



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

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**Law No. 05/L-101**

**ON ENERGY PERFORMANCE OF BUILDINGS**

**The Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON ENERGY PERFORMANCE OF BUILDINGS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose**

1. The purpose of this Law shall be to promote improvements to the energy performance of buildings, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.
2. This Law is partly in accordance with the Directive no. 2010/31/EU on the Energy Performance of Buildings; Directive 2012/27/EU of the European Parliament and of the Council on Energy Efficiency.

**Article 2**  
**Scope of Application**

1. This Law defines the requirements for:

- 1.1. a general framework for a national calculation methodology for the integrated energy performance of buildings and building units;
- 1.2. minimum energy performance requirements for:
  - 1.2.1. the construction of new buildings;
  - 1.2.2. existing buildings and building units undergoing major renovation;
- 1.3. general system requirements for technical building systems in existing buildings;
- 1.4. national plans for increasing the number of nearly zero-energy buildings; including consideration of financial incentives and market barriers to catalyze the transition to nearly zero-energy buildings;
- 1.5. the energy certification of buildings and building units, and the content, issue and display of certificates;
- 1.6. the regular inspection of heating and air-conditioning systems including the form and content of the inspection reports or equally effective alternative measures;
- 1.7. the licensing of independent experts and the creation of an independent control system for energy certificates in buildings.
- 1.8. the creation of a reporting system for heating and air-conditioning systems reports.

### **Article 3** **Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Building** – a roofed construction having walls, for which energy is used to condition the indoor climate;
  - 1.2. **Energy performance of a building** - the calculated amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting;
  - 1.3. **Building energy certification** - the process for evaluating the energy performance and the issue of the certificate for energy efficiency for a building or part of it or part of it that is designed, constructed or renovated;

- 1.4. **Building elements** - the technical building systems and building envelope;
- 1.5. **Technical building system** - technical equipment for the heating, cooling, ventilation, hot water, lighting or for a combination thereof, of a building or building unit;
- 1.6. **Building envelope** – the integrated elements of a building which separate its interior from the outdoor environment;
- 1.7. **Air-conditioning system** – for the purposes of this Law, a combination of the components required to provide a form of indoor air treatment, by which temperature is controlled or can be lowered;
- 1.8. **Heating system** - a combination of the components required to provide a form of indoor air treatment, by which temperature is controlled;
- 1.9. **Ventilation system** - a combination of the components required to provide a form of indoor air treatment, by which air-flow is controlled;
- 1.10. **Energy Auditor** - natural or legal person licensed for energy auditing in line with the Law on Energy Efficiency;
- 1.11. **Independent expert** - a person who is licensed to carry out building energy certification and/or to inspect heating and/or air conditioning systems;
- 1.12. **Nearly zero-energy building** - a building that has a very high energy performance, where its performance is determined in accordance with Article 5 of this Law. The nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby;
- 1.13. **Energy Performance Certificate (EPC)** - a certificate recognised by the competent national authorities or by a legal person designated by them, which indicates the energy performance of a building or building unit;
- 1.14. **Heating or air conditioning systems inspection** – an inspection of a heating or air-conditioning system carried out at regular intervals in accordance with a recognised procedure by an independent expert to determine the condition of the system and produce a report which is different from an Energy Audit required under the Law on Energy Efficiency;
- 1.15. **Heating or air conditioning systems inspection report** - a report produced as a result of a heating or air-conditioning inspection, which recommends cost-effective improvements to the energy performance of the system;

1.16. **Alternative measures** - policy measures that may be adopted by the government as an alternative to inspections and have an equivalent or greater energy saving impact;

1.17. **Energy from renewable sources** - renewable non-fossil energy sources such as: wind, water, geothermal, solar, wave, tidal, biomass, landfill gas, sewage treatment plant gas, and biogases;

1.18. **Primary energy** - energy from renewable and non-renewable sources which has not undergone any conversion or transformation process;

