DIRECTIVE 2012/27/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2012

on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

(Text with EEA relevance)

(II L 315, 14.11.2012, lch. 1)

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(*) Níor foilsíodh an gníomh seo i nGaeilge.
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CHAPTER I
SUBJECT MATTER, SCOPE, DEFINITIONS AND ENERGY EFFICIENCY TARGETS

Article 1
Subject matter and scope

1. Leis an Treoir seo, bunaítear creat comhoiteann de bhearta chun éifeachtúlacht fuinnimh a chur chun cinn laistigh den Aontas chun a áirithiú go gcomhlíonfar príomhspriocanna 2020 an Aontais maidir le héifeachtúlacht fuinnimh de 20 % agus príomhspriocanna 2030 an Aontais maidir le héifeachtúlacht fuinnimh de 32,5 % ar a laghad agus go réiteoidh sé an bealach do thuilleadh feabhsuithe fuinnimh tar éis na dátaí sin.

Leis an Treoir seo, leagtar síos rialacha atá ceaptha chun baca inní i margadh an fhuinnimh a bhaint agus chun clistí a shárú sa mhargadh a chuireann bac ar éifeachtúlacht i soláthar fuinnimh agus in úsáid fuinnimh, agus déantar foráil maidir le spriocanna éifeachtúlacht a fuinnimh násínta táscacha agus le rannchuidithe do 2020 agus do 2030.

Leis an Treoir seo, rannchuiditear leis an príosabal “tús áite a thabhait don éifeachtúlacht fuinnimh” a chur chun feidhme.

2. The requirements laid down in this Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures. Such measures shall be compatible with Union law. Where national legislation provides for more stringent measures, the Member State shall notify such legislation to the Commission.

Article 2
Definitions

For the purposes of this Directive, the following definitions shall apply:

1. ‘energy’ means all forms of energy products, combustible fuels, heat, renewable energy, electricity, or any other form of energy, as defined in Article 2(d) of Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (1);

2. ‘primary energy consumption’ means gross inland consumption, excluding non-energy uses;

‘final energy consumption’ means all energy supplied to industry, transport, households, services and agriculture. It excludes deliveries to the energy transformation sector and the energy industries themselves;

‘energy efficiency’ means the ratio of output of performance, service, goods or energy, to input of energy;

‘energy savings’ means an amount of saved energy determined by measuring and/or estimating consumption before and after implementation of an energy efficiency improvement measure, whilst ensuring normalisation for external conditions that affect energy consumption;

‘energy efficiency improvement’ means an increase in energy efficiency as a result of technological, behavioural and/or economic changes;

‘energy service’ means the physical benefit, utility or good derived from a combination of energy with energy-efficient technology or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or primary energy savings;

‘public bodies’ means ‘contracting authorities’ as defined in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (1);

‘central government’ means all administrative departments whose competence extends over the whole territory of a Member State;

‘total useful floor area’ means the floor area of a building or part of a building, where energy is used to condition the indoor climate;

‘energy management system’ means a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective;

‘European standard’ means a standard adopted by the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation or the European Telecommunications Standards Institute and made available for public use;

‘international standard’ means a standard adopted by the International Standardisation Organisation and made available to the public;

(14) ‘obligated party’ means an energy distributor or retail energy sales company that is bound by the national energy efficiency obligation schemes referred to in Article 7;

(15) ‘entrusted party’ means a legal entity with delegated power from a government or other public body to develop, manage or operate a financing scheme on behalf of the government or other public body;

(16) ‘participating party’ means an enterprise or public body that has committed itself to reaching certain objectives under a voluntary agreement, or is covered by a national regulatory policy instrument;

(17) ‘implementing public authority’ means a body governed by public law which is responsible for the carrying out or monitoring of energy or carbon taxation, financial schemes and instruments, fiscal incentives, standards and norms, energy labelling schemes, training or education;

(18) ‘policy measure’ means a regulatory, financial, fiscal, voluntary or information provision instrument formally established and implemented in a Member State to create a supportive framework, requirement or incentive for market actors to provide and purchase energy services and to undertake other energy efficiency improvement measures;

(19) ‘individual action’ means an action that leads to verifiable, and measurable or estimable, energy efficiency improvements and is undertaken as a result of a policy measure;

(20) ‘energy distributor’ means a natural or legal person, including a distribution system operator, responsible for transporting energy with a view to its delivery to final customers or to distribution stations that sell energy to final customers;


(22) ‘retail energy sales company’ means a natural or legal person who sells energy to final customers;

(23) ‘final customer’ means a natural or legal person who purchases energy for own end use;

(24) ‘energy service provider’ means a natural or legal person who delivers energy services or other energy efficiency improvement measures in a final customer’s facility or premises;
(25) ‘energy audit’ means a systematic procedure with the purpose of obtaining adequate knowledge of the existing energy consumption profile of a building or group of buildings, an industrial or commercial operation or installation or a private or public service, identifying and quantifying cost-effective energy savings opportunities, and reporting the findings;

(26) ‘small and medium-sized enterprises’ or ‘SMEs’ means enterprises as defined in Title I of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (\(^1\)); the category of micro, small and medium-sized enterprises is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million;

(27) ‘energy performance contracting’ means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, verified and monitored during the whole term of the contract, where investments (work, supply or service) in that measure are paid for in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings;

(28) ‘smart metering system’ or ‘intelligent metering system’ means an electronic system that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data using a form of electronic communication;


(30) ‘cogeneration’ means the simultaneous generation in one process of thermal energy and electrical or mechanical energy;

(31) ‘economically justifiable demand’ means demand that does not exceed the needs for heating or cooling and which would otherwise be satisfied at market conditions by energy generation processes other than cogeneration;

(32) ‘useful heat’ means heat produced in a cogeneration process to satisfy economically justifiable demand for heating or cooling;

(33) ‘electricity from cogeneration’ means electricity generated in a process linked to the production of useful heat and calculated in accordance with the methodology laid down in Annex I;

(34) ‘high-efficiency cogeneration’ means cogeneration meeting the criteria laid down in Annex II;

\(^1\) OJ L 124, 20.5.2003, p. 36.
‘overall efficiency’ means the annual sum of electricity and mechanical energy production and useful heat output divided by the fuel input used for heat produced in a cogeneration process and gross electricity and mechanical energy production;

‘power-to-heat ratio’ means the ratio of electricity from cogeneration to useful heat when operating in full cogeneration mode using operational data of the specific unit;

‘cogeneration unit’ means a unit that is able to operate in cogeneration mode;

‘small-scale cogeneration unit’ means a cogeneration unit with installed capacity below 1 MWc;

‘micro-cogeneration unit’ means a cogeneration unit with a maximum capacity below 50 kWc;

‘plot ratio’ means the ratio of the building floor area to the land area in a given territory;

‘efficient district heating and cooling’ means a district heating or cooling system using at least 50 % renewable energy, 50 % waste heat, 75 % cogenerated heat or 50 % of a combination of such energy and heat;

‘efficient heating and cooling’ means a heating and cooling option that, compared to a baseline scenario reflecting a business-as-usual situation, measurably reduces the input of primary energy needed to supply one unit of delivered energy within a relevant system boundary in a cost-effective way, as assessed in the cost-benefit analysis referred to in this Directive, taking into account the energy required for extraction, conversion, transport and distribution;

‘efficient individual heating and cooling’ means an individual heating and cooling supply option that, compared to efficient district heating and cooling, measurably reduces the input of non-renewable primary energy needed to supply one unit of delivered energy within a relevant system boundary or requires the same input of non-renewable primary energy but at a lower cost, taking into account the energy required for extraction, conversion, transport and distribution;

‘substantial refurbishment’ means a refurbishment whose cost exceeds 50 % of the investment cost for a new comparable unit;

‘aggregator’ means a demand service provider that combines multiple short-duration consumer loads for sale or auction in organised energy markets.
Article 3

Energy efficiency targets

1. Each Member State shall set an indicative national energy efficiency target, based on either primary or final energy consumption, primary or final energy savings, or energy intensity. Member States shall notify those targets to the Commission in accordance with Article 24(1) and Annex XIV Part 1. When doing so, they shall also express those targets in terms of an absolute level of primary energy consumption and final energy consumption in 2020 and shall explain how, and on the basis of which data, this has been calculated.

When setting those targets, Member States shall take into account:

M1

(a) that the Union’s 2020 energy consumption has to be no more than 1 483 Mtoe of primary energy or no more than 1 086 Mtoe of final energy;

B

(b) the measures provided for in this Directive;

(b) the measures adopted to reach the national energy saving targets adopted pursuant to Article 4(1) of Directive 2006/32/EC; and

M1

(d) other measures to promote energy efficiency within Member States and at Union level.

When setting those targets, Member States may also take into account national circumstances affecting primary energy consumption, such as:

(a) remaining cost-effective energy-saving potential;

(b) GDP evolution and forecast;

(c) changes of energy imports and exports;

(d) development of all sources of renewable energies, nuclear energy, carbon capture and storage; and

(e) early action.

M1

2. By 30 June 2014, the Commission shall assess progress achieved and whether the Union is likely to achieve energy consumption of no more than 1 483 Mtoe of primary energy and/or no more than 1 086 Mtoe of final energy in 2020.

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3. In carrying out the review referred to in paragraph 2, the Commission shall:

(a) sum the national indicative energy efficiency targets reported by Member States;

(b) assess whether the sum of those targets can be considered a reliable guide to whether the Union as a whole is on track, taking into account the evaluation of the first annual report in accordance with Article 24(1), and the evaluation of the National Energy Efficiency Action Plans in accordance with Article 24(2);
(c) take into account complementary analysis arising from:

(i) an assessment of progress in energy consumption, and in energy consumption in relation to economic activity, at Union level, including progress in the efficiency of energy supply in Member States that have based their national indicative targets on final energy consumption or final energy savings, including progress due to these Member States’ compliance with Chapter III of this Directive;

(ii) results from modelling exercises in relation to future trends in energy consumption at Union level;

(d) compare the results under points (a) to (c) with the quantity of energy consumption that would be needed to achieve energy consumption of no more than 1 483 Mtoe of primary energy and/or no more than 1 086 Mtoe of final energy in 2020.

4. Faoin 31 Deireadh Fómhair 2022, déanfaidh an Coimisiún measúnú ar cibé acu a d'éirigh nó nár éirigh leis an Aontas priomhspriocanna 2020 maidir le héifeachtúlacht fuinnimh a bhaint amach.


6. Déanfaidh an Coimisiún priomhspriocanna 2030 an Aontais do maidir le héifeachtúlacht fuinnimh a leagtar síos in Airteagal 1(1) a mheas d'fhonn togra reachtaí a tharchur faoi 2023 chun na spriocanna sin a choiceartú suas i gcás laghduithte suntasacha costais mar thoradh ar fhobarairt eacnamaíochta nó teicnúla, nó i gcás inar gá chun gcealltanaí idirnáisiúnta an Aontais le haghaidh dicharbónú a chomhlionadh.

CHAPTER II

EFFICIENCY IN ENERGY USE

Article 5

Exemplary role of public bodies’ buildings

1. Without prejudice to Article 7 of Directive 2010/31/EU, each Member State shall ensure that, as from 1 January 2014, 3 % of the total floor area of heated and/or cooled buildings owned and occupied by its central government is renovated each year to meet at least the minimum energy performance requirements that it has set in application of Article 4 of Directive 2010/31/EU.

The 3 % rate shall be calculated on the total floor area of buildings with a total useful floor area over 500 m² owned and occupied by the central government of the Member State concerned that, on 1 January of each year, do not meet the national minimum energy performance requirements set in application of Article 4 of Directive 2010/31/EU. That threshold shall be lowered to 250 m² as of 9 July 2015.

Where a Member State requires that the obligation to renovate each year 3 % of the total floor area extends to floor area owned and occupied by administrative departments at a level below central government, the 3 % rate shall be calculated on the total floor area of buildings with a total useful floor area over 500 m² and, as of 9 July 2015, over 250 m² owned and occupied by central government and by these administrative departments of the Member State concerned that, on 1 January of each year, do not meet the national minimum energy performance requirements set in application of Article 4 of Directive 2010/31/EU.

When implementing measures for the comprehensive renovation of central government buildings in accordance with the first subparagraph, Member States may choose to consider the building as a whole, including the building envelope, equipment, operation and maintenance.

Member States shall require that central government buildings with the poorest energy performance be a priority for energy efficiency measures, where cost-effective and technically feasible.

2. Member States may decide not to set or apply the requirements referred to in paragraph 1 to the following categories of buildings:

(a) buildings officially protected as part of a designated environment, or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;

(b) buildings owned by the armed forces or central government and serving national defence purposes, apart from single living quarters or office buildings for the armed forces and other staff employed by national defence authorities;

(c) buildings used as places of worship and for religious activities.

3. If a Member State renovates more than 3 % of the total floor area of central government buildings in a given year, it may count the excess towards the annual renovation rate of any of the three previous or following years.
4. Member States may count towards the annual renovation rate of central government buildings new buildings occupied and owned as replacements for specific central government buildings demolished in any of the two previous years, or buildings that have been sold, demolished or taken out of use in any of the two previous years due to more intensive use of other buildings.

5. For the purposes of paragraph 1, by 31 December 2013, Member States shall establish and make publicly available an inventory of heated and/or cooled central government buildings with a total useful floor area over 500 m² and, as of 9 July 2015, over 250 m², excluding buildings exempted on the basis of paragraph 2. The inventory shall contain the following data:

(a) the floor area in m²; and

(b) the energy performance of each building or relevant energy data.

6. Without prejudice to Article 7 of Directive 2010/31/EU, Member States may opt for an alternative approach to paragraphs 1 to 5 of this Article, whereby they take other cost-effective measures, including deep renovations and measures for behavioural change of occupants, to achieve, by 2020, an amount of energy savings in eligible buildings owned and occupied by their central government that is at least equivalent to that required in paragraph 1, reported on an annual basis.

For the purpose of the alternative approach, Member States may estimate the energy savings that paragraphs 1 to 4 would generate by using appropriate standard values for the energy consumption of reference central government buildings before and after renovation and according to estimates of the surface of their stock. The categories of reference central government buildings shall be representative of the stock of such buildings.

Member States opting for the alternative approach shall notify to the Commission, by 31 December 2013, the alternative measures that they plan to adopt, showing how they would achieve an equivalent improvement in the energy performance of the buildings within the central government estate.

7. Member States shall encourage public bodies, including at regional and local level, and social housing bodies governed by public law, with due regard for their respective competences and administrative set-up, to:

(a) adopt an energy efficiency plan, freestanding or as part of a broader climate or environmental plan, containing specific energy saving and efficiency objectives and actions, with a view to following the exemplary role of central government buildings laid down in paragraphs 1, 5 and 6;

(b) put in place an energy management system, including energy audits, as part of the implementation of their plan;
(c) use, where appropriate, energy service companies, and energy performance contracting to finance renovations and implement plans to maintain or improve energy efficiency in the long term.

Article 6

Purchasing by public bodies

1. Member States shall ensure that central governments purchase only products, services and buildings with high energy-efficiency performance, insofar as that is consistent with cost-effectiveness, economical feasibility, wider sustainability, technical suitability, as well as sufficient competition, as referred to in Annex III.

The obligation set out in the first subparagraph shall apply to contracts for the purchase of products, services and buildings by public bodies in so far as such contracts have a value equal to or greater than the thresholds laid down in Article 7 of Directive 2004/18/EC.

2. The obligation referred to in paragraph 1 shall apply to the contracts of the armed forces only to the extent that its application does not cause any conflict with the nature and primary aim of the activities of the armed forces. The obligation shall not apply to contracts for the supply of military equipment as defined by Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security (1).

3. Member States shall encourage public bodies, including at regional and local levels, with due regard to their respective competences and administrative set-up, to follow the exemplary role of their central governments to purchase only products, services and buildings with high energy-efficiency performance. Member States shall encourage public bodies, when tendering service contracts with significant energy content, to assess the possibility of concluding long-term energy performance contracts that provide long-term energy savings.

4. Without prejudice to paragraph 1, when purchasing a product package covered as a whole by a delegated act adopted under Directive 2010/30/EU, Member States may require that the aggregate energy efficiency shall take priority over the energy efficiency of individual products within that package, by purchasing the product package that complies with the criterion of belonging to the highest energy efficiency class.

