

ANNEX A – The relevant provisions of Articles 8, 14, 15, 17, 18 & 19

Article 8(2)

Energy audits and energy management systems

2. Member States shall develop programmes to encourage SMEs to undergo energy audits and the subsequent implementation of the recommendations from these audits.

Member States shall bring to the attention of SMEs, including through their respective representative intermediary organisations, concrete examples of how energy management systems could help their businesses.

Article 14(1),(3) & (10)

Promotion of efficiency in heating and cooling

1. By 31 December 2015, Member States shall carry out and notify to the Commission a comprehensive assessment of the potential for the application of high-efficiency cogeneration and efficient district heating and cooling, containing the information set out in Annex VIII.

The comprehensive assessment shall take full account of the analysis of the national potentials for high-efficiency cogeneration carried out under Directive 2004/8/EC.

At the request of the Commission, the assessment shall be updated and notified to the Commission every five years. The Commission shall make any such request at least one year before the due date.

3. For the purpose of the assessment referred to in paragraph 1, Member States shall carry out a cost-benefit analysis covering their territory based on climate conditions, economic feasibility and technical suitability in accordance with Part 1 of Annex IX.

10. On the basis of the harmonised efficiency reference values referred to in point (f) of Annex II, Member States must ensure that the origin of electricity produced from high- efficiency cogeneration can be guaranteed according to objective, transparent and non-discriminatory criteria laid down by each Member State. They shall ensure that this guarantee of origin complies with the requirements and contains at least the information specified in Annex X. Member States shall mutually recognise their guarantees of origin, exclusively as proof of the information referred to in this paragraph. Any refusal to recognise a guarantee of origin as such proof, in particular for reasons relating to the prevention of fraud, must be based on objective, transparent and non-discriminatory criteria. Member States shall notify the Commission of such refusal and its justification. In the event of refusal to recognise a guarantee of origin, the Commission may adopt a decision to compel the refusing party to recognise it, in particular with regard to objective, transparent and non- discriminatory criteria on which such recognition is based.

The Commission shall be empowered to review, by means of delegated acts in accordance with Article 23 of this Directive, the harmonised efficiency reference values laid down in Commission Implementing Decision 2011/877/EU (1) on the basis of Directive 2004/8/EC by 31 December 2014.

Article 15(2)

Energy transformation, transmission and distribution

2. Member States shall ensure, by 30 June 2015, that:

- (a) an assessment is undertaken of the energy efficiency potentials of their gas and electricity infrastructure, in particular regarding transmission, distribution, load management and interoperability, and connection to energy generating installations, including access possibilities for micro energy generators;
- (b) concrete measures and investments are identified for the introduction of cost-effective energy efficiency improvements in the network infrastructure, with a timetable for their introduction.

Article 17(1) & (4)

Information and training

1. Member States shall ensure that information on available energy efficiency mechanisms and financial and legal frameworks is transparent and widely disseminated to all relevant market actors, such as consumers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in Directive 2010/31/EU.

Member States shall encourage the provision of information to banks and other financial institutions on possibilities of participating, including through the creation of public/private partnerships, in the financing of energy efficiency improvement measures.

4. Member States shall, with the participation of stakeholders, including local and regional authorities, promote suitable information, awareness-raising and training initiatives to inform citizens of the benefits and practicalities of taking energy efficiency improvement measures.

Article 18(1), (2)(a) & (2)(b)

Energy services

1. Member States shall promote the energy services market and access for SMEs to this market by:

- (a) disseminating clear and easily accessible information on:
 - (i) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights;
 - (ii) financial instruments, incentives, grants and loans to support energy efficiency service projects;
- (b) encouraging the development of quality labels, inter alia, by trade associations;
- (c) making publicly available and regularly updating a list of available energy service providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 16, or providing an interface where energy service providers can provide information;
- (d) supporting the public sector in taking up energy service offers, in particular for building refurbishment, by:

- (i) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII;
 - (ii) providing information on best practices for energy performance contracting, including, if available, cost- benefit analysis using a life-cycle approach;
 - (e) providing a qualitative review in the framework of the National Energy Efficiency Action Plan regarding the current and future development of the energy services market.
2. Member States shall support the proper functioning of the energy services market, where appropriate, by:
- (a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;
 - (b) taking, if necessary, measures to remove the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;

