



EUROPEAN COMMISSION

PRESS RELEASE

Brussels, 20 June 2013

Energy efficiency in buildings: Commission refers Portugal to Court for failing to transpose EU rules

The European Commission is referring Portugal to the Court of Justice of the European Union for failing to transpose [the Energy Efficiency of Buildings Directive](#). Under this directive, Member States must establish and apply minimum energy performance requirements for all buildings, ensure the certification of buildings' energy performance and require the regular inspection of heating and air conditioning systems. In addition, the directive requires Member States to ensure that by 2021 all new buildings are so-called nearly zero-energy buildings. The directive had to be transposed into national law by 9 July 2012.

"Energy efficiency is paramount for reaching our energy and climate goals and enhancing Europe's competitiveness. It is essential that all Member States put in place the legislation necessary to speed up energy efficiency measures. 40% of EU energy consumption is in the buildings' sector and it is here where the most energy can be saved", said Günther Oettinger, the EU Energy Commissioner.

The Commission proposes a daily penalty of €25 273.60. The level of this penalty is set taking into account the duration and the gravity of the infringement. In case of an affirmative judgment of the Court, the daily penalty is to be paid from the date of the judgment until the transposition is completed. The final amount of the daily penalty will be decided by the Court.

The Commission sent Portugal a letter of formal notice concerning the transposition of the directive in September 2012. A reasoned opinion followed in January 2013. Although Portugal is working on draft legislation, no information is available on when this will be adopted, published and come into force. Therefore full transposition is still pending.

Infringement procedures have been launched against a number of other Member States for non-transposition or only partial transposition of [Directive 2010/31/EU](#) over the course of 2012 and earlier in 2013. The Commission is currently also examining the situation in other Member States to which reasoned opinions for incomplete transposition have been addressed.

Today's action is in line with the Commission's objective to ensure Member States' full compliance with energy efficiency rules agreed at EU level.

Background

The EU is aiming for a 20% cut in Europe's annual primary energy consumption by 2020. Buildings account for about 40% of the EU's total final energy consumption and more than one third of its CO₂-emissions. By properly transposing and implementing [Directive 2010/31/EU](#), EU Member States can achieve a significant amount of cost effective energy savings and avoid related greenhouse gas emissions.

Under the Lisbon Treaty, which entered into force on 1 December 2009, if Member States fail to transpose EU legislation into national law within the required deadline, the Commission may ask the Court to impose financial sanctions when referring the case to court.

The daily penalty payment is calculated based on a formula, where the following elements are multiplied:

- seriousness factor
- duration of the infringement
- "n" factor (which varies between Member States and takes into account their GDP)
- flat-rate amount, which currently is set at €640 per day.

More information

The Energy Efficiency in Buildings Directive can be consulted [here](#)

[Commission web page on energy efficiency](#)

For more information on infringement procedures click [here](#)

On the June infringement package decisions: [MEMO/13/583](#)

On the general infringement procedure, see [MEMO/12/12](#)

Contacts :

[Nicole Bockstaller](#) (+32 2 295 25 89)

[Marlene Holzner](#) (+32 2 296 01 96)