

Introduction

The purpose of this factsheet is to analyse how the Energy Performance of Buildings Directive (2018/844/EU) was transposed by Member States into national law. We focus on Article 8 “Technical building systems, electromobility and smart readiness indicator” with a specific attention on sustainable mobility and cycling.

The legal basis

The first version of the Energy Performance of Buildings Directive (EPBD) 2010/31/EU did not contain any mobility-related measures. This changed when a revised version was adopted in 2018 (2018/844/EU). However, while it introduced specific legal requirements for charging infrastructure for electric cars in new residential and non-residential buildings and those undergoing major renovations, **references to cycling and wider mobility considerations were of a non-binding legal nature.**

These are the relevant parts on cycling:

Recital 28: “When applying the requirements for electromobility infrastructure provided for in the amendments to Directive 2010/31/EU, as set out in this Directive, Member States should consider the need for holistic and coherent urban planning as well as the promotion of alternative, safe and sustainable modes of transport and their supporting infrastructure, for example through dedicated parking infrastructure for electric bicycles and for the vehicles of people of reduced mobility.”

Article 8.8: “Member States shall consider the need for coherent policies for buildings, soft and green mobility and urban planning.”

A guidance document¹ issued by the European Commission in its advice to Member States on how to transpose the directive into national law builds on these references by recommending:

“Member States without requirements or guidelines on bicycle parking should develop as a minimum, guidelines to local authorities on

the inclusion of bicycle parking requirements in building regulations and urban planning policies. These guidelines should include both quantitative (i.e., number of parking spaces) as well as qualitative elements.”

The most commonly used method by Member States in order to transpose Article 8 was to amend their existing national or regional building codes with an additional chapter focusing on “Electromobility”.

Transposition

ECF’s analysis of the 27 individual Member State transpositions shows a **low implementation rate of Recital 28 and Article 8.8** into national legislation.

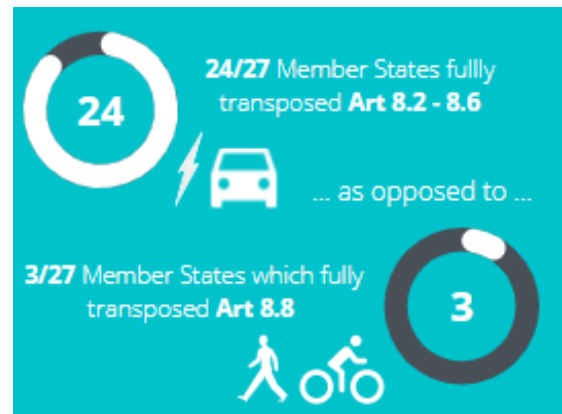
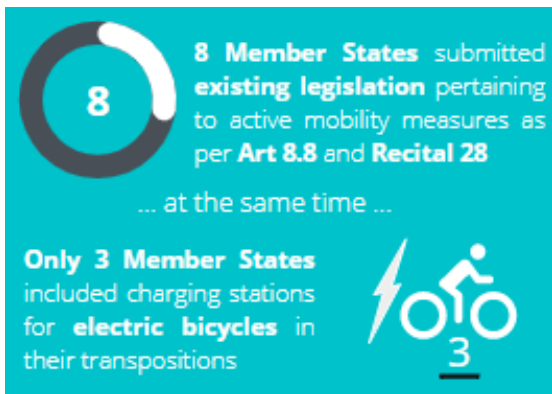
3 out of 27 Member States (Cyprus, Italy and Malta) opted for a literal transposition of Article 8.8.

The documentation submitted by **8 Member States** (Austria, Belgium, Bulgaria, Denmark, France, Greece, Lithuania and Romania) contains provisions which we could best classify as falling under Article 8.8 and Recital 28. However, some of these provisions were in place prior to the revision, such as it was the case in Bulgaria and Denmark, and were not necessarily spurred by the EPBD.

16 Member States did not include any reference to cycling or other forms of “soft and green mobility” in their transposition.

The situation is even less encouraging when it comes to **electrical bicycle parking and charging** infrastructure. The cases of Greece, Romania and Brussels Capital Region are the only examples of transposition that went into any elaboration in this respect. Unfortunately, their relevant articles are equally lacking in any clear mandates for the instalment of qualitatively and quantitatively prescribed charging points.

¹ Commission Recommendation (EU) 2019/1019 of 7 June 2019 on building modernisation



E-cars

This is in stark contrast to articles 8.2 – 8.6 whose provisions apply to e-cars and define **precise ratios of charging points and wiring infrastructure to be installed per parking space** in newly built and renovated buildings along with the required amount of electric power. Furthermore, article 8.6 lays out an exhaustive list of possible exceptions to the installation of said infrastructure in a very straightforward manner.

