

# **LAW ON ENERGY EFFICIENCY (\*)**

## **I. GENERAL PROVISIONS**

### **Article 1**

#### **Subject Matter and Scope of the Law**

- (1) This Law regulates:
- 1) the efficient use of the energy;
  - 2) the energy efficiency policy;
  - 3) the competences of the competent Ministry for energy matters (hereinafter: the Ministry) and the Energy Agency (hereinafter: the Agency) for the implementation of this Law;
  - 4) the obligations of the public sector regarding the energy efficiency and the energy consumption;
  - 5) the energy efficiency obligation scheme and the alternative measures;
  - 6) the energy audits of the large enterprises;
  - 7) the energy efficiency in generation, transmission, distribution and supply;
  - 8) the provision of energy services and the manners for financing the supporting measures for energy efficiency;
  - 9) the energy efficiency of buildings; and
  - 10) the energy labelling and eco-design for energy-related products.

### **Article 2**

#### **Goals of the Law**

- (1) The goals of this law are:
- 1) to reduce the energy needs through efficient use of energy by implementing energy efficiency measures;
  - 2) to attain the goals of sustainable development of the energy sector by:
    - reducing the energy consumption through implementation of energy efficiency measures; and
    - energy efficiency in generation, transmission and distribution of energy;
  - 3) to increase the energy efficiency in housing and construction by improving the energy performance of the buildings;
  - 4) to increase the energy efficiency in the public sector, the large enterprises, the transport sector and the energy-related products;
  - 5) to increase energy efficiency through utilization of renewable energy sources; and
  - 6) to create conditions for the provision of energy services and market development through the availability of services and products which improve the energy efficiency.

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(\*) This Law transposes the provisions of Energy Efficiency Directive 2012/27/EU and the Energy Performance of Buildings Directive 2010/31/EC, as adapted and adopted by the Energy Community Ministerial Council.

### Article 3 Definitions

(1) The terms used in this Law have the following meaning:

1. **Energy efficiency** is the ratio of the achieved useful output, to the input of energy for achievement of the useful output;
2. **Energy audit** is a systematic procedure with the purpose of determination of the existing energy consumption, identification and quantification of the economically justified possibilities for energy savings in buildings or group of buildings, industrial processes or installations, or in the private or public service sector, including a preparation of report on the energy audit;
3. **Energy service** is the physical benefit, utility or good derived from a combination of energy with energy-efficient technology or with action, which may include the operations, maintenance and control necessary to deliver the service, which is delivered on the basis of a contract and in normal circumstances has proven to result in verifiable and measurable or estimable energy efficiency improvement or primary energy savings;
4. **Efficient district heating and cooling** is a district heating or cooling system using at least 50% renewable energy, 50% waste heat, 75% cogenerated heat or 50% of a combination of such energy and heat;
5. **Efficient heating and cooling** is a heating and cooling option that, compared to a baseline scenario reflecting a business-as-usual situation, measurably reduces the input of primary energy needed to supply one unit of delivered energy within a relevant system boundary in a cost-effective way, as assessed in the cost-benefit analysis, taking into account the energy required for extraction, conversion, transport and distribution;
6. **Efficient individual heating and cooling** is an individual heating and cooling supply option that, compared to efficient district heating and cooling, measurably reduces the input of non-renewable primary energy needed to supply one unit of delivered energy within a relevant system boundary or requires the same input of non-renewable primary energy but at a lower cost, considering the energy required for extraction, conversion, transport and distribution;
7. **Cogeneration** is the simultaneous generation in one process of thermal, electrical and/or mechanical energy;
8. **High-efficiency cogeneration plant or HECP** is a plant that generates electricity and heat with high coefficient of useful effect of the plant and meets the stipulated criteria adopted in line with Article 25 of this Law and the detailed requirements stipulated in accordance with the Rulebook on HECP and the guarantees of origin of electricity produced by HECP;
9. **Heat energy** is the manifestation of energy as heat contained in the energy carrier (solid, liquid or gas state), and it is transmitted in the presence of a temperature difference;
10. **Final customer** is a natural or legal person who purchases energy for own end use;
11. **Final energy consumption** is the entire energy consumption by all final customers (households, industry, agriculture, transport, the public and the private sector), excluding the deliveries in the energy production plants and the energy industry;
12. **Primary energy consumption** is the total energy consumption, excluding non-energy uses;
13. **Measures for improving energy efficiency** is any measure which, when implemented

results in reduction of energy consumption and/or water that can be measured, verified, or estimated, while preserving or improving the comfort level in the living and working premises or in reduction in the energy intensity per product unit in the industry, i.e. using less energy by maintaining same or improved quality and quantity of production;

