

A.L. 261 ta' l-2008

**ATT DWAR L-AWTORITÀ TA' MALTA DWAR IR-RIŻORSI
 (KAP. 423)**

**Regolamenti ta' l-2008 dwar ir-Rendiment tal-Bini
 fl-Użu ta' l-Energija**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 28 ta' l-Att ta' l-Awtorità ta' Malta dwar ir-Riżorsi, il-Ministru għar-Riżorsi u l-Affarijiet Rurali, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar ir-Riżorsi, għamel dawn ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti huwa **Regolamenti ta' l-2008 dwar ir-Rendiment tal-Bini fl-Użu ta' l-Energija.** Titolu u bidu fis-Sehh.

(2) Hlief kif speċifikat mod iehor f'dawn ir-regolamenti, dawn ir-regolamenti għandhom jidhlu fis-sehh fid-data li l-Ministru responsabbli għall-Awtorità ta' Malta dwar ir-Riżorsi jista' b'ordni jappunta u jstgħu jiġu hekk stabbiliti dati differenti għal regolamenti differenti.

2. Dawn ir-regolamenti għandhom l-ghan li jiġu fis-sehh id-disposizzjonijiet tad-Direttiva 2002/91/KE tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Dicembru 2002 dwar ir-rendiment tal-bini fl-użu ta' l-enerġija¹. Skop.

3. (1) It-tifsiriet li ġejjin għandhom japplikaw kemm-il darba ir-rabta tal-kliem ma tkunx teħtieġ xort' oħra - Tifsiriet.

“applikazzjoni għall-permess ta' l-żvilupp” tfisser applikazzjoni għal permess ta' żvilupp jew approvazzjoni għall-fini tar-regolament 3(1) tar-Regolamenti ta' l-1992 għal Permess ta' Żvilupp (Metodu għal Applikazzjoni); A.L. 133 tal-1992.

“assessur ta' l-EP indipendenti” tfisser assessur ta' l-EP li ma jkunx is-sid jew inkwilin tal-bini li jkun qed jiġi assessjat, jew impjegat tas-sid jew ta' xi kuntrattur responsabbli għall-

¹ OJ Numru L 1/65, Jannar 2003

kostruzzjoni, tlestija u, jew installazzjoni tas-servizzi mekkaniċi jew elettrici tal-bini li għalih qed jiġi rikjest EPC jew spezzjoni tal-bojlers, sistema tad-dawl, sistemi ta' tishin u tkessih ta' spazji;

“l-Att” tfisser l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi;

“assessur ta' l-EPACI” tfisser persuna li hija reġistrata ma' l-Awtorità wara li l-Awtorità tkun hadet in konsiderazzjoni li dik il-persuna ikollha fil-pussess tagħha grad akkademiku mogħti mill-Università ta' Malta fl-ingerija, fis-servizzi tal-bini, jew l-ingerija mekkanika, jew elettrika jew grad akkademiku ekwivalenti, u li temmet b'suċċess perjodu ta' tahrig fuq l-ispezzjoni u l-valutazzjoni jew stimi ta' l-effiċjenza ta' sistemi ta' arja kondizzjonata, tkessih ta' spazji u sistemi ta' ventilazzjoni, u liema tahrig ikun approvat mill-Awtorità;

“assessur ta' l-EPB” tfisser persuna li hija reġistrata ma' l-Awtorità wara li l-Awtorità tkun hadet in konsiderazzjoni li dik il-persuna ikollha fil-pussess tagħha:

(a) grad akkademiku mogħti mill-Univeristà ta' Malta fl-arkitettura u inginerija ċivili, jew inginerija ċivili, jew fl-ingerija fis-servizzi tal-bini, jew fl-ingerija mekkanika, jew fl-ingerija elettrika, jew grad akkademiku ekwivalenti u li temmet ukoll b'suċċess perjodu ta' tahrig fuq il-valutazzjoni jew stimi tar-rendiment fl-użu ta' l-enerġija tal-bini mibni f'Malta, u liema tahrig ikun approvat mill-Awtorità, jew

(b) ċertifikat ta' reġistrazzjoni bhala assessur tar-rendiment tal-bini fl-użu ta' l-enerġija fi kwalunkwe Stat Membru tal-UE u li temmet b'suċċess perjodu ta' tahrig b'suċċess fil-valutazzjoni jew stimi tar-rendiment fl-użu ta' l-enerġija fil-bini mibni f'Malta, u dak it-tahrig ikun approvat mill-Awtorità;

“assessur ta' l-EPBI” tfisser persuna li hija reġistrata ma' l-Awtorità wara li l-Awtorità tkun hadet in konsiderazzjoni li dik il-persuna ikollha fil-pussess tagħha grad akkademiku mogħti mill-Università ta' Malta fl-ingerija, fis-servizzi tal-bini, jew l-ingerija mekkanika, jew elettrika jew grad akkademiku ekwivalenti, u li temmet b'suċċess perjodu ta' tahrig fuq l-ispezzjoni u l-valutazzjoni jew stimi ta' l-effiċjenza ta' sistemi ta' bojlers u tishin ta' spazji u dak it-tahrig ikun approvat mill-Awtorità;

“*asset rating*” hija stima tar-rendiment tal-bini fl-użu ta’ l-enerġija mehuda minn *data* tal-bini kif attwalment ġie mibni u bbażata fuq kalkoli ta’ kemm enerġija tiġi użata fil-bini għal tishin, tkessih, ventilazzjoni, mishun u dawl, u bbażata fuq data standardizzata relatata mal-klima interna u esterna u l-użu tal-post u li tirrappreżenta l-potenzjal intrinsiku ta’ rendiment fl-użu ta’ l-enerġija fil-bini taht dawk il-kundizzjonijiet standardizzati ta’ klima u użu;

“l-Awtorità” tfisser l-Awtorità ta’ Malta dwar ir-Riżorsi jew kull entità oħra li tkun awtorizzata taġixxi f’isimha fuq sugġetti li għandhom x’jaqsmu ma’ dawn ir-regolamenti;

“bini” tfisser kostruzzjoni msaqqfa u bil-hitan, li għaliha tintuża l-enerġija biex tkun ikkundizzjonata l-klima nterna; “bini” tista’ tirreferi għal bini kollu kemm hu jew għal partijiet minnu li jkunu ġew iddisinjati jew immodifikati b’dak il-mod illi jkunu jistgħu jintużaw separatament;

“bini ġdid” jew “bini pubbliku ġdid” tfisser bini li dwaru tiġi pprezentata applikazzjoni għall-permess ta’ żvilupp lill-Awtorità Maltija għall-Ambjent u l-Ippjanar mit-2 ta’ Jannar, 2009’ il quddiem;

“bini kbir” tfisser bini b’total ta’ erja ta’ art utilizzabbli ta’ l fuq minn 1000 metru kwadru;

“bini mhux residenzjali” tfisser kull bini jew parti minn bini li ma tkunx użata, jew ma tkunx addattata għall-użu residenzjali jew dar ta’ abitazzjoni u li tinkludi bini industrijali, postijiet fejn tiltaqa’ xi assemblea, ufficċji, skejjel u hwienet;

“bini pubbliku” tfisser bini jew parti minn bini li jkun qed jintuża minn xi entità jew minn persuni li jipprovdu kull servizz lill-pubbliku;

“bini residenzjali” tfisser bini jew parti minn bini li jkun utilizzat, jew ikun addattat għall-użu residenzjali li jkun fih faċilitajiet fejn wiehed jista’ jorqod u li jinkludi lukanda jew bini istituzzjonali;

“dar ta’ abitazzjoni” jew “post ta’ abitazzjoni” tfisser sett kmamar użati bhala post ta’ abitazzjoni, liema kmamar ikunu wżati jew intiżi li jkunu wżati bhala domicilju u hafna drabi jkunu mgħammra b’faċilitajiet li jippermettu li jsir tisjir, li wiehed jippranza, jgħix, jorqod u faċilitajiet sanitarji;

“*design rating*” hija stima bbażata fuq kalkoli, magħmula fl-istadju tad-disinn, ta’ l-enerġija li se tkun użata mill-bini għal tishin, tkessiġ, ventilazzjoni, mishun u dawl bi *standard input data* hekk kif relatata mal-klima interna u esterna u okkupazzjoni tal-bini u maħdum skond kif ikun iddisinjat u komplut minn kollox għar-rigward finituri permanenti tal-qoxra tal-bini u installazzjonijiet mekkaniċi u elettriċi li jirrendu l-bini abitabbli u tajjeb għall-użu intiż f’kundizzjonijiet standardizzati ta’ klima u użu skond normi ta’ kumdità aċċettabbli u regolamenti oħra li jkunu fis-seħħ fil-mument tad-disinn tiegħu;

“EP” tfisser rendiment fl-użu ta’ l-enerġija;

“EPC” tfisser ċertifikat dwar ir-rendiment tal-bini fl-użu ta’ l-enerġija f’forma preskritta bbażat fuq l-istima ta’ l-EP, li jkun miżmum u li wiehed jista’ jara f’sura elettronika fir-reġistru tal-EPC, u jista’ jiġi riprodott u ppubblikat f’isem l-Awtorità;

“*EPC data file*” tfisser fajl elettroniku li jkun fih rapport dwar ir-rizultat ta’ stima ta’ l-EP f’forma approvata mill-Awtorità, li jkun magħmul minn assessur ta’ l-EP u jkun ġie mghoddi lill-Awtorità bil-ghan li din ta’ l-aħħar tiġi nnotifikata u b’hekk tkun tista’ żzomm rekord jew taġġorna r-reġistru EPC dwar bini partikolari u għandu jinftiehem li jinkludi kull kalkolu u *data* relatata jew dokumenti li jakkumpanjaw dan ir-rapport;

“erja ta’ art utilizzabbli” tfisser l-erja li hi meħtieġa biex isiru l-attivitajiet fil-bini in kwistjoni u tinkludi spazji fejn tistenna u tiċċirkula u teskludi garaxxijiet, spazji ta’ hażna u kmamar ta’ impjanti u btiehi;

“fornitur rikonoxxut ta’ tahrig fuq l-EP” tfisser:

(a) l-Awtorità; jew

(b) fornitur ta’ tahrig li jkun reġistrat ma’ l-Awtorità u li jipprovdi kors ta’ tahrig dwar l-EP liema kors ikun validat mill-Awtorità;

“il-Ministru” tfisser il-Ministru responsabbli għall-Awtorità ta’ Malta dwar ir-Rizorsi;

“*operational rating*” tfisser stima tar-rendiment fl-użu ta’ l-enerġija, bbażata fuq il-konsum ta’ l-enerġija imkejjeġ, użat għad-dawl, tishin u tkessiġ ta’ l-ilma u ta’ l-ispazji interni, u ventilazzjoni tal-ispazji fil-bini matul perjodu ta’ żmien definit;

“preskritt” tfisser kull haġa kif ġiet ordnata mill-Ministru;

“rapport ta’ rakkomandazzjonijiet” tfisser rapport li jkun magħmul minn assessur ta’ l-EP, li jkun ġie ċertifikat dwar ir-
rendiment fl-użu ta’ l-enerġija (EPC), maħdum fuq bażi ta’ stima ta’
l-EP ta’ bini jew installazzjoni ta’ tishin jew tkessih u li jkun fih
rakkomandazzjonijiet dwar kif ir-
rendiment tal-bini fl-użu ta’ l-
enerġija jew installazzjoni ta’ tishin jew tkessih ikunu mtejbja bizej-
jed a paragon tal-flus li jintefqu;

“reġistru għall-assessuri ta’ l-EP” tfisser *database* ta’ assessuri
ta’ l-EP li jkunu rreġistrati ma’ l-Awtorità u *data* relatata stabbilita,
imhaddma, miżmuma għand u fil-pussess ta’ l-Awtorità;

“reġistru ta’ l-EPC” tfisser *database ta’* rekords ta’ EPCs jew
data relatata jew dokumenti stabbiliti, uti-
lizzati u miżmuma minn
u fil-pussess tal-Awtorità skond dawn ir-
regolamenti;

“rekord ta’ l-EPC” tfisser l-EPC preżenti jew ta’ qabel, skond
il-każ, kull rapport ta’ rakkomandazzjonijiet, kull EPC *data file* u
kull *data* jew dokumenti li jkollhom x’jaqsmu ma’ bini jew bojler
jew installazzjoni ta’ arja ikkundizzjonata skond il-każ;

“sahha effettiva”, espressa f’kW, tfisser l-oghla saħha
calorifika speċifikata u garantita mill-manifattur bħala dik li tohroġ
waqt thaddim kontinwu b’konformità ma’ l-
effiċjenza uti-
lizzabbli
indikata mill-manifattur;

“sid” tfisser:

