

Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2001/0098(COD)	Procedure completed	
Energy policy: energy performance of the buildings of the Union, energy saves and efficiency			
Repealed by 2008/0223(COD)			
Subject 3.40.07 Building industry 3.60 Energy policy 3.70.02 Atmospheric pollution, motor vehicle pollution			
Key players			
European Parliament	Committee responsible ITRE Industry, External Trade, Research, Energy	Rapporteur PPE-DE VIDAL-QUADRAS Alejo	Appointed 29/05/2001
Former committee responsible ITRE Industry, External Trade, Research, Energy			29/05/2001
			PPE-DE VIDAL-QUADRAS Alejo
Former committee for opinion ENVI Environment, Public Health, Consumer Policy			29/05/2001
			PPE-DE GARCÍA-ORCOYEN TORMO Cristina
Council of the European Union	Council configuration Transport, Telecommunications and Energy Industry Energy Energy	Meeting 2465 2433 2394 2347	Date 25/11/2002 06/06/2002 04/12/2001 14/05/2001
European Commission	Commission DG Energy and Transport	Commissioner	

Key events			
11/05/2001	Legislative proposal published	COM(2001)0226	Summary
14/05/2001	Debate in Council	2347	
17/05/2001	Committee referral announced in		

	Parliament, 1st reading		
04/12/2001	Debate in Council	2394	
18/12/2001	Vote in committee, 1st reading		Summary
18/12/2001	Committee report tabled for plenary, 1st reading	A5-0465/2001	
04/02/2002	Debate in Parliament		
06/02/2002	Decision by Parliament, 1st reading	T5-0039/2002	Summary
16/04/2002	Modified legislative proposal published	COM(2002)0192	Summary
07/06/2002	Council position published	08094/2/2002	Summary
13/06/2002	Committee referral announced in Parliament, 2nd reading		
11/09/2002	Vote in committee, 2nd reading		Summary
11/09/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0297/2002	
09/10/2002	Debate in Parliament		
10/10/2002	Decision by Parliament, 2nd reading	T5-0459/2002	Summary
25/11/2002	Act approved by Council, 2nd reading		
16/12/2002	Final act signed		
16/12/2002	End of procedure in Parliament		
04/01/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2001/0098(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealed by 2008/0223(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/16023

Documentation gateway					
Legislative proposal		COM(2001)0226 OJ C 213 31.07.2001, p. 0266 E	11/05/2001	EC	Summary
Economic and Social Committee: opinion, report		CES1312/2001 OJ C 036 08.02.2002, p. 0020	17/10/2001	ESC	
Committee of the Regions: opinion		CDR0202/2001 OJ C 107 03.05.2002, p. 0076	15/11/2001	CofR	
Committee report tabled for plenary, 1st reading/single reading		A5-0465/2001	18/12/2001	EP	

Text adopted by Parliament, 1st reading/single reading	<u>T5-0039/2002</u> <u>OJ C 284 21.11.2002, p.</u> <u>0121-0169 E</u>	06/02/2002	EP	Summary
Modified legislative proposal	<u>COM(2002)0192</u> <u>OJ C 203 27.08.2002, p. 0069 E</u>	16/04/2002	EC	Summary
Council position	<u>08094/2/2002</u> <u>OJ C 197 20.08.2002, p. 0006 E</u>	07/06/2002	CSL	Summary
Commission communication on Council's position	<u>SEC(2002)0661</u>	11/06/2002	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<u>A5-0297/2002</u>	11/09/2002	EP	
Text adopted by Parliament, 2nd reading	<u>T5-0459/2002</u> <u>OJ C 279 20.11.2003, p.</u> <u>0020-0082 E</u>	10/10/2002	EP	Summary
Commission opinion on Parliament's position at 2nd reading	<u>COM(2002)0635</u>	15/11/2002	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2002/91](#)
OJ L 001 04.01.2003, p. 0065-0070 Summary

