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Annex 2 to

COMMUNICATION STAFF WORKING DOCUMENT

Accompanying document to the

PROPOSAL FOR A RECAST OF THE ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE (2002/91/EC)

IMPACT ASSESSMENT

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ANNEX II

SUMMARY OF THE MEMBER STATES' RESPONSES TO A QUESTIONNAIRE ON THE CURRENT EPBD AND ITS REVISION

In general, Member States agree that energy efficiency of buildings is one of the most important tools to reach the EU's energy policy targets. Information available suggests that Member States discern considerable potential remaining for improving energy efficiency in the existing building stock.

Both in the Energy Demand Management Committee meeting on 31 March 2008 and in responses to a corresponding questionnaire to Committee members (provided at the end of the document), related feedback was provided by a majority of Member States. It is true that the information thus collected does not fully reflect the current situation regarding the implementation and transposition of the EPBD across the entire EU. Nevertheless, the Member States' responses and contributions constitute an interesting snapshot of the concerns and experiences at the practical level. Some of the Member States who had studied the EPBD's impact and had evaluated their implementing experience gained thus far, provided brief summaries of these studies.

The questionnaire was structured along the following main issues: The impact of the EPBD, proposals to amend or add definitions, the current situation as regards the thresholds, control schemes and inspections, Energy Performance Certificates and energy performance requirements. A summary of the Member States' reactions in the context of the Energy Demand Management Committee (EDMC) is given below.

The impact of the EPBD in energy, economic, social and/or environmental terms

In the framework of the EDMC-meeting on 31 March 2008, and with the corresponding questionnaire, the Commission asked if (economic) impact assessment (or other analysis) had been carried out, and if Member States could provide brief summaries of their outcomes, in particular with a focus on expected and achieved energy and emission savings, economic costs and benefits, and also on newly created jobs.

According to the replies received, Member States have made a broad analysis, to varying degrees, on the EPBD's actual impact. In turn, others argue that, since they have not yet fully implemented the EPBD, such analysis could only be made at a later stage. However, reports thus far available indicate that the EPBD might help reduce energy consumption and CO_2-emissions significantly. As regards the technical potential to save energy in the buildings covered by the Directive, perception in the domains concerned (homeowners and construction industry) appears to be rather positive. For instance, Energy Performance Certificates could become a criterion in real estate portfolio analysis. Information also indicates that financing the extra investment for energy efficient installations could be a considerable burden on homeowners. Further, based on information submitted by Member States, there are indications that implementing the EPBD might create additional employment in the range of several thousand jobs in the long term, i.e. over 20 years of implementation.

Administrative costs

The Commission further asked Member States if they had identified administrative costs linked to the transposition and/or implementation of the EPBD. Responses confirm that almost all Member States have identified related administrative costs, borne by citizens, business and public authorities. However, the orders of magnitude, time spans concerned as well as cost categories vary significantly between Member States. Detailed estimates will only be available at a later stage of the EPBD's implementation. According to information available, costs borne by the Member States' budgets may mainly relate to support initiatives, such as bonus payments, interest rate subsidies, tax credits, the preparatory studies and the development of tools, certification schemes, monitoring, communication activities to the public and the market, and for public registries. There are also costs borne by citizens and business, notably certification and inspection costs, training and accreditation of experts and their entry in public registers.

Clarifying and simplifying certain provisions – Member States' proposals to add definitions to Art. 2 EPBD

The Commission asked Member States which definitions they would add and/or modify in Art. 2 of the EPBD. According to the responses, most Member States already identified EPBD provisions which raise questions of interpretation, technical justification and/or cost-effectiveness. Information provided by the Member States indicates that the majority proposes new or refined definitions, while very few consider the existing definitions appropriate. Some find that it is yet too early to amend Art. 2 of the Directive. Information available suggests that, among others, the definitions of "major renovation", "independent expert", "air conditioning system", "boiler", "heat pump", "public building", and "public authority", could be improved or set. Furthermore, it appears that clear definitions of "economic efficiency", "cost-effectiveness", and "economic feasibility of modernisation" were felt to be lacking.

Current situation as regards the 1000 m^2 threshold for minimum energy performance requirements for existing buildings when they undergo major renovations (Art. 6 EPBD)

Responses provided by Member States as to whether or not they apply the 1000 m² -or any other threshold- in their EPBD transposition vary considerably. In general, a considerable number of Member States do not apply the 1000 m² threshold. Some of the Member States who do not provide for any thresholds set energy efficiency values for any renovation, meaning that, as rule, all major renovations need to meet the same (specific) energy performance requirements as new buildings. However, available information suggests that rules on minor renovation works and very small buildings apply in the absence of thresholds.

