



Council of the
European Union

Brussels, 24 October 2022
(OR. en)

Interinstitutional File:
2021/0426(COD)

13280/22
COR 1

ENER 496
ENV 1055
TRANS 661
ECOFIN 1075
RECH 559
CODEC 1578
IA 159

NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	15088/21 +ADD1
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast) - General approach

In the document ST 13280/22 INIT, there were differences in the text when compared to the Presidency Compromise presented at the Coreper meeting of 19 October.

Therefore, in ST 13280/22 INIT:

1. On page 16, the last sentence of recital 19:

“All new buildings should be zero-emission buildings, and all existing buildings should be transformed into zero-emission buildings by 2050.”

should read:

“All new buildings should be zero-emission buildings ➡ by 2030 ◐ , and ➡ [...] ◐ existing buildings should be transformed into zero-emission buildings by 2050.”

2. On page 39, in Article 2, paragraph (5):

“5. ‘public bodies’ means ‘contracting authorities’ as defined in Article 2(1) of Directive 2014/24/EU of the European Parliament and of the Council¹,”

should read:

“5. ‘public bodies’ means ➔ [...] ➔ public bodies within the meaning of Article. 2(10) of [recast EED] ➔ ;”

3. On page 47, in Article 2, paragraph (46):

“46. ‘reference floor area’ means the floor area used as reference size for the assessment of the energy performance of a building, calculated as the sum of the useful floor areas of the spaces within the building envelope specified for the energy performance assessment;”

should read:

“46. ➔ [...] ➔ ”

¹ OJ L 94, 28.3.2014, p. 65.

4. On page 57, Article 3, paragraph (8):

“8. Each Member State shall include in its integrated national energy and climate progress reports, in accordance with Articles 17 and 21 of Regulation (EU) 2018/1999, information on the implementation of the national targets referred to in paragraph 1, point (b) of this Article and the contribution of the building renovation plan to achieving the Member State's binding national target for greenhouse gas emissions pursuant to Regulation (EU) .../... [revised Effort Sharing Regulation], the Union's energy efficiency targets in accordance with Directive (EU) .../... [recast EED], the Union's renewable energy targets, including the indicative target for the share of energy from renewable sources in the building sector in accordance with Directive (EU) 2018/2001 [amended RED], and the Union's 2030 climate target and 2050 climate neutrality goal in accordance with Regulation (EU) 2021/1119.”

should read:

“8. Each Member State shall include in its integrated national energy and climate progress reports, in accordance with Articles 17 and 21 of Regulation (EU) 2018/1999, information on the implementation of the national targets referred to in paragraph 1, point (b) of this Article ☞ [...] ☞.”

5. On page 63, Article 7, paragraph (1), point (a):

“(a) as of 1 January ☞ [...] ☞ 2028 ☞ , new buildings occupied or owned by public ☞ [...] ☞ ☞ bodies ☞ ; and”

should read:

“(a) as of 1 January ☞ [...] ☞ 2028 ☞ , new buildings ☞ [...] ☞ owned by public ☞ [...] ☞ ☞ bodies ☞ ; and”

6. On page 65, Article 7, paragraph (3):

“3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to ~~to [...]~~ ~~to~~ amend this Directive in order to adapt Annex III to technological progress and innovation, to set adapted maximum energy performance thresholds in Annex III to renovated buildings and to adapt the maximum energy performance thresholds for zero-emission buildings.”

should read:

“3. The Commission is empowered to adopt delegated acts in accordance with Article 29 to ~~to [...]~~ ~~to~~ amend this Directive in order to adapt Annex III to technological progress and innovation ~~to [...]~~ ~~to~~.”

7. On page 72, in Article 9, paragraph (6), after point (e), a new point (f) should be added:

“~~to~~ (f) buildings owned by the armed forces or central government and serving national defence purposes, apart from single living quarters or office buildings for the armed forces and other staff employed by national defence authorities. ~~to~~”

8. On page 132, in Annex I, paragraph 2, the third subparagraph:

“The calculation of primary energy shall be based on primary energy factors, ~~to~~ (distinguishing non-renewable, renewable and total) ~~to~~ ~~or weighting factors~~ ~~to~~ ~~or~~ ~~weighting factors~~ per energy carrier, which ~~to~~ have to be recognised by the national authorities. Those primary energy factors ~~to~~ may be based on national, regional or local ~~to~~ information. Primary energy factors may be set on an ~~to~~ annual, ~~and possibly also~~ seasonal, ~~or~~ monthly, ~~to~~ daily or hourly basis ~~to~~ ~~weighted averages~~ or on more specific information made available for individual district ~~to~~ systems ~~to~~ system.”

should read:

“The calculation of primary energy shall be based on primary energy factors,
⇒ (distinguishing non-renewable, renewable and total) ~~or weighting factors~~ ~~or~~
~~weighting factors~~ per energy carrier, which ⇒ have to be recognised by the national
authorities. Those primary energy factors ⇐ may be based on national, regional or local
⇒ information. Primary energy factors may be set on an ⇐ annual, ~~and possibly also~~
seasonal, ~~or~~ monthly, ⇒ daily or hourly basis ⇐ ~~weighted averages~~ or on more specific
information made available for individual district ~~systems~~ ~~system~~.”
