The Energy Efficiency Directive (recast) and The Energy Performance of Buildings Directive (recast)

Briefings

1. The Energy Efficiency Directive (recast)

1.1. Introduction

With the adoption of the Fit for 55 Package, the European Commission is taking measures to reach the goal of a net-zero economy by 2050. The recast of the Energy Efficiency Directive (which was last revised in 2018) reflects the need to further enshrine the energy efficiency first principle into EU policy and to optimize energy usage across the Union. The proposal sets EU-level energy efficiency targets with Member State-level trajectories, sets targets for public buildings, opens up additional support for renovation, incentivises efficiency in transmission and distribution networks, and tackles efficiency in the heating and cooling sector.

1.2. Targets

The Energy Efficiency Directive revision foresees stronger energy efficiency targets at the EU level for 2030: Member States shall collectively ensure a reduction of energy consumption of at least 9% in 2030 compared to 2020.[1] Member States shall set national energy efficiency contributions for final and primary energy to meet the binding Union target, setting out an indicative trajectory for these contributions outlined in updates of national energy and climate plans.[2] **Article 4** outlines in more detail how Member States must report their progress to the EU Commission.

Member States shall achieve cumulative end-use energy savings at least equivalent to new savings of 0.8% each year from 1 January 2021 to 31 December 2023[3], and 1.5% from 1 January 2024 to 31 December 2030.[4]

[1] **Article 4(1):** Member States shall collectively ensure a reduction of energy consumption of at least 9 % in 2030 compared to the projections of the 2020 Reference Scenario so that the Union's final EN 77 EN energy consumption amounts to no more than 787 Mtoe and the Union's 2030 primary energy consumption amounts to no more than 1023 Mtoe in 2030.

[2] **Article 4(2):** Each Member State shall set national energy efficiency contributions for final and primary energy consumption to meet, collectively, the binding Union target […]

[3] **Article 8 (1)(b):** new savings each year from 1 January 2021 to 31 December 2023 of 0,8 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019. By way of derogation from that requirement, Cyprus and Malta shall achieve new savings each year from 1 January 2021 to 31 December 2023 | equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019.

[4] **Article 8 (1)(c):** new savings each year from 1 January 2024 to 31 December 2030 of 1,5 % of annual final energy consumption, averaged over the three-year period prior to 1 January 2020.

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1.3. Definitions

A number of definitions that were absent in the EED such as energy efficiency first (linked to the Governance of the Energy Union and Climate Action Regulation), energy system, and split incentives have been included in **Article 2**.

- **Art 2(2)** 'energy efficiency first' means taking utmost account in energy planning, and in policy and investment decisions, of alternative cost-efficient energy efficiency measures to make energy demand and energy supply more efficient, in particular by means of cost-effective end-use energy savings, demand response initiatives and more efficient conversion, transmission and distribution of energy, whilst still achieving the objectives of those decisions;
- **Art 2(3)** 'energy system' means a system primarily designed to supply energy-services to satisfy the demand of end-use sectors for energy in the forms of heat, fuels, and electricity.
- **Art 2 (52)**: 'split incentives' means the lack of fair and reasonable distribution of financial obligations and rewards related to energy efficiency investments among the actors concerned, for example the owners and tenants or the different owners of building units, or owners and tenants or different owners of multi-apartment or multi-purpose buildings.

1.4. Heating and cooling

As part of their integrated national climate and energy plans, Member States shall now include heating and cooling assessments[5] looking into industrial waste heat and cold, waste incineration, high efficiency cogeneration, renewable energy sources, heat pumps and reducing heat and cold lose from district networks.[6] Notably any mention of energy storage technology is absent from this analysis.

