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From:	General Secretariat of the Council
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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast)

Informal note of the Presidency on the REV 3 of EPBD

With the third revision of the Energy Performance of Buildings Directive, the Presidency introduces a proposal that it believes is more in line with Member States' positions regarding the MEPS in the residential sector and that allows them to choose the best possible approach while at the same time ensuring a sufficient level of ambition.

In Article 9(2), the Presidency has notably omitted the word “linear” giving Member States more flexibility when designing their national trajectories. On the other hand, to better ensure that Member States are on track to a zero-emission residential building stock by 2050, the Presidency has chosen to introduce two fixed control points on required trajectories. Namely, Member States shall ensure that the **average** primary energy use in kWh/(m².y) of the **whole** residential building stock is at least equivalent to energy performance class D and B levels by 2035 and 2040 respectively. Being aware of the fact that Member States may not have high quality data available on the energy use of their residential building stocks, the Presidency has opted for a text that allows for statistical sampling and the use of energy performance certificates. It is crucial to underline that the trajectories are to be set on the whole residential building stock, even if single-family houses are moved under trigger points. This is to ensure the achievement of the overarching target of a zero-emission building stock.

The Presidency has also decided to allow Member States to define multiple trajectories to better address different building types and their needs, such as single-family houses or multi-apartment buildings. Therefore, the number of trajectories is up to Member States, however, it is necessary that every single trajectory respects the trajectory-fixed control points. Member States may choose to add more trajectory-fixed control points than the two proposed. The reason for the inclusion of energy performance class levels as trajectory-fixed points is to establish an easily understandable method while ensuring at least partial comparability throughout the EU. This approach also will enable clear communication towards the public. The Presidency believes the proposed dates will give Member States a realistic time frame to work with.

Moreover, the proposal explicitly allows Member States to treat single-family houses on a separate, trigger-point established basis. To account for unforeseeable circumstances, the Presidency has left out “inheritance” from the list of trigger points. Last but not least, to align Articles 5 and 9, the Presidency has added buildings serving national defence purposes to the list of exemptions from the minimum energy performance standards.
