

Memorandum

To: European Commission

From: European Mortgage Federation-European Covered Bond Council (EMF-ECBC)

Re: Proposal for a directive of the European Parliament and of the Council on the energy performance of buildings (recast) (the **Proposal**)

Date: 31 March 2022

Dear Madam/Sir,

The EMF-ECBC wholeheartedly supports the revision of the EU Energy Performance of Buildings Directive. Through this memorandum we would like to suggest some amendments to the Proposal to increase its efficiency. In order for financial institutions to fulfil their designated role in funding the Renovation Wave of buildings in Europe, we suggest that the Proposal clarifies that financial institutions are granted access to the energy performance data of buildings necessary to determine EU taxonomy alignment and the permission to process that data.

Mobilisation of capital markets is crucial to fund the Renovation Wave. If financial institutions cannot establish whether its mortgage loan portfolio is EU taxonomy aligned, they cannot issue green covered bonds aligned with the European green bond standard (EUGBS). This creates an increased risk of greenwashing. Therefore, these suggested amendments serve to safeguard the interests of not only the Energy Performance of Buildings Directive itself and the European Green Deal, but also the further development of the EU Capital Markets Union.

Page 30, Recital 46 of the Proposal

We suggest adding as a new final sentence of this recital of the Proposal (suggestions underlined):

Such measures should also enable financial institutions to collect and to process the energy performance data in respect of the buildings that these financial institutions finance necessary to determine alignment with the building related elements of the EU taxonomy for sustainable activities.

Page 59, Article 14 of the Proposal

We suggest revising paragraph 1 of this article of the Proposal as follows (suggestions underlined and deletions stricken):

1. Member States shall ensure that the building owners, tenants ~~and~~, managers and the controllers of article 19 national databases for energy performance of buildings can have direct access to their building systems' data. At their request, the access or data shall be made available to a third party. Member States shall facilitate the full interoperability of services and of data exchange within the Union in accordance with paragraph 6.

Page 67, Article 19 of the Proposal

We suggest revising paragraph 2 of this article of the Proposal as follows (suggestions underlined and deletions stricken):

1. Each Member State shall set up a national database for energy performance of buildings which allows data to be gathered on the energy performance of the buildings and on the overall energy performance of the national building stock.

Each Member State shall provide that the database shall allow data to be gathered from all relevant sources related to energy performance certificates, ~~building systems~~, inspections, the building renovation passport, the smart readiness indicator and the calculated or metered energy consumption of the buildings covered.

2. [The database shall be publicly accessible]¹, ~~in compliance with~~ taking into account Union and national data protection rules. Member States shall ensure access to ~~the full~~ all energy performance certificate data and buildings systems data for building owners, tenants, managers and financial institutions, as well as permission for the latter to process all energy performance certificate and building systems data required as regards the buildings in their investment portfolios or to be financed to determine alignment with the building related elements of the EU taxonomy for sustainable activities. For buildings offered for rent or sale, Member States shall ensure access to the full energy performance certificate for prospective tenants or buyers.

Lastly, in order for the national databases referred to in the Proposal to include all relevant technical building data we suggest including article 14 and article 19 in article 29(2) of the Proposal which covers the power of the Commission to adopt delegated acts.

We remain at your complete disposal for any questions you might have.

Yours faithfully,

Luca Bertalot
Secretary General

¹ Query: publicly accessible or accessible to the public taking into account this provision as follows?