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Eduskunta
Ympäristövaliokunta
YmV@eduskunta.fi

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VALTIONEUVOSTON KIRJELMÄ EDUSKUNNALLE EHDOTUKSESTA EUROOPAN PARLAMENTIN JA NEUVOSTON DIREKTIIVIKSI (RAKENNUSTEN ENERGIATEHOKKUUSDIREKTIIVIN MUUTTAMINEN)

Suomen Kiinteistöliitto ry (Kiinteistöliitto/Suomen Kiinteistöliitto) kiittää mahdollisuudesta tulla kuulluksi valtioneuvoston kirjelmästä eduskunnalle ehdotuksesta rakennusten energiatehokkuusdirektiivin muuttamisesta.

Suomen Kiinteistöliitosta

Kiinteistöliitto on kiinteistönomistajien edunvalvoja ja kiinteistöalan asiantuntijaorganisaatio. Kiinteistöliittoon kuuluu 23 alueellista kiinteistöyhdistystä, joiden jäsenkunta muodostuu pääasiallisesti asunto-osakeyhtiöistä. Kiinteistöliiton jäsenistöön kuuluu myös vuokrataloyhtiöitä. Alueellisten kiinteistöyhdistysten jäsenistöön kuuluu yhteensä noin 26 000 asunto- tai kiinteistöosakeyhtiötä.

Lisäksi Kiinteistöliittoon kuuluu Suomen Vuokranantajat ry, jossa on jäseninä yli 10 000 yksityishenkilöä tai muuta tahoa, jotka vuokraavat asuin- ja liikehuoneistojaan asunto- ja kiinteistöosakeyhtiöissä.

Jäsenkuntamme piiriin kuuluu arviolta noin 2 miljoonaa suomalaista.

Yleistä esityksestä

Komission ehdotuksessa esitetään muutettavaksi erityisesti rakennusten energiatehokkuusdirektiivin artikloita 2, 6, 7, 8, 10, 14 ja 15 sekä direktiivin liitteitä I ja II.

Kiinteistöliitto pitää tärkeänä energiatehokkuuden parantamista ja haluaa olla mukana ***edistämässä energian tehokasta käyttöä*** asumisessa ja rakentamisessa. Mielestämme vaadittavien toimenpiteiden on ***oltava aina kustannustehokkaita***. Asettavien vaatimusten ei ***tule aiheuttaa kohtuutonta rasitetta kansalaisille*** esimerkiksi nousevien asumiskustannusten muodossa.

Kannamme huolta direktiivitason sääntelyn muuttumisesta entistäkin yksityiskohtaisempaan ja joustamattomampaan suuntaan. Jäsenvaltiot ovat rakennusten omistussuhteiltaan, ominaisuuksiltaan ja energiatehokkuuden tasolta hyvin eri lähtökohdissa, jolloin kansallisten ominaispiirteiden huomioonottaminen on välttämätöntä.

Omistajat ovat Suomessa tietoisesti parantaneet rakennustensa energiatehokkuutta jo ennen minkäänlaisia korjausrakentamisen energiatehokkuusvaatimuksia. Konkreettinen osoitus

Suomen Kiinteistöliitto ry
Annankatu 24
00100 Helsinki
Puh. (09) 1667 6761
Faksi (09) 1667 6400
Y-tunnus 0307769-5
Nordea 127030-60512
IBAN FI3612703000060512
BIC NDEAFIHH
www.kiinteistoliitto.fi
www.taloyhtio.net

vaikutusten syntymisestä on helsinkiläisten 1950-1980- luvulla rakennettujen kerrostalojen kaukolämmön keskimääräisen ominaiskulutuksen aleneminen noin 15-20 prosentilla vuodesta 2003 vuoteen 2013. Ensimmäiset korjausrakentamisen vaatimukset astuivat voimaan syksyllä 2013, joten ilman normiohjaustakin on saatu merkittäviä parannuksia aikaan.

Olemme valtioneuvoston kanssa samaa mieltä siitä, että direktiivin kansalliseen voimaansaattamiseen tulisi varata vähintään kaksi vuotta komission ehdottaman yhden vuoden sijaan. Aikaisemmat lainsäädäntöhankkeet ovat konkreettisesti osoittaneet, että yksi vuosi on liian lyhyt aika huolelliselle ja korkeatasoiselle kansallisen lainsäädännön uudistamiselle.

Olemme käsitelleet seuraavassa tarkemmin jäsenistömme kannalta kaikkein keskeisimpiä komission muutosehdotuksia. Eurooppalaisten yksityisten kiinteistönomistajien näkökulmia ja parannusehdotuksia komission esitykseen on käsitelty tarkemmin työpaperissa *'Private Real Estates's Position on the Proposal for a Directive Amending the Energy Performance of Buildings Directive 2010/31/EU*[1]*'*. Kiinteistöliitto on ollut aktiivisesti mukana valmistelemassa kyseistä työpaperia, joka on tämän lausunnon liitteenä.

Pitkän aikavälin rakennusten peruskorjausstrategia (uusi 2 a artikla)

Olemme valtioneuvoston kanssa samaa mieltä, että olisi perusteltua siirtää pitkän aikavälin peruskorjausstrategiaa koskeva säännös energiatehokkuusdirektiivistä rakennusten energiatehokkuusdirektiiviin.

Kannamme kuitenkin huolta komission mainitseman *'vähähiilisen rakennuskannan'* määrittelystä. Vähähiilisyys tulee määrittää jäsenvaltiotasolla ja välitavoitteiden ja politiikkatoimenpiteiden asettamisessa ***on otettava huomioon kustannustehokkuus ja energia- ja ilmastostrategia*** kokonaisuudessaan. Direktiivin edellyttämän pitkän aikavälin suunnitelman ei tule ohjata osaoptimointiin, vaan tukea koko yhteiskunnan energiatehokkuuden parantamista ja päästöjen vähentämistä kustannustehokkain keinoin.

