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NEWS 4/2013

News No. 4/2013

Energy Performance Certificates

Starting from 1 January 2013 the amendment to Act No. 406/2000 Coll., on Energy Management, as amended, has increased, to a significant extent, the obligations of developers, building owners, associations of housing unit owners and housing unit owners as well (i.e. owners of flats and non-residential premises) relating to the issue of so-called energy performance certificates. This instrument, which was first introduced in 2009 for new constructions or large scale reconstructions, should provide simple and transparent information about the energy consumption of a building by classifying it in a respective energy performance class, such as we know it in the case of electrical appliances.

In addition to new constructions, the Act now also stipulates the obligation to have the energy performance certificate issued when the building or a part thereof is to be sold or rented. Moreover, residential houses and administrative buildings that are in actual use should have the energy performance certificates issued even without there being any changes of the owner or tenant. **Hence, the present owner cannot rely solely on the fact that they have no intention of selling or renting and therefore the new obligations do not apply to them at all.** Please note, however, that the introduction of these obligations is going to take place gradually, until 2019, according to the size of the residential houses and administrative buildings.

However, as already mentioned above, **when selling or renting the property, the existing owner is obliged to have the energy performance certificate issued for the building** and to submit it to the new owner or tenant, including any prospective buyers or tenants. Under the Act, the obligation will be postponed until 1 June 2016 only in certain specified cases of rental agreements. Again, when renting the property, one cannot rely solely on the fact that the obligation will not apply until 2016. Therefore, we always recommend assessing the circumstances of any specific case at first.

The energy performance certificate must be issued by an energy expert listed in the web site of the Ministry of Industry and Trade which is in charge of this issue.

The State Energy Inspection supervises whether the said obligations are being met, and is authorised to hear any offences and administrative delicts and to impose fines. Fines may amount up to CZK 100,000 for individuals and CZK 200,000 for legal entities and self-employed individuals.