

POSITION PAPER

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German Property Federation (ZIA)

ZIA Comments on Sustainable Mobility in the Revision of the Energy Performance of Buildings Directive (EPBD)

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I. Preamble and Executive Summary

ZIA supports the objective of the European Energy Performance of Buildings Directive (EPBD) that the building sector must also contribute to a comprehensive charging infrastructure (LIS).

In this context, ZIA advocates for a demand-oriented expansion and the retention of the possibility of national flexibility options, which are already available, for example, in the German Building Electric Mobility Infrastructure Act (*Gebäude-Elektromobilitätsinfrastruktur-Gesetz*, GEIG) as an implementation of the mobility requirements from the current EPBD.

ZIA proposes:

Flexibility clause for mobility specifications

National and regional characteristics should be taken into account when setting targets for the building stock to promote sustainable mobility. Accordingly, the EU Member States should be given the flexibility to adequately shape the regulations of the Directive. Therefore, ZIA advocates that the flexibility clause, which is already being considered for bicycle parking spaces, should generally apply to those sections of Article 12 that provide requirements for existing buildings - e.g., requirements for charging points or bicycle spaces per parking space. In this context, the ambitious EU requirements should not be exceeded at the national level and more flexibility should be allowed to achieve the European requirements. A possible blueprint can be the position of the European Parliament in Article 12 (5b).

Installed charging capacity as an additional option of fulfilment

The mere installation of charging points does not do justice to the diverse type of use of buildings, which leads to significantly different vehicle parking times. Especially in non-residential buildings with highly fluctuating public traffic (e.g., food retail, other retail), the length of stay is significantly lower than, for example, in residential buildings or offices. At locations with short lengths of stay, charging points with higher charging capacity (fast chargers) may be better suited to supply customers' e-vehicles. Fast charging points are significantly more expensive but need to be provided in smaller numbers. As an alternative to the mere expansion of charging infrastructure with low charging capacity, the installed charging capacity measured in kilowatts should be a lever to fulfill the obligations of the

EPBD for sustainable mobility – meaning installing higher capacity chargers in an amount, which corresponds to the kilowatt obligations of normal charging points. This incentivises the installation of fast charging points. The kilowatt comparison value for the charging capacity of a "standard charging point" should be 3.7 kilowatts.

Requirements for existing non-residential buildings

According to Article 12 (2), all non-residential buildings are to provide at least one charging point for every tenth parking space as early as 1.1.2027 - regardless of whether the building has undergone a refurbishment by then. This would affect millions of buildings in the European Union and in total, far too many charging points (of low charging capacity) would have to be installed without regard to regional demand, which would hardly be economically viable. There would be immense costs in the short term and an enormous need for skilled workers, for example in construction and electrical companies. In addition, the capital invested would be fixed and would no longer be available to property owners for the (energetic) renovation of their buildings. The deadline of 1.1.2027 would also offer a narrow window for action. Therefore, regulations for existing buildings should either be deleted or at least not generally apply on a specific date, but rather in the case of the renovation of the building or the car park.

Charging and electricity infrastructure in portfolios and districts

In Germany, it is possible for developers or building owners whose buildings are geographically connected to reach agreements on jointly equipping parking spaces with cabling infrastructure or charging points (district approach). The same applies to owners of multiple buildings who can fulfill the requirements of the EPBD by installing the charging points primarily in one or more of their properties in line with the regional demand (portfolio approach) . Such portfolio and district approaches must remain possible.

Public access to private or semi-public charging infrastructure

Politically, an obligation to grant public access to charging infrastructure at private or semi-public locations (e.g., office car parks, customer car parks in retail) is also being discussed. This access should remain voluntary. Otherwise, a plethora of legal and organisational obstacles as well as safety and liability issues would arise.

