Contents

- Objective and context of the webinar
- Recap: the EU decision-making process
- Agenda-setting
- Consulting stakeholders
- Drafting and proposing legislation
- Examining, amending and adopting legislation
  - Parliament analyses + decides on EC proposal
  - Council analyses + decides on EC proposal
  - 3 institutions agree on final text in “trilogues”
- Engaging with stakeholders in Brussels
Objective and context of the webinar
Objective and context of the webinar

- The objective of the webinar is to give insight to the IEEE members on how EU policies are made.
- We use the examples of the Electronic Communications Code and the Energy Performance of Buildings Directive because of the IEEE EPPC Working Group’s on-going work on draft position statements on spectrum management and smart buildings.
- At the end of the webinar, IEEE members should be able to understand:
  - Who decides on EU policy priorities;
  - Who drafts the EU policy proposals and in which timeframe;
  - Who adopts the EU policy proposals, under which procedure and in which timeframe;
  - Who lobbies the EU policy makers and why.

We monitor the EU policy process on the **Electronic Communications Code** in detail as this piece of legislation contains several provisions on spectrum allocation. The IEEE EPPC ICT Working Group is drafting a position statement on Spectrum Management. Once the position statement is approved it will be circulated to key Commission officials in the Directorate-General for Communication Networks and Technologies, Members of the European Parliament’s Committee for Internal Market, Member States attachés and various stakeholders active on spectrum in Brussels.

We follow the EU law-making process on **Energy Performance of Buildings Directive** closely as the IEEE EPPC Energy Working Group is drafting a position statement on the topic of smart buildings. We will circulate his position statement to key officials in the European Commission’s Directorate-General for Energy, Members of the Industry Committee in the European Parliament, Member States attachés and other stakeholders in the energy policy realm in Brussels.
Recap: the EU decision-making process
EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions
4 stages in EU policy-making: from proposal to law

- AGENDA SETTING
- CONSULTING STAKEHOLDERS
- DRAFTING and PROPOSING LEGISLATION
- EXAMINING, AMENDING and ADOPTING LAW

EUROPEAN COMMISSION

EUROPEAN PARLIAMENT + COUNCIL of MEMBER STATES
Agenda setting
European Commission sets the agenda (1)

Every year in November the European Commission President presents the European Commission’s Work Programme for the next year.

This Work Programme contains announcements of (non) legislative initiatives.

The choice of initiatives depends on:
• European Commission’s own political agenda
• European Parliament’s reports calling on the European Commission to act in a particular field
• Topical urgency and need for immediate legislative action following events: e.g. Dieselgate

Extract from European Commission Work Programme for 2016:
“We need a strong market pull for new technologies, set the right conditions for investors, empower consumers, make energy markets work better and help us meet our climate targets. I’m particularly proud of the binding 30% energy efficiency target, as it will reduce our dependency on energy imports, create jobs and cut more emissions.”

"Without first-class communication networks, there will be no Digital Single Market. We need connectivity that people can afford and use while on the move. To achieve that, spectrum policies must be better coordinated across the EU. More competition and further integration of the European market will allow us to reach these goals, helped by the right environment created by the new Communications Code."
## Who’s in the game in the European Commission?

### Energy Performance of Buildings

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| ![Miguel Arias Cañete](image.png) | • Miguel Arias Cañete  
• Commissioner for Climate Action and Energy |
| ![Cristina Lobillo Borrero](image.png) | • Cristina Lobillo Borrero  
• Head of Cabinet of Commissioner Cañete  
• In charge of relations with the Directorate-General for Energy |
| ![Silvia Bartolini](image.png) | • Silvia Bartolini  
• Cabinet member Commissioner Cañete  
• In charge of energy efficiency policy |

- Will instruct the policy officers in the Directorate-General of Energy of the decisions taken at cabinet level
- Will closely follow the policy drafting process in the Directorate-General
# Who’s in the game in the European Commission?

## Electronic Communications Code

<table>
<thead>
<tr>
<th>Name</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrus Ansip</td>
<td>• Commissioner for Digital Single Market</td>
</tr>
<tr>
<td>Juhan Lepassaar</td>
<td>• Head of Cabinet of Commissioner Ansip</td>
</tr>
<tr>
<td>Kamila Cloc</td>
<td>• Cabinet member Commissioner Ansip</td>
</tr>
</tbody>
</table>

- **Andrus Ansip**: Commissioner for Digital Single Market
- **Juhan Lepassaar**: Head of Cabinet of Commissioner Ansip. In charge of strategic planning and general policy coordination.
- **Kamila Cloc**: Cabinet member Commissioner Ansip. In charge of review of electronic communications framework (including spectrum).

