



# Lessons from EPBD CA III- on compliance

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*Head of Energy Performance of buildings Requirements unit - VEA*

It makes no sense to impose EPBD requirements when compliance is not checked.

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5 attention points

# Compliance in EPBD and CA



	CA I 2005-2007	CA II 2007-2010	CAIII 2011-2015
EPBD 2002/91/EC	/	/	
EPBD 2010/31/EU			YES

## Article 27

### Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall communicate those provisions to the Commission by 9 January 2013 at the latest and shall notify it without delay of any subsequent amendment affecting them.

> [www.epbd-ca.eu](http://www.epbd-ca.eu)



## EPBD requirements?



- > EP requirements for new and renovated building



- > Availability for new, sales and renting out
- > Display public buildings
- > Advertisements



- > Availability of regular inspection

Quality control

It makes no sense to impose EPBD requirements when compliance is not checked.

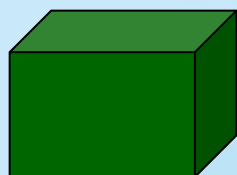
It makes no sense to impose requirements when compliance is not checked.



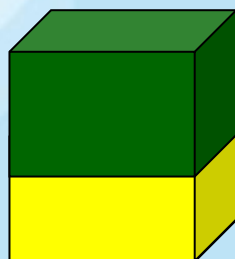
CONCERTED ACTION  
ENERGY PERFORMANCE  
OF BUILDINGS



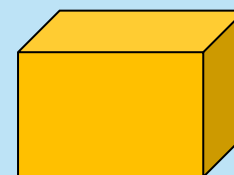
## Scenario for the future



Real  
NZEB



Declared  
NZEB

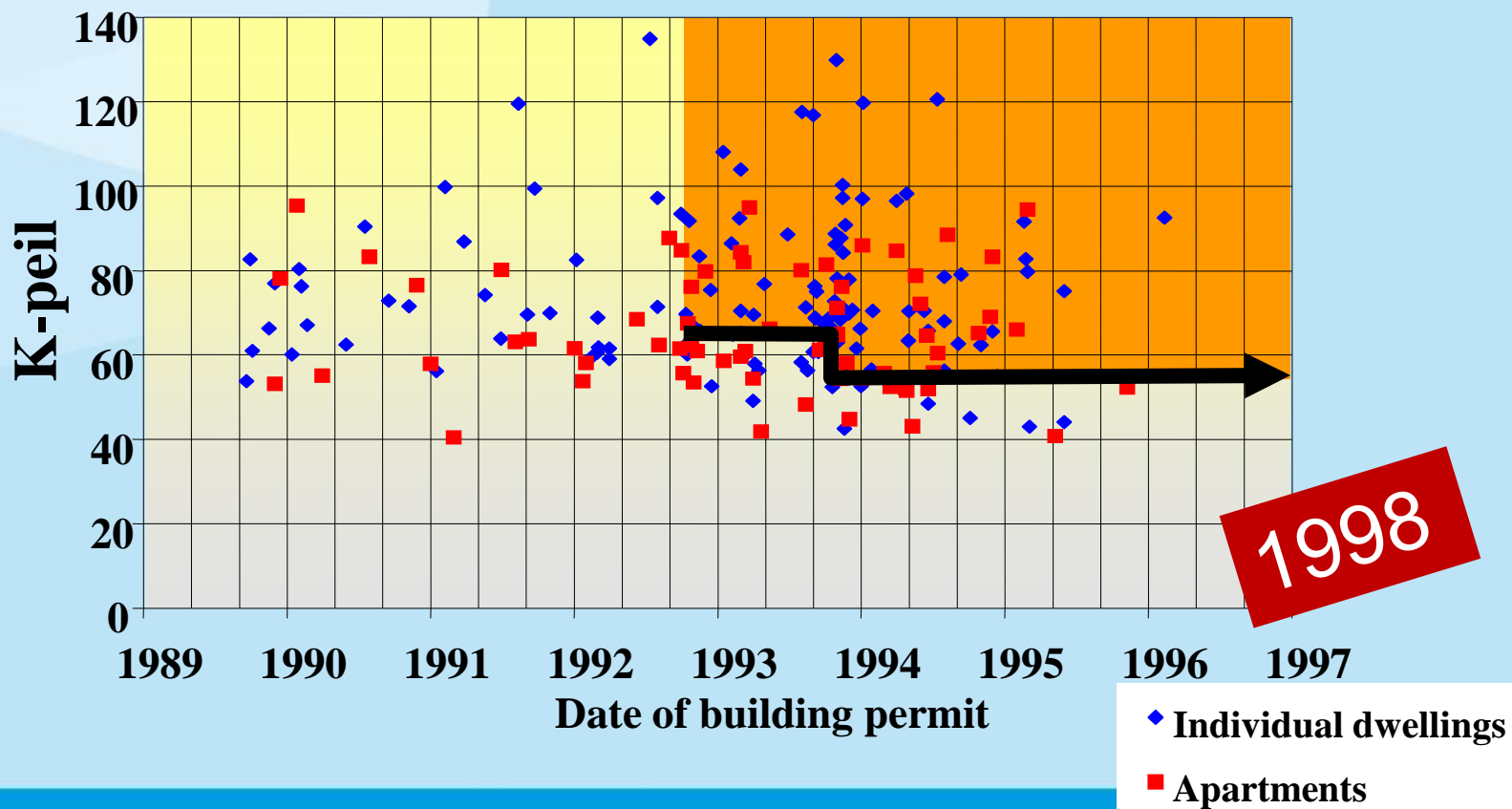


NZEB ?

It makes no sense to impose requirements when compliance is not checked.



## Flemish region: Senvivv study on thermal regulation '90ties



Without compliance checking:

