

Consultation on the Review of Directive 2012/27/EU on Energy Efficiency

Fields marked with * are mandatory.

Introduction



This consultation is launched to collect views and suggestions from different stakeholders and citizens in view of the review of Directive 2012/27/EU on energy efficiency (Energy Efficiency Directive or EED), foreseen for the second half of 2016.

This review plays a prominent role as the Commission called on Member States to treat energy efficiency as an energy source in its own right in its Energy Union Strategy of 25 February 2015.

The European Council of October 2014 agreed on an EU objective of saving at least 27% of energy by 2030 compared to projections and requested the Commission to review the target by 2020 “having in mind an EU level of 30%”. The existing policy framework should therefore be updated to reflect the new EU energy efficiency target for 2030 and to align it with the overall 2030 Framework for Climate and Energy.

Energy efficiency policies have been put in place by the EU for some time now and they have delivered tangible results. The Energy Efficiency Directive, Energy Performance of Buildings Directive, Energy Labelling Directive and EcoDesign Directive are the key building blocks of the current energy efficiency framework. Many climate policies, such as the CO₂ performance standards for passenger cars and light commercial vehicles, also make a major contribution to improving energy efficiency. Thanks to these instruments, significant progress has been achieved by Member States in terms of energy savings over the past (five) years, contributing to the overall 2020 energy and climate policy objectives.

Public funding has played an important role by supporting the implementation of energy efficiency policies at national and regional level. There has been an increase in financing over the last years

due to greater importance of these policies in the context of the overall EU decarbonisation agenda. The European Structural and Investments Funds (ESIF) and the European Fund for Strategic Investments (EFSI) are key to unlocking the needed private investments for energy efficiency. On the other hand, the effectiveness and impact of energy efficiency investment funding strongly depends (inter alia) on the implementation of the energy efficiency legislation, including the Energy Efficiency Directive.

Many measures taken by Member States today will, in fact, continue contributing to the energy efficiency targets and to the broader energy and climate policy framework beyond 2020. Since the Energy Efficiency Action Plan was adopted in 2011, the situation has greatly improved: primary energy consumption has continued to fall across the Union, with steady economic growth, and many Member States have successfully strengthened their national energy efficiency programmes.

In line with the requirement of the EED (Article 3(2)), an assessment was carried out by the Commission in 2014 to review progress towards the EU 20% energy efficiency target for 2020, the findings of which were presented in the Energy Efficiency Communication, adopted on 23 July 2014. An updated analysis of how Member States are achieving the 20% 2020 target on energy efficiency will be published as part of the State of the Energy Union package in November 2015.

Given the recent implementation date of the EED, this consultation focuses on examining the following elements of Directive:

Article 1 (subject matter and scope) and Article 3 (energy efficiency target): As required by the European Council of October 2014, which agreed the EU objective of saving at least 27% of energy by 2030 compared to projections and requested the Commission to review the target by 2020 “having in mind [a level of savings of] 30%”.

Article 6 (purchasing by public bodies of energy efficient buildings, goods and services): As required by the reporting obligation under Article 24(8) to review the effectiveness of implementation of Article 6.

Article 7 (energy efficiency obligation schemes): As required by the reporting obligation under Article 24(9) on the implementation of Article 7 and the need to address the obligation period that will expire after 2020.

Articles 9 – 11 (metering, billing information and cost of access to metering and billing information): Consumer related aspects touched upon in these Articles are also addressed in the Internal Market Design/Delivering a New Deal for Energy Consumers initiative launched in parallel.

Article 20 (energy efficiency national fund, financing and technical support): The European Fund for Strategic Investments (Junker Plan) raises the importance to address the market gaps for energy efficiency investments.

Article 24 (reporting and monitoring and review of implementation): Given the new governance system to be introduced under the Energy Union in view of 2030 framework, currently being prepared in parallel to this exercise.

The questions of this consultation on the above articles are formulated so as to respect the requirements of the recently adopted Better Regulation Package and to ensure that the results of this consultation are fed into two parallel processes: first, to assess whether relevant measures are efficient, effective, and coherent with the broader EU legislative framework, and second, to identify the most appropriate policy options to be considered for reviewing specific aspects of the EED as part of the impact assessment.

Against this background, questions of a general nature for the general public are included in Part I. A set of questions of a technical nature for a more expert public is included in Part II. Respondents are invited to reply within the two parts to all the questions they consider relevant.

