
STATUTORY INSTRUMENTS

2004 No. 3392

The Electricity and Gas (Energy Efficiency Obligations) Order 2004

Improvements in energy efficiency

- 6.—(1) Subject to paragraph (2), the Authority shall determine—
- (a) the improvement in energy efficiency, assessed in fuel-standardised, lifetime-discounted kilowatt hours, to be attributed to a qualifying action by reference to—
 - (i) the improvement in energy efficiency in relation to domestic consumers which it is satisfied will result from that action; and
 - (ii) its estimate of the lifetime of that improvement, and
 - (b) the amount, if any, of that improvement which it is satisfied will be achieved in relation to domestic consumers in the priority group.
- (2) The Authority shall attribute an improvement in energy efficiency which is 50% higher than the improvement which would otherwise be attributed under paragraph (1)—
- (a) to an energy service action, provided that the total improvement in energy efficiency that would otherwise be attributed to such actions under paragraph (1) in relation to the supplier's energy efficiency target would achieve at least 5% and no more than 10% of that target;
 - (b) to an innovative action, provided that the total improvement that would otherwise be attributed to such actions under paragraph (1) in relation to the supplier's energy efficiency target would achieve no more than 10% of that target.
- (3) For the purposes of this article—
- (a) “energy service action” means a qualifying action undertaken in pursuance of an agreement between a supplier and a domestic consumer which is intended to achieve improvements in energy efficiency at the domestic premises concerned by at least 13%, where that agreement requires the supplier—
 - (i) to undertake an energy efficiency audit of the premises; and
 - (ii) to offer the consumer the option of making an arrangement with the supplier for deferring the whole or any part of the cost incurred by the consumer under the agreement;
 - (b) “innovative action” means a qualifying action which is not energy service action and which—
 - (i) achieves an improvement in energy efficiency—
 - (aa) by a means which was not used in respect of an action by any supplier which was determined by the Authority as a qualifying action under article 8(1)(a) of the Electricity and Gas (Energy Efficiency Obligations) Order 2001, and
 - (bb) which the Authority is satisfied is significantly greater than that achieved by any similar action so determined; or

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- (ii) achieves an improvement in energy efficiency through the use of a micro-cogeneration unit, as defined in Article 3(m) of 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 market⁽¹⁾.

(1) O.J. L 52, 21.2.2004, p. 50.