



Procedures for European Code of Conduct for Energy Performance Contracting

Version as of 1 September 2015



Co-funded by the Intelligent Energy Europe
Programme of the European Union

This document has been initially prepared within the framework of the "Transparensense – Increasing Transparency of Energy Service Markets" project co-funded by the Intelligent Energy Europe Programme of the European Union. After the lifetime of the project, as of September 2015, this document is under the joint responsibility of eu.esco (European Association of Energy Service Companies) and EFIEES (European Federation of Intelligent Energy Efficiency Services).

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Date

1 September 2015

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1 Introduction

The **European Code of Conduct for Energy Performance Contracting** (the "Code") defines the basic values and principles that are considered fundamental for the successful preparation and implementation of Energy Performance Contracting (EPC)¹ projects in European countries.

The Code is a voluntary commitment by eligible signatories and is not legally binding.

2 Becoming Signatory

2.1 Eligible signatories of the Code

1. There are following four categories of the eligible signatories of the Code operating in Europe:
 - a. any EPC provider ("EPC Provider");
 - b. any association of EPC providers ("Association of EPC Providers");
 - c. any EPC project facilitator or any EPC market facilitator or their association ("EPC Facilitator") or "Other Signatory";
 - d. other independent or governmental organisation established in the particular country and closely connected to the respective EPC market and operating as "National EPC Code Administrator".

2.2 Code signing procedure for EPC Providers

2. An EPC Provider becomes a signatory of the Code based on the following procedure:
 - a. The EPC Provider signs the signing form attached in Annex 1 of this document, by which it commits itself to conduct EPC projects in compliance with the Code.
 - b. The EPC Provider submits the signed form electronically to the relevant National EPC Code Administrator according to the instructions given in the form.
 - c. The EPC Provider will be included in the National List of EPC Code Signatories – EPC Providers not later than one month after the National EPC Code Administrator receives the duly signed form.
3. The EPC Provider operating in the countries that do not have National EPC Code Administrator becomes a signatory of the Code based on the following procedure:
 - a. The EPC Provider signs the signing form attached in Annex 1 of this document, by which it commits itself to conduct EPC projects in compliance with the Code.

¹ Please see Definitions and Glossary.

- b. The EPC Provider submits the signed form electronically to the European EPC Code Administrator according to the instructions given in the form.
 - c. The EPC Provider will be included in the European List of EPC Code Signatories – EPC Providers not later than one month after the European EPC Code Administrator receives the duly signed form.
4. If the EPC Provider operates in more than one country, it is recommended that it submit the signing form in each country to the relevant National EPC Code Administrator, so that it becomes included in the National List of EPC Code Signatories – EPC Providers for each country in which it operates.

2.3 Code signing procedure for the Associations of EPC Providers

1. An Association of EPC Providers can become a signatory of the Code based on the following procedure:
 - a. The Association of EPC Providers signs the form attached in Annex 2 of this document to confirm that it endorses the Code and supports its use when conducting EPC projects.
 - b. The Association of EPC Providers submits the signed form electronically to the relevant National EPC Code Administrator according to the instructions given in the form.
 - c. The Association of EPC Providers will be included in the National List of EPC Code Signatories – Associations of EPC Providers not later than one month after the National EPC Code Administrator receives the duly signed form.
2. If the Association of EPC Providers is established in the country that doesn't have the National EPC Code Administrator, it follows the procedure below:
 - a. The Association of EPC Providers signs the form attached in Annex 2 of this document to confirm that it endorses the Code and supports its use when conducting EPC projects.
 - b. The Association of EPC Providers submits the signed form electronically to the European EPC Code Administrator according to the instructions given in the form.
 - c. The Association of EPC Providers will be included in the European List of EPC Code Signatories – Associations of EPC Providers not later than one month after the European EPC Code Administrator receives the duly signed form.
3. If the Association of EPC Providers has members operating in more than one country it has two options:
 - a. It can submit the signing form to the National EPC Code Administrator of the country in which it is established according to the procedure under paragraph 1 (2.3).

- b. It can submit the signing form to the European EPC Code Administrator according to the procedure under paragraph 2 (2.3).

