

Federal Council for Sustainable Development (FRDO-CFDD)

Opinion on the proposal for a European Directive on energy end-use efficiency and energy services (*COM (2003) 739 final*)

- requested by the Minister for the Economy, Energy, External Trade and Scientific Policy, Fientje Moerman, in a letter dated 12 May 2004, and transmitted to her successor, Marc Verwilghen
- drafted by the *Energy and Climate* and *Product Standards* working groups
- approved by the General Meeting on 29 October 2004 (see Annex 1)
- original language: French

Summary:

[a] The FRDO-CFDD received a request for an opinion from Minister Moerman, dated 12 May 2004, on the proposal for a European Directive on energy end-use efficiency and energy services (document COM (2003) 739 final of 10 December 2003). The opinion was transmitted to her successor, Minister Verwilghen.

The recommendations made by the FRDO-CFDD in this opinion aim to ensure that the Directive corresponds more closely to sustainable development objectives and that it can be applied by all actors. The FRDO-CFDD presents a critical analysis of the draft Directive, particularly in terms of its objectives and applicability.

- [b] The Federal Council for Sustainable Development makes a point of stating its support for the two main objectives of the proposal, namely to improve energy efficiency and to create a dynamic and competitive energy services market. The proposal also offers the advantage of reasoning in terms of energy services and turning its attention to energy end use. Indeed, the FRDO-CFDD points out the considerable potential for economically cost-effective and technically feasible energy efficiency measures in Europe and in Belgium.
- [c] The FRDO-CFDD nevertheless expresses several reservations concerning the practical arrangements the proposal would set in place with a view to attaining its goals.
- [d] Certain members¹ of the FRDO-CFDD support the principle of establishing binding targets for Member State results.
- [e] Others² support the principle of establishing indicative targets for Member State results.
- [f] The FRDO-CFDD nevertheless considers that the targets indicated in the proposed Directive constitute minimum values and that it would be more effective to set different targets for each Member State in terms of their potential for economically cost-effective and technically feasible energy savings.

¹ Two members (Mr Rombouts and Mrs Panneels) of the Chairman and two Vice-Chairmen; the five representatives of environmental protection NGOs (see Annex 1); the four representatives of development cooperation NGOs (see Annex 1); the five representatives of workers' organisations (see Annex 1); two of the five representatives of academia (Prof. Verschure and Prof. Van Ypersele). Three of the five representatives of academia abstained (Prof. Carnol, Prof. Lavrysen and Prof. Zaccai).

² One member (Mrs Gernay) of the Chairman and two Vice-Chairmen; the six representatives of employers' organisations (see Annex 1); the two representatives of energy producers; three of the five representatives of academia abstained (Prof. Carnol, Prof. Lavrysen and Prof. Zaccai).

- [g] The Federal Council also considers that there is a need to ensure that measures taken into account to attain the targets actually make a new contribution (compared to a "business as usual" scenario). Methods for measuring the attainment of targets should ideally be uniform at European level. The FRDO-CFDD also fears that the practical arrangements set out in the current proposal could lead to a disproportionate administrative load on the different actors obliged to implement the Directive.
- [h] The FRDO-CFDD considers that the Member States should be allowed to determine the means to be mobilised to attain the targets.
- [i] In contrast with Article 6a of the Directive, the FRDO-CFDD considers that the offer and/or supply of energy services by distribution system operators may not be made compulsory. Such operators may nevertheless play an important role in terms of information and customer awareness.
- [j] Certain members of the FRDO-CFDD³ emphasize the fact that energy supply companies may not be held responsible for the way the energy they provide is consumed (especially for cooling, lighting, heating, engines, etc.). Consequently, as part of this Directive, individual promotion, particularly through audits, should be implemented by actors other than energy supply companies, by the public authorities, or by energy supply companies if they so choose. It also stands to reason that Article 6a of the draft Directive obliging energy distribution operators and/or supply companies to offer and/or provide energy services does not have the support of those members of the FRDO-CFDD.
- [k] Other members of the Federal Council⁴ consider that the offer and/or supply of energy services must be made compulsory for energy supply companies, insofar as these have the know-how to develop energy services most effectively. This obligation must of course be introduced gradually. Distribution system operators would be charged with promoting energy services and energy efficiency measures (through information campaigns) and would report annually on the evolution of energy efficiency on their system.
- [l] The creation of a dynamic and competitive energy services market should be promoted in particular by providing adequate information to consumers. Specific actions need to be planned, such as encouraging the use of energy audits, in particular for smaller actors (e.g. SMEs, households). Financing possibilities for such measures should be studied.

³ One member (Mrs Gernay) of the Chairman and two Vice-Chairmen; the six representatives of employers' organisations (see Annex 1); the two representatives of energy producers; three of the five representatives of academia abstained (Prof. Carnol, Prof. Lavrysen and Prof. Zaccai).

⁴ Two members (Mr Rombouts and Mrs Panneels) of the Chairman and two Vice-Chairmen; the five representatives of environmental protection NGOs (see Annex 1); the four representatives of development cooperation NGOs (see Annex 1); the five representatives of workers' organisations (see Annex 1); two of the five representatives of academia (Prof. Verschure and Prof. Van Ypersele). Three of the five representatives of academia abstained (Prof. Carnol, Prof. Lavrysen and Prof. Zaccai).