

# I. GENERAL PROVISIONS

## MINISTRY OF THE PRESIDENCY

*Royal Decree 235/2013, 5th April, by which approves the basic procedure for certifying the energy efficiency of buildings.*

### **First final provision. *Incorporation of European Union law.***

Though this Royal Decree the regulation of the energy efficiency certification of buildings under the Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings is incorporated into Spanish Law.

### **Fourth final Provision. *Entry into force***

This Royal Decree shall enter into force on the day after its publication in the "Official State Gazette" (Spanish acronym, BOE).

### **Single/Sole Article. *Approval of the basic Procedure for certification of energy efficiency of buildings.***

1. When buildings or building units are constructed, sold or rented out, the Energy Performance Certificate or a copy thereof is shown to the prospective new tenant or buyer and handed over to the buyer or new tenant.
2. The purpose of the adoption of the basic Procedure is to promote energy efficiency, using objective information to compulsorily be provided to buyers and users in relation to the energy characteristics of buildings, materialized in the form of a certificate of efficiency energy which to assess and compare their performance.
3. For the purpose of this basic Procedure, the following definitions are set out:
  1. **Energy Efficiency Certification of existing building or part of it:** the process of verifying the compliance of energy efficiency rating obtained with measured and calculated data of the existing building or part thereof, and that leads to the issue of energy performance certificate of the existing building.
  2. **Energy efficiency of a building:** energy consumption, calculated or measured, it is considered necessary to meet the energy demand of the building in normal operating conditions and occupation, including, among other things, the energy consumed for heating, cooling, ventilation, production hot water and lighting.
  3. **Energy efficiency label:** distinctive that marks the level of energy efficiency rating obtained by the building or building unit.
  4. **Competent technician:** technician who is in possession of either enabling academic and professional qualifications for writing projects or construction management

and execution management of building works or for performing thermal facilities projects, as set out in the Law 38/1999, of 5<sup>th</sup> November, Building Management, or to subscribe for energy performance certificates, or been credited with the skills required to sign energy performance certificates as is established by order under the provision fourth additional.

## **Article 2. *Scope of Application***

-Buildings or parts of existing buildings which are sold or rented to a new tenant, if not accompanied by a valid certificate.

### **2. Excluded from the scope of application:**

- a) Buildings and monuments officially protected as part of a designated environment or because of their special architectural or historic merit.
- b) Buildings or parts thereof used exclusively as places of worship and for religious activities.
- c) Temporary buildings with a planned time of use of two years or less.
- d) Industrial buildings, defence and agricultural or parts thereof, in the part for workshops, industrial processes, defence and non-residential agricultural.
- e) Buildings or parts of buildings insulated with a total useful floor area lower than 50 m<sup>2</sup>.
- f) Buildings purchased for major renovations or demolition.
- g) Buildings or parts of existing residential buildings whose use is less than four months a year, or for a limited time a year and with expected energy consumption of less than 25 percent of which would be of use throughout the year, if so stated declaratively responsible homeowner.

## **Article 5. *Energy performance Certificate of a building.***

1. **The developer or owner of the building or part thereof, whether new construction or existing, will be responsible** for commissioning the completion of the certification of energy efficiency of the building, or its part, in the cases being obliged by this Royal decree. It will also be responsible for maintaining the relevant documentation.
2. For units of a building, such as housing or units designed for separate use or different legal ownership, located in the same building, energy efficiency certification shall appear, at least, on a common certification of the whole building or alternately in one or more dwellings or local representative of the same building, with the same energy characteristics. The units dedicated to independent use not defined in the building project,

to be used later, must be certified before the opening of the units. In the event that the unit is for industrial use, certification is not mandatory.

3. Certification for single-family houses may be based on the assessment of another representative building of similar design and size with a similar actual energy performance quality if such correspondence can be guaranteed by the expert issuing the energy performance certificate.
4. The Energy Performance Certificate shall provide information only on the energy efficiency of the building and in no case shall the certification of compliance with any other requirement applicable to the building. It must first meet the minimum energy efficiency requirements set by current regulations at the time of its construction.
5. During the certification process, the competent technician shall perform the necessary tests and checks, in order to establish the conformity of the information contained in the certificate of energy efficiency in the building or part thereof.
6. The energy performance certificate of the building must be submitted by the sponsor, or owner, as appropriate, the competent organ of the Autonomous Region in energy certification of buildings, for the registration of these certifications in its territory.

#### **1. Article 8. *Energy Performance Certificate of an existing building.***

2. The Energy Performance Certificate of an existing building shall be signed by a competent technician in accordance with the provisions of Article 1.3.p, chosen freely by the owner of the building.

#### **Article 10. *Inspection.***

#### **Article 11. *Validity, renewal and updating of the Energy Performance Certificate.***

1. The validity of the Energy Performance Certificate shall not exceed 10 years.
2. The competent organ/body of the Autonomous Region in energy certification for buildings shall lay down specific conditions for their renewal or upgrade.
3. The building owner is responsible for the renewal or upgrade of the Energy Performance Certificate in accordance with the conditions established by the competent organ of the Autonomous Community. The owner may proceed voluntarily updating if it considers that there are variations in aspects of the building that can change the energy performance certificate.

#### **Article 12. *Energy efficiency label.***

1. Becoming certified energy efficiency grant the right to use, during the period of validity, the energy efficiency label, whose contents are shown in the recognized document corresponding to the energy efficiency label, available on the general register referred to in Article 3.

2. The label will be included in any offer, promotion and advertising to the sale or lease of the building or building unit. Should always appear on the label, clearly and unequivocally, whether it refers to energy performance certificate or building project finished.

**Penalty system.**

*Article 18. Infringements and penalties.*

The breach of the provisions contained in this basic procedure, shall be considered, in any case, as an infringement on certification of the energy performance of buildings and shall be punished in accordance with the provisions of the statutory rules that may apply.

Furthermore, the failure of the precepts contained in this basic procedure are offenses in defence of consumers and users in accordance with paragraphs k) n) of Article 49.1 of the revised text of the General Law for the Defence of Consumers and Users, approved by Royal Legislative Decree 1/2007, 16<sup>th</sup> November, shall be punished in accordance with the provisions of chapter II of Title IV of the revised cited. CVE: BOE-A-2013-3904