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Requirements for experts and inspectors, present status

The objective of this Information Paper is to provide guidance on the implementation of Article 10 of the EPBD which is concerned with the requirements of experts and inspectors. It discusses interpretation of the requirements and summarises Member States' progress towards implementation.

1 > EPBD requirements

Article 10 of the EPBD states that:

"Member States shall ensure that the certification of buildings, the drafting of the accompanying recommendations and the inspection of boilers and air conditioning systems are carried out in an independent manner by qualified and/or accredited experts, whether operating as sole traders or employed by public or private enterprise bodies".

Furthermore, Section 10 of the Recitals to the EPBD states that calculating the energy performance of buildings must be

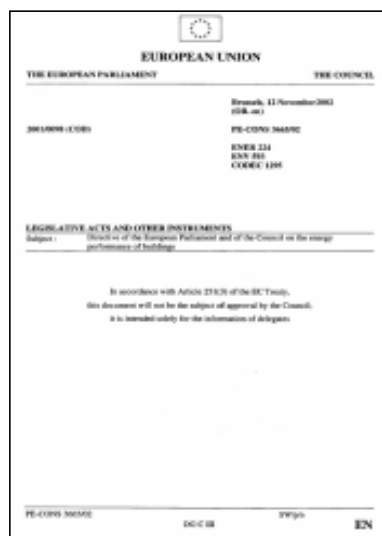
"... carried out by qualified and/or accredited experts, whose independence is to be guaranteed on the basis of objective criteria".

Recital 10 goes onto say that:

"...[this] will contribute to a level playing field as regards efforts made in Member States to energy saving in the buildings sector and will introduce transparency for prospective owners or users with regard to energy performance in the community property market".

Article 10 is therefore a key mechanism to enable Article 7 (Energy performance certification of buildings) as well as Articles 8 (Inspection of boilers and heating systems) and 9 (Inspection of air conditioning systems). Further though, Article 10 also implicitly helps to enable Articles 4, 5 and 6 which are concerned with setting energy performance requirements for new buildings and large existing buildings undergoing major renovation.

The EPBD recognises the intimate links to Articles 7, 8 and 9 since Article 15 (Transposition) of the Directive allows a Member State to delay implementation of Articles 7 to 9 for up to three years if there are insufficient qualified and/or accredited experts to undertake the required certification and inspection activities. If a Member State uses this option it needs to notify the Commission and provide justification together with a proposed timetable for implementation.





If proof of competence to become an 'accredited expert' is based on an examination, up to seven separate qualifications may be required, including:

- Certification of new domestic buildings
- Certification and drafting accompanying report for existing domestic buildings
- Certification of new non-domestic buildings
- Certification and drafting accompanying report for existing non-domestic buildings
- Certification and drafting of report for public buildings for display purposes
- Boiler plant inspection and reporting
- Air conditioning plant inspection and reporting

2 > Importance of Article 10

Article 10 is of great importance because successful implementation of much of the EPBD is dependent on it. Prospective building purchasers or tenants need to have confidence in energy performance certificates and plant inspections as well as the accompanying reports and recommendations. This is because major investment decisions and property transactions will be based upon recommendations made by the EPBD independent experts.

There are also important issues of consumer protection and a major risk of fraud if the requirements of Articles 7, 8 and 9 are not undertaken in an independent manner.

3 > "Independent manner"

A key phrase in Article 10 is "*independent manner*". Following on from the principle of subsidiarity individual Member States are free to define what is meant by this, provided the Commission is satisfied that it still meets the requirements of the Directive.

Some Member States are defining this requirement as requiring building certification and/or plant inspection to be undertaken by a person who is entirely independent of the building owner or occupier.

An alternative approach being adopted in some Member States allows 'self-certification' by an accredited expert directly employed by the building owner or occupant. In most cases self-certification is being linked to a government endorsed quality assurance accreditation framework so as to ensure that self-certification is only undertaken by suitably qualified 'competent persons'.

Provided Member States establish regulated competent person schemes which 'accredit' experts on the basis of objective criteria with formal quality assurance checks and procedures (ISO 17024 and ISO 9001) the risks and liabilities associated with undertaking building certification and plant inspection should be low, since obtaining Professional Indemnity (PI) insurance should not be too expensive for experts to obtain.

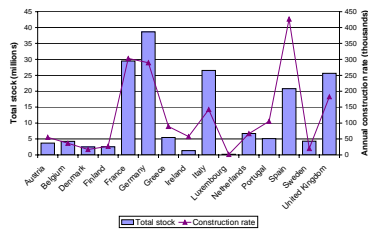
However, if Member States do not introduce formal qualification and/or accreditation requirements it is likely that building certification and plant inspection will be undertaken by unqualified practitioners operating outside any formal quality assurance framework. In this instance, PI insurance may be difficult (or impossible) to obtain at a realistic cost. This will result in major (potentially uninsurable) liabilities for building certifiers and/or plant inspectors.

4 > Training requirements

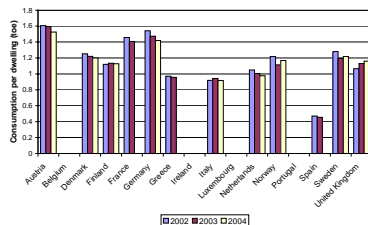
Each Member State has the right to apply different qualification criteria.

