepared with the involvement of all relevant regional or local stakeholders and ensure participation of general public, <u>including operators of local energy infrastructure at an early stage</u> ;	(c) be prepared with the involvement of all relevant regional or local stakeholders and ensure participation of general public;	
Article 23(6), first subparagraph, point (c)(a)				
476a		<u>(ca) take into account the existing energy infrastructure for gas, heat and electricity</u> ;		
Article 23(6), first subparagraph, point (d)				
477	(d) consider the common needs of local communities and multiple local or regional administrative units or regions;	(d) consider the common needs of local communities and multiple local or regional administrative units or regions;	(d) consider the common needs of local communities and multiple local or regional administrative units or regions;	
Article 23(6), first subparagraph, point (d)(a)				
477a		<u>(da) assess the role of energy communities and other consumer-led initiatives that can actively contribute to the implementation of local heating and cooling projects</u> ;		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 23(6), first subparagraph, point (d)(b)				
477b		<u>(db) include a strategy to prioritise people affected by energy poverty, low-income households, vulnerable consumers and, where applicable, people living in social housing as referred to in Article 22, including market analysis to identify and understand the needs of target groups and propose tailored programmes;</u>		
Article 23(6), first subparagraph, point (d)(c)				
477c		<u>(dc) assess how to finance the implementation of policies and measures identified and provide for financial mechanisms allowing consumers to shift to renewable heating and cooling;</u>		
Article 23(6), first subparagraph, point (d)(d)				
477d		<u>(dd) consider energy affordability, security of supply, power system adequacy and</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>resiliency;</u>		
Article 23(6), first subparagraph, point (e)				
478	(e) include the monitoring of the progress of implementation of policies and measures identified.	(e) include <u>a trajectory to achieve the goals of the plans in line with climate neutrality and</u> the monitoring of the progress of implementation of policies and measures identified-;	(e) include the monitoring of the progress of implementation of policies and measures identified.	
Article 23(6), first subparagraph, point (e)(a)				
478a		<u>(ea) develop a strategy to plan the replacement of old and inefficient heating and cooling appliances in public bodies with highly efficient alternatives with the aim of phasing out fossil fuels;</u>		
Article 23(6), first subparagraph, point (e)(b)				
478b		<u>(eb) assess potential synergies with the plans of neighbouring regional or local authorities to encourage joint investments and cost efficiency.</u>		
Article 23(6), second subparagraph				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
479	Member States shall ensure that the public is given the opportunity to participate the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures.	Member States shall ensure that <del>the</del> <u>all relevant parties, including public <del>is</del> and relevant private stakeholders, are</u> given the opportunity to participate the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures.	Member States shall ensure that the <del>public is</del> <u>relevant stakeholders, affected by the planning are</u> given the opportunity to participate the preparation of heating and cooling plans, the comprehensive assessment and the policies and measures.	
Article 23(6), third subparagraph				
480	For this purpose, Member States shall develop recommendations supporting the regional and local authorities to implement policies and measures in energy efficient and renewable energy based heating and cooling at regional and local level utilising the potential identified. Member States shall support regional and local authorities to the utmost extent possible by any means including financial support and technical support schemes.	For this purpose, Member States shall develop recommendations supporting the regional and local authorities to implement policies and measures in energy efficient and renewable energy based heating and cooling at regional and local level utilising the potential identified. Member States shall support regional and local authorities to the utmost extent possible by any means including financial support and technical support schemes. <u>Member States shall ensure that heating and cooling plans are aligned with other local climate, energy and environment planning</u>	For this purpose, Member States shall develop recommendations supporting the regional and local authorities to implement policies and measures in energy efficient and renewable energy based heating and cooling at regional and local level utilising the potential identified. Member States shall <b>provide support to</b> regional and local authorities <del>to the utmost extent possible by any means including,</del> <b>which may include</b> financial support and technical support schemes.	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>requirements, in order to avoid administrative burden for local and regional authorities and encourage the effective implementation of the plans.</u>		
Article 23(6a)				
480a		<u>6a. Local heating and cooling plans may be carried out jointly by a group of several neighbouring local authorities provided that the geographical and administrative context as well as the heating and cooling infrastructure is appropriate.</u>		
Article 23(6b)				
480b		<u>6b. Implementation of local heating and cooling plans shall be verified and assessed by a competent authority. Where implementation is deemed to be insufficient, based on the trajectory and the monitoring pursuant to paragraph 6, point (e), the competent authority shall propose measures to close the implementation gap.</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 25				
514	Article 25 Energy transformation, transmission and distribution	Article 25 Energy transformation, transmission and distribution	Article 25 Energy transformation, transmission and distribution	
Article 25(1)				
515	1. National energy regulatory authorities shall apply the energy efficiency first principle in accordance with Article 3 of this Directive in carrying out the regulatory tasks specified in Directives (EU) 2019/944 and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure , including their decisions on network tariffs	1. National energy regulatory authorities shall apply the energy efficiency first principle in accordance with Article 3 of this Directive in carrying out the regulatory tasks specified in Directives (EU) 2019/944 and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure , including their decisions on network tariffs, <u>without prejudice to the principles of non-discrimination and cost-effectiveness. In addition to the energy efficiency first principle, national energy regulatory authorities shall take into account cost efficiency, system efficiency and security of supply and adapt a lifecycle approach safeguarding</u>	1. National energy regulatory authorities shall apply the energy efficiency first principle in accordance with Article 3 of this Directive in carrying out the regulatory tasks specified in Directives (EU) 2019/944 and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure , including their decisions on network tariffs, <b>as set out in Article 18 of Regulation (EU) 2019/943 and in Article 13 of Regulation (EU) 715/2009 of the European Parliament and of the Council. When doing so, national energy regulatory authorities may take into account security of supply and market integration.</b>	1. National energy regulatory authorities shall apply the energy efficiency first principle in accordance with Article 3 of this Directive in carrying out the regulatory tasks specified in Directives (EU) 2019/944 and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure , including their decisions on network tariffs. <u>In addition to the energy efficiency first principle, national energy regulatory authorities may take into account cost efficiency, system efficiency and security of supply, market integration and adopt a lifecycle approach safeguarding the Union's climate targets and sustainability, as set out in Article</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<a href="#"><u>the Union's climate targets and sustainability.</u></a>		<a href="#"><u>18 of Regulation (EU) 2019/943 and in Article 13 of Regulation (EU) 715/2009 of the European Parliament and of the Council.</u></a>  Tech level - not yet fully agreed
Article 25(2)				
516	2. Member States shall ensure that gas and electricity transmission and distribution system operators apply the energy efficiency first principle in accordance with Article 3 of this Directive in their network planning, network development and investment decisions. While taking security of supply and market integration into account, Member States shall ensure that transmission system operators and distribution system operators do not invest in stranded assets to contribute to climate change mitigation. National regulatory authorities shall provide methodologies and guidance on how to assess alternatives in the cost-benefit analysis, taking into account wider benefits, and verify the implementation of the energy	2. Member States shall ensure that gas and electricity transmission and distribution system operators apply the energy efficiency first principle in accordance with Article 3 of this Directive <a href="#"><u>and in accordance with the Union's climate and sustainability targets</u></a> in their network planning, network development and investment decisions. <a href="#"><u>Demand-side flexibility shall be a central part of the assessment of network planning and operation.</u></a> While taking security of supply and market integration into account, Member States shall ensure that transmission system operators and distribution system operators <del>do not</del> invest in <del>stranded</del> <a href="#"><u>future-proof</u></a> assets to contribute to climate change mitigation. National	2. Member States shall ensure that gas and electricity transmission and distribution system operators apply the energy efficiency first principle in accordance with Article 3 of this Directive in their network planning, network development and <b>major</b> investment decisions. <b>National regulatory authorities or other designated national authorities shall verify that methodologies used by</b> <del>While taking security of supply and market integration into account, Member States shall ensure that</del> transmission system operators and distribution systems <b>systems</b> operators <del>do not invest in stranded assets to contribute to climate change mitigation.</del> National regulatory authorities shall provide methodologies and guidance on	2. Member States shall ensure that gas and electricity transmission and distribution system operators apply the energy efficiency first principle in accordance with Article 3 of this Directive in their network planning, network development and <b>major</b> investment decisions. <del>While taking security of supply and market integration into account, Member States shall ensure that</del> <a href="#"><u>National regulatory authorities or other designated national authorities shall verify that methodologies used by</u></a> transmission system operators and distribution <del>system</del> <a href="#"><u>systems</u></a> operators <del>do not invest in stranded assets to contribute to climate change mitigation.</del> National regulatory authorities shall <del>provide methodologies and</del>



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>efficiency first principle by the transmission system operators or distribution system operators when approving, verifying or monitoring the projects submitted by the transmission system operators or distribution system operators.</p>	<p>regulatory authorities <del>shall</del><u>may</u> provide methodologies and guidance on how to assess alternatives in the cost-benefit analysis <u>in close cooperation with the transmission system operators and distribution system operators, which can share key technical expertise</u>, taking into account wider benefits, and verify the implementation of the energy efficiency first principle by the transmission system operators or distribution system operators when approving, verifying or monitoring the projects submitted by the transmission system operators or distribution system operators.</p>	<p>how to assess alternatives in the cost-benefit analysis, taking into account wider benefits, and <b>assess alternatives in the cost-benefit analysis and take into account the wider benefits of energy efficiency solutions. National regulatory authorities and other designated authorities shall also</b> verify the implementation of the energy efficiency first principle by the transmission system operators or distribution system operators when approving, verifying or monitoring <del>the</del><u>their</u> projects submitted by the transmission system operators or distribution system operators <b>and network development plans pursuant to Article 32(3) and 51 of Directive 2019/944 and Article 22 of Directive 2009/73/EC .</b></p>	<p><del>guidance on how to assess alternatives in the cost-benefit analysis, taking into account wider benefits, and</del><u>assess alternatives in the cost-benefit analysis and take into account the wider benefits of energy efficiency solutions demand-side flexibility and investment into assets that contribute to climate change mitigation. National regulatory authorities and other designated authorities shall also</u> verify the implementation of the energy efficiency first principle by the transmission system operators or distribution system operators when approving, verifying or monitoring <u>their projects and network development plans pursuant to Article 32(3) and 51 of Directive 2019/944 and Article 22 of Directive 2009/73/EC. National regulatory authorities may provide methodologies and guidance on how to assess alternatives in the cost-benefit analysis in close cooperation with</u><del>the projects submitted by</del> the transmission system operators <del>or</del><u>and</u> distribution system operators, <u>which can share key technical</u></p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				<u>expertise</u> . Tech level - not yet fully agreed
Article 25(3)				
517	<p>3. Member States shall ensure that transmission and distribution system operators map network losses and take cost-effective measures to reduce network losses. Transmission and distribution system operators shall report those measures and expected energy savings through the reduction of network losses to the national energy regulatory authority. National energy regulatory authorities shall limit the possibility for transmission and distribution system operators to recover avoidable network losses from tariffs paid by consumers. Member States shall ensure that transmission and distribution system operators assess energy efficiency improvement measures with regard to their existing gas or electricity transmission or distribution systems and improve energy efficiency in infrastructure</p>	<p>3. Member States shall ensure that transmission and distribution system operators <del>map network losses and take cost-effective measures to reduce</del> <u>monitor and quantify the overall volume of</u> network losses. <del>Transmission and distribution system operators shall report those measures and expected energy savings through the reduction of network losses to the national energy regulatory authority. National energy regulatory authorities shall limit the possibility for</del> <u>relating to the network they operate and take cost-effective measures to increase network efficiency and address infrastructure developments needs and the losses resulting from increased electrification at both demand and production side.</u> Transmission and distribution system operators <del>to recover</del> <u>avoidable network losses from</u></p>	<p>3. <sup>1</sup>Member States shall ensure that transmission and distribution system operators map network losses and take cost-effective measures to <del>reduce</del> network losses <b>optimise networks, where it is technically and financially feasible</b>. Transmission and distribution system operators shall report those measures and expected energy savings through the reduction of network losses to the national energy regulatory authority. National energy regulatory authorities shall <del>limit</del> <b>provide for incentives to</b> transmission and distribution system operators to <del>recover avoidable network losses from tariffs paid by consumers</del> <b>optimise networks where it is technically and financially feasible</b>. Member States shall ensure that transmission and distribution</p>	<p>3. <sup>1</sup>Member States shall ensure that transmission and distribution system operators <del>map</del> <u>monitor and quantify the overall volume of</u> network losses, <u>and where it is technically and financially feasible</u> <del>optimise networks and improve</del> <u>feasible</u> <del>and take cost-effective measures to reduce</del> network losses <u>efficiency</u>. Transmission and distribution system operators shall report those measures and expected energy savings through the reduction of network losses to the national energy regulatory authority. National energy regulatory authorities shall <del>limit the possibility for</del> <u>provide for incentives to</u> transmission and distribution system operators to <del>recover avoidable network losses from tariffs paid by consumers</del> <u>optimise networks where it is technically and financially feasible</u>. Member</p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>design and operation. Member States shall encourage transmission and distribution system operators to develop innovative solutions to improve the energy efficiency of existing systems through incentive based regulations.</p>	<p><del>tariffs paid by consumers</del><u>shall report those measures to the national energy regulatory authority</u>. Member States shall ensure that transmission and distribution <del>system</del><u>network</u> operators assess energy efficiency improvement measures with regard to their existing gas or electricity transmission or distribution systems and improve energy efficiency in infrastructure design and operation, <u>especially in terms of smart grid deployment</u>. Member States shall encourage transmission and distribution system operators to develop innovative solutions to improve the <u>efficiency and sustainability, including</u> energy efficiency, of existing <u>and future</u> systems through incentive based regulations.</p>	<p>system operators assess energy efficiency improvement measures with regard to their existing gas or electricity transmission or distribution systems and improve energy efficiency in infrastructure design and operation. Member States shall encourage transmission and distribution system operators to develop innovative solutions to improve the energy efficiency of existing systems through incentive based regulations <b>in compliance with the tariff principles set out in Article 18 of Regulation (EU) 2019/943 and Article 13 of Regulation (EU) 715/2009.</b></p> <p>1. Pursuant to Article 15(2) of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, all Member States have undertaken an assessment of the energy efficiency potentials of their gas and electricity infrastructure, and have identified concrete measures and investments for the introduction of cost-effective energy efficiency improvements in the network infrastructure, with a timetable for their introduction. The results of these actions represent a solid basis for the application of the energy</p>	<p>States shall ensure that transmission and distribution system operators assess energy efficiency improvement measures with regard to their existing gas or electricity transmission or distribution systems and improve energy efficiency in infrastructure design and operation, <u>especially in terms of smart grid deployment</u>. Member States shall encourage transmission and distribution system operators to develop innovative solutions to improve the energy efficiency of existing <u>and future</u> systems through incentive based regulations <u>in compliance with the tariff principles set out in Article 18 of Regulation (EU) 2019/943 and Article 13 of Regulation (EU) 715/2009.</u></p> <p><u>1. Pursuant to Article 15(2) of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, all Member States have undertaken an assessment of the energy efficiency potentials of their gas and electricity infrastructure, and have identified concrete measures and investments for the introduction of cost-</u></p>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			efficiency first principle in their network planning, network development and investment decisions.	<u>effective energy efficiency improvements in the network infrastructure, with a timetable for their introduction. The results of these actions represent a solid basis for the application of the energy efficiency first principle in their network planning, network development and investment decisions.</u>  Tech level - not yet fully agreed
Article 25(4)				
518	4. National energy regulatory authorities shall include a specific section on the progress achieved in energy efficiency improvements regarding the operation of the gas and electricity infrastructure in the annual report drawn up pursuant to Article 59(1)(i) of Directive (EU) 2019/944 and pursuant to Article 41 of Directive (EU) 2009/73/EC. In these reports, national energy regulatory authorities shall provide an assessment of network losses in the operation of the gas and electricity infrastructure, the measures carried out by transmission and distribution system operators, and, where applicable, provide recommendations for energy	4. National energy regulatory authorities shall include a specific section on the progress achieved in energy efficiency improvements regarding the operation of the gas and electricity infrastructure in the annual report drawn up pursuant to Article 59(1)(i) of Directive (EU) 2019/944 and pursuant to Article 41 of Directive (EU) 2009/73/EC. In these reports, national energy regulatory authorities shall provide an assessment of <del>network losses</del> <u>the overall efficiency</u> in the operation of the gas and electricity infrastructure, the measures carried out by transmission and distribution system operators, and, where applicable, provide recommendations for energy	4. National energy regulatory authorities shall include a specific section on the progress achieved in energy efficiency improvements regarding the operation of the gas and electricity infrastructure in the annual report drawn up pursuant to Article 59(1)(i) of Directive (EU) 2019/944 and pursuant to Article 41 of Directive (EU) 2009/73/EC. In these reports, national energy regulatory authorities shall provide an assessment of network losses in the operation of the gas and electricity infrastructure, the measures carried out by transmission and distribution system operators, and, where applicable, provide recommendations for energy	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	efficiency improvements.	efficiency improvements, <u>including cost-efficient alternatives that reduce peak loads and overall electricity use.</u>	efficiency improvements.	
Article 25(5)				
519	5. For electricity, Member States shall ensure that network regulation and network tariffs fulfil the criteria in Annex XII, taking into account guidelines and codes developed pursuant to Regulation (EU) 2019/943.	5. For electricity, Member States shall ensure that network regulation and network tariffs fulfil the criteria in Annex XII, taking into account guidelines and codes developed pursuant to Regulation (EU) 2019/943.	5. For electricity, Member States shall ensure that network regulation and network tariffs fulfil the criteria in Annex XII, taking into account guidelines and codes developed pursuant to Regulation (EU) 2019/943 <b>and the obligation set out in Article 59(7)(a) of Directive 2019/944/EC to allow that necessary investments in the networks are carried out in a manner ensuring the viability of the networks.</b>	5. For electricity, Member States shall ensure that network regulation and network tariffs fulfil the criteria in Annex XII, taking into account guidelines and codes developed pursuant to Regulation (EU) 2019/943 <u>and the obligation set out in Article 59(7)(a) of Directive 2019/944/EC to allow that necessary investments in the networks are carried out in a manner ensuring the viability of the networks.</u>  Tech level - not yet fully agreed
Article 25(6)				
520	6. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that any	6. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that any	6. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that any	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	disruptive effects on the transmission and distribution system are kept to the minimum necessary and are not disproportionate to the social aim.	disruptive effects on the transmission and distribution system are kept to the minimum necessary and are not disproportionate to the social aim.	disruptive effects on the transmission and distribution system are kept to the minimum necessary and are not disproportionate to the social aim.	
Article 25(7)				
521	7. National regulatory authorities shall ensure the removal of those incentives in transmission and distribution tariffs that are detrimental to the energy efficiency) of the generation, transmission, distribution and supply of electricity and gas .	7. National regulatory authorities shall ensure the removal of those incentives in transmission and distribution tariffs that are detrimental to the energy efficiency) <u>and demand response</u> of the generation, transmission, distribution and supply of electricity and gas. <u>Member States shall ensure efficiency in infrastructure design and the operation of the existing infrastructure and, within the framework of Directive (EU) 2019/944, that tariffs allow suppliers to improve consumer participation in system efficiency</u> .	7. National regulatory authorities shall ensure the removal of those incentives in transmission and distribution tariffs that are detrimental to the energy efficiency) of the generation, transmission, distribution and supply of electricity and gas .	
Article 25(8)				
522	8. Transmission system operators and distribution system operators	8. Transmission system operators and distribution system operators	8. Transmission system operators and distribution system operators	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	shall comply with the requirements set out in Annex XII.	shall comply with the requirements set out in Annex XII.	shall comply with the requirements set out in Annex XII.	
Article 25(9)				
523	9. Where appropriate, national regulatory authorities may require transmission system operators and distribution system operators to encourage high-efficiency cogeneration to be sited close to areas of heat demand by reducing the connection and use-of-system charges.	9. Where appropriate, national regulatory authorities may require transmission system operators and distribution system operators to encourage high-efficiency cogeneration to be sited close to areas of heat demand by reducing the connection and use-of-system charges.	9. Where appropriate, national regulatory authorities may require transmission system operators and distribution system operators to encourage high-efficiency cogeneration to be sited close to areas of heat demand by reducing the connection and use-of-system charges.	
Article 25(10)				
524	10. Member States may allow producers of electricity from high-efficiency cogeneration wishing to be connected to the grid to issue a call for tender for the connection work.	10. Member States may allow producers of electricity from high-efficiency cogeneration wishing to be connected to the grid to issue a call for tender for the connection work.	10. Member States may allow producers of electricity from high-efficiency cogeneration wishing to be connected to the grid to issue a call for tender for the connection work.	
Article 25(11)				
525	11. When reporting under Directive 2010/75/EU, and without prejudice to Article 9(2) of that	11. When reporting under Directive 2010/75/EU, and without prejudice to Article 9(2) of that	11. When reporting under Directive 2010/75/EU, and without prejudice to Article 9(2) of that	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Directive, Member States shall consider including information on energy efficiency levels of installations undertaking the combustion of fuels with total rated thermal input of 50 MW or more in the light of the relevant best available techniques developed in accordance with Directive 2010/75/EU.	Directive, Member States shall consider including information on energy efficiency levels of installations undertaking the combustion of fuels with total rated thermal input of 50 MW or more in the light of the relevant best available techniques developed in accordance with Directive 2010/75/EU.	Directive, Member States shall consider including information on energy efficiency levels of installations undertaking the combustion of fuels with total rated thermal input of 50 MW or more in the light of the relevant best available techniques developed in accordance with Directive 2010/75/EU.	
CHAPTER VI				
526	CHAPTER VI HORIZONTAL PROVISIONS	CHAPTER VI HORIZONTAL PROVISIONS	CHAPTER VI HORIZONTAL PROVISIONS	
Article 26				
527	Article 26 Availability of qualification, accreditation and certification schemes	Article 26 Availability of qualification, accreditation and certification schemes	Article 26 Availability of qualification, accreditation and certification schemes	
Article 26(1), first subparagraph				
528	1. Member States shall ensure the appropriate level of competences for energy efficiency professions that corresponds to the market	1. Member States shall ensure the appropriate level of competences for energy efficiency professions that corresponds to the market	1. Member States shall <del>ensure</del> <b>reset up the network ensuring</b> the appropriate level of competences for energy efficiency <b>-related</b>	1. Member States shall <del>ensure</del> <b>reset up the network ensuring</b> the appropriate level of competences for energy efficiency <b>-related</b>