Regional and local authorities shall be encouraged by Member States to undertake local heating and cooling plans, mapping potential for energy efficiency via waste heat recovery and renewable energy sources.[7]

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[5] **Article 23 (1):** As part of its integrated national energy and climate plan, its subsequent integrated national energy and climate plan and respective progress reports notified in accordance with Regulation (EU) 2018/1999, each Member State shall notify to the Commission a comprehensive heating and cooling assessment. That comprehensive assessment shall contain the information set out in Annex IX and shall be accompanied with the assessment carried out pursuant to Article 15(7) of Directive (EU) 2018/2001.

[6] **Annex IX**

[7] **Article 23 (6) (a):** Member States shall encourage regional and local authorities to prepare local heating and cooling plans at least in municipalities having a total population higher than 50.000. Those plans should at least: (a) be based on the information and data provided in the comprehensive assessments carried out pursuant to paragraph 1 provide estimate and mapping of the potential for increasing energy efficiency, including via waste heat recovery, and renewable energy in heating and cooling in that particular area

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In order to progressively raise ambition, the definition of an efficient district heating and cooling system will change overtime, to incorporate further renewable energy and waste heat. Until 31 December 2025 an efficient district heating and cooling network must include at least 50% renewable energy, 50% waste heat, 75% cogenerated heat or 50% of a combination of such energy and heat. From 1 January 2050, an efficient system must be using only renewable energy and waste heat, where the share of renewable energy is at least 60%. All intermediate steps from 2026, 2035, and 2045 can be found in **Article 23**.

1.5. Public bodies' buildings

The EED recast raises the ambition required in the public sector, mandating that Member States ensure the total final energy consumption of all public bodies combined is reduced by 1.7% each year compared to two year prior to the directive entering into force.[8] Member States shall ensure regional and local authorities have energy efficiency measured in their decarbonization plans[9] and Member States must support public bodies in the uptake of energy efficiency improvement measures.[10]

Member States shall ensure at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year, to be transformed into nearly zero-energy buildings.[11]

1.6. Energy Performance Contracting

Energy performance contracting is a mechanism to organise energy efficiency financing, where the energy savings are use to help pay back the original investment and the energy service company carries more of the performance risk. It is a useful tool to help finance energy renovation projects, and additionally energy storage.

Under the draft EED recast, Member States shall now encourage public bodies to use energy performance contracting for large buildings, and may encourage public bodies to energy

[8] **Article 5 (1):** Member States shall ensure that the total final energy consumption of all public bodies combined is reduced by at least 1,7% each year, when compared to the year X-2 (with X as the year when this Directive enters into force).
[9] **Article 5 (3):** Member States shall ensure that regional and local authorities, establish specific energy efficiency measures in their decarbonisation plans after consulting stakeholders and the public […]
[10] **Article 5 (4):** Member States shall support public bodies in the uptake of energy efficiency improvement measures, including at regional and local levels, by providing guidelines, promoting competence building and training opportunities and encouraging cooperation amongst public bodies
[11] **Article 6 (1):** Without prejudice to Article 7 of Directive 2010/31/EU of the European Parliament and of the Council108, each Member State shall ensure that at least 3 % of the total floor area of heated and/or cooled buildings owned by public bodies is renovated each year to at least be transformed into nearly zero-energy buildings in accordance with Article 9 of Directive 2010/31/EU.

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performance contracting to include demand response and storage, but are under no requirement to do so.[12]

1.7. Conversion factors and primary energy factors

A primary energy factor (PEF) helps connect the primary and final energy consumption, by indicating how much primary energy is used to generate a unit of electricity or unit of useable thermal energy. Before 2018 the PEF was set at 2.5, implying each unit of energy requires 2.5 units of initial primary energy, which assumes that all EU power is only 40% efficient. What is not being reflected here is that the increase of renewable energy sources is lowering the PEF across the EU.

Under the draft EED recast, the PEF is lowered to 2.1 for savings of electricity to reflect increased renewable energy sources on the grid. A Member State may define a different co-efficient based of national circumstances if it wishes.[13] Member States must define their own co-efficient for other energy carriers. A high PEF incentivises electricity savings over direct fossil savings, and therefore the Commission's proposal to lower this would incentivise savings in primary energy, however the 2.1 figure is higher than the EU Commission's previously expressed preferred figure of 2.0.