2.4 Code signing procedure for EPC Facilitators and Other Signatories

1. An EPC Facilitator or Other Signatory becomes a signatory of the Code based on the following procedure:
 - a. The EPC Facilitator or Other Signatory signs the signing form attached in Annex 3 of this document, by which it commits itself to implement EPC projects in compliance with the Code.
 - b. The EPC Facilitator or Other Signatory submits the signed form electronically to the relevant National EPC Code Administrator according to the instructions given in the form.
 - c. The EPC Facilitator or Other Signatory will be included in the National List of EPC Code Signatories – EPC Facilitators and Other Signatories not later than one month after the National EPC Code Administrator receives the duly signed form.
2. The EPC Facilitator or Other Signatory operating in the countries that do not have National EPC Code Administrator becomes a signatory of the Code based on the following procedure:
 - a. The EPC Facilitator or Other Signatory signs the signing form attached in Annex 3 of this document, by which it commits itself to implement EPC projects in compliance with the Code.
 - b. The EPC Provider Facilitator or Other Signatory submits the signed form electronically to the European EPC Code Administrator according to the instructions given in the form.
 - c. The EPC Facilitator or Other Signatory will be included in the European List of EPC Code Signatories – EPC Facilitators and Other Signatories not later than one month after the European EPC Code Administrator receives the duly signed form.
3. If the EPC Facilitator or Other Signatory operates in more than one country, it is recommended that it submit the signing form in each country to the relevant National EPC Code Administrator, so that it becomes included in the National List of EPC Code Signatories – EPC Facilitators for each country in which it operates.

3 Withdrawing from the Code

An EPC Provider or Association of EPC Providers or EPC Facilitator or Other Signatory or National EPC Code Administrator can withdraw as a signatory from the Code at any time provided they notify the relevant National and/or European EPC Code Administrator of their intention in writing, and give one month's notice of their request to be removed from the

National and/or European Lists of EPC Code Signatories and six months' notice of their request to be removed from the List of National EPC Code Administrators.

4 Code administration

The Code is administered by the European EPC Code Administrator and the National EPC Code Administrators.

4.1 European EPC Code Administrator

1. European EPC Code Administrator appoints the National EPC Code Administrators based on section 4.3.
2. European EPC Code Administrator manages the European List of EPC Code Signatories, the List of National EPC Code Administrators and links to the National Lists of the EPC Code Signatories on the Transparensense project website <http://www.transparensense.eu/eu/epc-code-of-conduct>.
3. European EPC Code Administrator collects and archives the signed forms received from the National EPC Code Administrators according to the section 4.2 point 4 and section 4.3 point 4.
4. Until 1st September 2015, the European EPC Code Administrator is the Transparensense project coordinator: SEVEn – The Energy Efficiency Center, www.svn.cz. **Contact: Jana Szomolanyiova, code@svn.cz.**
5. From 1st September 2015, the European EPC Code Co-administrators are eu.esco (European Association of Energy Service Companies) and EFIEES (European Federation of Intelligent Energy Efficiency Services). **Contact: Andrei Litiu, andrei.litiu@eubac.org & Katarzyna Wardal, katarzyna.wardal@efiees.eu. Always contact both Andrei Litiu & Katarzyna Wardal.**

4.2 National EPC Code Administrator

1. The National EPC Code Administrator is responsible for administrating the signatory process of the EPC Code in its country according to this document.
2. The National EPC Code Administrator manages the National List of EPC Code Signatories for its country and publishes it online on its webpage. National List of EPC Code Signatories consists of the three following signatory sublists: EPC Providers, Associations of EPC Providers and EPC Facilitators and Other Signatories. The titles of the National List of EPC Code Signatories and its sublists are always written in English and the respective country languages. National EPC Code Administrator sends the logo of the Code of Conduct to the signatories, so that they can use it in their promotional materials and websites.

3. National EPC Code Administrator reports the up to date website address of the National List of EPC Code Signatories to the European EPC Code Administrator.
4. The National EPC Code Administrator reports on the new EPC Code signatories to the European EPC Code Administrator bimonthly, i.e. by the 7th of the current month for the previous 2 months (**January & February** by 7th of March, **March & April** by 7th of May, **May & June** by 7th of July, **July & August** by 7th of September, **September & October** by 7th of November, **November & December** by 7th of January). Such reporting consists of sending the electronic version of the signed forms and the National List of the EPC Code Signatories to the contact email of the European EPC Code Administrator.

