

MINISTRY OF THE BRUSSELS CAPITAL REGION

7 June 2007. - Order on energy performance and indoor climate of buildings

CHAPTER I. - General provisions

Article 1. This Ordinance regulates a matter referred to in Article 39 of the Constitution. Object

Art. 2. This Order implements in the legal order of the Brussels-Capital Region of Directive 2002/91 / EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings. Its objectives are:

1 ° to promote the improvement of the light energy performance of buildings from external climatic conditions and local conditions, as well as indoor climate requirements and cost / effectiveness;

2. promote the improvement of the indoor climate of buildings; 3. minimize the primary energy requirements; 4. reduce CO2 emissions;

5. determine the energy performance certification procedure buildings. Definitions

Art. 3. For the purposes of this order, the term:

1. Energy performance of a building (PEB): the amount of energy actually consumed or estimated to meet the different needs associated with a standardized use of the building, which may include inter alia heating, hot water, cooling , ventilation and lighting. This amount is reflected in one or more numeric indicators of a calculation, given the insulation, technical facilities characteristics, the building's design and its location had relation to climatic aspects, solar exposure and the influence of neighboring structures, the self-production of energy and other factors, including indoor climate, that influence the energy demand;

2. Building: a construction having a roof and walls, in which energy is used to condition the indoor mat cli; this term may refer to a building as a whole or a part of building that has been designed or altered to be used separately; 3. New building: newly built or reconstructed building;

Is treated as a new building all newly built extension of an existing building with an area of over 250 m2 or having at least one housing;

Is also assimilated to a new building any partial reconstruction of an existing building with an area of over 250 m2 or having at least one housing;

4 ° area of a building, all floors made and covered with a free height of at least 2.20 m in all premises, excluding spaces below ground level, which is allocated parking, cellars, technical equipment and deposits. floors dimensions are measured naked outside the walls of the facades, floors are assumed to be continuous, regardless of their interruption by internal partitions and walls, through the ducts, stairwells and elevators;

5. Redeveloped: for a building of more than 1 000 m2 of area,

a) Work subject to planning permission, when a share above 25% of heat loss area of the building is subject to changes, unless these changes are for the outside visual appearance, or;

b) Change or replacement of building systems where the total power of the installations concerned (after replacement or modification) is greater than 500 kW and when this

modification or replacement is subject to environmental permits or declaration under the order of 5 June 1997 on environmental permits;

6. single Renovation: work submitted for planning permission which does not fall within the definition of major renovation, likely to influence the ethics energy building performance, namely some duty changes and all work related loss on building surface; 7. PEB Requirements: all the conditions to be met by a building and / or technical facility energy performance, thermal insulation, indoor climate and ventilation;

8. Proposal PEB: document in which is present an overview of the measures to meet the requirements PEB;

9 ° Technical File PEB: file containing the description of the technical characteristics and the implementation of actions and work on the ILL;

10 ° PEB Declaration: the document which describes the measures taken to respect the PEB requirements and determines by calculation if requirements are met; takes one hand the elements that affect the physical contents of the building if necessary in the planning permission and also other measures implemented to meet the requirements PEB;

11 ° Registrant person or entity required to comply with requirements and PEB in the name and on behalf of that construction, major renovation and refurbishment are made easy; 12 ° Head of technical systems: natural or legal person, environment or permit holder stating the sense of the order of 5 June 1997 on environmental permits or, in respect of installations not subject to the said order their owner, who is required to meet the requirements PEB for facilities and to carry out the inspection and maintenance of these. However the head against PEB requirements applicable to technical installations during their installation is declaring the purposes of this order, when

13 ° Energy performance certificate of a building "certificate PEB": document expressing the result calculation or assessment of the overall energy performance of a building, expressed in one or more numeric or alphabetic indicators; 14 ° Applicant:

a) natural or legal person, public or private, which introduces an environmental permit or planning permission or a statement within the meaning of the order of 5 June 1997 on environmental permits;

b) natural or legal person, public or private, who shall notify any alteration or extension of an installation classified on the basis of Article 7 § 2 of the order of 5 June 1997 on environmental permits or introducing a request to change the operating conditions on the basis of Article 64, § 1, paragraph 2 of the order; 15 ° Application:

a) an application for planning permission;

b) an environmental permit or a statement within the meaning of the order of 5 June 1997 on environmental permits;

c) a joint application for environmental permits and planning in mixed project;

d) notification of alteration or extension of an installation classified on the basis of Article 7 § 2 of the order of 5 June 1997 on environmental permits;

e) a request to change the operating conditions on the basis of Article 64, § 1, paragraph 2 of the order of 5 June 1997 on environmental permits;

16 ° Advise PEB: natural or legal person authorized to establish and co-sign the declaration PEB meets the requirements listed in Article 22, § 1;

17 ° Certifier: person or entity authorized to issue energy performance certificates of an existing building;

18 ° Technician: registered expert for the installation, maintenance, repair or replacement of technical equipment;

19 ° Controller: natural or legal person, independent of the technician responsible practice controlling of technical facilities;

20 ° Cogeneration: the simultaneous conversion of primary fuels into mechanical or electrical and thermal energy;

21 ° air conditioning system: a combination of all components necessary to provide a form of treatment of the air in a building, by which the temperature is controlled or can be lowered, possibly in combination with a control of the ventilation, moisture and / or purity of the air;

