

# EUROPEAN PARLIAMENT

1999



2004

---

*Session document*

FINAL  
**A5-0297/2002**

12 September 2002

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position with a view to the adoption of a directive of the European Parliament and of the Council on the energy performance of buildings  
(8094/2/2002 – C5-0268/2002 – 2001/0098(COD))

Committee on Industry, External Trade, Research and Energy

Rapporteur: Alejo Vidal-Quadras Roca

### ***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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

**CONTENTS**

	<b>Page</b>
PROCEDURAL PAGE .....	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT .....	13

## PROCEDURAL PAGE

At the sitting of 6 February 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on the energy performance of buildings (COM(2001) 226 – 2001/0098 (COD)).

At the sitting of 13 June 2002 the President of Parliament announced that the common position had been received and referred to the Committee on Industry, External Trade, Research and Energy (8094/2/2002 – C5-0268/2002).

The committee had appointed Alejo Vidal-Quadras Roca rapporteur at its meeting of 29 May 2001.

It considered the common position and draft recommendation for second reading at its meetings of 18 June, 9 July, 27 August and 11 September 2002.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Carlos Westendorp y Cabeza, chairman; Peter Michael Mombaur, vice-chairman; Yves Piétrasanta, vice-chairman; Jaime Valdivielso de Cué, vice-chairman; Alejo Vidal-Quadras Roca, rapporteur; Sir Robert Atkins, Guido Bodrato, Marco Cappato, Gérard Caudron, Giles Bryan Chichester, Nicholas Clegg, Willy C.E.H. De Clercq, Harlem Désir, Concepció Ferrer, Colette Flesch, Christos Folias (for Bashir Khanbhai), Per Gahrton (for Nuala Ahern), Norbert Glante, Alfred Gomolka (for Marjo Matikainen-Kallström), Michel Hansenne, Roger Helmer (for Angelika Niebler), Hans Karlsson, Werner Langen, Peter Liese (for Konrad K. Schwaiger), Rolf Linkohr, Caroline Lucas, Hans-Peter Martin (for Massimo Carraro), Eryl Margaret McNally, Elizabeth Montfort, Seán Ó Neachtain, Reino Paasilinna, Paolo Pastorelli, Elly Plooij-van Gorsel, John Purvis, Godelieve Quisthoudt-Rowohl, Imelda Mary Read, Mechtild Rothe, Christian Foldberg Røvsing, Jacques Santer (for Paul Rübig), Umberto Scapagnini, Esko Olavi Seppänen, Claude Turmes, W.G. van Velzen, Dominique Vlasto and Olga Zrihen Zaari.

The recommendation for second reading was tabled on 12 September 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the Council common position with a view to the adoption of a directive of the European Parliament and of the Council on the energy performance of buildings (8094/2/2002 – C5-0268/2002 – 2001/0098(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (8094/2/2002 – C5-0268/2002),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2001) 226<sup>2</sup>),
  - having regard to the Commission's amended proposal (COM(2002) 192<sup>3</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0297/2002),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

---

<sup>1</sup> Not yet published in the OJ.

<sup>2</sup> OJ C 213 E, 31.7.2001, p. 266.

<sup>3</sup> OJ C 203 E, 27.8.2002, p. 69.

Amendment 1  
Recital 9 a (new)

***(9a) The success of the Directive will depend largely on the acceptance and active cooperation it enjoys from citizens. Hence the proposed measures to provide information and raise awareness about the considerable savings potential afforded by the buildings sector and about the role of best practice in proper energy management.***

*Justification*

*Self-explanatory.*

Amendment 2  
Recital 10

(10) The energy performance of buildings should be calculated on the basis of a methodology, which may be differentiated at regional level, that includes, in addition to thermal insulation other factors that play an increasingly important role such as heating and air-conditioning installations, application of renewable energy sources and design of the building. A common approach to this process, carried out by qualified and/or accredited experts, whose independence is to be guaranteed on the basis of objective criteria, will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to the energy performance in the Community property

(10) The energy performance of buildings should be calculated on the basis of a methodology, which may be differentiated at regional level, that includes, in addition to thermal insulation ***and, where appropriate, the use of construction materials with inherent insulating properties***, other factors that play an increasingly important role such as heating and air-conditioning installations, application of renewable energy sources and design of the building. A common approach to this process, carried out by qualified and/or accredited experts, whose independence is to be guaranteed on the basis of objective criteria, will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce

market.

transparency for prospective owners or users with regard to the energy performance in the Community property market.

