



EEB Position on the Recast of the Energy Performance of Buildings Directive
COM (2008) 780 final
2008/0223 (COD)

Includes EEB proposals for amendments to the draft Directive

Position

In November 2008 the Commission published a proposal to revise the existing Energy Performance of Buildings Directive (EPBD). The EPBD's main objective is to promote the cost-effective improvement of the overall energy performance of buildings. Its provisions cover the energy needs for space and hot water heating, cooling, ventilation and lighting and for new and existing, residential and non-residential buildings.

EEB welcomes the proposal as a potentially powerful tool in the fight against climate change and to improve energy efficiency and energy savings in the building sector. We applaud the Commission for increasing the Directive's scope, to include all housing stock in the EU and not just only large buildings. However, EEB would like to see stronger ambitions, especially for new houses, such as an obligation for zero energy buildings by 2015, as well as for improvements in the existing stock.

The building sector accounts for some 40% of the EU's energy consumption and 36% of EU's CO₂ emissions. Given that we need to dramatically reduce greenhouse gas emissions, focussing on this sector is obvious. It is realistic to think that by 2020 in this sector 30% energy savings could be made, which would by itself reduce the EU's total energy consumption by around 11%¹. However, energy use in this sector continues to increase. According to the Commission's November 2008 Energy Efficiency Communication (COM(2008)722:2): "...main obstacles to energy efficiency improvements are: lack of implementation of existing legislation, lack of consumer awareness, absence of adequate structures to trigger the necessary investments in and market uptake of energy efficient buildings, products and services. The assessment of national energy efficiency action plans shows that there is a gap between Member States political commitment to energy efficiency and their actions. Member States need to implement more swiftly and effectively energy efficiency legislation."

The Commission also published, in response to the financial and economic crisis, its Economic Recovery Plan (COM (2008)800 final) in November 2008. The Plan contains some

¹ see Commission's 2008 Communication "Energy efficiency: delivering the 20% target" (COM(2008)722)

potential for financing energy efficiency in Member States, but further investigation is needed to have a clearer understanding of the available options and barriers.

While we welcome the new EPBD proposal in general terms, EEB stresses that for fully exploiting the energy saving potential in the building sector by 2020, this proposal needs to be further improved and it should be combined with major financial support programmes.

EEB calls on European Parliament and Council to improve the Proposal and not weaken it. Therefore, we call for:

- Underlining its importance and stimulate investments by prioritising the adoption of this Directive.
- Increasing the EPBD ambitions by requiring that, by 2015, all new buildings are zero- or positive-energy and for existing buildings all substantial renovations will trigger energy efficiency requirements.
- Require that from 2014 the minimum energy performance requirements of all existing buildings are in line with the results of the Commission's calculation methodology outlined in the new Directive

And furthermore to:

- Ensure that enough public funding is committed to making investing in energy efficiency more affordable particularly for low-income-groups.
- Mobilise a large share of EU Structural Funds, EIB and other funds and fiscal incentives for energy efficiency improvements in buildings, with a special focus on social housing.

In line with the above, the EEB proposes the following amendments to the Commission's EPBD recast proposal:

Amendments

1. Setting of minimum energy performance requirements for existing buildings

According to the Commission's proposal, from 2017, when Member States review their minimum energy performance requirements set in accordance with Art. 4.1, they shall ensure that these requirements achieve the results of the Commission's comparative methodology for calculating cost-optimal levels of minimum energy performance requirements (Art. 5). The proposal requires the Commission to establish this methodology by 31 December 2010 (Art. 5). Therefore it would be possible to require that from 2014, all existing buildings must be consistent with the results of the Commission's calculation methodology outlined in the proposed Directive.

Amendment 1 (Article 4):

"1. Member States shall take the necessary measures to ensure that minimum energy performance requirements for **(add: existing)** buildings are set, with a view to achieving cost-optimal levels and are calculated in accordance with the methodology referred to in Article 3.

When setting requirements, Member States may differentiate between (~~delete: new and existing buildings and between~~) different categories of (~~add: existing~~) buildings.”

Amendment 2 (Article 4.d): delete.

Explanation – there is no justification to exempt such “residential buildings which are intended to be used less than four months of the year”. This exemption could include second residences and other private, public and commercial buildings used seasonally. These should also conform to energy efficiency requirements.

2. Zero or positive requirements for all new buildings

The Commission’s proposal requires that Member States draft national plans for increasing the number of buildings where both carbon dioxide emissions and primary energy consumption are low or equal to zero. Member States are to set targets for the minimum percentage which those buildings in 2020 shall constitute of the total number of buildings and represent in relation to the total useful floor area (Art. 9). It is not logical to continue allowing the construction of buildings not meeting high standards on energy efficiency and carbon dioxide emissions, given the seriousness of the climate crisis. The Directive should instead require that ALL new buildings meet this requirement by 2015. The construction of zero energy buildings is not fiction and examples already exist in EU Member States. The Commission should also adopt a common definition of zero energy buildings by 2010.

Amendment 3 (Article 6):

“Member States shall take the necessary measures to ensure that new buildings meet the (~~delete: minimum energy performance~~) requirements set in accordance with (~~delete: Article 4~~) (~~replace by: Article 9~~)”.