22 ° boiler: the combined boiler body-burner for supplying a fluid, the heat released by the combustion; 23 ° Technical installation:

a) ventilation systems;

b) cogeneration systems;

c) air-conditioning systems;

d) heat production systems;

e) heat pump systems;

f) decentralized energy supply systems based on renewable energies;

g) heating systems or district or cooling;

h) lighting systems;

i) fixed systems for transporting persons or loads from one stage to the other of the building;

j) systems for domestic hot water;

24 ° effective rated output (expressed in kW): the maximum output specified and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

25 ° Heat pump: a device or installation that extracts heat at low temperature, in air, water or earth and supplies to the vessel; 26

° Institute: Brussels Institute for Management of the Environment;

27 ° Promoter Master Client: any individual or public or private corporation whose regular business is to build or to construct buildings in order to dispose for profit;

28 ° protected Volume: all rooms in the building, including recesses, that one wishes to protect the heat losses towards the external environment, soil and neighboring spaces that do not belong to a protected volume;

Are automatically part of the protected volume residential premises and other local heated or cooled or to be heated or cooled;

29 ° loss Area: heat loss of area of a building is the sum of areas of all of the walls or wall portions (vertical, horizontal or inclined) separating the protected volume of the external atmosphere of the building, the ground and neighboring areas that do not belong to a protected volume;

The walls which form a separation between two different protected volumes are not part of the leakage area;

30 ° Passive cooling: thermal control strategy to lower the ambient temperature of a building, without resorting to the use of a refrigerating machine.

Scope

Art. 4. This order applies to all buildings except: 1. buildings with an area less than 50 m² unless the building houses a staff housing;

2. temporary buildings with a planned life of two years or less; 3 places of worship;

4. industrial sites, workshops and non-residential agricultural buildings which have no heating or air conditioning or have a low energy demand. The Government determines the level of low energy demand of buildings referred to in point 4.

Calculation methods

Art. 5. § 1. The Government sets the methods for calculating the energy performance based on the elements set out in Annex I. For the purposes of the calculation method, each building is classified according to the following destinations:

- a) single family houses of different types;
- b) apartment blocks;
- c) office buildings and service;
- d) buildings for instruction;
- e) hospitals;
- f) hotel establishments;
- g) restaurants and cafes;
- h) sports facilities;
- i) buildings housing shops selling wholesale or retail;
- j) other types of energy consuming buildings.

§ 2. The Government may determine that the buildings that make use of innovative design concepts or technologies may apply an alternative calculation method. In this case, the government determines the principles that govern the methods of calculation and alternative categories of buildings that can benefit.

CHAPTER II. - PEB requirements for new buildings and buildings undergoing major renovation or a simple renovation Section

1. - Principles PEB requirements

Art. 6. § 1. The Government determines the PEB requirements to be met by new buildings, buildings subject to major renovation and buildings subject to a simple renovation.

In establishing PEB requirements, the Government may make a distinction between different categories of buildings taking into account their assignments and work completed.

PEB requirements may be set either for the entire building renovated, either alone renovated systems or components.

PEB requirements shall be reviewed at least every five years and if necessary adapted to technical progress.

§ 2. The PEB requirements referred to in § 1 may also include devices that improve the management of the building's energy demand. exemptions

Art. 7. § 1. For goods listed or registered on the backup list under the Brussels Code of Land Management that are the subject of a renovation, the delegated official may waive fully or partially with the requirements of Article 6 in connection with the granting of planning permission, when total compliance with these requirements affect the conservation of this heritage and provided it complies with the assent of the Royal Commission of Monuments and Sites. § 2. Buildings subject to a simple renovation or a major renovation may be total or partial exemption preliminary ILL requirements when the partial or total compliance with these requirements is technically, functionally or economically unfeasible.

The Government sets the instruction procedure exemption requests and determines the criteria and thresholds for granting thereof.

Waivers are granted by the Institute. They may be appealed to the Government. The terms of this appeal are determined by the Government. § 4. The granting of an exemption ILL does not exempt other obligations imposed by this Order.

Section 2. - permit application proposal ILL

Art. 8. § 1. An application for a new building to a heavy single or renovation, must be accompanied by a proposal ILL.

If necessary, the applicant shall provide the exemption obtained under Article 7 to its proposal. § 2. The PEB application is signed by the applicant and, if applicable, by the architect. In case of application of Article 7 § 2 or Article 64, § 1, paragraph 2 of the order of 5 June 1997 on environmental permits, the ILL application is signed by the permit holder environment. § 3. In the case of an application for planning permission, the issuing authority shall verify the conformity of the proposal ILL compared to EPB requirements concerning planning permission. Form and content of the proposal ILL

Art. 9. § 1. The Government determines the content of the proposal ILL. It can distinguish the contents of the proposal PEB based on the importance of the work and purpose of the building. § 2. The Government establishes a simplified form for buildings with an area less than or equal to 1 000 m².

