Reduction of energy requirements for buildings in the Community (recomm. 79/167/ECSC/EEC /EURATOM)

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The Commission’s review of Community legislation in the energy field was an exercise that was both useful and timely. In the interests of greater transparency, however, it would have been preferable for the Commission to have indicated who drew up the list of instruments to be reviewed, how the list was drawn up and why the measures concerned were selected. The ESC would also like to see a brief description given of the energy policy background to this review and it warned against the danger of EU energy policy being called into question should this review, under the guise of a drive to prune and simplify legislation, lead to a wholesale repeal in some areas of Community legislation in the energy field. More specifically, the ESC had taken due note of the reasons for the proposed repeal set out by the Commission and it endorsed these proposals. It urged that, wherever appropriate, all instruments should include provisions repealing existing legislation, which was thereby rendered obsolete. The ESC also deplored the inadequacy of the Commission’s reasons for proposing that the acts in question remain in force. The fact that they had been only partially superseded by the development of the legislative process was not in itself an adequate reason for retaining them. The ESC recommended that the Commission should make a reference, if only briefly, to both the substantive and administrative reasons behind its decision. To this end, the legislation should be examined in the light of both the EU’s energy objectives and the specific objectives of the legislation itself. Such a step would meet the need for transparency, which should, in the ESC’s view, be the prime consideration in any review of current Community legislation. The ESC noted that the Commission was also recommending that several instruments be kept on the statute book on a temporary basis on the sole grounds that they had yet to be replaced by measures that were more appropriate and more consistent with the rules set out in the Treaties and secondary legislation, even though they had largely ceased to serve any practical purpose and, as a result, had lost their reason for being. The ESC wondered whether consideration should not be given to the repeal of these instruments too, since to keep them in force temporarily was unwarranted in terms of benefit to the Community. All of the measures that the Commission wanted to keep on a temporary basis were designed to enable the European Union to cope with supply problems in respect of oil and derivative products. As this arsenal of laws for coping with energy crises was not confined to the acts covered by the report, the ESC called for the swift adoption of a new set of laws in this field that would meet the needs of the internal market, take full account of the structural changes in the oil market over the last twenty years and tie in closely with the measures provided for within the framework of the International Energy Agency. The adoption of such legislation should make a significant contribution to pruning and simplifying Community legislation in this area and should equip the European Union with the essential, appropriate instruments to cope with any energy supply difficulty without delay and to manage such situations effectively. Finally, the ESC fully endorsed the Commission’s intention to extend its review of Community legislation in the energy field to sectors not covered by the present report.