



STATUTORY INSTRUMENTS.

S.I. No. 151 of 2011



EUROPEAN UNION (ENERGY EFFICIENT PUBLIC PROCUREMENT)
REGULATIONS 2011

(Prn. A11/0510)

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I, PAT RABBITTE, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Energy Efficient Public Procurement) Regulations 2011.

2. The European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009 (S.I. No. 542 of 2009) are amended—

(a) in Regulation 2(1)—

(i) by deleting the definition of “SEI”,

(ii) by inserting after the definition of “retail energy sales company” the following:

“ ‘SEAI’ means Sustainable Energy Authority of Ireland;

‘SEAI energy efficiency criteria’ means minimum energy efficiency criteria published by the SEAI in respect of a particular class of technology, which products within that class must satisfy to be eligible for inclusion on the Register;” and

(iii) by inserting after the definition of “transport fuel” the following:

“ ‘Triple E Product Register’ (Register) means the public database maintained by the SEAI containing a list of products which comply with the SEAI energy efficiency criteria;”,

(b) in Regulation 14, by substituting “Regulation 15 or 15A” for “Regulation 15”,

(c) by inserting after Regulation 15 the following:

“Public sector exemplar measures 5 — equipment or vehicles.

15A. (1) Subject to paragraph (2), a public body shall only procure equipment or vehicles which—

¹OJ L 114, 27.4.2006, p. 64-85

(a) are listed on the Register, or

(b) satisfy the published SEAI energy efficiency criteria for the equipment or vehicle concerned,

and the public body shall specify this requirement in any documentation describing its procurement requirements.

(2) To ensure adequate competition in a public procurement process, paragraph (1) does not apply where, in the opinion of the public body concerned, there is, or is likely to be, an insufficient amount or number, as the case may be, of equipment or vehicles either listed on the Register or likely to satisfy the SEAI energy efficiency criteria.

(3) The SEAI may, for the purposes of establishing the energy savings attributable to or arising from these Regulations, request details from a public body of that body's procurement of equipment or vehicles from the Register.

and

(d) by substituting "the SEAI" for "SEI" in each place it occurs.

3. The European Union (Energy Efficient Public Procurement) Regulations (S.I. No. 64 of 2011) are revoked.



GIVEN under my Official Seal,
23 March 2011.

PAT RABBITTE,
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend S.I. 542/2009 on Energy End Use Efficiency and Energy Services. The Regulations place obligations on public bodies relating to the procurement of energy efficient products from a Register maintained by the Sustainable Energy Authority of Ireland (SEAI).

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