

**Mrs. Silvia-Adriana TICAU**  
Member of the European Parliament  
Rapporteur for the Energy Performance in Buildings Directive

Ref: **Recast of the Energy Performance of Buildings Directive (EPBD)**

Dear Mrs. Ticau,

We are writing to call on you to defend the progressive position of the European Parliament in the Trialogue Negotiations starting this month, to obtain a political agreement on the recast of EPBD. We support your efforts as the Parliament Rapporteur to achieve an ambitious recast in the April 2009 vote and maintain it in the inter-institutional negotiations.

As you are well aware, the 7th December is the opening of the UN Climate Change Conference (COP15) in Copenhagen. An ambitious EPBD for effective domestic actions will show strong EU leadership in the international climate negotiations.

However a fast agreement should not be reached to the detriment of the content; priority should be given to adopting an ambitious EPBD that contributes to saving more than 5% of the total EU CO<sub>2</sub> emissions and 6% of EU final energy use.

Your leadership in strengthening the EPBD would also send a right signal to the Romanian economy to accelerate its recovery in a sustainable way. Every time we provide incentives and the right support mechanisms for making our buildings more energy efficient, we create more and better jobs in the construction sector and we cut energy bills for the citizens. The construction sector and civil society in Romania support the recast EPBD and believe that it would promote faster and more targeted measures for the national level implementation.

In Romania, Law 372/2005 transposes the Energy Performance in Buildings Directive. Unfortunately, this piece of legislation is not ensuring the full potential of cost-effectively reducing energy consumption in buildings. The flaws in the existent version of Law 372/2005 are related mostly with a lack of penalties in case the provisions are not respected (obtaining the energy performance certificate, realizing a feasibility study for introducing renewable energy solutions in new buildings with more than 1000sqm, displaying the energy performance certificate for public authorities) and lack of system for checking if the law is implemented or not; partly caused by poor definition and share of responsibilities between specific authorities/actors on the market for checking the implementation. Romanian authorities (Ministry of Development and Public Works) are not modifying the existent law yet, because

they want to see what will be the new version of the EBPD. Therefore a strong version of EPBD will automatically have a very positive impact once transposed at the national level.

We are outlining below the main amendments we support and call for in the recast process:

### **1. Upgrade the Energy Performance of Existing Buildings (Art. 4, 7, 8)**

- Art. 4; Am. 52: Obligation to review building codes in line with the results of the benchmark methodology.
- Art 7; Am 57, 106 and 117 /Art. 8; Am. 58: Setting minimum energy performance requirements for building components.

Upgraded building codes have results in improved building stocks in numerous countries. Minimum energy standards equally applied to all market participants, drive innovation and improve conditions for building owners and occupants as well as provide a strong public benefit<sup>1</sup>. Stronger building codes would have the same effect in Romania, if properly implemented.<sup>2</sup>

### **2. Net Zero Energy Buildings as a Construction Standard for New Buildings (Art. 9)**

- Art. 9; Am. 60, 102: All buildings to be net zero energy by 31/12/2018 with an early compliance for public buildings already by 31/12/2015.

A strong EPBD mandating that all new buildings must be net zero energy by end of 2018, will automatically have a strong impact on the reduction of energy consumption and require the elaboration at national level of relevant legislation that allows small producers of renewable energy (such as buildings) to connect faster to the national grid<sup>3</sup>. Net zero energy buildings will therefore not only boost the market for energy efficient products, but also boost the market of renewable solutions in Romania because of higher demand.

### **3. Incentives to Support Up-front Investments (New Article)**

- Art. 9a; Am. 95: Member States to apply at least two incentives from new Annex IIIb (Am. 93) and Commission to reinforce existing Community financial instruments supporting the implementation of the EPBD.

Energy Efficiency measures are simply smart investments, not to be considered “costs”.

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<sup>1</sup> The measure was rated “Only effective if enforced” in a study of United Nations Environment Program and Central European University – “Assessment of Policy instruments for reducing greenhouse gas emissions from buildings”

<sup>2</sup>Romanian Architects in the same survey have identified “higher construction standards” as one of the most important drivers for pushing them to build green.

<sup>3</sup> In this moment – there is no distinction in the process of obtaining the authorization for small producers of energy and big ones. The amount of authorizations needed and the long process, discourage the developers to use renewable solutions in their projects.

Without any fiscal or financial incentive to retrofit inefficient homes<sup>4</sup>, the speed of the renovation of existing buildings will remain too slow. EU and Romania need a strong regulation that encourages energy performance of existing buildings and with a very thorough strategy including financial instruments to reduce the economic and social risks associated with “no action”. Part or all of the incentives used today to subsidize energy prices should be directed into supporting energy efficiency measures that could solve the problem of high energy consumption and high cost associated at the root and not just transfer it from one year to another.

#### **4. Effective Enforcement and Monitoring (Article 17, Annex II)**

- Annex II; Am. 88, 89, 90, 91: Strengthened system of checks for certificates and inspection reports.

Effective enforcement of the EPBD is crucial to its success; even the most advanced legislation is useless if compliance with the requirements is not accurately monitored and non compliance is not severely punished. Consistently applied laws will encourage both domestic and international investors and real estate developers to build high quality projects.

In particular, quality checks on the certificates and inspection reports are determinant to ensure the proper functioning of the all system and to ensure that consumers rely on and apply the recommendations to improve the energy performance of their building contained in these documents.

We hope that during the Triologue Negotiations you will defend the high level of ambition needed for this crucial legislative proposal and ensure you of all our support.

Sincerely yours,

Steven Borncamp  
President  
Romanian Green Building Council

Luminita Tanasie  
Programme Director  
WWF Danube Carpathian Programme Romania

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<sup>4</sup> The blocks build before 1990 have an average energy consumption of 300Kwh/sqm/year – compared to 150Kwh/sqm/year which is the class A energy efficiency rate in Romania at the moment – Emilia Cerna Mladin, President of Association of Energy Auditors in Buildings, “How to get an A rating” – presentation at the RoGBC launch event -<http://rogbc.org/en/how-to-get-an-a-rating-on-the-energy-performance-certificates>