

Main topics and media events 2 – 15 July 2018

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Governance of the Energy Union: Council confirms deal reached with the European Parliament

Renewable energy directive: By 2030 32% of the energy consumed in the EU will come from renewables.

The EU ambassadors of the member states confirmed, on behalf of the Council, the provisional agreement reached on 19-20 June between the Bulgarian Presidency and the European Parliament on the **Energy Union governance regulation**.

The Council has today agreed on a new governance system for the energy union. This will ensure that we remain firmly on track to meet our long-term energy and climate objectives. This regulation is a key tool for modernising our energy policies as it ensures transparency, coherence, and cost-efficiency, and improves collaboration.

Temenuzhka Petkova, Minister of Energy of Bulgaria

The governance regulation is a key part of the clean energy package. It is the 'umbrella' piece of legislation which is intended to ensure that the EU's 2030 energy and climate targets are achieved. It defines how member states will collaborate both with each other and with the Commission to reach the EU's ambitious clean energy goals, including the renewable energy targets and the energy efficiency targets, as well as the EU's long-term greenhouse gas emissions goals. It also sets out control mechanisms that will help ensure that the targets are met, and that the range of actions proposed constitute a coherent and coordinated approach. In addition, the regulation provides for reporting under the UNFCCC and Paris Agreement.

A structured, iterative process between the member states and the European Commission and a system of regional consultations and Commission recommendations on national energy and climate plans will help ensure that the efforts to meet EU targets are on track and will ensure better synergies between national efforts in these areas. At the same time the regulation allows individual countries sufficient flexibility to adapt to their national conditions and needs.

The national energy and climate plans will include national targets, contributions, policies and measures for each of the five dimensions of the energy union: decarbonisation, energy efficiency, energy security, internal energy market as well as research, innovation and competitiveness.

Further key elements of the governance regulation are as follows:

Timeline for the **national energy and climate plans**: co-legislators agreed that member states will need to submit their draft plans to the Commission by 31 December 2018, and that the Commission will issue its recommendations at the latest by 30 June 2019. The deadline for the submission of the final national energy and climate plans is 31 December 2019.

- **Progress reports**: the first biennial progress report on the implementation of the national energy and climate plans is due on 15 March 2023.
- **Renewable energy and energy efficiency trajectories**: in order to reach its overall renewable energy target of 32% by 2030, the EU needs to have met 18% of the target by 2022, 43% by 2025, and 65% by 2027. It was also agreed to set three reference years for energy efficiency (2022, 2025 and 2027).
- **Gap-filler mechanism**: co-legislators agreed on the principle of triggering the gap-filler mechanism for renewable energy: if there is a gap at EU level, those member states which fall below their reference points will have to cover the gap by implementing measures at national level. There is also an obligation to cover any gap against the 2020 renewable energy baseline – should that occur within one year. For energy efficiency, the focus will be on measures at EU level.
- **Long term strategies**: the co-legislators agreed on an article on EU and member states' long-term strategies, setting out a timetable, with an indicative annex which will highlight the comparability of their long-term strategies, as well as improve the link between the long term strategies at national level and at EU level.

Background and next steps

The governance regulation is a cornerstone of the clean energy package. This mega-package was presented by the Commission in November 2016 and consists of eight legislative proposals. The governance regulation aims to integrate and simplify the existing, overlapping set of planning, reporting and monitoring requirements under the EU energy and climate legislation. Member states will prepare national energy and climate plans which outline how they intend to contribute to the goals of the energy union, in particular the 2030 EU targets on renewables, energy efficiency and greenhouse gas emissions.

The Council adopted its position on the proposal on 18 December 2017. This enabled the Bulgarian Presidency to start trilogue negotiations with the European Parliament on 21 February 2018. A provisional deal was reached between the co-legislators on 19 – 20 June.

Today's endorsement by EU ambassadors means that the regulation can be submitted for approval to the European Parliament, where the plenary vote is expected in October, and then back to the Council for final adoption. The regulation will enter into force 20 days following its publication in the Official Journal of the EU.

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Weekly schedule of President Donald Tusk

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Remarks by President Donald Tusk on the European Council meetings of 28-29 June 2018

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Good afternoon. We have just finished a long European Council with the following outcomes.

As regards our deal on migration, it is far too early to talk about a success. We have managed to reach an agreement in the European Council. But this is in fact the easiest part of the task, compared to what awaits us on the ground, when we start implementing it.

As for the text of our compromise, the leaders accepted three proposals I put forward, that is disembarkation platforms outside Europe, a dedicated budgetary tool in the next MFF to combat illegal migration, as well as boosting EU support for the Libyan Coast Guard. On top of that, we have sent a clear message to all vessels, including those of NGOs, operating in the Mediterranean, that they must respect the law and must not obstruct the operation of the Libyan Coast Guard. This demonstrates our clear and univocal support for the actions of the Maltese authorities.

Another part of the compromise is the Franco-Italian proposal of controlled centres on EU territory, in countries that are willing to build them. All the measures in the context of these centres, including relocation and resettlement, will be taken on a voluntary basis.

Last but not least, we agreed to launch the next tranche of financing for Turkey and to transfer 500 million euros of development money to the EU Trust Fund for Africa.