Information about the respondent

*** Are you answering on behalf of an organisation or institution?**

- Yes, I am answering on behalf of an organisation or institution
 No, I am answering as an individual

*** Please enter the full name of your organisation or institution:**

100 character(s) maximum

European Council for an Energy Efficient Economy (eceee)

*** Please enter your full name and position title:**

100 character(s) maximum

Nils Borg, Executive Director

*** Please enter your email address:**

nils@eceee.org

*** Please specify which category best describes your organisation or institution from the list below:**

- Central public authority
 Local public authority
 Private company
 Utility
 International organisation
 Workers organisation/association/trade union
 Non-governmental organisation (NGO)
 Industry/business association
 Other interest group organisation/association
 Consultancy
 University
 Think Tank/research institute
 Political party/organization
 Other

*** Does your organisation or institution primarily deal with energy issues?**

- Yes
- No

*** Please indicate your principal country or countries of residence or activity:**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please specify 'Other':

100 character(s) maximum

Pan-European, however secretariat based in Stockholm, Sweden

*** How would you prefer your contribution to be published on the Commission website, if at all?**

- Under the name indicated (I consent to publication of all information in my contribution and I declare that none of it is under copyright restrictions that prevent publication)
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- none of it is under copyright restrictions that prevent publication)
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Part I – General questions

1. Article 1: Subject matter and scope and Article 3: Energy efficiency target

Article 1 provides the general framework for the promotion of energy efficiency within the Union in order to ensure the achievement of the EU 20% energy efficiency headline target by 2020. In addition and more specifically, **Article 3** requires that each Member State sets an indicative national energy efficiency target based on either primary or final energy consumption, primary or final energy savings or energy intensity. In setting the targets, Member States should take into account a number of provisions set out in Article 3(1).

As regards the EU energy efficiency target for 2030, the European Council agreed in October 2014 on an indicative target at the EU level of at least 27% (compared to projections) to be reviewed by 2020 having in mind an EU level of 30%. Therefore, the existing policy framework should be updated to reflect the new EU energy efficiency target for 2030 and to align it with the overall 2030 Climate and Energy framework.

1.1. What is the key contribution of the EED to the achievement of the 2020 energy efficiency target?

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The EED provides Member States with an essential policy framework of measures and targets at strategic level, which drive end use energy efficiency and total primary energy savings. The EED establishes a set of binding measures to help the EU reach its 20% energy efficiency target by 2020. The key contribution is the integrated approach of setting national savings targets, which define direction and providing planning horizons and a framework of binding measures.

However, even ambitiously implemented, the EED in its present form will not achieve the EU 2020 energy efficiency target of 20% , in primary and final energysavings. In addition to revisions of Articles 1, 3, and 7, which are required to adapt these articles to the new 2030 timeline and goals, and to remove unnecessary and weakening exemptions from the 1.5% savings objective in Art. 7, there are also weaknesses in Art. 5, Art. 6, and Art. 8. These can be corrected with slight modifications of the appropriate legal text.

1.2. How has the EED worked together with the Effort Sharing Decision, other energy efficiency legislation (on buildings, products and transport) and ETS? Could you describe positive synergies or overlaps?

1000 character(s) maximum

The objective of the EED is energy efficiency and end-use savings, while the objective of the ESD is to reduce GHG emissions in the non-ETS sectors. The

EED can also be regarded as a tool to help achieve the shared GHG efforts of the ESD in the individual Member States. Flexibility mechanisms could be developed to allow trading between Member States, allowing buying of allowances in low-GDP countries. However, this should only be allowed once MS have met their own energy efficiency and a large share of their emissions reduction obligations. Also, the possibility can be developed to receive GHG reduction credits from energy savings investments in own Member State building, transport and agriculture sectors, whereby the saved energy can be calculated in a harmonised methodology into emissions reductions equivalents. Regarding coherence and synergy with other EE legislation for buildings see reply to Q 1.3.

1.3. How has the EED worked together with existing national legislation? Could you describe any positive synergies or overlaps?

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As the EED operates at a more macro and strategic level of policy, it creates the framework of drivers for increased energy efficiency in MS in terms of national savings targets and thus creates the foundation for an effective and strategic national energy policy that other EE legislation fits into. E.g. in relation to buildings, the EED addresses the obligation to develop long-term national renovation strategies, requires the public sector to renovate and to buy energy efficient buildings, while the Energy Performance of Buildings Directive (EPBD) specifies how energy performance requirements for building, building elements and technical systems should be defined and developed.

1.4. What are the main lessons learned from the implementation of the EED?

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The EED is the flagship piece of EU energy efficiency legislation. It has played a key role in promoting national energy efficiency and helping market forces to do likewise. In the absence of binding national targets, it has still provided industry and society with much-needed stability and predictability.

Energy efficiency legislation takes time to be fully implemented and function effectively. The EED still needs to be improved where it has not delivered its full potential. Implementation at Member State level should continue to evolve along its current trajectory, while improvements are made at EU level without disturbing it or changing its current character or properties radically.

A major misconception in national implementation is the lack of understanding in the political system of multiple benefits for all parts of society from increased energy efficiency. This is an area where the Commission can provide information, primarily targeting national finance ministers.

1.5. Which factors should the Commission have in mind in reviewing the EU energy efficiency target for 2030?

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The EED should be extended to 2030 in Articles 1,3 and 7, with a perspective and planning horizon to 2050.

