

TRANSPOSITION NOTE**Article 5 of Directive 2012/27/EUⁱ of the European Parliament and of the Council of 25 October 2012 on energy efficiency****Introductory Note**

This Transposition Note refers only to Article 5 of Directive 2012/27/EU. Other articles will be transposed by separate legislation as necessary.

The Energy Efficiency (Eligible Buildings) Regulations 2013 transpose Article 5 in relation to England and Wales, Scotland and Northern Ireland.

Article	Objective	Transposition
5(1)	Sets out the requirement to renovate 3% of the total floor area of central government buildings which do not meet minimum energy performance standards. Also sets out criteria for defining the central government buildings that are within scope of the obligation.	As the UK is adopting the alternative approach set out under Article 5(6), transposition of Article 5(1) into domestic law is not required.
5(2)	Sets out categories of buildings to which Member States may decide not to set or apply the requirements of Article 5(1).	As the UK is adopting the alternative approach set out under Article 5(6), transposition of Article 5(2) into domestic law is not required.
5(3)	Allows a Member State, if it renovates more than 3% of the total floor area of central government buildings in a given year, to count the excess towards the annual renovation rate of any of the three previous or following years.	As the UK is adopting the alternative approach set out under Article 5(6), transposition of Article 5(3) into domestic law is not required.
5(4)	Allows Member States to count towards the annual renovation rate new buildings that are occupied and owned as replacements for buildings demolished in any of the two previous years, or buildings that have been sold, demolished or taken out of use in any of the two previous years due to more intensive use of other buildings.	As the UK is adopting the alternative approach set out under Article 5(6), transposition of Article 5(4) into domestic law is not required.
5(5)	Requires Member States to establish and make publicly available an inventory of central government buildings (excluding buildings exempted under 5(2)) containing the floor area in square metres and the energy performance of each building or relevant energy data.	As the UK is adopting the alternative approach set out under Article 5(6), transposition of Article 5(5) into domestic law is not required.

5(6)	<p>Allows Member States to opt for an alternative approach to Article 5(1) to 5(5), by taking other cost-effective measures to achieve, by 2020, an amount of energy savings in eligible buildings that is at least equivalent to that required in Article 5(1), reported annually. Allows Member States to estimate the equivalent savings. Requires Member States to notify the Commission of the alternative measures they plan to adopt, showing how they would achieve an equivalent improvement in energy performance.</p>	<p>Regulation 3 of the Energy Efficiency (Eligible Buildings) Regulations 2013 imposes a statutory duty on the Secretary of State, the Scottish Ministers, the Welsh Ministers and the Northern Ireland departments (together, the “competent authorities”) to achieve, by 31st December 2020, an energy savings target of 163.6 gigawatt hours in buildings owned and occupied by central government. The target of 163.6 gigawatt hours is the estimated level of energy savings that would be generated were the 3% renovation obligation to be implemented.</p> <p>Regulation 3(2) requires the Secretary of State to report to the European Commission, on an annual basis, the amount of energy savings achieved in each year of the reporting period of 2014 to 2020.</p>
5(7)	<p>Requires Member States to encourage public bodies to (a) adopt an energy efficiency plan, containing specific energy saving and efficiency objectives and actions; (b) put in place an energy management system, including energy audits, as part of the implementation of their plan; and (c) use, where appropriate, energy service companies, and energy performance contracting to finance renovations and implement plans to maintain or improve energy efficiency in the long term.</p>	<p>Regulation 4 of the Energy Efficiency (Eligible Buildings) Regulations 2013 places a duty on the Secretary of State, the Scottish Ministers, the Welsh Ministers and the Northern Ireland departments (together, the “competent authorities”) to encourage public bodies to adopt energy efficiency plans.</p> <p>Regulation 2 defines energy efficiency plans and specifies that they may include an energy audit, an energy management system and the use of energy service providers and energy performance contracting.</p>

ⁱ OJ No L 315, 14.11.2012, p1.