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	needs. Member States in close cooperation with the social partners shall ensure that certification and/or equivalent qualification schemes, including, where necessary, suitable training programmes, are available for energy efficiency professions including providers of energy services, providers of energy audits, energy managers, independent experts and installers of building elements pursuant to Directive 2010/31/EU, and are reliable and contribute to national energy efficiency objectives and the overall EU decarbonisation objectives.	needs. Member States in close cooperation with the social partners shall ensure that certification and/or equivalent qualification schemes, including, where necessary, suitable training programmes, are available for energy efficiency professions including providers of energy services, providers of energy audits, energy managers, independent experts and installers of building elements pursuant to Directive 2010/31/EU, and are reliable and contribute to national energy efficiency objectives and the overall EU decarbonisation objectives.	professions that corresponds to the market needs. Member States in close cooperation with the social partners shall ensure that certification and/or equivalent qualification schemes, including, where necessary, suitable training programmes, are available for energy efficiency <b>-related</b> professions including providers of energy services, providers of energy audits, energy managers, independent experts and installers of building elements <b>and providers of integrated renovation works</b> pursuant to Directive 2010/31/EU, and are reliable and contribute to national energy efficiency objectives and the overall EU decarbonisation objectives.	professions that corresponds to the market needs. Member States in close cooperation with the social partners shall ensure that certification and/or equivalent qualification schemes, including, where necessary, suitable training programmes, are available for energy efficiency <u>-related</u> professions including providers of energy services, providers of energy audits, energy managers, independent experts and installers of building elements <u>and providers of integrated renovation works</u> pursuant to Directive 2010/31/EU, and are reliable and contribute to national energy efficiency objectives and the overall EU decarbonisation objectives.  Tech level - agreed
Article 26(1), second subparagraph				
529	Providers of certification, and/or equivalent qualification schemes, including, where necessary, suitable training programmes shall be accredited according to Regulation (EC) No 765/2008 <sup>1</sup> .	Providers of certification, and/or equivalent qualification schemes, including, where necessary, suitable training programmes shall be accredited according to Regulation (EC) No 765/2008 <sup>1</sup> .	<b>Member States shall insure that</b> providers of certification, and/or equivalent qualification schemes, including, where necessary, suitable training programmes <del>shall</del> <b>be</b> accredited according to	<u>Member States shall ensure that</u> providers of certification, and/or equivalent qualification schemes, including, where necessary, suitable training programmes <del>shall</del> <u>be</u> accredited according to

		ST 10697/22		
Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 , (OJ L 218, 13.8.2008, p. 30–47).	1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 , (OJ L 218, 13.8.2008, p. 30–47).	Regulation (EC) No 765/2008 <sup>1</sup> , where applicable.  1. [1] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 , (OJ L 218, 13.8.2008, p. 30–47).	Regulation (EC) No 765/2008 <sup>1</sup> <u>or according to converging national standards</u> .  1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 , (OJ L 218, 13.8.2008, p. 30–47).  Tech level - agreed
Article 26(1a)				
529a		<u>1a. Member States shall promote certification, training and education programmes to ensure the appropriate level of competences for energy efficiency professions that correspond to market needs. Member States shall put in place measures to promote participation in such programmes, in particular by SMEs and self-employed persons. By ... [12 months after the date of entry into force of this Directive], the Commission shall set up a Union-wide campaign to attract more people to energy efficiency</u>		<u>1a. Member States shall promote participation in certification, training and education programmes to ensure the appropriate level of competences for energy efficiency professions that correspond to market needs.</u>  Tech level - not yet fully agreed

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>professions and ensure equal access for women.</u>		
Article 26(1b)				
529b		<u>1b. By ... [12 months after the date of entry into force of this Directive], the Commission shall set up a single point of access platform providing support and sharing of knowledge to ensure the appropriate level of qualified professionals to reach the Union's climate and energy targets. The platform shall gather Member States, social partners, education institutions, academia and other relevant stakeholders to foster and promote best practices to ensure more energy efficiency professionals and re-skill or up-skill existing professionals in order to meet market needs.</u>		<u>1b. By ... [12 months after the date of entry into force of this Directive], the Commission shall :</u> <u>a) in cooperation with the committee referred in Article 34 set up a framework and design of a campaign to attract more people to energy efficiency professions while ensuring equal access to all genders;</u> <u>b) assess the viability of setting up a single point of access platform providing support to the Member States in setting their measures to to ensure the appropriate level of qualified professionals to reach the Union's climate and energy targets. The platform shall gather Member States, social partners, education institutions, academia and other relevant stakeholders to foster and promote best practices of qualification schemes and training programmes to ensure more energy efficiency</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				<u>professionals and re-skill or up-skill existing professionals in order to meet market needs.</u>  Tech level - not yet fully agreed
Article 26(2)				
Y	530 2. Member States shall ensure that national certification, or equivalent qualification schemes, including, where necessary, training programmes, take into account existing European or international standards.	2. Member States shall ensure that national certification, or equivalent qualification schemes, including, where necessary, training programmes, <del>take into account</del> <u>are based on</u> existing European or international standards.	2. Member States shall ensure that national certification, or equivalent qualification schemes, including, where necessary, training programmes, take into account existing European or international standards.	2. Member States shall ensure that national certification, or equivalent qualification schemes, including, where necessary, training programmes, <del>take into account</del> <u>are converging with</u> existing European or international standards.  Tech level - not yet fully agreed
Article 26(3), first subparagraph				
G	531 3. Member States shall make publicly available the certification, or equivalent qualification schemes, or suitable training programmes referred to in paragraph 1 and shall cooperate among themselves and with the Commission on comparisons between, and recognition of, the schemes.	3. Member States shall make publicly available the certification, or equivalent qualification schemes, or suitable training programmes referred to in paragraph 1 and shall cooperate among themselves and with the Commission on comparisons between, and recognition of, the schemes.	3. Member States shall make publicly available the certification, or equivalent qualification schemes, or suitable training programmes referred to in paragraph 1 and shall cooperate among themselves and with the Commission on comparisons between, and recognition of, the schemes.	3. Member States shall make publicly available the certification, or equivalent qualification schemes, or suitable training programmes—referred to in paragraph 1 and shall cooperate among themselves and with the Commission on comparisons between, and recognition of, the schemes.

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level - agreed Equal to the Commission's proposal
Article 26(3), second subparagraph				
532	Member States shall take appropriate measures to make consumers aware of the availability of the schemes in accordance with Article 27(1).	Member States shall take appropriate measures to make consumers aware of the availability of the schemes in accordance with Article 27(1).	Member States shall take appropriate measures to make consumers aware of the availability of the schemes in accordance with Article 27(1).	Member States shall take appropriate measures to make consumers aware of the availability of the schemes in accordance with Article 27(1).  Equal to the Commission's proposal Tech level - agreed
Article 26(4)				
533	4. Member States shall assess by 31 December 2024 and every four years thereafter whether the schemes ensure the necessary level of competences for energy services providers, energy auditors, energy managers, independent experts and installers of building elements pursuant to Directive 2010/31/EU, and shall make the assessment and recommendations thereof publically available.	4. Member States shall assess by 31 December 2024 and every <del>four</del> <u>two</u> years thereafter whether the schemes ensure the necessary level of competences <u>and gender balance</u> for energy services providers, energy auditors, energy managers, independent experts and installers of building elements pursuant to Directive 2010/31/EU; <del>and</del> . <u>They shall also assess the gap between available and needed professionals. They</u> shall make the	4. Member States shall assess by 31 December 2024 and every <del>four</del> <u>five</u> years thereafter whether the schemes ensure the necessary level of competences for energy services providers, energy auditors, energy managers, independent experts and installers of building elements <b>and providers of integrated renovation works</b> pursuant to Directive 2010/31/EU, and shall make the assessment and recommendations thereof	4. Member States shall assess by <del>31 December 2024 and</del> <u>[the date of the transposition of this Directive], two years after the transposition of this Directive and at least</u> every <del>four</del> <u>five</u> years thereafter, whether the schemes ensure the necessary level of competences <u>and equal access to all genders</u> for energy services providers, energy auditors, energy managers, independent experts and installers of building elements <u>and</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		assessment and recommendations thereof publically available.	publically available. <b>Member States may include these assessments in their integrated national energy and climate plans.</b>	<u>providers of integrated renovation works</u> pursuant to Directive 2010/31/EU, <del>and</del> . <u>They shall also assess the gap between available and needed professionals. They shall make the assessment and recommendations thereof publically/publicly available. Member States may include these assessments in their integrated national energy and climate plans.</u>  Tech level - not yet fully agreed
Article 27				
534	Article 27 Energy services	Article 27 Energy services	Article 27 Energy services	
Article 27(1) introductory part				
535	1. Member States shall promote the energy services market and access to it for SMEs by:	1. Member States shall promote the energy services market and access to it for SMEs by:	1. Member States shall promote the energy services market and access to it for SMEs by:	1. Member States shall promote the energy services market and access to it— for SMEs by:  Equal to the Commission's proposal Tech level - agreed
Article 27(1),introductory part				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
536	disseminating clear and easily accessible information on:	disseminating clear and easily accessible information on:	disseminating clear and easily accessible information on:	disseminating clear and easily accessible information on:  Equal to the Commission's proposal Tech level - agreed
Article 27(1), point (a)				
537	(a) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights;	(a) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights;	(a) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights;	(a) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights;  Equal to the Commission's proposal Tech level - agreed
Article 27(1), point (b)				
538	(b) financial instruments, incentives, grants, revolving funds, guarantees, insurance schemes, and loans to support energy efficiency service projects;	(b) financial instruments, incentives, grants, revolving funds, guarantees, insurance schemes, and loans to support energy efficiency service projects;	(b) financial instruments, incentives, grants, revolving funds, guarantees, insurance schemes, and loans to support energy efficiency service projects;	(b) financial instruments, incentives, grants, revolving funds, guarantees, insurance schemes, and loans to support energy efficiency service projects;  Equal to the Commission's proposal Tech level - agreed
Article 27(1), point (c)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Y	539 (c) available energy services providers that are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26.	(c) available energy services providers that are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26.	(c) available energy services providers that are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26.	(c) available energy services providers, <u>such as ESCOs</u> , that are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26.  Tech level - not yet fully agreed
Article 27(1 ), point (d)				
G	540 (d) available monitoring and verification methodologies and quality control schemes.	(d) available monitoring and verification methodologies and quality control schemes.	(d) available monitoring and verification methodologies and quality control schemes.	(d) available monitoring and verification methodologies and quality control schemes.  Tech level - agreed   Equal to the Commission's proposal
Article 27(2)				
G	541 2. Member States shall encourage the development of quality labels, inter alia, by trade associations, based on European or international standards where relevant ;	2. Member States shall encourage the development of quality labels, inter alia, by trade associations, based on European or international standards where relevant ;	2. Member States shall encourage the development of quality labels, inter alia, by trade associations, based on European or international standards where relevant ;	2. Member States shall encourage the development of quality labels, inter alia, by trade associations, based on European or international standards where relevant ;  Tech level - agreed   Equal to the Commission's proposal
Article 27(3)				