The study of technical and economic feasibility

Art. 10. § 1. When it concerns a new building with more than 1000 m² or major renovation of over 5000 m², the proposal PEB contains a technical feasibility study, environmental and economic concerns that:

1 energy design of the building, in particular, minimizes overheating in summer and mid-season, and uses the passive cooling;

2. opportunities for implementation of decentralized energy supply systems that use renewable energy, cogeneration and heat pump, or other alternative systems determined by the Government and allow a gain in primary energy . The Government defines the contents of the feasibility study and may limit the scope according to criteria of cost-effectiveness and building new features or subject to major renovation. § 2. The authorizing authority shall forward the proposal PEB containing the feasibility study to the Institute within 15 days after sending the receipt of the request. The Institute features

Any recommendations of the Institute are attached to planning permission.

§ 3. Where the application is subject to an impact assessment, the feasibility study is an integral part, if any:

- the impact report;
- or briefing note provided for in Article 129 of COBAT;
- or preparatory note to the impact study provided for in Article 18 § 1 of the Ordinance on environmental permits.

Section 3. - the execution of works for new buildings and major renovations

beginning Notification works

Art. 11. § 1. At the latest eight days before the start of work on a new or major renovation building, the registrant notifies the start of work at the Institute, which shall inform the issuing authority. § 2. This notification shall contain the name and contact information of the declarant, the architect responsible for monitoring the performance of work and possibly EPC adviser, if different from the architect, and the start date of works. It indicates that a calculation of the energy performance was produced and is available. The notice is signed by the declarant, the architect responsible for monitoring the execution of works, and, if different from this one, PEB advisor.

§ 3. The Government may specify the form and content of notification of commencement of work. The PEB advisor.

Art. 12. § 1. The declarant means a PEB advisor prior to completion of the work. In compliance with the provisions of Article 22, the architect responsible for monitoring the execution of works is the PEB adviser unless the declarant will assign this function to another person. § 2. The registrant notifies the institute, together with the person concerned, any change of declaring, advise PEB or if any of the architect responsible for monitoring the performance of work when such changes occur prior to the introduction the EPB declaration. This change will be recalled in the statement ILL. Monitoring requirements PEB

Art. 13. § 1. Before construction began, the PEB technical dossier consists ILL advisor and signed by him. Each successful bidder signs the record for the acts and PEB work concerning it, and later when his work on the site begins. ILL technical file is available on site and updated according to the evolution of it. It also contains the findings made pursuant to §§ 2 and 3. It shall be available délivrantes authorities of the Institute and contracting companies.

§ 2. When the PEB advisor finds, during the project, that it deviates from the PEB requirements that apply, it shall inform the declarant and, where applicable, the architect responsible for monitoring the performance of the work by registered letter sent within a maximum of eight days.

§ 3. The PEB advisor evaluates and recognizes the steps taken to meet ILL requirements and necessary for the establishment of the EPB declaration. It calculates the level of energy performance of new or heavily refurbished buildings, such as built.

§ 4. On the basis of the technical file ILL, ILL advisor establishes the EPB declaration. § 5. The Government may specify the conditions of application of §§ 1, 2, 3 and 4. § 6. The counselor ILL keeps, for a period of five years, the PEB technical file and a paper copy of the declaration ILL . On request of the Institute, the PEB will advise a copy of these documents available.

**Links between the PEB advise, architect, contractors and
declaring**

Art. 14. § 1. The architect, contractors and the registrant must provide the PEB advise all documents and information necessary to monitor the project and the establishment of the EPB declaration. From the beginning of its mission, the PEB advisor must be informed in writing of any changes to the project in relation to the proposal ILL. § 2. The PEB adviser has free access to the site.

Notification of the EPB declaration

Art. 15. § 1. The EPB declaration signed by the declarant, the architect responsible for monitoring the performance of work, and the PEB advisor if different architect, is addressed by the registrant by registered mail, the Institut later than six months after completion and if necessary within two months after the provisional acceptance of the building when the project was the subject of a planning permit. If necessary, he joined the EPB declaration the derogation in Article 7, §§ 1 and 2. § 2. The PEB Counsel at the Institute, within the same period, a copy of the electronic declaration .

§ 3. In the case of a building or an apartment building, build, transform, or under construction, the developer master promoter is the declarant.

When the following three conditions are met, the purchaser acquires declarant and introduced the EPB declaration:

1. The deed of sale provides that the acquirer is the registrant;

2. An interim report is attached to the deed of sale drawn up by Councilor PEB that has been designated by the project master promoter and signed by the PEB consultant, the contracting master developer and the purchaser. The interim report includes all the measures that have been implemented or to be implemented to meet the requirements PEB and the available data for the calculation of the PEB. The interim report will also indicate the person responsible for the implementation of the various measures;

3. At the end of the work, the contracting Master sponsor has the necessary information about the work he performed or was performed on his behalf at the disposal of the buyer for the facility ILL final statement.

§ 4. The Government determines the content and form of the declaration.

§ 5. The installations or structures mentioned in the declaration PEB may be modified or replaced in as these modifications or replacements do not have the effect of reducing the level of energy performance of the building, as mentioned in the declaration ILL . This provision does not apply to buildings that are experiencing a change of assignment within the meaning of COBAT, for which the requirements are less stringent under the order or its implementing decrees.

Section 4 - Performance of works for simple renovations

Art. 16. § 1. At the latest eight days before the start of simple renovation work, the registrant notifies a simplified declaration to the authority which granted planning permission.