The analysis to select a an energy efficiency target for 2030 should include a 40% scenario and be based on calculations multiple benefits monetised and included in a societal cost-benefit comparison, using societal (4%) discount rates. Energy systems cost scenarios should be developed not only with the help of PRIMES, but also on the basis of parallel modelling results, conducted in accordance with the Commission Better Regulation guidelines. This analysis should also respect the recent vote of the European Parliament on 40%.

The target must be expressed as an absolute amount of both primary and final energy savings, and of both primary and final energy consumption in 2030. Both of these are needed for a stable investment outlook and planning. The target in Art. 7 should also be expressed as a yearly target for new savings, without a sunset clause or other exemptions.

1.6. What should the role of the EU be in view of achieving the new EU energy efficiency target for 2030?

1000 character(s) maximum

The EU should define the framework and template for designing, monitoring and reporting on national energy efficiency policies for realising the cost effective energy savings potential for 2030 and beyond.

The EED can help MS realise their savings potentials by creating drivers such as renovation requirements, green public procurement rules and savings obligations, and tools such as energy audits with implementation requirements, smart metering and billing, and financing instruments.

The EPBD showed that it is possible to create a market for energy-efficient products and solutions in the very large building sector by setting a long term objective for new buildings to be 'nearly zero energy buildings' (NZEB) by 2020. Now we need to create a similar market for the existing building stock. Setting a long-term goal and incentives for the transformation of our building stock into NZEB by 2050 will be one of the frameworks to complement public procurement rules and renovation obligations.

1.7. What is the best way of expressing the new EU energy efficiency target for 2030:

- Expressed as energy intensity
- Expressed in an absolute amount of final energy savings
- Expressed in both primary and final energy consumption in 2030
- Expressed only in primary energy consumption in 2030
- Expressed only in final energy consumption in 2030
- Other

Please specify 'Other':

100 character(s) maximum

Both primary and final energy, as well as an absolute level of energy consumption (Mtoe) (Art 3).

1.8. For the purposes of the target, should energy consumption be:

- Expressed as energy, regardless of its source (as now)
- Expressed as avoided non-renewable energy
- Expressed as avoided fuel-use (but including biomass)
- Other

2. Article 6: Purchasing by public bodies of energy efficient buildings, goods and services

One of the objectives of the EED is to improve and strengthen energy efficiency through public procurement. **Article 6** of the Directive states that Member States shall ensure that central governments purchase only products, services and buildings with a high energy-efficiency performance. The central governments of the Member States should “lead by example” so that local and regional procurement bodies also strengthen energy efficiency in their public procurement procedures.

The Commission is carrying out an assessment of Article 6 of the EED and the preliminary findings show a rather limited experience in the Member States so far in implementing the requirements of Article 6. One of the main barriers to implementing the requirements is the lack of clarity and guidance across the existing EU rules on public procurement. On the other hand, experiences in some Member States indeed demonstrate that the measures required by the EED on public procurement have helped to educate and involve procurement bodies in the use of energy efficiency criteria, spreading the exemplary role of central governments also at regional and local levels.

2.1. In your view, are the existing EU energy efficiency requirements for public procurement sufficient to achieve the needed impact of energy savings?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

No, the current article 6 only applies to central governments purchase of products, services and buildings with high energy-efficiency performance. Public bodies, including at regional and local levels should be strongly encouraged and incentivised to follow the exemplary role of their central governments to purchase products, services and buildings with high energy-efficiency performance, provided they meet cost-effectiveness criteria. The public sector, if all parts are included from central to regional and local level, has huge purchasing power and could be a really important player to transform the market towards highly efficient buildings and products to the benefit of society as a whole. Therefore the public procurement requirements set by Member States in accordance with Art. 6 should apply to all public contracts and also be applied when public authorities are renting buildings used for public purposes, in so far as possible.

2.2. How could public procurement procedures be improved in the future with regard to high energy efficiency performance?

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Procedure should be applied to all public purchases and rental contracts of buildings at all levels and extended to social housing where public money is used to finance buildings/renovation projects or to cover heating cost for tenants. Clear performance levels should be set for buildings. New buildings or buildings rented by public authorities should be encouraged, incentivised and if possible obligated to meet the nZEB standards.

The Commission's own assessment shows that further dialogues with MSs are needed to improve implementation.

Revision of the EED should include clearer guidelines and better integration into the wider EU rules on public procurement, including Green Public Procurement, so that factors such as durability, long-term performance and recyclability can also be considered in the tender.

Full implementation of energy-efficiency public procurement guidelines by local and regional bodies could be part of the ex-ante conditionality for receipt of EU funding.

2.3. Do you think that there is sufficient guidance in your country to characterise "energy efficient products, services and buildings"?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

Clear performance levels still need to be set for buildings. With appropriate exemptions, buildings newly built or rented by public authorities should meet nearly zero energy standards (nZEB).

2.4. Have you seen information campaigns or other public initiatives in your or in another EU country that explain public procurement of energy efficient products, services and buildings?