(a) persuna li f’ismu jew bħala aġent għal haddiehor
ikun intitolat jirċievi l-kirja ta’ post jew, fejn il-bini ma jkunx
mikri jkun hekk intitolat li kieku l-bini kellu jiġi mikri;

(b) fejn il-bini jkun soġġett għal uzufrutt, is-sid jew l-
uzufruttwarju;

(ċ) iċ-ċenswalist;

(d) xi hadd mill-konjuġi f’każ li l-bini soġġett għall-
EPC ikun jiffirma parti mill-komunjoni ta’ l-akkwisti;

“sistema tal-EPC” tfisser ir-reġistri, proċeduri u regoli
stabbiliti, mhaddma, miżmuma u fil-pussess ta’ l-Awtorità bil-
għan
li tamministra l-EPCs u attivitajiet relatati skond dawn ir-
regolamenti;

“installazzjoni” tikkonsisti f’sistemi li jipprovdu dawl artifiċjali, tishin ta’ l-ilma, tishin jew tkessiġ ta’ spazji jew ventilazzjoni ta’ spazji f’ kull kumbinazzjoni;

“stima ta’ l-EP” tfisser stima tar-rendiment tal-bini fl-użu ta’ l-enerġija jew tas-sistema mekkanika jew elettrika magħmula minn assessur EP bl-iskop li jfassal u johroġ EPC;

“tibdil jew rinnovazzjonijiet kbar” tfisser tibdil jew rinnovazzjoni:

(a) li jaffettwaw 25% jew aktar tal-volum tal-binja qabel ma jsir dak l-intervent, jew

(b) fejn isiru rinnovazzjonijiet ta’ 25% jew aktar tat-twieqi, soqfa jew hitan ta’ barra, jew

(ċ) fejn isiru rinnovazzjonijiet ta’ 25% jew aktar ta’ xi installazzjoni li tikkonsma l-enerġija għal sistemi ta’ dawl artifiċjali, jew biex isahhan l-arja jew l-ilma, jew ventilazzjoni ta’ spazji, jew

(d) fejn tiġi pprezentata lill-Awtorità Maltija għall-Ambjent u l-Ippjanar applikazzjoni għal tibdil fl-użu ta’ l-Ippjanar, hlief għal każijiet kollha esklużi f’regolament 6;

“uffiċjal awtorizzat” tfisser persuna awtorizzata mill-Awtorità biex issegwi u ġġib fis-seħħ dawn ir-regolamenti;

“kerrej prospettiv jew xerrej” tfisser persuna li:

(a) hija fil-proċess li tidhol fi ftehim ta’ bejgħ ma’ persuna ohra jew ma’ l-aġent ta’ dik il-persuna jew

(b) tidhol fi ftehim ta’ konvenju ma’ persuna ohra jew ma’ l-aġent ta’ dik il-persuna bl-iskop li tixtri bini jew

(ċ) tidhol fi ftehim ta’ kirja, kemm verbali kemm bil-miktub, biex tikri bini;

(2) It-tifsiriet li jinsabu fid-Dokument F tal-Gwida Teknika, li hemm riferenza għalih f’regolament 4 ta’ dawn ir-regolamenti, għandhom japplikaw ukoll għal dawn ir-regolamenti.

(3) F’dawn ir-regolamenti kull espressjoni li ma tkunx imfissra għandu jkollha l-istess tifsira bhalma għandha fl-Att.

4. Dawn ir-regolamenti ghandhom l-ghan li jtejbu r-rendiment ta' l-użu ta' l-enerġija fil-bini u jistgħu ifasslu rekwiżiti, permezz ta' kull dokument tal-gwida teknika jew xort'ohra, dwar dawn li ġejjin:

- (a) l-applikazzjoni ta' rekwiżiti minimi għar-rendiment fl-użu ta' l-enerġija ta' bini ġdid;
- (b) l-applikazzjoni ta' rekwiżiti minimi għar-rendiment fl-użu ta' l-enerġija tal-bini kbir eżistenti li jkun soġġett għal tibdil kbir;
- (ċ) il-qafas ġenerali għall-metodoloġija nazzjonali li tikkalkula b'mod integrat ir-rendiment fl-użu ta' l-enerġija tal-bini;
- (d) iċ-ċertifikazzjoni tar-rendiment fl-użu ta' l-enerġija hekk kif imsemmi aktar 'il fuq f'paragrafi (a) u (b) ta' dan ir-regolament jew ta' bini fejn jinbidel il-propretarju jew l-inkwilin; u
- (e) l-ispezzjoni regolari ta' bojlers u sistemi ta' arja kkondizzjonata fil-bini bil-ghan li jitnaqqas il-konsum ta' l-enerġija u jiġu limitati l-emissjonijiet tal-gass karbonju diossidu.

Taqsim 1

Rekwiżiti Minimi għar-Rendiment tal-bini fl-użu ta' l-enerġija

5. (1) Ir-rekwiżiti minimi għar-rendiment fl-użu ta' l-enerġija tal-bini hawn iżjed 'il quddiem msejha Dokument F tat-*Technical Guidance* kif notifikati fil-Gazzetta permezz ta' Avviż tal-Gvern Numru 1002 ta' l-2006, ghandhom japplikaw għall-bini msemmi hawn taht:

Rekwiżiti Minimi għar-Rendiment fl-użu ta' l-enerġija.

- (a) bini li l-applikazzjoni għall-permess ta' żvilupp skond regolament 3(1) tar-Regolamenti ta' l-1992 għal permess ta' Żvilupp (Metodu għal Applikazzjoni) kienet waslet għand l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fit-2 ta' Jannar, 2007 jew wara dik id-data;
- (b) bini kbir eżistenti li ssirlu rinnovazzjoni jew tibdil kbir, u li l-applikazzjoni għall-permess ta' żvilupp skond regolament 3(1) tar-Regolamenti ta' l-1992 għal permess ta' Żvilupp (Metodu għal Applikazzjoni) kienet waslet għand l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fit-2 ta' Jannar, 2007 jew wara dik id-data. F'dawn il-każijiet r-rekwiżiti minimi għandhom ikunu limitati biss għall-erja u elementi tal-bini jew ta' l-impjant li jkun qed jiġi mibdul jew rinnovat skond il-każ;

(ċ) fejn isehh tibdil fl-użu tal-bini, li l-applikazzjoni għall-permess ta' żvilupp skond regolament 3(1) tar-Regolamenti ta' l-1992 għal permess ta' Żvilupp (Metodu għal Applikazzjoni) tasal għand l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fit-2 ta' Jannar, 2009 jew wara dik id-data.

(2) Għall-bini kbir li għalih tkun saret applikazzjoni "outline" jew shiha skond regolament 3(1) tar-Regolamenti ta' l-1992 għal permess ta' Żvilupp (Metodu għal Applikazzjoni) li tasal għand l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar fit-2 ta' Jannar, 2009 jew wara dik id-data, irid isir studju li jieħu in kunsiderazzjoni il-vijabbilità teknika, ambjentali u ekonomika ta' sistemi alternattivi ta' enerġija bħal:

- (a) sistemi ta' provvista diċentralizzata ta' l-enerġija bbażata fuq enerġija rinnovabli,
- (b) sahha u shana kkumbinati,
- (c) tishin jew tkessiħ ta' distrett jew blokk, jekk ikun disponibbli,
- (d) pompi tas-shana, taht ċerti kondizzjonijiet;

irid isir u jiġi pprezentat jekk mitlub mill-Awtorità jew mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar.

(3) L-istudju imsemmi taht ir-regolament 5 għandu jsir minn persuni kwalifikati għal dan il-għan permezz ta' l-edukazzjoni, taħriġ u esperjenza tagħhom u għandu jinkludi rakkommandazzjonijiet speċifiċi fejn jidhol użu ta' sistemi ta' enerġija alternattiva, inkluż dawk speċifikati f'dan ir-regolament, biex b'hekk jaqdi l-htigiet tal-bini in kwistjoni.

Fejn ma japplikawx ir-rekwiziti minimi fir-rendiment ta' l-użu ta' l-enerġija.

6. Minkejja d-disposizzjonijiet ta' regolament 5 ta' dawn ir-regolamenti, ir-rekwiziti minimi għar-rendiment tal-bini fl-użu ta' l-enerġija kif stabbliti f'dawn ir-regolamenti m'għandhomx japplikaw għall-kategoriji ta' bini li ġejjin:

(a) bini klassifikat bhala proprjetà skedata (Grad 1) mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar taht l-artiklu 46 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp;

Kap. 356.

(b) bini li l-kostruzzjoni tiegħu hija soġġetta għar-Regolamenti ta' l-1998 dwar il-Kontroll ta' xogħlijiet tan-Nar u Splussivi ohra;

A.L. 243 tal-1998.

(c) bini kostruwit għall-użu tal-Korporazzjoni Enemalta, il-Korporazzjoni jew tas-Servizzi ta' l-Ilma jew entità simili u li jkun użat bhala port għall-generazzjoni, trasmissjoni jew distribuzzjoni;

(d) bini jew partijiet minn bini li jakkomoda biss proċessi industrijali, jew agrikoli, jew għat-trobbija ta' l-annimali u li jesigū konformità ma' regolamenti settorjali speċifiċi;

(e) bini ta' natura temporanja maħsub biex jintuża għal sentejn jew għal anqas;

(f) serer użati biss għall-finijiet agrikoli;

(g) bini maqtuġh minn bini iehor li għandu erja ta' art utilizzabbli li fit-total tagħha tkun anqas minn 40 metru kwadru;

(h) bini kostruwit għall-użu tal-Forzi Armati ta' Malta in konnessjoni mal-htigiet militari tagħhom.

7. M'hemm l-ebda obligazzjoni li wiehed jaddotta xi soluzzjoni minn xi dokument ta' gwida teknika li jkun hareġ in konnessjoni ma' dawn ir-regolamenti sakemm ir-rekwiżiti rilevanti ta' dawn ir-regolamenti jkunu milhuqa b'xi mod iehor. Izda, fil-każ ta' ksur allegat ta' dawn ir-regolamenti, ir-responsabbiltà li jipprova x'kienu l-mezzi addottati li bihom ikun issodisfa ir-rekwiżiti taqa' fuq l-individwu konċernat.

Adozzjoni tar-Rekwiżiti minimi.

8. Il-gwidi li jinsabu f'xi dokument ta' gwida teknika mahruġ in konnessjoni ma' dawn ir-regolamenti, għandhom x'jaqsmu biss mar-rekwiżiti partikolari ta' dawn ir-regolamenti, u kull xogħol ta' kostruzzjoni u installazzjonijiet permanenti ta' servizzi mekkaniċi jew elettrici, li għandhom iharsu wkoll il-provvedimenti ta' ligijiet u regolamenti li jkunu għall-kontroll ta' xogħol ta' kostruzzjoni u installazzjoni.

Applikazzjoni ta' ligijiet u regolamenti ohra.

Taqsim 2

Ċertifikat tar-Rendiment fl-użu ta' l-enerġija

9. (1) Sid jew l-aġent tiegħu għandu jakkwista Ċertifikat tar-Rendiment tal-Bini fl-Użu ta' l-Enerġija (EPC) fil-forma preskritta minn dawn ir-regolamenti, meta bini jkun mibni, mibjuġh jew mikri.

Ċertifikat tar-Rendiment fl-Użu ta' l-Enerġija u Stimu tar-Rendiment fl-Użu ta' l-Enerġija.

(2) Biex ikun validu, l-EPC jrid jinkiseb mingħand assessur ta' l-EPB indipendenti u dan iċ-ċertifikat irid ikun reġistrat ma' l-Awtorità.

(3) B'effett mid-data indikata hawn aktar 'l isfel, persuna jew aġent li jaġixxi f' isimha li tikkummissjona id-disinn ta' bini ġdid għandu jkollha fil-pussess tagħha EPC li jkun bbażat fuq id-*design rating* tal-bini u li jkun fil-forma preskritta' minn dawn ir-regolamenti sal-ġurnata li fiha tapplika dik il-persuna jew l-aġent tagħha għall-permess shih ta' żvilupp għand l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar;

(a) Postijiet ta' abitazzjoni b'effett mit-2 ta' Jannar, 2009;
u

(b) Il-bini l-iehor kollu b'effett mill-1 ta' Ġunju, 2009;

(4) B'effett mid-data indikata hawn aktar 'il quddiem il-persuna jew aġent li jaġixxi f' isimha u li joffri bini għall-bejgħ jew kiri għandu jipprovdni EPC lix-xerrej jew kerrej prospettiv waqt il-perjodu tal-konvenju jew fil-mument ta' l-iffirmar tal-ftehim tal-bejgħ, jew ftehim tal-kiri. L-EPC irid ikun fil-forma preskritta minn dawn ir-regolamenti u għandu jkun ibbażat fuq id-*design rating* jekk il-bini jkun għadu mhux mibni u lest jew fuq l-*asset rating* jekk il-bini ikun mibni u lest;

(a) Postijiet ta' abitazzjoni b'effett mit-2 ta' Jannar, 2009;
u

(b) Il-bini l-iehor kollu b'effett mill-1 ta' Ġunju, 2009.

