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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 ON THE ENERGY PERFORMANCE OF BUILDINGS (RECAST)

**EU ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE**

## Summary

The EU Commission presented its revision of the Directive on the Energy Performance of Buildings (Energy Performance of Buildings Directive, EPBD) on 15 December 2021. The revised Buildings Directive constitutes the second part of the major climate policy project called “Fit for 55”, which should contribute to overhauling all European legislation on energy and climate issues. The first part was proposed in the summer of 2021 and included, *inter alia*, the proposals for the revision of the Energy Efficiency Directive (EED) and the Renewable Energy Directive (RED). From the point of view of the Federal Chamber of German Architects (BAK), the key points and new regulations of the EPBD are:

- new and higher energy requirements for new buildings (“zero-emission buildings”)
- renovation obligations for existing buildings
- phasing out fossil fuel heating systems
- entry into the life-cycle approach
- infrastructure for sustainable mobility
- binding requirements for the collection of building energy data and the issuance of energy performance certificates and renovation roadmaps.



## General assessment

The present proposal of the EU Commission to revise the EU Buildings Directive can be viewed as a paradigm shift. The EU Commission describes the steps towards the jointly agreed goal, i.e. largely climate-neutral operation of all buildings by 2050 at the latest. It even goes one step further: It not only describes, but also prescribes the timely completion of these steps for the Member States. The unambiguous and obligatory nature of the current EPBD proposal makes it different from the previous versions of the EPBD. The national building renovation plans (formerly renovation strategies) will impose binding reporting requirements on Member States and ensure that a national administration programme is in place to achieve climate change targets.

### The Federal Chamber of German Architects welcomes, *inter alia*, that...

- the new introduction of the **zero-emission building standard** will introduce a new building standard that – unlike the nearly zero-energy building standard – is consistent with the EU climate targets;
- **life-cycle greenhouse gas emissions** will also be included in the net building balance in future;
- energy performance classes and energy performance certificates shall be **harmonised across the EU**.

### The Federal Chamber of German Architects demands, *inter alia*, that...

- the outstanding questions regarding the planned **renovation obligations** – in particular regarding implementation and quality assurance, technical requirements and social compatibility – are clarified as quickly as possible. Above all, it is essential to tie these obligations to financing models that cushion the social impact, which is an important prerequisite for the Federal Chamber of German Architects in order to be able to support the principle of renovation obligations;
- the authorisation to issue **renovation passports**, which are expected to be an accompanying tool connected with renovation obligations in future, should be reserved for architects and engineers. The renovation passport is an advisory tool and should be differentiated from the “energy performance certificate” assessment tool. In contrast to the energy performance certificate, the preparation of the renovation passport is connected with planning. This requires a higher level of qualification and independence;
- increased emphasis is placed on the **quality assurance of energy-related data**, which should serve as a basis for assessment and decision-making for the planned renovation obligations. This means that the collection of data above building complexity classes to be defined should be reserved for architects and engineers.



## Federal Chamber of German Architects' positions on the essential key points

### Energy requirements for new buildings

**Only emission-free new buildings permitted from 2030:** The proposal requires all new buildings to be emission-free from 2030 onwards; this already applies to new public buildings from 2027. This means that buildings must consume little energy, be powered by renewable energy as much as possible, emit no on-site emissions from fossil fuels, and report their global warming potential based on their entire life-cycle emissions in their energy performance certificate. The main requirement remains the primary energy demand. This is in part because the Directive at its core refers to the “total energy performance” of buildings. Nevertheless, a complementary CO<sub>2</sub> parameter will be introduced to guide decisions towards decarbonised solutions.

- Article 2(2) Definition of a “zero-emission building”
- Article 7 “New buildings”