- Yes
- No

3. Article 7: Energy efficiency obligation schemes

Article 7 together with Annex V requires that Member States set up an energy efficiency obligation scheme to ensure that obligated parties (energy distributors and/or retail energy sales companies that are designated by each Member State) achieve a given amount of energy savings (1.5% annually)

from annual energy sales to final customers over the period 2014 to 2020. As an alternative to setting up an energy efficiency obligation scheme, Member States may opt to take other policy measures to achieve energy savings among final customers to reach the same amount of savings.

The Commission is required to assess the implementation of this Article and submit a report by 30 June 2016 to the European Parliament and the Council, and, if appropriate, to supplement the report with a legislative proposal for amendments.

In line with the EED, Member States had to notify the measures and methodologies on implementation of Article 7 by 5 December 2013. Further information from Member States was received in the notified National Energy Efficiency Action Plans (due by April 2014).

According to the latest available information from the notifications received from Member States, 16 Member States notified an energy efficiency obligation scheme by putting an obligation on utilities to reach the required cumulative energy savings by 2020 under Article 7. Four Member States out of these (Bulgaria, Denmark, Luxembourg and Poland) will use it as the only instrument to achieve the required energy savings. 12 Member States (Austria, Croatia, Estonia, France, Ireland, Italy, Latvia, Lithuania, Malta, Slovenia, Spain and United Kingdom) will use the obligation scheme in combination with alternative measures. On the other hand, 12 Member States (Belgium, Cyprus, Czech Republic, Germany, Greece, Finland, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden) have opted to only use the alternative measures to reach the required savings instead of putting obligations on utilities.

3.1. Are you aware of any energy efficiency measures that have been carried out or are planned in your country, by the utilities or third parties in response to an energy efficiency obligation scheme?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

While alternative measures are the selected option instead of an energy supplier obligation, some utilities provide direct financial incentives for end-use customers for replacing boilers and installing EE measures and some offer energy audits.

Note that this is not referring specifically to "my country" but to experiences from selected countries.

3.2. In your view, is Article 7 (energy efficiency obligation scheme or alternative measures) an effective instrument to achieve final energy savings?

- Yes
- No

Please explain your answer:

1000 character(s) maximum

The final text of the current Art.7 lacks clarity. While the general approach is sound, streamlining and simplification of the text are desirable. As buildings account for 40% of energy use in the EU, energy savings obligations must allow a focus on buildings and be designed to deliver long-term investments, including those resulting from implementation of the renovation strategy developed in Art. 4.

Establishing such schemes in the Member States has taken time. Utilities are only now starting to see energy services as a means to develop new business models and customer markets.

Analysis shows only half of the 1.5% pa energy saving required under Art. 7 is currently being delivered, as a result of exemptions and flexibilities, misinterpretation and abuse of criteria and a very loose application of alternative measures. Flexibilities that eased transition to the new system e.g. early actions and the phasing in of the annual 1.5%, must be removed. EEOs do not burden public budgets.

3.3. What are, in your view, the main challenges or barriers to implementing Article 7 effectively and efficiently in your country? Please select up to 5 options from the list.

at most 5 choice(s)

- To select or introduce the right set of measures for achieving 1.5% energy savings (annually)
- Too great flexibility to use wide range of measures: energy efficiency obligation scheme and alternative measures
- Strong opposition from energy suppliers and distributors to set up an energy efficiency obligation scheme
- Lack of effective enforcement
- Lack of sufficient knowledge and skills of involved parties
- Lack of awareness (by the end-users) of the energy efficiency obligation schemes or alternative measures
- Developing the calculation methodology in line with the requirements of Annex V
- Ensuring sound and independent monitoring and verification of energy savings
- Avoiding double counting
- High administrative burden
- Ensuring consistent application of the requirements with other energy efficiency legislation (e.g. building codes)
- Limited timeframe (2014-2020) that makes it hard to attract investment for long term measures
- Other

3.4. Do you believe that the current 1.5% level of energy savings per year from final energy sales is adequate?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

Please explain your answer:

1000 character(s) maximum

Analysis has identified that only half of the 1.5% pa energy saving required under Art. 7 is currently being delivered, as a result of the raft of exemptions and flexibilities, the misinterpretation of eligibility criteria and a very loose application of alternative measures. Therefore when revising the EED, attention must be paid in particular to:

- Removing flexibilities that are no longer needed because they were to ease the transition to the new system. For example, the phasing in to gradually reach the annual 1.5% in 7.2(a) and the early actions in 7.2(d) are no longer relevant or applicable;

3.5. Should energy efficiency obligation schemes have specific rules about energy savings amongst vulnerable consumers?

- Yes
 No
 No opinion

Please explain your answer:

1000 character(s) maximum

Addressing the problem of vulnerable consumers is the responsibility of the Government and should not be mixed up with a general energy efficiency obligation scheme. Vulnerable consumers are challenged by a number of other problems where the problem of high energy cost is most easy to solve by society. Some Member States (e.g. UK) have had special rules for their EEOs. To do so or not is a MS matter and should be left to the individual MS.