Requirements for bicycle parking spaces

The proposed requirements for bicycle parking spaces for new, renovated, and existing non-residential buildings are significant. Non-residential buildings with more than 20

parking spaces are to be subject to bicycle parking space obligations as per 1.1.2027. It is unclear whether open spaces for bicycle parking would be available at the respective locations. In addition, this could even lead to parking spaces for cars to have to be removed, although these are part of the requirements from the building permit. In the case of non-residential buildings with multi-storey or underground car parks, high construction obligations would arise, which would lead to high costs as well as space and resource consumption. We therefore advocate a flexible approach to the expansion of bicycle parking spaces to avoid disproportionate costs and at the same time provide users with sufficient and secure bicycle parking spaces. The issue of road safety for both road users - cyclists and car drivers - must not be disregarded.

Two examples that illustrate why a "one size fits all" approach would be misguided:

- A retail property next to a highway: No bicycle traffic is to be expected here. Expanding bicycle parking would only be cost-intensive and lead to environmentally damaging waste of materials.
- A large commercial property in the city centre: There is a need for bicycle parking spaces here, as a significant volume of bicycle traffic is to be expected, but there is not always the space to build the bicycle parking spaces at the location.

II. ZIA Position

1. Flexibility clause for mobility specifications

Article 12 (3) contains a flexibility clause that allows Member States to adapt European requirements to national and regional conditions within the framework of national legislation under certain conditions. So far, however, this is only provided for the number of bicycle parking spaces of certain categories of non-residential buildings.

European Commission	European Parliament	Council of the EU
<p>3. 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.</p>	<p>3. Member States may, <i>subject to an assessment by local authorities, taking into account local characteristics, including demographical, geographical and climate conditions,</i> 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.</p>	<p>3. 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 that are not typically less used as a means of transport accessed by bicycles .</p>

In principle, ZIA is in favour of EU-wide regulations to ensure a European "level playing field". National specifics should, however, be considered when setting requirements for the building stock (residential and non-residential buildings) to promote sustainable mobility. Accordingly, legislators should be given the flexibility to adapt the provisions of

the Directive appropriately to the national circumstances. Furthermore, "sustainable mobility" should not only be limited to car and bicycle parking spaces. For example, parking spaces for car sharing, ride pooling, commuter parking spaces, parking spaces for residents, etc., which are not yet adequately represented in the current EPBD requirements, can also contribute to the expansion of sustainable mobility. Regionally adapted fulfilment options for the Directive's requirements are urgently needed for this.

ZIA therefore proposes that the liberalisation clause already envisaged for bicycle parking spaces, should generally apply to those sections of Article 12 that provide for requirements for existing buildings, in particular:

- Article 12 (2) - "With regard to **all non-residential buildings** with more than twenty parking spaces, ..."
- Article 12 (8) - "Member States shall provide for measures in order to encourage, simplify, harmonise and accelerate the procedure for the installation of recharging points in new and **existing residential and non-residential buildings**, ...".

In this context, the ambitious EU requirements should not be exceeded at national level and more flexibility should be allowed, to achieve the European requirements.

A possible blueprint can be the position of the European Parliament in Article 12 (5b):

*„5b. **Member States may adjust** requirements for the **number of parking spaces** in accordance with paragraphs 1, 2 and 4 **for specific categories of residential and non-residential buildings** where the fulfilment of the requirements set out in paragraphs 1, 2 and 4 would lead to disproportionate costs, would be economically unfeasible or unjustifiable, or where local conditions do not justify the fulfilment of the requirements.”*

The high costs for the expansion of charging infrastructure on and in buildings, which have so far been paid for by the real estate industry one-sidedly, also justify country-specific regulations. Examples of the "costs of charging points" are given below:

Example 1a – Costs of charging points at shopping centre

4,500 parking spots – parking garage, underground car park and parking lot

Location: Periphery of a large German city, adjacently to a shopping mall

EPBD requirement	Implementation	Costs	Required Grid Capacity
A minimum of one charging point for every 10 th parking spot	Equipping 450 parking spots	<p>Assuming 11 kW-charging capacity, the installation costs per charging spot amount to approx. 3,500 Euro.</p> <p>Additional: Costs for current transformer (+ connection to the grid) of approx. 150,000 Euro, which is necessary as there is typically no sufficient electricity capacity available.</p> <p>Total cost of investment: approx. 1,725,000 Euro.</p> <p>Additional costs: Maintenance, service, security, insurance costs of approx. 200,000 Euro per year.</p>	At an average utilisation of 2 hours per charging point per day, the electricity demand amounts to approx. 10,000 kWh/day or approx. 3,500,000 kWh/year

