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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/31/EU on the energy performance of buildings - Mandate for the second trilogue

The Permanent Representative Committee is invited to take note of some changes in the Annex to document 14707/17 INIT.

These changes relate to either editorial typos (underlined in yellow) or better drafting of pathway options A and B in AM 61-62 (delegated/implementing acts) as follows:

- In Article 8 – paragraph 5 - AM 60, Presidency's compromise proposal should read:

"5. Member States shall ensure that, when a technical building system is installed, replaced or upgraded, the overall energy performance of **the altered part, and where relevant of the complete altered system at full load and at part load is assessed**. The results shall be documented ~~it~~ and passed on to the building owner, so that ~~it~~ **they** remains available **and can be used** for the verification of compliance with the minimum requirements set pursuant to paragraph 1 and the issue of energy performance certificates. **Without prejudice to Article 12,** Member States shall [] **decide whether to require the issue of a new** energy performance certificate[]."

- In Article 8 – paragraph 5 - AM 60, Presidency's compromise on paragraph 5a has been deleted and moved to pathway options A and B in AM 61.
- In Article 8 – paragraph 6 – subparagraph 1- AM 61, pathway option A has been reformulated as follows:

"6. The Commission shall, by 31 December 2019 and after having consulted the relevant stakeholders, adopt a delegated act in accordance with article 23 and Annex Ia point (1) supplementing this Directive by establishing **an optional** common European Union scheme for rating the smart readiness of buildings (smart readiness indicator). Member States may recognise or use the scheme by adapting it to national circumstances. The scheme for rating the smart readiness of a building shall be voluntary for both building owners and Member States.

6a. The Commission shall, by 31 December 2019 and after having consulted the relevant stakeholders, adopt an implementing act establishing a methodology to calculate the smart readiness indicator and providing technical input on the modalities for its effective implementation, including a timeline for a non-committal test-phase at national level, in accordance with Annex Ia (2 to 5).

That act shall be adopted in accordance with the examination procedure referred to in Article 26."

- In Article 8 – paragraph 6 – subparagraph 1- AM 61, pathway option B should read:

"6. The Commission shall, by 31 December 2019 and **after having consulted** the relevant **stakeholders**, adopt a **delegated act** **in accordance with Article 23 and Annex Ia point (1 to 5)** on an *optional* European Union scheme for rating the smart readiness of buildings, to assess 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. The scheme shall":

- In Article 8 – paragraph 6 – subparagraph 2 - AM 62, Presidency's compromise proposal should read:

*"a) include the definition of a smart readiness indicator,
b) establish a methodology to calculate it,
c) provide technical input on the modalities for its effective implementation, including a timeline for a non-committal test-phase, at national level, and
d) clarify the indicator's complementary relation to the energy performance certificates referred to in Article 11.*

Member States may recognise or use the scheme by adapting it to national circumstances. The scheme for rating the smart readiness of a building shall be voluntary for both building owners and Member States."

- In Article 14 – paragraph 1 - AM 66, , first period of pathway option A should read:

"2a. As an alternative to paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of heat generators, other modifications to the heating system and alternative solutions to assess the efficiency and appropriate size of the heating system. The overall impact of such an approach shall be equivalent to that arising from the provisions set out in paragraph 1.

- In Article 14 – paragraph 1, 2a - AM 66, first period of pathway option B should read:

"2a. As an alternative to paragraph 1, Member States may opt to take measures to ensure the provision of advice to users concerning the replacement of heat generators, other modifications to the heating system and alternative solutions to assess the efficiency and appropriate size of the heating system. The overall impact of such an approach shall be equivalent to that arising from the provisions set out in paragraph 1.

- In Annex Ia (new), point 1 and 2a - AM 86, Presidency's compromise proposal should read:

1. The smart readiness indicator shall allow to assess 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. The indicator shall cover features for enhanced energy savings, benchmarking and flexibility, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices.

2a. The methodology shall rely on three key functionalities relating to the building and its technical building systems:

- (a) the ability to maintain ~~efficiently,~~ **high energy efficiency** performance and operation **of the building** through the adaptation of energy consumption ~~and a greater use of energy from renewable sources (electricity and heat);~~
 - (b) the ability to adapt its operation mode in response to the needs of the occupant ensuring ~~high standards of indoor health and climate conditions,~~ paying due attention to the availability of user-friendliness ~~y displays and remote controllability and reporting of indoor air quality and energy use;~~ and
 - (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 ~~for example by indicating the degree of the building's load that can be shifted and the capacity of flexibility that can be delivered to the grid.~~
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