

European Commission proposal to revise the Energy Performance of Buildings Directive

EURELECTRIC proposals for amendments

June 2017

EURELECTRIC is the voice of the electricity industry in Europe.

We speak for more than 3,500 companies in power generation, distribution, and supply.

We Stand For:

Carbon-neutral electricity by 2050

We have committed to making Europe's electricity cleaner. To deliver, we need to make use of **all low-carbon technologies**: more renewables, but also clean coal and gas, and nuclear. Efficient electric technologies in **transport and buildings**, combined with the development of smart grids and a major push in **energy efficiency** play a key role in reducing fossil fuel consumption and making our electricity more sustainable.

Competitive electricity for our customers

We support well-functioning, distortion-free **energy and carbon markets** as the best way to produce electricity and reduce emissions cost-efficiently. Integrated EU-wide electricity and gas markets are also crucial to offer our customers the **full benefits of liberalisation**: they ensure the best use of generation resources, improve **security of supply**, allow full EU-wide competition, and increase **customer choice**.

Continent-wide electricity through a coherent European approach

Europe's energy and climate challenges can only be solved by **European – or even global – policies**, not incoherent national measures. Such policies should complement, not contradict each other: coherent and integrated approaches reduce costs. This will encourage **effective investment** to ensure a sustainable and reliable electricity supply for Europe's businesses and consumers.

EURELECTRIC. Electricity for Europe.

Dépôt légal: D/2017/12.105/28

Amendment Proposals

Text proposed by Commission

Amendment proposal by EURELECTRIC

Amendment 1

Article 1(2)

(2) after Article 2, an Article 2a ‘Long-term renovation strategy’, to be submitted in accordance with the integrated national energy and climate plans of the Regulation (EU) XX/20XX [Governance of the Energy Union], is inserted:

(a) the first paragraph consists of Article 4 of the Directive 2012/27/EU on energy efficiency, other than its last subparagraph;

(b) the following paragraphs 2 and 3 are inserted:

‘2. In their long-term renovation strategy referred to in paragraph 1, Member States shall set out a roadmap with clear milestones and measures to deliver on the long-term 2050 goal to decarbonise their national building stock, with specific milestones for 2030. ***In addition, the long term renovation strategy shall contribute to the alleviation of energy poverty.***

(2) after Article 2, an Article 2a ‘Long-term renovation strategy’, to be submitted in accordance with the integrated national energy and climate plans of the Regulation (EU) XX/20XX [Governance of the Energy Union], is inserted:

(a) the first paragraph consists of Article 4 of the Directive 2012/27/EU on energy efficiency, other than its last subparagraph;

(b) the following paragraphs 2 and 3 are inserted:

‘2. In their long-term renovation strategy referred to in paragraph 1, Member States shall set out a roadmap with clear milestones and measures to deliver on the long-term 2050 goal to decarbonise their national building stock, with specific milestones for 2030.

Justification

While EURELECTRIC agrees that energy efficiency financing schemes can provide effective solutions for tackling energy poverty (as those customers do not have the financial resources upfront to make such investments), we believe that support granted to people suffering from poverty should come from the general income of the State (i.e. through general taxation). Therefore, the reference to energy poverty in this Article is not supported.

Installation of and preparation for charging infrastructure

Text proposed by Commission

Amendment proposal by EURELECTRIC

Amendment 2

Article 8 – paragraph 2

Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, at least one of every ten is equipped with a recharging point within the meaning of Directive 2014/94/EU on the deployment of alternative fuels infrastructure, which is capable of **starting and stopping charging in reaction to price signals**. This requirement shall apply to all non-residential buildings, with more than ten parking spaces, as of 1 January 2025.

Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, at least one of every ten is equipped with a recharging point within the meaning of Directive 2014/94/EU on the deployment of alternative fuels infrastructure, **and** which is capable of **dynamically modulating the charging process in reaction to price or load signals**. This requirement shall apply to all **existing** non-residential buildings, with more than ten parking spaces, as of 1 January 2025, **unless Member States show that this is not feasible. In any case, Member States shall ensure a right to install a charging point for tenants and co-owners.**

In all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, every parking space should be equipped with conduits allowing for the later installation of any standard normal power recharging point.

