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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	MT comments on the revision of the Energy performance of buildings Directive (WK 7655/22)

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

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
Recital 53				
63	Regular maintenance and inspection of heating, ventilation and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating, ventilation and air-conditioning system should occur at regular intervals during its lifecycle in particular before its replacement or upgrading. In order to minimise the	Regular maintenance and inspection of heating, <u>electrical installations</u> , <u>fire extinction</u> , ventilation and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating, <u>electrical installations</u> , <u>fire extinction</u> , ventilation and air-conditioning system should occur at regular intervals during its lifecycle in particular before its replacement or upgrading. In order to minimise the	Regular maintenance and inspection of heating, ventilation and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating, ventilation and air-conditioning system should occur at regular intervals during its lifecycle in particular before its replacement or upgrading. In order to minimise the administrative burden on building owners and tenants, Member States	Regular maintenance and inspection of heating, ventilation and air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the entire heating, ventilation and air-conditioning system should occur at regular intervals during its lifecycle in particular before its replacement or upgrading. <i>Inspections should address the parts of the systems that are</i>

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	administrative burden on building owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible.	administrative burden on building owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible.	should endeavour to combine inspections and certifications as far as possible.	<i>accessible either directly or indirectly through available non-destructive methods.</i> In order to minimise the administrative burden on building owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible. <i>Where a ventilation system is installed, its sizing and its capabilities to optimize its performance under typical or average operating conditions relevant for the specific and current use of the building should also be assessed.</i>
Recital 54				

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	<p>A common approach to the energy performance certification of buildings , renovation passports, smart readiness indicators and the inspection of heating and air-conditioning systems, carried out by qualified or certified experts, whose independence is to be guaranteed on the basis of objective criteria, contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to energy performance in</p>	<p>A common approach to the energy performance certification of buildings , renovation passports, smart readiness indicators and the inspection of heating and air-conditioning systems, carried out by qualified or certified experts, whose independence is to be guaranteed on the basis of objective criteria, contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to energy performance in the Union property market. In</p>	<p>A common approach to the energy performance certification of buildings , renovation passports, smart readiness indicators and to the inspection of heating and air-conditioning systems, carried out by qualified and/or certified accredited experts, whose independence is to be guaranteed on the basis of objective criteria, will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to energy performance in the Union property market. <u>Experts should benefit from using test equipment certified in accordance with EN and ISO standards.</u> In order to ensure the quality of</p>	

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	the Union property market. In order to ensure the quality of energy performance certificates, renovation passports, smart readiness indicators and of the inspection of heating and air-conditioning systems throughout the Union, an independent control mechanism should be established in each Member State.	order to ensure the quality of energy performance certificates, renovation passports, smart readiness indicators and of the inspection of <u>the thermal characteristics of the building</u> heating and air-conditioning <u>and controls</u> systems throughout the Union, an independent control mechanism should be established in each Member State.	passports, smart readiness indicators and of the inspection of heating and air-conditioning systems throughout the Union, an independent control mechanism should be established in each Member State.	energy performance certificates, renovation passports, smart readiness indicators and of the inspection of heating and air-conditioning systems throughout the Union, an independent control mechanism should be established in each Member State.
Article 20				
378	Article 20	Article 20	Article 20	

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	Inspections	Inspections	Inspections	
Article 20(1)				
379	1. Member States shall lay down the necessary measures to establish regular inspections of heating , ventilation and air conditioning systems with an effective rated output of over 70 kW. The effective rating of the system shall be based on the sum of the rated output of the heating and air-conditioning generators.	1. Member States shall lay down the necessary measures to establish regular inspections of heating , ventilation and air conditioning systems with an effective rated output of over 70 kW. The effective rating of the system shall be based on the sum of the rated output of the heating and air-conditioning generators.	1. Member States shall lay down the necessary measures to establish regular inspections of the accessible parts of heating , ventilation and air conditioning systems with an effective rated output of over 70 kW. The effective rating of the system shall be based on the sum of the rated output of the heating and air-conditioning generators.	
Article 20(2)				
380	2. Member States shall establish separate	2. Member States shall <u>may</u> establish separate	2. Member States shall <u>may</u> establish separate inspection	

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	inspection schemes for the inspections of residential and non-residential systems.	inspection schemes for the inspections of residential and non-residential systems.	schemes for the inspections of residential and non-residential systems.	
Article 20(3)				
381	3. Member States may set different inspection frequencies depending on the type and effective rated output of the system whilst taking into account the costs of the inspection of the system and the estimated energy cost savings that may result from the inspection. Systems shall be inspected at least every five years. Systems with generators of an effective rated output of more than 290 kW	3. Member States may set different inspection frequencies depending on the type and effective rated output of the system whilst taking into account the costs of the inspection of the system and the estimated energy cost savings that may result from the inspection. Systems shall be inspected at least every five years. Systems with generators of an effective rated output of more than 290 kW <u>and those emitting carbon monoxide</u> shall be inspected at least every	3. Member States may set different inspection frequencies depending on the type and effective rated output of the system whilst taking into account the costs of the inspection of the system and the estimated energy cost savings that may result from the inspection. Systems shall be inspected at least every five years. Systems with generators of an effective rated output of more than 290 kW shall be inspected at least every two three years.	MT supports Presidency's proposed way forward as per their non-paper i.e. <i>Keeping that systems with generators of an effective rated output of more than 290 kW shall be inspected at least every three years instead of every two years</i> <u>However</u> , the proposal to increase inspection frequency in relation with Carbon Monoxide emissions sets a precedent. The Directive should not address safety issues since these are addressed in other legislative files.