		ST 10697/22		
Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
542	3. Member States shall make publicly available and regularly update a list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26, or provide an interface where energy service providers can provide information.	3. Member States shall make publicly available and regularly update a list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26, or provide an interface where energy service providers can provide information.	3. Member States shall make publicly available and regularly update a list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26, or provide an interface where energy service providers can provide information.	3. Member States shall make publicly available and regularly update <del>a</del> list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 26, or provide <del>an</del> interface where energy service providers can provide information.  Tech level - agreed Equal to the Commission's proposal
Article 27(4), first subparagraph				
543	4. Member States shall encourage public bodies to use energy performance contracting for renovations of large buildings. For renovations of large non-residential buildings with a useful floor area above 1000 m <sup>2</sup> , Member States shall ensure that public bodies assess the feasibility of using energy performance contracting.	4. Member States shall <del>encourage</del> <u>ensure that</u> public bodies <del>to use</del> energy performance contracting for renovations of large buildings. For renovations of large non-residential <u>and public residential</u> buildings with a useful floor area above <del>1000</del> <u>500</u> m <sup>2</sup> , <u>and of buildings for social purposes,</u> Member States shall ensure that public bodies assess the feasibility of using energy performance contracting <del>and other</del> <u>performance-based energy</u>	4. Member States shall encourage public bodies to use energy performance contracting for renovations of large buildings. For renovations of large non-residential buildings with a useful floor area above 1000 m <sup>2</sup> , Member States shall ensure that public bodies assess the feasibility of using energy performance contracting.	4. Member States shall <del>encourage public bodies to use</del> <u>promote the use of</u> energy performance contracting for renovations of large buildings <u>owned by public bodies.</u> For renovations of large non-residential buildings <u>and of buildings for social purposes,</u> with a useful floor area above <del>1000</del> <u>750</u> m <sup>2</sup> , Member States shall ensure that public bodies assess the feasibility of using energy performance contracting <del>and other</del> <u>performance-based energy</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>services.</u>		<u>services</u> Tech level - not yet fully agreed
Article 27(4), second subparagraph				
544	Member States may encourage public bodies to combine energy performance contracting with expanded energy services including demand response and storage.	Member States may encourage public bodies to combine energy performance contracting with expanded energy services including demand response and storage, <u>in order to ensure energy savings and maintain the obtained results over time through continuous monitoring, effective operation and maintenance.</u>	Member States may encourage public bodies to combine energy performance contracting with expanded energy services including demand response and storage.	Member States may encourage public bodies to combine energy performance contracting with expanded energy services including demand response and storage, <u>in order to ensure energy savings and maintain the obtained results over time through continuous monitoring, effective operation and maintenance.</u> Tech level - agreed
Article 27(5), introductory part				
545	5. Member States shall support the public sector in taking up energy service offers, in particular for building refurbishment, by:	5. Member States shall support the public sector in taking up energy service offers, in particular for building refurbishment, by:	5. Member States shall support the public sector in taking up energy service offers, in particular for building refurbishment, by:	5. Member States shall support the public sector in taking up energy service offers, in particular for building refurbishment, by: Tech level - agreed   Equal to the Commission's proposal
Article 27(5), point (a)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
546	(a) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII and take into account the existing European or international standards, available tendering guidelines and Eurostat guide to the statistical treatment of energy performance contracts in government accounts ;	(a) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII and take into account the existing European or international standards, available tendering guidelines and Eurostat guide to the statistical treatment of energy performance contracts in government accounts ;	(a) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII and take into account the existing European or international standards, available tendering guidelines and Eurostat guide to the statistical treatment of energy performance contracts in government accounts ;	(a) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII and take into account the existing European or international standards, available tendering guidelines and Eurostat guide to the statistical treatment of energy performance contracts in government accounts ;  Equal to the Commission's proposal Tech level - agreed
Article 27(5), point (b)				
547	(b) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach;	(b) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach;	(b) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach;	(b) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach;  Tech level - agreed Equal to the Commission's proposal
Article 27(5), point (c)				
548	(c) making publicly available a database of implemented and	(c) <u>promoting and</u> making publicly available a database of	(c) making publicly available a database of implemented and	(c) <u>promoting and</u> making publicly available a database of

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	ongoing energy performance contracting projects that includes the projected and achieved energy savings.	implemented and ongoing energy performance contracting projects that includes the projected and achieved energy savings.	ongoing energy performance contracting projects that includes the projected and achieved energy savings.	implemented and ongoing energy performance contracting projects that includes the projected and achieved energy savings.  Tech level - agreed
Article 27(6), introductory part				
549	6. Member States shall support the proper functioning of the energy services market, by taking the following measures :	6. Member States shall support the proper functioning of the energy services market, by taking the following measures :	6. Member States shall support the proper functioning of the energy services market, by taking the following measures :	6. Member States shall support the proper functioning of the energy services market, by taking the following measures :  Equal to the Commission's proposal Tech level - agreed
Article 27(6), point (a)				
550	(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;	(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;	(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;	(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;  Equal to the Commission's proposal Tech level - agreed
Article 27(6), point (b)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
G	551 (b) removing the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;	(b) removing the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;	(b) removing the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;	(b) removing the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;  Equal to the Commission's proposal Tech level - agreed
Article 27(6), point (c)				
Y	552 (c) setting up and promoting the role of advisory bodies and independent market intermediaries including one stop shops or similar support mechanisms to stimulate market development on the demand and supply sides, and making information about those support mechanisms publically available and accessible to market actors.	(c) setting up and promoting the role of advisory bodies, <u>ESCOs</u> and independent market intermediaries including one stop shops or similar support mechanisms to stimulate market development on the demand and supply sides, and making information about those support mechanisms publically available and accessible to market actors.	(c) setting up and promoting the role of advisory bodies and independent market intermediaries including one stop shops or similar support mechanisms to stimulate market development on the demand and supply sides, and making information about those support mechanisms publically available and accessible to market actors.	(c) setting up and promoting the role of advisory bodies and independent market intermediaries including one stop shops or similar support mechanisms to stimulate market development on the demand and supply sides, and making information about those support mechanisms publically available and accessible to market actors.  Tech level - not yet fully agreed
Article 27(7)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
553	7. For the purpose of supporting the proper functioning of the energy services market, Member States may establish an individual mechanism or designate an ombudsperson to ensure the efficient handling of complaints and out-of-court settlement of disputes arising from energy service and energy performance contracts.	7. For the purpose of supporting the proper functioning of the energy services market, Member States may establish an individual mechanism or designate an ombudsperson to ensure the efficient handling of complaints and out-of-court settlement of disputes arising from energy service and energy performance contracts.	7. For the purpose of supporting the proper functioning of the energy services market, Member States may establish an individual mechanism or designate an ombudsperson to ensure the efficient handling of complaints and out-of-court settlement of disputes arising from energy service and energy performance contracts.	7. For the purpose of supporting the proper functioning of the energy services market, Member States may establish an individual mechanism or designate an ombudsperson to ensure the efficient handling of complaints and out-of-court settlement of disputes arising from energy service and energy performance contracts.  Equal to the Commission's proposal Tech level - agreed
Article 27(8)				
554	8. Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions.	8. Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions.	8. Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions.	8. Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions-

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Equal to the Commission's proposal Tech level - agreed
Article 28				
555	Article 28 Energy Efficiency National Fund, Financing and Technical Support	Article 28 Energy Efficiency National Fund, Financing and Technical Support	Article 28 Energy Efficiency National Fund, Financing and Technical Support	
Article 28(1)				
556	1. Without prejudice to Articles 107 and 108 TFEU , Member States shall facilitate the establishment of financing facilities, or use of existing ones, for energy efficiency improvement measures to maximise the benefits of multiple streams of financing and the combination of grants, financial instruments and technical assistance .	1. Without prejudice to Articles 107 and 108 TFEU , Member States shall facilitate the establishment of financing facilities, or use of existing ones, for energy efficiency improvement measures to maximise the benefits of multiple streams of financing and the combination of grants, financial instruments and technical assistance .	1. Without prejudice to Articles 107 and 108 TFEU , Member States shall facilitate the establishment of financing facilities, or use of existing ones, for energy efficiency improvement measures to maximise the benefits of multiple streams of financing and the combination of grants, financial instruments and technical assistance .	
Article 28(2)				
557	2. The Commission shall, where appropriate, directly or via the European financial institutions,	2. The Commission shall, where appropriate, directly or via the European financial institutions,	2. The Commission shall, where appropriate, directly or via the European financial institutions,	2. The Commission shall, where appropriate, directly or via the European financial institutions,

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	assist Member States in setting up financing facilities and project development assistance facilities at national, regional or local level with the aim of increasing investments in energy efficiency in different sectors , and protecting and empowering vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing including by integrating an equality perspective so that no one is left behind .	assist Member States in setting up financing facilities and project development assistance facilities at national, regional or local level with the aim of increasing investments in energy efficiency in different sectors , and protecting and empowering vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing including by integrating an equality perspective so that no one is left behind .	assist Member States in setting up financing facilities and project development assistance facilities at national, regional or local level with the aim of increasing investments in– energy efficiency in different sectors-, and protecting and empowering vulnerable customers <b>pursuant to Article 22(1)</b> , people affected by energy poverty and, where applicable, people living in social housing including by integrating an equality perspective so that no one is left behind-.	assist Member States in setting up financing facilities and project development assistance facilities at national, regional or local level with the aim of increasing investments in–energy efficiency in different sectors-, and protecting and empowering vulnerable customers <u>pursuant to Article 22(1)</u> , people affected by energy poverty and, where applicable, people living in social housing including by integrating an equality perspective so that no one is left behind-.
	Article 28(3)			
558	3. Member States shall adopt measures that ensure that energy efficiency lending products, such as green mortgages and green loans, secured and unsecured, are offered widely and in a non-discriminatory manner by financial institutions and, are visible and accessible to consumers. Member States shall adopt measures to facilitate the implementation of on-	3. Member States shall adopt measures that ensure that energy efficiency lending products, such as green mortgages and green loans, secured and unsecured, are offered widely and in a non-discriminatory manner by financial institutions and, are visible and accessible to consumers. Member States shall adopt measures to facilitate the implementation of on-	3. Member States shall adopt measures that <del>ensure</del> <b>promote and encourage</b> that energy efficiency lending products, such as green mortgages and green loans, secured and unsecured, are offered widely and in a non-discriminatory manner by financial institutions and, are visible and accessible to consumers. Member States shall adopt measures to facilitate the	3. Member States shall adopt measures that <del>ensure that</del> <u>promote</u> energy efficiency lending products, such as green mortgages and green loans, secured and unsecured, <u>and ensure that they</u> are offered widely and in a non-discriminatory manner by financial institutions and, are visible and accessible to consumers. Member States shall adopt measures to facilitate the



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	bill and on-tax financing schemes. Member States shall ensure that banks and other financial institutions receive information on opportunities to participate in the financing of energy efficiency improvement measures , including through the creation of public/private partnerships.	bill and on-tax financing schemes. Member States shall ensure that banks and other financial institutions receive information on opportunities to participate in the financing of energy efficiency improvement measures , including through the creation of public/private partnerships.	implementation of on-bill and on-tax financing schemes, <b>taking into account the Commission guidance adopted in accordance with paragraph 8.</b> – Member States shall ensure that– <b>t</b> banks and other financial institutions receive information on opportunities to participate in the financing of energy efficiency improvement measures , including through the creation of public/private partnerships. <b>Member States shall encourage the setting up of loan guarantee facilities for energy efficiency investment.</b>	implementation of on-bill and on-tax financing schemes, <u>taking into account the Commission guidance provided in accordance with paragraph 8.</u> – Member States shall ensure that– banks and other financial institutions receive information on opportunities to participate in the financing of energy efficiency improvement measures-, including through the creation of public/private partnerships. <u>Member States shall encourage the setting up of loan guarantee facilities for energy efficiency investment.</u>  Tech level - agreed
Article 28(3a), first subparagraph				
558a		<u>3a. Without prejudice to Articles 107 and 108 TFEU, Member States shall adopt financial support schemes to increase the uptake of energy efficiency improvement measures for newly built, or the substantial refurbishment of, individual and district heating and cooling systems and the replacement of</u>		<u>3a. Without prejudice to Articles 107 and 108 TFEU, Member States shall promote the establishment of financial support schemes to increase the uptake of energy efficiency improvement measures for the substantial refurbishment of, individual and district heating and cooling systems and the replacement of old</u>

