



STATUTORY INSTRUMENTS.

S.I. No. 749 of 2024



EUROPEAN UNION (ENERGY PERFORMANCE OF BUILDINGS)
REGULATIONS 2024

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I, EAMON RYAN, Minister for the Environment, Climate and Communications, 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 full effect to Article 17(15) of Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024¹, hereby make the following regulations:

Citation and construction

1. These Regulations may be cited as the European Union (Energy Performance of Buildings) Regulations 2024.

Interpretation

2. (1) In these Regulations –

“Directive” means Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024¹ on the energy performance of buildings (recast);

“Fossil Fuel” has the same meaning as in Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018² on the Governance of the Energy Union and Climate;

“Installation” means the purchase, assembly, and putting into operation of a stand-alone boiler;

“Public body” means—

- (a) a Department of State,
- (b) a body, institution or office established under—
 - (i) the Constitution,
 - (ii) any enactment (other than the Companies Act 2014),
 - (iii) the Companies Act 2014, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government, or a majority of shares in which are held by or on behalf of a Minister of the Government,
- (c) a local authority (within the meaning of the Local Government Act 2001),

¹OJ L 2024/1275, 8.5.2024.

²OJ L 328, 21.12.2018, p. 1.

- (d) a recognised school or centre for education (within the meaning, respectively, of section 2 of the Education Act 1998 (No. 51 of 1998)), and
- (e) a higher education institution which is an approved institution (within the meaning of section 7 of the Student Support Act 2011 (No. 4 of 2011)) and is financed principally from moneys provided by the Oireachtas;

“Stand-alone boiler” means a boiler that is not combined with another heat generator using renewable energy.

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

Obligation on public bodies

3. (1) For the purposes of this regulation, “financial incentives” means economic support provided by a public body and/or through public resources, including but not limited to, direct grants to buyers, installers and third parties.

(2) Notwithstanding the generality of paragraph (1), “financial incentives” under this regulation do not extend to procedures for procurement and public contracts within the meaning of the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. No. 284/2016) for installations in public bodies that depend fully or in part on the public budget, insofar as such contracts reflect market conditions and do not include (or are not combined with) any form of subsidy.

(3) From 1 January 2025, public bodies shall not provide any financial incentives for the installation of stand-alone boilers powered by fossil fuels.

(4) Subsection (3) shall not apply to those installations selected for investment before 2025, in accordance with Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021³, Article 7(1), point (h)(i), third indent of Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021⁴ and with Article 73 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021⁵.

³ OJ L 57, 18.2.2021, p. 17.

⁴ OJ L 231, 30.6.2021, p. 60.

⁵ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).



GIVEN under my Official Seal,
19 December, 2024.

EAMON RYAN,
Minister for the Environment,
Climate and Communications.

EXPLANATORY NOTE

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

These Regulations transpose Article 17(15) of Directive 2024/1275 of the European Parliament and of the Council of the 24 April 2024 on the energy performance of buildings (recast) into Irish law. The Regulations provide that from the 1 January 2025 public bodies shall not provide any financial incentives for the installation of stand-alone boilers powered by fossil fuels other than those already approved under EU funds.

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