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Report

drawn up on behalf of the Committee on Energy and Research

on the proposals from the Commission of the European Communities to the
Council for

- a directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings (Doc. 161/77)
- a directive on energy savings from the modernization of existing buildings in the Community (Doc. 162/77)

Rapporteur: Mr Jean-François PINTAT

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PE 49.445/fin.

By letter of 9 June 1977 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for

- a directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings.
- a directive on energy savings from the modernization of existing buildings in the Community.

On 15 June 1977 the President of the European Parliament referred these proposals to the Committee on Energy and Research as the Committee responsible and to the Legal Affairs Committee for its opinion.

On 7 June 1977 the Committee on Energy and Research appointed Mr J.F. PINTAT rapporteur.

It considered these proposals at its meetings of 12 July and 29 September 1977.

At its meeting of 29 September 1977 the committee unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mrs Walz, chairman; Mr Flämig, Mr Normanton and Mr Veronesi, vice-chairmen; Mr Pintat, rapporteur; Mr Alber, draftsman; Lord Bessborough, Mr Dalyell, Mr Ellis, Mr Noè, Mr Osborn, Mr Schwabe (deputizing for Mr Lezzi), Mr Verhaegen, Mr Zeyer and Mr Zywietz.

The opinion of the Legal Affairs Committee is attached.

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A

The Committee on Energy and Research hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- a directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings
- a directive on energy savings from the modernization of existing buildings in the Community

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council (Doc. 161/77 and Doc. 162/77);
 - having regard to its previous resolutions
 - on the objectives of a common energy policy (Doc. 524/74)²
 - on the first periodical report on the programme for the rational use of energy and draft recommendations of the Council (Doc. 314/76)³
 - having regard to the report of the Committee on Energy and Research and the opinion of the Legal Affairs Committee (Doc. 309/77);
1. Stresses again that the main aim of the energy policy should be greater energy savings, the rational exploitation of indigenous resources and the development of alternative sources of energy;
 2. If of the opinion that, in order to avoid a further increase in Community dependence on imported energy, particularly oil, measures taken in the various Member States to promote the rational use of energy and energy savings must be harmonized and strengthened;

¹ OJ No. C 138, 11.6.1977, pp.2 and 4

² OJ No. C 76, 7.4.1975, p.30

³ OJ No. C 153, 9.7.1975, and OJ No. L 140, 28.5.1976

3. Feels that the methods used to estimate possible energy savings and their cost ought to be improved;
4. Considers it absolutely essential for drastic measures to be taken to improve the heat production and heat utilization by means of better insulation and heat regulation in order to reduce the consumption of energy and in particular of petroleum products for heating purposes.
5. Regards as essential the impetus given to the Community energy savings programme as a contribution to speedily defining and implementing technical solutions capable of reducing energy consumption, while protecting the environment and creating many new jobs;
6. Recognizes the importance of the measures proposed for reducing as far as possible the quantity of energy used for the air-conditioning and heating of buildings;
7. Notes that, apart from the price mechanism, certain administrative, financial and legal measures are also necessary; Member States should strive to establish a better relationship between economic growth and an overall increase in energy consumption;
8. Wishes to be sure that any decrease in investments in production will be at least partly offset by increased investment in energy savings; it is in the common interest to promote such systems by national and, where appropriate, Community measures;
9. Approves the Commission's directives and recommendations, and hopes that strong and effective measures will be proposed for the future programme on the rational use of energy.

EXPLANATORY STATEMENT

I. Introduction

1. The Commission of the European Communities has submitted a communication¹ containing a series of energy-saving measures to be included in the Council's energy policy file, namely:
 - (a) a proposal for a directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings;
 - (b) a draft recommendation on the regulating of space heating, the production of domestic hot water and the metering of heat in new buildings;
 - (c) a draft recommendation on the rational utilization of energy in industrial undertakings;
 - (d) a draft recommendation on the creation of national advisory bodies on combined heat and power production in the industrial sector and for district heating.
2. Moreover, the Commission has just approved a proposal for a Council directive² on energy savings from the modernization of existing buildings in the Community.
3. Together, these constitute a series of financial, legal and administrative measures that should be taken to attain the energy-saving objectives and that should at the same time create many new jobs.

