

Implementation of EPC issuing process in the CPs

EECG meeting

23 June 2021

Focus on implementation of EPC issuing mechanisms

- ▶ EPC: Instrument to **activate market mechanisms** for achieving energy savings by upgrading the energy performance of buildings
- ▶ EPBD, art. 12: “1. CPs shall **ensure** that an EPC is issued for: (a) buildings or building units which are constructed, sold or rented out to a new tenant (...) 2. CPs shall **require** that, when buildings or building units are constructed, sold or rented out, the EPC (...) is shown to the prospective new tenant or buyer and handed over to the buyer or new tenant. 3. Where a building is sold or rented out in advance of construction, CPs may require the seller to provide an assessment of its future energy performance (...); in this case, the EPC shall be issued at the latest once the building has been constructed.”
- ▶ EPBD art. 7: “Contracting Parties shall take the necessary measures to **ensure** that when buildings undergo major renovation, the energy performance of the building or the renovated part thereof is upgraded in order to meet minimum energy performance requirements...”
- ▶ **Critical issue: Mechanisms to ensure implementation**

Summary of status based on answers of CPs to ECS questionnaires

- ▶ Control of energy performance certification process
 - Competent institution to ensure construction, renovation, sale, or rent subject to issuing an EPC?
 - Process to safeguard implementation?
 - Reporting on implementation?
- ▶ Monitoring
 - Independent control mechanism to check / verify requirements and methodologies are implemented for issuing EPCs?
 - Monitoring reports / statistics?
- ▶ Enforcement / Penalties?
- ▶ Volume of issued EPC?
- ▶ Awareness?

Control of energy performance certification process

| | Who checks / ensures EPC is issued? | Is the process “airtight”? | Implementation record |
|--------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Albania | | | |
| Federation BiH | Ministry of Spatial Planning of Federation, Cantonal Ministries of Spatial Planning | Cantons in charge of EE in buildings licensing process, but MEPR and EPC regs not officially stipulated at cantonal level | |
| Republic of Srpska | Body issuing building use permits (new and reconstruction) | Yes, through issuing use permits. Unclear regarding sale or lease | No data available |
| Georgia | Transposition of secondary legislation in progress | | |
| Kosovo* | Ministry of Environment and Spatial Planning, Cadastral Authority | EPC part of required documents for filing by Cadastral Authority | Process not started yet |
| Moldova | Energy Efficiency Agency | Pending implementation of the national information system | |
| Montenegro | Regulatory framework update in progress | | |
| North Macedonia | Licensing (new, reconstruction). Notary public (sale) | Issuing of licence to build. Energy Agency (records). Notarisation | |
| Serbia | Body issuing building use permits (new and reconstruction) | Yes, through issuing use permits. EPC not required for sale or lease | No data available |
| Ukraine | State Architectural and Construction Inspectorate (new, reconstruction) | Check of construction documents EPC not required for sale or lease | Report of the Ministry of Regional Development |

Monitoring of energy performance certification process

| | Independent control mechanism in place? How? | Monitoring reports |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Albania | | |
| Federation BiH | Yes, Independent Control Commission. Random sampling, application, objection, or complaint | Database on all EPCs issued (MESP) |
| Republic of Srpska | Yes, Commission for Independent Control, under the Fund for Environmental Protection and EE. Random sampling, application, objection, or complaint | Procedure not applied yet. Rulebook under revision |
| Georgia | Transposition of secondary legislation in progress | |
| Kosovo* | Yes, Kosovo Energy Efficiency Agency. Random sampling or complaints | Process not started yet |
| Moldova | Energy Efficiency Agency - Pending implementation of the national information system | |
| Montenegro | Yes, by software (MEEC). Information system maintained by Ministry of capital investment - Regulatory framework update in progress | |
| North Macedonia | Yes. Energy Agency – New Rulebook in preparation | |
| Serbia | Central Register of Energy Passports. Check by Ministry, but no detailed control of the calculation methodology and verification is in place | |
| Ukraine | Yes. State Agency on EE and Energy Saving (SAEE). Random sampling | Annual report of the SAEE |

Enforcement of energy performance certification process

| | Penalties for non-compliance |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Albania | |
| Federation BiH | Provisions on penalties, but no measures taken yet |
| Republic of Srpska | A building use permit cannot be issued unless an EPC is available. Penalties to building owners for not using a licenced auditor. No penalties for selling or renting without an EPC |
| Georgia | Sale or rent without EPC: warning, followed by fine (300-1500 GEL), doubled if violation is repeated |
| Kosovo* | No penalty. Amendment of the Law on Energy Performance will include provisions |
| Moldova | Violations of the Law regarding issuing EPCs by building owners and auditors are misdemeanors, punishable by the Contravention Code (but does not include those related to EPB legislation). Under elaboration and approval – not yet applied |
| Montenegro | Law on Efficient Use of Energy currently under revision will include enforcement and penalties |
| North Macedonia | Fines foreseen for legal entities not meeting energy requirements (€500-€10,000), and for individuals selling or renting without displaying an EPC (€100-€500) |
| Serbia | No penalties other than rejection of issuing a new building use permit. No penalties for selling or renting without an EPC |
| Ukraine | |

Level of implementation

| | Volume of issued EPCs | Raising awareness |
|--------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Albania | | |
| Federation BiH | 472 EPCs since 24/07/2019. Most of the new buildings and those supported by donors and local governments | |
| Republic of Srpska | 800 EPCs issued since 01/01/2016 | Fund raises awareness through activities, projects, participation in real estate fair “BLIRE” |
| Georgia | Transposition of secondary legislation in progress | |
| Kosovo* | Issuing of EPCs has not started yet | |
| Moldova | Secondary legislation under elaboration and approval | |
| Montenegro | Issuing of EPCs has not started while preparing MEEC | |
| North Macedonia | Rulebooks under preparation subject to the Law on EE | Awareness campaigns will start after adoption of rulebooks |
| Serbia | Since 2013: 3,640 EPCs issued for new buildings and 827 for existing and/or renovated | Workshops, presentations etc. Since 2016 obligation on local self government to inform citizens on EE, and report to Ministry |
| Ukraine | 6,022 EPCs issued by 01/12/2020 + 1,694 registered in the Unified State Electronic System by 30/04/2021 | SAEE through media, reports, articles, letters to public authorities |

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