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>old and inefficient heating and cooling appliances with highly efficient alternatives.</u>		<u>and inefficient heating and cooling appliances with highly efficient alternatives in accordance with Article 7(2) of Regulation (EU) 2017/1369</u>  Tech level - not yet fully agreed
Article 28(3a), second subparagraph				
558b		<u>Member States shall facilitate the establishment of local expertise and technical assistance to advise on best practices with regard to achieving the decarbonisation of local district heating and cooling, such as access to locally available projects and dedicated financial support.</u>		
Article 28(4)				
559	4. The Commission shall facilitate the exchange of best practice between the competent national or regional authorities or bodies, e.g. through annual meetings of the regulatory bodies, public databases with information on the implementation of measures by	4. The Commission shall facilitate the exchange of best practice between the competent national or regional authorities or bodies, e.g. through annual meetings of the regulatory bodies, public databases with information on the implementation of measures by	4. The Commission shall facilitate the exchange of best practice between the competent national or regional authorities or bodies, e.g. through annual meetings of the regulatory bodies, public databases with information on the implementation of measures by	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Member States, and country comparison.	Member States, and country comparison.	Member States, and country comparison.	
Article 28(5)				
560	5. In order to mobilise private financing for energy efficiency measures and energy renovation, in accordance with Directive 2010/31/EU, the Commission shall conduct a dialogue with both public and private financial institutions in order to map out possible actions it can take.	5. In order to mobilise private financing for energy efficiency measures and energy renovation, <del>in accordance with</del> <u>to contribute to the achievement the Union's energy efficiency targets and of the national contributions pursuant to Article 4 of this Directive and of the objectives in</u> Directive 2010/31/EU, the Commission shall conduct a dialogue with both public and private financial institutions, <u>as well as specific sectors such as transport, ICT and buildings,</u> in order to map out <u>needs and</u> possible actions it can take.	5. In order to mobilise private financing for energy efficiency measures and energy renovation, in accordance with Directive 2010/31/EU, the Commission shall conduct a dialogue with both public and private financial institutions in order to map out possible actions it can take.	
Article 28(6), introductory part				
561	6. The actions referred to in paragraph 5 shall include the following elements :	6. The actions referred to in paragraph 5 shall include the following elements :	6. The actions referred to in paragraph 5 shall include the following elements :	
Article 28(6), point (a)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
562	(a) mobilising capital investment into energy efficiency by considering the wider impacts of energy savings;	(a) mobilising capital investment into energy efficiency by considering the wider impacts of energy savings;	(a) mobilising capital investment into energy efficiency by considering the wider impacts of energy savings;	
Article 28(6), point (a)(a)				
562a		<u>(aa) facilitating the implementation of dedicated energy efficiency financial instruments and financing schemes at scale to be set up by financial institutions;</u>		
Article 28(6), point (b), introductory part				
563	(b) ensuring better energy and finance performance data by:	(b) ensuring better energy and finance performance data by:	(b) ensuring better energy and finance performance data by:	
Article 28(6), point (b)(i)				
564	(i) examining further how energy efficiency investments improve underlying asset values;	(i) examining further how energy efficiency investments improve underlying asset values;	(i) examining further how energy efficiency investments improve underlying asset values;	
Article 28(6), point (b)(ii)				
565				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(ii) supporting studies to assess the monetisation of the non-energy benefits of energy efficiency investments.	(ii) supporting studies to assess the monetisation of the non-energy benefits of energy efficiency investments.	(ii) supporting studies to assess the monetisation of the non-energy benefits of energy efficiency investments.	
Article 28(7), introductory part				
566	7. For the purpose of mobilising private financing of energy efficiency measures and energy renovation, Member States shall, when implementing this Directive:	7. For the purpose of mobilising private financing of energy efficiency measures and energy renovation, Member States shall, when implementing this Directive:	7. For the purpose of mobilising private financing of energy efficiency measures and energy renovation, Member States shall, when implementing this Directive:	
Article 28(7), point (a)				
567	(a) consider ways to make better use of energy audits under Article 11 to influence decision-making;	(a) consider ways to make better use of energy <u>management systems and energy</u> audits under Article 11 to influence decision-making;	(a) consider ways to make better use of energy audits under Article 11 to influence decision-making;	
Article 28(7), point (b)				
568	(b) make optimal use of the possibilities and tools available from the Union budget, and proposed in the smart finance for smart buildings initiative and in Commission Communication	(b) make optimal use of the possibilities and tools available from the Union budget, and proposed in the smart finance for smart buildings initiative and in Commission Communication	(b) make optimal use of the possibilities and tools available from the Union budget, and proposed in the smart finance for smart buildings initiative and in Commission Communication	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	entitled 'Renovation Wave'.	entitled 'Renovation Wave'.	entitled 'Renovation Wave'.	
Article 28(8), first subparagraph				
569	8. By 31 December 2022 the Commission shall provide guidance for Member States and market actors on how to unlock private investment.	8. By 31 December 2022 the Commission shall provide guidance for Member States and market actors on how to unlock private investment.	8. By 31 December 2022 the Commission shall provide guidance for Member States and market actors on how to unlock private investment.	
Article 28(8), second subparagraph				
570	The guidance shall have the purpose of helping Member States and market actors to develop and implement their energy efficiency investments in the various Union programmes, and will propose adequate financial mechanisms and solutions, with a combination of grants, financial instruments and project development assistance, to scale up existing initiatives and use the Union funding as a catalyst to leverage and trigger private financing.	The guidance shall have the purpose of helping Member States and market actors to develop and implement their energy efficiency investments in the various Union programmes, and will propose adequate financial mechanisms and solutions, with a combination of grants, financial instruments and project development assistance, to scale up existing initiatives and use the Union funding as a catalyst to leverage and trigger private financing.	The guidance shall have the purpose of helping Member States and market actors to develop and implement their energy efficiency investments in the various Union programmes, and will propose adequate financial mechanisms and solutions, with a combination of grants, financial instruments and project development assistance, to scale up existing initiatives and use the Union funding as a catalyst to leverage and trigger private financing.	
Article 28(9), first subparagraph				
571				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>9. Member States may set up an Energy Efficiency National Fund. The purpose of this fund shall be to implement energy efficiency measures, including measures pursuant to Article 8(3) and Article 22 as a priority among vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, and to implement national energy efficiency measures to support Member States in meeting their national energy efficiency contributions and their indicative trajectories referred to in Article 4(2). The Energy Efficiency National Fund may be financed with revenues from the allowance auctions pursuant to the EU Emission Trading System on buildings and transport sectors .</p>	<p>9. <u>By ... [transposition date],</u> Member States may set up <del>an</del> <u>a</u> <u>National</u> Energy Efficiency <del>National</del> Fund. The purpose of <del>this fund shall be to implement the</del> <u>National</u> Energy Efficiency <del>measures, including measures pursuant to Article 8(3) and Article 22 as a priority among vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, and to</del> <u>Fund shall be to</u> implement <del>national</del> energy efficiency measures <del>to</del> <u>in</u> support <del>of</del> Member States <del>in meeting their</del> <u>'</u> national <del>energy efficiency</del> contributions <del>and their indicative trajectories referred to in</del> <u>pursuant to</u> Article 4(2). The <u>National</u> Energy Efficiency <del>National</del> Fund may be <del>financed with revenues from the allowance auctions pursuant to the EU Emission Trading System on buildings and transport sectors</del> <u>established as a dedicated fund within an already existing national facility promoting capital investments.</u></p>	<p>9. Member States may set up an Energy Efficiency National Fund. The purpose of this fund shall be to implement energy efficiency measures, including measures pursuant to Article 8(3) and Article 22 as a priority among vulnerable customers, people affected by energy poverty and, <b>to support Member States in meeting their national energy efficiency contributions and their indicative trajectories referred to in Article 4(2) and</b> where applicable, <del>people living in social housing, and to implement national energy efficiency measures to support Member States in meeting their national</del> <b>including measures pursuant to Article 8(3) and Article 33 as a priority among vulnerable customers, people affected by energy efficiency contributions and their indicative trajectories referred to in Article 4(2)</b> <b>poverty and people living in social housing.</b> The Energy Efficiency National Fund may be financed with revenues from the allowance auctions pursuant to the EU Emission Trading System on</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			buildings and transport sectors-	
Article 28(9), second ubparagraph				
571a		<p><u>Member States shall establish financing instruments including public guarantees in their National Energy Efficiency Funds to increase the uptake of private investments in energy efficiency and of the energy efficiency lending products and innovative schemes referred to in paragraph 3 of this Article. Pursuant to Article 8(3) and Article 22, the National Energy Efficiency Fund shall support the implementation of measures as a priority among vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing. That support shall include financing for energy efficiency measures for SMEs in order to leverage and trigger private financing for SMEs, thereby supporting the implementation of national energy efficiency measures to support Member States in meeting their national energy efficiency</u></p>		



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<a href="#"><u>contributions and their indicative trajectories referred to in Article 4(2). [The National Energy Efficiency Fund may be financed with revenues from the allowance auctions pursuant to the EU Emission Trading System on buildings and transport sectors.]</u></a>		
Article 28(10)				
572	10. Member States may allow public bodies to fulfil the obligations set out in Article 6(1) by means of annual contributions to the Energy Efficiency National Fund equivalent to the amount of the investments required to achieve those obligations.	10. Member States may allow public bodies to fulfil the obligations set out in Article 6(1) by means of annual contributions to the Energy Efficiency National Fund equivalent to the amount of the investments required to achieve those obligations.	10. Member States may allow public bodies to fulfil the obligations set out in Article 6(1) by means of annual contributions to the Energy Efficiency National Fund equivalent to the amount of the investments required to achieve those obligations.	
Article 28(11)				
573	11. Member States may provide that obligated parties can fulfil their obligations set out in Article 8(1) and (4) by contributing annually to the Energy Efficiency National Fund an amount equal to the investments required to achieve those obligations.	11. Member States may provide that obligated parties can fulfil their obligations set out in Article 8(1) and (4) by contributing annually to the Energy Efficiency National Fund an amount equal to the investments required to achieve those obligations.	11. Member States may provide that obligated parties can fulfil their obligations set out in Article 8(1) and (4) by contributing annually to the Energy Efficiency National Fund an amount equal to the investments required to achieve those obligations.	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 28(12)				
574	12. Member States may use their revenues from annual emission allocations under Decision No 406/2009/EC for the development of innovative financing for energy efficiency improvements .	12. Member States may use their revenues from annual emission allocations under Decision No 406/2009/EC for the development of innovative financing for energy efficiency improvements .	12. Member States may use their revenues from annual emission allocations under Decision No 406/2009/EC for the development of innovative financing for energy efficiency improvements .	
Article 28(12a), first subparagraph				
574a		<u>12a. The Commission shall assess the effectiveness and efficiency of energy efficiency investment measures implemented in the Member States and their capacity to increase the uptake of private investments in energy efficiency while also taking into account public financing needs expressed in the National Energy and Climate Plans. The Commission shall evaluate whether an energy efficiency mechanism at Union level, with the objective to provide an EU guarantee, technical assistance, including one stop shops, and associated grants to enable the</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>implementation of financial instruments, and financing and support schemes at national level, could support in a cost-effective way the achievement of the Union energy efficiency and climate targets, and, if appropriate, propose the establishment of such a mechanism.</u>		
Article 28(12a), second subparagraph				
574b		<u>To that end, the Commission shall submit by ... [30 March 2024] a report to the European Parliament and the Council, which shall be accompanied, if appropriate, by a legislative proposal.</u>		
Article 28(12b), first subparagraph , introductory part				
574c		<u>12b. Member States shall report to the Commission by ... [15 March 2025] and every two years thereafter, as part of their integrated national energy and climate progress reports in accordance with Articles 17 and 21 of Regulation (EU) 2018/1999</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>the following data:</u>		
Article 28(12b), first subparagraph , point(a)				
574d		<u>(a) an estimation of the volume of public and private investments on energy efficiency, including investments via energy performance contracting and the leverage factor achieved by public funding supporting energy efficiency measures;</u>		
Article 28(12b), first subparagraph , point(b)				
574e		<u>(b) the volume of energy efficiency lending products, differentiating between secured and unsecured lending products;</u>		
Article 28(12b), first subparagraph , point(c)				
574f		<u>(c) national financing programmes put in place to increase uptake of energy efficiency and best practices, and innovative financing schemes for energy efficiency.</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 28(12b) , second subparagraph				
574g		<u><i>To facilitate the preparation of the report referred to in the first subparagraph, the Commission shall provide a common template to Member States by ... [15 March 2024]. Member States shall include an annex to their integrated national energy and climate progress reports, drawn up in accordance with that template.</i></u>		
Article 29				
575	Article 29 Conversion factors and primary energy factors	Article 29 Conversion factors and primary energy factors	Article 29 Conversion factors and primary energy factors	
Article 29(1)				
576	1. For the purpose of comparison of energy savings and conversion to a comparable unit, the net calorific values in Annex VI of Commission Implementing Regulation (EU) 2018/2066 <sup>1</sup> and the primary energy factors set out in paragraph 2 shall apply unless	1. For the purpose of comparison of energy savings and conversion to a comparable unit, the net calorific values in Annex VI of Commission Implementing Regulation (EU) 2018/2066 <sup>1</sup> and the primary energy factors set out in paragraph 2 shall apply unless	1. For the purpose of comparison of energy savings and conversion to a comparable unit, the net calorific values in Annex VI of Commission Implementing Regulation (EU) 2018/2066 <sup>1</sup> and the primary energy factors set out in paragraph 2 shall apply unless	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>the use of other values or factors can be justified.</p> <p>1. Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, OJ L 334, 31.12.2018, p. 1–93.</p>	<p>the use of other values or factors can be justified.</p> <p>1. Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, OJ L 334, 31.12.2018, p. 1–93.</p>	<p>the use of other values or factors can be justified.</p> <p>1. Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, OJ L 334, 31.12.2018, p. 1–93.</p>	
Article 29(2)				
577	<p>2. A primary energy factor shall be applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption.</p>	<p>2. A primary energy factor shall be applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption.</p>	<p>2. A primary energy factor shall be applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption.</p>	
Article 29(3)				
578	<p>3. For savings in kWh electricity, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings. Member States shall apply a default coefficient of 2,1 unless they use their discretion to define a different coefficient based upon justified national circumstances.</p>	<p>3. For savings in kWh electricity, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings. Member States shall apply a default coefficient of 2,1 unless they use their discretion to define a different coefficient based upon justified national circumstances.</p>	<p>3. For savings in kWh electricity, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings. Member States shall apply a default coefficient of 2,1 unless they use their discretion to define a different coefficient based upon justified national circumstances.</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 29(4)				
579	4. For savings in kWh of other energy carriers, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings.	4. For savings in kWh of other energy carriers, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings.	4. For savings in kWh of other energy carriers, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings.	
Article 29(5)				
580	5. Where Member States establish their own coefficient to a default value provided pursuant to this Directive, Member States shall establish this through a transparent methodology on the basis of national circumstances affecting primary energy consumption. The circumstances shall be substantiated, verifiable and based on objective and non-discriminatory criteria.	5. Where Member States establish their own coefficient to a default value provided pursuant to this Directive, Member States shall establish this through a transparent methodology on the basis of national <u>or local</u> circumstances affecting primary energy consumption. The circumstances shall be substantiated, verifiable and based on objective and non-discriminatory criteria.	5. Where Member States establish their own coefficient to a default value provided pursuant to this Directive, Member States shall establish this through a transparent methodology on the basis of national circumstances affecting primary energy consumption. The circumstances shall be substantiated, verifiable and based on objective and non-discriminatory criteria.	
Article 29(6)				
581	6. Where establishing an own coefficient, Member States shall	6. Where establishing an own coefficient, Member States shall	6. Where establishing an own coefficient, Member States shall	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	take into account the energy mix included in the update of their integrated national energy and climate plans and subsequent integrated National Energy and Climate Plan to be notified to the Commission in accordance with Regulation (EU) 2018/1999. If they deviate from the default value Member States shall notify the coefficient that they use to the Commission along with the calculation methodology and underlying data in the update of their integrated National Energy and Climate Plans and subsequent integrated National Energy and Climate Plans in accordance with Regulation (EU) 2018/1999.	take into account the energy mix included in the update of their integrated national energy and climate plans and subsequent integrated National Energy and Climate Plan to be notified to the Commission in accordance with Regulation (EU) 2018/1999. If they deviate from the default value Member States shall notify the coefficient that they use to the Commission along with the calculation methodology and underlying data in the update of their integrated National Energy and Climate Plans and subsequent integrated National Energy and Climate Plans in accordance with Regulation (EU) 2018/1999.	take into account the energy mix included in the update of their integrated national energy and climate plans and subsequent integrated National Energy and Climate Plan to be notified to the Commission in accordance with Regulation (EU) 2018/1999. If they deviate from the default value Member States shall notify the coefficient that they use to the Commission along with the calculation methodology and underlying data in the update of their integrated National Energy and Climate Plans and subsequent integrated National Energy and Climate Plans in accordance with Regulation (EU) 2018/1999.	
Article 29(7)				
582	7. By 25 December 2022 and every four years thereafter, the Commission shall revise the default coefficient on the basis of observed data. That revision shall be carried out taking into account its effects on other Union law such as Directive 2009/125/EC and Regulation (EU) 2017/1369.	7. By 25 December 2022 and every four years thereafter, the Commission shall revise the default coefficient on the basis of observed data. That revision shall be carried out taking into account its effects on other Union law such as Directive 2009/125/EC and Regulation (EU) 2017/1369. <a href="#">The</a>	7. By 25 December 2022 and every four years thereafter, the Commission shall revise the default coefficient on the basis of observed data. That revision shall be carried out taking into account its effects on other Union law such as Directive 2009/125/EC and Regulation (EU) 2017/1369.	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>methodology shall be regularly assessed to ensure that energy savings lead to the highest level of greenhouse gas emission reductions while contributing to the phasing out of fossil fuels.</u>		
CHAPTER VII				
583	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS  Text Origin: Commission Proposal
Article 30				
584	Article 30 Penalties	Article 30 Penalties	Article 30 Penalties	Article 30 Penalties  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 30				
585	Member States shall lay down the rules on penalties applicable in case of non-compliance with the	Member States shall lay down the rules on penalties applicable in case of non-compliance with the	Member States shall lay down the rules on penalties applicable in case of non-compliance with the	Member States shall lay down the rules on penalties applicable in case of non-compliance with the

