



STATUTORY INSTRUMENTS.

**S.I. No. 634 of 2016**



EUROPEAN UNION (ENERGY EFFICIENCY OBLIGATION SCHEME)  
(AMENDMENT) REGULATIONS 2016

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I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, 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 2012/27/EU of the European Parliament and of the Council of 25 October 2012<sup>1</sup>, hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Union (Energy Efficiency Obligation Scheme) (Amendment) Regulations 2016.

*Definition*

2. In these Regulations “Principal Regulations” means the European Union (Energy Efficient Obligation Scheme) Regulations 2014 (S.I. No. 131 of 2014).

*Definitions — Principal Regulations*

3. Regulation 2 of the Principal Regulations is amended by substituting the definition of energy supplier the following:

“ ‘energy supplier’ means an energy distributor or retail energy sales company.”.

*Application — Principal Regulations*

4. Regulation 3 of the Principal Regulations is amended by substituting for paragraph (1) the following:

“3. (1) These Regulations apply to—

(a) energy distributors, and

(b) retail energy sales companies.”.

*Measurement, Control and Verification Systems*

5. The Principal Regulations are amended by the insertion after Regulation 12 the following:

“12A. (1) An energy supplier or class of energy suppliers in receipt of an Energy Efficiency Notice shall establish a quality assurance scheme that measures and verifies the cumulative energy savings achieved by an energy supplier or a particular class of energy supplier, or the activities of an agent acting on its behalf.

<sup>1</sup>OJ No. L 315, 14.11.2012, p.1

(2) An energy supplier or class of energy suppliers shall audit a statistically significant proportion of energy efficiency improvement measures undertaken to comply with an Energy Efficiency Notice. The energy efficiency improvement measures audited must approximate 20 per cent of the obligated party's energy savings and must include a representative sample of project types, size, sub-sector and location, as well as considering any risk factors.

(3) All audits are to be conducted by an auditor or competent person who is independent of the works done.

(4) All issues discovered by an energy supplier or class of energy suppliers during an audit of the supplier's quality assurance regime shall be addressed and rectified.

(5) Any endemic failure (>20%) or major issue discovered by an energy supplier or class of energy suppliers through the quality assurance regime should be notified to the Sustainable Energy Authority of Ireland to agree on a remediation plan and any other actions that need to be taken.

(6) The Sustainable Energy Authority of Ireland shall monitor, validate and audit a statistically significant proportion of the reported energy efficiency improvement measures carried out by an energy supplier or class of energy suppliers.

(7) An energy supplier who fails to comply with this Regulation commits an offence and is liable on summary conviction to a class A fine.

(8) An offence under this Regulation may be brought and prosecuted summarily by the Sustainable Energy Authority of Ireland.”.



GIVEN under my Official Seal,  
15 December 2016.

DENIS NAUGHTEN,  
Minister for Communications,  
Climate Action and Environment.

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