II. The content and objectives of the directives and recommendations

4. Acting on the basis of the energy objectives for 1985, the Council has already approved³ five recommendations on the rational use of energy.

¹ COM(77) 185 final, Doc. 161/77

² COM(77) 186 final, Doc. 162/77

³ OJ No. L 140, 28.5.1976

5. In its resolution of 30 September 1976 (Doc. 314/76) tabled on behalf of the Committee on Energy and Research (report by Mr ELLIS), the European Parliament also drew the attention of the Commission and Council to 'the contribution that a more rational use of energy can make to the reduction of the European Community's dependence on imported sources of energy.'
6. Since then, at the end of March, the Council has discussed a series of proposals for the intensification of energy-saving measures which the Commission sees in the perspective not only of reducing the Community's dependence on imported energy and improving external balances of payments but also of increasing employment. On that occasion, the Commission stressed the need to give the Community's energy-saving policy political impetus at the highest level and proposed the creation of an energy-saving policy committee.
7. At the same time, the intensification of action to encourage the rational use of energy and energy savings is one of the masterpieces of the Commission's policy, aimed at greater Community independence, from imported energy, the development of energy sources other than oil, such as solar and geothermal energy, and the processing of indigenous coal to hydrocarbons.
8. As regards the content of the directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings, Member States may approve **only** those types of heat generators that achieve minimum performance characteristics.
9. Each heat generator should be fitted with a data plate showing at least the following data:
 - the maker's name,
 - the type of heat generator and its year of manufacture,
 - the heat rating in kw,
 - the type and characteristics of fuel or fuels,
 - the maximum flow temperature,
 - the design pressure,
 - identification of the organization giving the approval.
10. Member States are requested to ensure that heat generators are inspected and regulated in accordance with a programme established by the national authorities and that heat generators with heat ratings above 300 kw are fitted with burners with high/low/off controls or are

fully automatic. Only heat generators with heat ratings of 300 kw or less may be fitted with burners with on/off controls.

11. Member States are invited to bring into force the provisions necessary to comply with this directive not later than 1 January 1979.
12. The aim of the draft recommendation on the regulating of space heating, the production of domestic hot water and the metering of heat in new buildings is to achieve sufficiently large savings in energy while ensuring that the required investment is economically worthwhile.
13. In new buildings not occupied all the time, offices and public buildings, all heating systems should be fitted with an automatic programming and regulating device which will produce the desired temperature curve. The temperature should not exceed 20°C on average, or 22° in any room.
14. In new residential accommodation, the supply of heat should be regulated by one or more automatic devices according to the outside or inside temperature or both.
15. During the night and when the buildings are empty, a device should be fitted to reduce the heating level.
16. As regards the production of domestic hot water in new buildings, the temperature of the hot water should not exceed 60°.
17. As regards heat metering in new buildings, it is recommended that each part of the building should be fitted from the outset with devices permitting the equitable apportionment to the occupants of the building of the corresponding charges.
18. The aim of the other draft recommendation on the rational utilization of energy in industrial undertakings is to ensure the systematic and regular dissemination of information acquired on energy conservation processes.
19. To this end, Member States should create national or recognized bodies whose tasks would be to develop information campaigns, increase awareness and help undertakings to save energy.
20. Undertakings employing more than 100 persons are invited to appoint an energy manager to draw up and implement energy savings programmes and communicate the results obtained to the public bodies each year.

