
STATUTORY INSTRUMENTS

2022 No. 875

The Electricity and Gas (Energy
Company Obligation) Order 2022

PART 6

Applications relating to innovation measures

Part 6: interpretation

32. In this Part, “comparable measures”, in relation to a measure which is the subject of an application by a participant under this Part, means measures which—

- (a) would otherwise be promoted by the participant; and
- (b) are commonly available on the market in Great Britain.

Commencement Information

I1 Art. 32 in force at 27.7.2022, see [art. 1\(1\)](#)

Applications for approval as an innovation measure

33.—(1) A participant may apply to the Administrator in writing for a measure that the participant intends to promote to be approved as a standard innovation measure or a substantial innovation measure.

- (2) The application must include the following information—
- (a) the measure description;
 - (b) an explanation of how the measure is an improvement on comparable measures;
 - (c) in the case of an application for approval of the measure as a substantial innovation measure, a qualitative assessment as to whether the measure is a substantial improvement on comparable measures;
 - (d) the standards with which the measure conforms; and
 - (e) such other information relating to the measure as the Administrator may require.

Commencement Information

I2 Art. 33 in force at 27.7.2022, see [art. 1\(1\)](#)

Approval as a standard innovation measure or substantial innovation measure

34.—(1) On receiving an application under article 33, the Administrator must decide whether to—

- (a) approve the measure as a standard innovation measure;
 - (b) approve the measure as a substantial innovation measure; or
 - (c) reject the application.
- (2) The Administrator must not approve a measure as a standard innovation measure or a substantial innovation measure unless it is satisfied that—
- (a) the measure is capable of resulting in a reduction in the cost of heating domestic premises;
 - (b) the measure description stated in the application is accurate and contains sufficient detail to distinguish the measure from comparable measures;
 - (c) the explanation included in the application in accordance with article 33(2)(b) is reasonable;
 - (d) the standards stated in the application in accordance with article 33(2)(d) include provisions designed to ensure the safety and efficacy of the measure on its installation;
 - (e) the measure is—
 - (i) a type of measure listed in Table A.1, A.2 or A.3 in Annex A to PAS 2030:2019;
 - (ii) a certified product under MCS; or
 - (iii) certified, by a person accredited to ISO/IEC 17065:2012, as conforming to the standards stated in the application in accordance with article 33(2)(d); and
 - (f) the measure is not—
 - (i) an ECO3 innovation measure;
 - (ii) a district heating connection;
 - (iii) the installation of equipment for the generation of heat wholly or partly from coal, biofuel, oil or liquefied petroleum gas;
 - (iv) the installation of equipment for the generation of heat wholly or mainly from a non-renewable source; or
 - (v) a repair.
- (3) The Administrator may only approve a measure as a substantial innovation measure if—
- (a) the assessment provided with the application in accordance with article 33(2)(c) states that the measure is a substantial improvement on comparable measures; and
 - (b) the Administrator is satisfied that the measure is a substantial improvement on comparable measures.
- (4) The Administrator may only approve a measure as a standard innovation measure if the threshold in paragraph (3) is not met.
- (5) For the purposes of this article, when considering whether a measure is a substantial improvement on comparable measures, the Administrator may have regard to such matters as it thinks fit, including the significance or extent, as compared to comparable measures, of any—
- (a) increase in the annual cost savings of the measure;
 - (b) decrease in the cost of installing the measure;
 - (c) increase in the durability of the measure;
 - (d) improvement in the overall environmental impact of the measure; or
 - (e) reduction in the disruption to householders during the installation of the measure.

Commencement Information

I3 Art. 34 in force at 27.7.2022, see [art. 1\(1\)](#)

Further applications: substantial innovation measures

35.—(1) A participant may apply to the Administrator in writing for a measure to which paragraph (2) applies to be approved as a substantial innovation measure.

(2) This paragraph applies to a measure which—

- (a) has been approved as a standard innovation measure; or
- (b) is an ECO3 innovation measure.

(3) An application under paragraph (1) must include the following information—

- (a) the measure description;
- (b) a qualitative assessment as to whether the measure is a substantial improvement on comparable measures; and
- (c) such other information relating to the measure as the Administrator may require.

(4) The Administrator must not approve the application unless—

- (a) the assessment provided with the application in accordance with paragraph (3)(b) states that the measure is a substantial improvement on comparable measures; and
- (b) the Administrator is satisfied that the measure is a substantial improvement on comparable measures.

(5) Article [34\(5\)](#) applies for the purposes of paragraph (4).

Commencement Information

I4 Art. 35 in force at 27.7.2022, see [art. 1\(1\)](#)

Publication of information following approval of an innovation measure

36.—(1) If the Administrator approves an application under article [33](#), the Administrator must publish on its website the following information in respect of the measure—

- (a) the measure description;
- (b) whether the measure has been approved as—
 - (i) a standard innovation measure; or
 - (ii) a substantial innovation measure; and
- (c) the date on which the application is approved by the Administrator.

(2) If the Administrator approves an application under article [35](#), the Administrator must publish on its website the following additional information in respect of the measure—

- (a) the approval of the measure as a substantial innovation measure; and
- (b) the date on which the application is approved by the Administrator.

Commencement Information

I5 Art. 36 in force at 27.7.2022, see [art. 1\(1\)](#)

Definitions: standard innovation measures and substantial innovation measures

37. For the purposes of this Order—

- (a) a standard innovation measure is a measure which—
 - (i) either—
 - (aa) falls within a measure description published by the Administrator in accordance with article 36(1)(a); or
 - (bb) is an ECO3 innovation measure;
 - (ii) other than in the case of an ECO3 innovation measure—
 - (aa) is approved as a standard innovation measure; and
 - (bb) is completed after the date on which the application under article 33 is approved in respect of the measure; and
 - (iii) if relevant, is completed on or before the date on which an application under article 35 is approved in respect of the measure;
- (b) a substantial innovation measure is a measure which—
 - (i) either—
 - (aa) falls within a measure description published by the Administrator in accordance with article 36(1)(a); or
 - (bb) is an ECO3 innovation measure;
 - (ii) is approved as a substantial innovation measure; and
 - (iii) is completed—
 - (aa) if an application under article 35 is approved in respect of the measure, after the date on which the application is approved;
 - (bb) otherwise, after the date on which the application under article 33 is approved.

Commencement Information

16 Art. 37 in force at 27.7.2022, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Energy Company Obligation) Order 2022, PART 6.