*Justification*

*The specific reference to construction materials ‘with inherent insulating properties’ is designed to reflect technological progress in the field of insulation and provide an incentive to industry.*

Amendment 3  
Recital 19 a (new)

***(19a) The means available to Member States to encourage enhanced energy performance include, inter alia, tax deductions, soft credits and the inclusion of energy performance as an important factor in public purchasing and procurement policies.***

*Justification*

*Alluding to the various means of enhancing energy performance is entirely consistent with the aims of the Directive.*

Amendment 4  
Recital 19 b (new)

***(19b) Provided that it proves cost-effective, the billing, to occupiers of buildings, of heating, air-conditioning and hot water costs calculated, in an appropriate proportion, on the basis of actual consumption, will contribute***

*towards energy saving in the residential sector. It is desirable that occupants of such buildings should be enabled to regulate their own consumption of heat and hot water. The Council has adopted recommendations and resolutions on the billing of such costs.<sup>1</sup> This principle, which is also laid down in Article 3 of Directive 93/76/EEC, seeks to achieve potential improvements in energy efficiency, cost-effectiveness, technical feasibility and environmental impact.*

<sup>1</sup> 76/493/EEC: Council recommendation of 4 May 1976 on the rational use of energy in the heating systems of existing buildings (OJ L 140, 28.5.1976, p. 12); 77/712/EEC: Council recommendation of 25 October 1977 on the regulating of space heating, the production of domestic hot water and the metering of heat in new buildings (OJ L 295, 18.11.1977, p. 1); Council Resolution of 9 June 1980 concerning new lines of action by the Community in the field of energy saving (OJ C 149, 18.6.1980, p. 3); and Council Resolution of 15 January 1985 on the improvement of energy-saving programmes in the Member States (OJ C 20, 22.1.1985, p. 1).

### *Justification*

*Where its introduction proves cost-effective, billing on an individual basis clearly helps make for more prudent and efficient use of energy resources, and all Member States should therefore encourage it. This principle has already been established in a number of Council recommendations and in the 'SAVE' Directive adopted in 1993.*

### Amendment 5 Article 2, point 2

2) energy performance of a building: the total energy efficiency of a building, reflected in one or more numeric indicators which have been calculated, taking into account insulation, technical and installation characteristics, design and

2) energy performance of a building: the total energy efficiency of a building, reflected in ***the ratio between the amount of energy estimated as ideal and that actually consumed to meet the different needs associated with the use of the***



positioning in relation to climatic aspects, solar exposure and influence of neighbouring structures, **own-energy** generation and other factors, including indoor climate, **that influence the energy demand**;

**building including, inter alia, heating, water heating, cooling, ventilation and lighting. This amount shall be reflected in one or more numeric indicators that have been calculated, taking into account factors that influence energy demand, namely insulation, air tightness, technical and installation characteristics, design and positioning in relation to climatic aspects, solar exposure and influence of neighbouring structures, own and renewable energy** generation and other factors, including indoor climate;

#### *Justification*

*Tautology should not be used in definitions. The above definition is included in the Commission's amended proposal (COM(2002) 192) and incorporates Amendment 11 adopted by Parliament at first reading.*

#### Amendment 6 Article 2, point 7 a (new)

**7a) useful efficiency (expressed in %): the ratio between the heat output transmitted to the boiler water and the product of the net calorific value at constant fuel pressure and the consumption expressed as a quantity of fuel;**

#### *Justification*

*Useful efficiency is a key aspect of the energy efficiency of buildings. This definition features in the Commission proposal and should not be left out of the Directive.*

#### Amendment 7 Article 2, point 8 a (new)

**8a) thermal insulation: any component part of the building serving to reduce heat exchange with the outside, including construction materials whose thermal properties are such that they inherently act as insulators.**

*Justification*

*The inclusion of a definition of thermal insulation fully serves the purposes of the Directive.*

Amendment 8  
Article 15, paragraph 2

2. Member States may, because of lack of qualified and/or accredited experts, have an additional period of **4 years** to apply fully the provisions of Articles 7, 8 and 9. When making use of this option, Member States shall notify the Commission, providing the appropriate justification together with a time schedule with respect to the further implementation of this Directive.