Example 1b – Costs of charging points at grocery retailer
100 parking spots

EPBD requirement	Implementation	Costs
A minimum of one charging point for every 10 th parking spot	Equipping 10 parking spots	Assuming 11 kW-charging spots, the installation costs per charging spot amount to approximately 3,500 Euro . The investment costs consequently amount to 35,000 Euro per location . Additionally, the abovementioned costs for current transformers and the connection to the grid result in the costs significantly exceeding the sole cost of investment .

In addition to the high costs of expansion of charging infrastructure, other limiting factors justify regionally adapted regulations, such as

- the possibly limited local availability of grid capacities at the grid operation level, and
- physical limitations on site, as not every property with a car park / underground car park has sufficient space for a necessary grid transformer.

2. Installed charging capacity as an additional option of fulfilment

The mere installation of charging points does not do justice to the diverse type of use of buildings, which leads to significantly different parking times of the vehicles. Particularly in non-residential buildings with highly fluctuating public traffic (e.g., grocery and other retail), the length of stay is significantly lower than, for example, in residential buildings or offices. In such locations, fewer charging points with higher charging capacity (fast chargers) may be more suitable to supply customers' e-vehicles. Although fast charging points are significantly more expensive, they are also needed in smaller numbers. As an alternative to the mere expansion of charging infrastructure with low charging capacity, the **installed charging capacity measured in kilowatts** should be a lever to fulfill the obligations of the EPBD for sustainable mobility – meaning installing higher capacity chargers in an amount, which corresponds to the kilowatt obligations of normal charging points. This incentivises the installation of fast charging points. The kilowatt comparison value for the charging capacity of a "standard charging point" should be 3.7 kilowatts, as already standardised in the German charging point ordinance (*Ladesäulenverordnung*, LSV).

3. Requirements for existing non-residential buildings

Article 12(2)

European Commission	European Parliament	Council of the EU
<p>2. With regard to all non-residential buildings with more than twenty parking spaces, Member States shall ensure the installation of at least one recharging point for every ten parking spaces, and at least one bicycle parking space for every car parking space, by 1 January 2027.</p>	<p>2. With regard to all non-residential buildings with more than twenty and, if technically and economically feasible, ten parking spaces, Member States shall ensure the installation, by 1 January 2027, of at least one recharging point for every ten parking spaces ...</p>	<p>2. With regard to all non-residential buildings with more than twenty parking spaces, Member States shall ensure by 1 January 2027:</p> <p>(a) the installation of at least one recharging point for every ten parking spaces, or</p> <p>(b) ducting, namely conduits for electric cables, for at least 50% of the parking spaces to enable the installation at a later stage of recharging points for electric vehicles; ...</p>

According to Article 12 (2), all non-residential buildings are to provide at least one charging point for every tenth parking space as early as 1.1.2027 - regardless of whether the building would be subject to refurbishment by then. This would affect millions of buildings in the European Union and in total far too many charging points (of low charging capacity) would have to be installed without regard to regional demand, which would hardly be economically viable. There would be immense costs in the short term and an enormous need for skilled workers, for example in construction and electrical companies. In addition, the capital invested would be fixed and would no longer be available to property owners for the (energetic) renovation of their buildings. The deadline of 1.1.2027 would also offer a narrow window for action. We advocate that regulations for existing buildings should

either be deleted or at least not generally apply on a specific date, but rather in the case of the renovation of the building or the car park.

This would save the limited capacities of craftsmen, CPOs, network operators, etc. In addition, the expansion of the charging infrastructure could be carried out jointly in the course of the implementation of other EPBD requirements (such as MEPS) and thus be more cost-effective.