Pidämme komission artiklan 2 a momentin 3 ehdotusta investointipäätösten ohjaamisesta ja helpottamisesta kannatettavana.

Sähköiseen liikkumiseen liittyvä infrastruktuuri (8 artiklan 2 kohta)

Komissio ehdottaa lisättäväksi direktiiviin uutena aihepiirinä velvoitteet rakennusten varustamiseksi sähköisten ajoneuvojen latauspisteisiin liittyvällä infrastruktuurilla.

Kiinteistöliiton mielestä sähköautojen yksityisten latauspisteiden edistäminen on tapahduttava markkinalähtöisesti. Vain näin varmistetaan, että latauspisteiden kysyntä ja tarjonta kohtaavat. Tällöin latauspisteiden toteuttaminen tapahtuisi myös loppukäyttäjän näkökulmasta käyttäjälähtöisellä ja kustannustehokkaalla tavalla, eikä lainsäädännöllä estettäisi innovaatioiden syntymistä.

[1] 'Private Real Estates's Position on the Proposal for a Directive Amending the Energy Performance of Buildings Directive 2010/31/EU. 23.01.2017. EPF, UIPI, EHHA, ELO and TEGoVA, 2017.

Suomen Kiinteistöliitto ry
Annankatu 24
00100 Helsinki
Puh. (09) 1667 6761
Faksi (09) 1667 6400
Y-tunnus 0307769-5
Nordea 127030-60512
IBAN FI3612703000060512
BIC NDEAFIHH
www.kiinteistoliitto.fi
www.taloyhtio.net

Direktiivin säännösten tulisi olla joustavia, ei liian teknisiä yksityiskohtia sisältäviä ja mahdollista toteuttaa kohtuullisin kustannuksin, kuten valtioneuvosto osuvasti linjaa. Säännösten on mahdollistettava teknisten ratkaisujen ja markkinoiden kehittyminen. Vaihtoehtoisten polttoaineiden infrastruktuurin käyttöönotosta annetussa direktiivissä (2014/94/EU) todetaan sähköisen liikenteen olevan nopeasti kehittyvä ala mukaan lukien latausteknologiat ja lainsäädännöllä ei saa estää teknisisiä innovaatioita. Tätä ohjenuoraa tulisi noudattaa myös pohdittaessa rakennusten energiatehokkuusdirektiivin kehittämistä.

Olemme siltä osin valtioneuvoston kanssa samaa mieltä, että direktiivissä voitaisiin asettaa lähtökohtaisesti vaatimuksia uudisrakennuksille. Katsomme kuitenkin, että ***vaatimukset tulisi asettaa vain uudisrakennuksille ja vaatimustasona tulisi olla kaikissa tapauksissa vain kaapeloinnin valmistelu latauspisteiden mahdollista asentamista varten***.

Kiinteistöliitto katsoo, ettei laajamittaisten korjausten yhteydessä tulisi lainsäädännöllä edellyttää varautumista sähköautojen lataamiseen. Laajamittaiset korjaukset eivät useimmiten liity mitenkään pysäköintipaikkoihin. Lainsäädäntö toisi näin ylimääräisiä lisäkustannuksia, jotka pahimmassa tapauksessa voivat estää koko korjaushankkeen toteutumisen tai aiheuttaa projektin pilkkomisen pienempiin osiin. Tällöin saatetaan menettää todellinen mahdollisuus parantaa rakennuksen energiatehokkuutta, esteettömyyttä tai sisäilman laatua.

Suomessa rakennuksen maantieteellinen sijainti vaikuttanee todelliseen tarpeeseen sähköautojen lataukselle. Ehdoton vaatimus varautua sähköautojen lataamiseen laajamittaisen korjaamisen yhteydessä voi aiheuttaa tilanteen, jossa investoidaan tekniikkaan, jota ei koskaan oteta käyttöön.

Mielestämme latauspisteiden rakentamista taloyhtiöihin edistetään tehokkaimmin mahdollistamalla sujuva päätöksenteko muun muassa hyvällä informaatio-ohjauksella.

Älykkäitä ratkaisuja koskeva indikaattori, ”smartness indicator” (8 artiklan uusi 6 kohta)

On oikein, että valtioneuvosto suhtautuu vähintäänkin varauksellisesti älykkäitä ratkaisuja koskevaan indikaattoriin ja komissioon haluun saada valta antaa delegoituja säädöksiä kyseiseen asiaan liittyen. Mielestämme kyseisestä indikaattorista, sen sisällöstä ja käytöstä tulisi käydä laaja julkinen keskustelu ennen sisällyttämistä EU-tason lainsäädäntöön. Näin ollen ***Kiinteistöliitto katsoo, että kyseinen kohta tulisi jättää kokonaan pois direktiivistä, eikä komissiolle tule antaa avointa valtakirjaa indikaattorin osalta***.

Pidämme älykkäiden ratkaisujen edistämistä kuitenkin tärkeänä. Komission esittämä keino ei ole kuitenkaan oikea tapa viedä asiaa eteenpäin. Komissio ajattelee indikaattorin tarjoavan hyödyllistä lisätietoa mahdollisille uusille vuokralaisille tai ostajille. Historia osoittaa, ettei tämän tyyppiset indikaattorit tai luokitukset oikeasti kiinnosta ihmisiä. Esimerkiksi energiatodistuksella ei ole käytännössä mitään arvoa vuokraus- tai ostotilanteessa, vaan muut asiat ovat ratkaisevia päätöksenteossa. Näin ollen uusilla indikaattoreilla ei tule luoda lisää byrokratiaa ja kustannuksia rakennusten omistajille.

