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 4-column table, with Articles: 10, 13, 20, 21, 22, 23, 24; Annex IV and Annex VI

11-07-2023

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
Recital 53				
63	(53) 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	(53) Regular maintenance and inspection of heating–, ***electrical installations, fire extinction***, 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–, ***electrical installations, fire extinction***, ventilation– and air-conditioning system should occur at regular intervals during its lifecycle	(53) 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	(53) 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. ***Where a ventilation system is installed, its sizing and its***

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	owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible.	in particular before its replacement or upgrading. 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.	owners and tenants, Member States should endeavour to combine inspections and certifications as far as possible.	***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. Inspections should address the parts of the systems that are accessible either directly or indirectly through available non-destructive methods.*** 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 ***and consider the potential benefits from combining inspections on electrical installations in non-residential buildings with an assessment of the energy efficiency of those installations***. Compromise following 6 June trilogue
Recital 53a				
63a				***(53a) Where the system to be inspected is based on fossil fuels, the inspection should include a basic assessment of the feasibility to reduce the on-site use of fossil fuels, for example by integrating renewable energy, changing energy source, or replacing or adjusting the existing systems. In order to***

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				reduce the burden on users, this assessment should not be repeated if such recommendations are already documented, in the context of an energy performance certificate, building renovation passports, energy audit, recommendations from the manufacturer or other means of providing advice in an equivalent official documents or if the replacement of the system is already planned. Compromise following 6 June trilogue
Recital 54				
G 64	(54) 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 order to ensure the quality of energy	(54) A common approach to the energy performance certification of buildings–, renovation passports, smart readiness indicators ~~–and~~ ***and*** the inspection of heating ***ventilation, air-conditioning systems, electrical installations*** 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	(54) A common approach to the energy performance certification of buildings–, renovation passports, smart readiness indicators ~~–and~~ **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 order to ensure the quality of energy	(54) 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 ~~or –~~***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. ***Experts should benefit*** G

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	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.	Union property market. In order to ensure the quality of energy performance certificates–, renovation passports, smart readiness indicators– and of the inspection of ***the thermal characteristics of the building*** heating and air-conditioning ***and controls*** systems throughout the Union, an independent control mechanism should be established in each Member State.	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.	***from using test equipment certified in accordance with EN and ISO standards.*** 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.
Article 10				
259	Article 10 Renovation passport	Article 10 Renovation passport	Article 10 Renovation passport	Article 10 Renovation passport
Article 10(1)				
260	1. By 31 December 2023, the Commission shall adopt delegated acts in accordance with Article 29 supplementing this Directive by establishing a common European framework for renovation passports, based on the criteria set out in paragraph 2.	1. By 31 December 2023, the Commission shall adopt delegated acts in accordance with Article 29 supplementing this Directive by establishing a common European framework for renovation passports, based on the criteria set out in paragraph ~~2~~***3 of this Article***.	1. By 31 December 2023, the Commission shall adopt delegated acts in accordance with Article 29 supplementing this Directive by establishing a common European framework for renovation passports, based on the criteria set out in paragraph ~~2~~**3**.	***Comment:*** *There is an open discussion on whether to add a new annex that would replace the provision about the delegated act to be adopted by the Commission.*
Article 10 (2)				
261	2. By 31 December 2024, Member States shall introduce a scheme of renovation passports based on the	2. By 31 December 2024, Member States shall introduce a scheme of renovation passports ~~based~~	2. By 31 December ~~2024~~**2025**, Member States shall introduce a scheme of renovation passports**, for**	2. By ~~31 December 2024~~***[Delegated Act adoption + 2 years]***, Member States shall

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	common framework established in accordance with paragraph 1.	~~on~~*implementing* the common framework established in accordance with paragraph 1.	**voluntary use by building owners,** based on the common framework established in accordance with paragraph 1.	introduce a scheme of renovation passports based on the common framework established in accordance with paragraph 1. ***Such scheme shall be of voluntary use by building owners, unless the Member State decides to make it mandatory.***
Article 10(1a), second subparagraph				
261a			**Member States may decide to allow for the integration of the renovation passport into the energy performance certificate for selected purposes, including in relation to major renovation or to receiving financial support.**	***Member States may decide to allow for the integration of the renovation passport into the energy performance certificate.*** ***Compromise in view of 31 August trilogue.*** ***Comment: a recital will be prepared regarding administrative efficiency, reduction of admin. burden when such integration is performed.***
Article 10(2a)				
261b		***2a. Member States shall ensure that renovation passports are financially supported as part of national building renovation plans in order to not create a barrier, in particular for homeowners who own only the dwelling in which***		***Comment: line 261b will be discussed together with Art 15.***

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		they live. Member States shall ensure that building renovation passports are made available with due financial support for vulnerable households wishing to renovate their buildings in whole or in part.		
Article 10(3)				
262	3. The renovation passport shall comply with the following requirements:	3. The renovation passport shall comply with ***all of*** the following requirements:	3. The renovation passport shall comply with the following requirements:	
Article 10(3), point (a)				
263	(a) it shall be issued by a qualified and certified expert, following an on-site visit;	(a) it shall be issued ***in a digital form suitable for printing*** by a qualified and certified expert, following an on-site visit;	(a) it shall be issued by a qualified and certified expert, ~~following~~**based on** an on-site visit **of the building, which may be carried out by virtual means, where appropriate**;	For political trilogue - 31 August 2023
Article 10(3), point (b)				
264	(b) it shall comprise a renovation roadmap indicating a sequence of renovation steps building upon each other, with the objective to transform the building into a zero-emission building by 2050 at the latest;	(b) it shall comprise a ***holistic*** renovation roadmap indicating a ~~*sequence of*~~***maximum number*** renovation steps building upon each other~~,~~ ***in line with the energy efficiency first principle to achieve a deep renovation in line*** with the objective to transform the building into a zero-emission building by 2050 at the latest***, outlining how to***	(b) it shall comprise a renovation roadmap indicating a sequence of renovation steps building upon each other, with the objective to transform the building into a zero-emission building by 2050 at the latest;	b) it shall comprise a **holistic** renovation roadmap indicating a sequence **of maximum number** renovation steps building upon each other**, in line with the energy efficiency first principle** ***[to achieve a deep renovation in line]***with the objective to transform the building into a zero-emission building by 2050 at the latest

