

Ask your real estate trustee

Your real estate trustee is the expert who can provide all details on energy performance certificates(EPC) and on the obligation to present it or hand it over.

Apartment ownership

When it comes down to apartment ownership, the manager is obliged to organize issuance of a building related energy performance certificate at the expenses of the community which has to be made available to the apartment owners upon request. However, apartment owners are free to decide or agree to deviate from this requirement. As a consequence, if due to this decision the property manager is not responsible for obtaining the energy performance certificate, the property owners themselves have to take care to obtain the certificate if they want to sell, lease or rent the property.

Tenancy Law

Costs for issuing an energy performance certificate have to be borne by the landlord. If the landlord offsets the costs for an energy performance certificate via expenses according to Article 20, par. 1, 2 tenancy law (main rent statement) he has to grant access to the energy performance certificate for each main tenant upon request and provide a copy thereof against compensation of the copying costs.

Your real estate trustee – the first choice to go for your property

■ Real estate trustees you can rely on can be found at <http://www.wkimmo.at>

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Your real estate trustee:



What exactly is an energy performance certificate (EPC)?

The “**Energy performance certificate**” or “Certificate for the overall energy efficiency” is the certificate for implementing Directive 2010/31/EU on the energy performance of buildings (“EU Building Directive”) in the form of national or local provisions in order to indicate the **overall energy efficiency rating of a building**. The **first page** of the energy performance certificate includes **four elements to specify the efficiency class on a scale**, namely the specific heating requirements, primary energy demand, carbon dioxide emissions and overall energy efficiency rating. The scale extends from class A++ (best value) to class G (lowest value) for each element. **Page 2** shall document the **detailed results**, the issuing body of the energy performance certificate, the **date of issue and the end of the period of validity (10 years maximum) resulting thereof**.

The construction of new buildings requires issuing an energy performance certificate unless otherwise provided in the building regulations. In the case of selling, renting or leasing a property, even existing buildings require an energy performance certificate, as it becomes apparent from the following information:

■ **Obligation to inform in advertisements**

Since 1 December, 2012, the overall **energy efficiency rating (f_{GEE})** and the **specific heating requirements** of a building or a building unit have to be indicated in real estate advertisements, printed publications or electronic media (transition law: energy performance certificates issued before 1. December 2012 have to indicate only the specific heating requirements). This obligation does not only apply to sellers and landlords / lessors, but also to real estate agents. A violation of the obligation to inform in advertisements shall be sanctioned with an administrative fine of 1,450 Euro.

The specific heating requirements (indicated in kWh per sqm and year) is the calculated amount of energy for this specific building unit which is required for heating of one square meter of conditioned gross floor area within a heating period in order to maintain the desired indoor temperature. Class A++ corresponds to a specific heating requirement of ≤ 10 , class G to > 250 . The overall energy efficiency coefficient (f_{GEE}) is the relation of energy demand (energy to be supplied) to the requirements on energy consumption in 2007 (i.e. reference value for energy consumption) in relation to the climate of the location. Class A++ corresponds to $f_{GEE} \leq 0.55$, class G equals $f_{GEE} > 4.00$.

■ **Obligation to submit or hand out the certificate**

The energy performance certificate has to be submitted or handed out to the seller or tenant/leaseholder in a timely manner prior to the declaration of entering into a contract if buildings or building units (apartment, office, commercial premises, etc.) are rented or leased and the original document or a complete copy thereof has to be handed over within a period of 14 days after conclusion of the contract. In doing so, all objects for sale, rent /leasehold in buildings dispose of comparable data with respect to the standard energy consumption.

What happens if the EPC has not been submitted?

If the energy performance certificate is not handed over to the buyer or tenant / leaseholder despite of the request to do so, the latter **may take proceedings to enforce this right** or he or she may obtain the energy performance **certificate by him- or herself** to later on demand **reimbursement of reasonable expenses accrued** thereof from the seller or landlord / lessor within three years as of conclusion of the contract.

In addition to this, failure to hand over the energy performance certificate is to be sanctioned with an administrative fine of 1,450 Euro.

■ **Building-related evaluation, reference objects**

If only one usage object is to be sold let / leased the certificate may either be submitted or handed over for the overall energy efficiency of the usage object or for the overall energy efficiency of a comparable usage object in the same building or for the overall energy efficiency of the whole building. In case of a single family house it is sufficient to submit or hand over a certificate for the overall energy efficiency of a comparable building or a building of similar form, size and energy efficiency.

■ **Exceptions**

Certain buildings are exempt from the obligation to submit or hand over the certificate, as this is the case with buildings that are only kept free of frost, buildings that are due for demolition (only when the property is sold), provisionally built buildings with a planned utilization period of two years maximum, residential buildings which can only be used in certain seasons and which have an energy demand of only one fourth of the consumption of a home with all-season use or free-standing buildings with a usable area of less than 50 square meters. Exemptions for historical buildings or buildings in protected zones are not valid any longer.