Suomen Kiinteistöliitto ry
Annankatu 24
00100 Helsinki
Puh. (09) 1667 6761
Faksi (09) 1667 6400

Y-tunnus 0307769-5
Nordea 127030-60512
IBAN FI3612703000060512
BIC NDEAFIHH

www.kiinteistoliitto.fi
www.taloyhtio.net

Älykkäitä ratkaisuja on edistettävä teknologioilla ja palveluilla, jotka aidosti tuottavat lisäarvoa loppukäyttäjälle, rakennuksen omistajalle ja yhteiskunnalle. Tätä kautta pystytään vaikuttamaan myös energian tehokkaaseen käyttöön ja vähentämään päästöjä. Älykkäitä ratkaisuja edistetään esimerkiksi älykkäiden sähköverkkojen ja niihin liittyvien teknisten ratkaisujen ja asiakaslähtöisten tuotteistettujen palvelujen avulla – ei luomalla uusia indikaattoreita paperille painettavaksi.

Energiatodistusten käyttöön liittyvät muutokset (10 artikla)

Pidämme mahdollisia julkisia taloudellisia kannusteita hyvänä asiana ja hyväksyttävänä niiden sitomista energiantehokkuuden parantamiseen. ***Kiinteistöliitto katsoo kuitenkin, ettei energiatehokkuuden parantamisen osoittamista tulisi sitoa energiatodistuksiin***.

Energiatodistusten laatua ja luotettavuutta olisi parannettava huomattavasti ennen kuin niitä voitaisiin käyttää päätöksenteossa taloudellisten kannusteiden osalta. Lisäksi tulisi olla myös muita mahdollisuuksia osoittaa energiatehokkuuden parantuminen.

Lämmitysjärjestelmien ja ilmastointijärjestelmien tarkastus (14 ja 15 artikla)

Komission ehdotuksessa artikloihin 14 ja 15 liittyvät muutokset ovat epäselviä ja vaikeasti tulkittavia. Komission ehdotuksesta ei käy yksiselitteisesti ilmi esimerkiksi millaisiin lämmitysjärjestelmiin vaatimukset kohdistuvat ja kuinka asuinrakennusten osalta määritetään kynnysrajana oleva tehoarvo. Epäselvää on, mitä käytännössä ehdotuksessa tarkoitetaan tarkastuksille vaihtoehtoisilla vaatimuksilla, esimerkiksi asuinrakennusten varustaminen jatkuvalla sähköisellä seurannalla ja tehokkailla valvontatoimilla.

Valtioneuvoston kirjelmässä on tulkittu tarkastusvaatimusten kohdistuvan jatkossakin vain rakennuksiin, joissa on öljy-, biopolttoaine- tai kaasukäyttöinen lämmityskattila. Haluamme esittää huolemme, voidaanko komission ehdotusta tulkita yksiselitteisesti koskettavan vain lämmityskattiloita. Tämä tarkoittasi sitä, että komissio haluaa lieventää kyseisen kohdan vaatimuksia.

Komission ehdotuksessa on viittauksia esimerkiksi asuinrakennusten osalta keskitettyyn tekniseen järjestelmään. Mielestämme on olemassa riski, että komissio tarkoittaakin kaikkia keskitettyjä lämmitysjärjestelmiä, joiden kumuloitu nimellisteho on yli 100 kW. Lisäksi on epäselvää, mitä käytännössä tarkoitetaan kumuloidulla nimellisteholla – varsinkin komission ehdottaessa laajennettavaksi teknisten järjestelmien määritelmää. Tarkoitetaanko kumuloidulla nimellisteholla vain tilojen lämmitystä vai sisältääkö se lämpimän käyttöveden vaikutuksen vai jopa kaikkien teknisten järjestelmien yhteenlasketun nimellistehon.

Jos komission tulkinta tarkoittaisi kaikkia keskitettyjä lämmitysjärjestelmiä ja koko rakennuksen teknisten järjestelmien yhteenlaskettua nimellistehoa, tulisi soveltamisen piiriin jo muutaman huoneiston asuinrakennukset. Taloudelliset vaikutukset suomalaisille taloyhtiöille olisivat tällöin merkittävät. Kiinteistöliitto pitää tärkeänä, ettei tarkastusvaatimuksilla luoda merkittäviä kustannuksia rakennusten omistajille ja tätä kautta lisäpaineita muun muassa asumiskustannusten nousulle.

Suomen Kiinteistöliitto ry
Annankatu 24
00100 Helsinki
Puh. (09) 1667 6761
Faksi (09) 1667 6400

Y-tunnus 0307769-5
Nordea 127030-60512
IBAN FI3612703000060512
BIC NDEAFIHH

www.kiinteistoliitto.fi
www.taloyhtio.net

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Pitäisimme perusteltuna, ettei tarkastusvaatimusta laajenneta muihin teknisiin ratkaisuihin, vaan ***vaatimukset kohdistuisivat nykykäytännön mukaisiin kohteisiin, esimerkiksi lämmityksen osalta vain ja ainoastaan lämmityskattiloihin***. Kannatamme valtioneuvoston näkemystä siitä, että rakennuksen omistajalla on oltava mahdollisuus joustavasti valita tarkastusmenettely tai sille vaihtoehtoinen toimintatapa.

Annamme mielellemme lisätietoja lausunnostamme.

Kunnioittavasti,

Suomen Kiinteistöliitto ry

Jukka Kero *Petri Pylsy*

Jukka Kero
pääekonomisti

Petri Pylsy
johtava asiantuntija (energia ja ilmasto)

Suomen Kiinteistöliitto ry
Annankatu 24
00100 Helsinki
Puh. (09) 1667 6761
Faksi (09) 1667 6400

Y-tunnus 0307769-5
Nordea 127030-60512
IBAN FI3612703000060512
BIC NDEAFIHH

www.kiinteistoliitto.fi
www.taloyhtio.net

23 JANUARY 2017

PRIVATE REAL ESTATE'S POSITION ON THE PROPOSAL FOR A DIRECTIVE AMENDING THE ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE 2010/31/EU

COM(2016) 765 FINAL OF 30 NOVEMBER 2016

2016/0381 (COD)

European Historic Houses Association (EHHA)

European Landowners' Organization (ELO)

European Property Federation (EPF)

International Union of Property Owners (UIPI)

The European Group of Valuers' Associations (TEGoVA)

KEY MESSAGES

In order to reach the Union's ambitious 30% binding energy efficiency target by 2030 and to move toward a decarbonised building stock by 2050 as proposed by the European Commission, great efforts will be required of building owners.