- **Introduction of “zero-emission building” welcomed:** The Federal Chamber of German Architects welcomes the introduction of the “zero-emission building” and the phasing out of the “nearly zero-energy building” planned by 2030. The current nearly zero-energy building standard will not contribute to the decarbonisation of the building stock to the extent required to achieve climate neutrality across the EU by 2050. Furthermore, its definition has so far offered too much room for interpretation in national implementation and has sometimes led to a rather lax interpretation.
- **Call for full coverage of demand with renewable energies welcomed:** The goal is a “climate-neutral” building stock. Against this backdrop, it is correct from the Federal Chamber of German Architects' point of view to call for the energy demand of new buildings to be completely covered by renewable energy (RE). Because no matter how efficient a building is – its operation only becomes climate-neutral when its demand is completely covered by renewable energies.
- **Possibility of renewable energy community supply welcomed as a compliance option:** It is true that different options such as neighbourhood community solutions or electricity from the grid can be used for the supply with renewable energies. In many cases, there is no possibility for individual buildings to switch to a self-sufficient supply with renewable energies. Here, cross-building renewable energy communities, connection to district heating or the use of electricity are the only options to decarbonise the heating demand.
- **Having the public sector take the lead is welcomed as an example:** To set an example through the public sector, new public buildings must be operated without emissions three years earlier than the rest, i.e. from 2027.
- **Lead time will allow for planning certainty:** The lead time and the clarification of the planned gradual entry into force of the obligations (in 2027 for pub-



lic new buildings and in 2030 for all new buildings) are welcomed for planning certainty.

- ! **CO<sub>2</sub>/GHG parameter should not only be “supplementary”, rather it should be the main requirement!** From the point of view of the Federal Chamber of German Architects, it would be consistent to introduce CO<sub>2</sub>/greenhouse gas emissions not only as a supplementary metric, but – instead of primary energy demand – as the main requirement. The detailed explanatory memorandum states that the proposal includes a “*vision for achieving a zero-emission building stock by 2050 and introduces a new complementary CO<sub>2</sub> parameter to guide decisions in the direction of decarbonised solutions.*” The Federal Chamber of German Architects views this as too weak and not corresponding to the legislative goal set out in recitals 6 - 10: a reduction in greenhouse gas emissions in order to achieve climate neutrality by 2050.
- ! **Do not neglect energy performance as a secondary requirement!** Annex I calls for aspects such as thermal insulation to be taken into account when calculating the energy performance of buildings. However, the statements regarding energy performance seem rather rudimentary. In addition to the main goal of reducing operational greenhouse gas emissions to a minimum, it is important not to lose sight of the secondary goal of performance, i.e. reducing final energy demand. Performance is not only an essential prerequisite for the use of renewable energies for heat generation in buildings, but also to keep energy costs within limits for building users.
- ! **Increased planning requirements must lead to higher fees:** The growing demands on the planning of buildings that result from the present draft must be reflected in an increase in planning fees for architects.

## Energy requirements for existing buildings

**“Worst first” – renovation obligations for the worst energy performing existing buildings:** The core and certainly the most controversial point in the recast EPBD is the anchoring of EU-wide minimum energy performance standards (MEPS) for the existing building stock. Initially, this tool will be used to target the buildings with the highest energy consumption. To this end, the European building stock is to be classified in an EU-wide harmonised system of energy performance classes, with the scale ranging from A to G. For classification: A building in the worst class G requires about eight times more energy than one in the best class A. The worst rated 15% of the EU building stock must be improved from energy performance class (EPC) G to at least F by 2030, with public and non-residential buildings leading the way for energy performance class F by 2027 and renovated and improved to at least energy performance class E by 2030 at the latest. Residential buildings are to be renovated from G to at least F by 2030 and to at least E by 2033.

- Article 9 “Minimum energy performance standards”
- Article 15 “Financial incentives and market barriers”



○ **Renovation obligations for existing buildings with the worst energy performance make sense in principle – but there are still open questions:**

The Federal Chamber of German Architects considers the introduction of renovation obligations (MEPS) for the building stock with the worst energy performance to be sensible in principle. By far the largest share of energy consumption and greenhouse gas emissions in the building sector is attributable to the building stock. Renovation is thus the essential lever for achieving the climate targets in the building sector. If the rate of energy-related renovation for the building stock is not significantly increased, the climate change targets will be missed. In view of a still low renovation rate – even in Germany, where there is already a well-designed building efficiency funding landscape – it is clear that binding energy requirements for the building stock must be introduced. It also makes sense that the worst buildings in terms of energy efficiency should be addressed first with the “worst first” approach, as these offer the greatest potential for a reduction in energy demand/greenhouse gases and thus also constitute the most effective lever for protection against future energy price risks.

Nevertheless, the Federal Chamber of German Architects still has concerns and unanswered questions, which are addressed in more detail below; in particular regarding implementation and quality assurance, technical requirements and social compatibility.

