

FRENCH REPUBLIC

Ministry of Urban Affairs and Housing

Decree No of
on environmental performance requirements for the installation of equipment for
heating or domestic hot water production applicable to the construction of buildings or
parts of buildings

NOR:

Target audience: *building owners, contractors, builders and developers, architects, heating and environment consultants, building economists, technical inspectors, construction companies, manufacturers of building materials and technical building systems and energy providers.*

Purpose: *to define environmental performance requirements for the installation of heating or domestic hot water production equipment applicable to the construction of buildings or parts of buildings*

Entry into force: *this Decree shall enter into force on 1 January 2027.*

Application: *this Decree implements Article L. 171-1 of the Construction and Housing Code and transposes Articles 7 and 11 of Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings.*

The Prime Minister,

On the report of the Minister for Urban Affairs and Housing,

[Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC;]

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services together with notification No XX sent to the European Commission on XX;

Having regard to Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings, in particular Articles 7 and 11 thereof;

[Having regard to Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC;]

[Having regard to Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011;]

Having regard to the Building and Housing Code, in particular Articles L. 171-1 and R. 172-6 thereof;

Having regard to the Energy Code, in particular Article L. 100-4 thereof;

Having regard to Decree No 2014-1393 of 24 November 2014 on the detailed rules for implementing the energy audit provided for in Chapter III of Title III of Book II of the Energy Code;

Having regard to Decree No 2022-780 of 4 May 2022 on the energy audit referred to in Article L. 126-28-1 of the Building and Housing Code;

Having regard to the opinion of the Higher Energy Council dated XX;

Having regard to the opinion of the National Council for the Assessment of Standards of XX;

Having regard to the opinion of the Higher Council on Construction and Energy Efficiency dated XX;

Having regard to the observations made during the public consultation carried out between XX and XX, pursuant to Article L. 123-19-1 of the Environment Code;

Having heard the Council of State (public works section),

Hereby decrees:

Article 1

Article R. 171-13 of the Building and Housing Code is amended as follows:

1. in the first subparagraph of I, the words ‘including as a replacement for existing equipment, heating equipment or domestic hot water production equipment’ are replaced by the words ‘including as a replacement for existing equipment or if it is part of a hybrid system, equipment contributing to the operation of a building for heating or hot water production’;
2. in the second subparagraph of I, the words ‘A joint order issued by the ministers responsible for energy and construction shall set out the methods for calculating greenhouse gas emissions for hybrid systems, in particular based on the energy sources used.’ are deleted.
3. in II(1), the words ‘heating or domestic hot water production’ are replaced by the words ‘contributing to the operation of a building for heating or hot water production’.
4. in III(2), the words ‘Decree No 2018-416 of 30 May 2018 on the qualification conditions for auditors carrying out the energy audit eligible for the income tax credit for the energy transition provided for in the last subparagraph of Article 200 quarter (2) of the General Tax Code,’ are replaced by the words ‘Decree No 2022-780 of 4 May 2022 on the energy audit referred to in Article L. 126-28-1 of the Building and Housing Code or holders of a quality mark that meets a set of requirements regarding resources and skills in accordance with Article 4 of Decree No 2014-1393 of 24 November 2014 on the procedures for implementing the energy audit provided for in Chapter III of Title III of Book II of the Energy Code,’.

Article 2

After Section 2 of Chapter II of Title VII of Book I of the regulatory part of the Building and Housing Code, a Section 3 is inserted as follows:

‘Section 3

Environmental performance requirements for the installation of a technical heating, cooling or domestic hot water production system applicable to the construction of buildings or parts of buildings

‘Article R. 172-14.- I. - The level of greenhouse gas emissions of a technical system integrated into the building, part of the building or its parcel contributing to the operation of a building for heating, cooling or domestic hot water, or where applicable, the level of greenhouse gas emissions of each component thereof shall be less than 79 grams CO₂ equivalent per kilowatt hour of final energy in LHV. This provision shall not apply to equipment for connection to a district heating or cooling network or to technical systems used for emergency purposes.

‘The conversion factors for the energy entering the building as quantities of greenhouse gases emitted shall be those set out in the calculation method provided for in Article R. 172-6.

‘II. - Paragraph I shall not apply to the construction of buildings or parts of buildings where there is non-compliance with easements or with statutory or regulatory provisions relating to land law or property law.

‘III. - The building owner must demonstrate that the construction of buildings or parts of buildings falls within the scope of paragraph II by means of a report drawn up by a professional specialising in the installation of heating systems or by a professional who meets the conditions laid down in Decree No 2022-780 of 4 May 2022 on the energy audit referred to in Article L. 126-28-1 of the Building and Housing Code or holders of a quality mark that meets a set of requirements regarding resources and skills in accordance with Article 4 of Decree No 2014-1393 of 24 November 2014 on the procedures for implementing the energy audit provided for in Chapter III of Title III of Book II of the Energy Code, and under their responsibility. This report shall be retained throughout the lifetime of the technical equipment concerned.

‘IV. - The provisions of this article shall apply to the construction of buildings or parts of buildings:

‘1. for residential use, for which an application for planning permission or a prior declaration has been submitted on or after 1 January 2027;

‘2. commissioned by a public body within the meaning of Article L. 235-1 of the Energy Code, for which an application for planning permission or a prior declaration has been submitted on or after 1 January 2028;

‘3. for which an application for planning permission or a prior declaration has been submitted on or after 1 January 2030. ’

Article 3

This Decree shall enter into force on 1 January 2027.

Article 4

The Minister for Ecological Transition, Biodiversity and International Negotiations on Climate and Nature, the Minister for the Economy, Finance and Industrial, Energy and Digital Sovereignty, the Minister for Urban Affairs and Housing and the minister delegate, government spokesperson to the Prime Minister, and minister delegate with responsibility for energy attached to the Minister for the Economy, Finance and Industrial, Energy and Digital Sovereignty shall be responsible, each within their respective areas of competence, for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Done on

The Minister for the Urban Affairs and Housing,

Vincent JEANBRUN

The Minister for Ecological Transition, Biodiversity and
International Negotiations on Climate and Nature,
Monique BARBUT

The Minister of Economy, Finance and Industrial,
Energy and Digital Sovereignty,
Roland LESCURE

The minister delegate, government spokesperson to the Prime Minister, and minister delegate
with responsibility for energy attached to the Minister for the Economy,
Finance and Industrial, Energy and Digital Sovereignty,
Maud BREGEON