

**Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings COM (2008) 780 final**

**FIEC's proposals for amendments**

**Recital16**

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>(16) To limit the reporting burden on the Member States it should be possible to integrate the reports required by this Directive in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC16. The public sector in each Member State should lead the way in the field of energy performance of buildings, and therefore the national plans should set more ambitious targets for the buildings occupied by public authorities.</p>	<p>(16) To limit the reporting burden on the Member States <b>and to better highlight the role of the building sector in securing gains in energy efficiency</b>, the reports and plans required by this Directive <b>should be integrated</b> in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC16. The public sector in each Member State should lead the way in the field of energy performance of buildings, and therefore the national plans should set more ambitious targets for the buildings occupied by public authorities.</p>

*Justification:*

*40% of all energy demand is consumed by buildings. It is an essential component for gains in energy efficiency more generally and therefore specific details on moves in Member States towards passivhaus and zero carbon house standards should be combined with reports detailing Member States' efforts for increasing energy efficiency under the Energy Services Directive.*

**Recital 16a (new)**

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
	<p><b>(16a) Member States may undertake measures not laid down in this Directive to promote the increased energy efficiency of buildings. Such measures may include financial and fiscal incentives to businesses, homeowners and tenants including reduced rates of VAT for renovation services.</b></p>

*Justification:*

*In the face of an often high up-front cost of investments in energy efficiency, businesses, homeowners and tenants need financial assistance in making the initial investment. This can come through zero interest loans to homeowners or reduced rates of VAT on services linked to energy efficient renovation. FIEC warns against applying reduced VAT to products alone as this will promote the use of unskilled labour that undermines the effectiveness of the works carried out which does not ensure energy savings.*

## Article 1(h) (new)- Subject Matter

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>This Directive promotes the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.</p> <p>This Directive lays down requirements as regards:</p> <p>[...]</p>	<p>This Directive promotes the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.</p> <p>This Directive lays down requirements as regards:</p> <p>[...]</p> <p><b>(h) national plans for combating legal and market barriers to the uptake of renovation works and national reports on financial incentives put in place to promote renovation works leading to greater energy efficiency.</b></p>

### Justification:

*Member States should report on measures undertaken to combat market distortions that prevent the uptake of energy efficient measures as well as financial and fiscal incentives to promote renovation works in existing buildings which lead to higher levels of energy efficiency.*

## Article 2.2- Definitions

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>2) "technical building system" means technical equipment for heating, cooling, ventilation, hot water, lighting and electricity production or for a combination of those;</p>	<p>2) "technical building system" means technical equipment for heating, cooling, ventilation, hot water, lighting, <b>operations systems</b> and electricity production or for a combination of those;</p>

### Justification:

*Operations systems such as piping hold a great deal of potential for gains in energy efficiency and hence should not be overlooked. Insulating piping for example, can lead to a return on investment within a few weeks.*

## Article 8 – Technical building systems

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>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.</p> <p>The requirements shall in particular cover the following components:</p> <p>(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.</p>	<p>Member States shall set minimum energy performance requirements in respect of technical building systems which are installed in buildings <b>as well as when they enter service</b>. Requirements shall be set for new, replacement and retrofit of <b>operations systems</b>, technical building systems and parts thereof.</p> <p>The requirements shall in particular cover the following components:</p> <p>(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.  <b>(d) piping systems</b></p>
<p>2. The minimum energy performance requirements set in accordance with paragraph 1 shall be consistent with the legislation applicable to the product(s) which compose the system and be based on proper installation of the product(s) and appropriate adjustment and control of the technical building system. In particular, those requirements shall ensure that a proper hydraulic balance of hydraulic wet heating systems is achieved and that the appropriate size and type of the product(s) have been used for the installation having regard to the intended use of the technical building system.</p>	<p>2. The minimum energy performance requirements set in accordance with paragraph 1 shall be consistent with the legislation applicable to the product(s) which compose the system and be based on proper installation of the product(s) and appropriate adjustment and control of the technical building system. In particular, those requirements shall ensure <b>that when they enter service, a technical system is properly regulated</b>, a proper hydraulic balance of hydraulic wet heating systems is achieved and that the appropriate size and type of the product(s) have been used for the installation having regard to the intended use of the technical building system.</p>

Justification:

*Minimum requirements should be established when technical systems enter service to ensure that the system is set properly afterwards and that the maximum potential for energy savings is realised.*

*Investment in insulating piping can yield gains in energy efficiency that cannot be overlooked. In many cases a return on investment can be secured after a couple of weeks which compares to more than two years for a boiler.*