Over the past two decades, our members have worked toward improving the energy performance of European buildings. We shall continue. **However, to preserve the stability of our sector and guarantee that European citizens can have access to affordable housing, building and renovation outlays need to remain cost-effective and affordability should be a constant concern.**

Therefore, ahead of the debates in Council and Parliament, we urge Member States and Members of the European Parliament to strike the right balance between costs and benefits in the area of energy efficiency.

To do so, we consider that some of the requirements for buildings included in this Proposal need particular attention and substantial revision during the legislative process.

1 EQUIPMENT OF ONE IN TEN PARKING SPACES IN NON-RESIDENTIAL BUILDINGS WITH A RECHARGING POINT FOR ELECTRIC VEHICLES

It is not politically acceptable for EU law to use public and private owners as venture capitalists for technological and economic outcomes with uncertain timelines.

This provision has three flaws: it fails to mitigate the burden for SMEs, it entails massive and costly disruption to the existing parking space economy and it is an obstacle to future technological developments in the field of electro-mobility.

See comments on Article 8 (2)

2 PRE-CABLING IN NEW BUILDINGS AND IN BUILDINGS UNDERGOING MAJOR RENOVATION

It is politically risky for the EU to impose parking space renovation whenever a building undergoes major renovation as often the renovation will not touch the parking area. EU law promoting electro-mobility should not do so by creating direct unwanted extra expense for tens of millions of EU citizens.

Non-residential building owners can handle pre-cabling upon major renovation as long as the renovation includes the parking area, but the burden on residential owners must be limited to pre-cabling of the parking areas in new buildings.

See comments on Article 8 (3)

3 ON-DEMAND SOLUTIONS TO PROMOTE THE DEPLOYMENT OF ELECTRO-MOBILITY WITHOUT CREATING UNNECESSARY BURDENS AND LIMITING HOUSING AFFORDABILITY

We propose an on-demand solution ensuring that:

- If a tenant or co-owner requires adjustments to the property to make it suitable for electro-mobility, then the owner or co-owners cannot 'unreasonably' oppose;
- The owner or other co-owners do not have to pay for the adjustments and associated costs.

See our proposed Article 8 (3) bis

4 INTRODUCTION OF A 'BUILDING SMARTNESS INDICATOR'

A 'Building Smartness Indicator' demands considerable public discussion before being tabled as EU or even national law. Under no circumstances should it be pushed through as an EU delegated act procedure.

The Commission's objective is to have the smartness indicator included on the energy performance certificate (EPC). We have already brought our governments' attention to the grave dissatisfaction of EU citizens with EPCs that in many countries contain useless or generic 'tick-box' information from consultants lacking in time or training. The solution is to keep EPCs simple and focussed on the energy performance indicator. A 'smartness indicator' coming on top of this will be distracting even if it is based on sound and relevant data, which the Commission is anyway not competent to compile.

We also have the gravest reservations about whether data protection can be adequately ensured.

See comments on Article 8 (6)

5 LINKING FINANCIAL INCENTIVES TO ENERGY PERFORMANCE CERTIFICATES

There are three reasons for deletion of this provision:

1. There is no objective reason for state subsidy decisions to be based solely on the energy performance certificates (EPCs) provided for under this Directive. Energy audits for large buildings (as provided for in Art. 8 of the Energy Efficiency Directive) and the plethora of international, national and regional certificates of environmental excellence on the market (LEED, BREAM, Nordic Swan, KFW, etc.) are far superior, more reliable and have greater market acceptance than EPCs.
2. Such a scheme allows only for *a posteriori* payment of the financial incentives to the building owner, which is highly counter-productive in terms of energy efficiency results as many owners will do nothing without up-front payment.
3. The current widespread poor quality and unreliability of EPCs does not enable them to be

a basis for funding decisions. They first need to be improved before funding conditionality can kick in.

See comments on Article 10 (6)

6 THRESHOLD FOR EQUIPPING NON-RESIDENTIAL BUILDINGS WITH BUILDING AUTOMATION AND CONTROL SYSTEMS

It is a mistake to generalise these systems for smaller buildings. There is a fundamental difference between passive elements (e.g. windows) that once installed can save energy during a long period, independently of maintenance or human action, and a Building Management System based on active technologies with low life span, requiring professional maintenance and frequent human intervention.

If these systems are mandatory for the low levels of consumption of smaller buildings, they will probably be seen as an obligation without effective use, leading to the installation of cheap systems, without commissioning maintenance. This is sure to have low or zero impact on energy consumption and generate huge amounts of electronic waste. Therefore, a change in the threshold from 250 to 1000 MWh is proposed.

See comments on Articles 14 (2) and 15 (2)

7 THRESHOLD FOR EQUIPPING RESIDENTIAL BUILDINGS WITH CENTRALISED TECHNICAL BUILDING SYSTEMS

With this alternative obligation, EU law would be creating a direct financial burden on millions of private citizens who are building owners as the 100 kW threshold means coverage of the entire European stock of buildings with 3-or-more flats.

Considering the significant cost of such systems and the long payback period for buildings with a centralised technical building system of a cumulated effective rated output of 100 kW, setting the threshold at 500 kW is more proportionate and the investment would be better justified.

See comments on Articles 14 (3) and 15 (3)

DETAILED OBSERVATIONS

Article 2a (3)

Member States' guide to investment decisions

Commission Proposal

3. To guide investment decisions as referred to in point (d) in paragraph 1, Member States shall introduce mechanisms for:
   (a) the aggregation of projects, to make it easier for investors to fund the renovations referred to in points (b) and (c) in paragraph 1;
   (b) de-risking energy efficiency operations for investors and the private sector; and
   (c) the use of public funding to leverage additional private sector investment or address specific market failures.

