

# EUROPEAN PARLIAMENT

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*Committee on Industry, Research and Energy*

**2008/0223(COD)**

3.2.2009

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on the energy performance of buildings (recast)  
(COM(2008)0780 – C6-0413-2008 – 2008/0223(COD))

Committee on Industry, Research and Energy

Rapporteur: Silvia-Adriana Țicău

(Recast – Rule 80a of the Rules of Procedure)

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on the energy performance of buildings (recast)**

**(COM(2008)0780 – C6-0413-2008 – 2008/0223(COD))**

**(Codecision procedure – recast)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0780),
  - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0413-2008),
  - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>1</sup>,
  - having regard to the letter of 3 February 2009 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 80a(3) of its Rules of Procedure,
  - having regard to Rules 80 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Legal Affairs (A6-0000/2009),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 77, 28.3.2002, p. 1.

## Amendment 1

### Proposal for a directive Recital 13

*Text proposed by the Commission*

(13) Buildings have an impact on long-term energy consumption and new buildings should therefore meet minimum energy performance requirements adapted to the local climate. As the application of alternative energy supply systems is generally not explored to its full potential, the technical, environmental and economic feasibility of alternative energy supply systems should be considered, regardless of the size of the building.

*Amendment*

(13) Buildings have an impact on long-term energy consumption and new buildings should therefore meet minimum energy performance requirements adapted to the local climate. As the application of alternative energy supply systems is generally not explored to its full potential, the technical, environmental and economic feasibility of alternative energy supply systems should be considered ***for new buildings and buildings undergoing major renovation as well as for the modernisation of district heating to improve energy efficiency or increase the use of renewables***, regardless of the size of the building.

Or. en

### *Justification*

*The technical, environmental and economic feasibility of alternative energy supply systems should be considered for new buildings and buildings undergoing major renovation as well as for the modernisation of the district heating for the improvement of energy efficiency or the use of renewables.*

## Amendment 2

### Proposal for a directive Recital 15

*Text proposed by the Commission*

(15) Measures are needed to increase the number of buildings which not only fulfill current minimum energy performance requirements, but are more energy efficient. For this purpose Member States should draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and

*Amendment*

(15) Measures are needed to increase the number of buildings which not only fulfill current minimum energy performance requirements, but are more energy efficient. For this purpose Member States should 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 and regularly report them to the Commission.

primary energy consumption are low or zero and regularly report them to the Commission. ***The Commission should come forward by 30 June 2010 with legislative proposals to establish a common methodology for defining buildings which have both carbon dioxide emissions and primary energy consumption that are low or zero, which should take into consideration regional weather conditions. The European Commission, the European Investment Bank and Member States should establish, by 30 June 2010, an Energy Efficiency and Renewable Energy Fund, to support, by 2020, the gradual increase of the percentage of new buildings which meet this standard.***

Or. en

#### *Justification*

*The definition of a common methodology for defining building which have both carbon dioxide emissions and primary energy consumption that are low or zero. The Commission should come forward by the 30 June 2010 with legislative proposals to establish a common methodology for it, taking into consideration regional weather conditions and the establishment of an Energy Efficiency and Renewable Energy Fund to support the gradual increase of the percentage of new building which meet this standard.*

### **Amendment 3**

#### **Proposal for a directive Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) If they are to be effective, the requirements regarding minimum energy performance of buildings of which both carbon dioxide emissions and primary energy consumption are low or zero should be backed up with adequate financial support for public authorities, business and homeowners. The Commission should come forward with further legislative proposals in this area,***

*in particular in relation to use of the European Regional Development Fund and the reduction of VAT for products and services related to energy efficiency. Member States should be encouraged to develop national programmes for the support of energy efficiency measures.*

Or. en

#### *Justification*

*Adequate financial support for business and homeowners is needed, in particular in relation to use of the European Regional Development Fund and the reduction of VAT for products and services related to energy efficiency. Member States should be encouraged to develop national programs for the support of energy efficiency measures.*

#### **Amendment 4**

##### **Proposal for a directive**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) The prospective buyer and tenant of building or parts thereof should be given correct information about the energy performance of the building and practical advice about improving it, through the energy performance certificate. The certificate should also provide information about the actual impact of heating and cooling on the energy needs of the building, on its primary energy consumption and on carbon dioxide emissions.

###### *Amendment*

(17) The prospective buyer and tenant of building or parts thereof should be given correct information about the energy performance of the building and practical advice about improving it, through the energy performance certificate. The certificate should also provide information about the actual impact of heating and cooling on the energy needs of the building, on its primary energy consumption and on carbon dioxide emissions. ***Building owners should have the opportunity to request certification or an updated certificate at any time, not just at the time at which buildings are rented, sold or refurbished.***

Or. en

#### *Justification*

*The energy performance certificate could be obtained not only when a building of part of it is rented, renovated or sold, but on demand, too.*

## Amendment 5

### Proposal for a directive Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

***(17a) Public authorities should lead by example and should implement the recommendations included in the energy performance certificate within its validity period. Member States should include within their national plans measures to support public authorities to become early adopters of energy efficiency improvements and to implement the recommendations included in the energy performance certificate within its validity period. In developing the national plans, Member States should consult the representatives of local and regional authorities.***

Or. en

### *Justification*

*Public authorities should lead by example and implement the recommendations included in energy performance certificates. Member States should include within their national plans measures to support public authorities to do this and to become early adopters of energy efficiency improvements. In developing their national plans, Member States should consult the representatives of local and regional authorities.*

## Amendment 6

### Proposal for a directive Recital 18

*Text proposed by the Commission*

*Amendment*

(18) Buildings occupied by public authorities and buildings frequently visited by the public provide an opportunity to set an example by showing environmental and energy considerations being taken into account and therefore

(18) Buildings occupied by public authorities and buildings frequently visited by the public provide an opportunity to set an example by showing environmental and energy considerations being taken into account and therefore those buildings

those buildings should be subject to energy certification on a regular basis. The dissemination to the public of information on energy performance should be enhanced by clearly displaying these energy certificates.

should be subject to energy certification on a regular basis. The dissemination to the public of information on energy performance should be enhanced by clearly displaying these energy certificates. ***The Commission should design a common European "most energy efficient building" label to be displayed on buildings which satisfy the minimum requirements for energy performance and implement the recommendations included in the energy performance certificate.***

