

ESD implementation in Austria

In Austria, under the constitutional division of powers, the implementation of the ESD is the responsibility of the Federal Minister of Economics, Family and Youth and the respective state governments of the nine provinces. For the transposition of the ESD the Federal Republic concluded a state treaty with the nine provinces (Länder). Additionally, voluntary agreements have been signed between the Federal Ministry and the associations of the electricity, gas and heating industry and the oil industry and traders.

Legal context

Due to the federal structure of the Republic of Austria, the competences with regards to energy efficiency lie – except for those competences that are in the Federal Constitution explicitly allocated to the Federal Ministry of Economic Affairs, Family and Youth, such as electricity and traffic - with the nine states (Länder), according to Art. 15 (1) of the Federal Constitution. The Austrian government is using the current legislation wherever possible for the transposition of the ESD.

Without prejudice to the obligation of the responsible legislators (Federation and Länder), an agreement under Article 15a of the Federal Constitution was signed between the federal and state governments with the goal of co-ordinating and harmonising the respective responsibilities of the federal and state governments in the field of energy efficiency. In this agreement the federal and state authorities commit themselves to take action and co-ordinate the promotion of energy efficiency measures. Regardless of this 15a-Agreement there is an obligation of federal and state governments to issue legislation that is required to implement the ESD and achieve the national energy saving goals in 2016.

Concerning the 9 Austrian provinces legislation is in preparation, that assigns the requirements of ESD also to the provinces. So far no obligation for the province public buildings is in force but provinces can make their own legal acts and as far as I know some provinces also intent to oblige municipalities for energy savings.

Status of the implementation

For the competences of the Federal Ministry, the Austrian Energy Agency (AEA) has been entrusted as monitoring body according to Art. 4 (4) ESD. The monitoring in the scope of the Länder is with the respective federal governments.

The Austrian Energy Agency has been monitoring the progress towards achieving the national indicative target and periodically reports to the Ministry of Economic Affairs. Results will be published in the 2nd NEEAP.

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Article 1	No implementation necessary
Article 2	No implementation necessary
Article 3	No implementation necessary
Monitoring body (Article 4.4)	For the competences of the Federal Ministry, the Austrian Energy Agency (AEA) has been entrusted as monitoring body according to Art. 4 (4) ESD. The monitoring in the scope of the Länder is with the respective federal governments.
energy efficiency in public procurement (Article 5)	<p>An obligation for the public sector is incorporated in the federal procurement law (revised in 2007 due to the requirements of the ESD, BGBl. I Nr. 86/2007), which states that the procurement has to incorporate “environmental security” by (1) covering ecological aspects (like energy efficiency) in the specification, (2) the technical specification or by (3) bonus/deduction criteria relating ecological aspects.</p> <p>Different federal states have developed sustainable public procurement policies (ÖkoKauf Wien, Zentrale Beschaffung des Landes Oberösterreich, ÖkoBeschaffungsService Vorarlberg, etc.). At the federal level the programm “klima:active” advises and supports procurement in the fields of IT („energieeffiziente geräte“), mobility management („Mobilitätsmanagement in der öffentlichen Verwaltung“) and public buildings (“ecofacility).</p> <p>Additionally, an action plan for sustainable public procurement was concluded in 2010. The implementation and updating of the Action Plan will be equally shared by federal and state authorities. Coordinator of the implementation of the Action Plan will be the Federal Ministry of Environment.</p> <p>Within the federal contracting programme 400 federal buildings have been refurbished since 2001. This initiative not only helps to save CO² and final energy but also contributes to the establishment of the energy service market in Austria.</p>
Obligations by the energy sector (Article 6)	Voluntary agreements have been signed between the Federal Ministry and the associations of the electricity, gas and heating industry and the oil industry and traders in which they commit themselves to further and nation-wide activities in the field of energy efficiency.
Article 6.1 lit. a	The voluntary agreements entrust the Austrian Energy Agency (AEA) with monitoring the energy efficiency measures by the affected companies and the collection of aggregate data from the companies. For this purpose the AEA will establish a dedicated database.
Article 6.1 lit. b	In the above-mentioned voluntary agreements with industries of electricity, gas and heat, the oil industry and energy trading companies, these companies refrain from any activities that hamper the demand for energy services and other energy efficiency measures or may affect the development of markets for energy services and other energy efficiency measures.