Article 19(1)

Other measures to promote energy efficiency

1. Member States shall evaluate and if necessary take appropriate measures to remove regulatory and non-regulatory barriers to energy efficiency, in particular as regards:
- (a) the split of incentives between the owner and the tenant of a building or among owners, with a view to ensuring that these parties are not deterred from making efficiency- improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them, including national rules and measures regulating decision- making processes in multi-owner properties;
 - (b) legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making investments in improving energy efficiency and minimising expected life- cycle costs and from using energy performance contracting and other third-party financing mechanisms on a long-term contractual basis.

Such measures to remove barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures. The measures may be combined with the provision of education, training and specific information and technical assistance on energy efficiency.

Annex B

TRANSPOSITION NOTE		
Article 8, 14, 15, 17, 18 and 19 of Directive 2012/27/EU¹ of the European Parliament and of the Council of 25 October 2012 on energy efficiency		
<u>Introductory Note</u>		
<p>This Transposition Note refers only to Articles 8, 14, 15, 17, 18 and 19 of Directive 2012/27/EU. Other Articles of the Directive will be transposed by separate legislation, where necessary.</p> <p>The Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 transpose Articles 8(2), 14 (1) & (3), 17(1) & (4), 18(1), (2)(a) & (2)(b) and 19(1) in relation to the UK and Articles 14(10) and 15(2) in relation to Great Britain.</p>		
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>Separate regulations to be laid in Parliament to transpose the requirements of Article 8(4) – 8(6) will 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</p>	<p>Article 8(2) is transposed by regulation 3 of the Energy Efficiency (Encouragement,</p>

¹ OJ No L 315, 14.11.2012, p1

	<p>recommendations from these audits.</p> <p>Member States may set up support schemes for 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>Assessment and Information) Regulations 2014. The UK 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) will be transposed by separate regulations to be laid before Parliament.</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) will be transposed by separate regulations to be laid before Parliament.</p>

8(6)	Enterprises that are not SMEs and that are implementing an energy or environmental management system - certified by an 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.	Article 8(6) will be transposed by separate regulations to be laid before Parliament.
8(7)	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. Member States may implement incentive and support schemes for the implementation of recommendations from energy audits and similar measures.	<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>
14(1)	Member States are required to undertake a comprehensive assessment of the potential for the application of high-efficiency cogeneration (CHP) and efficient district heating and cooling. The comprehensive assessment should take full account of the analysis of the national potentials for high-efficiency cogeneration carried out under Directive 2004/8/EC ² .	Regulation 4 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 places an obligation on the Secretary of State to deliver the required assessment for England, Wales and Northern Ireland, and on the Scottish Ministers to undertake the required assessment for Scotland.
14(2)	Member States must adopt policies which	Article 14(2) is being

² Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market. OJ No L 052, 21/02/2004, p50-60.

	encourage the due taking into account at local and regional levels of the potential of using efficient heating and cooling systems, in particular those using high-efficiency cogeneration. Account shall be taken of the potential for developing local and regional heat markets.	transposed by developing a policy supporting new gas combined heat and power potential in the UK, arising out of the publication of the heat strategy document ' <i>The Future of Heating: Meeting the Challenge</i> ', published in March 2013.
14(3)	Member States are required to carry out a national cost-benefit analysis (for the purpose of the comprehensive assessment above) capable of facilitating the identification of the most resource and cost efficient solutions to meeting heating and cooling needs.	As above for 14(1).
14(4)	<p>Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 identify a potential for the application of high-efficiency cogeneration and/or efficient district heating and cooling whose benefits exceed the costs, Member States must take adequate measures for efficient district heating and cooling infrastructure to be developed and/or to accommodate the development of high-efficiency cogeneration and the use of heating and cooling from waste heat and renewable energy sources in accordance with paragraphs 1, 5, and 7.</p> <p>Where the assessment referred to in paragraph 1 and the analysis referred to in paragraph 3 do not identify a potential whose benefits exceed the costs, including the administrative costs of carrying out the cost-benefit analysis referred to in paragraph 5, the Member State concerned may exempt installations from the requirements laid down in that paragraph.</p>	Article 14(4) will be implemented by the transposition of Article 14(5) and (7).
14(5)	<p>Member States are required to ensure that a cost-benefit analysis in accordance with Part 2 of Annex IX is carried out when, after 5 June 2014:</p> <p>(a) a new thermal electricity generation installation with a total thermal input exceeding 20 MW is planned, in order to assess the cost</p>	Article 14(5) is being transposed by DEFRA through amendments to the Environmental Permitting (England and Wales) Regulations 2010 ³ made by the Department for the Environment and Rural

