



**CONCERTED ACTION  
ENERGY EFFICIENCY  
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# **The Alternative Approach in Article 5 in Practice**

## **Executive Summary**

**WGR 2.2**

**Core theme 2 Public Sector - public buildings and public purchasing  
Working Group 2.2 Report**

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The new Energy Efficiency Directive (EED)<sup>1</sup> - like the former Energy Services Directive (ESD) – states explicitly that the public sector (PS) at national, regional and local level should fulfil an exemplary role as regards energy efficiency.

Article 5 “Exemplary role of public bodies’ buildings” of the EED permits two approaches to achieve its requirements: the “default” and the “alternative”, and various flexibility mechanisms. The approach chosen by each Member State (MS) will determine how they will meet their target, but both approaches should lead to an equivalent improvement in the energy performance of buildings.

The “default” approach is incorporated in Art. 5(1). It stipulates that each MS shall ensure that, as from 1 January 2014, 3% of the total floor area of heated and/or cooled buildings owned and occupied by its central government is renovated each year to meet at least the minimum energy performance requirements set by Directive 2010/31/EU (EPBD)<sup>2</sup>.

Under the “alternative” approach stipulated in Art. 5(6), MS may decide to take other cost-effective measures to achieve, by 2020, an amount of energy saving at least equivalent to that required in Art. 5(1) in eligible buildings owned and occupied by their central government. These measures may include deep renovations and actions resulting in occupant behaviour change, and savings are to be reported on an annual basis.

This is the second time Art. 5 has been analysed, as previous research focused on issues related to the establishment of the inventory, as well as on initial information relating to the two approaches outlined in Art. 5.

A questionnaire was sent out to all MS plus Norway, and 26 out of 29 have responded.

The following conclusions were drawn from the survey of MS:

1. The majority of MS have already started the implementation. The survey shows that implementation of Art. 5 poses a real challenge for MS, and in a majority of MS the process is likely to be delayed in relation to the schedule set in the EED.
2. MS list several factors which they consider to be crucial for the successful implementation of Art. 5. As many as four of these factors are ranked almost equally - political support, well-co-ordinated administrative infrastructure, human and financial resources and main stakeholders.
3. Possessing reliable data related to Art. 5 was considered a prerequisite. There is a general shortage of information on the number of buildings belonging to the central government that fall within the scope of the obligation (partly due to the lack of precise interpretation of “central government”, see below), the energy consumed and the potential energy savings.
4. Few MS have already decided which approach they will take; 2 have decided on the “default” approach and 4 on the “alternative”, totalling 6 Member States. The vast majority are still in the process of making a decision (80% altogether).
5. Discussion about the pros and cons of the two eligible approaches provided some interesting and highly practical conclusions. It was suggested that the “default approach” is too prescriptive, and too detailed in that it allows less flexibility at operative level to achieve the “3%” renovation that shall be fulfilled annually. Two Member States that had already decided on the “alternative” approach had their choice further confirmed. It was the opinion in one MS that it is better to let each individual body decide how to meet the target. Another MS found the “alternative” approach better since it offers more flexibility, is more cost effective and enables use of the existing legal framework.
6. It was remarked that in countries where the heat standards of buildings are high it is very likely that the payback time of deep renovation would be unacceptably long. In these cases the “alternative approach” seems the only rational option.

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<sup>1</sup>Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2012/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, .OJ L 315, 14.11.2012.

<sup>2</sup>Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast), OJ L 153, 18.6.2010.

7. It was raised that in those MS where the average energy consumption in buildings is high in comparison to the most advanced countries in the EU, the “default” approach should be chosen and accompanied by the allocation of sufficiently high funds within the EU cohesion policy to cover the costs of the “3%” renovation.
8. Cost effectiveness is no doubt one of the major criteria when choosing between the permissible options. However, other criteria should also be taken into consideration, to enable a more in-depth overview of the energy, or rather, more broadly sustainable, condition of every specific building under consideration. For example, it should be taken into account whether the building has an energy manager, energy monitoring and management system or whether full information and long-time energy consumption statistics are available.
9. MS generally answered that they did not have any serious doubts about the interpretation of the “alternative” approach. However in the discussions it turned out that some further interpretation of definitions is still required. The definition of “central government” provided in Art. 2(9) is a good example. It was opinion shared by some that it is the function of the building that decides whether it should be covered - i.e. when it is used for performing central government related activities then it shall be considered and fall into the scope of Art. 5.
10. MS choosing the “alternative” approach plan to use the whole spectrum of eligible measures; i.e. deep and shallow renovation and behavioural change measures are being considered.
11. Finding adequate methodology to measure savings resulting from behavioural change remains a challenge and very few MS reported that they possess a suitable approach, such as bottom up methodology, smart metering or direct feedback from occupants.
12. Joint implementation of the EED and the EPBD encounters a common barrier in many MS, namely the fact that the two directives are being implemented in different governmental organisational units and usually by two different ministers.

Research produced the following recommendations:

1. Obligations for the public sector stipulated in Art. 5 should be further investigated and discussed, and best practices should be exchanged among MS since the obligations still pose a challenge for the majority of the MS.
2. MS should try to implement different directives in a coherent way, assuring synergy and avoiding duplication where possible. To accomplish this, procedural and organisational changes within governmental units may be required.
3. CA EED should seek further co-operation on Art. 5 implementation with the CA EPBD, so that each may build on the knowledge and experience of the other.

A template action plan was drafted to enable effective implementation.

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The Concerted Action for the Energy Efficiency Directive (CA EED) was launched by Intelligent Energy Europe (IEE) in spring 2013 to provide a structured framework for the exchange of information between the 29 Member States during their implementation of the Energy Efficiency Directive (EED).

For further information please visit [www.eed-ca.eu](http://www.eed-ca.eu) or contact the CA EED Coordinator Lucinda Maclagan at [lucinda.maclagan@agentschapnl.nl](mailto:lucinda.maclagan@agentschapnl.nl)



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