



# Introducing cycling provisions in the recast of the Energy Performance of Buildings Directive (EPBD)

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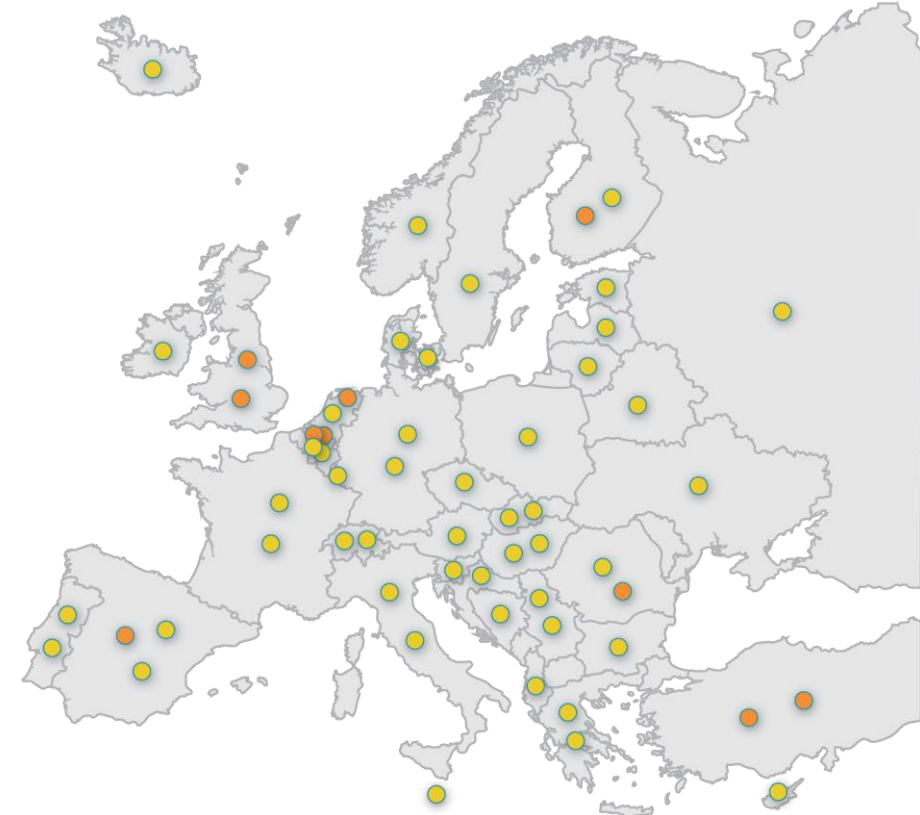


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- ECF is the European umbrella federation of member-based civil society cycling organisations
- With more than 60 national member organisations from over 40 countries (mainly EU)
- Evidence-based advocacy, policy, coalitions and campaigns
- Coordination and development of the 90,000 km cross border EuroVelo cycle route network
- Organisation of Velo-city - the premier international conference on cycling



# What is the EPBD?

- Updated due to “Fit for 55”: EU Commission package with legislative proposals to reduce GHG emissions by at least 55% by 2030 for the EU
- Because 75% of buildings are energy inefficient
- It sets requirements for minimum set of standards and targets for Member States in building sector
- For modernising buildings and setting provisions on technical building systems and inspections
- Calculation of energy performance
- Etc...



# What about mobility?

- EPBD 1.0 (2010) – Ignored mobility related issues
- EPBD 2.0 (2018 recast) – Introduced a few mobility requirements
- EPBD 3.0 – Ongoing and now underway...!
- EPBD is the only EU piece of legislation to possibly regulate bicycle infrastructure in and around buildings



# What does the current EPBD say on mobility?

## E-cars

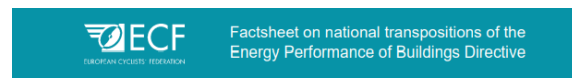
- **At least one recharging point** in new and renovated non-residential buildings with more than 10 parking spaces
- **Ducting infrastructure** for at least one in every five parking spaces in new and renovated residential buildings

