

Dutch response to the European Commission's consultation regarding the post 2030-framework of the Directive (EU) 2023/1791

Enclosed with the response to the consultation, we submit a non-paper on the priorities of the Netherlands concerning the EU Energy Framework beyond 2030.

The Netherlands has taken note with interest of the European Commission's consultation regarding the post 2030-framework of the Directive (EU) 2023/1791 of the European Parliament and of the Council of September 13, 2023, on energy efficiency (OJ EU 2023, L 231) (hereinafter: the Directive). The document below addresses the opportunities for improvement that the Netherlands sees for this Directive. This does not yet entail a definitive position on the part of the Netherlands. The Netherlands would like to engage in discussions with the European Commission in order to arrive at a sound proposal by the end of 2026 or early 2027.

With a view to the overall readability of this consultation, various practical choices have been made. These are briefly explained below. It has been chosen to reproduce the text of the consultation in its entirety and to insert the point-by-point responses to the included questions. To clearly distinguish between the text from the report and the response, italic formatting has been used for the consultation text and non-italic formatting for the response. Some questions include recurring elements. When a position has been explained previously, it has been decided to refer to earlier answers in subsequent responses.

Public consultation on the energy efficiency framework for the decade ahead

Introduction

As announced in the [2026 Commission Work Programme](#), the European Commission plans to keep Europe on track to meet its climate goals and put forward an enabling framework for the decade ahead securing Europe's competitiveness and sustainability, including the setting-up of the energy efficiency framework and the phase-out of fossil fuels subsidies. This initiative aims to help prepare an enabling and future-proof energy and climate policy framework to support the EU's efforts to achieve its objectives of decarbonisation, affordability, security and competitiveness.

The initiative will contribute to reaching the proposed target of reducing net greenhouse gas emissions by 90% in 2040 compared to 1990, as set out in the provisionally agreed amendment to the European Climate Law. Energy efficiency is expected to play a central role in cost-effectively reaching this target, while strengthening EU competitiveness, improving energy security and ensuring affordability for citizens and businesses. The

energy efficiency framework for the decade ahead will be developed in conjunction with other ongoing and planned initiatives across EU climate and energy law, including the review of the Governance Regulation, the post-2030 national climate targets and flexibilities, the renewable energy framework, the EU Emissions Trading System (EU ETS), the social dimension of the Energy Union and other relevant energy policy initiatives and enabling instruments.

The Energy Efficiency Directive sets out a comprehensive framework for promoting energy efficiency across the EU, including binding EU-level objectives, national contributions, sectoral measures, public sector leadership and planning, monitoring and reporting rules. It supports strategic medium- and long-term energy planning through its links to integrated national energy and climate plans (NECPs) set out in the Governance Regulation, and contributes to the achievement of the EU's 2030 energy and climate objectives and long-term goals. It also provides the basis for the Commission to monitor progress at EU and Member State level and to take corrective action if ambition or implementation is insufficient.

Given evolving policy needs and the transition towards the post-2030 period, the Commission will assess how the energy efficiency framework has functioned to date and identify areas where it could be further streamlined, strengthened or adapted for the decade ahead. This assessment will consider the increasing importance of energy efficiency in the design and operation of a decarbonised, cleaner, more electrified and integrated energy system, the need to support industrial competitiveness and innovation, and the importance of ensuring social fairness and a just transition while ending the EU's fossil fuel import dependency and reducing subsidies for fossil fuels, administrative burden and costs.

Building on this assessment and on the Commission's political priorities for 2024-2029, the Commission will examine options for the future development of the EU energy efficiency framework, with a view to ensuring an effective, flexible and forward-looking framework for the decade ahead.

In this context, the Commission is launching a public consultation to gather views from all interested parties. The consultation is based on a questionnaire consisting of two parts:

- Part 1 collects background information about you.*
- Part 2 focuses on key aspects of the energy efficiency framework for the decade ahead, notably:*

- *the effectiveness and coherence of the current energy efficiency policy framework;*
- *the role of energy efficiency in the new climate and energy framework (political and strategic direction, sector-specific provisions and financing framework and enabling tools);*
- *the streamlining of the regulatory framework and the reduction of the administrative burden (enhancing coordination across sectors and policies).*

1. Effectiveness and coherence of the current energy efficiency policy framework

The current energy efficiency policy framework could do more to support a broader set of strategic objectives for the decade ahead. This includes accelerating the transition towards climate neutrality, strengthening EU competitiveness, enhancing energy security and system resilience, supporting strategic autonomy, and addressing challenges along the value chains for clean and net-zero technologies.