4. Articles 9-11: Metering, billing information and cost of access to metering and billing information

Articles 9-11 deal with consumer empowerment, by asking Member States to put in place requirements about metering, access to billing information and cost of access to metering and billing information, allowing consumers to make decisions about their energy consumption. These issues are also currently being looked at within the Electricity Market Design/Delivering a New Deal for Energy Consumers initiative. It may be relevant to consider certain aspects of these Articles in the EED review. The same is true for the subject of "demand response" (as set out in paragraph 8 of Article 15, but on this topic explicit questions were already included in the Market Design consultative communication published in July 2015).

4.1. Overall adequacy: Do you think the EED provisions on metering and billing (Articles 9-11) are sufficient to guarantee all consumers easily accessible, sufficiently frequent, detailed and understandable information on their own consumption of energy (electricity, gas, heating, cooling, hot water)?

- Yes
 No

No opinion

Please explain your answer:

1000 character(s) maximum

4.2. Do you think it appropriate that the requirement to provide individual metering and frequent billing (Articles 9(1), 9(3) and 10(1)) is subject to it being technically feasible and/or cost effective?

- Yes
 No
 No opinion

Please explain your answer:

1000 character(s) maximum

Individual metering is a precondition for consumers to see and understand the benefit of reducing energy demand, and the cost of installing and maintaining individual metering and frequent billing should be less than the value of the savings, including the multiple benefits, of the energy saved. For this to be calculated correctly, the calculation should be carried out at a local level, due to the wide differences in the energy performance and technical characteristics.

However, it should be noted that in many cases the data on consumption are available in quite detail to the utility but not made easily available to consumers even if the cost of delivering the data to customers would be very small. E.g. in Italy every house has received a “smart meter” but the “smart” meter is often in the basement, and/or has an opaque interface. In NL, however, the real time data are available and property of the customer, who can decide to share or not with the utility.

4.3. Should such conditions of being technically feasible and/or cost effective be harmonised across the EU?

- Yes
 No
 No opinion

Please explain your answer:

1000 character(s) maximum

To the extent possible without creating unnecessary administrative burden and unjustified costs. A key rule should be to carry out the cost-effectiveness calculation on individual buildings, local areas or types of buildings rather than at aggregated, regional or national level.

4.4. How would these conditions of being technically feasible and/or cost effective affect the potential for energy savings and consumer empowerment?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

4.5. Smart meters: Do you think that A) the EED requirements regarding smart metering systems for electricity and natural gas and consumption feedback and B) the common minimum functionalities, for example to provide readings directly to the customer or to update readings frequently, recommended by the Commission (C(2012)1342) together provide a sufficient level of harmonisation at EU level?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

In time there will be enough standardisation to prepare some rules at EU level. In the meantime, harmonisation will need to be done at national or regional, or even local level.

4.6. What obstacles have national authorities/actors faced in introducing on a large scale individual meters that accurately reflect the final customer's actual energy consumption? Do you have any good experiences to share on how to overcome these obstacles?

1000 character(s) maximum

There is a need to provide some guidance at EU level on how Member States should carry out life cycle cost analysis that provides a true picture of the cost-effectiveness of smart metering and billing, today and in the future, including the multiple benefits of the saved energy.

5. Article 20: Energy efficiency national fund, financing and technical support

The analysis of the July 2014 Energy Efficiency Communication and the recent EEFIG Report showed that the energy efficiency investment market is still relatively small scale compared to its potential or the volumes needed to meet the EU's 2030 objectives. The European Structural and Investments Funds address the market gaps related to investment projects including those in energy efficiency, and the European Fund for Strategic Investments provides EU guarantee for investment projects – including those for energy efficiency. The European Energy Efficiency Fund carries relevant lessons.

Moreover, significant funding for energy efficiency comes from national public sources and the private sector. The effectiveness and impact of energy efficiency investments funding strongly depends (inter alia) on the implementation of the energy efficiency legislation, including the EED.

5.1. What should be the most appropriate financing mechanisms to significantly increase energy efficiency investments in view of the 2030 target?

1000 character(s) maximum

Financing tools for buildings, transport and industry need to be long-term, easily accessible and competitive with other (market) rates. This requires a stable long-term policy for energy efficiency. Current subsidies for fossil fuels must be phased out as it distorts market prices and they are contrary to societal climate and energy objectives.

National finance mechanisms providing long-term access to soft loans and default guarantees must be established, maximizing the use of EU funds and national revenues from auctioning of ETS allowances – using the principle of revolving funds. Increased use of ex ante conditionality for access to EU funds must be further developed.

For Industry MS should assist SMEs to undergo energy audits and to implement the recommendations. For all energy intensive industries, including SMEs, it should be mandatory to implement energy audit recommendations, in connection with planned maintenance, having a payback time of less than 2-3 years.

