



**COUNCIL OF
THE EUROPEAN UNION**

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2008/0223 (COD)**

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NOTE

from : General Secretariat of the Council
to : Delegations
No. Cion prop. : 15929/1/08 ENER 398 ENV 850 CODEC 1592

Subject : Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)

The Annex contains the text of the draft Directive.

The **main markers** are the following:

Substantive modifications inserted by the Council Working Party are indicated as follows:

- Deletion: **[...]**
- **added text**

* * *

In the Commission proposal the following markers are used:

White text: unchanged texts or drafting changes that should not be discussed.

Grey shaded : substantive modifications of the previous act open for discussion.

~~Double strikethrough~~ : deletions from the previous act proposed by the Commission.

.... or double underlining == : additions.

The text in Annex includes at this stage only a few changes in the Articles. The text furthermore incorporates the opinion of the Consultative Working Party (consisting of the Legal Service of the European Parliament, the Council and the Commission) as reflected in doc. 10270/09, as well as some additional corrections.

It is important to underline that during the first round of detailed examination of the Articles, the Commission responded to several issues of concern raised by delegations by providing detailed explanations which could perhaps solve the issue or prove the concern in question to be unfounded; it remains therefore to be assessed during further examinations whether these concerns remain or not. In some cases, it was agreed that additional text of a clarifying nature would be required.

As a general remark, the Commission underlined that the inclusion of Article 175(1) in the legal basis has the effect that Member States are always allowed to introduce more stringent measures (*cf.* Article 176 EC Treaty).

The following **main issues** were raised by a number of delegations.

- As regards the first reading **opinion of the European Parliament**, adopted on 23 April 2009, several delegations were of the view that several amendments appear to be overly ambitious and even unrealistic. Therefore, it would be imperative to receive the Commission's opinion on the EP's opinion *before* Council starts to examine the amendments. The Commission announced that its opinion would only arrive towards the end of June.
- In Article 1 and 2 use is made of the term "**buildings and parts thereof**"; since delegations requested more clarifications in the text that would make it clear what the term "parts thereof" includes, modifications to the text are included. Some delegations also requested that "**building components**" be included. Further discussion appears necessary.

- Articles 3 relates to the use of a **methodology** for the calculation of the energy performance of buildings, and Article 4 to the setting of **minimum energy performance requirements**. Using the general framework for this methodology set out in Annex I which contains a non-exhaustive list of parameters to be used, Member States will develop the methodology and set minimum energy requirements, to be applied on their national territory. Nevertheless, Member States expressed doubt whether such partial harmonisation could cater for the different situations in all Member States. The issue requires further study.¹
- **Article 4(3)** specifies that Member States, after 2014, may no longer provide **incentives** for constructions or renovations which do not comply with minimum energy performance requirements (set by the Member State). Several delegations were opposed to the provision as currently formulated on the grounds that it would infringe on the budgetary decisionmaking powers of Member States.
- Article 5 states that a comparative methodology for calculating **cost-optimal levels**² of minimum energy performance requirements will be developed by the Commission in collaboration with the Member States. The methodology will have to be applied by Member States from 30 June 2017 (*cf.* Article 4(4)) onwards. Member States underlined that investments in renovation and construction should not be discouraged, and were hesitant to commit to a future application of these cost-optimal levels which are as yet unknown. Therefore, the notion of "cost-optimal" requires further careful study.
- Some delegations were opposed to the **deletion** in the proposal (Articles 6 and 7) of the currently applicable **threshold of 1000m²** (below which new buildings and major renovations are excluded in the current legislation) and instead advocated a lower threshold or a gradual introduction; however, other delegations supported the proposed deletion.

¹ p.m. the Commission provided a detailed explanatory powerpoint presentation on Articles 3-5.

² p.m. defined in Article 2(10) as the lowest level of investment and energy cost during the entire life-cycle of a building. See also the Commission's detailed explanatory powerpoint presentation on this Article.

- Several Member States expressed concern about a feared **overall increase in administrative burden**. The following related provisions were cited by one or more delegations in this context:
 - = Article 6, which specifies which alternative energy systems must be considered when a new building is constructed and that this documentation must be included in the building permit; in this context, several delegations underlined that the obligatory analysis of the listed alternative systems does not always make sense (due to climatic conditions, cost efficiency, nature/location of the building, etc.);
 - = the obligation to regularly inspect heating systems and airconditioning systems in Articles 13 and 14, and to report thereon (Article 15);
 - = the obligation to have accredited experts carrying out the certifications and inspections (Article 16);
 - = the obligation in Article 17 to establish an independent control system for both the energy performance certificates and the reports on the inspections of heating systems and airconditioning systems. Linked to this burden is the Annex II which lays down minimum amounts of random checks;
 - = the obligation in Article 19 to provide detailed information to owners and tenants.

- Several delegations sought assurances that the provisions of this Directive (in particular Article 8) should have no overlaps whatsoever with products that will be covered under the **ecodesign** framework Directive; the Commission assured that this will not be the case: the present proposal aims to *complement* the ecodesign Directive, since the ecodesign Directive deals with products, and the present proposal with systems.

- Several Member States questioned the need to establish a system of **penalties** as foreseen in Article 22, although some other Member States supported this.

- Several Member States considered the proposed (fixed) **date for transposition** (31 December 2010) and the date of application of provisions relating to public buildings (31 January 2012) to be much too soon (*cf.* Article 23(1)).

Ⓔ 2002/91

2008/0223 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the energy performance of buildings

(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty³,

Whereas:

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

new

- (1) Directive 2002/91/EC the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings¹ has been amended². Since further substantive amendments are to be made, it should be recast in the interests of clarity.

Ⓔ 2002/91 recital 1 (adapted)

- ~~(1) Article 6 of the Treaty requires environmental protection requirements to be integrated into the definition and implementation of Community policies and actions.~~

Ⓔ 2002/91 recital 2

- (2) The natural resources, to the prudent and rational utilisation of which Article 174 of the Treaty refers, include oil products, natural gas and solid fuels, which are essential sources of energy, but also the leading sources of carbon dioxide emissions.

