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COM(2021) 802 final

2021/0426 (COD)

Proposal for a

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

**on the energy performance of buildings (recast)**

(Text with EEA relevance)

{SEC(2021) 430 final} - {SWD(2021) 453 final} - {SWD(2021) 454 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The revision of the Energy Performance of Buildings Directive (EPBD) is part of the 2021 Commission Work Programme “Fit for 55” package and complements the other components of the package proposed in July 2021<sup>1</sup>, setting the vision for achieving a zero-emission building stock by 2050. As already indicated in the Climate Action Plan<sup>2</sup>, it is a key legislative instrument to deliver on the 2030 and 2050 decarbonisation objectives. It follows up on key components of the three focus areas<sup>3</sup> of the Renovation Wave Strategy<sup>4</sup>, including the intention to propose mandatory minimum energy performance standards, following an impact assessment looking at their scope, timeline, phasing in and accompanying support policies. Given the need for appropriate consultation and impact assessment processes, the proposed revision could only come slightly later than the first set of “Fit for 55” initiatives adopted in July 2021.

The proposal is particularly important because buildings account for 40% of energy consumed and 36% of energy-related direct and indirect greenhouse gas emissions. In the EU, heating, cooling and domestic hot water account for 80% of the energy that households consume. Making Europe more resilient calls for renovation of EU buildings, making them more energy efficient and less dependent on fossil fuels. Renovation is key for reducing the energy consumption of buildings, for bringing down emissions and for reducing energy bills. In addition, renovation generates local jobs and economic growth. Given the long lead-in time required to induce changes in the building sector, a timely revision of the Directive is needed to support achieving the “Fit for 55” objectives.

#### **1.1. Interplay “Fit for 55” package and notably the new ETS**

The “Fit for 55” package consists of a set of inter-connected proposals backed by impact assessment analysis taking this into account. The analysis<sup>5</sup> showed that an over-reliance on strengthened regulatory policies would lead to unnecessarily high economic burdens, while carbon pricing alone would not overcome persistent market failures and non-economic barriers. The chosen policy mix therefore carefully balances pricing, targets, standards and support measures. The proposed EPBD revision is set within the same frame. As a consequence, a change in the balance of the overall mix would call for adjusting different parts of policy. A weakening in pricing and targets measures fostering the decarbonisation of the building sector would call for correspondingly more stringent regulatory measures in the EPBD revision, most notably with regard to fossil fuel phase out and mandatory minimum energy performance standards.

The relevant Commission’s impact assessments have shown that the achievement of targets would be less certain and more costly in the absence of a carbon price signal on heating fuels, such as the proposed new emissions trading system (ETS) for buildings and road transport. This works best hand in hand with EU regulatory measures and complementary national

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<sup>1</sup> [https://ec.europa.eu/clima/news-your-voice/news/delivering-european-green-deal-2021-07-14\\_en](https://ec.europa.eu/clima/news-your-voice/news/delivering-european-green-deal-2021-07-14_en)

<sup>2</sup> Climate Target Plan: Stepping up Europe’s 2030 climate ambition Investing in a climate-neutral future for the benefit of our people, COM/2020/562 final

<sup>3</sup> Tackling energy poverty and worst-performing buildings; public buildings and social infrastructure showing the way; and decarbonising heating and cooling.

<sup>4</sup> A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0550&from=EN>

measures, as incentivised by the proposed higher ambition in the Effort Sharing Regulation (ESR), the Energy Efficiency Directive (EED) and the Renewable Energy Directive (RED).

The new ETS creates economic incentives for building decarbonisation and generates revenues for public support, targeted in particular to support vulnerable households. The revised EPBD addresses non-economic barriers to renovation<sup>6</sup>. It creates an enabling framework to provide financial support to renovation without directly mobilizing the required funding. A revised EPBD could contribute significantly to achieving the 2030 objectives. The EPBD Impact Assessment<sup>7</sup> shows that, in its absence, the overall emission reductions needed will fall short by roughly half of what is needed in the residential and services sector to achieve the 2030 goal.

Without these revisions, more measures at Member State level would be necessary to make up for this gap, but uncertainty around their effectiveness, timeliness and consistency with the 2050 decarbonisation objective enshrined in the European Climate Law<sup>8</sup> would dull incentives for a rapid scale up in renovation rates. In the absence of strengthened EU or national regulatory measures boosting the rate of renovations, carbon price would need to be higher<sup>9</sup> and ultimately non-economic barriers to renovations would remain unaddressed.

It will be important to preserve consistency across all building-related provisions in the package during negotiations to agree on a coherent and robust framework for buildings to meet the EU's 2030 and 2050 targets.

## 1.2. Issues around vulnerability, affordability and energy poverty

A main novelty of the revision is the introduction of minimum energy performance standards to trigger the required transformation of the sector. Building renovation has two widely recognised positive economic impacts: 1. decreasing energy costs, alleviating energy poverty, and 2. increasing the value of more energy performing buildings. Other benefits include better quality of living and shorter average vacancy periods.

The benefits of lower energy bills are even more relevant in a context of high energy prices. People living in worst-performing buildings and those facing energy poverty would benefit from renovated and better buildings and from reduced energy costs, and be buffered from further market price increases and volatility.

On the other hand, landlords may be tempted to pass renovation costs to tenants to cover for their upfront investment. Also, a more pronounced focus on addressing the shortcomings of existing worst-performing buildings could reduce further their prices in market transactions, even if a certain correlation between energy performance classes and value already exists today.

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<sup>6</sup> Directing renovation towards the buildings with the highest potential and the highest structural barriers of risk aversion, split incentives and co-ownership structures and to stimulate the more complex deeper renovations.

<sup>7</sup> SWD (2021) 453, Commission Staff Working Document, Impact Assessment Report, Accompanying the document, Directive of the European Parliament and of the Council on the energy performance of buildings (recast)

<sup>8</sup> Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (<https://data.consilium.europa.eu/doc/document/PE-27-2021-INIT/en/pdf>)

<sup>9</sup> See the MIX-CP scenario underpinning the ETS Impact Assessment: [https://ec.europa.eu/energy/data-analysis/energy-modelling/policy-scenarios-delivering-european-green-deal\\_en](https://ec.europa.eu/energy/data-analysis/energy-modelling/policy-scenarios-delivering-european-green-deal_en)

EU-wide minimum energy performance standards have been carefully designed to mitigate possible negative social effects and maximise their social benefits, notably as regards improving living conditions in worst-performing buildings and alleviating or even preventing energy poverty. Member States will be required to support compliance with minimum energy performance standards with an adequate support framework that includes financial support, technical assistance, removal of barriers and monitoring of social impacts, in particular on the most vulnerable.

National building renovation plans will pay attention to monitoring the reduction of people affected by energy poverty and of population living in inadequate housing (e.g. leaking walls or roofs) or with inadequate thermal comfort conditions. The plans will present an overview of national policies and measures empowering and protecting vulnerable households, alleviating energy poverty and ensuring housing affordability.

The measures in this proposal are coherent with policy and measures across EU instruments supporting a socially just transition. These include reporting on progress towards national indicative objectives to reduce the number of households in energy poverty under the National Energy and Climate Plans and planned investments to mitigate distributional effects and to promote structural solutions – notably energy renovation of buildings including energy efficiency improvement measures or integration of energy production from renewable energy sources, decarbonisation of their heating and cooling systems – to reduce fossil fuel reliance in line with the proposed Social Climate Plans, as well as the Energy Poverty Advisory Hub, which supports Member States’ efforts in alleviating and monitoring energy poverty.

### 1.3. Availability of financing, EU funds and national support measures

The proposal is well coordinated with other relevant instruments, notably as regards EU and national funds. The Recovery and Resilience Facility (RRF) is triggering significant investments into building renovation thanks to the strong ‘Renovate’ flagship components across national recovery and resilience plans. This will continue between now and 2025-2026 paving the way for improvements triggered by the EPBD to come in.

Under the current Multiannual Financial Framework (‘MFF’), there is availability of EU funds across different programmes, which have identified the buildings sector as a priority: regional funds under Cohesion Policy, Just Transition Fund, and Invest EU are key in this regard. They are complemented by the dedicated technical support and assistance from the European Commission to national public administrations in order to facilitate the necessary reforms and the preparations for investments to be effective.

The proposed new ETS’s Social Climate Fund would bridge the gap between the RRF, and the transition between this current MFF and the post-2027 period, and mobilise EUR 72.2 billion for the period 2025-2032 to support households, notably those living in worst-performing buildings. This Fund would cover the upfront costs and ease compliance of low-income households with the minimum energy performance standards proposed in the EPBD. The investments under the national Social Climate Plans will be an integral part of the financing measures contained in the National building renovation plans under the EPBD.

In order to be classified as a sustainable economic activity under the EU Taxonomy Climate Delegated Act, building renovation needs to either achieve 30% energy savings, comply with minimum energy performance requirements for major renovation or consist of specific individual measures classified as sustainable. Renovation to comply with the proposed Union-wide minimum energy performance standards is typically in line with the EU Taxonomy criteria related to building renovation activities.

In addition, the Commission is currently revising the relevant state aid framework and aims to make it more conducive to the needs of the EPBD revision and in particular of the EU-level minimum energy performance standards (MEPS). The resulting state aid provisions would be important to incentivize early compliance with minimum energy performance standards set at EU level in relation to improving the worst-performing buildings.

#### 1.4. Objectives of the proposal

The main objectives of this revision are reducing buildings' greenhouse gas (GHG) emissions and final energy consumption by 2030 and setting a long-term vision for buildings towards EU-wide climate neutrality in 2050. In order to meet them, the initiative is grounded in several specific objectives: to increase the rate and depth of buildings renovations, to improve information on energy performance and sustainability of buildings, and to ensure that all buildings will be in line with the 2050 climate neutrality requirements. Strengthened financial support and modernisation and system integration are levers to deliver on these objectives.

- **Consistency with existing policy provisions in the policy area**

As explained above, the proposed revision aims at fostering both push and pull factors supporting buildings' decarbonisation in conjunction with the incentives for national action established in the ESR and the carbon pricing impacts of the new emissions trading system for buildings and road transport<sup>10</sup>. The proposal revises an existing legislative tool. As such, it cannot substitute for a target, such as those set under the ESR, but it supports their achievement. It works hand in hand with the proposed new ETS, one fostering the decarbonisation of heating fuels and technologies and the other reducing energy consumption.

The EPBD will set the overall vision for new and existing buildings that applies across building-related provisions of the other "Fit for 55" initiatives<sup>11</sup>. By upscaling actions to reduce energy consumption in the building sector, the EPBD will also contribute to the delivery of the overall energy efficiency targets set in the Energy Efficiency Directive (EED). The higher number of renovations triggered by the EPBD proposal and by the requirement for new buildings to install heating systems with zero direct greenhouse gas emissions and to integrate renewable energies to become zero-emission buildings will enable the indicative 2030 target for the share of renewables in buildings' final energy consumption in line with the Renewable Energy Directive (RED). The proposal will support the replacement of inefficient fossil-fuel boilers by systems with no direct GHG emissions, such as heat pumps and other renewable based technologies.

The proposal upgrades private recharging infrastructure in car parks in and adjacent to buildings, complementing the updated Alternative Fuel Infrastructure Regulation (AFIR) setting stronger ambitions on the overall targets, including on publicly available recharging infrastructure for electric vehicles. In line with the European Green and the new EU Urban mobility framework also includes provisions for improving bicycle parking infrastructure.

The proposal similarly complements products legislation, e.g. the Energy Labelling Regulation (ELR), which incentivises consumers to purchase best-in-class energy-related products and appliances placed in buildings. The EPBD works in tandem with the Ecodesign

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<sup>10</sup> As shown in the relevant impact assessment, the parameters for the new ETS on road transport and buildings were fixed consistently with the energy efficiency target level in the proposal for a revision of the Energy Efficiency Directive and the expected increase in the renovation rate to be brought about by what was then the forthcoming EPBD revision proposal.

<sup>11</sup> List of proposals: [https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/delivering-european-green-deal\\_en#renovating-buildings-for-greener-lifestyles](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/delivering-european-green-deal_en#renovating-buildings-for-greener-lifestyles)

Directive (ED), which sets energy performance and other environmental performance requirements on energy-related products, in particular for technical building systems (e.g. boilers, heat pumps or light sources) and equipment used in buildings (e.g. household appliances). The performance of construction products is addressed in the Construction Products Regulation (CPR) and the proposal also contributes to continuous progress towards climate adaptation, through the provisions related to strengthening of the climate resilience of buildings.

In parallel, the strengthened information tools of the EPBD, which will include also a carbon metric, will help financial investors monetise the benefits of buildings decarbonisation and household or commercial actors to better factor in the economic benefits of building renovations and their repayment plans. These aspects are also aligned with the building-related elements of the EU taxonomy for sustainable activities<sup>12</sup>.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

### • Legal basis

The proposal is based on Article 194(2) of the Treaty on the Functioning of the European Union, the legal basis for Union policy on energy. The proposed measures aim at ‘promot[ing] energy efficiency and energy saving and the development of new and renewable forms of energy’ (Article 194(1)(c) TFEU).

### • Subsidiarity (for non-exclusive competence)

#### 2.1. *The need for EU action*

Energy policy is a shared competence between the EU and Member States and an area of well-established EU policy. To a large extent the proposed changes in the EPBD reflect the need to update it in order to reflect the increased ambition of the EU climate and energy targets. This is in addition to the fact that the assessment of the EU-wide impact of the National Energy & Climate Plans (‘NECP’) that the Commission published in September 2020<sup>13</sup> showed an ambition gap as regards energy efficiency: 2.8 percentage points for primary energy consumption and 3.1 points for final energy consumption in the EU, as compared to the 2030 goals currently in force. Further EU wide measures in the revised EPBD are thus needed in line with what is foreseen in the Energy Union Governance Regulation<sup>14</sup>.

Buildings are local infrastructures but insufficient renovation rates and depth are a common issue faced by all Member States in the EU. The underlying causes are mostly of non-economic nature and relevant across Member States. Setting a common EU framework for the decarbonisation trajectory of buildings and related requirements while allowing for adaptation to national circumstances would thus bring much needed certainty for all actors across the supply chain of renovation and construction, and predictability and readiness to all stakeholders, from industries, to local and national workforces, private investors and financial institutions. Past experience with the long-term renovation strategies underlines the importance of better ensuring the right mix between flexibility and harmonised requirements to spur sufficient efforts across all Member States for the achievement of EU-level targets.

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<sup>12</sup> [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities_en)

<sup>13</sup> [https://ec.europa.eu/info/news/commission-publishes-assessment-national-energy-climate-plans-2020-sep-17\\_en](https://ec.europa.eu/info/news/commission-publishes-assessment-national-energy-climate-plans-2020-sep-17_en)

<sup>14</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1999&from=EN>

## 2.2. *EU added value*

A strengthened common EU framework will provide the incentives for Member States with different levels of ambition to accelerate, in a coordinated way and at the necessary scale, the energy transition towards more energy efficient and performant buildings.

Sufficiently strong regulatory signals – for both the existing stock and new buildings - will drive investments into building renovation, create jobs, stimulate innovation, increase the benefits of the internal market for construction products and appliances and have a positive impact on the competitiveness of the construction ecosystem and related sectors. This, together with a reinforced ‘shared language’ of common standards and access to information, will also ensure that the buildings sector reduces its GHG emissions in the most cost-effective way, e.g. through economies of scale.

Buildings do not move across borders, but building-related financing as well as the technologies and solutions that are installed therein do, from insulation, to heat pumps, efficient glazing, or photovoltaic panels. EU action leads to a modernisation of national regulations in the building sector to meet the decarbonisation objectives, opening wider markets for innovative products globally and enabling cost reductions when they are most needed, and industrial growth.

Finally, EU action through the revised EPBD brings multiple benefits, from better health and wellbeing for citizens, local job creation supporting recovery, alleviation of energy poverty, social inclusion, improved living conditions, reduced greenhouse gas emissions, climate resilience, to the reduction of energy consumption and energy costs. It is also in accordance with the New European Bauhaus initiative<sup>15</sup>, which invites to combine sustainability of buildings and the built environment with quality of living and social inclusion.

- **Proportionality**

The measures included in the legislative proposal are considered proportionate and build to the maximum on the existing design of the original 2002 Directive and the 2010 and 2018 revisions. As detailed in section 3 below, the concerns expressed by the Regulatory Scrutiny Board in its negative opinions on the proportionality and the level of EU harmonisation of the preferred option identified in the accompanying impact assessment report have been addressed by modifying the proposal to ensure the respect of the subsidiarity and proportionality principles.

- **Choice of the instrument**

The proposal entails substantive amendments to the EPBD, which was already amended in 2018<sup>16</sup>. This proposal therefore is for a recast of the existing Directive, in line with the Commission’s commitment under paragraph 46 of the Inter-institutional Agreement on better law-making<sup>17</sup>. The new legal act will replace and repeal the earlier Directive (EU) 2010/31/EU.

## 3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

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<sup>15</sup> [https://europa.eu/new-european-bauhaus/system/files/2021-09/COM%282021%29\\_573\\_EN\\_ACT.pdf](https://europa.eu/new-european-bauhaus/system/files/2021-09/COM%282021%29_573_EN_ACT.pdf)

<sup>16</sup> In 2018 by Directive (EU) 2018/844

<sup>17</sup> OJ L 123, 12 May 2016, p.1.

- **Ex-post evaluations/fitness checks of existing legislation**

The EPBD was evaluated in 2016<sup>18</sup>. The measures stemming from the last review of the EPBD (2018) were transposed recently (2020), not allowing to gather sufficient data on their impact to make a new evaluation relevant.

- **Stakeholder consultations**

Complementary methods have been used to allow for a comprehensive consultation process enabling all stakeholders to have a say.

- An Inception Impact Assessment (Roadmap) was published on the Commission [Have Your Say portal](#) on 22 February 2021. It was open for feedback during 4 weeks and received 243 replies;
- A public consultation, based on a structured online questionnaire in the EU Survey tool and in line with the Commission Better Regulation rules was published on the [Have Your Say portal](#) from 30 March 2021, for 12 weeks. It covered the scope, type and design of possible policy options, based on multiple-choice and open questions. Like the Roadmap, it was open to all. 535 replies were received. The majority of participants were business associations and companies (52%), followed by EU citizens (15%), NGOs (12%) and local and national public authorities (7%).
- Five dedicated and targeted workshops were organised between 31 March and 3 June 2021. These events were organised thematically to address specific areas for policy options, on “Setting a vision for buildings and a decarbonised building stock”, “Minimum energy performance standards for existing buildings”, “Strengthening buildings information tools (with a focus on energy performance certificates)”, “Fostering the green and digital transition” and “Accessible and affordable financing – energy poverty”. More than 200 participants took part in each workshop on average.
- Additional engagement with stakeholders has taken place on an ad hoc basis.

The Commission also informed national delegations and administrations and collected their views at meetings of the Energy Working Party, the Energy Performance of Buildings Committee and the Concerted Action plenary meetings.

### *3.1. Summary of stakeholders' views*

A clear majority of respondents to the public consultation expressed support for minimum energy performance standards (75% of respondents in favour). 61% of participants expressed the view that the EPBD provisions on the Long-Term Renovation Strategies should be modified and 89% supported the option to strengthen the monitoring of objectives identified by Member States in their Long-Term Renovation Strategies. 84% were in favour of defining zero-emission buildings in the EPBD. 73% of respondents were of the opinion that the EPBD could contribute to making a wider range of building-related energy performance data available and accessible. Energy performance certificates need to be updated and the quality improved according to a clear majority (65%) and an even stronger one (76%) backed harmonising energy performance certificates.

More than two thirds of respondents (68%) favoured including in the EPBD measures to report on whole life-cycle carbon emissions (manufacturing and construction, use and end of

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<sup>18</sup> COM(2016) 765 final [https://ec.europa.eu/info/sites/default/files/swd-2016-408-final\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/swd-2016-408-final_en_0.pdf)



life). On e-mobility, respondents expressed support overall for strengthened requirements. More than three quarters (77%) were in favour of linking renovation funding support to the depth of renovation and 68% were of the view that it would be beneficial to provide a legal definition of “deep renovation”. Finally, on financing, the general view expressed, also in the workshops, was that it should be more accessible, through a combination of direct grants, tax incentives, energy efficiency mortgages and other types of incentive mechanisms, and that it should come together with provisions on access to one-stop-shops. Targeted financial support for lower and middle-income households was identified as being the most important policy measure addressing energy poverty.