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	national provisions adopted pursuant to this Directive and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [transposition date] and shall notify it without delay of any subsequent amendment affecting them.	national provisions adopted pursuant to this Directive and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [transposition date] and shall notify it without delay of any subsequent amendment affecting them.	national provisions adopted pursuant to this Directive and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [transposition date] and shall notify it without delay of any subsequent amendment affecting them.	national provisions adopted pursuant to this Directive and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [transposition date] and shall notify it without delay of any subsequent amendment affecting them.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 31				
586	Article 31 Delegated acts	Article 31 Delegated acts	Article 31 Delegated acts	Article 31 Delegated acts  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 31(1)				
587				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	1. The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the review of the harmonised efficiency reference values referred to in the second subparagraph of Article 24(10).	1. The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the review of the harmonised efficiency reference values referred to in the second subparagraph of Article 24(10).	1. The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the review of the harmonised efficiency reference values referred to in the second subparagraph of Article 24(10).	1. The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the review of the harmonised efficiency reference values referred to in the second subparagraph of Article 24(10).  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 31(2)				
588	2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by adapting to technical progress the values, calculation methods, default primary energy coefficients and requirements referred to in Article 29, Annexes II, III, V, VII to XI, and XIII .	2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by adapting to technical progress the values, calculation methods, default primary energy coefficients and requirements referred to in Article 29, Annexes II, III, V, VII to XI, and XIII .	2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by adapting to technical progress the values, calculation methods, default primary energy coefficients and requirements referred to in Article 29, Annexes II, III, V, VII to XI, and XIII .	2. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by adapting to technical progress the values, calculation methods, default primary energy coefficients and requirements referred to in Article 29, Annexes II, III, V, VII to XI, and XIII .  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 31(3)				
589	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by establishing, after having consulted the relevant stakeholders, a common Union scheme for rating the sustainability of data centres located in its territory. The scheme shall establish the definition of data centre sustainability indicators, and, pursuant to paragraph 10 of Article 11 of this Directive, define the minimum thresholds for significant energy consumption and set out the key indicators and the methodology to measure them.	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by establishing, after having consulted the relevant stakeholders, a common Union scheme for rating the sustainability of data centres located in its territory, <u>within a month after the entry into force of the Directive</u> . The scheme shall establish the definition of data centre sustainability indicators, and, pursuant to <del>paragraph 10 of</del> Article <del>11</del> <u>11a</u> of this Directive, define the minimum thresholds for significant energy consumption and set out the key indicators and the methodology to measure them.	3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend or supplement this Directive by establishing, after having consulted the relevant stakeholders, a common Union scheme for rating the sustainability of data centres located in its territory. The scheme shall establish the definition of data centre sustainability indicators, and, pursuant to paragraph 10 of Article 11 of this Directive, define the minimum thresholds for significant energy consumption and set out the key indicators and the methodology to measure them.	Tech level - not yet fully agreed Comment : To be discussed together with Article 11
Article 32				
590	Article 32 Exercise of the delegation	Article 32 Exercise of the delegation	Article 32 Exercise of the delegation	Article 32 Exercise of the delegation  Tech level - agreed   Equal to the Commission's proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 32(1)				
591	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 32(2)				
592	2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for a period of five years from [date of publication in OJ] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for	2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for a period of five years from [date of publication in OJ] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for	2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for a period of five years from [date of publication in OJ] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for	2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for a period of five years from [date of publication in OJ] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 32(3)				
593	3. The delegation of power referred to in Article 31 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 31 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 31 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 31 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.  Tech level - agreed Equal to the Commission's proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 32(4)				
594	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 32(5)				
595	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 32(6)				
596	6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33				
597	Article 33 Review and monitoring of implementation	Article 33 Review and monitoring of implementation	Article 33 Review and monitoring of implementation	Article 33 Review and monitoring of implementation  Tech level - agreed Equal to the



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Commission's proposal  Text Origin: Commission Proposal
Article 33(1)				
598	1. In the context of the State of the Energy Union report, the Commission shall report on the functioning of the carbon market in accordance with Article 35(1) and point (c) of Article 35(2) of Regulation (EU) 2018/1999, taking into consideration the effects of the implementation of this Directive.	1. In the context of the State of the Energy Union report, the Commission shall report on the functioning of the carbon market in accordance with Article 35(1) and point (c) of Article 35(2) of Regulation (EU) 2018/1999, taking into consideration the effects of the implementation of this Directive.	1. In the context of the State of the Energy Union report, the Commission shall report on the functioning of the carbon market in accordance with Article 35(1) and point (c) of Article 35(2) of Regulation (EU) 2018/1999, taking into consideration the effects of the implementation of this Directive.	1. In the context of the State of the Energy Union report, the Commission shall report on the functioning of the carbon market in accordance with Article 35(1) and point (c) of Article 35(2) of Regulation (EU) 2018/1999, taking into consideration the effects of the implementation of this Directive.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), first subparagraph, introductory part				
599	2. By 31 October 2025 and every four years thereafter, the Commission shall evaluate the existing measures to achieve energy efficiency increase and decarbonisation in heating and cooling. The evaluation shall take	2. By 31 October 2025 and every four years thereafter, the Commission shall evaluate the existing measures to achieve energy efficiency increase and decarbonisation in heating and cooling. The evaluation shall take	2. By 31 October 2025 and every four years thereafter, the Commission shall evaluate the existing measures to achieve energy efficiency increase and decarbonisation in heating and cooling. The evaluation shall take	2. By 31 October 2025 and every four years thereafter, the Commission shall evaluate the existing measures to achieve energy efficiency increase and decarbonisation in heating and cooling. The evaluation shall take

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	into account:	into account:	into account:	into account:  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), first subparagraph, point (a)				
600	(a) Energy efficiency and greenhouse gases emissions trends in heating and cooling, including in district heating and cooling;	(a) Energy efficiency and greenhouse gases emissions trends in heating and cooling, including in district heating and cooling;	(a) Energy efficiency and greenhouse gases emissions trends in heating and cooling, including in district heating and cooling;	(a) Energy efficiency and greenhouse gases emissions trends in heating and cooling, including in district heating and cooling;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), first subparagraph, point (b)				
601	(b) Interlinkages between measures taken;	(b) Interlinkages between measures taken;	(b) Interlinkages between measures taken;	(b) Interlinkages between measures taken;  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Article 33(2), first subparagraph, point (c)				
602	(c) Changes in energy efficiency and greenhouse gas emissions in the heating and cooling;	(c) Changes in energy efficiency and greenhouse gas emissions in the heating and cooling;	(c) Changes in energy efficiency and greenhouse gas emissions in the heating and cooling;	(c) Changes in energy efficiency and greenhouse gas emissions in the heating and cooling;  Tech level - agreed   Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), first subparagraph, point (d)				
603	(d) Existing and planned energy efficiency policies and measures and greenhouse gas reduction policies and measures at national and EU level, and	(d) Existing and planned energy efficiency policies and measures and greenhouse gas reduction policies and measures at national and EU level, and	(d) Existing and planned energy efficiency policies and measures and greenhouse gas reduction policies and measures at national and EU level, and	(d) Existing and planned energy efficiency policies and measures and greenhouse gas reduction policies and measures at national and EU level, and  Tech level - agreed   Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), first subparagraph, point (e)				
604	(e) Measures Member States provided in their comprehensive assessments pursuant to Article	(e) Measures Member States provided in their comprehensive assessments pursuant to Article	(e) Measures Member States provided in their comprehensive assessments pursuant to Article	(e) Measures Member States provided in their comprehensive assessments pursuant to Article

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	23(1) of this Directive and notified in accordance with Article 17 (1) of Regulation (EU) 2018/1999.	23(1) of this Directive and notified in accordance with Article 17 (1) of Regulation (EU) 2018/1999.	23(1) of this Directive and notified in accordance with Article 17 (1) of Regulation (EU) 2018/1999.	23(1) of this Directive and notified in accordance with Article 17 (1) of Regulation (EU) 2018/1999.  Tech level - agreed Equal to the Commission's proposal  Text Origin: Commission Proposal
Article 33(2), second subparagraph				
605	The Commission may propose, if appropriate, measures to ensure the achievement of the Union's climate energy targets.	<u>By the dates referred to in the first subparagraph</u> , the Commission <del>may</del> <u>shall submit a report to the European Parliament and the Council on that evaluation and</u> propose, if appropriate, measures to ensure the achievement of the Union's climate energy targets.	The Commission may propose, if appropriate, <del>evaluation may be accompanied by</del> measures to ensure the achievement of the Union's climate and energy targets.	<u>By the dates referred to in the first subparagraph</u> , the Commission <del>may</del> <u>shall submit a report to the European Parliament and the Council on that evaluation and</u> propose, if appropriate, measures to ensure the achievement of the Union's climate <u>and</u> energy targets.  DQL - to check numbering Tech level - agreed
Article 33(3)				
606	3. Member States shall submit to the Commission before 30 April each year statistics on national electricity and heat production from high and low efficiency	3. Member States shall submit to the Commission before 30 April each year statistics on national electricity and heat production from high and low efficiency	3. Member States shall submit to the Commission before 30 April each year statistics on national electricity and heat production from high and low efficiency	3. Member States shall submit to the Commission before 30 April each year statistics on national electricity and heat production from high and low efficiency

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	cogeneration, in accordance with the methodology shown in Annex II, in relation to total heat and electricity production. They shall also submit annual statistics on cogeneration heat and electricity capacities and fuels for cogeneration, and on district heating and cooling production and capacities, in relation to total heat and electricity production and capacities. Member States shall submit statistics on primary energy savings achieved by application of cogeneration in accordance with the methodology shown in Annex III.	cogeneration, in accordance with the methodology shown in Annex II, in relation to total heat and electricity production. They shall also submit annual statistics on cogeneration heat and electricity capacities and fuels for cogeneration, and on district heating and cooling production and capacities, in relation to total heat and electricity production and capacities. Member States shall submit statistics on primary energy savings achieved by application of cogeneration in accordance with the methodology shown in Annex III.	cogeneration, in accordance with the methodology shown in Annex II, in relation to total heat and electricity production. They shall also submit annual statistics on cogeneration heat and electricity capacities and fuels for cogeneration, and on district heating and cooling production and capacities, in relation to total heat and electricity production and capacities. Member States shall submit statistics on primary energy savings achieved by application of cogeneration in accordance with the methodology shown in Annex III.	cogeneration, in accordance with the methodology shown in Annex II, in relation to total heat and electricity production. They shall also submit annual statistics on cogeneration heat and electricity capacities and fuels for cogeneration, and on district heating and cooling production and capacities, in relation to total heat and electricity production and capacities. Member States shall submit statistics on primary energy savings achieved by application of cogeneration in accordance with the methodology shown in Annex III.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(4)				
607	4. By 1 January 2021, the Commission shall carry out an assessment of the potential for energy efficiency in conversion, transformation, transmission, transportation and storage of	4. By 1 January 2021, the Commission shall carry out an assessment of the potential for energy efficiency in conversion, transformation, transmission, transportation and storage of	4. By 1 January 2021, the Commission shall carry out an assessment of the potential for energy efficiency in conversion, transformation, transmission, transportation and storage of	4. By 1 January 2021, the Commission shall carry out an assessment of the potential for energy efficiency in conversion, transformation, transmission, transportation and storage of

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	energy, and shall submit a report to the European Parliament and to the Council. That report shall, if appropriate, be accompanied by legislative proposals.	energy, and shall submit a report to the European Parliament and to the Council. That report shall, if appropriate, be accompanied by legislative proposals.	energy, and shall submit a report to the European Parliament and to the Council. That report shall, if appropriate, be accompanied by legislative proposals.	energy, and shall submit a report to the European Parliament and to the Council. That report shall, if appropriate, be accompanied by legislative proposals.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(5)				
608	5. Subject to any changes to the retail market provisions of Directive 2009/73/EC, by 31 December 2021, the Commission, shall carry out an assessment, and submit a report to the European Parliament and to the Council, on the provisions related to metering, billing and consumer information for natural gas, with the aim of aligning them, where appropriate, with the relevant provisions for electricity in Directive (EU) 2019/944, in order to strengthen consumer protection and enable final customers to receive more frequent, clear and up-to-date information about their natural gas	5. Subject to any changes to the retail market provisions of Directive 2009/73/EC, by 31 December 2021, the Commission, shall carry out an assessment, and submit a report to the European Parliament and to the Council, on the provisions related to metering, billing and consumer information for natural gas, with the aim of aligning them, where appropriate, with the relevant provisions for electricity in Directive (EU) 2019/944, in order to strengthen consumer protection and enable final customers to receive more frequent, clear and up-to-date information about their natural gas	5. Subject to any changes to the retail market provisions of Directive 2009/73/EC,– by 31 December 2021, the Commission, shall carry out an assessment, and submit a report to the European Parliament and to the Council, on the provisions related to metering, billing and consumer information for natural gas, with the aim of aligning them, where appropriate, with the relevant provisions for electricity in Directive (EU) 2019/944, in order to strengthen consumer protection and enable final customers to receive more frequent, clear and up-to-date information about their natural gas	5. Subject to any changes to the retail market provisions of Directive 2009/73/EC, by 31 December 2021, the Commission, shall carry out an assessment, and submit a report to the European Parliament and to the Council, on the provisions related to metering, billing and consumer information for natural gas, with the aim of aligning them, where appropriate, with the relevant provisions for electricity in Directive (EU) 2019/944, in order to strengthen consumer protection and enable final customers to receive more frequent, clear and up-to-date information about their natural gas

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	consumption and to regulate their energy use. As soon as possible after submission of that report, the Commission shall, where appropriate, adopt legislative proposals.	consumption and to regulate their energy use. As soon as possible after submission of that report, the Commission shall, where appropriate, adopt legislative proposals.	consumption and to regulate their energy use. As soon as possible after submission of that report, the Commission shall, where appropriate, adopt legislative proposals.	consumption and to regulate their energy use. As soon as possible after submission of that report, the Commission shall, where appropriate, adopt legislative proposals.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(6)				
609	6. By 31 October 2022, the Commission shall assess whether the Union has achieved its 2020 headline targets on energy efficiency.	6. By 31 October 2022, the Commission shall assess whether the Union has achieved its 2020 headline targets on energy efficiency.	6. By 31 October 2022, the Commission shall assess whether the Union has achieved its 2020 headline targets on energy efficiency.	6. By 31 October 2022, the Commission shall assess whether the Union has achieved its 2020 headline targets on energy efficiency.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), first subparagraph				
610	7. By 28 February 2027, and every five years thereafter, the Commission shall evaluate this	7. By 28 February 2027, and every five years thereafter, the Commission shall evaluate this	7. By 28 February 2027, and every five years thereafter, the Commission shall evaluate this	7. By 28 February 2027, and every five years thereafter, the Commission shall evaluate this

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Directive and submit a report to the European Parliament and to the Council.	Directive and submit a report to the European Parliament and to the Council.	Directive and submit a report to the European Parliament and to the Council.	Directive and submit a report to the European Parliament and to the Council.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, introductory part				
611	That evaluation shall include:	That evaluation shall include:	That evaluation shall include:	That evaluation shall include:  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (a)				
612	(a) an assessment of the general effectiveness of this Directive and the need to adjust further the Union's energy efficiency policy in accordance with the objectives of the 2015 Paris Agreement and in the light of economic and innovation developments;	(a) an assessment of the general effectiveness of this Directive and the need to adjust further the Union's energy efficiency policy in accordance with the objectives of the 2015 Paris Agreement and in the light of economic and innovation developments;	(a) an assessment of the general effectiveness of this Directive and the need to adjust further the Union's energy efficiency policy in accordance with the objectives of the 2015 Paris Agreement and in the light of economic and innovation developments;	(a) an assessment of the general effectiveness of this Directive and the need to adjust further the Union's energy efficiency policy in accordance with the objectives of the 2015 Paris Agreement and in the light of economic and innovation developments;  Equal to the Commission's proposal



