



EUROPEAN COMMISSION

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Ms Y.E.M.A. Timmerman - Buck
President of the Senate
Senate of the States-General
P.O. Box 20017
2500 EA The Hague

Dear President,

It is my pleasure to thank you for the First Chamber's letter of 10 February 2009 regarding subsidiarity aspects of the proposal for a recast Energy Performance of Buildings Directive (COM(2008) 780).

First of all, I welcome your confirmation that the proposed recast Directive respects subsidiarity. Both, subsidiarity and proportionality of this legislative proposal have been at the heart of its development from the beginning. Furthermore, the Commission took carefully note about the local nature of buildings when developing revised requirements.

The objective of the proposed recast Directive is therefore to clarify some of the original provisions and definitions as well as to exploit the energy savings effect of its key elements to its full extent.

Proposed changes and adding of provisions were comprehensively analysed beforehand in the Commission's Impact Assessment¹ you refer to in your letter. Therein, both the savings effect of proposed provisions and the related administrative burdens and costs were assessed, based on in-depth studies and on conducted case studies from different Member States.²

The provisions and changes introduced to the proposed recast Directive are consequently limited so that the key elements of the current Directive will reap the full energy efficiency benefits. They give comprehensive room for manoeuvre to Member States to implement them in the most effective way, tailored best to their national and regional conditions. The specific provisions also provide flexibility to Member States to make use of lessons learnt and to choose from relevant best practices, as they are e.g. regularly discussed with Member States' representatives in the Concerted Action for the Energy Performance of Buildings Directive since 2005.

¹ SEC(2008)2864

² For example, the impacts of a proper scheme for Energy Performance Certificates for buildings have inter alia been quantified by a study carried out by the Delft University of Technology (NL), which is quoted in the Impact Assessment

Better regulation and low administrative burdens are of our key interest and an important matter of the Lisbon Strategy for Jobs and Growth. Effective administration is a crucial competitive advantage for the EU economy. The Commission detected schemes for Energy Performance Certificates for buildings in some Member States, having almost no positive impact in energy savings but nevertheless leading to considerable costs for society and individuals. Such proceeding unfortunately can be judged being the contrary of better regulation. This is why the recast proposal foresees improvements with regard to the relevant provisions of the Directive.

May I assure you once again that the Commission paid high attention on proportionality questions as well as on better regulation aspects when drafting the proposal of the recast Energy Performance of Buildings Directive. Best practices throughout the EU, based on the experience with the existing Directive, prove that the overall energy saving objectives will not be achieved without common efforts such as proposed by the recast Energy Performance of Buildings Directive.

The Commission remains at your disposal for further information, namely with regard to administrative burdens and costs of individual provisions proposed in the recast Directive.

I look forward to developing our policy dialogue further in the future.

Yours sincerely

Margot WALLSTRÖM
Vice-President of the European Commission