

Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance)

## CHAPTER 8

### *Final provisions*

#### *Article 43*

#### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Articles 3(5), Article 15(5), Article 26(6), Article 37(7) and Article 40(4) shall be conferred on the Commission for a period of five years from 24 December 2018. 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 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.

3 The delegation of power referred to in Article 3(5), Article 15(5), Article 26(6), Article 37(7) and Article 40(4) 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.

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.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 3(5), Article 15(5), Article 26(6), Article 37(7) and Article 40(4) 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 to 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.

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## Article 44

### Committees

- 1 The Commission shall be assisted by:
  - a a Climate Change Committee with regard to the implementation of the issues referred to in Article 19(5), Article 26(7), Article 37(6), Article 38(3) and Article 39(3); and
  - b an Energy Union Committee with regard to the implementation of issues referred to in Article 17(4) and Article 33(4).
- 2 Those committees shall be committees within the meaning of Regulation (EU) No 182/2011.
- 3 The Climate Change Committee referred to in point (a) of paragraph 1 of this Article replaces the committee established in Article 26 of Regulation (EU) No 525/2013.
- 4 When either of the committees referred to in paragraph 1 considers horizontal issues and common actions, it shall inform the other committee referred to in paragraph 1 accordingly, in order to ensure consistency of policies and to maximise synergies between sectors.
- 5 Each Member State shall appoint its representative(s) to the Climate Change Committee and the Energy Union Committee. The representatives of each committee shall be invited to the meetings of the other.
- 6 Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.

## Article 45

### Review

The Commission shall report to the European Parliament and to the Council within six months of each global stocktake agreed under Article 14 of the Paris Agreement on the operation of this Regulation, its contribution to governance of the Energy Union, its contribution to the long-term goals of the Paris Agreement, progress towards the achievement of the 2030 climate and energy targets, additional Energy Union objectives and the conformity of the planning, reporting and monitoring provisions laid down in this Regulation with other Union law or decisions relating to the UNFCCC and the Paris Agreement. The Commission reports may be accompanied by legislative proposals where appropriate.

## Article 46

### Amendments to Directive 94/22/EC

Directive 94/22/EC is amended as follows:

- (1) in Article 8, paragraph 2 is deleted;
- (2) Article 9 is deleted.

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### Article 47

#### Amendments to Directive 98/70/EC

Directive 98/70/EC is amended as follows:

- (1) Article 7a is amended as follows:
  - (a) in the third subparagraph of paragraph 1, point (a) is replaced by the following:
    - (a) the total volume of each type of fuel or energy supplied; and;
    - (b) in paragraph 2, the introductory wording is replaced by the following:
      2. Member States shall require suppliers to reduce as gradually as possible life cycle greenhouse gas emissions per unit of energy from fuel and energy supplied by up to 10 % by 31 December 2020, compared with the fuel baseline standard set out in Annex II to Council Directive (EU) 2015/652. That reduction shall consist of;
- (2) in Article 8, paragraph 4 is replaced by the following:
  4. The Commission shall ensure that the information submitted pursuant to paragraph 3 is promptly made available by appropriate means..

### Article 48

#### Amendments to Directive 2009/31/EC

Directive 2009/31/EC is amended as follows:

- (1) in Article 27, paragraph 1 is replaced by the following:

Every four years the Member States shall submit to the Commission a report on the implementation of this Directive, including the register referred to in point (b) of Article 25(1). The first report shall be sent to the Commission by 30 June 2011. The report shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2). The questionnaire or outline shall be sent to Member States at least six months before the deadline for the submission of the report.;
- (2) in Article 38, paragraph 1 is deleted.

### Article 49

#### Amendments to Regulation (EC) No 663/2009

Regulation (EC) No 663/2009 is amended as follows:

- (1) in Article 27, paragraphs 1 and 3 are deleted;
- (2) Article 28 is deleted.

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### *Article 50*

#### **Amendment to Regulation (EC) No 715/2009**

In Regulation (EC) No 715/2009, Article 29 is deleted.

### *Article 51*

#### **Amendments to Directive 2009/73/EC**

Directive 2009/73/EC is amended as follows:

- (1) Article 5 is deleted;
- (2) Article 52 is replaced by the following:

### *Article 52*

#### **Reporting**

The Commission shall monitor and review the application of this Directive and submit an overall progress report to the European Parliament and to the Council as an annex to the State of the Energy Union Report referred to in Article 35 of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>(1)</sup>.

### *Article 52*

#### **Amendment to Council Directive 2009/119/EC**

In Article 6 of Directive 2009/119/EC, paragraph 2 is replaced by the following:

2. By 15 March each year, each Member State shall send the Commission a summary copy of the stock register referred to in paragraph 1 showing at least the quantities and nature of the emergency stocks included in the register on the last day of the preceding calendar year.

