

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2018/XX/MC-EnC adapting and incorporating Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU, and certain Delegated Regulations on energy related products

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 2(d), 24, 25, 79 and 81 thereof,

Having regard to Article 3(2)(f) of Ministerial Council Decision 2009/05/MC-EnC, as amended by Article 2 of Decision 2010/02/MC-EnC,

Whereas:

The Ministerial Council of the Energy Community on 18 December 2009 adopted Decision 2009/05/MC-EnC incorporating, *inter alia*, Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances ("Directive 92/75/EEC"), as well as eight Implementing Directives, into the Energy Community *acquis*,

The Ministerial Council of the Energy Community on 24 September 2010 adopted Decision No 2010/02/MC-EnC amending Decision 2009/05/MC-EnC of 18 December 2009 on the implementation of certain Directives on Energy Efficiency, and incorporating, *inter alia*, Directive 2010/30/EU of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, recasting and repealing Directive 92/75/EEC,

The Article 3(2)(f) of the Ministerial Council Decision 2009/05/MC-EnC, as amended, adapted Article 13 of Directive 2010/30/EU as follows: "*The Ministerial Council may object to the application of a delegated act to the Contracting Parties of the Energy Community at the meeting following notification. If, at that meeting, the Ministerial Council has not objected to the delegated act, it shall become binding on the Contracting Parties, subject to possible adaptation. If the Ministerial Council objects to a delegated act, it shall not be applicable in the Energy Community. The Ministerial Council shall state the reasons for objecting to the delegated act*",

The Ministerial Council of the Energy Community adopted Decisions on 6 October 2011 (Decision No 2011/03/MC-EnC) and on 23 September 2014 (Decision No 2014/02/MC-EnC) updating delegated regulation for labelling of specific energy-related products,

Since 23 September 2014, six new EU Delegated Regulations were adopted in EU and published in the Official Journal of the European Union: (EU) No 518/2014 (internet energy labelling), (EU) No 1254/2014 (residential ventilation units), (EU) No 2015/1094 (professional refrigerated storage

cabinets), (EU) No 2015/1186 (local space heaters), (EU) No 2015/1187 (solid fuel boilers and packages), and (EU) No 2017/254 (use of tolerances in verification procedures).

The Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU, was published in the Official Journal of the European Union L198/1 on 28.07.2017.

The Permanent High Level Group, at its meetings on 26 March 2018, took note of the Secretariat's suggestion to adapt and adopt Regulation (EU) 2017/1369 and new EU Delegated Regulations, and invited the European Commission and the Secretariat to prepare and present draft Ministerial Council Decision at the next meeting,

At its meeting on 21 June 2018, the Permanent High Level Group discussed the present proposal, and endorsed it on XX.XX.2018,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Adoption and implementation of the acquis

The Ministerial Council does not object to adopt Regulation (EU) 2017/1369 of the European Parliament and of the Council setting a framework for energy labelling and repealing Directive 2010/30/EU ("Framework Regulation 2017/1369"), Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet ("Delegated Regulation 518/2014"); Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 with regard to energy labelling of residential ventilation units ("Delegated Regulation 1254/2014"); Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 with regard to the energy labelling of professional refrigerated storage cabinets ("Delegated Regulation 2015/1094"); Commission Delegated Regulation (EU) 2015/1186 of 24 April 2015 with regard to the energy labelling of local space heaters ("Delegated Regulation 2015/1186"); Commission Delegated Regulation (EU) No 2015/1187 of 27 April 2015 with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices ("Delegated Regulation 2015/1187"); and Commission Delegated Regulation (EU) 2017/254 of 30 November 2016 amending Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013, (EU) No 812/2013, (EU) No 65/2014, (EU) No 1254/2014, (EU) 2015/1094, (EU) 2015/1186 and (EU) 2015/1187 with regard to the use of tolerances in verification procedures ("Delegated Regulation 2017/254").

Each Contracting Party shall bring into force the laws, regulations and administrative provisions necessary to comply with Regulations referred to in Article 1(1), as adapted by this Decision, by 31 December 2019. They shall forthwith inform the Energy Community Secretariat thereof.