**Implementation / Quality assurance**

**! Performance class allocation must be practicable and legally secure!**

Against the backdrop of the proposed renovation obligations for the existing building stock, it will be crucial to establish a legally secure and quality-assured method for the allocation of buildings to the different performance classes. Is this to be based on calculated demand values or measured consumption values? The two cannot be compared. Another problem that currently stands in the way of a comprehensive performance class allocation of the national building stock, at least in Germany, is: There are around 19 million residential buildings and around 2 million heated non-residential buildings in Germany (dena Gebäudereport 2022). A large number of these buildings have no energy performance certificate (due to the absence of presentation obligations). And if there is, there is no central database with key figures for the building. In order to quickly create a uniform data basis for the entire building stock, a simple and preferably automated procedure is therefore required. This would make it possible to identify the buildings that are subject to a renovation obligation. In order to ensure legal certainty and proportionality, these buildings will be examined again by experts.

The following proposal is designed for this:

**Stage 1: Uniform data basis**

The assessment of buildings is based on consumption data. Utility companies and energy suppliers are obliged to report the consumption data/delivery quantities to the central building register. In addition, the living/usable space of buildings is requested via utility companies and energy suppliers and reported to the building register. These



data can be used to determine robust and uniform key consumption figures. (In the case of detached and semi-detached houses, the consumption data are lowered by a factor in order not to overload this group and not to negatively assess possible user influences). This would make it possible within three years (the current recording period for consumption certificates) to create reliable key consumption figures and identify the buildings that are subject to a renovation obligation. At this stage, the data are checked on a sample basis.

#### Stage 2: Expert inspection

For buildings that are subject to a renovation obligation according to the consumption figures determined in stage 1, it is necessary to arrange for an expert inspection. This ensures that the automated collection of data has been handled correctly. Qualified personnel perform the check on the basis of the available data and additionally requested documents and explanatory remarks as well as, if necessary, conduct an on-site inspection. This means that the collection of data above building complexity classes to be defined should be reserved for architects and engineers.

This ensures a legally secure approach to enforcing an obligation. In addition, it is necessary to check who will keep such a “building register” and how the obligations can be enforced. This is more of a national problem to be solved later, with consideration given to professional political interests. The proposed method of data collection and assessment is feasible in terms of the rule of law if it is additionally ensured that the initial collection of consumption data is carried out once, anonymously, and consumers have the opportunity to object to the collection of their consumption data for justified reasons. If data of energy suppliers and the building data register are linked to each other later, a separate data protection assessment of the necessary data transfer should be implemented.

- ! **Renovation roadmaps as planning tools subject to a fee!** The Federal Chamber of German Architects attaches importance to ensuring that renovation roadmaps, as a supporting planning tool for the renovation obligations to be introduced in the future, are subject to a fee. As such, they should be decoupled from the pure “energy performance certificate” assessment tool.
- ! **Harmonise trigger dates and building-specific renovation cycles!** The Federal Chamber of German Architects sees a further challenge in the choice of the trigger date for the entry into force of renovation obligations. The “right” date for energy renovation is different for every building. The decisive factor is the date on which the last energy-related change was made to a building. In order to guarantee building owners leeway and security with regard to the timing, the trigger dates for the renovation obligations should be chosen and communicated with an appropriately long lead time. Consideration might also be given to whether the presentation of a renovation roadmap / renovation passport could postpone the trigger date for the renovation obligation by a certain period of time.
- ! **Build up necessary capacities of skilled workers, also in planning!** One of the biggest challenges to implementing the MEPS will be the availability of skilled labour. Especially in Germany, where the goal of climate neutrality is to be reached five years earlier than agreed at EU level, it is necessary to build up skilled labour capacities even faster. The shortage of skilled labour not only affects the trade being practised, but also planning, where capacities have al-



ready reached their limit. Incentives and programmes must be created here to build up the necessary planning capacities in good time.

But everywhere there is also a lack of craftsmen who are able to carry out the renovation works. A study commissioned by the German Federal Ministry of Education and Research and conducted by the Öko-Institut found that Germany has an annual shortage of around 100,000 craftsmen in window construction and heating installation. If this shortage of skilled labour is not resolved very soon, even the best EPBD will not help to get the renovation engine running in the EU. Rather, the combination of renovation obligations and a shortage of skilled labour will then lead to sharply rising construction prices. In this respect, the Federal Chamber of German Architects fundamentally welcomes the reference included in Article 15 (7) that the Member States must ensure the availability of sufficient labour force.

