

# Briefing

EPC and DEC data for commercial properties

9 January 2015

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## EPC and DEC data for commercial properties being published

### **Opt-out deadline of 16 January 2015 for publication of EPC data for non-domestic properties.**

In response to an Environmental Information Regulations request, the Department for Communities and Local Government (DCLG) will publish approximately 723,000 Energy Performance Certificates (EPCs) and Display Energy Certificates (DECs) for non-domestic properties in January 2015.

Holders of non-domestic EPCs have the option to opt-out of disclosure **before Friday 16 January 2015**. Opting-out is not available to holders of DECs.

### **How to opt-out**

To opt-out, holders of non-domestic EPCs should access the [EPC Register](#) Opt-Out service and complete the short form.

Current owners of property should be able to opt-out in respect of EPCs commissioned by the former owner when the property was sold to them. It remains to be seen whether requests made by landlords to opt-out in respect of EPCs obtained by their tenants will be successful.

An added complication where the tenant has obtained an EPC is that the landlord may not be aware of its reference number. This reference number has to be given when making the application to opt-out. In some cases, landlords may not be aware of the existence of the EPC at all.

### **Accessing records**

The records will be published at address level on the [Open Data](#) website, which means that anyone can search for a certificate using a postcode.

Although a copyright notice will accompany the information advising that use of the data is subject to conditions including the prohibition of re-use of the addresses for commercial purposes, commercial property owners might remain wary about having information relating to their businesses being made public.

### **Considering whether to opt-out**

Commercial property owners should consider whether there are any commercial reasons to withhold disclosure. For instance, disclosure would allow prospective buyers or tenants to benchmark the energy performance of

buildings against comparators and utilise this as a bargaining tool when buying/leasing properties.

The EPC data could also allow ranking of commercial property owners who have work to do in advance of the forthcoming MEES Regulations (Minimum Energy Efficiency Standards), which are expected to come into force on 1 April 2018. The MEES Regulations will prevent the grant of new leases of buildings with an EPC rating below E, unless an exemption applies.

For holders of EPCs with a high EPC ranking, there may be no disadvantage to disclosure. Taking an open approach would demonstrate that the owner/occupier is taking its environmental responsibilities seriously. Those holding EPCs with lower ranking will need to balance the possible downsides of disclosure with potentially adverse publicity if it comes to light that the commercial property owner has opted-out.

This briefing is correct as at 9 January 2015. It is intended as general guidance and is not a substitute for detailed advice in specific circumstances.

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