5.2. Should there be specific provisions aimed at facilitating investment in specific areas of energy efficiency?

- Yes
- No
- No opinion

If yes, specify your answer from the below list:

- Building renovation
- Efficient appliances and equipment in households
- District heating and cooling network development
- Energy use by industries
- SMEs
- Companies
- City and community infrastructures in relation to transport, waste heat recovery, waste-to-energy
- Other

5.3. Do you agree that one way to increase the impact of energy efficiency investments could be through making the energy performance/savings monitoring mandatory under Article 20 whenever public funds/subsidies are used for EE investments? Such monitoring could be done, for example, via on-line platforms, by users in the regular intervals.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

6. Article 24: Reporting and monitoring and review of implementation

The Energy Union Strategy foresees an integrated governance framework for EU energy and climate policies to ensure that agreed climate and energy targets are reached and to enable Member States to better coordinate their policies at a regional level.

6.1. Do you think that the existing reporting and monitoring system under the EED is a useful tool to track developments with regard to energy efficiency in Member States?

- Yes
- No
- No opinion

If no, how do you think it could be improved in the future?

1000 character(s) maximum

It needs to be streamlined and consolidated into one or two reporting templates, harmonised by the Commission, agreed by MSs, with an advise and consent process carried out by the Commission or agencies designated by the omission. The consolidated template(s) would preferably be taken out of the EED and placed in a Regulation.

6.2. Do you think that the reporting of national indicators (for example, value added/ energy consumption, disposable income, GDP etc. for year (n-2) under Annex XIV (1)(a)) of the EED should be simplified?

- Yes
 No
 No opinion

Please explain your answer:

1000 character(s) maximum

Yes, the above-mentioned (Q 6.1) binding/standardised template for reporting would make tracking more transparent and comparable. In addition, standardised energy data, definitions and indicators should be used to provide clarity and to document benefits achieved. Indicators should be selected through a stakeholder and expert consultation process and approved by Member States within a full legislative process.

6.3. Do you think additional indicators (in addition to those referred to in Annex XIV (1)(a) – (e)) are needed to improve monitoring to assess Member States' progress towards their energy efficiency targets?

- Yes
 No
 No opinion

Please explain your answer:

1000 character(s) maximum

Yes, Indicators on public and private investments in energy efficiency and building renovation with resulting indicators such as numbers kWh/m2 energy need for heating and cooling (we suggest to use nomenclature from EN standards),, number of jobs created or maintained, health and other benefits, should be monetised and added when possible.

This would increase the visibility and understanding of the multiple benefits of energy efficiency and how having ambitious targets for energy efficiency can drive these benefits.

The "Submit" button is located at the end of Part II. If you wish to only respond to questions in Part I, skip the questions in Part II and click "Submit" at the bottom of the next page.

Part II – Technical questions (on Articles 6 and 7)

7. Article 6: Purchasing by public bodies of energy efficient buildings, goods and services

7.1. Do you believe that measures on public procurement of energy efficient products, services and buildings should become mandatory also for public bodies at regional and local levels?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

See answer to Q2.2 :The public sector, if all parts are included from central to regional and local level, has huge purchasing power and is an important player to transform the market into one for highly efficient buildings and products to the benefit of society as a whole. Therefore the public procurement requirements in Art. 6 should apply to all public contracts and in case of buildings also be extended to cover public authorities renting buildings used for public purposes.

7.2. In your view, what are the main barriers that preventing the use of energy efficiency requirements in the existing public procurement procedures (please select from the list and explain your reply:

- There is a lack of awareness about the use of energy efficiency requirements in public procurement
- There is insufficient expertise and/or knowledge on the use of energy efficiency requirements in public procurement
- Thresholds are too high which is why energy efficiency requirements do not apply to many contracts
- Incompatibility of energy efficiency requirements with other procurement criteria (sustainable requirements, low price, safety requirements, technical requirements)
- Higher energy efficiency criteria in public procurements may imply higher prices
- Lack of clarity of the energy efficiency requirements for public procurement
- Energy efficiency requirements for public procurement are not very clear and difficult to check
- Other

Please explain your answer:

1000 character(s) maximum

Procedure should be applied to all public purchases and rental contracts of buildings at all levels and extended to social housing where public money is used to finance buildings/renovation projects or to cover heating cost for tenants. Clear performance levels should be set for buildings. New buildings or buildings rented by public authorities should be encouraged, incentivised and if possible obligated to meet the nZEB standards.

The Commission's own assessment shows that further dialogues with MSs are needed to improve implementation.

Revision of the EED should include clearer guidelines and better integration into the wider EU rules on public procurement, including Green Public Procurement, so that factors such as durability, long-term performance and recyclability can also be considered in the tender.

Full implementation of energy-efficiency public procurement guidelines by local and regional bodies could be part of the ex-ante conditionality for receipt of EU funding.

7.3. In your view, should all EU public procurement rules relating to sustainability (including in particular energy efficiency in buildings, the use of renewable energy sources, etc.) be gathered into a single EU guidance framework?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

Yes, some of the information required to produce such a guidance document is already available from the Commission's work on Green Public Procurement but needs updating, complementing and wider and possibly mandatory application. See response to Q.7.4.