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

PURPOSE: To propose a European Directive with the specific remit of improving upon the energy performance of buildings in the European Union. CONTENT: One of the findings published in the Commission's Green Paper "Towards a European Strategy for Energy Supply" was Europe's increasing dependence on outside sources for its energy supply. Experts estimate that were this current trend to continue, by the year 2030, import dependence on energy sources from outside the EU could rise to 70% of total demand. Such statistics, combined with the EU obligations to reduce CO2 emissions under the Kyoto Protocol, require an urgent review of energy consumption and an assessment of where savings can be made. Recent research indicates that the residential and so called "tertiary" sector (namely offices, retailers, hotels, restaurants, schools, hospital, sports halls, indoor swimming pools etc.) are the largest overall end users of energy. Further research also indicates that potentially large energy savings in these sectors are feasible - possibly larger than in any other area sector. Accordingly, the underlying objective of this draft Directive is to promote the improvement of the energy performance of buildings within the EU and to ensure that as far as possible only such measures as are the most cost-effective are undertaken. The proposed Directive lays down a framework that will lead to increased co-ordination between Member States of legislation in this field. The practical framework will, however, remain the responsibility of the Member States. Specifically, the proposed Directive lays down: - requirements for Member States to establish a methodology for an integrated calculation of the energy performance of buildings. A framework for the methodology is annexed to the Directive; - obliges Member States to set minimum standards for the energy performance of new buildings and to update them regularly. To assess the feasibility of installing alternative energy supply systems for large new buildings; - obliges Member States to apply the appropriate standards for energy performance to large existing buildings when these buildings undergo major renovations, provided certain cost and cost-effectiveness criteria are met.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The committee adopted the report by Alejo VIDAL-QUADRAS ROCA (EPP-ED, E) amending the proposal under the codecision procedure (1st reading) with the aim of clarifying and fleshing out some of the provisions. For example, the committee wanted the proposal's stated objective to take account of aspects such as indoor climatic conditions and cost-effectiveness. It also made a number of changes to the Commission's proposed definitions, arguing that some of them were too vague. A key recommendation by the committee was that it would be advisable to lay down at Community level the broad outline of the common methodology, together with minimum energy performance standards. These could, for example, draw a distinction between new and existing buildings and take account of climatic conditions, local conditions and the designated function and age of the building. The committee also wanted it to be compulsory - and not just optional - to include a CO2 emission indicator in certificates for new buildings. On the specific question of energy performance certificates, the committee felt that a transition period of 5 years should be allowed to facilitate the certification process for existing buildings. Another amendment called on the Commission to review the directive within 5 years of its entry into force. In particular, the committee wanted the Commission to look into the possibility of extending the obligation to consider investments in energy efficiency for existing buildings undergoing major renovations to include buildings which are less than 1000 m² (under the present proposal, this would apply only to buildings that are larger than 1000m²). The committee also

advocated staging public information campaigns about energy-saving methods and practices in the buildings sector. Lastly, it called for a three-year transition period after the entry into force of the directive, rather than the Commission's proposed date of 31 December 2003.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The European Parliament adopted the resolution drafted by Alejo VIDAL-QUADRAS ROCA (EPP/ED, Spain) on the energy performance of buildings. (Please refer to the text dated 18/12/01). Parliament pointed out that recent years have seen a rise in the number of air-conditioned systems in Southern European countries. This created considerable problems at peak load times, increasing the cost of electricity and disrupting the energy balance in those countries. Priority should be given to strategies which improve the thermal performance of buildings during the summer period. There should be a further development of passive cooling techniques, primarily those which improve indoor climactic conditions and the microclimate around buildings.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