1.8. Energy transformation, transmission and distribution

National regulatory authorities will now apply the energy efficiency first principle when carrying out their tasks during the operation of gas and electricity infrastructure at both the transmission and distribution level.[14]

Changes will be made by the national regulators to encourage energy savings. So that TSOs and DSOs avoid investments in stranded assets, for example a natural gas pipeline or transmission cable, national regulators will provide methodologies on how to assess alternatives in the cost-benefit analysis.[15] Member States shall tackle the issue of network loses at the transmission and

[12] **Article 27 (4):** Member States shall encourage public bodies to use energy performance contracting for renovations of large buildings. For renovations of large non-residential buildings with a useful floor area above 1000 m², Member States shall ensure that public bodies assess the feasibility of using energy performance contracting. Member States may encourage public bodies to combine energy performance contracting with expanded energy services including demand response and storage.

[13] **Article 29 (3):** For savings in kWh electricity, Member States shall apply a coefficient in order to accurately calculate the resulting primary energy consumption savings. Member States shall apply a default coefficient of 2,1 unless they use their discretion to define a different coefficient based upon justified national circumstances.

[14] **Article 25 (1):** National energy regulatory authorities shall apply the energy efficiency first principle in accordance with Article 3 of this Directive in carrying out the regulatory tasks specified in Directives (EU) 2019/944 and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure, include their decisions on network tariffs.

[15] **Article 25 (2):** Member States shall ensure that gas and electricity transmission and distribution network operators apply the energy efficiency first principle in accordance with Article 3 of this Directive in their network planning, network development and investment decisions. While taking security of supply and market integration into account, Member States shall ensure that transmission system operators and distribution system operators do not invest in stranded assets to contribute to climate change mitigation. National regulatory authorities should provide methodologies and guidance on how to assess alternatives in the cost-

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distribution level through introducing cost-effective measures ensuring network operators map network loses. Network regulators shall now limit the possibility for transmission and distribution network operators to recover avoidable network losses from tariffs paid by consumers, to incentivise optimised network management.[16]

While this is not explicit in the text, these changes do grant national regulatory authorities the opportunity to implement regulatory frameworks that allow storage to compete to provide grid benefits on a level-playing field. This will depend heavily on methodologies introduced by regulators to the assess cost-benefit analysis of alternative solutions to potential future stranded assets. **Annex XII** states that any network regulation and tariffs shall not prevent network operators from making services available for demand response and for the storage of energy.

1.9. One-stop-shops

Member States shall set up "one-stop-shops" to provide technical, administrative and financial advice and assistance on energy efficiency, which includes energy renovations and take up of renewable energy for buildings.[17] Advice and assistance for the uptake of energy storage solutions to optimise household energy usage is not explicitly mentioned.

1.10. Split incentives

A common barrier to investment in the building sector is split incentives, where the benefits are not properly rationed among the relevant parties, in this case between tenants and owners. While this is commonly discussed in terms of renewable energy sources, such as roof-top panels, this issue expands to energy retrofitting and energy storage.

The EU Commission's proposal does not seek to solve this issue here, but encourages Member States to be cautious. Member States shall take measures to remove barriers to energy efficiency, and when it comes to split incentives, they must ensure that parties are not deterred from making efficiency improvements which they would have otherwise made if they were the sole

benefit analysis, taking into account wider benefits, and verify the implementation of the energy efficiency first principle by the transmission system operators or distribution system operators when approving, verifying or monitoring the projects submitted by the transmission system operators or distribution system operators