Airteagal 7

Oibleagáid maidir le coigilteas fuinnimh

1. Bainfidh na Ballstáit coigilteas carnach fuinnimh críochúsáide amach a bheidh comhionann ar a laghad:

(a) le coigilteas nua gach bliain ón 1 Eanáir 2014 go dtí an 31 Nollaig 2020 de 1,5 % de dhiolacháin fuinnimh bhliantúla le custaiméiri deiridh de réir toirte, a mheánaitear thar an tréimhse is déanaí trí bliana roimh an 1 Eanáir 2013. Féadfar díolacháin fuinnimh, de réir toirte, a úsáidtear san iompar a cisianm ón riomh sin, go hiomlán nó go páirteach;

(b) le coigilteas nua gach bliain ón 1 Eanáir 2021 go dtí an 31 Nollaig 2030 de 0,8 % de thomhaltas fuinnimh deiridh bliantúil, a mheánaitear thar an tréimhse is déanaí trí bliana roimh an 1 Eanáir 2019. De mhaolú ar an gceanglas sin, bainfidh an Chipir agus Málta coigilteas nua amach gach bliain, ón 1 Eanáir 2021 go dtí an 31 Nollaig 2030, arb iomann iad agus 0,24 % de thomhaltas fuinnimh deiridh bliantúil, a mheánaitear thar an tréimhse trí bliana is déanaí roimh an 1 Eanáir 2019.

Féadfaidh na Ballstáit an coigilteas fuinnimh a eascraionn ó bhheart beartais, cibé acu a thugtar isteach iad faoin 31 Nollaig 2020 nó ina dhiaidh sin, a chomhaireann, ar choimnionóil go mbíonn gníomhaíochtaí aonair nua, a ghabhatar de láimh tar éis an 31 Nollaig 2020, mar thoradh ar na bearta sin.

Leanfaidh na Ballstáit de choigilteas nua bliantúil a bhaint amach i gcomhréir le pointe (b) den chéad fhomhair ar seacht tréimhse deich mbliana tar éis 2030, mura mbainfidh athscrúduithe ag an gCoimisiún faoi 2025 agus gach 10 mbliana ina dhiaidh sin de tháitil as nach gá in iompar a fheachadh agus aeráide fadtéarmacha an Aontais a bhaint amach i gcomhair 2050.

Cinnfidh na Ballstáit conas méid ríofa an coigiltis nua a chéil mniú thar gach tréimhse dá dtagraítear i bpointí (a) agus (b) den chéad fhomhair, ar choimnionóil go mbíonn deich mbliana fuinnimh críochúsáide a cheanglaitear amach iomlán de Chomhionannacht Éireannach leis an Aontais a chéiliúthtar.

2. Ar choimnionóil go mbaineann na Ballstáit ar a laghad, a n-oibleagáid maidir le coigilteas carnach fuinnimh críochúsáide dá dtagraítear i bpointí (b) den chéad fhomhair de mhir 1, féadfaidh siad méid an choigiltis fuinnimh a cheanglaitear a riomh trí cheann amháin nó níos mó de na modhanna seo a leasóidh:

(a) ráta bliantúil coigiltis a chur i bhfeidhm ar dhiolacháin fuinnimh deiridh nó ar thomhaltas fuinnimh deiridh, a mheánaitear thar an tréimhse is déanaí trí bliana roimh an 1 Eanáir 2019;

(b) fuinnimh a úsáidtear san iompar a thógáil ar lár, go hiomlán nó go páirteach, ón mbonnline riomha;

(c) úsáid a bhaint as aon cheann de na roghanna a leagtar amach i mhir 4.

3. I gcás na mbaineann na Ballstáit úsáid as na deiseanna dá bhforbairt i bpointí (a), (b) nó (c) de mhir 2, búnóidh siad:

(a) a ráta coigiltis bhliantúil féin a chur i bhfeidhm chun an coigilteas carnach fuinnimh críochúsáide atá i bhfeidhm lena n-áirítheofar nach is mó an méid deiridh dá nglanchoigilteas fuinnimh ná an coigilteas a cheanglaitear faoi phointe (b) den chéad fhomhair de mhir 1; agus
(b) a mbonnline riomha féin a fhéadfadh an fuinnimh a úsáidtear in iompar a fhágáil ar lár go hiomlán nó go páirteach.

4. Faoi réir mhír 5, féadfadh gach Ballstát:

(a) an riomh a cheanglaitear faoi phointe (a) den chéad fhomhír de mhír 1 a dhéanamh ag úsáid luachanna 1 % in 2014 agus in 2015; 1,25 % in 2016 agus 2017; agus 1,5 % in 2018, 2019 agus 2020;

(b) na diolacháin fuinnimh go léir nó cuid diobh a úsáidtear, de réir toirte, i dtaca leis an tréimhsé oibleagáide d'adtraitear i bponté (a) den chéad fhomhír de mhír 1, nó fuinneamh deiridh arna thomhalt, i dtaca leis an tréimhsé oibleagáide d'adtraitear i bponté (b) den fhomhír sin, i ngniomhúíochtaí tionscail a liostaitear in lárscrobhinn I a ghabhann le Treoir 2003/87/CE, a eisaimh ón riomh;

(c) coigilteas fuinnimh a baineadh amach sna hearnálacha trasfhoirmithe, dáilte agus tarchurtha fuinnimh, lena n-áirithear bonneagar témh agus fuairaithe ceantair éifeachtúil, mar thoradh ar chur i bhfeidhm na gceanglas a leagtar amach in Airteagal 14(4), pointe (b) d’Airteagal 14(5), agus Airteagal 15(1) go (6) agus (9), a áireamh faoi chomhair an mhéid coigilts fuinnimh a cheanglaitear. Cuireadh na Ballstáit an Coimisiún ar an eolas faoi bearta beartais atá beartaithe acu faoin bponté seo don tréimhsé ón 1 Eanáir 2021 go dtí an 31 Nollaig 2030 mar chuid dá bpleanaíonna cumhachtaithe náisiúnta fuinnimh agus aeráide. Ríomhfar tionscar na mbeartha sin in iomhréir le hálscrobhinn V agus áireofar sna pleanaíonna sin e;

(d) coigilteas fuinnimh a eascroíonn ó ghníomhúíochtaí aonair a cuireadh i bhfeidhm go náon ón 31 Nollaig 2008 agus a leanfaidh de thionchar a bheith acu in 2020 i ndáil leis an tréimhsé oibleagáide dá dtagraitear i bponté (a) den chéad fhomhír de mhír 1 agus tar éis 2020 i ndáil leis an tréimhse dá dtagraitear i bponté (b) den chéad fhomhír de mhír 1, agus is féidir a thomhás agus a fliurú, a áireamh faoi chomhair an mhéid coigilts fuinnimh a cheanglaitear;

(e) coigilteas fuinnimh a eascroíonn ó bhearta beartais a áireamh faoi chomhair an mhéid coigilts fuinnimh a cheanglaitear, ar choinníoll gur féidir a léiriú go mbionn ghníomhúíochtaí aonair a, a dhéantar le linn na tréimhsé ón 1 Eanáir 2018 go dtí an 31 Nollaig 2020 agus lena dtugtar coigilteas tar éis an 31 Nollaig 2020, mar thoradh ar na bearta sin;

(f) 30 % den mhéid inbhiorairíthte fuinnimh, a ghintear dá n-úsáid féin ar fhoirgnimh nó i bhfoirgnimh mar thoradh ar bhearta bearbais a chuireann suiteasail nua teicneolaíochtaí fuinnimh in-athnuaite cinn, a eisaimh ó riomh an mhéid coigilts fuinnimh a cheanglaitear;

(g) an coigilteas fuinnimh sin a shaíraíonn an mhéid coigilts fuinnimh a cheanglaitear don tréimhsé oibleagáide ón 1 Eanáir 2014 go dtí an 31 Nollaig 2020 a áireamh faoi chomhair an mhéid coigilts fuinnimh a cheanglaitear ar choinníoll go n-eascroíonn an coigilteas sin ó ghníomhúíochtaí aonair a dhéantar faoi na bearta beartais dá dtagraitear in Airteagal 7a agus 7b den Treoir seo a bhfuil foigta tugtha ag na Ballstáit ina leith ina gcuid Pleananna Gníomhúíochta Náisiúnta um Éifeachtúlacht Fuinnimh agus atá tuairiscithe acu ina duarascháilacha ar dhul chun cinn i gcomhréir le hAirteagal 24.
5. Déanfaidh na Ballstáit éifeacht na roghanna a roghnaítear faoi mhír 4 do na tréimhse dá dtagraítear i bpoinit (a) agus (b) den chéad fhomhír de mhír 1 a chur i bhfeidhm agus a ríomh ar leithligh:

(a) agus méid coigiltis fuinnimh a cheanglaítear don tréimhse oibleagáide dá dtagraítear i bpoinit (a) den chéad fhomhír de mhír 1 á ríomh, féadfaidh na Ballstáit leas a bhaint as pointí (a) go (d) de mhír 4. Ní mó na roghanna uile a roghnaítear faoi mhír 4 i dtreamh a chéile ná 25 % den mhéid coigiltis fuinnimh dá dtagraítear i bpoinit (a) den chéad fhomhír de mhír 1;

(b) i gcás ríomh an mhéid coigiltis fuinnimh a cheanglaítear don tréimhse oibleagáide dá dtagraítear i bpoinit (b) den chéad fhomhír de mhír 1 féadfaidh na Ballstáit leas a bhaint as pointí (b) go (g) de mhír 4 ar cheannann go leanfaidh gniomhaochttaí aonair dá dtagraítear i bpoinit (d) de mhír 4 de thionchar infhío-raithe agus intomhaiste a bheith acu i ndiaidh an 31 Nollaig 2020. Agus na roghanna uile a roghnaítear faoi mhír 4 á gcur le chéile, ní thiomfaidh laghdú níos mó ná 35 % den mhéid coigiltis fuinnimh a ríomh i gcumhacht le mireanna 2 agus 3 mar thoradh orthu.

6. Déanfaidh na Ballstáit cur síos ina bpleananna comhtháite náisiúnta fuinnimh agus aeráide i gcomhréir le hIarscríbhinn II I de Rialachán (AE) 2018/1999 ar an mbealach ina riomhthr a mhéid coigiltis fuinnimh nach mór a bhaint amach thar an tréimhse ón 1 Eanáir 2021 go dtí 31 Nollaig 2030 ná an mhéid a thiomfaidh as an rátá bliantúil coigiltis dá dtagraítear i bpoinit (b) den chéad fhomhír de mhír 1 a chur i bhfeidhm.


8. De mhaolú ar mhír 1 den Aireteagal seo, féadfaidh Ballstáit a cheadaíonn do pháirtithe faoi oibleagáid úsáid a bhaint as an rogha dá dtagraítear i bpoinit (b) d’Aireteagal 7a(6), chun críche phointe (a) den chéad fhomhír de mhír 1 den Aireteagal seo, coigileas fuinnimh a fuarthas in aon bhall na bhliain áirithe i ndiaidh 2010 agus roimh an tréimhse oibleagáide dá dtagraítear i bpoinit (a) den chéad fhomhír de mhír 1 den Aireteagal seo a chomhaireacht amhail is dá mbeadh an coigileas fuinnimh sin faighte tar éis an 31 Nollaig 2013 agus roimh an 1 Eanáir 2021, ar cheannainn go bhfuil feidhm ag na cúisí uile seo a leanas:

(a) bhí an scéim um oibleagáid éifeachtúilcha fuinnimh i bhfeidhm tráth ar bith idir an 31 Nollaig 2009 agus an 31 Nollaig 2014 agus aroimhth i sa chéad Phléan Gníomhaochta Náisiúnta um Éifeachtúilcha Fuinnimh den Bhallstát a cuireadh isteach faoi Aireteagal 24(2);
(b) gineadh an coigilteas faoin scéim oibleagáide;

(c) ríomhthar an coigilteas i gcomhréir le h hurlscribhinn V;

(d) tuairisciodh na blianta a ndearnadh an coigilteas a chomhairiamh amhail is go bhfuairthas ansin é sna Pléanna Gníomhaoichta Náisiúnta um Éifeachtúlacht Fuinnimh i gcomhréir le hÁirteagal 24(2).

9. Áiritheoidh na Ballstáit go ndéanfar coigilteas a eacraíonn ó dhearnaí beartais dá dtagraithe in Airteagal 7a agus 7b agus in Airteagal 20(6) a ríomh i gcomhréir le h hurlscribhinn V.

10. Déanfaidh na Ballstáit an méid coigilteas fuinnimh a cheanglaitear faoi mhír 1 den Airteagal 7a a bhaint amach trí scéim um oibleagáid éifeachtúlachta fuinnimh dá dtagraithe in Airteagal 7a a bhunú nó trí bhearta beartais maralactha dá dtagraithe in Airteagal 7b a ghlacadh. Féadhairdh na Ballstáit scéim um oibleagáid éifeachtúlachta fuinnimh a chumasc le bhearta beartais maralactha.

11. Le linn dóibh na bearta beartais a cheapadh chun go gcomhlíonfar na hoibleagáideí orthu coigilteas fuinnimh a bhaint amach, curfiadh na Ballstáit san áireamh an gá atá leis an mbochtaineacht fuinnimh a mhaolú i gcomhréir le h Airtegal 7a nó 7b a bhunú, a bhaint le linn do cheart an chumhacht fuinnimh a péintéidh i náisiúnta, cristéarsaíocht, i gcuimhneachtaí, a tharlann i gcuimhneachtaí, nó cabhrú leis an chumhacht fuinnimh, i gcomhréir le h Iarscríbhinn V.

Áireoidh na Ballstáit faisnéis faoi toipnis ai an bhochtaineacht fuinnimh a mhaolú i gcomhthéacs na Treorach seo ina dtuarascálaíocht an t-ógraíocht agus an aeráid i gcomhréir le Rialachán (AE) 2018/1999.

12. Léireoidh na Ballstáit, i gcás ina mbeidh forluí i dtionchar na mbeart beartais nó na ngléimhaoichtaí aonair, nach bhfuil aon eolaíocht eile a chur in iománach a chur ar an chumhacht fuinnimh a cuireann fheidhmiú faoi Chiste Náisiúnta Éifeachtúlachta Fuinnimh mar thos aíocht i measc teaghlaigh shoghonna, leis an gAirteal eolas agus chomh mhairthe, bearta beartais a mhéadú.

Aírteagal 7a

Scéimeanna um oibleagáid éifeachtúlachta fuinnimh

1. I gcás ina gcinnfídh na Ballstáit a n-oibleagáidi a chomhlíonadh chun an méid coigilteas a cheanglaitear faoi Airteagal 7(1) a bhaint amach trí scéim um oibleagáid éifeachtúlachta fuinnimh, áiritheoidh siad go gcomhionfaidh na páirtíthe faoi oibleagáid dá dtagraithe in mír 2 den Airteagal 7(4) a bhaint amach trí scéim um oibleagáid éifeachtúlachta fuinnimh, giniadh an coigilteas faoina scéimeanna um oibleagáid éifeachtúlachta fuinnimh, bearta beartais maralactha, do chomhchumhacht fuinnimh do chomhchumhacht fuinnimh, i gcomhréir le h Airteagal 7(1).

I gcás inarb infheidhme, feádfaidh na Ballstáit a chinnfídh go gcomhionfaidh na páirtíthe faoi oibleagáid an coigilteas sin, go háirithe nó go páirtíthe, mar ranniochaíocht leis an gCiste Náisiúnta Éifeachtúlachta Fuinnimh i gcomhréir le h Airteagal 20(6).
2. Ainmneoidh na Ballstáit, ar bhonn critéir oibiachtúla agus neamh-idirdhealaithe, páirtíthe faoi oibleagáid i measc daíleoirí fuinnimh, cuideachtaí diolachán fuinnimh miöndiola agus daíleoirí breosla iompair nó miëndioltóirí breosla iompair a oibrionn ina gcroich. Déanfaidh na páirtíthe faoi oibleagáid i measc custaimiøirí deiridh, arna n-aéimníní ag an mBallstáit, an méid coigiltis fuinnimh is gá a bhaint amach chun an oibleagáid a chomhliónadh, go neamhspleách ar an ríomh de bhun Airteagal 7(1) nó, má chinear ann na Ballstáit amhlaídh, trí choigilteas deimhniøi a eascaíonn ó pháirtíthe eile de réir mar a thuirísceart i bpóinte (a) de mhír 6 den Airteagal seo.

