



Italian transposition of Energy Efficiency Directive (2012/27/EU)

Provisions from Art. 8 of Lgs. Decree 102/14:
Energy audits and energy management systems

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Lgs. Decree 102/14



Directive 2012/27/EU establishes a common framework of measures for the promotion of energy efficiency (EE) in order to ensure the achievement of the Union's EE target of 20 % by 2020 and to pave the way for further EE improvements beyond that date.

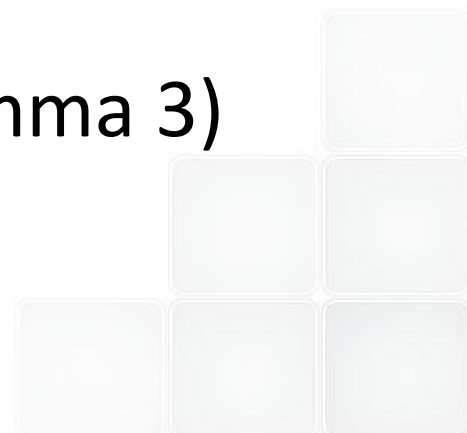
Italy has transposed the **Energy Efficiency Directive** (2012/27/EU) into national law by issuing the Lgs. Decree ***n° 102 of 4 July 2014*** (G.U. Serie Generale n° 165 of 18/07/2014)

Energy audits and EMS



According to Art. 8 of Lgs. D. 102/14, the hereinafter mentioned companies from the Industry sector must undergo energy audits on their production sites, by 5 Dec. 2015, and at least every four years:

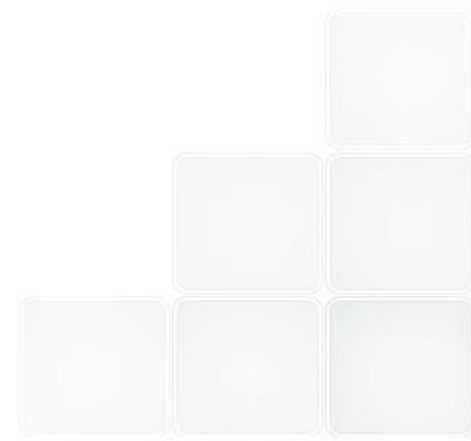
- Large enterprises (comma 1);
- Energy intensive Enterprises (comma 3)



Large Enterprise: Definition

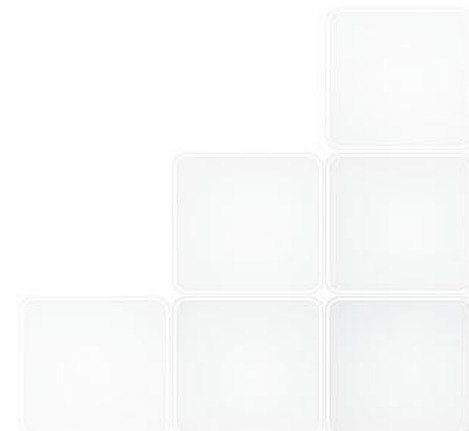


All enterprises that are not qualified as SME according to M.D. April 18, 2005, shall be defined as Large Enterprises and therefore they must undergo to energy audits as stated in Art. 8 of the Lgs. D. 102/14.



Large enterprise

For the purposes of this presentation, the definition taken from the publication below shall apply



Large enterprise



An organisation qualifies as Large enterprise if it has:

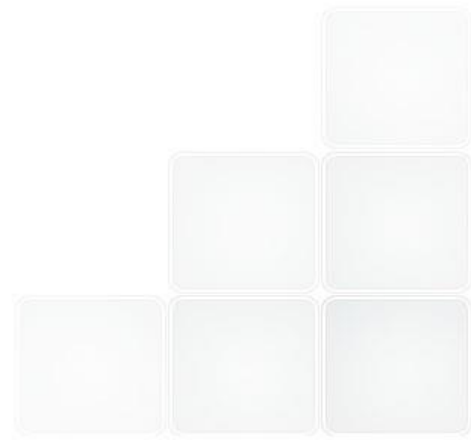
Employees ≥ 250

or

Annual Turnover $> \text{€ } 50$ million

and

Annual Budget $> \text{€ } 43$ million



Qualifying Enterprises

Enterprise	Staff headcount	Annual turnover (€ million)	Annual balance sheet (€ million)	Size
A	250	51	44	Large
B	250	51	42	Large
C	250	49	44	Large
D	250	49	42	Large
E	249	51	44	Large
F	249	51	42	SME
G	249	49	44	SME
H	249	49	42	SME

