

IEEE European Public Policy Webinar 2

Case studies on EU policy-making

6 June 2018
3.30 pm CET



The material contained in this presentation may reflect the opinions of its authors and not necessarily IEEE.

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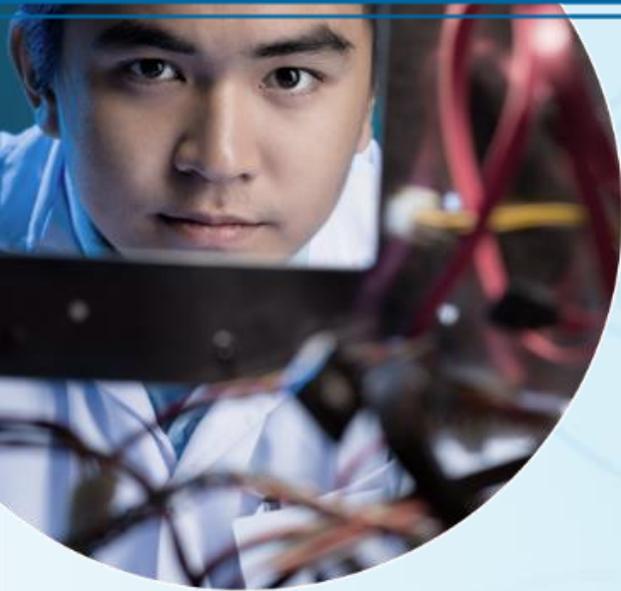


Objective and context of the webinar

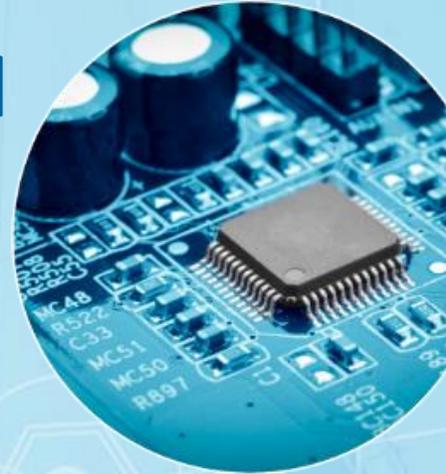


Objective and context of the webinar

- 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.



Case studies : Electronic Communications Code and Energy Performance of Buildings Directive



Why case studies on **Electronic Communications Code** and **Energy Performance of Buildings Directive** ?

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.