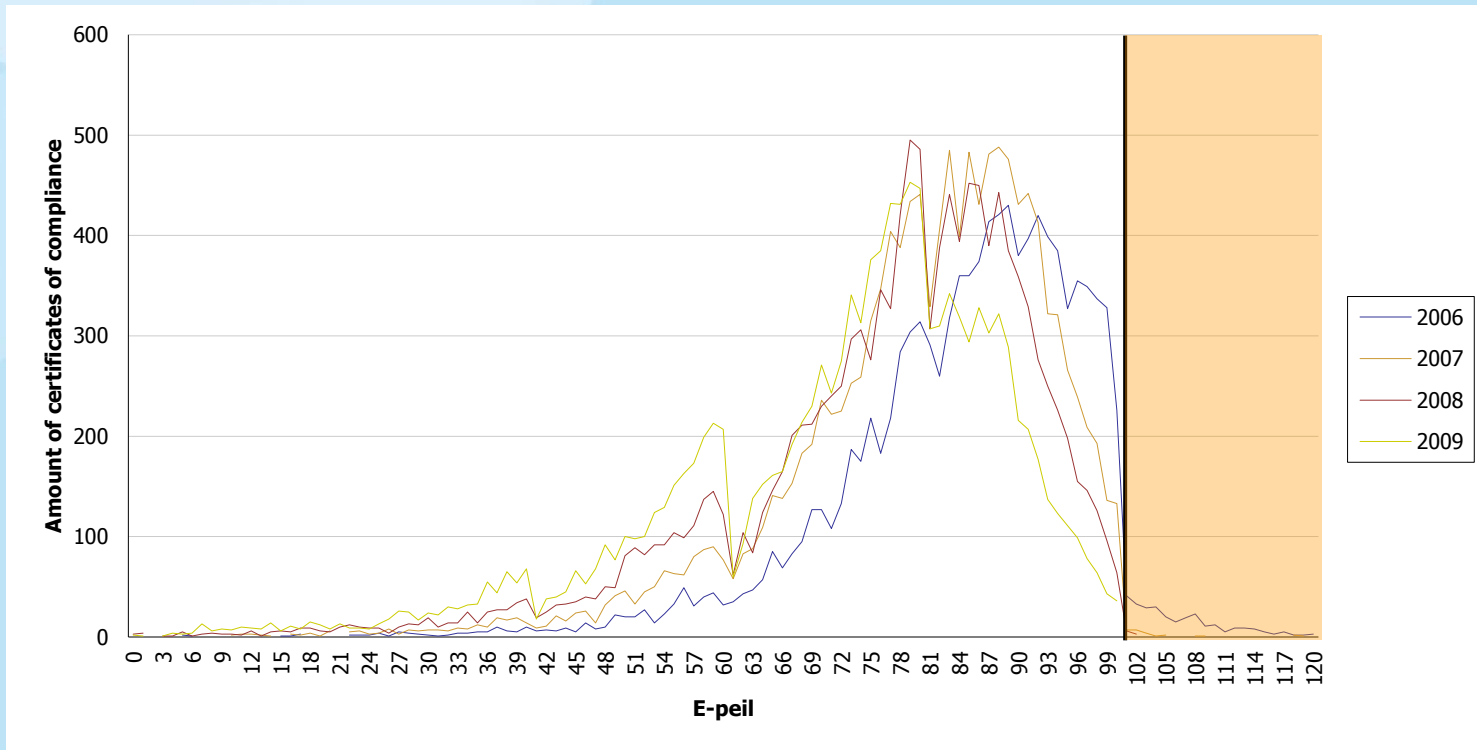
**Impact ~0%**



# If compliance is checked

## Flemish region: new framework since 2006

results of the Energy Performance requirement in new residential buildings



With compliance checking:

**Impact ~ 100%**

# Effective EP regulations in MS...*a long journey*



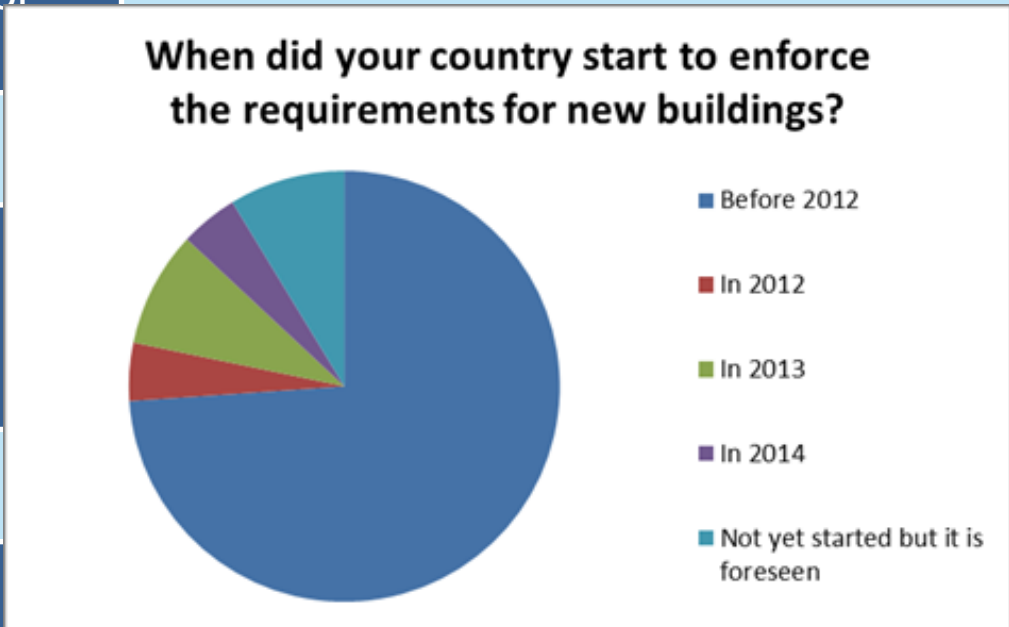
1. TRANSPOSITION into regulation  
(national/regional building code or specific legislation)



2. IMPLEMENTATION  
in operational system



3. OPERATING THE SYSTEM



23 MS

# Attention points for the journey



1. Check of compliance: the moment is crucial

2. Legal framework needs to fit

3. It needs some courage and money

4. Do it in practice

5. Monitor compliance rate

# 1. The moment to check compliance



CONCERTED ACTION  
ENERGY PERFORMANCE  
OF BUILDINGS



Building permit

Start of works

End of works

X months after end of works

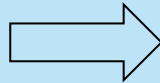


At which stage should there be proof of compliance with requirements?