The policy workshops concurred with the public consultation in terms of overall direction and provided useful additional insights.

- **Collection and use of expertise**

This proposal builds on the 2016 evaluation and on data and experiences from the implementation of the EPBD. The JRC provided support on the analysis and assessment of compliance and of national practices. The EPBD Concerted Action initiative produced analysis of the national experiences of implementation of the EPBD. In addition, the Commission bases itself on the growing body of peer-reviewed empirical research and makes use of several support contracts ongoing or recently completed.

The quantitative and qualitative assessment of impacts and administrative costs and the analysis of the input from stakeholders was supported by a specific technical support contract<sup>19</sup>. The analysis within this contract was conducted using a set of modelling tools to represent the building stock and the broader macro-economic and social impacts. The main statistics and data used, also to populate the dataset underlying the models used, refer to the Building Stock Observatory and EUROSTAT indicators. Results from several ongoing research and innovation projects funded under the Horizon2020 programme were also assessed and provided input to the analysis.

This proposal benefits also from the evidence gathered in the impact assessment of the 2030 Climate Target Plan, and relevant evidence compiled in other Green Deal initiatives. As other proposals of the “Fit for 55” policy package, the baseline for assessment considers the updated EU Reference Scenario, a projection of the evolution of EU and national energy systems and greenhouse gas emissions under the current policy framework which includes COVID-19 impacts.

- **Impact assessment**

The analysis in the impact assessment confirmed that the EPBD framework is insufficient for the achievement of the 2030 climate objectives. In particular, no specific measure is in place to address non-economic barriers limiting energy renovation of buildings.

The draft impact assessment was submitted twice to the Commission’s Regulatory Scrutiny Board. Following a first negative opinion, the Board issued a final second negative opinion<sup>20</sup>, which underlined the need for political guidance on whether, and under which conditions, the proposal for the EPBD review could proceed further. The Board explained that it maintained

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<sup>19</sup> Technical assistance for policy development and implementation on buildings policy and renovation Support for the ex-ante impact assessment and revision of Directive 2010/31/EU on energy performance of buildings Service request 2020/28 – ENER/CV/FV2020-608/07; DG Climate Action CLIMA.A4/FRA/2019/0011.

<sup>20</sup> <https://ec.europa.eu/transparency/documents-register/>

its negative opinion because the draft impact assessment report failed to (1) clearly identify the additional gap the EPBD revision would have to fill given the rest of the “Fit for 55” proposals; (2) convincingly show the need for harmonised EU level measures given the heterogeneity of the building sector in Member States; and (3) sufficiently clarify the reason for the selection of the various individual components of the preferred package of policy options.

The working methods of the European Commission empower the Vice President for Inter-Institutional Relations and Foresight to approve the continuation of an initiative that has been subject to a second negative opinion by the Regulatory Scrutiny Board.

Because of the political importance of this initiative, its role within the Fit for 55 package of proposals of July 2021, the urgency of action in the field of building renovation and the fact that the need for policy guidance expressed by the Regulatory Scrutiny Board could be satisfactorily met in the adapted legal proposal, the Commission, also in the light of the agreement by the Vice President for Inter-Institutional Relations and Foresight, has considered it opportune to proceed with the EPBD revision.

The Commission considers the Board’s finding with regard to the insufficient clarity on the role of the EPBD within the “Fit for 55” package to reflect its assessment of the quality of the draft impact assessment report rather than a fundamental concern about the overall policy mix of the “Fit for 55” package. It is important to flag also that the opinions of the Regulatory Scrutiny Board are an assessment of the quality of the draft impact assessment and not an assessment of the related legislative proposals. The interplay between regulatory measures, pricing mechanisms and targets was explained in the preceding sections of this explanatory memorandum. It frames the proposed EPBD revision in the same manner as it framed all other proposals of the “Fit for 55” package, which were all supported by individual impact assessment reports positively assessed by the Board.

The Commission has carefully considered the Board’s view that the draft impact assessment report did not provide sufficiently solid evidence supporting the preferred set of policy measures, most notably with regard to the degree of EU harmonisation proposed therein. Against this background, the Commission has deviated from the option indicated in the draft impact assessment to introduce a phased-in and time-bound tightening of EU-level minimum energy performance standards (MEPS) for certain type of buildings coupled with an obligation for Member States to introduce national MEPS for all other buildings. Now, the national MEPS are proposed as voluntary and differences in national building stocks are better taken into consideration by giving greater flexibility to Member States in drawing up their plans to achieve the goal of a zero-emission building stock by 2050.

However, EU-level minimum energy performance standards for the very worst-performing buildings have been retained to ensure sufficient initial effort from all on those buildings where the biggest energy efficiency gains, GHG emissions reductions and societal co-benefits can be achieved. Member States are left free to establish the specific timelines for these buildings to achieve higher energy performance classes by 2040 and 2050. Where Member States establish national MEPS, they should be designed with a view to the national roadmap and the national targets for 2030, 2040 and 2050 that Member States will establish as part of their National building renovation plans to reach the overall decarbonisation objective by 2050.

Crucially, the very worst-performing buildings covered by the EU-level minimum energy performance standards are also the buildings where deeper renovation efforts are required and for which the incentives provided by carbon prices are most likely to fall short, given the pervasive market failures affecting this sub-sector across all Member States. Importantly, as

the residential segment of those buildings is also that where the most vulnerable households tend to live, the proposed measure (and its supporting financial framework) is considered crucial for a climate transition that leaves no one behind. In addition, the proposal gives longer timelines for residential buildings to phase-in and comply with the EU-level minimum energy performance standards, as compared to buildings owned by public bodies and to other non-residential buildings.

In addition to the above, the proposal has also been modified making a significant number of elements in the Energy Performance Certificates optional. Compared to the preferred option in the draft impact assessment where most measures were obligatory, the present proposal provides further flexibility to Member States. Existing mechanisms have also been prioritised over the creation of new requirements, notably by slimming down the requirements for National Building Renovation Plans and fully integrating them with the NECPs.

The resulting proposal leaves a large margin for manoeuvre to Member States to adapt their buildings regulatory and financing policies to national and local circumstances with a view to meet a common overall ambition. The contribution of the EPBD revision to the overall “Fit for 55” package is not diminished but the key responsibility for its realisation falls more upon Member States than originally envisaged, with due respect for the principle of subsidiarity. Member States are called to design and implement appropriately ambitious National Building Renovation Plans taking into due account of their ESR targets and of the proposed cap on the emission from the use of heating fuels in the building sector. The Commission will assess the National Building Renovation Plans against this background.

The review clause makes explicit reference to the Commission assessment of whether EU-building related measures, including carbon pricing, will bring sufficient improvements to deliver a fully decarbonised, zero-emission building stock by 2050, or whether further binding measures at Union level, such as strengthened EU-wide minimum energy performance standards, need to be introduced, at the latest by the end of 2027.

More specific comments about the Board’s findings can be found in Annex I to the impact assessment accompanying this proposal. The impact assessment provides an analysis of the problem and identifies possible measures to increase renovation rates and depth, enable decarbonisation of new and existing buildings and increase the modernisation of buildings enabled by digitalisation. It packages them within four main options, representing a progressive increase in the level of ambition: low, moderate, high and higher ambition. Option 3 is identified therein as the preferred one. Following the Regulatory Scrutiny Board’s findings on the latter, the EPBD proposal was revised and is now based on a mix of option 2 (with moderate ambition) for existing buildings and option 3 (with high ambition) for information tools and new buildings.

- **Regulatory fitness and simplification**

A key objective of the revision of the EPBD in 2018 was to reduce administrative burden. It had been estimated that taken together, the measures of the preferred policy option would reduce administrative burden by almost EUR 100 million per year.<sup>21</sup>

The key purpose of this revision together with the building-related aspects of the other “Fit for 55” proposals is to align the building sector with the Union’s enhanced climate ambitions. To ensure effectiveness, new and updated requirements are necessary. Those requirements

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<sup>21</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:4908dc52-b7e5-11e6-9e3c-01aa75ed71a1.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:4908dc52-b7e5-11e6-9e3c-01aa75ed71a1.0023.02/DOC_1&format=PDF)

will mainly impact administrative authorities at national and local level in the Member States and, to a lesser extent, building owners, and will mainly rely on existing procedures and structures already in place. They have the right level of ambition – on the one hand to reach our Green Deal targets and at the same time to give business and end consumers the time to adapt.

As indicated in the impact assessment, the digitalisation of Energy Performance Certificates and the new provisions on data exchange and databases shall nonetheless reduce administrative and compliance costs and facilitate administrative procedures linked to building renovations.

- **Fundamental rights**

The Proposal is in line with Article 37 of the Charter of Fundamental Rights<sup>22</sup> of the European Union, which requires that a high level of environmental protection and the improvement of the quality of the environment be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

It is designed in respect of the right to property laid down in Article 17 of the Charter, and builds on Article 34 of the Charter which “recognises and respects the right to [...] housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.”

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

This proposal does not have any implication for the EU budget. It amends an existing Directive and largely relies on structures and rules that are already in place.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

After adoption by the co-legislators of this Recast Directive, the Commission will undertake the following actions to facilitate its transposition:

- Draft a correlation table that serves as transposition check-list for both Member States and the Commission;
- Organise meetings with Member States’ experts in charge of transposing the different parts of the Directive to discuss how to transpose them and solve doubts, either in the context of the Concerted Action for the EPBD (CA-EPBD) or in a committee format;
- Be available for bilateral meetings and calls with Member States in case of specific questions on the transposition of the Directive;
- After the transposition deadline, the Commission will carry out a comprehensive assessment of whether Member States have completely and correctly transposed the Directive.

The proposal complements the Governance Regulation<sup>23</sup>, which ensures that a transparent and reliable planning, reporting and monitoring system is in place, based on the NECPs and streamlined progress reports by Member States. From 2023, Member States must report

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<sup>22</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

<sup>23</sup> Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action

biennially on the progress made in implementing the plans and in addition, by 30 June 2023 they must notify the Commission of their draft updates of the plans, with the final updates due on 30 June 2024. The submission of building renovation plans will follow the cycles of the national energy and climate plans (NECP), except for the first building renovation plan.

- **Explanatory documents (for directives)**

Article 32(1) provides that Member States shall communicate their transposition measures together with a correlation table. This is in line with the ruling of the European Court of Justice (case C-543/17), pursuant to which Member States must accompany their notifications of national transposition measures with sufficiently clear and precise information, indicating which provisions of national law transpose which provisions of a directive. This must be provided for each obligation, not only at “article level”. If Member States comply with this obligation, they would not need, in principle, to send explanatory documents on the transposition to the Commission.

- **Detailed explanation of the specific provisions of the proposal**

Directive 2010/31/EU is amended as follows to align provisions on new and existing buildings, and on information tools, to the European Green Deal, to update its content in light of technical progress and simplify its set-up and to ensure reinforced finance and enforcement mechanisms:

- The subject matter is amended to underline that the proposal for a recast EPBD sets the vision for achieving a zero-emission building stock by 2050 and to reflect a new complementary carbon metric to orient choices towards decarbonised solutions. While the focus of the proposal is the reduction of operational greenhouse gas emissions, first steps are taken to address carbon emissions over the whole life-cycle of a building.
- A new definition of zero-emission building is introduced in Article 2: a building with a very high energy performance in line with the energy efficiency first principle, and where the very low amount of energy still required is fully covered by energy from renewable sources at the building or district or community level where technically feasible (notably those generated on-site, from a renewable energy community or from renewable energy or waste heat from a district heating and cooling system). Zero-emission buildings become the new standard for new buildings, the level to be attained by a deep renovation as of 2030 and the vision for the building stock in 2050. Article 2 also clarifies the definition of “nearly zero-energy building”, which remains the standard for new buildings until the application of the zero-emission building standard, and becomes the level to be attained by a deep renovation until 2030. It newly defines “deep renovation” as a gold standard for building renovation and “staged deep renovation” to ease its delivery. Article 2 introduces a definition of “mortgage portfolio standards”) as a mechanism to incentivise mortgage lenders to improve the energy performance of their portfolio of buildings, and encourage potential clients to make their properties more energy performing.
- Article 3 on **National building renovation plans** (previously named long-term renovation strategies) is made more operational. The monitoring framework is strengthened by introducing an assessment of the draft national building renovation plans by the Commission and the issuing of recommendations as part of the NECP process. To facilitate the presentation of the information and its assessment by the Commission and improve comparability of national plans, a common template with mandatory and voluntary elements is provided in Annex II. Mandatory elements to

report upon encompass district and neighbourhood approaches, including the role of renewable energy communities and citizen energy communities. The building renovation plans shall be submitted as part of the NECPs and their updates; exceptionally, the first draft plan is to be submitted by 30 June 2024 to take into account the time for adoption and entry into force of the revised EPBD. Progress in achieving the national targets and the contribution of the building renovation plans to national and Union targets will be reported as part of the biennial reporting under the Governance Regulation.

- Article 4 (ex-Article 3) on the methodology for calculating the energy performance of buildings in conjunction with Annex I is updated to clarify the possible use of metered energy use to calculate energy performance, and verify the correctness of calculated energy use. The article specifies how to account for the on-site use of energy from renewable sources, such as for recharging points, and for energy supplied from energy communities.
- Article 5 (ex-Article 4) on the setting of minimum energy performance requirements is amended to adapt the previously possible total exemption of protected buildings to technical progress, which allows improving the energy performance of such buildings without altering their technical character and appearance.
- Article 6 (ex-Article 5) on the calculation of cost-optimal levels is aligned to the Green Deal, specifying that the costs of greenhouse gas allowances as well as environmental and health externalities of energy use are to be considered when determining the lowest costs. The Commission will revise the cost-optimal methodology by 30 June 2026.
- Article 7 brings together all provisions on **new buildings**:
  - (a) It specifies that as of 2030, new buildings must be zero-emission buildings; new public buildings must be zero-emission as of 2027. The specific requirements for zero-emission buildings are laid down in Annex III;
  - (b) The life-cycle Global Warming Potential (GWP) of new buildings will have to be calculated as of 2030 in accordance with the Level(s) framework, thus informing on the whole-life cycle emissions of new construction. Whole-life cycle emissions are particularly relevant for large buildings, which is why the obligation to calculate them already applies to large buildings (with a useful floor area larger than 2000 square meters) as of 2027.
  - (c) Member States shall address for new buildings important dimensions going beyond energy performance, namely healthy indoor climate conditions, adaptation to climate change, fire safety, risks related to intense seismic activity and accessibility for persons with disabilities. They shall also address carbon removals associated to carbon storage in or on buildings.
- Article 8 – 10 and 15 on existing buildings and financial support combine:
  - (a) The current provisions on **major renovation**, which offer an opportunity to apply minimum energy performance requirements in place (to ensure minimum renovation depth), and also to address structural improvements, adaptation to climate change, removing hazardous substances including asbestos, and accessibility for persons with disabilities, are **complemented with new EU-level minimum energy performance standards** (triggering an increase in renovation rates) for the worst-performing public (i.e. buildings and building units owned by public bodies) and non-residential buildings. They require EPC

class G buildings to be renovated and improved to at least energy performance class F at the latest by 2027 and to at least energy performance class E at the latest by 2030, and the worst-performing residential buildings to at least class F by 2030 and to at least class E by 2033. The focus on the very lowest performing classes of the building stock ensures that efforts focus on buildings with the highest potential for decarbonisation, energy poverty alleviation and extended social and economic benefits. Member States shall also, as part of the national building renovation plans, establish specific timelines for achieving higher energy performance classes (for buildings falling in the scope of Article 9(1)) by 2040 and 2050, in line with their pathway for transforming the national building stock into zero-emission buildings. In addition to the minimum energy performance standards in accordance with Article 9(1), Member States have the option to introduce national minimum energy performance standards in their national renovation plans. Member States must support compliance with minimum energy performance standards with an enabling framework including financing support, in particular targeting vulnerable households and people affected by energy poverty or living in social housing, technical assistance, and monitoring mechanisms. The proposed provisions allow Member States to exclude several categories of buildings from the obligation to comply with minimum energy performance standards.

- (b) The introduction of voluntary renovation passports to equip building owners planning a staged renovation of their building. Member States will have to introduce a scheme of renovation passports based on the common framework to be developed by the Commission by the end of 2024, in order to give their citizens access to the use of this tool.
- (c) Stronger provisions on the removal of obstacles and barriers to renovation, and on the mobilisation of financial incentives with one-stop-shops accessible to all building ecosystem's stakeholders, so that all barriers to building renovation, not only the costs, are addressed and Member States promote appropriate training. Higher financial incentives and technical support measures are directed to deep renovation projects and those targeting a sizeable number of buildings and leading to considerable overall energy savings. With the same objective in mind, since based on standard lifespans a boiler bought in the mid-2020s may still be in use in 2050, Member States should not be allowed to subsidise fossil-fuel boilers as of 2027.
- (d) To encourage the swift deployment of heating systems with zero direct emissions, and to avoid that investments in new generations of fossil fuel-based boilers become stranded assets, zero-emission buildings should not generate carbon emissions on-site and Member States may opt for the use of a primary energy factor for electricity aligned with the EU average<sup>24</sup>.
- (e) Finally, Member States are required to focus their financial support on the alleviation of energy poverty and to support social housing, and to shield tenants from disproportionate rent levels following renovation.

**As a follow up to the opinions of the Regulatory Scrutiny Board**, the retained option on Minimum Energy Performance Standards does not directly correspond to any of the four options analysed in the draft impact assessment submitted to the Board. The proposal has

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<sup>24</sup> In line with the Energy Efficiency Directive.

carefully been amended in view of subsidiarity and proportionality, taking into account the differences across building stocks in different Member States and giving flexibility to Member States in how they address their specific circumstances and achieve the necessary improvements of their national building stock. It places an EU-wide focus on the 15% worst-performing buildings in the corresponding national building stocks in order to maximise energy savings, cost-effectiveness and energy poverty alleviation impacts as well as more comprehensive social and economic co-benefits associated with achieving the EU's climate and energy objectives.

- The previous Article 8 is restructured. Article 11 focusses on **technical building systems** only, and a clear legal basis for national bans of boilers based on fossil fuels is introduced, allowing Member States to set requirements for heat generators based on greenhouse gas emissions or the type of fuel used. Several Member States consider such measures as essential to achieve a decarbonised building stock and to improve air quality and health. This provision addresses the current legal uncertainty on whether such bans are permitted under Article 6(1) of the Ecodesign Directive and free market rules under the Treaties. In recognition of the importance of good indoor air quality to ensure healthy buildings, the installation of measuring and control devices for the monitoring and regulation of indoor air quality is required in new buildings and, where feasible, in existing buildings undergoing major renovations.
- Article 12 on **infrastructure for sustainable mobility** is aligned with the increased climate ambition, strengthening the current requirements. Pre-cabling becomes the norm for all new buildings and buildings undergoing major renovation, and the roll-out of recharging points in new and renovated office buildings is reinforced in particular. Recharging points need to enable smart charging and Member States shall remove barriers to the installation of recharging points in residential buildings, ensuring a “right to plug” in line with the relevant provisions in the proposal for an Alternative Fuels Infrastructure Regulation. In addition, mandatory bicycle parking spaces in new buildings and buildings undergoing major renovation are introduced in order to remove barriers to cycling as a central element of sustainable, zero-emission mobility.
- Articles 13 reinforces the **Smart Readiness Indicator** for large non-residential buildings as of 2026. To facilitate development of new services related to buildings, a new Article 14 specific to **building data** ensures that the building owner, tenant and manager or third parties can have access to building systems' data. New rules on data interoperability and access to data are to be laid down by the Commission by means of an implementing act.
- Articles 16 to 19 improve the already existing provisions on **energy performance certificates**, their issuing and display, and their databases:
  - (a) To ensure comparability across the Union, by 2025 all energy performance certificates must be based on a harmonised scale of energy performance classes and comply with the template laid down in Annex V.
  - (b) The energy performance classes will be rescaled with a view to the common vision for a zero-emission building stock by 2050, while taking into account national differences of building stocks: the highest class A represents a zero-emission building, while the lowest class G shall include the 15% worst-performing buildings in the national building stock. This rescaling will ensure comparable efforts across Member States to comply with the Union-wide



minimum energy performance standards pursuant to Article 9. The indicator on the basis of which buildings are to be rated (primary energy use in kWh/(m<sup>2</sup>.y)) remains unchanged, and is complemented by an indicator on operational greenhouse gas emissions and renewable energy. Other indicators remain voluntary for Member States to choose from, offering a toolbox approach that can be adjusted to national conditions.