Following the adoption of a series of amendments accepted at first reading, the Commission has re-drafted its original text. Amendments accepted by the Commission have been categorised as follows: 1. The first set are a number of new provisions and serve to improve the technical and financial definitions as well as adding balance and clarity. 2. The second set have been accepted in principle, with some minor redrafting. Generally speaking they are seen to improve consistency with other parts of the proposal or define more clearly certain conditions, limits or exceptions. 3. The third set refers to parts of amendments which offer additional value to content of the overall text. The Commission has redrafted its text to take the following points into account: - An improved definition of the concept of "cost effectiveness". - The encouragement of Member States to accept an incentive system and public subsidies to promote the implementation of energy performance certification. - A recital underlining the fact that passive cooling can make a major contribution to reducing energy use. - Encouraging the use of air-conditioning systems (EN832); - The adoption of a new methodology of calculation to technical progress and standardisation. It has been modified to reflect the need for regular revision of minimum standards. - The definition of the term "building" has been modified to include the word "structure". - The definition of "energy performance" has been strengthened. - A greater distinction to be made between existing and new buildings. - A new article proposing an evaluation by the committee of the 1000 m² threshold after five years. - The launching of an information campaign. - The inclusion of sports facilities as important energy-using buildings. They will now be shown in a separate item in the Annex to the Directive.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The Council accepted 17 of the 30 European Parliament amendments, some of them in substance or in principle. These include the following: -a provision in the recital that additional costs involved in renovation should be recovered within a reasonable time; -clarification of the concept of "major renovation;" -recommendation for subsidy programmes to be created in the Member States to facilitate equal access to improved energy performance resulting from the certification; -further development of standards relating to energy performance in buildings is envisaged by the Commission; -outdoor climactic and local conditions are taken into account -the definition of building is made clearer by indicating that a building means a roofed construction having walls; -local conditions and the designated function and the age of the building have to be taken into account within the energy performance requirements; -common certification of the building is possible under certain conditions; -the Commission evaluates the Directive and makes proposals with relation to complementary measures for enhancing energy performance in buildings; -the Commission will assist Member States in staging information campaigns for enhancing energy performance; -Member States are given 36 months to transpose the Directive; -the aspect "indoor climactic conditions" has been added to the methodology of calculation of energy performances; -"sports facilities" is a further category under which buildings can be classified. The Council feels that the amendments which were not integrated were either too detailed or not consistent with the general objective of the Directive. Some amendments were already covered by other provisions. The Council has also added an alternative means of calculation and compliance. The common position provides for a choice between two ways to calculate the 25% threshold that determines what a major renovation of an existing building is. For energy performance certification, it is possible to comply by using voluntary agreement. For boiler inspections, Member States may choose to ensure that a programme of advice on boiler replacement is made available to the users and owners of the boilers. Such programmes may include on-site inspections.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The Commission feels that the common position has succeeded in retaining the spirit and intention of the Commission proposal and of a very large part of the amendments of the European Parliament. A workable and acceptable balance has been reached in defining the type, scopes and thresholds for action set forth in the Commission proposal. The high degree of subsidiarity required in the building sector due to different climactic and technical considerations has also been adequately addressed in the common position. The use of alternative calculation methods and alternative means of compliance, along with appropriate conditions also presents a suitable balance. The longer validity period for energy performance certificates and the higher thresholds and somewhat reduced scope for boiler inspection are also acceptable. As regards the issues raised by Parliament in relation to social housing, the increased use of air conditioning, measuring energy performance, the distinction between new and existing buildings and the methodology and scope for certificates, the Commission believes that these too, as expressed in the common position, are very much in line with the amendments adopted by the Parliament. The Commission has asked that a statement be inserted in the Common position regarding the entry into force of the Directive. It feels that 7 years for certain provisions is too long.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The committee adopted the report by Alejo VIDAL-QUADRAS ROCA (EPP-ED, E) amending the Council's common position at second reading under the codecision procedure. Although it welcomed the fact that several amendments adopted by Parliament at first reading had been taken up in the Council's common position, the committee nevertheless reinstated a number of other first-reading amendments including definitions of thermal insulation and useful efficiency and introducing the principle of billing based on actual consumption. The main amendment, however, concerned the deadline for enacting the directive, which the committee wanted to be shortened. Whereas the Council was proposing a three-year deadline, which could be extended by a further four years if a Member State does not have qualified experts to inspect heating and air-conditioning systems, MEPs felt that a three-year extension to the deadline would be sufficient and pointed out that a four-year extension would go beyond 2008, which was the beginning of the verification period for compliance with the commitments entered into under the Kyoto Protocol. ?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