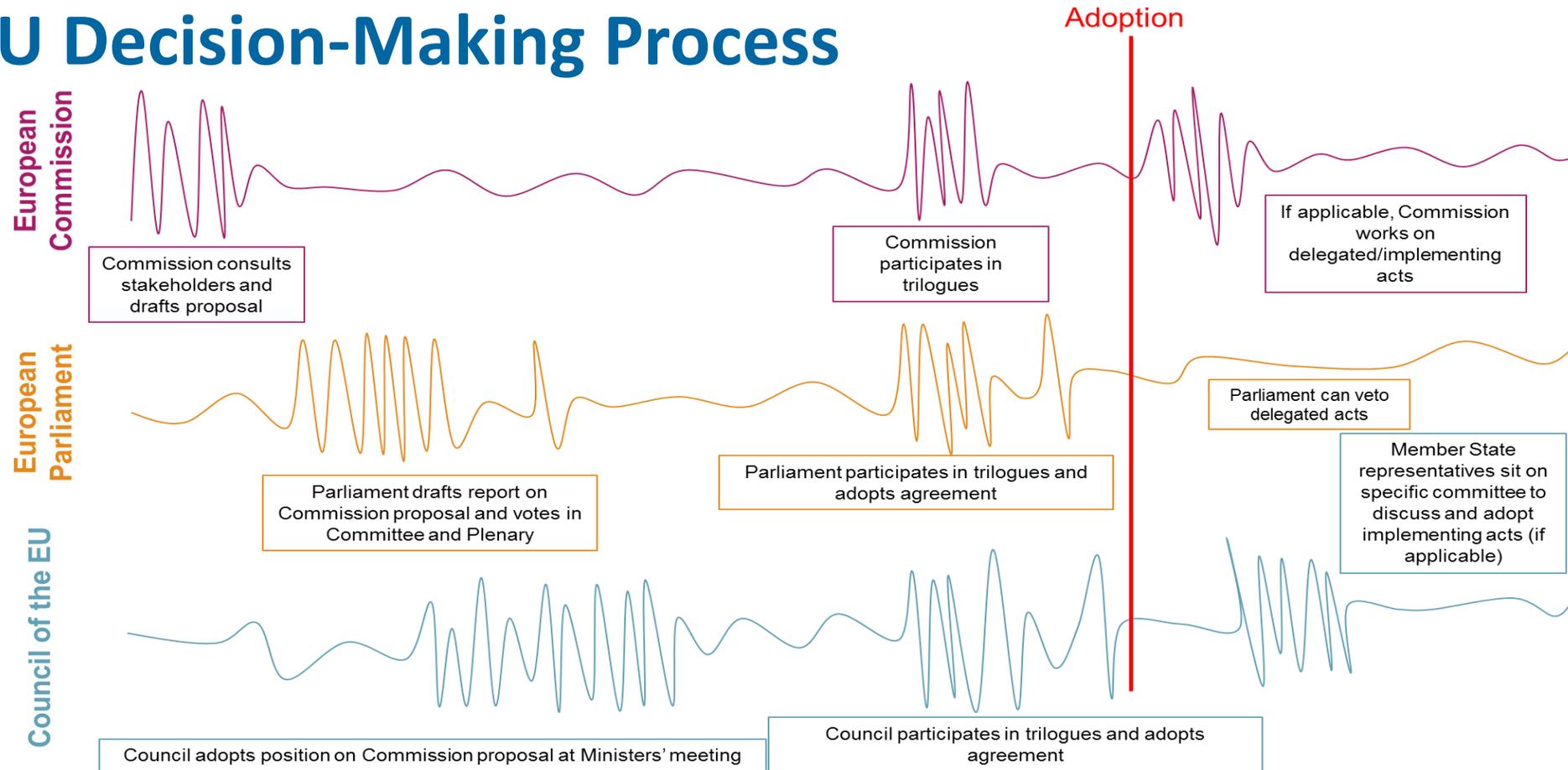
We follow the EU law-making process on **Energy Performance of Buildings Directive** closely as the IEEE EPPC Energy Working Group is drafting a position statement on the topic of smart buildings. We will circulate his position statement to key officials in the European Commission's Directorate-General 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 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:

A Resilient Energy Union with a Forward-Looking Climate Change Policy			
7.	Energy Union Package	Legislative / Non-legislative	Following up on the Framework Strategy, the Package is composed of: legislative proposals on electricity market design and the regulatory framework, including the review of the Agency for the Cooperation of Energy Regulators (ACER), and the revision of the Regulation on security of electricity supply; the revision of the Regulation on security of gas supply and the revision of the Decision on inter-governmental agreements; the effort sharing decision and integration of the Land Use, Land-Use Change and Forestry sector (LULUCF) into the 2030 climate framework; a renewable energy package (REFIT), including sustainability criteria for biomass, and an energy efficiency package, including <u>energy efficiency for buildings (REFIT)</u> .
A Deeper and Fairer Internal Market with a Strengthened Industrial Base			



European Commission sets the agenda (2)



Commissioner for
Climate Action and
Energy
Miguel Arias Cañete



"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."



**POLITICALLY RESPONSIBLE FOR
ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE**



European Commission
President Juncker



Commissioner for
Digital Single Market
Andrus Ansip



"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."



**POLITICALLY RESPONSIBLE FOR
ELECTRONIC COMMUNICATIONS CODE**

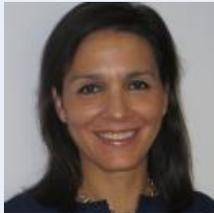


Who's in the game in the European Commission?

Energy Performance of Buildings



- Miguel Arias Cañete
- Commissioner for Climate Action and Energy



- Cristina Lobillo Borrero
- Head of Cabinet of Commissioner Cañete
- In charge of relations with the Directorate-General for Energy