Large enterprises



A company qualifies as a Large enterprise if 25% or more of its capital or voting rights are directly or indirectly controlled by one or more public or collective public bodies



Autonomous Enterprise



The following requirements shall be met to qualify a company as autonomous Enterprise :

1. The enterprise is totally independent, that is if it doesn't have any involvement in other companies or any participation in other undertaking;
2. If it holds a share participation of less than 25% of the capital or voting rights (whichever is the higher of the two) in one or more other undertakings.

Autonomous Enterprise



A company still qualifies as an autonomous enterprise even if it is subsidiary for a share of more than 25% but less than 50% by one or more of the following entities, provided they are not connected to each other:

- public participation companies;
- venture capital companies and 'business angels'; universities or research centers non-profit organizations; institutional investors, including regional development funds;
- autonomous local authorities with an annual budget of less than €10 million and less than 5,000 inhabitants.

Associated Enterprise



A company qualifies as Associated Enterprise if it owns or it is owned with a capital share between 25% and 50% from another one.

To assess its actual turnover and budget, Associated Enterprise must also consider the share of the company to which it is associated.

Connected Enterprise

Two or more companies are Connected Enterprises when they meet any of the following relationships:

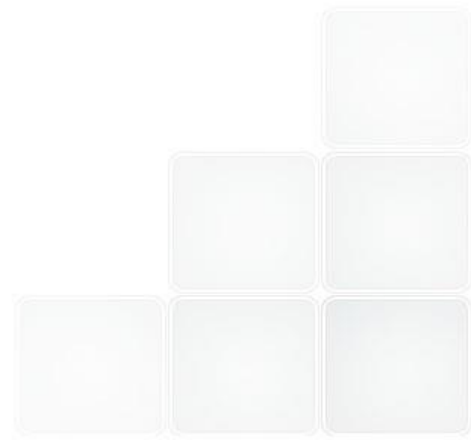
1. One enterprise holds a majority of the shareholders' or members' voting rights in another.
2. One enterprise is entitled to appoint or remove a majority of the administrative, management or supervisory body of another.
3. A contract between the enterprises, or a provision in the memorandum or articles of association of one of the enterprises, enables one to exercise a dominant influence over the other.
4. One enterprise is able, by agreement, to exercise sole control over a majority of shareholders' or members' voting rights in another.

Connected Enterprises

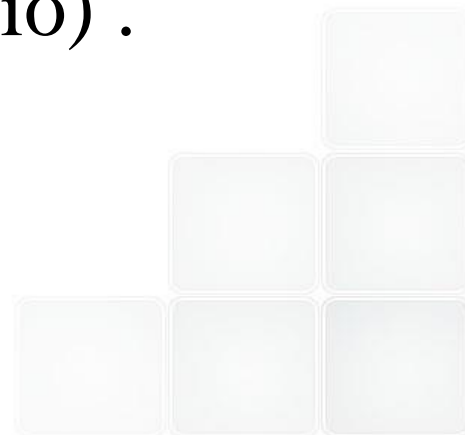


Connected Enterprises: they must calculate their actual turnover and budget by considering the 100% of the Enterprise to which it is associated.

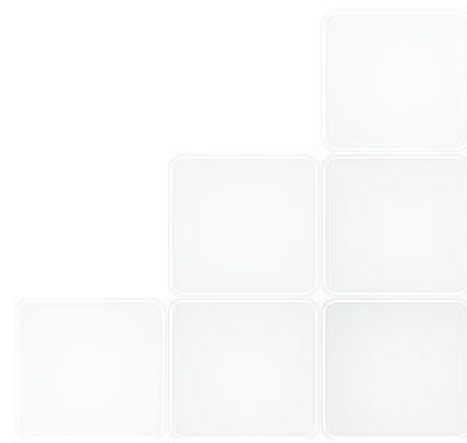
Therefore any company connected to a large enterprise automatically qualifies itself as a Large enterprise.



