

# Evaluation Report on the implementation of Article 6

**19th November  
2019**

# Article 6 Obligations

- *Central governments purchase **only products, services and buildings with high energy-efficiency performance**, insofar as that is consistent with cost effectiveness, economical feasibility, wider sustainability, technical suitability, as well as sufficient competition, as referred to in Annex III*
- *Public bodies, including at regional and local levels, to **follow the exemplary role of their central governments** to purchase only products, services and buildings with high energy-efficiency performance. Contracting Parties shall encourage public bodies, when tendering service contracts with significant energy content, to assess the possibility of **concluding long-term energy performance contracts that provide long-term energy savings**.*
- *When purchasing a product package covered as a whole by a delegated act adopted under Directive 2010/30/EU, Contracting Parties may require that the **aggregate energy efficiency** shall take priority over the energy efficiency of individual products within that package, by purchasing the product package that complies with the criterion of belonging to the highest energy efficiency class.*

# Questionnaire



| National set-up                      | Information Requested   |
|--------------------------------------|---|
| Primary Law on Energy Efficiency     | Does the National EE Law fully transpose the Article 6 of EED? If not, are there any drafts or timeline for implementation?   |
| National Procurement Law             | Does the National Procurement Law Transpose or take into consideration any requirements of Article 6 of EED? If not, are there any drafts or timeline for implementation?   |
| Secondary legislation                | Is there any secondary legislation approved in line with the Article 6 of EED or any criteria of energy efficiency in general? Please also include any reference towards the expected timeline of approval.   |
| National Strategies and Action Plans | Do your National Strategies and Action Plans of Energy include measures or plans to adopt Article 6 in any way? Please include in your response also the expected timeline for implementation of the measure, as described in the Plan or Strategy. |
| Institutional Set Up                 | What is the body responsible for Public Procurement (including Article 6). Is the Energy Efficiency Agency or Ministry of Energy involved in any way in Green Public Procurement or otherwise give opinion regards procuring energy efficiently?    |
| Other Initiatives                    | Are there any initiatives (local government/donor project etc.) that include energy efficient procurement and might provide for a basis on which National procurement can be based?   |



*Although transposed properly in the large majority of national Energy Efficiency laws, is not properly implemented in the most Contracting Parties.*



*The reason for this is that the public procurement is done in most Contracting Parties by an independent, national authority that is less informed about energy efficiency and hence is not developing or using any clear criteria in this respect.*



*These national bodies will require clear guidelines or rulebooks and training to be able to use energy efficiency criteria in public procurement.*



*The national Procurement Laws need to be amended in most cases regarding energy efficiency criteria. Since in almost all Contracting Parties there is a responsible national authority for public procurement, and this body is regulated by a national law, this need to include provisions in compliance with Article 6 that will provide the base for all public procurement nationwide.*

*Since this article is rather complicated to implement, donors assistance may be needed to provide support for the implementation either in legal drafting or, in more technical aspects like efficiency criteria or consumption thresholds for various items to be procured.*



- ✓ Using the Annual Report, or the NEEAP to calculate savings from alternative policy measures and attribute these to the Article 7 target is fine in principle. The caveat is, that this way is difficult to assess if all or partial measures are eligible in line with the criteria set by the Directive in Article 7 (10), and hence all or partial savings may be attributed.
- ✓ The calculation of the baseline consumption, the use of allowances and the calculation of the target in the cumulative way for the entire 4 years (2017-2020) in which Article 7 is implemented under the Directive 27/2012/EU appeared to be rather difficult, and hence the data presented in Table 1 may be either incomplete or simply not correct.
- ✓ Article 7 is continued until 2030 it is recommended that Contracting Parties start preparing also Energy Efficiency Obligation scheme for the implementation of Article 7.
- ✓ Alternative policy measures: eligibility check
- ✓ A combination of Energy Efficiency Obligation scheme and alternative policy measures will be needed to meet the target for 2030.
- ✓ ECS and EBRD published Policy Guidelines on EEOs



# THANK YOU FOR YOUR ATTENTION

[Violeta.Kogalniceanu@energy.community.org](mailto:Violeta.Kogalniceanu@energy.community.org)

## GET IN TOUCH

-  [www.energy-community.org](http://www.energy-community.org)
-  [Ener\\_Community](https://twitter.com/Ener_Community)
-  [/company/energy-community](https://www.linkedin.com/company/energy-community)
-  [/Ener.Community](https://www.facebook.com/Ener.Community)
-  [/EnergyCommunityTV](https://www.youtube.com/EnergyCommunityTV)