Justification

Smart charging is crucial to tap the flexibility potential that electric vehicles can offer to the electricity system. At the same time, smart charging will play a significant role in reducing the fuel costs and thus the total costs of ownership of an electric vehicle (EV).

Daily normal power charging (at the workplace or overnight at home) offers the most convenient charging experience for passenger EVs, and accounts for roughly 90% of the energy charged by an EV during its lifetime. The installation of recharging points in buildings is therefore crucial to enable the decarbonisation of the light road vehicle sector via electrification. While Member States might need some flexibility for the equipment of existing non-residential buildings with recharging points, a “right to install a recharging point” can ensure that no citizen or company is prevented from switching to electrically propelled vehicles by the pure unavailability of a recharging point.

Pre-tubing, i.e. the installation of the plastic conduits for the cables is an effective way to enable the quick, easy and cost-efficient installation of recharging points at a later point in time. While the provisions on the installation of recharging points have a very limited scope, pre-tubing for every parking space can ensure easy upgradability when needed. The size of the conduits should allow for any of the standard normal power (3,7kW – 22kW) recharging points to be installed at a later point in time in order not to limit the choice of the driver when he or she wants to install a charging point.

Text proposed by Commission

Amendment proposal by EURELECTRIC

Amendment 3

Article 8 – paragraph 3

Member States shall ensure that newly built residential buildings and those undergoing major renovations, with more than ten parking spaces, include the pre-cabling to enable the installation of recharging points for electric vehicles for every parking space.

Member States shall ensure that newly built residential buildings and those undergoing major renovations, with more than ten parking spaces, include the pre-cabling to enable the installation of recharging points ***within the meaning of Directive 2014/94/EU*** for electric vehicles for every parking space.

All tenants and co-owners of residential buildings shall have the right to install a recharging point in the building they occupy. Member States shall put in place simplified notification and approval procedures to this end.

Justification

Adding the reference to the Alternative Fuels Infrastructure Directive clarifies that current standards should apply to those recharging points.

In order to ensure that European citizens in existing residential buildings can charge their EV at home, installing charging infrastructure in existing residential buildings should be possible for EV drivers with the least possible administrative burden. This should be formulated as a “right to install a charging point”, which translates into the obligation of building owners to enable the installation with the necessary construction measures.

This right to install a charging point should apply to all residential buildings, regardless of the number of parking spaces linked to them. This measure would support the Commission’s main objective under the Clean Energy Package of empowering consumers and of increasing EU citizens’ confidence in the EU project through consumer-oriented proposals and initiatives.

There are already positive examples of this across Europe. In the new Spanish apartment building regulation, for example, EV owners need only to notify other co-owners to be able to install a recharging point.

Amendment 4

Article 8 – paragraph 2 (5) new paragraph

In the case of new buildings of mixed use and those undergoing major renovation with more than 10 parking spaces, the provisions for non-residential buildings (paragraph 2) shall apply.

Justification

Office buildings or retail buildings often include residential apartments which makes them buildings of mixed use. in order to ensure consistency and to close potential loopholes, these buildings should also be specifically covered by this Directive.

Amendment 5

Article 8 – paragraph 6

6. The Commission ***is empowered to adopt delegated acts in accordance with Article 23 supplementing this Directive with a definition of ‘smartness indicator’ and with the conditions under which the ‘smartness indicator’*** would be provided as additional information to prospective new tenants or buyers.

The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.’;

6. The Commission ***shall in cooperation with expert stakeholders develop the definition and conditions of a ‘smartness indicator’ which*** would be provided as additional information to prospective new tenants or buyers.

The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from ***advanced technologies***, more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ***decarbonisation of the building’s energy use, the*** ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.’;

Justification

The smartness indicator has the potential to be a promising tool but must be defined in more detail within this Directive. Depending on its formulation and implementation, this feature could work in favour of advanced technologies and enable a better rate of electrification, digitalisation and decarbonisation. Overall, we believe that there should be a more detailed description in the revised EPBD regarding the features of the smartness indicators and its purpose, particularly in light of the proposed delegation to the Commission.

EURELECTRIC believes that a smartness indicator will play an important role in the development of a market for flexible solutions and technologies, but will also drive innovation and make the ‘smart’ concept a sales argument for a building. Developing a simple, standard icon or features could make it easier for building owners, investors and buyers to identify smart buildings with part or full flexibility from buildings without.