- 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



- 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



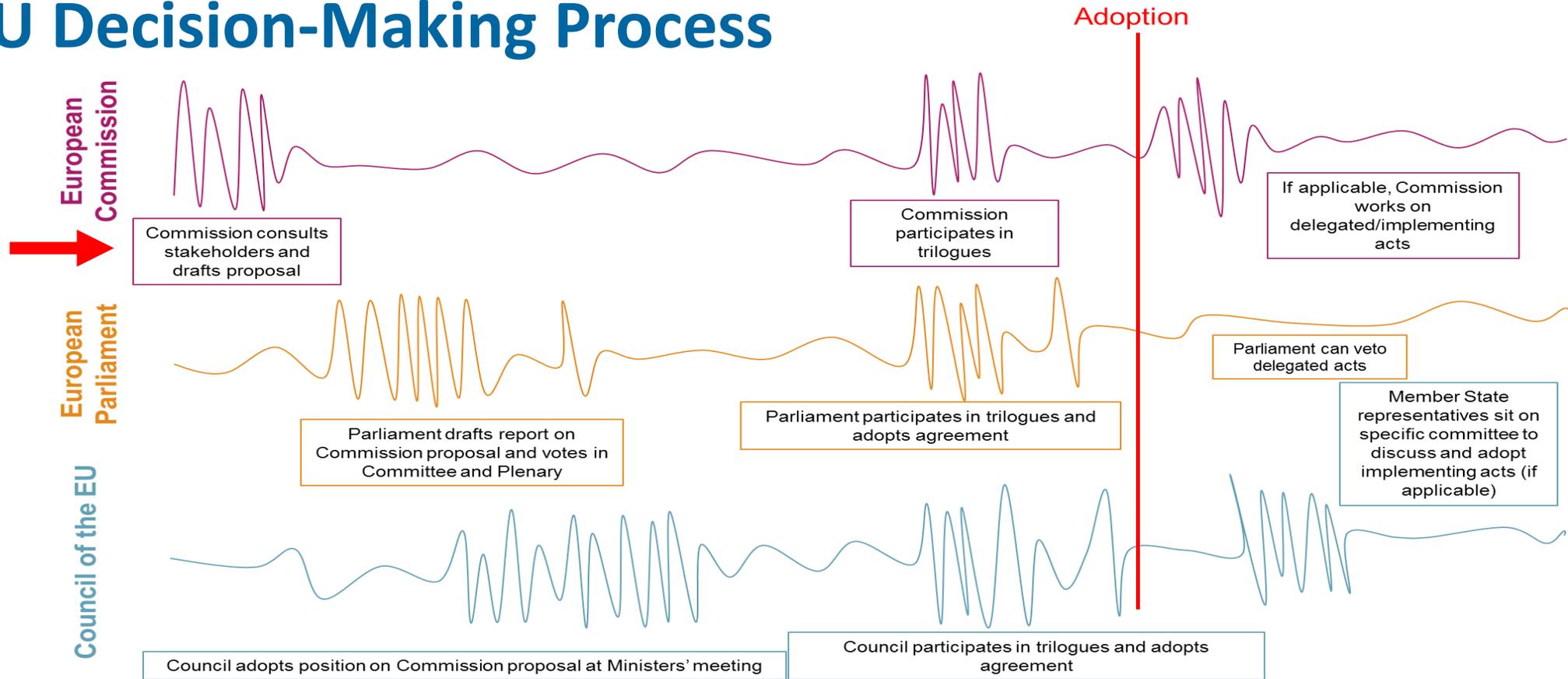


Consulting stakeholders

Example of the Electronic Communications Code



EU Decision-Making Process



EU PRIMARY LEGISLATION
sets policy objectives, scope and timeframe

EU SECONDARY LEGISLATION
sets technical requirements and conditions



European Commission consults stakeholders (1)

Who ?

- The Directorate-General, NOT the Cabinet
- The Directorate-General is the body also dealing with the drafting of the proposal



How ?

- Through online questionnaire
- Through expert groups
- Through workshops and roundtables
- Through bilateral meetings

Why ?

- To increase efficiency of its policy-making process
- To ensure a high level of democratic accountability



The Commission is launching this consultation to gather input for the evaluation process in order to assess the current rules and to seek views on possible adaptations to



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.