§ 2. Such simplified declaration shall contain the name and contact information of the declarant, the architect responsible for monitoring the execution of works and the date of commencement of work. It contains measures for compliance of EPC requirements and demonstrates by calculation that these requirements are met. The notice is signed by the declarant and the architect responsible for monitoring the performance of work. § 3. The Government may specify the form and content of the simplified declaration. CHAPTER III. -

Content Certification and certificate validity

Art. 17. § 1. The energy performance certificate contains reference values based on which the parties can assess the energy performance of the building and compare it with other buildings. The energy performance certificate also includes recommendations on improving the energy performance of the building. The energy performance of a building shall be expressed and must include a CO2 emission indicator. § 2. The certificate validity period is ten years.

§ 3. The Government specifies the form and content of the certificate.

§ 4. The Government determines the conditions under which the certificate is revoked or updated. Establishment of the energy performance certificate

Art. 18. § 1. Following the construction of a new building work, a certificate is issued by the Institute on the basis of the statement PEB and notified to the declarant within two months of notification of the declaration referred to PEB Article 15.

§ 2. Prior to the sale of buildings, including the partial sale and prior to the leasing, the conclusion of a real estate leasing or establishing a real right between living with the exception of easements, the mortgage institution and marriage contracts and amendments, a valid energy performance certificate should be available.

For cases other than those referred to in § 1, the certificate is issued by an accredited certifier. § 3. If the sale or lease of a new building takes place before the energy performance certificate referred to in § 1 is available, an interim report by the PEB advisor is deemed sufficient. This interim report includes all the measures that have been implemented or to be implemented to meet the requirements PEB and the available data for the calculation of the EPB declaration.

§ 4. The cost of energy certification are dependent: 1 seller in case of alienation of the building;

2nd owner, in case of granting a right in rem and in case of conclusion of a real estate leasing; 3 of the lessor for leasing.

§ 5. For apartments, similar units in the same building or sets of similar units designed for separate use, the Government determines whether certification should be established on the basis:

1 a common certification of the entire building when the latter is equipped with a common heating system;

2 of assessment of another representative apartment or dwelling located in the same building or in the same set and having the same energy characteristics. CHAPTER IV. - Energy performance of technical systems EPB requirements of technical facilities

Art. 19. § 1. The head of technical systems to ensure that these facilities meet the requirements PEB during installation and during the operation period.

§ 2. The Government sets the PEB requirements to be met the following technical facilities:

1 facilities for the exclusive production of heat, including their channels of distribution, storage and transmission and control systems;

2 air conditioning systems, including their distribution channels and their control systems.

They may differ depending on the category of equipment and possibly their age. Control

Art. 20. § 1. The head of technical facilities ensure that boilers using liquid or solid non-renewable fuels, an effective rated power exceeding 20 kW are monitored periodically.

Boilers of an effective rated output above 100 kW are checked at least every two years.

This period may be extended to four years for gas boilers.

§ 2. The heating systems with boilers of an effective rated output of more than 20 kW for over 15 years are subject to a thorough check. This monitoring should include an assessment of the boiler efficiency and the sizing compared to the building needs heating.

The controllers give users advice on the replacement of boilers, other modifications to the heating system and on alternative solutions. § 3. The Government determines the modalities of implementation of §§ 1 and 2 and may also impose the control of other technical facilities, including boilers using other fuels.

§ 4. The Government shall take the necessary measures to implement the control of air conditioning systems with an effective rated output of more than 12 kW.

This control includes, at a minimum, an assessment of the performance of air conditioning and the sizing compared to the building's cooling needs. Appropriate advice is provided to the users on possible improvement or replacement of the air conditioning system and on alternative solutions.

§ 5. The control of technical systems is performed by registered auditors, whether acting individually or employed by public or private institutions. Interview

Art. 21. The head of technical facilities to ensure that the technical facilities are regularly maintained by registered technicians.

The Government sets the nature and frequency of meetings which the technical facilities must meet.

CHAPTER V. - Persons subject to authorization or registration From Councilor PEB

and the certifier

Art. 22. § 1. ILL advisor must be a natural person holds a degree in architecture, architect civil engineer, civil engineering, industrial engineering or an equivalent degree, or a legal person concerned at any time in the under an employment contract of indefinite duration or a collaboration agreement or association, a person with a degree in architecture, architect civil engineer, civil engineering, industrial engineering or 'equivalent. § 2. The certifier must:

1 have received specific training or, in the case of a corporation, take at any time, under an employment contract of indefinite duration or a collaboration agreement or association, an individual having specific training; 2. notify certain data to the authority. The Government determines the data to be notified to the authority;

3. make available to the Institute a register of certificates issued, and a copy of these certificates.

§ 3. The Institute shall issue, suspend or withdraw approval of the PEB advisor and certifier. The Government determines the procedure and the conditions for approval, suspension and withdrawal of approval of the PEB advisor and certifier. Controller and technician

Art. 23. § 1. The Government determines the obligations controllers and technicians are submitted. These requirements include the requirement to be registered, have undergone specific training and to notify certain data to the Institute.

