

The *Saeima* has adopted
and the President has proclaimed the following Law:

Law On the Energy Performance of Buildings

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **energy performance of a building** – the relative amount of energy, which characterises the necessary energy consumption for the supply of heating, ventilation, cooling, lighting and hot water in the typical operating conditions of a specific type of building;
- 2) **certification of the energy performance of a building** – a process during which the energy performance of an existing building or building units is determined, and an energy performance certificate of the building is issued or the planned energy performance of a building or building unit to be designed, reconstructed or renovated is determined and a temporary energy performance certificate of the building is issued;
- 3) **technical building system** – the aggregate of technical equipment which independently or in a common system ensures the building or building units with the supply of heating, ventilation, cooling, lighting and hot water;
- 4) **air conditioning system** – a combination of the components which ensure the maintenance of indoor climatic conditions, including controlling or lowering the temperature;
- 5) **independent expert** – an energy auditor or another person entitled to perform certification of the energy performance and inspect heating systems and air conditioning systems; and
- 6) **nearly zero-energy building** – a building with a very high energy performance using high efficiency systems for the energy supply thereof.

Section 2. Purpose of this Law

The purpose of this Law is to promote rational use of energy resources, improving the energy performance of buildings, as well as to informing society regarding the energy consumption of buildings.

Section 3. Scope of Application of this Law

(1) The Law prescribes:

- 1) the minimum energy performance requirements of existing buildings;
- 2) the minimum energy performance requirements of buildings to be designed, reconstructed or renovated;
- 3) the requirements for the certification of the energy performance of buildings and the inspection of heating systems and air conditioning systems.

(2) The requirements of this Law shall not be applicable to buildings:

- 1) for which energy is not used for regulating indoor climatic conditions;
- 2) which are cultural monuments or in which cultural monuments are located, as well as buildings in the territories of cultural monuments, if the fulfilment of the requirements of the Law endangers the preservation of those cultural monuments or reduces their cultural and historical value;
- 3) which have been designed and built for religious services and other religious activities;

¹ The Parliament of the Republic of Latvia

- 4) which have been designed and built for use only during the warm seasons (for example, summer houses);
- 5) the total heating area of which is less than 50 square metres.

Section 4. Minimum Energy Performance Requirements

(1) The minimum energy performance requirements for existing buildings, i.e., the permissible level of the energy performance of a building, upon exceeding which the owner of the building is obliged to perform measures for improvement of energy performance, shall be determined by other regulatory enactments.

(2) The minimum energy performance requirements for buildings to be designed in respect of the heat transmission of building envelope structures and technical building systems, as well as the permissible level of the energy performance of a building shall be determined by other regulatory enactments.

(3) The minimum energy performance requirements for buildings to be reconstructed or renovated in respect of the heat transmission of building envelope structures and technical building systems, as well as the permissible level of the energy performance of a building shall be determined by other regulatory enactments. The minimum energy performance requirements for buildings to be reconstructed or renovated shall be applicable, where:

- 1) in the construction intention dossier the reconstruction of the building elements of the building envelope structures affects more than 25 per cent of the surface of such building elements;

- 2) the reconstruction or renovation of the technical building system is being performed.

(4) The minimum energy performance requirements referred to in Paragraph three of this Section shall not be applicable to buildings to be reconstructed or renovated, if the application of these requirements is not possible technically or functionally, or is not economically justified.

Section 5. Use of High Efficiency Systems

(1) When designing buildings, the option of using the following high efficiency systems therein shall be evaluated:

- 1) decentralised energy supply systems in which renewable energy resources are used;
- 2) systems using cogeneration for simultaneous generation in one process of thermal energy and electrical or mechanical energy;

- 3) systems using heat pumps which transfer heat from natural surroundings to buildings or technical building systems by reversing the natural flow of heat;

- 4) district heat supply or district cooling systems, in particular those which use renewable energy resources and which, when supplied with power from a central source of energy production, may be used for several buildings or territories.

(2) If it is planned to rebuild the technical building systems of buildings to be reconstructed or renovated, the opportunities for using high efficiency systems shall be evaluated.