21. The third draft recommendation concerns the creation in the Member States of advisory bodies to promote and encourage combined heat and power production in the industrial sector and for district heating; these advisory bodies will take account of the measures proposed when formulating their opinions.
22. The advantage of combined heat and power production is evident a priori: calories or horsepower that would otherwise be lost are recovered. it is the classical concept of total energy.
23. Finally, technical and economic studies will have to be promoted with the aim of intensifying new economically viable district heating projects and, where justifiable, developing existing district heating systems.
24. In all four cases, it is proposed that the Commission should be informed annually of the energy savings forecast or achieved by implementing the measures recommended.
25. As regards intensification of the Community's energy-saving programme, the Commission has submitted to the Council a proposal for a directive whose main aim is the improvement of insulation and the efficiency of heating systems in existing buildings.
26. The programme should create a significant number of new jobs over the next ten years and represent a major step towards the achievement of the Community's energy-saving objectives.
27. In order to implement these measures, the Commission invites the Member States to intensify the energy-saving campaign by setting as the objective a 5% reduction in overall energy consumption by means of better insulation of existing buildings.
28. The programme will last 7 years (1978-1985), at the end of which some 30% of existing dwellings and 20% of other buildings (excluding industrial buildings) will have been modernized.
29. Priority is given to the modernization of buildings which have an estimated remaining life of at least 20 years. The objective is to reduce the energy consumed in heating the premises by:
 - insulating walls and roofs,
 - double glazing,
 - improving heating systems,
 - installing thermostats and meters.

30. Experience shows that in air-conditioned premises the two main causes of waste are inadequate insulation and the inefficiency of boilers, generally due to faulty settings and the fact that the heating system is wrongly regulated so that each appliance has to be re-adjusted to heat the coldest part of the premises.
31. To remedy these defects, the systems for regulating the combustion and the temperature of the water circulating in the system must be improved.
32. Electronically regulated systems could, for instance, reduce the energy consumed for domestic heating and air-conditioning by 12 to 15%.
33. It is estimated that some 60% of heat loss is through external walls, roofs and floors. Ventilation and windows account almost equally for the remainder.
34. It is up to the Member States to take the steps to finance and promote these programmes.
35. The number of dwellings in the Community is estimated at more than 90 million. About a third could benefit from the programme, as could about 3,600,000 office and public buildings.
36. A large labour force would be required to implement these measures, which, if fully implemented, could, it is estimated, create some 700,000 jobs.
37. The directive obliges Member States to harmonize certain measures and to report periodically to the Commission on the results obtained and measures adopted.
38. The objective of all these measures is to reduce energy waste. The general idea is to reduce previous estimates of consumption in 1985 by 15%.
39. The Commission will use this information to draw up the periodic report to the Council provided for in the Council resolution of 17 December 1974 on the Community action programme for the rational use of energy.

III. Need for a clearly defined financing programme

40. The tendency in the present economic climate is to invest only where profits will be immediate and very high.

Most investments aimed at saving energy do not come into this category. The Member States should therefore draw up a financing programme to facilitate and encourage the desired investments. Community action could supplement such national efforts.

41. A tax deduction provision could, for instance, have the effect of reducing the initial cost of the investment and thus of at least partly offsetting the currently excessive financing costs. This would enable an undertaking that invests in order to reduce its energy consumption to deduct a sum equivalent to a certain percentage of its investment from the tax on its profits.

42. Financial and/or tax measures to encourage repairs to existing buildings in order to improve the heating system should therefore be introduced as and when the scope of the measures recommended is extended.

IV. Conclusions

43. The Committee on Energy and Research feels that the next step in the Community programme should be to encourage a more active public debate on future energy supply and demand in order to establish the European and world basis on which specific proposals will be made and considered.

44. The statistical and experimental basis for estimating possible energy savings and the cost of such savings should also be consolidated in order to fix guidelines for reducing energy consumption in terms of the benefits and costs to society as a whole.