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		achieve minimum energy performance standards, and measures to reduce whole life-cycle greenhouse gas emissions in the renovation process;		***Comment: a recital will be added, corresponding to EP amendments suggested for line 264.***
Article 10(3), point (c)				
265	(c) it shall indicate the expected benefits in terms of energy savings, savings on energy bills and operational greenhouse emission reductions as well as wider benefits related to health and comfort and the improved adaptive capacity of the building to climate change; and	(c) it shall indicate the expected benefits in terms of energy savings, savings on energy bills and ~~*operational*~~***whole life-cycle*** greenhouse ~~*emission*~~***gas emissions*** reductions***, with an indication the renovation steps that are to lead to the relevant improvements*** ~~*as well as wider benefits related to health and comfort and the improved adaptive capacity of the building to climate change*~~; ~~*and*~~	(c) it shall indicate the expected benefits in terms of energy savings, savings on energy bills and operational greenhouse emission reductions as well as wider benefits related to health and comfort and the improved adaptive capacity of the building to climate change; and	(c) it shall indicate the expected benefits in terms of energy savings, savings on energy bills and operational greenhouse ~~*emission reductions as well as wider benefits related to health and comfort and the improved adaptive capacity of the building to climate change; and*~~***gas emissions reductions, with an indication the renovation steps that are to lead to the relevant improvements .*** ***Compromise prepared in view of 31 August trilogue.***
Article 10(3), first subparagraph, point (ca)				
265a		***(ca) it shall contain information about a potential connection to an efficient district heating network, the share of individual or collective generation and self-consumption of renewable energy;***		(ca) it shall contain information about a potential connection to an efficient district heating network, the share of individual or collective generation and self-consumption of renewable energy;
Article 10(3), first subparagraph, point (cb)				

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265b		***(cb) it shall contain information on a range of estimated costs for each recommended renovation step, as well as the estimated costs of a one-step deep renovation as a reference scenario;***		
Article 10(3), first subparagraph, point (cc)				
265c		***(cc) it shall comprise the bill of materials, information on construction products circularity as well as wider benefits related to health, comfort, indoor environmental quality, safety such as fire, electrical, and seismic safety, and the improved adaptive capacity of the building to climate change;***		***(ca) it shall comprise [the bill of materials] information on construction products circularity as well as wider benefits related to health, comfort, indoor air quality, and the improved adaptive capacity of the building to climate change. Where appropriate, it may comprise information on safety such as fire, electrical, and seismic safety,*** ***Compromise prepared in view of 31 August trilogue; bracketed part is being discussed at technical level. .***
Article 10(3), point (d)				
266	(d) it shall contain information about potential financial and technical support.	(d) it shall contain information about potential financial and technical support~~.~~ ***and updated contact details of the nearest one-stop-shop established pursuant to Article 15a;***	(d) it shall contain information about potential financial and technical support.	(d) it shall contain information about potential financial and technical support~~.~~ ***and provide signposting or a link to where updated contact details of the nearest one-stop-shop [established***

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				pursuant to Article 15a] can be found; ***Compromise prepared in view of 31 August trilogue;***
Article 10(3), first subparagraph, point (da)				
266a		***(da) it shall contain information on any major renovations made to the building, as referred to in Article 8(1), and any retrofitting or replacement of a building element that forms part of the building envelope and has a significant impact on the energy performance of the building envelope, as referred to in Article 8(2).***		***(da) it may contain information, when available, on any major renovations made to the building, as referred to in Article 8(1), and any retrofitting or replacement of a building element that forms part of the building envelope and has a significant impact on the energy performance of the building envelope, as referred to in Article 8(2).*** ***Compromise prepared in view of 31 August trilogue;***
Article 10(3), second subparagraph				
266b		***The renovation passport may contain additional information, taking into consideration the composition of the household and any planned renovations, including those not relating to energy, in accordance with national law and practice.***		
Article 10(3a)				

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266c		***3a. Member States shall facilitate the integration of renovation passports in the digital building logbook, gathering technical and legal information with essential data for property owners to plan and execute deep and staged deep renovations.***		
Article 13				
296	Article 13 Smart readiness of buildings	Article 13 Smart readiness of buildings	Article 13 Smart readiness of buildings	Article 13 Smart readiness of buildings
Article 13(1), first subparagraph				
297	1. The Commission shall adopt delegated acts in accordance with Article 29 concerning an optional common Union scheme for rating the smart readiness of buildings. The rating shall be based on an assessment of the capabilities of a building or building unit to adapt its operation to the needs of the occupant and the grid and to improve its energy efficiency and overall performance.	1. The Commission shall adopt delegated ~~acts~~ ***acts*** in accordance with Article 29 concerning an optional common Union scheme for rating the smart readiness of buildings. The rating shall be based on an assessment of the capabilities of a building or building unit to adapt its operation to the needs of the occupant***, in particular concerning indoor environmental quality*** and the grid and to improve its energy efficiency and overall performance.	1. The Commission shall adopt delegated ~~acts~~ **acts** in accordance with Article 29 concerning an optional common Union scheme for rating the smart readiness of buildings. The rating shall be based on an assessment of the capabilities of a building or building unit to adapt its operation to the needs of the occupant and the grid and to improve its energy efficiency and overall performance.	
Article 13(1), second subparagraph				
298				

