L.N. 231 of 2022

BUILDING AND CONSTRUCTION AUTHORITY ACT (CAP. 623)

Energy Performance of Buildings (Amendment) Regulations, 2022

IN EXCERCISE of the powers conferred by article 17(2) of the Building and Construction Authority Act, the Minister responsible for the Construction Industry, after consultation with the Building and Construction Authority Board, has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Energy Performance of Buildings (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Energy Performance of Buildings Regulations, hereinafter referred to as "the principal regulations".

S.L. 623.01.

(2) The scope of these regulations is to further transpose Directive 2018/844/EU of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency.

Amends regulation 2 of the principal regulations.

2. Sub-regulation (2) of regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "the Act" thereof shall be substituted by the following new definition:

Cap. 623.

" "Act" means the Building and Construction Authority Act;";

(b) immediately after the definition "cogeneration" there shall be added the following new definition:

" "competent authority" means the Building and Construction Authority established under article 5 of the Act, and includes any body or other person acting on its behalf under powers delegated by the Authority under the Act;"; and

(c) immediately after the definition "Member State" there shall be added the following new definition:

" "micro isolated system" means any system with

consumption less than 500 GWh where there is no connection with other systems;".

Amends regulation 9 of the principal regulations.

3. Regulation 9 of the principal regulations shall be amended as follows:

(a) sub-regulation (3) thereof shall be deleted;

(b) in sub-regulation (5) thereof, the words "When new building services, in accordance with sub-regulation (3), are installed in buildings", shall be substituted by the words "When new building services are installed in buildings";

(c) sub-regulation (6) thereof shall be deleted; and

(d) the proviso to sub-regulation (10) thereof, shall be amended as follows:

(i) in sub-paragraph (iii) thereof, the words "the transposition of Directive 2014/94/EU." shall be substituted by the words "the transposition of Directive 2014/94/EU;"; and

(ii) immediately after sub-paragraph (iii) thereof, as amended, there shall be added the following new sub-paragraph:

"(iv) the ducting infrastructure required would rely on micro isolated systems if this would lead to substantial problems for the operation of the local energy system and would endanger the stability of the local grid.".

Substitutes Schedule I to the principal regulations.

4. Schedule I to the principal regulations shall be substituted by the following new Schedule:

"Schedule I
(Regulation 4)

Common general framework for the calculation of energy performance of buildings

1. The energy performance of a building shall be determined on the basis of calculated or actual energy use and shall reflect typical energy use for space heating, space cooling, domestic hot water, ventilation, lighting and other technical building systems.

The energy performance of a building shall be expressed by a

numeric indicator of primary energy use in kWh/(m^2.y) for the purpose of both energy performance certification and compliance with minimum energy performance requirements. The methodology applied for the determination of the energy performance of a building shall be transparent and open to innovation.

The competent authority shall describe its national calculation methodology following the national annexes of the overarching standards, namely ISO 52000-1, 52003-1, 52010-1, 52016-1, and 52018-1, developed under mandate M/480 given to the European Committee for Standardisation (CEN). This provision shall not constitute a legal codification of those standards.

2. The energy needs for space heating, space cooling, domestic hot water, ventilation, lighting and other technical building systems shall be calculated in order to optimise health, indoor air quality and comfort levels defined by the competent authority at national or regional level.

The calculation of primary energy shall be based on primary energy factors or weighting factors per energy carrier, which may be based on national, regional or local annual, and possibly also seasonal or monthly, weighted averages or on more specific information made available for individual district system.

Primary energy factors or weighting factors shall be defined by the competent authority. In the application of those factors to the calculation of energy performance, the competent authority shall ensure that the optimal energy performance of the building envelope is pursued.

In the calculation of the primary energy factors for the purpose of calculating the energy performance of buildings, the competent authority may take into account renewable energy sources supplied through the energy carrier and renewable energy sources that are generated and used on-site, provided that it applies on a non-discriminatory basis.

3. For the purpose of expressing the energy performance of a building, the competent authority may define additional numeric indicators of total, non-renewable and renewable primary energy use, and of greenhouse gas emission produced in kgCO_2eq/(m^2.y).

4. The methodology shall be laid down taking into consideration at least the following aspects:

(a) the following actual thermal characteristics of the

building including its internal partitions:

(i) thermal capacity;

(ii) insulation;

(iii) passive heating;

(iv) cooling elements; and

(v) thermal bridges;

(b) heating installation and hot water supply, including their insulation characteristics;

(c) air-conditioning installations;

(d) natural and mechanical ventilation which may include air-tightness;

(e) built-in lighting installation (mainly in the non-residential sector);

(f) the design, positioning and orientation of the building, including outdoor climate;

(g) passive solar systems and solar protection;

(h) indoor climatic conditions, including the designed indoor climate;

(i) internal loads.

5. The positive influence of the following aspects shall be taken into account:

(a) local solar exposure conditions, active solar systems and other heating and electricity systems based on energy from renewable sources;

(b) electricity produced by cogeneration;

(c) district or block heating and cooling systems;

(d) natural lighting.

6. For the purpose of the calculation, buildings should be adequately classified into the following categories:

(a) single-family houses of different types;

(b) apartment blocks;

(c) offices;

(d) educational buildings;

(e) hospitals;

(f) hotels and restaurants;

(g) sports facilities;

(h) wholesale and retail trade services buildings;

(i) other types of energy-consuming buildings.".

5. Schedule II to the principal regulations shall be substituted by the following new Schedule:

Substitutes Schedule II to the principal regulations.

"Schedule II
(Regulation 32)

Independent control systems for energy performance certificates and inspection reports

1. The competent authority or bodies to which the competent authority has delegated the responsibility for implementing the independent control system shall make a random selection of all the energy performance certificates issued annually and subject them to verification. The sample shall be of a sufficient size to ensure statistically significant compliance results.

The verification shall be based on the options indicated below or on equivalent measures:

(a) validity check of the input data of the building used to issue the energy performance certificate and the results stated in the certificate;

(b) check of the input data and verification of the results of the energy performance certificate, including the recommendations made;

(c) full check of the input data of the building used to issue the energy performance certificate, full verification of the results stated in the certificate, including the recommendations made, and on-site visit of the building, if possible, to check

correspondence between specifications given in the energy performance certificate and the building certified.

2. The competent authority or bodies to which the competent authority has delegated the responsibility for implementing the independent control systems shall make a random selection of at least a statistically significant percentage of all the inspection reports issued annually and subject those reports to verification.

3. Where information is added to a database it shall be possible for national authorities to identify the originator of the addition, for monitoring and verification purposes.".

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