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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 (“the Principal Regulations”) which enacted, in part, Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)(1) (“the Directive”).

Regulation 2(2) amends regulation 11(2) of the Principal Regulations (statement of energy performance indicator). The amendment makes clear that it is the “relevant person” (i.e. the seller, potential landlord or their agent), or someone acting on that person’s behalf, who must ensure that the energy performance indicator of the building is included in any commercial advertisements of the property for sale or rent as required under regulation 11.

Regulation 2(3) of these regulations amends regulation 18 of the Principal Regulations which requires certain air-conditioning systems to be inspected periodically. The amendment substitutes “accessible parts of the system” for “system” which reflects the wording in Article 14 of the Directive.

Regulation 2(4) of these Regulations amends regulation 19(2) of the Principal Regulations which requires energy assessors to include advice about improvements which could be made to air-conditioning systems in inspection reports. The amendment ensures that the wording of regulation 19(2) mirrors the language of Article 16 of the Directive.

Regulation 2(5) sets revised fees for entering documents on the register which the Secretary of State is required to maintain under regulation 27 of the Principal Regulations.

Regulations 2(6) and (7) make amendments to regulation 33 of, and Schedule 2 to, the Principal Regulations to replace small and medium data packs with a new category of data pack: a regular data pack. Regulation 2(6) sets a revised fee for a large data pack and sets a fee for a regular data pack.

An impact assessment has not been produced for this instrument as it does not introduce any additional regulatory burdens.

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(1) OJ L 153 18.6.2010