Energy intensive Enterprises subject to the requirement of energy audit, are only those benefiting of the incentives available for energy intensive users (i.e. enlisted in the ad hoc list for the electricity sector of Cassa Conguaglio) .



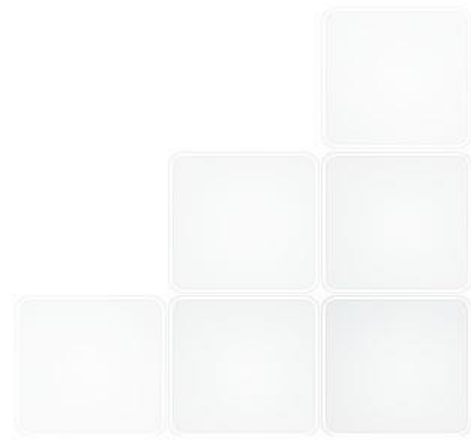
The large enterprises are subject to the obligation of audit by 5 December of year n -th, starting from 2015, only if the condition of large enterprise occurred for two consecutive years before the n year ($n-1$ and $n-2$ years)



Timing



Each company is required to check every year its obligation to fulfill the obligation of energy audit by 5 December of the year.



Production Site



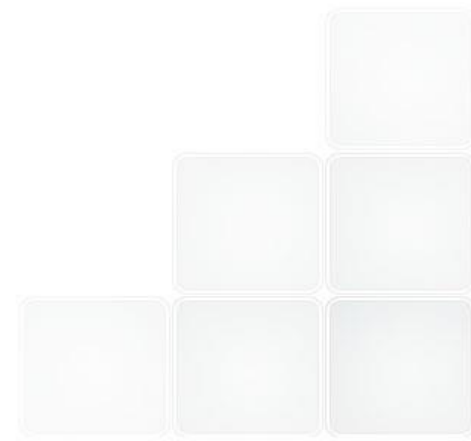
“Production site” means a geographically defined location where good is produced and/or service is provided, and where the organization has the control of the energy use.

For transport companies, production sites include sites where complementary activities for transport are carried out (workshops, warehouses, offices, etc.)

