Commission Implementing Regulation (EU) 2020/2156 of 14 October 2020 detailing the technical modalities for the effective implementation of an optional common Union scheme for rating the smart readiness of buildings (Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/31/EU of the European Parliament and the Council of 19 May 2010 on the energy performance of buildings[(1)], and in particular Article 8(11) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) 2020/2155[(2)] establishes an optional common Union scheme for rating the smart readiness of buildings, that is to say the definition of the smart readiness indicator and a common methodology by which such indicator is to be calculated.

(2) That scheme is optional for Member States. Those Member States that opt in to the common scheme should implement it in accordance with this Regulation and Delegated Regulation 2020/2155.

(3) The technical modalities for the effective implementation of that optional common Union scheme are to be detailed in an implementing act.

(4) The assessment of the smart readiness of buildings and building units as part of the smart readiness indicator scheme for the purpose of issuing a smart readiness indicator certificate should be carried out by experts that are qualified or accredited, either operating in a self-employed capacity or employed by public bodies or private enterprises.

(5) Where Member States consider it appropriate, experts accredited for the energy performance certification of buildings, for the inspection of heating, air-conditioning and combined heating or air-conditioning and ventilation systems under Directive 2010/31/EU, and for performing energy audits under Directive 2012/27/EU of the European Parliament and of the Council[(3)], should be allowed to be considered competent to also assess the smart readiness of buildings or building units.

(6) Member States that decide to implement the smart readiness indicator scheme should be allowed to implement a test phase in accordance with the details provided in this Regulation. No legislation is considered necessary for such a test phase, unless a

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2156. (See end of Document for details)*

Member State deems that its national context requires such legislation. During this test phase feedback should be allowed to be collected in order to adjust the implementation modalities of the scheme and prepare the review of this Regulation and of Delegated Regulation (EU) 2020/2155.

(7) The implementation of the smart readiness indicator scheme should make it possible for building or building unit owners, or other stakeholders linked to the building or building unit, such as facility managers, to evaluate the smart readiness of their buildings or building units. However, a smart readiness indicator certificate should only be issued on the basis of such an assessment where performed by a qualified or accredited expert.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 26 of Directive 2010/31/EU,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation details the technical modalities for the effective implementation of an optional common Union scheme for rating the smart readiness of buildings established in Delegated Regulation (EU) 2020/2155.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Delegated Regulation (EU) 2020/2155 shall apply.

The following definition shall also apply:

‘smart readiness indicator modalities’ means the technical modalities for the effective implementation of the optional common Union scheme for rating the smart readiness of buildings set up by Delegated Regulation (EU) 2020/2155.

Article 3

Accreditation and qualification of smart readiness indicator experts

1 Where Member States decide to implement the smart readiness indicator scheme, they may decide that experts accredited or qualified for issuing energy performance certificates, or for carrying out inspection of heating, air-conditioning, combined heating or air-conditioning and ventilation systems under Directive 2010/31/EU, or for performing energy audits under Directive 2012/27/EU, are also competent for issuing smart readiness indicator certificates. In that case, Member States may decide to set additional requirements for those experts in order to qualify for issuing smart readiness indicator certificates, in particular in relation to their training.

2 Member States shall make available to the public information on the qualifications of experts in charge of the smart readiness assessment.

3 Where relevant, Member States may make available to the public either regularly updated lists of qualified or accredited experts or regularly updated lists of accredited companies that offer the services of such experts. Member States may use for this purpose the same means as for experts for energy performance certification and inspections under Article 17 of Directive 2010/31/EU.

Article 4

Issue of the smart readiness indicator certificate and terms and conditions of its use

1 Any economic operator may request from the experts referred to in Article 3 a smart readiness indicator assessment and certificate for the building or building unit in question.

2 The expert shall verify the reliability of the information collected for the assessment of the smart readiness of the building or building unit and for the issue of the smart readiness indicator certificate.

3 Where relevant, the expert may, when assessing the smart readiness of a building or building unit, take into account other regional or national indicators, and related assessment methods.

4 A smart readiness indicator certificate shall only be issued on the basis of an assessment performed by a qualified or accredited expert

5 The smart readiness indicator certificate shall include the elements listed in Annex IX to Delegated Regulation (EU) 2020/2155.

6 The validity of the smart readiness indicator certificate shall not exceed 10 years. However, where there is a significant change in a building or building unit that would have had an impact on the initial assessment of smart readiness, a new certificate shall be recommended.

Article 5

Coupling with energy performance certification and inspection schemes

1 Member States that decides to implement the smart readiness indicator scheme may couple the issuing of the smart readiness indicator certificate with their energy performance certification scheme or with their scheme for the inspection of heating, air-conditioning and combined heating or air-conditioning and ventilation systems under Directive 2010/31/EU, or with their scheme for energy audits under Directive 2012/27/EU.

2 Member States may decide that coupling with those schemes shall be mandatory, in which case a smart readiness indicator certificate shall be issued whenever an energy performance certificate has to be issued or whenever an inspection or audit has to be performed, or that it shall be voluntary, in which case a smart readiness indicator certificate shall be issued only at the request of the economic operator.

3 Where Member States choose to couple the smart readiness indicator scheme with their energy performance certification or inspection or energy audit scheme, they may rely on the independent control system already in place for that scheme.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2156. (See end of Document for details)*

Article 6

Self-assessment

1 The Commission shall make available by 1 April 2021 on its website a framework that allows building owners, users and other interested stakeholders to evaluate the smart readiness of a building or building unit. Member States may adapt or supplement this framework for use in their national context.

2 Where the smart readiness of a building or building unit is evaluated by building owners, users or other stakeholders without the intervention of an expert, this may not lead to the issue of a smart readiness indicator certificate.

Article 7

Monitoring and promotion of the smart readiness indicator scheme

1 Where Member States decide to implement the smart readiness indicator scheme, experts that operate in the respective Member State's or Member States' territory shall report data on the smart readiness indicator certificates they issue to the national or, where applicable, the regional authorities of the respective Member States, in accordance with the Annex to this Regulation.

2 Member States that decide to implement the smart readiness indicator scheme shall report annually to the Commission the number of smart readiness indicator certificates issued on their territory and related statistics, as set out in the Annex to this Regulation.

3 The Commission, based on consultation with Member States, experts and stakeholders, and based on the data provided by experts, shall monitor the market uptake of the smart readiness indicator scheme.

4 Member States that decide to implement the smart readiness indicator scheme may establish additional measures to support the uptake of the scheme. Such measures may be established and reported in the context of the long-term renovation strategies required under Article 2a of Directive 2010/31/EU.

Article 8

Testing of the smart readiness indicator scheme

1 Member States may undertake a non-committal test phase of the smart readiness indicator scheme at national level.

2 National test phases may begin as from the entry into force of this Regulation.

3 Member States that undertake a national test phase shall submit a report on the related feedback to the Commission up to 6 months after the conclusion of the test phase.

4 All arrangements of the national test phases shall be defined by Member States. They include but are not limited to the duration, phasing, types of building and geographical zones targeted, aspects of the smart readiness indicator framework that are tested, arrangements for collecting feedback, the criteria for the choice of experts carrying out the smart readiness indicator assessments, the decision on whether an independent control system is established