(3) When evaluating the options of using high efficiency systems, the technical, environmental and economic considerations of using such systems shall be indicated.

(4) The evaluation of using high efficiency systems shall be included in the building design, if such analysis has not been performed in the local government spatial planning documents or if the local government has not provided for restrictions in the use of the relevant high efficiency system.

Section 6. Evaluation of the Energy Performance of Buildings

- (1) An independent expert shall evaluate the calculated and measured energy performance of existing buildings.
- (2) An independent expert shall evaluate the calculated energy performance of buildings to be designed, reconstructed and renovated.
- (3) When evaluating the energy performance, the following shall be taken into account:
 - 1) the thermal capacity of the building envelope;
 - 2) the heating system and cooling system;
 - 3) the hot water supply system;
 - 4) the air conditioning system;
 - 5) the built-in lighting systems;
 - 6) the ventilation and air permeability;
 - 7) the location and orientation to cardinal points;
 - 8) the impact of the sun;
 - 9) outdoor climatic conditions and indoor microclimate;
 - 10) internal loads.
- (4) The energy performance of a building unit shall be evaluated in compliance with the conditions of this Section, if the building unit has an individual accounting of energy carrier or thermal energy.
- (5) The energy performance of a building shall be evaluated in accordance with the methodology for calculating the energy performance of a building. The methodology for calculating the energy performance of a building shall be determined by the Cabinet.

Section 7. Certification of the Energy Performance of a Building

- (1) The certification of the energy performance of a building shall be performed:
 - 1) for a building to be designed, reconstructed or renovated, in order to accept it for service or sell it;
 - 2) for a building unit in a building to be designed, reconstructed or renovated, in order to sell this building unit, if an individual accounting of energy carrier or thermal energy is anticipated for it;
 - 3) for an existing building, in order to sell, rent or lease it, if the certification of the energy performance is requested by the purchaser, tenant or lessee;
 - 4) for an existing building unit, the heating area of which exceeds 50 square metres, in order to sell, rent or lease it, if the certification of the energy performance is requested by the purchaser, tenant or lessee and this building unit has an individual accounting of energy carrier or thermal energy;
 - 5) for an existing public building in the State or local government ownership, the heating area of which exceeds 250 square metres;
 - 6) in cases where a building owner has taken a decision on certification of the energy performance of the building.
- (2) Certification of the energy performance of an existing building need not be performed in order to sell, rent or lease the building unit which does not have an individual accounting of energy carrier or thermal energy.
- (3) The procedures for the certification of the energy performance of buildings shall be determined by the Cabinet.

Section 8. Information to be Included in the Energy Performance Certificate of a Building and the Term of Validity of an Energy Performance Certificate

- (1) The following shall be included in the energy performance certificate of a building:
 - 1) the evaluation of the energy performance of the building for the calculated energy performance;

- 2) the evaluation of the energy performance of the building for the measured energy performance;
 - 3) information regarding the building and characterisation of the building;
 - 4) information regarding the issuer of the energy performance certificate of the building.
- (2) The following shall be included in the temporary energy performance certificate of a building:
- 1) the evaluation of the energy performance of the building for the calculated energy performance;
 - 2) information regarding the building and characterisation of the building;
 - 3) information regarding the issuer of the temporary energy performance certificate of the building.
- (3) Information shall be included in the energy performance certificate of the building or the temporary energy performance certificate of the building regarding the energy performance class of the building, the reference markers according to which the building owner, tenant or lessee could compare the energy performance of the building.
- (4) When evaluating a building unit, the information referred to in Paragraph one or two of this Section shall be indicated for the relevant building unit.
- (5) Measures for improving the energy performance shall be developed in compliance with the requirements specified in regulatory enactments in respect of the indoor air quality and the level of comfort.
- (6) A report shall be appended to the energy performance certificate of a building, indicating therein economically justified measures improving the energy performance, the implementation costs of which are cost-effective during the anticipated (planned) period of service.
- (7) The term of validity of the energy performance certificate of a building shall be 10 years and the term of validity of the temporary energy performance certificate of a building shall be two years. The energy performance certificate of a building or the temporary energy performance certificate of a building shall cease to be in effect if a new energy performance certificate of the building or new temporary energy performance certificate of the building is issued for the building or building unit.
- (8) A sample energy performance certificate of a building and a temporary energy performance certificate of a building, the procedures for registration and the system for the comparability of the energy performance of buildings shall be determined by the Cabinet.

