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## EXPLANATORY NOTE

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

These Regulations amend the Energy Performance of Buildings (Scotland) Regulations 2008 (“the 2008 Regulations”). The 2008 Regulations require the production of energy performance certificates when buildings are to be sold or rented out.

These Regulations partially transpose for Scotland Article 11 (energy performance certificates) of Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (OJ L 153, 18.06.2010, p.13) (“the 2010 Directive”). The 2010 Directive is a recast of Directive [2002/91/EC](#) of the European Parliament and of the Council on the energy performance of buildings (OJ L 1, 04.01.2003, p.65).

Article 11(4) of the 2010 Directive states that energy performance certificates shall provide an indication as to where the owner or tenant can receive more detailed information on the cost effectiveness of the energy performance certificate. Regulations 3 to 6 of these Regulations provide a vehicle for this information to be provided to owners and tenants by means of a recommendations report.

Regulations 7 to 11 amend the provisions on the registration of energy performance certificates in order that it is now data rather than the certificate itself that must be entered on to the Register. From 1st October 2012, the energy performance certificate and the recommendations report will be produced from the data held on this Register.