

Det Enerkipolitiske Udvalg  
EPU alm. del - Bilag 84  
Offentligt



**Dansk ventilation**

"Branche forening for godt indeklima"

**Sekretariat**

Wiltersvej 6

4180 Sorø

Tel. +45 5783 0909

E-mail: [dansk.vent@mail.tele.dk](mailto:dansk.vent@mail.tele.dk)

[www.danskventilation.dk](http://www.danskventilation.dk)

Sorø den 3. december 2008

Folketinget Christiansborg  
1240 København K

Folketingets Enerkipolitiske udvalg

Att: Formand Jens Kirk.

Hermed fremsendes yderligere undebygning af de forhold vi fremlagde ved vores foretræde for udvalget.

Vi er naturligvis til rådighed for yderligere drøftelser med Dig og din gruppe eller med udvalget om dette kunne være nyttigt, for de bestræbelser der – når de realiseres, så vil virke effektivt og hurtigt.

I øvrigt henviser jeg til dagens – onsdag den 3 decembers artikel i Børsen, angående ESCO projekter side 4 – 5 i sektionen for energi-miljø.

Med venlig hilsen

  
Christen Galsgaard  
dir



**Dansk ventilation**

"Branche forening for godt indeklima"

Wiltersvej 6  
4180 Sorø

**Sekretariat**

+45 5783 0909

E-mail: [dansk.vent@mail.tele.dk](mailto:dansk.vent@mail.tele.dk)

[www.danskventilation.dk](http://www.danskventilation.dk)

Folketingets Energipolitiske udvalg.

Att: Formanden.

Sorø 2. december 2008.

Kære Jens Kirk.

Først en tak for den udbytterige modtagelse vi fik ved vores foretræde for udvalget, den 6 november, samt den rummelighed der var fra formanden og udvalgets medlemmer, for at lytte og spørge ind til vores argumentation.

Vi tillader os som opfølgning på dette, samt en direkte opfølgning på vores mange aktiviteter, at fremføre de seneste argumenter der fokuserer på behovet for realisering af de skærper som I allerede har givet udtryk for at ville fremme.

Vi medsender papir version af det nyeste forslag til Commissionen, "On the energy performance of buildings" hvor vi fremhæver de mange områder, hvor de forslag der arbejdes med i styrelserne, ligger på linie, - og hvor commissionsforslaget er en yderligere cementering af behovet for inspektion af varme og ventilationsinstallationer, forud for ibrugtagning.

Vores beregninger, som vi har fremlagt for Folketingets Energipolitiske Udvalg, ligger på linie med de beregninger som indgår i Commissionsforslaget, afsnit 1.2.

Vi har foruden de argumenter der tidligere er fremført fra vor side, konstateret at commissionen har noteret behovet for at påbegynde processen med at harmonisere beregningsmetoden for energiforbruget. Det er hensigtsmæssigt, for således at kunne kapitalisere dette på en intereuropæisk form. Dette er anført i afsnit 6 Art 4.

Vi har i de sidste tre år bearbejdet denne problemstilling på nordisk plan. Det er en større sag, da ressort ansvaret er forskelligt placeret i de forskellige landes myndighedshierakier.

Vi vil tillade os at gøre commissionsforslagets markeringer i afsnit 2.3 afsnit 3.2 til vores argumenter. Såvel som afsnittene 5.1 - 5.3 og de markerede artikler i afsnit 6 til vores forslag, som vi hermed videregiver til udvalget.

Vi vil måske som Cato gentage os selv, "I øvrigt mener vi det er NØDVENDIGT, at indføre krav om uvildig inspektion af nye anlæg i både eksisterende såvel som nye byggerier".

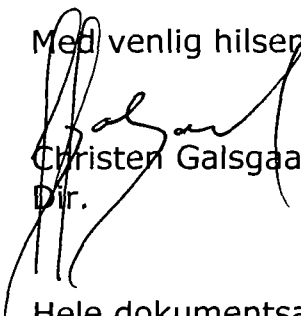
Det er dog uafvigeligt, at følgevirkningen af denne uvidenhed – eller ligegyldighed, medfører at det ikke er kendt at 40 % af energiforbruget anvendes til opvarmning.

Befolkningens, - og beslutningstageres uvidenhed om perspektiverne ved at reducere dette, medfører at kun en mindre del af beslutningstagere er aktive omkring de store økonomiske besparelser der ligger i at reducere energiforbruget. Afsnit 6 artikel 19.

