



STATUTORY INSTRUMENTS

S.I. No. 591 of 2008

EUROPEAN COMMUNITIES (ENERGY PERFORMANCE OF
BUILDINGS) (AMENDMENT) (No. 2) REGULATIONS 2008

(Prn. A8/2073)

EUROPEAN COMMUNITIES (ENERGY PERFORMANCE OF BUILDINGS) (AMENDMENT) (No. 2) REGULATIONS 2008

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by Section 3 of the European Communities Act 1972 (No. 27 of 1972) as amended by Section 2 of the European Communities Act 2007 (No. 18 of 2007) and for the purpose of giving further effect to certain provisions of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings¹, hereby makes the following Regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Communities (Energy Performance of Buildings) (Amendment) (No. 2) Regulations 2008.

(2) The collective citation “the European Communities (Energy Performance of Buildings) Regulations 2006 — 2008” shall include these Regulations.

(3) These Regulations come into operation on 1 January 2009.

Interpretation

2. In these Regulations, “the Principal Regulations” means the European Communities (Energy Performance of Buildings) Regulations 2006 (S.I. No. 666 of 2006).

Amendment of Regulation 2

3. The Principal Regulations are amended in Regulation 2(1)—

(i) by substituting the following for the existing definition of “accredited BER training provider”:

“ “accredited BER training provider” means—

(1) Sustainable Energy Ireland;

(2) an accredited BER training provider providing a validated BER training course leading to an award recognised through the National Qualifications Authority of Ireland;

(3) an accredited BER training provider providing a BER training course designated in writing by the issuing authority; or

(4) an accredited BER training provider providing a BER training course which is recognised pursuant to the requirements

¹OJ No. L 1/65, 4 January 2003

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th January, 2009.

of the Recognition of Professions Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).”.

- (ii) by inserting the following new definition after the definition of “building control authority”:

“ “display energy certificate” means a certificate in a prescribed form which is created on the basis of an assessment of a large building occupied by a public body, displayed in a prominent place clearly visible to the public, and in accordance with directions issued by the issuing authority;”.

Substitution of Regulation 8

4. The Principal Regulations are amended by substituting the following for Regulation 8:

“Public Service Buildings

8. (1) A public body shall, in relation to a large building occupied by it on or after 1 January 2009, secure and display a valid display energy certificate.

(2) A display energy certificate shall be updated and renewed each year.

(3) A display energy certificate shall be in the form prescribed in the Fifth Schedule to these Regulations.

(4) The issuing authority may issue a Code of Practice from time to time in relation to display energy certificates.

(5) For the avoidance of doubt, the requirement for a display energy certificate is additional to the requirement to secure a BER certificate pursuant to Regulation 7.”.

Amendment of Regulation 20

5. The Principal Regulations are amended in Regulation 20(4)(d) by substituting “Data Protection Acts 1988 and 2003” for “Data Protection Act 1987”.

Amendment of Schedules

6. The Principal Regulations are amended by deleting each occurrence of the word “new” from the titles of the First Schedule and the Third Schedule.

New Schedule

7. The Principal Regulations are amended by inserting the following Schedule after the Fourth Schedule, as inserted by the European Communities (Energy Performance of Buildings) (Amendment) Regulations 2008 (S.I. No. 229 of 2008):

FIFTH SCHEDULE

FORM OF DISPLAY ENERGY CERTIFICATE FOR PUBLIC BUILDINGS

Software Version X.Y.Z

Display Energy Certificate

BER for the building detailed below is:

C1

The BER is based on meter readings of all energy used in the building. The BER and CO₂ indicators are expressed as respective ratios of primary energy and CO₂ emissions relative to a benchmark that represents performance indicative of all buildings of this type. Information on the derivation and interpretation of BER is available at www.sei.ie/ber