In addition, the subsidiarity principle that applies in building law must be taken into account to guarantee a procedure that is coordinated with local municipalities. An expansion of charging points on buildings detached from this would run the risk of the charging points not becoming operational.

Any flexibility options, such as "ducting", should be adequately defined and technologically neutral. For example, it should be clear whether "ducting" is sufficiently fulfilled with laying empty pipes. This would ensure that the infrastructure can later be adapted to new technological standards. Pre-cabling should not be mandatory, because technical standards continue to evolve, thus it is not realistically predictable which cable standards will be needed at the location in a few years. It is possible that the performance requirements of the charging points will change, so that cables that have already been laid may no longer be suitable for the new requirements, for example because the cable cross-section is too small.

4. Charging and electricity infrastructure in portfolios and districts

In the German Building Electric Mobility Infrastructure Act (GEIG), the currently applicable EPBD mobility requirements are transposed into national law. The GEIG contains flexibility options for buildings at portfolio and district level.

§ 10 (2) 1 GEIG states: *"If an owner has the obligation under subsection (1) for more than one non-residential building, he may also fulfil the obligation by installing the total number of charging points to be installed together in one or more of his properties, if the existing or expected need for charging infrastructure in the properties concerned is thereby met."*

§ 12 (1) GEIG provides that "*developers or owners whose buildings are geographically connected may enter into agreements on the joint provision of parking spaces with electricity infrastructure or charging points*".

These regulations enable companies to adapt their parking spaces for e-cars to the increasing number of new registrations and to fulfill the requirements jointly or within the company on a location-specific basis. The best way to assess how much charging capacity and how many charging points are actually needed at the respective location or in the district - taking into account through traffic - is on site. It must therefore be possible to continue to pursue the portfolio and district approach in national implementation.

5. Public access to private or semi-public charging infrastructure

Furthermore, an obligation to grant the public access to charging infrastructure at private or semi-public locations (e.g., office or customer parking spaces in retail) is also being discussed. This access should remain voluntary. General regulations to open private or semi-public charging infrastructure in general, if necessary, even around the clock, to the general public would lead to a plethora of legal and organisational obstacles as well as safety and liability issues:

- Not all private charging stations are equipped with calibrated meters across the board, which are required by law when electricity is supplied to third parties. Many real estate companies do not make a business model out of purchasing and supplying electricity. They often give the electricity to their own employees at the purchase price. A commercial provision of electricity to third parties entails tax risks for real estate companies / building users.
- Plannability for the own fleet must be guaranteed: Opening the charging points to the general public would no longer ensure that real estate companies/building users can charge their own cars if the charging points are occupied by third parties.
- If the sites are company premises, third parties are regularly denied access for security reasons. The right to refuse access must take primacy here.
- In addition, questions of security would arise. For example, liability issues would have to be clarified for the operation of commercial properties whose parking spaces would be made publicly accessible. An obligation to provide the charging infrastructure to the public would therefore mean that a security service would have

to be hired for 24 hours a day, seven days a week - at corresponding costs that would be passed on to third parties.

- In addition, a billing system would have to be established and the charging station would have to comply with calibration laws. This leads to further costs and bureaucratic hurdles. A certificate of conformity with calibration regulations and the issuing of an invoice would be mandatory for the supply of electricity to third parties.

6. Requirements for bicycle parking spaces

Article 12 (1), first subparagraph, point (c)

1. *With regard to **new non-residential buildings** and **non-residential buildings undergoing major renovation**:*

European Commission	European Parliament	Council of the EU
(c) at least one bicycle parking space for every car parking space;	(c) bicycle parking spaces representing at least 15% of total user capacity of non-residential buildings, taking into account the space required also for bicycles with larger dimensions than standard bicycles.	(c) bicycle parking spaces representing at least 15% of the average user capacity of the building;

as well as

Article 12 (2)

2. *With regard to **all non-residential buildings with more than twenty parking spaces** (und Vorschlag des Europäischen Parlaments: **and, if technically and economically feasible, ten parking spaces**):*

European Commission	European Parliament	Council of the EU
2. ... at least one bicycle parking space for every car parking space, by 1 January 2027.	2. ... by 1 January 2027, ... bicycle parking space, representing at least 15% of the total user capacity of the building and with space required also for bicycles with larger dimensions than standard bicycles.	2. by 1 January 2027: ... (c) bicycle parking spaces representing at least 15% of the average user capacity of the building.