4.3 Appointing National EPC Code Administrator

1. Any association of EPC providers or other independent or governmental organisation established in the particular country and closely connected to the respective EPC market can be appointed as National EPC Code Administrator.
2. Any organisation eligible according to the paragraph 1 (4.3) can express interest in becoming a National EPC Code Administrator for the respective country to the European EPC Code Administrator by email on the contact given in the section 4.1.
3. If there is no National EPC Code Administrator appointed for a particular country and the organisation fulfilling the condition of paragraph 1 (4.3) expressed an interest in becoming the National EPC Code Administrator according to paragraph 2 (4.3), the European EPC Code Administrator asks the organisation to sign the Signing Form for the National EPC Code Administrators. By signing the form, the organisation endorses the European Code of Conduct for Energy Performance Contracting and confirms it will operate as its National Code Administrator and fulfil all duties according to Procedures for European Code of Conduct for Energy Performance Contracting.
4. After the European EPC Code Administrator receives the duly signed Signing form for the National EPC Code Administrators from an organisation according to the paragraph 3 (4.3), it appoints this organisation to be the National EPC Code Administrator for a particular country from the first day of the following calendar month following the date when it received the signed form (if not specified differently in the signing form).
5. If there is no National EPC Code Administrator appointed for a particular country, or the responsible institution has withdrawn its commitment to be a National EPC Code Administrator, the European EPC Code Administrator searches for an organisation to take over the role of the National EPC Code Administrator.
6. If there is no National EPC Code Administrator appointed in the particular country, or more than one eligible institution expresses interest in becoming National EPC Code Administrator, the European EPC Code Administrator appoints the organisation which has the largest number of members who are EPC providers in the particular country.

Definitions and Glossary

Term	Definition
Association of EPC Providers	associates EPC providers in European or national organisations
Client	means any natural or legal person to whom an EPC provider delivers energy service in the form of EPC
Energy Efficiency Directive (EED)	means Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency
Energy Performance Contracting* (EPC)	means a contractual arrangement between the beneficiary and the provider of an energy efficiency improvement measure, verified and monitored during the whole term of the contract, where investments (work, supply or service) in that measure are paid for in relation to a contractually agreed level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings
EPC Provider	means an energy service provider who delivers energy services in the form of Energy Performance Contracting
EPC market facilitator (EPC Facilitator)	means a natural or legal person who acts as independent EPC market intermediary playing a role in stimulating market development on the demand and supply sides
EPC project facilitator (EPC Facilitator)	means a natural or legal person who acts as independent intermediary between EPC Provider and Client, mostly consulting on behalf of the Client throughout EPC project development, procurement, service delivery and operation phase, enabling Client to outsource energy efficiency improvement service
Energy Service Provider*	means a natural or legal person who delivers energy services or other energy efficiency improvement measures in a final customer's facility or premises
European EPC Code Administrator	manages the European List of EPC Code Signatories and appoints the National EPC Code Administrators
European Code of Conduct	defines the basic values and principles that are considered

for Energy Performance Contracting (EPC Code)	fundamental for the successful preparation and implementation of EPC projects in European countries
European List of EPC Code Signatories	lists Associations of EPC Providers operating in more than one country that have successfully submitted the signing form to the European EPC Code Administrator
National EPC Code Administrator	manages the process of becoming the signatory of the EPC Code and the National Lists of EPC Code Signatories
List of National EPC Code Administrators	lists National EPC Code Administrators
National List of the EPC Code Signatories	lists EPC Providers, Associations of EPC Providers or EPC Facilitators and Other Signatories who successfully submitted the signing form to the National EPC Code Administrator relevant to the country where the EPC Code signatories operate
Other Signatory	means a natural or legal person who implements EPC project (Client) or supports EPC projects or market development
Signing form	serves as an application for becoming a signatory of the EPC Code and/or National EPC Code Administrator

Notes:

*Definitions according to the Energy Efficiency Directive

Annex 1 Signing form: EPC Provider

Annex 2 Signing form: Association of EPC Providers

Annex 3 Signing form: EPC Facilitator and Other Signatory

Annex 4 Signing form: National EPC Code Administrator