³ Environmental Permitting (England and Wales) Regulations 2010 No. 675

	<p>and benefits of providing for the operation of the installation as a high-efficiency cogeneration installation;</p> <p>(b) an existing thermal electricity generation installation with a total thermal input exceeding 20 MW is substantially refurbished, in order to assess the cost and benefits of converting it to high-efficiency cogeneration;</p> <p>(c) an industrial installation with a total thermal input exceeding 20 MW generating waste heat at a useful temperature level is planned or substantially refurbished, in order to assess the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network;</p> <p>(d) a new district heating and cooling network is planned or in an existing district heating or cooling network a new energy production installation with a total thermal input exceeding 20 MW is planned or an existing such installation is to be substantially refurbished, in order to assess the cost and benefits of utilising the waste heat from nearby industrial installations.</p> <p>The fitting of equipment to capture carbon dioxide produced by a combustion installation with a view to its being geologically stored as provided for in Directive 2009/31/EC shall not be considered as refurbishment for the purpose of points (b), (c) and (d) of this paragraph.</p>	<p>Affairs (“DEFRA’s Environmental Permitting Regulations”).</p> <p>Northern Ireland and Scotland will transpose Article 14(5) by amending their respective Pollution Prevention and Control Regulations. The amendments are likely to mirror those made to the DEFRA Regulations for transposition in England and Wales.</p>
14(6)	<p>Member States may exempt from paragraph 5:</p> <p>(a) those peak load and back-up electricity generating installations which are planned to operate under 1 500 operating hours per year as a rolling average over a period of five years, based on a verification procedure established by the Member States ensuring that this exemption criterion is met;</p>	<p>Article 14(6) will be implemented through DEFRA’s Environmental Permitting Regulations. The UK notified the Commission of its intention to implement these exemptions on 17 December 2013.</p>

	<p>(b) nuclear power installations; (c) installations that need to be located close to a geological storage site approved under Directive 2009/31/EC.</p> <p>Member States may also lay down thresholds, expressed in terms of the amount of available useful waste heat, the demand for heat or the distances between industrial installations and district heating networks, for exempting individual installations from the provisions of points (c) and (d) of paragraph 5.</p> <p>Member States must notify exemptions adopted under this paragraph to the Commission by 31 December 2013 and any subsequent changes to them thereafter.</p>	
14(7)	<p>Member States shall adopt authorisation criteria as referred to in Article 7 of Directive 2009/72/EC, or equivalent permit criteria, to:</p> <p>(a) take into account the outcome of the comprehensive assessment referred to in paragraph 1; (b) ensure that the requirements of paragraph 5 are fulfilled; and (c) take into account the outcome of cost-benefit analysis referred to in paragraph 5.</p>	As above for 14(5).
14(8)	<p>Member States may exempt individual installations from being required, by the authorisation and permit criteria referred to in paragraph 7, to implement options whose benefits exceed their costs, if there are imperative reasons of law, ownership or finance for so doing.</p> <p>In these cases the Member State concerned must submit a reasoned notification of its decision to the Commission within three months of the date of taking it.</p>	As above for 14(5).
14(9)	<p>Paragraphs 5, 6, 7 and 8 of this Article applies to installations covered by Directive 2010/75/EU⁴ without prejudice to the requirements of that Directive.</p>	As above for 14(5).