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (a)(a)				
612a		<u>(aa) a comprehensive assessment of the aggregated macroeconomic impact of this Directive, with an emphasis on the effects on the Union's energy security, energy prices, minimising energy poverty, economic growth, competitiveness, job creation, mobility cost and household purchasing power;</u>		<u>(aa) aa) a detailed assessment of the aggregated macroeconomic impact of this Directive, with an emphasis on the effects on the Union's energy security, energy prices, minimising energy poverty, economic growth, competitiveness, job creation, mobility cost and household purchasing power</u>  Tech level - agreed
Article 33(7), second subparagraph, point (b)				
613	(b) the Union's 2030 headline targets on energy efficiency set out in Article 4(1) with a view to revising those that targets upwards in the event of substantial cost reductions resulting from economic or technological developments, or where needed to meet the Union's decarbonisation targets for 2040 or 2050, or its international	(b) the Union's 2030 headline targets on energy efficiency set out in Article 4(1) with a view to revising those that targets upwards in the event of substantial cost reductions resulting from economic or technological developments, or where needed to meet the Union's decarbonisation targets for 2040 or 2050, or its international	(b) the Union's 2030 headline targets on energy efficiency set out in Article 4(1) with a view to revising those that targets upwards in the event of substantial cost reductions resulting from economic or technological developments, or where needed to meet the Union's decarbonisation targets for 2040 or 2050, or its international	(b) the Union's 2030 headline targets on energy efficiency set out in Article 4(1) with a view to revising those that targets upwards in the event of substantial cost reductions resulting from economic or technological developments, or where needed to meet the Union's decarbonisation targets for 2040 or 2050, or its international

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	commitments for decarbonisation;	commitments for decarbonisation;	commitments for decarbonisation;	commitments for decarbonisation;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (c)				
614	(c) if Member States shall continue to achieve new annual savings in accordance with point (c) of the first subparagraph of Article 8 for the ten-year periods after 2030;	(c) if Member States shall continue to achieve new annual savings in accordance with point (c) of the first subparagraph of Article 8 for the ten-year periods after 2030;	(c) if Member States shall continue to achieve new annual savings in accordance with point (c) of the first subparagraph of Article 8 for the ten-year periods after 2030;	(c) if Member States shall continue to achieve new annual savings in accordance with point (c) of the first subparagraph of Article 8 for the ten-year periods after 2030;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (d)				
615	(d) if Member States shall continue to ensure that at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year in accordance with paragraph 1 of Article 6 with a view to	(d) if Member States shall continue to ensure that at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year in accordance with paragraph 1 of Article 6 with a view to	(d) if Member States shall continue to ensure that at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year in accordance with paragraph 1 of Article 6 with a view to	(d) if Member States shall continue to ensure that at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year in accordance with paragraph 1 of Article 6 with a view to

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	revising the renovation rate in that Article;	revising the renovation rate in that Article;	revising the renovation rate in that Article;	revising the renovation rate in that Article;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (e)				
616	(e) if Member States shall continue to achieve a share of energy savings among vulnerable customers, people affected by energy poverty, and, where applicable, people living in social housing, in accordance with paragraph 3 of Article 8 for the ten-year periods after 2030;	(e) if Member States shall continue to achieve a share of energy savings among vulnerable customers, people affected by energy poverty, and, where applicable, people living in social housing, in accordance with paragraph 3 of Article 8 for the ten-year periods after 2030;	(e) if Member States shall continue to achieve a share of energy savings among vulnerable customers, people affected by energy poverty, and, where applicable, people living in social housing, in accordance with paragraph 3 of Article 8 for the ten-year periods after 2030;	(e) if Member States shall continue to achieve a share of energy savings among vulnerable customers, people affected by energy poverty, and, where applicable, people living in social housing, in accordance with paragraph 3 of Article 8 for the ten-year periods after 2030;  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), second subparagraph, point (f)				
617	(f) if Member States shall continue to achieve a reduction of final energy consumption in accordance	(f) if Member States shall continue to achieve a reduction of final energy consumption in accordance	(f) if Member States shall continue to achieve a reduction of final energy consumption in accordance	(f) if Member States shall continue to achieve a reduction of final energy consumption in accordance

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	with Article 5(1).	with Article 5(1).	with Article 5(1).	with Article 5(1).  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 33(7), third subparagraph				
618	That report shall be accompanied, where appropriate, by proposals for further measures.	That report shall be accompanied <u>by a comprehensive assessment of whether there is a need to revise this Directive in the interest of regulatory simplification and</u> , where appropriate, by proposals for further measures. <u>The Commission shall continuously adapt to administrative procedural best practices and shall take all measures to simplify the implementation of this Directive, keeping administrative burdens to a minimum.</u>	That report shall be accompanied, where appropriate, by proposals for further measures.	That report shall be accompanied <u>by a detailed assessment of whether there is a need to revise this Directive in the interest of regulatory simplification and</u> , where appropriate, by proposals for further measures.  Tech level - agreed
Article 34				
619	Article 34 Committee procedure	Article 34 Committee procedure	Article 34 Committee procedure	Article 34 Committee procedure  Equal to the Commission's proposal

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Tech level - agreed  Text Origin: Commission Proposal
Article 34(1)				
620	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 34(2)				
621	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 35				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
G 622	Article 35 Transposition	Article 35 Transposition	Article 35 Transposition	Article 35 Transposition  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 35(1), first subparagraph				
Y 623	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [articles and annexes which have been amended in substance by comparison with the repealed Directive] by [...].	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [articles and annexes which have been amended in substance by comparison with the repealed Directive] by [...].	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [articles and annexes which have been amended in substance by comparison with the repealed Directive] by [...].	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [articles and annexes which have been amended in substance by comparison with the repealed Directive] by [...].  Text Origin: Commission Proposal
Article 35(1), second subparagraph				
G 624	They shall immediately communicate the text of those measures to the Commission .	They shall immediately communicate the text of those measures to the Commission .	They shall immediately communicate the text of those measures to the Commission .	They shall immediately communicate the text of those measures to the Commission .  Equal to the Commission's proposal Tech level - agreed

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 35(1), third subparagraph				
625	When Member States adopt those measures , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated .	When Member States adopt those measures , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated .	When Member States adopt those measures , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated .	When Member States adopt those measures , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated .  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 35(2)				
626	2. Member States shall	2. Member States shall	2. Member States shall	2. Member States shall

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 36				
627	Article 36 Repeal	Article 36 Repeal	Article 36 Repeal	Article 36 Repeal  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 36, first subparagraph				
628	Directive 2012/27/EU, as amended by the acts listed in Annex XV, Part A, is repealed with effect from [...] [the day after the date in the first subparagraph of Article 35(1)], without prejudice to the obligations of the Member States relating to the time-limits for the	Directive 2012/27/EU, as amended by the acts listed in Annex XV, Part A, is repealed with effect from [...] [the day after the date in the first subparagraph of Article 35(1)], without prejudice to the obligations of the Member States relating to the time-limits for the	Directive 2012/27/EU, as amended by the acts listed in Annex XV, Part A, is repealed with effect from [...] [the day after the date in the first subparagraph of Article 35(1)], without prejudice to the obligations of the Member States relating to the time-limits for the	Directive 2012/27/EU, as amended by the acts listed in Annex XV, Part A, is repealed with effect from [...] [the day after the date in the first subparagraph of Article 35(1)], without prejudice to the obligations of the Member States relating to the time-limits for the



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	transposition into national law of the Directives set out in Annex XV, Part B .	transposition into national law of the Directives set out in Annex XV, Part B .	transposition into national law of the Directives set out in Annex XV, Part B .	transposition into national law of the Directives set out in Annex XV, Part B .  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 36, second subparagraph				
629	References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XVI.	References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XVI.	References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XVI.	References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XVI.  Equal to the Commission's proposal Tech level - agreed  Text Origin: Commission Proposal
Article 37				
630	Article 37 Entry into force	Article 37 Entry into force	Article 37 Entry into force	
Article 37, first subparagraph				
631				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 37, second subparagraph				
632	Articles [...] and Annexes [...] [articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [the day after the date in the first subparagraph of Article 35(1)].	Articles [...] and Annexes [...] [articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [the day after the date in the first subparagraph of Article 35(1)].	Articles [...] and Annexes [...] [articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [the day after the date in the first subparagraph of Article 35(1)].	
Annex V, first heading				
750	Common methods and principles for calculating the impact of energy efficiency obligation schemes or other policy measures under Articles 8, 9 and 10 and Article 28(11)	Common methods and principles for calculating the impact of energy efficiency obligation schemes or other policy measures under Articles 8, 9 and 10 and Article 28(11)	Common methods and principles for calculating the impact of energy efficiency obligation schemes or other policy measures under Articles 8, 9 and 10 and Article 28(11)  Annex V: Title = font to be changed in the table. Format problem, when uploading Commission's proposal .	
Annex V, point (1), introductory part				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
751	1. Methods for calculating energy savings other than those arising from taxation measures for the purposes of Articles 8, 9 and 10 and Article 28(11).	1. Methods for calculating energy savings other than those arising from taxation measures for the purposes of Articles 8, 9 and 10 and Article 28(11).	1. Methods for calculating energy savings other than those arising from taxation measures for the purposes of Articles 8, 9 and 10 and Article 28(11).	
Annex V, point (1), first paragraph, introductory part				
752	Obligated, participating or entrusted parties, or implementing public authorities, may use the following methods for calculating energy savings:	Obligated, participating or entrusted parties, or implementing public authorities, may use the following methods for calculating energy savings:	Obligated, participating or entrusted parties, or implementing public authorities, may use the following methods for calculating energy savings:	
Annex V, point (1), first paragraph, point (a)				
753	(a) deemed savings, by reference to the results of previous independently monitored energy improvements in similar installations. The generic approach is termed 'ex ante';	(a) deemed savings, by reference to the results of previous independently monitored energy improvements in similar installations. The generic approach is termed 'ex ante';	(a) deemed savings, by reference to the results of previous independently monitored energy improvements in similar installations. The generic approach is termed 'ex ante';	
Annex V, point (1), first paragraph, point (b)				
754	(b) metered savings, whereby the savings from the installation of a measure, or package of measures,	(b) metered savings, whereby the savings from the installation of a measure, or package of measures,	(b) metered savings, whereby the savings from the installation of a measure, or package of measures,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	are determined by recording the actual reduction in energy use, taking due account of factors such as additionality, occupancy, production levels and the weather which may affect consumption. The generic approach is termed ‘ex post’;	are determined by recording the actual reduction in energy use, taking due account of factors such as additionality, occupancy, production levels and the weather which may affect consumption. The generic approach is termed ‘ex post’;	are determined by recording the actual reduction in energy use, taking due account of factors such as additionality, occupancy, production levels and the weather which may affect consumption. The generic approach is termed ‘ex post’;	
Annex V, point ( 1), first paragraph, point (c)				
755	(c) scaled savings, whereby engineering estimates of savings are used. This approach may be used only where establishing robust measured data for a specific installation is difficult or disproportionately expensive, e.g. replacing a compressor or electric motor with a different kWh rating from that for which independent information about savings has been measured, or where those estimates are carried out on the basis of nationally established methodologies and benchmarks by qualified or accredited experts that are independent of the obligated, participating or entrusted parties involved;	(c) scaled savings, whereby engineering estimates of savings are used. This approach may be used only where establishing robust measured data for a specific installation is difficult or disproportionately expensive, e.g. replacing a compressor or electric motor with a different kWh rating from that for which independent information about savings has been measured, or where those estimates are carried out on the basis of nationally established methodologies and benchmarks by qualified or accredited experts that are independent of the obligated, participating or entrusted parties involved;	(c) scaled savings, whereby engineering estimates of savings are used. This approach may be used only where establishing robust measured data for a specific installation is difficult or disproportionately expensive, e.g. replacing a compressor or electric motor with a different kWh rating from that for which independent information about savings has been measured, or where those estimates are carried out on the basis of nationally established methodologies and benchmarks by qualified or accredited experts that are independent of the obligated, participating or entrusted parties involved;	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Annex V, Annex V, point (1), Annex V, point (1), first paragraph, point (ca)				
755a			(ca) When calculating the energy savings for the purpose of Article 8(3) that can be counted to fulfil the obligation in Article 8(3), Member States might estimate the energy savings of vulnerable customers, persons affected by energy poverty, financially weak households, or, where applicable, persons living in social housing based on engineering estimates using standardised occupancy and thermal comfort conditions or parameters, such as parameters defined in national building regulations. The way comfort is considered for actions in buildings should be reported by the Member States to the Commission together with the explanations about their calculation methodology.	
Annex V, point ( 1), first paragraph, point(d)				
756	(d) surveyed savings, where consumers' response to advice,	(d) surveyed savings, where consumers' response to advice,	<del>(d)</del> (e) surveyed savings, where consumers' response to advice,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	information campaigns, labelling or certification schemes or smart metering is determined. This approach may be used only for savings resulting from changes in consumer behaviour. It shall not be used for savings resulting from the installation of physical measures.	information campaigns, labelling or certification schemes or smart metering is determined. This approach may be used only for savings resulting from changes in consumer behaviour. It shall not be used for savings resulting from the installation of physical measures.	information campaigns, labelling or certification schemes or smart metering is determined. This approach may be used only for savings resulting from changes in consumer behaviour. It shall not be used for savings resulting from the installation of physical measures.	
Annex V, point (2), introductory part				
757	2. In determining the energy savings for an energy efficiency measure for the purposes of Articles 8, 9 and 10 and Article 28(11), the following principles apply:	2. In determining the energy savings for an energy efficiency measure for the purposes of Articles 8, 9 and 10 and Article 28(11), the following principles apply:	2. In determining the energy savings for an energy efficiency measure for the purposes of Articles 8, 9 and 10 and Article 28(11), the following principles apply:	
Annex V , point (2), point (a)				
758	(a) Member States shall demonstrate that the policy measure has been implemented for the purpose of fulfilling the energy savings obligation and achieving end-use energy savings pursuant to Article 8(1). Member States shall provide evidence and their documentation that the energy savings are caused by a policy	(a) Member States shall demonstrate that the policy measure has been implemented for the purpose of fulfilling the energy savings obligation and achieving end-use energy savings pursuant to Article 8(1). Member States shall provide evidence and their documentation that the energy savings are caused by a policy	(a) Member States shall demonstrate that <del>the policy measure has been implemented for the purpose of fulfilling the energy savings obligation and achieving</del> <b>one of the objectives of the policy, whether new or existing is the achievement of</b> end-use energy savings pursuant to Article 8(1). <del>Member States and</del>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	measure, including voluntary agreements;	measure, including voluntary agreements;	shall provide evidence and their documentation that the energy savings are caused by a policy measure, including voluntary agreements;	
Annex V, point (2), point (b)				
759	(b) The savings shall be shown to be additional to those that would have occurred in any event without the activity of the obligated, participating or entrusted parties, or implementing public authorities. To determine the savings that can be claimed as additional, Member States shall have regard to how energy use and demand would evolve in the absence of the policy measure in question by taking into account at least the following factors: energy consumption trends, changes in consumer behaviour, technological progress and changes caused by other measures implemented at Union and national level;.	(b) The savings shall be shown to be additional to those that would have occurred in any event without the activity of the obligated, participating or entrusted parties, or implementing public authorities. To determine the savings that can be claimed as additional, Member States shall have regard to how energy use and demand would evolve in the absence of the policy measure in question by taking into account at least the following factors: energy consumption trends, changes in consumer behaviour, technological progress and changes caused by other measures implemented at Union and national level;.	(b) The savings shall be shown to be additional to those that would have occurred in any event without the activity of the obligated, participating or entrusted parties, or implementing public authorities. To determine the savings that can be claimed as additional, Member States shall have regard to how energy use and demand would evolve in the absence of the policy measure in question by taking into account at least the following factors: energy consumption trends, changes in consumer behaviour, technological progress and changes caused by other measures implemented at Union and national level;.	
Annex V, point (2) , point (c)				
760				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	(c) savings resulting from the implementation of mandatory Union law shall be considered to be savings that would have occurred in any event, and thus shall not be claimed as energy savings for the purpose of Article 8(1). By way of derogation from that requirement, savings related to the renovation of existing buildings may be claimed as energy savings for the purpose of Article 8(1), provided that the materiality criterion referred to in point 3(h) of this Annex is ensured. Measures promoting energy efficiency improvements in the public sector pursuant to Article 5 and Article 6 may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	(c) savings resulting from the implementation of mandatory Union law shall be considered to be savings that would have occurred in any event, and thus shall not be claimed as energy savings for the purpose of Article 8(1). By way of derogation from that requirement, savings related to the renovation of existing buildings may be claimed as energy savings for the purpose of Article 8(1), provided that the materiality criterion referred to in point 3(h) of this Annex is ensured. Measures promoting energy efficiency improvements in the public sector pursuant to Article 5 and Article 6 may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	(c) savings resulting from the implementation of mandatory Union law shall be considered to be savings that would have occurred in any event, and thus shall not be claimed as energy savings for the purpose of Article 8(1). By way of derogation from that requirement, savings related to the renovation of existing buildings may be claimed as energy savings for the purpose of Article 8(1), provided that the materiality criterion referred to in point 3(h) of this Annex is ensured. Measures promoting energy efficiency improvements in the public sector pursuant to Article 5 and Article 6 may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	
Annex V, point (2), point (d)				
761	(d) measures taken pursuant to	(d) measures taken pursuant to	(d) measures taken pursuant to	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions can be considered material, but Member States have to show that they result in verifiable and measurable or estimable end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions can be considered material, but Member States have to show that they result in verifiable and measurable or estimable end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions can be considered material, but Member States have to show that they result in verifiable and measurable or estimable end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	
Annex V, point (2), point point (e)				
762	(e) Member States cannot count reduced energy use in sectors, including the transport and building sector, that would have occurred in any event as a result of emission trading pursuant to the EU ETS Directive towards the fulfilment of the energy savings obligation pursuant to Article 8(1). If an entity is an obligated party under a national energy efficiency obligation scheme under Article 9 of this Directive and under the EU Emissions Trading System for buildings and road transport [COM(2021) 551 final,2021/0211 (COD)], the monitoring and verification system shall ensure	(e) Member States cannot count reduced energy use in sectors, including the transport and building sector, that would have occurred in any event as a result of emission trading pursuant to the EU ETS Directive towards the fulfilment of the energy savings obligation pursuant to Article 8(1). If an entity is an obligated party under a national energy efficiency obligation scheme under Article 9 of this Directive and under the EU Emissions Trading System for buildings and road transport [COM(2021) 551 final,2021/0211 (COD)], the monitoring and verification system shall ensure	(e) Member States <del>cannot</del> <b>can</b> count <del>reduced end use</del> <b>energy usesavings</b> in sectors, including the transport and building sector, that would have occurred in any event as a result of emission trading pursuant to the EU ETS Directive <b>and, where applicable, other national ETS requirements</b> towards the fulfilment of the energy savings obligation pursuant to Article 8(1) <b>provided that they have implemented complementary policy measures pursuant to Article 9 or 10.</b> If an entity is an obligated party under a national energy efficiency obligation scheme under Article 9	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	that the carbon price passed through when releasing fuel for consumption [according Article 1(21) of COM(2021) 551 final,2021/0211 (COD)] is taken into account when calculating and reporting the energy savings of its energy saving measures;	that the carbon price passed through when releasing fuel for consumption [according Article 1(21) of COM(2021) 551 final,2021/0211 (COD)] is taken into account when calculating and reporting the energy savings of its energy saving measures;	of this Directive and under the EU Emissions Trading System for buildings and road transport [COM(2021) 551 final,2021/0211 (COD)], the monitoring and verification system shall ensure that the carbon price passed through when releasing fuel for consumption [according Article 1(21) of COM(2021) 551 final,2021/0211 (COD)] is taken into account when calculating and reporting the energy savings of its energy saving measures;	
Annex V, point (2), point (f), introductory part				
763	(f) credit may be given only for savings exceeding the following levels:	(f) credit may be given only for savings exceeding the following levels:	(f) credit may be given only for savings exceeding the following levels:	
Annex V, point (2), point (f)(i)				
764	(i) Union emission performance standards for new passenger cars and new light commercial vehicles following the implementation of Regulation (EU) 2019/631 of the European Parliament and of the Council <sup>1</sup> ; Member States must	(i) Union emission performance standards for new passenger cars and new light commercial vehicles following the implementation of Regulation (EU) 2019/631 of the European Parliament and of the Council <sup>1</sup> ; Member States must	(i) Union emission performance standards for new passenger cars and new light commercial vehicles following the implementation of Regulation (EU) 2019/631 of the European Parliament and of the Council <sup>1</sup> ; Member States must	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	<p>provide evidence, their assumptions and their calculation methodology to show additionality to the Union's new vehicle CO2 requirements;</p> <p>1. Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).</p>	<p>provide evidence, their assumptions and their calculation methodology to show additionality to the Union's new vehicle CO2 requirements;</p> <p>1. Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).</p>	<p>provide evidence<del>justification</del>, their assumptions and their calculation methodology to show additionality to the Union's new vehicle CO2 requirements;</p> <p>1. Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).</p>	
Annex V, point (2), point (f)(ii)				
765	<p>(ii) Union requirements relating to the removal from the market of certain energy related products following the implementation of implementing measures under Directive 2009/125/EC. Member States shall provide evidence, their assumptions and their calculation methodology to show additionality;</p>	<p>(ii) Union requirements relating to the removal from the market of certain energy related products following the implementation of implementing measures under Directive 2009/125/EC. Member States shall provide evidence, their assumptions and their calculation methodology to show additionality;</p>	<p>(ii) Union requirements relating to the removal from the market of certain energy related products following the implementation of implementing measures under Directive 2009/125/EC. Member States shall provide evidence, their assumptions and their calculation methodology to show additionality;</p>	
Annex V, point (2), point (g)				
766	<p>(g) policies with the purpose of encouraging higher levels of energy efficiency of products,</p>	<p>(g) policies with the purpose of encouraging higher levels of energy efficiency of products,</p>	<p>(g) policies with the purpose of encouraging higher levels of energy efficiency of products,</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	equipment, transport systems, vehicles and fuels, buildings and building elements, processes or markets shall be permitted , except those policy measures regarding the use of direct combustion of fossil fuel technologies that are implemented as from 1 January 2024 ;	equipment, transport systems, vehicles and fuels, buildings and building elements, processes or markets shall be permitted-, except <u>for</u> those policy measures regarding the use of direct combustion of fossil fuel technologies that are implemented as from 1 <u>July 2028, and except for those policy measures subsidising the use of direct combustion of fossil fuel technologies in residential buildings as from 1</u> January 2024. <u>Energy savings as a result of policy measures regarding the use of direct fossil fuel combustion may count towards the fulfilment of energy savings obligation for a maximum amount equivalent to one fourth of energy savings as from 1 January 2024 to 30 June 2028-</u> ;	equipment, transport systems, vehicles and fuels, buildings and building elements, processes or markets shall be permitted , except those policy measures regarding the use of direct combustion of fossil fuel technologies that are <b>newly</b> implemented as from 1 January 2024 ;	
Annex V, point (2), point (ga)				
766a		<u>(ga) individual actions regarding the use of direct combustion of fossil fuel technologies are not permitted as from 1 July 2028. Individual actions promoting</u>		