Control schemes for Energy Performance Certificates and for inspections (Art. 7, 8, 9 EPBD)

A further question put to Member States was if they had established control schemes for Energy Performance Certificates and for inspections. On the one hand, the majority of Member States who have responded have already established some control schemes, or are presently considering organising them. According to available information, the majority of Member States have already gained sufficient, or even significant, experience with enforcing energy performance requirements. Nevertheless, many Member States feel that it is yet too

early to draw definite conclusions from practical experience with such control schemes. Nevertheless, information received indicates that there is a need to continue with measuring the impact of control schemes and inspections, as well as with discussing methods, future solutions and sharing experiences.

Recommendations of the Energy Performance Certificate for buildings – compulsory implementation

The Commission enquired in which Member States it is compulsory to realize the recommendations of the Energy Performance Certificate for buildings. The majority of Member States who responded to the Commission's enquiry do not consider an obligatory realisation as an appropriate tool. Obligatory implementation of such recommendations is required in some Member States, however in situations where public aid for energy performance improvement can be sought or as regards public buildings.

Energy performance requirements

The Commission asked Member States if they had carried out an (economic) impact assessment (or other analysis) in order to fix the level of such requirements.

Some Member States reported that the following aspects were considered in varying extent and depth: economic feasibility, technical feasibility, environmental impact, extra construction costs, category of building, size, energy consumption, building practice, compatibility with urban development and architectural design, equipment and materials well established on the market or in the process of market penetration, economic impact on the different building markets (and on the owners), number and capacity of the workforce, health consequences, acceptance by the market, availability of proven technology, risk on obstruction of innovative technologies due to too rigid regulation.

Energy Demand Management Committee (Buildings Formation) Meeting

March 31, 2008

Questions regarding the Energy Performance of Buildings Directive (2002/91/EC)

(1) What is the situation of transposition and implementation of the Directive in your country in general:

   (a) Have you identified administrative costs linked to its transposition and/or implementation?

   (b) In which domain and of which kind are the administrative costs to the government? What are their impacts in absolute/relative terms?

   (c) Have you run any broader analysis on its actual impact (in energy, economic, social and/or environmental terms)?

(2) Which definitions would you add/modify in Art. 2?

(3) Regarding the 1000 m^2 threshold for minimum energy performance requirements for existing buildings when they undergo major renovations (Art. 6):

   (a) Did you include this or another threshold in your transposition and why?

   (b) Was an impact assessment or other analysis made? Could you provide us with those analyses or references to them and summarise in about two paragraphs their outcomes, in particular with a focus on expected (ex ante) and on achieved (ex post): (i) energy and emission savings, (ii) economic costs, and benefits and (iii) newly created jobs for different threshold scenarios?

   (c) Were there other aspects that influenced the decision of your country?

(4) Specifying minimum energy performance requirements for (i) new buildings and (ii) existing building that undergo major renovations:

   (a) Was an (economic) impact assessment (or other analysis) carried out in order to fix the level of requirements? Could you provide us with these assessments or references to them and summarise in two paragraphs their outcomes, in particular with a focus on expected and on achieved (i) energy and emission savings, (ii) economic costs and benefits and (iii) newly created jobs?

   (b) Were there other aspects that influenced your decision?

(5) Control schemes for Energy Performance Certificates and for inspections (Art. 7, 8, 9):

   (a) Have you established any?

   (b) What is your current experience with regard to compliance with each of these articles in practice?

(c) Has an impact assessment (or any other study) been made to analyse the (non-) compliance rate and the impact in practice of the certification and inspection scheme? Could you provide us with these assessments or references to them? Could you summarise in two paragraphs their outcomes, in particular with a focus on expected and on achieved (i) energy and emission savings, (ii) economic costs and benefits and (iii) newly created jobs?

(d) Were there other measures introduced to guarantee compliance with these articles?

(6) Is it compulsory to realize recommendations of the Energy Performance Certificate for buildings?
If so, did you analyse the expected and achieved additional energy and emission savings, the necessary investments, and the amount of newly created jobs? Could you provide us with those analyses or references to them?

(7) Are there other aspects you consider important to achieve energy savings that could be realized by extending or strengthening the existing articles of the EPBD?