

## PROPOSITION DE REVISION DE LA DIRECTIVE 2012/27/UE RELATIVE A L'EFFICACITE ENERGETIQUE

### Contribution complémentaire

- 1 juin 2017 -

Cette contribution fait suite au projet de texte de compromis proposé par la présidence maltaise au Conseil le 24 mai 2017 dans le cadre de l'examen du projet de révision de la directive relative à l'efficacité énergétique. Elle complète la note produite par FEDENE/SNEC le 27 avril 2017, et porte sur trois points :

- la prise en compte des énergies renouvelables livrées par les réseaux de chaleur et de froid ;
- les dispositions relatives au comptage
- le facteur d'énergie primaire par défaut.

#### 1. PRISE EN COMPTE DES ENERGIES RENOUVELABLES LIVREES PAR LES RESEAUX DE CHALEUR ET DE FROID

Deux amendements sont proposés afin de permettre une égalité de traitement dans la prise en compte de toutes les énergies renouvelables (EnR) dans l'article 7 ainsi que dans l'annexe V venant en préciser certaines dispositions. En effet, dans l'état actuel de la proposition de la présidence, seules les EnR produites in situ seraient éligibles, ce qui créerait une distorsion de concurrence induite et pénaliserait les réseaux de chaleur/froid efficaces vis-à-vis d'autres techniques de production d'EnR.

En France, les réseaux véhiculent aujourd'hui 50% d'énergies renouvelables et de récupération, ce qui a représenté en 2015 près d'1 Mtep. Ce chiffre devrait fortement augmenter dans les années à venir compte tenu de l'objectif de quintuplement des livraisons de chaleur et de froid renouvelables et de récupération par les réseaux d'ici 2030 inscrit dans la loi sur la transition énergétique pour la croissance verte.

- Considérant 13

Texte de la présidence	Proposition d'amendement
<p><u>For the purpose of the energy savings obligation in article 7</u> Member States should therefore be able to take into account <u>energy savings from a certain amount of</u> renewable energy generated on or in buildings for own use into account to satisfy their energy saving requirements. <del>For this purpose member states should be allowed to use calculation methodologies established under Directive 2010/31 EC.</del></p>	<p><u>For the purpose of the energy savings obligation in article 7</u> Member States should therefore be able to take into account <u>energy savings from a certain amount of</u> renewable energy generated on <u>or</u>, in <u>or nearby</u> buildings for own use into account to satisfy their energy saving requirements. <del>For this purpose member states should be allowed to use calculation methodologies established under Directive 2010/31 EC.</del></p>

- ANNEX V – “Common methods and principles for calculating the impact of energy efficiency obligation schemes or other policy measures under Articles 7(1) and (2), Articles 7a and 7b and Article 20(6)”

Texte de la présidence	Proposition d’amendement
(dd) <u>Also additional energy savings resulting from policy measures promoting the installations of small-scale renewable energy technologies on or in buildings are eligible.</u>	(dd) Also additional energy savings resulting from policy measures promoting the installations of <i>small-scale</i> renewable energy technologies on <del>or</del> , in <i>or nearby</i> buildings are eligible.

## 2. DISPOSITIONS RELATIVES AU COMPTAGE

- Article 10 a & Article 11 a.

Dans ces deux articles, il n’y a pas lieu de modifier la rédaction de la directive actuelle, qui fait référence aux « clients finals ». Le terme « usagers » apporte de la confusion, notamment pour les réseaux de chaleur où les opérateurs n’ont pas connaissance de l’usager final, mais seulement des clients finals (bailleur social, syndicat de copropriété, etc.).

