



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES  
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE  
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES  
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

## **UEAPME's position paper on the recast of the Energy Performance of Buildings Directive**

UEAPME fully supports the recast of the Energy Performance of Buildings Directive and its main aims, which are clarifying and simplifying some of its provisions as well as increasing the level of its transposition in the Member States. As a matter of fact, the proper implementation of this directive can be one of the key elements to achieve the target of the EU Climate and Energy Package by 2020.

Although UEAPME sees some very useful provisions in the recast of a directive, such as:

- giving information to the prospective tenants or buyers on the energy performance of a building and practical advice on how to improve it,
- stressing the leading role which public authorities' buildings can play in the dissemination of information about energy performance of buildings through displaying the certificates in well visible places,

UEAPME notices that some proposals can be unrealistic, considering the fact that the implementation of the Directive is just at the beginning in most new Member States. Moreover, some new provisions results in further red tape and further costs without any improvement in energy efficiency and are clearly not suitable for some categories of SMEs, such as:

- The general definition of the 25% threshold;
- The fact that incentives for construction or renovation of buildings or parts thereof which do not comply with minimum energy performance requirements, provided by Member States, should stop as from June 2014;
- Some of the features that the experts authorised to issue energy certificates should possess;
- The new independent control system for energy performance certificates and reports on the inspections

**UEAPME, therefore, proposes the following changes to the EU Commission's proposal:**

## **Recital 21**

### **Commission's proposal**

A common approach to this process □energy performance certification of buildings and to the inspection of heating and air-conditioning systems □, carried out by qualified **and/or accredited** experts, **whose independence is to be guaranteed on the basis of objective criteria**, will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to the energy performance in the Community property market. □**In order to guarantee the quality of energy performance certificates and of the inspection of heating and airconditioning systems throughout the Community, an independent control mechanism should be established in each Member State.**

### **UEAPME's proposal**

A common approach to this process □energy performance certification of buildings and to the inspection of heating and air-conditioning systems □, carried out by qualified experts will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to the energy performance in the Community property market.

### **Justification**

**Please see remarks made when dealing with Article 16 and 17**

## **Article 1 (Subject matter) – paragraph 2 (g)**

### **Commission's proposal**

Independent control systems for energy performance certificates and inspections reports.

### **UEAPME's proposal**

Deletion of this paragraph.

### **Justification**

**Please see remarks made when dealing with Article 17.**

## **Article 2 (definitions) – paragraph 6 – point (a)**

### **Commission's proposal**

"major renovation": means the renovation of a building where:

(a) the total cost of the renovation related 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

### **UEAPME's proposal**

"major renovation": means the renovation of a building where

(a) the total cost of the renovation related to the building envelope or the technical building systems is higher than 25 % of the value of the building, excluding **any equipment which is normally regarded as part of the building and** the value of the land upon which the building is situated, or

### **Justification:**

**This amendment refers to businesses renting a building. In this case most of the equipment regarded as part of a building is owned by the tenant, even if the building is not his property. So when the tenant renews his equipment, he is likely to breach the 25% and is obligated to renovate the building which is not his property.**

#### **Article 4 (setting of minimum performance requirements) – paragraph 3**

##### **Commission's proposal**

As from 30 June 2014 Member States shall not provide incentives for the construction or renovation of buildings or parts thereof which do not comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2)

##### **UEAPME's proposal**

As from 30 June 2014 Member States shall not provide incentives for the construction or renovation of **new** buildings or parts thereof which do not comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2); **Incentives for existing buildings can be provided till 30 June 2020.**

##### **Justification:**

**Existing buildings make up for the big bulk of buildings in the EU. Renovating them according to the provisions of the directive is a big challenge that needs support for longer than 2014. Moreover, the implementation of the directive is just at the beginning in most new Member States. Removing all incentives by 2014 would, therefore, be premature for a successful uptake of this legislative instrument all over the EU.**

#### **Article 9 (Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero)**

##### **Paragraphs 1 and 4**

##### **Commission's proposal**

1. Member States shall draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. They shall set targets for the minimum percentage which those buildings in **2020** shall constitute of the total number of buildings and represent in relation to the total useful floor area.

4. The Commission shall establish common principles for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero.

##### **UEAPME's proposals**

1. Member States shall draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. They shall set targets for the minimum percentage which those buildings in **2030** shall constitute of the total number of buildings and represent in relation to the total useful floor area.

**These national plans might be accompanied by national, regional or local programmes to support energy performance measures such as fiscal incentives, financial instruments or reduced VAT.**

4. The Commission shall establish **harmonized definitions** of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero **taking into**

**consideration normal regional weather conditions and the predicted change in such conditions over time.**

**Justification:**

**It can appear very difficult to achieve the percentage that low or equal to zero buildings should constitute in national plans in 2020, because in some new Member States the implementation of the EPB Directive is in the early phase. Moreover, the offer for constructing these building on the market is generally very limited overall the EU (there is a lack of materials, technologies and construction companies) and there are no common standards to establish what these concepts actually mean.**

**NEW article 9 a**

**UEAPME's proposals**

Financial Support

1. By 30 June 2010 the Commission might consider to present appropriate proposals to establish financial mechanisms to support the implementation of the requirements set out in Articles 5 to 9. These proposals might include:

(a) an increase to the maximum amount of the European Regional Development Fund allocation that can be used to support energy efficiency and renewable energy investments under Article 7 of Regulation (EC) No 1080/2006. This maximum shall be raised to at least 15% of the total allocation;

(b) an extension of the eligibility of energy efficiency and renewables projects for contributions from the European Regional Development Fund - at the very least so that energy efficiency improvements and renewable energy for housing becomes eligible for all Member States;

(c) use of other Community funds to support research and development, information campaigns or training related to energy efficiency;

(d) the establishment, by the European Commission, the European Investment Bank and Member States, of an Energy Efficiency and Renewable Energy Fund, with the aim of mobilising, until 2020, public money and private investment for energy efficiency and renewable energy projects implemented within Member States for the purposes of implementation of this Directive;

(e) reduced VAT for services and products related to the improvement of the energy efficiency of buildings.