[16] **Article 25 (3):** Member States shall ensure that transmission and distribution network operators map network losses and take cost-effective measures to reduce network losses. Transmission and distribution network operators shall report those measures and expected energy savings through the reduction of network losses to the national energy regulatory authority. National energy regulatory authorities shall limit the possibility for transmission and distribution network operators to recover avoidable network losses from tariffs paid by consumers. Member States shall ensure that transmission and distribution operators assess energy efficiency improvement measures with regard to their existing gas or electricity transmission or distribution systems and improve energy efficiency in infrastructure design and operation. Member States shall encourage transmission and distribution network operators to develop innovative solutions to improve the energy efficiency of existing systems through incentive based regulations

[17] **Article 21 (2) (i):** creation of one-stop shops or similar mechanisms for the provision of technical, administrative and financial advice and assistance on energy efficiency, including energy renovations of buildings and the take-up of renewable energy for buildings to final customers and final users, especially household and small non-household ones.

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beneficiary.[18] Member States will be encouraged by the Commission to exchange good practices and methodologies to mitigate split incentives.[19]

1.11. Conclusion

Energy storage technologies have the potential to lead to massive energy savings in the EU, by reducing primary energy consumption through energy shifting and avoiding inefficiency use of renewable energy curtailment as a means of flexibility. Whether in households and public buildings, or installed alongside the grid and heating and cooling networks, energy storage should be at the forefront of tackling energy efficiency by ensuring energy that would otherwise go to waste is stored and used later. While energy storage does make an appearance in the EU Commission's proposal for the Energy Efficiency Directive, such as in performance energy contracting, it is often seen as an afterthought, rather than given a key role in helping Member States contribute to EU-level binding targets. More effort is required from policymaker to ensure the potential of energy storage technologies is not wasted to provide energy efficiency and optimisation through energy shifting.

2. The Energy Performance of Buildings Directive (recast)

2.1. Introduction

On 15 December, the European Commission published the revised Energy Performance of Buildings Directive (EPBD) as part of the second tranche of its climate and energy legislative package "Fit for 55". The revision comes from the need to adequate the European Union building stock to the ambitions of energy and climate-related policies for the decarbonisation of the European economy set in the Climate Target Plan 2030 and the European Green Deal setting the goal of decarbonising the EU's building stock by 2050. Furthermore, in October 2020, the European Commission launched its Renovation Wave strategy, to increase the energy renovation rate of buildings and significantly improve the overall energy performance of the EU building sector.

[18] **Article 21 (5):** Without prejudice to the basic principles of their property and tenancy law, | Member States shall take necessary measures to remove regulatory and non-regulatory barriers to energy efficiency, as regard the split of incentives between the owners and tenants of a building or among owners of a building or building unit, with a view to ensuring that these parties are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them.

[19] **Article 21 (6):** The Commission shall encourage the exchange and wide dissemination of information on good energy efficiency practices and methodologies to mitigate the split of incentives in Member States.

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In light of this, the legislative proposal seeks to strengthen the role of the European Union's building stock in achieving the 2030 and 2050 energy and climate ambitions by increasing the rate and depth of building renovations, improving information on the energy performance and sustainability of buildings through the use of digital tools, ensuring that new buildings meet the 2050 climate neutrality goal, and integrating buildings into decarbonised and digitalised infrastructure.

2.2. Greater ambition to decarbonise European Union building stock

The greater ambition set by the revised Energy Performance of Buildings Directive is expressed in the new provisions that broad the subject scope of the legislation now concerning also the reduction of GHG emissions from buildings and the achievement of a zero-emission building stock by 2050[20]. Furthermore, in the new definition of a zero-emission building, the requirement is that the amount of energy still required is fully provided by energy from renewable sources generated on site, from a renewable energy community or from a district heating and cooling system[21]. These new provisions aim to improve building energy performance, but still the contribution of energy storage to achieving zero-emission buildings is not considered. In addition, the revised definition of technical building systems now takes into account on-site renewable energy generation and storage[22]. It offers an opportunity for the integration of standalone storage systems or those co-located with renewable energy sources into buildings.