Dette skisma var Folketingets Energipolitiske udvalg, særligt uforstående overfor, da

" Det er da sund logik at ejere realisere de tiltag der giver så markante besparelser" – "endda så store økonomiske besparelser".

Med venlig hilsen



Christen Galsgaard  
Dir.

Hele dokumentindsamlingen vedr. Commissionsforslaget kan ses på

Link to Recast Energy Performance of Buildings Directive (2008/0780):

[http://ec.europa.eu/energy/strategies/2008/doc/2008\\_11\\_ser2/buildings\\_directive\\_proposal.pdf](http://ec.europa.eu/energy/strategies/2008/doc/2008_11_ser2/buildings_directive_proposal.pdf)

Struktur i EU procedure vedr. Byggeri.

Link to the current EPDB: EPBD Buildings platform:

<http://www.buildingsplatform.org/cms/>

## Energirenovering

Onsdag den 3. december 2008

# Regeringen blokerer for gratis CO<sub>2</sub>-gevinst i kommuner

Anlægsloft bremser kommuner i at hente store, gratis CO<sub>2</sub>-besparelser i bygninger via den såkaldte ESCO-model. Venstre vil rejse sagen i regeringen. Markedet for energirenovering af offentlige bygninger anslås til ca. 12 mia. kr.

af JACOB MARSH

Regeringen er godt i gang med selv at sparke ben for Anders Fogh Rasmussens V's grønne vækstplan. Mens statsministeren taler om at klimavenlige investeringer

skal sætte gang i økonomien, blokerer Velfærdsministeriet for kommunale energirenoveringer i milliardklassen, som kommunerne kan få gennemført uden at trække en krone op af pengeskassen takket være den selvmansienende ESCO-model. Problemet er, at anlægsloftet tvinger kommunerne til at fravælge oplagte ESCO-projekter til fordel for mere akutte anlægsprojekter.

»Det er helt hen i vejret,« siger sektionsleder på Teknologisk Institut Hans Andersen.

»Kommunerne kan med sikkerhed spare 10-20 og måske 30 pct. af energiforbruget ved hjælp af ESCO-projekter over en tiårig periode. Men anlægsrammen tvinger kommunerne til at prioritere energibesparelserne i forhold til f.eks. slibte skoler og veje. I den situation havner energibesparelser ofte

højest i køen,« siger Hans Andersen.

I de såkaldte ESCO-projekter, som er vidt udbredt bl.a. i England, Sverige og USA, går en privat entreprenør ind og garanterer energireduktioner på el- og varmeregningen. Besparelserne finansierer anlægsudgiften til selve energirenoveringen over typisk 5-10 år, så CO<sub>2</sub>-indsatsen er budgetneutral for kommunen. Og det er endnu ESCO-virksomheden, der hænger på regningen, hvis besparelsen skuffes.

En række partier foreslår at fritage ESCO-projekter fra anlægsrammen for at opnå gratis CO<sub>2</sub>-besparelser. Det har regeringen hidtil afvist, for ikke at risikere overophedning i byggeriet. Men det argument holder ikke længere, fastslår Dansk Byggeri. Tværtimod.

»Byggebranchen sender folk

hjem i bundler i øjeblikket. Derfor kan man roligt trække ESCO ud af anlægsloftet. Det kunne på en gang fremme offentligt og privat samarbejde og skabe et stort marked for energibesparelser,« siger Michael H. Nielsen, direktør i Dansk Byggeri.

Brancheforeningen anslår, at det potentielle marked for energirenovering - fra isolering til elinstallationer - alene i offentlige bygninger er på omkring 12-15 mia. kr. Heraf kan ESCO-projekterne udgøre en betydelig del.

»Desværre kan vi konstatere, at ganske få kommuner viser vejen. Middelfart er den eneste, som for alvor er i gang, og det er fordi, kommunen fik dispensation fra anlægsrammen,« siger Michael H. Nielsen.

Netop i denne uge går også Vallensbæk og Kalundborg

kommuner ud med nye ESCO-projekter, der skal barbere henholdsvis 31 og 20-30 pct. af bygningernes energiforbrug i løbet af 10 år. Begge projekter har en anlægsinvestering på ca. 20 mio. kr., som ESCO-selskaberne skal hente hjem via besparelser på el- og varmeregningen.

ESCO-virksomheden TAC, der ejes af Schneider Electric, har vundet Kalundborg-projektet og står også bag Danmarks første kommunale ESCO-projekt i Middelfart.