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
		<u>combinations of technologies are permitted. In the case of individual actions promoting combinations of technologies, the share of energy savings related to the fossil fuel combustion technologies shall not be eligible to be counted as from 1 July 2028;</u>		
Annex V, point (2), point (h)				
767	(h) Energy savings as a result of policy measures regarding the use of direct fossil fuel combustion in products, equipment, transport systems, vehicles, buildings or works shall not count towards the fulfilment of energy savings obligation as from 1 January 2024;	<i>deleted</i>	(h) Energy savings as a result of policy measures <b>newly implemented as from 1 January 2024</b> regarding the use of direct fossil fuel combustion in products, equipment, transport systems, vehicles, buildings or works shall not count towards the fulfilment of energy savings obligation <b>pursuant to Article 8(1)(b). In case of policy measures promoting combinations of technologies, the share of energy savings related to the fossil fuel combustion technology are not eligible.</b> <del>as from 1 January 2024;</del>	
Annex V, Annex V, point (2), point (ha)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
767a			<p>(ha) By way of derogation for the period 1 January 2024 to 31 December 2030, energy savings from direct fossil fuel combustion technologies improving the energy efficiency in energy intense enterprises in the industry sector, may only be counted as energy savings for the purpose of Article 8(1)(b) and (c) until 31 December 2030, provided that:</p> <p>Numbering of the subpoints within this subparagraph to be adjusted (from i to vii)</p>	
Annex V, Annex V, point (2), point (hb)				
767b			<p>(hb) (i) the enterprise should have carried out an energy audit pursuant to Article 11(2) and an implementation plan including:</p> <p>- an overview of all cost-effective energy efficiency measures with a payback period of five years or less, based on simple pay-back period methodologies provided</p>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			<p>by the Member State,</p> <ul style="list-style-type: none"> <li>- a timeframe for the implementation of all recommended energy efficiency measures with a payback period of five years or fewer,</li> <li>- a calculation of expected energy savings resulting from the energy efficiency measures recommended and,</li> <li>- energy efficiency measures relate to the use direct fossil fuel combustion technologies with the relevant information needed for: <ul style="list-style-type: none"> <li>&gt; proving that the measure identified does not increase the amount of energy needed or the capacity of an installation,</li> <li>&gt; justifying that the uptake of sustainable, non-fossil fuel technologies is technically not feasible</li> <li>&gt; showing that the direct fossil fuel combustion technology complies with the most up to date corresponding European emission performance legislation and prevent technology lock-in effects by ensuring future compatibility with climate-</li> </ul> </li> </ul>	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			neutral alternative non-fossil fuels and technologies.	
Annex V, Annex V, point (2), point (hc)				
767c			<p>(hc) (ii) the continuation of the use of direct fossil fuel technologies is an energy efficiency measures to decrease energy consumption with a payback period of five years or less, based on simple pay-back period methodologies provided by the Member State, recommended as result of an energy audit pursuant to Article 11(2) and included in the implementation plan;</p> <p>(iii) the use of direct fossil fuel technologies complies with the most up to date corresponding European emission performance legislation, does not lead to technology lock-in effects and ensures future compatibility with climate-neutral alternative fuels and technologies;</p> <p>(iv) the use of direct fossil fuel</p>	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
			<p>technologies in the enterprise does not lead to an increased energy consumption or increase the capacity of the installation in that enterprise;</p> <p>(v) evidence is provided that no alternative, sustainable non-fossil fuel solution was technically feasible ;</p> <p>(vi) the use of direct fossil fuel technologies result in verifiable, and measurable or estimable, end-use energy savings calculated in compliance with the requirements of this Annex;</p> <p>vii) evidence is published (website)/publicly available for all interested citizens.</p>	
Annex V, point (2), point (i)				
768	(i) measures promoting the installation of small-scale renewable energy technologies on or in buildings may be eligible to be taken into account for the	(i) measures promoting the installation of small-scale renewable energy technologies on or in buildings may be eligible to be taken into account for the	(i) —measures promoting the installation of small-scale renewable energy technologies on or in buildings may be eligible to be taken into account for the	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	fulfilment of energy savings required under Article 8(1), provided that they result in verifiable, and measurable or estimable, end-use energy savings. The calculation of energy savings shall comply with the requirements of this Annex;	
Annex V, point (2, point(j))				
769	(j) measures promoting the installation of solar thermal technologies may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1) provided that they result in verifiable, and measurable or estimable, end-use energy savings. The ambient heat captured by solar thermal technologies can be excluded from their end-use energy consumption;	(j) measures promoting the installation of solar thermal technologies may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1) provided that they result in verifiable, and measurable or estimable, end-use energy savings. The ambient heat captured by solar thermal technologies can be excluded from their end-use energy consumption;	(j) measures promoting the installation of solar thermal technologies may be eligible to be taken into account for the fulfilment of energy savings required under Article 8(1) provided that they result in verifiable, and measurable or estimable, end-use energy savings. <del>The ambient heat captured</del> <b>heat produced</b> by solar thermal technologies <b>from solar radiation</b> can be excluded from their end-use energy consumption;	
Annex V, point (2), point (k)				
770	(k) for policies that accelerate the uptake of more efficient products	(k) for policies that accelerate the uptake of more efficient products	(k) for policies that accelerate the uptake of more efficient products	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	and vehicles, except those regarding the use of direct fossil fuel combustion, full credit may be claimed, provided that it is shown that such uptake takes place before expiry of the average expected lifetime of the product or vehicle, or before the product or vehicle would usually be replaced, and the savings are claimed only for the period until end of the average expected lifetime of the product or vehicle to be replaced;	and vehicles, except those regarding the use of direct fossil fuel combustion, full credit may be claimed, provided that it is shown that such uptake takes place before expiry of the average expected lifetime of the product or vehicle, or before the product or vehicle would usually be replaced, and the savings are claimed only for the period until end of the average expected lifetime of the product or vehicle to be replaced;	and vehicles, except those <b>newly implemented as from 1 January 2024</b> regarding the use of direct fossil fuel combustion, – full credit may be claimed, provided that it is shown that such uptake takes place before expiry of the average expected lifetime of the product or vehicle, or before the product or vehicle would usually be replaced, and the savings are claimed only for the period until end of the average expected lifetime of the product or vehicle to be replaced;	
Annex V, point (2), point (l)				
771	(l) in promoting the uptake of energy efficiency measures, Member States shall, where relevant, ensure that quality standards for products, services and installation of measures are maintained or introduced where such standards do not exist;	(l) in promoting the uptake of energy efficiency measures, Member States shall, where relevant, ensure that quality standards for products, services and installation of measures are maintained or introduced where such standards do not exist;	(l) in promoting the uptake of energy efficiency measures, Member States shall, where relevant, ensure that quality standards for products, services and installation of measures are maintained or introduced where such standards do not exist;	
Annex V, point (2), point (m)				
772	(m) to account for climatic variations between regions,	(m) to account for climatic variations between regions,	(m) to account for climatic variations between regions,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	Member States may choose to adjust the savings to a standard value or to accord different energy savings in accordance with temperature variations between regions;	Member States may choose to adjust the savings to a standard value or to accord different energy savings in accordance with temperature variations between regions;	Member States may choose to adjust the savings to a standard value or to accord different energy savings in accordance with temperature variations between regions;	
Annex V, point (2), point(n)				
773	(n) the calculation of energy savings shall take into account the lifetime of the measures and the rate at which the savings decline over time. That calculation shall count the savings each individual action will achieve during the period from its date of implementation to the end of each obligation period . Alternatively, Member States may adopt another method that is estimated to achieve at least the same total quantity of savings. When using another method, Member States shall ensure that the total amount of energy savings calculated using that method does not exceed the amount of energy savings that would have been the result of their calculation when counting the savings each individual action will	(n) the calculation of energy savings shall take into account the lifetime of the measures and the rate at which the savings decline over time. That calculation shall count the savings each individual action will achieve during the period from its date of implementation to the end of each obligation period . Alternatively, Member States may adopt another method that is estimated to achieve at least the same total quantity of savings. When using another method, Member States shall ensure that the total amount of energy savings calculated using that method does not exceed the amount of energy savings that would have been the result of their calculation when counting the savings each individual action will	(n) the calculation of energy savings shall take into account the lifetime of the measures and the rate at which the savings decline over time. That calculation shall count the savings each individual action will achieve during the period from its date of implementation to the end of each obligation period . Alternatively, Member States may adopt another method that is estimated to achieve at least the same total quantity of savings. When using another method, Member States shall ensure that the total amount of energy savings calculated using that method does not exceed the amount of energy savings that would have been the result of their calculation when counting the savings each individual action will	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	achieve during the period from its date of implementation to 2030. Member States shall describe in detail in their integrated national energy and climate plans under Regulation (EU) 2018/1999 the other method and the provisions made to ensure that the binding calculation requirement is met.	achieve during the period from its date of implementation to 2030. Member States shall describe in detail in their integrated national energy and climate plans under Regulation (EU) 2018/1999 the other method and the provisions made to ensure that the binding calculation requirement is met.	achieve during the period from its date of implementation to 2030. Member States shall describe in detail in their integrated national energy and climate plans under Regulation (EU) 2018/1999 the other method and the provisions made to ensure that the binding calculation requirement is met.	
Annex V, point (3), introductory part				
774	3. Member States shall ensure that the following requirements for policy measures taken pursuant to Article 10 and Article 28(11) are met:	3. Member States shall ensure that the following requirements for policy measures taken pursuant to Article 10 and Article 28(11) are met:	3. Member States shall ensure that the following requirements for policy measures taken pursuant to Article 10 and Article 28(11) are met:	
Annex V, point (3), point (a)				
775	(a) policy measures and individual actions produce verifiable end-use energy savings;	(a) policy measures and individual actions produce verifiable end-use energy savings;	(a) policy measures and individual actions produce verifiable end-use energy savings;	
Annex V, point (3), point (b)				
776	(b) the responsibility of each participating party, entrusted party or implementing public authority,	(b) the responsibility of each participating party, entrusted party or implementing public authority,	(b) the responsibility of each participating party, entrusted party or implementing public authority,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	as relevant, is clearly defined;	as relevant, is clearly defined;	as relevant, is clearly defined;	
Annex V, point (3), point (c)				
777	(c) the energy savings that are achieved or are to be achieved are determined in a transparent manner;	(c) the energy savings that are achieved or are to be achieved are determined in a transparent manner;	(c) the energy savings that are achieved or are to be achieved are determined in a transparent manner;	
Annex V, point (3), point (d)				
778	(d) the amount of energy savings required or to be achieved by the policy measure is expressed in either final or primary energy consumption, using the net calorific values or primary energy factors referred to in Article 29 ;	(d) the amount of energy savings required or to be achieved by the policy measure is expressed in either final or primary energy consumption, using the net calorific values or primary energy factors referred to in Article 29 ;	(d) the amount of energy savings required or to be achieved by the policy measure is expressed in either final or primary energy consumption, using the net calorific values or primary energy factors referred to in Article 29 ;	
Annex V, point (3), point (e)				
779	(e) an annual report on the energy savings achieved by entrusted parties, participating parties and implementing public authorities be provided and made publicly available, as well as data on the annual trend of energy savings;	(e) an annual report on the energy savings achieved by entrusted parties, participating parties and implementing public authorities be provided and made publicly available, as well as data on the annual trend of energy savings;	(e) an annual report on the energy savings achieved by entrusted parties, participating parties and implementing public authorities be provided and made publicly available, as well as data on the annual trend of energy savings;	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Annex V, point (3), point (f)				
780	(f) monitoring of the results and taking appropriate measures if progress is not satisfactory;	(f) monitoring of the results and taking appropriate measures if progress is not satisfactory;	(f) monitoring of the results and taking appropriate measures if progress is not satisfactory;	
Annex V, point (3), point (g)				
781	(g) the energy savings from an individual action are not claimed by more than one party;	(g) the energy savings from an individual action are not claimed by more than one party;	(g) the energy savings from an individual action are not claimed by more than one party;	
Annex V, point (3), point (h)				
782	(h) the activities of the participating party, entrusted party or implementing public authority are shown to be material to the achievement of the energy savings claimed;.	(h) the activities of the participating party, entrusted party or implementing public authority are shown to be material to the achievement of the energy savings claimed;.	(h) the activities of the participating party, entrusted party or implementing public authority are shown to be material to the achievement of the energy savings claimed;.	
Annex V, point (3), point (i)				
783	(i) the activities of the participating party, entrusted party or implementing public authority have no adverse effects on vulnerable customers, people affected by energy poverty and,	(i) the activities of the participating party, entrusted party or implementing public authority have no adverse effects on vulnerable customers, people affected by energy poverty and,	(i) the activities of the participating party, entrusted party or implementing public authority have no adverse effects on vulnerable customers, people affected by energy poverty and,	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	where applicable, people living in social housing.	where applicable, people living in social housing.	where applicable, people living in social housing.	
Annex V, point (4), introductory part				
784	4. In determining the energy saving from taxation related policy measures introduced under Article 10, the following principles shall apply:	4. In determining the energy saving from taxation <u>and</u> <u>parafiscal levies</u> related policy measures introduced under Article 10, the following principles shall apply:	4. In determining the energy saving from taxation related policy measures introduced under Article 10, the following principles shall apply:	
Annex V, point (4), point (a)				
785	<p>(a) credit shall be given only for energy savings from taxation measures exceeding the minimum levels of taxation applicable to fuels as required in Council Directive 2003/96/EC<sup>1</sup> or 2006/112/EC<sup>2</sup>;</p> <p>1. Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51). 2. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).</p>	<p>(a) credit shall be given only for energy savings from taxation measures exceeding the minimum levels of taxation applicable to fuels as required in Council Directive 2003/96/EC<sup>1</sup> or 2006/112/EC<sup>2</sup>;</p> <p>1. Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51). 2. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).</p>	<p>(a) credit shall be given only for energy savings from taxation measures exceeding the minimum levels of taxation applicable to fuels as required in Council Directive 2003/96/EC<sup>1</sup> or 2006/112/EC<sup>2</sup>;</p> <p>1. Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51). 2. Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).</p>	