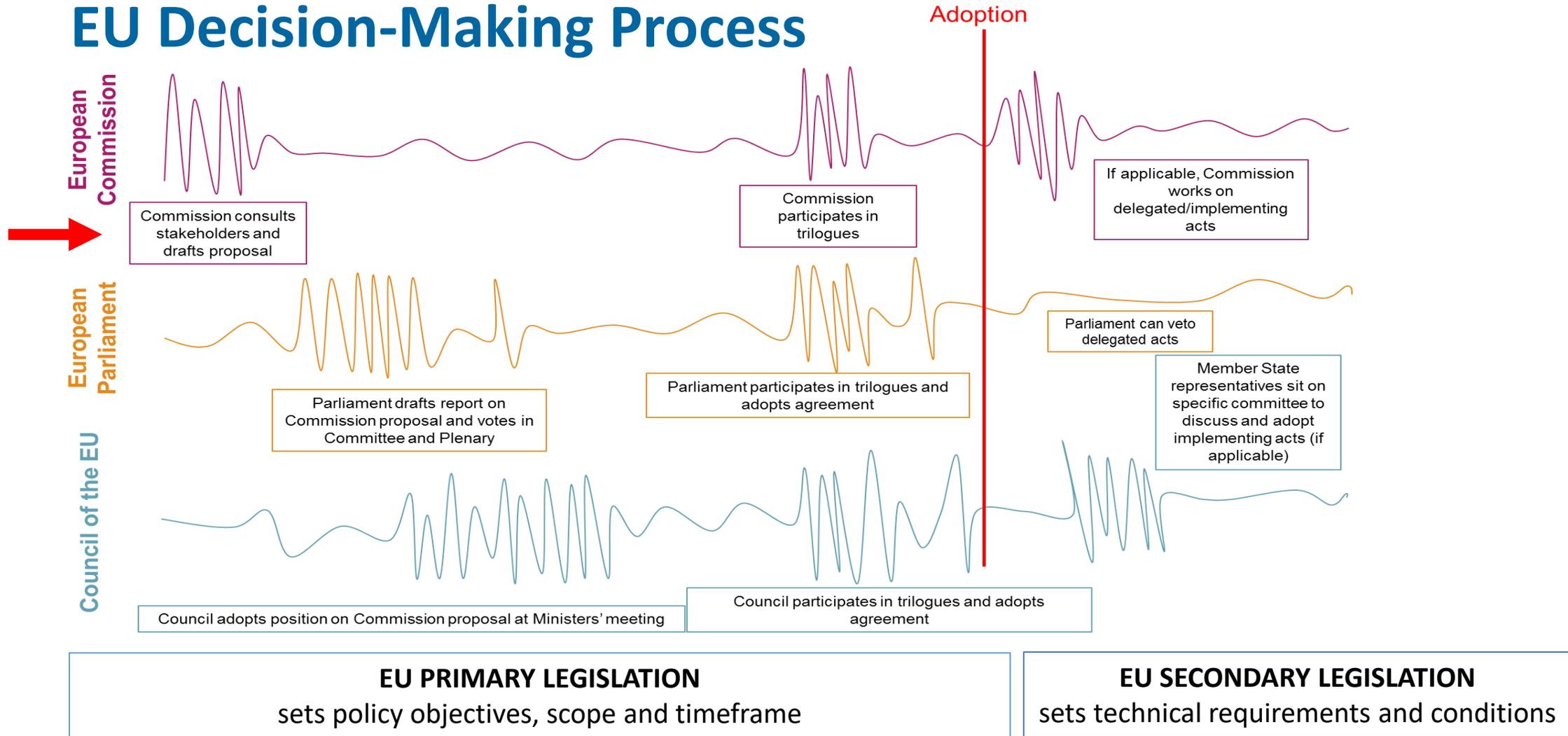


Drafting and proposing legislation

Example of the Energy Performance of Buildings Directive



EU Decision-Making Process



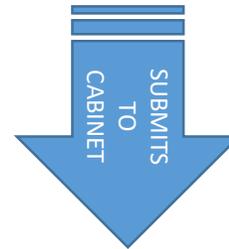
European Commission drafts and presents proposal (1)



Paula Rey Garcia
Team Leader - Buildings and Finance team in Energy
Efficiency Unit
Directorate-General for 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.



