

Act no. 450 of 31 May 2000

Act on the promotion of savings in energy consumption¹

We Margrethe II, by God's grace Queen of Denmark hereby declare:
The Folketing has adopted and we have given our consent to the following Act:

Part I

The objective and area of application of the Act

1. The Act is to promote energy savings by consumers in accordance with environmental and economic considerations with a view to contributing to the fulfilment of Denmark's international environmental commitments.
- (2). Within the terms of the objective mentioned in section 1, the Act is, in particular,
 - 1) to ensure that energy-saving activities are prioritised,
 - 2) to promote cooperation and coordination of the implementation of the activities,
 - 3) to ensure that consumers receive efficient and user-friendly advice concerning energy savings.
2. The Act is to be applicable to enhancing efficiency and reduction of the use of energy in products, installations, processes and buildings, including installations for the buildings' own supply of energy. It is also to apply to consumer information concerning energy conscious behaviour.
- (2). The Act is also to apply to means of transport, to the extent that this appears from the Act or from rules laid down by the Minister for the Environment and Energy pursuant to the Act.

¹ The Act contains provisions that implement Council Directive 92/75/EEC of 22 September 1992 concerning indication of the energy and resource consumption of household appliances by labelling and standardised product information (Official Journal of the European Communities 1992, no. L 297, p. 16), and Directive 1999/94/EEC of the European Parliament and the Council of 13 December 1999 concerning access to consumer information on fuel economy and CO₂ emissions in connection with marketing new passenger vehicles (Official Journal of the European Communities 2000, no. L 12, p. 16).

3. In this Act, public energy supply undertakings means electricity, natural gas and district heat supply undertakings which are obliged by law to place energy-saving activities at the disposal of the consumers free of charge.

Part 2

General framework, energy planning etc.

4. The Minister for the Environment and Energy is to implement overall planning of energy-saving activities in relation to all sectors of society and covering all actors and measures. The planning is to ensure that energy-saving activities are prioritised, coordinated and implemented in accordance with the objective mentioned in section 1.

(2). At regular intervals, the Minister for the Environment and Energy is to draw up accounts of the planning as mentioned in subsection 1.

(3). The Minister for the Environment and Energy is to lay down objectives for the implementation of energy savings and to assess the extent to which there is a need for new initiatives to promote energy savings in order to achieve the above-mentioned objectives.

5. The Minister for the Environment and Energy is to keep a committee appointed by the Folketing (Danish Parliament) informed about all important matters concerning the development in Denmark's energy consumption.

(2) The Minister for the Environment and Energy can ask a committee appointed by the Minister for a statement on the planning as mentioned in section 4, and about matters of importance for prioritisation and implementation of any other energy-saving activities.

6. The Minister for the Environment and Energy is to ensure that energy-saving activities are planned and implemented as efficiently as possible in accordance with the objective of the Act. To accomplish this, the Minister can.

1) initiate impartial evaluations of energy-saving activities,

2) ensure the establishment of centres of expertise, databases and the like concerning energy savings, and,

3) promote the entering of agreements between commercial undertakings, consumers or associations of these concerning development, marketing or introduction of energy-efficient products, installations, or processes.

(2). The Minister for the Environment and Energy can lay down rules to the effect that public energy supply undertakings shall to a reasonable extent participate in activities as mentioned in (1), nos. 1 and 2, The Minister can, moreover, order public energy supply undertakings to participate, as mentioned in the first point.

Part 3

Local cooperation concerning energy savings

7. Local energy-saving committees are to be established with the aim of discussing initiatives to promote energy savings in the local area. The committees are to negotiate coordination of energy-saving activities between public energy supply undertakings and between these and the municipalities and the participants in local Agenda 21 work.

(2). Public energy supply undertakings are to participate in the establishment and operation of energy saving committees.

(3). The municipalities are to follow the work of the committees with a view to ensuring a connection with local Agenda 21 activity. Upon request, the municipalities are to be admitted as members of the committees.

(4). The energy saving committees are to admit, upon request, commercial undertakings and business, consumer and environmental organisations as members with a view to ensuring varied, unbiased representation.

(5). The energy saving committees are to draw up and publish an annual report of the activities they have implemented and are anticipating, including an account of the initiatives the committee has taken and will take concerning cooperation with the municipalities and participants in local Agenda 21 work.