Ⓔ 2002/91 recital 3

~~Increased energy efficiency constitutes an important part of the package of policies and measures needed to comply with the Kyoto Protocol and should appear in any policy package to meet further commitments.~~

¹ OJ L 1, 4.1.2003, p. 65.

² See Annex IV, Part A.

new

- (3) Reduction of energy consumption in the buildings sector constitutes an important part of the measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and with further European and international commitments to reduce greenhouse gas emissions beyond 2012. Reduced energy consumption also has an important part to play in promoting security of energy supply, technological development and providing opportunities for employment and regional development, especially in rural areas.

Ⓔ 2002/91 recital 4 (adapted)

- (4) ~~Demand M~~management of energy demand is an important tool enabling the Community to influence the global energy market and hence the security of energy supply in the medium and long term.

Ⓔ 2002/91 recital 5 (adapted)

new

- ~~(5) 30 May 2000 and of 5 December 2000, the Council endorsed the Commission's action plan on energy efficiency and requested specific measures in the building sector.~~

new

- (5) The European Council of March 2007 emphasised the need to increase energy efficiency in the Community so as to achieve the objective of reducing by 20 % the Community's energy consumption by 2020 and called for a thorough and rapid implementation of the priorities established in the Communication of the Commission "Action Plan for Energy Efficiency: Realising the Potential"¹. This Action Plan identified the significant potential for cost-effective energy savings in the buildings sector. The European Parliament, in its resolution of 31 January 2008, has called for strengthening the provisions of Directive 2002/91/EC.

Ⓔ 2002/91 recital 6 (adapted)

- (6) The residential and tertiary sector, the major part of which is buildings, accounts for ~~more than~~ approximately 40 % of final energy consumption in the Community and is expanding, a trend which is bound to increase its energy consumption and hence also its carbon dioxide emissions.

¹ COM(2006)545 final.

Ⓔ 2002/91 recital 7 (adapted)

- (7) ~~Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (SAVE)(5), which requires Member States to develop, implement and report on programmes in the field of energy efficiency in the building sector, is now starting to show some important benefits. However, a complementary legal instrument is needed~~ It is necessary to lay down more concrete actions with a view to achieving the great unrealised potential for energy savings in buildings and reducing the large differences between Member States' results in this sector.

Ⓔ 2002/91 recital 8

- ~~(8) Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products(6) requires construction works and their heating, cooling and ventilation installations to be designed and built in such a way that the amount of energy required in use will be low, having regard to the climatic conditions of the location and the occupants.~~

Ⓔ 2002/91 recital 9 (adapted)

new

- (8) The measures further to improve the energy performance of buildings should take into account climatic and local conditions as well as indoor climate environment and cost-effectiveness. These measures should not affect ~~They should not contravene other essential~~ requirements concerning buildings such as accessibility, ~~prudence~~ safety and the intended use of the building.

Ⓔ 2002/91 recital 10 (adapted)

new

- (9) The energy performance of buildings should be calculated on the basis of a methodology, which may be differentiated at national and regional level, and that includes, in addition to thermal characteristics ~~insulation~~, other factors that play an increasingly important role such as heating and air-conditioning installations, application of renewable energy sources, passive heating and cooling elements, shading, indoor air-quality, adequate natural light and design of the building. **The methodology for calculating energy performance should not only be based on the season where heating is required, but should cover the annual energy performance of a building.**

Ⓔ 2002/91 recital 22 (adapted)

new

- (10) Member States should set minimum requirements for the energy performance of buildings. The requirements should be set with a view to achieving the cost-optimal balance between the investments involved and the energy costs saved throughout the life-cycle of the building. Provision should be made for the possibility of rapidly adapting the methodology of calculation and of for Member States to regularly reviewing their minimum energy performance requirements for ~~in the field of energy performance of buildings with regard to technical progress, inter alia, as concerns the insulation properties (or quality) of the construction material, and to future developments in standardisation.~~

new

- (11) This Directive is without prejudice to Articles 87 and 88 of the Treaty. Therefore the notion of incentive used in this Directive should not be interpreted as including state aid.

new

- (12) The Commission should lay down a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements. Member States should use this comparative methodology to compare the results with the minimum energy performance requirements which they have adopted. The results of this comparison and the data used to reach these results should be regularly reported to the Commission. These reports should enable the Commission to assess the progress of Member States in reaching cost-optimal levels of minimum energy performance requirements and to report on it. After a transitional period Member States should use this comparative methodology when they review their minimum energy performance requirements.

Ⓔ 2002/91 recital 12 (adapted)

new

- (13) Buildings ~~will~~ have an impact on long-term energy consumption and new buildings should therefore meet minimum energy performance requirements ~~tailored~~ adapted to the local climate. ~~Best practice should in this respect be geared to the optimum use of factors relevant to enhancing energy performance.~~ As the application of alternative energy supply systems is generally not explored to its full potential, the technical, environmental and economic feasibility of alternative energy supply systems should be considered , regardless of the size of the building. ; ~~this can be carried out once, by the Member State, through a study which produces a list of energy conservation measures, for average local market conditions, meeting cost effectiveness criteria. Before construction starts, specific studies may be requested if the measure, or measures, are deemed feasible.~~

Ⓔ 2002/91 recital 13 (adapted)

new

- (14) Major renovations of existing buildings, regardless of their size, ~~above a certain size should be regarded as~~ provide an opportunity to take cost-effective measures to enhance energy performance. ~~Major renovations are cases such as those where the total cost of the renovation related to the building shell and/or energy installations such as heating, hot water supply, air conditioning, ventilation and lighting is higher than 25 % of the value of the building, excluding the value of the land upon which the building is situated, or those where more than 25 % of the building shell undergoes renovation.~~ For reasons of cost-efficiency, it should be possible to limit the minimum energy performance requirements to the renovated parts that are most relevant for the energy performance of the building.
-