The European Parliament adopted a resolution, drafted by Alejo VIDAL-QUADRAS ROCA (EPP-ED, Spain), making some amendments to the Council's common position. (Please refer to the document dated 11/09/02.) A new recital states that billing to building occupants the costs of heating, air-conditioning and hot water, calculated in proportion to actual consumption, could contribute towards energy savings in the residential sector. Occupants of such buildings should be enabled to regulate their own consumption of heat and hot water, insofar as such measures are cost effective. Parliament also defined the energy performance of a building as being based on the amount of energy actually consumed or estimated to meet the different needs associated with a standardised use of the building.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

Parliament adopted 5 amendment to the common position of the Council at second reading, 2 of which were for new recitals. The commission accepts all 5 amendments proposed by the European Parliament, which were in line with the objectives of the Commission's original proposal or constitute an acceptable compromise. More specifically, the amendments concern : - the proposed Directive's transposition period : this amendment reduces the additional transposition period of 4 years in the common position to 3 years, which is somewhat more in line with the Commission's original proposal. The maximum total possible transposition period thus becomes 3 plus 3 years; - the addition of a new recital (16a) in the common position. This amendment presents in a generic way examples of means and measures for Member States to encourage enhanced energy performance; - the addition of another new recital (18a) in the common position. This amendment presents the importance of individual billing and the ability to regulate one's own consumption of heat and hot water as a means to save energy; - an amendment to recital 20in the common position. The amendment deals with the inherent or intrinsic thermal insulation qualities of construction materials, such as porous concrete blocks; - an amendment to Article 2, point 2 of the common position and concerns the definition of energy performance. This amendment deals with the proper was to estimate or meter energy consumption and present it in relation to a standardised use.?

Energy policy: energy performance of the buildings of the Union, energy saves and efficiency

PURPOSE : to lay down measures in order to improve the energy performance of buildings. COMMUNITY MEASURE : Directive 2002/91/EC of the European Parliament and of the Council. CONTENT : The objective of this Directive is to promote the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness. This Directive lays down requirements as regards: - the general framework for a methodology of calculation of the integrated energy performance of buildings. This may be differentiated at regional level. The methodology must include, in addition to thermal insulation, other factors that play an increasingly important role such as heating and air-conditioning installations, application of renewable energy sources and design of the building. Member States must set minimum energy performance requirements for buildings. These requirements must take into account general indoor climate conditions, in order to avoid possible negative effects such as inadequate ventilation, as well as local conditions and the designated function and the age of the building. Member States may decide not to set requirements for certain specified categories of building. - the application of minimum requirements on the energy performance of new buildings. For new buildings with a total useful floor area over 1000m², the feasibility of alternative systems such as systems based on renewable energy, must be considered before construction starts. - the application of minimum requirements on the energy performance of large existing buildings that are subject to major renovation. When buildings with a total useful floor area over 1000m² undergo major renovation, their energy performance must be upgraded in order to meet minimum requirements, insofar as this is feasible. The requirements may be set either for the renovated building as a whole or for the renovated systems when these are part of a renovation to be carried out within a limited time period. - energy certification of buildings. When buildings are constructed, sold or rented out, an energy performance certificate must be made available to the owner or prospective buyer or tenant. The validity of the certificate may not exceed 10 years. The certificate must include reference values such as current legal standards and benchmarks in order that consumers may compare the energy performance of buildings. The objective of the certificate must be limited to the provision of information and any legal effects must be decided in accordance with national rules. - regular inspection of boilers and of air-conditioning systems in buildings and in addition an assessment of the heating installation in which the boilers are more than 15 years old. Boilers of an effective rated output of more than 100kW must be inspected every two years, and for gas boilers, this may be extended to four years. For certification and inspection of boilers and air-conditioning systems, Member States may, due to lack of experts, have an addition three years before full application of the relevant provisions. DATE OF TRANSPOSITION : 04/01/06. ENTRY INTO FORCE : 04/01/03.