# 1. The moment to check compliance



CONCERTED ACTION  
ENERGY PERFORMANCE  
OF BUILDINGS



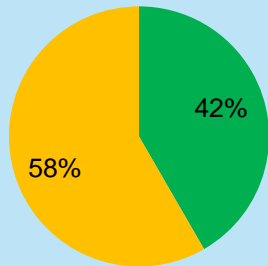
# 1. The moment to check compliance



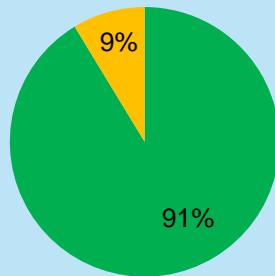
2 checks are needed for EP requirements:

1. Check of compliance at building permit or before works start = standard practice
2. In as-build phase: evolution in MS

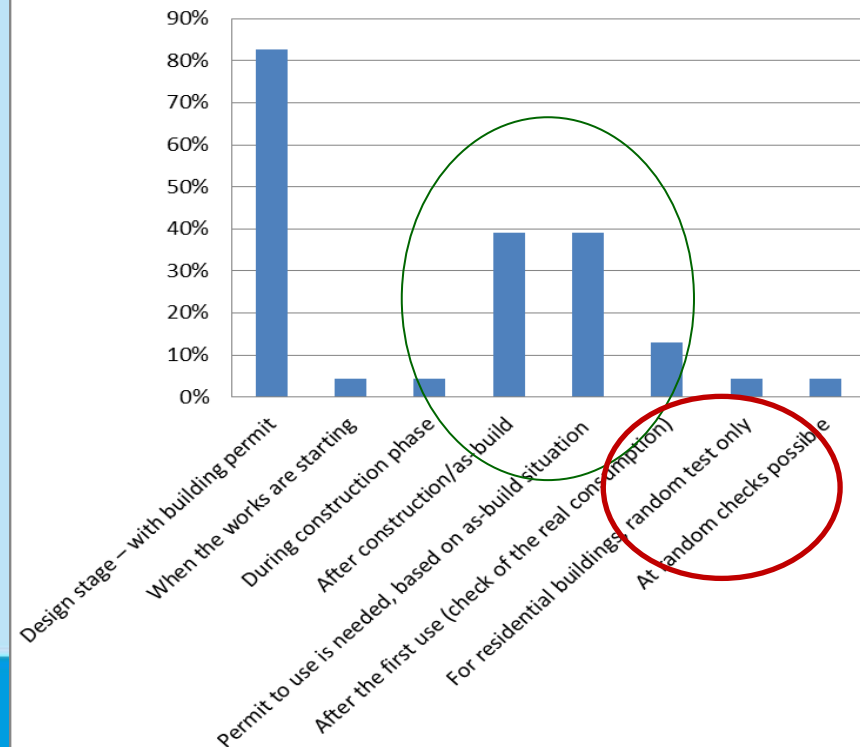
Before 2010 (24 MS)



2014 (23 MS)



When is compliance with requirements new buildings checked?



## 2. Legal framework: responsibilities



CONCERTED ACTION  
ENERGY PERFORMANCE  
OF BUILDINGS



Owners



Rapporteur



Architect



Inspector  
(Civil servant, ...)



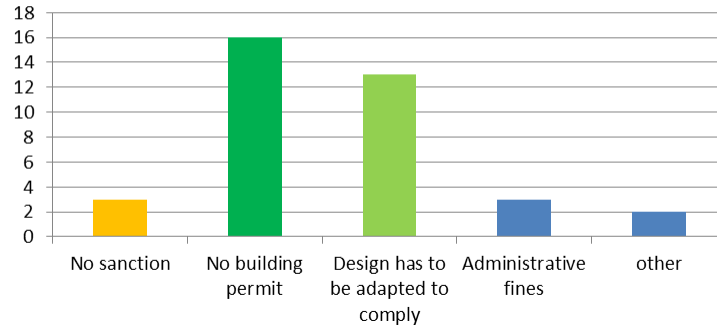
Contractor(s)



