

**Decree of [date] amending the Building Works Decree on the Environment and the Building Decree 2012 in connection with the exemption from the inspection obligation for air conditioning and heating systems**

We, Willem-Alexander, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

On the proposal of Our Minister for Housing and Spatial Planning of [date], No ...;

Having regard to Articles 4.3(1) opening words and (a) of the Environment Act, 2 and 120 of the Housing Act and 14 and 15 of Directive 2018/844/EU of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJEU 156/75);

Having heard the opinion of the Advisory Section of the Council of State (opinion of [date], No ...);

Having regard to the further report of Our Minister for Housing and Spatial Planning of [date], No ...;

Have approved and hereby decree the following:

**Article I**

The Living Environment Buildings Decree shall be amended as follows:

A

Article 6.37(6)(a) now reads as follows:

- a. an air-conditioning system or a combined air-conditioning and ventilation system:
  - 1° covered by an agreed energy performance criterion or contractual arrangement specifying an agreed level of energy efficiency improvement; or
  - 2°. that is managed by an energy supplier as referred to in Articles 1(ah) of the Gas Act, 1(f) of the Electricity Act 1998 and 1 of the Heat Act or a system operator as referred to in Articles 1(e) of the Gas Act, 1(k) of the Electricity Act 1998 and 1 of the Heat Act;provided that the approach under 1° or 2° achieves the same result as the inspection referred to in the first and second paragraphs; or.

B

Article 6.42(6)(a) now reads as follows:

- a. a heating system or a combined heating and ventilation system:
  - 1° covered by an agreed energy performance criterion or contractual arrangement specifying an agreed level of energy efficiency improvement; or
  - 2°. that is managed by an energy supplier as referred to in Articles 1(ah) of the Gas Act, 1(f) of the Electricity Act 1998 and 1 of the Heat Act or a system operator as referred to in Articles 1(e) of the Gas Act, 1(k) of the Electricity Act 1998 and 1 of the Heat Act;

provided that the approach under 1° or 2° achieves the same result as the inspection referred to in the first and second paragraphs; or.

## **Article II**

The Building Decree 2012 [Bouwbesluit 2012] is amended as follows:

### **A**

Article 6.61(6)(a) now reads as follows:

a. a heating system or a combined heating and ventilation system:

1 ° covered by an agreed energy performance criterion or contractual arrangement specifying an agreed level of energy efficiency improvement; or

2°. that is managed by an energy supplier as referred to in Articles 1(ah) of the Gas Act, 1(f) of the Electricity Act 1998 and 1 of the Heat Act or a system operator as referred to in Articles 1(e) of the Gas Act, 1(k) of the Electricity Act 1998 and 1 of the Heat Act;

provided that the approach under 1° or 2° achieves the same result as the inspection referred to in the first and second paragraphs; or.

### **B**

Article 6.62(6)(a) now reads as follows:

a. an air-conditioning system or a combined air-conditioning and ventilation system:

1 ° covered by an agreed energy performance criterion or contractual arrangement specifying an agreed level of energy efficiency improvement; or

2°. that is managed by an energy supplier as referred to in Articles 1(ah) of the Gas Act, 1(f) of the Electricity Act 1998 and 1 of the Heat Act or a system operator as referred to in Articles 1(e) of the Gas Act, 1(k) of the Electricity Act 1998 and 1 of the Heat Act;

provided that the approach under 1° or 2° achieves the same result as the inspection referred to in the first and second paragraphs; or.

### **Article III**

1. This decree shall come into force on a date to be determined by royal decree.
2. By way of derogation from Article II(1) shall enter into force on the day following the date of issue of the Official Gazette in which it is placed.

I hereby order this Decree and its associated explanatory notes to be published in the Bulletin of Acts and Decrees.

The Minister for Housing and Spatial Planning,

Hugo de Jonge