Virksomheden, der har gang i ca. 300 ESCO-projekter på globalt plan, glæder sig over forgangsprojekterne i Danmark, men forretningsområdechef Morten Dahl understreger, at der er lang vej til det store gennembrud.

»Dem, der går foran, gør det af idealistiske grunde, og derfor prioriterer de energitiltag,

Cheminova

Onsdag den 3. december 2008

Borsen 5

**Energibesparelse finansierer renovering**



ESCO-talere afleverer en klar energiregning på et målested efterhånden som nye ESCO-tilbud kommer på markedet. Der er allerede et stort antal projekter i gang, og forventes at blive endnu flere i de kommende år.

Jeg tror, det bliver rigtig svært at få den store gruppe af kommunerne med, så længe ESCO tæller med i anlægsrammen», siger Morten Dehl, som henviser til erfaringer fra USA, hvor modelen klarer sig godt i de stater, hvor ESCO trækkes ud af de generiske budgetrammer, mens det ikke kommer i gang, hvor kommunens er mere restriktive. Regeringen har en klar ambition om at sætte ind overfor energiforbruget i offentlige byg-

ninger. Senest har regeringen fremlagt pålagt bygningssejere at skære 10 pct. af energiforbruget i alle statslige bygninger i perioden 2006-2011. I udsættelsen inkluderer bl.a. ESCO-projekter på tre af landets universiteter. Men der ikke noget rygstød på vej til de kommunale ESCO-projekter, hvis det står til velfærdsminister Karen Jespersen, som fastholder, at energispareprojekter skal indgå i næste års anlægsramme på 15,4 mia. kr.

»Anlægsniveauet på de ca. 15 mia. kr. er fastlagt for at sikre, at dansk økonomi ikke risikerer overophædning som vil føre til stigende arbejdsløshed. Vi følger selvfølgelig den økonomiske situation nøje, men der er ingen aktuelle planer om at ændre på den indgåede økonomiaftale», siger Karen Jespersen.

Ministeren kommer dog til at overveje sit svar. Venstres energifordfører Lars Christian Lilleholt vil nemlig drøfte med ministeren, om man bør ophæve anlægsloftet især for de selvfinansierende ESCO-projekter.

»Det er måske en diskussion værd. Er der metoder, som kan reducere CO<sub>2</sub>-udslippet og sætte gang i byggeaktiviteter uden at belaste kommunernes økonomi, må vi overveje, om de kan træmmes», siger Lars Christian Lilleholt.

Hos Socialdemokraterne er energifordfører Mette Gjørskov frustreret over regeringens besparende for ESCO-projekterne:

»Vi havde håbet, at der ville være en åbenbar efter statsministerens grønne forvandling. Danmark skal jo leve op til sine internationale CO<sub>2</sub>-forpligtelser, og derfor er det tabeligt ikke udnytte muligheden for gratis CO<sub>2</sub>-besparelser ved hjælp af ESCO.»

af Morten Zborzen, FA

**Vallensbæk går foran med nyt ESCO-projekt**

41 skoler, idrætshaller, børnehaver og andre bygninger i Vallensbæk Kommune står foran energirenoveringer, der i løbet af 10 år skal reducere energiforbruget med 31 pct. Endda uden det koster byens skatteborgere en krone. Det står klart efter, at kommunen mandag underskrev en såkaldt ESCO-kontrakt med firmaet Dansk Energi Management.

ESCO-aftalen indebærer, at energibesparelsen skal finansiere anlægsomkostningerne på ca. 20 mio. kr. Hvis reduktionen på de 31 pct. effektueres, er det Dansk Energi Management, der hænger på regningen. Efter 10 år, når aftalen er udløbet, er det kommunen selv, der bærer besparelsen på el- og varmeregningen.

»Det er meget stolte over aftalen. Den sikrer CO<sub>2</sub>-besparelser, forbedrer vores bygninger, og på sigt bringer den også driftsomkostningerne ned», siger borgmester i Vallensbæk Kurt Høckerup (K).

Selv om indsatsen er budgetneutral for Vallensbæk, har kommunen været nødt til at prioritere energirenoveringen i forhold til andre anlægsprojekter, da ESCO tæller med i kommunernes anlægsramme.

»Det har vi kunnet gøre, fordi vi har plads i vores anlægsramme i 2009», siger Kurt Høckerup.

Han erkender, at andre kommuner med store efterslæb på traditionel renovering af skoler, børnehaver og plejehjem, kan have svært ved at prioritere energioptimering i anlægsrammen.