Miguel Arias Cañete
Commissioner for Climate Action and Energy
European Commission



European Commission drafts and presents proposal (2)

	Political instructions from Cabinet	Extract from official European Commission proposal
ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE	 <p>Silvia Bartolini, Cabinet member Commissioner Cañete: <i>“We would need provisions that require e-mobility infrastructure. Also, we need a smartness indicator to measure ICT-readiness of buildings.”</i></p>	<p>Article 8 is updated to take into account the revised definition of technical building systems. A new paragraph introduces requirements as regards:</p> <ul style="list-style-type: none"> (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; and (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	 <p>Kamila Kloc, Cabinet member Commissioner Ansip: <i>“We need a better use of radio-frequencies and requirement to use spectrum more efficiently.”</i></p>	<p>Articles 48-54 target key aspects of spectrum authorisation with a view to enhancing consistency in Member States practice, such as</p> <ul style="list-style-type: none"> (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

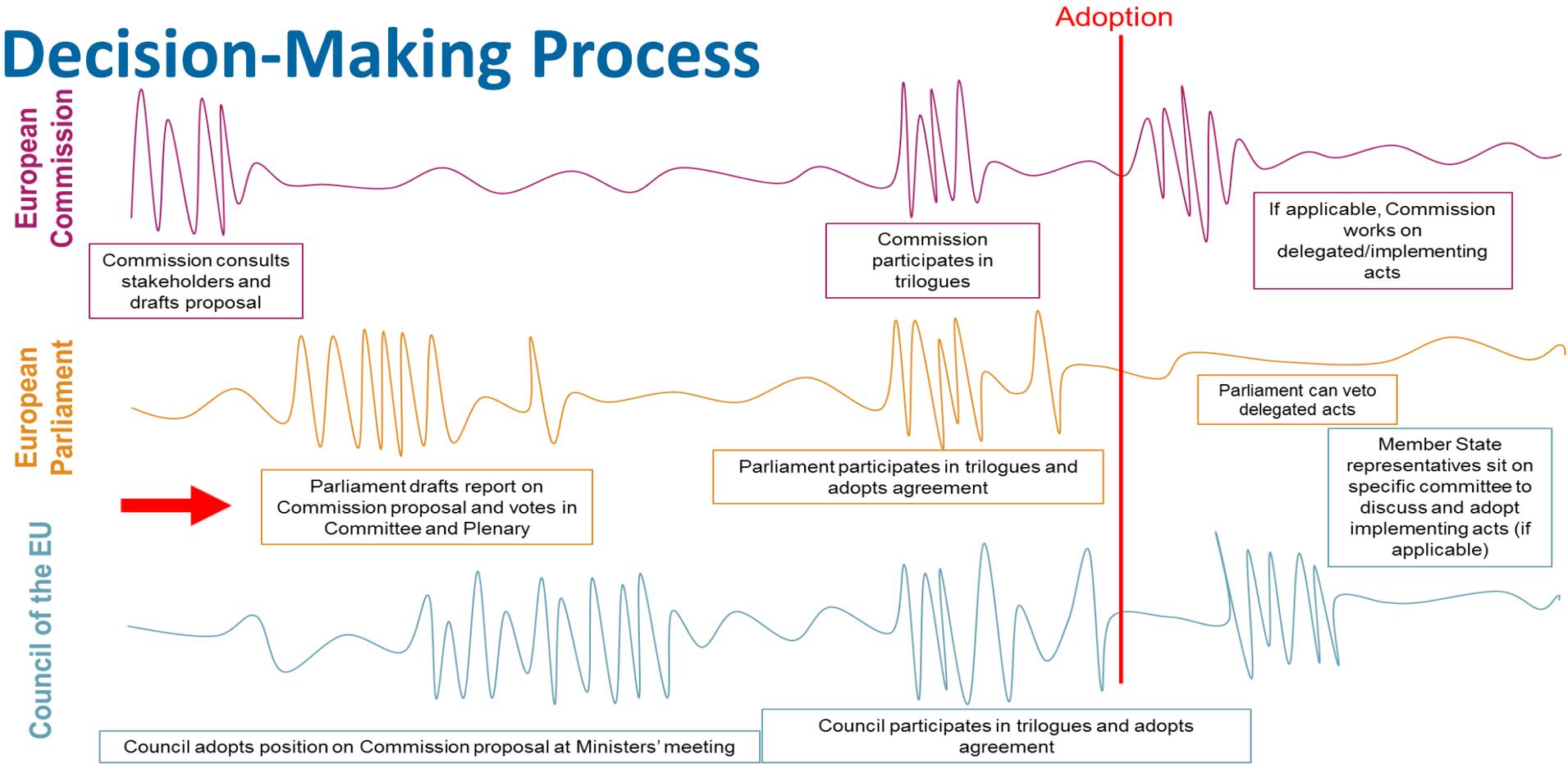




Parliament analyses + decides on EC proposal

Example of the Energy Performance of Buildings Directive

EU Decision-Making Process



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sets policy objectives, scope and timeframe

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European Commission

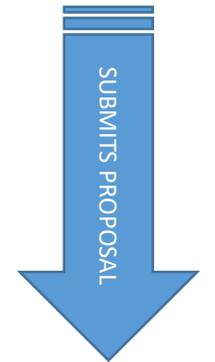


European Parliament

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 !



