



EDF analysis of the Commission proposal for the revision of the Directive on Energy Performance of Buildings (2010/13)

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Introduction

The EU Directive on Energy Performance of Buildings (EPBD) has been in force since 2010. After the publication of the EU's "Green Deal" strategy to reduce carbon emissions, several initiatives were proposed on how to achieve this reduction, namely by renovating buildings and making them more energy efficient. This initiative is called the "Renovation Wave" and the revision of the EPBD is one of the concrete actions to achieve the EU's goal.

Disabled Persons' Organisations have demanded from the very start that any action under the "Green Deal" needs to be inclusive of persons with disabilities and that accessibility is a key aspect of sustainability. This is especially true for construction and renovation of buildings and infrastructure. With the revision of the EPBD it is therefore important that when renovations are planned and financed, accessibility is automatically included. This will ensure that the buildings are "future proof" – with an ageing population, there will also be more persons with disabilities that require accessibility.

Including accessibility in renovations now is more expensive, but it is in fact an investment. Including accessibility from the planning and concept phase reduces costs and leads to a better outcome.¹

We are replying to the Commission's consultation on the Roadmap to ensure that the vision is inclusive and accessibility will be part of the renovation strategy and this Directive in particular because **sustainability is not just about energy efficiency!**

Why the EPBD is relevant for persons with disabilities

Considering that almost 100 Million persons with disabilities live in the EU plus the even greater number of older persons, which will increase in the coming years, accessibility must be a priority. Making buildings accessible from the beginning or as part of a bigger renovation project is less costly and should be routine procedure. Accessible buildings do not have any negative impact on persons without disabilities so why not make all buildings accessible?

Separate solutions to 'fix' accessibility are more expensive and unsustainable. Including accessibility from the planning and concept phase reduces costs and leads to a better outcome. While renovation is still relatively more expensive than accessibility in new buildings, there will still be economies of scale and the opportunity cost of doing a "complete" renovation instead of several small ones.

The Structural Funds Regulations already have the obligation to ensure accessibility – the EU must include the same provisions in the EPBD. Most importantly, no EU funding should be spent to create new inaccessible buildings and infrastructure.

There are different dimensions of the EPBD that have to be addressed:

1. First of all, persons with disabilities are consumers, tenants, and landlords among others that use the buildings. They often spend disproportionately more time in their homes, resulting in higher energy use. The additional cost of using electricity-powered medical equipment, mobility devices, or assistive devices can increase energy cost as well. Not all persons with disabilities are automatically "vulnerable" but they can be, especially financially. This puts them at higher risk of energy poverty. Living in badly insulated and low efficiency housing exacerbates this risk.

¹ "Barrierefreies Bauen im Kostenvergleich", Terragon Wohnbau and the German Network of Municipalities and Cities (Deutscher Städte und Gemeindebund), 2017

2. But in a second instance, energy efficiency is not the only thing that has to be considered to increase sustainability of the building stock. Accessibility of the housing is equally, if not more important to ensure that the buildings we renovate now will be “future proof” and still be usable in 10, 20, or 30 years’ time. With an ageing population the amount of persons who will require accessible housing and buildings is only increasing. Therefore, considering accessibility now when we are also making buildings more energy efficient is crucial.
3. Thirdly, the design of the buildings and the use of construction material to increase energy efficiency also has to make the building more accessible and safe and not obstruct accessibility. The use of different types of flooring material can for example make it more difficult to circulate with wheeled mobility devices such as wheelchairs. But the choice of flooring also affects acoustics which is crucial for persons who are deaf or hard of hearing, or for blind persons that need tactile walking surface indicators for orientation. Therefore, the entire construction sector needs to be adequately trained to be aware of the consequences of those choices.
4. Fourthly, while buildings are also vulnerable to the impact of climate change, this affects persons with disabilities directly. If the risk of flooding, earthquakes, or other natural disaster increases for example, safe and accessible evacuation is crucial. This needs to be taken into account as well.
5. There is currently also a lack of incentives to renovate sustainably and accessibility is still considered a “luxury” which is expensive. Incentives both financial as well as regulatory (e.g. easier application procedure for building renovation related to accessibility and sustainability) should be given at EU, national, as well as regional and local level.
6. On top of the lack of incentives, there is already a lack of compliance with existing rules, even when there are rules on built environment accessibility (here is a very recent example: <https://www.brusselstimes.com/all-news/belgium-all-news/118299/147-buildings-tested-for-accessibility-in-flanders-all-fail/>)
7. Last but not least: making buildings accessible is an obligation under the UN Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified by all EU Member States as well as the EU itself.