- (c) The validity of energy performance certificates of the lower D to G classes is reduced to five years in order to ensure that they contain up-to-date information that helps citizens reduce their consumption. Simplified procedures must be available for the updates of energy performance certificates in certain simple cases and energy performance certificates must be issued in a digital format. Measures to increase reliability of the issued certificates are introduced (on-site visit and quality control).
  - (d) Better coverage of the building stock with EPCs is a precondition for its improvement, but at the same time Member States would need to ensure that they are affordable. The obligation to have an energy performance certificate is extended to buildings undergoing major renovation, buildings for which a rental contract is renewed and all public buildings. Buildings or building units which are offered for sale or rent must have an energy performance certificate, and the energy performance class and indicator should be stated in all advertisements, ensuring the relevance of energy performance on the market for sale and rental. All buildings occupied by public authorities and frequently visited by the public must display their energy performance certificate, irrespective of their size.
  - (e) Member States shall set up national databases for energy performance certificates of buildings, which also allow to gather data related to building renovation passports and smart readiness indicators. Information from the national databases shall be transferred to the Building Stock Observatory, based on a template to be developed by the Commission.
- Current provisions on inspections are grouped together and clarified to facilitate their implementation, whilst including ventilation systems as part of the EPBD measures aimed at addressing indoor air quality. To ensure the quality and reliability of renovations or of new construction works, it is foreseen that national inspection schemes or alternative tools shall be set up to verify that delivered construction and renovation works meet the designed energy performance and improve citizens' satisfaction and trust. In the same vein, providers of integrated renovation works must have access to certification or qualification schemes to ensure reliable quality of those works. The threshold for the mandatory installation of building automation and control systems should be lowered for non-residential buildings as of 2030, and new residential buildings and residential buildings undergoing major renovations must be equipped with certain monitoring and control functionalities to improve and optimise their management and operation.
  - **Enforcement of buildings policy** is key to ensure that it makes real progress on the ground. Current independent control systems are extended to include renovation passports and smart readiness indicators. Monitoring and enforcement, including through penalties, will focus in particular on minimum energy performance standards and the improvement of the existing building stock.

Final provisions and review clause: with a view to the review of the EPBD in 2021 in the context of delivering on the Green Deal, the date for the next review pursuant to Article 25 is set to the end of 2027, at the latest. The review clause makes explicit reference to the Commission assessment of whether building-related measures in EU legislation, including carbon pricing, will bring sufficient improvements to deliver a fully decarbonised, zero-emission building stock by 2050, or whether further binding measures at Union level such as strengthened minimum energy performance need to be introduced. Article 32 on transposition clarifies that Member States shall provide a correlation table together with their transposition measures.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on the energy performance of buildings (recast)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>25</sup>,

Having regard to the opinion of the Committee of the Regions<sup>26</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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↓ 2010/31/EU recital 1 (adapted)

- (1) Directive ~~2002/91/EC~~  2010/31/EU  of the European Parliament and of the Council<sup>27</sup> ~~of 16 December 2002 on the energy performance of buildings<sup>28</sup>~~  substantially  amended  several times <sup>29</sup>. Since further ~~substantive~~ amendments are to be made, ~~it~~  that Directive  should be recast in the interests of clarity.

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↓ new

- (2) Under the Paris Agreement, adopted in December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), its Parties have agreed to hold the increase in the global average temperature well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. Reaching the objectives of the Paris Agreement is at the core of

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<sup>25</sup> OJ C [...], [...], p. [...].

<sup>26</sup> OJ C [...], [...], p. [...].

<sup>27</sup> Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

<sup>28</sup> OJ L 1, 4.1.2003, p. 65.

<sup>29</sup> See Annex ~~VIII~~, Part A.

the Commission Communication on “The European Green Deal” of 11 December 2019<sup>30</sup>. The Union committed itself to reduce the Union’s economy-wide net greenhouse gas emissions by at least 55 % by 2030 below 1990 levels in the updated nationally determined contribution submitted to the UNFCCC Secretariat on 17 December 2020.

- (3) As announced in the Green Deal, the Commission presented its Renovation Wave strategy on 14 October 2020<sup>31</sup>. The strategy contains an action plan with concrete regulatory, financing and enabling measures, with the objective to at least double the annual energy renovation rate of buildings by 2030 and to foster deep renovations. The revision of the Energy Performance of Buildings Directive is necessary as one of the vehicles to deliver on the Renovation Wave. It will also contribute to delivering on the New European Bauhaus initiative and the European mission on climate-neutral and smart cities.
- (4) Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>32</sup>, the ‘European Climate Law’, enshrines the target of economy-wide climate neutrality by 2050 in legislation and establishes a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) of at least 55 % below 1990 levels by 2030.
- (5) The “Fit for 55” legislative package announced in the European Commission 2021 Work Programme aims to implement those objectives. It covers a range of policy areas including energy efficiency, renewable energy, land use, land change and forestry, energy taxation, effort sharing, emissions trading and alternative fuels infrastructure. The revision of Directive 2010/31/EU is an integral part of that package.

↓ 2010/31/EU recital 2

~~An efficient, prudent, rational and sustainable utilisation of energy applies, inter alia, to oil products, natural gas and solid fuels, which are essential sources of energy, but also the leading sources of carbon dioxide emissions.~~

↓ 2010/31/EU recital 3 (adapted)  
⇒ new

- (6) Buildings account for 40 % of ~~the~~ final ~~total~~ energy consumption in the Union ⇒ and 36% of its energy-related greenhouse gas emissions ⇐ . ~~The sector is expanding, which is bound to increase its energy consumption.~~ Therefore, reduction of energy consumption ⇐ , in line with the energy efficiency first principle as laid down in Article 3 [revised EED] and defined in Article 2(18) of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>33</sup> ⇐ and the use of energy from

<sup>30</sup> The European Green Deal, COM(2019) 640 final.

<sup>31</sup> A Renovation Wave for Europe - greening our buildings, creating jobs, improving lives, COM/2020/662 final.

<sup>32</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).

<sup>33</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and

renewable sources in the buildings sector constitute important measures needed to reduce the Union's energy dependency and greenhouse gas emissions. ~~Together with an increased use of energy from renewable sources, measures taken to reduce energy consumption in the Union would allow the Union to comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), and to honour both its long-term commitment to maintain the global temperature rise below 2 °C, and its commitment to reduce, by 2020, overall greenhouse gas emissions by at least 20 % below 1990 levels, and by 30 % in the event of an international agreement being reached.~~ Reduced energy consumption and an increased use of energy from renewable sources also have an important part to play in  reducing the Union's energy dependency,  promoting security of energy supply,  and  technological developments and in creating opportunities for employment and regional development, in particular in  islands and  rural areas.

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new

- (7) Buildings are responsible for greenhouse gas emissions before, during and after their operational lifetime. The 2050 vision for a decarbonised building stock goes beyond the current focus on operational greenhouse gas emissions. The whole life-cycle emissions of buildings should therefore progressively be taken into account, starting with new buildings. Buildings are a significant material bank, being repositories for resources over many decades, and the design options largely influence the whole life-cycle emissions both for new buildings and renovations. The whole life-cycle performance of buildings should be taken into account not only in new construction, but also in renovations through the inclusion of policies for the reduction of whole life-cycle greenhouse gas emissions in Member States' building renovation plans.
- (8) Minimizing the whole life-cycle greenhouse gas emissions of buildings requires resource efficiency and circularity. This can also be combined with turning parts of the building stock into a temporary carbon sink.
- (9) The global warming potential over the whole life-cycle indicates the building's overall contribution to emissions that lead to climate change. It brings together greenhouse gas emissions embodied in construction products with direct and indirect emissions from the use stage. A requirement to calculate the life-cycle global warming potential of new buildings therefore constitutes a first step towards increased consideration of the whole life-cycle performance of buildings and a circular economy.
- (10) Buildings are responsible for about half of primary fine particulate matter (PM2.5) emissions in the EU that cause premature death and illness. Improving energy performance of buildings can and should reduce pollutant emissions at the same time, in line with Directive (EU) 2016/2284 of the European Parliament and the Council<sup>34</sup>.

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of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

<sup>34</sup> Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p.1).

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↓ 2010/31/EU recital 4

~~Management of energy demand is an important tool enabling the Union to influence the global energy market and hence the security of energy supply in the medium and long term.~~

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↓ 2010/31/EU recital 5 (adapted)

~~The European Council of March 2007 emphasised the need to increase energy efficiency in the Union so as to achieve the objective of reducing by 20 % the Union's energy consumption by 2020 and called for a thorough and rapid implementation of the priorities established in the Commission Communication entitled 'Action plan for energy efficiency: realising the potential'. That action plan identified the significant potential for cost-effective energy savings in the buildings sector. The European Parliament, in its resolution of 31 January 2008, called for the strengthening of the provisions of Directive 2002/91/EC, and has called at various times, on the latest occasion in its resolution of 3 February 2009 on the Second Strategic Energy Review, for the 20 % energy efficiency target in 2020 to be made binding. Moreover, Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020<sup>35</sup>, sets national binding targets for CO<sub>2</sub> reduction for which energy efficiency in the building sector will be crucial, and Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources<sup>36</sup> provides for the promotion of energy efficiency in the context of a binding target for energy from renewable sources accounting for 20 % of total Union energy consumption by 2020.~~

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↓ 2010/31/EU recital 6 (adapted)

~~The European Council of March 2007 reaffirmed the Union's commitment to the Union-wide development of energy from renewable sources by endorsing a mandatory target of a 20 % share of energy from renewable sources by 2020. Directive 2009/28/EC establishes a common framework for the promotion of energy from renewable sources.~~

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↓ 2010/31/EU recital 7 (adapted)

~~It is necessary to lay down more concrete actions with a view to achieving the great unrealised potential for energy savings in buildings and reducing the large differences between Member States' results in this sector.~~

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↓ 2010/31/EU recital 8 (adapted)

⇒ new

- (11) Measures to improve further the energy performance of buildings should take into account climatic ☒ conditions, ☒ ⇒ including adaptation to climate change, ☒ and local conditions as well as indoor climate environment and cost-effectiveness. ~~These~~ ☒ Those ☒ measures should not affect other requirements concerning buildings

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<sup>35</sup> OJL 140, 5.6.2009, p. 136.

<sup>36</sup> OJL 140, 5.6.2009, p. 16.

such as accessibility ⇒ , fire safety and seismic ⇐ safety and the intended use of the building.

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↓ 2010/31/EU recital 9  
⇒ new

- (12) The energy performance of buildings should be calculated on the basis of a methodology, which may be differentiated at national and regional level. That includes, in addition to thermal characteristics, other factors that play an increasingly important role such as heating and air-conditioning installations, application of energy from renewable sources, ⇒ building automation and control systems, smart solutions, ⇐ passive heating and cooling elements, shading, indoor air-quality, adequate natural light and design of the building. The methodology for calculating energy performance should be based not only on the season in which heating ⇒ or air-conditioning ⇐ is required, but should cover the annual energy performance of a building. That methodology should take into account existing European standards. ⇒ The methodology should ensure the representation of actual operating conditions and enable the use of metered energy to verify correctness and for comparability, and the methodology should be based on hourly or sub-hourly time-steps. In order to encourage the use of renewable energy on-site, and in addition to the common general framework, Member States should take the necessary measures so that the benefits of maximising the use of renewable energy on-site, including for other-uses (such as electric vehicle charging points), are recognised and accounted for in the calculation methodology. ⇐
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↓ 2010/31/EU recital 10 (adapted)  
⇒ new

- (13) ~~It is the sole responsibility of~~ Member States ⇒ should ⇐ ~~to~~ set minimum requirements for the energy performance of buildings and building elements. ~~These requirements should be set~~ with a view to achieving the cost-optimal balance between the investments involved and the energy costs saved throughout the lifecycle of the building, without prejudice to the right of Member States to set minimum requirements which are more energy efficient than cost-optimal energy efficiency levels. Provision should be made for the possibility for Member States to review regularly their minimum energy performance requirements for buildings in the light of technical progress.
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↓ 2010/31/EU recital 11

~~The objective of cost-effective or cost-optimal energy efficiency levels may, in certain circumstances, for example in the light of climatic differences, justify the setting by Member States of cost-effective or cost-optimal requirements for building elements that would in practice limit the installation of building products that comply with standards set by Union legislation, provided that such requirements do not constitute an unjustifiable market barrier.~~

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↓ new

- (14) Two-thirds of the energy used for heating and cooling of buildings still comes from fossil fuels. In order to decarbonise the building sector, it is of particular importance to

phase out fossil fuel in heating and cooling. Therefore, Member States should indicate their national policies and measures to phase out fossil fuels in heating and cooling in their building renovation plans, and no financial incentives should be given for the installation of fossil fuel boilers under the next Multiannual Financial Framework as of 2027, with the exception of those selected for investment, before 2027, under the European Regional Development Fund and on the Cohesion Fund. A clear legal basis for the ban of heat generators based on their greenhouse gas emissions or the type of fuel used should support national phase-out policies and measures.

↓ 2010/31/EU recital 12  
⇒ new

- (15) ⇒ Energy performance requirements for technical building systems should apply to whole systems, as installed in buildings, and not to the performance of standalone components, which fall under the scope of product-specific regulations under Directive 2009/125/EC. ⇐ When setting energy performance requirements for technical building systems, Member States should use, where available and appropriate, harmonised instruments, in particular testing and calculation methods and energy efficiency classes developed under measures implementing Directive 2009/125/EC of the European Parliament and of the Council ~~of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products<sup>37</sup> and Directive 2010/30/EU<sup>19</sup> May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products<sup>28</sup> Regulation (EU) 2017/1369 of the European Parliament and of the Council<sup>39</sup>~~, with a view to ensuring coherence with related initiatives and minimise, to the extent possible, potential fragmentation of the market.

↓ 2010/31/EU recital 13

- (16) This Directive is without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU). The term ‘incentive’ used in this Directive should not therefore be interpreted as constituting State aid.

↓ 2010/31/EU recital 14 (adapted)  
⇒ new

- (17) The Commission should lay down a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements. ⇒ A review of this framework should enable the calculation of both energy and emission performance and should take into account environmental and health externalities, as well as the ETS extension and carbon prices. ⇐ Member States should use ~~this~~  that  framework to compare the results with the minimum energy performance requirements which they have adopted. Should significant discrepancies, i.e.

<sup>37</sup> [Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products \(OJ L 285, 31.10.2009, p. 10\).](#)

<sup>38</sup> [See page 1 of this Official Journal.](#)

<sup>39</sup> [Regulation \(EU\) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU \(OJ L 198, 28.7.2017, p. 1\).](#)



exceeding 15 %, exist between the calculated cost-optimal levels of minimum energy performance requirements and the minimum energy performance requirements in force, Member States should justify the difference or plan appropriate steps to reduce the discrepancy. The estimated economic lifecycle of a building or building element should be determined by Member States, taking into account current practices and experience in defining typical economic lifecycles. The results of ~~this~~  that  comparison and the data used to reach ~~these~~  those  results should be regularly reported to the Commission. ~~These~~  Those  reports should enable the Commission to assess and report on the progress of Member States in reaching cost-optimal levels of minimum energy performance requirements.

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↓ 2010/31/EU recital 15

~~Buildings have an impact on long-term energy consumption. Given the long renovation cycle for existing buildings, new, and existing buildings that are subject to major renovation, should therefore meet minimum energy performance requirements adapted to the local climate. As the application of alternative energy supply systems is not generally explored to its full potential, alternative energy supply systems should be considered for new buildings, regardless of their size, pursuant to the principle of first ensuring that energy needs for heating and cooling are reduced to cost-optimal levels.~~

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↓ 2010/31/EU recital 16

(18) Major renovations of existing buildings, regardless of their size, provide an opportunity to take cost-effective measures to enhance energy performance. For reasons of cost-effectiveness, it should be possible to limit the minimum energy performance requirements to the renovated parts that are most relevant for the energy performance of the building. Member States should be able to choose to define a ‘major renovation’ either in terms of a percentage of the surface of the building envelope or in terms of the value of the building. If a Member State decides to define a major renovation in terms of the value of the building, values such as the actuarial value, or the current value based on the cost of reconstruction, excluding the value of the land upon which the building is situated, could be used.

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↓ 2010/31/EU recital 17

~~Measures are needed to increase the number of buildings which not only fulfil current minimum energy performance requirements, but are also more energy efficient, thereby reducing both energy consumption and carbon dioxide emissions. For this purpose Member States should draw up national plans for increasing the number of nearly zero energy buildings and regularly report such plans to the Commission.~~

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↓ new

(19) The enhanced climate and energy ambition of the Union requires a new vision for buildings: the zero-emission building, the very low energy demand of which is fully covered by energy from renewable sources where technically feasible. All new buildings should be zero-emission buildings, and all existing buildings should be transformed into zero-emission buildings by 2050.

- (20) Different options are available to cover the energy needs of an efficient building by energy from renewable sources: on-site renewables such as solar thermal, solar photovoltaics, heat pumps and biomass, renewable energy provided by renewable energy communities or citizen energy communities, and district heating and cooling based on renewables or waste heat.
- (21) The necessary decarbonisation of the Union building stock requires energy renovation at a large scale: almost 75% of that building stock is inefficient according to current building standards, and 85-95% of the buildings that exist today will still be standing in 2050. However, the weighted annual energy renovation rate is persistently low at around 1%. At the current pace, the decarbonisation of the building sector would require centuries. Triggering and supporting building renovation, including a shift towards emission-free heating systems, is therefore a key goal of this Directive.
- (22) Minimum energy performance standards are the essential regulatory tool to trigger renovation of existing buildings on a large scale, as they tackle the key barriers to renovation such as split incentives and co-ownership structures, which cannot be overcome by economic incentives. The introduction of minimum energy performance standards should lead to a gradual phase-out of the worst-performing buildings and a continuous improvement of the national building stock, contributing to the long-term goal of a decarbonised building stock by 2050.
- (23) Minimum energy performance standards set at Union level should focus on the renovation of the buildings with the highest potential in terms of decarbonisation, energy poverty alleviation and extended social and economic benefits, in particular on the very worst-performing buildings, which need to be renovated as a priority.
- (24) As regards the rest of the national building stock, Member States are free to decide whether they wish to introduce minimum energy performance standards, designed at national level and adapted to national conditions. When reviewing this Directive, the Commission should assess whether further binding minimum energy performance standards need to be introduced in order to achieve a decarbonised building stock by 2050.
- (25) The introduction of minimum energy performance standards should be accompanied by an enabling framework including technical assistance and financial measures. Minimum energy performance standards set at national level do not amount to “Union standards” within the meaning of State aid rules, while Union-wide minimum energy performance standards might be considered constituting such “Union standards”. In line with revised State aid rules, Member States may grant State aid to building renovation to comply with the Union-wide energy performance standards, namely to achieve a certain energy performance class, until those Union-wide standards become mandatory. Once the standards are mandatory, Member States may continue to grant State aid for the renovation of buildings and building units falling under the Union-wide energy performance standards as long as the building renovation aims at a higher standard than the specified minimum energy performance class.
- (26) The EU Taxonomy classifies environmentally sustainable economic activities across the economy, including for the building sector. Under the EU Taxonomy Climate Delegated Act, building renovation is considered a sustainable activity where it achieves at least 30% energy savings, complies with minimum energy performance requirements for major renovation of existing buildings, or consists of individual measures related to the energy performance of buildings, such as the installation, maintenance or repair of energy efficiency equipment or of instruments and devices

for measuring, regulating and controlling the energy performance of buildings, where such individual measures comply with the criteria set out. Building renovation to comply with Union-wide minimum energy performance standards is typically in line with the EU Taxonomy criteria related to building renovation activities.

