



STATUTORY INSTRUMENTS.

**S.I. No. 393 of 2021**



EUROPEAN UNION (ENERGY PERFORMANCE OF BUILDINGS)  
REGULATIONS 2021

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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the functions conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Articles 8, 14 and 15 (inserted by Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018<sup>1</sup>) of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010<sup>2</sup> on the energy performance of buildings, hereby make the following regulations:

**Citation and construction**

1. (1) These Regulations may be cited as the European Union (Energy Performance of Buildings) Regulations 2021.

(2) The Principal Regulations and these Regulations may be cited together as the Building Regulations 1997 to 2021 and shall be construed together as one.

**Definitions**

2. (1) In these Regulations –

“Act of 1990” means the Building Control Act 1990 (No. 3 of 1990);

“notice” means –

(a) a notice referred to in section 6(2)(k), or

(b) a 7 day notice statutory declaration within the meaning of section 6(2)(a)(v),

of the Act of 1990;

“Directive” means Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010<sup>2</sup> on the energy performance of buildings, as amended by Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018<sup>1</sup>;

“Minister” means the Minister for Housing, Local Government and Heritage;

“Principal Regulations” means the Building Regulations 1997 to 2019;

“recharging point” has the meaning it has in Article 2 of Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014<sup>3</sup> on the deployment of alternative fuels infrastructure;

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<sup>1</sup> OJ No. L 156, 19.06.2018, p. 75

<sup>2</sup> OJ No. L 153, 18.06.2010, p. 13

<sup>3</sup> OJ No. L 307, 28.10.2014, p. 1

“small or medium-sized enterprise” has the meaning it has in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003<sup>4</sup> concerning the definition of micro, small and medium-sized enterprises.

(2) A word or expression that is used in these Regulations and that is also used in the Directive shall, unless the context otherwise requires, have the same meaning in these Regulations that it has in the Directive.

### **Scope**

3. These Regulations shall apply to the following:
  - (a) a new building;
  - (b) an existing building (other than a dwelling);
  - (c) a building that is undergoing major renovation.

### **Design and construction of works and buildings**

4. Subject to Regulation 6, every works or building to which these Regulations apply shall be designed and constructed in accordance with the requirements specified in Regulation 5.

### **Energy performance of buildings**

5. The requirements referred to in Regulation 4 are the following:
  - (a) A new building shall, where technically and economically feasible, 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.
  - (b) Where a heat generator is being replaced in an existing building, where technically and economically feasible, self-regulating devices shall also be installed.
  - (c) An existing building (other than a dwelling) shall, before 31 December 2025, where technically and economically feasible, be equipped with a building automation and control system if –
    - (i) the effective rated output for heating systems or systems for combined space heating and ventilation in the building is over 290kW, or
    - (ii) the effective rated output for systems for air-conditioning or systems for combined air-conditioning and ventilation in the building is over 290kW.
  - (d) In respect of an existing building (other than a dwelling) with more than 20 car parking spaces, there shall be installed, before 1 January 2025, one, or more, recharging points.

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<sup>4</sup> OJ No. L 124, 20.05.2003, p. 36

- (e) A building (other than a dwelling) which has more than 10 car parking spaces, that is -
  - (i) new, or
  - (ii) subject to subparagraph (g), undergoing major renovation, shall have installed at least one recharging point and ducting infrastructure (consisting of conduits for electric cables) for at least one in every 5 car parking spaces to enable the subsequent installation of recharging points for electric vehicles.
- (f) A building (containing one, or more than one, dwelling), which has more than 10 car parking spaces, that is -
  - (i) new, or
  - (ii) subject to subparagraph (g), undergoing major renovation, shall have installed ducting infrastructure (consisting of conduits for electric cables) for each car parking space to enable the subsequent installation of recharging points for electric vehicles.
- (g) The requirements of subparagraphs (e) and (f), as the case may be, shall apply to a building undergoing major renovation where—
  - (i) in a case where the car park is located inside the building, the renovations concerned include the car park or the electrical infrastructure of the building, or
  - (ii) in a case where the car park is physically adjacent to the building, the renovations concerned include the car park or the electrical infrastructure of the car park.

### **Exclusion of certain buildings**

6. (1) The requirement set out in subparagraph (d) of Regulation 5 shall not apply to a building that is owned and occupied by, as the case may be, a small or medium-sized enterprise.

(2) The requirement set out in subparagraph (e) of Regulation 5 shall not apply to a building –

- (a) where the submission of a notice has been made in respect of the building work concerned on or before 10 March 2021, or
- (b) that is owned and occupied by, as the case may be, a small or medium-sized enterprise.

(3) The requirement set out in subparagraph (f) of Regulation 5 shall not apply to a building where the submission of a notice has been made in respect of the building work concerned on or before 10 March 2021.

### **Technical guidance documents**

7. (1) The Minister may publish, or arrange to have published on his or her 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.

(2) Subject to paragraph (3), where works or a building to which these Regulations apply is or are designed and constructed in accordance with any guidance contained in a technical guidance document, this shall, prima facie, indicate compliance with the relevant requirements of these Regulations.

(3) The provisions of any guidance contained in a technical guidance document published under paragraph (1) concerning the use of a particular material, method of construction or specification, shall not be construed as prohibiting compliance with a requirement of these Regulations by the use of any other suitable material, method of construction or specification.

### **Offences**

8. Any person who contravenes (by act or omission) any requirement of these Regulations shall be guilty of an offence.

### **Penalties**

9. A person guilty of an offence under Regulation 8 shall be liable to the penalties under section 17, and subject to the requirements of sections 17A to 17C (as if each reference to “this Act” in those sections read “this Act or the European Union (Energy Performance of Buildings) Regulations 2021), of the Act of 1990.



GIVEN under my Official Seal,  
27 July, 2021.

DARRAGH O'BRIEN,  
Minister for Housing, Local Government and Heritage.

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