3. I gcás ina n-aímnitear cuideachtaí diolachán fuinnimh miöndiola mar pháirtíthe faoi oibleagáid faoi mhír 2, áirtheoidh na Ballstáit, agus a n-oibleagáid á comhliónadh acu, nach gcruthóidh cuideachtaí diolachán fuinnimh miöndiola aon bhacainní a chuireann bac ar thornhaltóirí aistriú ó sholáthróir amháin go soláthróir eile.

4. Déanfaidh na Ballstáit an méid coigiltis fuinnimh a cheanglaítear ar gach páirtí faoi oibleagáid a slóinneadh i dtéarmaí tomhaltas fuinnimh deiridh nó tomhaltas fuinnimh phriomhúil. An modh a roghnaítear chun an méid coigiltis fuinnimh a cheanglaítear a slóinneadh, úsáidear é freisin chun an coigiltse a éileítear páirtíthe faoi oibleagáid a riomh. Beidh feidhm ag na fachtóirí cumhachtóireachta a leagtar amach i larscibridhn IV.

5. Cuirfidh na Ballstáit córais tomhais, rialaithe agus floraithe i bhfeidhm faoina ndéantar fíorú doiciméadaithe ar sciar atá suntach ó thaobh staistídeach de agus sampla ionadaíoch, ar a laghad, de na bearta feabhsaíte éifeachtúlachta fuinnimh a chuir na páirtíthe faoi oibleagáid i bhfeidhm. Déanfar an tomhas, an rialú agus an fíorú go neamhspleách ar na páirtíthe faoi oibleagáid.

6. Laistigh den scéim um oibleagáid éifeachtúlachta fuinnimh, fheadfaidh na Ballstáit ceann amhán diobh seo a leanas nó an dá cheann a dhéanamh:

(a) céad a thabhairt do pháirtíthe faoi oibleagáid coigiltse fuinnimh deimhniøite a áireamh faoi chomhair a n-oibleagáide, ar coigiltse às a bhaíneann soláthraíte seirbhísí fuinnimh nó trí páirtíthe eile amach, lena n-áirítear nuair a chuireann páirtíthe faoi oibleagáid bearta chun cinn trí chomhlachtai formhheasta eile ag an Stáit nó trí údarás pheibhí a fheadfaidh baint a bheith acu le compháirtíochtai formhíøula agus a fheadfaidh a bheith í áineacht le foinse eile airgeadais. I gcás ina gceadóidh na Ballstáit amhlaídh, áirtheoidh siad go leanfadh deimhniúchán coigiltis fuinnimh próiseas formheasa a chuirtear i bhfeidhm sna Ballstáit, agus a bhéidh soiléir, tréidhearcach agus oscailte do gach rathpháirtí maraighd, agus arb é is aidhm dó na costais a bhaineann le deimhniúchán a laghdú;

(b) ligeann do pháirtíthe faoi oibleagáid coigiltse a fháightear i mbliain ar leith a chomhreannach amhal is dá mbeidís faighte ina ionad in aon cheann de na ceithre bliana roimhe sin nó sna trì bliana dá éis fad is nach bhfuil sé seo thar dheireadh na dtréimhsí oibleagáide a leagtar amach in Airteagal 7(1).

Déanfaidh na Ballstáit measúnú ar an tionchar atá ag costais dhireacha agus neamhdirreacha na scéimeanna um oibleagáid éifeachtúlachta fuinnimh ar iomaochas tionscal dianfhuinnimh a thagann faoi thionchar iomaochas idirnáisiúnta agus, nó eomhain, glacfaidh siad bearta chun an tionchar sin a íoslaghdú.
Airteagal 7b

Bearta beartais malartacha

1. I gcás ina gcinnfidh Ballstáit a n-oibleagáidí chun an coigilteas a cheanglaitear faoi Airteagal 7(1) a bhaint amach a chomhlíonadh trí bhítín bearta beartais malartacha, áirítheoidh siad, gan docha r d'Airteagal 7(4) agus (5), go mbainfear amach an coigilteas fuinnimh a cheanglaítear faoi Airteagal 7(1) i measc na gcustaiméirí deiri dh.

2. I gcás gach birt eile seachas na cinn sin a bhaineann le cánachas, cuirfidh na Ballstáit córais tomhais, rialaithe agus fíoraithe i bhfeidhm faoina ndéanfar fíorú doiciméadaithe ar sciar atá suntasach ó t haobh staidrimh de agus sampla ionadaíoch, ar a laghad, de na bearta feabhsaithe éifeachtúlaíochta fuinnimh a chuir na páirtithe rannpháirteacha nó na páirtithe ar cuireadh cúram orthu i bhfeidhm. Déanfar an tomhas, an rialú agus an fíorú go neamhspleách ar na páirtithe rannpháirteacha nó ar na páirtithe ar cuireadh cúram orthu.

Article 8

Energy audits and energy management systems

1. Member States shall promote the availability to all final customers of high quality energy audits which are cost-effective and:

(a) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or

(b) implemented and supervised by independent authorities under national legislation.

The energy audits referred to in the first subparagraph may be carried out by in-house experts or energy auditors provided that the Member State concerned has put in place a scheme to assure and check their quality, including, if appropriate, an annual random selection of at least a statistically significant percentage of all the energy audits they carry out.

For the purpose of guaranteeing the high quality of the energy audits and energy management systems, Member States shall establish transparent and non-discriminatory minimum criteria for energy audits based on Annex VI.

Energy audits shall not include clauses preventing the findings of the audit from being transferred to any qualified/accredited energy service provider, on condition that the customer does not object.

2. Member States shall develop programmes to encourage SMEs to undergo energy audits and the subsequent implementation of the recommendations from these audits.
On the basis of transparent and non-discriminatory criteria and without prejudice to Union State aid law, Member States may set up support schemes for SMEs, including if they have concluded voluntary agreements, to cover costs of an energy audit and of the implementation of highly cost-effective recommendations from the energy audits, if the proposed measures are implemented.

Member States shall bring to the attention of SMEs, including through their respective representative intermediary organisations, concrete examples of how energy management systems could help their businesses. The Commission shall assist Member States by supporting the exchange of best practices in this domain.

3. Member States shall also develop programmes to raise awareness among households about the benefits of such audits through appropriate advice services.

Member States shall encourage training programmes for the qualification of energy auditors in order to facilitate sufficient availability of experts.

4. Member States shall ensure that enterprises that are not SMEs are subject to an energy audit carried out in an independent and cost-effective manner by qualified and/or accredited experts or implemented and supervised by independent authorities under national legislation by 5 December 2015 and at least every four years from the date of the previous energy audit.

5. Energy audits shall be considered as fulfilling the requirements of paragraph 4 when they are carried out in an independent manner, on the basis of minimum criteria based on Annex VI, and implemented under voluntary agreements concluded between organisations of stakeholders and an appointed body and supervised by the Member State concerned, or other bodies to which the competent authorities have delegated the responsibility concerned, or by the Commission.

Access of market participants offering energy services shall be based on transparent and non-discriminatory criteria.

6. Enterprises that are not SMEs and that are implementing an energy or environmental management system - certified by an independent body according to the relevant European or International Standards - shall be exempted from the requirements of paragraph 4, provided that Member States ensure that the management system concerned includes an energy audit on the basis of the minimum criteria based on Annex VI.

7. Energy audits may stand alone or be part of a broader environmental audit. Member States may require that an assessment of the technical and economic feasibility of connection to an existing or planned district heating or cooling network shall be part of the energy audit.

Without prejudice to Union State aid law, Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.
Article 9

Méadrú i gcomhair gás nádúrtha

1. Áiritheoidh na Ballstáit, a mhéid is féidir go teicniúil, réasúnach agus comhbréachreach ó thaobh airgeadais de i ndáil leis na coigil tis fuinnimh fhéideartha, go gcuirfear ar fáil méadair aonair ar ph raghas iomaíoch do chustaiméirí deiridh gás nádúrtha a léireoidh tomh altas fuinnimh iarbhír an chustaiméara deiridh go cruinn agus a chuirfidh faoin am usáide iarbhír ar fáil.

Such a competitively priced individual meter shall always be provided when:

(a) an existing meter is replaced, unless this is technically impossible or not cost-effective in relation to the estimated potential savings in the long term;

(b) a new connection is made in a new building or a building undergoes major renovations, as set out in Directive 2010/31/EU.

2. I gcás ina ndéanfaidh, agus a mhéid a dhéanfaidh, na Ballstáit córais méadraíthe chlíst a chur chuin feidhme agus méadair chlíst i gcomhair gás nádúrtha a leathadh amach i gcomhréir le Treoir 2009/73/CE:

(a) they shall ensure that the metering systems provide to final customers information on actual time of use and that the objectives of energy efficiency and benefits for final customers are fully taken into account when establishing the minimum functionalities of the meters and the obligations imposed on market participants;

(b) they shall ensure the security of the smart meters and data communication, and the privacy of final customers, in compliance with relevant Union data protection and privacy legislation;

(e) they shall require that appropriate advice and information be given to customers at the time of installation of smart meters, in particular about their full potential with regard to meter reading management and the monitoring of energy consumption.
Airteagal 9a

Méadrú i gcás téimh, fuarú agus uisce te tí

1. Áirítheoidh na Ballstáit go gcuirfear méadair ar phraghas iomaioch ar fháil do chustaiméirí deiridh i gcomhair támh ceantair, fuarú ceantair agus uisce te tí a léireoidh go cruinn a dtomhaltais fuinnimh iarbhír.

2. I gcás ina soláthraitear támh, fuarú nó uisce te tí d’fhuaireann nó fhoinsí lárnach a sheirbhísíonn foirgnimh ilchuspóra nó ó chóras téimh ceantair nó fuaraithe ceantair, suiteálfar méadar ag an malartóir teasa nó ag an bpoinite seachadta.

Airteagal 9b

Fomhéadrú agus leithdháileadh na gcostas i gcás téimh, fuarú agus uisce te tí

1. I bhfoirgnimh ilárasán agus ilchuspóra a bhfuil foinse téimh lárnach nó fuaraithe lárnach acu nó a sholáthraitear as córas téimh ceantair nó fuaraithe ceantair, suiteálfar má éadar aonair chun tomlaltais an teasa, an fuaraithe nó an uisce the tí do gach aonad foirgnimh a thomhas, i gcás ina bhfuil sin in déanta go teicniúil agus go costéifeachtach i dteármhaí ag an méid sin a bheith comhréireach i ndáil leis an gcoigilteas fuinnimh fheideartha.

I gcás nach mbeidh úsáid méadar aonair in déanta go teicniúil nó i gcás nach mbeidh sé costéifeachtach tomlaltais teasa in ngach aonad foirgnimh a thomhas, úsáídfear leithdháileoirí costais teasa aonair chun tomlaltais teasa a thomhas ag gach radaitheoir mura suífíeadh an Ballstát atá i gceist nach mbeadh suiteáil na leithdháileoirí costais teasa sin costéifeachtchúil. Sna cánanna sin, féadfar modhanna malartacha costéifeachtchula chun tomlaltais teasa a thomhas a mheas. Deánfaidh gach Ballstát na scannán ghníreadaithe, na modheolaiochtaithe ginearlaithe agus nó na nósanna imeachta ginearlaithe chun an neamh-indéantaíocht teicniúil agus an neamh-chostéifeachtchúlacht a chinneadh a leagan amach agus a fhoilsítear go soiléir.

2. I bhfoirgnimh ilárasán nua agus i geodanna cómaith do bhfoirgnimh ilchuspóra nua ina bhfuil foinse lárnach téimh le haghaidh uisce te tí nó ina bhfuighthear an soláthar ó chórais téimh ceantair, soláthrófar méadar aonair le haghaidh uisce te tí, d’ainneoin na chéad fhomhore de mhír 1.

3. I gcás gur as támh ceantair nó fuarú ceantair a dhéantar soláthar d’fhuirginn ilárasán nó ilchuspóra, nó i gcás córais dhlúile téimh nó fuaraithe d’fhuirginn den sórt sin a bheith leitheadúil, áirítheoidh na Ballstát go bhfuil rialacha tréithearcach taisníonta i bhfeidhm acu a bhfuil teacht ag an bpobal orthu maidir le leithdháileadh cosúil go dtomhaltas téimh, fuaraithe agus uisce the tí i bhfoirginnimh den sórt sin chun tréithearcacht agus crúinneas na cuntasaiochta i gcás tomlaltais aonair a áirítear. I gcás inarb iomchuí, áireofar i rialacha den sórt sin treoirínte maidir leis an mbealach is ceart an costas a leithdháileadh i dtaoibh fuinneamh a úsáidtear mar a leanas:

(a) uisce te tí;
(b) teas a radaithear ón tsuiteáil foirgnimh agus chun na limistéir chomh-
choiteanna a théamh, i gcás ina mbeidh staighri agus dorchlaí
feisitithe le radaitheoirí;

(c) chun árasáin a théamh nó a fhuarú.

_Airteagal 9c_

_Ceanglas cianléimh_

1. Chun criocha Airteagail 9a agus 9b, is feisti atá inléite go cianda a
bheidh sna mèadair agus sna leithdháileoirí costais teas a shuiteáil air tar
éis an 25 Deireadh Fómhair 2020. Coinniollacha na híon-déantachta
teicniúla agus na costéifeachtúil a leagtar amach in Airteagal
9b(1), leanfaidh siad d'fhéidhm a bheith acu.

2. Tabharfar an cumas do mhéadair agus do leithdháileoirí costais
teasa nach bhfuil inléite go cianda ach atá suiteáilte cheama féin a bheith
inléite go cianda nó cuirfeadóireacht feisti atá inléite go cianda ina n-íonad faoin
1 Eanáir 2027, ach amhain i gcás ina léiríonn an Ballstáit i dtrácht nach
bhfuil sin costéifeachtúil.

▼M3

 Artikel 10

_M7_

Faisnéis bhilleála don ghás nádúrtha

1. I gcás nach mbeidh mèadair chliste dá dtagraítear i d'Treoir
2009/73/CE ag custaiméiri deiridh, áiritheoidh na Ballstáit, faoin
31 Nollaig 2014, go mbeidh faisnéis bhilleála iontaofa don ghás
nádúrtha cruinn agus bunaithe ar thomhailtas tarbhír, i gcomhréir le
pointe 1.1 d'arscraibhinn VII más rud é go bhfuil sé sin indéanta go
tecniúil agus go mbeidh bonn eacnamaíoch leis.

▼B

This obligation may be fulfilled by a system of regular self-reading by
the final customers whereby they communicate readings from their
meter to the energy supplier. Only when the final customer has not
provided a meter reading for a given billing interval shall billing be
based on estimated consumption or a flat rate.

▼M7

2. Méadair a shuiteáiltear i gcomhréir le Treoir 2009/73/CE, beidh
siad in ann faisnéis bhilleála chrúinn a sholáthar bunaithe ar thomhailtas
Tarbhír. Áiritheoidh an Ballstáit go mbeidh an fhéidearthacht ag
custaiméiri deiridh rochtain a fháil go héasca ar faisnéis chomhhlántach
faoin tomhailtas sráitíúil a chuirfidh ar a gcumas féinseiceálacha mion-
sonraithe a dhéanamh.

▼B

Complementary information on historical consumption shall include:

(a) cumulative data for at least the three previous years or the period
since the start of the supply contract if this is shorter. The data shall
 correspond to the intervals for which frequent billing information
 has been produced; and
(b) detailed data according to the time of use for any day, week, month and year. These data shall be made available to the final customer via the internet or the meter interface for the period of at least the previous 24 months or the period since the start of the supply contract if this is shorter.