- (27) The Union-wide minimum energy performance standards should be based on harmonised energy performance classes. By defining the lowest energy performance class G as the worst-performing 15% of each Member State's national building stock, the harmonisation of energy performance classes ensures similar efforts by all Member States, while the definition of the best energy performance class A ensures the convergence of the harmonised energy performance class scale towards the common vision of zero-emission buildings.
- (28) Minimum energy performance requirements for existing buildings and building elements were already contained in the predecessors of this Directive and should continue to apply. While the newly introduced minimum energy performance standards set a floor for the minimum energy performance of existing buildings and ensure that renovation of inefficient buildings takes place, minimum energy performance requirements for existing buildings and building elements ensure the necessary depth of renovation when a renovation takes place.
- (29) To achieve a highly energy efficient and decarbonised building stock and the transformation of existing buildings into zero-emission buildings by 2050, Member States should establish national building renovation plans, which replace the long-term renovation strategies and become an even stronger, fully operational planning tool for Member States, with a stronger focus on financing and ensuring that appropriately skilled workers are available for carrying out building renovations. In their building renovation plans, Member States should set their own national building renovation targets. In line with Article 21(b)(7) of Regulation (EU) 2018/1999 and with the enabling conditions set under Regulation (EU) 2021/60 of the European Parliament and of the Council<sup>40</sup>, Member States should provide an outline of financing measures, as well as an outline of the investment needs and the administrative resources for the implementation of their building renovation plans.
- (30) The national building renovation plans should be based on a harmonised template in order to ensure comparability of plans. In order to ensure the required ambition, the Commission should assess the draft plans and issue recommendations to Member States.
- (31) The national building renovation plans should be closely linked with the integrated national energy and climate plans under Regulation (EU) 2018/1999, and progress in achieving the national targets and the contribution of the building renovation plans to national and Union targets should be reported as part of the biennial reporting under Regulation (EU) 2018/1999. Considering the urgency to scale up renovation based on solid national plans, the date for the submission of the first national building renovation plan should be set as early as possible.

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<sup>40</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

- (32) Staged renovation can be a solution to address the issues of high upfront costs and hassle for the inhabitants that may occur when renovating ‘in one go’. However, such staged renovation needs to be carefully planned in order to avoid that one renovation step precludes necessary subsequent steps. Renovation passports provide a clear roadmap for staged renovation, helping owners and investors plan the best timing and scope for interventions. Therefore, renovation passports should be made available as a voluntary tool to building owners across all Member States.
- (33) The concept of ‘deep renovation’ has not yet been defined in Union legislation. With a view to achieving the long-term vision for buildings, deep renovation should be defined as a renovation that transforms buildings into zero-emission buildings; in a first step, as a renovation that transforms buildings into nearly zero-energy buildings. This definition serves the purpose of increasing the energy performance of buildings. A deep renovation for energy performance purposes is a prime opportunity to address other aspects such as living conditions of vulnerable households, increasing climate resilience, resilience against disaster risks including seismic resilience, fire safety, the removal of hazardous substances including asbestos, and accessibility for persons with disabilities.
- (34) In order to foster deep renovation, which is one of the goals of the Renovation Wave strategy, Member States should give enhanced financial and administrative support to deep renovation.
- (35) Member States should support energy performance upgrades of existing buildings that contribute to achieving a healthy indoor environment, including through the removal of asbestos and other harmful substances, preventing the illegal removal of harmful substances, and facilitating compliance with existing legislative acts such as Directives 2009/148/EU<sup>41</sup> and (EU) 2016/2284<sup>42</sup> of the European Parliament and of the Council.
- (36) Electric vehicles are expected to play a crucial role in the decarbonisation and efficiency of the electricity system, namely through the provision of flexibility, balancing and storage services, especially through aggregation. This potential of electric vehicles to integrate with the electricity system and contribute to system efficiency and further absorption of renewable electricity should be fully exploited. Charging in relation to buildings is particularly important, since this is where electric vehicles park regularly and for long periods of time. Slow charging is economical and the installation of recharging points in private spaces can provide energy storage to the related building and integration of smart charging services and system integration services in general.
- (37) Combined with an increased share of renewable electricity production, electric vehicles produce fewer greenhouse gas emissions. Electric vehicles constitute an important component of a clean energy transition based on energy efficiency measures, alternative fuels, renewable energy and innovative solutions for the management of energy flexibility. Building codes can be effectively used to introduce targeted requirements to support the deployment of recharging infrastructure in car

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<sup>41</sup> Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (OJ L 330, 16.12.2009, p. 28).

<sup>42</sup> Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1).

parks of residential and non-residential buildings. Member States should remove barriers such as split incentives and administrative complications which individual owners encounter when trying to install a recharging point on their parking space.

- (38) Pre-cabling provides the right conditions for the rapid deployment of recharging points if and where they are needed. Readily available infrastructure will decrease the costs of installation of recharging points for individual owners and ensure that electric vehicle users have access to recharging points. Establishing requirements for electromobility at Union level concerning the pre-equipping of parking spaces and the installation of recharging points is an effective way to promote electric vehicles in the near future while enabling further development at a reduced cost in the medium to long term. Where technically feasible, Member States should ensure the accessibility of recharging points for persons with disabilities.
- (39) Smart charging and bidirectional charging enable the energy system integration of buildings. Recharging points where electric vehicles typically park for extended periods of time, such as where people park for reasons of residence or employment, are highly relevant to energy system integration, therefore smart charging functionalities need to be ensured. In situations where bidirectional charging would assist further penetration of renewable electricity by electric vehicle fleets in transport and the electricity system in general, such functionality should also be made available.
- (40) Promoting green mobility is a key part of the European Green Deal and buildings can play an important role in providing the necessary infrastructure, not only for recharging of electric vehicles but also for bicycles. A shift to soft mobility such as cycling can significantly reduce greenhouse gas emissions from transport. As set out in the 2030 Climate Target Plan, increasing the modal shares of clean and efficient private and public transport, such as cycling, will drastically lower pollution from transport and bring major benefits to individual citizens and communities. The lack of bike parking spaces is a major barrier to the uptake of cycling, both in residential and non-residential buildings. Building codes can effectively support the transition to cleaner mobility by establishing requirements for a minimum number of bicycle parking spaces.
- (41) The agendas of the Digital Single Market and the Energy Union should be aligned and should serve common goals. The digitalisation of the energy system is quickly changing the energy landscape, from the integration of renewables to smart grids and smart-ready buildings. In order to digitalise the building sector, the Union's connectivity targets and ambitions for the deployment of high-capacity communication networks are important for smart homes and well-connected communities. Targeted incentives should be provided to promote smart-ready systems and digital solutions in the built environment. This would offer new opportunities for energy savings, by providing consumers with more accurate information about their consumption patterns, and by enabling the system operator to manage the grid more effectively.
- (42) In order to facilitate a competitive and innovative market for smart building services that contributes to efficient energy use and integration of renewable energy in buildings and support investments in renovation, Member States should ensure direct access to building systems' data by interested parties. To avoid excessive administrative costs for third parties, Member States shall facilitate the full interoperability of services and of the data exchange within the Union.

(43) The smart readiness indicator should be used to measure the capacity of buildings to use information and communication technologies and electronic systems to adapt the operation of buildings to the needs of the occupants and the grid and to improve the energy efficiency and overall performance of buildings. The smart readiness indicator should raise awareness amongst building owners and occupants of the value behind building automation and electronic monitoring of technical building systems and should give confidence to occupants about the actual savings of those new enhanced-functionalities. The smart readiness indicator is particularly beneficial for large buildings with high energy demand. For other buildings, the scheme for rating the smart readiness of buildings should be optional for Member States.

↓ 2010/31/EU recital 18 (adapted)  
⇒ new

(44) ⇒ Access to sufficient funding is crucial to meet the 2030 and 2050 energy efficiency targets. ⇐ Union financial instruments and other measures ~~are being~~ ⇔ have been ⇔ put into place or adapted with the aim of ⇒ supporting the energy performance of buildings ⇐ ~~stimulating energy efficiency related measures.~~ ⇒ The most recent initiatives to increase the availability of financing at Union level include, inter alia, the ‘Renovate’ flagship component of the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and the Council<sup>43</sup> and the Social Climate Fund established by Regulation (EU) .../.... Several other key EU programmes can support energy renovation under the 2021-2027 Multiannual Financial Framework, including the cohesion policy funds and the InvestEU Fund established by Regulation (EU) 2021/523 of the European Parliament and of the Council<sup>44</sup>. Through Framework Programmes for research and innovation, the Union invests in grants or loans to push the best technology and improve the energy performance of buildings, including through partnerships with industry and Member States such as the Clean Energy Transition and Built4People European Partnerships. ⇐ ~~Such financial instruments at Union level include, inter alia, Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund<sup>45</sup>, amended to allow increased investments in energy efficiency in housing; the public-private partnership on a ‘European energy efficient buildings’ initiative to promote green technologies and the development of energy-efficient systems and materials in new and renovated buildings; the EC-European Investment Bank (EIB) initiative ‘EU sustainable energy financing initiative’ which aims to enable, inter alia, investments for energy efficiency and the EIB-led ‘Marguerite Fund’; the 2020 European Fund for Energy, Climate Change and Infrastructure; Council Directive 2009/47/EC of 5 May 2009 amending Directive 2006/112/EC as regards reduced rates of value added tax<sup>46</sup>, structural and cohesion funds instrument Jeremie (Joint European Resources for micro to medium enterprises); the Energy Efficiency Finance Facility; the Competitiveness and Innovation Framework Programme including the Intelligent Energy Europe II~~

<sup>43</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021)

<sup>44</sup> Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

<sup>45</sup> OJ L 210, 31.7.2006, p. 1.

<sup>46</sup> OJ L 116, 9.5.2009, p. 18.

~~Programme focused specifically on removing market barriers related to energy efficiency and energy from renewable sources through for example the technical assistance facility ELENA (European Local Energy Assistance); the Covenant of Mayors; the Entrepreneurship and Innovation programme; the ICT Policy Support Programme 2010, and the Seventh Research Framework Programme. The European Bank for Reconstruction and Development also provides funding with the aim of stimulating energy efficiency related measures.~~

↓ 2010/31/EU recital 19

⇒ new

- (45) Union financial instruments should be used to give practical effect to the objectives of this Directive, without however substituting national measures. In particular, ⇒ due to the scale of the renovation effort needed, ⇐ they should be used for providing appropriate and innovative means of financing to catalyse investment in energy ⇒ performance of buildings ⇐ efficiency measures. They could play an important role in the development of national, regional and local energy efficiency funds, instruments, or mechanisms, which deliver such financing possibilities to private property owners, to small and medium-sized enterprises and to energy efficiency service companies.

↓ new

- (46) Financial mechanisms, incentives and the mobilisation of financial institutions for energy renovations in buildings should play a central role in national building renovation plans and be actively promoted by Member States. Such measures should include encouraging energy efficient mortgages for certified energy efficient building renovations, promoting investments for public authorities in an energy efficient building stock, for example by public-private partnerships or energy performance contracts or reducing the perceived risk of the investments.
- (47) Financing alone will not deliver on the renovation needs. Together with financing, setting up accessible and transparent advisory tools and assistance instruments such as one-stop-shops that provide integrated energy renovation services or facilitators, as well as implementing other measures and initiatives such as those referred to in the Commission's Smart Finance for Smart Buildings Initiative, is indispensable to provide the right enabling framework and break barriers to renovation.
- (48) Inefficient buildings are often linked to energy poverty and social problems. Vulnerable households are particularly exposed to increasing energy prices as they spend a larger proportion of their budget on energy products. By reducing excessive energy bills, building renovation can lift people out of energy poverty and also prevent it. At the same time, building renovation does not come for free, and it is essential to ensure that the social impact of the costs for building renovation, notably on vulnerable households, is kept in check. The renovation wave should leave no one behind and be seized as an opportunity to improve the situation of vulnerable households, and a fair transition towards climate neutrality should be ensured. Therefore, financial incentives and other policy measures should as a priority target vulnerable households, people affected by energy poverty and people living in social housing, and Member States should take measures to prevent evictions because of renovation. The Commission proposal for a Council Recommendation on ensuring a

fair transition towards climate neutrality provides a common framework and shared understanding of comprehensive policies and investments needed for ensuring that the transition is fair.

↓ 2010/31/EU recital 20

~~In order to provide the Commission with adequate information, Member States should draw up lists of existing and proposed measures, including those of a financial nature, other than those required by this Directive, which promote the objectives of this Directive. The existing and proposed measures listed by Member States may include, in particular, measures that aim to reduce existing legal and market barriers and encourage investments and/or other activities to increase the energy efficiency of new and existing buildings, thus potentially contributing to reducing energy poverty. Such measures could include, but should not be limited to, free or subsidised technical assistance and advice, direct subsidies, subsidised loan schemes or low interest loans, grant schemes and loan guarantee schemes. The public authorities and other institutions which provide those measures of a financial nature could link the application of such measures to the indicated energy performance and the recommendations from energy performance certificates.~~

↓ 2010/31/EU recital 21

~~In order to limit the reporting burden on Member States it should be possible to integrate the reports required by this Directive into 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<sup>47</sup>. 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.~~

↓ 2010/31/EU recital 22 (adapted)

⇒ new

(49) ⇒ In order to ensure that the energy performance of buildings can be taken into account by prospective buyers or tenants early in the process, buildings or building units which are offered for sale or rent should have an energy performance certificate, and the energy performance class and indicator should be stated in all advertisements. ⇐ The prospective buyer ☒ or ☒ ~~and~~ tenant of a building or building unit should, in the energy performance certificate, be given correct information about the energy performance of the building and practical advice on improving such performance. ~~Information campaigns may serve to further encourage owners and tenants to improve the energy performance of their building or building unit. Owners and tenants of commercial buildings should also be encouraged to exchange information regarding actual energy consumption, in order to ensure that all the data are available to make informed decisions about necessary improvements. The energy performance certificate should also provide information about the actual impact of heating and cooling on the energy needs of the building,~~ on its primary

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~~OJL 114, 27.4.2006, p. 64.~~



energy consumption ⇨, on its renewable energy production ⇨ and on its ⇨ operational greenhouse gas ⇨ carbon dioxide emissions.

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⇩ new

(50) The monitoring of the building stock is facilitated by the availability of data collected by digital tools, thereby reducing administrative costs. Therefore, national databases for energy performance of buildings should be set up, and the information contained therein should be transferred to the EU Building Stock Observatory.

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⇩ 2010/31/EU recital 23

~~Public authorities should lead by example and should endeavour to implement the recommendations included in the energy performance certificate. Member States should include within their national plans measures to support public authorities to become early adopters of energy efficiency improvements and to implement the recommendations included in the energy performance certificate as soon as feasible.~~

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⇩ 2010/31/EU recital 24 (adapted)  
⇨ new

(51) Buildings occupied by public authorities and buildings frequently visited by the public should set an example by showing that environmental and energy considerations are being taken into account and therefore those buildings should be subject to energy certification on a regular basis. The dissemination to the public of information on energy performance should be enhanced by clearly displaying ~~these~~ ☒ those ☒ energy performance certificates, in particular in buildings of a certain size which are occupied by public authorities or which are frequently visited by the public, such as ⇨ town halls, schools, ⇨ shops and shopping centres, supermarkets, restaurants, theatres, banks and hotels.

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⇩ 2010/31/EU recital 25 (adapted)

(52) Recent years have seen a rise in the number of air-conditioning systems in European countries. ~~This~~ ☒ That ☒ creates considerable problems at peak load times, increasing the cost of electricity and disrupting the energy balance. Priority should be given to strategies which enhance the thermal performance of buildings during the summer period. To that end, there should be focus on measures which avoid overheating, such as shading and sufficient thermal capacity in the building construction, and further development and application of passive cooling techniques, primarily those that improve indoor climatic conditions and the micro-climate around buildings.

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⇩ 2010/31/EU recital 26  
⇨ new

(53) Regular maintenance and inspection of heating ⇨, ventilation ⇨ and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent

assessment of the entire heating ⇨, ventilation ⇩ and air-conditioning system should occur at regular intervals during its lifecycle in particular before its replacement or upgrading. In order to minimise the administrative burden on building owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible.

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↓ 2010/31/EU recital 27 (adapted)  
⇨ new

- (54) A common approach to the energy performance certification of buildings ⇨, renovation passports, smart readiness indicators ⇩ and to the inspection of heating and air-conditioning systems, carried out by qualified and/or ⇨ certified ⇩ 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 energy performance in the Union property market. In order to ensure the quality of energy performance certificates ⇨, renovation passports, smart readiness indicators ⇩ and of the inspection of heating and air-conditioning systems throughout the Union, an independent control mechanism should be established in each Member State.
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↓ 2010/31/EU recital 28

- (55) Since local and regional authorities are critical for the successful implementation of this Directive, they should be consulted and involved, as and when appropriate in accordance with applicable national legislation, on planning issues, the development of programmes to provide information, training and awareness-raising, and on the implementation of this Directive at national or regional level. Such consultations may also serve to promote the provision of adequate guidance to local planners and building inspectors to carry out the necessary tasks. Furthermore, Member States should enable and encourage architects and planners to properly 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, building and renovating industrial or residential areas.
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↓ 2010/31/EU recital 29

- (56) Installers and builders are critical for the successful implementation of this Directive. Therefore, an adequate number of installers and builders should, through training and other measures, have the appropriate level of competence for the installation and integration of the energy efficient and renewable energy technology required.
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↓ 2010/31/EU recital 30

~~Member States should take account of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>48</sup> with regard to the mutual recognition of professional experts which are addressed by this Directive,~~

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<sup>48</sup> OJ L 255, 30.9.2005, p. 22.

~~and the Commission should continue its activities under the Intelligent Energy Europe Programme on guidelines and recommendations for standards for the training of such professional experts.~~

↓ 2010/31/EU recital 31 (adapted)

~~In order to enhance the transparency of energy performance in the Union's non-residential property market, uniform conditions for a voluntary common certification scheme for the energy performance of non-residential buildings should be established. In accordance with Article 291 TFEU, rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>49</sup> continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.~~

↓ 2010/31/EU recital 32 (adapted)

⇒ new

(57) ☒ In order to further the aim of improving the energy performance of buildings, the power ☒ ~~The Commission should be empowered~~ to adopt ~~delegated~~ acts in accordance with Article 290 TFEU ☒ should be delegated to the Commission ☒ in respect of the adaptation to technical progress of certain parts of the general framework set out in Annex I, ~~and~~ in respect of the establishment of a methodology framework for calculating cost-optimal levels of minimum energy performance requirements ⇒ , in respect of adapting the thresholds for zero-emission buildings and the calculation methodology for life-cycle Global Warming Potential, in respect of the establishment of a common European framework for renovation passports and in respect of a Union scheme for rating the smart readiness of buildings ⇐ . It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level ☒ , and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>50</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts ☒ .

↓ new

(58) In order to ensure an effective implementation of the provisions laid down in this Directive, the Commission supports Member States through various tools, such as the Technical Support Instrument<sup>51</sup> providing tailor-made technical expertise to design and implement reforms, including those aimed at increasing the annual energy

<sup>49</sup> ~~OJ L 184, 17.7.1999, p. 23.~~

<sup>50</sup> OJ L 123, 12.5.2016, p. 1.

<sup>51</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

renovation rate of residential and non-residential buildings by 2030 and to foster deep energy renovations. The technical support relates to, for example, strengthening of administrative capacity, supporting policy development and implementation, and sharing of relevant best practices.

↓ 2010/31/EU recital 33 (adapted)  
⇒ new

- (59) Since the ~~objective~~  objectives  of this Directive, namely ~~of~~ enhancing the energy performance of buildings  and reducing the greenhouse gas emissions from buildings  , cannot be sufficiently achieved by the Member States, due to the complexity of the buildings sector and the inability of the national housing markets to adequately address the challenges of energy efficiency, ~~and~~  but  can  rather,  by ~~the~~ reason of the scale and the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principles of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve ~~that objective~~  those objectives  .

↓ new

- (60) The legal basis of this initiative is Article 194(2) TFEU, which empowers the Union to establish the measures necessary to achieve the objectives of the Union with regard to policy on energy. The proposal contributes to the Union's energy policy objectives as outlined in Article 194(1) TFEU, in particular improving the energy performance of buildings and reducing their greenhouse gas emissions, which contributes to preserve and improve the environment.

↓ 2010/31/EU recital 36 (adapted)  
⇒ new

- (61) In accordance with point ~~4434~~ of the Interinstitutional Agreement on Better Law-Making<sup>52</sup>, Member States ~~are encouraged to~~  should  draw up, for themselves and in the interest of the Union, their own tables, illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.  In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).

<sup>52</sup> OJ C 321, 31.12.2003, p. 1.

