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STATUTORY INSTRUMENTS

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**2004 No. 3392**

**The Electricity and Gas (Energy Efficiency Obligations) Order 2004**

**Qualifying actions**

5.—(1) The Authority shall—

- (a) approve an action notified under paragraph (2)(a) if it is satisfied that the action would promote an improvement in energy efficiency in relation to domestic consumers, and estimate what improvement in energy efficiency would be attributable to that action; and
- (b) after it has been notified under paragraph (2)(b), determine whether the action promotes such an improvement and if so what improvement is to be attributed to it under article 6,

and shall notify the supplier accordingly.

(2) Subject to paragraph (3), a supplier shall notify the Authority—

- (a) before or within one month of its commencement, of any action by him which he intends is to qualify for the purpose of meeting the whole or part of his energy efficiency target, indicating how the action would contribute, if at all, to the achievement of the requirement in article 3(2) in relation to domestic consumers in the priority group; and
- (b) by 30th April 2008, whether an action approved under paragraph (1)(a) has been taken.

(3) Before 1st May 2005 an action taken or begun by a supplier during the period from 1st April 2002 to 31st March 2005 may be notified under paragraph (2) if no improvement in energy efficiency attributable to that action has been counted towards an energy efficiency target under the Electricity and Gas (Energy Efficiency Obligations) Order 2001(1).

(4) For the purposes of this article, the promotion of the supply to domestic premises of—

- (a) electricity generated by a generating station which is operated for the purposes of producing heat, or a cooling effect, in association with electricity;
- (b) heat produced in association with electricity or steam produced from (or air or water heated by) such heat; or
- (c) any gas or liquid subjected to a cooling effect produced in association with electricity,

shall be treated as promotion of improvements in energy efficiency.