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	In accordance with Annex IV, the optional common Union scheme for rating the smart readiness of buildings shall lay down :	In accordance with Annex IV, the optional common Union scheme for rating the smart readiness of buildings shall lay down :	In accordance with Annex IV, the optional common Union scheme for rating the smart readiness of buildings shall– lay down–:	In accordance with Annex IV, the optional common Union scheme for rating the smart readiness of buildings shall– lay down–:
Article 13(1), second subparagraph, point (a)				
299	(a) the definition of the smart readiness indicator; and	(a) the definition of the smart readiness indicator; ~~*and*~~	(a) the definition of the smart readiness indicator; ~~and~~	(a) the definition of the smart readiness indicator; ~~and~~
Article 13(1), second subparagraph, point (b)				
300	(b) a methodology by which it is to be calculated.	(b) a methodology by which it is to be calculated.	(b) a methodology by which it is to be calculated.	(b) a methodology by which it is to be calculated.
Article 13(2)				
301	2. The Commission shall, by 31 December 2025, adopt a delegated act in accordance with Article 29, requiring the application of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, or systems for combined space heating and ventilation of over 290 kW.	2. ~~*The Commission shall,*~~ By 31 December ~~*2025,*~~ ***2024, the Commission shall*** adopt a delegated act in accordance with Article 29, ***amending this Directive by*** requiring the ***mandatory*** application***, by the same date,*** of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, ~~*or*~~***air-conditioning systems, and*** systems for combined space heating***, air-conditioning*** and ventilation of over 290 kW. ***From 1 January 2030, the common Union***	2. ~~The Commission shall, by 31 December 2025, adopt a delegated act in accordance with Article 29, requiring the application of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, or systems for combined space heating and ventilation of over 290 kW~~**Further to the test phase of the smart readiness indicator, the Commission shall submit a report to the Member States, by 1st January 2026, with a view to assessing the results**.	For political trilogue - 31 August 2023

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		scheme shall apply to non-residential buildings with an effective rated output of over 70 kW.		
Article 13(2a)				
301a			**2a. If the report concludes that the assessment of the smart readiness indicator is positive, the Commission shall, by 31 December 2026, adopt a delegated act in accordance with Article 29, requiring the application of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, or systems for combined space heating and ventilation of over 290 kW.**	For political trilogue - 31 August 2023
Article 13(3), first subparagraph				
302	3. The Commission shall, after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the scheme referred to in paragraph 1 , including a timeline for a non-committal test-phase at national level, and clarifying the	3. The Commission shall, after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the scheme referred to in paragraph 1 , including a timeline for a non-committal test-phase at national level, and clarifying the	3. The Commission shall,– after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the scheme referred to in paragraph 1 , including a timeline for a non-committal test-phase at national level, and clarifying the	3. The Commission shall,– after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the scheme referred to in paragraph 1 , including a timeline for a non-committal test-phase at national level, and clarifying the

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	complementary relation of the scheme to the energy performance certificates referred to in Article 16.	complementary relation of the scheme to the energy performance certificates referred to in Article 16.	complementary relation of the scheme to the energy performance certificates referred to in Article 16.	complementary relation of the scheme to the energy performance certificates referred to in Article 16. The three texts are identical, for confirmation at the next political trilogue.
Article 13(3), second subparagraph				
303	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).
Article 13(4), first subparagraph				
304	4. The Commission shall, by 31 December 2025, and after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the application of the scheme referred to in paragraph 2 to non-residential buildings with an effective rated output for heating systems, or systems for combined heating and ventilation of over 290 kW.	4. ~~*The Commission shall,*~~ By 31 December ~~*2025, and*~~***2024, the Commission shall,*** after having consulted the relevant stakeholders, adopt an implementing act detailing the technical modalities for the effective implementation of the application of the scheme referred to in paragraph 2 to non-residential buildings with an effective rated output for heating systems, ***air-conditioning systems,*** or systems for combined heating, ***air-conditioning*** and ventilation of over 290 kW.	4. **Provided that** the Commission ~~shall, by 31 December 2025, and after having consulted the relevant stakeholders,~~ **has adopted the delegated act referred to in paragraph 2a, the Commission shall, by 31 December 2027** adopt an implementing act detailing the technical modalities for the effective implementation of the application of the scheme referred to in paragraph 2 **a** to non-residential buildings with an effective rated output for heating systems, or systems for combined heating and ventilation of over 290 kW.	For political trilogue - 31 August 2023
Article 13(4), second subparagraph				

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305	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3).	That implementing act shall be adopted in accordance with ~~the examination procedure referred to in~~ Article 30(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(3). ***Compromise in view of 31 August trilogue.***
Article 20				
G 378	Article 20 Inspections	Article 20 Inspections	Article 20 Inspections	Article 20 Inspections Text Origin: COM Proposal incl. RePowerEU
Article 20(1)				
G 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~~**cooling** 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. + changes to the corresponding recital 53 trilogue 6 June

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Article 20(2)					
G	380	2. Member States shall establish separate inspection schemes for the inspections of residential and non-residential systems.	2. Member States ~~*shall*~~***may*** establish separate inspection schemes for the inspections of residential and non-residential systems.	2. Member States ~~*shall*~~**may** establish separate inspection schemes for the inspections of residential and non-residential systems.	2. Member States ~~*shall*~~***may*** establish separate inspection schemes for the inspections of residential and non-residential systems. trilogue 6 June Text Origin: EP + CONS Mandate	G
Article 20(3)						
R	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 shall be inspected at least every two years.	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 ***and those emitting carbon monoxide*** shall be inspected at least every two years***, for safety reasons***.	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.	For political trilogue - 31 August 2023	R
Article 20(4), first subparagraph						
G	382	4. The inspection shall include the assessment of the generator or	4. The inspection shall include the assessment of the ***heat and air-***	4. The inspection shall include the assessment of the generator or	4. The inspection shall include the assessment of the generator or	G

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	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.	***conditioning*** generator or generators, circulation pumps, ~~*fans*~~***components of ventilation systems, all air and water distribution systems, hydronic balancing systems, where appropriate,*** and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I.	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.	generators, circulation pumps, ~~*fans*~~***and where appropriate, components of ventilation systems, air and water distribution systems, hydronic balancing systems*** and control system. Member States may decide to include in the inspection schemes any additional building systems identified under Annex I. + changes in the corresponding recital 53
Article 20(4), second subparagraph				
383	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.	The inspection shall include an assessment of the efficiency and sizing of the– ***heat and air-conditioning*** 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***, using available energy saving technologies, and under changing conditions due to use variation***.– Where relevant, the inspection shall assess the feasibility of the system to operate under different and more efficient temperature settings, ***such as at low temperature for water-based heating systems, including via the design of thermal power output***	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.	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. **The inspection shall, where relevant, include a basic assessment of the feasibility to reduce on-site use of fossil energy, for example by integrating renewable energy, changing energy source or replace or adjust the existing systems.**