(5) F'każ illi l-persuna jew l-aġent kif indikat fis-subregolament (4) ma tipprovdi lix-xerrej prospettiv jew lill-kerrej b'EPC fiż-żmien stipulat f' sub-regolament (4) tar-regolament 9, ix-xerrej jew il-kerrej ikollu dritt iqabba assessur biex jipprovdih biċ-ċertifikat mehtieg u f'kull każ ix-xerrej jew il-kerrej prospettiv ikollu d-dritt inaqqas l-ispejjeż għall-hruġ tal-EPC mill-ammont tas-somma mqabbla fil-bejgħ jew kirja.

(6) Minkejja id-disposizzjonijiet tas-subregolament 9(1), 9(2), 9(3) u 9(4), l-akkwist ta' EPC ma japplikax għall-kategoriji ta' bini li ġejjin:

(a) bini klassifikat taht Grad 1 jew Grad 2 bhala proprjetà skedata mill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar taht l-artiklu 46 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp u li jkollu l-erja ta' art utilizzabbli ta' anqas minn 1,000 metri kwadri u li jkun jintuża minn, u jinqdew minnu mhux aktar minn 500 persuna kuljum;

(b) bini li l-kostruzzjoni tiegħu hija soġġetta għar-Regolamenti ta' l-1998 dwar il-Kontroll ta' xoghlijiet tan-Nar u Splussivi ohra; A.L. 243 tal-1998.

(ċ) bini kostruwit għall-Korporazzjoni Enemalta, il-Korporazzjoni għas-Servizzi ta' l-Ilma jew entità simili ohra u li jkun utiżżat bhala stazzjon għall-ġenerazzjoni, trasmissjoni jew distribuzzjoni;

(d) bini jew partijiet minn bini li jakkomoda biss proċessi industrijali jew ta' l-agrikultura, illi jesigu konformità ma' regolamenti settorjali speċifiċi;

(e) bini ta' natura temporanja pjanat għall-użu speċifiku ta' sentejn jew anqas;

(f) serer uzati biss għall-finijiet agrikoli;

(g) bini maqtuġh minn bini iehor li jkollu l-arja ta' l-art anqas minn 40 metru kwadru;

(h) bini kostruwit għall-użu tal-Forzi Armati ta' Malta in konnessjoni mar-reqwiziti militari tagħhom; u

(i) bini uzat bhala post ta' qima.

10. (1) EPC mahruġ in konnessjoni ma' din il-parti tar-regolamenti jibqa' validu għall-perjodu ta' mhux aktar minn għaxar snin minn meta johroġ l-ewwel darba, sakemm ma jsir ebda rinnovazzjoni jew tibdil kbir fil-bini.

Disposizzjonijiet li għandhom x'jaqsmu ma' l-EPC.

(2) (a) L-EPC għandu jinkludi valuri ta' riferenza u għandu jkun akkumpanjat minn rapport ta' rakkomandazzjoni.

(b) Ir-rapport ta' rakkomandazzjoni għandu jindika miżuri li jkunu ekonomikament vijabbli biex jitjieb ir-rendiment tal-bini fl-użu ta' l-enerġija.

(3) Kull rapport jew *data file* in konnessjoni mal-produzzjoni tal-EPC iridu jikkonformaw mal-liġijiet ta' Malta dwar il-protezzjoni tad-*data* li huma fis-sehħ ;

(4) Jekk wara l-kostruzzjoni tal-bini jew installazzjoni tas-servizzi mekkaniċi jew elettriċi f' bini ġdid, jirrizulta li dik il-kostruzzjoni jew installazzjoni ta' servizzi tkun differenti mid-disinn li fuqu jkun hareġ *design rating* EPC, is-sid għandu jiżgura li jakkwista EPC ġdid ibbażat

fuq *asset rating* tal-bini fiż-żmien tal-perjodi indikati fis-subregolament 9(4). Id-disposizzjonijiet ta' sub-regolament 9(5) japplikaw ukoll.

Appartamenti jew postijiet ta' abitazzjoni disinjati biex jintużaw separatament.

11. (1) Ghal appartamenti jew postijiet ta' abitazzjoni disinjati jew mibdula b'dak il-mod li jkunu jistgħu jintużaw separatament, u li jkunu fi blokki b'sistema komuni jew identika ta' tishin ta' ilma, ta' tishin jew tkessih ta' spazji, l-EPC jista' jinhareġ kemm għall-bini shih jew fuq assessjar ta' appartement jew post ta' abitazzjoni rappreżentattiv fl-istess blokka;

(2) Ghal appartamenti jew postijiet ta' abitazzjoni disinjati jew mibdula għall-użu separat li jkunu fi blokki li ma jkollhomx sistema komuni ta' tishin ta' ilma, ta' tishin jew tkessih ta' spazji, l-EPC għandu jinhareġ għal kull appartement jew post ta' abitazzjoni individwali.

Wiri pubbliku ta' l-EPCs.

12. (1) Mit-2 ta' Jannar 2009 'il quddiem, kull persuna jew entità li tkun inkarigata minn bini pubbliku eżistenti kif muri fil-lista hawn taht trid tiżgura li sa mhux aktar mit-2 ta' Jannar 2010 tkun ikkummissjonat u poġġiet għall-wiri fil-hinijiet kollha f'post prominenti u fejn ikun jista' jarah il-pubbliku b'mod ċar EPC li jkun ibbażat fuq *l-asset rating* ta' dak il-bini:

(a) Bini kbir (inkluż bini skedat taht Grad 1 jew Grad 2) li jkunu użati minn jew qed jipprovdu servizzi lil aktar minn 500 persuna kuljum;

(b) Banek kummerċjali u bini ta' uffiċini tal-posta li jkollhom erja ta' art utiżzabbli ta' l fuq minn 100 metri kwadri irrispettivament min-numru ta' persuni li jużaw jew iżuru dak il-bini;

(c) *Showrooms*, hwienet u kumplessi ta' hwienet li għandhom erja ta' art utiżzabbli ta' l fuq minn 1000 metri kwadri irrispettivament min-numru ta' persuni li jużaw jew iżuru l-bini;

(d) Swali taċ-ċinema, swali ta' żfin, diskoteki, swali tal-logħob ta' l-ażżard u swali tat-tiġijiet li għandhom erja ta' art utiżzabbli ta' l fuq minn 500 metru kwadru irrispettivament min-numru ta' persuni li jużaw jew iżuru l-bini.

(2) Persuni jew entitajiet li jkunu inkarigati minn binjiet publiċi godda għandhom jiżguraw li sa mhux aktar minn 12-il xahar minn meta dak il-bini ikun tqabba mal-*power grid* ta' l-elettriku ikunu ikkummissjonaw u poġġew għall-wiri fil-hinijiet kollha f'post prominenti

u fejn ikun jista' jarah il-pubbliku b'mod ċar EPC li jkun ibbażat fuq *l-asset rating* ta' dak il-bini.

(3) F'perjodu ta' żmien li ma jeċċedix hames snin minn meta jkun gie espost għall-ewwel darba EPC u mhux aktar tard minn kull tliet snin suċċessivi jrid jiġi kummissjonat u mpoġġi għall-wiri EPC li jkun ibbażat fuq *l-operational rating* tal-bini u għandu jkun mqieghed biswit l-EPC originali biex jippermetti lin-nies li jużaw dak il-bini u l-visitaturi jagħmlu paragon ta' kif il-bini jkun qed jirrendi.

Taqsimha 3

Spezzjoni u ċertifikazzjoni għar-Rendiment fl-użu ta' l-enerġija ta' installazzjonijiet ta' dwal, tishin ta' l-ilma, tishin u tkessih ta' spazji fil-Bini

13. (1) (a) Mit-2 ta' Jannar 2009, sidien ta' installazzjonijiet ta' tishin u tkessih ta' spazji f'binjiet li jkollu bojlers li għandhom saħħa effettiva ta' 20kW jew aktar u li jahdmu b'karburant likwidu jew solidu mhux renovabbli għandhom jiżguraw li daww il-bojlers ikunu spezzjonati u li ċertifikat dwar ir-rendiment fl-użu ta' l-enerġija jkun inhareġ minn assessur ta' l-EPBI indipendenti;

Spezzjoni ta' bojlers.

(b) Fil-każ ta' installazzjonijiet ta' bojlers eżistenti, iċ-ċertifikat imsemmi f'paragrafu (a) ta' dan ir-regolament għandu jkun fil-pussess tas-sid mhux aktar tard minn 12-il xahar mid-data indikata fl-imsemmi paragrafu (a);

(2) Fil-każ ta' installazzjonijiet b'saħħa effettiva ta' aktar minn 20 kW li jkollhom bojler jew bojlers ta' aktar minn 15-il sena mid-data ta' meta jidhlu fis-seħh dawn ir-regolamenti, għandha ssir spezzjoni ta' darba u ċertifikazzjoni tal-installazzjoni kollha tat-tishin fi żmien 12-il xahar mid-data indikata f'paragrafu (a) tas-subregolament (1) ta' dawn ir-regolamenti.

(3) F'każ ta' installazzjonijiet ġodda ta' tishin li jkollhom bojlers li għandhom saħħa effettiva ta' 20 kW jew aktar u li jahdmu b'karburant likwidu jew solidu mhux renovabbli u bojlers li jahdmu bil-gass, is-sid għandu jkollu fil-pussess tiegħu fi żmien 28 ġurnata mid-data ta' l-ikkummissjonar ir-rapporti tal-ispezzjonijiet u ċertifikazzjonijiet dwar ir-rendiment fl-użu ta' l-enerġija, u ta' dik l-ispezzjoni u ċertifikazzjoni għandha terġa' ssir kull erba' snin minn dak in-nhar 'il quddiem;

(4) Ċertifikazzjonijiet u rapporti dwar ir-rendiment fl-użu ta' l-enerġija ta' installazzjonijiet li għandhom bojlers b'saħħa effettiva ta'

aktar minn 100kW għandhom ikunu fil-pussess tas-sid fi żmien 28 għurnata mid-data ta' l-ikkummissjonar, u dik l-ispezzjoni u dak ir-rapport għandhom jergħu isiru ta' l-inqas kull sentejn minn dak inhar 'l quddiem;

(5) Spezzjonijiet u ċertifikazzjonijiet għandhom jinkludu assessjar tal-effiċjenza u d-daqs tal-bojler fil-kuntast ta' rekwiziti ta' tishin tal-bini;

(6) Ir-rapport ta' l-ispezzjoni għandu jkollu rakkomandazzjonijiet adatti fuq il-possibiltà ta' titjib jew modifikazzjonijiet fis-sistema, bdil tas-sistema u soluzzjonijiet alternattivi;

(7) L-EPC u r-rapport għandhom ikunu depożitati u rreġistrati ma' l-Awtorità mill-assessur qabel jinharġu lis-sid.

Spezzjoni u ċertifikazzjoni ta' Rendiment fl-użu ta' l-enerġija f'sistemi ta' tkessih u tishin ta' spazji.