Section 9. Classes of Energy Performance of Buildings

- (1) Depending on the consumption of energy resources, buildings shall be divided as follows in the classification system of the energy performance of buildings:
- 1) basic energy performance class buildings;
 - 2) high energy performance class buildings;
- (2) The group of basic energy performance class buildings shall include:
- 1) new buildings, which have been designed in compliance with the requirements stipulated in regulatory enactments in respect of the energy performance level of buildings to be designed;
 - 2) reconstructed or renovated buildings, which comply with the requirements stipulated in regulatory enactments in respect of the energy performance level of buildings to be reconstructed or renovated;
 - 3) existing buildings, which comply with the requirements stipulated in regulatory enactments in respect of the energy performance level of existing buildings.

- (3) The group of high efficiency class buildings shall include buildings exceeding the energy performance requirement level stipulated in regulatory enactments, for buildings to be designed, reconstructed or renovated.
- (4) The compliance of a building with an energy performance class shall be determined by performing certification of the energy performance of the building.
- (5) The classification system for the energy performance of buildings shall be determined by the Cabinet.

Section 10. High Energy Performance Class Buildings

- (1) The objectives for the construction of high energy performance class buildings and the reconstruction of existing buildings into high energy performance class buildings shall be determined by policy planning documents.
- (2) Financial and other forms of support measures for the construction of high energy performance class buildings and the reconstruction of existing buildings into high energy performance class buildings shall be determined by other regulatory enactments.
- (3) The Cabinet shall determine the energy performance requirements and the requirements for the use of high efficiency systems for nearly zero-energy buildings.

Section 11. Inspection of Heating Systems and Air Conditioning Systems

- (1) The commensurability of efficiency and output shall be evaluated:
 - 1) for heating systems, the boiler of which has an effective rated output (the maximum calorific output specified and guaranteed by the manufacturer in kilowatts, as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer), exceeding 20 kilowatts;
 - 2) for air conditioning systems, the effective rated output of which exceeds 12 kilowatts.
- (2) An independent expert shall draw up an inspection deed regarding inspection of the heating system or air conditioning system, including therein the inspection results and recommendations for improving the inspected systems, if the implementation costs of the relevant measures are cost-effective during the anticipated (planned) period of service. The deed shall be appended to the energy performance certificate of the building, if certification of the energy performance of the building is being performed.
- (3) The procedures and time periods for inspection of heating systems, the effective rated output of boilers of which exceeds 20 kilowatts, and of air-conditioning systems, the effective rated output of which exceeds 12 kilowatts, shall be determined by the Cabinet.

Section 12. Independent Experts

- (1) A person with an appropriate competence – an independent expert – is entitled to perform the certification of the energy performance of buildings and the inspection of heating systems and air conditioning systems.
- (2) When performing the certification of the energy performance of a building and the inspection of a heating system or air conditioning system, the independent expert shall use the necessary methods and applicable standards for the performance of the relevant work, as well as perform the quality control of the data required for calculations, in order to ensure the accuracy of the calculation results and the impartiality and reliability of the evaluation. The certification of the energy performance and inspection dossiers shall be stored for 10 years.
- (3) An independent expert shall not allow actions which could reduce the accuracy of the results acquired or the impartiality and reliability of evaluations in the interests of the commissioning party or another person.

(4) The requirements for the competence of an independent expert and the procedures for the certification of the competence, the procedures for the registration and monitoring of an independent expert, as well as the content and procedures for the use of the Independent Expert Register data, shall be determined by the Cabinet.