Ⓔ 2002/91 recital 11

- ~~(11) The Commission intends further to develop standards such as EN 832 and prEN 13790, also including consideration of air conditioning systems and lighting.~~

new

- (15) Measures are needed to increase the number of buildings which not only fulfill current minimum energy performance requirements, but are more energy efficient. For this purpose Member States should draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero and regularly report them to the Commission.

new

- (16) To limit the reporting burden on the Member States it should be possible to integrate the reports required by this Directive in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC¹. The public sector in each Member State should lead the way in the field of energy performance of buildings, and therefore the national plans should set more ambitious targets for the buildings occupied by public authorities.

new

- (17) The prospective buyer and tenant of a building or building unit should be given correct information about the energy performance of the building and practical advice about improving it, through the energy performance certificate. The certificate should also provide information about the actual impact of heating and cooling on the energy needs of the building, on its primary energy consumption and on carbon dioxide emissions.

¹ OJ L 114, 27.4.2006, p. 64.

- (18) ~~The certification process may be supported by programmes to facilitate equal access to improved energy performance, based upon agreements between organisations of stakeholders and a body appointed by the Member States, carried out by energy service companies which agree to commit themselves to undertake the identified investments. The schemes adopted should be supervised and followed up by Member States, which should also facilitate the use of incentive systems. To the extent possible, the certificate should describe the actual energy performance situation of the building and may be revised accordingly.~~ Public authority ~~h~~ Buildings occupied by public authorities and buildings frequently visited by the public ~~should~~ provide an opportunity to set an example by showing ~~taking~~ environmental and energy considerations being taken into account and therefore those buildings should be subject to energy certification on a regular basis. The dissemination to the public of ~~this~~ information on energy performance should be enhanced by clearly displaying these energy certificates. ~~Moreover, the displaying of officially recommended indoor temperatures, together with the actual measured temperature, should discourage the misuse of heating, air conditioning and ventilation systems. This should contribute to avoiding unnecessary use of energy and to safeguarding comfortable indoor climatic conditions (thermal comfort) in relation to the outside temperature.~~

Ⓔ 2002/91 recital 18

- (19) Recent years have seen a rise in the number of air-conditioning systems in ~~southern~~ European countries. This creates considerable problems at peak load times, increasing the cost of electricity and disrupting the energy balance in those countries. ~~Priority should be given to strategies which enhance the thermal performance of buildings during the summer period. To this end there should be further development of passive cooling techniques, primarily those that improve indoor climatic conditions and the microclimate around buildings.~~

Ⓔ 2002/91 recital 14

- ~~(14) However, the improvement of the overall energy performance of an existing building does not necessarily mean a total renovation of the building but could be confined to those parts that are most relevant for the energy performance of the building and are cost effective.~~

Ⓔ 2002/91 recital 15 (adapted)

- (15) ~~Renovation requirements for existing buildings should not be incompatible with the intended function, quality or character of the building. It should be possible to recover additional costs involved in such renovation within a reasonable period of time in relation to the expected technical lifetime of the investment by accrued energy savings.~~

Ⓔ 2002/91 recital 17

~~(17) Member States may also employ other means/ or measures, not provided for in this Directive, to encourage enhanced energy performance. Member States should encourage good energy management, taking into account the intensity of use of buildings.~~

Ⓔ 2002/91 recital 19 (adapted)

new

(20) Regular inspection ~~maintenance~~ of boilers heating and ~~of~~ air-conditioning systems by qualified personnel contributes to maintaining their correct adjustment in accordance with the product specification and in that way ~~will ensure~~ ensures optimal performance from an environmental, safety and energy point of view. An independent assessment of the ~~total~~ entire heating and air-conditioning ~~installation~~ system should occur at regular intervals during the life-cycle thereof, especially before their replacement or upgrading. ~~is appropriate whenever replacement could be considered on the basis of cost-effectiveness.~~

Ⓔ 2002/91 recital 20

~~(20) The billing, to occupants of buildings, of the costs of heating, air conditioning and hot water, calculated in proportion to actual consumption, could contribute towards energy saving in the residential sector. Occupants should be enabled to regulate their own consumption of heat and hot water, in so far as such measures are cost effective~~

Ⓔ 2002/91 recital 10 (adapted)

new

- (21) A common approach to ~~this process~~ energy performance certification of buildings and to the inspection of heating and air-conditioning systems , carried out by qualified and ~~for~~ accredited experts, whose independence is to be guaranteed on the basis of objective criteria, will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to the energy performance in the Community property market.
- In order to guarantee the quality of energy performance certificates and of the inspection of heating and air-conditioning systems throughout the Community, an independent control mechanism should be established in each Member State.

Ⓔ 2002/91 recital 23

- (22) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹.

¹ [OJ L 184, 17.7.1999, p.23.](#)

new

(23) Power should in particular be conferred on the Commission to adapt certain parts of the general framework set out in Annex I to technical progress, to establish a [...] methodology for calculating cost-optimal levels of minimum energy performance requirements and to establish common principles for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Ⓔ 2002/91 recital 21 (adapted)

new

- (24) Since the objectives of enhancing the energy performance of buildings cannot be sufficiently achieved by the Member States ~~due to the complexity of the buildings sector [...]~~ and the inability of the national housing markets to adequately address the challenges of energy efficiency, and can by the reason of the scale and the effects of the action be better achieved at Community level, the Community may adopt measures, ~~in accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, general principles providing for a system of energy performance requirements and its objectives should be established at Community level, but the detailed implementation should be left to Member States, thus allowing each Member State to choose the regime which corresponds best to its particular situation.~~ In accordance with the principles of proportionality, as set out in that Article, ~~This Directive confines itself to the minimum required in order to achieve those objectives and~~ does not go beyond what is necessary for ~~that purpose~~ in order to achieve those objectives .

new

(25) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.

(26) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directive set out in Annex III, Part B.