As a result, articles 8.2 – 8.6 have been transposed in **24 out of 27** national legislations. Several Member States imposed strict **fin**es in the case of **noncompliance with the mandated instalment of electric car parking and charging infrastructure**. The numbers of possible exceptions to the rules in every Member State are considerably lower than those listed in the Directive.

Conclusion and future perspectives

Due to the non-binding nature of Article 8.8 of the 2018 EPBD, changes in favour of cycling requirements in building codes, both parking and charging, have been of a very limited nature. This contrasts starkly with requirements for electric charging for electric cars.

The forthcoming revision of the 2018 EPBD poses a unique opportunity to set the record straight and include minimum legal requirements both for bicycle parking as well as charging infrastructure for electric bicycles in buildings. The most-energy efficient of all transport modes, the bicycle, must not be left out.

For more detailed reading download the ECF position paper:

<https://ecf.com/files/reports/making-buildings-fit-for-cycling>

Best practice examples

 Greece	 Land Salzburg	 Brussels Region
Outlier. Definition of electric vehicles in the relevant provisions includes e-bikes	Imperative language regarding the instalment of bicycle parking infrastructure next to public buildings	Broadest ambitions regarding e-bike parking and charging infrastructure

Directly reference Sustainable Urban Mobility Plans (SUMPs)

 Bulgaria
  Lithuania
  Greece

Country: Austria (Land Salzburg)	Scope: Cycling
Regulation Submitted Gesetz vom 7. Juli 2021, mit dem das Salzburger Raumordnungsgesetz 2009, das Bebauungsgrundlagengesetz, das Baupolizeigesetz 1997, das Salzburger Bautechnikgesetz 2015 und das Salzburger Bauproduktegesetz geändert wurden	Provisions translated into English 15. <i>The following changes are made to the table in Appendix 2: (“Appendix 2: For buildings of the following types, the key figures <u>for the minimum number of parking spaces to be created</u> are as follows”)</i> 15.1. <i>In the line “Kindergartens and after-school care centers”, the expression “1 additional parking space” is replaced by the expression “4 additional parking spaces” in the “Bicycle parking spaces” column.</i> 15.2. <i>In the line “Schools” in the column “Bicycle parking spaces”, the expression “1 parking space per class” is replaced by the expression “2 parking spaces per class and an additional 4 additional parking spaces”</i>
Country: Austria (Land Tyrol)	Scope: Cycling
Regulation Submitted Verordnung der Landesregierung vom 1. Dezember 2020 über den Inhalt und die Form der Unterlagen von Bauansuchen und Bauanzeigen, §1-§3	Provisions translated into English Formal requirements for construction documentation regarding new construction, alteration, extension or modification of structures <i>“In the event of an ordinance in accordance with Section 11 (1) of the Tyrolean Building Code 2018, the arrangement and the area of the <u>parking spaces for bicycles</u>”</i>
Country: Belgium (Brussels)	Scope: E-bikes
Regulation Submitted Arrêté du Gouvernement de la Région de Bruxelles-Capitale fixant des conditions générales et spécifiques d'exploitation applicables aux parkings, Section 2.4. Art 22 & 23	Provisions translated into English <i>“Without prejudice to other legislation in force, any new car <u>park must provide sufficient bicycle parking</u> spaces in connection with the activity of the site. A reasoned proposal for the development of bicycle spaces must accompany any application for a permit or an extension of an environmental permit. Without prejudice to other legislation in force, the environmental permit may set a minimum number of bicycle spaces on the site and <u>electric charging points for bicycles</u>”</i>
Country: Bulgaria	Scope: Cycling, Reference to SUMP, Predates Directive 2018/884
Regulation Submitted НАРЕДБА № РД-02-20-2 ОТ 20 ДЕКЕМВРИ 2017 Г. ЗА ПЛАНИРАНЕ И ПРОЕКТИРАНЕ НА КОМУНИКАЦИОННО-ТРАНСПОРТНАТА СИСТЕМА НА УРБАНИЗИРАНИТЕ ТЕРИТОРИИ	Provisions translated into English The submitted is an umbrella document for mobility and cycling plans. Regulating the system of cycling infrastructure design, routes and parking construction etc. and its integration in the broader spatial and urban planning of inhabited areas Relevant provisions are from Art 2, 4, 5, 8, 13, 14, 16, 27, 34, 36, 37, 38, 39, 40 and 85
Country: Cyprus	Scope: Art 8.8 of Directive 2018/884
Regulation Submitted Ο περί Ρύθμισης της Ενεργειακής Απόδοσης των Κτιρίων (Τροποποιητικός) Νόμος του 2020, Art 9.d.6	Provisions translated into English <i>“The competent authority shall take initiatives to take measures to simplify the installation of recharging points in new and existing residential buildings or for other uses and address possible regulatory obstacles, including through permit granting and approval procedures, which <u>take into account the need for coherent building policies, as well as the areas of soft and green mobility and urban planning</u>”</i>
Country: Denmark	Scope: Cycling, Predates Directive 2018/884
Regulation Submitted Bekendtgørelse om bygningsreglement 2018 (BR18), § 399.	Provisions translated into English <i>“Sufficient area must be laid out on the property area for parking cars, motorcycles, mopeds and <u>bicycles</u>, etc. in relation to the use of the building”</i>
Country: France	Scope: Cycling
Regulation Submitted Code de la construction et de l'habitation, Book I, Title I, Chapter III, Section 4: Bicycle parking infrastructure, Art L113-18 to L113-20	Provisions translated into English <i>“Any person who carries out work on an annexed parking lot: [...] <u>provides the parking lot with infrastructure or provides spaces for the secure parking of bicycles</u>. The latter obligation can be satisfied by the construction of</i>

