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Position Paper of the Federal Chamber of German Architects (BAK)

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL AMENDING DIRECTIVE (EU) 2018/2001 AS
REGARDS THE PROMOTION OF ENERGY FROM RENEWABLE
SOURCES (RED)

EU RENEWABLE ENERGY DIRECTIVE

EU Transparency Register Number: 08215638217-13

Summary

On 14 July 2021, the European Commission presented its proposal for the amendment of Directive (EU) 2018/2001 with regard to the promotion of energy from renewable sources (Renewable Energy Directive, RED). The revised Directive is part of the first part of the major climate policy package "Fit for 55", which should contribute to overhauling all European legislation on energy and climate issues. In parallel, the revision of the Energy Efficiency Directive (EED) and, as a second part of the major package in December 2021, the recast of the EU Energy Performance of Buildings Directive (EPBD) were presented.

Key points / new provisions of the RED are, *inter alia*:

- Increase of the 2030 target for the share of renewable energy in gross final energy consumption from 32% to at least 40%.
- Introduction of an indicative Union-wide 2030 target of a 49% share of renewable energy in final energy consumption in the building sector.

General assessment

The BAK supports the goals of the Renewable Energy Directive (RED) and considers the topics addressed therein to be relevant for achieving these goals. Against the backdrop of the current geopolitical situation, the EU-wide switch from fossil to renewable energies no longer appears to be only a climate policy imperative in the long term, but also a security policy imperative.

The BAK welcomes, *inter alia*, ...

- the **increase of the 2030 target for the share of renewable energy** in gross final energy consumption from 32 % to at least 40 %, as provided for in Article 3 of the RED. Increasing the share of renewable energies is not only indispensable for climate policy, but also creates the geopolitically urgently needed independence of the EU from energy supplies from third countries.
- **strengthening the exemplary role of the public sector with regard to the deployment of RE on rooftops**. There is even room for a more far-reaching regulation here, which firstly not only encourages the public sector, but obliges it to do so. Secondly, the BAK believes that this obligation should also apply to non-public, non-residential buildings. In Germany, such an obligation to use PV for all new commercial buildings is already provided for in the coalition agreement of the current federal government.

The BAK notes, *inter alia*, that...

- the **target of a 49 % share of renewable energies in the building sector** is desirable in principle, but **very ambitious** in view of the progress made so far. The share of renewable energies in the heating and cooling of buildings in



2019 was around 22 % on average in Europe, and just under 15 % in Germany¹. When it comes to increasing the share of RE in building energy supply, long investment cycles and a constantly low renovation rate are the main challenges. Against the background of this initial situation, the BAK considers the formulated RE target of 49 % by 2030 to be difficult to achieve.

- **existing and future overlaps** with other EU directives and policies **must be eliminated**. This is the only way to avoid duplication and contradictions, to structure European energy and climate policy more clearly and to make it more transparent for citizens and law users in the EU. This will also improve the acceptance of the measures.



¹ Source: <https://ec.europa.eu/eurostat/de/web/products-eurostat-news/-/ddn-20201229-1>

BAK positions on the essential key points

Renewable energy target in the building sector

At least 49% of renewable energy in the building sector by 2030: The new Article 15a to be introduced is intended to set out the guard rails along which the share of renewable energy in final energy consumption in the building sector is to increase continuously by 2030. Paragraph 1 proposes an indicative target at EU level of 49 % of renewable energy in the final energy consumption of the building sector by 2030. The shares of the Member States, which are also not binding, are specified as a share of national final energy consumption. The Member States are obliged to set out their targets and the planned path towards achieving the target in the national energy and climate plans.

