No. 767

MINISTRY FOR JUSTICE AND REFORM
OF THE CONSTRUCTION SECTOR

Explanatory Notes
(for the purposes of article 3(2)(c) of Chapter 512 of the Laws of Malta)

1. Introduction

Title of the Legal Notice	Energy Performance of Buildings (Amendment) Regulations, 2026
Activity to be regulated	Energy performance
Responsible entity	Building and Construction Authority (hereinafter referred to as the "Authority")

2. Summary and background

2.1 Aims & Objectives of the legislation

The objective of these amendments is to transpose the building-related provisions of Directive (EU) 2023/2413 (RED III) in the Energy Performance of Buildings Regulations (S.L. 623.01), so that renewable energy in buildings is mainstreamed through building rules and guidance. This exercise incorporates the relevant provisions which impose obligations on the Authority and the building sector as currently found in the Promotion of Energy from Renewable Sources Regulations (S.L. 545.35), without changing the underlying objectives of those provisions. In practical terms, the amendments provide the necessary implementation hooks to increase the share of energy from renewable sources produced on-site or nearby, support the roll-out of renewable heating and cooling solutions, strengthen strategic renovation planning and public-sector leadership, and improve the availability and dissemination of information required for effective uptake, while ensuring coordination with other competent authorities where relevant.

2.2 Public Consultation

No public consultation was needed.

3. Overview of the structure of the instrument

These regulations are made up of seven (7) regulations and consist of the following:

1. Citation and scope.

2. Amends regulation 2 of the principal regulations.

3. Amends regulation 7 of the principal regulations.

4. Amends regulation 8A of the principal regulations.

5. Amends regulation 10 of the principal regulations.

6. Amends regulations 11 of the principal regulations.

7. Amends regulation 33 of the principal regulations.

4. Commentary

The main amendments introduced by these regulations may be summarised as follows:

Incorporation of the relevant provisions of Promotion of Energy from Renewable Sources Regulations (S.L. 545.35): the amendments are drafted to incorporate the relevant building-related provisions currently contained in S.L. 545.35, through alignment of terminology and implementation references, without altering the underlying intention of the provisions already in force.

Strategic renovation planning: provisions strengthen the long-term strategy for renovating the national building stock, including periodic updates and alignment with Malta's integrated national energy and climate planning framework.

Minimum renewable energy in buildings: the amendments provide a basis for requiring minimum levels of energy from renewable sources produced on-site or nearby and, where feasible, in existing buildings undergoing major renovation or renewal of heating systems, including the possibility of fulfilment through efficient district heating and cooling and subject to the relevant feasibility considerations and exceptions provided for in the regulations.

Public sector leadership and enabling measures: provisions reinforce the exemplary role of public buildings and introduce enabling measures to facilitate renewable installations (including use of roofs and third parties where applicable), together with complementary measures to promote replacement of old heating systems with renewable and highly energy-efficient alternatives.

Information and awareness: the amendments strengthen obligations to disseminate information to relevant market stakeholders and encourage awareness-raising and training initiatives to support effective implementation and uptake.

5. Concluding Sections

These regulations shall come into force upon their publication in the Gazette.

For further information please contact 20955000.

N.B: These Explanatory Notes are not intended to be an exhaustive description of the legal instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

15th May, 2026