Analysis of the Commission proposal

The Commission adopted its proposal for the recast of the Directive on 15 December 2021. In it, it promises that up to €150 billion in public finance will be made available in order to help the poorest households renovate their buildings and save on energy bills. The text includes some improvements for persons with disabilities, especially that accessibility is mentioned explicitly now which was not the case before. Below is

a summary of the relevant articles and paragraphs related to disability and accessibility:

Explanatory memorandum :

- **“Member States shall address for new buildings important dimensions going beyond energy performance** , namely healthy indoor climate conditions, adaptation to climate change, fire safety, risks related to intense seismic activity **and accessibility for persons with disabilities.”** (p. 13)

Recitals

- Recital 11: Measures for improving energy performance of buildings should not negatively impact accessibility of the building
- Recital 33: “Deep renovation” has not been defined yet but “A deep renovation for energy performance purposes is a prime opportunity to address other aspects such as living conditions of vulnerable households , increasing climate resilience, resilience against disaster risks including seismic resilience, fire safety, the removal of hazardous substances including asbestos, and accessibility for persons with disabilities”
- Recital 38: “Where technically feasible, Member States should ensure the accessibility of recharging points for persons with disabilities”

Articles

- Article 7.4 New Buildings (new): **Member States shall address, in relation to new buildings**, the issues of healthy indoor climate conditions, adaptation to climate change, fire safety, risks related to intense seismic activity and **accessibility for persons with disabilities.**
- Art. 8.3 Existing Buildings (new): Member States shall encourage, in relation to buildings undergoing major renovation, high-efficiency alternative systems, in so far as that is technically, functionally and economically feasible. **Member States , shall address , in relation to buildings undergoing major renovation**, the issues of healthy indoor climate conditions, adaptation to climate change, fire safety, and risks related to intense seismic activity , the removal of hazardous substances including asbestos **and accessibility for persons with disabilities**
- Art. 26.3 Information: **Member States shall ensure that guidance and training are made available for those responsible for implementing this Directive.** Such guidance and training shall address the importance of improving energy performance, and shall enable consideration of the optimal combination of improvements in energy efficiency, reduction of greenhouse

gas emissions, use of energy from renewable sources and use of district heating and cooling when planning, designing, building and renovating industrial or residential areas. **Such guidance and training may also address** structural improvements, adaptation to climate change, fire safety, risks related to intense seismic activity, the removal of hazardous substances including asbestos, air pollutant emissions (including fine particulate matter) **and accessibility for persons with disabilities.**

Conclusion

It is positive that accessibility for persons with disabilities is taken into account both for new and existing buildings, and that it is explicitly mentioned as one of the factors in addition to energy performance. However, the Directive does not in all Articles oblige Member States to do so. Some formulations are rather weak, using phrases such as “where technically feasible” (Recital 38) and “may also address” (Art. 26). In Articles 7 and 8, which cover the core provisions on newly built and renovated buildings, accessibility is nevertheless a requirement indicated by the formulation “Member States **shall** ensure...”. All in all the recast is therefore a clear improvement to the original Directive, which did not mention accessibility for persons with disabilities at all.

Related EDF publications

- EDF position paper: “[An inclusive Green Deal for Europe](#)”

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