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Article 6.2	For the implementation of Article 6 Austria has decided to conclude voluntary agreements. As a consequence, a selection of the in lit. b listed requirements is not necessary.
Article 6.2 lit. b	<p>Voluntary agreements were concluded between the Federal Ministry and companies with producers, traders and distributors of natural gas, oil, district heating, electricity, coal and renewables such as biomass. These organizations commit themselves for their member companies to implement energy efficiency measures and reach the following energy savings targets:</p> <ul style="list-style-type: none"> • the association for oil industry and energy trade: 2100 GWh • the association for gas and heat: 500 GWh • the association for electricity companies: 420 GWh <p>The associations have freedom to choose themselves the energy efficiency measures which, however, have to result in measurable energy savings. The AEA is entrusted with the monitoring of the measures and will develop applicable measurement methods.</p>
Article 7	No implementation necessary
Article 8	No implementation necessary
Article 9	No implementation necessary
Article 10	No implementation necessary
Article 11	No implementation necessary; see als Climate and Energy Fund below
Article 12	<p>Austria has long tradition in the facilitation of energy audits for industry (large as well small and medium enterprises). Several institutions like the Energieinstitut der Wirtschaft, provincial promotional programmes, environmental and climate saving programs like klima:aktiv or the "Umweltförderung Inland"</p> <ul style="list-style-type: none"> • educate energy auditors • give advice and financial support for the audit and for the realisation of energy savings measures • run programs of emphasis like energy efficiency measures for pumps, compressed air <p>A competition is ongoing to identify Best Practice Examples of energy savings in industry and energy consumption benchmarks for most branches is provided. Most of the programs have special offers for small and medium sized enterprises.</p> <p>For households high quality energy audits (on-site audits) with qualified energy auditors are provided, in most of the Austrian provinces for free. These audit programmes are financed by federal and provincial governments as well as by energy suppliers.</p>
Article 13	<p>Some of the provisions had already been in place. Additionally, in November 2010 the Austrian parliament adopted a new Electricity Law (Eiwog).</p> <p>§ 81 defines minimum requirements for bills and information material. Information and promotional materials and invoices shall be transparent and consumer-friendly. A bill shall included, inter alia, information about the meter readings that were used for billing and the energy consumption in the billing period and the comparison with the same period in the previous year.</p> <p>§ 57 para 4 defines that – with the exception of load profile meters – meters are to be read at least annually (meter reading by the network operator, self-reading by the customer or a mathematical calculation of meter readings). At least every three years the network operator is obliged to read the meters directly. The costs of electricity shall be divided into the costs for network, taxes and electricity. According to § 84 para 3 consumers whose consumption is not measured by using a smart meter shall be provided with</p>

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	<p>detailed consumption information with their bill.</p> <p>According to § 83 the Minister of economy, family and youth is entitled to introduce smart meters by regulation, following a cost-benefit analysis. In case of such a regulation, network operators are obliged to provide their costumers with smart meters. The operation of smart meters has to be in compliance with data security and consumer protection.</p> <p>Following the installation of a smart meter, network operators are obliged under § 84 para 1 to measure the consumption daily and store them for purposes of billing, customer information and energy efficiency. Network operators are also obliged to provide those end users whose consumption is measured by a smart meter with all consumption data at least one day after its initial processing on the internet free of charges. The suppliers are required § 84 para 2 to send a monthly consumption and cost information based on data on actual consumption provided by the network operators to the end users either on paper or electronically free of charge, except the costumers objects the transfer of data.</p> <p>The regulatory authority may establish by regulation the data that has to be provided by the network operators to the suppliers according to § 84 para 2 and the level of detail and form of the provision of consumer information in accordance with § 84 para 1 to 3. The regulator has to hereby take into account that this information is understandable and suitable to cause energy efficiency improvements.</p>
Article 14	No implementation necessaryThe first NEEAP is notified, the second NEEAP is in preparation and is expected to be notified in time.
Article 15	No implementation necessary
Article 16	No implementation necessary
Article 17	No implementation necessary
Article 18	No implementation necessary See articles before and an agreement between the federal state and the provinces was concluded. The agreement (15a B-VG energy efficiency) regulates the competencies between the envolved parties concerning the issues and requirements of the ESD.
Article 19	No implementation necessary
Article 20	No implementation necessary