14. (1) Mit-2 ta' Jannar, 2009, sidien ta' *units* ta' l-arja kondizzjonata, jew ta' numru ta' *units* li jkunu mqabbdin flimkien jew sistema ċentralizzata u li jkollhom saħha effettiva ta' aktar minn 12kW skond il-każ, kemm go djar ta' abitazzjoni, bini residenzjali, kemm bini ieħor mhux residenzjali għandhom jiżguraw li dawn il-*units* jew sistemi jkunu spezzjonati minn assessur indipendenti ta' l-EPACI f'intervalli regolari kif speċifikat f'dawn ir-regolamenti;

(2) F'każ ta' bini eżistenti li għandu installazzjonijiet eżistenti ta' *units* jew ta' numru ta' *units* li jkunu mqabbdin flimkien jew sistema ċentralizzata b'saħha effettiva ta' 250kW jew aktar għandha ssir spezzjoni ta' darba tas-sistema kollha flimkien ma' hruġ ta' ċertifikat li għandu jinkludi rapport ta' rakkomandazzjonijiet u li għandu jkun fil-pussess tas-sid jew ta' l-inkwilin tal-bini, skond il-każ, fi żmien 12-il xahar mid-data indikata fir-regolament 14(1), u għandu jkun segwit minn spezzjonijiet u ċertifikazzjoni f'intervalli regolari li ma jeċċedux il-hames snin;

(3) F'każ ta' bini eżistenti li għandu installazzjonijiet eżistenti ta' *units* jew ta' numru ta' *units* li jkunu mqabbdin flimkien jew sistema ċentralizzata b'saħha effettiva ta' bejn 12kW u 249kW għandhom isiru spezzjoni u ċertifikazzjoni flimkien ma' ċertifikat li għandu jinkludi rapport ta' rakkomandazzjonijiet u li għandu jkun fil-pussess tas-sid jew ta' l-inkwilin tal-bini, skond il-każ, fi żmien 24 xahar mid-data indikata f'regolament 14(1), u għandhom ikunu segwiti bi spezzjoni u ċerifikazzjoni f'intervalli regolari li ma jeċċedux il-hames snin;

(4) Fil-każ tal-bini kollu li jkun ġdid jew bini eżistenti li jkollu units ġodda jew ta' numru ta' *units* li jkunu mqabbdin flimkien jew sistema ċentralizzata b'sahha effettiva ta' 'l fuq minn 12kW, l-ispezzjoni u ċ-ċertifikazzjoni li ghandu jinkludi rapport ta' rakkomandazzjonijiet ghandu jkun fil-pussess tas-sid jew ta' l-inkwilin tal-bini, skond il-każ, fi żmien 28 ġurnata mid-data ta' meta jkun sar ix-xoghol u ghandu jkun segwit bi spezzjoni u ċertifikazzjoni f'intervalli regolari li ma jeċċedux il-hames snin;

(5) L-ispezzjoni trid tinkludi stima ta' l-effiċjenza tal-*units* tal-arja kondizzjonata jew tas-sistema tal-arja kondizzjonata u tad-daqs ta' kwalunkwe *unit* jew tas-sistema mqabbla mar-rekwiziti ta' tkessih tal-bini, u trid tinkludi rakkomandazzjonijiet adatti fuq titjib li jkun possibbli f'kull *unit* jew sistema, tibdil tas-sistema jew soluzzjonijiet alternattivi;

(6) Biex ikun validu l-EPC u r-rapport ghandhom ikunu depożitati u reġistrati ma' l-Awtorità mill-assessor qabel ma jinharġu lis-sid jew inkwilin.

Taqsimha 4

Amministrazzjoni tas-sistema ta' l-EPC – Ċertifikazzjoni tar-Rendiment tal-Bini fl-Użu ta' l-Enerġija u Servizzi Mekkaniċi u Elettriċi fil-bini

15. (1) L-Awtorità jew rappreżentant awtorizzat taghha tista' titlob minghand is-sid ta' bini li jaqa' taht dawn ir-regolamenti jew l-aġent ta' dak is-sid, il-produzzjoni ta' l-EPC kif rikjest minn dawn ir-regolamenti fir-rigward ta' bini jew installazzjonijiet f'dak il-bini, u jekk is-sid jew l-aġent ta' dak is-sid tal-bini skond il-każ, jirrifjuta jew jonqos milli jipproduċi dak il-hin minghajr skuża raġjonevoli l-EPC, dik il-persuna tkun qed tikkommetti reat sakemm dik il-persuna ma ġġibx l-EPC rikjest fi żmien 60 ġurnata minn meta tkun ġiet mitluba iċ-ċertifikat;

Produzzjoni ta' EPC.

(2) Meta persuna tipproduċi EPC lill-uffiċjal awtorizzat mill-awtorità izda tirrifjuta jew ma tippermettix lil dak l-uffiċjal li jaqra u jeżamina l-EPC jew ir-rapport assoċjat miegħu, dik il-persuna jew persuni ohra nvoluti fil-każ, tkun qed tikkommetti reat, u l-uffiċjal awtorizzat jista' jitlob lil imsemmija persuna jew persuni l-isem u n-numru tal-karta ta' identifikazzjoni u l-indirizz uffiċjali.

16. (1) L-istima ta' rendiment fl-użu ta' l-enerġija u ċertifikazzjoni tal-bini ghandu jsir billi jintużaw proċeduri, inkluż metodi ta' kalkolazzjoni u *software*, approvati mill-Awtorità.

Stima ta' rendiment fl-użu ta' l-enerġija.

(2) Fit-twettiq ta' l-istima ta' l-EP ta' bini jew installazzjoni, assessur għandu jikkonforma ruhu ma' kull direzzjoni mogħtija mill-Awtorità fir-rigward tal-mod ta' kif l-istima għandha ssir;

(3) Assessur jista' jirrifjuta milli jagħmel stima ta' l-EP ta' xi bini jew installazzjoni jekk fl-opinjoni tal-assessur xi parti mill-bini jew installazzjoni tkun f'kundizzjoni illi ma tiżgurax sigurta' jew ma jkunx prattikabbli illi ssir dik l-istima;

(4) EPC iffirmit m'għandux jinħareġ minn assessur lis-sid tal-bini jew lill-aġent tiegħu, skond il-każ, hlief meta u sakemm ma jkunx aċċettat fir-reġistru miżmum mill-Awtorità.

Thassir ta' EPC.

17. (1) L-Awtorità tista' tirrevoka EPC u *data* fajl ta' EPC jew rapport magħmul minn assessur fejn ikollha raġunijiet fondati biex temmen illi l-EPC jew *data* fajl jew rapport ma jkunx sar jew ma jkunx maħruġ skond dawn ir-regolamenti, u għandha tinnota dik ir-revoka fid-dokument dwar l-EPCs ta' dak il-bini u fir-reġistru ta' l-Awtorità;

(2) Meta EPC jew *data* fajl ta' l-EPC jew rapport ikun ġie revokat, l-Awtorità għandha tinforma lill-assessur, billi tagħtih jew tagħtiha r-raġuni għar-revoka, u għandha wkoll tinforma lill-persuna li kummissjonat l-EPC, lis-sid jew lill-inkwilin tal-bini, skond il-każ;

(3) L-Awtorità tista' tagħmel talba bil-miktub biex tiġbor lura EPC li jkun ġie revokat, skond il-każ, fi żmien 14-il ġurnata minn meta tkun saret it-talba;

(4) Fil-każ li EPC jew *data* fajl, jew rapport ikun ġie revokat taħt dan ir-regolament:

(a) il-persuna li hallset l-ispiza jew għenet fl-ispiza relatata ma' stima ta' EPC tista' tagħmel talba għall-hlas lura tal-imsemmija spiza jew ta' parti minnha mingħand l-assessur li jkun għamel dik l-istima ; u

(b) l-assessur għandu jhossu obligat li jhallas kollox jew parti, skond il-każ, kif imsemmi f'paragrafu (a) ta' dan ir-regolament, fi żmien 28 ġurnata minn meta jkun irieva t-talba, jekk l-assessur ikun sodisfatt illi d-dritt jew kontribuzzjoni għad-dritt tkun thallset mill-persuna li tagħmel it-talba.

Bidla, tgħarriq eċċ ta' EPC jew tar-rapport relatat.

18. (1) Wara li jkun ġie reġistrat EPC ma' l-Awtorità u jkun ġie iffirmit mill-assessur, ebda persuna ma' għandha, sew bil-kitba, bi tpingija sew b'xi mod ieħor tibdel, tgħarraq, timmutila jew iżżid xi haġa mal-EPC

jew ma xi rapport relatat jew ma' xi kopja stampata ta' l-EPC jew ma' xi rapport relatat jew annotazzjoni mdaħħla fihom;

(2) Hadd ma jista' jipproduci:

(a) kopja stampata ta' xi EPC jew rapport ghal xi bini jew installazzjoni liema kopja tkun giet imbidla, mgharrqa, mutilata jew jkunu saruluha xi židiet kuntrarjament ghal sub-regolament (1), jew li fuqu ċ-ċifri ma jkunux għadhom jinqraw jew il-kulur ikun inbidel jew ghax iċċara jew xort' ohra; jew

(b) EPC jew rapport ghajr fil-każ tal-bini partikolari li ghalih ikun inhareg; jew

(ċ) EPC jew rapport li jkun sar null jew li l-validità tieghu tkun skadiet; jew

(d) imitazzjoni bil-kulur jew imitazzjoni ohra ta' EPC jew ta' rapport;

(3) L-Awtorità tista' tirrikjedi illi sid ta' bini jew, skond il-każ, l-aġent tieghu jew taghha, jċedilha EPC jew rapport fejn l-Awtorità jkollha raġuni sabiex temmen li l-EPC jew ir-rapport jkollu fih dettalji li ma jkunux korretti u, meta hekk ikun rikjest, is-sid tal-bini jew, skond il-każ, l-aġent tas-sid, għandu b'effett immedjat jċedi d-dokumenti rilevanti lill-Awtorità.

19. (1) Id-*data*, dokumentazzjoni u rekords kollha mahruġa minn assessur u depożitati għand l-Awtorità relatat mal-ħruġ ta' EPC taħt dawn ir-regolamenti jsiru proprjetà ta' l-Awtorità li jkollha s-setgħa li tesigi lill-assessur jaghtiha dik id-*data*, dokumentazzjoni jew rekords kif meħtieġ;

Rekords, *data* u dokumentazzjoni.

(2) Ir-rekord legali tal-EPC relatat ma' bini jew installazzjoni għandu jkun dak imdaħħal fir-Registru EPC li jinżamm mill-Awtorità;

(3) Ir-rekord l-aktar reċenti ta' EPC relatat ma' bini jew installazzjoni mdaħħal fir-registru EPC mill-Awtorità għandu jitqies li jiehu post kull rekord preċedenti ta' EPC għal dak il-bini jew installazzjoni.

20. (1) Bla hsara għal sub-regolamenti (3) u (4), l-Awtorità tista' tirreġistra assessuri EP sabiex jistmaw ir-rendiment tal-bini fl-użu ta' l-enerġija, u johorġu rapporti relatati ma' bojlers tal-mishun, sistemi ta' tishin u tkessih ta' spazji skond dawn ir-regolamenti.

Reġistrazzjoni ta' Assessuri EP.

(2) Meta tirreġistra assessur, l-Awtorità għandha tindika t-tip ta' ċertifikazzjoni ta' l-EP kif ukoll il-kategorija ta' bini li dwaru l-assessur jkun awtorizzat jagħmel stimi u ċertifikazzjonijiet EP.

(3) L-Awtorità m'għandhiex tikkunsidra persuna għar-reġistrazzjoni bħala assessur sakemm:

(a) il-persuna ma tagħmilx applikazzjoni għar-reġistrazzjoni ma' l-Awtorità fil-forma speċifikata mill-Awtorità għal dan il-ghan;

(b) l-applikazzjoni għar-reġistrazzjoni ma tkunx annessa mad-dritt speċifikat mill-Awtorità; u

(ċ) il-persuna ma tissodisfax rekwiżiti oħra kif speċifikat mill-Awtorità;

(4) Waqt li tkun qed tikkunsidra applikazzjoni għal reġistrazzjoni bħala assessur, l-Awtorità trid tkun sodisfatta li l-applikant għandu il-kwalifiki meħtieġa, u jekk meħtieġ, irid ikun temm b'suċċess kors ta' tahrig mogħti mill-Awtorità jew minn fornitur ta' tahrig rikonoxxut mill-Awtorità li hu adegwat biex jipprovdi tahrig dwar ċertifikazzjoni tar-Rendiment tal-Bini fl-Użu ta' l-Energija għall-bini li jkun ittella' u installazzjonijiet li jkunu saru f'Malta fil-kategorija rilevanti ta' bini u skond it-tip ta' ċertifikazzjoni partikolari.

(5) Assessur li jkun reġistrat ma' l-Awtorità għal tip wiehed ta' ċertifikazzjoni jew kategorija ta' bini jista' japplika għand l-Awtorità sabiex jirreġistra għal xi tip jew kategorija oħra ta' bini, u jista' jkun hekk reġistrat, soġġett għall-konformità mad-disposizzjonijiet imniżzla fis-subregolamenti (3) u (4) ta' dan ir-regolament u l-hlas ta' xi dritt hekk kif speċifikat mill-Awtorità.

(6) Assessur għandu jkun rikjest iġedded ir-reġistrazzjoni tiegħu jew tagħha f'intervalli raġjonevoli kif determinat mill-Awtorità, bla hsara għall-hlas ta' xi dritt għat-tiġdid ta' reġistrazzjoni hekk kif speċifikat mill-Awtorità.

(7) L-Awtorità għandha ttiprovdi lil kull assessur b'ċertifikat ta' reġistrazzjoni għat-tip u għall-kategorija ta' bini partikolari li għalih saret ir-reġistrazzjoni tiegħu jew tagħha u ċ-ċertifikat, jekk mitlub mis-sid ta' bini jew mill-aġent tas-sid, jew mill-uffiċjal awtorizzat, għandu jiġi ipprezentat biex jiġi mifli mill-persuna li tkun għamlet it-talba.