The proposed bicycle parking requirements for new, renovated, and existing non-residential buildings are significant. Non-residential buildings with more than 20 or ten parking spaces are to be subject to bicycle parking space obligations per 1.1.2027, irrespective of regional location conditions and bicycle parking space requirements. In addition, this could even lead to parking spaces for cars to have to be removed, although these are part of the requirements from the building permit. Furthermore, open spaces for bicycle parking will not be available at all locations. Especially in cities, space is very limited; in the case of retail or office buildings, for example, the space in front of the entrance is regularly a public space where property owners are not allowed to place bicycle parking without permission. ZIA therefore advocates for a flexible approach to the expansion of bicycle parking spaces to avoid disproportionate costs and at the same time provide users with sufficient secure bicycle parking spaces. The issue of road safety must not be disregarded.

Two examples that illustrate why a "one size fits all" approach would be misguided:

- A retail property next to a highway: No bicycle traffic is to be expected here. Expanding bicycle parking would be cost-intensive and lead to environmentally damaging waste of materials.
- A large commercial property in the city centre: There is a need for bicycle parking spaces here, as a significant volume of bicycle traffic is to be expected, but there is not always enough space to build bicycle parking spaces at the location.

The following examples "Costs of bicycle parking spaces" also show on the basis of real figures that costs and expected benefits would hardly be in a reasonable proportion.

Example 2a – Costs for bicycle parking spaces at shopping center

Property from example 1a

4,500 parking spots – parking garage, underground car park and parking lot

Location: Periphery of a large German city, adjacently to a shopping mall

Exemplary calculation according to the European Commission’s proposal “One bicycle parking space per car parking space”

EPBD requirement	Implementation	Costs
One bicycle parking space per car parking space	<p>4,500 bicycle parking spaces.</p> <p>Required space: Approx. 450 car parking spaces, assuming that 10 bicycles require 25m².</p>	<p>Approx. 225,000 – 540,000 Euro for cost of material at an average cost per bicycle parking spot of 50-120 Euro. (see cost estimates by ADFC Berlin, accessed on 8.30.2023).</p> <p>Additional costs for structural adjustments of buildings, exit ramps (if possible), maintenance, service, cleaning, security, and insurance costs of approx. 50,000 Euro per year.</p>

In addition to the high development costs, there are other limiting factors:

- Existing car parks are not structurally designed for bicycle traffic. The entrances and exits usually have steep ramps and spindles (up to 15° incline).
- Car parks are equipped with sensor barriers at the entrances and exits, which usually do not recognise bicycles.
- Increased risk of accidents and therefore high insurance risk for the owner/operator.

Example 2b – Costs for bicycle parking spaces at grocery retailer

100 parking spaces

EPBD requirement	Implementation	Costs
One bicycle parking space per car parking space	<p>100 bicycle parking spaces</p>	<p>Approx. 5,000 – 12,000 Euro cost of material per location at an average cost per bicycle parking spot of 50-120 Euro.</p>

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The German Property Federation (ZIA) is the leading umbrella association for the property sector. With its registered office in Berlin and a European office in Brussels, it speaks through its about 400 members, including 30 associations, on behalf of approximately 37,000 industry companies right across the value chain. ZIA provides comprehensive, unified representation for the interests of the real estate sector in all its diversity at both national and European level, including as a member of the Federation of German Industries (BDI) and the German Economic Institute (IW). The President of the association is Dr Andreas Mattner.

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