To significantly improve the overall energy performance of the European Union building block, the revised Directive proposes to increase the rate of building renovations, mandating new minimum energy performance standards in **Article 9** and that the Energy Performance Certificate's Grade of the worst-performing 15% of the building stock of each Member State is upgraded from G to at least Grade F by 2027 for non-residential buildings and 2030 for residential buildings. This boost to building renovation should focus on the critical role that energy storage solutions play in improving building energy efficiency. Importantly, with regard to the Energy Performance Certificate new rules extend its use and mandate to all Member State by 31 December 2025 the utilisation of a template, presented in **Annex V**, which shall display a.o. presence, type and size of energy storage systems.

[20] **Article 1(1):** This Directive promotes the improvement of the energy performance of buildings and the reduction of greenhouse gas emissions from buildings within the Union, with a view to achieving a zero-emission building stock by 2050 […]

[21] **Article 2(2):** 'zero-emission building' means a building with a very high energy performance, as determined in accordance with Annex I, where the very low amount of energy still required is fully covered by energy from renewable sources generated on-site, from a renewable energy community […]

[22] **Article 2(6):** 'Technical building system' means technical equipment for space heating, space cooling, ventilation, domestic hot water, built-in lighting, building automation and control, on-site renewable energy generation and storage, or a combination thereof, including those systems using energy from renewable sources, of a building or building unit;

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Furthermore, the revised Energy Performance of Buildings Directive establishes in **Annex I** the new rules for the common general framework for calculating energy performance of buildings, which each Member State must follow, and technical building systems are considered in the calculation. However, in the minimum required aspects to be taken into consideration for laying down the methodology applied for the determination of the energy performance, energy storage solutions are absent.

Finally, Smart Readiness Indicator is central in enhancing consumer awareness about smart energy and flexibility technologies, the new provisions focus on the opportunity of the smart readiness indicator to improve energy efficiency and overall energy performance. The revised Directive reinforces the Smart Readiness Indicator in for large non-residential buildings as of 2026, but the rating continues to be optional for other buildings[23].

2.3. Electric vehicles charging infrastructure

Charging infrastructure offers many opportunities to the energy storage sector with stationary storage co-located with charging infrastructure helping to reduce peak demand and enable smart charging in response to grid signals. The new provisions in the Energy Performance of Buildings Directive are critical for the deployment of charging points in buildings and for the decarbonisation of the transport sector by improving the uptake of electric vehicles.

The revised Energy Performance of Buildings Directive sets new rules in **Article 12** to make pre-cabling compulsory for all new buildings and buildings undergoing major renovation, it leads to a reduced cost for installing recharging points for the owner and electric vehicle users will have access to recharging points thanks to readily available infrastructure. Furthermore, new provisions require the installation of charging stations in new and renovated office buildings, mandate smart charging capabilities, while require Member States to remove barriers to the installation of recharging points in residential buildings, ensuring the "right to plug". Then, concerning the condition of "major renovation", the Directive establishes requirements that in order to be considered as such, a building undergoing renovation must meet[24]. It should be considered broadening the definition to include more renovations that fall into that category, increasing the

[23] **Article 13(2):** The Commission shall, by 31 December 2025, adopt a delegated act in accordance with Article 29, requiring the application of the common Union scheme for rating the smart readiness of buildings, in accordance with Annex IV, to non-residential buildings with an effective rated output for heating systems, or systems for combined space heating and ventilation of over 290 kW.

[24] **Article 2(21):** 'major renovation' means the renovation of a building where: (a) the total cost of the renovation relating 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; Member States may choose to apply option (a) or (b).

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number of renovations that become 'deep renovations,' and leading owners to focus on energy savings.

In the following table, the provisions concerning the installation of recharging points in buildings are summarised. Please note that, bicycle parking spaces are not considered.