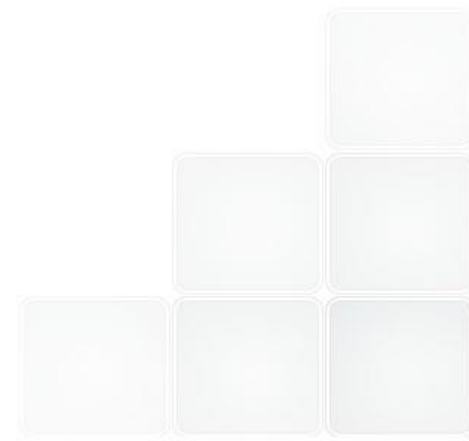
Production Site



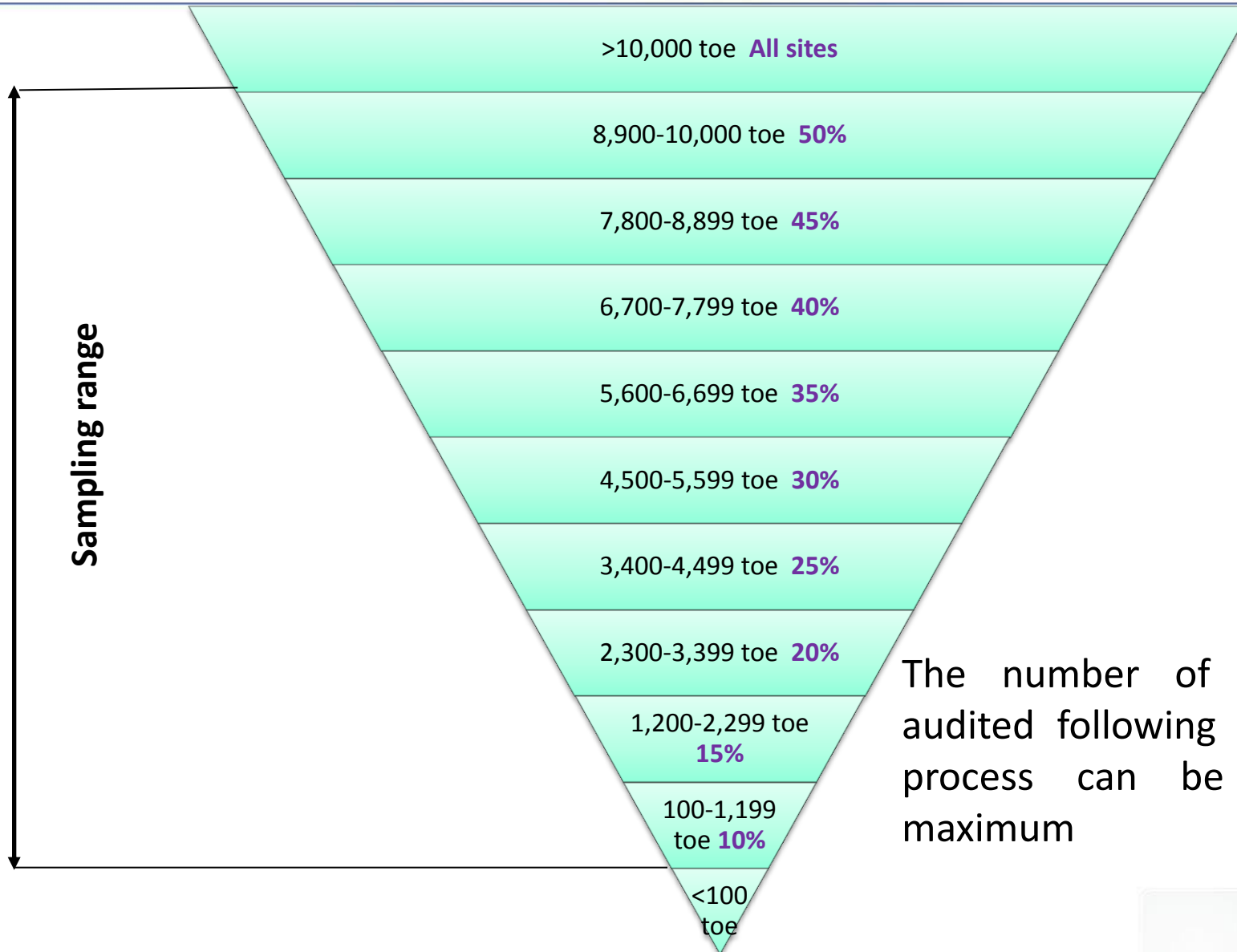
Production sites are also those of temporary task, or existing in order to perform a specific job or service for a limited period of time (e.g. construction sites), provided they have a minimum duration of 4 years.



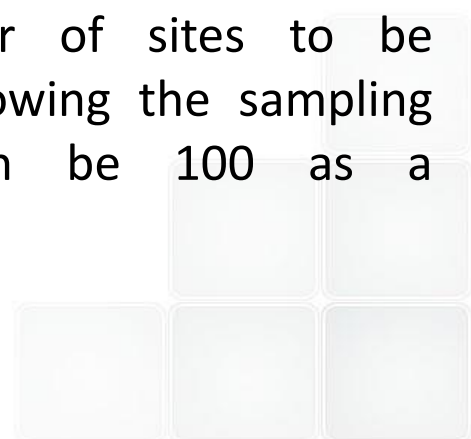
Suggested approach to multisite enterprises