(26a) In accordance with point 34 of the Interinstitutional Agreement on better law-making¹, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.

¹ OJ C 321, 31.12.2003, p. 1

CE 2002/91 (adapted)

new

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective *Subject matter*

~~The objective of this Directive is to promote~~ promotes the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.

This Directive lays down requirements as regards:

- (a) the general framework for a methodology of calculation of the integrated energy performance of buildings [...];
- (b) the application of minimum requirements on the energy performance of new buildings [...];
- (c) the application of minimum requirements on the energy performance of ~~large~~ existing buildings [...] that are subject to major renovation;

new

- (d) national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal zero;

Ⓔ 2002/91 (adapted)

new

~~(d)~~(e) energy certification of buildings or building units [...] ; ~~and~~

~~(e)~~(f) regular inspection of boilers heating and air-conditioning systems in buildings ~~and in addition an assessment of the heating installation in which the boilers are more than 15 years old.~~

new

(g) independent control systems for energy performance certificates and inspection reports.

Ⓔ 2002/91 (adapted)

new

Article 2
Definitions

For the purpose of this Directive, the following definitions shall apply:

(1) "building" means a roofed construction having walls, for which energy is used to condition the indoor climate; a building may refer to the building as a whole or parts thereof that have been designed or altered to be used separately;

new

(2) "technical building system" means technical equipment for heating, cooling, ventilation, hot water, lighting and electricity production or for a combination of those;

EN 2002/91 (adapted)

new

~~(2)~~(3) "energy performance of a building" means the calculated or measured amount of energy ~~actually consumed~~ needed ~~or estimated~~ to meet the ~~different needs~~ energy demand associated with a ~~standardised~~ typical use of the building, which ~~may include~~ include inter alia energy used for heating, hot water ~~heating~~, cooling, ventilation and lighting;

new

(4) "primary energy": means renewable and non-renewable energy which has not undergone any conversion or transformation process;

(5) "building envelope" means elements of a building which separate its interior from the outdoor environment, including the windows, walls, foundation, basement slab, ceiling, roof, and insulation;

(5a) "building unit" means a unit or apartment within a building which is designed or altered to be used separately;

(5b) "building element" means an element of the building envelope or the technical building system of the building;

(6) "major renovation": means the renovation of a building where

(a) the total cost of the renovation related to the building envelope or the technical building systems is higher than 25 % of the value of the building, excluding the value of the land upon which the building is situated, or

(b) more than 25 % of the surface of the building envelope undergoes renovation;

(7) "European standard": means a standard adopted by the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation or the European Telecommunications Standards Institute and made available for public use;

CE 2002/91 (adapted)

new

~~(3)~~(8) "energy performance certificate of a building" means a certificate recognised by the Member State or a legal person designated by it, which ~~includes~~ indicates the energy performance of a building or [...] building unit, calculated according to a methodology ~~based on the general framework set out in the Annex~~ adopted in accordance with Article 3;

EN 2002/91

~~(4) "CHP" the simultaneous conversion of primary fuels into mechanical or electrical and thermal energy, meeting certain quality criteria of energy efficiency;~~

new

(9) "cogeneration" means simultaneous generation in one process of thermal energy and electrical and/or mechanical energy;

(10) "cost-optimal level" means the lowest level of costs during the life-cycle of a building, which are determined taking into account investment costs, maintenance and operating costs (including energy costs), earnings from energy produced, where applicable, and disposal costs, where applicable;

EN 2002/91 (adapted)

new

~~(5)(11) "air-conditioning system" means a combination of all the components required to provide a form of indoor air treatment, including ventilation in which temperature is controlled or can be lowered, possibly in combination with the control of ventilation, humidity and air cleanliness;~~

~~(6)(12) "boiler" means the combined boiler body and burner unit, designed to transmit to water fluids [...] the heat released from combustion-burning;~~

~~(7)~~(13) "effective rated output" ~~(expressed in kW)~~: means the maximum calorific output, expressed in kW, specified and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

~~(8)~~(14) "heat pump": means a device or installation that extracts heat at low temperature from air, water or earth and supplies the heat to the building.

Article 3

Adoption of a methodology of calculation of the energy performance of buildings

Ⓔ PE-CO_S 3654/08 (2002/91 adapted) (adapted)
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Member States shall apply a methodology, ~~at national or regional level,~~ of calculation of the energy performance of buildings ~~on the basis of~~ in accordance with the general framework set out in the Annex I to this Directive. ~~The Commission shall adapt points 1 and 2 of the Annex to technical progress, taking into account standards or norms applied pursuant to national law. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2).~~

☐ 2002/91 (adapted)

new

This methodology shall be ~~set~~ adopted at national or regional level.

~~The energy performance of a building shall be expressed in a transparent manner and may include a CO₂ indicator.~~

☐ 2002/91 (adapted)

new

Article 4

Setting of minimum energy performance requirements

1. Member States shall take the necessary measures to ensure that minimum energy performance requirements for buildings are ~~set~~ with a view to achieving cost-optimal levels and ~~based on~~ are calculated in accordance with the methodology referred to in Article 3.

When setting requirements, Member States may differentiate between new and existing buildings and between different categories of buildings.

These requirements shall take account of general indoor climate conditions, in order to avoid possible negative effects such as inadequate ventilation, as well as local conditions and the designated function and the age of the building.

These requirements shall be reviewed at regular intervals which ~~should~~ shall not be longer than five years and, if necessary, shall be updated in order to reflect technical progress in the building sector.