Or. en

#### *Justification*

*In order to promote the minimum requirements for energy performance, the Commission shall design a common European "most energy efficient building" label to be displayed on buildings which satisfy the minimum requirements for energy performance and implemented the recommendations included in the energy performance certificate.*

#### **Amendment 7**

##### **Proposal for a directive Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) Ensuring mutual recognition of energy performance certificates issued by other Member States is likely to be important for the development of a cross-border market for financial and other services supporting energy efficiency. To facilitate this, the Commission should establish common minimum standards for the content and presentation of certificates, and for the accreditation of experts. Any energy performance certificate should be available both in the language of the owner and of the tenant, in order to make recommendations easily understood.***

Or. en

### *Justification*

*The mutual recognition of energy performance certificate is needed. The content of the certificate should be readable and understandable by both the tenant and the owner, so that they can act on the recommendations contained within.*

## **Amendment 8**

### **Proposal for a directive**

#### **Recital 20**

##### *Text proposed by the Commission*

(20) Regular inspection of heating and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating and air-conditioning system should occur at regular intervals during the life-cycle thereof, especially before their replacement or retrofitting.

##### *Amendment*

(20) Regular inspection of heating and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating and air-conditioning system should occur at regular intervals during the life-cycle thereof, especially before their replacement or retrofitting. ***To minimise the administrative burden on building owners and tenants, Member States should ensure that any certification for energy performance includes an inspection of heating and air conditioning systems; and that, as far as possible, inspections of heating and air conditioning systems are carried out at the same time.***

Or. en

### *Justification*

*It is important to minimise the bureaucratic burden on building owners and tenants.*

## Amendment 9

### Proposal for a directive Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

***(21a) Local and regional authorities are critical for the successful implementation of this Directive. Their representatives should be consulted on every aspect of its implementation at national or regional level. Local planners and building inspectors should receive adequate guidance and resources to carry out the necessary tasks.***

Or. en

### *Justification*

*Local and Regional Authorities are critical for the successful implementation of this Directive. Their representatives should be consulted on every aspect of its implementation at national level or regional level. Local planners and building inspectors should receive adequate guidance and resources to carry out the necessary tasks.*

## Amendment 10

### Proposal for a directive Recital 23

*Text proposed by the Commission*

*Amendment*

(23) Power should in particular be conferred on the Commission to adapt certain parts of the general framework set out in Annex I to technical progress, to establish a methodologies for calculating cost-optimal levels of minimum energy performance requirements and to establish common ***principles for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero***. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny

(23) Power should in particular be conferred on the Commission to adapt certain parts of the general framework set out in Annex I to technical progress, to establish a methodologies for calculating cost-optimal levels of minimum energy performance requirements and to establish common ***minimum standards for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or zero taking into consideration normal regional weather conditions and predicted changes in such weather conditions over time***. Since those measures are of general scope and are

provided for in Article 5a of Decision 1999/468/EC.

designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Or. en

#### *Justification*

*The Commission should establish methodologies for calculating cost-optimal levels of minimum energy performance requirements and common minimum standards for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or zero, taking into consideration normal regional weather conditions and predicted changes in such weather conditions over time.*

### **Amendment 11**

#### **Proposal for a directive Article 2 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) "new building" means a building for which the relevant authorisation for construction is obtained after the entry into force of this Directive;***

Or. en

#### *Justification*

*A definition for new building is needed, due to the fact that the construction of a new building takes months/years. It is important to introduce the new requirements for those buildings for which the relevant authorisation for construction is obtained after the entry into force of this directive.*

### **Amendment 12**

#### **Proposal for a directive Article 2 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) "building envelope" means elements of a building which separate its interior from the outdoor environment, including the

(5) "building envelope" means elements of a building which separate its interior from the outdoor environment, including the

windows, walls, foundation, basement slab, ceiling, roof, and insulation;

windows, **shading**, walls, foundation, basement slab, ceiling, roof, and insulation;

Or. en

*Justification*

*Shading elements are very important for energy efficiency and for the reduction of primary energy consumption.*

**Amendment 13**

**Proposal for a directive  
Article 2 – point 6 – point b**

*Text proposed by the Commission*

(b) more than 25 % of the surface of the building envelope undergoes renovation;

*Amendment*

(b) more than 25% of the surface of the building envelope undergoes renovation, ***excluding activities related to regular maintenance such as cleaning or painting;***

Or. en

*Justification*

*It is important to exclude activities related to regular maintenance such as cleaning or painting. These activities could cover a big surface of the building envelope, but could add no improvement from the energy efficiency point of view.*

**Amendment 14**

**Proposal for a directive  
Article 2 – point 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) 'energy poverty' means the situation where a household cannot afford to pay for the utility bills to heat its home to an acceptable standard based on the levels recommended by the World Health Organisation or spends more than 10% of its revenue on such utility bills.***

*Justification*

*This amendment is technically necessary to define 'energy poverty', a term which is referred to in Amendment 31. 'Energy poverty' means the situation where a household cannot afford to pay for the utility bills to heat its home to an acceptable standard based on the levels recommended by the World Health Organisation or spends more than 10% of its revenue on such utility bills.*

**Amendment 15****Proposal for a directive****Article 4 – paragraph 1 – first subparagraph***Text proposed by the Commission*

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

*Amendment*

1. Member States shall take the necessary measures to ensure that minimum energy performance requirements for buildings are set to *achieve* cost-optimal levels and are calculated in accordance with the methodology referred to in Article 3.

Or. en

*Justification*

*For clarity. One of the objectives of the Directive is to achieve cost-optimal levels and are calculated in accordance with the methodology referred to in Article 3.*

**Amendment 16****Proposal for a directive****Article 4 – paragraph 1 – subparagraph 3***Text proposed by the Commission*

These requirements shall take account of 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.

*Amendment*

These requirements shall take account of general indoor climate conditions, in order to avoid possible negative effects such as *inadequate natural lighting*, inadequate ventilation, as well as local conditions and the designated function and the age of the building.