**Article 9.3 – Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero.**

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>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.</p>	<p>3. Member States shall communicate the national plans referred to in paragraph 1 to the Commission <b>by including them in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. They shall subsequently continue to report to the Commission every three years on the progress in implementing their national plans.</b></p>

*Justification:*

*40% of all energy demand is consumed by buildings. It is an essential component for gains in energy efficiency more generally and therefore specific details on moves in Member States towards passivhaus and zero carbon house standards should be combined with reports detailing Member States' efforts for increasing energy efficiency under the Energy Services Directive.*

## Article 9a (new) Financial Incentives and Market Intervention

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
	<ol style="list-style-type: none"> <li data-bbox="858 479 1401 779">1. <b>Member States shall draw up national reports on financial and fiscal incentives adopted at national and sub-national level to promote the increased energy efficiency of both new and existing buildings. These reports shall contain plans for the future development of such incentives.</b></li> <li data-bbox="858 788 1401 1088">2. <b>Member States shall draw up national reports on legal and market barriers to investment in the energy efficiency of new and existing buildings. These national reports shall be accompanied by details of measures put in place by Member States to reduce such barriers.</b></li> <li data-bbox="858 1097 1401 1420">3. <b>Member States shall communicate the national reports referred to in paragraphs 1 and 2 to the Commission by including them in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. They shall subsequently continue to report their national plans to the Commission every three years.</b></li> </ol>

Justification:

*Member States should report to the Commission on their efforts to fight market obstacles by increasing financial and fiscal incentives to homeowners and tenants to undertake renovation work on existing buildings leading to greater energy efficiency or new energy efficient buildings.*

**Article 10.1- Energy Performance Certificates.**

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>(10.1) 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.</p>	<p>(10.1) 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, <b>the difference between the calculated energy demand and the actual final energy use as well as</b> 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.</p>

*Justification:*

*One of the difficulties faced today is that the calculated energy values that appear do not correspond to those that appear on the electricity meter. The values expressed must be easily understood to homeowners and tenants so that they are aware of the difference between the calculated energy demand and the actual final energy use. Often the use lifts, for example, or other user specific appliances are not calculated in the energy demand calculation but appear on the meter.*

## Article 10.2- Energy Performance Certificates

<i>Text proposed by the Commission</i>	<i>FIEC's proposed amendment</i>
<p>(10.2) The certificate shall include recommendations for the cost effective improvement of the energy performance of a building or parts thereof; [...]</p>	<p>(10.2) The certificate shall include recommendations <b>in respect of improvements at optimal cost of the energy performance of a building or parts thereof; [...]</b></p>

### Justification:

*Deciding too quickly to opt for the most cost effective option can lead to the most cost-optimal level for the building later no longer being reached as when measures are taken in different stages are often no longer economically viable. Furthermore the expression “cost-effective” is not defined in article 2 and should be replaced instead with the expression “optimal cost”.*

## Article 19 – Information

<i>Text proposed by the Commission</i>	<i>FIEC’s proposed amendment</i>
<p>Information</p> <p>Member States may shall take the necessary measures to inform the users owners or tenants of buildings or parts thereof as to the different methods and practices that serve to enhance energy performance.</p> <p>new</p> <p>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.</p> <p>2002/91 (adapted)</p> <p>new</p> <p>Upon Member States' request, the Commission shall assist Member States in staging the information campaigns concerned for the purposes of the first and the second paragraphs , which may be dealt with in Community programmes.</p>	<p><b>Each Member State shall ensure that easily available advice services are provided free of charge to householders and businesses providing <i>inter alia</i></b></p> <p><b><i>(a) information on cost effective ways of improving the energy performance of a building as well as the mid- and long-term consequences of taking no action to improve energy performance of the building.</i></b></p> <p><b><i>(b) information on national subsidy schemes for energy efficient renovation.</i></b></p> <p><b><i>(c) advice on finding professional service providers to carry out works.</i></b></p> <p><b><i>(d) information on the energy performance certificate including inspection reports.</i></b></p> <p><b><i>(e) help to seek redress in cases of incorrect or fraudulent energy performance certificates.</i></b></p> <p><b>Upon Member States' request, the Commission shall assist Member States in staging the information campaigns concerned for the purposes of the above mentioned points, which may be dealt with in Community programmes.</b></p>

Justification:



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*Information concerning financial incentives for renovation works leading to greater energy efficiency of a building should be easily accessible to householders and businesses. Equally householders should receive free and impartial advice on choosing a professional building enterprise to carry out the work.*