2. Member States might implement one or more of the financial support mechanisms listed in Annex V. The energy performance certificates referred to in Article 10 shall indicate which mechanisms are available to finance implementation of the recommendations for the cost effective improvement of the energy performance of the building concerned.

3. Financial or fiscal incentives shall support the execution of the recommendations included in the energy performance certificate.

**Justification:**

**As the Commission is proposing an approach that will potentially lead to more stringent and more widely applied minimum standards, as well as new targets for low and zero carbon/ energy buildings, it is necessary to establish where the financing for these new standards/targets will come from.**

**Article 11 (Issuing of energy performance certificates) – paragraph 2**

**Commission's proposal**

Member States shall ensure require that, when buildings or parts thereof are constructed, sold or rented out, an energy performance certificate is made available handed over to the owner by the **independent** expert issuing the certificate and referred to in Article 16 or by the vendor

#### **UEAPME's proposal**

Member States shall ensure require that, when buildings or parts thereof are constructed, sold or rented out, an energy performance certificate is made available handed over to the owner by the expert issuing the certificate and referred to in Article 16 or by the vendor

#### **Justification**

**Please see remarks made when dealing with article 16**

### **Article 16 (Independent experts)**

#### **Commission's proposal**

Member States shall ensure that the  energy performance  certification of buildings, the drafting of the accompanying recommendations and the inspection of boilers  heating systems  and air-conditioning systems are carried out **in an independent manner** by qualified **and/or accredited** experts, whether operating as sole traders self-employed  or employed by public  bodies  or private  enterprises  enterprise bodies.

↓ new

**Experts shall be accredited taking into account their competence and their independence.**

#### **UEAPME's proposals**

Member States shall ensure that the  energy performance  certification of buildings, the drafting of the accompanying recommendations and the inspection of boilers  heating systems  and air-conditioning systems are carried out by qualified experts, whether operating as sole traders self-employed  or employed by public  bodies  or private  enterprises  enterprise bodies.

#### **Justification:**

**The criterion of the independence of the experts might result in the exclusion of categories of professional who are nowadays qualified and trained to issue energy certificates, such as people operating in the building sector, installers, chimney sweepers, engineers and architects. These professions would not comply with the independence criterion in case of its strict interpretation, since they might be accused of having an economic interest in issuing the certificates as well in carrying out the activities aimed at increasing energy efficiency. However, their exclusion would only increase the market failures advocated by the EU Commission as one of the reasons of the recasting of the Directive, since the most important categories of experts able to effectively carry out energy efficiency measures would no longer be allowed on the market. Moreover, the setting up of a new accreditation procedure aimed at defining the categories of professionals authorised to issue energy certificates would result in further bureaucracy and would entail lots of resources, which would be diverted from effective measures to fight climate change. UEAPME believes that the authorisation to issue energy certificates should be simply granted by Member States to all professionals**

**with a certain qualification level, evidence of which is provided by specific technical vocational training qualifications.**

### **NEW 3<sup>rd</sup> paragraph**

#### **UEAPME's proposal**

Member States shall make sure that experts employed by energy producers and energy distributors or by companies controlled or set up by them are not allowed to issue any energy certificates

#### **Justification:**

**In some Member States there is no real free competition in the sector of certification of buildings and inspection of heating and air-conditioning systems. This is due to the fact that big companies selling and distributing energy as well as other businesses set up or controlled by them also operate in this sector, with a dominant position, alongside with independent craft businesses and SMEs. As a result, energy efficiency is not increased at the highest possible level, since companies selling and distributing energy are mainly interested in their profit. Moreover, this situation reduces the growth potential of SMEs in this sector.**

### **Article 17 (Independent control system)**

#### **Commission's proposal**

1. Member States shall ensure that an independent control system for energy performance certificates and reports on the inspection of heating and air conditioning systems is established in accordance with Annex II.

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

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

3. Member States shall require that the energy performance certificates and the inspection reports mentioned in paragraph 1 are registered or made available to the competent authorities or bodies to whom responsibilities for implementing the independent control systems have been delegated by the competent authorities on request.

#### **UEAPME's proposal**

Deletion of this article **as well as of Annex II**, which deals with its practical implementation.

#### **Justification:**

**The obligation to set up an independent control system, apart from the inspections and the issuing of energy performance certificates, would result in very high further bureaucratic burdens, which appear disproportionate. Such a system would require resources that should be better invested in real measures to save energy rather than add further layers of red tape.**

### **Annex IV a (new) - Annex V**

**Financial instruments for improving the energy performance of buildings**

#### **UEAPME's proposals**

Member States might implement one or more of the following:

- (a) VAT reductions for energy saving, high energy performance and renewable energy goods and services;
- (b) other tax reductions for energy saving goods and services or energy efficient buildings, including fiscal rebates on income or property taxes;
- (c) direct subsidies;
- (d) subsidised loan schemes or low interest loans;
- (e) grant schemes;
- (f) loan guarantee schemes;
- (g) requirements on or agreements with energy suppliers to offer financial assistance to all categories of consumers, including Energy Performance Contracting.

Financial or fiscal incentives should support the execution of the recommendations included in the energy performance certificate.

**Justification:**

**As the Commission is proposing an approach that will potentially lead to more stringent and more widely applied minimum standards, as well as new targets for low and zero-carbon/energy buildings, Member States should be free to consider the adoption of support measures.**

Brussels, 13th March 2009