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	shall be inspected at least every two years.	two years, <u>for safety reasons</u> .		
Article 20(4), first subparagraph				
382	4. The inspection shall include the assessment of the generator or generators, circulation pumps, fans and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.	4. The inspection shall include the assessment of the <u>heat and air-conditioning</u> generator or generators, circulation pumps, fans <u>components of ventilation systems, all air and water distribution systems, hydronic balancing systems, where appropriate</u> , and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.	4. The inspection shall include the assessment of the generator or generators, circulation pumps, fans and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.	4. The inspection shall include the assessment of the generator or generators, circulation pumps, fans and where <u>appropriate, components of ventilation systems, air and water distribution systems, hydronic balancing systems</u> and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.

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2021/0426(COD)

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Article 20(4), second subparagraph				
383	<p>The inspection shall include an assessment of the efficiency and sizing of the generator or generators and of its main components compared with the requirements of the building and consider the capabilities of the system to optimise its performance under typical or average operating conditions. Where relevant, the inspection shall assess the feasibility of the system to operate under different and more efficient temperature settings, while ensuring the safe operation of the system.</p>	<p>The inspection shall include an assessment of the efficiency and sizing of the the <u>heat and air-conditioning</u> generator or generators and of its main components — compared with the the requirements of the building and consider the capabilities of the system — to optimise its performance under typical or average operating conditions, <u>using available energy saving technologies, and under changing conditions due to use variation</u>. — Where relevant, the inspection shall assess the feasibility of the system to operate under different and more efficient temperature settings, <u>such as at low temperature for water-</u></p>	<p>The inspection shall include an assessment of the efficiency and sizing of the the generator or generators and of its main components — compared with the the requirements of the building and consider the capabilities of the system — to optimise its performance under typical or average operating conditions. — Where relevant, the inspection shall assess the feasibility of the system to operate under different and more efficient temperature settings, while ensuring the safe operation of the system.</p>	<p>EP proposed additions: [...] <i>such as at low temperature for water-based heating systems, including via the design of thermal power output and temperature and flow requirements, while ensuring the safe operation of the system. The inspection shall also assess the readiness of technical building systems to work with renewable energy sources and, where relevant, be operated on low temperatures</i></p> <p>MT believes that such inspections would increase administrative burden considerably and will bring about limited tangible results in terms of improved efficiency. The last sentence in the EP's position should be deleted.</p>

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	<p><u>based heating systems, including via the design of thermal power output and temperature and flow requirements,</u> while ensuring the safe operation of the system. <u>The inspection shall also assess the readiness of technical building systems to work with renewable energy sources and, where relevant, be operated on low temperatures.</u></p>			
Article 20(4), third subparagraph				
384	<p>The inspections scheme shall include the assessment of the sizing of the ventilation system</p>	<p>The inspections scheme shall include the assessment of the sizing of the ventilation system compared with the</p>	<p>The inspections scheme, where relevant, shall include the assessment of the sizing of the ventilation system</p>	<p>Where a ventilation system is installed, its sizing and its capabilities to optimize its performance under typical or average operating conditions</p>

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	compared with the requirements of the building and consider the capabilities of the ventilation system to optimise its performance under typical or average operating conditions.	requirements of the building and consider the capabilities of the ventilation system to optimise its performance under typical or average operating conditions.	compared with the requirements of the building and consider the capabilities of the ventilation system to optimise its performance under typical or average operating conditions.	relevant for the specific and current use of the building should also be assessed.
Article 20(4), fourth subparagraph				
385	Where no changes have been made to the system or to the requirements of the building following an inspection carried out pursuant to this Article , Member States may choose not to require the assessment of the main component sizing or the assessment of	Where no changes have been made to the system or to the requirements of the building following an inspection carried out pursuant to this Article , Member States may choose not to require the assessment of the main component sizing or the assessment of operation under different temperatures to be repeated.	Where no changes have been made to the— system or to the— requirements of the building following an inspection carried out pursuant to this— Article— , Member States may choose not to require the assessment of the— main component sizing— or the assessment of operation under different temperatures— to be repeated.	Where no changes have been made to the— system— or to the— requirements of the building following an inspection carried out pursuant to this— Article— , Member States may choose not to require the assessment of the— main component sizing— or the assessment of operation under different temperatures— to be repeated.