(8) Meta l-Awtorità tissospendi jew ittemm ir-reġistrazzjoni ta' persuna bħala assessur, għandha tinnota fir-reġistru taht ir-rekord

ta' dik il-persuna bhala assessur dik is-sospensjoni jew tmiem tanomina f'dik il-kariga u tinkludi d-data ta' sospensjoni jew revoka;

(9) L-Awtorita tista', meta tqis ic-cirkustanzi kollha tal-każ, tissospendi jew ittemm ir-registrazzjoni ta' l-assessur wara s-segwenti:

(a) nuqqas mill-assessur li jattendi kors ta' tahrig perjodiku jekk rikjest mill-Awtorità jew li jtemm b'mod sodisfacenti dak il-kors ta' tahrig, jew

(b) nuqqas minn assessur li jhares xi direzzjoni taht dawn ir-regolamenti, jew

(c) nuqqas minn assessur li johrog b'mod tajjeb u kif inhu xieraq stima tar-rendiment tal-bini fl-użu ta' l-enerġija għall-għanijiet tal-EPC, jew jonqos milli jzomm jew jipprovd *data*, dokumentazzjoni jew rekords sodisfacenti ta' tali stima, jew

(d) it-twettiq, l-ghajjnuna jew thajjir ghat-twettiq ta' xi reat mill-assessur taht dawn ir-regolamenti, jew

(e) l-iffurmar ta' opinjoni mill-Awtorità illi l-assessur ma jkunx għadu kapaçi jizvolgi l-funzjonijiet tieghu jew tagħha, taht dawn ir-regolamenti, b'mod propizju u effiċjenti;

(10) Sospensjoni jew tmiem ta' registrazzjoni taht is-subregolament (9) għandu jiġi notifikat bil-miktub lill-persuna konċernata u għandhom jingħataw ir-raġunijiet għal dik is-sospensjoni jew tmiem, u għandha tiġi infurmata l-persuna bil-proċeduri ta' l-appell taht sub-regolament (11).

(11) Persuna illi r-registrazzjoni tagħha tkun ġiet sospiza jew tkun intemmetilha taht sub-regolament (10) ta' dan ir-regolament tista', fi'żmien 14-il ġurnata minn dik is-sospensjoni jew terminazzjoni, tappella minn dik is-sospensjoni jew mit-tmiem lil Bord ta' l-Appelli dwar ir-Riżorsi mahtur skond l-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi, jew lill-Qorti ta' l-Appell, skond il-każ.

(12) Persuna li r-registrazzjoni tagħha bhala assessur tkun ġiet preskritta jew sospiza jew tkun intemmet tista' tkun ordnata mill-Awtorità trodd lura lill-istess Awtorità jew inkella teqred kull *data* jew dokumentazzjoni provduta mis-sidien ta' bini jew l-aġenti tagħhom, u kull kopja ta' dik id-*data* jew dokumentazzjoni, relatati ma' stima EPC maħduma minnu jew minnha fil-kapaċità tieghu jew tagħha bhala assessur;

(13) Persuna, illi minghajr ma tkun assessur, taghti x'tifhem illi hija assessur EPC għall-kategorija ta' bini relevanti, jew għal spezzjonijiet EPC ta' installazzjonijiet, jew li tkun uffiċjal awtorizzat taht dawn ir-regolamenti tkun qed twettaq reat;

(14) (a) Persuna li filwaqt li taghti x'tifhem li qed taghti informazzjoni lill-assessur ta' l-EPC, lill-Awtorità jew lil uffiċjal awtorizzat għat-tweqqi tal-funzjonijiet ta' dik il-persuna taht dawn ir-regolamenti, tagħmel stqarrija li tkun taf li hi falza jew qarrieqa dwar xi materja partikolari jew tonqos milli tiżvela xi materja partikolari tkun qed twettaq reat;

(b) Assessur li johroġ EPC jew jagħmel stqarrija jew rapport li dak l-assessur ikun jaf li jkun falz jew qarrieqi f'xi materja partikolari, ikun qed iwettaq reat.

Istruzzjonijiet mill-Awtorità.

21. (1) L-Awtorità tista' minn żmien għal żmien tohroġ direzzjonijiet lill-assessuri relatati ma':

(a) il-mod kif għandhom jinhadmu l-istimi EPC;

(b) il-mod ta' kif għandhom jinharġu EPC, u r-rapporti b'rakkomandazzjonijiet adatti li jakkumpanjawh;

(ċ) ir-rekwiziti ta' kwalifiki u tahriġ għall-assessuri EPC;

(d) ir-rekords, *data bases* u dokumentazzjoni li għandha tkun miżmuma mill-assessuri;

(e) il-kodiċi ta' Prattika li għandhom ikunu mharsa mill-assessuri; u

(f) kull haġa ohra li tkun raġjonevolment mehtieġa għall-amministrazzjoni xierqa tas-sistema EPC;

(2) Assessur għandu jikkonforma ma' kull direzzjoni mogħtija taht sub-regolament (1) ta' dan ir-regolament.

Dritt għar-registrazzjoni EPC.

22. (1) L-assessur li jkun registrat għandu jhallas lill-Awtorità dak id-dritt kif determinat mill-Awtorità għal kull stima EPC maħduma għal bini jew installazzjoni u prezentata bhala *EPC data file* mill-istess assessur lill-Awtorità bil-għan li jirreġistra u johroġ EPC u r-rapport relatat b'rakkomandazzjonijiet;

(2) Id-dhul mid-dritt speċifikat fis-subregolament (1) ta' dan ir-regolament għandu jkun użat biss, mill-Awtorità, biex jinqatghu l-

spejjeż mhallsa mill-Awtorità fit-twaqqif, thaddim u manutenzjoni tas-sistema EPC inkluż ir-riklamar tas-sistema imsemmija.

23. (1) L-Awtorità ghandha twaqqaf, thaddem u żżomm reġistru għall-assessuri, reġistru EPC li jinkorpora Ċertifikati EP, rapporti b'rakkomandazzjonijiet adatti, rapporti ta' spezzjonijiet ta' installazzjonijiet, *EPC data files* u *data* jew dokumenti relatati u kull reġistru iehor li l-Awtorità tikkunsidra mehtieġa għall-amministrazzjoni xierqa tas-sistema EPC.

Reġistri miżmuma mill-Awtorità.

(2) Kull reġistru mwaqqaf taht sub-regolament (1) ta' dan ir-regolament jista' jinżamm fil-forma li ma tinqarax sakemm ikun jista' jiġi riprodott fil-forma li tinqara;

(3) Kull reġistru mwaqqaf taht sub-regolament (1) ta' dan ir-regolament għandu jkun rekord pubbliku, u għandu jinżamm taht it-tmexxija ta' l-Awtorità;

(4) Fir-rigward tar-reġistri mwaqqfa taht sub-regolament (1) ta' dan ir-regolament, id-drittijiet ta' aċċess li ġejjin għandhom japplikaw:

(a) estratti mir-reġistru tal-assessuri EPC, li jinkludu l-isem, min jimpjega lill-assessur, jekk applikabbli, u l-post tan-negozju, id-dettalji ta' kuntatt, u t-tip ta' sistema magħzula għall-istima u ċertifikazzjoni ta' l-enerġija li għaliha tkun tapplika ir-reġistrazzjoni EPC tiegħu jew tagħha (jekk hux bini jew installazzjonijiet), għandhom ikunu għad-dispożizzjoni tal-pubbliku fuq l-internet jew, waqt il-hinijiet ta' l-uffiċċju, fl-uffiċċji ta' l-Awtorità;

(b) bla hsara għad-dispożizzjonijiet ta' l-Att dwar il-Protezzjoni tad-Data, l-Awtorità tista' tippermetti l-pubblikazzjoni jew l-aċċess, fuq bażi ristretta jew miftuħa, ta' kull estratt minn kull reġistru li jinżamm mill-Awtorità taht dawn ir-regolamenti fejn l-Awtorità tkun sodisfatta li dik il-publikazzjoni jew dak l-aċċess huwa fl-interess pubbliku;

Kap. 440.

(ċ) barra minn dak provdut taht paragrafi (a) u (b) ta' dan ir-regolament, *data file* jew kull estratt minn reġistru relatat ma' EPC għall-bini partikolari ikun normalment aċċessibbli biss għal:

(i) l-assessur ta' l-EPC li jkun hadem l-istima ta' l-EPC rilevanti, jew lil min jimpjega formalment lill-istess assessur; jew

(ii) assessur ta' l-EPC li sussegwentement jahdem stima ta' l-EPC tal-bini rilevanti, jew min jimpjega l-istess assessur; jew

(iii) is-sid tal-bini rilevanti, jew l-aġent ta' dak is-sid tal-bini, permezz ta' assessur EPC.

Valur Probatorju.

24. (1) F'kull proċedura, ċertifikat iffirmit minn uffiċjal awtorizzat mill-Awtorità li jkun fih biss informazzjoni li fiċ-ċertifikat tkun dikjarata li giet mehuda minn reġistru miżmum mill-Awtorità ghandha tkun evidenza suffiċjenti tal-fatti li jkun fih sakemm il-kuntrarju ma jkunx pruvat.

(2) F'kull proċedura, dokument li jagħti x'jifhem li hu ċertifikat taht sub-regolament (1) ta' dan ir-regolament ghandu jkun meqjus li jkun dak iċ-ċertifikat u li jkun gie ffirmit minn uffiċjal awtorizzat mill-Awtorità, sakemm il-kuntrarju ma jkunx pruvat.

(3) ċertifikat taht is-subregolamenti (1) u (2) ta' dan ir-regolament li jagħti x'jifhem li hu firma *faksimile* ta' l-uffiċjal awtorizzat mill-Awtorità konċernata jew kopja ta' dik il-firma magħmul permezz ta' timbru jew magħmul b'kompjuter ghandu jkun meqjus għall-fini ta' dan l-artiklu, li jkun gie ffirmit minn uffiċjal awtorizzat sakemm il-kuntrarju ma jiġix pruvat.

Taqsimha 5

Infurzar.

25. Persuna jew persuni li jagħmlu kontravvenzjoni kontra xi rekwizit ta' dawn ir-regolamenti jkunu qed iwettqu reat.

Hatra u poteri ta' l-uffiċjali awtorizzati.

26. (1) L-Awtorità tista' tahtar persuni sabiex ikunu uffiċjali awtorizzati għall-ghanijiet ta' l-infurzar ta' dawn ir-regolamenti.

(2) Uffiċjal awtorizzat ghandu jkun fornut b'*warrant* tal-hatra, u meta jkun qed jeżerċita xi poter konferit taht dan ir-regolament, dak l-uffiċjal irid juri l-*warrant* tal-hatra, jekk ikun mitlub minn xi persuna affettwata.

Poter għall-uffiċjali awtorizzati sabiex jidhlu, jispezzjonaw, eċċ., bini.

27. (1) Uffiċjal awtorizzat jista' jidhol, jispezzjona u jeżamina bini jew parti minn bini jew installazzjoni bil-ghan li jiffirma opinjoni dwar jekk hemmx bżonn isir *data file* ta' EPC jew ċertifikat maħruġ għall-bini, jew parti minn bini, jew installazzjoni.

(2) Uffiċjal awtorizzat jista' jagħmel kull haġa u kull m'hemm bżonn li hu raġjonevolment mehtieg f'dak li ghandu x'jaqsam

mal-bini u l-installazzjonijiet, għall-ghan li titwettaq l-ispezzjoni msemmija taht sub-regolament (1) ta' dan ir-regolament.

(3) Persuna li:

(a) tonqos li tippermetti li ssir spezzjoni ta' bini, jew ta' installazzjoni, taht dan ir-regolament,

(b) minghajr skuża raġjonevoli tonqos jew tirrifjuta li taderixxi ma' xi rikjesta jew rekwiżit magħmul minn uffiċjal taht dan ir-regolament,

(ċ) tostakola, timpedixxi, tindahal lil jew tattakka uffiċjal awtorizzat fl-eżerċizzju ta' xi poter taht dan ir-regolament,

(d) tagħti lil uffiċjal awtorizzat informazzjoni li tkun falza jew qarrieqa f'xi aspett materjali, jew

(e) tbiddel, tahbi, jew teqred xi EPC *data file*, il-kalkolazzjoni relatata, iċ-ċertifikat EPC, ir-rapport birakkomandazzjonijiet, ktieb, dokument jew rekord, inkluż xi kopja stampata tagħhom, u *data* elettronika, li l-persuna konċernata tkun giet rikjesta jew mitluba tipproduċi, jew li jkun raġjonevoli li tipproduċi,

tkun qed tikkommetti reat.

28. (1) Proċeduri kriminali għal reat taht dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond ma jista' jkun il-każ, u għandhom ikunu skond id-disposizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati ta' ġudikatura kriminali. Prosekuzzjoni.

