



STATUTORY INSTRUMENTS.

S.I. No. 646 of 2016



EUROPEAN UNION (ENERGY EFFICIENCY) (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 2012¹, hereby make the following regulations:

Citation

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

Definition

2. In these Regulations “Principal Regulations” means European Union (Energy Efficiency) Regulations 2014 (S.I. No. 426 of 2014).

Definitions — Principal Regulations

3. Regulation 2 of the Principal Regulations is amended by inserting after the definition of “organised electricity markets” the following:

“ ‘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;”.

Public Sector energy audits

4. Regulation 7 of the Principal Regulations is amended by substituting for subparagraph (1) the following:

“(1) A public Body with individual buildings with a total useful floor area of more than 500m² or an annual energy spend of more than €35,000 shall comply with the requirements of Regulation 14. This requirement shall not apply to schools who–

- (a) have provided their energy data to the SEAI through the Monitoring and Reporting Mechanism as set out in paragraph 5(3), and
- (b) who the SEAI are satisfied are pro-actively engaged in exemplar energy management as defined by the SEAI.”.

¹OJ No.L315, 14.11.2012, p. 1

Purchasing by public bodies

5. Regulation 10 of the Principal Regulations is amended by inserting after paragraph (6) the following:

- “(7) (a) A public body shall only procure equipment or vehicles which–
- (i) are listed on the SEAI’s Triple E Product Register, or
 - (ii) 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.
- (b) To ensure adequate competition in a public procurement process, paragraph (a) 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.
- (c) 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.”.

Heat or hot water meters

6. Regulation 21 of the Principal Regulations is amended by substituting for paragraph 16 the following:

- “(16) Without prejudice to the requirement for advanced metering, a heat or hot water meter or individual heat cost allocators shall be installed by the retail energy sales company–
- (a) at the heat exchanger or point of delivery where heating and cooling or hot water are supplied to a building from a district heating network or from a central source servicing multiple buildings, and
 - (b) to measure the consumption of heating or cooling or hot water for each individual unit in multi-apartment, multi-unit or multi-purpose buildings with a central heating or cooling source or supplied from a district heating network or from a central source serving multiple buildings or units where technically feasible and cost efficient to enable the provision to final customers of billing information that is accurate and based on actual consumption.”.

Measuring consumption of heating, cooling or hot water

7. Regulation 21 of the Principal Regulations is amended by inserting after paragraph 17 the following:

- “(17A) Where it is technically feasible and cost-efficient to measure the consumption of heating or cooling or hot water for each individual unit in

multi-apartment and multi-purpose buildings with a central heating or cooling source or supplied from a district heating network or from a central source serving multiple buildings, billing information that is accurate and based on actual consumption shall be provided to final customers by the retail energy sales company concerned.”.

Determination by Minister of economic feasibility of meters or individual heat cost allocators

8. Regulation 21 of the Principal Regulations is amended by substituting for subparagraphs (22), (23) and (24) the following:

“(22) Following consideration of any submissions that may be received under paragraph (21), the Minister shall determine the technical and economic feasibility to require that—

(a) meters,

(b) individual heat cost allocators, or

(c) an alternative cost-efficient method to ensure billing information that is accurate and based on actual consumption,

be provided by a particular retail energy sales company for each unit.

(23) Where the Minister determines that meters, individual heat cost allocators or an alternative cost-efficient method, and billing information that is accurate and based on actual consumption should be provided by a particular energy sales company in multi-apartment, multi-unit or multi-purpose buildings with a central heating or cooling source or supplied from a district heating network or from a central source serving multiple buildings, he or she shall notify the company concerned in writing.

(24) A retail energy sales company shall comply with a determination notified to it under paragraph (15) or (23) and shall provide billing information that is accurate and based on final consumption, to its final customers in accordance with the determination of the Minister. This requirement 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 specified billing interval shall billing be based on estimated consumption or a flat rate.”.



GIVEN under my Official Seal,
15 December 2016.

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

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