7.4. Do you think that there is sufficient guidance/framework to know what is meant by "energy efficient products, services and buildings"?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

No, the guidance needs improving with much clearer performance levels for buildings. With appropriate exemptions, buildings newly built or rented by all public authorities should meet nearly zero energy standards.

EU public procurement guidelines for highly energy-efficient and NZEB buildings shall be more consistently integrated into the framework of rules on Green Public Procurement, so that factors such as durability, long-term performance and recyclability can also be considered with energy performance to evaluate the best possible choices..

Public authorities could use further support in terms of training,

capacity-building and general guidance on how to design contracts to guarantee of performance.

7.5. While energy efficient products will be cheaper to operate, their initial cost might be higher and a longer period of time will be needed to "pay back" this higher cost. Is this a problem and if so, how can public authorities overcome it?

1000 character(s) maximum

Public Procurement contracts must be evaluated on a full life cycle cost assessment including running and maintenance cost and savings, and not only be evaluated based on the initial upfront cost. The evaluation period should be appropriately long to reflect the life of the product, component or building type in question.

8. Article 7: Energy efficiency obligation schemes

8.1. Emerging evidence suggests that most of the measures introduced under Article 7 have long lifetimes (20-30 years) and will continue have an impact beyond 2020. Do you share this view?

- Yes
- No
- No opinion

Please explain your answer:

1000 character(s) maximum

Yes, especially measures for reducing energy demand for heating and cooling in buildings. These have a long lifetime ---especially the building envelope---and a high upfront investment cost. As buildings account for 40% of energy use in the EU, the energy savings obligations in Article 7 must be designed to deliver a significant reduction of the energy demand in buildings and hence allow a long service life in the life cycle cost analysis used in the energy performance, sustainability, and cost-effectiveness or cost-optimal calculations. E.g. in France, the savings by thermal insulation of buildings, window improvements are evaluated over 30 years.

8.2. What is your view on the potential benefits (listed) of energy efficiency obligation schemes?

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
Lower energy bills for consumers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Better awareness of energy efficiency potential by consumers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better relationship between energy suppliers, distributors and customers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lower energy generation (and transmission) costs for the utilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improved business and administrative environment for up-coming innovative energy services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Aggregation of small-scale investments (pooling/bundling)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development of new financing models – e.g. energy performance contracting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stimulation of energy efficient renovation of buildings	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased competitiveness in the energy markets	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

1000 character(s) maximum

- Lower energy generation and transmission costs for the utilities achieved primarily by reducing peak loads and capacity costs.
- Development of new financing models: We have not seen much of that but e.g., on-bill financing is interesting.
- Increased competitiveness in the energy markets: We do not disagree strongly, but believe the link between energy market competitiveness and EEOs is weak and not even necessarily a desirable objective of EEOs.

8.3. Are you aware of any developments in the energy services markets that have benefited particular actors (e.g. service providers, suppliers, distributors, etc.) in Member States having an obligation to define the obligated parties under the energy efficiency obligation scheme?

- Yes
- No

No opinion

Please explain your answer:

1000 character(s) maximum

An analysis by JRC ISPRA of the ESCO market in the EU has shown that the Italian scheme has led to an accelerated development of the energy services market in this country.

8.4. If you think that some requirements of Annex V need more precise guidance please list those requirements and specify briefly what further information you think would be useful.

1000 character(s) maximum

Yes, more guidance needs to be put in Annex V. The issue of taxation has led to misuse. The price elasticities used by MS are often very long-term elasticities, while the timeframes for the measures are short term. VAT, which is a purely fiscal measure, is claimed as an energy efficiency measure. The issue of additionality and what is included in the baseline has caused considerable confusion. One solution is to place parts of the very good Commission guidance documents into Annex V. Also, the use of cost-optimality for determining the baseline for national building codes needs to be better established than it is in the guidance document, possibly, by placing it in Annex V.

8.5. As you might know, the current framework of Article 7 is set until 2020, linked to the energy efficiency target for 2020, which will expire at the end of 2020. In your view, should the Article 7 obligations continue beyond 2020 in view of the new energy efficiency target for 2030?

- Yes
 No
 No opinion

If yes, what factors should be considered for the future Article 7 (please select up to 5 options from the list, and explain your reply if possible):

at most 5 choice(s)

- The amount of savings to be achieved should be set at a more ambitious level for post 2020 (exceeding the existing 1.5%)
- The energy efficiency obligations scheme should be kept as the only possible instrument to achieve the required savings
- The possibility to choose between the energy efficiency obligations scheme and/or alternative measures should be retained
- The possibility to exclude sales in transport from the baseline should be removed
- The possibility to exclude sales in transport from the baseline should be kept but restricted to the fixed amount to ensure the level playing field
- The exemptions under paragraph 2 – applying a lower calculation rate (for the first years), and

- excluding sales in ETS industries, as well as allowing savings from measures targeting energy generation and supply – should be removed altogether
- The exemptions under paragraph 2 should be retained but the level and number of exemptions should be reviewed
- The possibility for 'banking and borrowing' energy savings from different years should be removed (paragraph 7(c))
- The possibility for 'banking and borrowing' energy savings should be kept with a possibility to count savings towards the next obligation period (paragraph 7(c))
- Other

Please specify 'Other':

100 character(s) maximum

The exclusion of ETS industry sales is a left-over from the ESD, and is likely no longer justified.