### **Technical requirements**

- ! **Even with renovations, emission-free building operation must (as a rule) be the goal!** The Federal Chamber of German Architects holds the view that, as mentioned above, the obligation to operate buildings without emissions should not only apply to new buildings, but in the future also to renovations. This means that, even in the case of energy-efficient renovations, all fossil fuel or hybrid heat generators must be replaced with heat generators that run on 100 per cent renewable energy sources as of a certain date.
- ! **Allow exceptions for (the small group of) hardship cases!** There will certainly still be buildings in the future (albeit a limited number) for which a heating system using fossil fuel energy sources is the best solution. This group consists primarily of landmarked buildings and ensembles. In order to protect buildings of architectural significance, balanced solutions must be found to take all concerns into account. Nevertheless, these buildings must also be energy-efficient to the greatest extent possible and must not be left out, i.e. they must not be an exception.
- ! **Provide for the possibility of renewable energy community supply as a compliance option, also in the case of renovations!** For a complete decarbonisation of heat generation in existing buildings, it is also important in the case of renovations that district heating, renewable energy communities or the purchase of electricity from the grid are recognised as compliance options. This is especially the case with the existing building stock, because it is often not possible for each individual building to switch to a self-sufficient supply of renewable energies. In particular from the perspective of preserving buildings or ensembles of architectural significance, this possibility of alternative compliance options is important.
- ! **Coordinate individual building renovation obligations with municipal planning for heating grids!** The question of coordination between renovation obligations for individual buildings and municipal planning for heating grids is particularly important for existing buildings that are or should be connected to a heating grid that will not yet be climate-neutral when a renovation obligation comes into force. Since the grids for district heating and electricity cannot be



converted to 100 per cent renewable energies overnight, credits should be possible for a transformation path, and it should be possible to suspend the renovation obligation until the heating grid is converted to climate-neutral operation. If a key date regulation for the individual building does not correspond to the heating grid planning, it might force the affected owners to take measures that are not economically reasonable. Therefore, it is necessary to consider that municipal investors and, if necessary, the municipal administrative entities must also provide support or intervene in connection with renovation obligations for individual buildings. Only afterwards – when it has been ensured that owners can achieve the goal of climate neutrality under economically reasonable conditions with corresponding connection and use obligations – a building-related renovation obligation can be considered.

- ! **Do not create technological lock-ins!** The introduction of the MEPS for the building stock must be accompanied in such a way that these standards do not create technological lock-ins, but are aligned with the climate goal path. Suboptimal insulation or the installation of less efficient building components and systems significantly limit the energy saving potential for the foreseeable future and are often more expensive when the lifetime of the measures is taken into account. This can be done, for example, by tying the renovation measure to building-specific renovation roadmaps or the renovation passport proposed in the EPBD draft. It is important that renovation is understood as an integral planning task and should be carried out with the involvement of architects and specialist planners.

### **Social compatibility**

- ! **Provide sufficient and reliable funding at EU level!** In regards to the renovation obligations, the EU Commission argues that tenants could benefit from lower heating costs. The Federal Chamber of German Architects considers this to be an overly optimistic view. As a rule, the total rent costs increase after energy-efficient renovations, as landlords pass on the investment costs (at least in part) to the rent without heat, and the saved costs with heat cannot compensate for this. Here, it must be ensured through sufficient and reliable subsidies, but also by ensuring the correct use of the subsidies, that tenants are not subsequently burdened more by the “forced” upgrading of the building. This must be taken into account when funding is provided at EU level (Social Climate Fund) and at national level. However, the funding for the Social Climate Fund as planned by the EU has on its own been too low so far. The EUR 72 billion made available for the 2025-2032 period are far too low, even under the assumption that the Member States must add one national funding euro for every EU funding euro. According to an estimate by the German housing industry, the funding requirement in the period mentioned would amount to EUR 25 billion annually in Germany alone, assuming that the entire existing building stock were to be renovated in a rent-neutral manner.
- ! **Require only in connection with funding!** For the national implementation of the MEPS, it is essential to tie these obligations to financing models that cushion the social impact, which is an essential prerequisite for the Federal Chamber of German Architects in order to be able to support the principle of renova-



tion obligations. The provisions in Article 15 to ensure financial incentives are welcomed in principle. The Federal Chamber of German Architects points out that in future it must be possible to require AND fund, i.e. to grant financial support despite legal obligations at EU as well as national level. The planned renovation obligations should not be introduced without the possibility of accompanying support. Where the required renovation measures are uneconomical or only pay off after very long periods of time, there must be financial compensation for the building owners. It goes without saying that the correct use of the subsidies must be ensured. In this context, as mentioned above, it is important that tenants do not suffer a greater burden as a result of upgrading the building. Modernisation costs should only be passed on to tenants to the extent that heating costs are reduced.