Energy efficiency policies should ensure energy efficiency in the design and operation of the future decarbonised energy system to integrate high shares of renewable energy, eliminate energy waste, increase excess and waste heat reuse, and minimise the cost of the transition. Energy efficiency policies could also further contribute to the phasing out of fossil fuels and inefficient fossil fuel subsidies, and to more systematic integration of skills, workforce development and job creation aspects. Energy efficiency also plays a central role in increasing climate resilience and supporting adaptation to climate impacts in a more integrated energy system.

Finally, there is scope for enhancing coherence and synergies between the energy efficiency framework and other policy areas, including environmental (notably air quality) and climate policies, transport, industry, buildings and urban development, agriculture, macro-economic and industrial policy, and the social dimension of the Energy Union to maximise overall effectiveness and cost-efficiency.

Question 1. To what extent do you agree with the following statement?

"The main objectives of the Energy Efficiency Directive (EED), notably to implement energy efficiency as a priority across all sectors, remove barriers in the energy market and overcome market failures that impede energy efficiency, are still relevant for the post-2030 framework."

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	No opinion
*Please select your answer:					X	

Please explain your answer.

Energy efficiency keeps being of importance, even after 2030. Energy efficiency helps to reduce energy bills, ease grid congestion, strengthens strategic autonomy, and limits the spatial footprint, material use and costs of transforming the energy system. Notwithstanding the reason that energy efficiency leads to decreasing CO₂ emissions, these and other reasons provide a clear incentive to continue with energy efficiency policies post-2030.

Question2. To what extent has the EED achieved its objectives so far?

	Not at all	To a little extent	To some extent	To a moderate extent	To a large extent	No opinion
*Please select your answer:				X		

Please explain your answer.

A lot of energy has been saved since the inception of the EED. Attributing achieved energy savings to only the EED is difficult. Other factors such as Ecodesign and energy prices play an important role in energy saving by industry and citizens. Nonetheless, the EED helps to keep this topic top of mind and is key to developing energy saving policy and an equal level playing field throughout Europe. Both important measures for more internationally oriented companies that operate worldwide or Europe wide to save energy.

Articles in the EED, such as article 11, could be strengthened to ensure energy is really saved. As one can question if companies will start saving energy if they are only obliged

to only do an energy audit. Instead, we would be in favour of a European implementation obligation of energy saving measures, which the Netherlands already has nationally.¹

Question3. Which elements have contributed most to the effectiveness of the EU energy efficiency policy framework? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being a very low contribution and 5 a very high contribution.)

	1	2	3	4	5	No opinion
*The "energy efficiency first" principle		X				
*EU-level targets and/or national contributions					X	
*National planning and reporting requirements			X			
*The energy savings obligation			X			
*The public sector's exemplary role			X			
*Energy audits and energy management systems			X			
*Consumer information and metering		X				
*Energy efficiency in heating and cooling					X	
*Local heating and cooling plans				X		
*Financing and technical assistance				X		
Other						

Please explain your answer.

It is too early to see effects of the implementation of the Energy efficiency first principle. Until now, the focus in the Netherlands has been on the *trias energetica* and the

¹ <https://english.rvo.nl/topics/energy-saving-obligation>

expedient use of energy. Both work with the same notion that energy should not be wasted and the first step in the energy transition is reducing energy use where possible.

EU- and national targets contribute to keep all member states focussed on becoming more energy efficient. However, too many sub-targets, which are hard to reach, work counterproductive.

The energy saving obligation of article 8 of the EED is useful, but the main reason the Netherlands is implementing energy saving policy is to become independent of imported fuels and to lower the energy bills, not necessarily because the article 8 target should be reached.

The exemplary role of the public sector is important, but as article 5 is new and the scope of article 6 has been extended to public bodies, it is too early to say if this has contributed to reaching the national targets.

As mentioned before, energy audits are of limited effectiveness as there is no implementation obligation of energy saving measures. In the Netherlands our “Dutch energy saving obligation” (Energiebesparingsplicht), does include this obligation to take measures with a payback period of five years or less, which makes it more effective in achieving energy saving. Industry notes that an implementation obligation is needed in order to free up budget for investments. Furthermore, industry wants to have an equal level playing field within Europe. It could be beneficial to have an overview of the different measures each country is taking per sector.

Although the articles on metering are important, they do not necessarily contribute to energy saving. Campaigns on energy saving are especially useful when people feel the need to save energy, for example in times of crisis.

Technical assistance for companies is crucial to overcome non-technical barriers for implementation. Throughout the years the Netherlands has gained a lot of experience with this type of assistance.