### *Article 53*

#### **Amendments to Directive 2010/31/EU**

Directive 2010/31/EU is amended as follows:

- (1) Article 2a is amended as follows:
  - (a) in paragraph 1, the introductory wording is replaced by the following:
    1. Each Member State shall establish a long-term renovation strategy to support the renovation of the national stock of residential and non-residential buildings, both public and private, into a highly energy efficient and decarbonised building stock by 2050, facilitating the cost-effective transformation of existing buildings into nearly zero-energy buildings. Each long-term renovation strategy shall encompass;

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(b) the following paragraph is added:

8. Each Member State's long-term renovation strategy shall be submitted to the Commission as part of its final integrated national energy and climate plan referred to in Article 3 of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>(2)</sup>. As a derogation from Article 3(1) of that Regulation, the first long-term renovation strategy under paragraph 1 of this Article shall be submitted to the Commission by 10 March 2020.;

(2) in the second subparagraph of Article 5(2), the sentence 'The report may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC' is deleted;

(3) in Article 9, paragraph 5 is replaced by the following:

5. As part of its State of the Energy Union report referred to in Article 35 of Regulation (EU) 2018/1999, the Commission shall report every four years to the European Parliament and to the Council on the progress of Member States in increasing the number of nearly zero-energy buildings. On the basis of this reported information the Commission shall, where necessary, develop an action plan and propose recommendations and measures in accordance with Article 34 of Regulation (EU) 2018/1999 to increase the number of those buildings and encourage best practices as regards the cost-effective transformation of existing buildings into nearly zero-energy buildings.;

(4) in Article 10, paragraphs 2 and 3 are deleted;

(5) in Article 14(3), the third subparagraph is replaced by the following:

Such a report shall be submitted to the Commission as part of the Member States' integrated national energy and climate plans referred to in Article 3 of Regulation (EU) 2018/1999;

(6) in Article 15(3), the third subparagraph is replaced by the following:

Such a report shall be submitted to the Commission as part of the Member States' integrated national energy and climate plans referred to in Article 3 of Regulation (EU) 2018/1999.

#### *Article 54*

#### **Amendments to Directive 2012/27/EU**

Directive 2012/27/EU is amended as follows:

(1) Article 4 is deleted;

(2) in Article 18(1), point (e) is deleted;

(3) Article 24 is amended as follows:

(a) paragraphs 1, 3, 4 and 11, are deleted;

(b) paragraph 2 is deleted;

(4) Annex XIV is deleted.

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## Article 55

### Amendment to Directive 2013/30/EU

In Article 25 of Directive 2013/30/EU, paragraph 1 is replaced by the following:

1. Member States shall report annually to the Commission, as part of the annual reporting referred to in Article 26 of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>(9)</sup>, the information specified in point 3 of Annex IX..

## Article 56

### Amendments to Directive (EU) 2015/652

Directive (EU) 2015/652 is amended as follows:

- (1) in Article 5, paragraph 1 is replaced by the following:
  1. Each year by 31 December Member States shall provide the Commission with data for the preceding calendar year related to compliance with Article 7a of Directive 98/70/EC, as defined in Annex III to this Directive.;
- (2) in Annex I, Part 2, points 1(h), 2, 3, 4 and 7 are deleted.
- (3) Annex III is amended as follows:
  - (a) point 1 is replaced by the following:
    1. Member States are to report the data listed in point 3. Those data must be reported for all fuel and energy placed on the market in each Member State. Where multiple biofuels are blended with fossil fuels, the data for each biofuel must be provided.;
  - (b) in point 3, points (e) and (f) are deleted;
- (4) Annex IV is amended as follows:
  - (a) the following templates for reporting information for consistency of the reported data are deleted:
    - Origin — Single Suppliers
    - Origin — Joint Suppliers
    - Place of Purchase;
  - (b) in the format notes, points 8 and 9 are deleted.

## Article 57

### Repeal

Regulation (EU) No 525/2013 shall be repealed with effect from 1 January 2021, subject to the transitional provisions laid down in Article 58 of this Regulation, with the exception of Article 26(1) of Regulation (EU) No 525/2013 which shall be repealed with effect from 24 December 2018. References to the repealed Regulation shall be construed

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as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.

#### *Article 58*

##### **Transitional provisions**

By way of derogation from Article 57 of this Regulation, Article 7 and points (a) and (d) of Article 17(1) of Regulation (EU) No 525/2013 shall continue to apply to the reports containing the data required under those articles for the years 2018, 2019 and 2020.

Article 11(3) of Regulation (EU) No 525/2013 shall continue to apply as regards the second commitment period of the Kyoto Protocol.

Article 19 of Regulation (EU) No 525/2013 shall continue to apply to the reviews of the greenhouse gas inventory data for the years 2018, 2019 and 2020.

Article 22 of Regulation (EU) No 525/2013 shall continue to apply to the submission of the report required under that article.

For the purpose of coherence and legal certainty, nothing in this Regulation prevents the application of the derogations pursuant to the relevant Union sectoral law in the area of electricity and electricity risk preparedness.

#### *Article 59*

##### **Entry into force**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 40, Article 53(2), (3) and (4), point (a) of Article 54(3), Article 54(4), and Article 55 shall apply from 1 January 2021.

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- (2) Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council ([OJ L 328, 21.12.2018, p. 1](#)).’;
- (3) Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council ([OJ L 328, 21.12.2018, p. 1](#)).’.



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