1.19. **Building unit** - a section, floor or apartment within a building which is designed or altered to be used separately;

1.20. **Major renovation** - the renovation of a building where more than twenty five percent (25 %) of the surface of the building envelope undergoes renovation;

1.21. **European Standard** - a standard adopted by one of the European Organizations for Standardization and subsequently adopted by the Kosovo Standardization Agency and made available for public use;

1.22. **Cost-optimal level** - the energy performance level which leads to the lowest cost during the estimated economic lifecycle;

1.23. **Intelligent metering system** - an electronic system that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data using a form of electronic communication;

1.24. **National Calculation Methodology (NCM)** - the methodology for calculating the integrated energy performance of a building. It is used in the calculation of cost-optimal levels of energy performance requirements for buildings, building units and building elements and can also be used to underpin the production of Energy Performance Certificates (EPCs);

1.25. **Building energy certificate issuing body** - the authority or body to which the competent authorities have delegated the responsibility for implementing the independent control system and the issuing of EPCs;

1.26. **Approved software** – the software that implements the NCM and has been approved by the competent authorities for the use of calculating the energy performance requirements for buildings, and building units and for the production of EPCs;

1.27. **Kosovo Agency for Energy Efficiency (KAEE)** - the agency responsible for energy efficiency established by the Law on Energy Efficiency set up as an executive institution within the Ministry of Economic Development. It is

responsible for the independent control systems for Energy Performance Certificates, inspection reports and the national registry.

#### **Article 4 Exceptions**

1. Articles 6, 7, 9 and 10 of this Law shall not apply to:

1.1. buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;

1.2. buildings used as places of worship and for religious activities;

1.3. temporary buildings with a time of use of two (2) years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectorial agreement on energy performance;

1.4. residential buildings which are used or intended to be used for either less than four (4) months of the year or, alternatively, for a limited annual time of use and with an expected energy consumption of less than twenty five percent (25 %) of what would be the result of all-year use;

1.5. stand-alone buildings with a total useful floor area of less than 50 m<sup>2</sup>.

## **CHAPTER II CALCULATION METHODOLOGY, ENERGY PERFORMANCE REQUIREMENTS, HIGH-EFFICIENCY ALTERNATIVE SYSTEMS**

#### **Article 5 National methodology for calculating the integrated energy performance of buildings**

1. Ministry of Environment and Spatial Planning shall adopt the National Calculation Methodology (NCM), specified in sub legal act, which:

1.1. is used to calculate the annual energy required to meet the different needs of a building associated with its typical use;

- 1.2. produces an energy performance indicator (EPI), which illustrates the calculated performance against adopted benchmarks, and a numeric indicator of primary energy in order to express the performance in a transparent manner;
  - 1.3. is used to calculate cost-optimal levels of energy performance requirements for buildings, building units and building elements;
  - 1.4. is used to underpin the production of Energy Performance Certificates (EPC);
  - 1.5. takes into account all relevant European Standards.
2. The National Calculation Methodology shall take into consideration at least:
- 2.1. indoor climatic conditions;
  - 2.2. internal loads of building;
  - 2.3. the thermal conductance and thermal capacity of the delimiting structures, including thermal bridges;
  - 2.4. heating systems;
  - 2.5. hot water supply systems;
  - 2.6. air-conditioning systems;
  - 2.7. ventilation systems and air infiltration;
  - 2.8. built-in lighting systems;
  - 2.9. geographic position and orientation, impact of the sun, as well as outdoor climatic conditions;
  - 2.10. the effect of passive design measures, such as natural ventilation and day-lighting;
  - 2.11. renewable energy systems.
3. The National Calculation Methodology will cover, as a minimum, the following classes of buildings when evaluating energy performance for:
- 3.1. single-family houses of different types;
  - 3.2. apartment blocks;
  - 3.3. offices and administrative buildings;

- 3.4. educational buildings;
- 3.5. hospitals and health care centres;
- 3.6. hotels and restaurants;
- 3.7. buildings of central and local public services;
- 3.8. sports facilities;
- 3.9. wholesale and retail trade services buildings;
- 3.10. other types of energy-consuming buildings.