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	operation under different temperatures to be repeated.			
Article 20(4), fifth subparagraph				
385a		<u>Member States shall ensure that an assessment of the energy efficiency of electrical installations of non-residential buildings is made as part of existing safety inspections schemes, with due regard to the available standard for their optimal design, dimensioning, management and monitoring.</u>		Safety requirements should not be included in EPBD
Article 20(5)				
386	5. Technical building systems that are explicitly covered by	5. Technical building systems that are explicitly covered by an agreed	5. Technical building systems that are explicitly covered by an agreed	5. Technical building systems that are explicitly covered by an agreed energy

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	an agreed energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in paragraph 1, provided that the overall impact of such an approach is equivalent to that resulting from paragraph 1.	energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in paragraph 1, provided that the overall impact of such an approach is equivalent to that resulting from paragraph 1.	performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in paragraph 1, provided that the overall impact of such an approach is equivalent to that resulting from paragraph 1.	
Article 20(6), first subparagraph				

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387	6. provided that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of generators, other modifications to the system and alternative solutions to assess the performance, efficiency and appropriate size of those systems.	6. provided that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of generators, other modifications to the system— and alternative solutions to assess the performance, efficiency and appropriate size of those systems.	6. provided Provided that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of generators, other modifications to the system— and alternative solutions to assess the performance,— efficiency and appropriate size of those systems.	
Article 20(6), second subparagraph				
388	Before applying the alternative measures referred to in the first subparagraph of this	Before applying the alternative measures referred to in the first subparagraph of this	Before applying the alternative measures referred to in the first subparagraph of this	

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	paragraph, each Member State shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in paragraph 1.	paragraph, each Member State shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in paragraph 1.	paragraph, each Member State shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in paragraph 1.	
Article 20(7), first subparagraph				
389 [The final position of the provisions on BACS will be decided once co-legislators have]	7. Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for heating systems or systems for combined space	EP lines 274c, d, e <u>4a.</u> Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings are equipped with building automation and control systems, as follows:	7. Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for heating systems or systems for combined space heating and ventilation of over 290 kW	<u>4a/7.</u> Member States shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings are equipped with building automation and control systems, as follows:
				The agreed text should clarify that BACS apply for new buildings only.

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discussed article 11.]	<p>heating and ventilation of over 290 kW are equipped with building automation and control systems 31 December 2024 by. The threshold for the effective rated output shall be lowered to 70 kW by 31 December 2029.</p> <p>(a) by 31 December 2024, non-residential buildings with an effective rated output for heating systems, <u>cooling systems</u> or systems for combined space heating and ventilation of over 290 kW;</p> <p>(b) by 31 December 2029, non-residential buildings with an effective rated output for heating systems, <u>cooling systems</u> or systems for combined space heating and ventilation of over 70 kW.</p>	<p>are equipped with building automation and control systems— by 31 December 2024—by— by. The threshold for the effective rated output shall be lowered to 70 kW by 31 December 2029.</p>	<p>(a) by 31 December 2024, non-residential buildings with an effective rated output for heating systems, <u>air conditioning systems</u> or systems for combined space heating and ventilation <u>or systems for combined air conditioning and ventilation</u> of over 290 kW;</p> <p>(b) by 31 December 2029, non-residential buildings with an effective rated output for heating systems, <u>air conditioning systems</u> or systems for combined space heating and ventilation <u>or systems for combined air conditioning and ventilation</u> systems of over 70 kW.</p>	

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	<p>EP line 274f (new)</p> <p><u>Member States shall set out clear parameters for establishing the economic feasibility of equipping non-residential buildings with building automation and control systems.</u></p>			
Article 20(7), second subparagraph				
<p>390</p> <p><i>[The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]</i></p>	<p>The building automation and control systems shall be capable of:</p>	<p>EP line 274g</p> <p>The building automation and control systems <u>referred to in paragraph 4a</u> shall be capable of:</p>	<p>The building automation and control systems shall be capable of:</p>	

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Article 20(7), second subparagraph, point (a)				
391 <i>[The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]</i>	(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;	EP line 274h (a) continuously monitoring, logging, analysing and allowing for adjusting energy use;	(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;	
Article 20(7), second subparagraph, point (b)				
392 <i>[The final position of the provisions]</i>	(b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building	EP line 274i (b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building	(b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building systems, and informing the	

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on BACS will be decided once co-legislators have discussed article 11.]	systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and	technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and	systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and	person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and
Article 20(7), second subparagraph, point (c)				
393 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.	EP line 274j (c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers;	(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.	(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.

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	<p>EP line 274k (new)</p> <p><u>(d) effective monitoring of indoor environmental quality, to ensure occupants' health and safety.</u></p>			
Article 20(8), first subparagraph				
<p>394</p> <p><i>[The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]</i></p>	<p>8. Member States shall lay down requirements to ensure that from 1 January 2025, new residential buildings and residential buildings undergoing major renovations are equipped with:</p>	<p>EP line 274l</p> <p><u>4c.</u> Member States shall lay down requirements to ensure that, <u>where technically and economically feasible,</u> from 1 January 2025, new residential buildings and residential buildings undergoing major renovations <u>with an effective rated output for heating systems, cooling systems or systems for combined space heating,</u></p>	<p>8. Member States— shall lay down requirements to ensure that— from 1 January 2025, new residential buildings— and residential buildings undergoing major renovations— are equipped with:</p>	<p>Member States shall lay down requirements to ensure that, <u>where technically and economically feasible,</u> from 1 January 2025, new residential buildings and residential buildings undergoing major renovations are equipped with <u>the following:</u></p>