⁴ The Industrial Emissions (integrated pollution prevention and control) Directive. 2010/75/EU. L334 p17-119

14(10)	<p>On the basis of the harmonised efficiency reference values referred to in point (f) of Annex II, Member States must ensure that the origin of electricity produced from high-efficiency cogeneration can be guaranteed according to objective, transparent and non-discriminatory criteria laid down by each Member State.</p> <p>They shall ensure that this guarantee of origin complies with the requirements and contains at least the information specified in Annex X.</p> <p>Member States shall mutually recognise their guarantees of origin, exclusively as proof of the information referred to in this paragraph. Any refusal to recognise a guarantee of origin as such proof, in particular for reasons relating to the prevention of fraud, must be based on objective, transparent and non-discriminatory criteria. Member States shall notify the Commission of such refusal and its justification. In the event of refusal to recognise a guarantee of origin, the Commission may adopt a decision to compel the refusing party to recognise it, in particular with regard to objective, transparent and non-discriminatory criteria on which such recognition is based.</p> <p>The Commission shall be empowered to review, by means of delegated acts in accordance with Article 23 of this Directive, the harmonised efficiency reference values laid down in Commission Implementing Decision 2011/877/EU (1) on the basis of Directive 2004/8/EC by 31 December 2014.</p>	<p>Regulation 5 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 amends the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (SI 2007/292) (“the Cogeneration Regulations”).</p> <p>These amendments are necessary because the Directive repeals Directive 2004/8/EC of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market⁵ and amending Directive 92/42/EEC (“the Cogeneration Directive”)</p> <p>Article 14(10) and Annexes II and X of the Directive replace the provisions at Article 5 and Annex III of the Cogeneration Directive which the Cogeneration Regulations transposed.</p> <p>The Cogeneration Regulations apply to Great Britain. Northern Ireland has equivalent legislation.</p>
14(11)	<p>Member States must ensure that any available support for cogeneration is subject to the electricity produced originating from high-efficiency cogeneration and the waste heat being effectively used to achieve primary energy savings. Public support to cogeneration and district heating generation and networks shall be subject to State aid rules, where applicable.</p>	<p>Article 14(11) is transposed by existing measures (Combined Heat and Power benefits under Enhanced Capital Allowances, Business Rates exemption, Climate Change Levy exemption, Carbon Price Support, are linked to certification to the</p>

⁵ OJ L 52, 21.2.2004, p 50.

		CHP Quality Assurance Standard).
15(1)	Requires Member States to ensure that national energy regulatory authorities pay due regard to energy efficiency, including through the development of network tariffs and regulations.	Article 15(1) is transposed in Great Britain by existing measures. Relevant provisions are at sections 4 and 33 of the Gas Act 1986 and section 3 of the Electricity Act 1989.
15(2)	Requires Member States to ensure that an assessment of the energy efficiency potentials of the gas and electricity infrastructure is undertaken and that concrete measures and investments for improvements are identified.	Regulation 6 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 transposes this requirement for Great Britain. Northern Ireland is transposing this requirement separately.
15(3)	Allows Member States to permit tariff structures with social aim for net-bound energy, provided that any disruptive effects on the system are kept to a minimum.	Article 15(3) is an optional requirement.
15(4)	Requires Member States to ensure the removal of those incentives in network tariffs that are detrimental to energy efficiency; that network operators are incentivised to improve efficiency in infrastructure design and operation; and tariffs allow suppliers to improve consumer participation in system efficiency.	Article 15(4) is transposed by existing measures. Under standard licence conditions C13 (for transmission) and C5 (for distribution), electricity tariffs are required to be cost reflective and drive the overall efficiency of the system. Standard Special Condition A5 details obligations with regards to the gas charging methodology. Gas and electricity network operators are incentivised to improve efficiency in infrastructure design and operation through Ofgem's price control framework, which is implemented through various conditions in network operators' licences. There are no tariff provisions that prevent suppliers improving consumer participation in