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↓ 2010/31/EU recital 34 (adapted)

- (62) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive ~~change~~  amendment  as compared ~~with~~  to the earlier  Directive ~~2002/91/EC~~. The obligation to transpose the provisions which are unchanged arises under ~~that~~  the earlier  Directive.
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↓ 2010/31/EU recital 35 (adapted)

- (63) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for  the  transposition into national law and  the dates of  application of the ~~Directive 2002/91/EC~~  Directives set out in Annex VIII, Part B.
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↓ 2010/31/EU (adapted)  
⇒ new

HAVE ADOPTED THIS DIRECTIVE:

### *Article 1*

#### **Subject matter**

1. This Directive promotes the improvement of the energy performance of buildings ⇒ and the reduction of greenhouse gas emissions from buildings ⇐ within the Union, ⇒ with a view to achieving a zero-emission building stock by 2050 ⇐ taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.
  2. This Directive lays down requirements as regards:
    - (a) the common general framework for a methodology for calculating the integrated energy performance of buildings and building units;
    - (b) the application of minimum requirements to the energy performance of new buildings and new building units;
    - (c) the application of minimum requirements to the energy performance of:
      - (i) existing buildings;  and  building units ~~and building elements~~ that are subject to major renovation;
      - (ii) building elements that form part of the building envelope and that have a significant impact on the energy performance of the building envelope when they are retrofitted or replaced; ~~and~~
      - (iii) technical building systems whenever they are installed, replaced or upgraded;
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↓ new

- (d) the application of minimum energy performance standards to existing buildings and existing building units;
- (e) renovation passports;
- (f) national building renovation plans;

- (g) sustainable mobility infrastructure in and adjacent to buildings; and
  - (h) smart buildings;
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↓ 2010/31/EU (adapted)  
⇒ new

- ~~(d) national plans for increasing the number of nearly zero energy buildings;~~
- (ie) energy  performance  certification of buildings or building units;
- (jf) regular inspection of heating  , ventilation  and air-conditioning systems in buildings; ~~and~~
- (ke) independent control systems for energy performance certificates  , renovation passports, smart readiness indicators  and inspection reports.

3. The requirements laid down in this Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures. Such measures shall be compatible with the  TFEU  ~~Treaty on the Functioning of the European Union~~. They shall be notified to the Commission.

## Article 2

### Definitions

For the purpose of this Directive, the following definitions ~~shall~~ apply:

1. ‘building’ means a roofed construction having walls, for which energy is used to condition the indoor climate;
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↓ new

2. ‘zero-emission building’ means a building with a very high energy performance, as determined in accordance with Annex I, where the very low amount of energy still required is fully covered by energy from renewable sources generated on-site, from a renewable energy community within the meaning of Directive (EU) 2018/2001 [amended RED] or from a district heating and cooling system, in accordance with the requirements set out in Annex III;
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↓ 2010/31/EU (adapted)  
⇒ new

32. ‘nearly zero-energy building’ means a building  with  ~~that has~~ a very high energy performance, as determined in accordance with Annex I  , which cannot be lower than the 2023 cost-optimal level reported by Member States in accordance with Article 6(2) and where  ~~is~~ the nearly zero or very low amount of energy required ~~should be~~  is  covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby;

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↓ new

4. 'minimum energy performance standards' means rules that require existing buildings to meet an energy performance requirement as part of a wide renovation plan for a building stock or at a trigger point on the market (sale or rent), in a period of time or by a specific date, thereby triggering renovation of existing buildings;
5. 'public bodies' means 'contracting authorities' as defined in Article 2(1) of Directive 2014/24/EU of the European Parliament and of the Council<sup>53</sup>;
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↓ 2018/844 Art. 1.1(a)  
⇒ new

- ~~63.~~ 'technical building system' means technical equipment for space heating, space cooling, ventilation, domestic hot water, built-in lighting, building automation and control, on-site ⇒ renewable energy ⇐ ~~electricity~~ generation ⇒ and storage ⇐, or a combination thereof, including those systems using energy from renewable sources, of a building or building unit;
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↓ 2018/844 Art. 1.1(b)

- ~~73a.~~ 'building automation and control system' means a system comprising all products, software and engineering services that can support energy efficient, economical and safe operation of technical building systems through automatic controls and by facilitating the manual management of those technical building systems;
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↓ 2010/31/EU (adapted)

- ~~84.~~ 'energy performance of a building' means the calculated or  metered  ~~measured~~ amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;
- ~~95.~~ 'primary energy' means energy from renewable and non-renewable sources which has not undergone any conversion or transformation process;
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↓ new

10. 'non-renewable primary energy factor' means non-renewable primary energy for a given energy carrier, including the delivered energy and the calculated energy overheads of delivery to the points of use, divided by the delivered energy;
11. 'renewable primary energy factor' means renewable primary energy from an on-site, nearby or distant energy source that is delivered via a given energy carrier, including the delivered energy and the calculated energy overheads of delivery to the points of use, divided by the delivered energy;

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<sup>53</sup> OJ L 94, 28.3.2014, p. 65.

12. 'total primary energy factor' means the weighted sum of renewable and non-renewable primary energy factors for a given energy carrier;

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↓ 2010/31/EU (adapted)  
⇒ new

~~136.~~ 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar ⇒ (solar thermal and solar photovoltaic) ⇐ , ~~aerothermal~~, ~~⊗~~ and ~~⊗~~ geothermal ~~⊗~~ energy ~~⊗~~ , ~~hydrothermal~~ ⇒ ambient energy, tide, wave ⇐ and ~~⊗~~ other ~~⊗~~ ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogases;

~~147.~~ 'building envelope' means the integrated elements of a building which separate its interior from the outdoor environment;

~~158.~~ 'building unit' means a section, floor or apartment within a building which is designed or altered to be used separately;

~~169.~~ 'building element' means a technical building system or an element of the building envelope;

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↓ new

17. 'dwelling' means a room or suite of rooms in a permanent building or a structurally separated part of a building which is designed for habitation by one private household all year round;

18. 'renovation passport' means a document that provides a tailored roadmap for the renovation of a specific building in several steps that will significantly improve its energy performance;

19. 'deep renovation' means a renovation which transforms a building or building unit

- (a) before 1 January 2030, into a nearly zero-energy building;
- (b) as of 1 January 2030, into a zero-emission building;

20. 'staged deep renovation' means a deep renovation carried out in several steps, following the steps set out in a renovation passport in accordance with Article 10;

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↓ 2010/31/EU (adapted)

~~2140.~~ 'major renovation' means the renovation of a building where:

- (a) the total cost of the renovation relating to the building envelope or the technical building systems is higher than 25 % of the value of the building, excluding the value of the land upon which the building is situated; or
- (b) more than 25 % of the surface of the building envelope undergoes renovation;

Member States may choose to apply option (a) or (b).



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↓ new

22. “operational greenhouse gas emissions” means greenhouse gas emissions associated with energy consumption of the technical building systems during use and operation of the building;
23. ‘whole life-cycle greenhouse gas emissions’ means the combined greenhouse gas emissions associated with the building at all stages of its life-cycle, from the ‘cradle’ (the extraction of the raw materials that are used in the construction of the building) over the material production and processing, and the building’s operation stage, to the ‘grave’ (the deconstruction of the building and reuse, recycling, other recovery and disposal of its materials);
24. ‘Life-cycle Global Warming Potential (GWP)’ means an indicator which quantifies the global warming potential contributions of a building along its full life-cycle;
25. ‘split incentives’ means split incentives as defined in Article 2(52) of [recast EED];
26. ‘energy poverty’ means energy poverty as defined in Article 2(49) of [recast EED];
27. ‘vulnerable households’ means households in energy poverty or households, including lower middle-income ones, that are particularly exposed to high energy costs and lack the means to renovate the building they occupy;
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↓ 2010/31/EU (adapted)

- ~~2811.~~ ‘European standard’ means a standard adopted by the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation or the European Telecommunications Standards Institute and made available for public use;
- ~~2912.~~ ‘energy performance certificate’ means a certificate recognised by a Member State or by a legal person designated by it, which indicates the energy performance of a building or building unit, calculated according to a methodology adopted in accordance with Article ~~43~~;
- ~~3013.~~ ‘cogeneration’ means simultaneous generation in one process of thermal energy and electrical ~~and/or~~ mechanical energy;
- ~~3114.~~ ‘cost-optimal level’ means the energy performance level which leads to the lowest cost during the estimated economic lifecycle, where:
- (a) the lowest cost is determined taking into account;
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↓ new

i) the category and use of building concerned;

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↓ 2010/31/EU  
⇒ new

- ii) energy-related investment costs ⇒ based on official forecasts ⇐ ~~;~~
- iii) maintenance and operating costs, ~~including energy costs and savings,~~  
⇒ taking into account the cost of greenhouse gas allowances; ⇐

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↓ new

iv) environmental and health externalities of energy use;

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↓ 2010/31/EU (adapted)  
⇒ new

v) ~~the category of building concerned,~~ earnings from energy produced ~~⇒ on-site~~ ⇐, where applicable;~~;~~

vi) ~~and disposal~~ ⇐ waste management ⇐ costs, where applicable; and

- (b) the estimated economic lifecycle is determined by each Member State; ~~it~~ ~~⊗~~ and ~~⊗~~ refers to the remaining estimated economic lifecycle of a building where energy performance requirements are set for the building as a whole, or to the estimated economic lifecycle of a building element where energy performance requirements are set for building elements.

The cost-optimal level shall lie within the range of performance levels where the cost benefit analysis calculated over the estimated economic lifecycle is positive;

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↓ new

32. 'recharging point' means a recharging point as defined in Article 2(41) of [AFIR];

33. 'micro isolated system' means any system with consumption less than 500 GWh in the year 2022, where there is no connection with other systems;

34. 'smart charging' means smart charging as defined in Article 2(14l) of Directive (EU) 2018/2001 [amended RED];

35. 'bidirectional charging' means bidirectional charging as defined in Article 2(14n) of Directive (EU) 2018/2001 [amended RED];

36. 'mortgage portfolio standards' means mechanisms incentivising mortgage lenders to increase the median energy performance of the portfolio of buildings covered by their mortgages and to encourage potential clients to make their property more energy-performant along the Union's decarbonisation ambition and relevant energy targets in the area of energy consumption in buildings, relying on the definition of sustainable economic activities in the EU Taxonomy;

37. 'digital building logbook' means a common repository for all relevant building data, including data related to energy performance such as energy performance certificates, renovation passports and smart readiness indicators, which facilitates informed decision making and information sharing within the construction sector, among building owners and occupants, financial institutions and public authorities;

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↓ 2010/31/EU

~~3815.~~ 'air-conditioning system' means a combination of the components required to provide a form of indoor air treatment, by which temperature is controlled or can be lowered;

↓ 2018/844 Art. 1.1(c)  
⇒ new

- ~~3915a.~~ 'heating system' means a combination of the components required to provide a form of indoor air treatment, by which the temperature is increased;
- ~~4015b.~~ 'heat generator' means the part of a heating system that generates useful heat ⇒ for uses identified in Annex I, ⇐ using one or more of the following processes:
- (a) the combustion of fuels in, for example, a boiler;
  - (b) the Joule effect, taking place in the heating elements of an electric resistance heating system;
  - (c) capturing heat from ambient air, ventilation exhaust air, or a water or ground heat source using a heat pump;
- ~~4115e.~~ 'energy performance contracting' means energy performance contracting as defined in ~~point (27) of Article 2, point (29), of Directive (EU) .../... [recast Energy Efficiency Directive] Directive 2012/27/EU of the European Parliament and of the Council~~<sup>54</sup>;

↓ 2010/31/EU

- ~~4216.~~ 'boiler' means the combined boiler body-burner unit, designed to transmit to fluids the heat released from burning;
- ~~4317.~~ 'effective rated output' means the maximum calorific output, expressed in kW, specified and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;
- ~~18.~~ 'heat pump' means a machine, a device or installation that transfers heat from natural surroundings such as air, water or ground to buildings or industrial applications by reversing the natural flow of heat such that it flows from a lower to a higher temperature. For reversible heat pumps, it may also move heat from the building to the natural surroundings;
- ~~4419.~~ 'district heating' or 'district cooling' means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

↓ new

45. 'useful floor area' means the area of the floor of a building needed as parameter to quantify specific conditions of use that are expressed per unit of floor area and for the application of the simplifications and the zoning and (re-)allocation rules;
46. 'reference floor area' means the floor area used as reference size for the assessment of the energy performance of a building, calculated as the sum of the useful floor

<sup>54</sup> ~~Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJL 315, 14.11.2012, p. 1).~~

areas of the spaces within the building envelope specified for the energy performance assessment;

47. 'assessment boundary' means the boundary where the delivered and exported energy are measured or calculated;
48. 'on-site' means the premises and the land on which the building is located and the building itself;
49. 'energy from renewable sources produced nearby' means energy from renewable sources produced within a local or district level perimeter of the building assessed, which fulfils all the following conditions:
  - (a) it can only be distributed and used within that local and district level perimeter through a dedicated distribution network;
  - (b) it allows for the calculation of a specific primary energy factor valid only for the energy from renewable sources produced within that local or district level perimeter; and
  - (c) it can be used on-site of the building assessed through a dedicated connection to the energy production source, that dedicated connection requiring specific equipment for the safe supply and metering of energy for self-use of the building assessed;
50. 'energy performance of buildings (EPB) services' means the services, such as heating, cooling, ventilation, domestic hot water and lighting and others for which the energy use is taken into account in the energy performance of buildings;
51. 'energy needs' means the energy to be delivered to, or extracted from, a conditioned space to maintain the intended space conditions during a given period of time disregarding any technical building system inefficiencies;
52. 'energy use' means energy input to a technical building system providing a EPB-service intended to satisfy an energy need;
53. 'self-used' means part of on-site or nearby produced renewable energy used by on-site technical systems for EPB services;
54. 'other on-site uses' means energy used on-site for uses other than EPB services, and may include appliances, miscellaneous and ancillary loads or electro-mobility charging points;
55. 'calculation interval' means the discrete time interval used for the calculation of the energy performance;
56. 'delivered energy' means energy, expressed per energy carrier, supplied to the technical building systems through the assessment boundary, to satisfy the uses taken into account or to produce the exported energy;
57. 'exported energy' means, expressed per energy carrier and per primary energy factor, the proportion of the renewable energy that is exported to the energy grid instead of being used on site for self-use or for other on-site uses.

↓ 2018/844 Art. 1.1(d)

~~20. 'micro isolated system' means micro isolated system as defined in point 27 of Article 2 of Directive 2009/72/EC of the European Parliament and of the Council<sup>55</sup>.~~

↓ 2018/844 Art. 1.2 (adapted)

*Article ~~32a~~*

~~⊗ National building renovation plan ⊗ Long-term renovation strategy~~

↓ 2018/1999 Art. 53.1(a)

⇒ new

1. Each Member State shall establish a ~~long-term renovation strategy~~ ⇒ national building renovation plan ⇐ to ~~support~~ ⇒ ensure ⇐ the renovation of the national stock of residential and non-residential buildings, both public and private, into a highly energy efficient and decarbonised building stock by 2050, ~~facilitating the cost-effective transformation of~~ ⇒ with the objective to transform ⇐ existing buildings into ~~nearly zero-energy~~ ⇒ zero-emission ⇐ buildings.

Each ~~long-term renovation strategy~~ ⇒ building renovation plan ⇐ shall encompass:

↓ 2018/844 Art. 1.2

⇒ new

(a) an overview of the national building stock ⇒ for different building types, construction periods and climatic zones ⇐, based, as appropriate, on statistical sampling and ~~expected share of renovated buildings in 2020~~ ⇒ the national database for energy performance certificates pursuant to Article 19, an overview of market barriers and market failures and an overview of the capacities in the construction, energy efficiency and renewable energy sectors ⇐;

~~(b) the identification of cost-effective approaches to renovation relevant to the building type and climatic zone, considering potential relevant trigger points, where applicable, in the life-cycle of the building;~~

~~(c) policies and actions to stimulate cost-effective deep renovation of buildings, including staged deep renovation, and to support targeted cost-effective measures and renovation for example by introducing an optional scheme for building renovation passports;~~

~~(d) an overview of policies and actions to target the worst performing segments of the national building stock, split incentive dilemmas and market failures, and an outline of relevant national actions that contribute to the alleviation of energy poverty;~~

<sup>55</sup> ~~Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).~~

~~(e) policies and actions to target all public buildings;~~

~~(f) an overview of national initiatives to promote smart technologies and well-connected buildings and communities, as well as skills and education in the construction and energy efficiency sectors; and~~

~~(g) an evidence based estimate of expected energy savings and wider benefits, such as those related to health, safety and air quality.~~

↓ new

(b) a roadmap with nationally established targets and measurable progress indicators, with a view to the 2050 climate neutrality goal, in order to ensure a highly energy efficient and decarbonised national building stock and the transformation of existing buildings into zero-emission buildings by 2050;

(c) an overview of implemented and planned policies and measures, supporting the implementation of the roadmap pursuant to point (b); and

(d) an outline of the investment needs for the implementation of the building renovation plan, the financing sources and measures, and the administrative resources for building renovation.

The roadmap referred to in point (b) shall include national targets for 2030, 2040 and 2050 as regards the annual energy renovation rate, the primary and final energy consumption of the national building stock and its operational greenhouse gas emission reductions; specific timelines for buildings to achieve higher energy performance classes than those pursuant to Article 9(1), by 2040 and 2050, in line with the pathway for transforming the national building stock into zero-emission buildings; an evidence-based estimate of expected energy savings and wider benefits; and estimations for the contribution of the building renovation plan to achieving the Member State's binding national target for greenhouse gas emissions pursuant to Regulation (EU) .../... [revised Effort Sharing Regulation], the Union's energy efficiency targets in accordance with Directive (EU) .../.... [recast EED], the Union's renewable energy targets, including the indicative target for the share of energy from renewable sources in the building sector in accordance with Directive (EU) 2018/2001 [amended RED], and the Union's 2030 climate target and 2050 climate neutrality goal in accordance with Regulation (EU) 2021/1119.

2. Every five years, each Member State shall prepare and submit to the Commission a draft of its building renovation plan, using the template in Annex II. Each Member State shall submit its draft building renovation plan as part of its draft integrated national energy and climate plan referred to in Article 9 of Regulation (EU) 2018/1999 and, where the Member States submits a draft update, its draft update referred to in Article 14 of that Regulation. By way of derogation from Article 9(1) and Article 14(1) of that Regulation, Member States shall submit the first draft building renovation plan to the Commission by 30 June 2024.

↓ 2018/844 Art. 1.2

⇒ new

~~2. In its long term renovation strategy, each Member State shall set out a roadmap with measures and domestically established measurable progress indicators, with a view to the long term 2050 goal of reducing greenhouse gas emissions in the Union by 80-95 % compared to 1990, in order to ensure a highly energy efficient and decarbonised national building stock and in order to facilitate the cost-effective transformation of existing buildings~~

~~into nearly zero-energy buildings. The roadmap shall include indicative milestones for 2030, 2040 and 2050, and specify how they contribute to achieving the Union's energy efficiency targets in accordance with Directive 2012/27/EU.~~

~~3. To support the mobilisation of investments into the renovation needed to achieve the goals referred to in paragraph 1, Member States shall facilitate access to appropriate mechanisms for:~~

~~(a) the aggregation of projects, including by investment platforms or groups, and by consortia of small and medium-sized enterprises, to enable investor access as well as packaged solutions for potential clients;~~

~~(b) the reduction of the perceived risk of energy efficiency operations for investors and the private sector;~~

~~(c) the use of public funding to leverage additional private sector investment or address specific market failures;~~

~~(d) guiding investments into an energy efficient public building stock, in line with Eurostat guidance; and~~

~~(e) accessible and transparent advisory tools, such as one-stop-shops for consumers and energy advisory services, on relevant energy efficiency renovations and financing instruments.~~

~~4. The Commission shall collect and disseminate, at least to public authorities, best practices on successful public and private financing schemes for energy efficiency renovation as well as information on schemes for the aggregation of small-scale energy efficiency renovation projects. The Commission shall identify and disseminate best practices on financial incentives to renovate from a consumer perspective taking into account cost-efficiency differences between Member States.~~

~~35. To support the development of its long-term renovation strategy~~ ⇒ building renovation plan ⇐, each Member State shall carry out a public consultation on its ⇒ draft building renovation plan ⇐ ~~long-term renovation strategy~~ prior to submitting it to the Commission. ⇒ The public consultation shall involve in particular local and regional authorities and other socio-economic partners, including civil society and bodies working with vulnerable households. ⇐ Each Member State shall annex a summary of the results of its public consultation to its ~~long-term renovation strategy~~ ⇒ draft building renovation plan ⇐.

