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ESD implementation in Germany

In addition to the German National Energy Efficiency Action Plans, this summary report provides brief information on the implementation of the Energy Services Directive (ESD) in Germany and thereby meets the commitment of the CA ESD participants to update the Commission on the status of ESD implementation in their country in intervals (once during the first half and once during the second half of the agreement; CA ESD Grant Agreement). Also, the national energy efficiency policy measures and actions mentioned in this summary report demonstrate and underline Germany's commitment to energy efficiency policy in general and the national implementation of the ESD in particular.

An important step for the implementation of the ESD is the "Integrated Energy and Climate Program" [Integriertes Energie- und Klimaprogramm (IEKP)] which was introduced by the Federal Government on 23./24. August 2007 in Meseberg where important key points of the program were decided upon, constituting the so called "Meseberg Resolutions" (Meseberger Beschlüsse). For dealing with the challenges faced in energy and ecology issues, a forward-oriented energy and climate policy has to accomplish a more efficient use of energy as well as more renewable energies, therefore minimising CO₂-emissions with appropriate technologies and change of behaviour. A specification with more concrete measures was conducted by decisions of the cabinet on 5 December 2007 and on 18 June 2008. For an overview of the IEKP energy efficiency policies and regulations, please see below:

1. Amendment of the Energy Industry Act for the increase of competition on the market for metering of electricity and gas with the following elements: Complete opening of both the installation and the meter-reading of electricity and gas meters observing the framework conditions of calibration laws, hence increasing the competition between corresponding providers. From 2010 on operators of meters have to offer to the customers new meter devices, which must comply with the EU-Standards for the

improvement of customer information. For new buildings and in the case of larger refurbishments of existing buildings, this standard will become obligatory, if technically feasible and economically reasonable (Art. 13 (1) of the ESD). Additionally, customers are entitled to demand from their electricity- or gas providers bills in intervals of one, three or six-months (Art. 13 (2) 3) of the ESD). The Amendment came into force on 09. September 2008. Further, a corresponding regulation, specifying the requirements of the law in more detail, came into force on 23. October 2008.

2. Amendment of the Energy Conservation Act and the Energy Saving Ordinance: Increase of the energy requirements for new buildings and improvements in energy use of 30% in average in the general building stock. In a second stage (planned for 2012) energy requirements will be additionally increased up to the same level insofar as cost-effective. Additionally, the enforcement of the Act was improved with the amendment. Retrofit obligations of equipment and buildings were expanded. Rules for the long-term, stepwise, abandonment of night storage heaters were introduced, however, taking into consideration the cost-effectiveness of this measure. The Amendment of the Energy Conservation Act came into force on 02. April 2009, the amendment of the Energy Saving Ordinance on 02. October 2009.
3. Amendment of the Regulation on heat billing: Increase of the usage-bound proportion of the heating bill of rented flats in order to increase the motivation of the energy consumers to save energy. Another goal is to motivate energy consumers to implement measures in order to fulfil the requirements for the passive house standard. The Amendment came into force on 01. January 2009.
4. Cogeneration: Until 2020, the doubling of the share of electricity from cogeneration on the overall annual production to 25% is planned. This will be accomplished by the amendment of the act on combined heat and power (CHP) generation and through the existing voluntary agreements of commercial enterprises on CHP. The Amendment came into force on 01. January 2009.
5. General administrative provisions/guidelines/regulations for the procurement of energy-efficient products and services: A decision of the Federal Government on administrative provisions and guidelines, valid for procurement on the federal level, serves the practical implementation of the exemplary role of the public sector (Article 5 of the ESD) and came into force in January 2008. It must be followed by all public contractors on the federal level. Energy efficient equipment and services are promoted by a preferential procurement. Federal states and authorities on the local level are asked to assess, if they can adopt the federal level administrative provisions and guidelines.

Additionally, on 29. September 2009 a regulation on the procurement of orders in transport, drinking water supply and energy supply came into force, implementing measures of Annex VI of the ESD. Respective regulations on the awarding of public contracts by the so-called "classic" public contractors, are planned to be enacted within the planned Amendment of the Regulation on the Award of Contracts in the beginning of 2010.

6. Support programme "Special Fund on Energy Efficiency in Small and Medium-Sized Companies": This fund was established in February 2008 and it provides low interest credits for energy efficiency measures in small and medium-sized companies. Additionally it also provides subsidies for energy audits.

7. The financial volume of the existing Federal Promotion Programmes on energy audits for private households was significantly raised. In comparison to 2007, the demand for audits federally subsidized in the context of those promotional programmes doubled in 2008, with a currently additional rising tendency in comparison to 2008.
8. Climate Protection Initiative: In June 2008 a Climate Protection Initiative was started. Besides the increased use of renewable heating, investments for the increase of energy efficiency were also promoted. Three support programme guidelines for the increase of energy efficiency were released.
 - a. Guideline for the support of climate protection projects in social, cultural and public institutions: Different measures of climate protection and the increase of energy efficiency on the local level are promoted. E.g. establishing and consultancy during the implementation of climate protection concepts, model projects on the local level and the appliance of highly efficient technologies
 - b. Guideline for the support of mini-cogeneration systems
 - c. Guideline for the support of measures applied in commercial or industrial cooling devices

With the implementation of the IEKP, a large share of the national energy saving target, which is an important objective of the ESD, will be covered.

The legal implementation of remaining issues of the ESD will be accomplished by enacting the planned law on the increase of energy efficiency (Energieeffizienzgesetz - EnEFG). This legislation project contains, according to its broad field of applications and in conformity with Article 2 of the ESD, a complex cross-sectional matter with effects on a broad range of topics on the political, societal and economical sphere.

However, the enacting of the EnEFG is a high priority of the Federal Government in the newly begun election period. After the successful end of the inter-ministerial consultations, the EnEFG draft will be handed over to the Federal Parliament (Bundestag) and the Federal Council (Bundesrat) for enactment in 2010.

Besides the EnEFG, BMWi has in January 2009 established the Federal Energy Efficiency Center (Bundesstelle für Energieeffizienz - BfEE) at the Federal Office of Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle - BAFA) in Eschborn. The main tasks of the BfEE are the following:

- establishment of a monitoring system for the collection and calculation of the effects of energy efficiency measures in Germany;
- demonstration of the attainment of the ESD energy saving target;
- preparation of the German national energy efficiency action plans, covering strategies and measures applied in order to reach the energy saving target of the ESD;

- information of citizens and enterprises on the energy efficiency actions of the public sector;
- support of BMWi in the context of the Energy Demand Management Committee and the Concerted Action.

In the course of the EnEfG, it is planned to assign the BfEE with additional tasks in the context of ESD implementation.