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	<u>cooling and ventilation of over 70 kW</u> are equipped with <u>the following</u> :			
Article 20(8), first subparagraph, point (a)				
395 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when it has fallen significantly and when system servicing is necessary; and	EP line 274m (a) the functionality of continuous electronic monitoring <u>of systems in the building at the relevant building and unit level</u> that measures systems' efficiency and informs building owners or managers when it has fallen significantly in the case of a significant variation and when system servicing is necessary; and	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when it has fallen significantly and when system servicing is necessary; and	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers <u>in the case of a significant variation</u> and when system servicing is necessary; and
Article 20(8), first subparagraph, point (b)				

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Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
396 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	(b) effective control functionalities to ensure optimum generation, distribution, storage and use of energy.	EP line 274n (b) effective control <u>and balancing</u> functionalities to ensure optimum generation, distribution, storage and use of energy;	(b) effective control functionalities to ensure optimum generation, distribution, storage and use of energy. b) effective control functionalities to ensure optimum generation, distribution, storage, <u>and</u> use of energy and, <u>where applicable, hydronic balance;</u>	
		EP line 274o (new) (c) <u>demand-side flexibility;</u>	<u>[(c) demand-side flexibility];</u>	See comment in line 398
		EP line 274p (new) (d) <u>effective indoor environmental quality monitoring system, to</u>		See comment in line 398

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	<u>ensure occupants' health and safety.</u>			
	EP line 274q (new) <u>4d. In addition to requirements set out in paragraph 4c, residential buildings with a useful floor area larger than 1 000 sqm shall also be equipped with functionality allowing both of the following:</u>			See comment in line 398 Lines 274q, 274r, 274s are not acceptable as they do not account for the realities of different Member States. Malta has a substantial amount of residential buildings exceeding 1,000 square metres equipped with small systems such as room air conditioners. These are controlled by occupants with little wasted energy and an obligation to introduce BACS could be counterproductive.
	EP line 274r (new) <u>(a) benchmarking of the building's energy</u>			See comment in line 398 and line 274q

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	<u>efficiency, detecting of losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement;</u>			
	EP line 274s (new) <u>(b) communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.</u>			See comment in line 398 and line 274q

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
Article 20(8), second subparagraph				
396a		Member States may exclude single-family houses undergoing major renovations from the requirements laid down in this paragraph where the costs of installation exceed the benefits.	Member States may exclude single-family houses undergoing major renovations from the requirements laid down in this paragraph where the costs of installation exceed the benefits.	
Article 20(9)				
397	9. Buildings that comply with paragraph 7 or 8 shall be exempt from the requirements laid down in paragraph 1.	9. Buildings that comply with paragraph 7 or 8 shall be exempt from the requirements laid down in paragraph 1.	9. Buildings that comply with paragraph 7 or 8 shall be exempt from the requirements laid down in paragraph 1.	
Article 20(10)				

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
398	<p>10. Member States shall put in place inspection schemes <u>including digital tools for industry size installations, and checklists, to verify compliance with the capability requirements set out in Article 11(4b) and (4c), and</u> —or— alternative measures including digital tools, to certify that the delivered construction and renovation works meet the designed energy performance and are compliant with the minimum energy performance requirements <u>operational greenhouse gas emissions, indoor environmental quality, and fire safety requirements</u> as laid down</p>	<p>10. Member States shall put in place inspection schemes or alternative measures including digital tools, to certify that the delivered construction and renovation works meet the designed energy performance and are compliant with the minimum energy performance requirements as laid down in by the building codes.</p>		<p>Line 398 + EP Line 274o-274s</p> <p>MT can accept these requirements as long as it is made clear that such apply for single systems with the rated output of 290KW. Residential buildings having several smaller systems with a total of 290kW or over should be clearly excluded.</p> <p>This latter is often the case in Malta where systems are decentralised, often having many systems with outputs in the 3-10KW. These are controlled by the room occupants themselves and BACS may not always make economic or technical sense.</p> <p>Furthermore, the inclusion of text related to fire safety is out of scope in the EPBD.</p>

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	in by the building codes <u>or equivalent regulations</u> .			
Article 20(11)				
399	<p>11. Member States shall include a summarised analysis of the inspection schemes and their results as an annex to the building renovation plan referred to in Article 3. Member States that have chosen the alternative measures indicated in paragraph 6 of this Article shall include a summarised analysis and the results of the alternative measures.</p>	<p>11. Member States shall include a summarised analysis of the inspection schemes and their results as an annex to the building renovation plan referred to in Article 3. Member States that have chosen the alternative measures indicated in paragraph 6 of this Article shall include a summarised analysis and the results of the alternative measures.</p>	<p>11. Member States shall include a summarised analysis of the inspection schemes and their results as an annex to the building renovation plan referred to in Article 3. Member States that have chosen the alternative measures indicated in paragraph 6 of this Article shall include a summarised analysis and the results of the alternative measures.</p>	
Article 21				

