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**NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	15088/21 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast) - Guidance for further work

**I. INTRODUCTION**

1. The Commission submitted a proposal for a revision of the Energy Performance of Buildings Directive on 15 December 2021. The Directive forms part of the Commission Work Programme 'Fit for 55' package, setting the vision for achieving a zero-emission building stock by 2050. It is also a key component of the Renovation Wave Strategy published in October 2020. In addition, the Commission published the REPowerEU plan on 18 May 2022.
2. This Directive is a key legislative instrument for delivering on the 2030 and 2050 decarbonisation objectives. The proposal is particularly important because buildings account for 40 % of energy consumed and 36 % of energy-related direct and indirect greenhouse gas emissions in the EU. It therefore constitutes one of the levers necessary for delivering on the Renovation Wave with specific regulatory, financing and enabling measures, with the objective of at least doubling the annual energy renovation rate of buildings by 2030 and fostering deep renovations. An important new feature of the revision is the introduction of minimum energy performance standards to trigger the required transformation of the sector, in particular for the worst-performing buildings.

## II. STATE OF PLAY

3. The Working Party on Energy has been examining the proposal for a Directive since January 2022. The progress report was presented by the French Presidency at the 27 June 2022 TTE (Energy) Council.
4. On the basis of the observations and the comments received from the Member States, on 13 July 2022 the Czech Presidency prepared a draft compromise text (REV 2). After subsequent discussions in the Energy Working Party and comments received, the Presidency prepared and issued a new draft compromise text (REV 3) on 14 September 2022.
5. Based on the latest observations and comments received from the Member States and given the ambition to adopt a general approach on EPBD, the Presidency deems necessary to further assess the situation and ask the Permanent Representatives Committee for political guidance on a viable way forward in two areas - the Minimum Energy Performance Standards (article 9) and the Solar Energy in Buildings (article 9a). The input from the debate will help to prepare a new draft compromise text for further work.
6. The article on the Minimum Energy Performance Standards ensures that Member States are on track to a zero-emission building stock by 2050. The article establishes minimum energy performance standards for non-residential buildings, which ensure that they do not exceed a specified maximum energy performance threshold by a certain date. The Presidency has chosen to enable transformation of the residential building stock through trajectories with at least two fixed control points leading to 2050. Namely, the Member States shall ensure that the average primary energy use of the whole residential building stock is at least equivalent to the energy performance class level D by 2033 and class level B by 2040. Considering the potential lack of exact data, the approach allows for statistical sampling and the use of energy performance certificates. Member States may choose to introduce more control points into their national trajectories than those proposed. Moreover, the proposal allows for Member States to treat single-family houses on a separate, trigger-point basis.

7. The new article 9a is the REPowerEU amendment to the EPBD. It aims at maximising the solar generation potential in EU building stock. Obligations for existing and new commercial and public buildings, as well as new residential buildings are introduced. It is up to the Member States to set criteria for the practical implementation on national level of said obligations. The article takes into account economic and technical potential and exemptions can be granted where the Member States deem necessary.

### III. ISSUES FOR POLITICAL GUIDANCE

1. Does the current wording of the Article 9 on Minimum Energy Performance Standards provide a path that:
  - a. in the sphere of **residential buildings** adequately reflects the ultimate goal of the Directive to have a zero-emission building stock by 2050?
  - b. is clear enough for the **non-residential buildings** in the context of the overall goal of the Directive or should the same approach as for the residential building sector be applied, with a stricter timeline?
2. Is there a sufficient level of flexibility for the implementation of the obligation to maximise the solar generation potential in EU building stock (article 9a), considering the right to grant exemptions for specific types of buildings in accordance with the assessed technical and economic potential of the solar energy installations and the characteristics of the buildings covered by this obligation?