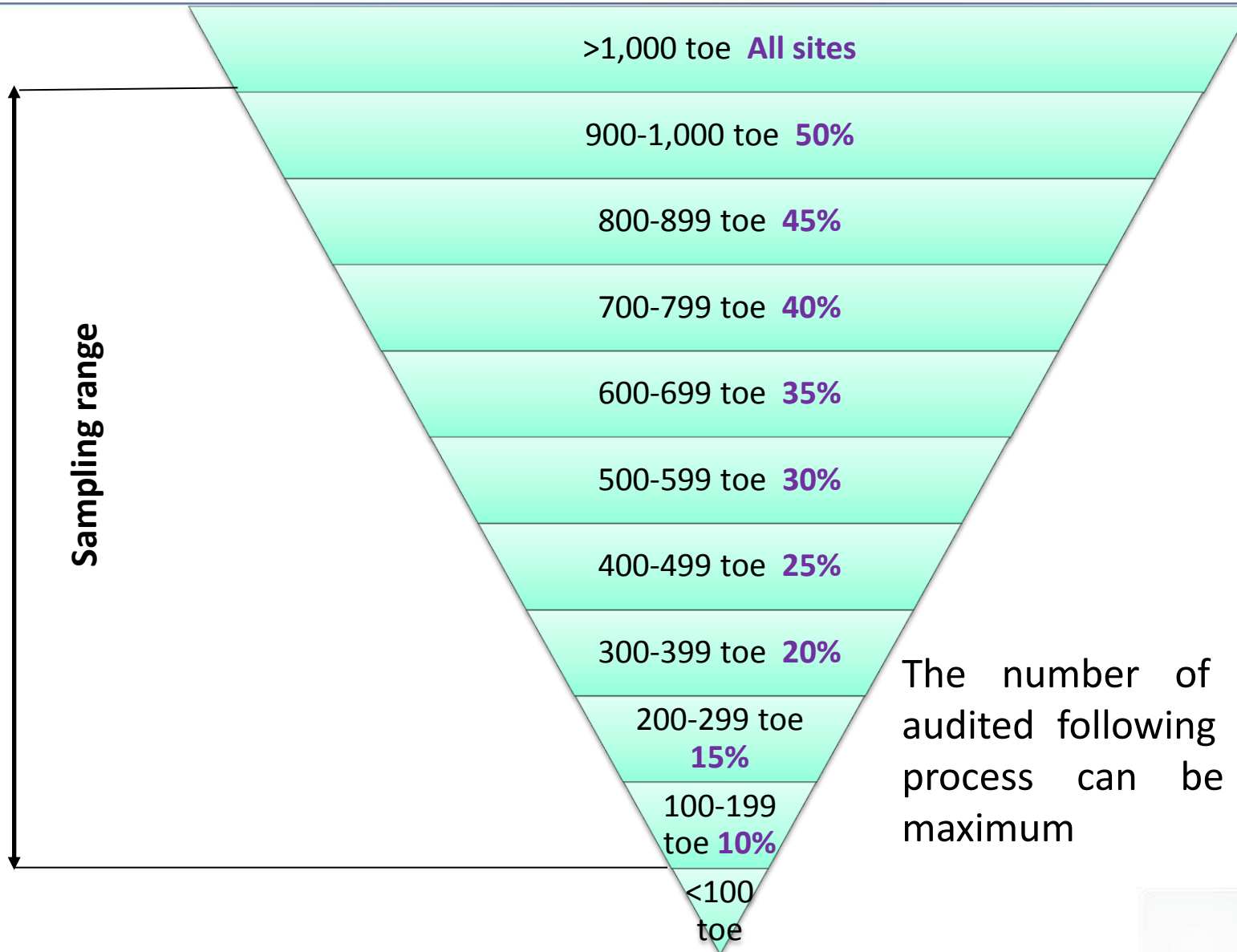
Multisite industrial sector



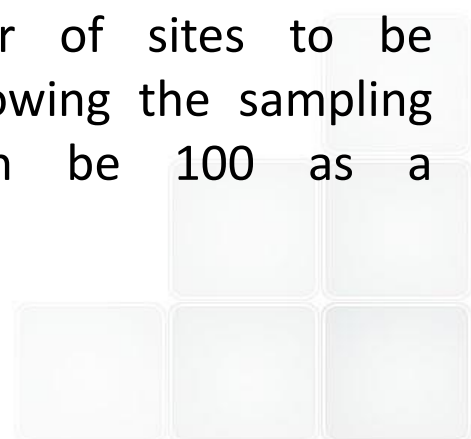
The number of sites to be audited following the sampling process can be 100 as a maximum