~~2. The energy performance requirements shall be applied in accordance with Articles 5 and 6.~~

3.2. Member States may decide not to set or apply the requirements referred to in paragraph 1 for the following categories of buildings:

- (a) buildings ~~and monuments~~ officially protected as part of a designated environment or because of their special architectural or historic merit, where compliance with the minimum energy performance requirements would unacceptably alter their character or appearance~~;~~
- (b) buildings used as places of worship and for religious activities~~;~~
- (c) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectoral agreement on energy performance~~;~~
- (d) residential buildings which are intended to be used less than four months of the year~~;~~
- (e) stand-alone buildings with a total useful floor area of less than 50 m².

new

3. As from 30 June 2014 Member States shall not provide incentives for the construction or energy relevant renovation of buildings [...] or building elements which do not comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2).
4. As from 30 June 2017, where Member States review their minimum energy performance requirements set in accordance with paragraph 1 of this Article they shall ensure that these requirements achieve the results of the calculation referred to in Article 5(2).

new

Article 5

Calculation of cost-optimal levels of minimum energy performance requirements

1. The Commission shall establish by 31 December 2010 a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings or [...] building elements. The comparative methodology shall differentiate between new and existing buildings and between different categories of buildings.

Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the procedure referred to in Article [...] 21(2).

2. Member States shall calculate cost-optimal levels of minimum energy performance requirements using the comparative methodology established in accordance with paragraph 1 and relevant parameters, such as climatic conditions, and compare the results of this calculation to the minimum energy performance requirements which they have laid down.

They shall report to the Commission all input data and assumptions used for these calculations and all calculation results. The report may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. Member States shall submit to the Commission those reports every three years. The first report shall be submitted by 30 June 2011 at the latest.

3. The Commission shall publish a report on the progress of the Member States in reaching cost-optimal levels of minimum energy performance requirements.

© 2002/91 (adapted)

Article [...] 6

New buildings

1. Member States shall take the necessary measures to ensure that new buildings meet the minimum energy performance requirements ~~referred to in~~ set in accordance with Article 4.

For new buildings ~~with a total useful floor area over 1000 m²~~, Member States shall ensure that, before construction starts, the technical, environmental and economic feasibility of [...] alternative systems such as those listed below is considered and taken into account ~~such as:~~

- (a) decentralised energy supply systems based on renewable energy;
- (b) ~~CHP~~ cogeneration ;
- (c) district or block heating or cooling, if available;
- (d) heat pumps ~~under certain conditions~~;

~~is considered and is taken into account before construction starts.~~

new

2. Member States shall ensure that the analysis of alternative systems referred to in paragraph 1 is documented in a transparent manner and available for verification purposes [...].

Article [...] 7

Existing buildings

Member States shall take the necessary measures to ensure that when buildings ~~with a total useful floor area over 1000 m²~~ undergo major renovation, the [...] energy performance of the renovated part is upgraded in order to meet minimum energy performance requirements in so far as this is technically, functionally and economically feasible. Member States shall ~~derive~~ determine these minimum energy performance requirements ~~on the basis of the energy performance requirements set for buildings~~ in accordance with Article 4. The requirements may be set either for the renovated building as a whole or for the renovated [...] building elements when these are part of a renovation to be carried out within a limited time period, with the ~~above-mentioned~~ objective of improving the overall energy performance of the building or [...] building elements .

new

Article 8

Technical building systems

1. Member States shall set minimum energy performance requirements in respect of technical building systems which are installed in buildings. System requirements [...] shall be set for new, replacement and retrofit of technical building systems [...].
The system requirements shall [...] cover at least the following [...]:
 - (a) boilers or other heat generators of heating systems;
 - (b) water heaters in hot water systems;
 - (c) central air conditioning unit or cold generator in air-conditioning systems.
2. The minimum energy performance requirements set in accordance with paragraph 1 shall be consistent with the legislation applicable to the product(s) which compose the system and be based on proper installation of the product(s) and appropriate adjustment and control of the technical building system. In particular, those system requirements shall ensure that a proper hydraulic balance of hydraulic wet heating systems is achieved and that the appropriate size and type of the product(s) have been used for the installation having regard to the intended use of the technical building system.

Article 9

Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero

1. Member States shall draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. They shall set targets for the minimum percentage which those buildings in 2020 shall constitute of the total number of buildings and represent in relation to the total useful floor area.

Separate targets shall be set for:

- (a) new and refurbished residential buildings;
- (b) new and refurbished non-residential buildings;
- (c) buildings occupied by public authorities.

Member States shall set the targets referred to in point (c) taking into account the leading role which public authorities should play in the field of energy performance of buildings.

2. The national plan referred to in paragraph 1 shall include inter alia the following elements:
 - (a) the Member State's definition of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero;
 - (b) intermediate targets expressed as a percentage which those buildings shall constitute of the total number of buildings and represent in relation to the total useful floor area in 2015;
 - (c) information on the measures undertaken for the promotion of those buildings.

3. Member States shall communicate the national plans referred to in paragraph 1 to the Commission by 30 June 2011 at the latest and report to the Commission every three years on the progress in implementing their national plans. The national plans and progress reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.

4. The Commission shall establish common principles for defining buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero.

Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the procedure referred to in Article 21(2).

5. The Commission shall publish a report on the progress of Member States in increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. On the basis of this report the Commission shall develop a strategy, and, if necessary, propose measures to increase the number of those buildings.

Article ~~7~~10

~~Energy~~ Energy performance certificate certificates

~~2.1.~~ Member States shall lay down the necessary measures to establish a system of certification of the energy performance of buildings. The energy performance certificate for buildings shall include the energy performance of a building and reference values such as ~~current legal standards and benchmarks~~ minimum energy performance requirements in order to make it possible for owners or tenants of the building or ~~[...]~~ building unit consumers to compare and assess ~~the~~ its energy performance of the building.

~~2.~~ The certificate shall ~~be accompanied by~~ include recommendations for the cost-effective improvement of the energy performance of a building or ~~[...]~~ building unit .