- ! **Funding should also address planning costs!** The funding should not only concern the investment measures, but also include planning costs. “Planning” here means both building planning and municipal neighbourhood-related infrastructure planning.

### Phasing out fossil fuel heating systems

#### **Introduction of a legal basis for national bans on fossil-fuelled heat generators:**

A legal basis for national bans on fossil-fuelled boilers will be introduced, allowing Member States to set requirements for heat generators based on greenhouse gas emissions or the type of fuel used. This provision removes the current legal uncertainty as to whether such bans are permitted under Article 6 (1) of the Ecodesign Directive (Ökodesign-Richtlinie) and under the provisions of the Treaty on the Free Market (Vertrag über den freien Markt).

- Article 11 (1) “Technical building systems”

- **The usefulness and effectiveness of a legal basis for national bans on fossil-fuelled heat generators is questioned:** The “ban permission” for fossil-fuelled heating technologies granted in Article 11 (1) is to be questioned from the Federal Chamber of German Architects’ point of view. The Federal Chamber of German Architects shares the EU Commission’s view that a rapid phase-out of fossil-fuelled heat is needed. However, the Federal Chamber of German Architects doubts that the legal basis for national bans on fossil-fuelled heat generators included in the EPBD proposal is helpful in this regard.
  - Firstly, this legal basis is a ban permission and not a ban obligation. Consequently, Member States do not have to implement this.
  - Secondly, individual Member States already make use of bans on individual heating technologies even without this legal basis. For example, the German government’s Climate Package enacted in 2019 stipulates that no new oil heating systems may be installed from 2026 onwards.
  - Thirdly, it would be more expedient if the EPBD specified a date after which there is an obligation to completely cover the energy demand with renewa-



ble energies in the case of heat generator replacement. This would correspond to a *de facto* ban on the installation of fossil-fuelled heat generators.

- Fourthly, a strict ban on fossil-fuelled boilers could only be enforced by providing owners in remote areas with substantial special subsidies, for example to cushion significantly higher electricity and investment costs.

**In 2027 at the latest, subsidies for fossil-fuelled heating technologies will be banned:** A sunset clause will be introduced for financial incentives to use fossil fuels in buildings. From 2027 onwards, financial incentives should no longer be granted for the installation of fossil-fuelled boilers. It also gives Member States the legal possibility to ban the use of fossil fuels in buildings.

- Article 15 (10) “Financial incentives and market barriers”

➤ **A ban on subsidies for fossil-fuelled heat generators is overdue:** The Federal Chamber of German Architects views the planned ban on the subsidising of climate-damaging heating technologies to be correct.

! **The date of the subsidy ban must be brought forward:** The date (2027) for entry into force of the funding ban is too late. It is absurd and a waste of taxpayers’ money to financially support something that is contrary to the achievement of commonly agreed goals. Above all, however, technological lock-in effects must be avoided. Since a fossil fuel heat generator installed in the mid-2020s can still be in operation in 2050 in accordance with its average service life, the new installation of such heating technologies will have to be dispensed with in the very near future.

## Introduction to the life-cycle approach

**Mandatory declaration of life-cycle greenhouse gases for all new buildings starting in 2030 at the latest:** While the focus of the proposal is on reducing greenhouse gas (GHG) emissions from operation, initial steps have been taken to address GHG emissions throughout the life cycle of a building. These so-called grey GHG emissions are gaining in importance, especially in new buildings, since here the GHG emissions from operation are limited to zero at the latest with the introduction of the zero-emission building. Accordingly, the share of grey GHG emissions will grow, relatively speaking. For example, the draft EPBD requires that life-cycle GHG emissions be reported for new buildings starting in 2030. For large buildings (with a usable floor space of more than 2,000 square metres), this will begin to apply in 2027, as life-cycle emissions are of particular importance for these. According to the EPBD proposal, this communication of life-cycle GHG emissions should take place via the energy performance certificate. For the calculation methodology, the EPBD proposal refers to Level(s) and specifically to indicator 1.2. However, it is acknowledged that other calculation tools can be used if they meet the minimum criteria set out in the EU common Level(s) framework. However, there is no requirement to comply with specific limit values, but only to report the calculated value. The first step is to use the tool to learn about the relationship between the grey GHG emissions in the overall assessment and the GHG emissions from operation, find out where there is potential for optimisation, and determine which con-



struction methods with which minimum lifetimes are the most GHG-efficient. It is a first step towards a stronger consideration of the life-cycle balance of buildings and, for the future, a circular economy.

