

# “5<sup>th</sup> Meeting of the European Heritage Legal Forum”

Influences of EHLF activities on national  
developments on energy efficiency and construction  
products:

Test case Germany –  
by  
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Homepage: <http://w-goehner.de> (Jurisprudence, Monument Protection Laws, Publications)

# Actual discussion and situation in Germany

## Political objective

Transition to renewable energies in a  
short period of time.

## Changing townscapes



„Promotion to the Solar-‘Bundesliga‘“



# Changing Monuments



## Promotion of energy efficiency measures on built monuments by law

- Amendment of Directive 2010/31/EU  
of May 19th, 2010 on the Energy  
Performance of Buildings.
- Amendment of the German Energy Saving  
Ordinance (EnEV), presumably in 2012.



# Assessment of energy efficiency measures on built monuments in German jurisdiction

No priority for electricity production from renewable energy sources over other matters of society in German jurisdiction, legal literature and national and federal legislation.

# Assessment of energy efficiency measures on built monuments in German jurisdiction

Federal structure of Germany →

16! Monument Protection Laws.

Risk of state initiatives in favour of energy efficiency  
measures.



## Federal structure of Germany



# Promotion of energy efficiency measures on built monuments by law

## Former Governmental Plan 2010 (!):

Scrap bonus for replacement buildings after  
demolition of older buildings.

## Activities of the European Committee for Standardization (CEN)

Establishment of special “monument-friendly” standards for the increase of energy efficiency of monuments.

Improvement of energy consulting for built monuments.

# Activities of the European Committee for Standardization (CEN)

## Dimension of the issue → Necessity to act!

Building stock of historic monuments and buildings in Europe, affected by the future standard:

- In EU-27 the building stock built before 1919 amounts to 14.3% - in absolute numbers more than 30 million dwellings and 65 million Europeans living there.
- The share varies however considerably from country to country with a minimum of 1.7 in Finland and a maximum of 22.8 in France.



## Activities of the European Committee for Standardization (CEN)

- In four European countries the share exceeds 1/3 of the building stock: UK (39.4 %), Spain (38.9 %), Denmark (38.6 %) and France (34.9 %).
- In Germany the building stock of listed monuments is 1,5 % of all buildings.

## German initiative for the improvement of energy consulting for built monuments

### Introduction of a „Further Training Module“ in German education:

Energy Consultant for historical monuments and other structural substances worthy of special protection within the meaning of section 24 of the 2009 renewable energy sources ordinance [§24 ENEV 2009]”. (in force 10/2011)

## German Further Training Module (essential points)

### Contents of requirements / training for energy consultants for historical monuments

#### Requirements for energy consultants for historical monuments

- University degree in architecture, civil engineering, building services engineering or construction physics
- Qualification as an energy consultant with a BAFA [Federal Office of Economics and Export Control] license

## German Further Training Module (essential points)

### Requirements for energy consultants for historical monuments

- Certificates showing further training in the applicable standards and directives, such as DIN 4108, DIN V 18599, by an officially recognised training centre
- Certificate of independence through registration in the list of consulting engineers or through licensing restrictions similar to BAFA [Federal Office of Economics and Export Control] requirements
- Documented experience in built heritage conservation in the form of a list of references, or postgraduate courses in built heritage conservation/relevant further training



## German Further Training Module (essential points)

### Training for energy consultants for historical monuments

The training for energy consultants for historical monuments includes inter alia the acquisition of basic knowledge in the protection of historical monuments/ built heritage conservation.

## German Further Training Module (essential points)

From the legal point of view it is necessary that energy consultants for historical monuments gain insight into:

### Legal and process-related requirements and norms

- o Monuments and historical Buildings Act [DSchG]
- o Transposition of historical monuments legislation (approval procedures, regulations for permits under historical monuments legislation, reasonableness)
- o Determination of the historical value of the building and/or parts thereof
- o Position of historical monuments law

## Activities of the European Committee for Standardization (CEN)

- Establishment of Task Group 15 „Energy efficiency in protected buildings“ of CEN/ TC 346 by Working Group 4 „Environment“ and nomination of the rapporteur as German representative.
- First meeting of TG 15 „Energy efficiency in protected buildings“ in Oslo, 7-8<sup>th</sup> September 2011.

The purpose of this meeting was to start the process of drafting a new TC 346 standard (WI 00346033) by performing a feasibility study as decided by CEN/TC 346.

# Activities of the European Committee for Standardization (CEN)

- Second meeting of TG 15 „Energy efficiency in protected buildings“ in Bilbao, 6<sup>th</sup> October 2011.

The purpose of this meeting was to evaluate and rework the draft feasibility study before it is presented to WG 4 for further discussion.



## Draft Feasibility Study of TG 15

Working out of guidelines for improving energy efficiency of architecturally, culturally or historically valuable buildings, including a normative working procedure for assessment and measures of energy efficiency in these buildings.

## Draft Feasibility Study of TG 15

### Possible approach for the new standard

Classification of built monuments →

Determination of the criteria for energy efficiency  
in built monuments depending on the use of a  
building

## Draft Feasibility Study of TG 15

### Basic considerations

- Energy performance of a building is defined as: the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lightning.
- Energy efficiency of a building can be associated with „energy performance of a building“
- To improve energy efficiency of a building is to reduce the „carbon-dioxide-producing“ energy consumption of a building.

## German Contribution to the Draft Feasibility Study

Introduction of the German Further Training Module for energy consultants for historical monuments and other structural substances worthy of special protection.



## Energy-related modernisation in historic districts or Ensembles

Protection of built monuments in historic districts →

Protection of the appearance of historic districts or Ensembles.

**Energy-related modernisation in historic districts or Ensembles:  
Historic City Center of Nuremberg**



# Energy-related modernisation in historic districts or Ensembles

External insulation:

Achievable reconciliation between  
energy efficiency and monument  
preservation.

**Energy-related modernisation in historic districts or Ensembles:  
External insulation on a built monument, located in northern Bavaria.**



# Legislative Procedure

## Construction Products

**Regulation (EU) No 305/2011 of the European Parliament and the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC of 9th, March 2011**

Entry into force:

24th, April 2011



# Legislative Procedure

## **Art. 5 point c:**

„(c) the construction product is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic merit, in compliance with the applicable national rules.”

For more details please see: <http://w-goehner.de/cms/uploads/media/5.49 - EHLF - 4. Sitzung - Bericht G 1 zu BauproduktenVO.pdf>

# Legislative Procedure

## Implementation into German Legislation

Involvement of official monument preservation authorities in the legislation process.

# Legislative Procedure

## Implementation into German Legislation

### In case of Bavaria:

Involvement of the Bavarian State Conservation Office in the legislation process due to national law and Bavarian legislation.

# Legislative Procedure

## Implementation into German Legislation

Participation of the rapporteur at the Conference of the Federal Ministry of Transport, Building and Urban Development:

**„Construction products, national need for regulation and the consequences for actors in the construction sector“**

in Berlin, 9th November, 2011.

## Conclusion:

The special requirements for construction products which are used in the field of monument conservation have been recognized on EU level.  
So the Member States will be able to retain the appropriate regulations on national or federal state level based on EU legal foundation.

However, in order to reach the best possible provisions for cultural heritage in European Law a clear statement on the defined standard of cultural heritage itself is missing.

This final thought makes it clear that we have a lot of work to do -  
so let us go on!

**Thank you very much  
for your attention!**