»Det er helt forkert, hvis andre kommuner må gå glip af ESCO-muligheden på grund af anlægsrammen. Det bør man lave om», siger Kurt Høckerup.

I Vallensbæk skal energibesparelsen bl.a. hentes ved udskiftning af ventilationsanlæg, etablering af automatik og isolering. Desuden vil Dansk Energi Management også opnå besparelser ved at ændre personalets adfærd. jam



Svend Erik Bjerre, driftsleder hos Chemnova, er fotografieret ved virksomhedens brændedel.

Hvad kan din virksomhed få



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.11.2008  
COM(2008) 780 final

2008/0223 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the energy performance of buildings**

**(recast)**

(presented by the Commission)

{SEC(2008) 2864}

{SEC(2008) 2865}

# COMMUNICATION FROM THE COMMISSION

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### 1.1. Objective

The aim of the recast of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings<sup>1</sup>, hereafter referred to as "EPBD", is to clarify and simplify certain provisions, extend the scope of the Directive, strengthen some of its provisions so that their impact is more effective, and to provide for the leading role of the public sector. In doing so, the transposition and implementation of the EPBD is to be facilitated and a significant portion of the remaining cost-efficient potential in the buildings sector will be reaped. At the same time, the objectives and principles of the current Directive are retained and it is again left to Member States to determine the concrete requirements and ways to implement it as before.

#### 1.2. EU policy objectives and the buildings sector

In January 2007, the Commission proposed a comprehensive climate and energy package<sup>2</sup> containing targets of 20-20-20% reduction of energy consumption and greenhouse gas emissions, and increased share of renewables by 2020. This was endorsed by the 2007 Spring European Council. These targets have been adopted in the light of the mounting scientific evidence of climate change, high energy prices and the growing import energy dependency and its possible geo-political repercussions. The reduction of energy consumption can clearly make a significant contribution to achieving these targets. The buildings sector provides many cost-efficient opportunities for action, while at the same time contributing to the welfare of EU citizens.

The buildings sector – i.e. residential and commercial buildings - is the largest user of energy and CO<sub>2</sub> emitter in the EU and is responsible for about 40% of the EU's total final energy consumption and CO<sub>2</sub> emissions. The sector has significant untapped potential for cost-effective energy savings which, if realized, would mean that in 2020 the EU will consume 11% less final energy. This in turn translates to a number of benefits, such as reduced energy needs, reduced import dependency and impact on climate, reduced energy bills, an increase in jobs and the encouragement of local development.

Buildings essentially correspond to the needs and preferences of all European citizens in their specific environments and are therefore often regarded as a key matter of competence for local, regional and national authorities. At the same time, construction products, appliances and services are an important part of the EU internal market and nowadays many workers and businesses are not limited to a single country. Furthermore, the building sector is crucial to meet the energy and climate objectives at the least possible cost to individuals and society in all countries and the added value of common efforts is significant. This further justifies action at EU level.

---

<sup>1</sup> OJ L 1, 4.1.2003, p. 65–71

<sup>2</sup> COM (2007) 1

## **2. EXISTING COMMUNITY PROVISIONS**

### **2.1. Energy Performance of Buildings Directive**

The EPBD is the main Community legal tool that provides for a holistic approach towards efficient energy use in the buildings sector. The EPBD's main objective is to promote the cost-effective improvement of the overall energy performance of buildings. Its provisions cover energy needs for space and hot water heating, cooling, ventilation and lighting for new and existing, residential and non-residential buildings. Most of the existing provisions apply to all buildings, regardless of their size and whether in residential or non-residential use. Some provisions only apply to specific building types. The Directive combines, in a legal text, different regulatory (such as the requirement for Member States to set energy performance requirements for new and large existing buildings that undergo major renovation) and information-based instruments (such as energy performance certificates, inspection of heating and air-conditioning requirements).

The EPBD does not fix EU-wide levels, but requires Member States to lay down the concrete requirements and relevant mechanisms. Thus, its approach takes national/regional boundary conditions, like outdoor climate and individual building traditions fully into consideration. Member States can go beyond the minimum requirements set in the Directive and be more ambitious. There was a delay in the EPBD's implementation, but now 22 Member States declare full transposition (under evaluation by the Commission). One of the main contributions of the EPBD so far, has been in bringing energy efficiency in buildings onto political agendas, its' integration into building codes and to the attention of citizens.