	<i>the infrastructure in another part of the building or outside it, on the same land unit”</i>
Country: Greece	Scope: Reference to SUMPs
Regulation Submitted ΝΟΜΟΣ ΥΠ’ ΑΡΙΘΜ. 4710 / ΝΟΜΕ ΝΟ. 4710 23.7.2020., Art. 2 (definitions) & Chapter B	Provisions translated into English “ <u>Electric vehicles</u> for the needs of the present means cars, as well as motorcycles, mopeds and bicycles with the assistance of the following categories: which includes exclusively electric motors as propulsion energy converters and exclusively rechargeable electricity storage systems as propulsion energy storage systems, as well as the vehicle <u>designed for cycling</u> , in which an auxiliary electric propulsion system has been installed <i>In commercial areas and historic city centers, there are <u>temporary parking - recharging places for electric bicycles</u> and catering mopeds, which are allowed to move beyond the catering hours that apply to other vehicles”</i>
Country: Italy	Scope: Art 8.8 of Directive 2018/884
Regulation Submitted Attuazione della direttiva (UE) 2018/844 del Parlamento europeo e del Consiglio, Art 6	Provisions translated into English “The decrees referred to in paragraph 1 define the implementation of the obligations referred to in paragraph 1-BIS, as well as the technical characteristics of the recharging points and channeling infrastructures, taking into account the relationship between costs and benefits for the recipient of the obligation and also define [...] c) <u>measures to promote soft mobility and green and urban planning</u> ”
Country: Lithuania	Scope: Cycling, Predates Directive 2018/884, reference to SUMPs
Regulation Submitted / Provisions translated into English Lietuvos Respublikos aplinkos ministro 2011 m. gruodžio 2 d. įsakymas Nr. D1-933 „Dėl statybos techninio reglamento STR 2.06.04:2014 „Gatvės ir vietinės reikšmės keliai. Bendrieji reikalavimai“ patvirtinimo“ pakeitimo” (Suvestinė redakcija nuo 2020-03-10) – provisions on <u>cycling infrastructure</u> Lietuvos Respublikos susisiekimo ministro 2015 m. kovo 13 d. įsakymas Nr. 3-108 (1.5 E) „Dėl darnaus judumo mieste planų rengimo gairių patvirtinimo” – reference to <u>SUMP</u> s	
Country: Malta	Scope: Art 8.8 of Directive 2018/884
Regulation Submitted L.N. 134 of 2020, BUILDING REGULATION ACT (CAP. 513), Art 11	Provisions translated into English “The minister shall [...] - <u>consider the need for coherent policies for buildings, soft and green mobility and urban planning</u> ”
Country: Romania	Scope: E-bikes
Regulation Submitted Legea nr. 101/2020 pentru modificarea și completarea Legii nr. 372/2005 privind performanța energetică a clădirilo, Art 15.6.c	Provisions translated into English “In addition to the requirements regarding the installation of the electric vehicle charging points and their associated embedded tubing, when conceiving the technical execution project and/or the documentation for the approval of the intervention works, <u>may be taken into account</u> , if this is technically, economically and functionally feasible, aspects relating to the following as well: [...] d) parking infrastructure dedicated to <u>electric bicycles</u> and means of transport for people with reduced mobility”

Sources: National transposition measures communicated by the Member States concerning: Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (Text with EEA relevance), PE/4/2018/REV/

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