Amendment 6

Article 23 Exercise of the delegation

1. The power to adopt delegated acts referred to in Articles 5, **8** and 22 is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5, **8** and 22 shall be conferred on the Commission for an indeterminate period of time from [date of the entry into force...].

3. The delegation of power referred to in Articles 5, **8** and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before the adoption of a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016¹¹.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 5, **8** and 22 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament

1. The power to adopt delegated acts referred to in Articles 5 and 22 is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5 and 22 shall be conferred on the Commission for an indeterminate period of time from [date of the entry into force...].

3. The delegation of power referred to in Articles 5 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before the adoption of a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016¹¹.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 5 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament

Justification

EURELECTRIC believes that the smartness indicator should be developed in cooperation with expert stakeholders, not only via a delegated act. This would add transparency to the exact functioning of the smartness indicator and allow for a political discussion on the matter. EURELECTRIC believes that its features should be discussed thoroughly, and decided in a transparent manner in the context of discussions of the Directive, in order not to miss out on its potential. Therefore, we propose to remove the power of delegation for Article 8 from this Article.

Amendment 7

Article 11 – paragraph 1

Energy performance certificates

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 building unit to compare and assess its energy performance.

The energy performance certificate may include additional information such as the annual energy consumption for non-residential buildings and the percentage of energy from renewable sources in the total energy consumption.

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 building unit to compare and assess its energy performance.

The energy performance certificate shall also include additional information on access to electric vehicle charging infrastructure such as number of parking spaces with charging infrastructure per dwelling and their charging speeds to enable easier uptake of low emissions mobility.

The energy performance certificate may include additional information such as the annual energy consumption for non-residential buildings and the percentage of energy from renewable sources in the total energy consumption.

Justification

Energy Performance Certificates are a key indicator for owners or tenants to access important information on the performance of the building or the building unit. In line with the valuable proposals in this Directive to promote charging infrastructure, it would be beneficial to have such connections/infrastructure mentioned in the EPC in a transparent manner. This will allow owners or tenants to immediately recognise the availability of such infrastructure.

Amendment 8

Annex 1 – point 2

2. The energy needs for space heating, space cooling, domestic hot water and adequate ventilation shall be calculated in order to ensure minimum health and comfort levels defined by Member States.

The calculation of primary energy shall be based on primary energy factors per energy carrier, which may be based on national or regional annual weighted averages or on more specific information made available for individual district system.

Primary energy factors shall discount the share of renewable energy in energy carriers so that calculations equally treat: (a) the energy from renewable source that is generated on-site (behind the individual meter, i.e. not accounted as supplied), and (b) the energy from renewable energy sources supplied through the energy carrier.

2. The energy needs for space heating, space cooling, domestic hot water and adequate ventilation shall be calculated in order to ensure minimum health and comfort levels defined by Member States.

The calculation of primary energy shall be based on primary energy factors per energy carrier, which may be based on national or regional annual weighted averages or on more specific information made available for individual district system.

Primary energy factors shall discount the share of renewable energy in energy carriers so that calculations equally treat: (a) the energy from renewable source that is generated on-site (behind the individual meter, i.e. **may or may** not **be** accounted as supplied), and (b) the energy from renewable energy sources supplied through the energy carrier.

Justification

The energy performance of buildings must be based on the actual energy used in the building and not how it is supplied. To ensure the equal treatment of renewable energy generated on-site and renewable energy supplied through the energy carrier, it should be allowed to account on-site renewable energy as well in the energy performance.

EURELECTRIC pursues in all its activities the application of the following sustainable development values:

Economic Development

▶ Growth, added-value, efficiency

Environmental Leadership

▶ Commitment, innovation, pro-activeness

Social Responsibility

▶ Transparency, ethics, accountability



Union of the Electricity Industry - EURELECTRIC aisbl
Boulevard de l'Impératrice, 66 - bte 2
B - 1000 Brussels • Belgium
Tel: + 32 2 515 10 00 • Fax: + 32 2 515 10 10
VAT: BE 0462 679 112 • www.eurelectric.org
EU Transparency Register number: [4271427696-87](https://ec.europa.eu/transparency/regexp1/?table=init&initiative=4271427696-87)