COMMENT ON ART. 2a (3)

The parties to this Position consider the newly added paragraph 3 of Article 2a on guiding investment decisions to be a very helpful contribution to facilitating private sector investment. It should be retained.

Article 8 (2)

Installing electric vehicle charging stations in non-residential buildings

Commission Proposal	Suggested amendments
2. Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, at least one of every ten is equipped with a recharging point within the meaning of Directive 2014/94/EU on the deployment of alternative fuels infrastructure, which is capable of starting and stopping charging in reaction to price signals. This requirement shall apply to all non-residential buildings, with more than ten parking spaces, as of 1 January 2025.	~~2. Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, at least one of every ten is equipped with a recharging point within the meaning of Directive 2014/94/EU on the deployment of alternative fuels infrastructure, which is capable of starting and stopping charging in reaction to price signals. This requirement shall apply to all non-residential buildings, with more than ten parking spaces, as of 1 January 2025.~~
Member States may decide not to set or apply the requirements referred to in the previous subparagraph to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003.	~~Member States may decide not to set or apply the requirements referred to in the previous subparagraph to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003.~~

JUSTIFICATION FOR DELETION OF ART.8 (2)

It is not politically acceptable for EU law to use public and private owners as venture capitalists for technological and economic outcomes with uncertain timelines. **EU law creating direct cost burdens must be designed to avoid imposing an unsolicited risk of economic loss for the building owner.** The Proposal for a Directive fails to achieve this both in the text of the Directive and in the Impact Assessment that underpins it.

This provision has three flaws:

1. It fails to mitigate the burden for SMEs.
2. It entails massive and costly disruption to the existing parking space economy.
3. It is an obstacle to future technological developments in electromobility.

The consequences of this provision are so extreme that the problem cannot be solved by playing with the statutory deadline.

1. The attempt to mitigate the burden for SMEs fails completely

Paragraph 2 intended to mitigate the burden for SMEs is a non-starter, failing completely to apprehend the complexities of the real estate economy and legal order. According to the provision, member states would be free not to apply the requirements to "buildings owned and occupied by SMEs". That means that the following would *not* be exempted:

- buildings owned by SMEs and occupied by large companies or by a mixture of SMEs and large companies;
- buildings owned by large companies but occupied by SMEs;
- and very probably buildings owned by SMEs (landlords) but occupied by other SMEs (tenants) as the Commission was probably thinking of SME owner occupiers.

Nor does it suffice to replace "buildings owned and occupied by SMEs" with 'buildings owned ***or*** occupied…', because the reality is too complex – building ownership and tenancy change all the time, especially for SMEs that grow or shrink with corresponding shifts in their legal status and real estate requirements which means that the Energy Performance of Buildings Directive (EPBD) electro-mobility charging point status of the building will change at the same rate. This will be a drag not just on SMEs and real estate business but on electro-mobility investment itself which requires legal and business clarity and stability.

2. A massive and costly disruption to the existing parking space economy

In most commercial buildings parking spaces are assigned to specific tenants, without having any "free/non-assigned" additional spots available. Introducing the obligation to make 1 out of 10 a spot with electric charging would also mean depriving one of the tenants of his assigned spot. As space is limited, most buildings would not allow for the creation of an 11th spot without making major changes to the building structure.

3. A rigid, top-down provision unsuited to EU regulation that risks "insulting the future" of electric mobility

Member states, regions and municipalities are currently developing electro-mobility policies. Not only must these not be harmonised, they must benefit from one of the signal advantages of sub-Union government – the capacity to adapt policy with speed, and this for two reasons: technological and political.

The technological challenge is well stated in Recital 25 of Directive 2014/94/EU on the deployment of alternative fuels infrastructure:

"Electro-mobility is a fast-developing area. Current recharging interface technologies include cable connectors, but future interface technologies such as wireless charging or battery swapping need to be considered as well. Legislation needs to ensure that technological innovation is facilitated. …"

Put more bluntly and politically, EU law with all its inbred inertia must not impose on one of many operators in the electro-mobility economy – real estate – one particular possible solution that risks being outdated before it is amortised.

On the contrary, the planning authority should conduct an analysis of existing public electrical recharging provision in the local area – do sufficient recharging points already exist? Once these aspects have all been examined, and if it is still deemed reasonable to provide electrical recharging points, the local authority can then decide on its electric recharging installation policies for new developments, general renovations and parking lot refurbishments.

Clearly no such minutia should even be outlined at EU level. Nor must an overarching provision such as Article 8(2) ride roughshod over member states' and regional and local authorities' freedom of political and administrative choice.

Bottom line:

All of the above is the consequence of gross political overreach by the Commission which should never have ventured into such prescriptive detail over building, planning and the real estate economy.

It is not for the EU political authority to decide which economic operator is to bear the burden of risk of investment in an emerging technology or to micromanage the business environment in order to pursue one of many options in achieving a political objective.

Article 8 (3) Pre-cabling for electric vehicle charging stations in residential buildings	
Commission Proposal	**Suggested amendments**
3. Member States shall ensure that newly built residential buildings and those undergoing major renovations, with more than ten parking spaces, include the pre-cabling to enable the installation of recharging points for electric vehicles for every parking space.	3. Member States shall ensure that ~~newly built residential~~ ***new*** buildings ~~and those undergoing major renovations,~~ with more than ten parking spaces, include the pre-cabling to enable the installation of recharging points for electric vehicles for every parking space. ***4. Member States shall ensure that non-residential buildings with more than ten parking spaces undergoing major renovation that includes the parking area include the pre-cabling to enable the installation of recharging points for electric vehicles for every parking space.***

JUSTIFICATION FOR AMENDMENT TO ART. 8 (3) AND NEW PAR. 4

Real estate is at the centre of an increasing EU governance problem as EU law is now imposing direct burdens on homeowners, small office and shop owners and small residential and commercial landlords. Nowhere has this been more obvious than with EU energy efficiency legislation for buildings, based on fallacious calculations of 'pay-back for investment' made by Commission consultants, whereas on the ground homeowners, landlords and shopkeepers see only extra and useless expense, inaccurate and increasingly expensive energy performance certificates being a case in point as demonstrated by the Finnish Citizens' Initiative to abolish the energy performance certificate for detached housing.

