EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2020/0017/A (Austria)

Ordinance of the Municipal Council of the City of Vienna laying down an Energy Spatial Plan for the 2nd Municipal District

Date received : 16/01/2020
End of Standstill : 17/04/2020 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2020) 00258
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2020/0017/A

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma’ jiftaħx il-perijodi ta’ dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202000258.EN)
1. MSG 002 IND 2020 0017 A EN 16-01-2020 A NOTIF

2. A

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4. 2020/0017/A - N00E

5. Ordinance of the Municipal Council of the City of Vienna laying down an Energy Spatial Plan for the 2nd Municipal District

6. Heating systems in new buildings
Planning of heating systems in new buildings
Construction and planning of pipeline infrastructure for heat supply

7. -

8. With the amendment to the Vienna Building Code [Bauordnung für Wien] at the end of 2018 (State Law Gazette No 69/2018) the energy spatial plans were introduced as a tool enabling a targeted, sustainable control of the use of energy sources to supply space heating and hot water in new buildings.

The regulation is an Ordinance under the Vienna Building Code, and is enforced together with other building-law provisions. It is enacted separately for each municipal district.

It stipulates that where district heating is available, either this or another highly efficient alternative system in accordance with Article 118(3) of the Vienna Building Code must be used. This means that natural gas is no longer permitted for space heating or hot water in new buildings located in those areas.

9. On 4 October 2016, the European Parliament voted for the EU to ratify the UN Paris Agreement on climate change, following approval by the Council of Ministers on 30 September. EU ratification paved the way for the first universal, legally binding global climate change deal to come into force on 4 November 2016.
The goal of limiting global warming to well below 2 °C in the long term means that the entire energy system will be decarbonised and therefore the use of the fossil fuels coal, oil and natural gas will be completely eliminated by 2050.

Decarbonisation of the space heating market
This also poses a major challenge for the space heating sector, which is still heavily dependent on fossil heating systems. Significant amounts of natural gas heating systems are still being deployed in new buildings. Oil heating systems will in future be banned from new buildings in Austria under federal law.
The heating market is very slow-moving: boilers have an average lifespan of 25 years, with many gas-fired boilers and heaters having been in operation for 30 years or more. This being the case, it will also take a long time to change the energy sources used in this market. A consistent transition requires several steps, starting with concrete criteria for new buildings.
Unlike other sectors such as transport and industry, the heating sector already has a number of technologically and commercially advanced alternatives to fossil fuels in place. The funding policy in Vienna has in recent years promoted the deployment of heating systems based on renewable energy sources and district heating with great success. Many new buildings are already being heated with efficient heat pumps, district heating from highly efficient CHP, waste incineration and waste heat, and biomass. Statistics are already showing, for example, that more than 5% of households and commercial buildings are already using these highly efficient heating systems in Vienna.

Technical and economic alternatives to natural gas heating in new buildings
Regulations such as the energy room plans to be enacted now require technical and economic alternatives to fossil heating systems (gas heating systems) to be available in order to be in line with the EU Energy Performance of Buildings Directive. An accompanying expert opinion commissioned by the City of Vienna shows the economic viability of renewable solutions based on heat pumps that can be used across the city. This creates the necessary conditions for reducing the proportion of fossil gas heating systems in new buildings in accordance with the EU Energy Performance of Buildings Directive and its Austrian national implementation.
Taking account of the economic situation of highly efficient alternative heat supply systems in new buildings, as described above, there may be deemed to exist an unqualified public interest in eliminating the use of fossil fuels for heating and water heating systems in all situations where at least two highly efficient alternative systems in compliance with the EU Energy Performance of Buildings Directive are available. This is the case in the areas specified in the energy spatial plans.
This serves to support the achievement of climate and energy goals, particularly with regard to the decarbonisation of heat supply systems in new buildings. In addition - for reasons including costs - an effective unbundling of the pipeline infrastructure (district heating and gas) will also be initiated, providing planning security to investors.

National responsibility
In contrast to the sectors under EU emissions trading, which are regulated at EU level, in the sectors covered by the

burden sharing rules, the Member States themselves are responsible for national strategies and measures to limit emissions.
Since the CO2 emissions from buildings with fossil-fuelled heating addressed by the enactment of energy spatial plans fall under the regime of the non-emissions trading sector, this measure contributes to reducing CO2 emissions within the area of Austrian responsibility.

Summary:
The Paris Agreement requires the use of fossil fuels to be phased out by 2050. Owing to a lack of renewable alternatives, this phase-out is currently difficult and costly to achieve in many sectors. For example, the replacement of diesel in trucks and of gas in the industrial sector will be feasible only in the long term. However, unlike in other sectors that have a bearing on climate change, it is both technically possible and relatively economically viable to phase out the use of fossil fuels for space heating, especially since there are already a number of renewable alternatives.
In view of the long lifespan of boiler systems and the enormous urgency of the Paris Agreement, there are no alternative measures to restrict the use of fossil heating systems in new buildings - in line with the availability of highly efficient alternative systems. The replacement or modification of existing systems of that type is not currently addressed by the energy spatial plans.
The present ordinance will be extended by individual municipal districts to cover the entire city area on an equal basis.

10. Reference(s) to basic text(s): § 2b of the Vienna Building Code [Bauordnung für Wien, BO], Vienna State Law Gazette No 11/1930, most recently amended pursuant by the Act published as Vienna State Law Gazette No 71/2018

11. No

12. -

13. No

14. No

15. The impact assessment is included in Chapter 2.3 of the notification.

16. TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure

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European Commission

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