## Other, including (electric) bicycles

- Recital 28: “...Member States *should* consider the need for...safe and sustainable modes of transport...for example through dedicated parking infrastructure for electric bicycles and for the vehicles of people of reduced mobility
- Art. 8.8 “*Member States shall consider the need for coherent policies for buildings, soft and green mobility and urban planning.*”

# Transposing the 2018 EPBD into national law

- E-cars: 24/27
- Sustainable mobility (cycling, eBikes, reduced mobility etc.):
  - *3 countries (Cyprus, Italy and Malta) literally translated the non-binding sentence; a further 8 alluded to it*
  - *16 ignored cycling and did not include any reference to other forms of “soft and green mobility” in their transposition*



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Factsheet on national transpositions of the Energy Performance of Buildings Directive

## 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 document<sup>1</sup> 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*

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

*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.

“Provisions are too weak in order to introduce meaningful changes in member states’ laws. This legal shortcoming needs to be fixed in the upcoming revision by introducing **mandatory requirements**” (ECF report 2020)

## Bicycle parking in the EPBD – why?

- Life-cycle GHG emissions per vehicle km
  - Private bicycle: 17g CO<sub>2</sub>
  - Private e-bike: 33.9g CO<sub>2</sub>
  - Private e-car: 188g CO<sub>2</sub>
  - Private Car: 200-350g CO<sub>2</sub>
- The bicycle is the most energy-efficient transport mode
- A bicycle more space efficient than a car
- Less material resources are needed which has a positive impact on the overall lifecycle energy consumption of such buildings
- On site bike parking stimulates low CO<sub>2</sub> emission transport
- Bike houses use less energy in total
- People won't use what they can't park or store! Bike parking is a proven promotional tool (or barrier!)
- All public authorities are promoting sust mobility for future use



# EPBD recast: ECF called on Commission to,

1. Introduce minimum requirements for bicycle parking (inc. cargo bike)
2. Introduce minimum requirements for e-bike charging infrastructure.
3. Improve the social, environmental and mobility performance of buildings by better regulating requirements for car parking.





	Non-residential buildings		Residential buildings		
	New and renovated Buildings	Existing Buildings	New Buildings	Renovated Buildings	Existing
Bicycle parking requirement	<p>“...one bicycle parking space for every car parking space.”</p> <p><b>Make more realistic to avoid MS resorting to opt out. Except for public and office buildings</b></p>	<p>“... one bicycle parking space for every car park space, by 1 Jan 2027.”</p> <p><b>Make more realistic</b></p>	<p>“At least two bicycle parking spaces for every dwelling.”</p> <p><b>Great!!</b></p>		n/a
Scope	<p>- For buildings with more than five car parking spaces</p> <p><b>We want to include eBike charging parity with eCars. Plus cargo bikes</b></p>	<p>- For buildings with more than twenty parking spaces</p> <p><b>eBikes and cargo bikes</b></p>	<p>- For buildings with more than three parking spaces</p> <p><b>we want to include eBike charging parity with eCars. Plus cargo bikes</b></p>		
Opt-out clause	<p>“Member States may adjust requirements for the number of bicycle parking spaces for specific categories of non-residential buildings where bicycles are typically less used as a means of transport.”</p> <p><b>Make this ‘opt-out’ more difficult with committee sign-off and public consultation. Plus, compensatory actions in other categories.</b></p>			<p>“Where...two bicycle parking space...is not feasible, Member States shall ensure as many bicycle parking spaces as appropriate.”</p> <p><b>make this ‘opt-out’ more difficult.</b></p>	
General provision	<p>Member States shall <del>consider the need for coherent</del> ensure the coherence of policies for buildings, soft and green mobility and urban planning.</p> <p><b>MS to; shall Introduce bike parking quality standards into building codes; consider moving from Minimum car parking to Max; Should support LA’s with SUMPs</b></p>				

## COM proposal

### 12 (1) and 12 (2)

- New/Renovated - “At least one bicycle parking space for every car parking space.”
- All - “At least one bicycle parking space for every car parking space, by 1 January 2027.”

## ECF proposed amendment

- Support for 1-2-1 but *only for office and public buildings*
- *Sliding scale for all other non-residential buildings*
- “The number of bicycle parking spaces shall be twice the number of car places raised to the power of 0.7 (or  $2x^{0.7}$ , where  $x$  = car-parking spaces).”