14. **Improvement of the energy efficiency** is increasing the energy efficiency as a result of technological, behavioural and/or economic changes;

15. **Smart metering system** is an electronic system that can measure energy consumption, providing more information than a conventional meter, with the ability to transmit and receive data using a form of electronic communication;

16. **Economically justifiable demand** means demand that does not exceed the needs for heating or cooling and which would otherwise be satisfied at market conditions by energy generation processes other than cogeneration;

17. **Cost-optimal level** is the energy performance level which leads to the lowest cost during the estimated economic lifecycle of buildings, equipment or products which use energy;

18. **Major renovation** is the renovation of a building pursuant to the provisions of the law regulating construction and when one of the following conditions is met:

(a) the total cost of the building renovation is higher than 25 % of the value of the building, excluding the value of the land upon which the building is constructed and the costs for arranging the construction land, or

(b) more than 25 % of the surface of the building envelope is the subject of the reconstruction.

19. **Public sector entity** are all procuring entities of the classic public sector, as defined according to the Law on Public Procurement;

20. **Public sector entity on state level** are all public sector entities as defined in the Law on Organization and Operation of State Administration Bodies;

21. **Total useful floor area** means the floor area of a building or part of a building, where energy is used for heating and/or cooling of the space with regulated air humidity;

22. **Large enterprises** are entities established in accordance with the Law on Trade Companies that, in each of the last two accounting years, or during the first year of activity, have met at least two of the possible three criteria, as follows:

a) the average number of employees, based on working hours, exceeds 250 employees,

b) the annual income exceeds EUR 10,000,000 equivalent in denar countervalue, or

c) the average value (at the beginning and at the end of the accounting year) of the total assets of the company exceeds EUR 11,000,000 equivalent in denar countervalue;

23. **Small and medium enterprises** are all other entities established in accordance with the Companies Law which do not fall under the definition large enterprises;

24. **Energy management system** is a set of interrelated or interacting elements of a plan which sets an energy efficiency objective and a strategy to achieve that objective;

25. **Energy performance contract** is a contractual arrangement between the beneficiary and the provider of energy services, 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;

26. **Guaranteed saving** is the saving guaranteed by the energy service provider and energy

improvement measures, which is achieved with the measures from the energy performance contract which compared to the reference conditions result in savings of energy and/or water, whereas such saving can be confirmed with measurement or estimation;

27. **Value of the guaranteed saving** is the saving of energy and/or water defined in the energy performance contract expressed in money;

28. **Substantial refurbishment** is a refurbishment whose cost exceeds 50 % of the investment cost for a new comparable unit;

29. **Building** is a roofed construction having walls, for which energy is used to condition the indoor climate (heating and cooling) and can refer to a building as a whole or parts of building which is designed or altered to be used separately;

30. **Building unit** is a section, floor or apartment within a building which is designated or altered to be used separately;

31. **Technical building system** is technical equipment for the provision of heating, cooling, ventilation, hot water, lighting, generation of electricity or for a combination thereof, of a building or building unit;

32. **Building envelope** means the integrated elements of a building which separate its interior from the outdoor environment, including the facade;

33. **Heating system** is a combination of the components required to provide a form of indoor air treatment, by which temperature is controlled or can be increased;

34. **Air-conditioning system** is a combination of the components required to provide a form of indoor air treatment, by which temperature is controlled or can be lowered;

35. **Ventilation system** is a combination of the components required to provide a form of indoor air treatment, by which air-flow is controlled;

36. **ESCO** is a company, sole proprietor or other legal entity that provides energy services or other measures to improve the energy efficiency for its users and which accepts certain level of financial risk in performing the works, while the payment for the services is totally or partially based on the achievement of energy efficiency improvements or on the achievement of other agreed performance criteria;

37. **Energy performance of a building** is the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building or building unit, which includes, inter alia, energy used for heating of space and water, cooling, ventilation and lighting;

38. **Energy Performance Certificate (EPC)** is a document that contains data regarding the energy performance of the building or building unit, verified and calculated based on the methodology adopted in line with this Law and issued by a licensed entity for carrying out energy audits of buildings;

