IN EXERCISE of the powers conferred by article 6(1) and (2) of the Building Regulation Act, the Minister for Transport, Infrastructure and Capital Projects, with concurrence of the Minister for Foreign and European Affairs, has made the following regulations:


2. Regulation 2 of the principal regulations shall be amended as follows:

   (a) immediately after the definition "building" there shall be added the following new definition:

   "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;"

   (b) immediately before the definition "heat pump" there shall be added the following new definition:

   "heat generator" means the part of a heating system that generates useful heat using one or more of the following processes:

   (a) the combustion of fuels in, for example, a boiler;

   (b) the Joule effect, taking place in the heating elements of an electric resistance heating
system;

(c) capturing heat from ambient air, ventilation exhaust air, or a water or ground heat source using a heat pump;";

(c) immediately after the definition "heat pump" there shall be added the following new definition:

" "heating system" means a combination of the components required to provide a form of indoor air treatment, by which the temperature is increased;";

(d) the definition "technical building system" shall be substituted by the following:

" "technical building system" 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;".

3. Sub-regulation (2) of regulation 8 of the principal regulations shall be substituted by the following:

"(2) Such requirements shall be applied to the renovated building or building unit as a whole. Additionally or alternatively, requirements may be applied to the renovated building elements and, in relation to buildings undergoing major renovation, high-efficiency alternative systems, in so far as this is technically, functionally and economically feasible, shall be encouraged and the issues of healthy indoor climate conditions, fire safety and risks related to intense seismic activity shall be addressed.".

4. Immediately after regulation 8 of the principal regulations, there shall be added the following new regulation:

"(1) The Building Regulation Board shall establish a long-term renovation strategy to support the renovation of the national stock of residential and non-residential buildings, both public and private, into a highly energy efficient and decarbonised building stock by 2050, facilitating the cost-effective transformation of existing buildings into nearly zero-energy buildings. Each long-term renovation strategy shall be submitted in accordance with the applicable planning and reporting obligations and shall encompass:
(a) an overview of the national building stock, based, as appropriate, on statistical sampling and expected share of renovated buildings in 2020;

(b) the identification of cost-effective approaches to renovation relevant to the building type and climatic zone, considering potential relevant trigger points, where applicable, in the life-cycle of the building;

(c) policies and actions to stimulate cost-effective deep renovation of buildings, including staged deep renovation, and to support targeted cost-effective measures and renovation for example by introducing an optional scheme for building renovation passports;

(d) an overview of policies and actions to target the worst performing segments of the national building stock, split-incentive dilemmas and market failures, and an outline of relevant national actions that contribute to the alleviation of energy poverty;

(e) policies and actions to target all public buildings;

(f) an overview of national initiatives to promote smart technologies and well-connected buildings and communities, as well as skills and education in the construction and energy efficiency sectors; and

(g) an evidence-based estimate of expected energy savings and wider benefits, such as those related to health, safety and air quality:

Provided that to support the mobilisation of investments into the renovation needed to achieve the goals referred to in this regulation, the competent authorities or bodies to which the competent authorities have delegated responsibility, shall facilitate access to appropriate mechanisms for:

(i) the aggregation of projects, including by investment platforms or groups, and by consortia of small and medium-sized enterprises, to enable investor access as well as packaged solutions for potential clients;

(ii) the reduction of the perceived risk of energy efficiency operations for investors and the private sector;
(iii) the use of public funding to leverage additional private-sector investment or address specific market failures;

(iv) guiding investments into an energy efficient public building stock, in line with Eurostat guidance; and

(v) accessible and transparent advisory tools, such as one-stop-shops for consumers and energy advisory services, on relevant energy efficiency renovations and financing instruments.

(2) In its long-term renovation strategy, the Building Regulation Board shall set out a roadmap with measures and domestically established measurable progress indicators, with a view to the long-term 2050 goal of reducing greenhouse gas emissions in the Union by 80-95% compared to 1990, in order to ensure a highly energy efficient and decarbonised national building stock and in order to facilitate the cost-effective transformation of existing buildings into nearly zero-energy buildings. The roadmap shall include indicative milestones for 2030, 2040 and 2050, and specify how they contribute to achieving the Union’s energy efficiency targets in accordance with Directive 2012/27/EU.