Multisite primary or tertiary sector

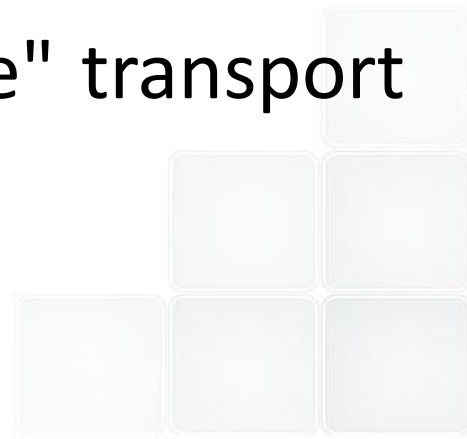


The number of sites to be audited following the sampling process can be 100 as a maximum



Sites obliged to energy audit:

- Industrial sector: all sites with an energy consumption higher than 10,000 toe/year
- Primary or tertiary sector: all sites with an energy consumption higher than 1,000 toe/year
- For large companies, the "virtual site" transport must undergo to diagnosis.



Multisite



Sites with energy consumption less than 100 toe are excluded from audit until they reach a maximum number of sites covering 20% of the total consumption of the enterprise.

The remaining sites, with consumption of less than 100 toe, if the number of sampled sites is less than 100, will be arranged into two additional groups: the first with energy consumption ranging from 1 to 50 toe, the other one from 51 to 99 toe and whose sampling rate will be 1% and 3% respectively.

Who can perform audit



Until July 19, 2016, energy audit can be carried out by energy service companies (ESCo), experts in energy management (EGE) or energy auditor, also without any certification.

After the above date, audit shall be carried out by entities or qualified experts (i.e. ESCo under UNI CEI 11352; EGE under UNI CEI 11339; Energy auditor under UNI 16247 – 5) certified by accredited bodies.

Energy Audit Requirements



Energy audit must comply with minimum requirements set up by Annex 2 to the Legislative Decree 102/2014.

An energy audit shall be considered as fulfilling the above mentioned requirements when it is carried out on the basis of minimum standards set up by the norm UNI CEI EN 16247 (parts from 1 to 4).

Audit following the first



Following audit shall be submitted after 4 years from the previous presentation, in order to comply with the maximum range of 4 years prescribed by law.

The preceding obligation also applies to audits performed before December 5, 2015, provided that they have been carried out in compliance with law.

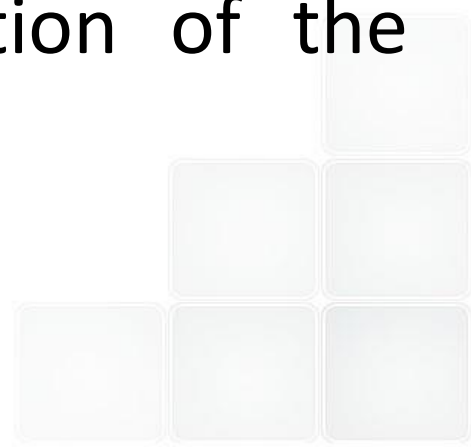
Example: If an audit has been carried out, in compliance with Art. 8, on January 15, 2013, the following audit shall be submitted, at the latest, by January 15, 2017.

Sanctions



Obligated Enterprises that will not carry out energy audit within the predefined deadline, shall be subject to administrative monetary penalties.

The penalty does not free enterprises from carrying out audit that must be submitted to ENEA within six months after the imposition of the sanction..



Art.8 : ENEA's role



Lgs. Decree 102/2014 entrusts ENEA with the following tasks:

- Art. 5. ENEA shall design and manage a database of enterprises obliged to undergo energy audit.
- Art 6. ENEA shall carry out controls to ensure compliance with the requirements of the diagnosis article, through an annual selection of a statistically significant percentage of the population of enterprises subject to the obligation, at least 3%.
- ENEA shall carry out controls over 100% of the diagnoses carried out by internal auditors. The control activities will also include in "situ" inspections.

Further information on Energy Diagnosis is available from:

- www.agenziaefficienzaenergetica.it/per-le-impresediagnosti-energetiche
- Email: diagnostienergetica@enea.it

