

Annex:

**Planned exemptions under Article 14(5) and (6) of the Energy Efficiency Directive (Directive 2012/27/EU)**

Austria intends to make use of the exemption provided for in Article 14(5) and (6) of Directive 2012/27/EU. Although legislative measures are being prepared for it to do so, no legislation has yet been adopted. The European Commission is therefore requested to approve/take note of the following exemptions:

**Specifically, it is intended:**

to exempt installations from the requirement to carry out a cost-benefit analysis where at least one of the following criteria is met:

1. the distance between the heat source and the closest point of possible integration into an existing district heating network is more than 5 km;
2. the heat which can be supplied from cogeneration throughout the six months between October and March is at most 1.5 MW thermal;
3. the technically achievable temperature of the heat supply from cogeneration is less than 80 °C where availability is not more than 3 000 hours per year;
4. industrial installations, installation clusters and sites already connected to (district) heating networks;
5. industrial installations which already recover their waste heat which is used in the subsequent network of installations/sites;
6. industrial peak-load or back-up installations which are operated for less than 1 500 full-load hours per year as a rolling average over a period of five years;
7. industrial installations whose maximum available (unused) quantity of heat does not exceed 50 TJ per year.

**Grounds:**

1.  
From a distance of about 5 km, energy losses (heat + pumping effort) are - particularly at low outputs - no longer negligible. Further consideration would therefore serve no purpose.
2.  
The limit of 1.5 MW thermal is intended to prevent excessive financial burdening of small installations as a result of additional (authorisation) requirements (see also 7.).
3.  
Low-temperature heat in this segment plays no part in heat supply and can only be used internally.
4.  
Article 14 of the Energy Efficiency Directive relates solely to the planning or substantial refurbishment of an industrial installation generating waste heat at a useful temperature level. As it does not state that the existing installation is already connected to a district heating network, there would seem no point in carrying out a cost-benefit analysis of an already connected installation.
- 5.

The actual objective of this provision, i.e. the most efficient use of waste heat produced, would best be fulfilled if that heat could be used internally/within the installation. From the point of view of the existing district heating infrastructure and the loss of power, in particular, such internal use of heat is preferable to 'external' solutions and should be exempted accordingly.

6.

Article 14(6)(a) of the Energy Efficiency Directive already exempts peak-load and back-up electricity generation installations from the requirement to carry out a cost-benefit analysis. It is not clear from the text of the Directive whether the exemption applies to all peak-load installations or merely to peak-load electricity generation installations. If only peak-load electricity generation installations are meant, it is not clear why peak-load values should be exempted only in the case of electricity generation installations but not other industrial installations. If the requirement for a certain minimum number of peak-load days is not met, the economic feasibility and technical suitability of supplying such volatile quantities of heat to district heating networks are questionable from the outset. In view of the stability of Austria's district heating infrastructure and the security of district heat planning and supply, it would be very expensive for suppliers of district heating to factor in and compensate for short-term supply peaks. For this reason it is only logical to close this gap in the Directive at national level and to exempt peak-load and back-up installations which are operated for less than 1 500 full-load hours per year as a rolling average over a period of five years from the requirement to carry out a cost-benefit analysis.

7.

In order to be able to sustainably supply heat to existing or future district heating infrastructure, there has to be a certain minimum quantity of waste heat for the supply of such heat, especially to industrial installations, to be economically feasible and technically suitable. For this reason it would seem economically and technically expedient to exempt installations with less than 50 TJ of usable heat per year from the requirement to carry out a cost-benefit analysis.