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CONSTRUCTION PAPERS



## **Another two-year grace period for nearly zero-energy buildings**

**Buildings will only have to meet nearly zero-energy requirements if they are occupied after 30 June 2024 instead of 30 June 2022.**

### **Another extension**

- [1] Government Decree No. 315/2022 (“**Modification Decree**”), which has modified Government Decree No. 312/2012 on Regulatory Construction Procedures, Inspections and Services, states that in the case of new residential buildings where the application for the occupancy permit was submitted after 31 December 2015 and that are subject to a ministerial decree on the determination of the energy efficiency characteristics of buildings, the requirements pertaining to zero or nearly zero-energy buildings will only have to be met if the buildings are occupied after *30 June 2024*. [Mod. Decree, Section 4(5); Govt. Decree No. 312/2012, Sections 77/E(1) & (2)]
- [2] The government first granted a six-month, and then a one-year grace period for compliance with the requirements for buildings with nearly zero or lower energy needs. [Govt. Decree No. 701/2020, Govt. Decree No. 114/2021]
- [3] Therefore, with the grace period granted in the Modification Decree, Hungary is now behind the original target date of 31 December 2020 (which was set to ensure compliance with Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings) by total of three and a half years.
- [4] However, the additional two-year extension under the Modification Decree will allow the completion of construction projects that have started despite, and are in jeopardy because of, the coronavirus pandemic, the series of national emergency regimes introduced by the government, the Russia–Ukraine war and soaring construction materials costs, and allow developers to obtain occupancy permits for

projects where the application for the permit has already been submitted but the buildings do not meet the [rules on nearly zero-energy buildings](#).

- [5] The question is whether the new grace period will hinder the realisation of the highly ambitious goals of national and Community climate strategies since, as a result of the Modification Decree, the building efficiency requirements that were in effect on 31 December 2020 will continue to apply through 30 June 2024, and ongoing projects will be subject to the more permissive rules.
- [6] It is important to note, however, that under the Modification Decree, developers are free to request the application of the requirements pertaining to buildings with nearly zero or lower energy needs when they apply for an occupancy permit. We hope, particularly in the light of the current situation on the energy markets, that developers will act responsibly and make their decisions on the basis of a thorough analysis of all circumstances, and that they will choose voluntary compliance with stricter efficiency rules if this does not break their budget.
- [7] We would also note that the extension equally applies to homes that are subject to the simple reporting regime and, naturally, the application of stricter rules can also be requested from the authorities in the case of such homes as well. [Modification Decree, Section 5(1) & (2); Govt. Decree No. 155/2016, Section 7/D(1) & (2)]

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