Table 1 – State of implementation in Austria

Additional efforts

There exists already a large number of measures for improving energy efficiency in place, such as an active climate protection programme ("Klima:aktiv") as well as energy concepts at the federal and state level. More information on national policy measures in the framework of the ESD can be found in the Austrian Energy Efficiency Action Plan

Contracting program for federal buildings:

The federal government developed a contracting program for federal buildings. This is not an obligation but a successful program with private Contractors to enhance the energy efficiency of public buildings (administration, schools, universities, museums, etc.) legitimated by a decision on the council of Austrian Ministers in 2001. The aim of the contracting program is to cover 400 federal buildings under contract and to save 3,5 Mio. €/year of energy cost. So far about one fourth of the aim has been achieved.

Energy commissioners for federal public buildings:

Federal energy commissioners (already operating since 1980) implemented monthly energy accounting in most of the federal public buildings and produce yearly energy statistics. They found energy savings in federal public buildings of 47 GWh between 2004 and 2005. They calculate ratios like energy used for heating and electricity per m³ and compare with benchmarks in order to find potential energy savings.

Program for municipalities:

Concerning municipalities there are no obligations or voluntary agreements for all municipalities. However, some municipalities take part in the so-called e5 program, that is a supporting program for municipalities to reduce and monitor energy use. So far 102 municipalities from 7 provinces take part in the program.

Measures for the promotion of energy services companies:

The federal government launched a contracting initiative concerning federal buildings with energy service companies. This initiative covered a market volume of 500 buildings to be taken under contract by private energy service companies and performed a substantial market incentive to develop energy service products. Experience from this federal buildings programme is used in contracting projects also in non governmental buildings and equipment.

In some of the Austrian provinces financial support is given for contracting projects (de minimis subsidies). An ecolabel for energy contracting was issued by the Ministry of Agriculture, Forestry, Environment and Watermanagement and supports the market penetration of this service.

An umbrella association for energy service companies provides service for their members. So far 11 energy service companies take part in this association and their services can be seen on the website:
<http://www.contracting-portal.at/show.php>.

Residential building subsidy scheme

In addition to being very important in terms of housing and social policy, the residential building subsidy scheme in Austria is also important in terms of spatial planning and energy policy. Financial support for residential buildings currently totals about €2.5 billion per annum, including 100 Mio. Euro refurbishment subsidies from the federal state. About 70% of this aid is financed by the federal government. As a proportion of the total national budget, aid allocated to residential housing represents between 2.8 % and 2.9 %. The level of financial support is dependent on compliance with criteria relating to energy indices (e.g. the thermal quality of the building shell).

Climate and Energy Fund:

The Climate and Energy Fund for the period 2007 – 2010 was adopted by the Council of Ministers on 2 May 2007. The purpose of the fund, to which a total of €500 million has been allocated, is to improve energy efficiency and to increase the proportion of renewable energy sources in the production of energy. For 2007, a total of €50 million was dedicated to go to projects and research relating to climate and energy, and from 2008 onwards €150 million is to be provided annually by the fund.

Future planning

Austria continuously reviews Energy Efficiency improvement measures on all levels of governance, as well as explore new measures and instruments. The preparatory process for development of the 2nd NEAAP is nearly finished.

Relevant information

Federal Ministry of Economy, Family and Youth: www.en.bmwfj.gv.at

Monitoring body: www.monitoringstelle.at

Information on bottom up methods (in English) in Austria: <http://www.monitoringstelle.at/Bottom-Up.500.0.html>

Austrian Energy Agency: www.energyagency.at