2. Member States may, because of lack of qualified and/or accredited experts, have an additional period of **three years** to apply fully the provisions of Articles 7, 8 and 9. When making use of this option, Member States shall notify the Commission, providing the appropriate justification together with a time schedule with respect to the further implementation of this Directive.

*Justification*

*A six-year period is more than adequate to ensure compliance with the certification and inspection requirements of the directive.*

*Allowing a seven-year period would have the drawback of going beyond the year 2008, the beginning of the verification period for compliance with the Kyoto commitments.*

## EXPLANATORY STATEMENT

### 1. Energy consumption and potential savings in the buildings sector

Total final energy consumption in the EU in 1997 was about 930 Mtoe (million tonnes of oil equivalent). According to the Commission's figures, 40.7% of total energy demand is used in the residential and tertiary sectors, with most of such energy consumption building-related. Space heating is by far the largest energy end-use of households in Member States (57%), followed by water heating (25%). Electrical appliances and lighting make up 11% of the sector's total energy consumption. For the tertiary sector the importance of space heating is somewhat lower (52% of total consumption of the sector), while energy consumption for lighting and office equipment and 'others' (which is mainly office equipment) stands at 14% and 16% respectively. Approximately 10% of the consumed energy in buildings comes from renewable energy sources.

As regards energy in buildings that is used for heating, hot water, air-conditioning or lighting purposes, the Commission estimates that a savings potential of around 22% of present consumption exists and could be fully realised by the year 2010. This figure has been based on the assumption of a normal rate of retrofitting and rehabilitation for existing buildings, a net increase in the building stock of around 1.5% per year, and a successively increasing share in the use of best available technologies in buildings<sup>1</sup>.

The most recent available Eurostat statistics show significant differences in terms of the insulation measures carried out among Member States, connected in part to the varying climatic conditions between countries.

### 2. Background to the directive

The target of improved energy efficiency in buildings has already been set out in earlier existing legal instruments, including the 'Action Plan to improve Energy Efficiency in the European Community'<sup>2</sup> or the European Climate Change Programme<sup>3</sup>. Parliament has already pointed to the need to make this target a priority of Community energy policy on a number of occasions<sup>4</sup>.

Among the main existing Community legislation for the building sector are the 'Boilers Directive' (92/42/EEC), the 'Construction Products Directive' (89/106/EEC) and the 'buildings' articles in 'SAVE' Directive 93/76/EEC. The last of these directives requires Member States to draw up and implement programmes in six specific fields in order to improve energy efficiency. These programmes can be in the form of laws, regulations, economic and administrative instruments, information, education and voluntary agreements.

---

<sup>1</sup> See ECCP Progress Report (2000), <http://europa.eu.int/comm/environment/climat/eccp.htm>

<sup>2</sup> COM(2000) 247 final.

<sup>3</sup> COM(2000) 88 final of 8 March 2000.

<sup>4</sup> see for instance the European Parliament resolution on the Communication from the Commission on the European Union's oil supply (A5-0163/2001), adopted on 14 June 2001.

Although some of the measures provided for in the Commission proposal – including the certification of buildings, the thermal insulation of new buildings or the regular inspection of boilers – were already contained in the ‘SAVE’ Directive, they were not binding on the Member States.

Furthermore, Directive 93/76 was agreed in another political context, before the Kyoto Protocol came into being and before new doubts surfaced recently as to the growing dependence of the EU on external energy suppliers. Although this Directive has made a contribution, the Commission asserts that ‘it has not proven to be completely adequate in reaching the important objective of improving the energy performance of buildings to the degree which is judged to be economically and technically feasible’.

In its Green Paper on energy supply the Commission suggested further demand-related measures, mainly involving promoting energy savings in buildings and in the transport sector. In the same document it concluded that, in general, Community programmes for the support and promotion of new technologies have failed to result in the application of standards on energy efficiency in buildings in many EU Member States.

In view of the above considerations the Commission sees the need for more concrete action and is thus suggesting a legal framework that can complement or reinforce existing national measures in this field and achieve some degree of convergence of standards with regard to the energy performance of buildings.