~~Each Member State shall establish the modalities for consultation in an inclusive way during the implementation of its long-term renovation strategy.~~

↓ new

4. The Commission shall assess the national draft building renovation plans, in particular whether:

(a) the level of ambition of the nationally established targets is sufficient and in line with the national commitments on climate and energy laid down in the national integrated energy and climate plans;

(b) the policies and measures are sufficient to achieve the nationally established targets;

(c) the allocation of budgetary and administrative resources is sufficient for the implementation of the plan;

- (d) the public consultation pursuant to paragraph 3 has been sufficiently inclusive; and
- (e) the plans comply with the requirements of paragraph 1 and the template in Annex II.

After consulting the Committee established by Article 30, the Commission may issue country-specific recommendations to Member States in accordance with Article 9(2) and Article 34 of Regulation (EU) 2018/1999.

With regard to the first draft building renovation plan, the Commission may issue country-specific recommendations to Member States no later than six months after the Member State has submitted that plan.

5. Each Member State shall take due account of any recommendations from the Commission in its final building renovation plan. If the Member State concerned does not address a recommendation or a substantial part thereof, it shall provide a justification to the Commission and make public its reasons.

6. Every five years, each Member State shall submit its building renovation plan to the Commission, using the template in Annex II. Each Member State shall submit its building renovation plan as part of its integrated national energy and climate plan referred to in Article 3 of Regulation (EU) 2018/1999 and, where the Member State submits an update, its update referred to in Article 14 of that Regulation. By way of derogation from Article 3(1) and Article 14(2) of that Regulation, Member States shall submit the first building renovation plan to the Commission by 30 June 2025.

↓ 2018/844 Art. 1.2  
⇒ new

~~7.~~ Each Member State shall annex the details of the implementation of its most recent long-term renovation strategy ⇒ or building renovation plan ⇔ to its ⇒ next final building renovation plan ⇐ ~~long-term renovation strategy, including on the planned policies and actions.~~ ⇒ Each Member State shall state whether its national targets have been achieved. ⇐

↓ new

8. Each Member State shall include in its integrated national energy and climate progress reports, in accordance with Articles 17 and 21 of Regulation (EU) 2018/1999, information on the implementation of the national targets referred to in paragraph 1, point (b) of this Article and the contribution of the building renovation plan to achieving the Member State's binding national target for greenhouse gas emissions pursuant to Regulation (EU) .../... [revised Effort Sharing Regulation], the Union's energy efficiency targets in accordance with Directive (EU).../... [recast EED], the Union's renewable energy targets, including the indicative target for the share of energy from renewable sources in the building sector in accordance with Directive (EU) 2018/2001 [amended RED], and the Union's 2030 climate target and 2050 climate neutrality goal in accordance with Regulation (EU) 2021/1119.

↓ 2018/844 Art. 1.2

~~7.~~ ~~Each Member State may use its long-term renovation strategy to address fire safety and risks related to intense seismic activity affecting energy efficiency renovations and the lifetime of buildings.~~



↓ 2018/1999 Art. 53.1(b)

~~8. Each Member State's long-term renovation strategy shall be submitted to the Commission as part of its final integrated national energy and climate plan referred to in Article 3 of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>56</sup>. As a derogation from Article 3(1) of that Regulation, the first long-term renovation strategy under paragraph 1 of this Article shall be submitted to the Commission by 10 March 2020.~~

↓ 2010/31/EU (adapted)  
⇒ new

#### *Article ~~43~~*

##### **Adoption of a methodology for calculating the energy performance of buildings**

Member States shall apply a methodology for calculating the energy performance of buildings in accordance with the common general framework set out in Annex I.

~~This~~  That  methodology shall be adopted at national or regional level.

#### *Article ~~54~~*

##### **Setting of minimum energy performance requirements**

1. Member States shall take the necessary measures to ensure that minimum energy performance requirements for buildings or building units are set with a view to  at least  achieving cost-optimal levels. The energy performance shall be calculated in accordance with the methodology referred to in Article ~~43~~. Cost-optimal levels shall be calculated in accordance with the comparative methodology framework referred to in Article ~~65~~  once the framework is in place.

Member States shall take the necessary measures to ensure that minimum energy performance requirements are set for building elements that form part of the building envelope and that have a significant impact on the energy performance of the building envelope when they are replaced or retrofitted, with a view to achieving  at least  cost-optimal levels.

When setting requirements, Member States may differentiate between new and existing buildings and between different categories of buildings.

~~These~~  Those  requirements shall take account of general indoor climate conditions, in order to avoid possible negative effects such as inadequate ventilation, as well as local conditions and the designated function and the age of the building.

~~A Member State shall not be required to set minimum energy performance requirements which are not cost-effective over the estimated economic lifecycle.~~

<sup>56</sup> ~~Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).~~

~~2.~~ Member States shall review their ~~minimum~~ energy performance requirements ~~shall be reviewed~~ at regular intervals which shall not be longer than five years and ~~shall~~, if necessary, ~~shall be updated~~ update them in order to reflect technical progress in the building sector ~~⇒~~, the results of the cost-optimal calculation set out in Article 6, and updated national energy and climate targets and policies ~~⇐~~.

↓ new

2. Member States may decide to adapt the requirements referred to in paragraph 1 to buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance.

↓ 2010/31/EU (adapted)  
⇒ new

~~32.~~ Member States may decide not to set or apply the requirements referred to in paragraph 1 to the following categories of buildings:

- ~~(a) buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;~~
- ~~(a)~~ (ab) buildings used as places of worship and for religious activities;
- ~~(b)~~ (be) temporary buildings with a time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance;
- ~~(c)~~ (ce) residential buildings which are used or intended to be used for either less than four months of the year or, alternatively, for a limited annual time of use and with an expected energy consumption of less than 25 % of what would be the result of all-year use;
- ~~(d)~~ (de) stand-alone buildings with a total useful floor area of less than 50 m<sup>2</sup>.

#### Article ~~65~~

#### Calculation of cost-optimal levels of minimum energy performance requirements

1. The Commission ~~shall~~ is empowered to ~~establish by means of~~ adopt delegated acts in accordance with Articles ~~2923, 24 and 25 by 30 June 2011~~ concerning a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements. ~~⇒~~ By 30 June 2026, the Commission shall revise the comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements in existing buildings undergoing major renovation and for individual building elements. ~~⇐~~

The comparative methodology framework shall be ~~established~~ laid down in accordance with Annex ~~VIIII~~ and shall differentiate between new and existing buildings and between different categories of buildings.

2. Member States shall calculate cost-optimal levels of minimum energy performance requirements using the comparative methodology framework established in accordance with paragraph 1 and relevant parameters, such as climatic conditions and the practical accessibility of energy infrastructure, and compare the results of ~~this~~  that  calculation with the minimum energy performance requirements in force.

Member States shall report to the Commission all input data and assumptions used for those calculations and the results of those calculations. Member States shall  update and  submit those reports to the Commission at regular intervals, which shall not be longer than five years. ~~The first report shall be submitted by 30 June 2012.~~  The first report based on the revised methodology framework pursuant to paragraph 1 shall be submitted by 30 June 2028.

3. If the result of the comparison performed in accordance with paragraph 2 shows that the minimum energy performance requirements in force are  more than 15%  significantly less energy efficient than cost-optimal levels of minimum energy performance requirements, the Member State concerned shall  include in the report  justify this difference in writing to the Commission ~~in the report~~ referred to in paragraph 2, ~~accompanied, to the extent that the gap cannot be justified, by a plan outlining appropriate steps to significantly reduce the gap by the next~~ review of the energy performance requirements as referred to in Article ~~54~~(1).

4. The Commission shall publish a report on the progress of the Member States in reaching cost-optimal levels of minimum energy performance requirements.

↓ 2018/844 Art. 1.3

#### Article ~~76~~

#### New buildings

↓ new

1. Member States shall ensure that from the following dates, new buildings are zero-emission buildings in accordance with Annex III:

- (a) as of 1 January 2027, new buildings occupied or owned by public authorities; and
- (b) as of 1 January 2030, all new buildings;

↓ 2018/844 Art. 1.3 (adapted)  
 new

~~1.~~  Until the application of the requirements under the first subparagraph,  Member States shall ~~take the necessary measures to~~ ensure that  all  new buildings  are at least nearly zero-energy buildings and  meet the minimum energy performance requirements laid down in accordance with Article ~~55~~.

↓ new

2. Member States shall ensure that the life-cycle Global Warming Potential (GWP) is calculated in accordance with Annex III and disclosed through the energy performance certificate of the building:

- (a) as of 1 January 2027, for all new buildings with a useful floor area larger than 2000 square meters; and
- (b) as of 1 January 2030, for all new buildings.

3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to supplement this Directive in order to adapt Annex III to technological progress and innovation, to set adapted maximum energy performance thresholds in Annex III to renovated buildings and to adapt the maximum energy performance thresholds for zero-emission buildings.

4. Member States shall address, in relation to new buildings, the issues of healthy indoor climate conditions, adaptation to climate change, fire safety, risks related to intense seismic activity and accessibility for persons with disabilities. Member States shall also address carbon removals associated to carbon storage in or on buildings.

↓ 2018/844 Art. 1.3

~~2. Member States shall ensure that, before construction of new buildings starts, the technical, environmental and economic feasibility of high-efficiency alternative systems, if available, is taken into account.~~

↓ 2010/31/EU (adapted)

#### *Article 87*

#### **Existing buildings**

1. Member States shall take the necessary measures to ensure that when buildings undergo major renovation, the energy performance of the building or the renovated part thereof is upgraded in order to meet minimum energy performance requirements set in accordance with Article 54 in so far as ~~this~~  that  is technically, functionally and economically feasible.

Those requirements shall be applied to the renovated building or building unit as a whole. Additionally or alternatively, requirements may be applied to the renovated building elements.

2. Member States shall in addition take the necessary measures to ensure that when a building element that forms part of the building envelope and has a significant impact on the energy performance of the building envelope~~s~~ is retrofitted or replaced, the energy performance of the building element meets minimum energy performance requirements in so far as ~~this~~  that  is technically, functionally and economically feasible.

~~Member States shall determine these minimum energy performance requirements in accordance with Article 4.~~

↓ 2018/844 Art. 1.4 (adapted)  
⇒ new

3. Member States shall encourage, in relation to buildings undergoing major renovation, high-efficiency alternative systems, in so far as ~~this~~  that  is technically, functionally and economically feasible.  Member States , and shall address  , in relation to buildings undergoing major renovation,  the issues of healthy indoor climate conditions,  adaptation to climate change,  fire safety, ~~and~~ risks related to intense seismic activity  ,

the removal of hazardous substances including asbestos and accessibility for persons with disabilities ↩ .

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↓ new

## Article 9

### Minimum energy performance standards

1. Member States shall ensure that
  - (a) buildings and building units owned by public bodies achieve at the latest
    - (i) after 1 January 2027, at least energy performance class F; and
    - (ii) after 1 January 2030, at least energy performance class E;
  - (b) non-residential buildings and building units, other than those owned by public bodies, achieve at the latest
    - (i) after 1 January 2027, at least energy performance class F; and
    - (ii) after 1 January 2030, at least energy performance class E;
  - (c) residential buildings and building units achieve at the latest
    - (i) after 1 January 2030, at least energy performance class F; and
    - (ii) after 1 January 2033, at least energy performance class E;

In their roadmap referred to in Article 3(1)(b), Member States shall establish specific timelines for the buildings referred to in this paragraph to achieve higher energy performance classes by 2040 and 2050, in line with the pathway for transforming the national building stock into zero-emission buildings.

2. In addition to the minimum energy performance standards established pursuant to paragraph 1, each Member State may establish minimum energy performance standards for the renovation of all other existing buildings.

Where established, the minimum energy performance standards shall be designed with a view to the national roadmap and the 2030, 2040 and 2050 targets contained in the Member State's building renovation plan and to the transformation of the national building stock into zero-emission buildings by 2050.

3. In accordance with Article 15, Member States shall support compliance with minimum energy performance standards by all the following measures:
  - (a) providing appropriate financial measures, in particular those targeting vulnerable households, people affected by energy poverty or living in social housing, in line with Article 22 of Directive (EU) .../... [recast EED];
  - (b) providing technical assistance, including through one-stop-shops;
  - (c) designing integrated financing schemes;
  - (d) removing non-economic barriers, including split incentives; and
  - (e) monitoring social impacts, in particular on the most vulnerable.

4. Where a building is renovated in order to comply with a minimum energy performance standard, Member States shall ensure compliance with the minimum energy

performance requirements for building elements pursuant to Article 5 and, in case of major renovation, with the minimum energy performance requirements for existing buildings pursuant to Article 8.

5. Member States may decide not to apply the minimum energy performance standards referred to in paragraphs 1 and 2 to the following categories of buildings:

- (a) buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with the standards would unacceptably alter their character or appearance;
- (b) buildings used as places of worship and for religious activities;
- (c) temporary buildings with a time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are used by a sector covered by a national sectoral agreement on energy performance;
- (d) residential buildings which are used or intended to be used for either less than four months of the year or, alternatively, for a limited annual time of use and with an expected energy consumption of less than 25 % of what would be the result of all-year use;
- (e) stand-alone buildings with a total useful floor area of less than 50 m<sup>2</sup>.

6. Member States shall take the measures necessary to ensure the implementation of minimum energy performance standards referred to in paragraphs 1 and 2, including appropriate monitoring mechanisms and penalties in accordance with Article 31.

#### *Article 10*

### **Renovation passport**

1. By 31 December 2023, the Commission shall adopt delegated acts in accordance with Article 29 supplementing this Directive by establishing a common European framework for renovation passports, based on the criteria set out in paragraph 2.

2. By 31 December 2024, Member States shall introduce a scheme of renovation passports based on the common framework established in accordance with paragraph 1.

3. The renovation passport shall comply with the following requirements:

- (a) it shall be issued by a qualified and certified expert, following an on-site visit;
- (b) it shall comprise a renovation roadmap indicating a sequence of renovation steps building upon each other, with the objective to transform the building into a zero-emission building by 2050 at the latest;
- (c) it shall indicate the expected benefits in terms of energy savings, savings on energy bills and operational greenhouse emission reductions as well as wider benefits related to health and comfort and the improved adaptive capacity of the building to climate change; and
- (d) it shall contain information about potential financial and technical support.

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↓ 2018/844 Art. 1.5 (adapted)  
⇒ new

*Article 11~~8~~*

**Technical building systems, ~~electromobility and smart readiness indicator~~**

1. Member States shall, for the purpose of optimising the energy use of technical building systems, set system requirements in respect of the overall energy performance, the proper installation, and the appropriate dimensioning, adjustment and control of the technical building systems which are installed in ⇒ new or ⇐ existing buildings. ~~Member States may also apply these system requirements to new buildings.~~ ⇒ When setting up the requirements, Member States shall take account of design conditions and typical or average operating conditions. ⇐

System requirements shall be set for new, replacement and upgrading of technical building systems and shall be applied in so far as they are technically, economically and functionally feasible.

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↓ new

Member States may set requirements related to the greenhouse gas emissions of, or to the type of fuel used by heat generators provided that such requirements do not constitute an unjustifiable market barrier.

Member States shall ensure that the requirements they set for technical building systems reach at least the latest cost-optimal levels.

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↓ 2018/844 Art. 1.5

2. Member States shall require new buildings, where technically and economically feasible, to be equipped with self-regulating devices for the separate regulation of the temperature in each room or, where justified, in a designated heated zone of the building unit. In existing buildings, the installation of such self-regulating devices shall be required when heat generators are replaced, where technically and economically feasible.

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↓ new

3. Member States shall require zero-emission buildings to be equipped with measuring and control devices for the monitoring and regulation of indoor air quality. In existing buildings, the installation of such devices shall be required, where technically and economically feasible, when a building undergoes a major renovation.

4. Member States shall ensure that, when a technical building system is installed, the overall energy performance of the altered part, and where relevant, of the complete altered system, is assessed. The results shall be documented and passed on to the building owner, so that they remain available and can be used for the verification of compliance with the minimum requirements laid down pursuant to paragraph 1 and the issue of energy performance certificates.

↓ 2018/844 Art. 1.5 (adapted)  
⇒ new

## Article 12

### ⊗ Infrastructure for sustainable mobility ⊗

12. With regard to new non-residential buildings and non-residential buildings undergoing major renovation, with more than ~~ten~~ ⇒ five ⇐ parking spaces, Member States shall ensure:

- (a) the installation of at least one recharging point ~~within the meaning of Directive 2014/94/EU of the European Parliament and of the Council~~<sup>57</sup>.

↓ new

- (b) the installation of pre-cabing for every parking space to enable the installation at a later stage of recharging points for electric vehicles; and
- (c) at least one bicycle parking space for every car parking space;

↓ 2018/844 Art. 1.5 (adapted)

~~and ducting infrastructure, namely conduits for electric cables, for at least one in every five parking spaces to enable the installation at a later stage of recharging points for electric vehicles where (a) the car park is located inside the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the building; or (b) the car park is physically adjacent to the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the car park.~~

↓ new

Member States shall ensure that the pre-cabing is dimensioned so as to enable the simultaneous use of the expected number of recharging points.

By way of derogation from the first subparagraph, point (a), for new office buildings and office buildings undergoing major renovation, with more than five parking spaces, Member States shall ensure the installation of at least one recharging point for every two parking spaces.

↓ 2018/844 Art. 1.5 (adapted)  
⇒ new

~~The Commission shall report to the European Parliament and the Council by 1 January 2023 on the potential contribution of a Union building policy to the promotion of electromobility and shall, if appropriate, propose measures in that regard.~~

23. ⊗ With regard to ⊗ ~~Member States shall lay down requirements for the installation of a minimum number of recharging points for~~ all non-residential buildings with more than

<sup>57</sup> ~~Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).~~



twenty parking spaces, ~~by 1 January 2025~~ ⇒ Member States shall ensure the installation of at least one recharging point for every ten parking spaces, and at least one bicycle parking space for every car parking space, by 1 January 2027. In case of buildings owned or occupied by public authorities, Member States shall ensure pre-cabing for at least one in two parking spaces by 1 January 2033. ⇐

↓ new

3. Member States may adjust requirements for the number of bicycle parking spaces in accordance with paragraphs 1 and 2 for specific categories of non-residential buildings where bicycles are typically less used as a means of transport.

↓ 2018/844 Art. 1.5  
⇒ new

~~4. Member States may decide not to lay down or apply the requirements referred to in paragraphs 2 and 3 to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC<sup>58</sup>.~~

~~45.~~ With regard to new residential buildings and residential buildings undergoing major renovation, with more than ~~ten~~ ⇒ three ⇐ parking spaces, Member States shall ensure:

- (a) the installation of ~~ducting infrastructure, namely conduits for electric cables,~~ ⇒ pre-cabing ⇐ for every parking space to enable the installation, at a later stage, of recharging points for electric vehicles; ⇐ and ⇐

↓ new

- (b) at least two bicycle parking spaces for every dwelling.

↓ 2018/844 Art. 1.5 (adapted)

~~where: (a) the car park is located inside the building, and, for major renovations, renovation measures include the car park or the electric infrastructure of the building; or (b) the car park is physically adjacent to the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the car park.~~

↓ new

Member States shall ensure that the pre-cabing is dimensioned to enable the simultaneous use of recharging points on all parking spaces. Where, in the case of major renovation, ensuring two bicycle parking spaces for every dwelling is not feasible, Member States shall ensure as many bicycle parking spaces as appropriate.

<sup>58</sup> ~~Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).~~

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↓ 2018/844 Art. 1.5

⇒ new

~~56.~~ Member States may decide not to apply paragraphs ~~12~~, ~~23~~ and ~~45~~ to specific categories of buildings where: ~~(a) with regard to with regard to paragraphs 2 and 5, building permit applications or equivalent applications have been submitted by 10 March 2021;~~(b) the pre-cabling ~~ducting infrastructure~~ required would rely on micro isolated systems or the buildings are situated in the outermost regions within the meaning of Article 349 TFEU, if this would lead to substantial problems for the operation of the local energy system and would endanger the stability of the local grid.

