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Energy savings calculation rule¹

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22.01.2021	RT I, 29.01.2021, 3	01.02.2021

The regulation is established on the basis of subsection 18 (1) of the Energy Management Act .

Chapter 1 General provisions

§ 1. Scope of application

The requirements of this regulation apply:

- 1) when preparing documents or drafts thereof provided for in subsections 3 (1), (3), (5) and (9), subsection 16 (2) and subsection 25 (1) of the Energy Management Act;
[RT I, 29.01.2021, 3 - entry into force 01.02.2021]
- 2) when calculating energy savings achieved as a result of a policy measure and publishing data on projected energy savings on the basis of subsection 24 (4) of the Energy Management Act.

§ 2. Terms

In this regulation, the following terms are used:

- 1) obligated person – a legal person governed by private law in which the state has majority decision-making rights and which participates in the implementation of the general energy saving obligation determined in the energy saving obligation distribution plan established on the basis of subsection 16 (2) of the Energy Management Act;
[RT I, 29.01.2021, 3 - entry into force 01.02.2021]
- 2) standard – a standard within the meaning of the Product Conformity Act;
- 3) savings lifetime – the period of time during which an energy saving measure allows for energy savings without additional significant action;
- 4) technical standard – a technical standard within the meaning of the Product Conformity Act.

Chapter 2 Calculating energy savings

Section 1 General principles for calculating energy savings

§ 3. Methods for calculating energy savings

The energy saving coordinator, public sector implementing agency, authorised person, obliged person or participating person must use one or more of the following energy saving calculation methods when implementing sections 14 and 15 of the Energy Management Act and when calculating the energy savings achieved as a result of policy measures pursuant to sections 17, points 2–7:

- 1) the expected savings method;
- 2) the measured savings method;
- 3) the relative savings method;
- 4) the savings method determined on the basis of a survey.

§ 4. Expected savings method

The calculation of energy savings using the expected savings method is based on independently monitored energy efficiency improvement results in similar installations and follows the general principles of applying the ex-ante calculation method.

§ 5. Measured savings method

The measured savings method for calculating energy savings resulting from the implementation of a measure or package of measures determines energy savings by recording actual energy use, taking into account factors that may affect consumption such as additionality, usage rate, production level and weather, and follows the general principles for applying the ex-post calculation method.

§ 6. Relative savings method

- (1) When applying the relative savings method, estimated technical data is used to calculate energy savings.

(2) The relative savings method may only be used if:

- 1) the device is replaced by one that has a different energy consumption than the device whose savings have been independently measured;
- 2) such data is obtained from a qualified or accredited expert, independent of the obligated, participating or authorised person, on the basis of the methods and benchmarks specified in the technical regulation or standard;
- 3) obtaining reliable measurement data for a specific installation is disproportionately difficult or expensive.

§ 7. Survey-based savings method

(1) When applying the survey-based savings method, the consumer's reaction to advice, an information campaign, a labelling and certification system or the introduction of a smart meter and the resulting energy savings are determined.

(2) The survey-based savings method may only be used for energy savings resulting from changes in consumer behavior.

(3) The savings method determined on the basis of a survey may not be used for a policy measure or individual measure that generates energy savings from the physical installation of a product or solution.

§ 8. Basis for calculating energy savings

(1) The energy saving coordinator, public sector implementing agency, authorised person, obliged person or participating person shall apply the provisions of subsections 2–12 of this section when implementing sections 14 and 15 of the Energy Management Act and when calculating the energy savings achieved as a result of a policy measure pursuant to clauses 17(2)–(7) of the Energy Management Act.

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(2) When calculating the energy savings of vehicles or products, only such energy savings may be taken into account:

- 1) which exceed the energy savings resulting from the European Union emission standards for new passenger cars and new light commercial vehicles set out in Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and new light commercial vehicles and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.04.2019, p. 13);

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2) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021] 3) which exceeds the minimum requirements established for the product by the implementing measure of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, pp. 10–35).

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(2) In the case of policy measures accelerating the introduction of more efficient products and vehicles, the energy savings achieved as a result of the measures may be taken into account in full if it is demonstrated that the product or vehicle is put into use before the expected average useful life of the product or vehicle in use or before the normal replacement period, and the energy savings resulting from the accelerated introduction shall be taken into account only for the period preceding the expected average useful life of the product or vehicle being replaced.