**Article 6**  
**Minimum energy performance requirements**

1. The Ministry of Environment and Spatial Planning shall set, through sub legal act minimum requirements for the energy performance of buildings, based on the National Calculation Methodology, which will:

- 1.1. apply to the energy performance of all new buildings and new building units on construction;
- 1.2. apply to the energy performance of buildings and building units to be renovated or reconstructed (subject to paragraph 7. and 8. of this Article);
- 1.3. be determined so as to achieve cost-optimal levels, as defined by sub legal act;
- 1.4. apply separately to different categories of buildings.

2. These demands will be incorporated when the Unique Code of Construction of the Republic of Kosovo enters into force.

3. The cost-optimal level means the energy performance level which leads to the lowest cost during the estimated economic lifecycle, where:

- 3.1. the lowest cost is determined taking into account investment costs related to construction, reconstruction or renovation, maintenance and operating costs (including energy costs and savings, the category of building concerned, earnings from produced energy) and disposal costs, where applicable;
- 3.2. the estimated economic lifecycle of a building is determined by sub legal act issued by the MESP. It refers to the remaining estimated economic lifecycle of a building where energy performance requirements are set for the building as a

whole, or to the estimated economic lifecycle of a building element where energy performance requirements are set for building elements; and

3.3. the cost-optimal level shall lie within the range of performance where the benefit-cost ratio calculated as part of the cost-benefit analyses over the estimated economic lifecycle is positive.

4. Minimum requirements for the performance of building elements that form parts of the building envelope and that have a significant impact on energy performance when they are replaced or retrofitted will be set by sub legal act.

5. The Ministry of Environment and Spatial Planning shall set, through sub legal act, system requirements in respect of the overall energy performance, the proper installation, and the appropriate dimensioning, adjustment and control of the technical building systems in existing buildings. System requirements shall be set for new, replacement and upgraded technical building systems and shall be applied in so far as they are technically, economically and functionally feasible.

6. The Ministry of Environment and Spatial Planning shall encourage the introduction of intelligent metering systems whenever a building is constructed or undergoes major renovation, and may, where appropriate, encourage the installation of active control systems that aim to save energy.

7. The minimum energy performance requirements for buildings, building units and building envelopes to be renovated or reconstructed, shall be applicable only if the construction project application documentation anticipates rebuilding of more than twenty five percent (25%) of the building envelope.

8. The minimum energy efficiency requirements for reconstructed or renovated buildings and building units shall not be applied if the application of those requirements is not technically or operationally feasible and economically justified over the lifetime of the building.

9. Minimum energy performance requirements for buildings or building units shall be reviewed at regular intervals which shall not be longer than five (5) years and, if necessary, shall be updated in order to reflect technical progress in the building sector.

10. Upon entry in the force of this Law all new buildings with the exception of those listed in Article 4 will be required to comply with the appropriate minimum energy performance requirements.

11. Upon entry into force of this Law, all buildings undergoing major renovation with the exception of those listed in Article 4 and in Article 6 paragraph 7. and .8 will be required to comply with the appropriate minimum energy performance requirements.

12. Municipalities will support construction projects that demonstrate the use of alternative systems above the minimum requirements. Municipal support will include



acceleration of the procedures for obtaining building permits and cost reduction for obtaining these permits.

**Article 7**  
**Use of high-efficiency alternative systems**

1. When designing a new building or when a building undergoes a major renovation, the possible use of the following high-performance systems must be evaluated:

- 1.1. decentralized energy supply systems using renewable energy sources;
- 1.2. systems using cogeneration, combined heat and electricity or mechanical energy;
- 1.3. systems using heat pumps;
- 1.4. district or block heating and cooling systems, especially those using renewable energy sources and, which, being supplied with power from a central energy source are used for multiple buildings or sites.