§ 2. The Institute outputs, suspend or withdraw the recording controller and the technician. The Government determines the procedure and the recording condition of the suspension and removal of the recording controller and the technician. recourse

Art. 24. The Government organizes the procedure for appeal against decisions approving the applications for approval or registration and decisions of suspension and withdrawal of approval or PEB adviser registration, certification, the technician and controller taking into account the following:

1. The application is open to the environment College;
2. he addressed the environmental College, by registered mail within thirty days of receipt of the decision;
3. the decision of the College environment is notified to the applicant within sixty days from the date of the mailing of the registered letter containing the application;
4. failing notification of the decision within that time, the contested decision, albeit tacit, is deemed to be confirmed;
5. The applicant or his counsel and the authority which took the decision, appeal object, are, at their request heard by the College environment. Where the parties have agreed, the period referred to in 3 is 75 days.

CHAPTER VI. - Advertising, Information and Publicity record straight

Art. 25. Any person who, on behalf of or as an intermediary, offers for sale a building in the conditions pre views in Article 18 § 2, offers up the building a real right referred to in Article 18 , § 2 or offers to give the building rental or leasing property must: 1. indicate unequivocally in advertising therewith, the energy performance of the property; 2. provide free, to any application, copy of the certificate. public building

Art. 26. In buildings with a total area of over 1000 m² occupied by public authorities or institutions providing public services to a large number of people and are therefore frequently visited by these persons an energy performance certificate for the building dating back to ten years maximum must be clearly displayed to the public. The range of recommended and current indoor temperatures and, when appropriate, other relevant climatic factors may also be clearly displayed.

The Government sets the list of public services and institutions covered by this provision and may specify the content of that information. Information

Art. 27. The Institute maintains a computerized database of PEB statements and energy performance certificates issued by the Institute, as well as persons registered or licensed. Right back

Art. 28. A record fee, the proceeds are paid in full directly to the Fund relating to the energy policy established by section 34 of the Ordinance of 19 July 2001 on the organization of the electricity market Brussels-Capital region is in charge of any natural or legal person who submitted a request for approval or registration under this Ordinance. The folder right referred to in paragraph 1 is due to the introduction date, by the natural or legal person, the approval or registration.

The amount of the administration fee referred to in paragraph 1 is set at 250 EUR for an application for approval or registration.

CHAPTER VII. - Administrative Fines

Art. 29. The Government shall designate the officials who are competent to perform the necessary inspections on declarations PEB, look for violations of the provisions of this Ordinance and its implementing decrees and see for a record is authentic up proven otherwise, except for offenses relating to planning policy referred to 300 and following of the Brussels Code of Land Management.

To conduct investigations and findings, the aforementioned officials have access to the site and buildings. When it comes to accommodation spaces, and research findings will be made in accordance with the formalities prescribed by law.

Art. 30. If the outcome of the EPB declaration that the PEB requirements referred to in Article 6 have not been met, the Institute requires the declaring, until five years after the introduction of the EPB declaration, fined administrative amounting to:

- a) EUR 60 per gap 1 W / K in the field of thermal insulation of building elements and level K, as defined in 2.1.1 and 2.1.2 of Annex II in this order;
- b) 0.24 per gap of 1 MJ / year in the area of the overall energy performance as defined in 2.2. Annex II to this Ordinance;
- c) EUR 4 per gap of 1 m³ / h in the area of ventilation equipment as defined in 2.4 of Annex II to this Ordinance;
- d) EUR 0,48 per gap 1000 Kh per m³ in the area of risk of overheating as defined in point 2.3 of Annex II to this Ordinance.

The total administrative fine imposed under this Article amounts to at least EUR 125. Art. 31. § 1. If the inspection reveals that the EPB declaration does not correspond to reality, the Institute requires the adviser ILL, until five years after the introduction of the EPB declaration, an administrative fine of:

- a) EUR 60 per gap 1 W / K in the field of thermal insulation of building elements and level K as defined in 3.1.1 and 3.1.2 of Annex II in this order;
- b) 0.24 per gap of 1 MJ / year in the area of the overall energy performance and in particular the characteristic primary energy consumption as defined in paragraph 3.2 of Annex II to this Ordinance;
- c) EUR 4 per gap of 1 m³ / h in the area of ventilation equipment as defined in paragraph 3.4 of Annex II to this Ordinance;
- d) EUR 0,48 per gap 1000 Kh per m³ in the area of risk of overheating as defined in point 3.3 of Annex II to this Ordinance.

§ 2. When a value that was introduced erroneously in the statement PEB result that the statement does not indicate correctly if the ventilation requirement is met, the same incorrect value can give rise other fines under § 1 a) and b). § 3. When a value that was introduced erroneously in the statement PEB result that the EPB declaration does not indicate correctly if the requirement for thermal insulation is filled, the same erroneous value can lead to other penalties under § 1, a) on the basis of deviations in K, or under § 1, b).

§ 4. When a value that has been mistakenly inserted in the statement PEB result that the EPB declaration does not indicate correctly if the K level is met, the same incorrect value can result in to other fines under § 1, b).

§ 5. The total administrative fine imposed under this section amounts to at least EUR 125. § 6. The ILL counselor introduced in the 30 days following the establishment of the administrative fine referred to in § 1, a matched PEB statement with the findings made during the inspection. Art. 32. When the check referred to in Article 20 or EPB declaration referred to in Article 15 indicate that the technical facilities do not meet the PEB requirements set by the Government, the Institute requires the manager of technical facilities a fine of 25 EUR 25.000 depending on the power of the installations concerned and the gap between the PEB requirements and the level of performance found such facilities.