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(3) When taking into account climatic differences between regions, energy savings are recalculated to a standard value or a different method of calculating energy savings is determined due to differences between regions.

(4) With regard to the calculated energy savings, it must be possible to prove that the activities of the obliged, participating or authorised person are important for achieving the claimed calculated energy savings.

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(4) When determining the significance referred to in subsection 4, it shall be assessed how energy consumption and demand would change without the implementation of the policy measure, taking into account trends in energy consumption, changes resulting from changes in consumer behaviour, technical progress and other measures.

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(5) Energy savings achieved as a result of an individual measure may only be taken into account when calculating energy savings achieved as a result of an individual measure implemented by an authorised person or public sector implementing body or when fulfilling the obligation of an obliged person.

(6) The calculation of energy savings shall take into account the lifetime of the savings and the reduction of savings over time. This may be done:

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1) by adding up the energy savings of all individual measures that are achieved between the date of implementation of the individual measure and 31 December 2030;

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2) by applying another method of calculating energy savings that results in an estimated total energy savings of the same magnitude as the method described in clause 1 of this subsection.

(7) When using the method specified in clause 2 of subsection 6 of this section, it must be ensured that the total amount of energy savings calculated by the other method used does not exceed the total amount of energy savings obtained by adding together the energy savings of all individual measures achieved between the date of implementation of the individual measure and 31 December 2030.

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(8) For the purpose of comparing the achieved energy savings and converting them into comparable units, the conversion factors and calorific values of fuels set out in the Annex to this Regulation shall be applied.

(9) Energy savings achieved as a result of policy measures to promote the introduction of small-scale renewable energy technologies on the exterior or interior of buildings shall be taken into account if the energy savings have been calculated using the relative or measured savings method.

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(10) Savings resulting from the implementation of European Union law shall not be considered as energy savings, unless the energy savings are achieved through a policy measure that results in energy savings through the renovation of buildings.

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(11) When calculating energy savings, policy measures and individual measures that result in verifiable end-use energy savings shall be taken into account.

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(12) When calculating energy savings, policy measures aimed at promoting products and services with a higher level of energy efficiency shall be taken into account.

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§ 9. Basis for calculating energy savings resulting from state taxes

(1) When calculating the energy savings achieved as a result of a policy measure pursuant to clause 17(1) of the Energy Management Act, the principles listed in subsections 2–5 of this section shall apply.

(2) Only energy savings resulting from a taxation policy instrument that exceed the energy savings achieved through the minimum level of energy taxation required by Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, pp. 51-70) or by Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, pp. 1-118) shall be taken into account.

(3) To assess the impact, the energy efficiency coordinator uses up-to-date and statistically representative fuel and energy price elasticity data.

(4) Energy savings from accompanying taxation policy instruments, budgetary policy measures or fund contributions shall be calculated separately.

(5) The conversion factors set out in the Annex to this Regulation shall be applied for the comparison of energy savings and conversion into comparable units.

Section 2 Methods for calculating energy savings of a policy measure

§ 10. Choice of method for calculating energy savings

(1) The energy savings coordinator selects the method for calculating energy savings.

(2) The Energy Saving Coordinator shall prefer a method that meets at least one of the following conditions:

- 1) the method is specified in a technical regulation or standard;
- 2) the method has been previously used or described in an independent scientific publication or study;
- 3) the use of the method is recommended by the European Commission;
- 4) the suitability of the method has been confirmed by an independent expert or auditor.

Section 3 Special conditions for calculating energy savings

§ 11. Special conditions for calculating energy savings of an obligated person

The energy savings achieved by the obligated person during the year are calculated as if they had been achieved during the four years preceding or the three years following the calculation.