A=	2
B=	0.7
car places	bike places
1	2
2	4
5	7
10	11
20	17
50	31
100	51
200	82
500	155
1000	252
2000	410
5000	777

non-residential new/renovated with 5 parking spaces

non-residential buildings (all other) with more than 20 parking spaces – we want to be more ambitious and use 5 parking spaces



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# Opt-out clauses

## COM proposal 12 (3) - COM

- “Member States may adjust requirements for the number of bicycle parking spaces in accordance with paragraphs 1 and 2 for specific categories of non-residential buildings where bicycles are typically less used as a means of transport.”
- EP proposals include SMEs, rural areas, local characteristics, including demographical, geographical, climate conditions and local tradition

## ECF proposed amendment

- *After due assessment of the potential for bicycle parking by local authorities with a committee of experts that includes experts on active mobility, and after considering the results of a public consultation, and contributions by relevant stakeholders, including cycling NGOs, then...etc.*
- *+ explanation in national building renovation plans how to compensate...*



## Parliament (ongoing)

- 2 opinion EP committees
- 2 lead committees – which then became 1
- 4 reports – 1000's amendments
- ECF contributed around 4 position papers/technical suggestions
- Opinions range from double Commission requirements to deleting bike parking completely
- Still ongoing...

## Council (concluded)

- A final General Approach
- ECF contributed 2 position papers/technical requirements
- 6 Member States want to be more progressive (BE, DE, FR, IR, LU, NL)

## Jan/Feb trilogues start

- EP Vote January



	Non-residential buildings		Residential buildings		
	New and renovated Buildings	Existing Buildings	New	Renovated Buildings	Existing
Bicycle parking requirement	<p>“At least one bicycle parking space for every car parking space.”</p> <p>bicycle parking spaces representing at least 15% of the average user capacity of the building</p>	<p>“... At least one bicycle parking space for every car parking space, by 1 January 2027.”</p> <p>bicycle parking spaces representing at least 15% of the average user capacity of the building</p>	<p>“At least two bicycle parking spaces for every dwelling. residential building unit”</p>		n/a
Scope	<p>- For buildings with more than five car parking spaces</p> <p>Keeps, but no eBike charging or cargo bike space</p>	<p>- For buildings with more than twenty parking spaces</p> <p>Keeps, but no eBike charging, nor cargo bikes space</p>	<p>- For buildings with more than three parking spaces</p> <p>Kept, but no eBike charging or cargo bikes included</p>		
Opt-out clause	<p>Member States may adjust requirements for the number of bicycle parking spaces for specific categories of non-residential buildings where bicycles that are not typically less used as a means of transport. accessed by bicycles</p> <p>Opt-outs kept</p>			<p>“Where...two bicycle parking space...is not feasible, Member States shall ensure as many bicycle parking spaces as appropriate.”</p> <p>Opt-outs kept</p>	
General provision	<p>Member States shall <del>consider the need for coherent</del> ensure the coherence of policies for buildings, soft and green mobility and urban planning.</p> <p>Keeps this wording</p>				

# ECF Parliament ITRE amendments very varied

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- Greens – excellent and progressive report – opt-out clauses all deleted - increase in numbers of bike parking spaces.



- S&D (Socialists and Democrats) – Good amendments similar to ECF



- EPP (Centre Right) – varied – some adjustments – but some want to delete bike parking completely.



- Renew (Liberals) – varied but some want to delete bike parking completely.



- ECR (conservative/Eurosceptic) – varied but also included similar amendments to the Council.



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# Possible finished text

- Will probably be requirements for;
  - Non-residential buildings above 5 parking spaces (for new) and above 20 (for all) – perhaps related to % of user capacity of the building (with timescale 5 years?), or based on car parking spaces
  - New/renovated residential buildings of 2 bike parking spaces per ‘dwelling/unit’
- Will be some kind of ‘opt-out’ clause/derogation – how ‘sticky’ that will be remains unknown – hoping that some of our suggestions are taken on board
- eBike charging is looking less likely, possible in residential buildings
- Space for cargo bikes - 50/50 chance
- Some statement about the requirement for Member States to ensure coherence between building, transport and urban planning



# Thank you!

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