2. When evaluating the use of a high-efficiency alternative system technical, environmental and economic considerations must be estimated and taken into account. Where, for example, the heating demand is clearly too small to make one or more of these options economically viable, this should be stated.

3. Evidence of the evaluation of these alternative measures must be included with construction documents submitted with the application for a construction permit.

**CHAPTER III**  
**NEARLY ZERO-ENERGY BUILDINGS**

**Article 8**  
**Nearly zero-energy buildings**

1. The Ministry of Environment and Spatial Planning, supported by the Ministry of Economic Development, will draw up a national plan for increasing the number of nearly zero-energy buildings in Kosovo. This plan will set out:

- 1.1. the detailed definition of nearly zero-energy buildings, in the context of Kosovo, with a reference to a numerical indicator of primary energy use (in kWh/m<sup>2</sup> per year);
- 1.2. a target date by which new buildings will meet this definition;

- 1.3. a target date by which new buildings occupied and owned by public authorities will meet this definition;
  - 1.4. intermediate targets for improving the performance of new buildings;
  - 1.5. different targets depending on the category of building;
  - 1.6. information on additional policies and measures needed to achieve these targets.
2. This plan shall be submitted to the Secretariat of the Energy Community as part of the National Energy Efficiency Action Plan where is included the progress report for implementation of this plan every three (3) years.

## **CHAPTER IV ENERGY PERFORMANCE CERTIFICATION**

### **Article 9 Building energy performance certification**

1. Building energy certification shall be mandatory:
  - 1.1. for buildings being sold or rented out;
  - 1.2. for parts of buildings being sold or rented only if the part of the building has a separate heating meter;
  - 1.3. for existing buildings being sold or if energy certification is requested by a prospective tenant or owner;
  - 1.4. when a building is first built, renovated or reconstructed;
  - 1.5. the Energy Performance Certificate (EPC) shall be valid for a period of ten (10) years from the moment of issue or until demolition, renovation or reconstruction takes place.
2. For a building whose total useful floor area exceeds 500 m<sup>2</sup>, which is occupied by a public authority and which is frequently visited by the public, the EPC must be displayed in a prominent place clearly visible to the public.
3. The precise procedure for the energy certification of buildings shall be determined by sub-legal act produced by the Ministry of Environment and Spatial Planning.

**Article 10**  
**Data that must be included in building energy performance certificates (EPCs) and certificate terms**

1. A building energy performance certificate (EPC) must include:
  - 1.1. the calculated annual integrated energy performance for the building;
  - 1.2. a calculated energy performance indicator (EPI) for the building;
  - 1.3. a numeric indicator of primary energy for the building;
  - 1.4. general building characteristics, including the age;
  - 1.5. information on the independent expert who produced the building energy certificate and the issuing body;
  - 1.6. reference values;
  - 1.7. recommendations for the cost-optimal or cost-effective improvement of:
    - 1.7.1. technical systems,
    - 1.7.2. building elements, and
    - 1.7.3. an indication as to where more detailed information can be found.
  - 1.8. information on the steps to be taken to implement the recommendations;
  - 1.9. the NCM reference and the version of the approved software;
  - 1.10. the date of issue and a registry code.
2. The Energy Performance Certificate of a building shall be issued by a certified independent expert.
3. The procedures by which the energy certification of buildings shall be carried out, including the procedures for the issue and registration of the energy performance certificate of the relevant building, as well as the type, sample and content of the energy performance certificate shall be determined by sub legal act produced by the Ministry of Environment and Spatial Planning and the Ministry of Economic Development.

## **CHAPTER V INSPECTION**

### **Article 11 Inspection of heating and air conditioning systems**

1. Upon the entry into force of this Law, building owners shall be required to commission inspections at regular intervals on:

1.1.all heating systems with boilers of an effective rated output for space heating greater than 100 kW;

1.2. all air-conditioning systems with an effective rated output of more than 12 kW.