~~(c) the cost of the recharging and ducting installations exceeds 7 % of the total cost of the major renovation of the building;~~

~~(d) a public building is already covered by comparable requirements according to the transposition of Directive 2014/94/EU.~~

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↓ new

6. Member States shall ensure that the recharging points referred to in paragraphs 1, 2 and 4 are capable of smart charging and, where appropriate, bidirectional charging, and that they are operated based on non-proprietary and non-discriminatory communication protocols and standards, in an interoperable manner, and in compliance with any legal standards and protocols in the delegated acts adopted pursuant to Article 19(6) and Article 19(7) of Regulation (EU) .../... [AFIR].

7. Member States shall encourage that operators of non-publicly accessible recharging points operate them in accordance with Article 5(4) of Regulation (EU) .../...[AFIR], where applicable.

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↓ 2018/844 Art. 1.5 (adapted)

⇒ new

~~87.~~ Member States shall provide for measures in order to simplify the deployment of recharging points in new and existing residential and non-residential buildings and ~~address possible~~  remove  regulatory barriers, including permitting and approval procedures, without prejudice to the property and tenancy law of the Member States.  Member States shall remove barriers to the installation of recharging points in residential buildings with parking spaces, in particular the need to obtain consent from the landlord or co-owners for a private recharging point for own use.

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↓ new

Member States shall ensure the availability of technical assistance for building owners and tenants wishing to install recharging points.

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↓ 2018/844 Art. 1.5 (adapted)

⇒ new

~~98.~~ Member States shall ~~consider the need for coherent~~  ensure the coherence of  policies for buildings, soft and green mobility and urban planning.

~~9. Member States shall ensure that, when a technical building system is installed, replaced or upgraded, the overall energy performance of the altered part, and where relevant, of the complete altered system, is assessed. The results shall be documented and passed on to the building owner, so that they remain available and can be used for the verification of compliance with the minimum requirements laid down pursuant to paragraph 1 of this Article and the issue of energy performance certificates. Without prejudice to Article 12, Member States shall decide whether to require the issuing of a new energy performance certificate.~~

### Article 13

#### ⊗ Smart readiness of buildings ⊗

~~110.~~ The Commission shall, ~~by 31 December 2019,~~ adopt a delegated act ⊗ acts ⊗ in accordance with Article ~~2923,~~ supplementing this Directive by establishing ⊗ concerning ⊗ an optional common Union scheme for rating the smart readiness of buildings. The rating shall be based on an assessment of the capabilities of a building or building unit to adapt its operation to the needs of the occupant and the grid and to improve its energy efficiency and overall performance.

In accordance with Annex ~~IVa,~~ the optional common Union scheme for rating the smart readiness of buildings shall ⊗ lay down ⊗ :

- (a) ~~establish~~ the definition of the smart readiness indicator; and
- (b) ~~establish~~ a methodology by which it is to be calculated.

↓ new

2. The Commission shall, by 31 December 2025, adopt a delegated act in accordance with Article 29, requiring the application of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, or systems for combined space heating and ventilation of over 290 kW.

↓ 2018/844 Art. 1.5 (adapted)

~~311.~~ The Commission shall, ~~by 31 December 2019, and~~ after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the scheme referred to in paragraph ~~110 of this Article,~~ including a timeline for a non-committal test-phase at national level, and clarifying the complementary relation of the scheme to the energy performance certificates referred to in Article ~~1611.~~

That implementing act shall be adopted in accordance with the examination procedure referred to in Article ~~3026~~(3).

↓ new

4. The Commission shall, by 31 December 2025, and after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the application of the scheme referred to in paragraph 2 to non-residential buildings with an effective rated output for heating systems, or systems for combined heating and ventilation of over 290 kW.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).

#### Article 14

### Data exchange

1. Member States shall ensure that the building owners, tenants and managers can have direct access to their building systems' data. At their request, the access or data shall be made available to a third party. Member States shall facilitate the full interoperability of services and of data exchange within the Union in accordance with paragraph 6.

For the purpose of this Directive, building systems data shall include at least all data related to the energy performance of building elements, the energy performance of building services, building automation and control systems, meters and charging points for e-mobility.

2. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities, shall specify the rules on the access to building systems data by eligible parties in accordance with this Article and the applicable Union legal framework.

3. No additional costs shall be charged to the building owner, tenant or manager for access to their data or for a request to make their data available to a third party. Member States shall be responsible for setting the relevant charges for access to data by other eligible parties such as financial institutions, aggregators, energy suppliers, energy services providers and National Statistical Institutes or other national authorities responsible for the development, production and dissemination of European statistics. Member States or, where applicable, the designated competent authorities, shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.

4. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law. The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>59</sup>.

5. The Commission shall adopt implementing acts detailing interoperability requirements and non-discriminatory and transparent procedures for access to the data. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 30(2).

↓ 2010/31/EU

#### ~~Article 9~~

### ~~Nearly zero energy buildings~~

~~1. Member States shall ensure that:~~

~~(a) by 31 December 2020, all new buildings are nearly zero energy buildings; and~~

~~(b) after 31 December 2018, new buildings occupied and owned by public authorities are nearly zero energy buildings.~~

<sup>59</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

~~Member States shall draw up national plans for increasing the number of nearly zero energy buildings. These national plans may include targets differentiated according to the category of building.~~

~~2. Member States shall furthermore, following the leading example of the public sector, develop policies and take measures such as the setting of targets in order to stimulate the transformation of buildings that are refurbished into nearly zero energy buildings, and inform the Commission thereof in their national plans referred to in paragraph 1.~~

~~3. The national plans shall include, inter alia, the following elements:~~

~~(a) the Member State's detailed application in practice of the definition of nearly zero energy buildings, reflecting their national, regional or local conditions, and including a numerical indicator of primary energy use expressed in kWh/m<sup>2</sup> per year. Primary energy factors used for the determination of the primary energy use may be based on national or regional yearly average values and may take into account relevant European standards;~~

~~(b) intermediate targets for improving the energy performance of new buildings, by 2015, with a view to preparing the implementation of paragraph 1;~~

~~(c) information on the policies and financial or other measures adopted in the context of paragraphs 1 and 2 for the promotion of nearly zero energy buildings, including details of national requirements and measures concerning the use of energy from renewable sources in new buildings and existing buildings undergoing major renovation in the context of Article 13(4) of Directive 2009/28/EC and Articles 6 and 7 of this Directive.~~

~~4. The Commission shall evaluate the national plans referred to in paragraph 1, notably the adequacy of the measures envisaged by the Member State in relation to the objectives of this Directive. The Commission, taking due account of the principle of subsidiarity, may request further specific information regarding the requirements set out in paragraphs 1, 2 and 3. In that case, the Member State concerned shall submit the requested information or propose amendments within nine months following the request from the Commission. Following its evaluation, the Commission may issue a recommendation.~~

↓ 2018/1999 Art. 53.3

~~5. As part of its State of the Energy Union report referred to in Article 35 of Regulation (EU) 2018/1999, the Commission shall report every four years to the European Parliament and to the Council on the progress of Member States in increasing the number of nearly zero energy buildings. On the basis of this reported information the Commission shall, where necessary, develop an action plan and propose recommendations and measures in accordance with Article 34 of Regulation (EU) 2018/1999 to increase the number of those buildings and encourage best practices as regards the cost-effective transformation of existing buildings into nearly zero energy buildings.~~

↓ 2010/31/EU

~~6. Member States may decide not to apply the requirements set out in points (a) and (b) of paragraph 1 in specific and justifiable cases where the cost-benefit analysis over the economic lifecycle of the building in question is negative. Member States shall inform the Commission of the principles of the relevant legislative regimes.~~

## Financial incentives and market barriers

~~1. In view of the importance of providing appropriate financing and other instruments to catalyse the energy performance of buildings and the transition to nearly zero energy buildings, Member States shall take appropriate steps to consider the most relevant such instruments in the light of national circumstances.~~

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↓ new

1. Member States shall provide appropriate financing, support measures and other instruments able to address market barriers and stimulate the necessary investments in energy renovations in line with their national building renovation plan and with a view to the transformation of their building stock into zero-emission buildings by 2050.

2. Member States shall take appropriate regulatory measures to remove non-economic barriers to building renovation. With regard to buildings with more than one building unit, such measures may include removing unanimity requirements in co-ownership structures, or allowing co-ownership structures to be direct recipients of financial support.

3. Member States shall make best cost-effective use of national financing and financing available established at Union level, in particular the Recovery and Resilience Facility, the Social Climate Fund, cohesion policy funds, InvestEU, auctioning revenues from emission trading pursuant to Directive 2003/87/EC [amended ETS] and other public funding sources.

4. To support the mobilisation of investments, Member States shall promote the roll-out of enabling funding and financial tools, such as energy efficiency loans and mortgages for building renovation, energy performance contracting, fiscal incentives, on-tax schemes, on-bill schemes, guarantee funds, funds targeting deep renovations, funds targeting renovations with a significant minimum threshold of targeted energy savings and mortgage portfolio standards. They shall guide investments into an energy efficient public building stock, in line with Eurostat guidance on the recording of Energy Performance Contracts in government accounts.

5. Member States shall facilitate the aggregation of projects to enable investor access as well as packaged solutions for potential clients.

Member States shall adopt measures to ensure that energy efficiency lending products for building renovations are offered widely and in a non-discriminatory manner by financial institutions and are visible and accessible to consumers. Member States shall ensure that banks and other financial institutions and investors receive information on opportunities to participate in the financing of the improvement of energy performance of buildings.

6. Member States shall ensure the establishment of technical assistance facilities, including through one-stop-shops, targeting all actors involved in building renovations, including home owners and administrative, financial and economic actors, including small- and medium-sized enterprises.

7. Member States shall put in place measures and financing to promote education and training to ensure that there is a sufficient workforce with the appropriate level of skills corresponding to the needs in the building sector.

↓ 2010/31/EU

⇒ new

84. The Commission shall, where appropriate, assist upon request Member States in setting up national or regional financial support programmes with the aim of increasing the energy ⇒ performance of ⇐ ~~efficiency in~~ buildings, especially of existing buildings, by supporting the exchange of best practice between the responsible national or regional authorities or bodies.

~~The Commission shall collect and disseminate best practices on successful public and private financing schemes and incentives for renovation and other policies and measures as well as information on schemes for the aggregation of small scale energy renovation projects. The Commission shall identify and disseminate best practices on financial incentives to renovate from a consumer perspective, taking into account cost efficiency differences between Member States.~~

~~5. In order to improve financing in support of the implementation of this Directive and taking due account of the principle of subsidiarity, the Commission shall, preferably by 2011, present an analysis on, in particular:~~

~~(a) the effectiveness, the appropriateness of the level, and the actual amount used, of structural funds and framework programmes that were used for increasing energy efficiency in buildings, especially in housing;~~

~~(b) the effectiveness of the use of funds from the EIB and other public finance institutions;~~

~~(c) the coordination of Union and national funding and other forms of support that can act as a leverage for stimulating investments in energy efficiency and the adequacy of such funds for achieving Union objectives.~~

~~On the basis of that analysis, and in accordance with the multiannual financial framework, the Commission may subsequently submit, if it considers this appropriate, proposals with respect to Union instruments to the European Parliament and the Council.~~

↓ 2018/844 Art. 1.6

⇒ new

96. Member States shall link their financial measures for energy ⇒ performance ⇐ ~~efficiency~~ improvements in the renovation of buildings to the targeted or achieved energy savings, as determined by one or more of the following criteria:

(a) the energy performance of the equipment or material used for the renovation; in which case, the equipment or material used for the renovation is to be installed by an installer with the relevant level of certification or qualification ⇒ and shall comply with minimum energy performance requirements for building elements ⇐ ;

(b) standard values for calculation of energy savings in buildings;

(c) the improvement achieved due to such renovation by comparing energy performance certificates issued before and after renovation;

(d) the results of an energy audit;

- (e) the results of another relevant, transparent and proportionate method that shows the improvement in energy performance.

↓ new

10. From 1 January 2027 at the latest, Member States shall not provide any financial incentives for the installation of boilers powered by fossil fuels, with the exception of those selected for investment, before 2027, in accordance with Article 7(1)(h)(i) third hyphen of Regulation (EU) 2021/1058 of the European Parliament and the Council<sup>60</sup> on the European Regional Development Fund and on the Cohesion Fund and with Article 73 of Regulation (EU) 2021/2115 of the European Parliament and the Council<sup>61</sup> on the CAP Strategic Plans.

11. Member States shall incentivise deep renovation and sizeable programmes that address a high number of buildings and result in an overall reduction of at least 30 % of primary energy demand with higher financial, fiscal, administrative and technical support.

Member States shall ensure that a staged deep renovation which receives public financial incentives follows the steps set out in a renovation passport.

12. Financial incentives shall target as a priority vulnerable households, people affected by energy poverty and people living in social housing, in line with Article 22 of Directive (EU) .../.... [recast EED].

13. When providing financial incentives to owners of buildings or building units for the renovation of rented buildings or building units, Member States shall ensure that the financial incentives benefit both the owners and the tenants, in particular by providing rent support or by imposing caps on rent increases.

↓ 2018/844 Art. 1.6

~~6a. Databases for energy performance certificates shall allow data to be gathered on the measured or calculated energy consumption of the buildings covered, including at least public buildings for which an energy performance certificate, as referred to in Article 13, has been issued in accordance with Article 12.~~

~~6b. At least aggregated anonymised data compliant with Union and national data protection requirements shall be made available on request for statistical and research purposes and to the building owner.~~

↓ 2010/31/EU

⇒ new

~~7. The provisions of this Directive shall not prevent Member States from providing incentives for new buildings, renovations or building elements which go beyond the cost optimal levels.~~

<sup>60</sup> Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60).

<sup>61</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 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  $\Rightarrow$  expressed by a numeric indicator of primary energy use in kWh/(m<sup>2</sup>.y),  $\Leftarrow$  and reference values such as minimum energy performance requirements  $\Rightarrow$ , minimum energy performance standards, nearly zero-energy building requirements and zero-emission building requirements,  $\Leftarrow$  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.~~

$\Downarrow$  new

2. By 31 December 2025 at the latest, the energy performance certificate shall comply with the template in Annex V. It shall specify the energy performance class of the building, on a closed scale using only letters from A to G. The letter A shall correspond to zero-emission buildings as defined in Article 2, point (2) and the letter G shall correspond to the 15% worst-performing buildings in the national building stock at the time of the introduction of the scale. Member States shall ensure that the remaining classes (B to F) have an even bandwidth distribution of energy performance indicators among the energy performance classes. Member States shall ensure a common visual identity for energy performance certificates on their territory.

3. Member States shall ensure the quality, reliability and affordability of energy performance certificates. They shall ensure that energy performance certificates are issued by independent experts following an on-site visit.

$\Downarrow$  2010/31/EU (adapted)  
 $\Rightarrow$  new

~~42.~~ The energy performance certificate shall include recommendations for the cost-effective improvement of the energy performance  $\Rightarrow$  and the reduction of operational greenhouse gases emissions  $\Leftarrow$  of a building or building unit, unless  $\Rightarrow$  the building or building unit already complies with the relevant zero-emission building standard  $\Leftarrow$  ~~there is no reasonable potential for such improvement compared to the energy performance requirements in force.~~

The recommendations included in the energy performance certificate shall cover:

- (a) measures carried out in connection with a major renovation of the building envelope or technical building system ~~( $\leftrightarrow$ )~~  $\boxtimes$  or systems  $\boxtimes$ ; and
- (b) measures for individual building elements independent of a major renovation of the building envelope or technical building system ~~( $\leftrightarrow$ )~~  $\boxtimes$  or systems  $\boxtimes$ .

~~53.~~ The recommendations included in the energy performance certificate shall be technically feasible for the specific building  $\Rightarrow$  and shall provide an estimate for the energy savings and the reduction of operational greenhouse gas emissions. They  ~~$\Leftarrow$  and~~ may provide an estimate for the range of payback periods or cost-benefits over its economic lifecycle.

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↓ new

6. The recommendations shall include an assessment of whether the heating or air-conditioning system can be adapted to operate at more efficient temperature settings, such as low temperature emitters for water based heating systems, including the required design of thermal power output and temperature/flow requirements.

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↓ 2010/31/EU (adapted)

⇒ new

74. The energy performance certificate shall provide an indication as to where the owner or tenant can receive more detailed information, including as regards the cost-effectiveness of the recommendations made in the energy performance certificate. The evaluation of cost effectiveness shall be based on a set of standard conditions, such as the assessment of energy savings and underlying energy prices and a preliminary cost forecast. In addition, it shall contain information on the steps to be taken to implement the recommendations. Other information on related topics, such as energy audits or incentives of a financial or other nature and financing possibilities ⇒, or advice on how to increase the climate resilience of the building, ⇐ may also be provided to the owner or tenant.

~~5. Subject to national rules, Member States shall encourage public authorities to take into account the leading role which they should play in the field of energy performance of buildings, inter alia, by implementing the recommendations included in the energy performance certificate issued for buildings owned by them within its validity period.~~

86. Certification for building units may be based:

- (a) on a common certification of the whole building; or
- (b) on the assessment of another representative building unit with the same energy-relevant characteristics in the same building.

97. Certification for single-family houses may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality if such correspondence can be guaranteed by the expert issuing the energy performance certificate.

108. The validity of the energy performance certificate shall not exceed ~~10~~ ⇐ five ⇐ years. ⇐ However for buildings with an energy performance class A, B or C established pursuant to paragraph 2, the validity of the energy performance certificate shall not exceed 10 years. ⇐ ~~9.~~ ~~The Commission shall, by 2011, in consultation with the relevant sectors, adopt a voluntary common European Union certification scheme for the energy performance of non-residential buildings. That measure shall be adopted in accordance with the advisory procedure referred to in Article 26(2). Member States are encouraged to recognise or use the scheme, or use part thereof by adapting it to national circumstances.~~

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↓ new

11. Member States shall make simplified procedures for updating an energy performance certificate available where only individual elements are upgraded (single or standalone measures).

Member States shall make simplified procedures for updating an energy performance certificate available where measures identified in a renovation passport are put in place.

↓ 2010/31/EU (adapted)  
⇒ new

#### Article ~~17~~<sup>12</sup>

### Issue of energy performance certificates

1. Member States shall ensure that ~~an~~ ⇒ a digital ⇐ energy performance certificate is issued for:

- (a) buildings or building units which are constructed ⇒ , have undergone a major renovation, are ⇐ sold or rented out to a new tenant ⇒ or for which a rental contract is renewed ⇐ ; and
- (b) buildings ~~where a total useful floor area over 500 m<sup>2</sup> is~~ ⇒ owned or ⇐ occupied by a public ⇐ bodies ⇐ authority and frequently visited by the public. ~~On 9 July 2015, this threshold of 500 m<sup>2</sup> shall be lowered to 250 m<sup>2</sup>.~~

The requirement to issue an energy performance certificate does not apply where a certificate, issued in accordance with either Directive ⇐ 2010/31/EU ⇐ ~~2002/91/EC~~ or this Directive, for the building or building unit concerned is available and valid.

2. Member States shall require that, when buildings or building units are constructed, sold or rented out ⇒ or when rental contracts are renewed ⇐ , the energy performance certificate ~~or a copy thereof~~ is shown to the prospective ~~new~~ tenant or buyer and handed over to the buyer or ~~new~~ tenant.

3. Where a building is sold or rented out in advance of construction ⇒ or major renovation ⇐ , Member States may require the seller to provide an assessment of its future energy performance, as a derogation from paragraphs 1 and 2; in ~~this~~ ⇐ that ⇐ case, the energy performance certificate shall be issued at the latest once the building has been constructed ⇒ or renovated and shall reflect the as-built state ⇐ .

4. Member States shall require that ~~when buildings having an energy performance certificate, building units in a building having an energy performance certificate, and building units having an energy performance certificate,~~ ⇒ buildings or buildings units which ⇐ are offered for sale or for rent ⇒ have an energy performance certificate ⇐ , ⇐ and that ⇐ the energy performance indicator ⇒ and class ⇐ of the energy performance certificate of the building or the building unit, as applicable, is stated in ~~the~~ ⇒ online and offline ⇐ advertisements ⇒ , including in property search portal websites ⇐ ~~in commercial media.~~

↓ new

⇒ Member States shall carry out sample checks or other controls to ensure compliance with these requirements. ⇐

↓ 2010/31/EU

5. The provisions of this Article shall be implemented in accordance with applicable national rules on joint ownership or common property.

~~6. Member States may exclude the categories of buildings referred to in Article 4(2) from the application of paragraphs 1, 2, 4 and 5 of this Article.~~

~~67.~~ The possible effects of energy performance certificates in terms of legal proceedings, if any, shall be decided in accordance with national rules.