### **2.2. Other regulatory instruments**

Apart from the EPBD, there are a number of other Directives dealing with energy aspects in the buildings context, e.g. Eco-design of Energy-using Products Directive (2005/32/EC)<sup>3</sup>, Directive on the Promotion of Cogeneration (2004/8/EC)<sup>4</sup>, Energy End-use Efficiency and Energy Services Directive (2006/32/EC)<sup>5</sup>, and the proposed Directive on the Promotion of the Use of Energy from Renewable Sources<sup>6</sup>. Relevant provisions on buildings can also be found in the Construction Products Directive (89/106/EEC)<sup>7</sup>; and in the Sustainable Production and Consumption and Sustainable Industrial Policy Action Plan<sup>8</sup>.

Although these Directives are not explicitly mentioned in the proposal, as this is not a legal practice, they are an inseparable part of a mix of tools to promote sustainable construction and use of the EU buildings stock and Member States shall also take them into full account when developing their policies for the sector.

### **2.3. Need for further action?**

Despite the actions already undertaken, very large cost-efficient energy saving potential remains unexploited. This means that a lot of the potential social, economic and environmental benefits at national and EU level are not fully taken advantage of. This is due to the complexity of the sector and the existence of market failures, but also to some limitations of the wording and scope of some provisions of the current EPBD and the low level of ambition of its implementation by some Member States.

---

<sup>3</sup> OJ L 191, 22.7.2005, p. 29-58.

<sup>4</sup> OJ L 52, 21.2.2004, p. 50-60.

<sup>5</sup> OJ L 191, 22.07.2005, p. 29-58.

<sup>6</sup> COM(2008) 30

<sup>7</sup> OJ L 40, 11.2.1989, p.12-26

<sup>8</sup> COM(2008) 397/3



### **3. CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENT**

#### **3.1. Consultations, data collection and use of expertise**

The EPBD recast proposal has been developed on the basis of a broad range of contributions from Member States and interested parties, provided on various occasions including public online consultation. Comprehensive analysis of the impacts of the various options proposed was carried out with consideration being given to their economic, social and environmental impacts and taking into account the subsidiarity and proportionality principles.

#### **3.2. Impact Assessment**

The Impact Assessment (IA) clearly demonstrated that the revision of the EPBD is the appropriate action to meet EU policy objectives. The current Directive will be the starting point and form the 'backbone'. However, it should be emphasised that the solution lies in an integrated mix of policy instruments. Thus, other non-regulatory measures, although not sufficient on their own, are necessary to complement the implementation of the Directive. Therefore, the efforts in providing more information, training of experts, and agreeing on voluntary actions should be continued and further developed further. In addition, efforts are necessary to set financial and fiscal incentives at the right level to encourage an efficient use of resources.

The IA concluded that several aspects of the EPBD should be addressed in two ways. First, clarification of ambiguous wording needs to be introduced. Also, the use of recasting (vs amendment) was suggested. Second, the main pillars (energy performance requirements for new buildings and for existing ones that undergo major renovation; energy performance certificates; and the inspection of heating and air-conditioning systems) of the current Directive need to be strengthened. The options analysed within each pillar include a mix of policy instruments and also include non-regulatory alternatives. They would allow for the potential of the current EPBD to be fully realized and for its impact to be widened.

The minimum total impact of the options identified as being most beneficial and therefore considered to be included in this recast proposal and for which quantification was possible, is significant:

- 60 – 80 Mtoe/year energy savings by 2020, i.e. a reduction of 5-6% of the EU final energy in 2020;
- 160 to 210 Mt/year CO<sub>2</sub> savings by 2020, i.e. 4-5% of EU total CO<sub>2</sub> emissions in 2020;
- 280,000 (to 450,000) potential new jobs by 2020, mainly in the construction sector, energy certifiers and auditors and inspectors of heating and air-conditioning systems. New jobs would also be stimulated by the need for products, components and material used or installed in better performing buildings (these have not been quantified in the IA).

The investment requirements and the administrative costs are relatively low compared to the benefits and the returns. For example, abolishing the 1000 m<sup>2</sup> threshold of Article 6 of the current EPBD would lead to €8 billion/year additional capital investments, but would trigger €25 billion/year energy cost savings by 2020, which also means considerable negative CO<sub>2</sub> abatement costs. These calculations have been made on the basis of conservative estimates about oil prices.

The investment requirements are not equally distributed amongst EU citizens, i.e. there will be additional costs for those who make major renovations to their buildings or are engaged in property transaction. However, with high energy prices these initial investments will generate

attractive returns and will reduce energy bills. This will have positive direct and indirect effects throughout the whole economy.