Texte de la présidence à l’article 10 a	Proposition d’amendement
<p>1. Member States shall ensure that, <b>where meters or heat cost allocators are installed</b>, billing and consumption information is accurate and based on actual consumption <b>or heat cost allocator readings</b>, in accordance with points 1 and 2 of Annex VIIa for all final users, <b>that is to say, for natural or legal persons purchasing heating, cooling or hot water for their own end use, or natural or legal persons occupying an individual building or a unit in a multi-apartment or multi-purpose building supplied with heating, cooling or hot water from a central source who has no direct or individual contract with the energy supplier</b> █ .</p> <p>This obligation may, <b>where a Member State so provides, and</b> except in the case of sub-metered consumption <b>based on heat cost allocators</b> under Article <b>9b</b>, be fulfilled by a system of regular self-reading by the final customer <b>or final user</b> whereby they communicate readings from their meter █ . Only in cases where the final customer <b>or final user</b> has not provided a meter reading for a given billing interval shall billing be based on estimated consumption or a flat rate.</p> <p><b>Member States shall decide who should be responsible for providing the information referred to in paragraph 1 to those final users that have no direct or individual contract with an energy supplier</b></p>	<p>1. Member States shall ensure that, <b>where meters or heat cost allocators are installed</b>, billing and consumption information is accurate and based on actual consumption <b>or heat cost allocator readings</b>, in accordance with points 1 and 2 of Annex VIIa for all <i>final-users customers, that is to say, for natural or legal persons purchasing heating, cooling or hot water for their own end use, or natural or legal persons occupying an individual building or a unit in a multi-apartment or multi-purpose building supplied with heating, cooling or hot water from a central source who has no direct or individual contract with the energy supplier</i> █ .</p> <p>This obligation may, <b>where a Member State so provides, and</b> except in the case of sub-metered consumption <b>based on heat cost allocators</b> under Article <b>9b</b>, be fulfilled by a system of regular self-reading by the <i>final-customer or final-user</i> whereby they communicate readings from their meter █ . Only in cases where the <i>final-customer or final-user</i> has not provided a meter reading for a given billing interval shall billing be based on estimated consumption or a flat rate.</p> <p><del><b>Member States shall decide who should be responsible for providing the information referred to in paragraph 1 to those final users customers that have no direct or individual contract with an energy supplier.</b></del></p>

<p>2. Member States:</p> <p>a) shall require that, if information on the energy billing and historical consumption <b>or heat cost allocator readings</b> of final users is available, it be made available <b>upon request by the final user</b>, to an energy service provider designated by the final user;</p> <p>b) shall ensure that final customers are offered the option of electronic billing information and bills and that they receive, on request, a clear and understandable explanation of how their bill was drawn up, especially where bills are not based on actual consumption;</p> <p>c) shall ensure that appropriate information is provided with the bill based on actual consumption <b>or heat cost allocator readings</b> to all final users in accordance with point 3 of Annex VIIa;</p> <p>d) may provide that, at the request of the final customer, the provision of billing information shall not be considered to constitute a request for payment. In such cases, Member States shall ensure flexible arrangements for actual payment are offered.'</p>	<p>2. Member States:</p> <p>a) shall require that, if information on the energy billing and historical consumption <b>or heat cost allocator readings</b> of <i>final-user customers</i> is available, it be made available <b>upon request by the final-user customer</b>, to an energy service provider designated by the <i>final-user customer</i>;</p> <p>b) shall ensure that <i>final-users customers</i> are offered the option of electronic billing information and bills and that they receive, on request, a clear and understandable explanation of how their bill was drawn up, especially where bills are not based on actual consumption;</p> <p>c) shall ensure that appropriate information is provided with the bill based on actual consumption <b>or heat cost allocator readings</b> to all <i>final-users customers</i> in accordance with point 3 of Annex VIIa;</p> <p>d) may provide that, at the request of the <i>final</i> customer, the provision of billing information shall not be considered to constitute a request for payment. In such cases, Member States shall ensure flexible arrangements for actual payment are offered.'</p>
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Texte de la présidence à l'article 11 a	Proposition d'amendement
<p>1. Member States shall ensure that final <b>users</b> receive all their bills and billing information for energy consumption free of charge and that final <b>users</b> also have access to their consumption data in an appropriate way and free of charge.</p>	<p>1. Member States shall ensure that final <b>users</b> <i>customers</i> receive all their bills and billing information for energy consumption free of charge and that final <b>users</b> <i>customers</i> also have access to their consumption data in an appropriate way and free of charge.</p>

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- ARTICLE VIIa - "Minimum requirements for billing and consumption information based on actual consumption of heating, cooling and hot water"

Les changements proposés dans l'amendement ci-après ont pour objectif de faciliter la mise en œuvre des dispositions de l'annexe VIIa.

Il est par ailleurs proposé un délai supplémentaire de trois ans pour la mise en place d'une facturation mensuelle ou la mise à disposition d'informations sur les consommations mensuelles pour les abonnés aux réseaux dont la consommation de chaleur est très faible. Cela concerne spécifiquement les abonnés individuels. En effet, cette nouvelle obligation va nécessiter des nouveaux développements informatiques et des traitements de données supplémentaires, qui nécessitent du temps pour adapter les systèmes d'information et de facturation existants. Par ailleurs, des frais de développement vont s'ajouter aux frais d'installation et d'exploitation des systèmes de télérelève, ce qui conduira à alourdir significativement le prix unitaire de la chaleur, et donc la facture pour ces abonnés, car l'impact en termes de réduction des consommations, notamment par le changement de comportement des usagers, sera limité.