The recommendations included in the energy performance certificate shall cover:

- (a) measures carried out in connection with a major renovation of the building envelope or technical building system(s); and
- b) measures for individual ~~[...]~~ building elements ~~[...]~~ independent of a major renovation of the building envelope or technical building system(s).

new

3. The recommendations included in the energy performance certificate shall be technically feasible for the specific building and shall provide transparent information as to their cost-effectiveness. The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments necessary to implement the recommendations.
4. The energy performance certificate shall provide an indication as to where the owner or tenant can receive more detailed information regarding the recommendations given in the certificate. In addition, it shall contain information on the steps to be taken to implement the recommendations.
5. Certification for apartments or units designed for separate use in building blocks may be based:
 - (a) on a common certification of the whole building for blocks with a common heating system or
 - (b) on the assessment of another representative apartment or unit in the same building block.

new

6. Certification for single-family houses may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality if this correspondence can be guaranteed by the expert issuing the energy performance certificate.
7. The validity of the energy performance certificate shall not exceed 10 years.

© 2002/91 (adapted)

Article 11

Issuing of energy performance certificates

new

1. Member States shall ensure that an energy performance certificate is issued for buildings or [...] building units which are constructed, sold or rented out and for buildings where a total useful floor area over 250 m² is occupied by a public authority.
2. Member States shall ~~ensure~~ require that, when buildings or [...] building units are constructed, ~~sold or rented out~~, an energy performance certificate is ~~made available~~ handed over to the owner by the independent expert issuing the certificate and referred to in Article 16 or by the vendor .

new

3. Member States shall require that, when buildings or [...] building units are offered for sale, the [...] energy performance indicator of the energy performance certificate is stated in all advertisements for sale of the building or [...] building units , and that the energy performance certificate is shown to the prospective buyer.

The energy performance certificate shall be handed over by the vendor to the buyer at the moment of conclusion of the sales contract at the latest.

4. Member States shall require that, when buildings or [...] building units are offered for rent, the [...] energy performance indicator of the energy performance certificate is stated in all advertisements for rent of the building or [...] building unit , and that the energy performance certificate is shown to the prospective tenant.

The energy performance certificate shall be handed over by the owner to the tenant at the moment of conclusion of the lease at the latest.

© 2002/91 (adapted)

new

5. Member States may exclude the categories of buildings referred to in Article 4(3) from the application of ~~this paragraph~~ paragraphs 1, 2, 3 and 4.

~~The objective of the certificates shall be limited to the provision of information, and any effects of these certificates in terms of legal proceedings shall be decided in accordance with national rules.~~

Article 12

Display of the energy performance certificates

~~3.1.~~ Member States shall take measures to ensure that ~~for buildings with~~ where a total useful floor area over ~~1000~~ 250 m² of a building is occupied by public authorities, ~~and by institutions providing public services to a large number of persons and therefore frequently visited by these persons an~~ the energy performance certificate ~~not older than 10 years~~, is ~~placed~~ displayed in a prominent place clearly visible to the public.

new

2. Member States shall take measures to ensure that where a total useful floor area over 250 m² of a building for which an energy performance certificate has been issued in accordance with Article 11(1) is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.

E 2002/91 (adapted)

new

~~2.~~ ~~The range of recommended and current indoor temperatures and, when appropriate, other relevant climatic factors may also be clearly displayed.~~

Article ~~9~~13

Inspection of ~~boilers~~ heating systems

~~With regard to reducing energy consumption and limiting carbon dioxide emissions,~~

1. Member States shall ~~either: (a)~~ lay down the necessary measures to establish a regular inspection of heating systems with boilers ~~fired by non-renewable liquid or solid fuel~~ of an effective rated output of more than 20 kW ~~to 100 kW~~. The inspection shall include an assessment of the boiler efficiency and the boiler sizing compared to the heating requirements of the building. ~~Such inspection may also be applied to boilers using other fuels.~~

new

2. The Member States may set different frequencies of inspections depending on the type and effective rated output of the boiler of the heating system. When setting the frequencies Member States shall take into account the costs of the inspection of the heating system and the estimated energy cost savings that may result from the inspection.

2002/91

new

3. Heating systems with ~~B~~boilers of an effective rated output of more than 100 kW shall be inspected at least every two years.

For gas boilers, this period may be extended to four years.

new

~~For heating installations with boilers of an effective rated output of more than 20 kW which are older than 15 years, Member States shall lay down the necessary measures to establish a one-off inspection of the whole heating installation. On the basis of this inspection, which shall include an assessment of the boiler efficiency and the boiler sizing compared to the heating requirements of the building, the experts shall provide advice to the users on the replacement of the boilers, other modifications to the heating system and on alternative solutions; or~~

~~(b)~~ 4. By derogation from paragraphs 1, 2 and 3 Member States may decide to take ~~steps~~ measures to ensure the provision of advice to the users on the replacement of boilers, other modifications to the heating system and on alternative solutions ~~which may includes inspections~~ to assess the efficiency and appropriate size of the boiler. The overall impact of this approach ~~should~~ shall be broadly equivalent to that arising from the provisions set out in ~~(a) paragraphs 1, 2 and 3.~~

Where Member States ~~that choose this option~~ to apply the measures referred to in the first subparagraph of this paragraph, they shall submit to the Commission a report on the equivalence of those measures to measures laid down in paragraphs 1, 2 and 3 by 30 June 2011 at the latest. Member States shall submit these reports to the Commission every three years. The reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. ~~their approach to the Commission every two years.~~

Ⓔ 2002/91 (adapted)

new

Article ~~9~~14

Inspection of air-conditioning systems

1. ~~With regard to reducing energy consumption and limiting carbon dioxide emissions,~~
Member States shall lay down the necessary measures to establish a regular inspection of
air-conditioning systems of an effective rated output of more than 12 kW. ~~This~~The
inspection shall include an assessment of the air-conditioning efficiency and the sizing
compared to the cooling requirements of the building. ~~Appropriate advice shall be provided
to the users on possible improvement or replacement of the air-conditioning system and on
alternative solutions.~~

new

2. The Member States may set different frequencies of inspections depending on the type and
effective rated output of the air-conditioning system. When setting the frequencies Member
States shall take into account the costs of the inspection of the air-conditioning system and
the estimated energy cost savings that may result from the inspection..