8. The Minister for the Environment and Energy can order public energy supply undertakings to become members of an energy saving committee.

(2). Should it be regarded as necessary to ensure the implementation of the objective of the Act, the Minister for the Environment and Energy lay down rules to the effect that the municipalities shall participate in the energy saving committees to a specified extent.

(3). Under the same conditions as mentioned in (2), the Minister for the Environment and Energy can issue an order to the effect that the duties of an energy saving committee should be carried out by another committee.

(4). The Minister for the Environment and Energy can lay down rules concerning the establishment, delimitation and composition of energy saving committees and concerning the committees' execution of their duties. The Minister for the Environment and Energy can, furthermore, lay down standard rules of procedure for the committee and rules to the effect that the Minister must be notified of agreements on the establishment of energy saving committees and rules of procedure for these committees and any later amendments to the rules.

9. Public energy supply undertakings are jointly to defray the secretarial expenses in the energy saving committees with which they are associated. All participants in an energy saving committees are to defray their own expenses involved in participating.

(2). The Minister for the Environment and Energy can lay down rules concerning financial reporting in energy saving committees and concerning calculation of secretarial expenses.

10. In planning and implementing their statutory energy-saving activities, public energy supply undertakings are as far as possible to include recommendations made by energy saving committees.

(2). If a public energy-saving committee disregards to a significant degree recommendations by an energy-saving committee that must be regarded as unbiased and reasonable, upon the request of the committee, the Minister for the Environment and Energy can order the undertaking to carry out the energy-saving activities in whole or partial accord with the committee's recommendations.

(3). The Minister for the Environment and Energy can lay down rules to the effect that public energy-saving undertakings, upon the request of an energy-saving committee, must communicate specified information concerning energy consumption etc. of importance for the work of the committee.

11. With a view to promoting the objective of the Act, public energy supply undertakings are to cooperate on the organisation and implementation of their statutory energy-saving activities, including by establishing joint local energy-saving centres or other forms of local or national cooperation.

(2). If it is regarded as necessary for implementing the objective of the Act, the Minister for the Environment and Energy can order one or more public energy supply undertaking to take part in cooperation as mentioned in (1).

(3). The Minister for the Environment and Energy can lay down rules pertaining to the cooperation mentioned in (1).

12. The Minister for the Environment and Energy can, if it is regarded as necessary to implement the objective of the Act, order a public energy supply undertaking to invite tenders for statutory energy-saving activities from qualified undertakings, organisations and the like.

(2). The Minister for the Environment and Energy can lay down rules pertaining to inviting tenders for energy-saving activities.

Part 4

Energy savings in public institutions etc.

13. The Minister for the Environment and Energy can conduct negotiations with the public institutions etc. mentioned in section 14, or organisations representing these institutions, concerning energy-saving activities and the establishment of objectives for implementing energy savings in buildings, installations, equipment and the like which the institutions own or rent.

(2). The Minister for the Environment and Energy can lay down rules to the effect that the public institutions etc. mentioned in section 14 are to carry out the following energy-saving activities for buildings, installations, equipment and the like which they own or rent:

1) Draw up green energy accounts containing a mapping of energy consumption, documentation of energy savings that have been carried out, and action plans for energy savings,

2) Draw up calculations and plans for implementing energy savings,

3) Promote energy savings in connection with procurement, projecting and maintenance and,

4) Implement energy-saving activities when the costs involved in the activities are expected to correspond to operational savings within a short period of time.

(3). The Minister for the Environment and Energy can lay down rules to the effect that the institutions etc. mentioned must forward green energy accounts to the

Minister and take the initiative to publish the information mentioned in (1) nos. 1 and 2.

14. Section 13 applies to the public administration and to companies, institutions, associations etc. to the extent that the expenses involved in their activities are largely covered by state or municipal funds, or if, by or pursuant to law, have been given the power to make decisions on behalf of the state or a municipality.

(2). Following negotiations with the Minister for Finance or the Minister for the Interior, the Minister for the Environment and Energy can lay down rules to the effect that section 13 is also to apply to undertakings owned by the State or by municipalities, or where the State or the municipalities have the majority holding.

(3). The Minister for the Environment and Energy can lay down rules pertaining to exemption from the provisions in section 13.