45. Our committee agrees with the measures recommended by the Commission and is of the opinion that solutions to the following problems should be found quickly:

- (a) energy requirements for heating residential, industrial and commercial buildings, effects on the insulation sector and associated construction sectors,
- (b) car industry, especially as regards the standardization of fuel consumption measurements, the reduction of fuel consumption and prolonging the life of cars,

- (c) electrical appliances industry, especially domestic appliances, standardizing of energy consumption measurements, reducing consumption and prolonging the life of appliances,
- (d) energy conversion, particularly reducing production losses and combining heat and power production.
- (e) the possibility of achieving other savings in certain industries that consume large quantities of energy,
- (f) by changing manufacturing processes.

46. If these measures are to be as realistic as possible, they must be carried out in close and direct cooperation with industry and the professional associations concerned.

47. This programme supplements the various research and development programmes already under way in the Community and will be developed in close cooperation with national research and development projects.

48. The Committee on Energy and Research is of the opinion that if there is no improvement in the present energy situation, the Community will have to face not only the danger of permanent supply difficulties but also the fact that in years to come major economic and social policy decisions will be dominated by the constraints of the energy sector.

49. If therefore the Community wants to ensure continued economic growth without having to import much more oil in coming decades, it will have to maintain and reinforce the course of action it has already taken.

50. Energy-saving efforts can be divided into two main categories:
- simple changes in practice, use, management, organization and more generally, consumer behaviour as regards existing equipment and structures,
 - changes to equipment and therefore investments that will have to be spread over a certain period of time.

51. Our committee also feels that to arrive at a genuine Community energy policy, Member States must continue to intensify their energy-saving programmes.

52. The main task must therefore be
- to identify other areas where Community action would be useful or essential and to propose the form of such action,
 - whenever possible, to quantify in advance energy-saving objectives,
 - to set up effective control and review systems.

53. Efforts must be concentrated on further developing each of these measures and on detecting new areas where Community action could prove useful.

54. Obviously, a choice will have to be made between the numerous financial, legal and administrative measures possible, depending on the particular situation in each Member State. But an effort must be made at the same time to make Community action as **cohesive as possible** because

- the public will want to see more or less the same efforts being made throughout the Community. This would make it easier to gain public support for energy-saving measures.
- the creation of further non-tariff barriers to trade must be avoided,
- successful measures already taken by one or two Member States must be introduced throughout the Community when the local situation ~~permits~~.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mr S. ALBER

At its meeting of 12 and 13 July 1977 the Legal Affairs Committee appointed Mr Alber draftsman.

At its meeting of 27 September 1977 the Committee adopted this opinion by 10 votes to 2.

Present: Sir Derek Walker-Smith, chairman;
Mr Alber, draftsman; Lord Ardwick, Mr Broeksz,
Mr Calewaert, Mr De Keersmaeker, Mr Fletcher-Cooke,
Mr Masullo, Lord Murray of Gravesend, Mr Santer,
Mr Scelba and Mr Shaw.

I. INTRODUCTION

1. The Legal Affairs Committee has been asked for its opinion on two proposals for directives, the purpose of which is to effect energy savings; one (Doc. 161/77) relates to new buildings, the other (Doc. 162/77) to existing buildings.

It will be noted that these two proposals for directives are attached to two communications from the Commission to the Council, one of which (Doc. 161/77) is accompanied by three draft Council recommendations.

2. The purpose of the opinion drawn up by the Legal Affairs Committee, as explained in the letter in which the committee asked to be consulted, is to:

- consider the legal basis of these two proposals;
- consider certain aspects of the obligations that the two proposals seek to impose on the Member States.

II. LEGAL BASIS

3. The legal basis of the proposals is Article 103¹ of the EEC Treaty; no particular paragraph is specified.

It would appear that the application of Article 103 is justified by the provisions of paragraph 4 ('difficulty in the supply of certain products') and that the procedure to be adopted is that stipulated in paragraph 2; paragraph 3 is not in fact applicable unless the general measures provided for in paragraph 2 have previously been adopted.