Texte de la présidence	Proposition d'amendement
<p>1. Billing based on actual consumption or heat cost allocator readings In order to enable final users to regulate their own energy consumption, billing shall take place on the basis of actual consumption or heat cost allocator readings at least once per year.</p>	<p>1. Billing based on actual consumption or heat cost allocator readings In order to enable <i>final customers</i> to regulate their own energy consumption, billing shall take place on the basis of actual consumption or heat cost allocator readings at least once per year.</p>
<p>2. Minimum frequency of billing or consumption information As of [XXX date of <b>transposition</b>] where remotely readable meters or cost allocators have been installed, billing or consumption information based on actual consumption or heat cost allocator readings shall be made available at least quarterly upon request or where final customers have opted to receive electronic billing, or else twice yearly.</p> <p>As of 1 January 2022, where remotely readable meters or heat cost allocators have been installed, billing or consumption information based on actual consumption or heat cost allocator readings shall be made available at least monthly. Heating and cooling may be exempted from this outside the heating/cooling seasons.</p> <p>3. Minimum information contained in the bill based on actual consumption or heat cost allocator readings Member States shall ensure that the following information is made available to final users in clear and understandable terms in or with their bills:</p> <ol style="list-style-type: none"> <li>a. current actual prices and actual consumption or total heat cost and heat cost and heat cost allocator readings;</li> <li>b. information on the fuel mix used, including for final users supplied by district heating or district cooling;</li> <li>c. comparisons of the final users current energy consumption with consumption for the same period in the previous year, in graphic form, climate corrected for heating and cooling;</li> </ol>	<p>2. Minimum frequency of billing or consumption information As of [XXX date of <b>transposition</b>] where remotely readable meters or heat cost allocators have been installed, billing or consumption information based on actual consumption or heat cost allocator readings shall be made available at least quarterly upon request or where final customers have opted to receive electronic billing, or else twice yearly.</p> <p>As of 1 January 2022 <i>and 1 January 2025 for household customers</i>, where remotely readable meters or heat cost allocators have been installed, billing or consumption information based on actual consumption or heat cost allocator readings shall be made available at least monthly. Heating and cooling may be exempted from this outside the heating/cooling seasons.</p> <p>3. Minimum information contained in the bill based on actual consumption or heat cost allocator readings Member States shall ensure that the following information is made available to final users in clear and understandable terms in or with their bills:</p> <ol style="list-style-type: none"> <li>a) current actual prices and actual consumption or total heat cost and heat cost and heat cost allocator readings;</li> <li>b) information on the fuel mix <i>used in the previous calendar year</i>, including for final <i>customers</i> supplied by district heating or district cooling;</li> <li>c) comparisons of the final users current energy consumption <i>or heat cost allocator readings</i> with consumption for the same period in the previous year, in graphic form, climate corrected for heating and cooling;</li> </ol>

### 3. FACTEUR D'ÉNERGIE PRIMAIRE PAR DÉFAUT

Dans la note de FEDENE/SNEC du 27 avril 2017, nous rappelions que les travaux du consortium mandaté par la Commission européenne pour revoir la valeur du facteur d'énergie primaire (PEF) par défaut n'avaient pas été suffisamment robustes pour motiver la modification proposée. Ainsi, la valeur de 2,0 proposée dans le texte initial, particulièrement basse, reflète certains choix faits par les consultants et conduisant à de nombreux biais : périmètre géographique de l'étude, exclusion des pertes amont, rôle des cogénérations dans le système électrique, considération d'un mix électrique prospectif à horizon 2020.

Sans justification convaincante de revoir la valeur figurant dans la directive en vigueur, il est donc proposé de laisser le texte actuel en l'état, en amendant l'annexe de la façon suivante :

Texte de la présidence	Proposition d'amendement
<p>1. Annexes IV and V are amended as follows:                      (a) in Annex IV, footnote 3 is replaced by the following: '(3) Applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity Member States may apply a default coefficient of 2,0. Member States may apply a different coefficient provided they can justify it.'</p>	<p>1. Annexes IV and V are amended as follows:  <del>(a) in Annex IV, footnote 3 is replaced by the following: '(3) Applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity Member States may apply a default coefficient of 2,0. Member States may apply a different coefficient provided they can justify it.'</del></p>

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