1. ------IND- 2021 0018 F-- EN- ------ 20210121 --- --- PROJET

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| **FRENCH REPUBLIC** | | |
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| Ministry of the Ecological Transition | | |
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**Draft Decree**

**prohibiting the installation of heating and domestic hot water production systems consuming primarily fuels with a high level of greenhouse gas emissions in buildings for residential or professional use**

NOR: TRER2021746D

*Groups concerned: owners of buildings for residential or professional use wishing to install new heating or domestic hot water production equipment.*

*Subject: defining the maximum greenhouse gas emission threshold for heating or domestic hot water production systems that can be installed in buildings for residential or professional use*

*Entry into force: the provisions enter into force on 1 July 2021 for new buildings and 1 January 2022 for existing buildings*

*Notice: Articles L111-9 and L111-10 of the Construction and Housing Code allow for the levels of energy and environmental performance compatible with the objectives of the national energy policy, respectively for new and existing buildings, to be defined by decree of the Council of State.*

*This Decree specifies the criteria for replacing heating or domestic hot water production systems, in particular with regard to greenhouse gas emissions, in new and existing buildings for residential or professional use.*

*References: the legislation created by the present Decree can be consulted on the Légifrance website (*[*http://www.legifrance.gouv.fr*](http://www.legifrance.gouv.fr/)*)*

The Prime Minister,

On the basis of the report by the Minister for the Ecological Transition,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and in particular Notification No 2016/677/F;

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC;

Having regard to the Construction and Housing Code, in particular Articles L111-9 and L111-10 thereof;

Having regard to the opinion of the High Council for Construction and Energy Efficiency, dated DD MM YYYY;

Having regard to the opinion of the High Council for Energy dated DD MM YYYY;

Having regard to the opinion of the National Council for the Evaluation of Standards dated XX MM YYYY;

Having regard to the observations made during the public consultation carried out between DD MM YYYY and DD MM YYYY under Article L123-19-1 of the Environmental Code,

Having heard the Council of State (public works division);

Hereby decrees:

Article 1

At the start of Title III of Book I of the Construction and Housing Code, a preliminary chapter shall be inserted, worded as follows:

‘Preliminary chapter: Environmental performance of heating and domestic hot water production systems

Article R130-1:

I. - The installation, in buildings, of heating or domestic hot water production systems consuming primarily fuels with greenhouse gas emissions greater than or equal to 250 g of CO2-eq/kWh NCV shall be prohibited, including those replacing existing appliances.

II. - This provision shall not be applicable to existing buildings which justify:

1. either a manifest technical impossibility of replacing the existing equipment with a heating or domestic hot water production system respecting the greenhouse gas emission threshold defined in I, in particular for spatial reasons, in the event of non-compliance with easements or legislative or regulatory provisions on land rights or property rights;

2. or in the absence of a solution for connecting the heating or natural gas networks and when the installation of new equipment complying with the provisions of I requires remedial work on the public electricity distribution network.

III. - The building owner shall justify that the building falls under one of the cases in II by producing a statement given by an expert under their responsibility.

IV. - The provisions of this Article shall be applicable to the construction of new buildings for which the application for a building permit was submitted after 1 July 2021 and to existing buildings for which the works mentioned in I were started after 1 January 2022.’

**Article 2**

The Minister for the Ecological Transition and the Minister Delegate for Housing, attached to the Minister for the Ecological Transition shall be responsible for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Done on

By the Prime Minister

The Minister for the Ecological Transition,

Barbara POMPILI

The Minister Delegate for Housing, attached to the Minister for the Ecological Transition,

Emmanuelle WARGON