(2) Meta reat taht dawn ir-regolamenti jiġi mwettaq minn entità ġuridika, jew minn entità ta' persuni li ma tkunx ġuridika, jew minn persuna li tagħti x'tifhem li qed taġixxi f'isem entità ġuridika jew f'isem entità ta' persuni li ma tkunx ġuridika, u jkun pruvat li ġie mwettaq bil-kunsens jew kompliċità ta', jew li jkun attribwit għal xi negligenza min-naħa ta' xi persuna li meta r-reat ikun ġie kkommess, kienet, jew tat x'tifhem li qed taġixxi, fil-vesti ta' direttur, maniġer, segretarju jew segretarja jew xi uffiċjal jew membru ta' dik l-entità, dik il-persuna kif ukoll l-entità, jew il-persuna li tagħti x'tifhem li qed taġixxi f'isem l-entità twettaq reat u tkun soġġetta li jinfethu proċeduri kontriha u li tiġi penalizzata f'każ ta' htija.

Kap. 9.

(3) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali ghandu dejjem ikollu dritt ta' appell quddiem il-Qorti tal-Appell Kriminali minn kull sentenza moghtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Ghawdex) dwar proċedimenti ghal xi reat kontra dawn ir-regolamenti.

Multi
amministrattivi.

29. Kull penalità jew sanzjoni amministrattiva imposta mill-Awtorità fuq kull persuna li tikser xi disposizzjoni ta' dawn ir-regolamenti jew li tonqos milli tikkonforma ma' xi direttiva jew deċiżjoni moghtija mill-Awtorità biex tiżgura konformità ma' dawn ir-regolamenti jkun dovuti lill-Awtorità bhala dejn ċivili li jikkostitwixxi titolu eżekuttiv ghall-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili bhallikieku l-hlas ta' l-ammont tal-multa kien ordnat b'sentenza ta' qorti ta' kompetenza ċivili.

Pieni.

30. Persuna hatja ta' reat taht –

(1) Ir-regolamenti 9(1), (3), (4), 10(4), 12(2), 13(1), (2), (3), (4), (7), 14(1), (2), (3), (5) tkun hatja b'kundanna sommarja ghall-multa ta' mhux inqas minn €500 u mhux aktar minn €1,500;

(2) Ir-regolamenti 15, 16(1), (2), (4), 17, 18 u 20(12), (13), (14) tkun hatja b'kundanna sommarja ghal multa ta' mhux inqas minn €1500 u mhux iżjed minn €5,000;

(3) Ir-regolament 27(3) tkun hatja b'kundanna sommarja ghal multa ta' mhux inqas minn €1500 u mhux iżjed minn €5,000 jew ghal żmien ta' prigunerija li ma jkunx iżjed minn tliet xhur, jew ghall-multa u prigunerija flimkien.

Taqsim 6

Mixellanji

Lingwa.

31. (1) Kull Dokument ta' Gwida Teknika li jkun mahruġ in konnessjoni ma' dawn ir-regolamenti jista' jiġi pubblikat kemm bil-lingwa Maltija biss, kemm bil-lingwa Ingliza biss, kemm bit-tnejn.

(2) Kull ċertifikat EPC jew rapport mahruġa skond dawn ir-regolamenti jistghu isiru bil-lingwa Maltija biss jew bil-lingwa Ingliza biss, jew bit-tnejn.

Ihassar A.L. 238 ta'
l-2006.

32. (1) Ir-Regolamenti ta' l-2006 dwar Rekwiziti Minimi ghar-Rendiment tal-Bini fl-Użu ta' l-Energija qeghdin hawn jiġu mhassra.

(2) Minkejja sub-regolament (1) ta' dan ir-regolament, it-thassir ma jaffettwax il-validità tad-Dokument F tal-Gwida Teknika dwar ir-rendiment tal-bini fl-użu ta' l-enerġija hekk kif avżat permezz ta' l-Avviż 1002/2006 fil-Gazzetta tal-Gvern Nru. 18,002.

L.N. 261 of 2008

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Energy Performance of Buildings Regulations, 2008

IN exercise of the powers conferred by article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:

1. (1) The title of these regulations is the Energy Performance of Buildings Regulations, 2008. Title and commencement.

(2) Save as otherwise specified in these regulations, these regulations shall come into force on such date as the Minister responsible for the Malta Resources Authority may by order appoint and different dates may be so appointed in respect of different regulations.

2. The scope of these regulations is to give effect to the provisions of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings¹. Scope.

3. (1) The following definitions shall, unless the context otherwise requires, apply. Definitions.

“the Act” means the Malta Resources Authority Act;

“advisory report” means a report made by an EP assessor, accompanying an Energy Performance Certificate (EPC), worked on the basis of an EP assessment of a building or heating or cooling installation, and containing recommendations on how the energy performance of the building or heating or cooling installation may be improved in a cost-effective manner.

“asset rating” means an energy performance rating using data for the building as actually constructed and based on calculations of the energy used in a building for heating, cooling, ventilation, hot water and lighting, with standard input data related to internal and external climates and occupancy and represents the intrinsic energy performance potential of the building under standardised conditions of weather and occupancy;

¹ OJ No. L 1/65, January 2003

“authorised officer” means a person authorised by the Authority to monitor and enforce these regulations;

“the Authority” means the Malta Resources Authority or any other entity that is authorised to act on its behalf on matters of these regulations;

“building” means a roofed construction having walls, for which energy is used to condition the indoor climate; a “building” may refer to the building as a whole or parts thereof that have been designed or altered to be used separately;

“design rating” is an energy performance rating based on calculations done at the design stage, of the energy used in a building for heating, cooling, ventilation, hot water and lighting, with standard input data related to internal and external climates and occupancy and based on the design characteristics of the building complete with permanently installed finishes, fixtures, fittings and mechanical and electrical installations to render that building habitable and good for its intended use under standardised conditions of weather and occupancy according to acceptable comfort norms and other regulations in force at the time of its design;

“development permission application” means an application for development permission or approval in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992;

L.N. 133 of 1992.

“dwelling” or “dwelling unit” means a suite operated as a house-keeping unit, used or intended to be used as a domicile and usually containing cooking, eating, living, sleeping and sanitary facilities;

“effective rated output”, expressed in kW, means the maximum calorific output laid down and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

“EP” means energy performance;

“EP assessment” means an assessment of the energy performance of a building or a mechanical or electrical system carried out by an EP assessor for the purpose of assigning an EPC;

“EPACI assessor” means a person who is duly registered with the Authority after the Authority has taken into consideration that such person is in possession of a degree in building services or mechanical or electrical engineering conferred by the University of Malta or an equivalent degree and who has successfully undergone a period of training on the inspection and assessment of the efficiency of air-conditioning, space cooling and ventilation systems, and such training is approved by the Authority;

“EPB assessor” means a person who is duly registered with the Authority after the Authority has taken into consideration that such person is in possession of:

(a) a degree in architecture and civil engineering, or civil engineering, or building services, or mechanical, or electrical engineering conferred by the University of Malta, or an equivalent degree, and has also successfully undertaken a period of training on the assessment of the energy performance of buildings built in Malta, and such training is approved by the Authority, or

(b) a registration certificate as an energy performance of buildings assessor in any EU member state and who has successfully undergone a period of training on the assessment of the energy performance of buildings built in Malta, and such training is approved by the Authority;

“EPBI assessor” means a person who is duly registered with the Authority after the Authority has taken into consideration that such person is in possession of a degree in building services or mechanical or electrical engineering conferred by the University of Malta, or an equivalent degree, and has successfully undergone a period of training on the inspection and assessment of the efficiency of boiler and space heating systems, such training is approved by the Authority;

“EPC” means an energy performance certificate in a prescribed form on the basis of an EP assessment, which is held and may be viewed in electronic form on the EPC register, and may be reproduced and issued in printed form by or on behalf of the Authority;

“EPC data file” means an electronic file which contains a report on the outcome of an EP assessment in a form approved by the Authority, which is completed by an EP assessor and provided to the Authority for the purpose of notifying it of the record to be

made or updated on the EPC register in respect of a particular building, and it shall be deemed to include any calculations and related data or documents accompanying such report;

“EPC record” means, as the case may be, the current and any earlier EPC, any advisory report, any EPC data file and any related data or documents, pertaining to a building or boiler or air-conditioning installation, as the case may be;

“EPC register” means a database of EPC records and related data or documents established, operated, maintained and owned by the Authority for the purpose of these regulations;

“EPC system” means the registers, procedures and rules established, operated, maintained and owned by the Authority for the purpose of administering EPCs and related activities in accordance with these regulations;

“independent EP assessor” means an EP assessor who is not the owner or tenant of the building being assessed or an employee of the owner or of any contractor responsible for the construction, finishing and, or installation of mechanical or electrical services of a building for which an EPC is being requested or inspection of boilers, lighting, space heating or space cooling systems is made;

“installation” consists of systems providing artificial lighting, water heating, space heating or space cooling or space ventilation in any combination;

“large building” means a building with a total useful floor area in excess of 1000 square metres;

“major renovation or alteration” means a renovation or alteration:

- (a) which affects a building by 25% or more of its volume before such an intervention, or
- (b) where renovation of 25% or more of windows or roofs or external walls is made, or
- (c) where renovation of 25% or more of any energy consuming installations for artificial lighting, or heating or cooling of air or water or space ventilation is made, or

(d) where a change-of-use development permission application concerning buildings, is being submitted to the Malta Environment and Planning Authority, save all exclusions in regulation 6;

“the Minister” means the Minister responsible for the Malta Resources Authority;

“new building” or “new public building” means a building for which a development permission application is submitted to the Malta Environment and Planning Authority on or after the 2nd January, 2009;

“non residential building” means any building or any part of a building which is not used, or is unsuitable for use as a residential building or dwelling and includes industrial buildings, places of assembly, offices, schools and shops;

“operational rating“ means an energy performance rating based on the measured consumption of energy used for lighting, heating and cooling of water and the internal spaces, and space ventilation in the building throughout a defined period of time;

“owner” means:

(a) a person who in his own right, or as an agent for another person, is entitled to receive the rent of the building or, where the building is not let, would be so entitled if it were let;

(b) where the building is subject to usufruct, the bare owner or the usufructuary;

(c) an emphyteuta;

(d) any one of the spouses, where the building to which the EPC relates forms part of the community of acquests;

“prescribed” means anything as prescribed by the Minister;

“prospective buyer or tenant” means a person who:

(a) is in the process of entering into a sale agreement with another person or with the agent of such other person for the purpose of purchasing a building or

(b) enters into a promise of sale agreement with another person or the agent of such other person for the purpose of purchasing a building or

(c) enters into an agreement of rent, whether oral or written, to rent a building;

“public buildings” means a building or part of a building that is used by an entity or by persons to provide any service to the public;

“recognised EP training provider” means:

(a) the Authority; or

(b) a training provider, who is registered with the Authority and providing an EP training course that is validated by the Authority;

“register of EP assessors” means a database of EP assessors registered with the Authority and related data established, operated, maintained and owned by the Authority;

“residential building” means a building or any part of a building which is used, or is suitable, for residential purposes that has sleeping accommodation and includes a hotel or an institutional building;

“useful floor area” means the area that is needed to carry out the activities of the building in question including waiting and circulation spaces and excluding garages, storage spaces, plant rooms and yards.

(2) The definitions contained in the *Technical Guidance Document F* referred to in regulation 4 hereof, shall also apply in respect of these regulations.

(3) In these regulations any expression which is not defined shall have the same meaning as it has in the Act.

Objectives.

4. These regulations aim to improve the energy performance of buildings and may set out requirements, by means of any technical guidance document or otherwise, with regard to the following:

(a) the application of minimum energy performance requirements for newly constructed buildings;

(b) the application of minimum energy performance requirements for large existing buildings that are subject to major renovation;

(c) the general framework for a national methodology for the calculation of the integrated energy performance of buildings;

(d) the energy performance certification of buildings referred to in paragraphs (a) and (b) hereof or buildings that change ownership or are rented out; and

(e) the regular inspection of boilers and of air-conditioning systems in buildings with regard to reducing energy consumption and limiting carbon dioxide emissions.

Part 1

Minimum Requirements on the Energy Performance of Buildings

5. (1) The minimum requirements on the energy performance of Buildings as hereinafter referred to as *Technical Guidance Document F* notified in the Gazette by Government Notice No. 1002 of 2006, shall apply to the following buildings:

Minimum energy performance requirements.

(a) buildings whose development permission applications in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992, was received by the Malta Environment and Planning Authority on or after the 2nd January, 2007;

(b) existing large buildings that undergo major renovation or alteration, whose development permission applications in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992, was received by the Malta Environment and Planning Authority on or after the 2nd January, 2007. In such situations, the minimum requirements are to be limited solely to the areas of the building, the elements or the installations that are being altered or renovated as the case may be;

(c) in situations of a change of use in buildings, and whose development permission application in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992, is received by the Malta Environment and Planning Authority on or after the 2nd January, 2009.