*Justification*

*Given that the Commission proposes a common EU methodology for calculating minimum standards, it is important that these take into account the full range of factors relating to indoor climate, which will determine how pleasant a building is to live and work in.*

**Amendment 17**

**Proposal for a directive**  
**Article 4 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) temporary buildings ***with a planned time of use of two years or less***, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance;

*Amendment*

(c) temporary buildings ***which are used for no more than three*** years, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance;

Or. en

*Justification*

*Given that the Commission proposes a common EU methodology for calculating minimum standards - which may lead to more stringent standards in many countries - exemptions from those standards need to be re-considered and re-evaluated. The Rapporteur believes that, in this context, two years is too short in the case of temporary building which are only used during the renovation of an existing (big) building.*

**Amendment 18**

**Proposal for a directive**  
**Article 4 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) ***residential buildings which are intended to be used less than four months of the year;***

*Amendment****deleted***

Or. en

### *Justification*

*Secondary residence should not be exempted, but should be able to benefit from the same conditions and incentives applicable to primary residences. For buildings that are not regularly used a huge amount of energy may be wasted even if it is not occupied throughout the year and it is difficult to anticipate before the construction of the building itself for how many months it will be effectively used.*

### **Amendment 19**

#### **Proposal for a directive Article 4 – paragraph 3**

*Text proposed by the Commission*

3. *As from 30 June 2014* Member States shall not provide incentives for the construction or renovation of buildings or parts thereof which do not comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2).

*Amendment*

3. *For all buildings for which the authorisation is obtained after 30 June 2012* Member States shall not provide incentives for the construction or renovation buildings or parts thereof which do not comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2).

Or. en

### *Justification*

*Taking into consideration the cost implied to improve the energy efficiency of buildings, it is important to support and to provide incentives for compliance with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2).*

### **Amendment 20**

#### **Proposal for a directive Article 4 – paragraph 4**

*Text proposed by the Commission*

4. As from **30 June 2017, where** Member States review their minimum energy performance requirements set in accordance with paragraph 1 of this Article they shall ensure that these requirements achieve the results of the calculation

*Amendment*

4. As from **30 June 2015**, Member States **shall** review their minimum energy performance requirements set in accordance with paragraph 1 of this Article they shall ensure that these requirements achieve the results of the calculation

referred to in Article 5(2).

referred to in Article 5(2).

Or. en

### *Justification*

*Member States shall review their minimum energy performance requirements set in accordance with paragraph 1 of this Article they shall ensure that these requirements achieve the results of the calculation referred to in Article 5(2), in Five years time after the date of entry into force.*

## **Amendment 21**

### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

1. The Commission shall establish by **31 December** 2010 a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings or parts thereof. The comparative methodology shall differentiate between new and existing buildings and between different categories of buildings.

##### *Amendment*

1. The Commission shall establish by **30 June** 2010 a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings or parts thereof. The comparative methodology shall:

- differentiate between new and existing buildings and between different categories of buildings *and*
- *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 and justify assumptions for energy prices.*

*In developing this methodology, the Commission shall consult the representatives of local, regional and national authorities.*

Or. en

### *Justification*

*The comparative methodology have to differentiate between new and existing buildings, to reflect the different climatic conditions in different Member States and the likely change in these conditions over the lifetime of the building concerned and to setout and justify its assumptions for energy prices. In developing this methodology, the Commission shall consult the representatives of local, regional and national authorities.*

### **Amendment 22**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall review and update the comparative methodology as necessary every five years.***

Or. en

### *Justification*

*The review is needed in order to take into consideration technical progress.*

### **Amendment 23**

#### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Article 6

Article 6

For new buildings Member States shall ensure that, before construction starts, the technical, environmental and economic feasibility of ***the following*** alternative systems is considered and taken into account :

For new buildings Member States shall ensure that, before construction starts, the technical, environmental and economic feasibility of alternative systems is considered and taken into account, ***including, but not limited to:***

Or. en

*Justification*

*It is important to give Member States the possibility to develop their own comprehensive methodology to take into consideration the technical, environmental and economic feasibility of alternative systems.*

**Amendment 24**

**Proposal for a directive**

**Article 6 – paragraph 1 – subparagraph 2a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall, by 30 June 2010, bring forward appropriate proposals to establish guidelines on the definition of the term 'technical, environmental and economic feasibility', referred to in the second subparagraph.***

Or. en

*Justification*

*The Rapporteur believes that, given that we are moving to a more standardised methodology, it is logical to extend this principle to the definition of what is 'feasible' also.*

**Amendment 25**

**Proposal for a directive**

**Article 7**

*Text proposed by the Commission*

*Amendment*

Article 7

Article 7

Member States shall take the necessary measures to ensure that when buildings undergo major renovation, their energy performance is upgraded in order to meet minimum energy performance requirements in so far as this is technically, functionally and economically feasible. Member States shall determine these minimum energy performance requirements in accordance with Article 4. The requirements may be set either for the

Member States shall take the necessary measures to ensure that when buildings undergo major renovation ***or technical building systems or parts thereof are retrofitted or replaced***, their energy performance is upgraded in order to meet minimum energy performance requirements in so far as this is technically, functionally and economically feasible. Member States shall determine these minimum energy performance

renovated building as a whole or for the renovated systems or components when these are part of a renovation to be carried out within a limited time period, with the objective of improving the overall energy performance of the building or parts thereof .

requirements in accordance with Article 4. The requirements may be set either for the renovated building as a whole or for the renovated systems or components when these are part of a renovation to be carried out within a limited time period, with the objective of improving the overall energy performance of the building or parts thereof .

Or. en

#### *Justification*

*It is important to be able to evaluate the energy performance of buildings when there is a change or improvement of parts of the technical building system.*

#### **Amendment 26**

##### **Proposal for a directive**

##### **Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall, by 30 June 2010, bring forward appropriate proposals to establish guidelines on the definition of the term 'technically, functionally and economically feasible', referred to in the first subparagraph.***

Or. en

#### *Justification*

*The Rapporteur believes that, given that we are moving to a more standardised methodology, it is logical to extend this principle to the definition of what is 'feasible' also.*

## Amendment 27

### Proposal for a directive Article 67 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that, from 1 January 2015, in planning for any major renovation, the technical, environmental and economic feasibility of the following alternative systems is considered and taken into account:***

***(a) decentralised energy supply systems based on renewable energy, including heat pumps;***

***(b) district or block heating or cooling systems, if available, including those based entirely or partially on renewable energy ;***

***(c) cogeneration.***

Or. en

### *Justification*

*As the Commission proposes to extend the scope of Article 6 to all new buildings, and as the requirement to apply minimum standards will apply to all major renovations; it is logical to apply this requirement to major renovations as well as to new buildings. This also mirrors the requirements laid down in the Renewables Directive.*

## Amendment 28

### Proposal for a directive Article 8 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Member States shall set minimum energy performance requirements in respect of technical building systems which are installed in buildings. Requirements shall be set for new, replacement and retrofit of technical building systems and parts thereof.

