

QUESTIONNAIRE ON ENERGY PERFORMANCE CERTIFICATES (EPCs) IMPLEMENTATION

The Energy Performance Certificates (EPCs) are important instruments that should contribute to the enhancement of the energy performance of buildings. EPCs play a central role in the context of the Article 20 (2) EPBD, which asks Contracting Parties to provide information on the energy performance certificates and the inspection reports, on their purpose and objectives, on the cost-effective ways and, where appropriate, on the available financial instruments to improve the energy performance of the building to the owners or tenants of the buildings.

Following the EPBD, an EPC shall include the energy performance of a building and the reference values, as well as the recommendations for the cost-optimal or cost-effective improvements of the energy performance of a building or building unit.

In order to be able to assess the level of implementation on the ground of EPCs, please fill in the Questionnaire below at the best of your data availability.

Bosnia and Herzegovina – Entity of Federation of Bosnia and Herzegovina

<p>Buildings certification process</p> <ul style="list-style-type: none"> • Which institution is responsible for checking that sale or lease or buildings, construction of new, and major renovation of old buildings, cannot take place unless a valid EPC is issued? • Please describe the formal process in place to ensure the requirement cannot be by-passed. • Are there relevant reports and/or statistics by the competent institution on the implementation of the mechanism? 	<ul style="list-style-type: none"> • Ministry of Spatial Planning of the Federation and Cantonal Ministries of Spatial Planning in the FBiH. • Most of the cantons are in the process of adopting the law on minimum requirements and certification. Even though this is not yet officially stipulated on the cantonal level, which is in charge of EE in the buildings licensing process, largest part of new buildings have followed the building envelope related minimum requirements. • Yes, in the yearly statistical book there are totals of new buildings: http://fzs.ba/index.php/publikacije/statisticki-godisnjaciljetopisi/

<p>Monitoring</p> <ul style="list-style-type: none"> • Is there an independent control mechanism in place to check and verify that issued EPCs implement the relevant requirements and methodologies? (Please describe) • Are there relevant reports and statistics available from the operation of the mechanism? 	<ul style="list-style-type: none"> • Yes, the commission officially in charge the process prescribed in the law on Energy Efficiency • There is database on all EPC issued with ministry of spatial planning from software designed for EBC schemes. https://fmpu.gov.ba/wp-content/uploads/2021/05/PDF_Registar_certifikata.pdf
<p>Enforcement/Penalties</p> <ul style="list-style-type: none"> • Are there penalties foreseen for building owners or developers failing to issue an EPC in relation to sale, lease, major reconstruction of existing, or construction of a new building? Are there statistics on penalties levied? 	<ul style="list-style-type: none"> • Yes but no reprimanding measures have yet taken place.
<p>Level of implementation of EPC</p> <ul style="list-style-type: none"> • Can you provide statistics on issued EPCs in recent years? • What actions or campaigns have been undertaken to inform the public of the objectives, procedure, and value of energy performance certification? 	<ul style="list-style-type: none"> • Most of the new buildings and those supported for EE measures from donors and local governments have been registered in the database. Check with Federal Ministry of Spatial Planning the EE department at https://fmpu.gov.ba/energetska-efikasnost/

Bosnia and Herzegovina – Entity of Republic of Srpska

<p>Buildings certification process</p> <ul style="list-style-type: none"> • Which institution is responsible for checking that sale or lease or buildings, construction of new, and major renovation of old buildings, cannot take place unless a valid EPC is issued? • Please describe the formal process in place to ensure the requirement cannot be by-passed. • Are there relevant reports and/or statistics by the competent institution on the implementation of the mechanism? 	<p>The Law on Spatial Planning and Construction ("Official Gazette of the Republic of Srpska" No. 40/13, 106/15, 3/16 and 84/19) stipulates that the certificate on the energy performance of buildings is one of the pieces of evidence attached to the application for issuance of use permits during the construction of new or reconstruction of existing buildings, so that the body responsible for issuing the use permit controls whether the application for the issuance of the same is accompanied by an energy certificate. In case of not obtaining an energy certificate, a use permit cannot be issued. On the other hand, the Law stipulates that before changing the ownership or renting a new building built after the entry into force of this law or its special part, an energy certificate must be obtained. However, the Law does not contain further provisions regarding the definition of bodies or control over obtaining an energy certificate before changing ownership or renting a new building, given that the issue of disposing of real estate is subject to regulation of real rights. Therefore, when concluding a contract on purchase or loan, which are made in the form of a notarized document, one of the documents that needs to be obtained is the energy certificate. Considering that special regulations regulate the issue of disposing of real estate, we do not have data on whether the practice of notarizing the contract has established the practice of requiring the prior acquisition of an energy certificate when operating or leasing buildings or its special part.</p>
<p>Monitoring</p> <ul style="list-style-type: none"> • Is there an independent control mechanism in place to check and verify that issued EPCs implement the relevant requirements and methodologies? (Please describe) • Are there relevant reports and statistics available from the operation of the mechanism? 	<p>The Rulebook on conducting energy audits of buildings and issuing energy certificates ("Official Gazette of the Republic of Srpska", No. 30/15 and 93/16, hereinafter: the Rulebook) prescribes the manner of conducting independent control of issued energy certificates of buildings, and it includes: control Reports on the conducted energy audit and the proposed energy class of the building and control of the report on regular inspections of the heating, cooling</p>

and air conditioning systems in the buildings.