3. Independently of whether smart meters have been installed or not, Member States:

(a) shall require that, to the extent that information on the energy billing and historical consumption of final customers is available, it be made available, at the request of the final customer, to an energy service provider designated by the final customer;

(b) shall ensure that final customers are offered the option of electronic billing information and bills and that they receive, on request, a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption;

(c) shall ensure that appropriate information is made available with the bill to provide final customers with a comprehensive account of current energy costs, in accordance with Annex VII;

(d) may lay down that, at the request of the final customer, the information contained in these bills shall not be considered to constitute a request for payment. In such cases, Member States shall ensure that suppliers of energy sources offer flexible arrangements for actual payments;

(e) shall require that information and estimates for energy costs are provided to consumers on demand in a timely manner and in an easily understandable format enabling consumers to compare deals on a like-for-like basis.

▼M3

_Airteagal 10a_

_Faisnéis bhilleála agus tomhaltais i gcás téimh, fuarú agus uisce te tí_ 

1. I gcás ina suiteáilear méadair nó leithdháileoirí costais teasa, áirítheoidh na Ballstáit go mbeidh an fhaisnéis bhilleála agus tomhaltais iontaofa, cruinn agus bunaithte ar thomhaltas iarbhir nó ar leamhtha leithdháileoirí costais teasa, i gcomhréir le pointí 1 agus 2 d'Iarsc ríbhinn VIIa i gcásach gach úsáideora deiridh, is é sin, i gcás daoine nádúrtha nó dlítheanacha a cheannaimn treamh, fuarú nó uisce te tí dá gcriochúsaíd fhein, nó daoine nádúrtha nó dlítheanacha a áthionn forígnéimh aonair nó aonad i bhfoirgnéimh ilarásan nó ilchuspóra a sholáthraithear treamh, fuarú nó uisce te tí dó ó fhoirse lárach agus nach bhfuil aon chonradh direach nó aonair acu leis an soláthróir fuinnimh.

I gcás ina bhforálann Ballstát dá leithéid, seachas i gcás tomhaltais fomháideathaithe bunaithte ar leithdháileoirí costais teasa faoi Airteagal 9b, féadfaí an oibleagáid sin a chomhlonadh trí chóras féinléimh rialta ina gcuirfidh an custaiméir deiridh nó an t-úsáideoir deiridh leamha óna méadar in iúl don soláthróir fuinnimh. Ní bhunófar an bhilleáil ar thomhaltas measta nó ar chothrom-ráta ach amháin i gcás nach mbeidh leamh mheádaí curtha ar fáil ag an gcustaiméir deiridh nó ag an úsáideoir deiridh le haghaidh eatramh billeála ra leith.
2. Déanfaidh na Ballstáit:

(a) a cheangal, má tá faisnéis faoi bhilleáil fuinnimh agus tomhaltais stairríil nó léamha leithdháileoirí costais teasa na n-úsáideoirí deiridh ar fáil, go gcuirfear ar fáil i, arna iarraidh sin ag an úsáideoir deiridh, do sholáthraí seirbhísí fuinnimh arna aímniiú ag an úsáideoir deiridh;

(b) a áirithiú go dtairgfear do chustaiméirí deiridh rogha na faisnéise billeála leictreonaí agus bille;

(c) a áirithiú siad go gcuirfear faisnéis shoióléir intuíthte ar fáil leis an mbille do gach úsáideoir deiridh i gcomhréir le pointe 3 d'Iar-scribhinn VIIa; agus

(d) an chibearshlándáil a chur chun cinn agus príobháideachas agus cosaint sonraí na n-úsáideoirí deiridh a áirithiú i gcomhréir le dlí an Aontais is infheidhme.

Féadfaidh na Ballstáit a fhoráil, ar iarraidh ón gcustaiméir deiridh, nach measfar gur iarraidh ar íocaíocht atá i soláthar faisnéise billeála. I gcásanna den sórt sin, áirithoideadh na Ballstáit go ndéantar socruithe solúbtha le haghaidh íocaíocht iarbhír a thairgeadh.

3. Cinnfidh na Ballstáit cé a bheidh freagrach as an bhfaisnéis dá dtagraítear i míreanna 1 agus 2 a sholáthar do na húsáideoirí deiridh nach bhfuil aon chonradh díreach nó aonair le soláthraí seirbhíse fuinnimh acu.

Airteagal 11

▼M3

Costas rochtana ar mhéadrú agus ar fhaisnéis bhilleála don ghás nádúrtha

▼M7

Áiritheoidh na Ballstáit go bhfaighidh custaiméirí deiridh a mbíllí agus a bhfaisnéis billeála go léir i gcomhair tomhaltais fuinnimh saor in asise agus go mbeidh rochtáin ag custaiméirí deiridh freisin ar a sonraí tomhaltais ar shlí iomchuí agus saor in asise.

Airteagal 11a

Costas rochtana ar mhéadrú agus ar fhaisnéis bhilleála agus tomhaltais i gcás téimh, fuarú agus usice te ti

1. Áiritheoidh na Ballstáit go bhfaighidh na húsáideoirí deiridh a mbíllí agus a bhfaisnéis billeála go léir i gcomhair tomhaltais fuinnimh saor in asise agus go mbeidh rochtáin ag custaiméirí deiridh freisin ar a sonraí tomhaltais ar shlí iomchuí agus saor in asise.

2. D’aíonneoin mhír 1 den Airteagal seo, is ar bhonn neamhbh-rabúsach a dhéanfar costais na faisnéise billeála do thomhaltais aonair téimh, fuaraithe agus usice the ti i bhfoirgnimh ilárásan agus i bhfoirgnimh ilchuspóra a dháileadh de bhun Airteagal 9b. Féadfar costais a eacrasaíom ó shannadh an chúraim sin do thríú páirtí, amhail soláthraí seirbhísí nó an soláthróir fuinnimh áitíuíl, ina gcuimhdaithear an tomhas, an leithdháileadh agus an chuntasaiocht do thomhaltais aonair iarbhír i bhfoirgnimh den sórt sin, a chur ar aghaidh chun na n-úsáideoirí deiridh a mhéid a bheidhe costais den sórt sin réasúnach.
Article 12

Consumer information and empowering programme

1. Member States shall take appropriate measures to promote and facilitate an efficient use of energy by small energy customers, including domestic customers. These measures may be part of a national strategy.

2. For the purposes of paragraph 1, these measures shall include one or more of the elements listed under point (a) or (b):

(a) a range of instruments and policies to promote behavioural change which may include:

(i) fiscal incentives;

(ii) access to finance, grants or subsidies;

(iii) information provision;

(iv) exemplary projects;

(v) workplace activities;

(b) ways and means to engage consumers and consumer organisations during the possible roll-out of smart meters through communication of:

(i) cost-effective and easy-to-achieve changes in energy use;

(ii) information on energy efficiency measures.

Article 13

Penalties

Member States shall lay down the rules on penalties applicable in case of non-compliance with the national provisions adopted pursuant to Article 7 and Article 18(3) and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 5 June 2014 and shall notify it without delay of any subsequent amendment affecting them.
CHAPTER III

EFFICIENCY IN ENERGY SUPPLY

Article 14

Promotion of efficiency in heating and cooling

1. By 31 December 2015, Member States shall carry out and notify to the Commission a comprehensive assessment of the potential for the application of high-efficiency cogeneration and efficient district heating and cooling, containing the information set out in Annex VIII. If they have already carried out an equivalent assessment, they shall notify it to the Commission.

The comprehensive assessment shall take full account of the analysis of the national potentials for high-efficiency cogeneration carried out under Directive 2004/8/EC.

At the request of the Commission, the assessment shall be updated and notified to the Commission every five years. The Commission shall make any such request at least one year before the due date.

2. Member States shall adopt policies which encourage the due taking into account at local and regional levels of the potential of using efficient heating and cooling systems, in particular those using high-efficiency cogeneration. Account shall be taken of the potential for developing local and regional heat markets.

3. For the purpose of the assessment referred to in paragraph 1, Member States shall carry out a cost-benefit analysis covering their territory based on climate conditions, economic feasibility and technical suitability in accordance with Part 1 of Annex IX. The cost-benefit analysis shall be capable of facilitating the identification of the most resource-and cost-efficient solutions to meeting heating and cooling needs. That cost-benefit analysis may be part of an environmental assessment under Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (1).

4. Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 identify a potential for the application of high-efficiency cogeneration and/or efficient district heating and cooling whose benefits exceed the costs, Member States shall take adequate measures for efficient district heating and cooling infrastructure to be developed and/or to accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with paragraphs 1, 5, and 7.

Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 do not identify a potential whose benefits exceed the costs, including the administrative costs of carrying out the cost-benefit analysis referred to in paragraph 5, the Member State concerned may exempt installations from the requirements laid down in that paragraph.

5. Member States shall ensure that a cost-benefit analysis in accordance with Part 2 of Annex IX is carried out when, after 5 June 2014:

(a) a new thermal electricity generation installation with a total thermal input exceeding 20 MW is planned, in order to assess the cost and benefits of providing for the operation of the installation as a high-efficiency cogeneration installation;

(b) an existing thermal electricity generation installation with a total thermal input exceeding 20 MW is substantially refurbished, in order to assess the cost and benefits of converting it to high-efficiency cogeneration;

(c) an industrial installation with a total thermal input exceeding 20 MW generating waste heat at a useful temperature level is planned or substantially refurbished, in order to assess the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network;

(d) a new district heating and cooling network is planned or in an existing district heating or cooling network a new energy production installation with a total thermal input exceeding 20 MW is planned or an existing such installation is to be substantially refurbished, in order to assess the cost and benefits of utilising the waste heat from nearby industrial installations.

The fitting of equipment to capture carbon dioxide produced by a combustion installation with a view to its being geologically stored as provided for in Directive 2009/31/EC shall not be considered as refurbishment for the purpose of points (b), (c) and (d) of this paragraph.

Member States may require the cost-benefit analysis referred to in points (c) and (d) to be carried out in cooperation with the companies responsible for the operation of the district heating and cooling networks.

6. Member States may exempt from paragraph 5:

(a) those peak load and back-up electricity generating installations which are planned to operate under 1500 operating hours per year as a rolling average over a period of five years, based on a verification procedure established by the Member States ensuring that this exemption criterion is met;

(b) nuclear power installations;

(c) installations that need to be located close to a geological storage site approved under Directive 2009/31/EC.

Member States may also lay down thresholds, expressed in terms of the amount of available useful waste heat, the demand for heat or the distances between industrial installations and district heating networks, for exempting individual installations from the provisions of points (c) and (d) of paragraph 5.

Member States shall notify exemptions adopted under this paragraph to the Commission by 31 December 2013 and any subsequent changes to them thereafter.
7. Member States shall adopt authorisation criteria as referred to in Article 7 of Directive 2009/72/EC, or equivalent permit criteria, to:

(a) take into account the outcome of the comprehensive assessment referred to in paragraph 1;

(b) ensure that the requirements of paragraph 5 are fulfilled; and

(c) take into account the outcome of cost-benefit analysis referred to in paragraph 5.

8. Member States may exempt individual installations from being required, by the authorisation and permit criteria referred to in paragraph 7, to implement options whose benefits exceed their costs, if there are imperative reasons of law, ownership or finance for so doing. In these cases the Member State concerned shall submit a reasoned notification of its decision to the Commission within three months of the date of taking it.

9. Paragraphs 5, 6, 7 and 8 of this Article shall apply to installations covered by Directive 2010/75/EU without prejudice to the requirements of that Directive.

10. On the basis of the harmonised efficiency reference values referred to in point (f) of Annex II, Member States shall ensure that the origin of electricity produced from high-efficiency cogeneration can be guaranteed according to objective, transparent and non-discriminatory criteria laid down by each Member State. They shall ensure that this guarantee of origin complies with the requirements and contains at least the information specified in Annex X. Member States shall mutually recognise their guarantees of origin, exclusively as proof of the information referred to in this paragraph. Any refusal to recognise a guarantee of origin as such proof, in particular for reasons relating to the prevention of fraud, must be based on objective, transparent and non-discriminatory criteria. Member States shall notify the Commission of such refusal and its justification. In the event of refusal to recognise a guarantee of origin, the Commission may adopt a decision to compel the refusing party to recognise it, in particular with regard to objective, transparent and non-discriminatory criteria on which such recognition is based.


11. Member States shall ensure that any available support for cogeneration is subject to the electricity produced originating from high-efficiency cogeneration and the waste heat being effectively used to achieve primary energy savings. Public support to cogeneration and district heating generation and networks shall be subject to State aid rules, where applicable.

Article 15

Energy transformation, transmission and distribution

1. Member States shall ensure that national energy regulatory authorities pay due regard to energy efficiency in carrying out the regulatory tasks specified in Directives 2009/72/EC and 2009/73/EC regarding their decisions on the operation of the gas and electricity infrastructure.

Member States shall in particular ensure that national energy regulatory authorities, through the development of network tariffs and regulations, within the framework of Directive 2009/72/EC and taking into account the costs and benefits of each measure, provide incentives for grid operators to make available system services to network users permitting them to implement energy efficiency improvement measures in the context of the continuing deployment of smart grids.

Such systems services may be determined by the system operator and shall not adversely impact the security of the system.

For electricity, Member States shall ensure that network regulation and network tariffs fulfil the criteria in Annex XI, taking into account guidelines and codes developed pursuant to Regulation (EC) No 714/2009.

2. Member States shall ensure, by 30 June 2015, that:

(a) an assessment is undertaken of the energy efficiency potentials of their gas and electricity infrastructure, in particular regarding transmission, distribution, load management and interoperability, and connection to energy generating installations, including access possibilities for micro energy generators;

(b) concrete measures and investments are identified for the introduction of cost-effective energy efficiency improvements in the network infrastructure, with a timetable for their introduction.

3. Member States may permit components of schemes and tariff structures with a social aim for net-bound energy transmission and distribution, provided that any disruptive effects on the transmission and distribution system are kept to the minimum necessary and are not disproportionate to the social aim.
4. Member States shall ensure the removal of those incentives in transmission and distribution tariffs that are detrimental to the overall efficiency (including energy efficiency) of the generation, transmission, distribution and supply of electricity or those that might hamper participation of demand response, in balancing markets and ancillary services procurement. Member States shall ensure that network operators are incentivised to improve efficiency in infrastructure design and operation, and, within the framework of Directive 2009/72/EC, that tariffs allow suppliers to improve consumer participation in system efficiency, including demand response, depending on national circumstances.

5. Member States shall take steps to ensure network operators are incentivised to improve efficiency in infrastructure design and operation, and, within the framework of Directive 2009/72/EC, that tariffs allow suppliers to improve consumer participation in system efficiency, including demand response, depending on national circumstances.

6. Subject to the requirements relating to the maintenance of the reliability and safety of the grid, Member States shall take the appropriate steps to ensure that, where this is technically and economically feasible with the mode of operation of the high-efficiency cogeneration installation, high-efficiency cogeneration operators can offer balancing services and other operational services at the level of transmission system operators or distribution system operators. Transmission system operators and distribution system operators shall ensure that such services are part of a services bidding process which is transparent, non-discriminatory and open to scrutiny.

Where appropriate, Member States may require transmission system operators and distribution system operators to encourage high-efficiency cogeneration to be sited close to areas of demand by reducing the connection and use-of-system charges.

7. Member States may allow producers of electricity from high-efficiency cogeneration wishing to be connected to the grid to issue a call for tender for the connection work.
9. When reporting under Directive 2010/75/EU, and without prejudice to Article 9(2) of that Directive, Member States shall consider including information on energy efficiency levels of installations undertaking the combustion of fuels with total rated thermal input of 50 MW or more in the light of the relevant best available techniques developed in accordance with Directive 2010/75/EU and Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (1).

Member States may encourage operators of installations referred to in the first subparagraph to improve their annual average net operational rates.

CHAPTER IV

HORIZONTAL PROVISIONS

Article 16

Availability of qualification, accreditation and certification schemes

1. Where a Member State considers that the national level of technical competence, objectivity and reliability is insufficient, it shall ensure that, by 31 December 2014, certification and/or accreditation schemes and/or equivalent qualification schemes, including, where necessary, suitable training programmes, become or are available for providers of energy services, energy audits, energy managers and installers of energy-related building elements as defined in Article 2(9) of Directive 2010/31/EU.

