



STATUTORY INSTRUMENTS.

S.I. No. 183 of 2019



EUROPEAN UNION (ENERGY PERFORMANCE OF BUILDINGS)
REGULATIONS 2019

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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 on the energy performance of buildings (recast) as amended by Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Energy Performance of Buildings) Regulations 2019

Commencement

2. These Regulations shall come into operation on 1 November 2019.

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 2, 7, and 9 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010¹.

Interpretation generally

4. In these Regulations: –

“building element” means a technical building system or an element of the building envelope;

“building envelope” means the integrated elements of the building which separate its interior from the outdoors environment;

“building control regulations” means the Building Control Regulations 1997 (S.I. No. 496 of 1997) as amended;

“building regulations” means the Building Regulations 1997 (S.I. No. 497 of 1997) as amended;

¹ O.J. No. L 153, 18.6.2010, page 13.

“cost-optimal level” means the energy performance level which leads to the lowest cost during the estimated economic lifecycle, where:

- a) the lowest cost is determined taking into account energy- related investment costs, maintenance and operating costs (including energy costs and savings, the category of building concerned, earnings from energy produced), where applicable, and disposal costs, where applicable; and
- b) the estimated economic lifecycle refers to the remaining estimated economic lifecycle of a building where energy performance requirements are set for the building as a whole, or to the estimated economic lifecycle of a building element where energy performance requirements are set out for building elements,

and the cost optimal level shall lie within the range of performance levels where the cost benefit analysis calculated over the estimated economic lifecycle is positive;

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

"dwelling" means a house or flat forming a separate unit of residential accommodation;

“energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

“energy performance of a building” means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;

"flat" means separate and self-contained premises constructed or adapted for residential use and forming part of a building from some other part of which it is divided horizontally;

“major renovation” means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;

“nearly zero-energy building” means a building that has a very high energy performance and the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby;

“substantial work has been completed” means that the structure of the external walls of the dwelling has been erected;

“surface of the building envelope” means the entire surface of a building through which it can lose heat to the external environment or to the ground, including all heat loss areas of walls, windows, floors and roof;

“technical building system” means technical equipment for the heating, cooling, ventilation, hot water, lighting or for a combination thereof, of a building or building unit;

“works” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building.

Exempted Dwellings

5. These regulations do not apply to the following categories of dwellings:
 - a) a national monument for the purposes of the National Monuments Act 1930 (No. 2 of 1930), including a recorded monument under the provisions of Section 12 of the National Monuments (Amendment) Act 1994 (No. 17 of 1994) or a registered historic monument under the provisions of Section 5 of the National Monuments (Amendment) Act 1987 (No. 17 of 1987);
 - b) a protected structure or proposed protected structure within the meaning of the Planning and Development Act 2000 (No. 30 of 2000).

Application

6. (1) These Regulations shall apply to works in connection with the design and construction of a new dwelling and to works to an existing dwelling which undergoes a major renovation, where the relevant works or major renovation commence or take place, as the case may be, on or after 1st November 2019 except where -

- (a) an application is made on or before 31st October 2019 for planning permission or approval pursuant to the Planning and Development Act 2000 (No. 30 of 2000) and where substantial work has been completed by 31st October 2020; or
- (b) a notice pursuant to the provisions of Part 8 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) has been published on or before 31st October 2019 and where substantial work has been completed by 31st October 2020.

(2) (a) All works to which these regulations apply must comply with the Building Regulations and the Building Control Regulations.

(b) The provisions of the Building Control Acts 1990 to 2014 apply to these Regulations.

Existing Dwellings

7. When a dwelling undergoes major renovation, the minimum energy performance requirement of the dwelling or the renovated part thereof is upgraded in order to meet the cost optimal level of energy performance in so far as this is technically, functionally and economically feasible.

Nearly Zero Energy Buildings

8. For new dwellings, the nearly zero energy performance requirements of this regulation shall be met by:
- (a) providing that the energy performance of the building is such as to limit the calculated primary energy consumption and related carbon dioxide (CO₂) to that of a nearly zero energy building within the meaning of the Directive, insofar as is reasonably practicable, when both energy consumption and carbon dioxide emissions are calculated using the Dwelling Energy Assessment Procedure (DEAP) published by the Sustainable Energy Authority of Ireland;
 - (b) providing that the nearly zero or very low amount of energy required is covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby;
 - (c) limiting the heat loss and, where appropriate, availing of heat gain through the fabric of the building;
 - (d) providing and commissioning energy efficient space and water heating systems with efficient heat sources and effective controls;

- (e) providing that all oil and gas fired boilers shall meet a minimum seasonal efficiency of 90%;
- (f) providing to the dwelling owner sufficient information about the building, the fixed building services, their controls and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and energy than is reasonable.

Technical Guidance Documents

9. (1) 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 nearly zero energy performance and cost optimal level performance requirements of these Regulations.

(2) Subject to the provisions of sub-article (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 sub-article (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.



GIVEN under my Official Seal,
29 April 2019.

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;

1. transpose articles 2, 7 and article 9 1(a) Articles 2, 7, and 9 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast).
2. set higher building energy performance standards for dwellings, in accordance with the nearly zero energy building requirements contained in the Energy Performance of Buildings Directive; and
3. introduce a requirement that where a dwelling is undergoing a major renovation, defined as a renovation where more than 25% of the surface envelope of the building undergoes renovation, the energy performance of the whole dwelling should achieve a cost optimal energy performance where technically, functionally, and economically feasible.

The regulations apply in respect of dwellings and major renovations which are commenced on or after 1st November 2019. Part L of the Building Regulations continues to apply to material alterations.

Transitional arrangements apply in relation to dwellings for which planning permission or approval is applied for on or before 31 October 2019, and where substantial work has been completed by 31st October 2020.

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(Teil: 01 - 6476834 nó 1890 213434)

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

€ 3.00