Amendment 4 (Article 9.1):

“1. Member States shall draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. (~~delete: They shall set targets for the minimum percentage which those buildings in 2020 shall constitute of the total number of buildings and represent in relation to the total useful floor area.)~~”

~~(replace by: By 2015 ALL buildings, including new and refurbished residential buildings, new and refurbished non-residential buildings and buildings occupied by public authorities should meet the requirement of low or zero carbon dioxide emissions and primary energy consumption.)~~

~~(delete: Separate targets shall be set for:~~

~~(a) new and refurbished residential buildings;~~

~~(b) new and refurbished non-residential buildings;~~

~~(c) buildings occupied by public authorities.~~

~~Member States shall set the targets referred to in point (c) taking into account the leading role which public authorities should play in the field of energy performance of buildings.)~~”

Explanation: redundant, already accounted for in amendment 4 above.

Amendment 5 (Article 9.2):

“2. The national plan referred to in paragraph 1 shall include inter alia the following

elements:

(a) the Member State's definition of buildings, (**add: including new and refurbished residential buildings, new and refurbished non-residential buildings and buildings occupied by public authorities**), of which both carbon dioxide emissions and primary energy consumption are low or equal to zero;

(b) intermediate targets expressed as a percentage which those buildings shall constitute of the total number of buildings and represent in relation to the total useful floor area in (**delete: 2015**) (**replace by: 2013**);

(c) information on the measures undertaken for the promotion of those buildings.”

Amendment 6 (Article 9.4):

“4. The Commission shall establish common principles for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero (**add: by 2010**).

Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the procedure referred to in Article 21(2).”

Amendment 7 (Article 9.5): delete

Explanation: redundant, if amendment 4 above is adopted.

3. Requirements for public authorities to lead by example

The proposal requires that a building occupied by public authorities with a total useful floor area of over 250 m² should display an energy performance certificate by 31 December 2010 (Article 11, also 12), giving a shorter deadline for the public sector to implement the new/revised provisions compared to the 31 January 2012 deadline for their full implementation by other sectors (Article 23). Yet the display of energy performance certificates is required for buildings which are constructed, sold or rented out and for buildings where the total useful floor area over 250 m² is occupied by a public authority (Art.11.1). EEB welcomes the requirement for public authorities to lead by example, but questions the need for the 250 m² threshold and the need to restrict the display of energy performance certificate to cover only constructed, sold or rented out buildings. We insist the threshold should be removed so that the provision applies to ALL public buildings irrespective of their size and that ALL buildings without exception display the energy performance certificate.

Amendment 8 (Article 11):

“1. Member States shall ensure that an energy performance certificate is issued for buildings or parts thereof (**delete: which are constructed, sold or rented out**) and for buildings (**delete: where a total useful floor area over 250 m² is**) occupied by a public authority.”

Amendment 9 (Article 12):

“1. Member States shall take measures to ensure that where (**delete: a total useful floor area over 250 m² of**) a building is occupied by public authorities, the energy performance certificate is displayed in a prominent place clearly visible to the public.”

“2. Member States shall take measures to ensure that where (~~delete: a total useful floor area over 250 m² of~~) a building for which an energy performance certificate has been issued (~~delete: in accordance with Article 11(1)~~) is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.”

4. Independent energy experts

EEB welcomes the Commission’s new clarifications for the role of independent experts for energy certification of buildings, inspection of heating systems and air-conditions (Art. 16). But we insist that the Commission set up clear EU criteria for independent energy experts, which shall be determined together with all relevant stakeholders in civil society. Such criteria should undergo regular revisions and experts should be required to undergo any necessary upgrades in training/knowledge. Each Member State should adopt the general EU criteria and be allowed to modify/improve certain aspects of them so that they fit in with the national situation (subsidiarity), without compromising the criteria’s general objectives. Guidelines and verifications from the Commission may be helpful here.

5. Definition of “major renovation”

The Commission’s proposal defines “major renovation” as renovation of building or building envelope where the cost is higher than 25% of the value of the building or where more than 25% of the surface of the building undergoes renovation (Article 2). We think this percentage is very high, potentially excluding a large part of renovations, thus undermines the Directive’s objectives and leads to very little energy efficiency improvements in the building sector. Therefore, we propose that the percentage is lowered to 5%.

Amendment 10 (Article 2.6):

“6. "major renovation": means the renovation of a building where
(a) the total cost of the renovation related to the building envelope or the technical building systems is higher than (~~delete: 25 %~~) (**replace by: 5%**) of the value of the building, excluding the value of the land upon which the building is situated, or
(b) more than (~~delete: 25 %~~) (**replace by: 5%**) of the surface of the building envelope undergoes renovation”

Financing Energy Efficiency

The Commission’s proposal does not explicitly refer to provisions for financial incentives by Member States for investments in energy efficiency in the building sector. But, in order to stimulate and drive energy efficiency in this sector, targeted public funding will be required for energy efficiency improvements. The Commission acknowledges the need to invest in energy efficiency in its Economic Recovery Plan published in November 2008 (COM (2008)800 final: 15), particularly proposes measures such as:

“Member States should **re-programme their structural funds** operational programmes' to devote a greater share to energy-efficiency investments, including where they fund social housing. To widen possibilities, the Commission is proposing an amendment to the Structural

Funds Regulations to support this move and stresses the need for early adoption of the amendments;” and other measures to promote rapid uptake of ‘green products’ such as: “The Commission will propose **reduced VAT rates for green products and services, aimed at improving in particular energy efficiency of buildings.**”

EEB asks the European Parliament to call upon the Commission and the European Council to take the necessary measures to implement these proposals and communicate them to the public, tenants, landlord and other stakeholders. The Parliament could also call for explicit public procurement obligations in reference to measures, products and services to improve energy efficiency in buildings, so that public funds can be used to assist sustainable procurement (green public procurement), thus potentially stimulating the market for, and widespread use of, energy efficient technologies, services and products.

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