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		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.***		
Article 20(4), third subparagraph				
384	The inspections scheme shall include the assessment of the sizing of the ventilation system 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.	The inspections scheme shall include the assessment of the sizing of the ventilation system 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.	The inspections scheme**, where relevant,** shall include the assessment of the sizing of the ventilation system 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.	~~*The inspections scheme shall include the assessment of the*~~***Where a ventilation system is installed, its*** sizing ~~*of the ventilation system 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.*~~***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*** compromise proposal trilogue 6 June
Article 20(4), fourth subparagraph				
385				

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	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.	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. Text Origin: COM Proposal incl. RePowerEU
Article 20(4), fifth subparagraph				
R 385a		***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.***		DELETED **Compromise following 6 June trilogue, linked to changes in recital 53.**
Article 20(5)				
G 386	5. Technical building systems that are explicitly covered by 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	5. Technical building systems that are explicitly covered by 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	5. Technical building systems that are explicitly covered by 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	5. Technical building systems that are explicitly covered by 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

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	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. Text Origin: COM Proposal incl. RePowerEU
Article 20(6), first subparagraph				
387	6. rovided 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. ~~rovided 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. ~~rovided~~**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. ~~rovided~~***Provided that the overall impact is equivalent to that resulting from paragraph 1, Member States Provided*** that the overall impact is equivalent to that resulting from paragraph 1, Member States may opt to take ***alternative*** measures***, such as*** ~~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. **Compromise following 6 June**
Article 20(6), second subparagraph				
388				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	Before applying the alternative measures referred to in the first subparagraph of this 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.	*deleted*	Before applying the alternative measures referred to in the first subparagraph of this 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.	Before applying the alternative measures referred to in the first subparagraph of this 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, ***including in terms of energy savings and greenhouse gas emissions***. **Compromise following 6 June**
Article 20(7), first subparagraph				
389 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	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 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 by31 December 2029.	Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP lines 274c, d, e ***4a.*** 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: ***(a)*** by 31 December 2024, non-residential buildings with an effective rated output for heating systems, ***cooling systems*** or systems for combined space heating and ventilation of over 290 kW;	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 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 ~~by31~~**by 31** December 2029.	7. 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:*** ***(a) by 31 December 2024, non-residential buildings*** with an effective rated output for heating systems***, air conditioning systems*** or systems for combined space heating and ventilation ***or systems for combined air conditioning and ventilation*** of over 290 kW***;*** ***(b) by 31 December 2029, non-residential buildings with an effective rated output for heating***

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
		(b) by 31 December 2029, non-residential buildings with an effective rated output for heating systems, ***cooling systems*** or systems for combined space heating and ventilation of over 70 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 by31 December 2029.*~~ ***, air conditioning systems or systems for combined space heating and ventilation or systems for combined air conditioning and ventilation systems of over 70 kW.*** The final position of the provisions on BACS will be decided once co-legislators have discussed article 11. See lines 274c and following trilogue 6 June
Article 20(7), second subparagraph				
389a		Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP line 274f (new) ***Member States shall set out clear parameters for establishing the economic feasibility of equipping non-residential buildings with building automation and control systems.***		Line 247 is to be deleted. Instead, there is a new recital (location to be decided): To facilitate the assessment of the economic feasibility of equipping non-residential buildings with building automation and control systems, member states are encouraged to establish parameters in this regard.

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
390 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	The building automation and control systems shall be capable of:	Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP line 274g The building automation and control systems ***referred to in paragraph 4a*** shall be capable of:	The building automation and control systems shall be capable of:	The building automation and control systems shall be capable of: trilogue 6 June
Article 20(7), second subparagraph, point (a)				
391 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;	Comment: Lines 389 and following are covered in EP text, lines 274c and following. 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;	(a) continuously monitoring, logging, analysing and allowing for adjusting energy use; trilogue 6 June
Article 20(7), second subparagraph, point (b)				
392 [The final position	(b) benchmarking the building's energy efficiency, detecting losses in efficiency of technical building	Comment: Lines 389 and following are covered in EP text, lines 274c and following.	(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

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
of the provisions 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	EP line 274i (b) benchmarking the building's energy efficiency, detecting 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; ~~and~~	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~~ trilogue 6 June
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.	Comment: Lines 389 and following are covered in EP text, lines 274c and following. 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. trilogue 6 June
393a		Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP line 274k (new)		***[(d) effective monitoring of indoor environmental quality, to ensure occupants' health and safety.]*** Comment: Part of different discussions i.e. on indoor environmental quality in the context of Art 11a. The inclusion/deletion/re-writing of this

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
		(d) effective monitoring of indoor environmental quality, to ensure occupants' health and safety.		line will depend on the outcome of the discussions.
Article 20(8)				
394 [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]	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:	Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP line 274l 4c) Member States shall lay down requirements to ensure that, ***where technically and economically feasible,*** from 1 January 2025, new residential buildings and residential buildings undergoing major renovations ***with an effective rated output for heating systems, cooling systems or systems for combined space heating, cooling and ventilation of over 70 kW*** are equipped with ***the following:***	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:	8. Member States– shall– lay down requirements to ensure that~~– from –~~, ***where technically, economically and functionally feasible, [from*** 1 January 2025***], new*** ~~, new~~ residential buildings– and residential buildings undergoing major renovations– are equipped with ***the following***: trilogue 6 June
Article 20(8), point (a)				
395 [The final position of the	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when	Comment: Lines 389 and following are covered in EP text, lines 274c and following.	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers when	(a) the functionality of continuous electronic monitoring that measures systems' efficiency and informs building owners or managers ~~when~~