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↓ new

7. Member States shall ensure that all energy performance certificates issued are uploaded to the database for energy performance of building referred to in Article 19. The upload shall contain the full energy performance certificate, including all necessary data required for the calculation of the energy performance of the building.

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↓ 2010/31/EU (adapted)

### *Article ~~18~~<sup>13</sup>*

#### **Display of energy performance certificates**

1. Member States shall take measures to ensure that where ~~a total useful floor area over 500 m<sup>2</sup> of~~ a building for which an energy performance certificate has been issued in accordance with Article ~~17~~<sup>12</sup>(1) is occupied by public authorities and frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public. ~~On 9 July 2015, this threshold of 500 m<sup>2</sup> shall be lowered to 250 m<sup>2</sup>.~~

2. Member States shall require that where a total useful floor area over 500 m<sup>2</sup> of a building for which an energy performance certificate has been issued in accordance with Article ~~17~~<sup>12</sup>(1) is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.

3. The provisions of ~~this Article~~  paragraphs 1 and 2  do not include an obligation to display the recommendations included in the energy performance certificate.

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↓ new

### *Article 19*

#### **Databases for energy performance of buildings**

1. Each Member State shall set up a national database for energy performance of buildings which allows data to be gathered on the energy performance of the buildings and on the overall energy performance of the national building stock.

The database shall allow data to be gathered related to energy performance certificates, inspections, the building renovation passport, the smart readiness indicator and the calculated or metered energy consumption of the buildings covered.

2. The database shall be publicly accessible, in compliance with Union and national data protection rules. Member States shall ensure access to the full energy performance certificate for building owners, tenants and managers, and to financial institutions as regards the buildings in their investment portfolio. For buildings offered for rent or sale, Member States shall ensure access to the full energy performance certificate for prospective tenants or buyers.

3. Member States shall make publicly available information on the share of buildings in the national building stock covered by energy performance certificates and aggregated or anonymised data on the energy performance of the buildings covered. The public information shall be updated at least twice per year. Member States shall make anonymised or aggregated information available to public and research institutions such as National Statistics Institutes, upon request.

4. At least once per year, Member States shall ensure the transfer of the information in the national database to the Building Stock Observatory.

5. The Commission shall, by 30 June 2024, adopt an implementing act with a common template for the transfer of the information to the Building Stock Observatory.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).

6. For the purpose of ensuring coherence and consistency of information, Member States shall ensure that the national database for energy performance of buildings is interoperable and integrated with other administrative databases containing information on buildings, such as the national building cadastre and digital building logbooks.

↓ 2018/844 Art. 1.7 (adapted)  
⇒ new

#### *Article ~~2014~~*

#### ~~Inspection of heating systems~~ ☒ Inspections ☒

1. Member States shall lay down the necessary measures to establish regular inspections of the accessible parts of heating ⇒ , ventilation and air conditioning ⇐ systems or of systems for combined space heating and ventilation, with an effective rated output of over 70 kW, such as the heat generator, control system and circulation pump(s) used for heating buildings. ⇒ The effective rating of the system shall be based on the sum of the rated output of the heating and air-conditioning generators. ⇐

↓ new

2. Member States shall establish separate inspection schemes for the inspections of residential and non-residential systems.

3. Member States may set different inspection frequencies depending on the type and effective rated output of the system whilst taking into account the costs of the inspection of the system and the estimated energy cost savings that may result from the inspection. Systems shall be inspected at least every five years. Systems with generators of an effective rated output of more than 290 kW shall be inspected at least every two years.

4. The inspection shall include the assessment of the generator or generators, circulation pumps, fans and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.

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↓ 2018/844 Art. 1.7 (adapted)  
⇒ new

The inspection shall include an assessment of the efficiency and sizing of the ~~heat~~ generator ⇒ or generators and of its main components ⇐ compared with the ~~heating~~ requirements of the building and, ~~where relevant,~~ consider the capabilities of the ~~heating~~ system ~~or of the system for combined space heating and ventilation~~ to optimise its performance under typical or average operating conditions. ⇒ Where relevant, the inspection shall assess the feasibility of the system to operate under different and more efficient temperature settings, while ensuring the safe operation of the system. ⇐

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↓ new

The inspections scheme shall include the assessment of the sizing of the ventilation system compared with the requirements of the building and consider the capabilities of the ventilation system to optimise its performance under typical or average operating conditions.

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↓ 2018/844 Art. 1.7 (adapted)  
⇒ new

Where no changes have been made to the ~~heating~~ system ~~or to the system for combined space heating and ventilation~~ or to the ~~heating~~ requirements of the building following an inspection carried out pursuant to this ~~Article~~ ~~paragraph~~, Member States may choose not to require the assessment of the ~~heat generator~~ ⇒ main component ⇐ sizing ⇒ or the assessment of operation under different temperatures ⇐ to be repeated.

52. Technical building systems that are explicitly covered by an agreed energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in paragraph 1, provided that the overall impact of such an approach is equivalent to that resulting from paragraph 1.

63. ~~As an alternative to paragraph 1 and provided that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of heat generators, other modifications to the heating system or to the system for combined space heating and ventilation and alternative solutions to assess the~~ ⇒ performance, ⇐ efficiency and appropriate size of those systems.

Before applying the alternative measures referred to in the first subparagraph of this paragraph, each Member State shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in paragraph 1.

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↓ 2018/1999 Art. 53.5

~~Such a report shall be submitted to the Commission as part of the Member States' integrated national energy and climate plans referred to in Article 3 of Regulation (EU) 2018/1999.~~

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↓ 2018/844 Art. 1.7 (adapted)  
⇒ new

74. Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for heating systems or systems for combined space heating and ventilation of over 290 kW are equipped with building automation and control systems ⇒ 31 December 2024 ⇐ by ~~2025~~. ⇒ The threshold for the effective rated output shall be lowered to 70 kW by 31 December 2029. ⇐

The building automation and control systems shall be capable of:

- (a) continuously monitoring, logging, analysing and allowing for adjusting energy use;
- (b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and
- (c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.

85. Member States ⇒ shall ⇐ ~~may~~ lay down requirements to ensure that ⇒ from 1 January 2025, new ⇐ residential buildings ⇒ and residential buildings undergoing major renovations ⇐ are equipped with:

- (a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when it has fallen significantly and when system servicing is necessary; and
- (b) effective control functionalities to ensure optimum generation, distribution, storage and use of energy.

96. Buildings that comply with paragraph 74 or 85 shall be exempt from the requirements laid down in paragraph 1.

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↓ new

10. Member States shall put in place inspection schemes or alternative measures including digital tools, to certify that the delivered construction and renovation works meet the designed energy performance and are compliant with the minimum energy performance requirements as laid down in by the building codes.

11. Member States shall include a summarised analysis of the inspection schemes and their results as an annex to the building renovation plan referred to in Article 3. Member States that have chosen the alternative measures indicated in paragraph 6 of this Article shall include a summarised analysis and the results of the alternative measures.

~~Article 15~~

~~Inspection of air conditioning systems~~

~~1. Member States shall lay down the necessary measures to establish regular inspections of the accessible parts of air conditioning systems or of systems for combined air conditioning and ventilation, with an effective rated output of over 70 kW. The inspection shall include an assessment of the efficiency and sizing of the air conditioning system compared with the cooling requirements of the building and, where relevant, consider the capabilities of the air conditioning system or of the system for combined air conditioning and ventilation to optimise its performance under typical or average operating conditions.~~

~~Where no changes have been made to the air conditioning system or to the system for combined air conditioning and ventilation or to the cooling requirements of the building following an inspection carried out pursuant to this paragraph, Member States may choose not to require the assessment of the sizing of the air conditioning system to be repeated.~~

~~Member States that maintain more stringent requirements pursuant to Article 1(3) shall be exempt from the obligation to notify them to the Commission.~~

~~2. Technical building systems that are explicitly covered by an agreed energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in paragraph 1, provided that the overall impact of such an approach is equivalent to that resulting from paragraph 1.~~

~~3. As an alternative to paragraph 1 and provided that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of air conditioning systems or systems for combined air conditioning and ventilation, other modifications to the air conditioning system or system for combined air conditioning and ventilation and alternative solutions to assess the efficiency and appropriate size of those systems.~~

~~Before applying the alternative measures referred to in the first subparagraph of this paragraph, each Member State shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in paragraph 1.~~

~~Such a report shall be submitted to the Commission as part of the Member States' integrated national energy and climate plans referred to in Article 3 of Regulation (EU) 2018/1999.~~

~~4. Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for systems for air conditioning or systems for combined air conditioning and ventilation of over 290 kW are equipped with building automation and control systems by 2025.~~



~~The building automation and control systems shall be capable of:~~

~~(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;~~

~~(b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and~~

~~(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.~~

~~5. Member States may lay down requirements to ensure that residential buildings are equipped with:~~

~~(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when it has fallen significantly and when system servicing is necessary; and~~

~~(b) effective control functionalities to ensure optimum generation, distribution, storage and use of energy.~~

~~6. Buildings that comply with paragraph 4 or 5 shall be exempt from the requirements laid down in paragraph 1.~~

↓ 2010/31/EU (adapted)

⇒ new

#### *Article ~~21~~6*

#### **Reports on the inspection of heating ☒ , ventilation ☒ and air-conditioning systems**

1. An inspection report shall be issued after each inspection of a heating ☒ , ventilation ☒ or air-conditioning system. The inspection report shall contain the result of the inspection performed in accordance with Article ~~2014~~ or 15 and include recommendations for the cost-effective improvement of the energy performance of the inspected system.

~~The~~ ☒ Those ☒ recommendations may be based on a comparison of the energy performance of the system inspected with that of the best available feasible system and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation.

2. The inspection report shall be handed over to the owner or tenant of the building.

↓ new

3. The inspection report shall be uploaded into the national database for energy performance of buildings pursuant to Article 19.

↓ 2010/31/EU (adapted)  
⇒ new

*Article ~~22~~17*

**Independent experts**

1. Member States shall ensure that the energy performance certification of buildings ⇒, the establishment of renovation passports, the smart readiness assessment, ⇐ ~~and~~ the inspection of heating systems and air-conditioning systems are carried out in an independent manner by qualified ~~and/or~~ ⇒ certified ⇐ ~~accredited~~ experts, whether operating in a self-employed capacity or employed by public bodies or private enterprises.

Experts shall be ~~accredited~~ ⇒ certified in accordance with Article 26 of Directive (EU) .../... [recast EED] ⇐ taking into account their competence.

2. Member States shall make available to the public information on training and ~~accreditations~~ ⇒ certifications ⇐. Member States shall ensure that either regularly updated lists of qualified ~~and/or~~ ~~accredited~~ ⇒ certified ⇐ experts or regularly updated lists of ~~accredited~~ ⇒ certified ⇐ companies which offer the services of such experts are made available to the public.

↓ new

*Article 23*

**Certification of building professionals**

1. Member States shall ensure the appropriate level of competence for building professionals carrying out integrated renovation works in line with Article 26 [recast EED].

2. Where appropriate and feasible, Member States shall ensure that certification or equivalent qualification schemes are available for providers of integrated renovation works where this is not covered by Article 18(3) of Directive (EU) 2018/2001 [amended RED] or Article 26 of Directive (EU) .../...[recast EED].

↓ 2010/31/EU (adapted)  
⇒ new

*Article ~~24~~18*

**Independent control system**

1. Member States shall ensure that independent control systems for energy performance certificates ⇒ are established in accordance with Annex VI, and that independent control systems for renovation passports, smart readiness indicators ⇐ and reports on the inspection of heating and air-conditioning systems are established ~~in accordance with Annex II~~. Member States may establish separate systems for the control of energy performance certificates ⇒, renovation passports, smart readiness indicators ⇐ and ~~for the control of~~ reports on the inspection of heating and air-conditioning systems.

2. The Member States may delegate the responsibilities for implementing the independent control systems.

Where the Member States decide to do so, they shall ensure that the independent control systems are implemented in compliance with Annex ~~VIII~~.

3. Member States shall require the energy performance certificates  $\Rightarrow$ , the renovation passports, the smart readiness indicators  $\Leftarrow$  and the inspection reports referred to in paragraph 1 to be made available to the competent authorities or bodies on request.

↓ 2018/844 Art. 1.8 (adapted)  
 $\Rightarrow$  new

#### ~~Article 2519~~

#### **Review**

The Commission, assisted by the Committee ~~established by~~  $\boxtimes$  referred to in  $\boxtimes$  Article ~~3026~~, shall review this Directive by  $\Rightarrow$  the end of 2027  $\Leftarrow$  ~~1 January 2026~~ at the latest, in the light of the experience gained and progress made during its application, and, if necessary, make proposals.

As part of that review,  $\Rightarrow$  the Commission shall assess whether the application of this Directive in combination with other legislative instruments addressing energy efficiency and greenhouse gas emissions from buildings, notably through carbon pricing, deliver sufficient progress towards achieving a fully decarbonised, zero-emission building stock by 2050, or whether further binding measures at Union level, in particular mandatory minimum energy performance standards across the whole building stock, need to be introduced.  $\Leftarrow$  ~~¶~~The Commission shall  $\boxtimes$  also  $\boxtimes$  examine in what manner Member States could apply integrated district or neighbourhood approaches in Union building and energy efficiency policy, while ensuring that each building meets the minimum energy performance requirements, for example by means of overall renovation schemes applying to a number of buildings in a spatial context instead of a single building. ~~The Commission shall, in particular, assess the need for further improvement of energy performance certificates in accordance with Article 11.~~

↓ 2018/844 Art. 1.9 (adapted)

#### ~~Article 19a~~

#### **Feasibility study**

~~The Commission shall, before 2020, conclude a feasibility study, clarifying the possibilities and timeline to introduce the inspection of stand-alone ventilation systems and an optional building renovation passport that is complementary to the energy performance certificates, in order to provide a long-term, step-by-step renovation roadmap for a specific building based on quality criteria, following an energy audit, and outlining relevant measures and renovations that could improve the energy performance.~~

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↓ 2010/31/EU  
⇒ new

*Article ~~26~~*

**Information**

1. Member States shall take the necessary measures to inform the owners or tenants of buildings or building units ⇒ and all relevant market actors ⇐ of the different methods and practices that serve to enhance energy performance. ⇒ In particular, Member States shall take the necessary measures to provide tailor-made information to vulnerable households. ⇐

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↓ 2018/844 Art. 1.10

2. Member States shall in particular provide information to the owners or tenants of buildings on energy performance certificates, including their purpose and objectives, on cost-effective measures and, where appropriate, financial instruments, to improve the energy performance of the building, and on replacing fossil fuel boilers with more sustainable alternatives. Member States shall provide the information through accessible and transparent advisory tools such as renovation advice and one-stop-shops.

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↓ 2010/31/EU (adapted)  
⇒ new

At the request of the Member States, the Commission shall assist Member States in staging information campaigns for the purposes of paragraph 1 and the first subparagraph of this paragraph, which may be dealt with in Union programmes.

3. Member States shall ensure that guidance and training are made available for those responsible for implementing this Directive. Such guidance and training shall address the importance of improving energy performance, and shall enable consideration of the optimal combination of improvements in energy efficiency, ⇒ reduction of greenhouse gas emissions, ⇐ use of energy from renewable sources and use of district heating and cooling when planning, designing, building and renovating industrial or residential areas. ⇒ Such guidance and training may also address structural improvements, adaptation to climate change, fire safety, risks related to intense seismic activity, the removal of hazardous substances including asbestos, air pollutant emissions (including fine particulate matter) and accessibility for persons with disabilities. ⇐

4. The Commission is invited to continuously improve its information services, in particular the website that has been set up as a European portal for energy efficiency in buildings directed towards citizens, professionals and authorities, in order to assist Member States in their information and awareness-raising efforts. Information displayed on ~~this~~ ⇔ that ⇔ website might include links to relevant European Union and national, regional and local legislation, links to Europa websites that display the National Energy Efficiency Action Plans, links to available financial instruments, as well as best practice examples at national, regional and local level. In the context of the European Regional Development Fund, ⇒ the Cohesion Fund and the Just Transition Fund, ⇐ the Commission shall continue and further intensify its information services with the aim of facilitating the use of available funds by providing assistance and information to interested stakeholders, including national, regional

and local authorities, on funding possibilities, taking into account the latest changes in the regulatory framework.

#### *Article ~~2721~~*

#### **Consultation**

In order to facilitate the effective implementation of ~~the~~  this  Directive, Member States shall consult the stakeholders involved, including local and regional authorities, in accordance with the national legislation applicable and as relevant. Such consultation is of particular importance for the application of Articles ~~9 and 2620~~.

#### *Article ~~2822~~*

#### **Adaptation of Annex I to technical progress**

The Commission shall ~~adapt points 3 and 4 of Annex I to technical progress by means of~~  adopt  delegated acts in accordance with Articles ~~2923, 24 and 25~~  concerning the adaptation of points 4 and 5 of Annex I to technical progress .

↓ 2018/844 Art. 1.11 (adapted)  
⇒ new

#### *Article ~~2923~~*

#### **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles ~~65~~,  7, 10  ~~118 138~~ and ~~2822~~ shall be conferred on the Commission for ~~a~~  an indeterminate  period  of time  ~~of five years~~ from  [date of entry into force of this Directive]  ~~9 July 2018~~. ~~The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.~~
3. The delegation of power referred to in Articles ~~65~~,  7, 10,  ~~1318~~ and ~~2822~~ 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 adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
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 ~~65~~,  7, 10,  ~~118 138~~ or ~~2822~~ 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 and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

↓ 2018/844 Art. 1.13

#### *Article ~~3026~~*

### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

↓ 2010/31/EU (adapted)  
⇒ new

#### *Article ~~3127~~*

### **Penalties**

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States ~~shall communicate those provisions to the Commission by 9 January 2013 at the latest and shall notify it~~  the Commission  without delay of any ~~subsequent~~ amendment affecting ~~them~~  the provisions communicated in accordance with Article 27 of Directive 2010/31/EU .

#### *Article ~~3228~~*

### **Transposition**

1. Member States shall ~~adopt and publish, by 9 July 2012 at the latest,~~  bring into force  the laws, regulations and administrative provisions necessary to comply with Articles ~~2 to 18,~~  1 to 3, 5 to 26, 29 and 32  and ~~with Articles 20 and 27~~  Annexes I to III and V to IX by [...] .  They shall immediately communicate the text of those measures and a correlation table to the Commission.

~~They shall apply those provisions as far as Articles 2, 3, 9, 11, 12, 13, 17, 18, 20 and 27 are concerned, from 9 January 2013 at the latest. They shall apply those provisions as far as Articles 4, 5, 6, 7, 8, 14, 15 and 16 are concerned, to buildings occupied by the public authorities from 9 January 2013 at the latest and to other buildings from 9 July 2013 at the latest. They may defer the application of Article 12(1) and (2) to single building units that are rented out, until 31 December 2015. This shall however not result in fewer certificates being issued than would have been the case under the application of the Directive 2002/91/EC in the Member State concerned. When Member States adopt~~  those  measures, they shall

contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to ~~the~~ ~~the~~ Directive ~~2002/91/EC~~ ~~repealed~~ by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 33~~29~~

#### **Repeal**

Directive ~~2010/31/EU~~ ~~2002/91/EC~~, as amended by the ~~Regulation~~ ~~acts~~ listed ~~indicated~~ in Annex ~~VIIIIV~~, Part A, is hereby repealed with effect from ~~[...]~~ ~~1 February 2012~~, without prejudice to the obligations of the Member States relating to the ~~time-limit~~ ~~time-limits~~ for ~~the~~ ~~transposition~~ into national law and ~~the~~ ~~dates~~ of application of the ~~Directive~~ ~~Directives~~ set out in Annex ~~VIIIIV~~, Part B.

References to ~~the~~ ~~repealed~~ ~~Directive~~ ~~2002/91/EC~~ shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex ~~IXV~~.

#### Article 34~~30~~

#### **Entry into force**

This Directive shall enter into force on the ~~20th~~ ~~twentieth~~ ~~day~~ following ~~that~~ of its publication in the *Official Journal of the European Union*.

Articles 4, 27, 28, 30, 31 and 33 to 35 and Annex IV shall apply from [the day after the date in the first subparagraph of Article 32].

#### ~~Article 35~~31~~~~

#### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*