

## Green Buildings: Argentina – Diego Chighizola

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2. The enactment of Articles 41 and 43 of the Argentine Constitution, amended in 1994, as well as new national and provincial legislation, have strengthened the legal framework dealing with damage to the environment. As a result of this, all Argentine inhabitants have both the right to an undamaged environment and the duty to protect it. The primary obligation of any person held liable for environmental damage is to rectify the damage according to and within the scope of the applicable law. The national government sets minimum standards for the protection of the environment and the provinces and municipalities establish specific standards and implementing regulations.

Nevertheless, Green Buildings or sustainable constructions have not been regulated in Argentina at a national level yet.

Notwithstanding this, there has been some isolated regulation that introduced some of the Green Building concepts without regulating it as a whole.

In this regard, the National Executive Branch has declared the rational and efficient use of electric energy as national interest and priority by National Decree No. 140/2007 (“Decree 140”). Decree 140 provides guidelines for implementing at a short and long term a national program for the use of energy that consist in i) massive replacement of incandescent lamp with low energy lamps in all across the country, ii) massive educational campaigns for the conscious use of energy, iii) driving an energetic efficiency labeling, iii) driving the energy efficiency in the industrial, commercial and services sector, iv) driving efficiency in street lighting, public transport and new housing.

A few Provinces and Municipalities in Argentina enacted regulation in this regard too, which are implemented at a local level:

- The Province of Buenos Aires enacted Law No. 13,059 and implementing Decree No. 1,030/2010, that establishes the thermal conditioning required for the construction of new buildings.
- The City of Buenos Aires enacted Law No. 4,428 that provides for the implementing of the so-called “Green Roofs”, which consist in a vegetable covered surface used in roofs to contribute with the urban environment in a sustainable way (the “Green Roofs Law”)
- The Rosario City in the Province of Santa Fe enacted Ordinance No. 8,757 which incorporates to the Building Regulation of the City (Ordinance No. 4,975/90, as amended) a new section called “Energy demand and Hygrothermal aspects of construction”, which establishes guidelines for energy consumption and demand, one of the most significant aspects of Green Buildings.

3. As aforementioned, there is no national legislation that regulates Green Buildings construction technics. Thus, there are no official registries of the activity so far that could provide a clear idea of the development of this activity within the last decades.

However, non-official records<sup>1</sup> report that most of the Green Buildings constructions in Argentina are commercial offices, as a consequence of the great speculation generated by the real estate market.

Since 2008 foreign corporations, interested on setting up in the country, have shown interest in applying their local regulations in our country. Later, Argentine corporations participated too, as they wanted to anticipate to the advantages offered by the construction or rental of Green Buildings, and therefore creating a value-added product.

In December 2010 the percentage of LEED (acronym for Leadership in Energy & Environmental Design) registered projects was calculated according to the purpose of the

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<sup>1</sup> From the Interview to architect Guillermo Bruzini from the Argentina Green Building Council, a NGO that operates under World Green Building Council licensee, performed on December 2015.

building as follows: 78% commercial offices, 3% education, 3% laboratories, 3% hotels , 3% residential and 10% mixed uses (residential / hotel / office).

According to the USGBC (acronym for United States Green Building Council) Argentina's Green Buildings constructions are 33 certificated projects, 23 of which are located in the Province of Buenos Aires, 5 are located in the City of Buenos Aires, 1 in the Province of Corrientes and 1 in the Province of Santa Fe<sup>2</sup>.

4. Nowadays, what could be seen as the national objective towards Green Buildings is the energy efficiency, as there are no national regulations setting forth any matters other than those related with the use of energy.

Likewise, there are also local objectives as those targeted by the City of Buenos Aires with the Green Roofs Law and thermal conditioning in the Province of Buenos Aires.

5. Locally, each Province has its own regulations and therefore their own standards. Some examples are the following:

- Law No. 13,059 and implementing Decree No. 1,030/2010 of the Province of Buenos Aires, that establishes the thermal conditioning required for the construction of new buildings, in accordance to IRAM (Spanish acronym for *Instituto de Racionalización de Materiales*) as a National Regulating Organism that develops technical rules which contribute to improve living standards, welfare and security for people and its goods. These regulations sponsor the rational use of resources, innovation and production.
- The Green Roof Law that provides for the implementing of green roofs in the City of Buenos Aires.

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<sup>2</sup> <http://www.usgbc.org/projects?keys=argentina&=Search>

- Ordinance No. 8,757 of the City of Rosario, which incorporates guidelines for energy consumption and demand in constructions, one of the most significant aspects of the Green Buildings.
- Zero Waste Law No. 1,854 of the City of Buenos Aires, which establishes a management policy for household wastes, sets a progressive reduction of their final disposition and promotes their recycling.
- Environmental Aptitude Certificates. According to National Law No. 25,675, which regulates the minimum standards for the protection and sustainable manage of the environment, any work or activity which is likely to significant deface the environment, any component thereof or affect the people's quality of life is subject to an environment impact assessment. As a minimum standard set by the National Congress, the provinces and municipalities are enable to establish specific standards and implementing regulations. Thus, at a provincial level every province must require an environmental assessment if the construction of a building may affect the environment.
- IRAM voluntary regulations which establish limits and rules applicable to sustainable buildings. These regulations promote the rational use of resources, innovation and production.<sup>3</sup>

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<sup>3</sup> 1. IRAM Rule no. 11900: Electric Efficiency Labelling on Buildings Heating (*Etiqueta de Eficiencia Energética de Calefacción para edificios*).

