

Energie-Cités Opinion

on the recasting of the Energy Performance of Buildings Directive (EPBD, 2002/91/EC)



Improving energy efficiency in buildings to eliminate fuel poverty

In addition to the response to the Internet consultation on the recasting of the EPBD, Energie-Cités would like to highlight some related issues arising from our experience with the Display® Campaign (www.display-campaign.org), a voluntary Campaign and labelling scheme involving hundreds of European local authorities and thousands of public buildings in Europe.

Indeed, we may wonder what are the reasons for “recasting” the EPBD after less than 6 years of its publication and 2 years after the transposition deadline? The answer must be in the seriously delayed and difficult implementation by Member States that could hamper the achievement of European energy and climate goals set by 2020.

In 2004, Energie-Cités published the following statement that remains highly relevant today:

*“Unlike many others, the legislative process for the “Buildings Directive” has been relatively swift: the Commission made a proposal in April 2001 and the Directive was published at the OJEC on 4th January 2003. The Directive provides a three-year timeframe (up to January 2006) for achieving transposition, but **Member States will allow additional time for the implementation of the measures** in their respective countries. The whole process may take three years, if not more, before all the provisions come into effect.*

*“If we add the two-year period that preceded the Commission’s proposal, we realise how much time it takes for a Directive to reach the implementation phase: between one fifth and one quarter of an average working lifetime¹! **This extended “top down” process can be accelerated by means of parallel and complementary actions, which are closely linked to the legislation itself** and which get the end participants involved by offering them the option of implementing the provisions of the Directive on a voluntary basis, well before it is transposed into national law, and using a “bottom up” approach.*

*“This is precisely the objective of “Display®”, since the idea is **to encourage municipalities to display their consumption and emission performance on a voluntary basis**, for its own sake and because they are an example to the general public and to local players. In this way, **they facilitate the implementation of national transposition acts** in all EU countries, once these have been adopted.”*

1. A successful Directive should be desirable

We are facing a certain “crisis” of EU Directives all over Europe. Despite the fact that Directives aim to improve the situation of Europe and its citizens, they are often considered as additional duties imposing additional administrative burdens rather than an opportunity to improve the situation. Ultimate goals are often hidden behind a long list of obligations that remain the most visible and memorable aspects of a Directive.

On one hand, these negative expectations reinforce the obstacles for implementation. On the other hand, those countries in possession of an already advanced national legislation before the Directive appear to not face any difficulties implementing it.

One of the explanations is the lack of comprehension by policy- and decision makers in charge of implementing the Directive. European Directives use a techno-bureaucratic vocabulary, only understandable

¹ We were accused to be pessimistic!

for a small minority of public administrators. Despite all communication efforts by the European Commission, they remain incomprehensible for the large majority who would actually apply it later on.

Despite the fact that the EPBD addresses common issues of "buildings", structures that are familiar to all citizens, stakeholders, families and citizens, Member States are still 'struggling' to understand and meaningfully implement this Directive. It goes without saying that legal measures include obligatory constraints. But these constraints are more legitimate and acceptable if they are considered as helpful for citizens and institutions in charge of improving buildings: for instance by providing additional information on its consumption or by providing a first filter for buildings to be audited.

2. Linked with the concerns of society

Increasing energy prices place an increasing burden on a larger part of the society, especially – but not exclusively – in the New Member States where energy prices are disproportionate to household incomes. As a result fuel poverty is increasing in all countries, with all consequential results in terms of purchase power, health, social exclusion, etc.

Thus the ultimate goals of a Directive must be linked with broader concerns of the society. Energy and CO₂ savings targets should be aligned with socio-economic concerns and objectives of local public decision makers. For instance, if a Mayor can justify to the Municipal Council why an EU Directive addresses local concerns, no doubt these arguments will multiply the effectiveness of such a legal instrument.

Therefore, it must be explicitly mentioned that this Directive aims at reducing fuel poverty by improving the energy performance of buildings thus significantly decreasing the energy we need for basic day-to-day consumption, and the related expenses.

3. Legislation alone cannot solve all the problems

From our opinion one of "the reasons for the failure of the EPBD", is mainly because we overestimate the leverage effect of a Directive. This Directive - like a lot of others - is too technocratic / addressing specialists and not the society as a whole. One of the roles of the EU should be to protect citizens from potential risks. In the long run, citizens have to be protected from increasing prices. As fuel prices are not supposed to decrease on the long term, it is critical that people need to live in low consumption or even energy positive buildings. Without such a positive vision on the future broadly communicated to the society, there is no chance to succeed. Humanity has to be re-introduced into the heart of the decision making process!