Please explain your answer:

1000 character(s) maximum

Yes, the EED, including the obligation in Art 7, should be extended to 2030, with a forward looking perspective to 2050. The obligation in Art 7 should in addition be expressed as a yearly savings target, without any sunset clause or allowance for early actions or phase-ins, to provide credit towards the savings obligation for measures with a long life time and to provide a stable investment outlook for utilities and other stakeholders investing in new initiatives or business models to help fulfil the savings obligation in Art 7. The 25% cap for exemptions should also be reduced to 20% or even 10%. Trying to include more energy supply in the exemptions should be avoided. Art. 14 of the EED and the RES Directive are more appropriate vehicles for renewables. Art.7 should remain an end-use measure (actually a target).
As for banking and borrowing, this possibility should be allowed but allowed with great restriction only.

8.6. Do you think that the scope of eligible measures allowed under Article 7 should be clarified?

- Yes
- No
- No opinion

If yes, please explain your answer further:

- The scope of eligible measures should only be end-use energy savings (as it is at the moment)
- The scope of eligible measures should be expanded
- Other

Please explain your answer:

1000 character(s) maximum

The scope of the EED should be kept as end-use energy savings to avoid fuel switching or savings in the generation, transmission and distribution to be mixed in or confused with end-use savings. Other articles in the EED ---such as Art. 14---can better support energy efficiency in generation, transmission and distribution (on the supply side). This will help reach the target in Article 3.

8.7. Would there be benefits in greater harmonisation of some of the requirements of Article 7 to allow more consistent implementation across Member States?

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
Calculation methods	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Materiality	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additionality	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lifetimes	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Price demand elasticities for taxation measures in real terms	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Indicative list of eligible energy saving measures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitoring and verification procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

1000 character(s) maximum

8.8. What role should the EU play in assisting the Member States in the implementation of Article 7?

1000 character(s) maximum

The implementation of policies and measures should be closely monitored and enforced in a harmonised governance procedure that includes reporting and consent by the Commission. This will also help the Commission to better understand where they need to provide clearer guidance to Member States. In addition to regular stakeholder engagement, the European Commission should regularly assess progress towards national targets to ensure that the 2030 target will be achieved and propose additional measures where appropriate.

8.9. Please state which best practice examples could be promoted across the EU and how?

1000 character(s) maximum

Energy audits in Art 8 have the potential to ensure energy efficiency - in all industries, big and small, as well as in buildings. But unless audit recommendations are implemented these audits will have little impact. Some of the most competitive high-energy consuming companies in the EU (e.g. . DK) have procedures requiring all EE measures with a payback time up till 3 years to be carried out as standard procedure. The best way to promote this in the EU would be to improve the existing text in art 8, based on best practice experience, including incentive structures such as tax rebates, soft loans and some (limited) access to public funding for start-ups and SMEs. It should be mandatory to implement any energy audit recommendations, in connection with planned maintenance, having a payback time of less than 2-3 years. The scope of Art 8 should be extended to all industries with high energy consumption, including SMEs.

8.10. Would it be appropriate and useful to design a system where some types of energy savings achieved in one Member State would count towards obligations carried out either by governments or by economic operators in another country, just as the option to cooperate on greenhouse gas emissions reductions already exists?

1000 character(s) maximum

Not before full or a large part of the implementation of the directive is satisfactorily complete and there is evidence suggesting that the cost effective savings potential has been or soon will be fully reached within the Member State seeking to buy its energy savings obligation in another Member State.

8.11. Would it be appropriate and useful to design a system where energy efficiency obligations would also include elements aiming at gradually increasing the minimum share of renewable energy applicable to energy suppliers and distributors?

1000 character(s) maximum

No. EEOs schemes on suppliers and distributors must be focused on improving energy efficiency and realising energy savings. Measures to increase the share of renewable energy are complementary and additional and should be addressed elsewhere. EEOs should remain an end-use instrument with the clear objective to target energy end-use potential. Only when the potential has been realised

cost effectively, can energy supply requirements be addressed. (Integrated renewables and self-production and consumption are already addressed in the calculation methodology but need to be reviewed, especially the newly proposed default values voluntary standards for exported power from integrated PV. And in this context, the system boundaries of a building should remain as they are set out in the EPBD.

8.12. Could the option of establishing an EU wide 'white certificate' trading scheme be considered for post 2020?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

Please explain your answer:

1000 character(s) maximum

Full implementation of the Directive in its current form and evidence concluding that the cost effective savings potential can be fully reached in most of the MS should be achieved first, before work on an EU wide trading scheme can be started. The purpose of the EU-wide scheme should then be to increase the savings potential and accelerate the realisation of it.

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