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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	FI comments on the revision of the Energy performance of buildings Directive

Delegations will find in the annex the FI comments on the revision of the Energy performance of buildings Directive.



3.11.2023

Energy Performance of Buildings (EPBD), Working party on Energy Written comments of Finland on articles 4, 5, 6, 14, 17-19, 26, Annex I, V and VII

FI comments regarding the doc. ST 13471/2023 ADD1.

Main comment

L471: It is utmost important to include “weighting factors” as it is in the Council’s proposal. Finland can accept EP’s proposal if weighting factors are added as an alternative in line with the Council’s position. (*“...shall be based on primary energy factors, (distinguishing non-renewable, renewable and total) or weighting factors per energy carrier...”*)

Detailed comments

Article 4, Adoption of a methodology for calculating the energy performance of buildings

Lines 194, 195 and 196: We support the EP proposal. Lines are the same than Council proposal. Annex I is commented separately.

Article 5, Setting of minimum energy performance requirements

Finland can show flexibility towards the EP on the following lines:

- 198, 199, 201, 206,

Finland does not actually support the amendment by EP, but can show flexibility if necessary:

- 202a,

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 203: The last sentence is not accepted (*Member States shall ensure that the renovation of monuments is carried out in accordance with national conservation rules, international conservation standards and the original architecture of the monuments concerned*). Reasoning: International or other standards cannot be referred to, because they are not available to citizens without costs, and they may change after the directive has been completed. Officially protected buildings are already exempted from energy performance requirements in Article 5.3.

Finland strongly supports the Council proposal on the following lines:

- 204a: Important amendment from the Council (buildings owned by armed forces)

Finland accepts following lines because EP proposal and the Council proposal is the same:

- 197, 200, 202, 204, 205, 207, 208:



Article 6, Calculation of cost-optimal levels of minimum energy performance requirements

Finland can show flexibility towards the EP on the following lines:

- 215

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 214: Finland can be flexible, provided that the deadline is 24 months for adjusting the requirement. 12 months is too short a time for implementing building regulations.

Finland strongly supports the Council proposal on the following lines:

- 212: The EP's amendment concerning taking into account life-cycle GWP is not acceptable at all. Energy performance refers to energy and, in the life-cycle GWP, CO₂ emissions, some of which come from sources other than energy. Mixing them would mean a fundamental change in the energy performance requirements.
- 213

Finland does not support the EP proposal:

- 213a: No support or flexibility in line with the EP. Excessive and detailed regulation.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 209, 210, 211

Article 14, Data exchange

Finland can show flexibility towards the EP on the following lines:

- 312: The date must be checked e.g. on 1.7.2025
- 312a

Finland does not actually support the amendment by EP, but can show flexibility if necessary:

- 311a: It remains unclear why this is needed. If justified by EU law, flexibility can be shown. The date must be checked e.g. on 1.7.2025
- 312b: Unnecessary amendment.

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 307: Finland can be flexible on the two first sentences, but not on the third and fourth sentence. In the third sentence the reference to standards or management formats cannot be accepted because standards and management formats should be available free of charge and they may change after the directive has been completed. The fourth sentence (*The aggregated and anonymised building systems data shall be made publicly available.*) in the EP's proposal cannot be accepted as it would significantly increase the administrative burden without the corresponding benefit. Collecting, anonymising and making publicly available data would require authority powers.
- 309: Finland can be flexible on the first sentence. EP amendments in the second sentence is not supported. The information belongs to the owner of the building and there are no grounds for ordering it to be shared with outsiders.



- 310: Finland can be flexible on the first sentence. The last sentence in the EP's proposal (Member States shall incentivise the sharing of the building systems data) is not accepted. However, Finland can be flexible if "shall" is replaced by "may". Incentives belong to the Member State's budgetary authority.

Finland strongly supports the Council proposal on the following lines:

- 308: No flexibility toward the EP proposal. A large workload and high continuous costs without corresponding benefit. Local authorities resources belong to the Member State's budgetary authority.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 306, 311

Article 17, Issue of energy performance certificates

Finland can show flexibility towards the EP on the following lines:

- 360

Finland does not actually support the amendment by EP, but can show flexibility if necessary:

- 356

Finland strongly supports the Council proposal on the following lines:

- 362a: Council proposal is absolutely necessary for the functioning of the system.

Finland does not support the EP proposal:

- 355: Finland cannot be flexible on EP amendment ("*and or which a mortgage is refinanced*"). Financing agreements and their amendments are private matters and there is no need to add additional costs to them. Organizing supervision would be expensive
- 357: Finland may be flexible with EP correction in the first sentence (does=>shall). The amendment in the second sentence is not acceptable ("*Member States shall ensure that vulnerable households receive financial support for issuing energy performance certificates*"). It falls within the Member State's budgetary authority.
- 358: Finland may be flexible for the first amendment ("*have undergone a major renovation*") but the second amendment ("*or which have their mortgage refinanced*") cannot be accepted. Financing agreements and their amendments are private matters and there is no need to add additional costs to them. Organizing supervision would be expensive.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 353, 354, 359, 361, 362, 363, 364

Article 18, Display of energy performance certificates

Finland can show flexibility towards the EP on the following lines:

- 366



Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 365, 367, 368

Article 19, Databases for energy performance of buildings

Finland can show flexibility towards the EP on the following lines:

- 370, 377

Finland strongly supports the Council proposal on the following lines:

- 372

Finland does not support the EP proposal:

- 371: The EP amendment in the first sentence is not supported, as it increases costs and is too general and the Energy Building benchmark has not been defined. Cannot be adopted as legislation without any limits. The EP amendment in the second sentence is not supported. There is no need to burden the energy performance certificate database. Information essential for energy performance can be lost.
- 373: The EP amendment is not supported. Energy consumption data is private information. Life-cycle GWP data on existing building is not available and calculation of life-cycle GWP data on existing building is not required under the proposed Directive.
- 375: The EP amendment is not supported. Adoption date must be checked.
- 377a-377d: The EP amendment is not supported. The proposal is far too detailed. Digital building logbook must be adaptable to the national legal framework and conditions.
- 377e: The EP amendment is not supported. A summary report of this type is not needed. Conclusions for national actions regarding energy poverty cannot be drawn from the summary report.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 369, 374, 376

ANNEX I, Common general framework for the calculation of energy performance of buildings

Finland can show flexibility towards the EP on the following lines:

- 463, 470, 473a, 483, 488a

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 493a: Finland can be flexible without a standard reference.

Finland strongly supports the Council proposal on the following lines:

- 464: No flexibility towards EP proposal. Monthly intervals should be possible, as it is in the Council's proposal. An hourly calculation is too demanding for simple buildings such as single-family houses.
- 466: No flexibility towards EP proposal. Requirements are set for primary energy and not for final energy. The requirement for a numerical indicator for final energy is unfounded. In addition, the reference to a standard is legally problematic because the standard can be amended after the Directive has been adopted. There are no grounds for requiring additional indicators.
- 469: "Monthly" is important to add like in Council's proposal.



- **471: It is utmost important to include “weighting factors” as it is in the Council’s proposal.** Finland can accept EP’s proposal if weighting factors are added as an alternative in line with the Council's position.
- 472: No flexibility towards EP proposal. Especially the deletion of the first sentence in the EP position is not acceptable (RED line).
- 473: No flexibility to change additional indicators as an obligation. Should be stated “may” and not “shall”.

Finland does not support the EP proposal:

- 481a: No need to be obligatory. This information could be included in the future in the SRI-methodology.
- 488b: No relevance and definitely no standard reference should be used.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 460, 461, 462, 465, 474-481, 482, 484-488, 489-493, 494-503.

ANNEX V, Template for energy performance certificates

Finland can show flexibility towards the EP on the following lines:

- 595b, 595c

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 597-613, 613a, 613c, 614b : Finland can be flexible if information is voluntary and not obligatory. Absolutely important to keep “may” like it is in the Council’s proposal and not “shall” like it is in the EP’s proposal line 596. There is no need to include all the information in the lines 597-614b. The costs would also increase without corresponding benefits.
- 616, 618: Finland can be flexible if information is voluntary and not obligatory.

Finland strongly supports the Council proposal on the following lines:

- 586: It is important to delete “On its front page” as it is deleted in the Council’s proposal. Information requirements are so wide that it is impossible to get them on one page.
- 596: Absolutely important to keep “may” like it is in the Commission’s and in the Council’s proposal and not “shall” like it is in the EP’s proposal.
- 614, 617
- 615: Absolutely important to keep “may” like it is in the Commission’s and in the Council’s proposal and not “shall” like it is in the EP’s proposal.

Finland does not support the EP proposal:

- 595a: Final energy consumption and reference to standards are not acceptable.
- 613b: There can be no information obligation on what companies are planning, because that information may be trade secrets.
- 614a: The information is already required as a mandatory information on line 595.
- 619a: This proposal is not acceptable. This information change over time. This data is entirely dependent e.g. on the owner and the location of the building.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 583, 584, 585, 587-595, 619



ANNEX VII, Comparative methodology framework to identify cost-optimal levels of energy performance requirements for buildings and building elements

Finland can show flexibility towards the EP on the following lines:

- 651, 656

Finland can show flexibility towards the EP with exceptions mentioned on the following lines:

- 653: Finland can be flexible as regards the addition of the words “*exported*” and “*economic*” in the EP’s proposal, but otherwise in line with the Council’s position.

Finland strongly supports the Council proposal on the following lines:

- 657: EP’s text “*The energy and emission performance shall be carried out using the calculation methodology on the basis of this Directive*” must not be added in this Annex. The obligation is already laid down in line 212 of the first subparagraph of Article 6(2). Furthermore EP’s text “*The Commission shall issue recommendations to Member States regarding their cost optimality levels and their coherence with the climate trajectories*” must not be added in the this Annex. Finland can be flexible with it if it is added in a relevant article.

Finland does not support the EP proposal:

- 653a-653j: EP’s proposal is not acceptable, because it further complicates and distorts the cost optimal calculation and the end result no longer determine the cost optimal level of national energy performance requirements. The Parliament’s proposal would describe in terms of an individual building and an individual user and not in terms of the building stock.
- 653k: This obligation should be in an article and not in this Annex. Finland cannot support this obligation even if it were in an article.
- 662, 662a: This obligation expands the calculation unnecessarily.

Finland accepts following lines because EP proposal and the Council proposal is the same or agreement reached earlier:

- 649, 650, 652, 654, 655, 658, 659, 660, 661, 663.