Part 5

Labelling etc. concerning consumption of energy

15. The Minister for the Environment and Energy can lay down rules to the effect that energy-consuming appliances, articles, machines, installations and components and products affecting the energy consumption of a building, should, by means of labelling or in some other standardised manner, be supplied with information about energy consumption and other matters of importance for the consumers.

(2). The Minister for Transport can lay down rules corresponding to those mentioned in (1) with respect to motor vehicles. Under these, the Minister for Transport is to execute the powers assigned to the Minister for the Environment and Energy pursuant to this provision's subsections 3-5, section 17 (1), (2), (4), and 5, and sections 19 and 21.

(3). In rules as mentioned in (1), the Minister for the Environment and Energy can lay down the manner in which the stipulated information is to be communicated to the consumers when the product is sold or rented, including

- 1) that products that are on display in a specified manner are to be labelled and accompanied by other standardised information, and
- 2) that when a product is sold further or advertised, specific standardised information is to be communicated.

(4). The Minister for the Environment and Energy can lay down rules to the effect that in the case of the products etc. in question, there must be specifically indicated technical documentation for the correctness of the statutory information in subsections 1 and 3 on the basis of methods and standards as decided by the Minister for the Environment and Energy.

(5). The provisions above do not apply to used products etc.

16. Products etc. covered by provisions pursuant to section 15, may not be provided with labelling or the like which could be misleading with respect to the statutory information.

(2). Labelling etc. that is prescribed pursuant to section 15 may not be used for other products.

17. The Minister for the Environment and Energy, or whosoever the Minister authorises, is to supervise compliance with the provisions of this Part and rules issued pursuant to these.

(2). At any time, with appropriate identification and without a Court Order, the supervisory authority shall have access to the commercial premises of the supplier or retailer with a view to selecting products etc. for measurement and control as to whether the statutory information about energy consumption etc. is correct.

(3). Where necessary, the police force is to assist the supervisory authority in implementing the provisions pertaining to access in (2). Following negotiation with the Minister for the Environment and Energy, the Minister for Justice can lay down rules to this effect.

(4). The Minister for the Environment and Energy can lay down rules to the effect that the supplier is to defray the costs of selection, measurement and control.

(5). Where it is proved that information that must be provided pursuant to rules established in accordance with section 15 are incorrect, or that labelling or other standardised consumer information has not been drawn up in accordance with the directions, the Minister for the Environment and Energy can order the supplier of the product etc. to correct these matters.

Part 6

Distribution of costs for electricity, natural gas and district heating

18. The Minister for the Environment and Energy can lay down rules to the effect that when specified public energy supply undertakings determine their prices, they are to distribute their costs between fixed and variable tariffs with a view to promoting energy savings.

(2) If the Energy Supervisory Board should find that the prices must be regarded as being in conflict with the provisions laid down pursuant to (1), the Board can order that the prices in question be changed.

(3). Expenses for the duties of the Energy Supervisory Board pursuant to the above-mentioned provisions are to be paid by the undertakings that the Energy Supervisory Board supervises. The Minister for the Environment and Energy can lay down rules pertaining to this.

(4). The decisions of the Energy Supervisory Board can be brought before the Energy Complaints Board in accordance with the provisions in section 20.

Part 7

Sundry provisions

19. The Minister for the Environment and Energy can authorise an institution set up under the Ministry or another authority to exercise the powers assigned to the Minister under this Act.

(2). The Minister for the Environment and Energy can authorise an undertaking or an expert institution or organisation to exercise specified powers concerning control, registration and the like pursuant to this Act.

20. The Energy Complaints Board handles complaints about decisions made by the Minister for the Environment and Energy or the Minister for Transport pursuant to the Act and rules issued pursuant to the Act and the decision of an energy savings committee concerning admission of members, cf. section 7 (4).

(2). The decisions of the Minister for the Environment and Energy, the Minister for Transport and the energy savings committees as mentioned in (1) may not be brought before an administrative authority other than the Energy Complaints Board. The decisions cannot be brought before a Court before the final administrative decision has been made..

(3). The complaint must be made in writing within four weeks of the decision being announced.

(4). The Minister in question can lay down rules concerning

- 1) access to making a complaint concerning the decisions mentioned in (1), including that certain decisions may not be brought before the Energy Complaints Board, and
- 2) that decisions made by an institution under the Ministry in question or another authority to which the Minister has assigned his/her powers under the Act pursuant to section 19 (1) may not be brought before the Minister in question.

