

# Energy performance of buildings. Recast

2008/0223(COD) - 23/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 549 votes to 51, with 26 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on the energy performance of buildings (recast).

The main amendments were as follows:

**Subject matter:** the subject matter of the Directive should include a reference to the cost-optimal calculation methodology, as well as to minimum performance requirements for building components and technical building systems, and to their application in new and existing buildings. Targets for net zero energy buildings are an important element of the recast. Education, training and mutual recognition requirements between Member States for certifiers of the energy performance of buildings and for inspectors of heating and air-conditioning systems should be included.

**Definitions:** Parliament inserted definitions for "new building", "parts of a building" "net zero energy building" "energy from renewable sources" "building component", "energy poverty" and "lighting design". It amended the definition for "major renovation."

**Adoption of methodology:** rather than Member States, the text states that the Commission shall, after consulting the relevant stakeholders and in particular representatives from local, regional and national authorities, establish by 31 March 2010 a common methodology of calculation of the energy performance of buildings, in accordance with the general framework set out in Annex I. The energy performance of buildings shall be expressed in a transparent manner and shall include an indicator for primary energy demand.

**Setting minimum energy performance requirements:** as from 30 June 2012 Member States shall only provide incentives for the construction or major renovation of buildings or parts thereof, including building components, the results of which comply at least with minimum energy performance requirements achieving the results of the calculation referred to in the text. Member States shall review their minimum energy performance requirements and ensure that these requirements achieve at least the results of the calculation referred to in the text no later than 30 June 2015. Member States shall provide subsidies and technical advice for historic buildings or centres to undertake specific programmes for adaptation to energy efficiency. Systems for the production of energy and insulation measures located in historic centres shall be subject to visual impact assessments.

**Calculation of cost-optimal levels of minimum energy performance requirements:** a new Annex is inserted listing the principles for a common methodology on calculating cost-optimal levels. This common methodology may refer to relevant European standards and shall, inter alia, reflect the different climatic conditions in different Member States and the likely change in these conditions over the lifetime of the building concerned, and set out common assumptions or calculation methods for energy costs.

**Existing buildings:** Parliament added that Member States shall encourage, in relation to buildings undergoing major renovation, the following high-efficiency alternative systems being considered and taken into account: (a) decentralised energy supply systems based on energy from renewable sources; (b) cogeneration; (c) district or block heating or cooling, if available, particularly that based entirely or partially on energy from renewable sources; (d) heat pumps; (da) ICT equipment for monitoring and control purposes .

**Technical building systems and building components:** minimum energy performance requirements must be set in respect of building components and of technical building systems which are installed and brought into operation in buildings and which are not covered by Directive 2009/.../EC on eco-design requirements.

Smart meters must be installed in all new buildings and all buildings undergoing a major renovation. Whenever a meter is replaced, Member States shall encourage the installation of active control systems such as automation, control and monitoring systems, where appropriate.

**Net zero energy buildings:** this article replaces the article entitled “Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero.” Member States shall draw up national plans for increasing the number of net zero energy buildings.

Parliament states that Member States shall ensure that all new buildings are at least net zero energy buildings by **31 December 2016** at the latest. They shall set targets for the minimum percentage of buildings which shall be, by 2015 and by 2020 respectively, net zero energy buildings, measured as a percentage of the total number of buildings and as a percentage in relation to the total useful floor area.

Within 2 months of the communication of a national plan by a Member State, the Commission, taking full account of the subsidiary principle, may reject that plan, or any aspect thereof, on the basis that it does not respect all of the requirements of this Article. In this case, the Member State concerned shall propose amendments. The Commission shall establish a **detailed common definition of net zero energy buildings** by 31 December 2010 at the latest.

**Financial Incentives and Market Barriers:** a new clause states that Member States shall, by 30 June 2011, draw up national action plans, including proposed measures, for meeting the requirements laid down in the Directive through reducing existing legal and market barriers and developing existing and new financial and fiscal instruments to increase the energy efficiency of new and existing buildings.

Member States must compare their financial and fiscal instruments with the instruments listed in a new Annex IIIb and, without prejudice to national legislation, implement at least two measures from that Annex.

The Commission shall, by 30 June 2010 at the latest, following an impact assessment, bring forward appropriate legislative proposals to strengthen existing and propose additional Community financial instruments to support the implementation of the Directive. These proposals shall consider certain specified measures, including in the context of the revision of the ERDF Regulation for the next programming period, a significant increase of the maximum amount of the European Regional Development Fund allocation that may be used to support energy efficiency including district heating and cooling and renewable energy investments in housing and an extension of the eligibility of those projects; and the establishment of an Energy Efficiency Fund, based on contributions from the Community budget, the European Investment Bank and Member States to act as a leverage for increasing private and public investments for projects increasing energy efficiency of buildings, including renewable energy in buildings or building components, related to energy efficiency by 2020.

**Energy performance certificate:** energy performance certificate may for non-residential buildings, if appropriate, also include the actual annual energy that is consumed. When a building is sold or let in advance of construction, the seller shall provide an accurate written assessment of its future energy performance.

Public authorities, taking into account the leading role which they should play in the field of energy performance of buildings, shall implement the recommendations included in the energy performance certificate issued for buildings occupied by them.

The Commission shall adopt, by 30 June 2010, **guidelines** specifying minimum standards for the content, language and presentation of energy performance certificates. Each Member State shall recognise certificates issued in another Member State in accordance with these guidelines and shall not restrict the freedom to provide financial services for reasons relating to the certificate issued in that Member State.

In addition, Parliament states that by 2011, on the basis of information received from Member States and in consultation with the relevant sectors, a **voluntary common European Union certification** for the energy performance of non-residential buildings shall be developed through the Committee procedure. By 2012, Member States shall introduce the EU voluntary certification system in their countries to function alongside the national certification scheme.

A building owner may at any time request an accredited expert to produce, re-calculate and update an energy performance certificate, irrespective of whether the building is being constructed, refurbished, rented out or sold.

Parliament added some clauses to the provisions on **inspection of air-conditioning systems, independent experts, and training.**

Lastly, Parliament states that by 2010, the Commission shall **establish a website**, which shall contain certain information including the latest version of every Energy Efficiency Action Plan.