- Will instruct the policy officers in the Directorate-General of Communications Networks of the decisions taken at cabinet level.
- Will closely follow the policy drafting process in the Directorate-General.
Consulting stakeholders

*Example of the Electronic Communications Code*
EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions

EU Decision-Making Process

1. European Commission
   - Commission consults stakeholders and drafts proposal
   - Commission participates in trilogues

2. European Parliament
   - Parliament drafts report on Commission proposal and votes in Committee and Plenary
   - Parliament participates in trilogues and adopts agreement

3. Council of the EU
   - Council adopts position on Commission proposal at Ministers’ meeting
   - Council participates in trilogues and adopts agreement

4. Adoption
   - If applicable, Commission works on delegated/implementing acts
   - Parliament can veto delegated acts
   - Member State representatives sit on specific committee to discuss and adopt implementing acts (if applicable)
European Commission consults stakeholders (1)

<table>
<thead>
<tr>
<th>Who?</th>
<th>How?</th>
<th>Why?</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Directorate-General, NOT the Cabinet</td>
<td>- Through online questionnaire</td>
<td>- To increase efficiency of its policy-making process</td>
</tr>
<tr>
<td>- The Directorate-General is the body also dealing with the</td>
<td>- Through expert groups</td>
<td>- To ensure a high level of democratic accountability</td>
</tr>
<tr>
<td>drafting of the proposal</td>
<td>- Through workshops and roundtables</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Through bilateral meetings</td>
<td></td>
</tr>
</tbody>
</table>
European Commission consults stakeholders (2)

Vesa Terävä
Head of Unit Electronic Communications Policy
Directorate-General for Communications Networks, Content and Technology
European Commission

In a nutshell
• 224 respondents
• Approx 50% of respondents are in business or electronic communication networks providers
• Most respondents live in Brussels

Engaging with the Commission allows you to step in early in the process, right when the policy is about to be drafted. Having a good relationship with Commission officials can also be instrumental in later negotiations, e.g. trilogues.
Drafting and proposing legislation

Example of the Energy Performance of Buildings Directive
EU Decision-Making Process

EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions
European Commission drafts and presents proposal (1)

Paula Rey García
Team Leader - Buildings and Finance team in Energy Efficiency Unit
Directorate-General for Energy
European Commission

Miguel Arias Cañete
Commissioner for Climate Action and Energy
European Commission

-Paula turns political guidance from Commissioner’s cabinet into concrete policies
-She assesses the stakeholder responses during consultation phase, and decides whether to integrate the responses in the proposal or not.
-She discusses technical points with Commission’s Joint Research Centre.

SUBMITS TO CABINET
DRAFTS PROPOSAL
January – September 2016

SUBMITS TO ALL OTHER COMMISSIONERS
November 2016
<table>
<thead>
<tr>
<th>Political instructions from Cabinet</th>
<th>Extract from official European Commission proposal</th>
</tr>
</thead>
</table>
| **ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE**

Silvia Bartolini, Cabinet member Commissioner Cañete:
“We would need provisions that require e-mobility infrastructure. Also, we need a smartness indicator to measure ICT-readiness of buildings.”

Article 8 is updated to take into account the revised definition of technical building systems. A new paragraph introduces requirements as regards:
- (a) infrastructure for electro-mobility; new non-residential buildings with more than ten parking spaces, and non-residential buildings with more than ten parking spaces undergoing major renovation will have to equip one parking space per ten for electro-mobility. This will apply to all non-residential with more than ten parking spaces buildings as of 2025, including buildings where the installation of recharging points are sought under public procurement. New residential buildings with over ten parking spaces, and those undergoing major renovation, will have to put in place the pre-cabling for electric recharging.
- Member States will be able to choose to exempt buildings owned and occupied by SMEs, as well as public buildings covered by the Alternative Fuels Infrastructure Directive;
- (b) reinforcing the use of building electronic monitoring, automation and control in order to streamline inspections;
- (c) the introduction of a ‘smartness indicator’ rating the readiness of the building to adapt its operation to the needs of the occupant and of the grid, and to improve its performance.

| **ELECTRONIC COMMUNICATIONS CODE**

Kamila Kloc, Cabinet member Commissioner Ansip:
“We need a better use of radio-frequencies and requirement to use spectrum more efficiently.”