Art. 33. § 1. The lead officer or, in his absence, leave or impediment of the latter, the deputy executive officer of the Institute imposes an administrative fine of the offenses described in Articles 30, 31 and 32.

§ 2. A notification is sent by registered mail to the person concerned. She mentions the amount of the fine and the ground (s) (s) for the (s) is (s) the fine will be imposed with reference to the applicable provisions if any calculation.

§ 3. The person ordered to pay the administrative fine may appeal to the college environment.

The appeal is lodged, under penalty of foreclosure, by petition within two months of notification of the decision.

The College intends environment, at their request, the applicant or his counsel, as well as the officer who took the measurement. The environmental College notifies its decision within two months of the sending of the request date. This period is increased by one month where the parties need to be heard. In the absence of a decision within the time prescribed in the preceding paragraph, the decision has been appealed is supposed confirmed.

§ 4. The decision to impose an administrative fine invite the applicant to pay the fine within three months from the notification by payment to the account of the relative Fund's energy policy referred to in Article 34 of the Ordinance of 19 July 2001 on the organization of the electricity market in the Brussels-Capital Region.

In case of appeal, it is suspensive, and the payment of the fine is in a period of three months from the notification of the final decision. CHAPTER VIII. - Offenses and penalties

Art. 34. A penalty of imprisonment from 8 days to 12 months and a fine of 25 EUR 25.000 or one of these penalties, one that:

a) being declared, fails to designate an EPB advisor or notify the change of declaring, ILL advisor or if any of the architect responsible for monitoring the execution of works in accordance with prescribed in Article 12;

b) are saying, do not send the notification of commencement of work in accordance with prescribed in Article 11;

c) is advise PEB, does not meet the obligations imposed by section 13 or established by the Government under section 13;

d) is an architect, contractor or declaring, does not meet the obligations imposed by section 14;

e) being advisor or PEB stating, does not notify the EPB declaration in the manner and time provided in Article 15;

f) being responsible for the technical installations, fails or refuses to control the technical installations or to perform maintenance under conditions set by the Government under Articles 20 and 21;

g) being controller or technician does not meet the requirements laid down by the Government of the base section 23;

h) being the person referred to in Article 25 does not produce the certificate PEB;

i) being PEB advisor or certification, does not meet the requirements set by the Government on the basis of Article 22;

j) being registrant, does not meet the PEB requirements for a building subject to a simple renovation, as laid down by the Government under section 6;

k) being certifier, produced a certificate that does not correspond to reality;

l) being subject to the obligation in Article 26, does not respect. CHAPTER IX. -

amending and repealing provisions Amendments to the order of 5 June 1997 on environmental permits

Art. 35. § 1. Article 2 of the order of 5 June 1997 on environmental permits is replaced by the following:

"This order is intended to ensure the rational use of energy and protection against danger, nuisance or inconvenience that a facility or activity is likely to cause,

directly or indirectly to the environment, health or safety of the population, including to any person within the precincts of a facility without being able to be protected as a worker. ". § 2. Section 3, 15 °, b is replaced by:

"Soil, water, air, climate, energy consumption, sound environment and landscape; ". § 3. In Article 10, it is added a 5 °:

"5 ° if the project subject to the provisions of the Ordinance on the energy performance and indoor climate of buildings, a copy of the proposal PEB". § 4. Article 18, § 2, 3 is supplemented by the following words: "and the proposal ILL elements." § 5. Article 37, 4 is completed as follows:

"PEB and the proposal, including the feasibility study, if required." § 6. Article 55 1 is replaced by:

"Best available technology to minimize the primary energy needs and reduce CO2 emissions to avoid, reduce or remedy the dangers, nuisance or inconvenience of installation, and concrete possibilities of use; ". § 7. In article 56, it is added a 9th worded as follows:

"The conditions for the rational use of energy and renewable energy."

Changes to the Code of Brussels Regional Development adopted by decree of the Government of the Brussels April 9, 2004 and ratified by the order of 13 May 2004 Art. 36. § 1. Article 2 of COBAT is supplemented by the following words: "and by improving the energy performance of buildings." § 2. Article 127, § 2, 2 ° of COBAT is supplemented by the following words: "and energy consumption. "

§ 3. Article 129, § 1, 3 ° of the COBAT is supplemented by the following words: "and the proposal PEB, including the feasibility study, if required." § 4. Article 143, 4 of the COBAT is supplemented by the following words: "and the proposal PEB, including the feasibility study, if required."

Changes in the order of 25 March 1999 relating to the investigation, detection, prosecution and punishment of environmental offenses

Art. 37. § 1. In Article 2 of the Ordinance of 25 March 1999 on the investigation, detection, prosecution and punishment of environmental offenses, the words "16 ° the order of. On the use of pesticides "are replaced by the words:

"15 ° the order of 1 April 2004 on the restriction of the use of pesticides." In the same article 2, 16 °, the words "29 April 2004" are inserted between the word "from" and the word "relative". In the same article 2, 17 °, the words "13 May 2004" are inserted between the word "from" and the word "relative". The same article 2 is completed as follows:

"19 °: the order of ... on the energy performance and indoor climate of buildings." § 2. Article 32 is supplemented as follows:

1 ° in 11 °, the words "1 April 2004" is inserted between the word "from" and the word "relative";