Section 13. Duties and Rights of a Building Owner

(1) A building owner:

1) in the cases specified in this Law, shall ensure certification of the energy performance of an existing building or building unit and a building to be designed, as well as the inspection of the heating system and air conditioning system;

2) shall ensure the conformity of an existing building with the minimum requirements for the energy performance of buildings;

3) if the building belongs to the State or local government, shall ensure that the energy performance certificate of the building or the temporary energy performance certificate of the building is placed in a place visible to visitors;

4) in the advertisement regarding the sale, rent or lease of the building or building unit, shall indicate the energy performance indicators of the building or building unit, if certification of the energy performance of the building has been performed in accordance with the procedures specified in this Law;

5) if the building is a residential house, shall append the documents prepared in accordance with this Law to the file of the residential house (for example, energy performance certificate of the building, opinions).

(2) In accordance with the procedures and amount specified by regulatory enactments, a building owner is entitled to receive co-financing from the European Union funds, the State or local government for the certification of the energy performance of the building, as well as for improvement measures of the energy performance of the building.

Section 14. Rights and Duties of Other Persons

(1) The purchaser, tenant or lessee of an existing building or building unit or the purchaser of a building to be designed is entitled to become acquainted with the energy performance certificate of the building or the temporary energy performance certificate of the building, if certification of the energy performance of the building is anticipated for the relevant building or building unit in accordance with the requirements of this Law.

(2) The purchaser of an existing building or building unit or the purchaser of a building to be designed is entitled to become acquainted with the energy performance certificate of the building or the temporary energy performance certificate of the building following the acquisition of the building or building unit, if certification of the energy performance is anticipated for the relevant existing building or building unit or the building to be designed in accordance with the requirements of this Law and if the relevant document has not been appended to the file of the residential house.

Section 15. Competence of the Ministry Responsible for the Energy Performance of Buildings

(1) The general supervision and co-ordination of the energy performance of buildings shall be performed by the Ministry of Economics.

(2) The Ministry of Economics shall:

1) develop and implement the policy for the energy performance of buildings;

2) maintain the information systems necessary for administration of certification of the energy performance and inspection heating systems and air conditioning systems of buildings;

3) perform measures in order to inform the society regarding various methods and practice, as well as draw up and administrate support instruments, which serve to improve the energy performance of buildings;

4) perform measures which promote the renovation of buildings or the construction of low or nearly zero-energy buildings;

5) perform measures so that users are provided with recommendations in respect of inspection of heating systems and air conditioning systems and improvement of the performance thereof;

6) perform other tasks related to the policy for the energy performance of buildings specified in other regulatory enactments or policy planning documents.

Transitional Provisions

1. With the coming into force of this Law, the Law On the Energy Performance of Buildings (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2008, No. 9; *Latvijas Vēstnesis*, 2010, No.43), is repealed.

2. Until 9 July 2015, the certification of the energy performance specified in Section 7, Paragraph one, Clause 5 of this Law shall be performed for public existing buildings belonging to the State or a local government, the heating area of which exceeds 500 square metres.

3. Until 31 December 2015, the certification of the energy performance of building units specified in Section 7, Paragraph one, Clause 4 of this Law shall not be applicable if the relevant building unit is rented or leased.

4. Until 31 December 2015, the certification of the energy performance of building units specified in Section 7, Paragraph one, Clause 4 of this Law shall not be applicable to the relevant building unit if it is rented or leased until the day of the coming into force of this Law.

5. Until 30 June 2013 the Cabinet shall issue the regulations specified in Section 6, Paragraph five, Section 7, Paragraph three, Section 8, Paragraph seven, Section 9, Paragraph five, Section 10, Paragraph three, Section 11, Paragraph three and Section 12, Paragraph four of this Law.

6. Until the day of the new Cabinet regulations coming into force, but not later than until 30 June 2013, the following Cabinet regulations shall be applicable insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 26 of 13 January 2009, *Regulations Regarding Energy Auditors*;

2) Cabinet Regulation No. 39 of 13 January 2009, *Regulations Regarding the Methodology for Calculating the Energy Performance of Buildings*; and

3) Cabinet Regulation No. 504 of 8 June 2010, *Regulations Regarding the Energy Certification of Buildings*.

Informative Reference to the European Union Directive

This Law contains legal norms arising from Directive 2010/31/EC of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings.

This Law shall come into force on 9 January 2013.

This Law has been adopted by the *Saeima* on 6 December 2012.

The President of Latvia,

A.Bērziņš

Rīga, 21 December 2012