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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	EPBD: SE comments (ST 15672/23)

Delegations will find in the annex the SE comments on the revision of the Energy performance of buildings Directive (ST 15672/23).

Sweden's written comments on the Directive of Energy Performance of Buildings (EPBD) after EWP 23rd of November 2023

27th of November 2023

Sweden would like to thank the Presidency for the opportunity to comment on the preliminary agreements from the ongoing negotiation that can be found in the four-column document that has been sent out in Delegates Portal. (doc ST 15672/23).

Sweden's overall view is that the regulatory framework should be as administratively simple as possible for stakeholders. We therefore wish to avoid unnecessary detailed regulation.

Most important for Sweden are our comments on the lines 96, 122, 293, 337a, 362a, 464, 471 and 595d.

Below are Sweden's view on the lines in the four-column document:

Line	Paragraph	Comment
		Article 2
96	2(2)	Definition 'zero-emission building': Sweden cannot accept the text within the brackets. The requirement that all ZEB buildings shall contribute to demand-response is unreasonable. For example, in families living in apartments, the ability to be flexible in the energy consumption is very low according to research done in the area. The ability to apply demand-response also depends on the types of loads that are available and the market demand for flexibility. This also belongs in Article 12 on SRI.
122	2(23)	Definition 'whole life-cycle greenhouse gas emissions': Sweden's proposal is to adjust the definition to align it with the EU standard EN15978. For Sweden, it is important that the methodology set out in the delegated act is based on the standard, as long as it is economically, technically and functionally feasible. Sweden have own experience from the implementation of GWP indicators that the Commission is welcome to take part of when developing the delegated act. Sweden can propose the following proposal for an adjusted definition “ ‘whole life-cycle greenhouse gas emissions’ means emissions that occur over the life cycle of the buildings, including raw material supply at the product stage, transport at the product stage, manufacturing at the product stage , the construction and installation process at the construction stage, use at the use stage, maintenance at the use stage, repair at the use stage, replacement at the use stage, refurbishment at the use stage, operational energy at the use stage, operational water use at the use stage, as well as dismantling, demolition at the end-of-life stage, transport at the end-of-life stage, waste processing at the end-of-life stage, an disposal at the end-of-life stage. The scope of life cycle stages, building elements and technical equipment, data selection, scenario definition and calculations shall in so far as that is technically, functionally, and economically feasible, be carried out in accordance with the calculation method in EN 15978.”
123	2(24)	Definition 'Life-cycle Global Warming Potential (GWP)': Sweden's proposal is to delete the word "full", in order to clarify that not all modules need to be included in the calculation of GWP. Sweden would like to keep the possibility to introduce GWP regulations step by step. Initially, climate certificates/GWP can focus on the production phase. We also see that the inclusion of the full life cycle can lead to large administrative costs that are not necessarily cost-effective in the short term.
		Article 5

202a	5(1a)	Sweden's view is to not include the EP's amendment, as it is unclear what the purpose is. However, if necessary, we can show flexibility to include the amendment.
204a	5(3)	It is important for Sweden to keep the text from GA. This exemption is part of the last revision of EPBD, and is in use in Sweden.
206	5(3)	Sweden cannot accept "and heating or cooling". We can accept the amendment if it is changed to "energy demand for heating and cooling".
		Article 6
214	6(3)	EP's amendment means that the current plan on how the current minimum requirements should be adjusted will be removed, and that member states instead need to change the minimum requirements within 12 months. This is too limiting for MS, and Sweden can therefore not accept EP's proposal. We can however, if necessary, be more flexible if it is formulated as a recommendation, for example "MS shall strive to adjust".
225a	7(4a)	Sweden can, if necessary, support the EP's proposal.
		Article 8
226-230c	8	No text proposals from technical level to be found in the four-column document. We therefore refer to written comments sent to the Presidency in the beginning of November.
		Article 10
265a	10(7)	Sweden prefers to add "or can be accessed via," before "the national database", since it can be difficult to integrate different functions into the same technical system.
		Artikel 11 - Tekniska byggnadssystem
273 - 273e	11(3)	Sweden supports the GA regarding that the requirements only should apply to existing residential buildings where technically and economically feasible We also consider that retroactive requirements should be avoided, such as requirements for existing buildings to have monitoring and regulation of the indoor environmental quality.
273f	11(3)	Sweden's view is that methods for evaluating health benefits are lacking. We therefore oppose the introduction of health benefits under line 273f.
		Article 12
279	12(1)	Regarding the requirements for bicycle parking at new and renovated non-residential buildings, Sweden prefers the wording "15% of the average user capacity" to "10% of the total use capacity".
283c	12(2c)	Regarding the requirements for bicycle parking at existing non-residential buildings, Sweden prefers the wording "15% of average user capacity" to "10% of total use capacity".
293	12(8)	Sweden cannot accept a wording that means that obtaining permit from the landlord is described as a barrier to be removed. This is not in line with Swedish law, as it could violate the right to property.
		Article 16
337a	16(1a)	Sweden cannot accept that class A+ has a fixed maximum level of heat use per square meter that is the same for the whole of Europe. This puts Member States in colder climates at a serious disadvantage. It should be up to the Member State itself to assess what "high efficiency standards" mean in the light of its own national context.
		Article 17
362a	17(5a)	Sweden's position is to keep the amendment from GA. It is unreasonable to issue energy performance certificates for buildings that are exempted under Article 5(3).
		Article 19