The overall benefits for society in terms of reduction of energy consumption and thus reduced CO<sub>2</sub> emissions and energy import dependency, job creation, positive health and labour productivity far exceed the costs of the measures analysed. Investments on energy savings that pay for themselves by making the use of primary energy efficient also increase welfare.

Nevertheless, some of the requirements might be a burden to some low income households. Improvement of the quality of buildings is important way to achieving long-term solutions to the problems of high energy bills and for a better quality of life and other measures at the disposal of Member States should be used to support those in such need. The revised Directive supports the case of targeted funding tools. For example, it provides the basis for linking energy efficiency improvements included in the recommendations of the certificate and financial incentives.

The IA document published and its annexes provide detailed information on the various options considered and their impact, as well as the methodological approach for their evaluation.

#### **4. BUDGETARY IMPLICATIONS**

Member States authorities, in their replies to a questionnaire prepared by the Commission for the revision, estimated that the budgetary implications resulting from the Directive are not too substantial. In addition, the administrative impact is moderate. Reducing unproductive primary energy consumption in the buildings sector will lead to cuts in expenditure for households, businesses and public authorities managing and using these buildings. The monetary and economic benefits will be higher than the additional costs of realising the investments to save energy. The administrative costs and investments required are discussed in detail in the IA document. No substantial costs for the Community budget have been identified.

The enhanced requirements would increase the workload for the Commission and would require additional personnel (approximately three full-time officials).

#### **5. LEGAL ELEMENTS OF THE PROPOSAL**

##### **5.1. Summary of the proposed action**

In the proposal the objectives and main principles of the current EPBD are retained and the role of Member States in setting up the concrete requirements is also the same as in the current EPBD. The administrative burdens are kept to a minimum, but developed in order to achieve maximum effect. It is crucial that the current EPBD be properly implemented and on time. This proposal should not be an excuse to delay implementation of the current Directive. The proposal clarifies, strengthens and extends the scope of the current EPBD's provisions by;

- Introducing clarification of the wording of certain provisions;
- Extending the scope of the provision requiring Member States to set up minimum energy performance requirements when a major renovation is to be carried out ;
- Reinforcing the provisions on energy performance certificates, inspections of heating and air-conditioning systems, energy performance requirements, information, and independent experts;

- Providing Member States and interested parties with a benchmarking calculation instrument, which allows the nationally/regionally determined minimum energy performance requirements ambition to cost-optimal levels to be compared;
- Stimulating Member States to develop frameworks for higher market uptake of low or zero energy and carbon buildings;
- Encouraging a more active involvement of the public sector to provide a leading example.

## **5.2. Legal basis**

Energy efficiency of buildings has an important place in Community environmental policy. Therefore, the current EPBD has been based on Art. 175(1) of the EC Treaty. This remains unchanged.

## **5.3. EU's right to act, subsidiarity and proportionality**

The instruments on energy efficiency adopted at EU level reflect the growing importance of energy as a political and economic challenge and its close interrelation to policy areas of security of energy supply, climate change, sustainability, the environment, internal market, and economic development.

The buildings sector is responsible for about half of the CO<sub>2</sub> emissions not covered by the Emission Trading Scheme and has significant CO<sub>2</sub> reduction potential at negative or low abatement costs. The characteristics of the buildings sector limit the rate of energy efficiency gains. The construction products, appliances and services related to buildings are an important part of the EU internal market. Without assurance that EU-wide market conditions are firmly established and long-lasting, businesses are not likely to respond rapidly to the growing demand for energy efficiency services. In addition, with the increasing mobility of workers and number of businesses with operations across the EU, measures creating more comparable national regulatory conditions would decrease the administrative burden and increase opportunities for productivity gains for them.

Energy efficiency objectives could so far not be sufficiently achieved by Member States alone, and action at Community level is needed to facilitate and support the uptake of activities at national level. The main elements of the current EPBD have already been considered pointing the context of subsidiarity and proportionality principles and the practice has demonstrated the appropriateness of the approach. In the proposed text both principles have been respected. The emphasis is on the establishment of a common approach that creates the basis for coherent and mutually reinforcing mechanisms for energy efficiency improvements, while at the same time Member States retain control over setting the individual requirements and ways to implement them.

## **5.4. Choice of legal instrument**

The energy of buildings energy efficiency is part of the Commission's Better Regulation Strategy, in particular of the Action Plan "Simplifying and improving the regulatory environment"<sup>9</sup>. It is proposed that the recasting technique is used as it improves readability and facilitates its comprehension.

