

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2009/05/MC-EnC of 18 December 2009 on the implementation of certain Directives on Energy Efficiency

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, 100 (ii) thereof,

Whereas the Ministerial Council in December 2007 established a Task Force which, among other tasks, was requested to identify the pieces of EC legislation in the field of energy efficiency suitable and appropriate to be implemented in the Contracting Parties to the Energy Community,

Whereas this Task Force subsequently identified three pieces of legislation, namely Directive 2006/32/EC on energy end-use efficiency and energy services, Directive 2002/91/EC on the energy performance of buildings and Directive 92/75/EEC and the implementing Directives on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances,

Whereas the Ministerial Council, at its meeting of 26 June 2009 requested the Secretariat to prepare the relevant decisions for the introduction in the framework of the Treaty of the above-mentioned Directives,

Whereas the Permanent High Level Group, at its meeting on 24 September 2009, elaborated and proposed to adopt the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. Each Contracting Party shall implement Directive 2006/32/EC of the European Parliament and of the Council on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC ("Directive 2006/32/EC").
2. For the purpose of implementing Directive 2006/32/EC within the institutional framework of the Treaty,
 - a. the term "Member States" shall read "Contracting Parties" throughout Directive 2006/32/EC;
 - b. the term "Commission" in Article 4(2) subparagraph 2, Article 5(1) subparagraph 3, Article 7(3), Article 14(1), (2) subparagraph 1 and (5) subparagraph 1, Article 18(1) subparagraph 1 and (2) shall read "Secretariat";
 - c. the term "in accordance with the procedure referred to in Article 16(2)" in Article 14(4) shall read "by the Secretariat";

- d. the term “the European Parliament and to the Council” in Article 14(5) subparagraph 3 shall read “the Ministerial Council”;
 - e. the term “and/or the Commission” in Article 14(5) subparagraph 2 shall not be applicable.
3. For the purpose of implementing Directive 2006/32/EC by the Contracting Parties to the Treaty the deadlines set in Article 18(1) subparagraph 1 of Directive 2006/32/EC shall be “31 December 2011” instead of “17 May 2008” and “31 December 2009” instead of “17 May 2006”. The other deadlines set by Directive 2006/32/EC shall be adapted as follows:
- a. in Article 14(1): “30 June 2010”;
 - b. in Article 14(2) subparagraph 1: “30 June 2010” (first indent), “30 June 2013” (second indent), “30 June 2016” (third indent);
 - c. in Article 14(4): “1 January 2011” (first indent), “1 January 2014” (second indent), “1 January 2017” (third indent);
 - d. in Article 14(5) subparagraph 1: “1 January 2011” (first indent), “1 January 2014” (second indent), “1 January 2017” (third indent).
4. Further to the specific monitoring duties conferred on it by Directive 2006/32/EC as adapted, the Secretariat shall monitor and review the implementation of Directive 2006/32/EC in the Contracting Parties and shall submit a progress report to the Permanent High Level Group by 30 June 2012.

Article 2

1. Each Contracting Party shall implement Directive 2002/91/EC of the European Parliament and of the Council on the energy performance of buildings (“Directive 2002/91/EC”).
2. For the purpose of implementing Directive 2002/91/EC within the institutional framework of the Treaty,
 - a. the term “Member States” shall read “Contracting Parties” throughout Directive 2002/91/EC;
 - b. the term “Commission” in Article 8(b), Article 12, Article 15(1) subparagraph 1 and (2) shall read “Secretariat”.
3. For the purpose of implementing Directive 2002/91/EC by the Contracting Parties to the Treaty, the deadline set in Article 15(1) shall be 31 December 2011.
4. The Secretariat shall monitor and review the implementation of Directive 2002/91/EC in the Contracting Parties and shall submit a progress report to the Permanent High Level Group by 30 June 2012.
5. In its meeting following the recast of Directive 2002/91/EC by the competent institutions of the European Community, the Ministerial Council shall take a Decision on its adoption within the Energy Community.

Article 3

1. Each Contracting Party shall implement Council Directive 92/75/EEC on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the

Council and Regulation (EC) No 1137/2008 of the European Parliament and of the Council ("Directive 92/75/EEC") as well as the following Implementing Directives:

- a. Commission Directive 94/2/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household electric refrigerators, freezers and their combinations, as amended by Commission Directive 2003/66/EC ("Directive 94/2/EC");
 - b. Commission Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household washing machines, as amended by Commission Directive 96/89/EC ("Directive 95/12/EC");
 - c. Commission Directive 95/13/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household electric tumble driers ("Directive 95/13/EC");
 - d. Commission Directive 96/60/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household combined washer-driers ("Directive 96/60/EC");
 - e. Commission Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household dishwashers, as amended by Commission Directive 1999/9/EC ("Directive 97/17/EC");
 - f. Commission Directive 98/11/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household lamps ("Directive 98/11/EC");
 - g. Commission Directive 2002/31/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household air-conditioners, ("Directive 2002/31/EC");
 - h. Commission Directive 2002/40/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household electric ovens ("Directive 2002/40/EC");
2. For the purpose of implementing all Directives covered by paragraph 1 within the institutional framework of the Treaty,
- a. the term "Member States" shall read "Contracting Parties" throughout all Directives covered by paragraph 1;
 - b. the term "Commission" in Articles 11, 14(3) of Directive 92/75/EEC, in Article 4(2) of Directive 94/2/EC, Article 4(2) of Directive 95/12/EC, Article 4(2) of Directive 95/13/EC, Article 4(2) of Directive 96/60/EC, Article 4(2) of Directive 97/17/EC, Article 4(2) of Directive 98/11/EC, in Article 5(3) of Directive 2002/31/EC, and in Article 5(2) of Directive 2002/40/EC shall read "Secretariat";
 - c. the term "the European Parliament and to the Council" in Article 11 of Directive 92/75/EEC shall read "the Ministerial Council".
3. For the purpose of implementing all Directives covered by paragraph 1 by the Contracting Parties to the Treaty,
- a. Articles 14(1) subparagraphs 1 and 2 of Directive 92/75/EEC, Article 4(1) subparagraph 1 of Directive 94/2/EC, Article 4(1) subparagraph 1 of Directive 95/12/EC, Article 4(1) subparagraph 1 of Directive 95/13/EC, Article 4(1) subparagraph 1 of Directive 96/60/EC, Article 4(1) subparagraph 1 of Directive 97/17/EC, Article 4(1) subparagraph 1 of Directive 98/11/EC, Article 5(1) subparagraphs 1 and 2 of Directive 2002/31/EC, Article 5(1) subparagraphs 1 and 2 of Directive 2002/40/EC shall be replaced by the following: "The Contracting Parties shall implement this Directive by 31 December 2011."
 - b. The dates referred to in Article 4(1) subparagraph 2 of Directive 95/12/EC, Article 4(1) subparagraph 2 of Directive 95/13/EC, Article 4(1) subparagraph 2 of Directive 96/60/EC, Article 4(1) subparagraph 2 of Directive 97/17/EC, Article 4(1) subparagraph 2 of Directive 98/11/EC, Article 4 of Directive 2002/31/EC, and Article 4 of Directive 2002/40/EC shall be replaced by "30 June 2012";

4. Each Contracting Party shall prepare a label design based on the template annexed to the respective Implementing Directives and translated into the official languages. The label design shall be submitted to the Permanent High Level Group not later than 30 June 2010 for approval.

Article 4

This Decision enters into force upon its adoption and is addressed to the Contracting Parties.

Done in Zagreb, on 18 December 2009

For the Ministerial Council:



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Presidency