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
provisions on BACS will be decided once co-legislators have discussed article 11.]	it has fallen significantly and when system servicing is necessary; and	EP line 274m (a) the functionality of continuous electronic monitoring ***of systems in the building at the relevant building and unit level*** 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***~~	it has fallen significantly and when system servicing is necessary; ~~and~~	~~*it has fallen significantly*~~***in the case of a significant variation*** and when system servicing is necessary~~; and~~ trilogue 6 June
Article 20(8), point (b)				
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.	Comment: Lines 389 and following are covered in EP text, lines 274c and following. EP line 274n (b) effective control ***and balancing*** 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***, use of energy and, where applicable, hydronic balance;*** ~~*and use of energy.*~~ trilogue 6 June
Article 20(8), point (c)				
396a [The final		EP line 274o (new) ***(c) demand-side flexibility;***		***c)*** **A capacity to react to external signals and adjust the energy consumption**

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
position of the provisions on BACS will be decided once co-legislators have discussed article 11.]				
Article 20(8), point (d)				
396b [The final position of the provisions on BACS will be decided once co-legislators have discussed article 11.]		EP line 274p (new) ***(d) effective indoor environmental quality monitoring system, to ensure occupants' health and safety.***		*Comment: This provision is part of different discussions i.e. on indoor environmental quality. The inclusion/deletion/re-writing of this line will depend on the outcome of the discussions.*
		EP line 274q (new) ***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:***		***To be deleted, TBC in the next political trilogue.***

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
		EP line 274r (new) ***(a) benchmarking of the building's energy 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;***		***To be deleted, TBC in the next political trilogue.***
		EP line 274s (new) ***(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.***		***To be deleted, TBC in the next political trilogue.***
Article 20(7a), 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.** trilogue 6 June
Article 20(9)				
397				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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*~~***Article 11(4b) or (4c)*** shall be exempt from the requirements laid down in paragraph 1 ***of this Article***.	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/ ***Article 11(4b) or (4c)*** shall be exempt from the requirements laid down in paragraph 1 ***of this Article***. trilogue 6 June
Article 20(10)				
398	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.	10. Member States shall put in place inspection schemes ***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*** ~~*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 ***operational greenhouse gas emissions, indoor environmental quality, and fire safety requirements*** as laid down in by the building codes ***or equivalent regulations***.	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.	Member States shall put in place inspection schemes or alternative measures, such as financial support, digital tools and checklists to certify that the delivered construction and renovation works meet the designed energy performance and are compliant with the minimum energy performance requirements, [greenhouse gas emissions, indoor environmental quality, and fire safety requirements] as laid down in by the building codes or equivalent regulations. **Compromise following 6 June**
Article 20(11)				
399	11. Member States shall include a summarised analysis of the	11. Member States shall include a summarised analysis of the	11. Member States shall include a summarised analysis of the	11. Member States shall include a summarised analysis of the

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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.	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.*~~	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.	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. **Compromise following 6 June**
Article 21				
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 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***, or building automation and control*** system. The inspection report shall contain the result of the inspection performed in accordance with Article 20~~–~~ and include recommendations for the ~~*cost-effective*~~***cost-optimal*** improvement of the energy performance ***and safety*** 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 / ***cost-optimal***] improvement of the energy performance [***and safety]*** of the inspected system.

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
				Compromise following 6 June
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***, using energy saving technologies,*** 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***, using energy saving technologies,*** and a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation. trilogue 6 June
Article 21(2)				
403	2. The inspection report shall be handed over to the owner or tenant of the building.	2. The inspection report shall be handed over to the owner or tenant of the building.	2. The inspection report shall be handed over to the owner or tenant of the building.	2. The inspection report shall be handed over to the owner or tenant of the building. trilogue 6 June
Article 21(2a)				
403a		***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***		**The recommendations shall, where relevant, include the results from the basic assessment of the feasibility to reduce on-site use of fossil fuels.**

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
		heating and cooling systems. The recommendations shall consider the economic lifetime of the current installation.		***Comment: this line is to be kept either as line 403a or new 401a or 402a.*** **Compromise following 6 June**
Article 21(3)				
404	3. The inspection report shall be uploaded into the national database for energy performance of buildings pursuant to Article 19.	3. The inspection report shall be uploaded into the national database for energy performance of buildings pursuant to Article 19.	3. The inspection report shall be uploaded into the national database for energy performance of buildings pursuant to Article 19.	3. The inspection report shall be uploaded into the national database for energy performance of buildings pursuant to Article 19. trilogue 6 June
Article 22				
405	Article 22 Independent experts	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 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-	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 systems and air-conditioning systems are carried out in an independent manner by qualified or– certified— ***companies and*** experts, ***using test equipment certified in accordance with EN***	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-conditioning systems are carried out in an independent manner by qualified or certified— experts, whether operating in a self-employed	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-conditioning systems are carried out in an independent manner by qualified or certified— experts, whether operating in a self-employed

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	employed capacity or employed by public bodies or private enterprises.	***standards,*** whether operating in a self-employed capacity or employed by public bodies or private enterprises.	capacity or employed by public bodies or private enterprises.	capacity or employed by public bodies or private enterprises. trilogue 6 June
Article 22(1), second subparagraph				
407	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.	Experts shall be— certified in accordance with Article 26 of Directive (EU) …/… [recast EED] taking into account their competence. trilogue 6 June
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.	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. trilogue 6 June
Article 23				
409	Article 23	Article 23	Article 23	Article 23

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	Certification of building professionals	Certification of building professionals	Certification of building professionals	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. ***By ...[date set out in Article 26(4) [recast EED]],*** Member States shall ***establish a national action plan to provide a sufficient and adequately skilled workforce and*** ensure the appropriate level of competence for building professionals ***and construction companies,*** carrying out integrated renovation works in line with ***the established targets and measurable progress indicators pursuant to Article 3(1) of this Directive and*** Article 26 ***of*** [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 ***[the established targets and measurable progress indicators pursuant to Article 3 and Annex II of this Directive and]*** Article 28 ~~26~~ ***of*** [recast EED]. **trilogue 6 June**
Article 23(1a)				
410a		***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,***		

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
		in particular by microenterprises, SMEs and self-employed persons.		
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***, such as construction companies,*** -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]. trilogue 6 June
Article 24				
412	Article 24 Independent control system	Article 24 Independent control system	Article 24 Independent control system	Article 24 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	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	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	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