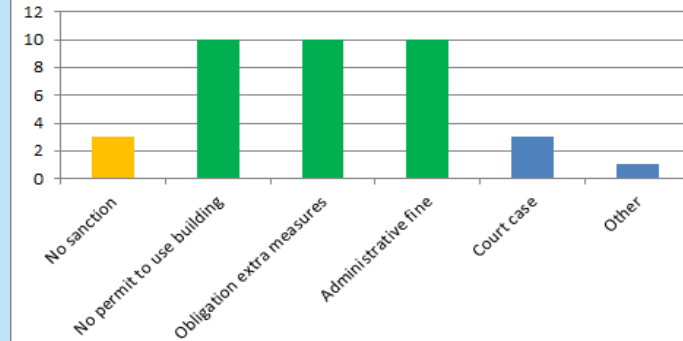
## 2. Legal framework: sanctions



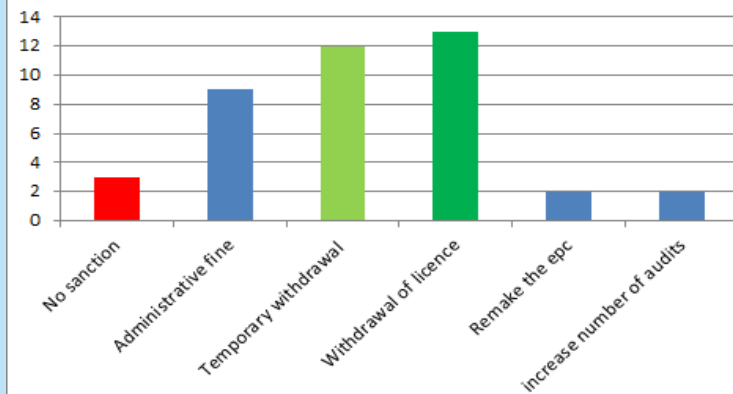
Sanction in legislation for buildings that doesn't comply EP req. design stage



Sanction in legislation for buildings that doesn't comply EP req. as-build



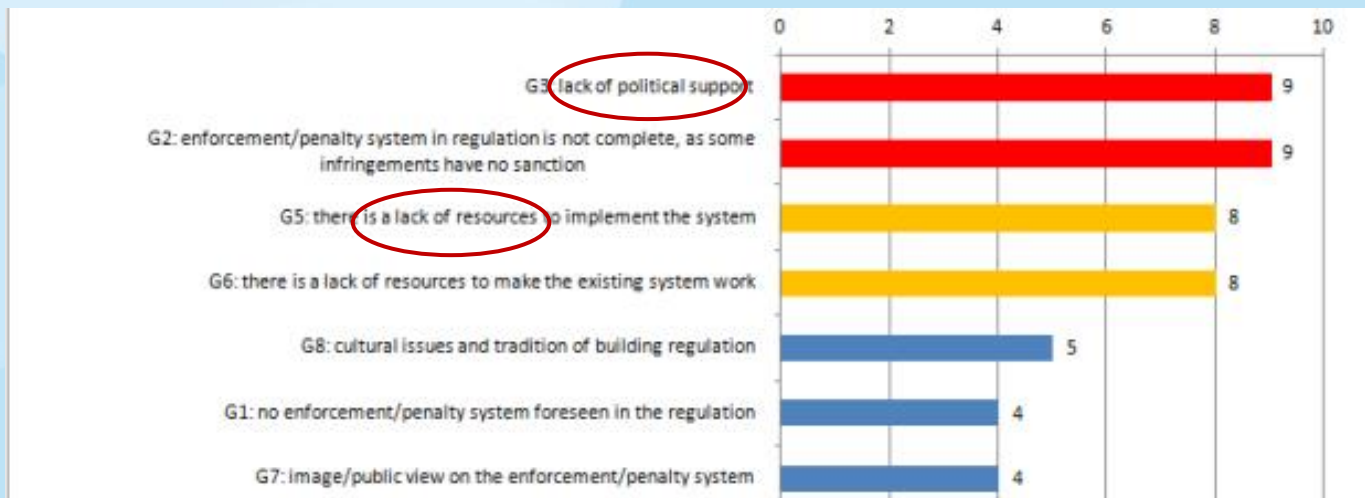
Sanction in legislation for low quality epc or inspection report



