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*****II**

RECOMMENDATION FOR SECOND READING

on the Council's position at first reading for adopting a directive of the European Parliament and of the Council on the energy performance of buildings (recast)
(05386/3/2010 – C7-0095/2010 – 2008/0223(COD))

Committee on Industry, Research and Energy

Rapporteur: Silvia-Adriana Țicău

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* alerts the relevant departments to parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act which the draft act seeks to amend includes a third and fourth line identifying respectively the existing act and the provision in that act affected by the amendment. Passages in a provision of an existing act that Parliament wishes to amend, but the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council's position at first reading for adopting a directive of the European Parliament and of the Council on the energy performance of buildings (recast) (05386/3/2010 – C7-0095/2010 – 2008/0223(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council's position at first reading (05386/3/2010 – C7-0095/2010),
- 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 Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
- having regard to the Communication from the Commission to the European Parliament pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the Council's position at first reading on the adoption of an amended proposal for a Directive of the European Parliament and of the Council on energy performance of buildings (recast) (COM(2010)0165),
- having regard to Article 294(7) and Article 194(2) of the Treaty on the Functioning of the European Union
- having regard to its position at first reading¹,
- having regard to the opinion of the European Economic and Social Committee²,
- having regard to the opinion of the Committee of the Regions³,
- having regard to Rule 72 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Industry, Research and Energy (A7-0124/2010),

1. Approves the Council's position;
2. Notes that the act is adopted in accordance with the Council's position;

¹ Texts adopted , P6_TA(2009)0278.

² OJ C 277, 17.11.2009, p. 75

³ OJ C 200, 25.8.2009, p. 41.

3. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

EXPLANATORY STATEMENT

The importance of the energy performance of buildings

The EU committed in 2008 to reduce by 20% the energy consumption by 2020 and for 20% from the energy consumed to come from renewable sources. The European Council decided to increase by 20% the energy efficiency by 2020.

The building sector was identified by the EU as one of the markets with the highest energy saving potential. The building sector is responsible for 40% of energy consumption and for 35% of the total emissions. The residential sector, with a share of 26% of overall energy consumption, has more potential for improvement than the commercial buildings sector. The improvement of energy efficiency of the buildings is the most effective way to reduce by 20% the energy consumption and emissions within the non-ETS sectors.

Energy savings for energy-efficient buildings average 30% over conventional buildings. In addition, energy-efficient buildings use less water and offer lower maintenance costs and utility bills.

The Energy Performance of Building Directive will have a significant impact on the European citizen's life, as it will directly impact on the buildings they occupy and use. In addition, the investments in the improvement of energy efficiency and the use of renewable energy will create millions of jobs and will contribute to a sustainable economic growth in the EU.

The Commission's proposal for the recast of the Directive 2002/91/CE (EPBD)

The European Commission proposed on the 13 of November 2008 a legislative proposal for the recast of the Directive 2002/91/CE on the energy performance of buildings, as part of the energy efficiency legislative package.

European Parliament position during the 1st Reading

The European Parliament adopted its position during the first reading of the co-decision procedure for the recast of the EPBD Directive on the 22 of April 2009 and a huge majority (549 votes in favour, 51 against and 26 abstentions) supported the improvement of the energy performance of buildings.

The main changes introduced by the European Parliament were:

- A new Annex listing the principles for a common methodology on calculating cost-optimal levels.
- Clear deadlines for all new buildings to be at least net zero energy buildings (31 December 2016). Member States shall set targets for the minimum percentage of buildings which shall be, by 2015 and by 2020 respectively, net zero energy buildings.
- Mutual recognition for certifiers of the energy performance of buildings and for inspectors of heating and air-conditioning systems.
- Consultation of the local, regional and national authorities.

- Common guidelines specifying minimum standards for the content and presentation of energy performance certificates.
- Public authorities shall take a leading role and shall implement the recommendations included in the energy performance certificate issued for buildings occupied by them.
- Minimum energy performance requirements must be set in respect of building components and of technical building systems which are installed and brought into operation in buildings.
- Smart meters must be installed in all new buildings and all buildings undergoing a major renovation.
- Financial Incentives and Market Barriers: Member States shall, by 30 June 2011, draw up national action plans, including proposed measures, for meeting the requirements laid down in the Directive through reducing existing legal and market barriers and developing existing and new financial and fiscal instruments to increase the energy efficiency of new and existing buildings.
- By 2011, a voluntary common EU certification for the energy performance of non-residential buildings shall be developed and by 2012, Member States shall introduce them in their countries to function alongside the national certification scheme.
- New provisions on inspection of air-conditioning systems, independent experts, and training.
- By 2010, the Commission shall establish a website, which shall contain certain information including the latest version of every Energy Efficiency Action Plan.

