

European Distribution System Operators for Smart Grids

EDSO amendments on the Directive of the
European Parliament and of the Council
amending Directive 2010/31/EU on the energy
performance of buildings

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Key Messages

I. Introduction

- Electric vehicles are growing in importance and are adding new loads to distribution networks. EDSO fully supports the development of electro-mobility, as DSOs are key enablers of e-mobility and flexibility markets, and we welcome the Directive’s provisions to promote the electric vehicles’ integration within new building infrastructure.
• However, concerning the provisions in Article 1, we believe that at this stage ducts (pre-tubing) for recharging points in residential building structure is the most cost-effective way for incentivising customers’ switch to electric vehicles. This requirement should also be applied to non-residential buildings, since an obligation to equip parking spaces with recharging points that have smart charging capabilities would lead to onerous costs and burdensome complexity both for buildings owners and network operators.
• Any future legislation on electro-mobility related to energy efficiency and buildings efficiency must be aligned with the dedicated Directive on alternative fuels infrastructure (2014/94/EU), which introduces definitions for recharging points and their operations.
• The introduction of a smartness indicator may play a role as an additional instrument to empowering consumers. We suggest that DSOs are also involved in an open consultation with stakeholders on defining the exact implications of the indicator.

II. Amendment proposals

Electro-mobility

Article 1 paragraph 1

<i>ORIGINAL TEXT</i>	<i>PROPOSED TEXT</i>
Directive 2010/31/EU is amended as follows: (1) in Article 2, point 3 is replaced by the following: '3. 'technical building system' means technical equipment for space heating, space cooling, ventilation, domestic hot water, built-in lighting, building automation and control, on-site electricity generation, on-site infrastructure for electro-mobility , or a combination of such systems, including those using energy from renewable sources, of a building or building unit;'	Directive 2010/31/EU is amended as follows: (1) in Article 2, point 3 is replaced by the following: '3. 'technical building system' means technical equipment for space heating, space cooling, ventilation, domestic hot water, built-in lighting, building automation and control, on-site electricity generation and recharging points within the meaning of Directive 2014/94/EU or a combination of such systems, including those using energy from renewable sources, of a building or building unit;'

Justification:

Concerning the charging infrastructure for electro-mobility, we suggest to use the existing definition of recharging points from the Alternative Fuels Infrastructure Directive (2014/94/EU). This Directive distinguishes between normal power recharging (up to 22 kW) and high power recharging (more than 22 kW). 'On-site infrastructure for electro-mobility therefore should be aligned to include the definition of recharging points, including the pre-cabling needed for the installation of such recharging points. This distinction is important to ensure coherence with the dedicated Directive for electro-mobility.

Article 1 paragraph 5

<i>ORIGINAL TEXT</i>	<i>PROPOSED TEXT</i>
Directive 2010/31/EU is amended as follows: (5) Article 8 is amended as follows:	Directive 2010/31/EU is amended as follows: (5) Article 8 is amended as follows:

<p>(a) in paragraph 1, the third subparagraph is deleted;</p> <p>(b) paragraph 2 is replaced by the following:</p> <p>‘2. Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, at least one of every ten is equipped with a recharging point within the meaning of Directive 2014/94/EU on the deployment of alternative fuels infrastructure, which is capable of starting and stopping charging in reaction to price signals. This requirement shall apply to all nonresidential buildings, with more than ten parking spaces, as of 1 January 2025. Member States may decide not to set or apply the requirements referred to in the previous subparagraph to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003.</p> <p>3. Member States shall ensure that newly built residential buildings and those undergoing major renovations, with more than ten parking spaces, include the pre-cabling to enable the installation of recharging points for electric vehicles for every parking space.</p> <p>4. Member States may decide not to set or apply the requirements referred to in paragraphs 2 and 3 to public buildings which are already covered by Directive 2014/94/EU.’;</p> <p>(c) the following paragraphs 5 and 6 are added:</p>	<p>(a) in paragraph 1, the third subparagraph is deleted;</p> <p>(b) paragraph 2 is replaced by the following:</p> <p>2. Member States shall ensure that in all new non-residential buildings and in all existing non-residential buildings undergoing major renovation with more than ten parking spaces, ducts are present to enable the installation of recharging points for electric vehicles for at least one out of ten parking spaces. This requirement shall apply to all non-residential buildings, with more than ten parking spaces, as of 1 January 2025. Member States may decide not to set or apply the requirements referred to in the previous subparagraph to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003.</p> <p>3. Member States shall ensure that newly built residential buildings and those undergoing major renovations, with more than ten parking spaces, include the ducts to enable the installation of recharging points for electric vehicles for every parking space.</p> <p>4. Member States may decide not to set or apply the requirements referred to in paragraphs 2 and 3 to public buildings which are already covered by Directive 2014/94/EU.’;</p> <p>(c) the following paragraphs 5 and 6 are added:</p> <p>‘5. Member States shall ensure that, when a technical building system is installed, replaced or upgraded, the overall energy performance of the</p>
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<p>'5. Member States shall ensure that, when a technical building system is installed, replaced or upgraded, the overall energy performance of the complete altered system is assessed, documented it and passed on to the building owner, so that it remains available for the verification of compliance with the minimum requirements set pursuant to paragraph 1 and the issue of energy performance certificates. Member States shall ensure that this information is included in the national energy performance certificate database referred to in Article 18(3).</p> <p>6. The Commission is empowered to adopt delegated acts in accordance with Article 23 supplementing this Directive with a definition of 'smartness indicator' and with the conditions under which the 'smartness indicator' would be provided as additional information to prospective new tenants or buyers. The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.';</p>	<p>complete altered system is assessed, documented it and passed on to the building owner, so that it remains available for the verification of compliance with the minimum requirements set pursuant to paragraph 1 and the issue of energy performance certificates. Member States shall ensure that this information is included in the national energy performance certificate database referred to in Article 18(3).</p> <p>6. The Commission is empowered to adopt delegated acts, with involvement of relevant stakeholders through a public consultation, in accordance with Article 23 supplementing this Directive with a definition of 'smartness indicator' and with the conditions under which the 'smartness indicator' would be provided as additional information to prospective new tenants or buyers. The smartness indicator shall cover flexibility features, enhanced functionalities and capabilities resulting from more interconnected and built-in intelligent devices being integrated into the conventional technical building systems. The features shall enhance the ability of occupants and the building itself to react to comfort or operational requirements, take part in demand response and contribute to the optimum, smooth and safe operation of the various energy systems and district infrastructures to which the building is connected.';</p>
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Justification:

Imposing the setting up of recharging points in one out of ten parking spaces can cause onerous cost burdens on building owners and partnerships. Due to the requirements for the connection costs of the charging stations, this can lead to an increase in connection costs for the customers, necessitating potential grid updates and reinforcements at the building level. At the same time, ducting allows for chargers to be installed if desired at a later point.

Article 1 paragraph 7

<i>ORIGINAL TEXT</i>	<i>PROPOSED TEXT</i>
<p>Directive 2010/31/EU is amended as follows:</p> <p>(7) Article 14 is amended as follows:</p> <p>(b) paragraphs 2, 3, 4 and 5 are deleted and replaced by the following:</p> <p>‘2. As an alternative to paragraph 1 Member States may set requirements to ensure that non-residential buildings with total primary energy use of over 250 MWh per year are equipped with building automation and control systems. These systems shall be capable of:</p> <p>(a) continuously monitoring, analysing and adjusting energy usage;</p> <p>(b) benchmarking the building’s energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement;</p> <p>(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.</p>	<p>Directive 2010/31/EU is amended as follows:</p> <p>(7) Article 14 is amended as follows:</p> <p>(b) paragraphs 2, 3, 4 and 5 are deleted and replaced by the following:</p> <p>‘2. As an alternative to paragraph 1 Member States may set requirements, <i>under consideration of data protection and security standards</i>, to ensure that non-residential buildings with total primary energy use of over 250 MWh per year are equipped with building automation and control systems. These systems shall be capable of:</p> <p>(a) continuously monitoring, analysing and adjusting energy usage;</p> <p>(b) benchmarking the building’s energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement;</p> <p>(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.</p>

Justification:

Data protection and security is an important issue that needs to be considered in any equipment that requires building automation and control systems. We therefore recommend

that this Article ensures the compliance of the smartness indicator with EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.



EDSO for Smart Grids is a European association gathering leading electricity distribution system operators (DSOs), cooperating to bring smart grids from vision to reality.

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