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
400	Article 21 Reports on the inspection of heating , ventilation and air-conditioning systems	Article 21 Reports on the inspection of heating , ventilation and air-conditioning systems	Article 21 Reports on the inspection of heating-, ventilation- and air-conditioning systems	
Article 21(1), first subparagraph				
401	1. An inspection report shall be issued after each inspection of a heating , ventilation or air-conditioning system. The inspection report shall contain the result of the inspection performed in accordance with Article 20 and include recommendations for the cost-effective improvement of the energy performance of the inspected system.	1. An inspection report shall be issued after each inspection of a heating—, ventilation— or , air-conditioning, <u>or building automation and control</u> system. The inspection report shall contain the result of the inspection performed in accordance with Article 20— <u>and</u> include recommendations for the cost-effective <u>cost-optimal</u> improvement of the energy performance <u>and safety</u> of the inspected system.	1. An inspection report shall be issued after each inspection of a heating—, ventilation— or air-conditioning system. The inspection report shall contain the result of the inspection performed in accordance with Article 20— and include recommendations for the cost-effective improvement of the energy performance of the inspected system.	1. An inspection report shall be issued after each inspection of a heating—, ventilation— or, air-conditioning system. The inspection report shall contain the result of the inspection performed in accordance with Article 20 and include recommendations for the [cost-effective / <u>cost-optimal</u>] improvement of the energy performance [<u>and safety</u>] of the inspected system.

BACS should not be inspected alone but only as part of the system since otherwise efficiency cannot be gauged

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
Article 21(1), second subparagraph				
402	Those recommendations may be based on a comparison of the energy performance of the system inspected with that of the best available feasible system and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation.	Those recommendations may be based on a comparison of the energy performance of the system inspected with that of the best available feasible system, <u>using energy saving technologies</u> , and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation.	Those recommendations may be based on a comparison of the energy performance of the system inspected with that of the best available feasible system and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation.	Those recommendations may be based on a comparison of the energy performance of the system inspected with that of the best available feasible system, <u>using energy saving technologies</u> , and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation.
Article 21(2)				
403	2. The inspection report shall be handed	2. The inspection report shall be handed over to the	2. The inspection report shall be handed over to the	2. The inspection report shall be handed over to the

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	over to the owner or tenant of the building.	owner or tenant of the building.	owner or tenant of the building.	
403a		<u>2a. In the case of fossil fuel powered technical building systems, the recommendations shall provide for alternative renewables based systems or, for any residual demand, for connections to efficient district heating and cooling systems. The recommendations shall consider the economic lifetime of the current installation.</u>		
Article 21(3)				
404	3. The inspection report shall be	3. The inspection report shall be uploaded into the	3. The inspection report shall be uploaded into the	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	uploaded into the national database for energy performance of buildings pursuant to Article 19.	national database for energy performance of buildings pursuant to Article 19.	national database for energy performance of buildings pursuant to Article 19.	
Article 22				
405	Article 22 Independent experts	Article 22 Independent experts	Article 22 Independent experts	
Article 22(1), first subparagraph				
406	1. Member States shall ensure that the energy performance certification of buildings, the establishment of renovation passports, the smart readiness assessment, the	1. Member States shall ensure that the energy performance certification of buildings, the establishment of renovation passports, the smart readiness assessment, the	1. Member States shall ensure that the energy performance certification of buildings, the establishment of renovation passports, the smart readiness assessment, the	1. Member States shall ensure that the energy performance certification of buildings, the establishment of renovation passports, the smart readiness assessment, the inspection of heating, ventilation systems and air-

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	assessment, the inspection of heating systems and air-conditioning systems are carried out in an independent manner by qualified or certified experts, whether operating in a self-employed capacity or employed by public bodies or private enterprises.	inspection of heating systems and air-conditioning systems are carried out in an independent manner by qualified or certified <u>companies and experts, using test equipment certified in accordance with EN standards,</u> whether operating in a self-employed capacity or employed by public bodies or private enterprises.	inspection of heating, ventilation—systems and air-conditioning systems are carried out in an independent manner by qualified or certified experts, whether operating in a self-employed capacity or employed by public bodies or private enterprises.	conditioning systems are carried out in an independent manner by qualified or certified— experts, whether operating in a self-employed capacity or employed by public bodies or private enterprises.
Article 22(1), second subparagraph				
407	Experts shall be certified in accordance with Article 26 of Directive (EU) .../... [recast EED] taking	Experts shall be certified in accordance with Article 26 of Directive (EU) .../... [recast EED]—taking into account their competence.	Experts shall be— certified in accordance with Article 26 of Directive (EU) .../... [recast EED]— taking into account their competence.	Experts shall be certified in accordance with Article 26 of Directive (EU) .../... [recast EED] taking into account their competence.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	into account their competence.			
Article 22(2)				
408	2. Member States shall make available to the public information on training and certifications . Member States shall ensure that either regularly updated lists of qualified or certified experts or regularly updated lists of certified companies which offer the services of such experts are made available to the public.	2. Member States shall make available to the public information on training and certifications— . Member States shall ensure that either regularly updated lists of qualified or certified— experts or regularly updated lists of certified— companies which offer the services of such experts are made available to the public.	2. Member States shall make available to the public information on training and certifications . Member States shall ensure that either regularly updated lists of qualified or certified experts or regularly updated lists of certified companies which offer the services of such experts are made available to the public.	
Article 23				