§ 12. Achieving energy savings in energy conversion and transmission

When reducing the general energy saving obligation on the basis of clause 15 (1) 2) of the Energy Management Act, energy savings shall be taken into account if, as a result of these measures, the following are met:

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- 1) the relevant requirements set out in clauses 7 (1) and (2), clause 8 (4), clause 9 (1) and (3) and clause 10 (1) 2) of the Energy Management Act;
- 2) the relevant requirements set out in clauses 43–54, clause 66, clause 70 (6) and clause 71 (4) of the Electricity Market Act;
- 3) the relevant requirements set out in clauses 37 (4) 4) and 6) of the Natural Gas Act;
- 4) the relevant requirements set out in §§ 46–62 of Regulation No. 184 of the Government of the Republic of Estonia of 26 June 2003 "Network Rules".

Chapter 3 Information on the method for calculating energy savings

§ 13. Notification of the method of calculating energy savings

(1) The notification of the European Commission of the method for calculating energy savings shall be organised by the energy savings coordinator.

(2) When notifying the method for calculating energy savings of a policy measure pursuant to clauses 17(2)–7) of the Energy Management Act referred to in subsection 1 of this section, at least the following information shall be provided:

- 1) the obligated, participating or authorised person or public sector implementing body;
- 2) the target group or target sectors of the policy measure or individual measure;

3) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021] 3¹) the volume of the general energy saving obligation pursuant to subsection 14(2)¹ of the Energy Management Act ; [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 3²) the name, type, description of the policy measure and the cumulative amount of energy savings expected to be achieved from the implementation of the measure; [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 4) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021] 5) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021] 5¹) list of individual measures provided for by the policy measure; [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 6) calculation method, method of determining additionality and significance and which method and benchmarks are used to determine the estimated expected and relative energy savings; [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 7) the lifetime of the savings resulting from the measure and an explanation of how it is calculated or on what it is based; [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 8) the approach chosen to take into account the national climatic variation; 9) quality standards; 10) an overview of the monitoring and control systems and an explanation of how their independence from the obliged, participating and authorised persons is ensured. [RT I, 29.01.2021, 3 - entry into force 01.02.2021] 11) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021] 12) [repealed - RT I, 29.01.2021, 3 - entry into force 01.02.2021]

(3) When notifying the method of calculating energy savings of a policy measure pursuant to clause 17(1) of the Energy Management Act referred to in subsection 1 of this section, at least the following information shall be provided:

- 1) the target group or target sectors and taxpayer segment of the policy measure;
 - 2) the public sector implementing body responsible for the measure;
 - 3) the expected savings to be achieved;
 - 4) the duration of the taxation measure;
- [RT I, 29.01.2021, 3 - entry into force 01.02.2021]
- 5) a description of the calculation method and the use of price elasticity and information on how they have been determined.
- [RT I, 29.01.2021, 3 - entry into force 01.02.2021]

(4) The first national energy efficiency action plan prepared on the basis of subsection 3 (1) of the Energy Management Act shall provide an overview of the methods applied on the basis of subsection 8 (6) (2) of this Regulation when calculating the lifetime of an energy saving measure, and of the measures that ensure compliance with the requirements provided for in subsection 8 (6) (1) and (2) of this Regulation.

Chapter 4 Organizing monitoring of policy measures

§ 14. Basis for organizing monitoring of policy measures

(1) The energy saving coordinator shall collect information on the implementation of policy measures from the public sector implementing authority and authorised person specified in the energy saving obligation distribution plan. The information collected shall serve as the basis for the reports prepared by the energy saving coordinator. The information collected shall be submitted and stored in a form that enables written reproduction and electronic use of the data.

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(2) The energy saving coordinator shall organise the dissemination of information on the quality standards applicable to the product, service and installation. If such standards do not exist, the energy saving coordinator shall cooperate with the obliged entity, participating entity or authorised entity to establish quality standards.

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Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, pp. 1-56), as amended by Directives 2013/12/EU (OJ L 141, 28.05.2013, pp. 28-29), (EU) 2018/844 (OJ L 156, 19.06.2018, pp. 75-91), (EU) 2018/2002 (OJ L 328, 21.12.2018, pp. 210-230) and (EU) 2019/944 (OJ L 158, 14.06.2019, pp. 125-199) and Regulations (EU) 2018/1999 (OJ L 328, 21.12.2018, pp. 1-77) and (EU) 2019/826 (OJ L 137, 23.05.2019, pp. 3-9).

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Annex Calorific values and conversion factors of fuel types used in final energy consumption

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