¹Article 103

1. Member States shall regard their conjunctural policies as a matter of common concern. They shall consult each other and the Commission on the measures to be taken in the light of the prevailing circumstances.

2. Without prejudice to any other procedures provided for in this Treaty, the Council may, acting unanimously on a proposal from the Commission, decide on the measures appropriate to the situation.

3. Acting by a qualified majority on a proposal from the Commission, the Council shall, where required, issue any directives needed to give effect to the measures decided upon under paragraph 2.

4. The procedures provided for in this Article shall also apply if any difficulty should arise in the supply of certain products.

4. Article 103 deals with conjunctural policy; it is part of Title II of the Treaty ('economic policy').

There is no precise and strictly economic definition of the term 'conjunctural' but in any case it is not necessary to give such a definition here.

5. In fact, the fourth paragraph of Article 103 relates only indirectly to conjunctural policy; difficulties in the supply of certain products may clearly have an effect on economic trends.

The situation outlined in the fourth paragraph of Article 103 of the EEC Treaty is the same as that described in greater detail in Article 59 of the ECSC Treaty and the situation referred to in Article 76 of the EAEC Treaty; these articles refer to 'a situation of general shortage'.

6. The situation described in paragraph 4 is such that Article 103 is widely applicable as a legal basis for Community measures.

It must be decided whether the word 'difficulty' refers only to supply difficulties in one or more Member States and relates solely to intra-Community trade. It does not seem that this is the case: Article 103 can therefore be used as a legal basis for measures to be taken in the event of supply difficulties common to all the Member States, as in the case of oil.

7. A further problem that might arise is whether this provision is applicable only in the case of an actual shortage or whether it also applies where there is a potential shortage of certain products (as with oil.).

The purpose of Article 103(4) must also be regarded as preventive; there is little point in waiting until supply difficulties actually arise before considering application of this paragraph since at that stage it would be totally ineffective.

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8. The second paragraph of Article 103 is clearly applicable in this particular case.

The term 'measure' must be considered to extend to all the legislative acts covered by Article 189, including directives.

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9. A more general difficulty in connection with the application of Article 103 to the proposals for directives under consideration could arise from the interpretation of the overall significance of the article.

Paragraph 3 provides that the Council shall issue any directives needed to give effect to the measures decided upon under paragraph 2. Since the directive calls for subsequent implementation measures by the Member States, clearly measures taken on the basis of Article 103(2) must be of a very general character; it must be decided if this applies, for example, to the installation of double-glazing, the fitting of thermostats or the insulation of heat distribution systems, referred to in the proposals for directives under consideration.

10. However, it would seem that a literal interpretation of the article is the most appropriate; its applicability to these proposals is not invalidated either by the argument that the oil shortage is more structural than conjunctural or by the fact that the proposed measures are of a short-term nature.

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11. The Council has already adopted seven other measures based on Article 103, including the Council directive¹ of 20 December 1968 requiring Member States to maintain minimum stocks of crude oil and/or petroleum products; the Council directive² of 24 July 1973 on measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products and the Council directive³ of 14 April 1975 concerning the restriction of the use of petroleum products in power stations.

All these measures are designed to mitigate any difficulties that might arise in regard to supplies of oil and petroleum products; it can therefore be deduced that their legal basis is Article 103(4).

¹OJ No. L 308, 23.12.1968, p. 14

²OJ No. L 228, 16.8.1973, p. 1

³OJ No. L 178, 9.7.1975, p. 26

III. THE PROPOSALS FOR DIRECTIVES

12 The Legal Affairs Committee has no comments to make on the proposal for a directive (Doc. 161/77) on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings (but see paragraph 28 below).