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
409	Article 23 Certification of building professionals	Article 23 Certification of building professionals	Article 23 Certification of building professionals	
Article 23(1)				
410	1. Member States shall ensure the appropriate level of competence for building professionals carrying out integrated renovation works in line with Article 26 [recast EED].	1. <u>By .../date set out in Article 26(4) [recast EED]],</u> Member States shall <u>establish a national action plan to provide a sufficient and adequately skilled workforce and</u> ensure the appropriate level of competence for building professionals <u>and construction companies,</u> carrying out integrated renovation works in line with <u>the established targets and measurable progress indicators pursuant to Article 3(1) of this Directive and</u> Article 26 <u>of</u> [recast EED].	1. Member States shall ensure the appropriate level of competence for building professionals carrying out integrated renovation works in line accordance with Article 26 [recast EED].	1. Member States shall ensure the appropriate level of competence for building professionals carrying out integrated renovation works in line accordance with <u>[the established targets and measurable progress indicators pursuant to Article 3 and Annex II of this Directive and]</u> Article 28 26 <u>of</u> [recast EED].

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
410a		<p><u>1a. To achieve a sufficient number of professionals in accordance with paragraph 1, Member States shall ensure that sufficient training programmes leading to qualification and certification covering integrated works, including the latest innovative solutions therefore, are made available. Member States shall put in place measures to promote participation in such programmes, in particular by microenterprises, SMEs</u></p>		

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	<u>and self-employed persons.</u>			
Article 23(2)				
411	2. Where appropriate and feasible, Member States shall ensure that certification or equivalent qualification schemes are available for providers of integrated renovation works where this is not covered by Article 18(3) of Directive (EU) 2018/2001 [amended RED] or Article 26 of Directive (EU) .../....[recast EED].	2. Where appropriate and feasible, Member States shall ensure that certification or equivalent qualification schemes are available for providers of integrated renovation works, <u>such as construction companies,</u> where this is not covered by Article 18(3) of Directive (EU) 2018/2001 [amended RED] or Article 26 of Directive (EU) .../....[recast EED].	2. Where appropriate and feasible, Member States shall ensure that certification or equivalent qualification schemes are available for providers of integrated renovation works where this is not covered by Article 18(3) of Directive (EU) 2018/2001 [amended RED] or Article 26 of Directive (EU) .../....[recast EED].	2. Where appropriate and feasible, Member States shall ensure that certification or equivalent qualification schemes are available for providers of integrated renovation works where this is not covered by Article 18(3) of Directive (EU) 2018/2001 [amended RED] or Article 26 of Directive (EU) .../....[recast EED].
Article 24				
412	Article 24	Article 24	Article 24	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	Independent control system	Independent control system	Independent control system	
Article 24(1)				
413	1. Member States shall ensure that independent control systems for energy performance certificates are established in accordance with Annex VI, and that independent control systems for renovation passports, smart readiness indicators and reports on the inspection of heating and air-conditioning systems are established . Member States may establish separate systems for the control of energy	1. Member States shall ensure that independent control systems for energy performance certificates are established in accordance with Annex VI, and that independent control systems for renovation passports, smart readiness indicators and reports on the inspection of heating and air-conditioning systems are established . Member States may establish separate systems for the control of energy performance certificates , renovation passports, smart readiness indicators and reports on the	1. Member States shall ensure that independent control systems for energy performance certificates are established in accordance with Annex VI, and that independent control systems for renovation passports, smart readiness indicators and reports on the inspection of heating and air-conditioning systems and ventilation are established . Member States may establish separate systems for the control of energy performance certificates—, renovation passports, smart readiness indicators	1. Member States shall ensure that independent control systems for energy performance certificates are established in accordance with Annex VI, and that independent control systems for renovation passports, smart readiness indicators and reports on the inspection of heating and air-conditioning systems and ventilation are established . Member States may establish separate systems for the control of energy performance certificates , renovation passports, smart readiness indicators and reports on the inspection

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

	Commission	EP	Council	Draft agreement	MT Comments
	performance certificates, renovation passports, smart readiness indicators and reports on the inspection of heating and air-conditioning systems.	inspection of heating and air-conditioning systems.	and and reports on the inspection of heating and air-conditioning systems.	of heating and air-conditioning systems.	
	Article 24(2), first subparagraph				
414	2. The Member States may delegate the responsibilities for implementing the independent control systems.	2. The Member States may delegate the responsibilities for implementing the independent control systems.	2. The Member States may delegate the responsibilities for implementing the independent control systems.	2. The Member States may delegate the responsibilities for implementing the independent control systems.	
	Article 24(2), second subparagraph				
415	Where the Member States decide to do so, they shall ensure that the independent control systems are	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented	Where the Member States decide to do so, they shall ensure that the independent control systems are	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	implemented in compliance with Annex VI.	in compliance with Annex VI.	implemented in compliance with Annex VI.	
Article 24(3)				
416	3. Member States shall require the energy performance certificates, the renovation passports, the smart readiness indicators and the inspection reports referred to in paragraph 1 to be made available to the competent authorities or bodies on request.	3. Member States shall require the energy performance certificates—, the renovation passports, the smart readiness indicators—and the inspection reports referred to in paragraph 1 to be made available to the competent authorities or bodies on request.	3. Member States shall require the energy performance certificates—, the renovation passports, the smart readiness indicators—and the inspection reports referred to in paragraph 1 to be made available to the competent authorities or bodies on request.	
620	Annex VI	Annex VI	Annex VI	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
621	Independent control systems for energy performance certificates	Independent control systems for energy performance certificates	Independent control systems for energy performance certificates	
622	1. Definition of quality of energy performance certificate	1. Definition of quality of energy performance certificate	1. Definition of quality of energy performance certificate	
623	Member States shall provide a clear definition of what is considered a valid energy performance certificate.	Member States shall provide a clear definition of what is considered a valid energy performance certificate.	Member States shall provide a clear definition of what is considered a valid energy performance certificate.	
624	The definition of a valid energy			