### **3. Objective and scope of the proposed directive**

The basic objective underlying this draft directive is to promote the improvement of the energy performance of buildings in *all* EU Member States, ensuring as much as possible that only such measures as are the most cost-effective are undertaken. Given the low turnover rate of buildings (their typical lifetime being 50 to 100 years), the Commission has included in its proposal certain measures that also target the existing stock of buildings, which houses the largest potential for improving energy performance in the short and medium term. The proposed directive lays down a framework that will lead to increased coordination between Member States of legislation in this field and covers the building envelope, including windows, and installed equipment such as heating, air-conditioning and ventilation. It does not cover measures for non-installed equipment such as domestic appliances (including kitchen appliances), which together are responsible for 18% of the total energy consumption in the residential sector.

The proposal covers four main elements:

A) Establishment of a general framework of a methodology for calculating the integrated energy performance of buildings (Article 3 and Annex). This approach is already being applied both in EU Member States such as Germany, France, the UK, Italy and the Netherlands and outside the EU (in the US, Australia, Canada and New Zealand, for instance). A methodology based on a general framework will facilitate the comparison of buildings throughout the EU for prospective users and form the basis for the adoption of integrated minimum energy performance standards for different building categories reflecting local circumstances, particularly climatic differences.

B) Application of minimum energy performance requirements to new buildings and to certain existing buildings when they undergo major renovation work (articles 4, 5 and 6). Under the Commission proposal, new residential buildings and dwellings as well as new buildings in the tertiary sector should meet the minimum energy performance standards based on an integrated methodology. Furthermore these standards should also be applied to larger existing buildings (i.e. those with more than 1000 m<sup>2</sup>) when the buildings undergo major renovations.

C) Certification schemes for new and existing buildings on the basis of the above standards and public display of the relevant energy performance certificates in buildings with a total useful floor area exceeding 1000 m<sup>2</sup> that are occupied by public authorities or by institutions providing public services (Article 7). The Commission believes that clear information will influence the rent that owners can set and therefore will be an incentive for them to make investments in the energy efficiency of buildings and houses. As the renter normally pays the energy bill, the incentive for the owner to invest in energy efficiency is weak. Making clear and reliable information available to prospective renters ought to help make these investments more attractive. The certificates, which should not be more than ten years old, should be accompanied by recommendations for the cost-effective improvement of energy performance. Certification for new buildings is at present mandatory in Denmark, Germany and the UK. For existing buildings only Denmark has a mandatory scheme, but several Member States have voluntary programmes. The Commission highlights the example of Denmark, where 'certification, together with the implementation of identified measures, provided a more than 13% return on investments'.

D) Specific inspection and assessment of boilers and heating/cooling installations (articles 7 and 8). Boilers with an effective output of between 20 and 100 kW should be regularly inspected to improve their operating conditions. Such an inspection is compulsory in 10 Member States, whilst the others apply voluntary schemes and information programmes. Provision has also been made for the regular inspection of air conditioning systems with an effective output of more than 12 kW.

#### **4. Main thrust of the rapporteur's proposed amendments**

The common position has taken on board many of the main amendments adopted by Parliament at first reading:

- the introduction of minimum requirements;
- information and awareness-raising measures with regard to the considerable savings potential afforded by the buildings sector and best practice;
- the potentially sizeable differences between new and existing buildings; and
- the need to emphasise further other important aspects such as cost-effectiveness and indoor climatic conditions.

Some of the provisions, including the definitions employed for the purposes of the proposal in question, require still further elucidation and detail in order to ensure that the directive is complied with in full.

The most important amendment to the common position relates to the transition period. A reasonable transition period for compliance with the provisions of the directive would be

advisable, so that all necessary measures can be adopted and the buildings sector as a whole can adjust to the new legislative framework. Given the nature and scope of the proposed measures, a three-year period would appear sufficient. In the specific case of certification, at first reading Parliament took the view that a five-year transition period for the existing building stock would be prudent to take account of the huge stock of buildings in the European Union.

In view of the timetable for the Kyoto Protocol, the overall period of seven years that the common position allows for certification and inspection of boilers and air-conditioning systems would clearly invalidate the directive.

In accordance with the common position these provisions will not enter into force before the end of 2009. This will cast serious doubts on the credibility of the European Union's oft-repeated commitment to bring down CO<sub>2</sub> emissions.