2 ° in 12 °, the words "13 May 2004" are inserted between the word "from" and the word "relative"; 3 ° a 14 ° is

added, reads as follows:

"In the sense of the order of ... on the energy performance and indoor climate of buildings:

- at. being declared, fails to notify the change of declaring, ILL advisor or if any of the architect responsible for monitoring the execution of works in accordance with prescribed in Article 12 § 2;
- b) are saying, do not transmit the work start notification in accordance with the requirements of Article 11;
- c) is advise PEB, does not meet the obligations imposed by section 13 or established by the Government under section 13;
- d) is an architect, contractor or declaring, does not meet the obligations imposed by section 14;
- e) is responsible for the technical installations, fails or refuses to control the technical installations or to perform maintenance under conditions set by the Government under Articles 20 and 21;
- f) being advisor or EPB certifier, does not meet the requirements set by the Government on the basis of Article 22;
- g) being controller or technician does not meet the requirements laid down by the Government of the base section 23;
- h) being the person referred to l.article 25, does not produce the certificate PEB;
- i) being registrant, does not meet the PEB requirements for a building subject to a simple renovation, as laid down by the Government under section 6;
- j) being certifier, produced a certificate that does not correspond to reality;
- k) being subject to the requirement imposed on the article 26, do not meet. § 3. Article 33 is

supplemented as follows:

1 ° in 11 °, the words "29 April 2004" are inserted between the word "from" and the word "relative"; 2 ° in 12 °, the words

"13 May 2004" are inserted between the word "from" and the word "relative"; 3 ° a 14 ° is added, reads as follows:

"In the sense of order. on the energy performance and indoor climate of buildings:

- a) being declared, fails to designate an EPB adviser in accordance with provisions of article 12, § 1;
- b) are saying, buyer or advise PEB, does not notify the EPB declaration in the manner and time provided for in Article 15 or Article 16;
- c) does not produce the certificate in the circumstances referred to in Article 18 § 2. "

Art. 38. Title V of the Regional Planning Regulations on thermal insulation of buildings, adopted by decree of the Government of the Brussels of 21 November 2006 laying down the tracks I to VIII of the applicable Regional Town Planning Regulations to the entire territory of the Brussels-Capital Region, is repealed.

CHAPTER X - FINAL PROVISIONS

Transitional Provisions

Art. 39. § 1. For a period of two years after the entry into force of decrees relating to approval or registration procedures, holders of a degree in architecture, architect civil engineer, civil engineer, industrial engineer or its equivalent are eligible, on a transitional basis, to establish the EPB declaration.

§ 2. Section 6 of section 1, sections 2 and 3 and 4 of Chapter II and Article 18 § 1 of Chapter III shall not apply to applications submitted before the entry into force of the said articles or sections, as may be assessed by the Government. § 3. Article 18, § 2 applies:

1 to conventions concluded after the entry into force of that provision;

2 public sales with sales conditions are established after the entry into force of this provision and provided that the first meeting is held at least forty days after the entry into force of this provision. General coordination

Art. 40. § 1. The government can coordinate the provisions of this Ordinance and the provisions that would have expressly or implicitly changed. § 2. To this end, they may:

1. modify the order, numbering and, in general, the presentation of the provisions to be coordinated; 2. modify the references contained in the provisions to be coordinated in order to bring them into line with the new numbering;

3. modify the drafting of provisions to be coordinated to ensure their consistency and to unify the terminology without it being infringed the principles enshrined in these provisions; 4. adapt the presentation of the references are to the provisions included in the coordination, other provisions that are not times.

The coordination will be integrated into an overall coordination will bring the following heading: "Brussels Energy Code". Coming into force

Art. 41. The Government sets the effective dates of the articles of this order while specifying the classes of vessels and the type of transaction covered. We promulgate this Order, order that it be published in the Belgian Official Gazette. The Minister-President of the Government of the Brussels-Capital Region, with responsibility for Local Authorities, Regional Planning, Monuments and Sites, Urban Regeneration, Housing, Public Hygiene and Development Cooperation, ch. PICQUE

The Minister of the Government of the Brussels-Capital Region, responsible for Finance, Budget, Public Functions and External Relations, G. VANHENGEL

The Minister of the Government of the Brussels-Capital Region, responsible for Employment, Economy, Scientific Research and Fight against Fire and Emergency Medical Assistance, B. CEREXHE Minister of the Government of the Brussels-Capital Region, responsible for Mobility and public Works, P. SMET

The Minister of the Government of the Brussels-Capital Region, responsible for the Environment, Energy and Water Policy, Mrs E. HUYTEBROECK

17 February 2011 - Order of the Government of the Brussels-Capital Region concerning the certificate <PEB> established by a certifier for individual housing The Government of the Brussels-Capital Region,

Given the order of 7 June 2007 on the energy performance and indoor climate of buildings, Article 5 § 1, Article 17 §§ 3 and 4, as amended by the order of 14 May 2009, Article 18 § 5, Article 25 § 2, inserted by order of 14 May 2009 and Article 41;

Considering the opinion of the Environmental Council for the Brussels-Capital Region, given September 13, 2010;

Considering the opinion of the Economic and Social Council of the Brussels-Capital Region, given September 21, 2010;