The Netherlands is a supporter of Ecodesign as it contributes to energy efficiency world wide. A swift process of increasing the number of products covered by Ecodesign will contribute towards the energy efficiency target.

Question 4. Which factors have limited the effectiveness of the current framework? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being a very low contribution and 5 a very high contribution.)

	1	2	3	4	5	No opinion
*Insufficient ambition	X					
*Limited harmonisation and cross-border interoperability across the national energy efficiency frameworks				X		
*Complexity of provisions and administrative burden				X		
*Uneven implementation across Member States			X			
*Insufficient enforcement	X					
*Limited access to finance			X			
*Limited business case		X				
*Skills shortages			X			
Other		X				

The energy efficiency first principle is currently too complex and extensive to be effective. Furthermore, member states that have more stringent national energy efficiency policy, such as the Netherlands has with energy audits, would lose energy saving potential whenever the national policy would be discarded over European policy. Flexibility for frontrunners would help save that potential.

Other: Due to grid congestion electrification is becoming increasingly difficult.

Question 5. To what extent has the EED stimulated energy efficiency efforts in the following sectors?

	Not at all	To a little extent	To some extent	To a moderate extent	To a large extent	No opinion
*Buildings			X			
*Heating and cooling			X			
*Industry				X		
* Information and communication technologies (ICT)				X		
*Transport		X				
*Commercial services					X	
*Public services			X			

Buildings: Pending the elaboration of the ZEB standard in line with the EPBD, the Netherlands applies the renovation standard to define NZEB for existing non-residential buildings. Since 2024 an important instrument to stimulate the Renovation standard² is the subsidy for sustainable social real estate (DUMAVA) and the Climate fund resources for federal government buildings. Through agreements with central government, real estate agency efforts are made to make central government real estate meet the renovation standard. The main goal is to encourage deep renovations to prevent disinvestment and ensure speeding up the decarbonization of the building stock. This is national policy which would have existed without European directives such as the EED and EPBD. However, the EED and EPBD underscore this approach for a higher subsidy rate for a deep renovation.

It is too early to say anything about the real effects of the EED on the renovation of buildings to ZEB. We expect that the implementation of the minimal energy performance standards in line with the EPBD will encourage public bodies to renovate buildings directly to the ZEB level.

Heating and cooling: Under the Dutch Collective Heating Act, district heating networks will be restricted in their greenhouse gas emissions, similarly to - and in line with - the

² <https://www.rvo.nl/onderwerpen/renovatiestandaard>

Energy Efficiency Directive. National subsidy schemes under the General Block Exemption Regulation (such as the “WIS”) also refer to these restrictions. So far this has had limited impact on the scale up of energy efficient district heating networks, but we expect an increase. For existing heat networks, the phase-out of fossil fuels is ongoing but has proven to be difficult for peakload with regards to energy security as there are insufficient techniques available yet, or these are currently not possible because of grid congestion.

Datacentres: The combination of the European reporting under article 12 and national policies on energy saving have created an environment where datacentres are planning to invest in energy saving. However, it is still too early to say this increase is because of the EED-reporting by datacentres. Looking forwards, with the current EU-plans to increase data sovereignty it is of key importance to do that in an as energy-efficient as possible manner and introduce the minimum energy performance standards for data centres.

Industry: Albeit the European reporting is only for the larger companies, it has raised awareness among companies for energy savings measures in this group of companies. Awareness does not necessarily lead to implementation of all the identified measures, as already mentioned in answer 1.1.

Public procurement: It is still too early to say if the EED has already impacted energy efficiency through public procurement. Furthermore, it is important to notice the EED is one of 60 sector (inter)national legislations concerning public procurement. Which makes it increasingly difficult to make an impact, as buyers have to take into account so many different aspects that lie outside of their expertise.

Transport: The revision of the EED is raising awareness of the sector’s energy consumption to a small extent. Actual energy efficiency efforts in the transport sector are mainly due to the growing number of electric vehicles as a result of the European emission standards.

Question 6. To what extent have energy management systems and energy audits proven to be effective ways of optimising businesses' energy performance and contributing to costs savings?

	Not at all	To a little extent	To some extent	To a moderate extent	To a large extent	No opinion
<i>*Please select</i>			X			

	Not at all	To a little extent	To some extent	To a moderate extent	To a large extent	No opinion
<i>your answer:</i>						

Please explain your answer.

Energy management systems and energy audits help, but the National energy audit is seen as more effective as it has an implementation obligation of energy saving measures. The Netherlands would be in favour of implementing this obligation in the EED, or that a clause is added that members states are allowed to have their own energy audit so that the administrative burden for enterprises can be limited.

