



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2023/0393/NL (Netherlands)

Decree amending the Buildings Environment Decree and the Building Decree 2012 in connection with the exemption from the inspection obligation for air-conditioning and heating systems

Date received : 27/06/2023

End of Standstill : 28/09/2023 (withdrawn)

Message

Message 001

Communication from the Commission - TRIS/(2023) 1921

Directive (EU) 2015/1535

Notification: 2023/0393/NL

Notification of a draft text from a Member State

Notification – Notificación – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20231921.EN

1. MSG 001 IND 2023 0393 NL EN 27-06-2023 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer

(cdiu.notificaties@belastingdienst.nl)

3B. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

Directie Constitutionele Zaken en Wetgeving

Afdeling Wonen en Leefomgeving

4. 2023/0393/NL - B00 - Construction

5. Decree amending the Buildings Environment Decree and the Building Decree 2012 in connection with the exemption from the inspection obligation for air-conditioning and heating systems



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6. Inspection of air conditioning and heating systems

7.

8. The provisions in the Bbl and the Buildings Decree 2012 on the inspection of air conditioning and heating systems are amended by this decree in such a way that an exception to the inspection obligation does not only apply if the system is covered by an energy performance contract, but for all cases mentioned in Article 14(2) and Article 15(2) of the EU Energy Performance of Buildings Directive. The exception also applies to air conditioning and heating systems explicitly covered by an agreed energy performance criterion or contractual arrangement specifying an agreed level of energy efficiency improvement. Furthermore, air conditioning and heating systems that are operated by an energy supplier or a system operator and are therefore already subject to system-side performance monitoring measures are excluded from the inspection requirement. It has been added that an exception to the inspection requirement is only possible if the result of the above approach is the same as that achieved by the inspection.

All articles may contain technical regulations. The amendments relate to a decision previously notified, No 2019/0496/NL. Article 1.3 of the Building Decree 2012 and Article 1.3 of the Environmental Regulation also include a provision for mutual recognition.

9. On 9 February 2022, the Netherlands received a letter of formal notice from the European Commission following the implementation of Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings (EPBD) and Directive 2012/27/EU on energy efficiency. The Commission found that the Netherlands has not fully implemented Articles 14(2) and 15(2) of the EPBD. This amending act serves to restore it.

The provisions apply to all cases without distinction and are non-discriminatory.

The exception to the inspection obligation and the condition under which the exception may be applied apply to both domestic and foreign service providers. The provisions are necessary for complying with the obligation to implement the EPBD Directive in full. They do not go beyond what is necessary to comply with this implementation obligation. The exemptions to the inspection obligation are included in the EPBD with the aim of providing a cost-effective alternative that produces the same result as an inspection in terms of improving the energy efficiency of air conditioning and heating systems. The amendment is proportionate to this objective and cannot be achieved by a less pervasive means, as it does not meet this objective and the implementation obligation.

10. Numbers or titles of basic texts: The basic texts were sent with a previous notification:
2019/0496/NL

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No



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