Article 8(3) of the current Proposal shows that the European Commission and its impact assessment consultants have remained oblivious to this problem.

It is politically risky for the EU to impose parking space renovation whenever a building undergoes major renovation as defined in the Directive (total cost of renovation higher than 25% of value of building or more than 25% of building envelope renovated) **as often the renovation will not touch the parking area. EU law should not promote electro-mobility by creating direct extra expense for tens of millions of EU citizens.**

The Commission's limitation of the parking space renovation requirement to buildings with more than ten parking spaces demonstrates complete lack of understanding of building ownership structures across the Union. Millions of residential buildings with more than ten parking spaces are either housing companies, co-operatives or condominium co-ownership.

The burden on residential owners must be limited to pre-cabling of the parking areas in new buildings so as to avoid any risk of extra, unsolicited expense.

The Proposal is founded on a flawed Impact Assessment (IA), characterised by underestimation of, and no clear reference to, the costs of **'**pre-cabling' 'for every parking space' in existing buildings. The IA mentions (p. 89, referring to measure 3C) that "*for new buildings, the costs to leave the necessary recesses in the infrastructure are considered to be totally marginal*" and pursues by stating that "*when electric pre-cabling is also mandated, the burden on individuals is estimated to be 300 € per parking space in all cases*". We assume that this refers to the marginal cost of ducting in new buildings and then the cost of installing cables in these ducts. Notably however, the IA does not seem to provide any specific figures as to the pre-cabling costs for *existing* buildings. It must be stressed that it is very difficult to give a proper estimate of pre-cabling (or installation costs) as it depends on the features of the individual parking space/building. This is particularly true for existing buildings.

We estimate pre-cabling costs in new buildings at 10 €/m^2. However, such costs are expected to be significantly higher for *existing* buildings, given the need to overcome the inevitable technical obstacles[1] and fully satisfy the requirements of electrical building codes. The pre-cabling obligation

[1] Significant additional factors that influence the cost calculations are, among others:

- the need for additional digging/wall breakthroughs (determination where and how to run the new wiring: fish the wiring through the cavity walls or use an external wire management system);
- the distance to the fuse box;
- the need to install a residual current device (RCD) and a circuit breaker to the panel (costs between 400 – 500 €);
- potential cost for approvals for installation of a 22 kW system (cost in Germany estimated at 230 €);
- possibility to mount the charging station to the wall or need for an additional pedestal;
- the need to install an additional individual meter for billing purposes;
- additional insurance costs and expert assessments.

See: http://mobilityhouse.com/en/products/installation-service/use-cases-for-installation-service/#en-use-case-model-s

will generate much higher costs in some Member States, for example in Finland with around 1.600 €/ parking space.[2]

Considering the wide margin of the cost calculations which depend on too many individual factors, it must be concluded that **the Commission did not do an appropriate impact assessment and** that **the figure provided of 300 € for all cases cannot be considered reliable even for the new buildings that this calculation applied to. For existing buildings, the costs will be significantly higher.**

As rightly acknowledged in Directive 2014/94/EU on the deployment of alternative fuels infrastructure, electro-mobility is a fast developing area where new interface technologies such as wireless charging or battery swapping need to be considered.[3] **The imposition of costly adaptation obligations, which will be outdated before they are amortised, but which will definitely have an impact on housing affordability, cannot be considered appropriate or proportional.**

Our proposed Article 8 (3) *bis*

On-demand installation of electro-mobility infrastructure

Suggested addition

3. bis Member States shall ensure that in buildings with more than ten parking spaces, the owner or co-owners cannot 'unreasonably' oppose the installation of the necessary infrastructure for electric vehicle recharging points carried out at own cost, including all associated costs, by one or more of the tenants or co-owners.

JUSTIFICATION FOR PROPOSED ART. 8 (3) *bis*

Solutions exist to promote the deployment of electro-mobility without creating unnecessary burdens for the property sector and without limiting housing affordability. These are **on-demand solutions** rather than anticipatory measures impacting housing costs. They should be considered at EU level.

Such solutions have the advantage of ensuring that:

- Owner or co-owners cannot 'unreasonably' refuse the deployment of the necessary infrastructure, when a tenant or co-owner requires adjustments to the property to make it suitable for electro-mobility;
- The owner or co-owners do not have to pay for the adjustments and associated costs.

This is for example the solution adopted in France for the deployment of electro-mobility infrastructures (Decree 2011/273[4] of 25 July 2011), which is founded on the principle that, in the existing residential building stock, the owner or the occupant (wishing to make the installation) needs to inform the owners, the co-owners or the building manager. The owners and the building

[2] Ducting and cabling about 500 € / parking space, electricity connection and switchboard about 1.000 € / parking space, design; electrical engineering about 100 € /parking space.

[3] See our justification to Article 8 (2)

[4] Décret n° 2011-873 du 25 juillet 2011 relatif aux installations dédiées à la recharge des véhicules électriques ou hybrides rechargeables dans les bâtiments et aux infrastructures pour le stationnement sécurisé des vélos https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024400356&categorieLien=id

manager might decide to use this occasion to equip all parking spots. If the owners/manager do not react within six months, the requesting party can proceed.

'Unreasonableness' to be determined according to member state law or custom.