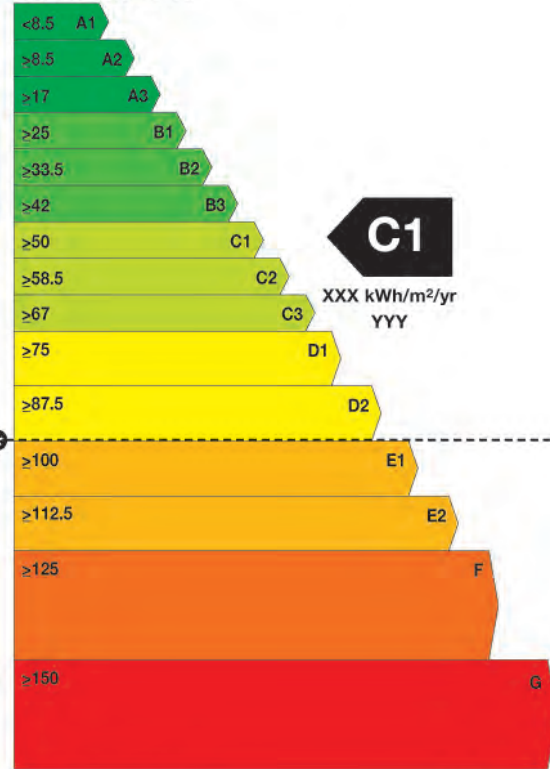
NAME OF BUILDING

Street Name One, Street Name Two,
Town Name One, Town Name Two,
County Name One, County Name Two

Building Type: XXXXXX
Useful Floor Area (m²): XXXXXXXXXXXX
Main Heating Fuel: XXXXXXXXXXXX
Building Environment: XXXXXXXXXXXX
XXXXXXXXXX

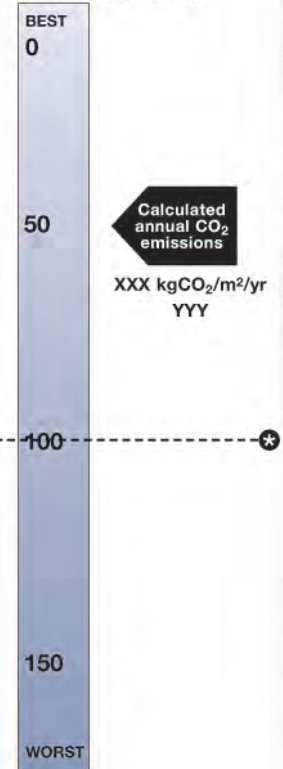
BER No.: XXXXXX
Date of Issue: Day Month Year
Valid Until: Day Month Year
Assessor No.: XXXXXX

Building Energy Rating (Indicator)
LOW ENERGY USE



C1
XXX kWh/m²/yr
YYY

Carbon Dioxide (CO₂) Emissions Indicator

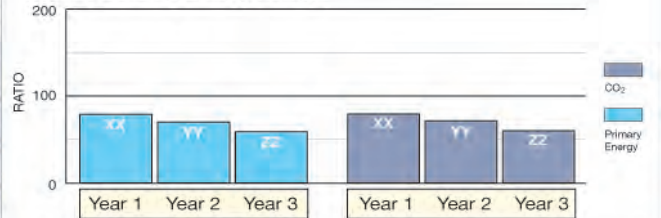


* Typical building of this type

Annual Energy Use

THIS BUILDING	
Non Electrical (kWh/m ² /yr)	Electrical (kWh/m ² /yr)
XXX	XXX
TYPICAL BUILDING OF THIS TYPE	
Non Electrical (kWh/m ² /yr)	Electrical (kWh/m ² /yr)
XXX	XXX

Previous Building Energy Ratings





GIVEN under the Official Seal of the Minister for the Environment,
Heritage and Local Government,
23 December 2008

JOHN GORMLEY.
Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations amend the European Communities (Energy Performance of Buildings) Regulations 2006 — 2008 (S.I. No. 666 of 2006 and S.I. No. 229 of 2008). They provide for a display energy certificate for large buildings occupied by public bodies on or after 1 January 2009. Existing buildings offered for sale or rent on or after 1 January 2009 must have a BER certificate in the form prescribed in schedules 1 or 3 of the Principal Regulations as appropriate.

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