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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 inspection of heating and air-conditioning systems.	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 inspection of heating and air-conditioning systems.	systems **and ventilation** are established . Member States may establish separate systems for the control of energy performance certificates–, renovation passports, smart readiness indicators ~~and~~ **and** reports on the inspection of heating and air-conditioning systems.	systems **and ventilation** are established . Member States may establish separate systems for the control of energy performance certificates , renovation passports, smart readiness indicators and **and** reports on the inspection of heating and air-conditioning systems. trilogue 6 June
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. trilogue 6 June
Article 24(2), second subparagraph				
415	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented in compliance with Annex VI.	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented in compliance with Annex VI.	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented in compliance with Annex VI.	Where the Member States decide to do so, they shall ensure that the independent control systems are implemented in compliance with Annex VI. trilogue 6 June
Article 24(3)				
416				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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.	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. trilogue 6 June
Annex IV				
569	Annex IV	Annex IV	Annex IV	Annex IV
Annex IV, first paragraph				
570	COMMON GENERAL FRAMEWORK FOR RATING THE SMART READINESS OF BUILDINGS	COMMON GENERAL FRAMEWORK FOR RATING THE SMART READINESS OF BUILDINGS	COMMON GENERAL FRAMEWORK FOR RATING THE SMART READINESS OF BUILDINGS	COMMON GENERAL FRAMEWORK FOR RATING THE SMART READINESS OF BUILDINGS
Annex IV, point 1., first subparagraph				
571	1. The Commission shall establish the definition of the smart readiness indicator and a methodology by which it is to be calculated, in order to assess the capabilities of a building or building unit to adapt its operation to the needs of the occupant and of the grid and to improve its energy efficiency and overall performance.	1. The Commission shall establish the definition of the smart readiness indicator and a methodology by which it is to be calculated, in order to assess the capabilities of a building or building unit to adapt its operation to the needs of the occupant and of the grid and to improve its energy efficiency and overall performance.	1. The Commission shall establish the definition of the smart readiness indicator and a methodology by which it is to be calculated, in order to assess the capabilities of a building or building unit to adapt its operation to the needs of the occupant and of the grid and to improve its energy efficiency and overall performance.	1. The Commission shall establish the definition of the smart readiness indicator and a methodology by which it is to be calculated, in order to assess the capabilities of a building or building unit to adapt its operation to the needs of the occupant and of the grid and to improve its energy efficiency and overall performance.

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
				The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 1., second subparagraph				
572	The smart readiness indicator shall cover features for enhanced energy savings, benchmarking and flexibility, enhanced functionalities and capabilities resulting from more interconnected and intelligent devices.	The smart readiness indicator shall cover features for enhanced energy savings, benchmarking and flexibility, enhanced functionalities and capabilities resulting from more interconnected and intelligent devices.	The smart readiness indicator shall cover features for enhanced energy savings, benchmarking and flexibility, enhanced functionalities and capabilities resulting from more interconnected and intelligent devices.	The smart readiness indicator shall cover features for enhanced energy savings, benchmarking and flexibility, enhanced functionalities and capabilities resulting from more interconnected and intelligent devices. The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 1., second subparagraph a				
572a		***The methodology shall take into account the existence of a digital twin of the building allowing a better ongoing reporting and management of the building's energy consumption.***		***The methodology shall take into account features such as the possible existence of a digital twin of the building.*** ***Comment: a recital will be added on digital twins.*** ***Compromise prepared in view of 31 August trilogue;***
Annex IV, point 1., third subparagraph				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
573	The methodology shall take into account features such as smart meters, building automation and control systems, self-regulating devices for the regulation of indoor air temperature, built-in home appliances, recharging points for electric vehicles, energy storage and detailed functionalities and the interoperability of those features, as well as benefits for the indoor climate condition, energy efficiency, performance levels and enabled flexibility.	The methodology shall take into account features such as smart meters, building automation and control systems, self-regulating devices for the regulation of indoor air temperature, built-in home appliances, recharging points for electric vehicles, energy storage and detailed functionalities and the interoperability of those features, as well as benefits for the indoor climate condition, energy efficiency, performance levels and enabled flexibility.	The methodology shall take into account features such as smart meters, building automation and control systems, self-regulating devices for the regulation of indoor air temperature, built-in home appliances, recharging points for electric vehicles, energy storage and detailed functionalities and the interoperability of those features, as well as benefits for the indoor climate condition, energy efficiency, performance levels and enabled flexibility.	The methodology shall take into account features such as smart meters, building automation and control systems, self-regulating devices for the regulation of indoor air temperature, built-in home appliances, recharging points for electric vehicles, energy storage and detailed functionalities and the interoperability of those features, as well as benefits for the indoor climate condition, energy efficiency, performance levels and enabled flexibility. The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 2.				
574	2. The methodology shall rely on three key functionalities relating to the building and its technical building systems:	2. The methodology shall rely on ~~three~~***the following*** key functionalities relating to the building and its technical building systems:	2. The methodology shall rely on three key functionalities relating to the building and its technical building systems:	
Annex IV, point 2.(a)				
575	(a) the ability to maintain energy performance and operation of the building through the adaptation of energy consumption for example	(a) the ability to maintain energy performance and operation of the building through the adaptation of energy consumption for example	(a) the ability to maintain energy performance and operation of the building through the adaptation of energy consumption for example	(a) the ability to maintain energy performance and operation of the building through the adaptation of energy consumption for example

