

This edition of the newsletter will deal with the following:

1. The proposed European professional card for service providers
2. European Union Sustainable Energy Week and the recast of the Energy Performance of Buildings Directive (EPBD)
3. Financial guarantees in France

### 1. European Professional Card for Service Providers

On 19 February the European Parliament approved the final version of the report by Charlotte Cederschiöld in the form of a parliamentary resolution. The first draft of the report in October 2008 was the subject of comment by CEPI in a document prepared by the CEPI Secretariat and circulated amongst MEPs.

The report advocates a sort of professional passport which should help to make it possible to overcome the obstacles still faced with regard to the free movement of workers. In the report the Parliament calls on the European Commission to examine this solution and evaluate its advantages which include consumer information, citizen security, administrative simplification and verification of a cross-border career.

The card could be issued by professional associations or organisations but this will be more difficult in the case of non-regulated and non-harmonised professions. The development and implementation of a European professional card would be at the expense of the professions.

The final version of the report contains some changes from the draft which was discussed previously. In particular it now points out that a European professional card could be an advantage even for non-regulated and non-harmonised professions, as it would have an information role for employers and consumers. The Commission is called upon to take stock of different initiatives concerning the development of professional cards and report to Parliament on a representative inventory. It is also stated that the Commission must examine initiatives to see if such a card could stimulate the provision of appropriate services of a high standard in the EU and third countries and serve as a means of communication to employers in order to facilitate cross-border recruitment. Existing national professional cards may be integrated into the European professional card which could also include information contained in EUROPASS CVs.

The report is available at

<http://www.europarl.europa.eu/activities/committees/reportsCom.do?language=EN&body=IMCO>

### 2. European Union Sustainable Energy Week and the Recast of the EPBD

This annual event organised by Sustainable Energy Europe took place 9-13 February. The energy efficiency of buildings formed an important part of the programme, particularly in view of the proposed recast of the EPBD which was presented at a number of the sessions. Videos of some of the sessions will be available shortly at <http://www.managenergy.tv>.

Particular points of interest mentioned include:

- a new **call for proposals** will be published under the **Intelligent Energy Programme** in March 2009. This programme aims to fund energy related European projects. To qualify a project must have at least 3 partner organisations from 3 different eligible countries. There is a maximum funding period of 3 years and a budget of usually between €0.5 and 2.5 million. The two priorities of the next call will be professional training schemes and residential buildings energy performance improvements. Further information is available at <http://ec.europa.eu/energy/intelligent>.

- the **proposed recast of the EPBD** is under discussion at the European Parliament. A **draft report** by rapporteur Silvia-Adriana Ticău MEP was published on 3 February 2009. Mrs Ticău was present at various sessions to present her report. In particular, she stressed her intention that after 2020 building permits should be given only for low or zero energy buildings. She proposes to ask the Commission to create a "one-stop" shop for

information and recognises that it is important to invest in the training of experts. Amendments proposed by the Parliament in the report to the draft recast as presented by the Commission include:

- a requirement that the feasibility of alternative energy supply systems should be considered for new buildings and those undergoing major renovation;
- the opportunity for building owners to request certification at any time (not just when buildings are rented, sold or refurbished);
- any certification for energy performance is to include an inspection of heating and air conditioning systems to be carried out at the same time;
- a requirement that adequate financial support (in the form of VAT and other tax reductions, subsidies, loans and guarantees) be provided for public authorities, businesses and homeowners;
- the importance of ensuring the mutual recognition of energy performance certificates issued by other Member States. The Commission is called upon to establish common minimum standards for the content and presentation of certificates and for the accreditation of experts.

A copy of the draft report (highlighting the proposed amendments) is available at

<http://www.europarl.europa.eu/activities/committees/draftReportsCom.do?language=EN&body=ITRE>

- at a number of sessions representatives of the European Commission continually expressed **the priority placed on improving energy efficiency in the building sector** and particularly the residential sector which presents a large opportunity for savings. The approach taken is a concerted action including CEN, EPBD standards and the related Buildings Platform (which will shortly be developed at a new level with an initiative known as Build Up), measures such as the Intelligent Energy Europe programme and related programmes such as CONCERTO, the Covenant of Mayors, Sustainable Energy Campaign and ManagEnergy network. Information about all these programmes is available on the website of DG TREN at <http://ec.europa.eu/energy>. Fiscal and financial tools under discussion include the use of structural funds, state aid permitted for measures beyond minimum requirements, reduced rate of VAT for labour-intensive conditions. Further policy developments may be expected with a reviewed action plan on energy saving in 2009-2010.

### 3. Financial Guarantees in France

As member associations will be aware, requirements concerning financial guarantees for property professionals vary between countries. We would like to inform member associations about the situation in France where the real estate profession is regulated by an Act of 2 January 1970 as enforced by a Decree of 20 July 1972. Article 1 of the Act imposes a requirement to have a financial guarantee on any individual or legal entity habitually engaging in or assisting with:

- buying, selling or letting properties (including holiday lets);
- buying or selling businesses or transferring them under management agreements;
- buying or selling shares in property companies that let or sell properties;
- property management;
- concluding property time-share agreements.

The financial guarantee must be for at least the value of the funds that the professional proposes to hold with a statutory minimum of €110,000, except for start-ups in the first two years of practice and property agents who do not receive funds (who may have a guarantee of €30,000). Conditions apply for the termination of guarantees.

For the financial guarantee to be implemented three conditions must be fulfilled:

- the debt must originate from a payment made in the course of one of the operations specified in Article 1 of the Act;
- the professional must be incapable of returning the funds;
- the debt must not be open to dispute, the amount must be determined and payment must be due.

The cost of the financial guarantee is usually based on its value, for example the charge for a property dealing guarantee from a mutual guarantee company is around 0.3% to 0.5% (0.6% to 1% from a bank or insurance company) and a property management guarantee around 0.4% to 0.5% (0.6% to 1% from a bank or insurance company) and around 0.3% to 0.4% if the guarantee amounts to €4/5 million or more.

If any member associations would like further information concerning financial guarantees, or would like to provide information about the situation in their own countries please let the Secretariat know :

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