

# ORDER IET/289/2015, OF 20 FEBRUARY, WHICH ESTABLISHES THE OBLIGATIONS TO CONTRIBUTE TO THE ENERGY EFFICIENCY NATIONAL FUND IN YEAR 2015

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Legal Briefings

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On 24 February 2015, the Spanish Official State Journal (BOE) published Order IET/289/2015, of 20 February, which establishes the obligations to contribute to the Energy Efficiency National Fund in year 2015 (the "**Order**"), which entered into force on the following day.

The Order was published in accordance with article 70.1 of Act 18/2014, of 15 October, which approved urgent measures to boost growth, competitiveness and efficiency ("**Act 18/2014**"). Act 18/2014 developed the national system of energy efficiency obligations and establishes that "upon a prior resolution of the Delegated Government Commission for Economic Affairs and after a report has been received from the Institute for Energy Diversification and Saving, the Minister of Industry, Energy and Tourism will, by ministerial order, set the annual savings target, the distribution percentages among the different obligated parties as well as the resulting saving quotas and obligations and their financial equivalence".

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## 1. OBLIGATED PARTIES

Act 18/2014 creates a national system of energy efficiency obligations according to which gas and electricity trading companies, wholesale oil product operators and wholesale liquefied petroleum gas operators are allocated a national annual energy saving quota, called saving obligations. Appendix II to the Order includes a table of the contributions to be made by obligated parties to the Energy Efficiency National Fund in year 2015 and includes the names of those obligated parties.

## **2. SAVING OBLIGATIONS FOR YEAR 2015**

The aggregate energy saving target for 2015 has been set at 262 ktoe or 3,046.51 GWh. Expressed in other words, the financial equivalent has been established at €0.789728 million/ktoe saved or €67,916.58/GWh saved.

The saving obligation quotas imposed on each one of the obligated parties and their economic equivalence for year 2015 are set out in Appendix II of the Order.

## **3. METHODOLOGY FOR CALCULATING THE SAVING OBLIGATIONS FOR YEAR 2015**

The method used to calculate the economic amount equivalent to saving obligations for 2015 included in Appendix I of the Order are as follows:

- Firstly, the annual saving target for 2015 (263 ktoe) has been distributed proportionally among the obligated parties, without taking into account deviations occurring in 2014. In the case of gas and electricity traders, the final volume of sales of energy nationwide to end consumers has been used; in the case of wholesale oil product and liquefied petroleum gas operators, the final volume of sales of energy nationwide for subsequent retail distribution and to end consumers in year 2013 has been used.
- Subsequently, deviations from sales in 2012 set out in Appendix XII (Contributions to the Efficiency National Fund for 2014) of Act 18/2014 were determined, after which deviations were calculated in respect of the economic amounts equivalent to the saving obligations established in Act 18/2014.
- Finally, the difference was calculated between the obligated parties' contributions to the Energy Efficiency National Fund for 2015 and the adjustments made in respect of 2014 as a result of the preceding point. As a result of the calculation, we arrive at the contribution obligations to the Energy Efficiency National Fund for year 2015.

## **4. DEADLINE TO MEET THE OBLIGATIONS**

Companies must fulfil their annual energy saving obligations for 2015 by making three payments (before 28 February, 30 April and 30 June 2015, respectively) to the Energy Efficiency National Fund in respect of the corresponding annual energy saving financial equivalent (for 2015 financial equivalence is €0.789728 million/ktoe saved or €67,916.58/GWh saved).

## **5. CHALLENGING THE ORDER**

A contentious-administrative claim may be lodged against the Order within two months from the date on which it was published; an appeal for reconsideration may be lodged, on a prior and discretionary basis, within a period of one month.



# KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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