

Statement / Feedback

on the Proposal of the European Commission for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Energy Efficiency (Recast) of 14/07/2021 **EU Energy Efficiency Directive (EED)**

In its statement on the renovation wave initiated by the European Commission, ICOMOS Germany, together with other organizations and associations, has already pointed out that the European cultural heritage must not be completely disregarded in the efforts for effective climate protection. While the European Commission's climate protection initiative is undoubtedly important and correct, according to the plans presented so far it poses a considerable threat to Europe's cultural heritage.

With the now presented **draft for an amendment of the EU Energy Efficiency Directive (EED)**, the fears seem to be coming true that the importance and relevance of cultural heritage and monument protection are being negated and that our European cultural heritage is being completely subordinated to the envisaged ambitious goals and the binding minimum requirements for the protection of the climate.

This is particularly evident in the **basic principle of "Energy efficiency first"** formulated in Article 3 of the Energy Efficiency Directive. In its recitals (11), the Commission states that the principle of "energy efficiency first" should be applied without compromising other legal obligations, targets, and principles, " however, these should not hinder its application or be excluded from the application of the principle".

Consequently, Article 7 (7) EED introduces a new regulation that "Member States shall remove any regulatory or non-regulatory barriers to energy efficiency, in particular as regards legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making investments in improving energy efficiency...".

Accordingly, with the new formulation of Article 6 EED, each Member State must also ensure "that at least 3% of the total floor area of heated and/or cooled buildings owned by public bodies is renovated annually in order to be transformed into nearly zero-energy buildings". The previous derogation (Article 5 (2), old version) for "buildings officially protected as part of a designated environment or due to their special architectural or historical value, insofar as compliance with certain minimum energy performance requirements would imply an unacceptable change in their character or external appearance" has been removed without replacement by the draft for an amendment.

Ultimately, the recitals of the Directive, which serve its interpretation, do not contain any indications that would lead to the conclusion that the EU is fulfilling its duty pursuant to Article 3 (3) sentence 4 TEU in conjunction with Article 167 TFEU to preserve the richness of its cultural and linguistic diversity and to promote the protection and preservation of Europe's cultural heritage.

Considering the importance and irretrievability of the European heritage, ICOMOS therefore demands:

1. It must be clearly stated in the recitals already that neither the increased efficiency goals of the EU nor compulsory measures for their implementation at EU or national level may affect European cultural heritage. A clear commitment to our cultural heritage must be included, stating that cultural heritage is not subject to mandatory energy efficiency measures if this would lead to irreversible loss of substance or compromise its appearance.

2. In the new version of Article 6 (Art. 5 old version), the existing paragraph 2 must be retained, according to which "buildings which are officially protected as part of a designated environment or because of their special architectural or historical value, insofar as compliance with certain minimum energy performance requirements would mean an unacceptable change in their character or external appearance" may be excluded from the requirements of Art. 6 (1).
3. Furthermore, the consideration of the cultural heritage must not be left to the Member States alone when transposing it into national law, as this would mean that the consideration would not be mandatory, and the protection would not be guaranteed. In view of the EU's constantly repeated commitments to the common European cultural heritage, the EU must act responsibly by means of its directive competence. The new Article 6 (2) must state that "the requirements referred to in paragraph 1 shall not be established or applied in the case of the following categories of buildings: ..."
4. Article 7 (7) should be reworded: Instead of "Member States shall remove all legal and other barriers..." it should state: "Member States shall assess all legal and other barriers..."
5. Incentives such as those provided for in Article 21 are not allowed to lead to a situation where alternative, more heritage-compatible measures (window repair and retrofitting, insulating plaster, renewal of the heating system) are not pursued.

Finally, ICOMOS refers to the **European Cultural Heritage Green Paper**, which has been produced by Europa Nostra in close cooperation with ICOMOS and the Climate Heritage Network, with the input of other members of the European Heritage Alliance. It is supported by the European Investment Bank Institute and the Creative Europe programme of the European Union and was launched recently by the European Commission to make Europe the first carbon-free continent by 2050.

The Paper correlates the contribution of cultural heritage to all key areas of the European Green Deal, including Clean Energy, Circular Economy, the Renovation Wave, Smart Mobility, Farm to Fork, Green Finance and a Just Transition, Research and Innovation, Education and Training, as well as Green Deal Diplomacy. It proposes a series of concrete recommendations both for policy-makers and for cultural heritage stakeholders. Potential conflicts, real or perceived, between heritage safeguarding and European Green Deal action are also identified, as well as win-win strategies for overcoming these conflicts.