

## **DECISION No 2010/02/MC-EnC**

**of 24 September 2010**

### **OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY**

**amending Decision 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 and 100(ii) thereof,

Whereas the Ministerial Council on 18 December 2009 adopted Decision 2009/05/MC-EnC incorporating Directive 2006/32/EC on energy end-use efficiency and energy services, Directive 2002/91/EC on the energy performance of buildings ("Directive 2002/91/EC") and Directive 92/75/EEC on the indication by labeling 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*,

Whereas Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, recasting and repealing Directive 2002/91/EC, and Directive 2010/30/EU of the European Parliament and of the Council on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products, recasting and repealing Directive 92/75/EEC, have been adopted on 19 May 2010 and published in Official Journal of the European Union on 18 June 2010,

Whereas Article 2(5) of Decision 2009/05/MC-EnC provides that in its meeting following the recast of Directive 2002/91/EC, the Ministerial Council shall take a Decision on its adoption within the Energy Community,

Whereas a similar approach is required with respect to the recast of Directive 92/75/EEC, which at the time of adoption of Decision 2009/05/MC-EnC was not yet as advanced as the recast of Directive 2002/91/EC,

Whereas the Permanent High Level Group, at its meeting on 29 June 2010, discussed the adoption of Directives 2010/30/EU and 2010/31/EU and elaborated and proposed to adopt the present Decision,

**HAS ADOPTED THIS DECISION:**

## Article 1

Article 2 of Decision 2009/05/MC-EnC is replaced with the following text:

- "1. Each Contracting Party shall implement Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings, recasting and repealing Directive 2002/91/EC ("Directive 2010/31/EU").
2. For the purpose of implementing Directive 2010/31/EU within the institutional framework of the Treaty,
  - a. the term "Member States" shall read "Contracting Parties" throughout the provisions of and annexes to Directive 2010/31/EU;
  - b. the term "Commission" in Article 1(3), Article 5(2), (3), and (4), Article 9(2), (4), (5) and (6), Article 10(2), (3), and (4), Article 14(4) and (5), Article 15(4) and (5), Article 20(2), Article 27, and Article 28(2) shall read "Secretariat";
  - c. in Article 1(1), the term "Union" shall read "Energy Community";
  - d. the last sentence of Article 9(4) shall read "Following its evaluation, the Secretariat may propose a recommendation to the Ministerial Council". In Article 10(3), the term "or recommendations" shall not apply.
  - e. In Article 23(3), the term "European Parliament and to the Council" shall be replaced with "Ministerial Council, who shall put it on the agenda of its next meeting";
  - f. Article 24 shall be replaced with the following: "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."
3. For the purpose of implementing Directive 2010/31/EU by the Contracting Parties to the Treaty, the following deadlines shall be adapted as follows:
  - a. in Article 5(2) subparagraph 2: "30 June 2013";
  - b. in Article 9(1)(a): "30 June 2021", Article 9(1)(b): "30 June 2019", Article 9(5): "31 December 2013";
  - c. in Article 10(2): "30 June 2013";
  - d. in Article 12(1)(b) and in Article 13(1) subparagraph 2: "30 September 2015"
  - e. in Article 14(4) subparagraph 2: and in Article 15(4) subparagraph 2: "30 June 2013";
  - f. in Article 27: "31 March 2013";
  - g. in Article 28(1) subparagraph 1: "30 September 2012", in Article 28(1) subparagraph 2: "31 March 2013"; in Article 28(1) subparagraph 3: "31 March 2013" and "30 September 2013", in Article 28(1) subparagraph 4: "31 March 2016".
4. The Secretariat shall monitor and review the implementation of Directive 2010/31/EU in the Contracting Parties and shall submit a progress report to the Permanent High Level Group by 31 March 2013."

## Article 2

Article 3 of Decision 2009/05/MC-EnC is replaced with the following text:

- "1. Each Contracting Party shall implement Directive 2010/30/EU on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products ("Directive 2010/30/EU"), as well as the following 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 the 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 Article 3(1)(d), (2), (3) and (4), Article 5(c), Article 15 and Article 16(1) and (2) of Directive 2010/30/EU, 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";
  - a. the term "Union" in Article 2(a), (h), (i), and (j) of Directive 2010/30/EU shall read "Energy Community";
  - b. the term "the European Parliament and the Council" in Article 3(4) of Directive 2010/30/EU shall read "the Ministerial Council";
  - c. in Article 11(2) of Directive 2010/30/EU, the term "European Parliament and to the Council" shall be replaced with "Ministerial Council, who shall put it on the agenda of its next meeting";
  - d. Article 13 of Directive 2010/30/EU shall be replaced with the following: "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."

3. For the purpose of implementing the Directives covered by paragraph 1 by the Contracting Parties to the Treaty,
  - a. the deadlines stipulated in Directive 2010/31/EU shall be respectively replaced as follows:
    - i. in Article 15: "31 December 2011",
    - ii. in Article 16(1): "31 December 2011"
    - iii. in Article 18: "31 December 2011":
  - b. 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 with the following: "The Contracting Parties shall implement this Directive by 31 December 2011.";
  - c. 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 with "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 31 December 2010 for approval.
5. The Secretariat shall monitor and review the implementation of the Directives referred to in paragraph 1 in the Contracting Parties and shall submit a progress report to the Permanent High Level Group by 30 June 2012."

### Article 3

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

Done in Skopje, on 24 September 2010

For the Ministerial Council:

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Presidency