- Article 15a para. 1 and 4: indicative target, use of all measures to achieve target

- **Increasing the minimum share of renewable energies in the building sector to 49% is right in principle, but very ambitious:** The BAK supports in principle the new indicative EU-wide 2030 target of 49 % renewable energy in final energy consumption in the building sector, which is to be introduced according to Art. 15a RED. The new target is basically in the right place. However, in view of the current situation in Germany, special efforts will be required to achieve this target. While the German electricity mix recently consisted of approx. 50 % renewable energies (in 2020), the situation in the heating/cooling sector is much worse. Here, the share of renewable energies in gross final energy consumption was only 15.2 % (in 2020). Despite the introduction of the German Renewable Energies Heat Act (EEWärmeG) in 2009, which was intended to promote the deployment of renewables in the heating sector, their share could only be increased by 3.5 percentage points, i.e. from 11.7 to 15.2 %. The renewable heat supply is provided by various forms of biomass. Heat generation by solar or wind power plants, on the other hand, accounts for only a negligible share. In increasing the share of RE in building energy supply, the main challenges are long investment cycles and a constantly low renovation rate. Against the backdrop of this initial situation, the BAK assesses the formulated RE target of 49 % by 2030 as difficult to achieve.
- ! **Use all options to increase the share of RE in the building sector:** It is clear, however, that regardless of the level of the target, all options for increasing the share of RE in the energy supply of buildings must be used. In addition to electrification, this includes above all the use of green local and district heating.
- ! **Clearly define the "building sector" balance limit:** In the opinion of the BAK, a comprehensive and clear reformulation of the reference values is also necessary, which allows a meaningful continuation of established national balance limits in the sense of Article 15a. The contents of RED III, EED and the Directive on the Energy Performance of Buildings (EPBD), which is currently being amended, should be coherently coordinated, and clearly formulated. For example, the current wording of Article 15a (1) RED leaves open how the



"building sector" balance limit is to be defined. The reference to Article 7 creates further ambiguity, as the calculation of the RE shares there refers to the gross final energy consumption, consequently with pro-rata inclusion of generation and transport losses. Article 15a, on the other hand, only addresses the final energy consumption of the building sector as a reference value.

Self-consumption in buildings and RE communities

Increasing the self-consumption of renewable energy and promoting renewable energy communities: In designing the measures to meet the targets, paragraph 2 of Article 15a emphasises the importance of increasing the self-consumption of renewable energy, promoting renewable energy communities and local energy storage. Furthermore, the Member States shall provide for mandatory minimum values for the use of renewable energies in buildings. In this context, the use of efficient district heating is explicitly granted to achieve the target.

- Article 15a para. 2: Increasing self-consumption and promoting RE communities

! Clarification needed on the proposed RE target: Art. 15a para. 2 requires Member States to introduce measures in the legislative and support framework of the buildings sector in such a way that "(...) the share of electricity and heating and cooling from renewable sources in the building stock (...) is increased (...)". This formulation is vague. It is not clear whether the proposed RE target refers to the electricity and/or heat demand of buildings. Final energy demand in buildings can result both from household electricity use and from the generation of space heating with electric heat generators. The BAK therefore calls for a clarification in paragraph 2 that the measures refer to the increase of the RE share in the energy demand for heating, cooling and process purposes.

! Legal and economic hurdles still exist for renewable energy communities in Germany: The German Renewable Energy Sources Act (EEG) was amended in summer 2021. However, it has not been achieved to create legal equivalence between collective self-supply within a building and individual self-supply, which is necessary for the economic attractiveness of energy supply concepts for neighbourhoods/districts. The identity of persons between the system operator and the electricity consumer, which is still required by the German Renewable Energy Sources Act, prevents jointly acting self-suppliers from also jointly operating a system for self-supply. Even the tenant electricity models, which are now legally permitted, do not implement this, as they only cover the supply of tenants with electricity from "EEG plants". In short, this means that jointly acting self-suppliers in Germany still cannot benefit from a reduction or waiver of the EEG surcharge. This means that the facilitation of the joint use of locally generated solar energy already granted by RED II has not yet been passed on by the German legislator and ultimately green electricity potential is being given away.