1. Member States shall set minimum energy performance requirements in respect of technical building systems which are installed in ***or are connected to the*** buildings ***or designed for the common use of a number of buildings***. Requirements shall be set for new, replacement and retrofit of technical building systems and parts thereof.

The requirements shall in particular cover the following components:

- (a) boilers or other heat generators of heating systems;
- (b) water heaters in hot water systems;
- (c) central air conditioning unit or cold generator in air-conditioning systems.

The requirements shall in particular cover the following components:

- (a) boilers or other heat generators of heating systems, ***including district or block heating and cooling***;
  - (b) water heaters in hot water systems;
  - (c) central air conditioning unit or cold generator in air-conditioning systems;
- (ca) lighting.***

Or. en

#### *Justification*

*Member States shall set minimum energy performance requirements in respect of technical building systems which are installed in or are connected to the buildings or for the common use of a number of buildings. Requirements shall be set for new, replacement and retrofit of technical building systems and parts thereof and shall include district or block heating and cooling.*

#### **Amendment 29**

#### **Proposal for a directive Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States should encourage the installation of active control systems such as automation, control and monitoring systems where appropriate, in order to allow consumers to receive proper information on their energy usage; to allow highly efficient output-time control manually and/or by building automation systems; and to serve as a data provider for implementing Articles 3, 4, 5 and 10 and Annex I.***

Or. en

## Justification

*The directive should lead to a higher energy performance of buildings and a decrease of the energy consumption. The installation of active control systems such as automation, control and monitoring systems allows consumers to get proper information on their energy usage in order to improve their consumer behaviour.*

### Amendment 30

#### Proposal for a directive Article 9

*Text proposed by the Commission*

##### Article 9

Buildings of which both carbon dioxide emissions and primary energy consumption are low or ***equal to*** zero

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. ***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.***

Separate targets shall be set for:

*Amendment*

##### Article 9

Buildings of which both carbon dioxide emissions and primary energy consumption are low or zero

***1. By 2020, the European Union shall reduce the primary energy consumption by 20% and shall increase the energy efficiency of buildings by at least 20%. By 2020, Member States shall ensure that all new buildings which receive approval for construction works have both primary energy consumption and carbon dioxide emissions which are low or zero.***

***In the case of new buildings where a total useful floor area over 250m<sup>2</sup> is occupied by public authorities, Member States shall ensure that, by 2015, both carbon dioxide emissions and primary energy consumption are low or zero.***

Member States shall draw up national plans for ***implementing the requirements set out in the first three subparagraphs and, where cost-optimal, for*** increasing the number of ***existing*** buildings of which both carbon dioxide emissions and primary energy consumption are low or zero. ***These national plans shall be accompanied by national, regional or local programmes to support energy performance measures such as fiscal incentives, financial instruments or reduced VAT.***

***Within the national plans*** separate targets and strategies 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.***

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

- (a) the Member State's definition of buildings 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 2015;

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

3. Member States shall communicate the national plans referred to in paragraph 1 to the Commission by 30 June 2011 at the latest and report to the Commission every three years on the progress in

- (a) new buildings, *for each of the categories listed in Annex 1, paragraph 5;*
- (b) *existing* buildings, *for each of the categories listed in Annex 1, paragraph 5;*
- (c) buildings occupied by public authorities, *setting out how they are to play an exemplary role as early adopters.*

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

- (a) the Member State's definition of buildings of which both carbon dioxide emissions and primary energy consumption are low or zero;

(b) intermediate ***binding*** targets ***for new buildings*** expressed as a percentage which those buildings shall constitute of the total number of ***new*** buildings and represent in relation to the total useful floor area in 2015;

***(ba) details of the requirements the Member State has put in place for minimum levels of energy for renewable sources in new buildings and existing buildings undergoing major renovation, as required under Directive 2008/xx/EC on promotion of the use of energy from renewable sources and Article 6 and 7 of this Directive;***

(c) information campaigns on the measures undertaken for the promotion of those buildings;

***(ca) national, regional or local programmes to support energy performance measures such as fiscal incentives, financial instruments or reduced VAT.***

3. Member States shall communicate the national plans referred to in paragraph 1 to the Commission by 30 June 2011 at the latest and report to the Commission every three years on the progress in

implementing their national plans. The national plans and progress reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.

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.

*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).*

5. *The* Commission shall publish a report on the progress of Member States in increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. On the basis of this report the Commission shall develop a strategy,

implementing their national plans. The national plans and progress reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.

***3a. Within two months of notification of a national plan by a Member State under paragraph 3, 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, Member State shall propose amendments. Within one month of receiving these proposals, the Commission shall signal its acceptance or request further specific amendments. The Commission and the Member State concerned shall take all reasonable steps to agree the national plan within five months of the date of the initial notification. Any delay in the adoption of a national plan as a result of this process shall not impact on the award of Community funding connected with any project included in the plans, including the award of Structural funds.***

4. ***By 30 June 2010 the*** Commission shall ***bring forward legislative proposals to establish minimum standards which Member States shall use to determine their definition of*** buildings of which both carbon dioxide emissions and primary energy consumption are low or zero, ***taking into consideration normal regional weather conditions and the predicted change in such conditions over time.***

5. ***By 2015, the*** Commission shall publish a report on the progress of Member States in increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or zero. On the basis of this report the Commission shall develop a strategy, and,

and, if necessary, propose measures to increase the number of those buildings.

if necessary, propose *further* measures to increase the number of those buildings.