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	through use of energy from renewable sources;	through use of energy from renewable sources;	through use of energy from renewable sources;	through use of energy from renewable sources; The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 2.(b)				
576	(b) the ability to adapt its operation mode in response to the needs of the occupant while paying due attention to the availability of user-friendliness, maintaining healthy indoor climate conditions and the ability to report on energy use; and	(b) the ability to adapt its operation mode in response to the needs of the occupant while paying due attention to the availability of user-friendliness, maintaining healthy indoor climate conditions and the ability to report on energy use; and	(b) the ability to adapt its operation mode in response to the needs of the occupant while paying due attention to the availability of user-friendliness, maintaining healthy indoor climate conditions and the ability to report on energy use; and	(b) the ability to adapt its operation mode in response to the needs of the occupant while paying due attention to the availability of user-friendliness, maintaining healthy indoor climate conditions and the ability to report on energy use; and The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 2.(c)				
577	(c) the flexibility of a building's overall electricity demand, including its ability to enable participation in active and passive as well as implicit and explicit demand response, in relation to the grid, for example through flexibility and load shifting capacities.	(c) the flexibility of a building's overall ~~electricity~~***energy*** demand, including its ability to enable participation in active and passive as well as implicit and explicit demand response, ~~in relation~~***and through storing and releasing energy back*** to the grid, for example through flexibility and load shifting capacities~~.~~ ***and energy storage;***	(c) the flexibility of a building's overall electricity demand, including its ability to enable participation in active and passive as well as implicit and explicit demand response, in relation to the grid, for example through flexibility and load shifting capacities.	(c) the flexibility of a building's overall ~~electricity~~***energy*** demand, including its ability to enable participation in active and passive as well as implicit and explicit demand response, ~~in relation~~***and through storing and releasing energy back*** to the grid, for example through flexibility and load shifting capacities~~.~~ ***and energy storage;*** ***Compromise prepared in view of 31 August trilogue;***

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
Annex IV, point 2.(ca)				
577a		***(ca) the ability to improve its energy efficiency and overall performance through the use of energy saving technologies.***		***(ca) the ability to improve its energy efficiency and overall performance through the use of energy saving technologies.*** ***Compromise prepared in view of 31 August trilogue;***
Annex IV, point 3.				
578	3. The methodology may further take into account:	3. The methodology may further take into account:	3. The methodology may further take into account:	3. The methodology may further take into account:
Annex IV, point 3.(a)				
579	(a) the interoperability between systems (smart meters, building automation and control systems, built-in home appliances, self-regulating devices for the regulation of indoor air temperature within the building and indoor air quality sensors and ventilations); and	(a) the interoperability between systems (smart meters, building automation and control systems, built-in home appliances, self-regulating devices for the regulation of indoor air temperature within the building and indoor air quality sensors and ventilations); and	(a) the interoperability between systems (smart meters, building automation and control systems, built-in home appliances, self-regulating devices for the regulation of indoor air temperature within the building and indoor air quality sensors and ventilations); and wrong numbering in GA	(a) the interoperability between systems (smart meters, building automation and control systems, built-in home appliances, self-regulating devices for the regulation of indoor air temperature within the building and indoor air quality sensors and ventilations); and The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 3.(b)				
580				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	(b) the positive influence of existing communication networks, in particular the existence of high-speed-ready in-building physical infrastructure, such as the voluntary 'broadband ready' label, and the existence of an access point for multi-dwelling buildings, in accordance with Article 8 of Directive 2014/61/EU of the European Parliament and of the Council[1]. 1. Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).	(b) the positive influence of existing communication networks, in particular the existence of high-speed-ready in-building physical infrastructure, such as the voluntary 'broadband ready' label, and the existence of an access point for multi-dwelling buildings, in accordance with Article 8 of Directive 2014/61/EU of the European Parliament and of the Council[1]. 1. Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).	(b) the positive influence of existing communication networks, in particular the existence of high-speed-ready in-building physical infrastructure, such as the voluntary 'broadband ready' label, and the existence of an access point for multi-dwelling buildings, in accordance with Article 8 of Directive 2014/61/EU of the European Parliament and of the Council[1]. 1. Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).	(b) the positive influence of existing communication networks, in particular the existence of high-speed-ready in-building physical infrastructure, such as the voluntary 'broadband ready' label, and the existence of an access point for multi-dwelling buildings, in accordance with Article 8 of Directive 2014/61/EU of the European Parliament and of the Council[1]. The three texts are identical, for confirmation at the next political trilogue. 1. Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).
Annex IV, point 4.				
581	4. The methodology shall not negatively affect existing national energy performance certification schemes and shall build on related initiatives at national level, while taking into account the principle of occupant ownership, data protection, privacy and security, in compliance with relevant Union	4. The methodology shall not negatively affect existing national energy performance certification schemes and shall build on related initiatives at national level, while taking into account the principle of occupant ownership, data protection, privacy and security, in compliance with relevant Union	4. The methodology shall not negatively affect existing national energy performance certification schemes and shall build on related initiatives at national level, while taking into account the principle of occupant ownership, data protection, privacy and security, in compliance with relevant Union	4. The methodology shall not negatively affect existing national energy performance certification schemes and shall build on related initiatives at national level, while taking into account the principle of occupant ownership, data protection, privacy and security, in compliance with relevant Union

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	data protection and privacy law as well as best available techniques for cyber security.	data protection and privacy law as well as best available techniques for cyber security.	data protection and privacy law as well as best available techniques for cyber security.	data protection and privacy law as well as best available techniques for cyber security. The three texts are identical, for confirmation at the next political trilogue.
Annex IV, point 5.				
582	5. The methodology shall set out the most appropriate format of the smart readiness indicator parameter and shall be simple, transparent, and easily understandable for consumers, owners, investors and demand-response market participants.	5. The methodology shall set out the most appropriate format of the smart readiness indicator parameter and shall be simple, transparent, and easily understandable for consumers, owners, investors and demand-response market participants.	5. The methodology shall set out the most appropriate format of the smart readiness indicator parameter and shall be simple, transparent, and easily understandable for consumers, owners, investors and demand-response market participants.	5. The methodology shall set out the most appropriate format of the smart readiness indicator parameter and shall be simple, transparent, and easily understandable for consumers, owners, investors and demand-response market participants. The three texts are identical, for confirmation at the next political trilogue.
620	Annex VI	Annex VI	Annex VI	Annex VI
Annex VI, first paragraph				
621	Independent control systems for energy performance certificates	Independent control systems for energy performance certificates	Independent control systems for energy performance certificates	Independent control systems for energy performance certificates trilogue 6 June