(3) To support the development of the long-term renovation strategy, the Building Regulation Board shall carry out a public consultation on its long-term renovation strategy prior to submitting it to the Commission. A summary of the results of the public consultation to the long-term renovation strategy shall be annexed to the document intended to be submitted the Commission:

Provided that the modalities for consultation shall be established in an inclusive way during the implementation of its long-term renovation strategy:

Provided further that the details of the implementation of its most recent long-term renovation strategy shall be annexed to the long-term renovation strategy, including on the planned policies and actions:

Provided further that the long-term renovation strategy to address fire safety and risks related to intense seismic activity affecting energy efficiency renovations and the lifetime of buildings may be made use of.”.
5. Immediately after sub-regulation (6) of regulation 9 of the principal regulations, there shall be added the following new sub-regulations:

"(7) Where technically and economically feasible, new buildings shall be equipped with self-regulating devices for the separate regulation of the temperature in each room or, where justified, in a designated heated zone of the building unit. In existing buildings, the installation of such self-regulating devices shall be required when heat generators are replaced, where technically and economically feasible.

(8) New non-residential buildings and non-residential buildings undergoing major renovation, with more than ten parking spaces, shall be installed with at least one recharging point within the meaning of Directive 2014/94/EU of the European Parliament and of the Council and ducting infrastructure, namely conduits for electric cables, for at least one in every five parking spaces to enable the installation at a later stage of recharging points for electric vehicles where:

   (a) the car park is located inside the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the building; or

   (b) the car park is physically adjacent to the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the car park.

(9) The Minister shall lay down requirements for the installation of a minimum number of recharging points for all non-residential buildings with more than twenty parking spaces, by 1 January 2025:

Provided that the Minister may decide not to lay down or apply the requirements described in sub-regulations (8) and (9) of this regulation to buildings owned and occupied by small and medium-sized enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC.

(10) New residential buildings and residential buildings undergoing major renovation, with more than ten parking spaces, shall be installed with ducting infrastructure, namely conduits for electric cables, for every parking space to enable the installation, at a later stage, of recharging points for electric vehicles, where:

   (a) the car park is located inside the building, and, for
major renovations, renovation measures include the car park or the electric infrastructure of the building; or

(b) the car park is physically adjacent to the building, and, for major renovations, renovation measures include the car park or the electrical infrastructure of the car park:

Provided that the Minister may decide not to apply sub-regulations (8), (9) and (10) to specific categories of buildings where:

(i) with regard to sub-regulations (8) and (10), building permit applications or equivalent applications have been submitted by 10 March 2021;

(ii) the cost of the recharging and ducting installations exceeds 7% of the total cost of the major renovation of the building;

(iii) a public building is already covered by comparable requirements according to the transposition of Directive 2014/94/EU.

(11) The Minister shall:

(a) provide for measures in order to simplify the deployment of recharging points in new and existing residential and non-residential buildings and address possible regulatory barriers, including permitting and approval procedures, without prejudice to the property and tenancy law.

(b) consider the need for coherent policies for buildings, soft and green mobility and urban planning.

(c) ensure that, when a technical building system is installed, replaced or upgraded, the overall energy performance of the altered part, and where relevant, of the complete altered system, is assessed. The results shall be documented and passed on to the building owner, so that they remain available and can be used for the verification of compliance with the minimum requirements laid down pursuant to sub-regulation (1) of this Regulation and the issue of energy performance certificates. Without prejudice to Regulation 13, the Building Regulation Office shall decide whether to require the issuing of a new energy performance certificate.".
6. Sub-regulation (3) of regulation 11 of the principal regulations shall be substituted by the following:

"(3) The Building Regulation Office shall link its financial measures for energy efficiency improvements in the renovation of buildings to the targeted or achieved energy savings, as determined by one or more of the following criteria:

(a) the energy performance of the equipment or material used for the renovation; in which case, the equipment or material used for the renovation is to be installed by an installer with the relevant level of certification or qualification;

(b) standard values for calculation of energy savings in buildings;

(c) the improvement achieved due to such renovation by comparing energy performance certificates issued before and after renovation;

(d) the results of an energy audit;

(e) the results of another relevant, transparent and proportionate method that shows the improvement in energy performance:

Provided that databases for energy performance certificates shall allow data to be gathered on the measured or calculated energy consumption of the buildings covered, including at least public buildings for which an energy performance certificate, as referred to and have been issued in accordance with regulation 12 and regulation 13.

Provided further that at least aggregated anonymised data compliant with Union and national data protection requirements shall be made available on request for statistical and research purposes and to the building owner."
7. Regulation 17 shall be substituted by the following:

17. (1) The Building Regulation Office shall provide all the necessary measures to establish regular inspections of the accessible parts of heating systems or of systems for combined space heating and ventilation, with an effective rated output of over 70kW, such as the heat generator, control system and circulation pump(s) used for heating buildings. The inspection shall include an assessment of the efficiency and sizing of the heat generator compared with the heating requirements of the building and, where relevant, consider the capabilities of the heating system or of the system for combined space heating and ventilation to optimise its performance under typical or average operating conditions:

Provided that where no changes have been made to the heating system or to the system for combined space heating and ventilation or to the heating requirements of the building following an inspection carried out pursuant to this regulation, the Building Regulation Office may choose not to require the assessment of the heat generator sizing to be repeated.