Or. en

### *Justification*

*By 30 June 2010 the Commission should establish minimum standards for the definition of buildings of which both carbon dioxide emissions and primary energy consumption are low or zero, taking into consideration normal regional weather conditions. By 2020, Member States should ensure that all new buildings have both primary energy consumption and carbon dioxide emissions which are low or zero. MS shall draw up national plans for increasing the number of such buildings. By 2015, the Commission should publish their report on the progress of Member States.*

## **Amendment 31**

### **Proposal for a directive Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 9a*

#### *Financial Support*

***1. By 30 June 2010 the Commission shall bring forward appropriate proposals to establish financial mechanisms to support the implementation of the requirements set out in Articles 5 to 9. These proposals shall include:***

***(a) an increase to the maximum amount of the European Regional Development Fund allocation that can be used to support energy efficiency and renewable energy investments under Article 7 of Regulation (EC) No 1080/2006. This maximum shall be raised to at least 15% of the total allocation;***

***(b) an extension of the eligibility of energy efficiency and renewables projects for contributions from the European Regional Development Fund - at the very least so that energy efficiency improvements and renewable energy for housing becomes eligible for all Member States;***

*(c) use of other Community funds to support research and development, information campaigns or training related to energy efficiency;*

*(d) the establishment, by the European Commission, the European Investment Bank and Member States, of an Energy Efficiency and Renewable Energy Fund, with the aim of mobilising, until 2020, public money and private investment for energy efficiency and renewable energy projects implemented within Member States for the purposes of implementation of this Directive;*

*(e) reduced VAT for services and products related to the improvement of the energy efficiency of buildings.*

*2. Member States shall implement one or more of the financial support mechanisms listed in Annex V. The energy performance certificates referred to in Article 10 shall indicate which mechanisms are available to finance implementation of the recommendations for the cost effective improvement of the energy performance of the building concerned.*

*3. Financial or fiscal incentives shall support the execution of the recommendations included in the energy performance certificate.*

*4. In implementing the requirements under paragraphs 1 and 2, the Commission and Member States shall, in particular, implement measures aimed at supporting investments in energy efficiency improvements for those at risk of energy poverty, including Energy Performance Contracting.*

Or. en

#### *Justification*

*As the Commission is proposing an approach that will potentially lead to more stringent and more widely applied minimum standards, as well as new targets for low and zero-carbon/energy buildings, it is necessary to set where the financing for these new standards/targets will come from.*

## Amendment 32

### Proposal for a directive Article 10 – paragraph 1

*Text proposed by the Commission*

1. Member States shall lay down the necessary measures to establish a system of certification of the energy performance of buildings. The energy performance certificate shall include the energy performance of a building and reference values such as minimum energy performance requirements in order to make it possible for owners or tenants of the building or parts thereof to compare and assess its energy performance.

*Amendment*

1. Member States shall lay down the necessary measures to establish a system of certification of the energy performance of buildings. The energy performance certificate shall include the energy performance of a building, ***the actual annual energy that is consumed (as referred to in Annex I, paragraph 1)*** and reference values such as minimum energy performance requirements in order to make it possible for owners or tenants of the building or parts thereof to compare and assess its energy performance. ***Member States shall ensure that the measures laid down allow easy comparison between the energy performance of different residential and non-residential buildings respectively.***

Or. en

*Justification*

*It is important to allow easy comparison between the energy performance of different residential and non-residential buildings respectively.*

## Amendment 33

### Proposal for a directive Article 10 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Public authorities shall lead by example and shall implement the recommendations included in the energy performance certificate within its validity period. Member States shall include within their national plans measures to***

*support public authorities to become early adopters of energy efficiency improvements and to implement the recommendations included in the energy performance certificate within its validity period. In developing the national plans, Member States shall consult the representatives of local and regional authorities.*

Or. en

#### *Justification*

*Public authorities should lead by example and should implement the recommendations included in the energy performance certificate. Member States should include within their national plans measures to support public authorities to do this, after the consultation with the representatives of local communities.*

### **Amendment 34**

#### **Proposal for a directive Article 10 – paragraph 5**

##### *Text proposed by the Commission*

5. Certification for apartments or units designed for separate use in building blocks may be based:

(a) on a common certification of the whole building for blocks with a common heating system or

(b) on the assessment of *another representative apartment in the same building block*.

##### *Amendment*

5. Certification for apartments or units designed for separate use in building blocks may be based:

(a) on a common certification of the whole building for blocks with a common heating system or

(b) on the assessment of *the energy performance of that apartment or unit*.

*The certificate of the building, based on the evaluation of the energy performance of the building, shall be displayed in a prominent place clearly visible to the public concerned.*

Or. en

*Justification*

*The certification should be based only on the evaluation of the energy performance of the apartment concerned or of the whole building. The certificate of the building should be displayed in a prominent place clearly visible to the public concerned.*

**Amendment 35**

**Proposal for a directive  
Article 10 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. The Commission shall design a common European label entitled "most energy efficient building" to be displayed in buildings which satisfy the minimum requirements for energy performance and implement the recommendations included in the energy performance certificate.***

Or. en

*Justification*

*This label will be an incentive for local, regional and national authorities to implement the recommendations included in the energy certificate performance.*

**Amendment 36**

**Proposal for a directive  
Article 10 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. The Commission shall adopt, by 30 June 2010, guidelines specifying minimum standards for the content and presentation of energy performance certificates. The content of the certificate shall be in both the languages of the owner and of the tenant. That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny***

*referred to in Article 21(2).*

*Each Member State shall recognise certificates awarded by other Member States in accordance with these guidelines and shall not restrict the freedom to provide financial services for reasons relating to the certificate issued in another Member State.*

Or. en

#### *Justification*

*It is important to have common European guidelines specifying minimum standards for the content and presentation of the energy performance certificate. This common standards will improve the information available to the public concerning energy performance of buildings.*

### **Amendment 37**

#### **Proposal for a directive Article 11 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that an energy performance certificate is issued for buildings or parts thereof which are constructed, sold or rented out **and** for buildings where a total useful floor area over 250 m<sup>2</sup> is occupied by a public authority.