Furthermore, the scope of an enterprise is very big. It would be recommended to put the obligation on the location. This would increase possible harmonisation with Dutch national law.

Question 7. Which national policies and measures implemented to fulfil the energy savings obligation (Articles 8-10 of the EED) have proven to be the most effective under the current framework? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being not effective at all and 5 very effective.)

	1	2	3	4	5	No opinion
* Energy efficiency obligation schemes (EEOS)				X		
* White certificates schemes						X
* Energy efficiency financing programmes, including financial instruments and subsidies					X	
* Information and behavioural campaigns			X			
* Industrial programmes				X		
* Public sector interventions				X		

	1	2	3	4	5	No opinion
* Taxation, including carbon taxes					X	
Other					X	

Please explain your answer:

To attain energy saving, a system of different policies is needed. One cannot always attribute energy savings to one measure, as e.g. someone can see an informational campaign about heat pumps and then apply for a subsidy. If one of the two would not have existed, would the heat pump still be bought? Therefore, the effectiveness of the system is measured. It is difficult, if not impossible, to attribute an effect to one measure.

When considering which policy measures the Netherlands uses to attain its article 8 goal, most measures will fall under financial programs, taxation and industrial programmes. For an overview of the measures which the Netherlands implemented to attain the article 8 goal, please see Method document attached to the latest NECP report.³ These measures can also help the public sector, as the Netherlands has subsidies for this sector as well. They fulfill an important exemplary role for the rest of society, as was evident in the energy crisis of 2022.

Under “other” the Netherlands classifies policies, such as – but not limited to – the Dutch energy saving obligation⁴ (not to be confused with article 8). Organizations which use more than 50.000 kWh or 25.000 m³ of gas (-equivalent) have to take all energy saving measures with a payback period of five years or less. They will have to report on the taken measures.

Although behavioural campaigns are a key supporter in making effective energy efficiency policy, and are used in the Netherlands⁵, it remains difficult to attribute energy savings to these campaigns specifically, as civilians can also be nudged because of high prices. Therefore, the Netherlands does not include them in the monitoring for article 8.

The Netherlands does not use a white certificate scheme either, as there is ample other energy saving policy. Implementing a white certificate scheme now would be expensive compared to the current policy in place.⁶

³ <https://english.rvo.nl/sites/default/files/2025-03/EED-Methodedocument%20Energiebesparing-2025.pdf>

⁴ <https://english.rvo.nl/topics/energy-saving-obligation>

⁵ [Zet ook de knop om](https://www.zetookdeknop.nl)

⁶ https://cedelft.eu/wp-content/uploads/sites/2/2022/12/CE_Delft_210465_Onderzoek-energiebesparingscertificaten_DEF.pdf

Question 8. Which factors have influenced the effectiveness of the application of Annex V of the EED for the implementation of the energy savings obligation?

The Netherlands considers the amount of detail of Annex V of the EED as sufficient at the moment. The EED intends that only actual reductions in energy end-use count as savings for article 8.

The Commission recommendation (EU) 2024/1590 (par. 7.8) makes it clear that on-site solar PV does not count as end-use energy savings under article 8, since PV changes the source of electricity, not the level of consumption. Annex V (l) remains unclear, since it only discusses solar thermal technologies. It would be advised that this clarification would be included in the annex.

Besides, the definition of Final Energy Consumption according to the EED is: all energy supplied to industry, to transport, including energy consumption in international aviation, to households, to public and private services, to agriculture, to forestry, to fishing and to other end-use sectors, excluding energy consumption in international maritime bunkers, ambient energy and deliveries to the transformation sector and to the energy sector, and losses due to transmission and distribution as defined in Annex A to Regulation (EC) No 1099/2008;

We would recommend clarifying that on-site solar PV does not count as end-use energy savings under Article 8 in Annex V, to prevent uneven implementation of article 8-10 across member states. Furthermore, we would recommend reconsidering the definition of final energy consumption, and/or add a definition for end-use savings, making it clear that application on-site solar PV does not affect final energy consumption and/or does not count as end-use energy savings.

Another point of clarification would be the fossil fuel combustion as used in Annex V, second paragraph under h. The explanation of what is allowed under fossil fuel combustion is included in the Commission's recommendations, but it would be better to include this in Annex V.

Lastly, it is recommended to remove the energy poverty sub-target from article 8 of the directive. The energy poverty indicator is applied differently by member states, which leads to very different levels of energy poverty, and thus different targets under article 8, paragraph 3. Furthermore, it is difficult for countries with a large industrial sector to reach the energy poverty target in article 8, as their potential for energy saving is limited to a smaller group.