In accordance with the Rulebook, the independent control of issued energy certificates is carried out by the Fund for Environmental Protection and Energy Efficiency of the Republic of Srpska through the Commission for Independent Control appointed by the Director of the Fund. Exceptionally, the Fund may entrust the implementation of independent control of issued energy certificates to a legal entity with a license to perform energy audits that did not participate in the energy certification of buildings for which independent control of certificates is performed.

The Commission selects the report to be controlled in one of the following ways:
1) the method of random sampling, where for every ten issued energy certificates the control of at least one is done and
2) on the basis of an application, objection or complaint.

The authorized legal entity for performing energy audits, which prepared the Report which is the subject of independent control, is obliged to provide the Commission with all necessary data and records on the conducted energy audit, as well as records on the performed calculations. Also, the investor, owner, i.e. user of the building or a special part of the building, is obliged to provide the Commission with all necessary data, technical documentation of the building and other documentation, as well as other conditions for uninterrupted work.

The authorized person whose report was assessed negatively is ordered to re-conduct the energy audit, ie energy certification of the building without a new fee.

The Fund, after the conducted procedure and elimination of irregularities noticed in the procedure of independent control, issues a new energy certificate.

Although the Rulebook prescribes the procedure of independent control, it has not yet come to life in practice, so there are no statistical data on the manner of its implementation.

	<p>The Rulebook is currently being revised, and its amendment needs to describe in more detail the process and methodology of conducting control of energy certificates.</p>
<p>Enforcement/Penalties</p> <ul style="list-style-type: none"> • Are there penalties foreseen for building owners or developers failing to issue an EPC in relation to sale, lease, major reconstruction of existing, or construction of a new building? Are there statistics on penalties levied? 	<p>In accordance with the regulations of the Republic of Srpska, the certificate on the energy performance of buildings is not issued by the building owners or builders, but by the Fund for Environmental Protection and Energy Efficiency of the Republic of Srpska.</p> <p>Furthermore, when it comes to the construction of new or reconstruction of existing buildings, in accordance with the Law on Spatial Planning and Construction, the certificate of energy performance of buildings is one of the pieces of evidence attached to the application for a use permit. In case of non-acquisition of the same, a use permit cannot be issued, and in that way a mechanism for control of obtaining energy certificates has been established by the body that issues the use permit.</p> <p>Also, it should be noted that the Law provides for a misdemeanour penalty for an investor if he entrusts the performance of an energy audit to a legal entity that does not have a corresponding license to perform an energy audit.</p> <p>The law does not contain misdemeanour penalties in case of failure to obtain an energy certificate when selling or leasing a building or its special part, since the disposal of real estate is subject to regulations on real rights.</p> <p>Therefore, when concluding a contract on purchase or loan, which are made in the form of a notarized document, as one of the documents to be obtained is the energy certificate. Considering that special regulations regulate the issue of disposing of real estate, we do not have data on whether the practice of notarizing the contract requires the prior acquisition of an energy certificate when operating or leasing buildings or its special part.</p>
<p>Level of implementation of EPC</p> <ul style="list-style-type: none"> • Can you provide statistics on issued EPCs in recent years? 	<p>The Fund for Environmental Protection and Energy Efficiency of the Republic of Srpska is competent to issue energy certificates</p>

<ul style="list-style-type: none">• What actions or campaigns have been undertaken to inform the public of the objectives, procedure, and value of energy performance certification?	<p>and to establish and maintain databases on energy efficiency of buildings and issued energy certificates.</p> <p>There is an application on the Fund's website for access to the Register of Energy Certificates.</p> <p>Also, the Fund organizes and implements programs, projects and similar activities in the field of preservation, sustainable use, protection and improvement of the environment and in the field of energy efficiency and use of renewable energy sources.</p> <p>-800 certificates issued since 01.01.2016. until today</p> <p>- Through its activities and projects, the Fund raises awareness of the importance of building energy efficient facilities as well as the application of energy efficiency measures. The Fund is one of the participants in the real estate fair "BLIRE" where through its promotional materials and brochures it promotes the importance of energy efficiency and the use of renewable energy sources.</p>
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