		system efficiency.
15(5)	Requires Member States to ensure that Transmission System Operators (TSOs) and Distribution System Operators (DSOs): guarantee the transmission and distribution of electricity from high-efficiency cogeneration; give it priority or guaranteed access to the grid; and when they are in charge of dispatching, give it priority dispatch. Allows Member States to facilitate connection to the grid of high-efficiency cogeneration from small scale generation. Requires Member States to encourage network operators to adopt an 'install and inform' process for the installation of micro-generation units.	Article 15(5) is transposed by existing measures. GB has a self-dispatch regime which provides guaranteed access. The framework for these arrangements is contained within section 9 of the Electricity Act 1989 and standard licence conditions C3, C16 and C17 of the transmission licence. GB already has an 'install and inform' approach for micro generation units, which is required through the Distribution Code. This requirement is not applicable to gas.
15(6)	Requires Member States to ensure that high-efficiency cogeneration can offer balancing services, and that such services are part of a transparent and non-discriminatory bidding process.	Article 15(6) is transposed by existing measures. The Transmission System Operator is required under its Transmission Licence (Standard Licence Condition C16) not to discriminate in its procurement of balancing services and to publish a number of related statements and reports. This requirement is not applicable to gas.
15(7)	Allows Member States to allow high-efficiency cogeneration to issue a call for tender for grid connection works.	Article 15(7) is transposed by existing measures. This requirement is already transposed. Generators of all types are permitted to build their own connection assets, as specified in the respective transmission and distribution charging methodologies. For transmission, the methodology is contained within the Connection and Use of

		System Code. For distribution, the methodology forms part of the Distribution Connection and Use of System Agreement. This requirement is not applicable to gas.
15(8)	<p>Requires Member States to:</p> <p>ensure that national energy regulatory authorities encourage the participation of demand side resources alongside supply in wholesale and retail markets;</p> <p>ensure that TSOs and DSOs treat demand response providers in a non-discriminatory way;</p> <p>promote access to and participation of demand response in balancing services markets.</p>	<p>Article 15(8) is transposed by existing measures. This requirement is already transposed. Requirements are contained in section 3 of the Electricity Act 1989 and standard licence condition 39. For the TSO, the requirements fall under standard licence condition 16. On the gas side, Ofgem have considered how to maximise DSR availability as a gas balancing tool through their Significant Code Review on which the policy position has been finalised. Ofgem have identified a preferred option and requested National Grid to develop proposals to progress this.</p>
15(9)	<p>Requires Member States to consider a reporting requirement for energy efficiency potentials of installations undertaking the combustion of fuels with a thermal input above 50MW. Allows Member States to encourage operators of these installations to improve their annual average net operational rates.</p>	<p>Article 15(9) is an optional requirement.</p>
17(1)	<p>Member States must ensure that information on available energy efficiency mechanisms and financial and legal frameworks is transparent and widely disseminated to all relevant market actors, such as consumers, builders, architects, engineers, environmental and energy auditors, and installers of building elements as defined in Directive 2010/31/EU.</p> <p>Member States are required to encourage the provision of information to banks and other financial institutions on possibilities of participating, including through the creation of public/private partnerships, in the financing of</p>	<p>Article 17(1) is transposed by regulation 7 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014.</p>

	energy efficiency improvement measures.	
17(2)	Member States must establish appropriate conditions for market operators to provide adequate and targeted information and advice to energy consumers on energy efficiency.	Article 17(2) is transposed by pre-existing legal requirements.
17(3)	The Commission shall review the impact of its measures to support the development of platforms, involving, inter alia, the European social dialogue bodies in fostering training programmes for energy efficiency, and shall bring forward further measures if appropriate. The Commission shall encourage European social partners in their discussions on energy efficiency.	Transposition not necessary as this is a requirement on the Commission.
17(4)	Member States must, with the participation of stakeholders, including local and regional authorities, promote suitable information, awareness-raising and training initiatives to inform citizens of the benefits and practicalities of taking energy efficiency improvement measures.	Article 17(4) is transposed by regulation 7 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014.
17(5)	The Commission shall encourage the exchange and wide dissemination of information on best energy efficiency practices.	Transposition not necessary as this is a requirement on the Commission.
18(1)	Member States shall promote the energy services market and access for SMEs to this market by: (a) disseminating clear and easily accessible information on: (i) available energy service contracts and clauses that should be included in such contracts to guarantee energy savings and final customers' rights; (ii) financial instruments, incentives, grants and loans to support energy efficiency service projects; (b) encouraging the development of quality labels, inter alia, by trade associations; (c) making publicly available and regularly updating a list of available energy service	Regulation 8 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 transposes 18(1)(a) – (d). Regulation 9 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 Transposes 18(1)(e).