Question 9. Which provisions of the EED were the most effective for increasing energy efficiency in heating and cooling?

The introduction of a definition for efficient heating and cooling networks is a valuable instrument for steering the market towards net-zero district heating. We therefore support this definition.

However, The Netherlands have serious concerns about the requirement to exclude fossil fuels, with the exception of natural gas until 2030. We consider this restriction both ineffective and unnecessary, for two reasons.

First, fossil-based capacity will remain essential for peak demand and back-up purposes well beyond 2030. Sustainable alternatives are either not yet available at the required scale or cannot be realised due to grid congestion constraints that prevent new connections and infrastructure development.

Second, and critically, imposing this restriction will significantly increase costs for end users of heating networks. This is particularly problematic given that the relatively high cost of district heating is already one of the main barriers to its national adoption and wider roll-out. Any measure that further increases these costs risks undermining the growth the label is intended to stimulate.

For these reasons, we advocate for a definition of efficient heating and cooling networks, which may include targeted fossil fuel restrictions where feasible, but with an explicit exemption for peak and back-up capacity

Thirdly, the information that is collected and published with the cost-benefit analysis is useful for municipal heating and cooling planning in synergy with the Dutch Collective Heating Act, as it serves as a means for accurate and recent information on potential waste heat sources.

Under the Dutch Collective Heating Act (*Wet collectieve warmte*), which is planned to come into force by the first of January 2027, producers of waste heat, must, upon request, provide district heating companies with technical data on the available waste heat from their facilities. Additionally, producers are required to make this waste heat available to district heating companies, with reimbursement limited to the actual costs incurred for the waste heat installation, without any additional profit margin.

The information that is collected and published in the cost-benefit analysis is useful for municipal heating and cooling planning in synergy with the Dutch Collective Heating Act, as it serves as a means for accurate and recent information on potential waste heat sources.

2. Effectiveness and coherence of the current energy efficiency policy framework

a. Political and strategic direction

In the context of the revision of the Governance Regulation, the Commission has [asked for evidence](#) in the period between 18 December 2025 and 12 March 2026 on the preferred target architecture for the post-2030 framework, including as far as energy efficiency is concerned. It is asking stakeholders to respond to questions on this topic in the context of that consultation as long as it remains open.

If you have not participated in the consultation on the Governance Regulation by the 12 March 2026 deadline, the following question on the revision of the Governance Regulation is replicated here.

Question 1. The EU currently has a 2030 energy efficiency target with indicative national contributions. How do you think energy efficiency should be expressed and what should the design be to support the necessary uptake of energy efficiency to achieve the EU's 2040 climate objectives? (Please rank the following options or accept the initial order.)

The Netherlands supports a binding EU 2040 target for final energy consumption, supported by indicative national contributions.

** Question 2. How should energy efficiency progress be benchmarked/monitored after 2030?*

The Netherlands prefers energy efficiency progress to be benchmarked in terms of final energy consumption. Focussing on final energy consumption leaves space to invest in climate mitigation such as CCS or hydrogen. Also see answer 1.2.

Question 3. Which mechanisms would best ensure the achievement of post-2030 energy efficiency objectives?

Europe-wide measures such as Ecodesign are important for energy efficiency, not only in Europe but worldwide. Therefore, the Netherlands urges the European Commission to swiftly implement and broaden the number of appliances that fall under that directive.

A strengthened monitoring and reporting mechanism is needed to ensure the EU remains on track and to provide investment certainty.

Question 4. Should the future EU energy efficiency policy ensure efficiency of the whole energy system, by focusing equally on energy efficiency potential on both the supply and the demand side?

The focus of the EU energy efficiency policy should be on the demand side. Renewable energy is still scarce during most time of the year, so in current plans of the supply side more renewable energy is still needed for the foreseeable future. However, it is

important to include predictions of the energy demand in the planning of the energy supply, as wasting of resources is undesirable.

Question 5. What type of policy measures will be effective at ensuring energy efficiency in the design and operation of the future decarbonised energy system? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being not effective at all and 5 very effective.)

	1	2	3	4	5	No opinion
* Better application of the "energy efficiency first" principle in national energy system planning		X				
* Calculating whole-system costs to prioritise energy efficiency options on the supply and demand side					X	
* Encouraging the use of AI in the design and operation of the energy system				X ⁷		
* Decentralising energy system planning and empowering the local level in efficient system design and system integration		X				
* KPI or target, for example for waste heat reduction		X				
A combination of the above measures					x	
Other						

Question 6. Regarding a potential energy savings obligation, which instruments should be favoured to achieve end-use savings nationally and in end-use sectors?