### 3. It needs courage and money



> 2012 barriers to implement an effective compliance framework:



# 4. Do it in practice

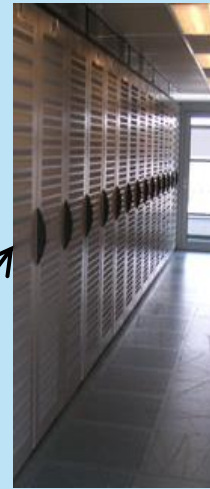
> To be effective, the compliance framework needs implementation...



Check quality of reporting



Certificate of compliance as build

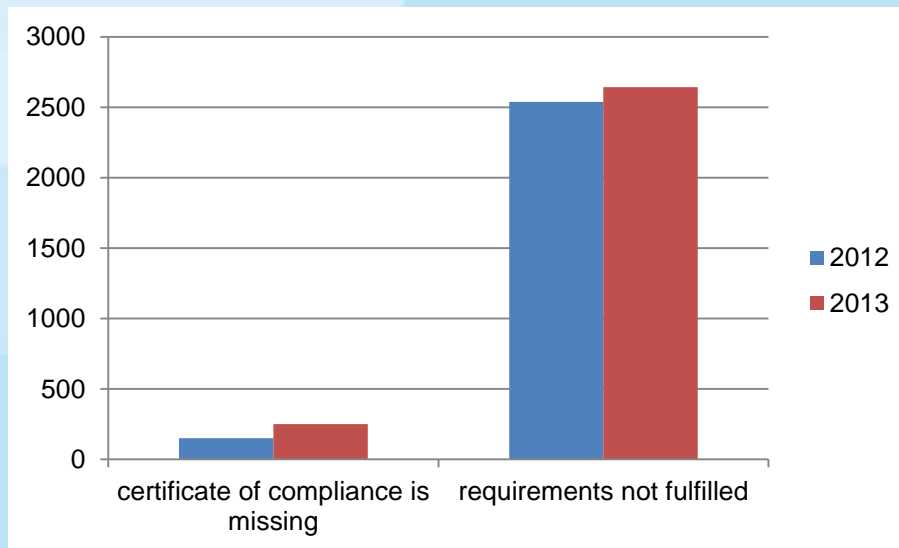


Non-compliance leads to sanction



## 4. Do it in practice

### > Amount of sanctions in Belgium – Flemish region

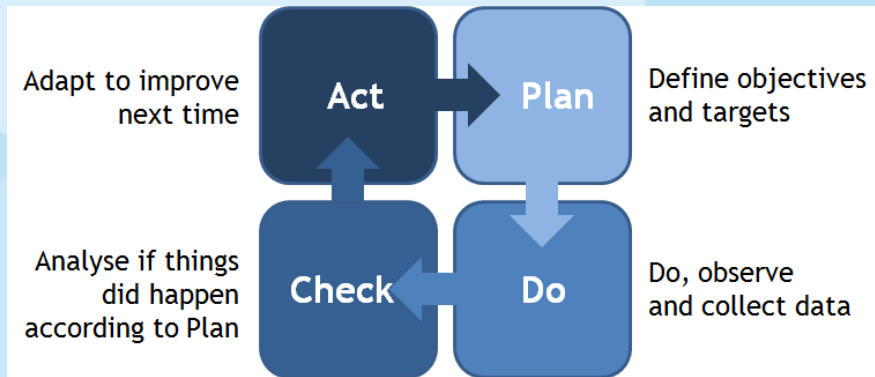


- > If certificate of compliance is missing, administration sends a warning.
- > Requirements: Energy performance, insulation, indoor climate including ventilation and overheating. > 90% of sanctions for requirements are in common for small problems in ventilation installations