---

<sup>9</sup> COM/2002/0278 final

## 6. CONTENTS OF THE PROPOSAL

A number of modifications are made to the text with some of them being adaptations, clarifications and minor corrections of the text, whilst others provide for the insertion of new provisions. The latter are described below.

### Preamble

Some recitals are up-dated or adapted.

### Art. 1. Subject matter

A reference is inserted to indicate new requirements on: (i) national plans for increasing the number of buildings of which both CO<sub>2</sub>-emissions and primary energy consumption are low or equal to zero, and (ii) independent control systems for the energy performance certificates and the inspection reports.

### Art. 2. Definitions

Clarifications to several terms are introduced and new definitions are added wherever necessary.

### Art. 3. Adoption of a methodology

The text is adapted and the technical details it contained are moved to Annex I.

### Art. 4. Setting of minimum energy performance requirements

At present, the energy performance requirements, as established by Member States, vary considerably in their level of ambition, with some being far from cost-optimal levels. This means that an opportunity for improving the energy performance of a building in an economic way and lowering the future energy bills is lost in many constructions and major renovations.

The text has been modified to ensure that the minimum energy performance requirements of buildings as set by Member States gradually align with cost-optimal levels. A four stages approach has been proposed:

- (1) Member States should set their requirements using their own calculation methodology with a view to achieve the cost-optimal levels determined by them;
- (2) The Commission will develop a comparative methodology and Member States will have to use it for comparison purposes only and shall report the results as described in Art. 5 below;
- (3) As from 30 June 2014, Member States are no longer able to provide incentives for the construction or renovation of buildings which do not comply with minimum energy performance requirements achieving the results of the comparative calculation described in Art. 5;
- (4) As from 30 June 2017, Member States, where they review their minimum energy performance requirements, shall ensure that these requirements achieve the results of the calculation referred to in Article 5(2).

### Art. 5. Calculation of cost-optimal levels of minimum energy performance requirements

The abovementioned comparative methodology would consist of a calculation methodology developed by the Commission which would take cost-optimal criteria into account by variables (such as investment costs, operating and maintenance costs, incl. energy costs). Member States would be required to use this methodology in order to calculate the cost-optimal requirements using variables as fixed by them. The results should then be compared

with the actual requirements established in the Member State, thus clearly indicating how close national requirements are to cost-optimal levels.

Member States shall report the specified variables, comparative calculation results and the comparison to requirements laid down to the Commission, which will publish progress reports.

#### **Art. 6. New buildings**

The obligation to consider alternative systems for new buildings is extended to all buildings. This enlarges the EPBD's scope and supports the EU targets on renewables.

Although not stated, the implementation of the provisions on the evaluation of the alternative systems shall be in line with the requirements under the Directive on the promotion of the use of renewable energy sources (COM(2008) 19 final).

Article 6 (2) is added to ensure that the analysis of the alternative systems is *de facto* carried out and that this is done in a transparent manner.

#### **Art. 7. Existing buildings**

The threshold of 1000 m<sup>2</sup> for meeting of the national/regional minimum energy performance requirements when the buildings undergo major renovation is deleted. This threshold in the current EPBD excludes 72% of the buildings stock which disposes of an outstanding, cost-effective energy saving potential. Clearly, the best moment for the introduction of energy efficiency measures is when the building undergoes major renovation (approx. every 25-40 years). In this way the additional investment needs are not high and due to energy savings they are repaid within the lifetime of the measures.

The definition of 'major renovation' is kept and reinforced by being moved from the preamble to Article 2. Therefore, the investment should be more than 25% of the whole buildings value, excluding the land, e.g. the actuarial value, or more than 25% of the building envelope undergoes structural renovation.

#### **Art. 8. Technical building systems in existing buildings**

Requirements are included for Member States to set up minimum energy performance requirements for the installation of new or the replacement of existing technical building systems, or their major retrofit. These should be consistent with the legislation applicable to the products which compose this system, and be based on a proper installation of the system's components and their appropriate adjustment and sizing. This aims at ensuring better efficiency of whole systems. This is needed because if the individual elements of a system are very efficient, if they are not well installed or adjusted, the efficiency of the entire system may not be high.

#### **Art. 9. Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero**

Member States are required to actively promote the higher market uptake of such buildings by producing national plans with clear definitions and targets for their uptake. Member States should demonstrate the leading role of public authorities in the setting up of specific targets for buildings occupied by them. Based on the Member States' information the Commission shall establish common principles for defining such buildings. The Commission will report on the progress of Member States, and on the basis of this develop a strategy, and, if necessary, develop further measures.