372	19(2)	The compromise text includes requirements for the EPC data to be machine-readable and accessible via a digital interface. Sweden predicts that this can result in high additional administrative costs.
		Annex I
464		Sweden cannot accept hourly reading when it comes to metered energy used for calculation. We prefer monthly readings, as in GA.
469		Sweden prefers the writing in the GA, but can, if necessary, accept the EP's amendment regarding estimation of thermal responsiveness.
471		Sweden's view is that the term weighting factors should be maintained in the directive, since we have a system based on this. In order to develop effective legislation, we need to be able to take into account local conditions, such as the energy system and trade-offs between different technology choices, If the term primary energy factors is going to be the only option for MS, we will need sufficient flexibility to still take into account different national circumstances, such as the energy mix, distribution networks and different aspects of energy supply If necessary, the following compromise text can be added, for example if the EP does not accept the Council's additions. The purpose is to adjust primary energy factors in order to function as weighting factors: "When defining those factors; Member States shall ensure that the optimal energy performance of the building envelope is pursued and that the expected energy mix on the basis of its national energy and climate plan is taken into account. Renewable energy sources supplied and renewable energy sources that are generated and used onsite may be taken into account. If any adjustments are made on the primary energy factors to achieve the above, the factors may/shall instead be called weighting factors."
472		If our suggestion is used in line 471, the following suggestion can be used to also align line 472 to the same concept: "Primary energy factors or weighting factors shall be defined by Member States. The choices made and data sources shall be reported according to EN 17423 or any superseding document. Any adjustments of the primary energy factors, (to weighting factors), shall be explained and included in the report. Member States may opt for an average EU primary energy factor for electricity established pursuant to Directive (EU) .../... [recast EED] instead of a primary energy factor reflecting the electricity mix in the country.]"
481a		If necessary, Sweden can accept adding capacity for demand-response and storage.
493a		Sweden prefers to not include this point, because it is already included in SRI.
		Annex III
568		There are some ambiguities in this already green-marked line that affect the implementation of GWP assessment. Sweden therefore wants to ask for some clarification. Does the reference to a national method mean that an MS can deviate from EN 15978 and definitions in the Level(s) framework if there is national legislation?
595d		Sweden cannot accept the EP's proposal to have as mandatory requirement to include "calculated energy need". The value of the information, in relation to the increased costs when doing EPCs, is not justified. To have this as a required information implies that a MS have to calculate the

		energy demand of its EPCs and does not allow for MS to choose measured energy , which is allowed according to Annex 1.
595f		Sweden prefers to not include the term flexibility capacity. This belongs in the assessment of the smart readiness indicator.
		<i>Annex V</i>
619a		Sweden prefers to not include EP's suggestion to provide information on available financing options, as this information can change often, and that this may also not be appropriate based on competition principles.
		<i>Annex VII</i>
651		Sweden can, as a compromise, accept the EP's amendment. However, Sweden do not see the added value of it.