ADOPTION OF PARLIAMENTARY REPORT
October 2017



Industry Committee in EP



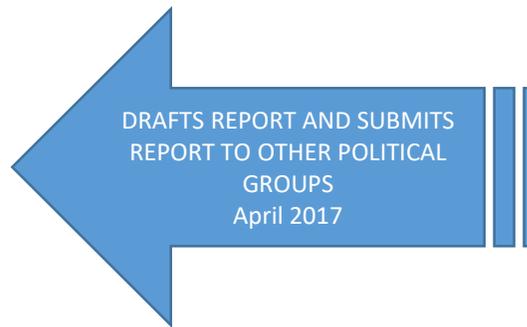
Florent Marcellesi (Greens, ES)



Miapetra Kumpula(S&D, FI)



Edward Cezak (ECR, PL)



Bendt Bendtsen (EPP, DK)



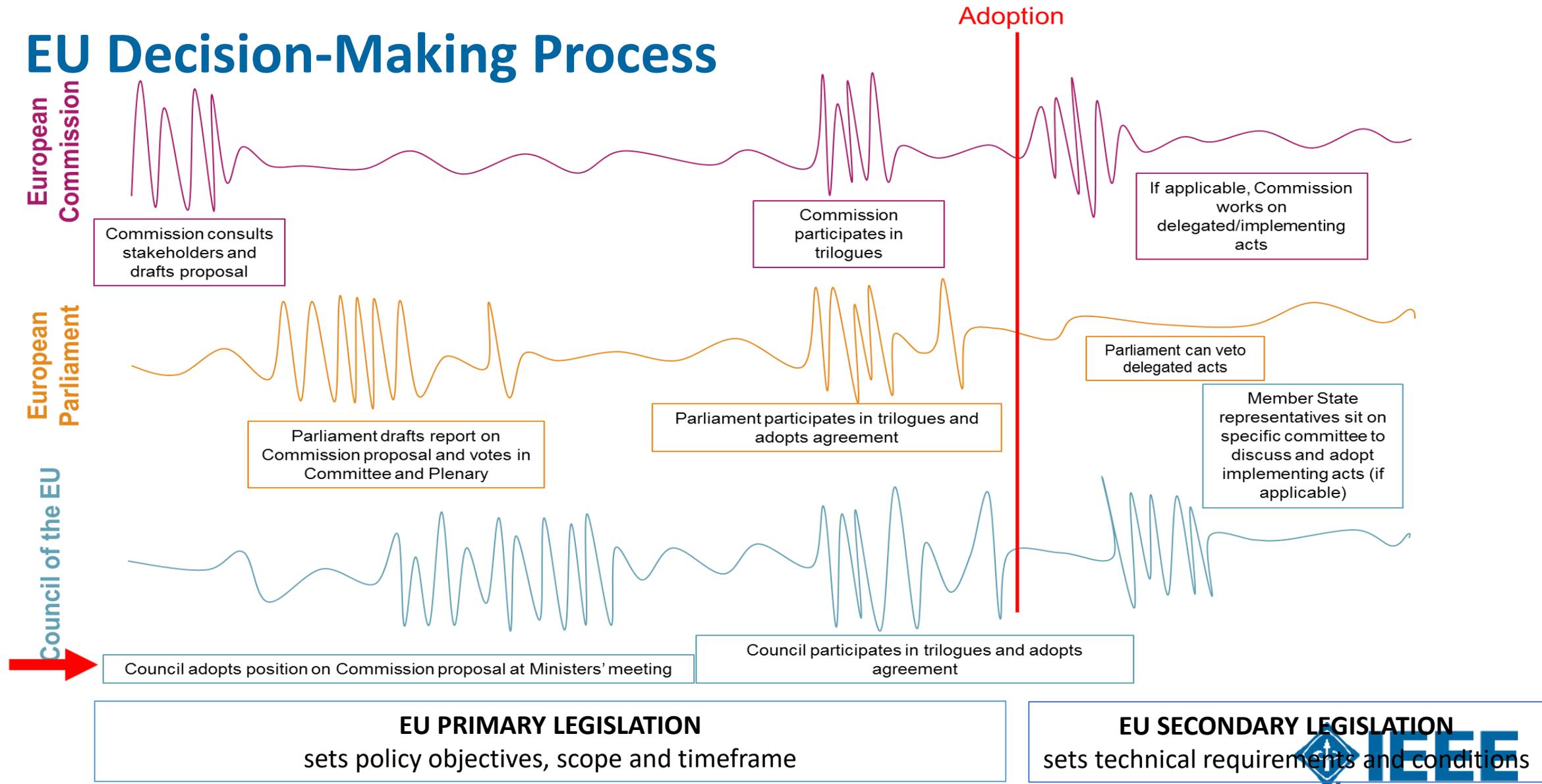


Council analyses + decides on EC proposal

Example of the Electronic Communications Code



EU Decision-Making Process



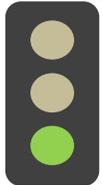


European Commission

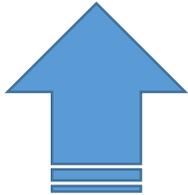


Council of Ministers

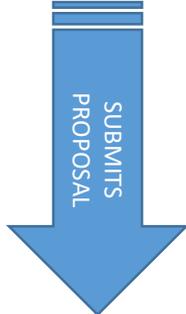
Engaging with the Council is easier if you have national interests to raise with Member State representatives !



Now trilogue negotiations with European Parliament and Commission can start !



