



Environmental Law Bulletin

Green Buildings & Energy

EU CLIMATE & ENERGY DEAL

The Council of Ministers reached an agreement in December 2008, to cut greenhouse gas emissions by 20%, to establish a 20% share of renewable energy in the EU energy mix and to improve energy efficiency by 20%, by 2020. A package of measures have been agreed to achieve these targets to include a draft EU Directive on Renewable Energy, draft revised EU Directive on Energy Performance of Buildings and draft EC Regulations on ecodesign of appliances.

IN THE PIPELINE – DRAFT NEW ENERGY PERFORMANCE OF BUILDING DIRECTIVE

In December 2008, the European Commission drafted a Directive to replace the current Energy Performance of Building Directive 2002 (“EPBD”). The draft proposes to strengthen some of the existing provisions and expand the scope of the 2002 EPBD to include:-

- Requiring minimum energy performance for major renovation of all buildings and not just those with a total floor area of in excess of 100m². Major renovation basically means that the renovation investment is 25% or more of the value of the property.

- Minimum energy performance requirements for installing or replacing existing technical building systems (e.g. heating and lighting systems).
- Devising national plans to increase the number of low to zero carbon buildings.
- Clarification of frequency of inspections of heating system and air conditioning systems.
- New requirement for inspection report on heating and air conditioning systems to be handed over to the owner or tenant of a building.
- Requirement for the display of energy certificates will extend to any building that has a total useful floor area of over 250 square meters that is often visited by the public and so can including privately owned buildings.
- Establishment of an independent control system for BER certificates and air-con/heating systems reports, via a random quality control check.

The proposal for a revised EPBD will have significant implications for developers, owners, occupiers and managers of buildings.

IN THE PIPELINE – DRAFT EU ECODESIGN LEGISLATION

The EU is currently drafting Regulations on ecodesign of certain products and appliances to improve their energy efficiency. Measures will include:-

- Phasing out of conventional light bulbs by 2012.
- Rules on ecodesign of household and office equipment to reduce their standby energy consumption.

These developments will have an impact on manufacturers, retailers of household and office products and those involved in the refurbishment business.

PLANNING EXEMPTIONS FOR MICRO-RENEWABLES EXTENDS TO BUSINESS INDUSTRIAL AND AGRICULTURAL PREMISES

The 2008 Irish Planning and Development Regulations exempts from the need to obtain planning permission, the installation of micro-renewable energy technologies for business and industrial premises and agricultural holdings, subject to certain restrictions. This covers for instance, wind turbines and solar panels.

IN THE PIPELINE – DIRECTIVE ON RENEWABLE ENERGY

This proposed EU Directive set mandatory targets for the overall share of energy to be obtained from renewable sources. It would require Ireland to, among other:-

- Establish a national action plan setting a mandatory target for the overall share of energy from renewable sources in

transport, electricity and heating and cooling in 2020 and laying down measures to achieve these targets.

- Improve authorisation procedures for renewable sources, by streamlining and expediting the procedures as well as making the rules transparent and non-discriminatory. The rules must be proportionate and necessary. Less onerous authorisations must be established for small projects.
- Amend Building Regulations so that minimum levels of energy from renewable sources in new and refurbished buildings must be obtained.
- Take steps to develop grid infrastructure to accommodate the development of electricity production from renewable energy sources.
- Prioritise access to the grid systems of electricity produced from renewable energy sources
- Ensure transmission system operators give priority to generating installations using renewable energy sources.

The aim is to require this Directive to be transposed into Irish law by March 2010.

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