## 5. Monitor compliance rate



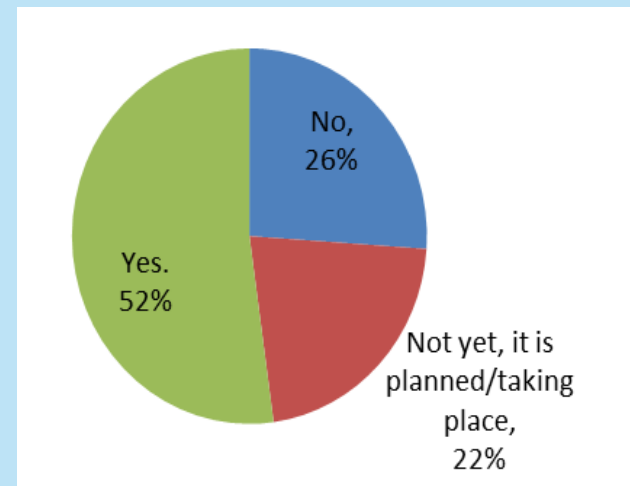
Improving the regulation is a continuous process.



To know the effect measuring is needed.

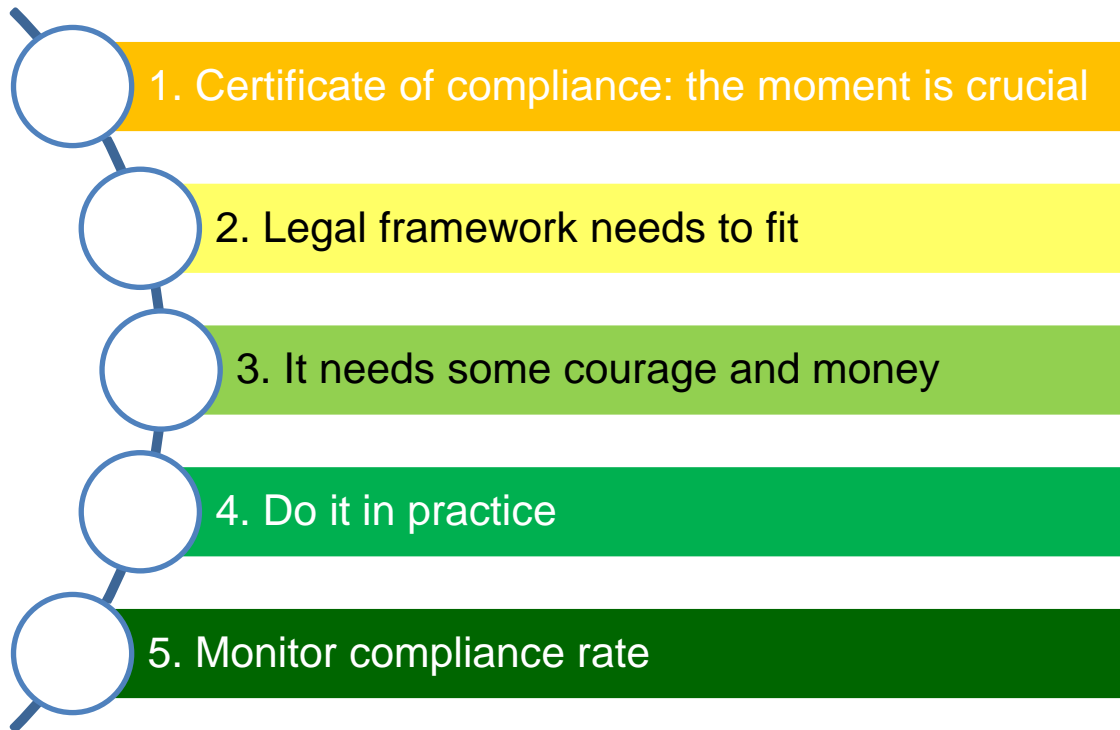
2014: Only 52% of 23 MS has a view on compliance rates\*

\* In some MS, only view of compliance with all building requirements (fire,...)



# Compliance checking leads to effective EPBD requirements

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1. Certificate of compliance: the moment is crucial
  2. Legal framework needs to fit
  3. It needs some courage and money
  4. Do it in practice
  5. Monitor compliance rate