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



Working Party on Telecommunications



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



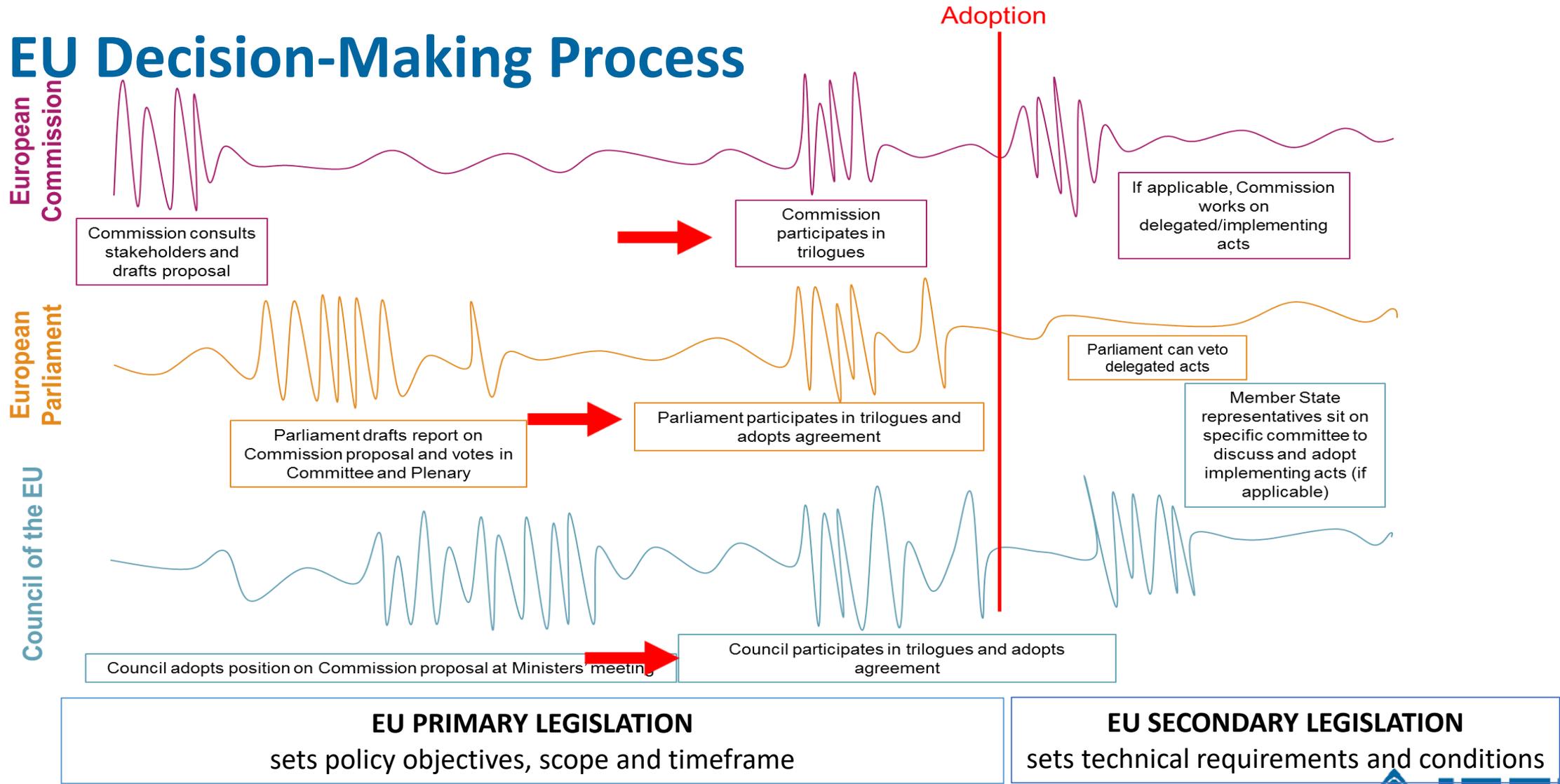


3 institutions agree on final text in “trilogues”

Example of the Electronic Communications Code



EU Decision-Making Process



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

Zlatina Nikolova
Represents Member States' position



Pilar del Castillo MEP
Represents European Parliament's position



Vesa Terävä
Represents European Commission's position



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.



Council of Ministers adopts trilogue agreement: Q3-4 2018

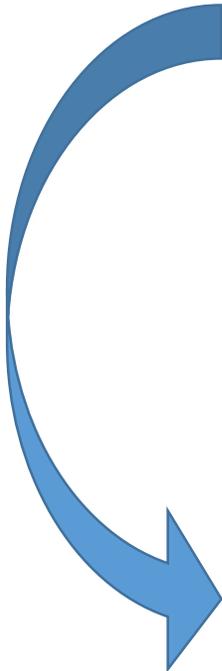


European Parliament adopts trilogue agreement: Q3-4 2018



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.



Whereas:			
RECITALS			
(1) Moderation of energy demand is one of the five dimensions of the Energy Union Strategy adopted on 25 February 2015. Improving energy efficiency will benefit the environment, reduce greenhouse gas emissions, improve energy security by reducing dependence on energy imports from outside the Union, cut energy costs for households and companies, help alleviate energy poverty and lead to increased jobs and economy-wide economic activity. This is in line with the Union commitments made in the framework of the Energy Union and global climate agenda established by the Paris Agreement of December 2015 by the Parties of the United Nation Framework Convention on Climate Change.	AM 1 (1) Moderation of energy demand is one of the five dimensions of the Energy Union Strategy adopted on 25 February 2015. Improving energy efficiency <i>throughout the full energy chain, including energy generation, transmission, distribution and end-use</i> , will benefit the environment, <i>improve air quality and public