(5). The Minister for the Environment and Energy can lay down rules concerning the composition of the Energy Complaints Board when handling complaints about decisions as mentioned in (1) and about payment of charges when bringing a complaint before the Energy Complaints Board.

21. The Minister for the Environment and Energy and the Energy Complaints Board can order public energy supply undertakings, the undertakings, institutions or organisations mentioned in section 19 (2), and suppliers and retailers to draw up and communicate all such information as is necessary for carrying out the tasks mentioned in the Act, including making a decision as to whether a matter is covered by the Act.

(2). The Minister for the Environment and Energy can lay down rules concerning the categories of information that are covered by (1) and the manner in which the information is to be communicated.

22. Unless a higher penalty is laid down in other legislation, the penalty of a fine shall be imposed on whosoever

- 1) provides the Minister for the Environment and Energy, the Minister for Transport or the Energy Complaints Board with incorrect or misleading information, or neglects to provide information as mentioned in section 21,
- 2). neglects to comply with an order pursuant to section 6 (2), section 8 (1), section 10 (2), section 11 (2), section 12 (1), section 17 (5), or section 18 (2),
- (3). contravenes the provisions in section 16 (1) on provision of other labelling, or in section 16 (2) on incorrect utilisation of labels etc., or
- (4). hinders access to selection of products etc. as mentioned in section 17 (2).

(2). In rules issued pursuant to the Act, the penalty of a fine can be laid down for contravention of the provisions in the rules or of terms or orders issued pursuant to the rules.

(3). Undertakings etc. (legal persons) can be held criminally liable pursuant to the rules in Part 5 of the Criminal Code.

Part 8

Commencement, amendments

23. The Act shall commence on 1 July 2000.

(2). Act no. 224 of 28 May 1982 on labelling and duty of disclosure concerning energy consumption shall simultaneously be revoked.

(3). Rules laid down pursuant to the Act mentioned in (2) shall remain in force until they are replaced by rules laid down pursuant to this Act.

24. The following amendments shall be made to Act no. 485 of 12 June 1996 on the promotion of energy and water savings in buildings:

1. In *section 13*, the following shall be inserted after (2):

> (3). The Minister for the Environment and Energy can lay down rules concerning payment to cover the costs involved in the approval and withdrawal of approval of the energy consultants and supervision and control of the work of the energy consultants. The payment shall be charged annually and shall be fixed as the average of the costs mentioned.<

2. The following shall be inserted after section 13:

> Section 13 a. The Energy Complaints Board deals with complaints concerning decisions made by the Minister for the Environment and Energy pursuant to the Act or rules issued pursuant to the Act.

(2). The decisions made by the Minister for the Environment and Energy as mentioned in (1) cannot be brought before any administrative authority other than the above-mentioned Energy Complaints Board. The decisions cannot be brought before a Court before the final administrative decision has been made.

(3). The complaint must be made in writing within four weeks of the decision being announced.

(4). The Minister for the Environment and Energy can lay down rules concerning

1) access to making a complaint concerning the decisions made by the Minister for the Environment and Energy pursuant to the Act or rules issued pursuant to the Act, including that certain decisions may not be brought before the Energy Complaints Board, and

2) that decisions made by an agency or committee to which the Minister has assigned his/her powers under the Act pursuant to section 13 (1) or section 14 may not be brought before the Minister for the Environment and Energy, and concerning

3) payment of a charge when bringing a complaint before the Energy Complaints Board.

(5). The Minister for the Environment and Energy can lay down rules concerning the composition of the Energy Complaints Board when dealing with complaints as mentioned in (1).

(6). The Energy Complaints Board can order authorities, energy consultants and owners of buildings to communicate all such information as is necessary for carrying out the duties of the Board pursuant to this Act or rules issued pursuant to the Act. >

(3). *Section 15 (2)* shall read:

>2). (3). Undertakings etc. (legal persons) can be held criminally liable pursuant to the rules in Part 5 of the Criminal Code.<

25. The Act shall not apply to the Faroe Islands and Greenland.

Given at Christiansborg Palace on 31 May 2000

Under Our Royal Hand and Seal

Margrethe R.

/Svend Auken