2. Member States shall ensure that the schemes referred to in paragraph 1 provide transparency to consumers, are reliable and contribute to national energy efficiency objectives.

3. Member States shall make publicly available the certification and/or accreditation schemes or equivalent qualification schemes referred to in paragraph 1 and shall cooperate among themselves and with the Commission on comparisons between, and recognition of, the schemes.

Member States shall take appropriate measures to make consumers aware of the availability of qualification and/or certification schemes in accordance with Article 18(1).

Article 17

Information and training

1. Member States shall ensure that information on available energy efficiency mechanisms and financial and legal frameworks is transparent and widely disseminated to all relevant market actors, such as consumers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in Directive 2010/31/EU.

Member States shall encourage the provision of information to banks and other financial institutions on possibilities of participating, including through the creation of public/private partnerships, in the financing of energy efficiency improvement measures.

2. Member States shall establish appropriate conditions for market operators to provide adequate and targeted information and advice to energy consumers on energy efficiency.

3. The Commission shall review the impact of its measures to support the development of platforms, involving, inter alia, the European social dialogue bodies in fostering training programmes for energy efficiency, and shall bring forward further measures if appropriate. The Commission shall encourage European social partners in their discussions on energy efficiency.

4. Member States shall, with the participation of stakeholders, including local and regional authorities, promote suitable information, awareness-raising and training initiatives to inform citizens of the benefits and practicalities of taking energy efficiency improvement measures.

5. The Commission shall encourage the exchange and wide dissemination of information on best energy efficiency practices in Member States.

**Article 18**

**Energy services**

1. Member States shall promote the energy services market and access for SMEs to this market by:

   (a) disseminating clear and easily accessible information on:

      (i) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers’ rights;

      (ii) financial instruments, incentives, grants and loans to support energy efficiency service projects;

   (b) encouraging the development of quality labels, inter alia, by trade associations;

   (c) making publicly available and regularly updating a list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 16, or providing an interface where energy service providers can provide information;

   (d) supporting the public sector in taking up energy service offers, in particular for building refurbishment, by:

      (i) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII;
(ii) providing information on best practices for energy performance contracting, including, if available, cost-benefit analysis using a life-cycle approach.

2. Member States shall support the proper functioning of the energy services market, where appropriate, by:

(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;

(b) taking, if necessary, measures to remove the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;

(c) considering putting in place or assigning the role of an independent mechanism, such as an ombudsman, to ensure the efficient handling of complaints and out-of-court settlement of disputes arising from energy service contracts;

(d) enabling independent market intermediaries to play a role in stimulating market development on the demand and supply sides.

3. Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions.

Article 19

Other measures to promote energy efficiency

1. Member States shall evaluate and if necessary take appropriate measures to remove regulatory and non-regulatory barriers to energy efficiency, without prejudice to the basic principles of the property and tenancy law of the Member States, in particular as regards:

(a) the split of incentives between the owner and the tenant of a building or among owners, with a view to ensuring that these parties are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them, including national rules and measures regulating decision-making processes in multi-owner properties;
(b) legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making investments in improving energy efficiency and minimising expected life-cycle costs and from using energy performance contracting and other third-party financing mechanisms on a long-term contractual basis.

Such measures to remove barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures. The measures may be combined with the provision of education, training and specific information and technical assistance on energy efficiency.

2. The evaluation of barriers and measures referred to in paragraph 1 shall be notified to the Commission in the first National Energy Efficiency Action Plan referred to in Article 24(2). The Commission shall encourage the sharing of national best practices in this regard.

Article 20

Energy Efficiency National Fund, Financing and Technical Support

1. Without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, Member States shall facilitate the establishment of financing facilities, or use of existing ones, for energy efficiency improvement measures to maximise the benefits of multiple streams of financing.

2. The Commission shall, where appropriate, directly or via the European financial institutions, assist Member States in setting up financing facilities and technical support schemes with the aim of increasing energy efficiency in different sectors.

3. The Commission shall facilitate the exchange of best practice between the competent national or regional authorities or bodies, e.g. through annual meetings of the regulatory bodies, public databases with information on the implementation of measures by Member States, and country comparison.

3a. Chun maoimhí priobháideach a shlógadh i gcomhar bearta éifeachtúilacht fuinnimh agus atóchóirí fuinnimh, i gcomhcheart le Treoir 2010/31/AE, beidh idirphlé ag an gCoimisiún le hainstitiúidí airgeadais poiblí agus priobháideacha ar aon chun gniomhaochtait a bhfheadháidh sé dul ina mbun a leagan amach.

3b. Áireofar na nithe seo a leanas sna gniomhaochtait dá dtagraitear i mír 3a:

(a) infheistíocht chaipitil a shlógadh in éifeachtúilacht fuinnimh tri thionchar níos leithne coigiltis fuinnimh a chur san áireamh le haghaidh bainistíú riosca airgeadais.
M3

(b) sonraí feidhmiochta fuinnimh agus airgeadais níos fearr a áiríthiú tríd an méid seo a leanas:

(i) tuilleadh scrúdaithe a dhéanamh ar an mbealach a gcuireann infheistiochtai éifeachátúlachta fuinnimh le luachanna sócmhainní bunúsacha;

(ii) tacú le staidéir chun measúnú a dhéanamh ar luach airgid a chur ar thairbhí neamhfuinnimh infheistiochtai éifeachátúlachta fuinnimh.

3c. Chun maoiniú priobháideach na mbeart éifeachátúlachta fuinnimh agus an athchóirithe fuinnimh a shlógadh, déanfaidh na Ballstáit an méid seo a leanas ag an Treoir seo á cur chun feidhme acu:

(a) féachfaidh siad faoi bhealaí chun úsáid níos fearr a bhaint as iniúchtaí fuinnimh faoi Airteagal 8 chun tionchar a imirt ar chinnteoireacht;

(b) bainfidh siad an úsáid is fearr is féidir as na féidearthachtaí agus na huirlíse a mholtar sa tionscnamh dar teideal airgeadas cliste d'fhóirgnimh cliste.

3d. Faoin 1 Eanáir 2020, cuirfidh an Coimisiún treoir ar fáil do na Ballstáit i ndáil leis an mbealach chun leas a bhaint as infeisteocht priobháideach.

B

4. Member States may set up an Energy Efficiency National Fund. The purpose of this fund shall be to support national energy efficiency initiatives.

5. Member States may allow for the obligations set out in Article 5(1) to be fulfilled by annual contributions to the Energy Efficiency National Fund of an amount equal to the investments required to achieve those obligations.

6. Member States may provide that obligated parties can fulfil their obligations set out in Article 7(1) by contributing annually to the Energy Efficiency National Fund an amount equal to the investments required to achieve those obligations.

7. Member States may use their revenues from annual emission allocations under Decision No 406/2009/EC for the development of innovative financing mechanisms to give practical effect to the objective in Article 5 of improving the energy performance of buildings.

Article 21

Conversion factors

For the purpose of comparison of energy savings and conversion to a comparable unit, the conversion factors set out in Annex IV shall apply unless the use of other conversion factors can be justified.
CHAPTER V

FINAL PROVISIONS

Article 22

Delegated acts

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 23 to review the harmonised efficiency reference values referred to in the second subparagraph of Article 14(10).

2. Tugtar de chumhacht don Choimisiún gniomharta tarmligthe a ghlacadh i gcomhréir le hAirteagal 23 chun an Treoir seo a leasú trí na luachanna, na modhanna ríomha, an chomhéifeacht réamhshocraithe fuinnimh príomhúil agus na ceanglais atá in Iarscibhinní I go V, VII go X, agus XII a oiriúnú don dul chun cinn teicniúil.

Article 23

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. Déanfar an chumhacht chun gníomharta tarmligthe a ghlacadh dá dtagraitear in Airteagal 22 a thabhairt don Choimisiún go ceann tríimhse cúig bliana amhail ón 24 Nollaig 2018. Déanfadh an Coimisiún, tríath nach déanai ná nóímhoneachadh na tríimhse cúig bliana, tuarascáil a tharraingt suas maidir le tamhilean na cumhachta. Déanfar tamhilean na cumhacht a fhadú go hintuith e go ceann tríimhse comhfhaid, mura rud é go gcuireann Parlaimint na hÉorpa nó an Chomhairle in aghaidh an fhadaithe sin tríú mhí roimh dheireadh gach tríimhse.

3. The delegation of power referred to in Article 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

3a. Roimh dó gníomh tamhligthe a ghlacadh, rachaidh an Coimisiún i mbun comhairliúcháin le saíneolaithe arna n-aimmnú ag gach Ballstát i gcomhréir leis na prionsabail a leagtar síos i gComhaontú Idirlíntiúideach an 13 Aibreáin 2016 maidir le Reachtóireacht Níos Fearr (').

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(') 0L 123, 12.5.2016, p. 1.
5. A delegated act adopted pursuant to Article 22 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 24

Review and monitoring of implementation

5a. I gcomhthéacs na tuarascála ar Staid an Aontais Fuinnimh, tabhairfaidh an Coimisiún tuairisc ar theidhmí an mhargaidh carbóin i gcomhréir le hAirteagal 35(1) agus le pointe (c) d'Airteagal 35(2) de Rialachán (AE) 2018/1999, agus an tionchar a bhíonn ag cur chun feidhme na Treorach sin á chur san áireamh.

5. The Commission shall review the continued need for the possibility of exemptions set out in Article 14(6) for the first time in the assessment of the first National Energy Efficiency Action Plan and every three years thereafter. Where the review shows that any of the criteria for these exemptions can no longer be justified taking into account the availability of heat load and the real operating conditions of the exempted installations, the Commission shall propose appropriate measures.

6. Member States shall submit to the Commission before 30 April each year statistics on national electricity and heat production from high and low efficiency cogeneration, in accordance with the methodology shown in Annex I, in relation to total heat and electricity production. They shall also submit annual statistics on cogeneration heat and electricity capacities and fuels for cogeneration, and on district heating and cooling production and capacities, in relation to total heat and electricity production and capacities. Member States shall submit statistics on primary energy savings achieved by application of cogeneration in accordance with the methodology shown in Annex II.

7. By 30 June 2014 the Commission shall submit the assessment referred to in Article 3(2) to the European Parliament and to the Council, accompanied, if necessary, by proposals for further measures.
8. The Commission shall review the effectiveness of the implementation of Article 6 by 5 December 2015, taking into account the requirements laid down in Directive 2004/18/EC and shall submit a report to the European Parliament and the Council. That report shall be accompanied, if appropriate, by proposals for further measures.

9. By 30 June 2016, the Commission shall submit a report to the European Parliament and the Council on the implementation of Article 7. That report shall be accompanied, if appropriate, by a legislative proposal for one or more of the following purposes:

(a) to change the final date laid down in Article 7(1);

(b) to review the requirements laid down in Article 7(1), (2) and (3);

(c) to establish additional common requirements, in particular as regards the matters referred to in Article 7(7).

10. By 30 June 2018, the Commission shall assess the progress made by Member States in removing the regulatory and non-regulatory barriers referred to in Article 19(1). This assessment shall be followed, if appropriate, by proposals for further measures.
15. Faoin 28 Feabhra 2024, agus gach cúig bliain ina dhiaidh sin, déanfaidh an Coimisiún meastóireacht ar an Treoir seo agus cuirfidh sé tuarascáil faoi bhráid Pharlainmínt na hEorpa agus na Comhairle.

Áireofar sa mheastóireacht sin:

(a) scrúdú ar cibé acu a oiriúnófar nó nach n-oiriúnófar, tar éis 2030, na ceanglais agus an cur chuige malartach a leagtar síos in Airteagal 5;

(b) measúnú ar a éifeachtaí atá an Treoir seo i gcoitinne agus ar a riachtanai atá sé beartas an Aontais a choigear thúilleadh i gcormhréir le cuspoirí Chomhaontú Pháras 2015 maidir leis an athrú aeráide a tháinig i ndiaidh 21ú Comhdháil na bPáirtithe ar an Athrú Aeráide (1) agus i bhfianaise forbairtí eacnamaíocha agus nuálacha.

Beidh tograí reachtacha i gcomhair bearta breise ag gabháil leis an tuarascáil sin, más iomchuí.

▼

Article 25

Online platform

The Commission shall establish an online platform in order to foster the practical implementation of this Directive at national, regional and local levels. That platform shall support the exchange of experiences on practices, benchmarking, networking activities, as well as innovative practices.

Article 26

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 27

Amendments and repeals

1. Directive 2006/32/EC is repealed from 5 June 2014, except for Article 4(1) to (4) thereof and Annexes I, III and IV thereto, without prejudice to the obligations of the Member States relating to the time-limit for its transposition into national law. Article 4(1) to (4) of, and Annexes I, III and IV to Directive 2006/32/EC shall be repealed with effect from 1 January 2017.

Directive 2004/8/EC is repealed from 5 June 2014, without prejudice to the obligations of the Member States relating to the time-limit for its transposition into national law.

References to Directives 2006/32/EC and 2004/8/EC shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex XV.

(1) IO L 282, 19.10.2016, lch. 4.
2. Article 9(1) and (2) of Directive 2010/30/EU is deleted from 5 June 2014.

3. Directive 2009/125/EC is amended as follows:

(1) the following recital is inserted:

‘(35a) Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (*) requires Member States to set energy performance requirements for building elements that form part of the building envelope and system requirements in respect of the overall energy performance, the proper installation, and the appropriate dimensioning, adjustment and control of the technical building systems which are installed in existing buildings. It is consistent with the objectives of this Directive that these requirements may in certain circumstances limit the installation of energy-related products which comply with this Directive and its implementing measures, provided that such requirements do not constitute an unjustifiable market barrier.

(*) OJ L 153, 18.6.2010, p. 13.’;

(2) the following sentence is added to the end of Article 6(1):

‘This shall be without prejudice to the energy performance requirements and system requirements set by Member States in accordance with Article 4(1) and Article 8 of Directive 2010/31/EU.’.

Article 28

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 5 June 2014.

Notwithstanding the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4, the first subparagraph of Article 5(1), Article 5(5), Article 5(6), the last subparagraph of Article 7(9), Article 14(6), Article 19(2), Article 24(1) and Article 24(2) and point (4) of Annex V by the dates specified therein.

They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
Article 29

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 30

Addressees

This Directive is addressed to the Member States.
ANNEX I

GENERAL PRINCIPLES FOR THE CALCULATION OF ELECTRICITY FROM COGENERATION

Part I

General principles

Values used for calculation of electricity from cogeneration shall be determined on the basis of the expected or actual operation of the unit under normal conditions of use. For micro-cogeneration units the calculation may be based on certified values.

(a) Electricity production from cogeneration shall be considered equal to total annual electricity production of the unit measured at the outlet of the main generators;

(i) in cogeneration units of types (b), (d), (e), (f), (g) and (h) referred to in Part II with an annual overall efficiency set by Member States at a level of at least 75 %, and

(ii) in cogeneration units of types (a) and (c) referred to in Part II with an annual overall efficiency set by Member States at a level of at least 80 %.

(b) In cogeneration units with an annual overall efficiency below the value referred to in point (i) of point (a) (cogeneration units of types (b), (d), (e), (f), (g), and (h) referred to in Part II) or with an annual overall efficiency below the value referred to in point (ii) of point (a) (cogeneration units of types (a) and (c) referred to in Part II) cogeneration is calculated according to the following formula:

\[ E_{CHP} = H_{CHP} \times C \]

where:

- \( E_{CHP} \) is the amount of electricity from cogeneration;
- \( C \) is the power-to-heat ratio;
- \( H_{CHP} \) is the amount of useful heat from cogeneration (calculated for this purpose as total heat production minus any heat produced in separate boilers or by live steam extraction from the steam generator before the turbine).

