

Energy performance of buildings. Recast

2008/0223(COD) - 14/04/2010 - Council position

In its first reading position, the Council has accepted 6 of the European Parliament's amendments in full and 70 in part or in spirit. It has not been able to accept 21 amendments.

In view of the tight timetable required in order to reach early agreement on this proposal as called for by the European Council, the Council aimed from the start at identifying elements that would be acceptable to both Parliament and Council, rather than drawing up a complete agreed Council position before entering into negotiations with Parliament. In order to make rapid progress while taking into account the date of entry into force of the Treaty on the Functioning of the EU, it was agreed to proceed in two steps:

- a) reach agreement on the substance of the Directive. Following consultations with the European Parliament this first step was concluded in November 2009. This agreement was confirmed by Coreper on 19 November 2009 and on the level of the European Parliament's Committee on Industry, Research and Energy, by means of a letter of its Chairman, dated 30 November 2009;
- b) reach agreement on the modifications resulting for the entry into force of the TFEU, concerning notably the adaptation of the legal basis and the comitology provisions. Following consultations with the EP this second step was concluded in March 2010.

The Council position incorporates the two agreements recalled above. Its main elements are:

Provisions on financial instruments: a new Article entitled "Financial incentives and market barriers" and new recitals were introduced in order to place much more emphasis on the funding side of the energy efficiency of buildings.

Nearly zero energy buildings: as was done for other EU legislation in the climate/energy area, a "2020 target" was inserted which prescribes that all new buildings must be nearly zero energy buildings by 31 December 2020, that an intermediate target must be set for 2015, and that buildings occupied and owned by public authorities have to be nearly zero energy buildings after 31 December 2018, in line with the leading role that the public sector should play in this field.

Furthermore, Member States should develop policies for the transformation of existing buildings into nearly zero energy buildings. The Council could not accept to set binding targets for existing buildings.

Building elements: in the spirit of Parliament's amendments the scope of the proposal was expanded to include building elements.

Energy performance certificates (issuing and display): as suggested by the European Parliament, the Council agreed to lower the threshold for the issuing of certificates for public buildings, to lower the threshold for the display of certificates in public buildings, and agreed to re-insert what it had deleted earlier, namely the requirement to display the energy performance indicator in advertisements.

Comparative methodology framework: the Council could not accept the European Parliament's request for a common methodology framework. On the other hand, it did accept the addition of a new Annex III proposed by Parliament which describes the content of the comparative methodology framework.

Furthermore, Council agreed to introduce a benchmarking system whereby Member States must justify significant differences between cost-optimal levels of minimum energy performance requirements and minimum energy performance requirements in force.

Review: the Council accepted the European Parliament's request for a review by the Commission; a compromise date of 1 January 2017 was agreed upon as deadline for this review.

Information: the Council proposed, in order to address several requests from the European Parliament related to the provision of information, to insert a new Article 20 in order to group together all information provisions.