The energy efficiency obligation schemes (EEOS) as in article 8 of the EED, is useful as it maintains the flexibility for member states to implement policies that work in one's own country.

⁷ <https://www.iea.org/reports/energy-and-ai/ai-for-energy-optimisation-and-innovation>

The Dutch energy saving obligation (Energiebesparingsplicht) is a good example for setting a norm to take energy saving measures with a payback period of five years or less (Also see our answer to question 1.7). In the future this is foreseen to increase to a payback period of seven years. It is also important to notice the payback period is not a simple payback period, but an extensive piece of legislation. Furthermore, a list of Recognised Energy Saving Measures has been introduced in 2019 to simplify energy saving for enterprises. All measures have a payback period of five years or less.

White certificates schemes are not used in the Netherlands, as there is different energy saving policy in place that would reduce the added value of a white certificate scheme.

The Netherlands has not looked into the use of energy efficiency auctions yet, but would be open to proposals if the auctions prove to be beneficial.

b. Sector-specific provisions

** Question 1. In which sectors or areas would additional energy efficiency efforts be most needed?*

The build environment, with a specific focus on the energy use of datacentres could improve on energy efficiency. Transport, with a focus on aviation, has energy saving potential.

Question 2. Which provisions of the EED on the public sector will be the most relevant for the future and should be continued/strengthened?

The public sector should have a leading role when it comes to energy saving. However, the Netherlands is not in favour of too many subtargets.

In article 5 it is appreciated how member states are able to exclude Defense and public transport from the target. An addition to this could be wastewater treatments. In the Netherlands these are very important to keep our country dry, but they also suffer the adverse effects of climate change. These organisations will already have to perform an energy audit in line with article 11 of 2024/3019 concerning urban wastewater treatment.

It is of great importance to keep the EPBD in mind when buildings of the public sector are discussed. As the EPBD is focussed on achieving an emission free build environment. Furthermore, it is important to keep an eye on stimulating renovation during natural moments.

If the renovation obligation is maintained under de EED, it would be beneficial if we could focus on buildings designed for heating or cooling for people to use. Plus, some flexibility in adjusting the baseline. There are several reasons why building ownership is subject to change. Local authorities purchase buildings to facilitate infrastructural

developments, for example. Secondly, the sustainability challenge entails that public bodies focus on a core portfolio, and it is expected that they will divest buildings.

Regarding the building overview, our request would be to reconsider this as a means to stimulate a renovation wave. In particular, the absence of a rental register makes it extra challenging.

** Question 3. Should the implementation of energy management systems and energy audits in businesses be continued/strengthened?*

The use of energy management systems provides companies with the necessary insight in their energy profile and consumption. It helps to identify energy saving possibilities. The administrative burden and scope should, however, be taken into account.

In the questionnaire, the questions jumped from 3 to 6. In order to not mix-up questions, it has been decided to keep the numbers similar to the questionnaire.

Question 6. Which provisions of the EED related to heating and cooling will be the most relevant for the future and for phasing out fossil fuels and should be continued/strengthened?

The second paragraph of article 26 is important for the Netherlands, as it provides the opportunity to reduce CO₂-emission, which in line with the new District heating Act. Phasing out fossil fuels keeps being of importance where possible, but there should remain a flexibility when it concerns peak and back-up. With the current grid congestion there are no affordable alternatives for these moments apart from natural gas.

** Question 7. Should waste/excess/production heat recovery become mandatory when cost-effective re-use options have been identified through a cost benefit analysis or energy audits?*

We do not propose mandatory heat recovery at this stage, as further analysis is needed to assess the impact on local industry and the overall attractiveness of industry in Europe. A cost-benefit analysis alone does not capture all the factors a company must consider when evaluating waste heat recovery. For example, there are significant operational and counterpart risks involved in such transactions. Moreover, guaranteed external offtake is not always available and remains highly uncertain.

Question 8. Should heating networks (e.g., district heating) be prioritised in urban areas to unlock efficiency and prevent a lack of capacity in the local electricity grid or the soaring cost of electricity distribution?

In general, the Netherlands would be in favour of empowering local authorities to decide on the urban areas to be supplied by heating networks. In the “Dutch District heating Act” as well as the “Municipal Instruments for Heat Transition Act” local authorities have been empowered to decide on the urban areas to be supplied by heating networks. The Netherlands would be interested in ideas of the European Commission concerning lowering national taxation as well as investment-enabling financing and funding frameworks, in order to decrease the costs of heating networks. In addition, state aid frameworks are important for national funding of district heating networks and production technologies. For this we would like to refer to our comments on the planned revision of the General Block Exemption Regulation, most notably our comment on increasing the maximum aid intensity to 50% of the eligible costs. This is important not only to promote investments in district heating, but also to ensure district heating is affordable for consumers.