2. IRAM Rule no. 11604: Establishes the global volumetric coefficient on calefaction heat losses. (*Establece el coeficiente volumétrico global de pérdidas térmicas en calefacción*).

3. IRAM Rule no. 11659-2: Establishes the admissible values of thermal quality for buildings which require air conditioning systems (*Establece valores admisibles de calidad térmica para edificios que requieran aire acondicionado*).

4. IRAM Rule no. 11601: Buildings Thermal Isolation: calculus methods. Thermal properties of the components and construction elements in a steady state (*Aislamiento térmico de edificios. Métodos de cálculo. Propiedades térmicas de los componentes y elementos de construcción en régimen estacionario*).

5. IRAM Rule no. 1603: Thermal conditioning of buildings (*Acondicionamiento térmico de edificios*).

6. IRAM Rule no. 11605: Thermal conditioning of buildings. Conditions for the habitability in buildings. Max values of thermal transmittance of opaque enclosures (*Acondicionamiento térmico de edificios. Condiciones de habitabilidad en edificios. Valores máximos de transmitancia térmica en cerramientos opacos*).

7. IRAM Rule no. 11625: Thermal Isolation of buildings. Superficial and interstitial vapor condensation in exterior walls, roofs and floors risk assessment (*Aislamiento térmico de edificios. Verificación del riesgo de condensación de vapor de agua superficial e intersticial en los paños centrales de muros exteriores, pisos y techos de edificios en general*).

6. As we mentioned before, Argentina does not have an enforceable certification procedure. However, those who wish to voluntarily certify their buildings could comply with the requirements demanded by foreign processes, as for example the LEED, one of the most popular green building certification program used worldwide.

7. There are no differences for residential or non-residential buildings as no national or provincial regime for Green Buildings constructions has been enacted.

8. According to non-official information<sup>4</sup>, building a sustainable construction in Argentina is 20% more expensive than with traditional methods and materials.

9. Incentives are local and fragmented, as there is no nationwide implemented regulation.

Green Roofs Law establishes tax incentives in the City of Buenos Aires according to the type of building where the green roof is built. For those green roofs in “new construction” buildings, this law establishes a reduction in outlining and construction rights taxes. For those green roofs in buildings already constructed or not, there is a reduction in ABL tax ( Spanish acronym for *Alumbrado, Barrido y Limpieza*, meaning lightning, sweeping and cleaning tax).

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8. IRAM Rule no. 11630: Thermal isolation of buildings. Hygrothermic conditions assessment. Superficial and interstitial vapor condensation in exterior walls, roofs and floors risk assessment (*Aislamiento térmico de edificios. Verificación de sus condiciones higrotérmicas. Verificación del riesgo de condensación de vapor de agua superficial e intersticial en puntos singulares de muros exteriores, pisos y techos de edificios en general*).

9. IRAM Rule no. 11658-1: Thermal isolation of buildings. Thermal bridges (*Aislamiento térmico de edificios. Puentes térmicos*).

10. IRAM Rule no. 11658-2: Thermal isolation of buildings. Thermal bridges. (*Aislamiento térmico de edificios. Puentes térmicos*).

11. IRAM 11659-1: Thermal isolation of buildings. Hygrothermic conditions assessment. Energy-saving in refrigeration (*Aislamiento térmico de edificios. Verificación de sus condiciones higrotérmicas. Ahorro de energía en refrigeración*).

<sup>4</sup> From the Interview to the architect Guillermo Bruzini from the Argentina Green Building Council, performed on December 2015.

**10.** As Green Buildings construction in our country is very recent concept, in general terms, there are no general advantages for constructions under this new technics other than those already mentioned in point 9.

As for duties, Law No. 13,059 of the Province of Buenos Aires punishes the lack of compliance with the application of IRAM technical regulation authorizing Municipalities, with competence in the building area, to limit the granting of the certificate of final building, and also the application of other sanctions to the owner of the project (only if applicable according to the specific circumstances).

**11.** As we have already mentioned, in Argentina the Green Buildings construction is mainly voluntary and therefore, there are no mandatory national rules that regulate this system, or neither exist any national benefit.

At a general point of view companies' motivations to performing Green Buildings constructions in Argentina can be summarized as follows:

- Optimizes the use of resources (water, energy, raw materials, etc.).
- Improves community relations.
- Benefit the positions towards the market.
- Improves Corporate Social Responsibility.
- Could improve relationship with local government.
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**12 and 13.** Our legal firm has not yet experienced any contractual controversy or example of litigation derived from Green Buildings constructions. Green Buildings construction is a very recent practice in Argentina and it is mainly a voluntary system.

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