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	performance certificate shall ensure:	The definition of a valid energy performance certificate shall ensure:	The definition of a valid energy performance certificate shall ensure:	
625	(a) a validity check of the input data (including on-site checks) of the building used to issue the energy performance certificate and the results stated in the certificate;	(a) a validity check of the input data (including on-site checks) of the building used to issue the energy performance certificate and the results stated in the certificate;	(a) a- validity check of the input data— (including on-site checks)— of the building used to issue the energy performance certificate and the results stated in the certificate;	
626	(b) the validity of the calculations;	(b) the validity of the calculations;	(b) the validity of the calculations;	
627				

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	(c) a maximum deviation for the energy performance of a building, preferably expressed by the numeric indicator of primary energy use (kWh/(m ² year));	(c) a maximum deviation for the energy performance of a building, preferably expressed by the numeric indicator of primary energy use (kWh/(m ² year));	(c) a maximum deviation for the energy performance of a building, preferably expressed by the numeric indicator of primary energy use (kWh/(m ² year));	
628	(d) a minimum number of elements differing from default or standard values.	(d) a minimum number of elements differing from default or standard values.	(d) a minimum number of elements differing from default or standard values.	
629	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation for specific input data values.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	for specific input data values.	deviation for specific input data values.	deviation for specific input data values.	
630	2. Quality of the control system for energy performance certificates	2. Quality of the control system for energy performance certificates	2. Quality of the control system for energy performance certificates	
631	Member States shall provide a clear definition of the quality objectives and the level of statistical confidence that the energy performance certificate framework should achieve. The independent control system shall ensure at least 90% of valid issued energy	Member States shall provide a clear definition of the quality objectives and the level of statistical confidence that the energy performance certificate framework should achieve. The independent control system shall ensure at least 90% of valid issued energy performance certificates with a statistical	Member States shall provide a clear definition of the quality objectives and the level of statistical confidence that the energy performance certificate framework should achieve. The independent control system shall ensure at least 90% of valid issued energy performance certificates with a statistical	Member States shall provide a clear definition of the quality objectives and the level of statistical confidence that the energy performance certificate framework should achieve. The independent control system shall ensure at least 90% of valid issued energy performance certificates with a statistical confidence of 95% for the evaluated

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	performance certificates with a statistical confidence of 95% for the evaluated period, which shall not exceed one year.	confidence of 95% for the evaluated period, which shall not exceed one year.	confidence of 95% for the evaluated period, which shall not exceed one year.	period, which shall not exceed one year.
632	The level of quality and the level of confidence shall be measured using random sampling and shall account for all elements provided in the definition of a valid energy performance certificate. Member States shall require third-party verification for the evaluation of at least 25% of the random sample when	The level of quality and the level of confidence shall be measured using random sampling and shall account for all elements provided in the definition of a valid energy performance certificate. Member States shall require third-party verification for the evaluation of at least 25% of the random sample when the independent control systems have been	The level of quality and the level of confidence shall be measured using random sampling and shall account for all elements provided in the definition of a valid energy performance certificate. Member States shall require third-party verification for the evaluation of at least 25% of the random sample when the independent control systems have been	The level of quality and the level of confidence shall be measured using random sampling and shall account for all elements provided in the definition of a valid energy performance certificate. Member States shall require third-party verification for the evaluation of at least 25% of the random sample when the independent control systems have been delegated to non-governmental bodies.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

Extract from the 4-column table, presented the way for allowing the comparison of co-legislators' positions
Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
	the independent control systems have been delegated to non-governmental bodies.	delegated to non-governmental bodies.		
633	The validity of the input data shall be verified with information provided by the independent expert. Such information may include product certificates, specifications or building plans that include details on the performance of the different elements included in the energy performance certificate.	The validity of the input data shall be verified with information provided by the independent expert. Such information may include product certificates, specifications or building plans that include details on the performance of the different elements included in the energy performance certificate.	The validity of the input data shall be verified with information provided by the independent expert. Such information may include product certificates, specifications or building plans that include details on the performance of the different elements included in the energy performance certificate.	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

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Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