	<p>providers who are qualified and/or certified and their qualifications and/or certifications in accordance with Article 16, or providing an interface where energy service providers can provide information;</p> <p>(d) supporting the public sector in taking up energy service offers, in particular for building refurbishment, by:</p> <p>(i) providing model contracts for energy performance contracting which include at least the items listed in Annex XIII;</p> <p>(ii) providing information on best practices for energy performance contracting, including, if available, cost- benefit analysis using a life-cycle approach;</p> <p>(e) providing a qualitative review in the framework of the National Energy Efficiency Action Plan regarding the current and future development of the energy services market.</p>	
18(2)	<p>Member States shall support the proper functioning of the energy services market, where appropriate, by:</p> <p>(a) identifying and publicising point(s) of contact where final customers can obtain the information referred to in paragraph 1;</p> <p>(b) taking, if necessary, measures to remove the regulatory and non-regulatory barriers that impede the uptake of energy performance contracting and other energy efficiency service models for the identification and/or implementation of energy saving measures;</p> <p>(c) Considering putting in place or assigning the role of an independent mechanism such as an ombudsman to ensure the efficient handling of complaints and out of court settlement of disputes arising from energy service contracts;</p> <p>d) Enabling independent market intermediaries to play a role in stimulating market development on the demand and supply sides</p>	<p>Regulation 8 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 transposes 18(2)(a)</p> <p>Regulation 10 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 transposes 18(2)(b).</p> <p>Article 18(2)(c) is already transposed by pre-existing legal requirements. This requirement is implemented by the Practice Direction on Pre-action conduct which applies to any legal proceedings in England and Wales. This encourages parties to use alternative dispute resolution procedures as an alternative to litigation.</p>

		<p>There are numerous ways in which this might be performed, including mediation and arbitration. Schemes such as the Law Society civil and commercial mediation accreditation scheme provide for the accreditation of individuals qualified to offer mediation services.</p> <p>Article 18(2)(d) does not require transposition as there is no restriction on market intermediaries promoting energy performance contracts and energy services if they should choose to do so.</p>
18(3)	<p>Member States shall ensure that energy distributors, distribution system operators and retail energy sales companies refrain from any activities that may impede the demand for and delivery of energy services or other energy efficiency improvement measures, or hinder the development of markets for such services or measures, including foreclosing the market for competitors or abusing dominant positions.</p>	<p>This requirement is already transposed. Section 2 of the Competition Act 1998 prohibits agreements which preclude, restrict or distort competition. Section 18 of the Competition Act 1998 prohibits conduct which amounts to the abuse of a dominant position in the market.</p>
19(1)	<p>Member States shall evaluate and if necessary take appropriate measures to remove regulatory and non-regulatory barriers to energy efficiency, without prejudice to the basic principles of the property and tenancy law of the Member States, in particular as regards:</p> <p>(a) the split of incentives between the owner and the tenant of a building or among owners, with a view to ensuring that these parties are not deterred from making efficiency-improving investments that they would otherwise have made by the fact that they will not individually obtain the full benefits or by the absence of rules for dividing the costs and benefits between them, including national rules and measures regulating decision- making</p>	<p>Transposed by Regulation 10 of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014.</p>

	<p>processes in multi- owner properties;</p> <p>(b) legal and regulatory provisions, and administrative practices, regarding public purchasing and annual budgeting and accounting, with a view to ensuring that individual public bodies are not deterred from making investments in improving energy efficiency and minimising expected life- cycle costs and from using energy performance contracting and other third-party financing mechanisms on a long-term contractual basis.</p> <p>Such measures to remove barriers may include providing incentives, repealing or amending legal or regulatory provisions, or adopting guidelines and interpretative communications, or simplifying administrative procedures. The measures may be combined with the provision of education, training and specific information and technical assistance on energy efficiency.</p>	
19(2)	<p>The evaluation of barriers and measures referred to in paragraph 1 shall be notified to the Commission in the first National Energy Efficiency Action Plan referred to in Article 24(2). The Commission shall encourage the sharing of national best practices in this regard.</p>	<p>Transposition not required. This requirement will already have been fulfilled by the transposition date of 5 June 2014 because the first NEEAP must be published by 30 April 2014.</p>