The Contracting Parties shall apply those measures in accordance with specific deadlines provided in this Decision.

The Secretariat shall monitor and review the implementation of the Regulations referred to in paragraph 1 in the Contracting Parties. The Contracting Parties shall communicate to the Energy Community Secretariat the text of the main provisions of national law which they adopt in the field covered by these Regulations.

Article 2

General adaptations under Article 24 of the Energy Community Treaty

1. For the purpose of implementing the Framework Regulation 2017/1369 and all delegated regulations referred to in Article 1(1) within the institutional framework of the Treaty,
 - a. the term "Member States" shall read "Contracting Parties" throughout the Framework Regulation 2017/1369 and delegated regulations referred to in Article 1(1),
 - b. the term "Union" in Articles 2(8), 2(9), 2(11), 2(12), 2(14), 9(4) and 10 (1) of Framework Regulation 2017/1369 shall read "Energy Community",
 - c. the term "Commission" in Articles 4(2)(2), 7(3), 8(2), 9(3), 9(7), 9(8) and 20(3) of Framework Regulation 2017/1369, Article 3(1)(c) and Annex IX of Delegated Regulation 1254/2014, Annex X of Delegated Regulation 2015/1094, Articles 3(1)(e) and 3(2)(e) and Annex IX of Delegated Regulation 2015/1186, Articles 3(1)(e) and 3(3)(e) of Delegated Regulation 2015/1187, and all Annexes of the Delegated Regulation 2017/254 shall read "Commission and the Energy Community Secretariat".
 - d. the term "Commission" in Articles 10 and 19 of Framework Regulation 2015/1187 shall read "Energy Community Secretariat".
 - e. references to the Official Journal of the European Union shall be replaced by the expression 'a dedicated section of the website of the Energy Community';
 - f. references to Directive 2010/30/EU, shall be replaced with "Directive 2010/30/EU, as incorporated and adapted by the Ministerial Council Decision 2010/02/MC-EnC".
 - g. references to Delegated Regulation (EU) No 1059/2010, shall be replaced with "Delegated Regulation (EU) No 1059/2010, as incorporated and adapted by the Ministerial Council Decision 2011/03/MC-EnC".
 - h. references to Delegated Regulation (EU) No 1060/2010, shall be replaced with "Delegated Regulation (EU) No 1060/2010, as incorporated and adapted by the Ministerial Council Decision 2011/03/MC-EnC".
 - i. references to Delegated Regulation (EU) No 1061/2010, shall be replaced with "Delegated Regulation (EU) No 1061/2010 as incorporated and adapted by the Ministerial Council Decision 2011/03/MC-EnC".
 - j. references to Delegated Regulation (EU) No 1062/2010, shall be replaced with "Delegated Regulation (EU) No 1062/2010, as incorporated and adapted by the Ministerial Council Decision 2011/03/MC-EnC".
 - k. references to Delegated Regulation (EU) No 626/2011, shall be replaced with "Delegated Regulation (EU) No 626/2011, as incorporated and adapted by the Ministerial Council Decision 2011/03/MC-EnC".

“1. Where, on completion of the procedure set out in Article 9(4) and (5), objections are raised against a measure taken by a Contracting Party, or where the Secretariat considers a national measure to be contrary to Energy Community law, the Secretariat shall, without delay, consult the Contracting Party and the supplier or, where appropriate, the dealer and shall evaluate the national measure.

On the basis of the results of that evaluation, the Secretariat shall decide whether the national measure is justified or not and may suggest an appropriate alternative measure.”

- c. Article 10(4) shall not be applicable;
- d. Article 11 and Articles 14-18 shall not be applicable;
- e. Article 19, first sentence, shall be replaced by the following:

“By 31 December 2027, the Energy Community Secretariat shall assess the implementation of this Regulation and submit a report to the Permanent High Level Group and the Ministerial Council.”

- f. Article 21 (1) shall be replaced by following:

“This Regulation shall enter into force upon its adoption by the Ministerial Council. It shall be implemented by the Contracting Parties within the deadlines specified in the adapted Regulation.”