Article 8 (6) Introduction of a 'building smartness indicator'	
Commission Proposal	**Suggested amendment**
6. The Commission is empowered to adopt delegated acts in accordance with Article 23 supplementing this Directive with a definition of 'smartness indicator' and with the conditions under which the 'smartness indicator' would be provided as additional information to prospective new tenants or buyers.	~~6. The Commission is empowered to adopt delegated acts in accordance with Article 23 supplementing this Directive with a definition of 'smartness indicator' and with the conditions under which the 'smartness indicator' would be provided as additional information to prospective new tenants or buyers.~~
The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.	~~The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.~~

JUSTIFICATION FOR DELETION OF ART. 8 (6)

A matter as important and invasive as a 'building smartness indicator' should have been publicly discussed before the Proposal for a Directive for the following reasons:

Unlike national and sub-national governments, the European Commission has very limited real estate experience as is demonstrated at various key junctures in this Directive and in its Impact Assessment. With a 'building smartness indicator', it is taking on far more than it can handle.

In particular, it is clear from the text ("*supplementing this Directive with the conditions under which the 'smartness indicator' would be provided as additional information to prospective new tenants or buyers*.") that the objective is to have the smartness indicator on the energy performance certificate (EPC). We have already brought our governments' attention to the grave dissatisfaction of EU citizens with EPCs that in many countries contain useless or generic 'tick-box' information from consultants lacking in time or training. The solution is to keep EPCs simple and focussed on the energy performance indicator. A 'smartness indicator' coming on top of this will be distracting even if

it is based on sound and relevant data which, again, the Commission is not competent to compile, or to judge, even if it delegates the work to consultants.

We also have the gravest reservations about data protection, whether it can be adequately ensured, and about whether EU citizens will be sufficiently protected against data misuse.

Consequently, the European private real estate sector believes that the whole matter of a 'building smartness indicator' requires very considerable preliminary discussion before being tabled as EU or even national law, and must never fall under an EU delegated act procedure.

For those reasons, a 'building smartness indicator' should not be part of this Directive.

Article 10 (6) Linking financial incentives to energy performance certificates	
Commission Proposal	**Suggested amendments**
6. Member States shall link their financial measures for energy efficiency improvements in the renovation of buildings to the energy savings achieved due to such renovation. These savings shall be determined by comparing energy performance certificates issued before and after renovation.	~~6. Member States shall link their financial measures for energy efficiency improvements in the renovation of buildings to the energy savings achieved due to such renovation. These savings shall be determined by comparing energy performance certificates issued before and after renovation.~~

JUSTIFICATION FOR DELETION OF ART. 10 (6)

There are at least three reasons for deletion of this provision:

1. **There is no objective reason for state subsidy decisions to be based solely on the energy performance certificates** (EPCs) provided for under this Directive. Energy audits for large buildings (as provided for in Art. 8 of the Energy Efficiency Directive) and the plethora of international, national and regional certificates of environmental excellence on the market (LEED, BREAM, Nordic Swan, KFW, etc.) are far superior, more reliable and have greater market acceptance than EPCs.
2. Such a scheme allows only for ***a posteriori*** **payment of the financial incentive** to the building owner, which **is highly counter-productive in terms of energy efficiency results** as many owners will do nothing without up-front payment.
3. **The current widespread poor quality and unreliability of EPCs does not enable them to be a basis for funding decisions.** They need to be improved first, before funding conditionality can kick in.

Article 14 (2) and Article 15 (2)

Threshold for equipping non-residential buildings with building automation and control systems

Commission Proposal	Suggested amendments
Article 14 (2)	**Article 14 (2)**
2. As an alternative to paragraph 1 Member States may set requirements to ensure that non-residential buildings with total primary energy use of over 250 MWh per year are equipped with building automation and control systems. These systems shall be capable of: (a) continuously monitoring, analysing and adjusting energy usage; (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; (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.	2. As an alternative to paragraph 1 Member States may set requirements to ensure that non-residential buildings with total primary energy use of over ~~250~~ ***1000*** MWh per year are equipped with building automation and control systems. These systems shall be capable of: (a) continuously monitoring, analysing and adjusting energy usage; (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; (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.
Article 15 (2)	**Article 15 (2)**
2. As an alternative to paragraph 1 Member States may set requirements to ensure that non-residential buildings with total primary energy use of over 250 MWh per year are equipped with building automation and control systems. These systems shall be capable of: (a) continuously monitoring, analysing and adjusting energy usage; (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;	2. As an alternative to paragraph 1 Member States may set requirements to ensure that non-residential buildings with total primary energy use of over ~~250~~ ***1000*** MWh per year are equipped with building automation and control systems. These systems shall be capable of: (a) continuously monitoring, analysing and adjusting energy usage; (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;

(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.

JUSTIFICATION FOR AMENDMENTS TO ART. 14 (2) AND ART. 15 (2)

Our property companies with very large buildings like shopping centres, are extensive users of building automation and control systems (from here on, BMS – Building Management Systems) and they agree that these types of systems are absolutely essential for a rational energy management of their buildings. However, they also know that BMS systems require components of good quality (controllers, sensors, meters, etc.), well installed and commissioned, as well as an intense monitoring and maintenance effort. **Without this effort, these systems are useless.**

Our companies' buildings using BMS are huge buildings with correspondingly high energy consumption (e.g., 5 GWh of electricity, > 10 GWh of primary energy). Their energy costs justify their investment in the acquisition, installation and maintenance of their BMS systems.