(2) Technical building systems that are explicitly covered by an agreed energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in sub-regulation (1), provided that the overall impact of such an approach is equivalent to that resulting from sub-regulation (1).
(3) As an alternative to sub-regulation (1) and provided that the overall impact is equivalent to that resulting from sub-regulation (1), the Building Regulations Office may opt to take measures to ensure the provision of advice to users concerning the replacement of heat generators, other modifications to the heating system or to the system for combined space heating and ventilation and alternative solutions to assess the efficiency and appropriate size of those systems. Before applying these alternative measures, the Building Regulation Office shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in sub-regulation (1). Such a report shall be submitted in accordance with the applicable planning and reporting obligations.

(4) The Building Regulation Office shall lay down requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for heating systems or systems for combined space heating and ventilation of over 290kW are equipped with building automation and control systems by 2025. The building automation and control systems shall be capable of:

(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;

(b) benchmarking the building’s energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and

(c) allowing communication with connected technical building systems and other appliances inside the building, and being interoperable with technical building systems across different types of proprietary technologies, devices and manufacturers.

(5) the Building Regulation Office may lay down requirements to ensure that residential buildings are equipped with:
(a) the functionality of continuous electronic monitoring that measures systems’ efficiency and informs building owners or managers when it has fallen significantly and when system servicing is necessary; and

(b) effective control functionalities to ensure optimum generation, distribution, storage and use of energy.

(6) Buildings that comply with sub-regulation (4) or sub-regulation (5) shall be exempt from the requirements laid down in sub-regulation (1)."

8. Regulation 18 of the principal regulations shall be substituted by the following:

*(Inspection of air-conditioning systems)*

18. (1) The Building Regulation Office shall provide the necessary measures to establish regular inspections of the accessible parts of air-conditioning systems or of systems for combined air-conditioning and ventilation, with an effective rated output of over 70kW. The inspection shall include an assessment of the efficiency and sizing of the air-conditioning system compared with the cooling requirements of the building and, where relevant, consider the capabilities of the air-conditioning system or of the system for combined air-conditioning and ventilation to optimise its performance under typical or average operating conditions:

Provided that where no changes have been made to the air-conditioning system or to the system for combined air-conditioning and ventilation or to the cooling requirements of the building following an inspection carried out pursuant to this paragraph, the Building Regulation Office may choose not to require the assessment of the sizing of the air-conditioning system to be repeated:

Provided further that in the event that the Building Regulation Office maintains more stringent requirements pursuant to Article 1(3) of Directive 2010/31/EU these shall be exempt from the obligation to notify them to the Commission.
(2) Technical building systems that are explicitly covered by an agreed energy performance criterion or a contractual arrangement specifying an agreed level of energy efficiency improvement, such as energy performance contracting, or that are operated by a utility or network operator and therefore subject to performance monitoring measures on the system side, shall be exempt from the requirements laid down in sub-regulation (1), provided that the overall impact of such an approach is equivalent to that resulting from sub-regulation (1).

(3) As an alternative to sub-regulation (1) and provided that the overall impact is equivalent to that resulting from sub-regulation (1), the Building Regulation Office may opt to take measures to ensure the provision of advice to users concerning the replacement of air-conditioning systems or systems for combined air-conditioning and ventilation, other modifications to the air-conditioning system or system for combined air-conditioning and ventilation and alternative solutions to assess the efficiency and appropriate size of those systems:

Provided that before applying these alternative measures, the Building Regulation Office shall, by means of submitting a report to the Commission, document the equivalence of the impact of those measures to the impact of the measures referred to in sub-regulation (1). Such a report shall be submitted in accordance with the applicable planning and reporting obligations.

(4) The Building Regulation Office shall provide requirements to ensure that, where technically and economically feasible, non-residential buildings with an effective rated output for systems for air-conditioning or systems for combined air-conditioning and ventilation of over 290kW are equipped with building automation and control systems by 2025. The building automation and control systems shall be capable of:

(a) continuously monitoring, logging, analysing and allowing for adjusting energy use;

(b) benchmarking the building’s energy efficiency, detecting losses in efficiency of technical building systems, and informing the person responsible for the facilities or technical building management about opportunities for energy efficiency improvement; and
9. Sub-regulation (2) of regulation 33 of the principal regulations shall be substituted by the following:

"(2) The EPC assessor and the registered inspectors, respectively, shall in particular provide information to the owners or tenants of buildings on energy performance certificates, including their purpose and objectives, on cost-effective measures and, where appropriate, financial instruments, to improve the energy performance of the building, and on replacing fossil fuel boilers with more sustainable alternatives. Building Regulation Office shall provide the information through accessible and transparent advisory tools such as renovation advice and one-stop-shops.".

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