The calculation of electricity from cogeneration must be based on the actual power-to-heat ratio. If the actual power-to-heat ratio of a cogeneration unit is not known, the following default values may be used, in particular for statistical purposes, for units of types (a), (b), (c), (d) and (e) referred to in Part II provided that the calculated cogeneration electricity is less or equal to total electricity production of the unit:

<table>
<thead>
<tr>
<th>Type of the unit</th>
<th>Default power-to-heat ratio, C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined cycle gas turbine with heat recovery</td>
<td>0,95</td>
</tr>
<tr>
<td>Steam back pressure turbine</td>
<td>0,45</td>
</tr>
<tr>
<td>Steam condensing extraction turbine</td>
<td>0,45</td>
</tr>
<tr>
<td>Gas turbine with heat recovery</td>
<td>0,55</td>
</tr>
<tr>
<td>Internal combustion engine</td>
<td>0,75</td>
</tr>
</tbody>
</table>
If Member States introduce default values for power-to-heat ratios for units of types (f), (g), (h), (i), (j) and (k) referred to in Part II, such default values shall be published and shall be notified to the Commission.

(c) If a share of the energy content of the fuel input to the cogeneration process is recovered in chemicals and recycled this share can be subtracted from the fuel input before calculating the overall efficiency used in points (a) and (b).

(d) Member States may determine the power-to-heat ratio as the ratio of electricity to useful heat when operating in cogeneration mode at a lower capacity using operational data of the specific unit.

(e) Member States may use other reporting periods than one year for the purpose of the calculations according to points (a) and (b).

Part II

Cogeneration technologies covered by this Directive

(a) Combined cycle gas turbine with heat recovery
(b) Steam back pressure turbine
(c) Steam condensing extraction turbine
(d) Gas turbine with heat recovery
(e) Internal combustion engine
(f) Microturbines
(g) Stirling engines
(h) Fuel cells
(i) Steam engines
(j) Organic Rankine cycles
(k) Any other type of technology or combination thereof falling under the definition laid down in Article 2(30).


ANNEX II

METHODOLOGY FOR DETERMINING THE EFFICIENCY OF THE COGENERATION PROCESS

Values used for calculation of efficiency of cogeneration and primary energy savings shall be determined on the basis of the expected or actual operation of the unit under normal conditions of use.

(a) High-efficiency cogeneration

For the purpose of this Directive high-efficiency cogeneration shall fulfil the following criteria:

— cogeneration production from cogeneration units shall provide primary energy savings calculated according to point (b) of at least 10% compared with the references for separate production of heat and electricity,

— production from small-scale and micro-cogeneration units providing primary energy savings may qualify as high-efficiency cogeneration.

(b) Calculation of primary energy savings

The amount of primary energy savings provided by cogeneration production defined in accordance with Annex I shall be calculated on the basis of the following formula:

\[
PES = \left(1 - \frac{1}{\frac{\text{CHPH}_\eta}{\text{RefH}_\eta} + \frac{\text{CHPE}_\eta}{\text{RefE}_\eta}}\right) \times 100\%
\]

Where:

PES is primary energy savings.

CHP \_H\_\eta is the heat efficiency of the cogeneration production defined as annual useful heat output divided by the fuel input used to produce the sum of useful heat output and electricity from cogeneration.

Ref \_H\_\eta is the efficiency reference value for separate heat production.

CHP \_E\_\eta is the electrical efficiency of the cogeneration production defined as annual electricity from cogeneration divided by the fuel input used to produce the sum of useful heat output and electricity from cogeneration. Where a cogeneration unit generates mechanical energy, the annual electricity from cogeneration may be increased by an additional element representing the amount of electricity which is equivalent to that of mechanical energy. This additional element does not create a right to issue guarantees of origin in accordance with Article 14(10).

Ref \_E\_\eta is the efficiency reference value for separate electricity production.

(c) Calculations of energy savings using alternative calculation

Member States may calculate primary energy savings from a production of heat and electricity and mechanical energy as indicated below without applying Annex I to exclude the non-cogenerated heat and electricity parts of the same process. Such a production can be regarded as high-efficiency cogeneration provided it fulfils the efficiency criteria in point (a) of this Annex and, for cogeneration units with an electrical capacity larger than...
25 MW, the overall efficiency is above 70%. However, specification of the quantity of electricity from cogeneration produced in such a production, for issuing a guarantee of origin and for statistical purposes, shall be determined in accordance with Annex I.

If primary energy savings for a process are calculated using alternative calculation as indicated above the primary energy savings shall be calculated using the formula in point (b) of this Annex replacing: ‘CHP Hη’ with ‘Hη’ and ‘CHP Eη’ with ‘Eη’, where:

Hη shall mean the heat efficiency of the process, defined as the annual heat output divided by the fuel input used to produce the sum of heat output and electricity output.

Eη shall mean the electricity efficiency of the process, defined as the annual electricity output divided by the fuel input used to produce the sum of heat output and electricity output. Where a cogeneration unit generates mechanical energy, the annual electricity from cogeneration may be increased by an additional element representing the amount of electricity which is equivalent to that of mechanical energy. This additional element will not create a right to issue guarantees of origin in accordance with Article 14(10).

(d) Member States may use other reporting periods than one year for the purpose of the calculations according to points (b) and (c) of this Annex.

(e) For micro-cogeneration units the calculation of primary energy savings may be based on certified data.

(f) Efficiency reference values for separate production of heat and electricity

The harmonised efficiency reference values shall consist of a matrix of values differentiated by relevant factors, including year of construction and types of fuel, and must be based on a well-documented analysis taking, inter alia, into account data from operational use under realistic conditions, fuel mix and climate conditions as well as applied cogeneration technologies.

The efficiency reference values for separate production of heat and electricity in accordance with the formula set out in point (b) shall establish the operating efficiency of the separate heat and electricity production that cogeneration is intended to substitute.

The efficiency reference values shall be calculated according to the following principles:

1. For cogeneration units the comparison with separate electricity production shall be based on the principle that the same fuel categories are compared.

2. Each cogeneration unit shall be compared with the best available and economically justifiable technology for separate production of heat and electricity on the market in the year of construction of the cogeneration unit.

3. The efficiency reference values for cogeneration units older than 10 years of age shall be fixed on the reference values of units of 10 years of age.

4. The efficiency reference values for separate electricity production and heat production shall reflect the climatic differences between Member States.
ENERGY EFFICIENCY REQUIREMENTS FOR PURCHASING PRODUCTS, SERVICES AND BUILDINGS BY CENTRAL GOVERNMENT

Central governments that purchase products, services or buildings, insofar as this is consistent with cost-effectiveness, economical feasibility, wider sustainability, technical suitability, as well as sufficient competition, shall:

(a) where a product is covered by a delegated act adopted under Directive 2010/30/EU or by a related Commission implementing directive, purchase only the products that comply with the criterion of belonging to the highest energy efficiency class possible in the light of the need to ensure sufficient competition;

(b) where a product not covered under point (a) is covered by an implementing measure under Directive 2009/125/EC adopted after the entry into force of this Directive, purchase only products that comply with energy efficiency benchmarks specified in that implementing measure;

(c) purchase office equipment products covered by Council Decision 2006/1005/EC of 18 December 2006 concerning conclusion of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment (¹) that comply with energy efficiency requirements not less demanding than those listed in Annex C to the Agreement attached to that Decision;

(d) purchase only tyres that comply with the criterion of having the highest fuel energy efficiency class, as defined by Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (²). This requirement shall not prevent public bodies from purchasing tyres with the highest wet grip class or external rolling noise class where justified by safety or public health reasons;

(e) require in their tenders for service contracts that service providers use, for the purposes of providing the services in question, only products that comply with the requirements referred to in points (a) to (d), when providing the services in question. This requirement shall apply only to new products purchased by service providers partially or wholly for the purpose of providing the service in question;

(f) purchase, or make new rental agreements for, only buildings that comply at least with the minimum energy performance requirements referred to in Article 5(1) unless the purpose of the purchase is:

(i) to undertake deep renovation or demolition;

(ii) in the case of public bodies, to re-sell the building without using it for public body’s own purposes; or

(iii) to preserve it as a building officially protected as part of a designated environment, or because of its special architectural or historical merit.

Compliance with these requirements shall be verified by means of the energy performance certificates referred to in Article 11 of Directive 2010/31/EU.

### ENERGY CONTENT OF SELECTED FUELS FOR END USE – CONVERSION TABLE (\(^1\))

<table>
<thead>
<tr>
<th>Energy commodity</th>
<th>kJ (NCV)</th>
<th>kgoe (NCV)</th>
<th>kWh (NCV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 kg coke</td>
<td>28,500</td>
<td>0,676</td>
<td>7,917</td>
</tr>
<tr>
<td>1 kg hard coal</td>
<td>17,200 — 30,700</td>
<td>0,411 — 0,733</td>
<td>4,778 — 8,528</td>
</tr>
<tr>
<td>1 kg brown coal briquettes</td>
<td>20,000</td>
<td>0,478</td>
<td>5,556</td>
</tr>
<tr>
<td>1 kg black lignite</td>
<td>10,500 — 21,000</td>
<td>0,251 — 0,502</td>
<td>2,917 — 5,833</td>
</tr>
<tr>
<td>1 kg brown coal</td>
<td>5,600 — 10,500</td>
<td>0,134 — 0,251</td>
<td>1,556 — 2,917</td>
</tr>
<tr>
<td>1 kg oil shale</td>
<td>8,000 — 9,000</td>
<td>0,191 — 0,215</td>
<td>2,222 — 2,500</td>
</tr>
<tr>
<td>1 kg peat</td>
<td>7,800 — 13,800</td>
<td>0,186 — 0,330</td>
<td>2,167 — 3,833</td>
</tr>
<tr>
<td>1 kg peat briquettes</td>
<td>16,000 — 16,800</td>
<td>0,382 — 0,401</td>
<td>4,444 — 4,667</td>
</tr>
<tr>
<td>1 kg residual fuel oil (heavy oil)</td>
<td>40,000</td>
<td>0,955</td>
<td>11,111</td>
</tr>
<tr>
<td>1 kg light fuel oil</td>
<td>42,300</td>
<td>1,010</td>
<td>11,750</td>
</tr>
<tr>
<td>1 kg motor spirit (petrol)</td>
<td>44,000</td>
<td>1,051</td>
<td>12,222</td>
</tr>
<tr>
<td>1 kg paraffin</td>
<td>40,000</td>
<td>0,955</td>
<td>11,111</td>
</tr>
<tr>
<td>1 kg liquefied petroleum gas</td>
<td>46,000</td>
<td>1,099</td>
<td>12,778</td>
</tr>
<tr>
<td>1 kg natural gas ((^1))</td>
<td>47,200</td>
<td>1,126</td>
<td>13,10</td>
</tr>
<tr>
<td>1 kg liquefied natural gas</td>
<td>45,190</td>
<td>1,079</td>
<td>12,553</td>
</tr>
<tr>
<td>1 kg wood (25 % humidity) ((^2))</td>
<td>13,800</td>
<td>0,330</td>
<td>3,833</td>
</tr>
<tr>
<td>1 kg pellets/wood bricks</td>
<td>16,800</td>
<td>0,401</td>
<td>4,667</td>
</tr>
<tr>
<td>1 kg waste</td>
<td>7,400 — 10,700</td>
<td>0,177 — 0,256</td>
<td>2,056 — 2,972</td>
</tr>
<tr>
<td>1 MJ derived heat</td>
<td>1,000</td>
<td>0,024</td>
<td>0,278</td>
</tr>
<tr>
<td>1 kWh electrical energy</td>
<td>3,600</td>
<td>0,086</td>
<td>1 ((^3))</td>
</tr>
</tbody>
</table>

Source: Eurostat.

\(^1\) Member States may apply other values depending on the type of wood most used in the respective Member State.

\(^2\) Member States may apply different conversion factors if these can be justified.
IARSCRÍBHINN V

Modhanna comhchoiteanna agus prionsabail chomhchoiteanna chun tionchar scéimeanna um oibleagáid éifeachtúlacha fuinnimh nó beart beartais elle faoi Aireteagal 7, 7a agus 7b agus Aireteagal 20(6) a thomhas:

1. Modhanna chuineilteas fuinnimh seachas iad siúd a eascraíonn ó bhearta cánachais chun crioche Aireteagal 7, 7a agus 7b agus Aireteagal 20(6) a riomh.

Féadfaidh páirtithe faoi oibleagáid, páirtithe rannpháirteacha nó páirtithe ar cuireadh cúram orthu, nó údaráis poibli cur chun feidhme, feidhm a bhaint as na modhanna seo a leanas chuineilteas fuinnimh a riomh:

(a) coigilteas measta, mar thagairt do na torthaí ar fheabhsuithe fuinnimh a ndearnadh faireachán neamhspleách orthu cheana i suiteálacha comhchósula. Tugtar “ex ante” ar an gcur chuige cineálach;

(b) coigilteas méadraithe, ina ndéantar an coigilteas ó shuiteál beart, nó pacáiste de bhearta, a chinneadh tríd an laghdú iarbhír ar úsáid fuinnimh a thaifeadadh, agus aird chuí á tabhairt ar fhachtóirí amháin breisicocht, áitiocht, leibhéal táirgeachta agus ag an aimsir a d'fhéadfaidh tionchar a imirt ar thomhaltas. Tugtar “ex post” ar an gcur chuige cineálach;

(c) coigilteas scálaithe, ina n-úsáidtear meastacháin innealtói reachta ar coigilteas. Ní fhéadfar feidhm a bhaint as an gcur chuige sin ach amháin i gcás ina bhfuil sé deacair nó go díreach daor sonraí tomhais te láidre i gcomhair suiteáil chun a chinneadh cad é an coigilteas is féidir a éileamh mar coigilteas breise, tabharfaidh idh na Ballstáit dá n-aire an chaoi a bhforbódh úsáid fuinnimh agus toimhaltas fuinnimh in éagmais an bheart beartais faoi thréacht trí tuilleadh tri a chur i gcás ina bhfuil sé deacair nó go díreach daor sonraí tomhais te láidre i gcomhair suiteáil a ábhar aige air féin.

2. Nuair a bheidh an coigilteas fuinnimh do bheart éifeachtúlacha fuinnimh a chinneadh chun crioche Aireteagal 7, 7a agus 7b agus Aireteagal 20(6), beidh feidhm ag na prionsabail seo a leanas:

(a) Taispeánfar go bhfuil an coigilteas sa bhreis ar an gcoigilteas a bheadh ann ar aon chaoi gan gníomhaiocht na bpáirtithe faoi oibleagáid, na bpáirtithe rannpháirteacha nó na bpáirtithe ar cuireadh cúram orthu nó na n-údaráis poibli cur chun feidhme. Chun a criocheadh cad é an coigilteas is féidir a eileamh mar coigilteas breise, tabharfaidh na Ballstáit dá n-aire an chaoi a bhforbódh úsáid fuinnimh agus toimhaltas fuinnimh in éagmais an bhírt beartais faoi thréacht trí a chur iomair tri a chur i gcás ina bhfuil sé deacair nó go díreach daor sonraí tomhais te láidre i gcomhair suiteáil a ábhar aige air féin.

(b) Measfar gur coigilteas a bheadh ann ar aon nós coigilteas a eascraíonn ó chuimh feidhme dhil éigeanacht an Aontais, agus, ar an gcéas sin, ní dhéanfar é a eileamh mar coigilteas fuinnimh chun críche Aireteagal 7(1).

De mhaolú ar an gcéas sin, coigilteas atá bainteach le hathóirí foirgneamh atá ann cheana, féadfaí é a eileamh mar coigilteas fuinnimh chun críche Aireteagal 7(1), ar choiinnilí go n-áirithitear an crítheá bhaíthighachta dá dtagraitear i bpointe 3(h) den Iarscríbhinn seo. Coigilteas a eascraíonn ó chuimh feidhme dhil éigeanacht an dtagraitear i bpointe 3(h) den Iarscríbhinn seo. Coigilteas a eascraíonn ó chuimh feidhme dhil éigeanacht an dtagraitear i bpointe 3(h) den Iarscríbhinn seo. Coigilteas a eascraíonn ó chuimh feidhme dhil éigeanacht an dtagraitear i bpointe 3(h) den Iarscríbhinn seo.
(c) Ní féidir creidimeas a thabhairt ach amhain do choigilteas a théann thar na leithéid seo a leanas:

(i) Caighdeáin feidhmiochta d'astaíochtaí an Aontais le haghaidh gluaisteáin uaithe agus feithiclí tráchtála éadroma nuair é Mhair 443/2009 (1) agus (AE) Uimh. 510/2011 (2) ó Pharlaimint na hEorpa agus ón gComhairle a chur chun feidhme;

(ii) Ceanglaí an Aontais maidir le táirgí áirithe a bhfuil bheith iníon a fuinéamh a baint don mhargadh tar éis na bearta cur chun feidhme faoi Threoir 2009/125/CE a chur chun feidhme.