(2) Large buildings for which an outline or full development permission applications in terms of regulation 3(1) of the Development Permission (Method of Application) Regulations, 1992, is received by the Malta Environment and Planning Authority on or after the 2nd January, 2009, a study that takes into consideration the technical, environmental and economic feasibility of alternative energy systems such as,

- (a) decentralised energy supply systems based on renewable energy,
- (b) combined heat and power,
- (c) district or block heating or cooling, if available,
- (d) heat pumps under certain conditions;

has to be carried out and made available on request to the Authority or to the Malta Environment and Planning Authority.

(3) The study referred to under regulation 5 shall be carried out by persons who are suitably qualified by means of their education, training and experience, and it shall include specific recommendations in relation to the utilization of alternative energy systems, including those specified in this regulation, to serve the building under review.

Non applicability of minimum energy performance requirements.

6. Notwithstanding the provisions of regulation 5 hereof, the minimum requirements on the Energy Performance of Buildings established in these regulations shall not apply to the following categories of buildings:

Cap. 356.

(a) a building classified as scheduled property (Grade One) by the Malta Environment and Planning Authority under article 46 of the Development Planning Act;

L.N. 243 of 1998.

(b) a building the construction of which is subject to the Control of Fireworks and other Explosives Regulations, 1998;

(c) a building constructed for the Enemalta Corporation, the Water Services Corporation or any other similar entity, and used as a generation, transmission or distribution station;

(d) a building, or parts of a building, housing solely industrial or agricultural processes or livestock husbandry which require adherence to specific sectoral regulations;

- (e) temporary buildings with a planned time of use of two years or less;
- (f) glasshouses used solely for agricultural purposes;
- (g) stand-alone buildings with a total useful floor area of less than 40 square metres;
- (h) a building constructed for use by the Armed Forces of Malta in connection with their military requirements'

7. There is no obligation to adopt any solution contained in any technical guidance document issued in connection with these regulations if the relevant requirements of these regulations are complied with in any other manner. If, however, a case of an alleged breach of these regulations occurs, it will then be the responsibility of the individual to demonstrate by which other means the requirements have been satisfied.

Adoption of minimum requirements.

8. The guidance contained in any technical guidance document issued in connection with these regulation relates only to the particular requirements of these regulations, and any construction works and the installation of any permanent mechanical or electrical services shall also have to comply with the requirements of any other laws and regulations that are operative for the control of construction works and installations.

Application of other laws and regulations.

Part 2

Energy Performance Certificate

9. (1) An Owner or his agent has to obtain an Energy Performance Certificate (EPC) in the form prescribed by these regulations when a building is constructed, sold or rented.

Energy Performance Certificate and Energy Performance Assessment.

(2) To be valid, the EPC has to be obtained from an independent EPB assessor after it is registered with the Authority.

(3) As from the date indicated hereunder, a person or agent acting on behalf of such person who commissions the design of a new building shall have in his possession an EPC based on the design rating of the building and in the form prescribed by these regulations by the date such person or agent submits a full development permission application to the Malta Environment and Planning Authority:

- (a) Dwellings as from 2nd January, 2009; and

(b) All other buildings as from 1st June, 2009;

(4) As from the date indicated hereunder, a person or agent acting on behalf of such person who offers for sale or letting a building, shall provide an EPC to the prospective buyer or tenant within the period of the promise of sale or at the time of signing of the sale agreement, or rent agreement. The EPC shall be in the Form prescribed in these regulations and shall be based on the design rating of the building if the building is not yet constructed and, or finished or the asset rating, if the building is already constructed and finished:

(a) Dwellings as from 2nd January, 2009; and

(b) All other buildings as from 1st June, 2009.

(5) In the event that the person or agent indicated in sub-regulation (4) does not provide the prospective buyer or the tenant with an EPC within the period indicated in sub-regulation (4) of regulation 9, the buyer or the tenant will have the right to engage an assessor to issue the necessary certificate and, in all cases, the prospective buyer or tenant shall have the right to deduct the expenses incurred for the issue of the EPC from the amount of the sum agreed for the sale or the payments of the rent due.

(6) Notwithstanding the provisions of sub-regulations 9(1), 9(2), 9(3), and 9(4), the procurement of an EPC shall not apply to the following categories of buildings:

(a) a building classified as Grade One or Grade Two scheduled property by the Malta Environment and Planning Authority under article 46 of the Development Planning Act and which has a total useful floor area of less than 1,000 square metres and is occupied by, and is providing services to not more than 500 persons daily;

(b) a building the construction of which is subject to the Control of Fireworks and other Explosives Regulations, 1998;

(c) a building constructed for the Enemalta Corporation, the Water Services Corporation or any other similar entity, and used as a generation, transmission or distribution station;

(d) a building, or parts of a building, housing solely industrial or agricultural processes or livestock husbandry which require adherence to specific sectoral regulations;

- (e) temporary buildings with a planned time of use of two years or less;
- (f) glasshouses used solely for agricultural purposes;
- (g) stand-alone buildings with a total useful floor area of less than 40 square metres;
- (h) a building constructed for use by the Armed Forces of Malta in connection with their military requirements; and
- (i) a building used as a place of worship.

10. (1) An EPC issued in connection with this part of the regulations shall be valid for a period not exceeding ten years from the date of its first issue, provided that no major renovation or alteration occur in the building. Provisions relating to an EPC.

(2) (a) The EPC shall include reference values and shall be accompanied by a recommendation report.

(b) The recommendation report shall indicate cost-effective measures for improving the energy performance of the building.

(3) Any report or data file in connection with the production of an EPC must conform to data protection laws currently in force in Malta.

(4) If after the construction of the building or the installation of mechanical and electrical services in new buildings it results that such construction or installation of services is different from the design on which a design rating EPC has been obtained, a new EPC based on the asset rating of the building shall have to be secured by the owner before the expiry of the periods indicated in sub-regulation 9(4). The provisions of sub-regulation 9(5) shall also apply.

11. (1) For apartments or dwelling units designed or altered for separate use in blocks having common or identical water heating, space heating or space cooling systems, the EPC may be issued either for the building as a whole or on the assessment of a representative apartment or dwelling unit in the same block. Apartments or dwelling units designed for separate use.

(2) For apartments or dwelling units designed or altered for separate use in blocks that do not have a common water heating, space heating or space cooling system, the EPC shall be issued for each individual apartment or dwelling unit.

12. (1) As from the 2nd January, 2009, all persons or entities that are in charge of existing public buildings listed hereunder are to ensure that an EPC based on the asset rating of the building is commissioned and displayed at all times in a prominent place which is clearly visible to the public by not later than the 2nd January, 2010:

(a) Large buildings (including buildings scheduled as Grade 1 or Grade 2 Buildings) that are used by or are providing services to more than 500 persons daily;

(b) Commercial banks and post office buildings having a useful floor area of over 100 square metres irrespective of the number of persons using or visiting such building;

(c) Showrooms, shops and shopping complexes having a useful floor area of over 1000 square metres irrespective of the number of persons using or visiting the building;

(d) Cinemas, dance halls, discotheques, gambling halls and wedding halls having a total useful floor area of over 500 square metres irrespective of the number of persons using or visiting the building.

(2) Persons or entities in charge of new public buildings shall ensure that an EPC based on the asset rating of the building is commissioned and displayed at all times in a prominent place clearly visible to the public no later than 12 months from the date of connection of the building to the electric power grid.

(3) Within a period not exceeding five years of the first display of the EPC, and every successive three years, an EPC based on the operational rating of the building is to be commissioned and displayed alongside the original EPC to enable users and visitors of that building to compare the building's performance.

Part 3

Inspection and Energy Performance Certification of lighting, water heating, space heating and space cooling installations in Buildings

13. (1) (a) As from the 2nd January, 2009, owners of water heating and space heating installations in buildings having boilers fired by non-renewable liquid or solid fuel of an effective rated output of 20kW or more shall ensure that such boilers are inspected and that a certificate on their energy performance is issued by an independent EPBI assessor.

(b) In the case of existing boiler installations, the certificate mentioned in paragraph (a) thereof shall be in the owner's possession not any later than 12 months from the date indicated in the said paragraph (a).

(2) In the case of installations with an effective rated output of more than 20 kW having a boiler or boilers that are older than 15 years from the date of coming into force of these regulations, a one-off inspection and certification of the whole heating installation shall be made within 12 months of the date indicated in paragraph (a) of sub-regulation (1) hereof.

(3) In the case of new heating installations having boilers fired by non-renewable liquid or solid fuel of an effective rated output of 20kW or more and gas fired boilers, inspection reports and certifications on their energy performance shall be in the possession of the owner within 28 days from the date of commissioning, and such inspection and certification shall be repeated every four years thereafter.

(4) Certifications and reports on the energy performance of boilers in installations with an effective rated output of more than 100kW shall be in the possession of the owner within 28 days from the date of commissioning, and such inspection and report shall be repeated at least every two years thereafter.

(5) Inspections and certifications shall include an assessment of the boiler efficiency and sizing in the context of the heating requirements of the building.

(6) The inspection report shall contain appropriate advice on possible improvements or modifications to the system, replacement of the system and alternative solutions.

(7) The EPC and report are to be deposited and registered with the Authority by the assessor before they are issued to the owner.

14. (1) As from the 2nd January, 2009, owners of air-conditioning units, or interlinked systems, or a centralised system, as the case may be, with an effective rated output of more than 12kW whether in dwellings, residential buildings, or other non residential buildings are to ensure that such units or systems are inspected by an independent EPACI assessor at regular intervals as specified by these regulations.

Inspection and
Energy Performance
Certification of
space heating and
cooling systems

(2) In the case of existing buildings having existing units or interlinked systems or centralised installations with an effective rated

output of 250kW or more, a one-off inspection and certification of the whole system shall be made and a certificate including an advisory report shall be in the possession of the owner or tenant of the building, as the case may be, within 12 months from the date indicated in regulation 14(1), to be followed by inspections and certifications at regular intervals not exceeding five years.

(3) In the case of existing buildings having existing units, or interlinked systems or centralised installations with an effective rated output of between 12kW and 249kW, an inspection and certification have to be made and a certificate including an advisory report is to be in the possession of the owner or tenant of the building, as the case may be, within 24 months from the date indicated in regulation 14(1) and have to be followed by an inspection and certification at regular intervals not exceeding five years.

(4) In the case of all new or existing buildings having new units or interlinked systems or centralised installations with an effective rated output of more than 12kW, the inspection and certification including an advisory report is to be in the possession of the owner or tenant of the building, as the case may be, within 28 days from the date of commissioning and has to be followed by an inspection and certification at regular intervals not exceeding five years.

(5) The inspection must include an assessment of the air-conditioning units' or system's efficiency and the sizing of any unit or system compared to the cooling requirements of the building, and contain appropriate advice on possible improvements to any unit or system, replacement of the system and alternative solutions.

(6) To be valid the EPC and report are to be deposited and registered with the Authority by the assessor before it is issued to the owner or the tenant.

Part 4

Administration of the EPC System for Energy Performance Certification of buildings and, Mechanical and Electrical Services in buildings

Production of an EPC.

15. (1) The Authority or its authorised representative may demand, from the owner of a building falling under these regulations, or the agent of such owner, the production of an EPC in respect of the building or the installations within a building as required by these regulations, and if the building owner or the agent of such owner as the case may be refuses or fails to produce without reasonable excuse the

EPC then and there, such person will be committing an offence, unless such person provides the requested EPC within 60 days after the day on which production was demanded.

(2) Where a person produces an EPC to an authorised officer of the authority but refuses or fails to permit the said officer to read and examine the EPC or the associated report, that person or other persons involved in such a case, will be committing an offence, and the authorised officer may demand of the person or persons their name and identification card number and official address.

16. (1) The energy performance assessment and certification shall be carried out using procedures, including calculation methods and software, approved by the Authority. Energy performance assessment.

(2) In carrying out the EP assessment of a building or installation an assessor shall comply with any direction given by the Authority in relation to the manner in which the assessment is to be carried out.

(3) An assessor may refuse to carry an EP assessment of a building or installation if in the opinion of the assessor any part of the building or installation is in such a condition that it would not be safe or practicable to carry out that assessment.

(4) An endorsed EPC shall not be issued by the assessor to the building owner or his agent, as the case may be, unless and until it is accepted in the register maintained by the Authority.

17. (1) The Authority may revoke an EPC and EPC data file or report compiled by an assessor where it has reasonable grounds for believing that the EPC or data file or report was not completed or issued in accordance with these regulations, and shall enter such revocation in the EPC record of that building and the Authority's register. Cancellation of an EPC.

