

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4907 GIBRALTAR Thursday 14th October 2021

LEGAL NOTICE NO. 424 OF 2021

EUROPEAN UNION (WITHDRAWAL) ACT 2019

ENVIRONMENT (ENERGY PERFORMANCE OF BUILDINGS)(AMENDMENT) (EU EXIT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11(1) of, and paragraph 1 of Schedule 3 to, the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Environment (Energy Performance of Buildings)(Amendment) (EU Exit) Regulations 2021.

Commencement.

2. These Regulations are deemed to have come into operation on 1 January 2021.

Amendment of the Environment (Energy Performance of Buildings) Regulations 2012.

3.(1) The Environment (Energy Performance of Buildings) Regulations 2012 are amended in accordance with this regulation.

(2) In regulation 2(1) omit the definitions of “Commission” and “micro isolated system”.

(3) For regulation 3(4) substitute –

“(4) Where more stringent measures are implemented in accordance with subregulation (3)(b) such measures shall be subject to the condition that the measures adopted under that subregulation must be compatible with retained EU law.”.

(4) In regulation 6-

(a) omit subregulations (2), (3) and (4);

(b) for subregulation (5) substitute-

“(5) If the result of the comparison performed in accordance with subregulation (1) shows that the minimum energy performance requirements in force are significantly less energy efficient than cost-optimal levels of minimum energy performance requirements, the competent authority shall establish a plan outlining appropriate steps to significantly reduce the gap by the next review of the energy performance requirements as referred to in regulation 5(1).”.

(5) For regulation 9(12)(c) substitute-

“(c) the Gibraltar Electricity Authority determines that the ducting infrastructure required would endanger the stability of the local grid;”.

(6) In regulation 10-

(a) for subregulation (3) substitute-

“(3) The competent authority shall furthermore, following the leading example of the public sector and after consulting the Minister, develop policies and take measures such as the setting of targets in order to stimulate the transformation of buildings that are refurbished into nearly zero-energy buildings.”;

(b) in subregulation (4)(c), for the words from “Article 13(4) of Directive 2009/28/EC” to “2003/30/EC” substitute-

“Article 15(4) of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources”;

(c) in subregulation 6, omit the words from “and in this case” to “regimes”.

(7) In regulation 11(2)-

(a) in paragraph (b) for “;” substitute “.”;

(b) omit paragraph (c).

(8) In Schedule 1, paragraph 1, for “European Union” substitute “retained EU law”.

Dated: 14th October 2021.

PROF J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Regulations are made pursuant to the powers in section 11 and paragraph 1(b) of Schedule 3 of the European Union (Withdrawal) Act 2019 to address deficiencies arising from withdrawal from the European Union.