(d) Ceadófar beartais a bhfuil mar chuspóir leibhéil níos aird do chuid teicneolaíochtaí fuinneamh in-athnuaite ar mionscála chun cinn ar fhóirgnimh nó in bhfoirgnimh, féadfaidh siad a bheith in chiall i bhfeidhm tar éis na bearta cur chun feidhme.

(e) Bearta lena gcuirtear suiteáil teicneolaíochtaí fuinneamh in-athnuaite ar mionscála chun cinn ar fhóirgnimh nó in bhfoirgnimh, féadfaidh s iad a bheith incháilithe a bheith cumhachtaí agus agus breoslai, forghnimitheachtaí agus gnéithe tógálta, próisis nó margaí.

(f) Le haghaidh beartais lena gcuirtear dlús le glacadh táirgí agus feithiclí níos éifeachtúla, féadfaidh creidimeas iomlán a éileamh, ar choin níoll go dtáil an ghlacadh sin.

(g) Agus glacadh beart íomhánú a ceann tréimhse ón 31 Nollaig 2020 nó an 31 Nollaig 2030, de réir mar is iomchuí, a chomhaireamh. Mura ndéanann an t-eolaí aonraithe do an t-áiríteachtar a leathú, a thabhairt le gach gníomh aonair a chur chun feidhme.

(h) Chun éagsúlachtaí aeráide idir réigiúin a chur san tréimhse go dtí deireadh na saolré meánaí lena thabhairt isteach a chéile leis an ríomhaireachta ina dhiaidh sin.

(i) Déanfaidh ríomh an choigilteas fuinneamh amháin a bhfuil mar chuspóir leibhéil aithneachtaí do tháirgí, do cheisteachtaí beart a chur san tréimhse ón 31 Nollaig 2020 nó an 31 Nollaig 2030, de réir mar is iomchuí, a chomhaireamh.

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(1) Rialachán (AE) Uimh. 443/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 23 Aibreáin 2009 lena socraítear na caighdeáin feidhmiochtach maidir le haghaidh go bhfuiltear nuair é gluaisteáin uaithe agus achtai le feithiclí tráchtála éadroma nuair é haghaidh gluaisteáin uaithe agus achtai le feithiclí tráchtála éadroma nuair é.

(2) Rialachán (AE) Uimh. 510/2011 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Bealtaine 2011 lena socraítear na caighdeáin feidhmiochtach maidir le feithiclí tráchtála éadroma nuair é.
3. Áiritheoidh na Ballstáit go gcomhlíonfar na ceanglais seo a leanas do na bearta beartais arna nglacadh de bhun Airteagal 7b agus Airteagal 20(6):

(a) cruthaítear, leis na bearta beartais agus na gníomhaiochtaí aonair, coigilteas fuinnimh criochnóise a cuireann de aithriú.

(b) deantar freagrachtaí gach páirtí rannpháirtigh, gach páirtí ar cuireadh cúram air nó gach údaráis phoiblí cur chun feidhme, de réir mar is ábhartha, a shainmhintiú go soiléir;

(c) deantar an coigilteas fuinnimh a baineadh amach nó atá le baint amach a chinneadh ar bhealach tréidhreachach;

(d) slóintean an méid coigiltis fuinnimh a cheanglaítear faoin mbheart beartais nó atá le baint amach aige i dtomhailtas fuinnimh deiridh nó i dtomhailtas fuinnimh phríomhghníomhach, agus feidhm á baint as na fachtóirí coinbhéartachta a leagtar amach in lárscríbhinn IV;

(e) cuirtear ar fáil tuairisc fuinnimh a baineadh amach nó atá le baint amach i dtomhailtas fuinnimh deiridh nó i dtomhailtas fuinnimh phríomhghníomhach, a fuiltear a chhoisimh, a fuiltear a chfuiltear agus deantar i, mar aon le seo, a tharlaíonn fheidhm amach i dtomhailtas fuinnimh deiridh.

(f) faireachan a dhéanamh ar na torthaí agus bearta iomchuí a ghlacadh mura bhfuil an dul chun cinn sásúil;

(g) ní éilíonn níos mó ná aon pháirtí amháin an coigilteas fuinnimh ó ghníomhaiocht aonair;

(h) taispeánar go raibh gníomhaiocht a bhfuil le bheith coiriúla a bhaineadh amach ó leatfhlaith beartais de réir mar is éilítear.

4. Agus an coigilteas fuinnimh ó bhearta beartais atá bainteach le cánachas a tugadh isteach faoi Airteagal 7b á chinneadh, beidh feidhm ag n a prionsabail seo a leanas:

(a) ní thabharfadh creidmheas ach amháin do coigilteas fuinnimh ó bhearta cánachais a sháraíonn na híosleibhéil cánachais is infheidhme a dhéanann le bhearslaí mar a éiltear i dTreoir 2003/96/CE (1) nó 2006/112/CE (2) ón gComhairle;

(b) le praghslabhaisteachtaí chun tionscnamh ó bhearta cánach (fuinnimh) a riomh, léireofar freagrúlacht an éilimh fuinnimh d'athruithe pr aghsanna, agus déantar iad a mheasann ar bhonn fothnú i bhforbairt íocaíochta, ar sonrond iad atá ann le gairid;

(c) deantar an coigilteas fuinnimh ó hionstraimh beartais cánachais a ghabhann leo, lena n-síthe dheasachtaí fioscacha nó locaíochta chuíg ciste, a chuntasú ar leithligh.

5. Fógra i dtaoibh na modheolaíochta

Tabharfaidh na Ballstáit, i gcomhréir le Rialachán (AE) 2018/1999, fógra don Choiomisiúin faoin modheolaíocht mhionsonraíthe atá molta agus ar na scéimeanna um oibreachaíl éifeachtúilóchtaí fuinnimh agus na bearta ma léiriútha d'fhágtaítear in Airteagal 7a agus 7b agus Airteagal 20(6) a fhéidhmithe. Ach amhain i gcás cánachais, beidh sonraí faoi na nithe a bhfuil i bhfógra den sórt sin:

(a) leibhéal an choigilteas fuinnimh a cheanglaítear faoi phointe (b) den chéad fhomhír d'Airteagal 7(1) nó an coigilteas a bhfuiltear ag súil lena bhaint amach thar an tríomhse ar fad ón 1 Eanáir 2021 go dtí an 31 Nollaig 2030;
(b) na páiritrí faoi oibleagáid, na páiritrí ranpháirteacha nó na páiritrí ar cuireadh cúram orthu, nó na húdaráis phoiblí cur chun feidhme;

(c) na hearannálaí spríce;

(d) bearta beartais agus gniomhaiochtai aonair, lena n-áirítear an méid iomlán de choigilteas carnach fuinmigh lena bhfuiltear ag súil le haghaidh gach birt;

(e) fad na tréimhse oibleagáide do na scéimeanna um oibleagáid éifeachtúlachta fuinmigh;

(f) na gniomhaiochtai dá bhforaítear leis an mbeart beartais;

(g) modheolaíocht an ríomha, lena n-áirítear conas a cinneadh an bhreisiocht agus an ábharthacht agus cé na modheolaíochtai agus na tagarmharcanna a úsáidtear le haghaidh coigilteas measta agus coigilteas scálaithhe;

(h) saolréanna na mbeart, agus conas a dhéantar iad a ríomh nó cad air a bhfuil siad bunaite;

(i) an cur chuige a ghlactar chun aghaidh a thabhairt ar éagsúlachtaí aeráide laistigh den Bhallstát;

(j) na córais faireacháin agus floraithe le haghaidh bearta faoi Airteagail 7a agus 7b agus conas a dhéantar a neamhspleáchas ó na páiritrí faoi oibleagáid, ó na páiritrí ranpháirteacha nó ó na páiritrí ar cuireadh cúram orthu á áirithe;

(k) i gcás cánachais:

   (i) na hearannálaí spríce agus scar na gcéiniócóirí;

   (ii) an t-údarás poiblí cur chun feidhme;

   (iii) an coigilteas a bhfuiltear ag súil lena bhaint amach;

   (iv) an fad a mhairfidh an beart cánachais; agus

   (v) an mhodheolaíocht ríofa, lena n-áirítear cén praghasleisteachas a úsáidtear agus conas a bunaíodh é.

▼M3
ANNEX VI

Minimum criteria for energy audits including those carried out as part of energy management systems

The energy audits referred to in Article 8 shall be based on the following guidelines:

(a) be based on up-to-date, measured, traceable operational data on energy consumption and (for electricity) load profiles;

(b) comprise a detailed review of the energy consumption profile of buildings or groups of buildings, industrial operations or installations, including transportation;

(c) build, whenever possible, on life-cycle cost analysis (LCCA) instead of Simple Payback Periods (SPP) in order to take account of long-term savings, residual values of long-term investments and discount rates;

(d) be proportionate, and sufficiently representative to permit the drawing of a reliable picture of overall energy performance and the reliable identification of the most significant opportunities for improvement.

Energy audits shall allow detailed and validated calculations for the proposed measures so as to provide clear information on potential savings.

The data used in energy audits shall be storable for historical analysis and tracking performance.
ANNEX VII

Na ceanglais iosta do bhilleáil agus d’fhaisnéis bhilleála bunaithe ar thomhaltas iarbhír gáis nádúrtha

1. Minimum requirements for billing

1.1. Billing based on actual consumption

In order to enable final customers to regulate their own energy consumption, billing should take place on the basis of actual consumption at least once a year, and billing information should be made available at least quarterly, on request or where the consumers have opted to receive electronic billing or else twice yearly. Gas used only for cooking purposes may be exempted from this requirement.

1.2. Minimum information contained in the bill

Member States shall ensure that, where appropriate, the following information is made available to final customers in clear and understandable terms in or with their bills, contracts, transactions, and receipts at distribution stations:

(a) current actual prices and actual consumption of energy;

(b) comparisons of the final customer’s current energy consumption with consumption for the same period in the previous year, preferably in graphic form;

(c) contact information for final customers’ organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures, comparative end-user profiles and objective technical specifications for energy-using equipment.

In addition, wherever possible and useful, Member States shall ensure that comparisons with an average normalised or benchmarked final customer in the same user category are made available to final customers in clear and understandable terms, in, with or signposted to within, their bills, contracts, transactions, and receipts at distribution stations.

1.3. Advice on energy efficiency accompanying bills and other feedback to final customers

When sending contracts and contract changes, and in the bills customers receive or through websites addressing individual customers, energy distributors, distribution system operators and retail energy sales companies shall inform their customers in a clear and understandable manner of contact information for independent consumer advice centres, energy agencies or similar institutions, including their internet addresses, where they can obtain advice on available energy efficiency measures, benchmark profiles for their energy consumption and technical specifications of energy using appliances that can serve to reduce the consumption of these appliances.
IARSCRÍBHINN VIIa

Na ceanglais íosta d’fhaisnéis bhilleála agus tomhaltais i gcás téimh, fuarú agus uisce te tí

1. An bhilleáil bunaithe ar thomhantas iarbhír nó léamha leithdháileoirí costais teasa

Dh’fhonn úsáideoirí deiridh a chumasú chuim a dtomhaltas fuinnimh féin a rialú, deánfar billeáil ar bhonn tomhantas iarbhír nó léamha leithdháileoirí costais teasa uair sa bhliain ar a laghad.

2. Minicíocht iosta na faisnéise billeála nó tomhalaic

Ón 25 Meán Fómhair 2020, i gcás inar suiteáladh médair nó leithdháileoirí costais teasa atá inléite go cianda, cuífor faisnéis bhilleála nó tomhalaic bunaithe ar thomhantas iarbhír nó ar léamha leithdháileoirí costais teasa ar fáil do na húsáideoirí deiridh ar a laghad gach ráithe arna iarrachd sin nó i gcás inar roghnaigh na custaiméiri deiridh billeáil billeáil leictreonach a fháil, nó faoi dhó sa bhliain muraí sin.

Ón 1 Eanáir 2022, i gcás inar suiteáladh médair nó leithdháileoirí costais teasa atá inléite go cianda, cuífor faisnéis bhilleála nó tomhalaic bunaithe ar thomhantas iarbhír nó ar léamha leithdháileoirí costais teasa ar fáil do na húsáideoirí deiridh gach mí ar a laghad. Féadfar an fhaisnéis sin a chur ar fáil tríd an idirlíon freisin agus i a thabhairt chu n dáta a mhnínse is incheadaithe leis an fhoirín agus na córais tomhais a úsáidtear. Féadfar támh agus fuarú a dhíolmhu ón geanglas sin lasmuigh de sa séasúr téimh/fuairte.

3. An fhaisnéis íosta a bheidh sa bhilleáil

Déanfaidh na Ballstáit a áirithe go gcúirfear ar fáil an fhaisnéis seo a leanas do na húsáideoirí deiridh i dtéarmaí soiléire sothuigthe ina mbillí nó lénna mbillí i gcás ina bhfuil siad bunaithe ar thomhantas iarbhír nó ar léamha leithdháileoirí costais teasa:

(a) praghasnna iarbhír reatha agus tomhalaic iarbhír fuinnimh nó costas teasa iomlán agus léamha leithdháileoirí costais teasa;

(b) faisnéis faoin meascán bresola a úsáidear agus na hastaiochtaí gáis ceaptha teasa bliantúla gaolmhara, lena n-aíreatar d’úsáideoirí deiridh arna soláthar ag t-amh ceantair nó fuarú ceantair, agus cur síos ar na cánacha, tobhlaigh agus taraifi ágáis a cuireadh i bheifeadh. Féadfaidh na Ballstát raon feidhme a cheanglaí a theorann má idir le faisnéis faoi astaiochtaí gáis ceaptha teasa a chur ar fáil, chu n nach n-áriortearach ach soláthairt ó chóras téimh ceantair ar mho á n-ionchur teirmach rátaithe iomlán ná 20 MW;

(c) comparáidí do thomhalaic fuinnimh reatha na n-úsáideoirí deiridh le thomhalaic don tréimhse chéanna sa bhliain roimh, i bhfeirst ghabháil, arna ceart óthobh na haeráide de le haghaidh téimh agus fuarú;

(d) faisnéis teagmhála d’eagraiochtaí úsáideoirí deiridh, gniomhnaireachtai fuinnimh nó comhlachtait comhchosúla, lena n-aíreáitear scoltait ghráasain, ón bhfeadfadh faisnéis a fháil faoi beartai teabhsaithe cheiceachta a fuinnimh atá le fáil, faoi príosúntaí, shonraí deiridh agus foirn ai sáiseachtaí an tréimhse a úsáideann.

(e) faisnéis faoi nósaime imeachtga gaolmhara gearáin, seirbhísí ombudsman nó sásraí um réiteach malartach dintseid, de réir mar is infeidhme sna Ballstát;

(f) comparáidí le meán-úsáideoirí deiridh normalaíthe nó tagarmharcaíte sa chathagóir úsáideoireachta chéanna. I gcás billí leictreonacha, féadfar, de rogha air sin, comparáidí den sórt sin a chur ar fáil ar linn agus a bheith marcáite sna billí.

