

Directive 2010/31/EU of the European Parliament and of the Council
of 19 May 2010 on the energy performance of buildings (recast)

Article 12

Issue of energy performance certificates

- 1 Member States shall ensure that an energy performance certificate is issued for:
- a buildings or building units which are constructed, sold or rented out to a new tenant; and
 - b buildings where a total useful floor area over 500 m² is occupied by a public authority and frequently visited by the public. On 9 July 2015, this threshold of 500 m² shall be lowered to 250 m².

The requirement to issue an energy performance certificate does not apply where a certificate, issued in accordance with either Directive 2002/91/EC or this Directive, for the building or building unit concerned is available and valid.

2 Member States shall require that, when buildings or building units are constructed, sold or rented out, the energy performance certificate or a copy thereof is shown to the prospective new tenant or buyer and handed over to the buyer or new tenant.

3 Where a building is sold or rented out in advance of construction, Member States may require the seller to provide an assessment of its future energy performance, as a derogation from paragraphs 1 and 2; in this case, the energy performance certificate shall be issued at the latest once the building has been constructed.

- 4 Member States shall require that when:
- buildings having an energy performance certificate,
 - building units in a building having an energy performance certificate, and
 - building units having an energy performance certificate,

are offered for sale or for rent, the energy performance indicator of the energy performance certificate of the building or the building unit, as applicable, is stated in the advertisements in commercial media.

5 The provisions of this Article shall be implemented in accordance with applicable national rules on joint ownership or common property.

6 Member States may exclude the categories of buildings referred to in Article 4(2) from the application of paragraphs 1, 2, 4 and 5 of this Article.

7 The possible effects of energy performance certificates in terms of legal proceedings, if any, shall be decided in accordance with national rules.