#### **Art. 10. Energy performance certificates**

The role of the recommendations of the certificate is strengthened and clarified by emphasizing that they shall be an indispensable part of the certificate and by including provisions on the information they shall contain.

#### **Art. 11. Issuing of energy performance certificates**

The requirements related to the provision of the certificate are reformulated to ensure that the certificates are provided every time there is a property transaction and the prospective buyer or tenant is informed of the energy performance of the building (or its parts) at an early stage (i.e. in the sale/rent announcements).

A requirement that if the total useful area over 250 m<sup>2</sup> of a building is occupied by public authorities, a certificate should be issued by 31 December 2010, is introduced.

#### **Art. 12. Display of energy performance certificates**

The scope of the obligation to display the certificate is extended: i.e. if the total useful area of a building occupied by a public authority or frequently visited by the public is over 250 m<sup>2</sup>, the certificate shall be displayed in a prominent place clearly visible to the public. For the latter, the requirement shall be imposed only if the certificate is already available.

#### **Art. 13. Inspection of heating systems**

Clarifications on the frequency of inspections are introduced in order to stress the importance of proportionality between inspection costs and anticipated energy savings (benefits) stimulated by the inspection.

A requirement for an independent control system for the inspection reports, i.e. via random sampling checks of the quality, is introduced.

#### **Art. 14. Inspection of air-conditioning systems**

Similar to Art. 13, clarification on the frequency of the inspections.

#### **Art. 15. Reports on the inspection of heating and air-conditioning systems (new)**

The requirement for an inspection report to be handed over to the owner or tenant of a building is introduced, in order to appropriately inform them about the inspection result and recommendations for cost-effective improvements.

#### **Art. 16. Independent experts**

A requirement is added that in the accreditation process the operative and technical skills of experts who carry out the certifications and inspections and their ability to carry out the service in an independent manner are taken into account.

At present, some Member States limit the accreditation of experts to specific professional groups or companies which does not guarantee their competence and prevents other skilled professionals, for example ESCOs and energy agencies, from entering the market, which limits competition.

#### **Art. 17. Independent control system**

A requirement for an independent control system for the energy performance certificates and for the reports on the inspection of heating and air-conditioning systems, i.e. via random sampling checks of the quality, is introduced.

The certificates and the inspection report shall be registered, if requested.

#### **Art. 18. Review**

Updated.

### **Art. 19. Information**

Member States are required to provide information to building owners or tenants on energy performance certificates and the inspection of heating and air-conditioning systems. During the implementation of the current Directive it became obvious that the population is not always aware of their role and added value. If this is not understood and they are treated just as an additional administrative requirement, the potential positive impact will not be realized. Therefore, all-embracing information campaigns shall be initiated by Member States.

### **Art. 20: Adaptation of Annex I to technical progress**

Adapted.

### **Art. 21. Committee**

Modified in line with the adaptations of the regulatory procedure with scrutiny.

### **Art. 22. Penalties**

Member States are required to lay down and implement rules applicable in response to infringements of the national provisions adopted pursuant to the EPBD. The fine may depend on the energy consumption, or energy demand of the certified building/effective rated output of the inspected heating/air-conditioning system.

The text is similar to Article 20 (Penalties) of Directive 2005/32/EC.

### **Art. 23. Transposition**

Transposition dates are adjusted so that Member States have sufficient time to transpose (31 December 2010) and fully implement (31 January 2012) the revised/new provisions. To reinforce the important role of the public sector to act as a leading example, the public authorities' deadline for the implementation of the provision is shorter (31 December 2010).

### **Art. 24. Repeal**

Inserted so that there is a distinction between the provisions of the current EPBD and its recast.

### **Art. 25. Entry into force**

Adapted.

### **Art. 26.**

No changes.

### **Annex I**

It is important that an estimation of the 'real' impact of the building's operation on the total energy consumption and on the environment is made and therefore a primary energy indicator and CO<sub>2</sub> emissions indicator shall be used.

The annual energy performance data shall be used for the assessment so that the importance of the different energy uses throughout the year is emphasised and the cooling demand is better incorporated.

Reference to the European standards has been made to support the harmonization of the methodologies for calculating national/regional minimum energy performance requirements.

### **Annex II**

Provides a description of independent control systems for energy performance certificates and inspection reports.