Moving on to this morning's proceedings. The Euro Summit agreed, as promised in December, to progress on the completion of the Banking Union and to strengthen the European Stability Mechanism, including by providing the backstop to the single resolution fund. This reform of the EMU will strengthen the euro, and as a result, also our Union. In turbulent times, this is welcome news for all Europeans.

On Brexit. The EU27 has taken note of what has been achieved so far. However, there is a great deal of work ahead, and the most difficult tasks are still unresolved. If we want to reach a deal in October we need quick progress. This is the last call to lay the cards on the table.

Before concluding, let me thank my good friend, Prime Minister Boyko Borissov, for the outstanding and effective Bulgarian Presidency. You and your team have done a truly remarkable job. Including on the Sofia Summit, which was a historic moment in terms of our relations with the Western Balkans. Thank you very much, Boyko.

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Telecoms reform to bolster better and faster connectivity across EU approved by member states

The swift and extensive roll-out of 5G and other next generation technologies throughout Europe, stronger consumer protection and a capped rate for international calls within the EU – all these are covered by the **comprehensive set of new rules for the electronic communications sector** that EU countries' ambassadors approved today on behalf of the Council. A provisional agreement on the '**European Electronic Communications Code**' and on a **revised remit for the Body of European Regulators for Electronic Communication (BEREC)** was reached with the European Parliament on 5 June 2018.

This reform will frame the development of the electronic communications sector for the next ten years and beyond. I am confident that it will stimulate healthy competition and increased investment in 5G and fibre networks, so that every citizen and business in the EU can enjoy very high quality connectivity and an increasing choice of innovative digital services.

Ivaylo Moskovski, Bulgarian Minister for Transport, Information Technology and Communications

European Electronic Communications Code

Consumers will benefit from a similar, higher level of **protection** for electronic communications services across Europe. Targeted exceptions to full harmonisation are designed to ensure that the level of protection is not lowered in any country. The strengthened consumer rules will make it easier

to switch between providers and offer better protection for people who subscribe to bundled services, for example.

To ensure that end-users are equally protected regardless of the type of services they use to communicate, 'electronic communications services' will also cover **services provided over the internet** such as messaging apps and email (also known as 'over-the-top', or 'OTT', services). Certain characteristics of the service – rather than the underlying technology – will determine which rules of the directive will apply. For example, an obligation to provide certain information in contracts will only concern services which are provided against remuneration.

A review mechanism will ensure that end-user rights remain robust and up-to-date as business models and consumer behaviour change.

Affordable and adequate internet access will be included in the list of **universal services** that must be available to all consumers, irrespective of their location or income. People with disabilities should have equal internet access.

Following positive experiences in some countries, all member states will have to set up a **public warning system** to send alerts to citizens on their mobile phones in the event of a natural disaster or other major emergency in their area. This 'reverse 112' system will have to be in place within 3.5 years of the directive entering into force.

To **promote investment, in particular in 5G**, member states will, as a general rule, provide operators with regulatory predictability over a period of at least 20 years regarding spectrum licencing for wireless broadband. Decisions on renewals of rights will have to be taken in a timely manner. Member states will also have to make available new frequency bands for 5G that will allow faster internet connections and increased connectivity throughout Europe.

The directive will update current rules on **operators' access to networks** to encourage competition and make it easier for companies to invest in new, very high capacity infrastructure (capable of download speeds of at least 100 Mbps), including in more remote areas. The text allows authorities to reduce the level of regulation to some extent where markets are competitive, but introduces safeguards to ensure that market regulation remains effective.

Rules on 'significant market power' (SMP) will be complemented with **symmetric regulation** of all providers of electronic communications networks in some very specific situations to ensure competition in all cases. In addition, national regulatory authorities will have more tools to address issues that may arise in certain market circumstances, such as duopolistic situations.

With this agreement, the Council and the Parliament succeeded in meeting the June 2018 deadline that EU leaders set for this priority dossier at the European Council in October 2017.

BEREC regulation

In line with its new mandate, BEREC will play a significant role in helping EU countries to roll out very high capacity networks and will contribute to the smooth application of the regulatory measures laid down in the Code.

As BEREC's current structure has worked so well, there was no need for a major overhaul of BEREC. The dual structure of BEREC and the BEREC Office will therefore be maintained, and the BEREC Office will continue to have legal personality and the status of an EU decentralised agency.

The BEREC regulation also includes provisions on **cheaper 'intra-EU calls'**, which will complement last summer's abolition of roaming surcharges in the EU. Under the new rules, the retail price of mobile or fixed calls placed from the consumer's home country to another EU country will be capped at 19 cents per minute. Similarly, the cap for intra-EU text messages will be 6 cents per message. The beneficiaries will be consumers, as businesses usually negotiate their rates with operators. As is the case with roaming, derogations are possible in exceptional circumstances. The new caps will kick in as soon as 15 May 2019.

Next steps in the legislative process

Once the agreed texts have undergone legal and linguistic finalisation, they must be formally adopted, first by the Parliament and then by the Council (agreement at first reading). Following adoption, the legal acts will be published in the EU's Official Journal. This is expected to take place at the end of this year.

For the Code, member states will then have two years to adopt the necessary provisions to put the directive into practice. An additional one-year transition period will apply to the harmonised end-user provisions. The BEREC regulation will enter into force 20 days after publication.

The full texts of the draft directive and the draft regulation will soon be available on this webpage.

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