Given the agreement of the Minister for the Budget, given 8 July 2010; Considering the

opinion of the Finance Inspectorate, given June 29, 2010;

Considering the opinion 48979/3 of the Council of State, issued December 21, 2010 pursuant to Article 84, § 1, paragraph 1, 1° of the laws on the Council of State, coordinated on 12 January 1973;

On the proposal of the Minister of Environment, Energy, Urban Regeneration and Aid to people; After deliberation, Stops:

CHAPTER 1. - General provisions

Article 1. For the purposes of this Order, the term:

1 Order: the order of 7 June 2007 on the energy performance and indoor climate of buildings;

2. Applicant: person referred to in Article 18, § 4 of the Ordinance;

3. Residential Certifier: certifier approved under Article 22 in fine of the order, to establish the EPB certificate for individual dwellings;

4. Individual Housing: individual dwelling as defined in Annex 1st of the decree of Government of the Brussels-Capital Region of 21 December 2007 determining energy performance requirements and indoor climate of buildings;

5. Software: computer application provided by the Institute and treats, according to the method of calculating the energy performance of individual dwellings, the data needed to establish the certificate PEB whose model is shown in Annex 1st; **6. Protocol:** manual provided by the Institute, laying down guidelines to be followed by Residential certifiers during their site visits;

7. Additional information for the benefit of certification: information in the forms of receipt and diagnostic reports referred to in Chapters III and V of the Decree of the Government of the Brussels-Capital Region 3 June 2010 relating to the applicable requirements PEB heating systems for the building during installation and during operation;

8. Energy characteristics: internal and external characteristics of an individual dwelling that influence energy performance.

CHAPTER 2. - Establishment of EPB certificate

Art. 2. The form and content of the certificate PEB are set in accordance with the model in Annex 1st of this decree.

The certificate PEB, energy performance is expressed in energy classes, as laid down in Annex 2 of this Order.

Art. 3. § 1. The PEB certificate is issued by the certifier Residential via software. **§ 2.** For the collection of data necessary for the establishment of the EPB certificate and their introduction into the software, as well as for the production of PEB certificate, the certifier Residential apply the protocol.

For data necessary for establishing the certificate PEB means the energy characteristics of individual housing, with the exception of the following technical facilities:

- lighting systems;

- fixed systems for transporting persons or loads from one stage to the other of the building.

§ 3. A PEB certificate is issued for each individual dwelling. The adjacent premises with allocation referred to in points 1.2 to 1.10 of Annex 1st of the decree of the Government of Brussels of 21 December 2007 determining the requirements for energy performance and indoor climate of buildings are included in the EPB certificate provided that their total area is less than seventy-five square meters and that of the individual dwelling. § 4. The certifying Residential uses the additional information for the benefit of certifiers when present.

§ 5. The PEB certificate is issued to the applicant by the certifier Residential within ten working days of its site visit.

Art. 4. Certification of an individual dwelling can be established on the basis of the evaluation of a representative individual dwelling located in the same building or the same set and have the same energy characteristics.

The Minister may determine the mode of application of this Article.

Art. 5. § 1. The PEB certificate is valid provided that no modification of the energy characteristics of the individual dwelling is occurred after the site visit certifier Residential and so far it has not been revoked.

§ 2. The PEB certificate is revoked by the Institute when it is found that the PEB certificate has not been established in accordance with this Order.

The results of quality control organized pursuant to Article 23a of the order can be used by the Institute to revoke the certificate ILL.

§ 3. In case of dismissal of one of its PEB certificates, the certifier Residential provides its fees at the individual dwelling subject to the access to it made by the occupant, a certificate PEB within thirty days from the date of revocation. CHAPTER 3. - Advertising

Art. 6. § 1. Information about the EPB certificate appearing in advertising are the energy class and the annual CO2 emissions of individual dwelling, taken from the certificate ILL. § 2. The information for EPB certificate contained in the act of the transaction referred to in Article

18, § 2 of the Ordinance are: 1. the information referred to

in paragraph 1;

2. the statement that the parties to the transaction have each received a copy of valid EPB certificate;

3 ° in case of sale, the statement that the buyer has received the original certificate ILL. Art. 7. § 1. In case of sale, if the notary confirms the establishment of the deed that no valid certificate PEB is available, it shall inform the Institute within fifteen working days of the signing of the deed.

§ 2. In case of public sale, the EPB certificate is attached to the specifications. CHAPTER 4 - Final

Provisions

Art. 8. This Order and Articles 18, §§ 2, 4 and 5 and 25 of the Ordinance shall enter into force on 1 May 2011 for the auctioned individual dwellings and 1 November 2011 for other types of transactions covered in Article 18 § 2 of the Ordinance.

Art. 9. The Minister responsible for Energy in its attributions is responsible for the implementation of this Order. Brussels, 17 February 2011.

The Minister President of the Government of the Brussels-Capital Region, Ch. PICQUE The Minister of Environment, Energy, Urban Regeneration and Aid to individuals, E. HUYTEBROECK

For consulting the table, see picture

To be annexed to the decree of the Government of the Brussels-Capital Region of 17 February 2011 relating to the EPB certificate from a certification for individual dwellings. The Minister-President of the Brussels Government, Ch. PICQUE

The Minister of Environment, Energy, Urban Regeneration and Aid to individuals, E. HUYTEBROECK