However, we have doubts about generalising these systems for small buildings: 250 MWh of primary energy is 40 times less than the consumption described above. There is a fundamental difference between passive elements (e.g., thermal insulation, windows) that once installed will save energy during a long period, independently of maintenance or human action, and a BMS based on active technologies with low life span, requiring professional maintenance and frequent human intervention. If these systems are mandatory for such low levels of consumption they will probably be seen as an obligation without effective use, leading to the installation of cheap systems, without commissioning maintenance. **This is sure to have low or zero impact on energy consumption and generate huge amounts of electronic waste. Therefore, a change in the threshold to 1000 MWh is proposed.**

Article 14 (3) and Article 15 (3)

Threshold for equipping residential buildings with centralised technical building systems

Commission Proposal	Suggested amendments
Article 14 (3)	**Article 14 (3)**
3. As an alternative to paragraph 1 Member States may set requirements to ensure that residential buildings with centralised technical building systems of a cumulated effective rated output of over 100 kW are equipped:	3. As an alternative to paragraph 1 Member States may set requirements to ensure that residential buildings with centralised technical building systems of a cumulated effective rated output of over ~~100~~ ***500***kW are equipped:
(a) with continuous electronic monitoring that measures systems' efficiency and inform	(a) with continuous electronic monitoring that measures systems' efficiency and inform

building owners or managers when it has fallen significantly and when system servicing is necessary, and	building owners or managers when it has fallen significantly and when system servicing is necessary, and
(b) with effective control functionalities to ensure optimum generation, distribution and use of energy.	(b) with effective control functionalities to ensure optimum generation, distribution and use of energy.
Article 15 (3)	**Article 15 (3)**
3. As an alternative to paragraph 1 Member States may set requirements to ensure that residential buildings with centralised technical building systems of a cumulated effective rated output of over 100 kW are equipped with:	3. As an alternative to paragraph 1 Member States may set requirements to ensure that residential buildings with centralised technical building systems of a cumulated effective rated output of over ~~100~~ ***500*** kW are equipped with:
(a) with continuous electronic monitoring that measures systems' efficiency and inform building owners or managers when it has fallen significantly and when system servicing is necessary, and	(a) with continuous electronic monitoring that measures systems' efficiency and inform building owners or managers when it has fallen significantly and when system servicing is necessary, and
(b) with effective control functionalities to ensure optimum generation, distribution and use of energy.	(b) with effective control functionalities to ensure optimum generation, distribution and use of energy.

JUSTIFICATION FOR AMENDMENTS TO ART. 14 (3) AND ART. 15 (3)

With this alternative obligation, EU law would be creating a direct financial burden on millions of private citizens who are building owners – millions of private owners – as the 100 kW threshold means coverage of the entire European stock of buildings with 3-or-more flats.[5]

Considering the significant cost of such systems and the long payback period (estimated at minimum 9.5 years) for buildings with a centralised technical building system of a cumulated effective rated output of 100 kW, **setting the threshold at buildings with centralised technical building systems of a cumulated effective rated output of more than 500 kW is more proportionate and an investment would be better justified** (payback period estimated at minimum 6.5 years).

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[5] Taking an exemplary apartment of 140 m² and a typical electricity cost of 0,2 €/kWh, the total annual energy costs for heating, water heating, cooling and lighting are estimated to be around 2.720 €/year. Further, assuming a 10% saving due to a smart BMS system, the total annual savings per apartment would amount to 272 €/year. The average total installed capacity per apartment (heater capacity and electrical capacity) equals 29,5 kW. This means that the proposed threshold of 100 kW corresponds to a building with three (140m²) apartments only.
Estimating a payback period, it is assumed that the overall BMS system is divided in two parts: a Central System (CS) (hard- and software for operation optimisation at apartment and building level) and a local Data Acquisition System (DAS) for each apartment with (at least) 25 monitoring and control signals connected to major energy consuming devices.
With an estimated cost of around 1.800 € for the CS and a DAS cost of 80 €/signal, the payback period for a 100 kW building is estimated to be 9,5 years (may rise up to 15 years, considering savings and cost uncertainties). Setting the threshold at 500 kW (roughly corresponding to a 17-apartment building) and taking account of economies of scale (unit signal price reduced to 65€/signal) the corresponding payback period would amount to around 6,5 years (may rise up to 10 years, considering savings and cost uncertainties).

ABOUT THE PARTIES

Name followed by Commission Register of Interest Representatives identification number

European Historic Houses Association (EHHA) 594015610806-90

An umbrella organisation for national historic houses associations, promoting the interests of Europe's privately-owned historic houses, parks and gardens and their contents. The organisation promotes European cooperation in the conservation of historic houses which are most of the time SMEs. The Association brings together 22 national members and represents more than 50,000 historic houses in Europe and supports actively its members' interests on several European issues such as culture and education, VAT, energy and environment, tourism, and security. www.europeanhistorichouses.eu

European Landowners' Organization (ELO) 36063991244-88

The European Landowners' Organization is a unique federation of over 60 national associations from the 28 EU Member States and beyond, which represent the interests of landowners, land managers and rural entrepreneurs at the European political level. Independent and non-profit, the ELO stands for all rural entrepreneurs, promoting a prosperous countryside through the dynamism of private landownership and stewardship. www.elo.org

European Property Federation (EPF) 36120303854-92

EPF represents all aspects of property ownership and investment: residential landlords, housing companies, commercial property investment and development companies, shopping centres and the property interests of the institutional investors (banks, insurance companies, pension funds). Its members own property assets valued at € 1.5 trillion, providing and managing buildings for the residential or service and industry tenants that occupy them. www.epf-fepi.com

International Union of Property Owners (UIPI) 57946843667-42

UIPI is a pan-European not-for-profit association comprising 30 organisations from 28 countries. Jointly, they represent more than 5 million private property owners and some 20 to 25 million dwellings. Founded in 1923, the UIPI aims at protecting and promoting the interests, needs and concerns of private landlords and owner-occupiers at national, European and international levels. The UIPI is involved in many issues, including general housing; taxation and inheritance concerns; technical matters and new regulations such as energy saving in buildings; the private rented agenda; as well as universal consumer rights and social responsibilities. www.uipi.com

The European Group of Valuers' Associations (TEGoVA) 070444714545-60

TEGoVA is the European organisation of national valuers' associations, covering 64 professional bodies from 35 countries representing 70 000 valuers and comprising specialist consultancies, major private sector companies and government departments both local and national. Its main objectives are the creation and spreading of harmonised standards for valuation practice, for education and qualification as well as for corporate governance and for ethics for valuers. It speaks with a common voice on valuation to European legislators and policy makers. www.tegova.org