A. Content of the proposal on the modernization of existing buildings

13. The proposal (Doc. 162/77) for a directive on energy savings from the modernization of existing buildings in the Community relates to the modernization of existing buildings 'with a remaining useful life estimated to be not less than 20 years'. The main objectives are improved insulation of walls and roofs, double glazing, improvement of inefficient heating systems and the fitting of thermostats and meters. These measures are to be applied to at least 20% of public buildings (by 31 December 1982) and of commercial and office premises (by 31 December 1985) and to at least 30% of dwellings (by 31 December 1985) (Article 1). The primary aim is to reduce dependence on imported energy and a secondary effect would be to 'stimulate economic growth through the boosting of certain forms of investment, in particular by creating a significant number of jobs in the Community'¹.

14. After noting the difficulty of making an accurate assessment of the effectiveness of the proposed measures, the Commission² states that the total expenditure involved would be in the region of 126,000 million ECU³; for each dwelling the approximate cost would be 2,000 ECU and for office premises 20,000 ECU.

The total saving could be as much as 6,000 to 7,000 million ECU by 1985 and this saving could be maintained for each year of useful life of the modernized buildings.

B. Remarks on specific points

15. The Legal Affairs Committee would like to make a few specific observations on the proposal for a directive. First, it does not seem appropriate for a directive which leaves to the national authorities the choice of form and methods (Article 189, EEC Treaty), to give a detailed and binding indication of the measures to be taken.

¹ See Communication (Doc. 162/77) from the Commission to the Council, introduction

² See Doc. 162/77, Annex I, paragraph 4

³ i.e. more than 14 times the Community budget for 1977.

For this reason the first paragraph of Article 1 should read as follows:

'Member States shall adopt measures to promote energy saving in the heating and air-conditioning of existing buildings which, on the date upon which this directive takes effect, have an estimated remaining life of not less than 20 years. They may include in particular better insulation of walls and roofs, double glazing, the improvement of heating systems and the use of thermostats and meters.'

The title of the proposal for a directive should therefore be amended to read:

'Proposal from the Commission of the European Communities to the Council for a directive on energy savings in the heating and air-conditioning of existing buildings in the Community'.

16. In the second paragraph of Article 1 it is not made clear that the percentage refers to each Member State. The words 'of each Member State' should therefore be added before the reference to the date in each indent.

17. It should be pointed out in Article 2 that the final decision on the measures to be taken is left to the Member States.

C. General observations

18. However, apart from these specific comments, the Legal Affairs Committee has a few general observations to make. It appears that the percentage of buildings to be modernized has been fixed on a national basis, i.e. for each Member State. In adopting such measures it seems essential to take account of differences in temperature (and hence in the quantity of fuel needed annually to heat each building) in the various regions - and thus in the different Member States - of the Community. The cost of such measures might be very reasonable in the case of countries like Denmark, but it would take much longer to offset the initial cost in Italy, for example.

19. The importance of not discriminating between the Member States should not be used as an excuse for applying the same percentage in each case. Indeed it would be discriminatory not to take account of climatic differences which cannot be harmonized. A general norm should be flexible enough to be adaptable to varying circumstances (summum ius, summa iniuria).

20. From a practical point of view, the question arises as to how the Member States to which the directive relates will ensure that it is implemented on their own territories.

Although initially publicity campaigns could be conducted in conjunction with financial incentives¹, if these did not produce the desired results the Member States would undoubtedly have to take binding measures; members of the public might be compelled to modernize their dwellings against their will.

21. A related problem is that of the financial incentives to be offered by the Member States. The Commission's communication² states that 'it is for Member States themselves to decide on the form of incentives (grants, credit facilities, tax deductions, etc.)'. It would seem, therefore, that although the Member States are free to decide on the form the incentives take, they are obliged to grant them. However, the directive does not specify that this is a binding obligation (see Article 2).

The Legal Affairs Committee considers that, since such heavy expenditure is involved, the Member States should be required to offer some form of aid, particularly for the modernization of private dwellings.

22. In this connection, it should be pointed out that the amortization period of the estimated expenditure, which would be comparatively short in the case of centrally heated dwellings, would undoubtedly be much longer for houses without central heating. The effects of the proposed measures in areas (such as Scotland and Ireland) in which central heating is not very widespread should be studied.