It would be undesirable to have a minimum share of heating networks in the total heating and cooling supply. This should be done on a national level, where analyses are made on the lowest national costs for the desirability of heating networks and decisions are made on a municipal level.

Question9. How should data centre regulation evolve post-2030? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being a strong disagreement for the option and 5 a strong agreement.)

	1	2	3	4	5	No opinion
* No regulation is needed	X					
* Maintain the current framework of Article 12 of the EED (the public disclosure of data, a reporting scheme, and a rating scheme)				X		
* Make the current framework of Article 12 and Annex VII to the EED more uniform across the EU				X		
* Add EU-wide minimum performance standards for data centres to the framework				X		
* Add sustainability conditions to permitting or state financing		X				

	1	2	3	4	5	No opinion
* Add measures to support the integration of data centres into the energy system	X					
Other						

c. Financing framework and enabling tools

Question 1. What type of financing framework do you consider the most relevant for the achievement of the energy efficiency objectives?

An enabling financing framework, where public financing helps market actors to leverage the energy efficiency business case, and private and public stakeholders to access finance for their energy efficiency projects. As well as ensuring an equal level playing field.

Question2. What are the most important financing support and enabling tools to facilitate energy efficiency investments and uptake?

The following answers can be considered in financing support and as enabling tools to facilitate energy efficiency:

- Energy efficiency subsidies and grants
- Energy efficiency preferential loans and bankability support, by means of public financing programmes (such as public guarantee as collateral, a tax discount on the interest rate, etc.)
- Blended financing combining grants, financial instruments and technical assistance
- Financing by means of credit agreements, such as energy efficiency lending products (secured and unsecured)

Question 3. How relevant do you consider the following improvements to the EU framework for energy efficiency financing and energy services? (Please assign a numerical weight from 1 to 5 to each option below, with 1 being the least relevant and 5 the most relevant.)

	1	2	3	4	5	No opinion
* Harmonising and simplifying the energy efficiency financing framework by ensuring the strict alignment of eligibility rules for energy efficiency investments and energy services across the relevant regulatory framework (energy efficiency legislation, financial services regulation, EU Taxonomy, the State aid framework, EU funding programmes, EU budget rules and Do No Significant Harm, and other relevant frameworks)				X		
* Providing a coherent set of EU-level definitions and standard templates for energy efficiency loans, energy services (companies and providers), energy performance contracting, and other relevant innovative financing and emerging energy service-based models			X			
* Giving market participants clearer guidance and information, while improving programme design and implementation, notably in terms of responsiveness, relevance and operational efficiency			X			
* Clarifying EU accounting rules and financial treatment of energy services contracts and service-based financing			X			
* Establishing a common template for an energy efficiency certificate		X				

	1	2	3	4	5	No opinion
(EEC) to increase investors' confidence in the monetary value of energy savings and provide a minimum basis for cross-border interoperability						
* Simplifying energy savings monitoring and verification measures to enable cross-border interoperability, reduce transaction costs and favour energy efficiency investments and market scaling					X	
* Establishing national energy service companies' databases and ensuring their cross-border interoperability and mutual recognition		X				
* Supporting the establishment of (national) performance guarantees and refinancing opportunities for energy service companies and energy performance contracting					X	
* Mandating the provision of project development assistance and advisory support to facilitate the uptake of energy efficiency investments				X		
* Supporting the use of financial instruments and public guarantees as a default way of establishing national support frameworks for energy efficiency				X		

	1	2	3	4	5	No opinion
* Encouraging and supporting closer cooperation with financial institutions and market actors, for example through the Energy Efficiency Financing Coalition, and helping Member States to develop national collaboration platforms, such as national hubs					X	
* Developing national or local level collaboration among actors in specific sectors, assets or technologies in order for them to reach agreement on shared goals (model partnership agreements, e.g. on waste heat recovery)					X	

3. Streamlining the energy efficiency policy framework and reducing administrative burden

** Question 1. Should the energy efficiency framework be streamlined or implementation made more flexible while preserving its objectives for the decade ahead?*

Yes. In regard to article 6 and its connection to the EPBD, it is strongly recommended to include the leading role for public bodies in the build environment (article 6) in that directive. This directive aims at Zero Emission Buildings (CO₂ reduction). It is relevant that the renovation of buildings goes beyond energy efficiency alone. Zero-emission buildings require an integrated approach, combining energy reduction, efficient installations, natural gas-free heating, and renewable energy. Within this context, a choice may be made to place less emphasis on energy efficiency if this ultimately leads to a greater CO₂ reduction.