- Article 7 (2) “New buildings”

➤ **Consideration of life-cycle GHG emissions is welcomed:** The Federal Chamber of German Architects welcomes the fact that life-cycle GHG emissions must be calculated and reported for all new buildings in future. In view of the zero-emission building introduced by then and GHG emissions from operation limited to zero from 2030 onwards, the life-cycle GHG emissions offer the most effective point of attack in future, where the lever for further necessary GHG reductions can and should be applied.

! **Don’t just require the reporting of life-cycle GHG emissions. Rather, introduce them as the main requirement before 2030!** In regards to the situation in Germany, the introduction of life-cycle GHG emissions from 2030 onwards as a purely declaratory metric does not appear to be very ambitious. Firstly, the effort to determine life-cycle GHG emissions solely for the purpose of information seems disproportionately high. Secondly, within the framework of building funding in Germany, maximum values for life-cycle GHG emissions have already been set via the newly introduced “Quality Seal Sustainable Building - New Construction of Residential Buildings”. The next step could be to adopt these values as a requirement in German regulatory law.

! **Make life-cycle analysis mandatory for all new buildings from 2030 onwards!** The Federal Chamber of German Architects considers the calculation and, in future, limitation of life-cycle GHG emissions to be only a first step towards a comprehensive life-cycle analysis of buildings. Only with a life-cycle analysis, which, according to the Federal Chamber of German Architects, should be included in the EPBD in the course of this recasting and should become mandatory EU-wide for all new buildings from 2030 onwards at the latest, can aspects such as resource consumption and environmental compatibility be taken into account.

! **Consider practicability for planners!** Simple and manageable parameters and calculation tools are needed so that the mandatory life-cycle GHG analysis and the mandatory life-cycle analysis demanded by the Federal Chamber of Architects can be carried out by the majority of planners. In this respect, it is good that the EPBD does not specify any concrete calculation tools, but only the requirements for them. Nationally, however, it will have to come down to establishing a uniform system in order to have a uniform method of calculation.

## Performance classes

**EU-wide harmonisation of the performance class scale:** By 2025, all energy performance certificates must be based on a harmonised scale from A to G.



- Annex V

➤ **EU-wide harmonisation of energy performance classes is right:** The Federal Chamber of German Architects welcomes the introduction of an EU-wide harmonised energy performance class scale.

! **Orienting on different national existing building stocks leads to different scales:** It is necessary to be aware that even in the course of this “harmonisation” the performance classes of the individual Member States will not be comparable to each other. This is alone due to the fact that the “worst” 15% of the building stock in Germany have a different energy standard than, for example, the “worst” 15% in Belgium. Consequently, class G means something different in Germany than in Belgium.

### Energy performance certificate

**EU-wide harmonisation of energy performance certificates:** The energy performance certificates are to be made clearer and contain better information, for example on cost efficiency and possible improvements in overall energy performance.

- Articles 16 - 19

➤ **EU-wide harmonisation of energy performance certificates makes sense:** The Federal Chamber of German Architects welcomes the EU-wide harmonisation of energy performance certificates (EPCs).

➤ **The reporting of “GHG emissions” in the energy performance certificate is correct:** The Federal Chamber of German Architects welcomes the fact that information on GHG emissions will be included in the energy performance certificate. However, GHG emissions should not only be reported, bearing in mind the overall objective to reduce GHG emissions.

! **Dispense with modernisation recommendations and cost estimates in the energy performance certificate!** The Federal Chamber of German Architects recommends completely dispensing with modernisation recommendations and cost estimates in the energy performance certificate.

- Firstly, this is because serious cost statements cannot be made over long periods of time. At the moment, costs are changing so quickly that a reliable cost estimate is hardly possible. The Federal Chamber of German Architects does not consider the demand for a binding cost estimate from energy advisors/certificate issuers to be serious due to uncontrollable liability risks. Not all certificate issuers are experts in construction costs. Even for architects, the current cost changes are difficult to assess. Against the backdrop of these dynamically developing energy and construction prices, the informative value of the modernisation recommendations is rapidly becoming outdated. This is particularly problematic given the current 10-year validity of the energy performance certificates.