23. It should also be pointed out that the estimate of total expenditure - 126,000 million EUA - does not take account of inflation or the possible increase in labour costs, over the six and a half years of the programme's duration. Oil prices are of course also likely to rise during this period.

24. In the last paragraph of the annex to the Communication, the Commission states that the proposed measures are likely to create 700,000 jobs per annum in the Member States; the fact that the

¹But see below, paragraph 21

²See paragraph 3: 'Means'

programme will extend over six and a half years should also be mentioned.¹

The Legal Affairs Committee stresses that these would be merely temporary jobs which would cease to exist once modernization in a particular region had been completed.

Furthermore these jobs would be concentrated in the areas in which modernization was to be carried out, in other words (probably) in the colder areas. The committee is concerned that the implementation of the measures in question could widen the gap between rich and poor regions (for example, the Mezzogiorno).

IV. CONCLUSIONS

25. The Legal Affairs Committee fully recognizes the importance of effecting energy savings in anticipation of oil supply difficulties.

26. It considers that the European Economic Community is competent to enact the proposed measures, on the legal basis of Article 103 of the EEC Treaty².

27. In the committee's view, when a Community action is considered feasible and desirable in this field, it should be implemented through binding measures and not through recommendations or opinions.

28. The Legal Affairs Committee has no comments to make on the proposal for a directive on the performance, maintenance and regulation of heat generators and the insulation of the distribution system in new buildings (Doc. 161/77).

However, the committee would point out that the arguments employed in paragraphs 18 and 19 could also be applied to the future harmonization measures mentioned in Article 2 of the proposal for a directive.

29. As regards the proposal for a directive on energy savings from the modernization of existing buildings in the Community (Doc. 162/77), in the light of the above comments (paragraphs 18 to 24) the Legal Affairs Committee cannot recommend its approval by the Committee on Energy and Research.

¹Note: the total number unemployed in the Community is 5,300,000 (Source: Eurostat, 'Statistical Telegram' 19.7.1977, 'Unemployment' series, No 6-1977)

²See, inter alia, the Council resolution of 17 December 1974, on a Community action programme for the rational use of energy (OJ No. C 153, 9 July 1975, p.5)

30. In the opinion of the Legal Affairs Committee, an estimate should be made of the percentage of the total energy costs of each Member State accounted for by the cost of energy for heating buildings¹.

In the light of this estimate, and taking account of the differences between the Member States and the considerations outlined above, the Commission should consider the possibility of implementing appropriate measures based on this information and on the particular circumstances and requirements of each Member State.

¹In this connection, the table annexed hereto indicates the percentages of t.c.e. for the heating of buildings, for each Member State and for the Community as a whole, in relation to the total energy products consumed; these figures, which relate to 1975, show only the quantity of energy products and not the cost of such products.

Nevertheless, it can be seen that the percentages for the different Member States vary considerably (from 15% for Luxembourg to 55% for Denmark).

ANNEX I

Percentage of the total consumption of energy products
represented by final energy consumption in private
dwellings etc. (in t.c.e.) *

Country	Total consumption of energy products	Final energy consumption in private dwellings etc.	Percentage
FRG	312,201	126,042	40.37%
F	210,841	81,529	38.67%
I	162,296	53,613	33.03%
NL	77,621	34,153	44%
B	54,804	20,243	36.94%
L	6,198	956	15.42%
UK	252,050	105,871	42%
IRL	8,386	3,151	37.57%
DK	23,637	13,106	55.45%
TOTAL:	1,107,163	439,415	39.69%

* Source: Eurostat, Energy Statistics Yearbook, 1970 - 1975

ANNEX II

MINORITY OPINION

A minority of the Committee members felt that, contrary to the terms of paragraph 2 the Legal Affairs Committee had exceeded its terms of reference by dealing with aspects other than the legal basis of the proposals.