Including some kind of renovation obligation in the EPBD offers the possibility to align all the obligations for public bodies/buildings with each other.

Furthermore, it is recommended to provide flexibility to harmonise long standing national laws with the EED. An example of this is the Dutch energy saving obligation which sees to the location of an organisation, instead of the enterprise.

Another point of streamlining should be done with the Renewable energy directive. The term “waste heat” is used differently in some of the articles of the EED compared to the RED. An example of this is article 26, paragraph 6.

It is also advisable to streamline datacentre provisions in the EED with the CADA directive. Where the energy efficiency of datacentres should be a precondition when it comes to extending our data sovereignty.

** Question 2. In your view, which provisions of the EED could be incorporated into other regulations/directives (e.g., public procurement, energy performance of buildings, financing regulations, legislation regulating metering and billing and consumer-related provisions etc.) and in which ways?*

The energy efficiency first principle has a lot of common ground with the environmental impact assessments (EIA). With investments of more than € 100 mln, it is very likely an EIA has to be performed. Therefore, it would make more sense to link the EEF-principle with the EIA than with a social cost benefit analysis. This would also limit the administrative burden.

The link which is made between the energy efficiency first principle and energy poverty, is indirect, and therefore obsolete. Also see question 1.8

Concerning article 7, it is unclear which European GPP criteria that must be applied in European tenders pursuant to Annex IV as they would be difficult to apply in practice in their current form. For example, the GPP criteria do not clearly indicate which criteria relate to energy efficiency (and are mandatory) and which criteria relate to other aspects (and remain voluntary). The criteria are also not easily accessible (included in various documents) and the relationship between the application of EU GPP and national criteria is not sufficiently clear.

Furthermore, the application of the energy first principle in relation to public procurement procedures is unclear and will create legal uncertainty and increase the administrative burden for contracting authorities. It should therefore be clear that the application of the energy efficiency first principle has no direct link with the procurement procedure and that the result of the procurement procedure cannot be challenged by a lack of motivation in the procurement documents.

** Question 3. In your view, are there provisions in the EED, for which the administrative costs of implementing exceed the benefits?*

This is mainly applicable for the EEF. It is of key importance to keep the administrative burden of the energy efficiency first principle to a minimum. Although the Netherlands

supports the intention of the principle, the administrative burden of performing a full social cost-benefit analysis is undesirable.

It is also questionable if article 5 does not lead to an excessive burden for public bodies. From conversations with public bodies it turns out the majority is already aware of their energy use and plans. Reporting this in a central database might not provide an extra incentive to reduce more.

** Question 4. Are there any parts or provisions in the EED that are obsolete or have proven to be unsuitable for the achievement of its objectives?*

Article 28 concerning an able workforce feels obsolete. The creation of an able workforce is needed, but personnel working in energy efficiency often overlaps with a broader need for technical personnel. Therefore, having a specific article about this in the EED is not effective.

The subtarget for energy poverty in article 8 is not very unsuitable as energy efficiency in this group might not always lead to the reduction of energy. In countries such as Germany or the Netherlands, with energy intensive industry this subtarget is hard to reach as the energy consumption of this group is only limited compared to the target of article 8.

** Question 5. In the post-2030 framework, are there energy efficiency reporting obligations that could be removed, simplified, streamlined or merged with other reporting obligations in the broader energy policy architecture?*

The article 6 reporting can be moved to the EPBD, where the national building renovation plan is obligatory.

As mentioned under question 3.2., a merge with the EIA would be preferred. The administrative costs of article 3 is a very large. Because it is a principle which will have to be applied in a broad range of situations.

For article 11, it would help a lot to create a provision so that the Dutch energy saving obligation can function as implementation to the energy audit. This piece of legislation has existed for over 30 years and includes the implementation of energy saving measures. It would mean a large decrease in regulatory burden for Dutch organisations if they could just will in one audit.

Final questions

Question: Do you have any additional comments on points not addressed in the previous questions?

The Netherlands wants to stress the importance to see EU-legislation as the interacting vessel it is. The need to increase independence in many areas, such as data but also industry, will have effects on the energy used in Europe. The use of hydrogen or the storage of carbon will increase the use of primary and final energy respectively. To minimise these effects, the need of energy efficiency keeps being of importance to reduce costs, become independent and reduce emissions. More electrification is needed, although problems with grid congestion should be solved before that is possible. Therefore, flexible use and storage should be increased to be able to use the current grid as efficient as possible.