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
Annex VI, point 1., first subparagraph				
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	1. Definition of quality of energy performance certificate trilogue 6 June
Annex VI, point 1., second subparagraph				
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.	Member States shall provide a clear definition of what is considered a valid energy performance certificate. trilogue 6 June
Annex VI, point 1., third subparagraph				
624	The definition of a valid energy performance certificate shall ensure:	The definition of a valid energy performance certificate shall ensure:	The definition of a valid energy performance certificate shall ensure:	The definition of a valid energy performance certificate shall ensure: trilogue 6 June
Annex VI, point 1., third subparagraph, point (a)				
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;	(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; trilogue 6 June
Annex VI, point 1., third subparagraph, point (b)				
626	(b) the validity of the calculations;	(b) the validity of the calculations;	(b) the validity of the calculations;	(b) the validity of the calculations; trilogue 6 June

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
Annex VI, point 1., third subparagraph, point (c)				
627	(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));	(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)); trilogue 6 June
Annex VI, point 1., third subparagraph, point (d)				
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.	(d) a minimum number of elements differing from default or standard values. trilogue 6 June
Annex VI, point 1., fourth subparagraph				
629	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation for specific input data values.	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation for specific input data values.	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation for specific input data values.	Member States may include additional elements in the definition of a valid energy performance certificate, such as maximum deviation for specific input data values. trilogue 6 June
Annex VI, point 2., first subparagraph				
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	2. Quality of the control system for energy performance certificates trilogue 6 June

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
Annex VI, point 2., second subparagraph				
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 performance certificates with a statistical confidence of 95% for the evaluated period, which shall not exceed one year.	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 period, which shall not exceed one year.	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 period, which shall not exceed one year.	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 period, which shall not exceed one year. trilogue 6 June
Annex VI, point 2., third subparagraph				
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 independent control systems have been delegated to non-governmental bodies.	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.	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.	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. trilogue 6 June
Annex VI, point 2., fourth subparagraph				
633				

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	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.	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. trilogue 6 June
Annex VI, point 2., fifth subparagraph				
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 ***which may, where appropriate, be carried out by virtual means with visual checks***, 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. trilogue 6 June
Annex VI, point 2., sixth subparagraph				
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 objective to improve the overall quality of the scheme. Such targeted analysis	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 analysis	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 analysis	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 analysis

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	cannot be used as the basis to measure the overall quality of the scheme.	cannot be used as the basis to measure the overall quality of the scheme.	cannot be used as the basis to measure the overall quality of the scheme.	cannot be used as the basis to measure the overall quality of the scheme. trilogue 6 June
Annex VI, point 2., seventh subparagraph				
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, proportional fines and temporary or permanent bans for experts.	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.	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.	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. trilogue 6 June
Annex VI, point 2., eighth subparagraph				
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.	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. trilogue 6 June
Annex VI, point 3., first subparagraph				
638	3. Availability of energy performance certificates	3. Availability of energy performance certificates	3. Availability of energy performance certificates	3. Availability of energy performance certificates

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
				trilogue 6 June
Annex VI, point 3., second subparagraph				
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.	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. trilogue 6 June
Annex VI, point 3., third subparagraph				
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.	The independent control system shall verify the visibility of the energy performance indicator and class in advertising media. trilogue 6 June
Annex VI, point 4., first subparagraph				
641	4. Treatment of building typologies	4. Treatment of building typologies	4. Treatment of building typologies	4. Treatment of building typologies trilogue 6 June
Annex VI, point 4., second subparagraph				
642	The independent control system shall account for different building	The independent control system shall account for different building	The independent control system shall account for different building	The independent control system shall account for different building

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
	typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail.	typologies, particularly for those building typologies that are most prevalent in the real estate market, such as single residential, multi-residential, offices or retail. trilogue 6 June
Annex VI, point 5., first subparagraph				
643	5. Public disclosure	5. Public disclosure	5. Public disclosure	5. Public disclosure trilogue 6 June
Annex VI, point 5., second subparagraph				
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:	Member States shall regularly publish, on the national database on energy performance certificates, at least the following information on the quality system: trilogue 6 June
Annex VI, point 5., second subparagraph, point (a)				
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;	a) the definition of quality in energy performance certificates; trilogue 6 June
Annex VI, point 5., second subparagraph, point (b)				
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;	(b) quality objectives for the energy performance certificate scheme;

	COM Proposal incl. RePowerEU	EP Mandate	Council Mandate	Draft Agreement
				trilogue 6 June
Annex VI, point 5., second subparagraph, point (c)				
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);	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); trilogue 6 June
Annex VI, point 5., second subparagraph, point (d)				
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.	(d) contingency measures to improve the overall quality of energy performance certificates. trilogue 6 June

Council of the European Union
General Secretariat

Interinstitutional files:
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Brussels, 12 July 2023

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	Energy Performance of Buildings Directive (recast) - Extract from the 4column document

Delegations are asked to note that in REV 1 of this WK document, two lines were added to the table: line 393a, 389a; and one line was modified: 383.

Delegations will find in the annex, for information, an extract from the 4column document in view of the 31 August trilogue. An updated document will be circulated in the coming weeks.

Explanatory note regarding Articles 20-24:

The table contains changes in comparison to the 4-column table presented in **WK 7655/2023 INIT** (12.06 2023), which resulted from a broad mandate given to the technical level at the 6 June trilogue. The changes presented in the table are to be confirmed at the next political trilogue.

- **Recitals:**
    - line 63, Recital 53 was partly rewritten after the 6 June trilogue (in relation to a new recital 53a);
    - line 63a, Recital 53a is a new recital.

- **Article 20: new compromise wording:**
    - line 383, Art 20(4), 4th paragraph;
    - line 387, Article 20(6), first subparagraph;
    - line 388, Article 20(6), second subparagraph;
    - line 396a, Article 20(8), point (c);
    - line 398, Article 20(10) - with bracketed parts,
    - line 399, Article 20(11)

- **Article 20: pre-agreement to delete:**
    - line 385a, Art 20(4) , 5th subparagraph,
    - EP new lines 274q, 274r and 274s.

- **Article 21: new compromise wording:**
    - line 403a, Article 21(2a)