Articles 48-54 target key aspects of spectrum authorisation with a view to enhancing consistency in Member States practice, such as:
- (i) minimum licence durations (25 years);
- (ii) clear and simpler process for spectrum trading and leasing;
- (iii) objective criteria for consistent application based on competition law principles for measures to promote competition, such as spectrum caps, spectrum reservation for new entrants and wholesale access obligations;
- (iv) processes to improve consistency and predictability when granting and renewing individual spectrum usage rights;
- (v) clearer conditions for the restriction or withdrawal of existing rights, including by means of the ‘use it or lose it’ solution and strengthened enforcement roles for national authorities. These articles also provide for Commission powers to adopt measures to set common maximum deadlines for authorising the use of harmonised spectrum in all Member States and for coordinating the major elements of selection processes and setting criteria for their design.
Examining, amending and adopting legislation
Parliament analyses + decides on EC proposal

Example of the Energy Performance of Buildings Directive
EU Decision-Making Process

EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions
Engaging with MEPs is most intensive as one needs to ensure that a majority of political groups supports your position throughout the entire parliamentary process!
Council analyses + decides on EC proposal

Example of the Electronic Communications Code
EU Decision-Making Process

EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions

EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions

If applicable, Commission works on delegated/implementing acts

Parliament can veto delegated acts

Member State representatives sit on specific committee to discuss and adopt implementing acts (if applicable)

Commission consults stakeholders and drafts proposal

Parliament drafts report on Commission proposal and votes in Committee and Plenary

Commission participates in trilogues

Parliament participates in trilogues and adopts agreement

Council participates in trilogues and adopts agreement

Council adopts position on Commission proposal at Ministers’ meeting

Adoption
European Commission

Now trilogue negotiations with European Parliament and Commission can start!

Council of Ministers

ADOPTION OF GENERAL APPROACH IN COUNCIL
October 2017

Clyde Kull (EE)
Chairs COREPER
Finds and endorses compromise with other Member States
October 2017

Aivo Lepp (EE)
Chairs working party meetings
Could not find compromise between 28 Member States on all topics
June – September 2017

Duration of spectrum licenses = one of the points of disagreement between Member States!

SUBMITS PROPOSAL

Engaging with the Council is easier if you have national interests to raise with Member State representatives!
3 institutions agree on final text in “trilogues”

*Example of the Electronic Communications Code*
EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions
Since October 2017 every institution represents and defends its own position:

- European Commission defends its proposal,
- the Parliament defends its parliamentary report and
- the Council defends its general approach.

The 3 institutions work on the basis of a 4-column document:
- first column contains Commission proposal,
- second Parliament and
- third column Council.
- In the 4th column they write down the final compromise.

Engaging with policy makers in trilogues is less intensive and more focused on upholding established relationships with policy makers.
Engaging with stakeholders in Brussels

Example of the Energy Performance of Buildings Directive
Stakeholder involvement

• Many advocacy groups, including industry, NGOs, professional associations, academics, national ministries and scientific bodies try to influence the EU decision-making process.

• They seek “allies” in the Parliament with key MEPs and/or in the Council with Member States closest to their agenda and interests.

Extract from UEPC position paper:
“Deployment costs for installing the infrastructure to allow e-mobility recharging points and the power supply needed for recharging EVs are expected to be burdensome for developers and would consequently have a negative effect on the total costs for residential buildings.”

Edward Czezak (ECR, PL)

Justification for amendment to remove EV charging:
“The aim of this Directive is to improve the energy performance of buildings in a cost-effective way. It should therefore be made clear that introducing requirements relating to infrastructure for the recharging of electric cars does not fit in with the scope of the directive, and it is difficult to see the link between introducing such a requirement and improving the energy performance of buildings.”
IEEE’s engagement in Brussels

On-going engagement with EU policy makers and key stakeholders to provide technological expertise and politically-neutral input to EU policies!

EU policy makers speak and discuss EU policies at EPPC Working Groups on Energy & ICT

IEEE applies for membership of European Commission expert groups, i.e. on Artificial Intelligence

IEEE engages with prominent stakeholders in Brussels to seek common ground for action, i.e. Eurelectric
Questions or Suggestions? Contact Us!

Do you have questions or feedback on today’s webinar? Would you like to provide suggestions on topics for future webinars? We want to hear from you! Feel free to contact us eppc@ieee.org.
Thank you