

Environment

ENERGY PERFORMANCE OF BUILDINGS

Directive [2002/91/EC](#) of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings.

Objective

To promote the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.

Relevance for the hospitality industry

The Directive is of particular relevance to the hotel, restaurant and café sector as it concerns the residential and the tertiary sector.

State of progress

The Directive was adopted on 16 December 2002. Member States had until 4 January 2006 to comply with this Directive.

A new Commission proposal ([COM \(2008\) 780 final](#)) for a Directive on the energy performance of buildings (recast) is currently being discussed within the European institutions under the co-decision procedure.

Content

The key points of the current Directive on the energy performance of buildings are the following:

- Member States are required to set minimum standards on the energy performance of all new buildings and existing buildings (more than 1000 m²) that undergo major renovation;
- Energy performance certificates, in relation to the above information, are made mandatory. These certificates should be made available when buildings are constructed, sold or rented out. Certificates must be less than 10 years old; and
- Boilers and central air conditioning systems in buildings must be inspected regularly and, in addition, heating installations must be assessed to guarantee an energy efficient operation of these appliances.

Member States are responsible for setting the minimum standards for the energy performance of buildings at national level.

For a summary of this Directive you can visit the [SCADplus](#) website (European Commission).

The Commission proposal ([COM \(2008\) 780 final](#)) for a Directive on the energy performance of buildings (recast), introduces, amongst others, the following changes:

- The application of minimum requirements on the energy performance of existing buildings that undergo major renovation, regardless of their size. The application of minimum energy performance requirements to the technical building systems (like boilers, air conditioning etc); and
- The introduction, by Member States, of national plans to increase the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero.

On 19 November 2009, the European Parliament and the Council reached agreement on the substance of the Directive on the energy performance of buildings. However, the entry into force of the Treaty on the Functioning of the European Union (TFEU) required modifications concerning, in particular, the adaptation of the legal basis and the comitology provisions. The

Council and the European Parliament agreed on these modifications during the month of March 2010. On 15 April 2010, the Council adopted its first reading position. The text, introduces amongst others the following changes:

- *Nearly zero energy buildings:* All new buildings will have to be nearly zero energy buildings as of 1 January 2021 with public authorities having to fulfil this standard as of 1 January 2019.

According to the new definition introduced by the draft Directive “*nearly zero energy building*” means a building that has a very high energy performance [as determined by the Directive]. *The nearly zero or very low amount of energy should to a very significant extent be covered by energy from renewable sources, including renewable energy produced on-site or nearby*”.

- *Existing Buildings:* Existing buildings, regardless of their size, will have to comply with minimum energy performance requirements when they undergo major renovation. Major renovation is defined as costing 25% of the building value or covering 25% of the building surface. Building elements (e.g. roof, wall etc.) with a significant impact on the energy performance of the building, will have to comply with minimum energy performance requirements when retrofitted or replaced, in so far as this is technically, functionally and economically feasible.
- *Financial incentives and market barriers:* “*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*”, ... the Directive calls for action at national and EU level in relation to financial instruments.

On 18 May 2010 the European Parliament adopted a legislative resolution on the Council position at first reading. In its resolution, the Parliament approves the Council position.

For a detailed overview of the state of progress and related documents of the Commission proposal you can visit [PreLex](#) (European Commission) or [OEIL](#) (European Parliament).

HOTREC position

The energy performance of buildings Directive concerns all types of buildings and thus also hotels, restaurants and cafés in Europe. It is crucial to ensure that the revision of the Directive will not bring additional burdens for the hospitality industry.

Official reference

Directive [2002/91/EC](#) of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings, O.J. L 1, 4.1.2003.

See also:

Proposal ([COM \(2008\) 780 final](#)) for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)

Communication Staff Working Document accompanying document to the proposal for a Recast of the Energy Performance of buildings Directive (2002/91/EC) – Impact Assessment ([SEC\(2008\) 2865](#))

European Parliament Legislative Resolution ([T6-0278/2009](#)) of 23 April 2009. (First reading)

[Informal agreement](#) of 19 November 2009 on a legislative proposal revising Directive 2002/91/EC on the Energy Performance of buildings

[Position of the Council at first reading](#) with a view to adoption of a Directive on the energy performance of buildings (14 April 2010)

European Parliament Legislative Resolution ([T7-159/2010](#)) of 18 May 2010 (Second reading).

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