- 4. For the purpose of implementing the Delegated Regulation 2015/1187 referred to in Article 1 by the Contracting Parties,

- a. The following deadlines stipulated in Delegated Regulation 2015/1187 shall be replaced as follows:
 - i. in Article 3(1): “1 January 2020”,
 - ii. Article 3(1)(a) and (b) shall not apply,
 - iii. in Article 3(2): “1 January 2020”,
 - iv. in Article 3(3): “1 January 2020”,
 - v. Article 8(2): “1 January 2020”, and in the case of Article 3(1)(f) and (g), Article 3(3)(f) and (g), Article 4(1)(b), (c) and (d), and Article 4(2)(b), (c) and (d) “1 April 2020”.
- b. Article 3(1)(a) and (b) and Article 7 shall not be applicable;
- c. Article 8 (1) shall be replaced by following:

“This Regulation shall enter into force upon its adoption by the Ministerial Council.”

- 5. For the purpose of implementing the Delegated Regulation 2015/1186 referred to in Article 1 by the Contracting Parties,

- a. The deadlines stipulated in Delegated Regulation 2015/1186 shall be replaced as follows:
 - i. in Article 3(1): “1 January 2020”,
 - ii. in Article 3(2): “1 January 2022”,
 - iii. Article 8(2): “1 January 2020”, and in the case of Article 3(1)(f) and (g) and Article 4(b), (c) and (d) “01 April 2020”.

iv. Article 8(3): "1 January 2024", and in the case of Article 3(2)(f) and (g) and Article 4(b), (c) and (d) "1 April 2024".

b. Article 7 shall not be applicable;

c. Article 8 (1) shall be replaced by following:

"This Regulation shall enter into force upon its adoption by the Ministerial Council."

6. For the purpose of implementing the Delegated Regulation 2015/1094 referred to in Article 1 by the Contracting Parties,

a. The deadlines stipulated in Delegated Regulation 2015/1094 shall be replaced as follows:

i. in Article 3(1): "1 January 2021",

ii. in Article 3(2): "1 July 2016" shall not be applicable and "1 July 2019", shall be replaced by "1 January 2020",

b. Article 7 shall not be applicable;

c. Article 8 shall be replaced by following:

"This Regulation shall enter into force upon its adoption by the Ministerial Council.
It shall apply from 1 January 2020."

7. For the purpose of implementing the Delegated Regulation 1254/2014 referred to in Article 1 by the Contracting Parties,

a. The deadlines stipulated in Delegated Regulation 1254/2014 shall be replaced as follows:

i. in Article 3(1): "1 January 2021",

ii. in Article 3(2): "1 January 2021",

iii. Annex II and Annex III: "1 January 2016", shall be replaced by "1 January 2021".

b. Article 7 shall not be applicable;

c. Article 8 shall be replaced by following:

"This Regulation shall enter into force upon its adoption by the Ministerial Council.
It shall apply from 1 January 2020."

8. For the purpose of implementing the Delegated Regulation 518/2014 referred to in Article 1 by the Contracting Parties,

a. The deadlines stipulated in Delegated Regulation 518/2014 shall be replaced as follows:

i. in Articles 1, 2, 3, 4, 5, 6, 7 and 8: "1 January 2015", shall be replaced by "1 January 2020",

ii. in Article 9: "26 September 2019", shall be replaced by "26 September 2024",

iii. in Article 10: "26 September 2017", shall be replaced by "26 September 2022",

b. Article 11 shall be replaced by following:

"This Regulation shall enter into force upon its adoption by the Ministerial Council.
It shall apply from 1 January 2020."

9. For the purpose of implementing the Delegated Regulation 2017/254 referred to in Article 1 by the Contracting Parties, article 16 shall be replaced by following:

“This Regulation shall enter into force upon its adoption by the Ministerial Council. It shall apply from 1 January 2020.”