RE system expansion on public buildings

Use of roofs of public or mixed private-public buildings for RE installations: Paragraph 3 of Article 15a addresses the exemplary role of public buildings and encourages Member States to use "the roofs of public or mixed private-public buildings to be used by third parties for installations that produce energy from renewable sources". This may be allowed by Member States as an option to comply with the requirements of the EPBD (here Art. 9 "Minimum energy performance standards") and the EED (here Art. 6 "Exemplary role of public bodies' buildings") regarding the share of renewable energies used.

- - Article 15a para. 3: Use of roofs of public buildings for RE installations

- **Possibility of using the roofs of public buildings for RE systems is welcomed in principle:** The BAK welcomes the fact that the public sector - living up to its exemplary role - is to lead the way in the expansion of RE systems on roofs. In some federal states in Germany, extensive solar obligations have already been introduced. In some cases, there is an obligation to install solar systems on certain parking spaces or to install PV systems on the roofs of newly constructed commercial buildings. In some cases, there is also an obligation to prepare the roofs of residential buildings for the installation of a PV system (PV-ready).
- ! **Clarify whether new buildings or existing buildings are targeted!** Paragraph 3 does not clarify whether reference is made exclusively to new public buildings to be constructed or also to existing public buildings. Clarification is needed here.
- ! **Obligation instead of encouragement!** For those Member States that have not yet introduced a national obligation and do not plan to do so, mere encouragement of the public sector might not be sufficient. The need to deploy renewable energies will become increasingly important in the future, not only for climate policy reasons, but also for geopolitical reasons, in order to become independent of energy services from third countries. Basically, any suitable building roof area can make an important contribution here to increasing the share of renewable energies. The public sector should set a good example throughout the EU.
- ! **Extend PV obligation to newly built private non-residential buildings!** The BAK proposes to introduce a PV obligation not only for public buildings, but in principle for all newly constructed non-residential buildings. The coalition agreement of the German government envisages the introduction of a nationwide regulation to make as many suitable roof areas as possible fit for solar energy in the future. This is to become mandatory for new commercial buildings and the rule for new private buildings. In this respect, the future national regulation in Germany will clearly go beyond the regulation currently provided for in Article 15a para. 3.
- ! **Grant exceptions, e.g. to meet the requirements of the protection of the local characteristics!** When formulating a PV obligation, it is essential to grant exceptions. For example, for purposes of safeguarding other protection



goals, such as the protection of historical monuments or the protection of the townscape.

Qualification and training of skilled workers

Information and training: Article 18 deals, among other things, with the qualification and training of installers and designers (German translation “Konstrukteure”) to combat the shortage of skilled workers.

- - Article 18 para. 3: Training and qualification of installers and designers

! Extend Article 18 to the planning professions as well! Because here as well, there is a shortage of skilled workers: There is a consensus that there is already a lack of skilled workers for the implementation of the planned measures and that this problem will be aggravated further in the coming years. Therefore, it is important to invest in the qualification and training of skilled workers already now. However, the amended section 3 of Article 18 refers exclusively to the training and qualification of installers and designers (in the German text version, “designers” is translated as “Konstrukteure”). However, the shortage of skilled workers also affects the planning professions. Accordingly, the BAK suggests extending the article to the corresponding professional groups - architects and engineers. It will not be sufficient for the planning professions to be provided with recommendations in accordance with Article 18 para. 5 to enable them to properly assess the optimal combination of energy from renewable sources, high-efficiency technologies and district heating and cooling in the planning, design, construction, and renovation of industrial, commercial, or residential areas. Due to the complexity, this also requires comprehensive training and further education of the planning professions.



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The Federal Chamber of German Architects (Bundesarchitektenkammer - BAK) is the federal association of the 16 Chambers of Architects of the German Länder. It represents the interests of Germany's architects, landscape architects, interior architects and urban planners in politics and society (135,000 members).