- Secondly, this is because issuers of energy performance certificates are faced with a dilemma as a result: The energy performance certificate is usually commissioned by the seller or landlord of a building. The latter has no interest in an energy performance certificate with modernisation recommendations. This is because these could be understood as a defect in the building and thus have a negative effect on the purchase price or the rent. The tenant/buyer, in turn, has an interest in transparency and, above all, in a flawless building. There is a conflict of interest between the addressed person (tenant/buyer) and the commissioning person (landlord/seller). Issuers of energy performance certificates are thus faced with the dilemma of, on the one hand, fulfilling their obligation to make necessary modernisation recommendations and, on the other hand, not damaging the client economically.

**! Energy performance certificate is an assessment tool rather than an advisory tool!** The Federal Chamber of German Architects views the energy performance certificate as purely an assessment tool rather than an advisory tool. The energy performance certificate should show key figures for the building in connection with a classification (continuous scale, required values, comparative values, etc.). This type of assessment could be carried out (for existing buildings) by a large number of people (architects and engineers as well as qualified chimney sweeps and craftsmen).

**! Modernisation recommendations are planning tasks and are to be reserved for architects and engineers!** Modernisation recommendations, in combination with cost estimates, represent a service that is quite close to the contents of the renovation passport in terms of type and scope. This involves planning that should be reserved for the planning professions (architects and engineers) in order to enable an independent and comprehensive assessment of possible measures on the building.

**Issuance of energy performance certificates and expansion of the obligation to present them:** The obligation to present an energy performance certificate is expanded to buildings undergoing major renovation, to buildings for which a lease will be renewed and to all public buildings. Buildings or building units offered for sale or rent must have an energy performance certificate, and the energy performance class and indicator should be stated in all advertisements. Independent experts are responsible for issuing the energy performance certificates. Who these experts are is regulated in Germany by the Building Energy Act (Gebäudeenergiegesetz) (with reference to state law for new buildings). Architects and engineers are named there, as are other professional groups with appropriate further training.

- Article 16 (3) “Energy performance certificates”
- Article 17 (1) “Issue of energy performance certificates”

**➤ Expansion of the obligation to present makes sense:** The expansion of the obligation to present the certificate makes sense, as it strengthens the energy



performance certificate as a communication tool and as a basis for assessment.

- ! **Ensure diligence and quality in data collection!** The expansion of the obligation to present energy performance certificates will probably result in a higher demand for energy performance certificates. In combination with the other planned tools for building assessment, such as the renovation passport and the resource passport, a lot of manpower will be tied up here. Who is going to issue all these certificates? A shortage of skilled labour has already been noted. Therefore, the Federal Chamber of German Architects considers it legitimate that – as long as this only involves a pure building assessment, but not planning services, and as long as the requirements for energy performance certificates do not increase – this can also be done by qualified chimney sweeps and craftsmen. However, as renovation obligations can be derived from this, a high level of diligence and data quality must be ensured. Data collection by the owner should be excluded.
- ! **Consider increasing requirements for certificate issuers in future!** As the requirements for energy performance certificates increase (consideration of life-cycle GHG emissions from 2027/2030), so do the requirements for certificate issuers. It must therefore be examined whether this can continue to be done by qualified chimney sweeps and craftsmen.
- ↘ **Shortening the period of validity from 10 to 5 years is impracticable:** The Federal Chamber of German Architects views the planned shortening of the validity period of energy performance certificates for classes D to G to be understandable against the backdrop of ensuring that the information is up-to-date. However, because of the above-mentioned additional workload for the labour force in the preparation of the energy performance certificates and also in view of the higher expenses with regard to control, the reduction of the validity period of energy performance certificates is not practicable.

## Renovation passport

**EU-wide introduction of a renovation passport:** It has been proposed that a renovation passport should be introduced across the EU by 31 December 2024. This should include a renovation roadmap that specifies a sequence of successive renovation steps with the aim of converting the building into a zero-emission building by 2050 at the latest. Only qualified and certified experts shall be authorised to issue certificates. Each Member State should determine on its own what qualification requirements this requires and what occupational groups are meant by this. The renovation passport could roughly correspond to the individual renovation roadmap (individueller Sanierungsfahrplan iSFP) already introduced in Germany. The preparation and implementation of the iSFP are funded within the framework of the German building subsidy. The prerequisite for this is that these roadmaps have been issued by persons who are listed in the energy efficiency expert list of the German Energy Agency (dena).

