

L.N. 238 of 2006

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

**Minimum Requirements on the Energy Performance of
Buildings Regulations, 2006**

IN exercise of the powers conferred by article 28 of the Malta Resources Authority Act, the Minister for Resources and Infrastructure, after consultation with the Malta Resources Authority, has made the following regulations:-

1. (1) The title of these regulations is the Minimum Requirements on the Energy Performance of Buildings Regulations, 2006. Title,
commencement and
applicability.

(2) These regulations shall come into force on such date as the Minister responsible for the Malta Resources Authority may by order determine and different dates may be appointed in respect of different regulations.

(3) The Minimum Requirements on the Energy Performance of Buildings as hereinafter referred to as *Technical Guidance Document F* notified in the Gazette, shall apply to new buildings and existing buildings that undergo major renovation or alteration, whose building permit applications in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992, is received by the Malta Environment and Planning Authority on or after the 2nd January, 2007. L.N. 133 of 1992.

2. (1) The following definitions shall, unless the context otherwise requires, apply:- Definitions.

“major renovation or alteration” means a renovation or alteration:

(a) which effects the building by 25% or more of its volume before such an intervention; or

(b) where renovation of 25% or more of windows, roofs or external walls is made, in which case compliance to

these regulations is to be limited solely to the elements that are being renovated; or

(c) where renovation of 25% or more of any energy consuming installations for artificial lighting, or heating and cooling of air or water is made, in which case compliance to these regulations is to be limited solely to any such installation that is being renovated or altered.

“the Act” means the Malta Resources Authority Act;

(2) The definitions contained in the *Technical Guidance Document F*, which document is referred to in the provisions of sub-regulation (3) of regulation 1 hereof, shall also apply in respect of these regulations.

(3) In these regulations any expression which is not defined shall have the same meaning as it has in the Act.

Scope.

3. (1) These regulations aim to improve the energy performance of buildings in line with the requirements of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings.

(2) These regulations may set out requirements, by means of any technical guidance document, with regard to the following:

(a) the application of minimum energy performance requirements for newly constructed buildings;

(b) the application of minimum energy performance requirements for large existing buildings that are subject to major renovation;

(c) the general framework for a national methodology for the calculation of the integrated energy performance of buildings;

(d) the energy performance certification of buildings referred to in paragraphs (a) and (b) hereof or buildings that change ownership or are rented out; and

(e) the regular inspection of boilers and of air-conditioning systems in buildings with regard to reducing energy consumption and limiting carbon dioxide emissions.

4. Without prejudice to the provisions of sub-regulation (3) of regulation 1 hereof, the minimum energy performance requirements established in these regulations shall not apply to the following categories of buildings: Exemptions.

(a) a building classified as scheduled property (Grade One) by the Malta Environment and Planning Authority under article 46 of the Development Planning Act; Cap. 356.

(b) a building the construction of which is subject to the Control of Fireworks and other Explosives Regulations, 1998; L.N. 243 of 1998.

(c) a building constructed for the Enemalta Corporation, the Water Services Corporation or any other similar entity, and used as a generation, transmission or distribution station;

(d) a building, or parts of a building, housing solely industrial processes which require adherence to specific sectoral regulations;

(e) temporary buildings with a planned time of use of two years or less;

(f) glasshouses used solely for agricultural purposes;

(g) stand-alone buildings with a total useful floor area of less than 50 square metres;

(h) a building constructed for use by the Armed Forces of Malta in connection with their military requirements; and

(i) any existing building with a total useful floor area of less than 1,000 square metres and which is to undergo major renovation or alteration.

5. There is no obligation to adopt any solution contained in any technical guidance document if the relevant requirements of these regulations are met in some other way. If, however, a case of an alleged breach of these regulations occurs, it will then be the responsibility of Adoption of minimum requirements.

the individual to demonstrate by which other means the requirements have been satisfied.

Application of other laws and regulations.

6. The guidance contained in any technical guidance document relates only to the particular requirements of these regulations, and any construction works and the installation of any permanent mechanical or electrical services shall also have to comply with the requirements of any other laws and regulations that are operative for the control of construction works and installations.