

Catherine Day, Secretary-General, European Commission

Brussels, 13 May 2015

### **Better Regulation – mining for gold in EU legislation**

Dear Ms Day,

Ahead of your important decision on a better regulation package, the Coalition for Energy Savings encourages you to increase the quality and transparency of impact assessments and consultation processes. We understand these to be key issues in your forthcoming Communication on better regulation and implementation.

In particular, we want to highlight the problems with the EU energy modelling and impact assessment processes used for the 2030 energy efficiency framework, which did not meet the Commission's internal guidelines regarding transparency, consultation and assessment methods. They pre-empted political choices, rather than providing an adequate and impartial fact base to inform all EU institutions in the political decision-making. Unless impact assessments cover a broad scope of policy options they can not fulfill their facilitating role in the legislative process and improve implementation of legislation.

To be useful, consultations should become a continuous process of ongoing dialogue, involving all relevant stakeholders throughout all stages of the legislative cycle, including to collect input for all impact assessment stages and to support implementation.

These points should be addressed as a matter of priority by your better regulation initiative.

However, we are concerned to hear that the Communication may urge Member States not to go beyond EU minimum requirements ("*gold-plating*"), while we have identified bad application, leading to weak implementation, as the main problem in case of the EU Energy Efficiency Directive.

It is an important freedom of Member States, granted by the Treaty in certain policy areas (for example, Article 193 for environmental policies), to go beyond the minimum in order to achieve the agreed objectives. Article 1 of the Energy Efficiency Directive states: "The requirements laid down in this Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures".

We call on you, as guardian of the Treaty, to embrace better regulation as a tool to increase transparency, improve consultation and fight weak implementation. Member States must maintain their freedom to deploy the most suitable and additional measures to achieve objectives and targets. Ambitious implementation of energy efficiency legislation beyond minimum standards is, in fact, a way of gold-mining, making the best of our common policy.

Yours sincerely,



Stefan Scheuer, Secretary General



*The Coalition for Energy Savings strives to make energy efficiency and savings the first consideration of energy policies and the driving force towards a secure, sustainable and competitive European Union. Its membership unites businesses, professionals, local authorities, trade unions and civil society organisations in pursuit of this goal. The Coalition calls on the EU to commit itself to a 40% energy saving target by 2030, and to step up policies, measures and investments in order to stop energy waste and tap the considerable energy savings potentials.*

*Coalition members represent:*

- more than 400 associations, and 150 companies*
- 15 million supporters, more than 2 million employees*
- 1,000 cities and towns in 30 countries in Europe*

*Architects' Council of Europe (ACE), CEE Bankwatch Network, ClientEarth, Climate Action Network Europe (CAN-Europe), COGEN Europe, E3G, Energy Cities, Euroheat & Power (EHP), European Alliance of Companies for Energy Efficiency in Buildings (EuroACE), European Alliance to Save Energy (EU-ASE), European Association of Polyurethane Insulation Manufacturers (PU Europe), European Climate Foundation, European Committee of Domestic Equipment Manufacturers (CECED), European Copper Institute, European Council for an Energy Efficient Economy (eceee), European Environmental Bureau (EEB), European Federation of Intelligent Energy Efficiency Services (EFIEES), European Federation of Building and Woodworkers (EFBWW), European Insulation Manufacturers Association (Eurima), European Federation of Public, Cooperative & Social Housing (Housing Europe), European Partnership for Energy and the Environment (EPEE), Friends of the Earth Europe, Glass for Europe, Lighting Europe and WWF, as well as advisory members Buildings Performance Institute Europe (BPIE) and Regulatory Assistance Project (RAP).*