(2) Where an EPC or EPC data file or report is revoked, the Authority is to inform the assessor, giving him or her the reason for the revocation, and shall also inform the person who commissioned the EPC, the owner or tenant of the building, as the case may be.

(3) The Authority may demand in writing, the giving up of an EPC that is revoked, as the case may be, within 14 days of the making of such demand.

(4) Where an EPC or data file, or report is revoked under this regulation:

(a) a request for the reimbursement of the fee or part thereof may be made by the person who paid a fee or contributed in the fee for the relevant EPC assessment to the assessor who carried out the assessment, and

(b) the assessor shall be obliged to make the reimbursement in whole or in part, as the case may be, referred to in paragraph (a) hereof, within 28 days of the receipt of the request, if such assessor is satisfied that the fee or a contribution to the fee was paid by the person making the request.

Alteration,
defacement etc of
an EPC and related
report.

18. (1) After an EPC has been registered with the Authority and signed by the assessor, no person shall, either by writing, drawing or in any other manner alter, deface, mutilate or add anything to the EPC or to any related report or to a printed copy of an EPC or to any related report or entry made therein.

(2) No person shall produce:

(a) a printed copy of any EPC or report for any building or installation, which copy has been altered, defaced, mutilated or added to contrary to sub-regulation (1), or upon which the figures have become illegible or the colour has become altered by fading or otherwise; or

(b) an EPC or report save in relation to the particular building for which it was issued; or

(c) an EPC or report which has become void or the validity of which has expired; or

(d) any colourable or other imitation of a registered EPC or report.

(3) The Authority may require the owner of a building or, as the case may be, through his or her agent, to surrender to it an EPC or report where the Authority has reason to believe that the EPC or report contains particulars which are not correct and, upon being so required, the owner of the building or, as the case may be, the owner's agent, shall surrender the relevant documents to the Authority forthwith.

Records, data and
documentation.

19. (1) All data, documentation and records issued by an assessor and deposited with the Authority in connection with the carrying out of an EPC under these regulations shall become the property of the Authority which has the power to demand from the assessor any such data, documentation or records as it considers appropriate.

(2) The lawful EPC record in relation to a building or installation shall be that maintained on the EPC register kept by the Authority.

(3) The most recent EPC record entered in relation to a building or installation on the EPC register by the Authority shall be deemed to supersede any previous EPC record for that building or installation.

20. (1) Subject to sub-regulations (3) and (4) the Authority may register EP assessors to assess the energy performance of buildings, and provide reports in relation to hot water boilers, space heating and space cooling systems in accordance with these regulations.

Registration of
Energy Performance
Assessors.

(2) In registering an assessor, the Authority shall designate the type of EP certification and also the category of buildings in respect of which the assessor is authorised to carry out EP assessments and certifications.

(3) The Authority shall not consider a person for registration as an assessor unless:

(a) the person makes an application for registration to the Authority in the form specified by the Authority for such purpose;

(b) the application for registration is accompanied by any fee specified by the Authority; and

(c) the person meets any other requirements specified by the Authority

(4) In considering an application for registration as an assessor, the Authority must be satisfied that the applicant has the necessary qualifications and, if required, has successfully completed a training course provided by the Authority or an Energy Performance Certification training provider recognised by the Authority as suitable for providing such training for buildings constructed, or installations carried out in Malta in the relevant category of buildings and designated type of certification.

(5) An assessor who is registered by the Authority in respect of one type of certification or one category of building may apply to the Authority to be registered in respect of another type or category of buildings, and may be so registered, subject to compliance with the provisions set out in sub-regulations (3) and (4) hereof and the payment of any fee specified by the Authority.

(6) An assessor shall be required to renew his or her registration at such reasonable frequency as may be determined by the Authority, subject to the payment of any registration renewal fee specified by the Authority.

(7) The Authority shall provide each assessor with a certificate of registration for the designated type and category of buildings to which his or her registration pertains and the certificate, if requested by the owner of a building or the owner's agent, or authorised officer, shall be presented for inspection to the person making such request.

(8) Where the Authority suspends or terminates the registration of a person as an assessor, it shall note, in the register at the entry for that person as an assessor, the suspension or termination of the appointment and the date on which it was suspended or revoked.

(9) The Authority may, having regard to all the circumstances of the case, suspend or terminate the registration of an assessor following:

(a) failure by the assessor to attend a course of periodic training if required by the Authority or to satisfactorily complete such a training course, or

(b) failure by an assessor to comply with a direction under these regulations, or

(c) failure by an assessor to carry out a building energy performance assessment for EPC purposes in a fit and proper manner, or failure to maintain or provide satisfactory data, documentation or records of any such assessment, or

(d) the committing, or aiding or abetting the committing, by the assessor, of an offence under these regulations, or

(e) the forming of an opinion by the Authority that the assessor has ceased to be capable of performing his or her functions under these regulations properly and efficiently.

(10) A suspension or termination of registration under sub-regulation (9) shall be notified to the person concerned in writing and shall state the reasons for the suspension or termination and inform the person of the appeal procedure under sub-regulation (11).

(11) A person whose registration has been suspended or terminated under sub-regulation (10) hereof may, within 14 days from the said suspension or termination, appeal against the suspension or termination to the Resources Appeals Board as appointed under the Act or the Court of Appeal as the case may be.

(12) A person whose registration as an assessor has lapsed or been suspended or terminated may be directed by the Authority to return back to the Authority or to destroy any data or documentation provided by building owners or their agents, and any copies thereof, in relation to EPC assessments carried out by him or her in his or her capacity as an assessor.

(13) A person who, not being such, purports to be an EPC assessor for a designated category of buildings, or EPC inspections of installations, or an authorised officer under these regulations will be committing an offence.

(14) (a) A person who, purporting to give information to an EPC assessor, the Authority or an authorised officer for the performance of such person's functions under these regulations, makes a statement that he or she knows to be false or misleading in a material particular or fails to disclose a material particular shall commit an offence.

(b) An assessor who issues an EPC or makes a statement or report that such assessor knows to be false or misleading in a material particular, shall commit an offence.

21. (1) The Authority may from time to time issue directions to assessors in relation to: Directions by the Authority.

(a) the manner in which the EPC assessments are to be carried out;

(b) the manner in which an EPC, and accompanying advisory reports are to be issued;

(c) the qualifications and training requirements for EPC assessors;

(d) the records, data bases and documentation to be maintained by assessors;

(e) codes of practice to be respected by assessors, and

(f) such other matters as are reasonably necessary for the proper administration of the EPC system

(2) An assessor shall comply with any direction given under sub-regulation (1) hereof.

EPC registration fee.

22. (1) The registered assessor shall pay to the Authority such fee as may be determined by the Authority in respect of each EPC assessment carried out on a building or installation and submitted as an EPC data file by the said assessor to the Authority for the purpose of registering and issuing an EPC and related advisory report.

(2) The revenue from the fee specified in sub-regulation (1) hereof shall be solely used, by the Authority, to defray costs incurred by the Authority in establishing, operating, and maintaining the EPC system including publicizing the said system.

Registers held by the Authority.

23. (1) The Authority shall establish, operate and maintain a register of assessors, an EPC register comprising EP Certificates, advisory reports, inspection reports on installations, EPC data files and related data or documents and any other register that the Authority considers necessary for the proper administration of the EPC system.

(2) Any register established under sub-regulation (1) hereof may be held in non legible form provided it is capable of being reproduced in legible form

(3) Each register established under sub-regulation (1) hereof shall be a public record and shall be kept under the management of the Authority.

(4) In relation to the registers established under sub-regulation (1) hereof, the following access rights shall apply:

(a) extracts from the register of the EPC assessors, comprising the name, such assessor's employer, if any, and place of business, contact details, and the designated type (whether buildings or installations) of the energy assessment certification system to which such assessor's EPC registration applies, shall be open to public inspection on the internet or, during office hours, at the offices of the Authority;

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(b) subject to compliance with the provisions of the Data Protection Act, the Authority may allow publication or access, on a restricted or an open basis, to any extract from any register maintained by the Authority under these regulations where the

Authority is satisfied that such publication or access is in the public interest;

(c) other than as provided for in paragraphs (a) and (b) hereof, a data file or other extract from a register relating to an EPC for a particular building shall normally only be made available to:

(i) the EPC assessor that carried out the relevant EPC assessment, or such assessor's formal employer; or

(ii) an EPC assessor undertaking any subsequent EPC assessment of the relevant building, or such assessor's employer; or

(iii) the relevant building owner, or the agent of that building owner, via an EPC assessor.

24. (1) In any proceedings a certificate signed by an authorised officer of the Authority containing only information stated in that certificate to be taken from a register maintained by the Authority shall be sufficient evidence of the facts stated therein unless the contrary is shown. Evidential Value.

(2) In any proceedings a document purporting to be a certificate under sub-regulation (1) hereof shall be deemed to be such a certificate and to have been signed by an authorised officer of the Authority, unless the contrary is shown.

(3) A certificate under sub-regulations (1) and (2) hereof that purports to bear a facsimile signature of the authorised officer of the Authority concerned or a copy of such signature applied by means of a stamp or produced by a computer, shall be deemed for the purpose of this article to have been signed by an authorised officer, unless the contrary is shown.

Part 5

25. A person or persons who contravene any of the requirements of these regulations shall commit an offence. Enforcement.

26. (1) The Authority may appoint persons to be authorised officers for the purposes of enforcing these regulations. Appointment and powers of authorised officers.

(2) An authorised officer shall be furnished with a warrant of appointment and in the exercise of a power conferred upon such

officer under this regulation, such officer shall, if requested by any person affected, produce the warrant of appointment.

Power of authorised officers to enter, inspect etc. buildings.

27. (1) An authorised officer may enter, inspect and examine a building or any part of a building or installation for the purpose of forming an opinion as to whether or not an EPC data file or certificate issued for the building, or part of the building, or installation is warranted.

(2) An authorised officer may do all such things and make all such requirements in relation to the building and installations, as are reasonably necessary for the purpose of carrying out an inspection under sub-regulation (1) hereof.

(3) A person who:

(a) fails to permit an inspection of a building, or installation, under this regulation;

(b) without reasonable excuse fails or refuses to comply with any request or requirement made by an authorised officer under this regulation,

(c) obstructs, impedes, interferes with or assaults an authorised officer in the exercise of a power under this regulation,

(d) gives to an authorised officer information which is false or misleading in a material respect, or

(e) alters, suppresses, or destroys any EPC data file, related calculation, EPC certificate, advisory report, book, document or record, including a printed copy thereof, and including electronic data, which the person concerned has been requested or required to produce, or may reasonably expect to be required to produce,

commits an offence.

Prosecution.

28. (1) Criminal proceedings for an offence under these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts of criminal judicature.

(2) Where an offence under these regulations is committed by a body corporate, or by an unincorporated body of persons, or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons, and it is proved to have been

committed with the consent or connivance of or to be attributable to any neglect on the part of any person who when the offence was committed, was, or purported to act as, a director, manager, secretary or other officer or member of such body, such other person as well as the body, or the person purporting to act on behalf of the body, commits an offence and is liable to be proceeded against and punished if found guilty.

(3) Notwithstanding the provisions of the Criminal Code, Cap. 9. the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

29. Any administrative penalty or sanction imposed by the Authority upon any person who infringes any provisions of these regulations or who fails to comply with any directive or decision given by the Authority in ensuring compliance with these regulations shall be due to the Authority as a civil debt constituting an executive title for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure as if the payment of the amount of the fine had been ordered by a judgement of a court of civil jurisdiction. Administrative penalties. Cap. 12.

30. A person guilty of an offence under – Penalties.

(1) Regulations 9(1), (3), (4), 10(4), 12(2), 13(1), (2), (3), (4), (7), 14(1), (2), (3), (5) is liable on summary conviction to a fine not less than €500 and not exceeding €1,500;

(2) Regulations 15, 16(1), (2), (4), 17, 18 and 20(12), (13), (14) is liable on summary conviction to a fine not less than €1,500 and not exceeding €5,000;

(3) Regulation 27 (3) is liable on summary conviction to a fine not less than €1,500 and not exceeding €5,000, or to a term of imprisonment not exceeding three months, or to both fine and imprisonment.

Part 6

Miscellaneous

31. (1) Any Technical Guidance Document issued in connection with these regulations can be issued in either the Maltese or English language only, or both. Language.

(2) Any EPC certificate or report issued in accordance with these regulations may be issued in either the Maltese or English language only, or both.

Repeals L.N. 238 of 2006.

32. (1) The Minimum Requirements for the Energy Performance of Buildings Regulations, 2006 are hereby repealed.

(2) Notwithstanding sub-regulation (1) hereof, the repeal of the said regulation shall not affect the validity of Technical Guidance Document F on the energy performance of buildings as notified by Government Notice 1002 of 2006, published in Gazette No. 18,002.