4. Suggestions 'from the ground'

Energie-Cités, in the online comments for the recasting of the EPBD stated the following:

"The 1000 m² threshold for **existing public buildings** can be reduced but only if the experience shared below is followed: Within the Display® Campaign, regional and local authorities insisted on the fact that extra cost and time to certify a building must be avoided or limited, as many municipalities lack staff and sufficient financial support for detailed building audits (the use of **operational data is appropriate** and **more useful** for public buildings as there are less/no market influences and more management related consequences that will improve building performances) So, if the certification procedure is kept **simple** and can be done by qualified experts from the public authority itself, they certainly will display the building performances for those smaller than 1000 m² on a voluntary basis."

During the [Display® Campaign](#) local energy managers identified several reasons why attempts at improving energy efficiency in buildings have failed so far:

- Unwillingness and budget constraints preventing local authorities from spending money on building certification
- Political uneasiness – "My buildings are poorly classed – the public will not vote for me if I show them these poor results"
- Unwillingness or inability of energy specialists to communicate with the rest of the community
- Inability to convince politicians to invest sufficient funds to focus on communication

In order to counter these problems they developed the following ideas, which should be useful for key decision makers:

a) Set ambitious objectives

- Calculate the performance of **buildings of all sizes** (including those <1000 m²)
- Set higher building energy performance standards for refurbishment and new build by 30-50% compared to national legislation (i.e. in Frankfurt am Main (DE) and Weiz (AT) new buildings will be constructed following the passive house standard)

b) Leverage on pioneering examples

- Start the process of certification/labelling as a voluntary process with the most active or willing municipalities (this applies for the implementation of directives in general)
- Use this time to collect data and share experiences so that when a more rigid or legal-based system is implemented there will already be greater ground support
- Use this time to adjust your labelling tool and benchmarks
- Use this time to improve energy performance compared to previous years

c) Diminish the 'hassle factor' and transactional costs

- The **use of operational data** appears particularly appropriate for public buildings as there are less market influences and more management-related consequences that will improve building performances
- The extra cost and time to certify a buildings must be reduced or limited as many municipalities lack staff and sufficient financial support for detailed building audits (another reason to opt for operational data)
- Municipalities are more willing to spend the money on measures than on audits, many buildings can be improved by standardised measures where no audit is needed
- Operational labelling can be done quickly and is very helpful in setting up energy reports and priorities/hierarchies for refurbishments

d) Complete certification process kept simple

For existing public buildings one needs to have a common European methodology

- **Use primary energy** as this represents real consumption and can influence building managers to choose cleaner, decentralised and more efficient energy sources to improve their overall building performance
- **Do not include thermal comfort** as it is impossible or very expensive to attain accurate data for municipal buildings. Reference temperature should be indicated in a building management guideline
- Display buildings' **water performances** in addition to energy and CO₂ performances

e) Regularly and broadly communicate results to improve performance

- The certificates need to be used **not only as a legal requirement** but also as a means of communicating with the public and politicians i.e. the certificate needs to be eye-catching and visible
- If certificates are designed to be **eye-catching, engaging and easy to understand**, they can be used as a communication tool for a wide variety of audiences, from school children to politicians. If certificates are too technical, their usefulness as a communication tool for the general public will be limited
- **Involve local authorities during the development of the national certification process** – local energy managers have a wealth of knowledge and they are ultimately the people that have to implement national laws on the ground, thus ensuring ex-ante acceptance of these measures
- Certificates should **include recommendations on how to improve** the energy and water performance of the building. These recommendations should include simple actions that building users can take to save energy and water as well as technical solutions highlighting where money needs to be spent to improve the performance of the building
- **Monitor and evaluate** the progress of the public building stock by **updating the posters every year**

5 - Conclusion

Through the Display® Campaign – supported by the European Commission from the very beginning, Energie-Cités has shown modestly how it was possible not only to implement the Directive, but make it enjoyable, open to society, linked with all sectors and education, helpful for national transpositions, etc. Could we imagine such a process at an EU-wide scale thanks to a "desirable" re-casted Directive?