

Environment - Switzerland

Energy Act revised: new instruments for energy-efficient buildings

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Background

On January 1 2011 the revised Energy Act came into force.⁽¹⁾ The revised provisions focus on certain energy and climate-related targets. These targets are defined in a federal action plan for improved energy efficiency and increased use of renewable energy sources.⁽²⁾

Within a wide spectrum of possible measures, the revision focuses on energy-related measures for buildings. This is because buildings have high energy-saving potential; they use about 45% of the nation's energy (heat and electricity) and generate about 50% of the nation's carbon dioxide emissions.⁽³⁾ Thus, the measures aim to save energy while ensuring that buildings are as environmentally friendly as possible.

New measures for energy-efficient buildings

The revision aims to increase the energy efficiency of buildings by:

- introducing a new energy performance certificate for buildings;
- improving public information, consultancy and education; and
- introducing a new method to calculate public subsidies of energy efficient technology.

Energy performance certificate

The act obliges the cantons to create a national standardised energy performance certificate. The certificate contains specific information on the overall energy performance of a building, its equipment and electrical facilities, and its insulation properties. The cantons will specify the exact content of the certificate. Further, the cantons may decide whether the issuance of energy performance certificates is mandatory for each building.⁽⁴⁾ Apparently, certain cantons are considering declaring as mandatory the issue of building energy certificates whenever ownership of a building changes.⁽⁵⁾

The purpose of the energy performance certificate is to identify energy saving and greenhouse gas reduction potential, and to incentivise property owners to renovate buildings which waste energy and to use energy-efficient technology for new buildings. Further, the certificate should help to ensure that energy efficiency becomes a valid topic for discussion by vendors and landlords.⁽⁶⁾

Even before the revision of the act, the Conference of Cantonal Energy Directors developed a nationwide standardised energy performance certificate.⁽⁷⁾ However, no basis existed to declare mandatory the use of that first energy performance certificate. In contrast, under the revised act, the cantons now have the competence to declare use of the new certificate to be mandatory.

The idea of a standardised energy performance certificate for buildings is not new. Before its introduction in Switzerland, such certificates were already well established at EU level. Pursuant to the EU Energy Performance of Buildings Directive (2002/91/EC), member states must ensure that when buildings are constructed, sold or rented out, an energy performance certificate is made available to the prospective owner, buyer or tenant. In contrast to Switzerland, the use of the European certificate is mandatory.⁽⁸⁾

Public information, consultancy and education

The Energy Act further obliges the cantons and the federation to increase activities in

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informing, consulting and educating the public and specialised authorities about:

- improvements to supply of economical and environmentally friendly energy;
- the efficient use of energy resources; and
- the use of renewable energy.

In view of these new obligations, federal contributions to the cantons will be increased accordingly.⁽⁹⁾

New method to calculate public subsidies to house owners

Finally, the Energy Act provides for a new method to calculate public subsidies that creates greater incentives to invest in energy efficient technology.

Before the revision, such renovations were subsidised in the amount of the additional costs which resulted from the use of the more energy efficient technology compared to conventional technology. The problem was that lifetime costs were considered, including operational, maintenance and energy costs. As a result, the cost difference between energy efficient and conventional technology was rather small, as was the level of public subsidies, especially in times of high energy costs. This undermined the incentive to invest in energy efficient technology and minimise the use of oil and other energy sources.⁽¹⁰⁾

Under the new model, energy efficient technology is subsidised in the amount of the higher initial investment costs compared to conventional technology. Long-term costs are no longer considered.⁽¹¹⁾

Comment

The new instruments will support the goal of improving the energy efficiency of buildings and thereby reduce the negative environmental impact of buildings. The revision of the act seems to be well balanced, as it not only focuses on the payment of subsidies, but also considers the requirements of technical innovation and know-how.

Because the act does not oblige the cantons to declare the energy certificate mandatory, it is likely that there will be no nationwide standard in this respect. Whereas certain cantons will consider making the use of a building energy certificate mandatory in certain cases, there seems to be opposition to this approach in other cantons. The main arguments against mandatory energy certificates are that their introduction will lead to increased bureaucracy and costs.

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Endnotes

(1) *Energiengesetz*, June 26 1998 (EnG), SR 730.0.

(2) *Aktionsplan Energieeffizienz, Entwurf*, September 3 2007, *Bundesamt für Energie BFE*.

(3) *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5318.

(4) According to Article 89, Paragraph 4 of the Federal Constitution of the Swiss Confederation, April 18 1999; *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5322.

(5) www.geak.ch/Pages/Light/About/FAQPage.aspx (as visited on April 19 2011).

(6) *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5320.

(7) *Gebäudeenergieausweis der Kantone* (see www.geak.ch/StartPage.aspx).

(8) Article 7, Paragraph 1 of the directive.

(9) *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5321.

(10) *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5320.

(11) *Botschaft zur Änderung des Energiengesetzes*, June 24 2009, page 5323.

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