*Article 15**Reports on the inspection of heating and air-conditioning systems*

1. This Article applies to reports on the inspection of heating and air-conditioning systems.
2. Inspection report shall be issued at regular intervals for each system inspected. The inspection report shall include the following:
 - (a) a comparison of the energy performance of the system inspected with that of
 - (i) the best available system feasible; and
 - (ii) a system of similar type for which all relevant components achieve the level of energy performance required by the applicable legislation;
 - (b) recommendations for the cost-effective improvement of the energy performance of the system of the building or parts thereof.

The recommendations referred to in point (b) shall be specific to the system and shall provide transparent information as to their cost-effectiveness. The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments.
3. The inspection report shall be handed over by the inspector to the owner or tenant of the building.

CE 2002/91 (adapted)

new

Article ~~10~~ 16
Independent experts

Member States shall ensure that the energy performance certification of buildings, ~~the drafting of the accompanying recommendations and~~ the inspection of ~~boilers~~ heating systems and air-conditioning systems are carried out in an independent manner by qualified and ~~or~~ accredited experts, whether operating as ~~sole traders~~ self-employed or employed by public bodies or private enterprises ~~enterprise~~ bodies.

new

Experts shall be accredited taking into account their competence and their independence.

new

Article 17
Independent control system

1. Member States shall ensure that an independent control system for energy performance certificates and reports on the inspection of heating and air conditioning systems is established in accordance with Annex II.
2. The Member States may delegate the responsibilities for implementing the independent control systems.

Where the Member States decide to do so, they shall control that the independent control systems are implemented in compliance with Annex II.

3. Member States shall require that the energy performance certificates and the inspection reports mentioned in paragraph 1 are registered or made available to the competent authorities or bodies to whom responsibilities for implementing the independent control systems have been delegated by the competent authorities on request.

Ⓒ 2002/91

new

Article ~~11~~18

Review

The Commission, assisted by the Committee established by Article ~~14~~21, shall evaluate this Directive in the light of experience gained during its application, and, if necessary, make proposals with respect to, inter alia:

- ~~(a) possible complementary measures referring to the renovations in buildings with a total useful floor area less than 1000 m²;~~

new

- (a) methodologies to rate the energy performance of buildings on the basis of primary energy use and carbon dioxide emissions;
- (b) general incentives for further energy efficiency measures in buildings.

Article 19

Information

Member States ~~may~~ shall take the necessary measures to inform the ~~users~~ owners or tenants of buildings or parts thereof as to the different methods and practices that serve to enhance energy performance.

new

Member States shall in particular provide information to the owners or tenants of buildings on energy performance certificates and inspection reports, their purpose and objectives, on cost-effective ways to improve the energy performance of the building and on mid- and long-term financial consequences if no action is taken to improve the energy performance of the building.

Ⓔ 2002/91 (adapted)

new

Upon Member States' request, the Commission shall assist Member States in staging ~~the~~ information campaigns ~~concerned~~ for the purposes of the first and the second paragraphs, which may be dealt with in Community programmes.

new

Article 20

Adaptation of ~~framework~~ Annex I to technical progress

~~Points 1 and 2 of the Annex I shall be reviewed at regular intervals, which shall not be shorter than two years.~~

Ⓔ PE-CO_S 3654/08 (2002/91 adapted)
(adapted)

new

The Commission shall adapt ~~Adaptations of points 13 and 24 of the Annex I to this Directive to~~ technical progress.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article ~~14~~21(2).

Ⓔ PE-CO_S 3654/08 (2002/91 adapted)

Article ~~14~~21

Committee procedure

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

new

Article 22

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall communicate those provisions to the Commission by 31 December 2010 at the latest and shall notify it without delay of any subsequent amendment affecting them

Ⓒ 2002/91 (adapted)

Article 23 ~~15~~

Transposition

~~1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest on 4 January 2006. They shall forthwith inform the Commission thereof.~~

~~When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.~~

~~2. Member States may, because of lack of qualified and/or accredited experts, have an additional period of three years to apply fully the provisions of Articles 7, 8 and 9. When making use of this option, Member States shall notify the Commission, providing the appropriate justification together with a time schedule with respect to the further implementation of this Directive.~~

new

1. Member States shall adopt and publish, by [...]¹ at the latest, the laws, regulations and administrative provisions necessary to comply with Articles 2 to 17, 19 and 22 and Annexes I and II of this Directive. [...]

They shall apply those provisions as far as Articles 2, 3, 9, 10 to 12, 16, 17, 19 and 22 are concerned, from [...]² at the latest.

They shall apply those provisions as far as Articles 4 to 8, 13 to 15, and 17 are concerned, to buildings occupied by the public authorities from [...]³ 31 December 2010 at the latest and to other buildings from [...]⁴ at the latest.

When Member States adopt those provisions, [...] these shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

¹ Commission proposal: 31 December 2010

² Commission proposal: 31 December 2010

³ Commission proposal: 31 December 2010

⁴ Commission proposal: 31 January 2012

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 24

Repeal

Directive 2002/91/EC, as amended by the Regulation indicated in Annex III, Part A, is repealed with effect from 1 February 2012, without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law and application of the Directive set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Ⓔ 2002/91 (adapted)

new

Article 25 ~~16~~

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article ~~172~~6

This Directive is addressed to the Member States.

Done at [...].

For the European Parliament

The President

[...]

For the Council

The President

[...]

CE 2002/91

new

ANNEX I

General framework for the calculation of energy performance of buildings (referred to in Article 3)

new

1. The energy performance of a building shall be determined on the basis of the calculated or actual annual energy that is consumed in order to meet the different needs associated with its typical use and shall reflect the heating energy needs and cooling energy needs (energy needed to avoid over-heating) to maintain the envisaged temperature conditions of the building.
2. The energy performance of a building shall be expressed in a transparent manner and shall also include a numeric indicator of carbon dioxide emissions and primary energy use.

The methodology of calculation of energy performance of buildings should take into account European standards.