I gcás billí nach bhfuil bunaithe ar thomhallas iarbhír nó ar léamha leithdháileoirí costais, beidh miniuí soiléirí sothuigthe iontu ar conas a riomhadh an méid a leagtar amach sa bhille, agus ar a laghad, an fhaisnéis dá dtraingtean i bpointí (d) agus (e).
ANNEX VIII

Potential for efficiency in heating and cooling

The comprehensive assessment of national heating and cooling potentials referred to in Article 14(1) shall include and be based on the following:

Part I

OVERVIEW OF HEATING AND COOLING

1. heating and cooling demand in terms of assessed useful energy (1) and quantified final energy consumption in GWh per year (2) by sectors:
   (a) residential;
   (b) services;
   (c) industry;
   (d) any other sector that individually consumes more than 5 % of total national useful heating and cooling demand;

2. identification, or in the case of point 2(a)(i), identification or estimation, of current heating and cooling supply:
   (a) by technology, in GWh per year (3), within sectors mentioned under point 1 where possible, distinguishing between energy derived from fossil and renewable sources:
      (i) provided on-site in residential and service sites by:
         — heat only boilers;
         — high-efficiency heat and power cogeneration;
         — heat pumps;
         — other on-site technologies and sources;
      (ii) provided on-site in non-service and non-residential sites by:
         — heat only boilers;
         — high-efficiency heat and power cogeneration;
         — heat pumps;
         — other on-site technologies and sources;
      (iii) provided off-site by:
         — high-efficiency heat and power cogeneration;
         — waste heat;

(1) The amount of thermal energy needed to satisfy the heating and cooling demand of end-users.
(2) The most recent data available should be used.
(3) The most recent data available should be used.
— other off-site technologies and sources;

(b) identification of installations that generate waste heat or cold and their potential heating or cooling supply, in GWh per year:

(i) thermal power generation installations that can supply or can be retrofitted to supply waste heat with a total thermal input exceeding 50 MW;

(ii) heat and power cogeneration installations using technologies referred to in Part II of Annex I with a total thermal input exceeding 20 MW;

(iii) waste incineration plants;

(iv) renewable energy installations with a total thermal input exceeding 20 MW other than the installations specified under point 2(b)(i) and (ii) generating heating or cooling using the energy from renewable sources;

(v) industrial installations with a total thermal input exceeding 20 MW which can provide waste heat;

(c) reported share of energy from renewable sources and from waste heat or cold in the final energy consumption of the district heating and cooling (1) sector over the past 5 years, in line with Directive (EU) 2018/2001;

3. a map covering the entire national territory identifying (while preserving commercially sensitive information):

(a) heating and cooling demand areas following from the analysis of point 1, while using consistent criteria for focusing on energy dense areas in municipalities and conurbations;

(b) existing heating and cooling supply points identified under point 2(b) and district heating transmission installations;

(c) planned heating and cooling supply points of the type described under point 2(b) and district heating transmission installations;

4. a forecast of trends in the demand for heating and cooling to maintain a perspective of the next 30 years in GWh and taking into account in particular projections for the next 10 years, the change in demand in buildings and different sectors of the industry, and the impact of policies and strategies related to the demand management, such as long-term building renovation strategies under Directive (EU) 2018/844;

(1) The identification of “renewable cooling” shall, after the methodology for calculating the quantity of renewable energy used for cooling and district cooling is established in accordance with Article 35 of Directive (EU) 2018/2001, be carried out in accordance with that Directive. Until then it shall be carried out according to an appropriate national methodology.
Part II

OBJECTIVES, STRATEGIES AND POLICY MEASURES

5. planned contribution of the Member State to its national objectives, targets and contributions for the five dimensions of the energy union, as laid out in Article 3(2)(b) of Regulation (EU) 2018/1999, delivered through efficiency in heating and cooling, in particular related to points 1 to 4 of Article 4(b) and to paragraph (4)(b) of Article 15, identifying which of these elements is additional compared to integrated national energy and climate plans;

6. general overview of the existing policies and measures as described in the most recent report submitted in accordance with Articles 3, 20, 21 and 27(a) of Regulation (EU) 2018/1999;

Part III

ANALYSIS OF THE ECONOMIC POTENTIAL FOR EFFICIENCY IN HEATING AND COOLING

7. an analysis of the economic potential (1) of different technologies for heating and cooling shall be carried out for the entire national territory by using the cost-benefit analysis referred to in Article 14(3) and shall identify alternative scenarios for more efficient and renewable heating and cooling technologies, distinguishing between energy derived from fossil and renewable sources where applicable.

The following technologies should be considered:

(a) industrial waste heat and cold;

(b) waste incineration;

(c) high efficiency cogeneration;

(d) renewable energy sources (such as geothermal, solar thermal and biomass) other than those used for high efficiency cogeneration;

(e) heat pumps;

(f) reducing heat and cold losses from existing district networks;

8. this analysis of economic potential shall include the following steps and considerations:

(a) Considerations:

(i) the cost-benefit analysis for the purposes of Article 14(3) shall include an economic analysis that takes into consideration socioeconomic and environmental factors (2), and a financial analysis performed to assess projects from the investors’ point of view. Both economic and financial analyses shall use the net present value as criterion for the assessment;

(1) The analysis of the economic potential should present the volume of energy (in GWh) that can be generated per year by each technology analysed. The limitations and interrelations within the energy system should also be taken into account. The analysis may make use of models based on assumptions representing the operation of common types of technologies or systems.

(ii) the baseline scenario should serve as a reference point and take into account existing policies at the time of compiling this comprehensive assessment (1), and be linked to data collected under Part I and point 6 of Part II of this Annex;

(iii) alternative scenarios to the baseline shall take into account energy efficiency and renewable energy objectives of Regulation (EU) 2018/1999. Each scenario shall present the following elements compared to the baseline scenario:

— economic potential of technologies examined using the net present value as criterion;

— greenhouse gas emission reductions;

— primary energy savings in GWh per year;

— impact on the share of renewables in the national energy mix.

Scenarios that are not feasible due to technical reasons, financial reasons or national regulation may be excluded at an early stage of the cost-benefit analysis, if justified based on careful, explicit and well-documented considerations.

The assessment and decision-making should take into account costs and energy savings from the increased flexibility in energy supply and from a more optimal operation of the electricity networks, including avoided costs and savings from reduced infrastructure investment, in the analysed scenarios.

(b) Costs and benefits

The costs and benefits referred to under point 8(a) shall include at least the following benefits and costs:

(i) Benefits:

— value of output to the consumer (heating, cooling and electricity);

— external benefits such as environmental, greenhouse gas emissions and health and safety benefits, to the extent possible;

— labour market effects, energy security and competitiveness, to the extent possible.

(ii) Costs:

— capital costs of plants and equipment;

— capital costs of the associated energy networks;

— variable and fixed operating costs;

— energy costs;

— environmental, health and safety costs, to the extent possible;

(1) The cut-off date for taking into account policies for the baseline scenario is the end of the year preceding to the year by the end of which the comprehensive assessment is due. That is to say, policies enacted within a year prior to the deadline for submission of the comprehensive assessment do not need to be taken into account.
— labour market costs, energy security and competitiveness, to the extent possible.

(c) Relevant scenarios to the baseline:

All relevant scenarios to the baseline shall be considered, including the role of efficient individual heating and cooling.

(i) the cost-benefit analysis may either cover a project assessment or a group of projects for a broader local, regional or national assessment in order to establish the most cost-effective and beneficial heating or cooling solution against a baseline for a given geographical area for the purpose of planning;

(ii) Member States shall designate the competent authorities responsible for carrying out the cost-benefit analyses pursuant to Article 14. They shall provide the detailed methodologies and assumptions in accordance with this Annex and establish and make public the procedures for the economic analysis.

(d) Boundaries and integrated approach:

(i) the geographical boundary shall cover a suitable well-defined geographical area;

(ii) the cost-benefit analyses shall take into account all relevant centralised or decentralised supply resources available within the system and geographical boundary, including technologies considered under point 7 of Part III of this Annex, and heating and cooling demand trends and characteristics.

(e) Assumptions:

(i) Member States shall provide assumptions, for the purpose of the cost-benefit analyses, on the prices of major input and output factors and the discount rate;

(ii) the discount rate used in the economic analysis to calculate net present value shall be chosen according to European or national guidelines;

(iii) Member States shall use national, European or international energy price development forecasts if appropriate in their national and/or regional/local context;

(iv) the prices used in the economic analysis shall reflect socio economic costs and benefits. External costs, such as environmental and health effects, should be included to the extent possible, i.e. when a market price exists or when it is already included in European or national regulation.

(f) Sensitivity analysis:

(i) a sensitivity analysis shall be included to assess the costs and benefits of a project or group of projects and be based on variable factors having a significant impact on the outcome of the calculations, such as different energy prices, levels of demand, discount rates and other.
Part IV

POTENTIAL NEW STRATEGIES AND POLICY MEASURES

9. overview of new legislative and non-legislative policy measures (1) to realise the economic potential identified in accordance with points 7 and 8, along with their foreseen:

(a) greenhouse gas emission reductions;
(b) primary energy savings in GWh per year;
(c) impact on the share of high-efficiency cogeneration;
(d) impact on the share of renewables in the national energy mix and in the heating and cooling sector;
(e) links to national financial programming and cost savings for the public budget and market participants;
(f) estimated public support measures, if any, with their annual budget and identification of the potential aid element.

(1) This overview shall include financing measures and programmes that may be adopted over the period of the comprehensive assessment, not prejudging a separate notification of the public support schemes for a State aid assessment,
COST-BENEFIT ANALYSIS

Part 2

Principles for the purpose of Article 14(5) and (7)

The cost-benefit analyses shall provide information for the purpose of the measures in Article 14(5) and (7):

If an electricity-only installation or an installation without heat recovery is planned, a comparison shall be made between the planned installations or the planned refurbishment and an equivalent installation producing the same amount of electricity or process heat, but recovering the waste heat and supplying heat through high-efficiency cogeneration and/or district heating and cooling networks.

Within a given geographical boundary the assessment shall take into account the planned installation and any appropriate existing or potential heat demand points that could be supplied from it, taking into account rational possibilities (for example, technical feasibility and distance).

The system boundary shall be set to include the planned installation and the heat loads, such as building(s) and industrial process. Within this system boundary the total cost of providing heat and power shall be determined for both cases and compared.

Heat loads shall include existing heat loads, such as an industrial installation or an existing district heating system, and also, in urban areas, the heat load and costs that would exist if a group of buildings or part of a city were provided with and/or connected into a new district heating network.

The cost-benefit analysis shall be based on a description of the planned installation and the comparison installation(s), covering electrical and thermal capacity, as applicable, fuel type, planned usage and the number of planned operating hours annually, location and electricity and thermal demand.

For the purpose of the comparison, the thermal energy demand and the types of heating and cooling used by the nearby heat demand points shall be taken into account. The comparison shall cover infrastructure related costs for the planned and comparison installation.

Cost-benefit analyses for the purposes of Article 14(5) shall include an economic analysis covering a financial analysis reflecting actual cash flow transactions from investing in and operating individual installations.

Projects with positive cost-benefit outcome are those where the sum of discounted benefits in the economic and financial analysis exceeds the sum of discounted costs (cost-benefit surplus).

Member States shall set guiding principles for the methodology, assumptions and time horizon for the economic analysis.

Member States may require that the companies responsible for the operation of thermal electric generation installations, industrial companies, district heating and cooling networks, or other parties influenced by the defined system boundary and geographical boundary, contribute data for use in assessing the costs and benefits of an individual installation.
ANNEX X

Guarantee of origin for electricity produced from high-efficiency cogeneration

(a) Member States shall take measures to ensure that:

(i) the guarantee of origin of the electricity produced from high-efficiency cogeneration:

— enable producers to demonstrate that the electricity they sell is produced from high-efficiency cogeneration and is issued to this effect in response to a request from the producer,
— is accurate, reliable and fraud-resistant,
— is issued, transferred and cancelled electronically;

(ii) the same unit of energy from high-efficiency cogeneration is taken into account only once.

(b) The guarantee of origin referred to in Article 14(10) shall contain at least the following information:

(i) the identity, location, type and capacity (thermal and electrical) of the installation where the energy was produced;

(ii) the dates and places of production;

(iii) the lower calorific value of the fuel source from which the electricity was produced;

(iv) the quantity and the use of the heat generated together with the electricity;

(v) the quantity of electricity from high-efficiency cogeneration in accordance with Annex II that the guarantee represents;

(vi) the primary energy savings calculated in accordance with Annex II based on the harmonised efficiency reference values indicated in point (f) of Annex II;

(vii) the nominal electric and thermal efficiency of the plant;

(viii) whether and to what extent the installation has benefited from investment support;

(ix) whether and to what extent the unit of energy has benefited in any other way from a national support scheme, and the type of support scheme;

(x) the date on which the installation became operational; and

(xi) the date and country of issue and a unique identification number.

The guarantee of origin shall be of the standard size of 1 MWh. It shall relate to the net electricity output measured at the station boundary and exported to the grid.
ANNEX XI

Energy efficiency criteria for energy network regulation and for electricity
network tariffs

1. Network tariffs shall be cost-reflective of cost-savings in networks achieved
from demand-side and demand-response measures and distributed generation,
including savings from lowering the cost of delivery or of network investment
and a more optimal operation of the network.

2. Network regulation and tariffs shall not prevent network operators or energy
retailers making available system services for demand response measures,
demand management and distributed generation on organised electricity
markets, in particular:

   (a) the shifting of the load from peak to off-peak times by final customers
taking into account the availability of renewable energy, energy from
cogeneration and distributed generation;

   (b) energy savings from demand response of distributed consumers by energy
aggregators;

   (c) demand reduction from energy efficiency measures undertaken by energy
service providers, including energy service companies;

   (d) the connection and dispatch of generation sources at lower voltage levels;

   (e) the connection of generation sources from closer location to the
consumption; and

   (f) the storage of energy.

For the purposes of this provision the term ‘organised electricity markets’
shall include over-the-counter markets and electricity exchanges for trading
energy, capacity, balancing and ancillary services in all timeframes, including
forward, day-ahead and intra-day markets.

3. Network or retail tariffs may support dynamic pricing for demand response
measures by final customers, such as:

   (a) time-of-use tariffs;

   (b) critical peak pricing;

   (c) real time pricing; and

   (d) peak time rebates.
ANNEX XII

ENERGY EFFICIENCY REQUIREMENTS FOR TRANSMISSION SYSTEM OPERATORS AND DISTRIBUTION SYSTEM OPERATORS

Transmission system operators and distribution system operators shall:

▼M3

(a) a rialacha caighdeánaacha a bhunú agus a chur ar fáil don phobal, ar rialacha iad a bhaineann le costais maidir le hoiríúnuithe teicniúla a iompar agus a roinnt, amhail nascadh leis an eangach, atreisiú na heangai agus tabhairt isteach eangach nua, feabhas a chur ar theidhmíú na heangáí agus ar na rialacha maidir le cur chun feidhme neamh-idirdhealaitheach na geóid eangái, rud atá riachtanach d'fhonn tairgceóiri nua a chuireann leictreachas a ghintear as comhghiniúint ardéifeachtúil a bhfuil an eangach idirnáisiúnt a láthairítrítni;

▼B

(b) provide any new producer of electricity produced from high-efficiency cogeneration wishing to be connected to the system with the comprehensive and necessary information required, including:

(i) a comprehensive and detailed estimate of the costs associated with the connection;

(ii) a reasonable and precise timetable for receiving and processing the request for grid connection;

(iii) a reasonable indicative timetable for any proposed grid connection. The overall process to become connected to the grid should be no longer than 24 months, bearing in mind what is reasonably practicable and non-discriminatory;

(c) provide standardised and simplified procedures for the connection of distributed high-efficiency cogeneration producers to facilitate their connection to the grid.

The standard rules referred to in point (a) shall be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of those producers to the grid. They may provide for different types of connection.
ANNEX XIII

Minimum items to be included in energy performance contracts with the public sector or in the associated tender specifications

— Clear and transparent list of the efficiency measures to be implemented or the efficiency results to be obtained.
— Guaranteed savings to be achieved by implementing the measures of the contract.
— Duration and milestones of the contract, terms and period of notice.
— Clear and transparent list of the obligations of each contracting party.
— Reference date(s) to establish achieved savings.
— Clear and transparent list of steps to be performed to implement a measure or package of measures and, where relevant, associated costs.
— Obligation to fully implement the measures in the contract and documentation of all changes made during the project.
— Regulations specifying the inclusion of equivalent requirements in any subcontracting with third parties.
— Clear and transparent display of financial implications of the project and distribution of the share of both parties in the monetary savings achieved (i.e. remuneration of the service provider).
— Clear and transparent provisions on measurement and verification of the guaranteed savings achieved, quality checks and guarantees.
— Provisions clarifying the procedure to deal with changing framework conditions that affect the content and the outcome of the contract (i.e. changing energy prices, use intensity of an installation).
— Detailed information on the obligations of each of the contracting party and of the penalties for their breach.
## ANNEX XV

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