##### *Amendment*

1. Member States shall ensure that, **by 30 June 2012**, an energy performance certificate is issued for buildings or parts thereof which are constructed, sold or rented out, for buildings where a total useful floor area over 250 m<sup>2</sup> is occupied by a public authority **and for buildings frequently visited by the public with a total useful floor area over 250 m<sup>2</sup>.**

Or. en

#### *Justification*

*In order to improve the energy performance of buildings where a total useful floor area over 250 m<sup>2</sup> is occupied by a public authority and for buildings frequently visited by the public with a total useful floor area over 250 m<sup>2</sup> the energy performance certificate shall be obtained until 30 June 2012.*

## Amendment 38

### Proposal for a directive Article 11 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. 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.***

Or. en

#### *Justification*

*In order to improve energy performance of a building, the interested person should be able to ask for such a certificate, irrespective of whether the building is being constructed, refurbished rented out or sold.*

## Amendment 39

### Proposal for a directive Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Member States shall take measures to ensure that where a total useful floor area over 250 m<sup>2</sup> ***of a building for which an energy performance certificate has been issued 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.

2. Member States shall take measures to ensure that where a ***building has a*** total useful floor area over 250 m<sup>2</sup> ***and*** is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.

Or. en

#### *Justification*

*As in the case of public authorities, in the case of buildings having a total useful floor area over 250 m<sup>2</sup> and is frequently visited by the public, the energy performance certificate should be displayed in a prominent place clearly visible to the public.*

## Amendment 40

### Proposal for a directive

#### Article 13 – paragraph 4 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*Where the Commission considers that the report by the Member State referred to in the second subparagraph does not demonstrate the equivalence of a measure referred to in the first subparagraph, it may, within 6 months of receiving the report, request that the Member State either produce further evidence or implement specific additional measures. If, within one year of making this request, the Commission is not satisfied with the evidence provided or additional measures implemented, it may withdraw the derogation from paragraphs 1, 2 and 3.*

Or. en

#### *Justification*

*It is important to define a clear procedure for the approval in the case of the use of the derogation from paragraphs 1, 2 and 3. Member States need certainty when applying these derogations.*

## Amendment 41

### Proposal for a directive

#### Article 14 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*2a. In laying down the measures referred to in paragraphs 1 and 2, Member States shall, as far as is economically and technically feasible, ensure that inspections are carried at the same time as inspections of heating systems referred to in Article 13, to minimise the costs imposed on building owners and tenants.*

Or. en

## Amendment 42

### Proposal for a directive Article 14 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***4. By derogation from paragraphs 1 and 2 Member States may decide to take measures to ensure the provision of advice to users on the replacement of air conditioning systems or on other modifications to the air conditioning system which may include inspections to assess the efficiency and appropriate size of the air conditioning system. The overall impact of this approach should be broadly equivalent to that arising from the provisions set out in paragraphs 1 and 2. Where Member States apply the measures referred to in the first subparagraph, they shall by 30 June 2011 at the latest, submit to the Commission a report on the equivalence of those measures to measures laid down in paragraphs 1 and 2. Member States shall submit these reports to the Commission every three years. The reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. Where the Commission considers that the report by the Member State referred to in the second subparagraph does not demonstrate the equivalence of a measure referred to in the first subparagraph, it may, within six months of receiving the report, request that the Member State either produce further evidence or implement specific additional measures. If, within one year of making this request, the Commission is not satisfied with the evidence provided or additional measures implemented, it may withdraw the derogation from paragraphs 1, 2 and 3.***

Or. en

*Justification*

*It is important to have the same procedure for derogations as in the case of heating systems.*

**Amendment 43**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

Experts shall be accredited taking into account their competence and their independence.

*Amendment*

Experts shall be accredited taking into account their competence and their independence. ***Member States shall make available to the public information on training and accreditation schemes referred to in paragraph 1. Member States shall also make available the list of accredited experts.***

***By 2011 the Commission shall establish guidelines including minimum standards for the regular training and accreditation of experts. That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).***

***Each Member State shall recognise accreditation awarded by other Member States in accordance with these guidelines and shall not restrict the freedom to provide services or the freedom of establishment for reasons relating to the accreditation issued in another Member State.***

***Member States shall not establish unreasonable barriers to the accreditation of persons meeting minimum standards under the Commission guidelines.***

Or. en

*Justification*

*For the implementation of this Directive it is important to assure the access to the information related to the accredited experts. The mutual recognition of the accreditation given by*

*another Member State will accelerate the implementation of the directive. The mutual recognition should be based on the guidelines established by the Commission, before 1 January 2011.*

#### **Amendment 44**

##### **Proposal for a directive Article 18**

###### *Text proposed by the Commission*

The Commission, assisted by the Committee established by Article 20, shall evaluate this Directive in the light of experience gained during its application, and, if necessary, make proposals with respect to, inter alia:

- (a) methodologies to rate the energy performance of buildings on the basis of primary energy use and carbon dioxide emissions;
- (b) general incentives for further energy efficiency measures in buildings.

###### *Amendment*

The Commission, assisted by the Committee established by Article 20 shall **by 2015** evaluate this Directive in the light of experience gained during its application, and, if necessary, make proposals with respect to, inter alia:

- (a) methodologies to rate the energy performance of buildings on the basis of primary energy use and carbon dioxide emissions;
- (b) general incentives for further energy efficiency measures in buildings;
- (ba) establishing a Community-wide requirement for existing buildings to have both primary energy consumption and carbon dioxide emissions which are low or zero.***

Or. en

###### *Justification*

*The progress report presented by the Commission should analyse the current status of the implementation of the directive and shall propose measures for the increase of the percentage of existing buildings that have both primary energy consumption which are low or zero and carbon dioxide emissions.*

#### **Amendment 45**

##### **Proposal for a directive Article 19 – paragraph 2**

###### *Text proposed by the Commission*

Member States shall in particular provide

###### *Amendment*

Member States shall in particular provide

information to the owners or tenants of buildings on energy performance certificates and inspection reports, their purpose and objectives, on cost-effective ways to improve the energy performance of the building and on mid- and long-term financial consequences if no action is taken to improve the energy performance of the building.

information to the owners or tenants of buildings on energy performance certificates and inspection reports, their purpose and objectives, on cost-effective ways to improve the energy performance of the building and on mid- and long-term financial consequences if no action is taken to improve the energy performance of the building. ***Information campaigns shall aim to encourage owners or tenants to meet and go beyond minimum standards.***