2. The inspection shall cover all accessible parts of the system, including, for heating systems, the heat generator, control system and circulation pump(s).

3. The inspection shall follow the procedure specified by the sub legal act produced by the Ministry of Environment and Spatial Planning.

4. For all inspections, a report shall be drawn up by an independent expert. The inspection report shall include an assessment of the system efficiency and sizing compared with the heating or cooling requirements of the building. The inspection report shall contain recommendations to improve the energy performance of the system, if they are cost-effective in terms of the planned lifetime of the building. It may also contain a comparison of the energy performance of the system compared with the best available feasible system, and with an equivalent system complying with all relevant current regulations. This report must be handed to the owner or tenant of the building and to the relevant institution referenced in any energy performance certificate if the building undergoes energy certification.

5. Procedures for inspection of heating and air-conditioning systems shall be specified by the sub legal act produced by the Ministry of Environment and Spatial Planning. This shall also include the period between inspections, which may be varied depending on the type and effective rated output of the system whilst taking into account the costs of the inspection of the system and the estimated energy cost savings that may result from the inspection. The period may be increased, or the inspection procedure lightened, as appropriate, where an electronic monitoring and control system is in place.

6. As an alternative to the inspection of heating systems with boilers below 100 kW, the Ministry of Environment and Spatial Planning will implement alternative measures to ensure the provision of advice to users concerning the replacement of boilers, other modifications to the heating system, and alternative solutions to assess the efficiency and appropriate size of the boiler.

7. Every three (3) years must be prepared a report for the Secretariat of the Energy Community, which:

7.1. shows that the overall energy saving impact of the alternative measures is equivalent or greater than inspections;

7.2. includes quantified evidence or projections as supporting evidence.

8. The Secretariat of the Energy Community may request further specific information regarding the requirements and equivalence of the alternative measures, in which case that shall be presented, or amendments proposed, within nine (9) months.

9. The Ministry of Environment and Spatial Planning in coordination with the Ministry of Economic Development shall issue sub-legal act that defines detailed specification of all elements of the inspection procedures.

## **CHAPTER VI EXPERTS AND CONTROL SYSTEMS**

### **Article 12 Independent experts**

1. The energy certification of buildings and the inspection of heating and air-conditioning systems shall be carried out in an independent manner by a qualified and accredited person with appropriate expertise, whether operating in a self-employed capacity or employed by public bodies or private enterprises.

2. The Ministry of Economic Development shall specify qualifications, certification processes by an accredited body and operating procedures for such experts to follow.

3. When performing the energy certification of buildings or the inspection of heating systems and air conditioning systems, an accredited independent expert must:

3.1. use existing approved methods and applicable standards;

3.2. keep to the NCM according to Article 5 of this Law in the production of EPCs;

3.3. perform the necessary calculations using proper data quality control, to ensure that the results of the calculation are accurate, objective and reliable;

3.4. keep to KAEE's code of practice and procedures;

- 3.5. ensure energy certification and verification records are kept for a minimum of eleven (11) years.
4. Sub legal act shall be issued by the Ministry of Economic Development and managed by the Kosovo Agency for Energy Efficiency which specifies: a) an independent expert's expertise and competence requirements for certification and inspection procedures, b) qualifications, accreditation processes and operating procedures, c) supervision procedures, d) training requirements, e) a code of practice and operating procedures.
5. The list of qualified and accredited experts must be publicly available through a national registry managed by the Kosovo Agency for Energy Efficiency.

