

STATUTORY INSTRUMENTS.

S.I. No. XXX of 2020

EUROPEAN UNION (ENERGY PERFORMANCE OF BUILDINGS)

REGULATIONS 20xx

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EUROPEAN UNION (ENERGY PERFORMANCE OF BUILDINGS)
REGULATIONS 2020

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No.27 of 1972) and for the purpose of giving effect to Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Energy Performance of Buildings) Regulations 2020

Commencement

2. These Regulations shall come into operation on 10 March 2020.

Purpose of the Regulations

3. The purpose for which these Regulations are made include, in particular, the giving of further effect to the relevant provisions of Articles 8(3), 14(4) and 15(4) of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010.

Interpretation generally

4. In these Regulations:

“Authorised officer” means a person authorised by a building control authority pursuant to section 11 of the Building Control Act 1990.

“Building automation and control system” means a system comprising all products, software and engineering services that can support energy efficient, economical and safe operation of technical building systems through automatic controls and by facilitating the manual management of those technical building systems.

“Building control authority” has the meaning assigned to it in section 2(1) of the Building Control Act 1990.

“Owner” includes any person having any estate or interest in the building.

“Technical building systems” means technical equipment for space heating, space cooling, ventilation, domestic hot water, built-in lighting, building automation and control, on-site electricity generation, or a combination thereof, including those systems using energy from renewable sources, of a building or building unit.

Exempted Buildings

5. Buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC are exempt from regulation 7.

Application

6. Regulation (8) shall apply to Buildings other than dwellings with more than twenty parking spaces to lay down a minimum number of recharging points by 1 January 2025.

7. Regulation (9) shall apply to Buildings other than dwellings with an effective rated output for heating systems or systems for combined space heating and ventilation of over 290kW, and to Buildings other than dwellings with an effective rated output for systems for air-conditioning or systems for combined air-conditioning and ventilation of over 290kW, to be equipped with building automation and control systems by 1 January 2025; and

Buildings other than dwellings – recharging for Electric Vehicles

8. For Buildings other than dwellings, the requirements of this regulation shall be met by ensuring, where there are more than twenty parking spaces, the owner or occupier of the building ensures the installation of at least one recharging point within the meaning of Directive 2014/94/EU of the European Parliament and of the Council where:

- (a) The car park is located inside the building; or
- (b) The car park is physically adjacent to the building.

Buildings other than dwellings – Building automation and control systems

9. For Buildings other than dwellings, the requirements of this regulation shall be met by ensuring the owner or occupier of the building, where technically and functionally feasible, equips the building with building automation and control systems where:

- (a) The effective rated output for heating systems or systems for combined space heating and ventilation is over 290kW; and/ or
- (b) The effective rated output for systems for air-conditioning or systems for combined air-conditioning and ventilation is over 290kW.
- (c) The Minister may from time to time publish guidance on the meaning of “technically and economically feasible”.

Authorised officers

10.(1)The Issuing Authority and Building Control Authorities may appoint persons to be authorised officers for the purposes of enforcing these Regulations. These persons are defined in Section 11 of the Building Control Act 1990. An authorised officer may, for any purpose connected with these Regulations—

- (a) At all reasonable times, enter, inspect and examine a building or any part of a building for the purpose of forming an opinion as to whether or not the building complies with these regulations.
- (b) At all reasonable times, enter, inspect and examine a building or any part of a building for the purpose of obtaining any information which the Minister, the Issuing Authority or a Building Control Authority, as the case may be, may require, or for performing a function under these Regulations.

(2)Whenever an authorised officer enters a building, or any part of a building, under these Regulations, he or she may—

- (a) Take photographs and carry out inspections,
- (b) Carry out tests and take samples,
- (c) Carry out surveys and examinations,
- (d) Examine construction works,
- (e) Require information from the owner, or the occupier, of the building,
- (f) Require the production of, or inspect, records or documents (including plans and specifications), or take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any records or documents (including plans and specifications)

which the authorised officer, having regard to all the circumstances, considers necessary for the purposes of exercising any function under these Regulations.

(3) An authorised officer shall be entitled to be assisted by such persons, and to bring such equipment, as he or she considers necessary to enable him or her to exercise his or her powers under these Regulations.

(4) A person who—

- (a) Fails to permit an inspection of a building under this Regulation,
- (b) Without reasonable explanation fails or refuses to comply with any request or requirement made by an authorised officer under this Regulation,
- (c) Obstructs, impedes, interferes with or assaults an authorised officer in the exercise of a power under this Regulation,
- (d) Gives to an authorised officer information which is false or misleading in a material respect,

commits an offence.

Offences & Prosecution

11. (a) A person who contravenes (by act or omission) any requirement of these regulations, or of any order or notice under these regulations shall be guilty of an offence;
- (b) Proceedings for an offence under this regulation may be brought and prosecuted by the Building Control Authority within whose functional area the building is located;
- (c) Where an offence under this Act which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person (or any person acting on his behalf) being a director, manager or secretary of such body, that person or the person so acting, as the case may be, shall also be guilty of the offence.

Penalties

12. A person guilty of an offence under Regulation 10(2),10(3) or 10(4) is liable:
- (a) On summary conviction to a Class A fine or to imprisonment for a term not exceeding 3 months or to both, or
- (b) On conviction on indictment to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 12 months or both.

A person guilty of an offence under Regulations 8 or 9 is liable

- (a) On summary conviction to Class A fine or to imprisonment for a term not exceeding 3 months or to both, together with, in the case of a continuing offence, a further fine not exceeding €500 for every day during which the offence is continued or maintained, or
- (b) On conviction on indictment to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 12 months or both.

13. Technical guidance documents

- (a) The Minister may publish, or arrange to have published on his behalf, documents to be known as “technical guidance documents” for the purpose of providing guidance with respect to compliance with the requirements of these regulations.

GIVEN under my Official Seal,
Xx date

EOGHAN MURPHY
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Articles 8(3), 14(4) and 15(4) of amending Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast).

The regulations apply in respect of Buildings other than dwellings from 10 March 2020.

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