Article 10 of the EPBD states that practitioners must be "*qualified and/or accredited experts*". This implies that no specific formal qualification is required if the independent expert is 'accredited'.

Since the accreditation requirements are not defined in the EPBD, each Member State is likely to establish different criteria for the accreditation of independent experts. This may, or may not, include proof of competence by examination and/or the development of new nationally recognised qualifications.



Dwellings in EU-15 (2002).



Consumption per dwelling for space heating in EU-15.



<http://www.enper-exist.com/>



<http://www.buildingdirective.org/>



<http://www.eebd.org/>

5 > Number of certifiers and inspectors required

In order to determine the implementation process and timetable for Articles 7 to 9 so that the requirements of Article 10 are also met, a Member State not only has to define "independent manner" and the qualification criteria for independent experts but it also has to assess the number of certifications and inspections required in order to guarantee that the targets are realistic. This will determine whether existing resources are adequate and also the number of certifiers and inspectors who require training.

The number of certifications for new buildings will depend on the annual rate of construction, whether certificates will be required for each individual apartment or not and the existing level of certification (for example, some Member States already have mandatory certification for new domestic buildings). The number of certifications for existing buildings will depend on the annual rate of selling and renting (the two occasions when certificates are required). In addition, energy performance certificates are required for large (i.e. total useful floor area >1,000m²) "public" buildings.

Further discussion of building certification in the context of Article 7 is in Information Paper P03.

The annual number of plant inspections will be determined by the size of the boiler and air conditioning stock captured by the output rating, fuel type and age specifications in Articles 8 and 9. A key issue here is whether a Member State chooses to implement Article 8(a) (i.e. compulsory inspection of specified boilers and heating systems) or Article 8(b) (i.e. the provision of energy efficiency advice as an equivalent alternative). The choice of a Member State will be influenced by the extent of its existing boiler inspection requirements which a number of States already have in place.

Further information on boiler and air conditioning inspection can be found on the Helpdesk/FAQ section of the Buildings Platform website and in Information Paper 04.

6 > European projects supporting Article 10 implementation

There are ten current SAVE projects within the framework of the Intelligent Energy - Europe (IEE) programme that support implementation of the EPBD and many of them cover issues of relevance to Article 10, in particular training. Information Paper P01 provides a full summary of all of these projects but four of relevance are:

- > ENPER-EXIST (Applying the EPBD to improve the Energy Performance Requirements to Existing buildings) - amongst other things this project will obtain better information of the European building stock, and will look at organisational problems such as application of certification to the building market.
- > BUDI (Pilot actions to develop a functioning market for energy performance certificates) - this project has a number of objectives, including: developing training for independent experts to assure a sufficient number of qualified experts; and developing guidelines, implementation and quality assurance procedures plus accreditation schemes.
- > EEBD (Electronic Energy Buildings Directive) - the core objective of this project is to provide a web-based dynamic vocational training tool.



<http://www.eplabel.org/>

- > EPLabel (A programme to deliver energy certificates for display in public buildings across Europe with a harmonising framework) - one of the objectives of this project is to establish a delivery infrastructure including training schemes, quality assurance and a web-site.

7 > Progress of Member States towards implementing requirements for certification and inspection

As discussed above there are a large number of issues for Member States to address to enable implementation of the requirements relating to certification and inspection. As a consequence, most States are proposing to phase these in over the extended 3-year period and a number still have to make final decisions. A particular challenge is air conditioning inspection where there is perhaps the greatest gap between the requirements of the EPBD and current practice in Member States. Boiler inspection and certification of existing buildings also require some States to train a large body of suitably qualified inspectors and experts.

In terms of building certification most Member States will require experts to have a minimum engineering or architectural qualification to degree level, and some will also require further qualifications and/or relevant experience. For heating and air conditioning system inspections many Member States are proposing to use consulting engineers and maintenance personnel, and where such schemes are already well established States will use chimney sweeps to undertake boiler inspections.

In respect of accreditation Member States will be using both government bodies and third parties. In a few instances where government fulfils this role new bodies are to be created, and in a number of cases responsibility is devolved to a regional/local level. Where third parties are to be used then these are existing professional associations or Energy Agencies, or specially formulated bodies approved by government.



<http://www.epbd-ca.org/>

An important initiative towards promoting dialogue between Member States to assist in transposition is EPBD Concerted Action (CA), which is funded by the IEE programme. CA-participants are representatives of national governmental ministries or governmental affiliated institutions that are in charge of preparing the technical, legal and administrative framework to implement the EPBD in their own country. The CA working plan is organised around a series of 8 meetings (from January 2005 to June 2007), bringing together the participants of nearly all Member States. The 6th meeting in September 2006 (Finland) has a particular focus on the training and independence of experts and inspectors.

Further information can be found on the CA web page <http://www.epbd-ca.org>.

The EPBD Buildings Platform has been launched by the European Commission in the frame of the Intelligent Energy - Europe, 2003-2006 programme. It is managed by INIVE EEIG (www.inive.org), on behalf of Transport and Energy DG.

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