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
Annex V, point (4), point (aa)				
785a		<u>(aa) credit shall be given only for energy savings from taxation measures and parafiscal levies designed with the purpose of generating energy savings as defined in Article 2, point (7);</u>		
Annex V, point (4) point(b)				
786	(b) short-run price elasticities for the calculation of the impact of the (energy) taxation measures shall represent the responsiveness of energy demand to price changes, and shall be estimated on the basis of recent and representative official data sources; which are applicable for the Member State, and, where applicable, based on accompanying studies from an independent institute. If a different price elasticity than short-run elasticities is used, Member States shall explain how energy efficiency improvements due to the implementation of other Union legislation have been included in the baseline used to estimate the energy savings, or how a double-	(b) <del>short-run</del> price elasticities for the calculation of the impact of the (energy) taxation measures shall <u>be end-user segment specific, including income classes, company types and size, and thus</u> represent the responsiveness of energy demand to price changes, and shall be estimated on the basis of recent and representative official data sources; which are applicable for the Member State, and, where applicable, based on accompanying studies from an independent institute. <del>If a different price elasticity than short-run elasticities is used, Member States shall explain how energy efficiency improvements due to the implementation of other Union</del>	(b) short-run price elasticities for the calculation of the impact of the (energy) taxation measures shall represent the responsiveness of energy demand to price changes, and shall be estimated on the basis of recent and representative official data sources; which are applicable for the Member State, and, where applicable, based on accompanying studies from an independent institute. If a different price elasticity than short-run elasticities is used, Member States shall explain how energy efficiency improvements due to the implementation of other Union legislation have been included in the baseline used to estimate the energy savings, or how a double-	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	counting of energy savings from other Union legislation has been avoided;	<i>legislation have been included in the baseline used to estimate the energy savings, or how a double-counting of energy savings from other Union legislation has been avoided</i> ;	counting of energy savings from other Union legislation has been avoided;	
Annex V, point (4)(, point (c)				
787	(c) the energy savings from accompanying taxation policy instruments, including fiscal incentives or payment to a fund, shall be accounted separately;	(c) the energy savings from accompanying taxation policy instruments, including fiscal incentives or payment to a fund, shall be accounted separately;	(c) the energy savings from accompanying taxation policy instruments, including fiscal incentives or payment to a fund, shall be accounted separately;	
Annex V, point (4), point (d)				
788	(d) short-run elasticity estimates should be used to assess the energy savings from taxation measures to avoid overlap with Union law and other policy measures;	(d) short-run elasticity estimates <del>should</del> <u>shall</u> be used to assess the energy savings from taxation measures to avoid overlap with Union law and other policy measures;	(d) short-run elasticity estimates should be used to assess the energy savings from taxation measures to avoid overlap with Union law and other policy measures;	
Annex V, point (4) , point (e)				
789	(e) Member States shall determine distributional effects of taxation and equivalent measures on	(e) Member States shall determine distributional effects of taxation and equivalent measures on	(e) Member States shall determine distributional effects of taxation and equivalent measures on	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, and show the effects of mitigation measures implemented in accordance with Article 22(1) to (3);	vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, and show the effects of mitigation measures implemented in accordance with Article 22(1) to (3);	vulnerable customers, people affected by energy poverty and, where applicable, people living in social housing, and show the effects of mitigation measures implemented in accordance with Article 22(1) to (3);	
Annex V, point (4), point (f)				
790	(f) Member States shall provide evidence, including calculation methodologies, that where there is an overlap in the impact of energy or carbon taxation measures or emission trading according the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)], there is no double counting of energy savings.	(f) Member States shall provide evidence, including calculation methodologies, that where there is an overlap in the impact of energy or carbon taxation measures or emission trading according the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)], there is no double counting of energy savings.	(f) Member States shall provide evidence, including calculation methodologies, that where there is an overlap in the impact of energy or carbon taxation measures or emission trading according the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)], there is no double counting of energy savings.	
Annex V, point (5), introductory part				
791	5. Notification of methodology	5. Notification of methodology	5. Notification of methodology	
Annex V, point (5), first paragraph, introductory part				
792	Member States shall in accordance with Regulation (EU) 2018/1999	Member States shall in accordance with Regulation (EU) 2018/1999	Member States shall in accordance with Regulation (EU) 2018/1999	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	notify to the Commission their proposed detailed methodology for the operation of the energy efficiency obligation schemes and alternative measures referred to in Articles 9 and 10, and Article 28(11). Except in the case of taxation, such notification shall include details of:	notify to the Commission their proposed detailed methodology for the operation of the energy efficiency obligation schemes and alternative measures referred to in Articles 9 and 10, and Article 28(11). Except in the case of taxation, such notification shall include details of:	notify to the Commission their proposed detailed methodology for the operation of the energy efficiency obligation schemes and alternative measures referred to in Articles 9 and 10, and Article 28(11). Except in the case of taxation, such notification shall include details of:	
Annex V, point (5), first paragraph, point (a)				
793	(a) the level of the energy savings required under the first subparagraph of Article 8(1) or savings expected to be achieved over the whole period from 1 January 2021 to 31 December 2030;	(a) the level of the energy savings required under the first subparagraph of Article 8(1) or savings expected to be achieved over the whole period from 1 January 2021 to 31 December 2030;	(a) the level of the energy savings required under the first subparagraph of Article 8(1) or savings expected to be achieved over the whole period from 1 January 2021 to 31 December 2030;	
Annex V, point (5), first paragraph, point (b)				
794	(b) how the calculated quantity of new energy savings required under the first subparagraph of Article 8(1) or energy savings expected to be achieved will be phased over the obligation period;	(b) how the calculated quantity of new energy savings required under the first subparagraph of Article 8(1) or energy savings expected to be achieved will be phased over the obligation period;	(b) how the calculated quantity of new energy savings required under the first subparagraph of Article 8(1) or energy savings expected to be achieved will be phased over the obligation period;	
Annex V, point (5), first paragraph, point (c)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
795	(c) the obligated, participating or entrusted parties, or implementing public authorities;	(c) the obligated, participating or entrusted parties, or implementing public authorities;	(c) the obligated, participating or entrusted parties, or implementing public authorities;	
Annex V, point (5), first paragraph, point (d)				
796	(d) target sectors;	(d) target sectors;	(d) target sectors;	
Annex V, point (5), first paragraph, point (e)				
797	(e) policy measures and individual actions, including the expected total amount of cumulative energy savings for each measure;	(e) policy measures and individual actions, including the expected total amount of cumulative energy savings for each measure;	(e) policy measures and individual actions, including the expected total amount of cumulative energy savings for each measure;	
Annex V, point (5), first paragraph, point (f)				
798	(f) information on policy measures or programmes or measures financed under an Energy Efficiency National Fund implemented as a priority among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(f) information on policy measures or programmes or measures financed under an Energy Efficiency National Fund implemented as a priority among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(f) information on policy measures or programmes or measures financed under an Energy Efficiency National Fund implemented as a priority among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	
Annex V, point (5), first paragraph, point(g)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
799	(g) the share and the amount of energy savings to be achieved among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(g) the share and the amount of energy savings to be achieved among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(g) the share and the amount of energy savings to be achieved among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	
Annex V, point (5), first paragraph, point (h)				
800	(h) where applicable, information about the indicators applied, the arithmetic average share and the outcome of policy measures established according to Article 8(3);	(h) where applicable, information about the indicators applied, the arithmetic average share and the outcome of policy measures established according to Article 8(3);	(h) where applicable, information about the indicators applied, the arithmetic average share and the outcome of policy measures established according to Article 8(3);	
Annex V, point (5), first paragraph, point(i)				
801	(i) where applicable, information about impacts and adverse effects of policy measures implemented pursuant to Article 8(3) on people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(i) where applicable, information about impacts and adverse effects of policy measures implemented pursuant to Article 8(3) on people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(i) where applicable, information about impacts and adverse effects of policy measures implemented pursuant to Article 8(3) on people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	
Annex V, point (5), first paragraph, point (j)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
802	(j) the duration of the obligation period for the energy efficiency obligation scheme;	(j) the duration of the obligation period for the energy efficiency obligation scheme;	(j) the duration of the obligation period for the energy efficiency obligation scheme;	
Annex V, point (5), first paragraph, point(k)				
803	(k) where applicable, the amount of energy savings or cost reduction targets to be achieved by obligated parties among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(k) where applicable, the amount of energy savings or cost reduction targets to be achieved by obligated parties among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	(k) where applicable, the amount of energy savings or cost reduction targets to be achieved by obligated parties among people affected by energy poverty, vulnerable customers, and, where applicable, people living in social housing;	
Annex V, point (5), first paragraph, point (l)				
804	(l) the actions provided for by the policy measure;	(l) the actions provided for by the policy measure;	(l) the actions provided for by the policy measure;	
Annex V, point (5), first paragraph, point (m)				
805	(m) the calculation methodology, including how additionality and materiality have been determined and which methodologies and benchmarks are used for deemed and scaled savings, and, where applicable, the net calorific values	(m) the calculation methodology, including how additionality and materiality have been determined and which methodologies and benchmarks are used for deemed and scaled savings, and, where applicable, the net calorific values	(m) the calculation methodology, including how additionality and materiality have been determined and which methodologies and benchmarks are used for deemed and scaled savings, and, where applicable, the net calorific values	

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
	and conversion factors used ;	and conversion factors used ;	and conversion factors used ;	
Annex V, point (5), first paragraph, point (n)				
806	(n) the lifetimes of measures, and how they are calculated or what they are based upon;	(n) the lifetimes of measures, and how they are calculated or what they are based upon;	(n) the lifetimes of measures, and how they are calculated or what they are based upon;	
Annex V, point (5), first paragraph point (o)				
807	(o) the approach taken to address climatic variations within the Member State;	(o) the approach taken to address climatic variations within the Member State;	(o) the approach taken to address climatic variations within the Member State;	
Annex V, point (5), first paragraph, point (p)				
808	(p) the monitoring and verification systems for measures under Articles 9 and 10 and how their independence from the obligated, participating or entrusted parties is ensured;	(p) the monitoring and verification systems for measures under Articles 9 and 10 and how their independence from the obligated, participating or entrusted parties is ensured;	(p) the monitoring and verification systems for measures under Articles 9 and 10 and how their independence from the obligated, participating or entrusted parties is ensured;	
Annex V, point (5), first paragraph, point (q), introductory part				
809	(q) in the case of taxation:	(q) in the case of taxation:	(q) in the case of taxation:	
Annex V, point (5), first paragraph, point (q)(i)				



	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
810	(i) the target sectors and segment of taxpayers;	(i) the target sectors and segment of taxpayers;	(i) the target sectors and segment of taxpayers;	
Annex V, point (5), first paragraph, point (q)(ii)				
811	(ii) the implementing public authority;	(ii) the implementing public authority;	(ii) the implementing public authority;	
Annex V, point (5), first paragraph, point (q)(iii)				
812	(iii) the savings expected to be achieved;	(iii) the savings expected to be achieved;	(iii) the savings expected to be achieved;	
Annex V, point (5), first paragraph, point (q)(iv)				
813	(iv) the duration of the taxation measure;	(iv) the duration of the taxation measure;	(iv) the duration of the taxation measure;	
Annex V, point (5), first paragraph, point (q)(v)				
814	(v) the calculation methodology, including the price elasticities used and how they have been established and	(v) the calculation methodology, including the price elasticities used and how they have been established and	(v) the calculation methodology, including the price elasticities used and how they have been established and	
Annex V, point (5), first paragraph, point (q)(vi)				

	Commission Proposal	EP Mandate	ST 10697/22 Council Mandate	Draft Agreement
815	(vi) how overlaps with emission trading in accordance with the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)] have been avoided and the risk of double counting has been abolished.	(vi) how overlaps with emission trading in accordance with the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)] have been avoided and the risk of double counting has been abolished.	(vi) how overlaps with emission trading in accordance with the EU ETS Directive [COM(2021) 551 final,2021/0211 (COD)] have been avoided and the risk of double counting has been abolished.	