Type of building	Parking spaces threshold	Member States shall ensure the installation of…
New non-residential Non-residential undergoing major renovation	More than five	➢ At least one recharging point; ➢ Pre-cabling for every parking space;
New office Office undergoing major renovation	More than five	➢ At least one recharging point for every two parking spaces;
All non-residential buildings	More than twenty	➢ At least one recharging point for every ten parking spaces;
New residential Residential undergoing major renovation	More than three	➢ Pre-cabling for every parking space;

The new rules acknowledge the critical role that electric vehicles connected to recharging points installed in buildings play in increasing their energy efficiency by providing flexibility, balancing, and storage services. As a result, the revised Energy Performance of Buildings Directive specifies that the charging points listed in the table must have smart charging capabilities. The vehicle-to-grid functionalities, on the other hand, are limited to a case-by-case assessment of their suitability, though the revised Directive sees smart charging and bidirectional charging as key enablers for the integration of buildings and the energy system. Notably, vehicle-to-grid functionality is required to allow for greater RES installation in buildings, to provide flexibility services to the grid, and to improve overall efficiency.

2.4. Heating and cooling systems

For the decarbonisation of the EU building stock, the revised Directive proposes new significant provisions concerning cooling and heating systems, which have a considerable impact on the energy needs of buildings.

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The Directive recast establishes new provisions that ban financial incentives for fossil-fuel boilers from 1 January 2027[25]. Finally, **Annex II** includes a template for National Building Renovation Plans which requires Member States to list the policies and measures already implemented and planned for ensuring the renovation of the building stock. With regard to the heating and cooling system, these policies must concern the decarbonisation of heating and cooling systems, including through district heating and cooling networks, and the complete phase out of fossil fuels by 2040, among others.

However, the new provisions exclude thermal energy storage, which has no definition and whose deployment in buildings would enable the decarbonisation of heating and cooling systems, increasing efficiency, and facilitating the provision of flexibility services.

2.5. Financial and technical support for buildings renovation

In terms of financial incentives, new provisions aim to mobilise resources and remove barriers to building renovation mandating Member States to promote funding and financial tools, such as energy performance contracting, energy efficiency loans, and funds targeting renovations with a significant minimum threshold of targeted energy savings[26]. Notably, these investments are aimed at improving the energy efficiency of the EU's building stock and may provide support for the installation of energy storage technologies, but they are not explicitly considered at this time. Furthermore, energy storage is not mentioned in the provision on the establishment of technical assistance facilities, such as one-stop-shops, which limits its installation in buildings.

2.6. Conclusion

The revised Energy Performance of Buildings Directive proposal provides a higher ambition for the improvement of the energy performance of the European Union building stock. At the same time, compared to the Directive currently in force more attentions have been dedicated to energy storage. However, the focus on energy storage technologies is still limited considering that they offer many benefits and are key in strengthening the energy performance of buildings optimising energy consumption, increasing energy efficiency, and providing flexibility services to the energy system. Furthermore, despite the fact that V2G can provide significant benefits to the energy system, it has received only limited attention. The Directive is missing the opportunity to enable

[25] **Article 15(10):** From 1 January 2027 at the latest, Member States shall not provide any financial incentives for the installation of boilers powered by fossil fuels, with the exception of those selected for investment, before 2027 […]

[26] **Article 15(4)** To support the mobilisation of investments, Member States shall promote the roll-out of enabling funding and financial tools, such as energy efficiency loans and mortgages for building renovation, energy performance contracting, fiscal incentives, on-tax schemes, on-bill schemes, guarantee funds, funds targeting deep renovations, funds targeting renovations with a significant minimum threshold of targeted energy savings and mortgage portfolio standards. They shall guide investments into an energy efficient public building stock, in line with Eurostat guidance on the recording of Energy Performance Contracts in government accounts.

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the European Union buildings to provide grid services through the deployment of energy storage solutions. Finally, opportunities for energy storage deployment in buildings exist, and the Energy Performance of Buildings Directive proposed provisions may be designed to expand on these opportunities.

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