

TRANSPOSITION NOTE

Article 8(4-6) of Directive 2012/27/EU¹ of the European Parliament and of the Council of 25 October 2012 on energy efficiency

Introductory Note

This Transposition Note only refers to Article 8 of Directive 2012/27/EU. Other Articles of the Directive will be transposed by separate legislation, where necessary.

The Energy Savings Opportunity Scheme Regulations 2014 transpose Articles 8(4)-8(6) in relation to the UK.

Article	Objective	Transposition
8(1)	<p>Member States are required to promote the availability to all final customers of high quality energy audits which are cost-effective and:</p> <p>(a) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or</p> <p>(b) implemented and supervised by independent authorities under national legislation.</p> <p>The quality of these audits must meet minimum criteria, in accordance with Annex VI.</p> <p>Energy audits must 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.</p>	<p>Article 8(1) is transposed by pre-existing measures, including the Green Deal, the Energy Saving Advice Service (operating in England and Wales), the Home Energy Advice Service (operating in Scotland), the Bryson Energy Advice Service (operating in Northern Ireland).</p> <p>Regulation 3 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 supports the transposition of 8(1) in relation to SMEs.</p> <p>The Energy Savings Opportunity Scheme Regulations 2014 transpose the requirements of Article 8(4) – 8(6), which will also transpose the requirements of Article 8(1) in respect of large enterprises.</p>
8(2)	<p>Member States must develop programmes to encourage SMEs to undergo energy audits and the subsequent implementation of the recommendations from these audits.</p> <p>Member States may set up support schemes for</p>	<p>Article 8(2) is transposed by regulation 3 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014. The UK</p>

¹ OJ No L 315, 14.11.2012, p1

	<p>SMEs.</p> <p>Member States must 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 European Commission shall assist Member States by supporting the exchange of best practices in this domain.</p>	<p>does not plan to set up a specific new support scheme for SMEs; this is an optional requirement.</p>
8(3)	<p>Member States are required to develop programmes to raise awareness among households about the benefits of such audits through appropriate advice services.</p> <p>Member States must encourage training programmes for the qualification of energy auditors in order to facilitate sufficient availability of experts.</p>	<p>Article 8(3) is transposed by pre-existing measures, including the Green Deal, the Energy Saving Advice Service (operating in England and Wales), the Home Energy Advice Service (operating in Scotland) and the Bryson Energy Advice Service (operating in Northern Ireland).</p>
8(4)	<p>Member States must 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.</p>	<p>Article 8(4) is transposed by the Energy Savings Opportunity Scheme Regulations 2014.</p>
8(5)	<p>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.</p> <p>Access of market participants offering energy services shall be based on transparent and non-discriminatory criteria.</p>	<p>Article 8(5) is transposed by the Energy Savings Opportunity Scheme Regulations 2014.</p>
8(6)	<p>Enterprises that are not SMEs and that are implementing an energy or environmental management system - certified by an</p>	<p>Article 8(6) is transposed by the Energy Savings Opportunity Scheme</p>

	<p>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.</p>	<p>Regulations 2014.</p>
<p>8(7)</p>	<p>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.</p> <p>Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.</p>	<p>Article 8(7) is an optional requirement.</p> <p>Government has a range of policies in place to promote district heating networks and does not intend to require this as part of an energy audit.</p> <p>Government has a range of schemes already in place to incentivise and support implementation of audit recommendations, such as Climate Change Agreements, Green Deal financing and other financial incentives for households, the Energy Companies Obligation, and Enhanced Capital Allowances.</p>