Or. en

#### *Justification*

*Information campaigns should present the strategic objectives of the European Union related to the improvement of energy efficiency and the measures designed to support public authorities, businesses and households to improve the energy efficiency of buildings.*

#### **Amendment 46**

##### **Proposal for a directive**

##### **Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall also ensure, with participation from local and regional authorities, that suitable guidance and training is made available for those responsible for implementing this Directive through planning and enforcement of building standards. In particular such guidance and training shall reinforce the importance of improving energy performance and shall enable consideration of the optimal combination of improvements in energy efficiency, use of renewable energy and use of district heating and cooling when planning, designing, building and renovating industrial or residential areas.***

Or. en

### *Justification*

*It is important that suitable guidance and training to be made available through planning and enforcement of building standards. In particular such guidance and training should reinforce the importance of improving energy performance and should enable consideration of the optimal combination of improvements in energy efficiency, use of renewable energy and use of district heating and cooling when planning, designing, building and renovating industrial or residential areas.*

### **Amendment 47**

#### **Proposal for a directive**

#### **Article 19 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall take the necessary measures to train more installers and to ensure training to a higher level of competence for the installation and integration of the energy efficient and renewable technology required, so as to enable them to play the key role they have to support the improvement of building energy efficiency.***

Or. en

### *Justification*

*It is important that suitable training to be made available to installers. Such training should reinforce the importance of improving energy performance.*

### **Amendment 48**

#### **Proposal for a directive**

#### **Article 19 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***By 2010, the Commission shall establish a website, which shall contain the following information:  
(a) the latest version of every Energy Efficiency Action Plan referred to in Article 14(2) of Directive 2006/32/EC;***

*(b) details of European measures currently in place at Community level to improve the energy performance of buildings, including any applicable financial/fiscal instrument, appropriate application or contact details;*  
*(c) details of national action plans and of national, regional and local measures currently in place in each Member State to improve the energy performance of buildings, including any applicable financial or fiscal instrument, any appropriate application or contact details;*  
*(d) examples of best practice at national, regional and local level on improving the energy performance of buildings.*  
*The information referred to in the first subparagraph shall be in a form which is easily accessed and understood by ordinary tenants, owners and businesses from all Member States, as well as by all local, regional and national authorities. It shall be in a form which will assist these individuals and organisations to easily assess the support available to them to improve the energy performance of buildings, and to compare support measures between Member States.*

Or. en

#### *Justification*

*The implementation of the Directive shall be accelerated by the creation of a web site, build and updated by the Commission together with Member States, aimed at helping Member States and other interested parties to receive and share information on best practices and on the national programs and on the financial/fiscal instruments available.*

#### **Amendment 49**

##### **Proposal for a directive Article 22**

###### *Text proposed by the Commission*

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this

###### *Amendment*

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this

Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall communicate those provisions to the Commission by 31 December 2010 at the latest and shall notify it without delay of any subsequent amendment affecting them

Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall communicate those provisions to the Commission by 31 December 2010 at the latest and shall notify it without delay of any subsequent amendment affecting them. ***Member States shall provide evidence for the effectiveness of the rules on penalties in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC***

Or. en

### *Justification*

*It is important to make an analysis of the effectiveness of the penalties applied by Member States.*

## **Amendment 50**

### **Proposal for a directive Annex IV a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Annex V***

***Financial instruments for improving the energy performance of buildings  
Member States shall implement one or more of the following:***

- (a) VAT reductions for energy saving, high energy performance and renewable energy goods and services;***
- (b) other tax reductions for energy saving goods and services or energy efficient buildings, including fiscal rebates on income or property taxes;***
- (c) direct subsidies;***
- (d) subsidised loan schemes or low interest loans;***
- (e) grant schemes;***
- (f) loan guarantee schemes;***

***(g) requirements on or agreements with energy suppliers to offer financial assistance to all categories of consumer, including Energy Performance Contracting.  
Financial or fiscal incentives should support the execution of the recommendations included in the energy performance certificate.***

Or. en

#### *Justification*

*Linked technically to Amendments 31. As the Commission is proposing an approach that will potentially lead to more stringent and more widely applied minimum standards, as well as new targets for low and zero-carbon/energy buildings, it is necessary to set where the financing for these new standards/ targets will come from.*

## EXPLANATORY STATEMENT

### **The Importance of Energy Efficiency**

Europe faces a series of major short, medium and long term challenges relating to energy supply and demand.

***Europe needs a sustainable, low carbon future.*** The EU has set itself very ambitious targets for 2020: cutting greenhouse gases by 20% (30% if international agreement is reached), saving 20% of energy consumption through increased energy efficiency and meeting 20% of our energy needs from renewable sources.

***The EU also faces a considerable economic downturn.*** GDP declined by 0.2% in the EU27 during the third quarter of 2008, compared with the previous quarter. In the euro area (EA15) seasonally-adjusted unemployment rate was up to 7.8% in November 2008.

***The price and reliability of energy supply will be a critical factor in both EU competitiveness and the wellbeing of its citizens.*** At EU level, over the last two years, energy prices for households have increased substantially: by 15% for electricity, 21% for gasoil and 28% for natural gas. This will have had significant impacts on the most vulnerable members of society.

***Promoting 'green jobs' has the potential to be a critical part of the EU recovery plan.*** Investments in energy efficiency, which are often labour intensive, have a particularly important role to play in job creation. Research commissioned by the Commission indicates that investments in energy efficiency generate as much or more employment as investments in traditional infrastructures (road, bridges, or energy transmission).

***The gas crisis at the end of 2008 and the beginning of 2009 underlined the challenges to the EU's security of supply, and its dependency on external gas supply.*** The EU-27 depends on imports for 51% of its energy needs.

Increasing energy efficiency is the most cost effective way for the EU to: deliver its CO<sub>2</sub> emissions goals, create jobs, reduce costs for business, address the social impacts of energy price rises and reduce the EU's growing dependency on external energy suppliers.

Improving the energy performance of buildings, which represents around 40% of energy consumption, is a particularly critical step. Given the context described above, it is now the right moment for the EU to revisit and improve the Energy Performance of Buildings Directive.

### **Barriers to Progress**

The Commission's stated intention in proposing this recast is two-fold:

- To apply the experience obtained since the original Directive came into force in 2002;
- To ensure a more uniform and rigorous application of the provisions of this legislation.