health</i> , reduce greenhouse gas emissions, improve energy security by reducing dependence on energy imports from outside the Union, cut energy costs for households and companies, help alleviate energy poverty and lead to increased <i>competitiveness</i> , jobs and economy-wide economic activity <i>thus improving citizens' quality of life</i> . This is in line with the Union commitments made in the framework of the Energy Union and global climate agenda established by the <i>Conference of the Parties of the United Nation Framework Convention on Climate Change (COP21) held in Paris in December 2015 ('the Paris Agreement')</i> , committing to holding the increase in the global average temperature to well	Commission proposal unchanged	<i>Accept as follows:</i> (1) Moderation of energy demand is one of the five dimensions of the Energy Union Strategy adopted on 25 February 2015. Improving energy efficiency <i>throughout the full energy chain, including energy generation, transmission, distribution and end-use</i> , will benefit the environment, <i>improve air quality and public health</i> , reduce greenhouse gas emissions, improve energy security by reducing dependence on energy imports from outside the Union, cut energy costs for households and companies, help alleviate energy poverty and lead to increased <i>competitiveness</i> , jobs and economy-wide economic activity <i>thus improving citizens' quality of life</i> . This is in line with the Union commitments made in the framework of the Energy



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.



**European Union of
Homebuilders & Developers**

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.”

SEEKS POLITICAL SUPPORT

SEEKS ELECTORAL SUPPORT



Edward Cezak (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



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.