Commission	EP	Council	Draft agreement	MT Comments
634	The validity of the input data shall be verified by on-site visits in at least 10% of the energy performance certificates that are part of the random sampling used to assess the overall quality of the scheme.	The validity of the input data shall be verified by on-site visits in at least 10% of the energy performance certificates that are part of the random sampling used to assess the overall quality of the scheme.	The validity of the input data shall be verified by on-site visits, which may be carried out by virtual means, where appropriate in at least 10% of the energy performance certificates that are part of the random sampling used to assess the overall quality of the scheme.	The validity of the input data shall be verified by on-site visits <u>which may, where appropriate, be carried out by virtual means with visual checks</u> , in at least 10% of the energy performance certificates that are part of the random sampling used to assess the overall quality of the scheme.
635	In addition to the minimum random sampling to determine the overall level of quality, Member States may use different strategies to specifically detect and target poor quality in energy performance certificates with the	In addition to the minimum random sampling to determine the overall level of quality, Member States may use different strategies to specifically detect and target poor quality in energy performance certificates with the objective to improve the	In addition to the minimum random sampling to determine the overall level of quality, Member States may use different strategies to specifically detect and target poor quality in energy performance certificates with the objective to improve the	In addition to the minimum random sampling to determine the overall level of quality, Member States may use different strategies to specifically detect and target poor quality in energy performance certificates with the objective to improve the overall quality of the scheme. Such targeted

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2021/0426(COD)

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	objective to improve the overall quality of the scheme. Such targeted analysis cannot be used as the basis to measure the overall quality of the scheme.	overall quality of the scheme. Such targeted analysis cannot be used as the basis to measure the overall quality of the scheme.	overall quality of the scheme. Such targeted analysis cannot be used as the basis to measure the overall quality of the scheme.	analysis cannot be used as the basis to measure the overall quality of the scheme.
636	Member States shall deploy pre-emptive and reactive measures to ensure the quality of the overall energy performance certificate framework. Those measures may include additional training for independent experts, targeted sampling, obligation to re-submit energy performance certificates,	Member States shall deploy pre-emptive and reactive measures to ensure the quality of the overall energy performance certificate framework. Those measures may include additional training for independent experts, targeted sampling, obligation to re-submit energy performance certificates, proportional fines and	Member States shall deploy pre-emptive and reactive measures to ensure the quality of the overall energy performance certificate framework. Those measures may include additional training for independent experts, targeted sampling, obligation to re-submit energy performance certificates, proportional fines and temporary or	Member States shall deploy pre-emptive and reactive measures to ensure the quality of the overall energy performance certificate framework. Those measures may include additional training for independent experts, targeted sampling, obligation to re-submit energy performance certificates, proportional fines and temporary or permanent bans for experts.

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2021/0426(COD)

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Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

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	proportional fines and temporary or permanent bans for experts.	temporary or permanent bans for experts.	permanent bans for experts.	
637	Where information is added to a database it shall be possible for national authorities to identify the originator of the addition, for monitoring and verification purposes.	Where information is added to a database it shall be possible for national authorities to identify the originator of the addition, for monitoring and verification purposes.	Where information is added to a database it shall be possible for national authorities to identify the originator of the addition, for monitoring and verification purposes.	
638	3. Availability of energy performance certificates	3. Availability of energy performance certificates	3. Availability of energy performance certificates	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

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Articles 20-24, including EP's position moved from article 20 to article 11, Annex VI

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639	The independent control system shall verify the availability of energy performance certificates to prospective buyers and tenants in order to ensure that it is possible to consider the energy performance of the building in their decision to buy or rent.	The independent control system shall verify the availability of energy performance certificates to prospective buyers and tenants in order to ensure that it is possible to consider the energy performance of the building in their decision to buy or rent.	The independent control system shall verify the availability of energy performance certificates to prospective buyers and tenants in order to ensure that it is possible to consider the energy performance of the building in their decision to buy or rent.	
640	The independent control system shall verify the visibility of the energy performance indicator and class in advertising media.	The independent control system shall verify the visibility of the energy performance indicator and class in advertising media.	The independent control system shall verify the visibility of the energy performance indicator and class in advertising media.	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

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Commission	EP	Council	Draft agreement	MT Comments
641	4. Treatment of building typologies	4. Treatment of building typologies	4. Treatment of building typologies	
642	The independent control system shall account for different building typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	The independent control system shall account for different building typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	The independent control system shall account for different building typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	
643	5. Public disclosure	5. Public disclosure	5. Public disclosure	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) (Text with EEA relevance)
2021/0426(COD)

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644	Member States shall regularly publish, on the national database on energy performance certificates, at least the following information on the quality system:	Member States shall regularly publish, on the national database on energy performance certificates, at least the following information on the quality system:	Member States shall regularly publish, on the national database on energy performance certificates, at least the following information on the quality system:	
645	(a) the definition of quality in energy performance certificates;	(a) the definition of quality in energy performance certificates;	(a) the definition of quality in energy performance certificates;	
646	(b) quality objectives for the energy performance certificate scheme;	(b) quality objectives for the energy performance certificate scheme;	(b) quality objectives for the energy performance certificate scheme;	

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2021/0426(COD)

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647	(c) results of the quality assessment, including number of certificates evaluated and relative size to the total number of issued certificates in the given period (per typology);	(c) results of the quality assessment, including number of certificates evaluated and relative size to the total number of issued certificates in the given period (per typology);	(c) results of the quality assessment, including number of certificates evaluated and relative size to the total number of issued certificates in the given period (per typology);	
648	(d) contingency measures to improve the overall quality of energy performance certificates.	(d) contingency measures to improve the overall quality of energy performance certificates.	(d) contingency measures to improve the overall quality of energy performance certificates.	