### **Article 13** **Independent control system**

1. An independent control system shall be laid down in sub legal act by the Ministry of Economic Development and managed by the Kosovo Agency for Energy Efficiency.
2. The purpose of this control system is to verify EPCs by one or a combination of the following which will be determined by sub legal act:
- 2.1. a check on the validity of the input data of the building used to issue the energy performance certificate, plus confirmation that the results stated in the certificate are in the correct format;
  - 2.2. as sub-paragraph 2.1 above, plus additional verification of the accuracy of the calculated results and of the recommendations made;
  - 2.3. as sub-paragraph 2.2. above, plus, an on-site visit of the building to check correspondence between specifications given in the energy performance certificate and the building certified.
3. The competent authorities will make a random selection of at least a statistically significant percentage of all the inspection reports issued annually and subject those reports to verification.
4. The EPCs and the inspection reports need to be made available to the competent authorities on request.
5. The Kosovo Agency for Energy Efficiency shall set-up a national registry for the storage of EPCs and where appropriate inspection reports which allows limited public access to check the validity of EPCs.

## **CHAPTER VII BUILDING OWNER'S OBLIGATIONS**

### **Article 14 The building owner's obligations**

1. The owner of the building, in cases prescribed by this Law:
  - 1.1. is obliged to perform for the whole building, or for building units as part of it, building energy certification as required in Article 9;
  - 1.2. is obliged to commission regular heating and/or air conditioning systems inspection where applicable;
  - 1.3. must ensure that the building after major renovation is compliant with minimum energy performance requirements with respect to the building, building unit and elements;
  - 1.4. must ensure that, if the building is owned by the state or local government, the placement of the building energy certificate is in a visible place;
  - 1.5. when putting a building, a building unit or part of it for sale or rent, must advertise the EPC class and provide the full EPC and inspection reports (where carried out) to potential purchasers and lessees, if according to this Law the building should have been certified;
  - 1.6. must ensure that new, replaced or upgraded technical building systems in existing buildings that comply with the system requirements foreseen under Article 6 of this Law.

## **CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 15 Duties and responsibilities of the Institutions**

1. The Ministry of Environment and Spatial Planning is responsible for the overall supervision, coordination and implementation of measures for buildings energy performance.
2. The Ministry of Environment and Spatial Planning, Ministry of Economic Development and Kosovo Agency for Energy Efficiency are responsible for the development and implementation of national policies on energy efficiency in buildings.

3. The Ministry of Environment and Spatial Planning is responsible for drafting sub-legal act for implementation of this Law, supported where appropriate by the Ministry of Economic Development and the Kosovo Agency for Energy Efficiency.
4. The Ministry for Economic Development is responsible for the establishment of systems necessary for the supervision of inspection on energy certifications and inspections of heating and air-conditioning systems.
5. The Ministry for Economic Development is responsible for the certification and the specification of training requirements of Independent Experts.
6. The Ministry for Economic Development is responsible for the adoption of a code of practice and procedures for the Kosovo Agency for Energy Efficiency.
7. The Ministry of Environment and Spatial Planning is responsible for providing information to the public about the various methods and practices for improving the energy performance of buildings as well as developing.
8. The Ministry of Environment and Spatial Planning, supported by the Ministry of Economic Development, is responsible for the promotion of the renovation of buildings and the development of low or nearly zero-energy buildings.
9. The Ministry of Environment and Spatial Planning is responsible for the maintenance of information systems needed for receiving data necessary for energy certification of buildings and independent inspections.
10. The Ministry of Environment and Spatial Planning is responsible for ensuring that building occupants and users are provided with suggestions for improvement of heating and air-conditioning systems as well as for improvement of general building energy performance.
11. The Ministry of Environment and Spatial Planning is responsible for the Unified Construction Code of the Republic of Kosovo which lays out the minimum performance requirements of buildings, building units and building elements.
12. The Ministry of Environment and Spatial Planning is responsible for the Unified Construction Code of the Republic of Kosovo which lays out the minimum system requirements for technical building systems in existing buildings.

### **Article 16** **Issuance of sub-legal acts**

With a view to implementing this Law, the responsible and competent institutions shall issue sub-legal acts within eighteen (18) months, after entry into force of this Law.



**Article 17**  
**Entry into force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 05/L-101**  
**01 December 2016**

**President of the Assembly of the Republic of Kosovo**

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**Kadri VESELI**