- Article 10 “Renovation passport”



- **EU-wide introduction of a renovation passport makes sense:** The EU-wide introduction of a renovation passport makes sense from the Federal Chamber of German Architects' point of view. In Germany, a similar tool has already been introduced with the individual renovation roadmap (individueller Sanierungsfahrplan iSFP). The individual renovation roadmap (iSFP) or a renovation passport can ensure that sensible individual measures will be implemented without lock-in effects and lead to a desired energy target level.
- ! **Authorisation to issue renovation passports is to be reserved for architects and engineers!** The renovation passport is an advisory tool and its preparation is connected with a planning service. This requires a higher level of qualification and independence. Therefore, the preparation of renovation passports should be reserved for qualified and independent members of the profession, such as architects and engineers.
- ! **Strengthen the renovation passport with issuance obligations and funding!** The renovation passport should be strengthened as an advisory tool. There should be obligations as to when the renovation passport must be issued, for example when there is a change of ownership. The commissioning should then be done by the new owner and the preparation should be funded. In turn, the funding should be tied to the condition that the renovation passport is issued by a qualified and independent professional such as an architect or engineer.
- ! **Consider different speeds at neighbourhood and building level!** The renovation passport should allow for the possibility of including energy supply concepts at neighbourhood level that may exist or be in the planning stage when designing renovation paths. In many cases, there is no possibility at the level of the individual building to switch to a self-sufficient supply with renewable energy. Here, there is a need to resort to RE communities (neighbourhood level) or connection to district heating (municipal level) and to coordinate this with efficiency measures in the building.

## National databases for energy performance certificates

**Obligation of the Member States to set up national databases for energy performance certificates:** Member States must set up national databases for energy performance certificates for buildings and also allow for the collection of data on building renovation passports and smart readiness indicators. Information from the national databases shall be transmitted to the Building Stock Observatory on the basis of a template to be developed by the Commission.

- Article 17 "Issue of energy performance certificates"
- Article 19 "Databases for energy performance of buildings"

- **Requested consolidation of energy-related building data in national databases raises questions about quality assurance and data protection:**



- ! **Ensure nationally uniform standards for the collection of data:** The envisaged obligation of Member States to set up national databases for energy performance certificates demonstrates the considerable need for federal coordination, especially in Germany. This is because if the database's underlying data are to be used for tracking the fulfilment of renovation obligations and, if necessary, also resource conservation obligations later, then uniform standards of collection, validation and structuring must be ensured in the nation state. This is difficult to achieve with divergent state-law regulations on responsibility in Germany and should in any case be provided with graduated qualification reservations for reasons of quality assurance at the survey and validation stage. As already mentioned, this means that the data must be secured and of high quality. Architects and engineers are particularly qualified for this.
- ! **Ensure data protection!** In addition, for reasons of data protection, an encryption technique must ensure that individual consumption habits are not evaluated in a way contrary to the purpose.

## Infrastructure for sustainable mobility

**Expansion of the charging infrastructure for electric vehicles in buildings:** Pre-cabling should become the norm for all new construction and buildings undergoing major renovation. The introduction of charging stations in new and renovated office buildings is to be promoted in particular. Charging stations must enable smart charging, and Member States must remove barriers to the installation of charging stations in residential buildings and ensure a "right to plug".

- Article 12 "Infrastructure for sustainable mobility"

- **Making buildings usable for sustainable mobility creates the basis for interaction between the building and transport sectors in the climate transition:** The right to plug is the start of interdisciplinary thinking on the climate transition in the building and transport sectors. In a future overall CO<sub>2</sub> balance, it opens up very desirable possibilities for weighing up whether a large, housing industry property owner should rather invest resources in ecologically improved mobility offers or in energy-efficient building renovation in the case of critical existing buildings.
- ! **Empty conduits instead of pre-cabling:** Since a complete pre-cabling for the electrification of parking spaces can mean an unreasonable additional financial cost for building owners, it should alternatively be considered (analogous to the German Building and Electric Mobility Infrastructure Act, GEIG) not to pre-cable, but to lay empty conduits through which cables can be pulled if necessary.
- ! **Neighbourhood solutions for charging infrastructure:** Furthermore, as a compliance option for developers / building owners, the necessary charging infrastructure should be created jointly in the spatial neighbourhood context in-



stead of in each individual building. This would offer more flexibility to adjust the supply of charging points to the actual demand.

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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).