Article 3

1. This Decision enters into force upon its adoption and it is addressed to the Contracting Parties.
 2. As soon as Commission adopts a new delegated act(s), it shall notify it simultaneously to the Ministerial Council, who shall put it on the agenda of its next meeting. The Commission shall also inform the Ministerial Council on the working plan for the revision and rescaling of labels for product groups in accordance with Article 11(4) and (5) of Framework Regulation.
 3. The Ministerial Council may object to the application of a delegated act to the Contracting Parties of the Energy Community at the meeting following notification. If, at that meeting, the Ministerial Council has not objected to the delegated act, it shall become binding on the Contracting Parties, subject to possible adaptation. If the Ministerial Council objects to a delegated act, it shall not be applicable in the Energy Community. The Ministerial Council shall state the reasons for objecting to the delegated act.
2. The Secretariat shall establish and publish a consolidated version of this Decision, Decision 2009/05/MC-EnC, Decision 2010/02/MC-EnC, Decision 2011/03/MC-EnC, Decision 2014/02/MC and Decision 2015/08/MC-EnC.

Done in Skopje, on 2018

For the Ministerial Council:

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(Presidency)

REGULATION (EU) 2017/1369 of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU

Article	EU	EnC
EU OJ / MC Adoption	28.07.2017	19.10.2018
Enter into force	01.08.2017	20.10.2018
Article 4 (1)	01.01.2019	01.06.2021
Article 4 (2)	01.08.2017	01.01.2020
	01.01.2019	01.06.2021
	30.06.2019	01.12.2021
Article 4 (3)	01.08.2017	01.01.2020
Article 7 (4) second para	01.08.2017	01.01.2020
Article 20 (1)	01.08.2017	01.01.2020
Article 20 (3)	01.08.2017	01.01.2020
Article 21 Shall apply	01.08.2017	01.01.2020
Article 21 in case of Article 4	01.01.2019	01.06.2021

Commission Delegated Regulation (EU) No 2015/1187 of 27 April 2015 with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices

Article	EU	EnC
Enter into force	10.08.2015	20.10.2018
Article 3 (1)	01.04.2017	not applicable
Article 3 (2)	26.09.2019	01.01.2020
Article 3 (3)	01.04.2017	01.01.2020
Article 8 (2) Shall apply	01.04.2017	01.01.2020
Article 8 (2) in case of Article 3(1)(f) and (g), Article 3(3)(f) and (g), Article 4(1)(b), (c) and (d), and Article 4(2)(b), (c) and (d)	01.07.2017	01.04.2020

Commission Delegated Regulation (EU) 2015/1186 of 24 April 2015 with regard to the energy labelling of local space heaters

Article	EU	EnC
Enter into force	10.08.2015	20.10.2018
Article 3 (1)	01.01.2018	01.01.2020
Article 3 (2)	01.01.2022	01.01.2022
Article 8 (2) Shall apply	01.01.2018	01.01.2020
Article 8 (2) in case of Article 3(1)(f) and (g) and Article 4(b), (c) and (d)	01.04.2018	01.04.2020
Article 8 (3)	01.01.2022	01.01.2024
Article 8 (3) in case of Articles 3(2)(f) and (g) and Article 4(b), (c) and (d)	01.04.2022	01.04.2024

Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 with regard to the energy labelling of professional refrigerated storage cabinets

Article	EU	EnC
Enter into force	28.07.2015	20.10.2018
Article 3 (1)	01.07.2016	01.01.2021
Article 3 (2)	01.07.2016	not applicable
Article 3 (2)	01.07.2019	01.01.2020
Article 8 Shall apply	28.07.2015	01.01.2020

Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 with regard to energy labelling of residential ventilation units

Article	EU	EnC
Enter into force	15.12.2014	20.10.2018
Article 3 (1)	01.01.2016	01.01.2021
Article 3 (2)	01.01.2016	01.01.2021
Article 8 Shall apply	15.12.2014	01.01.2020
Annex II and Annex III	01.01.2016	01.01.2021

Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet

Article	EU	EnC
Enter into force	06.06.2014	20.10.2018
Articles 1, 2, 3, 4 5, 6, 7, and 8	01.01.2015	01.01.2020
Article 9	26.09.2019	26.09.2024
Article 10	26.09.2017	26.09.2022
Article 11 Shall apply	06.06.2014	01.01.2020