The principle of the recast has been broadly welcomed within the construction and energy sectors. But this does not mean however that it does not require close examination and amendment.

In particular, the recast faces a challenge given the disappointing level of implementation of the current Directive. 22 Member States claim full transposition, but the Commission has expressed disappointment with the level of implementation of energy efficiency measures in many Member States; and (although there is no concrete data) the perception is that number of new buildings and renovations incorporating significant energy efficiency improvements are low in many Member States.

Some of the barriers to progress are:

**1. Lack of awareness about the possibility of financial savings.** This barrier must be removed by information campaigns.

**2. Uncertainty and mistrust about the quantity of the savings that will be achieved.** Certification and quality management can help to increase the confidence in the results of energy saving measures.

**3. Lack of access to finance for large investments in energy saving measures.** Governments should set up financial support programs and help to ensure banks can offer finance.

**4. The 'effort' involved - particularly for refurbishment and renovation.** Information campaigns and support programs should focus on natural investment opportunities, e.g. when occupation changes, combined with district upgrading programs.

### **Improvements needed to the Directive**

#### ***Finance:***

The Directive should reflect the need for adequate financing to accompany the minimum standards and requirements that will be established. The aim of the Directive will be achieved only if a mix of financial instruments is made available - ideally targeting the most vulnerable households.

There are many potential instruments that Member States and/or the Commission can and should deploy:

- Direct public expenditure projects.
- Loan guarantees and subsidies (useful when it is difficult to obtain credit).
- Social grants.
- VAT reductions for services and products related to the improvement of energy efficiency of buildings
- Property tax reductions.
- Innovative financing models - e.g. financing through repayments based on savings made on energy bills.
- The creation of the European Energy Efficiency and Renewable Energy Fund to support the implementation of this Directive

Until now, the limited use of the structural funds for the energy efficiency of buildings has been allowed only for those Member States that acceded to the European Union on or after 1 May 2004. The Commission has proposed to extend this opportunity to all Member States. The Rapporteur proposes an increase from 3% to 15% in the maximum amount of ERDF funding which can be allocated to such projects.

### ***Information and Awareness***

It is vital that all relevant actors are made aware of the benefits of improving energy performance, and have access to relevant information on how to go about it. Member States should be able to exchange information related to best practice.

A common European resource - a website and a database - should be developed containing all applicable legislation, all public programs promoting low CO<sub>2</sub> emission and energy-efficient buildings and the applicable financial and fiscal instruments.

Information and awareness campaigns should focus on aspects not covered by the minimum standards.

### ***Local and regional authorities***

Member States have an important role in the implementing improvements to energy performance of building

Local and regional authorities should be consulted in the development of the Standardised Methodology for calculating minimum standards methodology.

In addition, Member States must ensure that guidance and training is made available to planners and building inspectors so that they are able properly to consider the optimal combination of renewable energy sources, of high-efficiency technologies and of district heating and cooling when planning, designing, building and renovating industrial or residential areas.

### ***Energy Performance Certificates***

'Energy performance' as defined by the Directive may not reflect actual energy use. For buildings where a total useful floor area over 250 m<sup>2</sup> is occupied by a public authority ***and for buildings frequently visited by the public with a total useful floor area over 250 m<sup>2</sup> it is relevant to***.

provide and display information on actual energy use in the Energy Performance Certificates

Information contained in the display of Energy Performance Certificates in building occupied by public authorities and for other buildings frequented by the public must be accessible and easily comparable. Common standards for display, including a common energy label for such buildings, should be developed by the Commission.

As buildings occupied by public authorities must play an exemplary role in demonstrating and promoting energy efficiency, it reasonable to require them to implement recommendations contained within the EPC in a reasonable timeframe. All building owners, however, should

have the right to initiate or revise an EPC at any time, using different experts if they disagree with the recommendations provided.

Finally, it is vital that there is greater standardisation and mutual recognition both for EPCs and the training and accreditation of the experts that provide them, across Member States. The Commission should develop common guidelines for both, which should enable this.

### ***Minimum Standards***

Your Rapporteur supports the Commission's approach of ensuring convergence between Member States on the basis for their Minimum standards, and the broad timetables proposed. The approach will allow for flexibility reflecting geographical and climatic differences, whilst also ensuring standards are rigorous and well founded. However, some small improvements are needed.

Given continual improvements in technological and construction know-how, and in the light of the experience of Member States in application, it is logical that the Commission should regularly review and update the standardised methodology for calculating cost optimal energy efficiency.

Member States should not be incentivising new buildings that do not meet the cost optimal levels of energy performance implied by the standardised methodology after 2014. However, your Rapporteur is concerned that applying this timescale to refurbishments is problematic - planning and executing large-scale refurbishment projects is lengthy, so a date of 2014 may mean that important large-scale projects in many countries are delayed and disrupted.

On Exemptions, your Rapporteur sees no reason why secondary residences should be exempted from minimum standards. However, your Rapporteur considers that two years is too short a period for defining a building under temporary use - for example, large companies will need to take up temporary residence in buildings for longer periods whilst their main headquarters are refurbished.

The Rapporteur agrees with the Commission's proposal to extend minimum standards are applied to all large refurbishments. But an exemption based on technical and economic feasibility applies. It is probable that different Member States and even different local enforcement agencies will define feasibility in different ways, so clear guidance is needed in this area.

### ***Low and zero carbon buildings.***

The Commission's proposals here can be strengthened. There is no reason why all new buildings should not meet this standard by 2020. Public buildings should meet it earlier.

The Commission should come forward, by 2013 with a proposal for a common definition of low or zero carbon buildings and a comparative methodology to be used by Member States in refining their national plans and definitions. To ensure that these are rigorous, effective and properly considered, they should be a matter for Co-decision, not Comitology.

### ***Inspection of heating and air conditioning systems.***

As inspections of heating and air conditioning systems may be a considerable bureaucratic burden on building owners, it is vital that inspections are aligned, ideally so that both inspections happen at the same time.

The Commission provides a derogation from regular inspections of heating systems if Member States take other measures which are 'equivalent'. The same rule should apply to air conditioning systems. But the Commission appear to have no means to block the derogation if, in its opinion, the measures are not, in fact, equivalent. This must be rectified.