European Parliament 2nd Reading

On the 19th of November 2009, the European Parliament and the Council of the EU reached a political agreement on the technical aspects of the legislative proposal. The main achievements are:

- A separate **article on financing issues (Art.10)** - including proposals by **30 June 2011** - and Recitals **18,19,20 on existing instruments and programmes**. In addition, the articles on certificates (11(4)) and "**nearly zero- energy buildings**" (9(3)) include financial provisions. (These articles are complemented by the Commission statement).
- "**Nearly zero- energy building**" - By 31st December 2020 all new buildings shall be nearly zero energy buildings and two years before for the public sector which should be leading by example; The **policy on "nearly zero- energy building"** has now ambitious, fixed targets and national action plans comprising support measures (Art 9).
- When buildings undergo major renovation, the energy performance of building or the renovated part thereof shall meet minimum energy performance requirements as this is technically, functionally and economically feasible. The minimum energy performance requirements shall also apply to the technical building systems and to the building elements which have a significant impact on the energy performance of the building envelope whenever they are retrofitted or replaced (Art 7 and 8).
- Broadening the **scope beyond major renovations**: requirements for components, building units are now in Art 7.
- Major **new provisions on certificates**: comprehensive requirements of information, including financing possibilities, to be provided with the certificate (11(4)); public sector shall be encouraged to play a leading role by implementing the recommendations included in the energy field performance certificate within the validity period (Art 11(5)); the

voluntary common EU certification scheme for non-residential buildings Art 11(9)); provisions related to the issuing and displaying of energy performance certificates (Art. 10 and 11); requirement of energy performance indicator of the energy performance certificate of building or the building unit in sales/rent advertisements (Art 12(4)).

- More information and transparency on experts' accreditation, training, financial instruments, information to owners and tenants, more information on certificates (Art 17 and Art 20).
- Less administrative burden with regards to inspections.
- Consultation with local authorities and support for public authorities to implement recommendations; A new article on **consultation of the stakeholders, including local and regional authorities** (Art 21) and new provisions on a guidance to local building planners and architects to consider the optimal combination of improvements in energy efficiency, use of energy from renewable sources and use of district heating and cooling when planning, designing and renovating industrial or residential areas (Recital 28).
- More renewable elements shall take into consideration for new buildings (Art 6).
- Stronger role for the Commission in evaluating national plans (Art 9(4)) and inspection reports (Art 15(4)).
- Introduction of intelligent metering systems and of active control systems such as automation, control and monitoring systems that aim to save energy (Art 8).
- No common methodology, but, the Commission shall establish by 30 June 2011 a comparative methodology framework for calculating cost-optimal level of minimum energy performance requirements (Art 5 and Annex III).
- Review clause: revision of the Directive shall take place by 1 January 2017.

Nevertheless, the entry into force of the Lisbon Treaty required some adaptations mainly concerning the legal basis and the delegated acts (old comitology procedure). The concerned provisions are related to the exercise of the delegation (Art 23) and a 5 years duration of delegation for amending Annex I (Common general framework for the calculation of energy performance of buildings) which will automatically be renewed for an identical period unless the European Parliament or the Council revokes it, revocation of the delegation (Art 24), objections to delegated acts (Art 25) two months from the date of notification.

Once adopted and published in the EU Official Journal, Member States will have two years to transpose the new directive into their national legislation.

Conclusions

The common position of the Council is based on the agreement reached in November 2009 between the European Parliament and the Council.

PROCEDURE

Title	The energy performance of buildings (recast version)
References	05386/3/2010 – C7-0095/2010 – 2008/0223(COD)
Date of Parliament's first reading – P number	23.4.2009 T6-0278/2009
Commission proposal	COM(2008)0780 - C6-0413/2008
Date receipt of common position announced in plenary	19.4.2010
Committee responsible Date announced in plenary	ITRE 19.4.2010
Rapporteur(s) Date appointed	Silvia-Adriana Țicău 21.7.2009
Date adopted	28.4.2010
Result of final vote	+: 53 –: 0 0: 0
Members present for the final vote	Jean-Pierre Audy, Zigmantas Balčytis, Bendt Bendtsen, Jan Březina, Reinhard Bütikofer, Maria Da Graça Carvalho, Giles Chichester, Christian Ehler, Lena Ek, Ioan Enciu, Gaston Franco, Adam Gierek, Norbert Glante, Fiona Hall, Jacky Hénin, Sajjad Karim, Arturs Krišjānis Kariņš, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Angelika Niebler, Jaroslav Paška, Aldo Patriciello, Anni Podimata, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Amalia Sartori, Francisco Sosa Wagner, Konrad Szymański, Britta Thomsen, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Niki Tzavela, Vladimir Urutchev, Adina-Ioana Vălean, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Antonio Cancian, Matthias Groote, Françoise Grossetête, Oriol Junqueras Vies, Ivailo Kalfin, Alajos Mészáros, Ivari Padar, Vladko Todorov Panayotov, Markus Pieper, Vladimír Remek, Frédérique Ries, Theodoros Skylakakis, Silvia-Adriana Țicău, Hermann Winkler