Ⓔ 2002/91 (adapted)

new

~~13.~~ The methodology of calculation of energy performances of buildings shall include be laid down taking into consideration at least the following aspects:

(a) the following actual thermal characteristics of the building (shell and including its internal partitions, etc.):

new

(i) thermal capacity;

(ii) insulation;

(iii) passive heating;

(iv) cooling elements; and

(v) thermal bridges;

Ⓔ 2002/91 (adapted)

new

~~These characteristics may also include air-tightness.~~

(b) heating installation and hot water supply, including their insulation characteristics;

(c) air-conditioning ~~installation~~ installations ;

(d) natural and mechanical ventilation, [...] which may include air-tightness;

☒ 2002/91 (adapted)

new

- (e) built-in lighting installation (mainly in the non-residential sector);
- (f) the design, ~~position~~ positioning and orientation of the buildings, including outdoor climate;
- (g) passive solar systems and solar protection;
- ~~(h) natural ventilation;~~
- (h) indoor climatic conditions, including the designed indoor climate;

new

- (i) internal loads.

☒ 2002/91 (adapted)

new

24. The positive influence of the following aspects shall, where relevant in this calculation, be taken into account:

- (a) local solar exposure conditions, active solar systems and other heating and electricity systems based on renewable energy sources;
- (b) electricity produced by ~~CHP~~ cogeneration ;
- (c) district or block heating and cooling systems;

(d) natural lighting.

35. For the purpose of this calculation buildings should be adequately classified into the following categories ~~such as~~:

- (a) single-family houses of different types;
- (b) apartment blocks;
- (c) offices;
- (d) education buildings;
- (e) hospitals;
- (f) hotels and restaurants;
- (g) sports facilities;
- (h) wholesale and retail trade services buildings;
- (i) other types of energy-consuming buildings.

ANNEX II**Independent control systems for energy performance certificates and inspection reports**

1. The competent authorities or bodies to whom responsibilities for implementing the independent control system have been delegated by the competent authorities shall make a random selection of at least 0.5 % of all the energy performance certificates issued annually and subject these to verification. The verification shall be carried out at one of the three alternative levels indicated below and each verification level shall be carried out at least for a statistically significant proportion of the certificates selected:
 - (a) validity check of input data of the building used to issue the energy performance certificate and the results stated in the certificate;
 - (b) check of the input data and verification of the results of the certificate, including the recommendations given;
 - (c) full check of input data of the building used to issue the energy performance certificate, full verification of the results stated in the certificate, including the recommendations given, and on-site visit of the building to check correspondence between specifications given in the energy performance certificate and the building certified.

2 The competent authorities or bodies to whom responsibilities for implementing the independent control system have been delegated by the competent authorities shall make a random selection of at least 0.1 % of all the inspection reports issued annually and subject these to verification. The verification shall be carried out at one of the three alternative levels indicated below and each verification level shall be carried out at least for a statistically significant proportion of the inspection reports selected:

- (a) validity check of input data of the technical building system inspected used to issue the inspection report and the results stated in the inspection report;
- (b) check of the input data and verification of the results of the inspection report including the recommendations given;
- (c) full check of input data of the technical building system inspected used to issue the inspection report, full verification of the results stated in the inspection report including the recommendations given and an on-site visit of the building to check correspondence between specifications given in the inspection report and the technical building system inspected.

2002/91

new

ANNEX III

Part A

Repealed Directive with its successive amendment

(referred to in Article 24)

Directive 2002/91/EC of the European Parliament and of the Council
(OJ L 1, 4.1.2003, p. 65)

Regulation [...] of the European Parliament and of the Council only point 9.9 of the Annex
(OJ [...])

Part B

Time-limits for transposition into national law and application

(referred to in Article 24)

Directive	Time-limit for transposition	Date of application
2002/91/EC	4 January 2006	4 January 2009 as regards Articles 7, 8 and 9 only

ANNEX IV

CORRELATION TABLE

Directive 2002/91/EC	This Directive
Article 1	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2, point (1)	Article 2, point (1)
-	Article 2, point (2)
Article 2, point (2)	Article 2, point (3) and Annex I
-	Article 2, points (4), (5), (6) and (7)
Article 2, point (3)	Article 2, point (8)
Article 2, point (4)	Article 2, point (9)
-	Article 2, point (10)
Article 2, point (5)	Article 2, point (11)
Article 2, point (6)	Article 2, point (12)
Article 2, point (7)	Article 2, point (13)
Article 2, point (8)	Article 2, point (14)
Article 3	Article 19 and Annex I
Article 4, point (1)	Article 4, point (1)
Article 4, point (2)	-
Article 4, point (3)	Article 4, point (2)
-	Article 4, point (3)

-	Article 4, point (4)
-	Article 5
Article 5	Article 6, point (1)
-	Article 6, point (2)
Article 6	Article 7
-	Article 8
-	Article 9
Article 7, point (1)	Article 10, point (5), Article 11, point (1), (2), (3), (5) and (6)
Article 7, point (2)	Article 10, point (1) and (2)
Article 7, point (3)	Article 12
-	Article 11, point (4), (7) and (8)
Article 8, introductory wording	Article 13, introductory wording
Article 8, sub (a)	Article 13, point (1) and (3)
-	Article 13, point (2)
Article 8, sub (b)	Article 13, point (4)
Article 9	Article 14, point (1)
-	Article 14, point (2)
-	Article 15
Article 10	Article 16

-
Article 11, introductory wording
Article 11, sub (a)
-
Article 11, sub (b)
Article 12
Article 13
Article 14, point (1)
Article 14, point (2)
Article 14, point (3)
-
Article 15, point (1)
Article 15, point (2)
-
Article 16
Article 17
Annex
-

Article 17
Article 18, introductory wording
-
Article 18, sub (a)
Article 18, sub (b)
Article 19
Article 20
Article 21, point (1)
Article 21, point (2)
-
Article 22
Article 23, point (1) and (2)
-
Article 24
Article 25
Article 26
Annex I
Annexes II to IV