39. **Certificate of Conformity** is a certificate issued by a licensed entity for carrying out energy audits of buildings by which it is confirmed that the minimum requirements for energy efficiency which are contained in the basic design project are compliant with the minimum requirements for energy efficiency regulated with the Rulebook on Energy Performance of Buildings;

40. **Heating or air conditioning systems inspection report** is a report produced as a result of a heating or air-conditioning system inspection, which includes recommendations for cost-effective improvements to the energy performance of the system;

41. **Energy-related product** is any good or system that is placed on the market and/or put into service and during its use affects the energy consumption, including parts intended to be incorporated into energy-related products placed on the market and/or put into service as separate parts for end-users and of which the environmental performance can be assessed independently;
42. **Dealer of an energy-related product** means a retailer or other person who offers for sale, rental or using, or displays products to customers or installers in the course of its commercial activity, whether or not in return for payment;
43. **Supplier of an energy-related product** means a manufacturer established in the Republic of North Macedonia, or an authorised representative of a manufacturer who is not established in the Republic of North Macedonia, or an importer, who places a product on the Macedonian market;
44. **Information sheet** is a standard table of information relating to an energy-related product, in paper or electronic form;
45. **Label** is a graphic diagram, in paper or electronic form, which includes a scale using the letters A to G, where each letter represents a separate class and each class corresponds to a level of energy savings, in seven different colours from dark green to red, in order to inform consumers about energy efficiency and energy consumption;
46. **Eco-design** is the integration of environmental protection requirements with the design of energy-related products, in order to improve the environmental performance of the energy, throughout the entire life cycle;
47. **Aggregator** is a demand service provider that combines multiple short-duration consumer loads of different consumers for sale or auction on the organised energy markets, including decreasing peak loads, balancing energy from renewable sources, providing services for balancing and increasing the securing of supply.

(2) The terms and expressions used in this Law and which are defined in accordance with the Energy Law are interpreted in accordance with that law.

## II. ENERGY EFFICIENCY POLICY AND AUTHORISED BODIES

### Article 4

#### Energy Efficiency Policy

(1) The energy efficiency policy represents a part of the policies in the field of energy, economy, sustainable development and the environmental protection and it is implemented through measures and activities for efficient use of energy.

(2) The main objectives of the energy efficiency policy are:

- 1) removing the regulatory and non-regulatory barriers that hinder the implementation of energy efficiency measures and projects;
- 2) strengthening the cooperation between consumers, producers, energy suppliers, traders,

- transmission and distribution system operators, energy services providers, central and local governments, with purpose of achieving the targets in the field of energy efficiency prescribed under this Law, as well as the regulations and rules adopted based on this Law;
- 3) promotion and use of highly efficient technologies, energy management systems and energy savings monitoring systems;
  - 4) improvement of the standard of the population by a reduction of the energy costs and an increased comfort in the housing;
  - 5) increasing the use of energy from renewable sources;
  - 6) availability and the use of financial mechanisms and incentives to implement energy efficiency measures; and
  - 7) development of the market for energy services.

(3) For the purpose of attaining the goals of the energy efficiency policy, the competent state bodies and other entities from the field of energy efficiency cooperate with scientific, educational and professional institutions and organisations, competent domestic and foreign bodies in the Republic of North Macedonia, in other countries, as well as with the bodies on regional and international level established with the ratified international agreements.

(4) The energy efficiency policy is determined in the Strategy for development of the energy, adopted by the Government of the Republic of North Macedonia (hereinafter: “the Government”) in accordance with the Energy Law, particularly taking into consideration:

- 1) the goals and priorities of the energy efficiency policy;
- 2) the assessment of the possible potential for implementation of high-efficiency cogeneration plants and district heating and cooling systems;
- 3) incentives for improvement of the energy efficiency;
- 4) long-term goals which should be achieved with the incentives;
- 5) the possibility for securing the necessary financial means for realisation of the anticipated investments and measures;
- 6) meeting the commitments undertaken with the ratified international agreements; and
- 7) other elements relevant for improving the energy efficiency.

## **Article 5**

### **Energy Efficiency Targets**

- (1) The energy efficiency targets on the level of the Republic of North Macedonia are established with a decree adopted by the Government upon the proposal of the Ministry.
- (2) The Decree referred to in paragraph (1) of this Article is in accordance with the measures and the policy for energy efficiency established with this Law and the Strategy for Development of the Energy.
- (3) Energy efficiency targets established with the Decree referred to in paragraph (1) of this Article refer to the energy saving in the primary or final energy consumption, or the energy intensity and are established for a period of at least ten years.
- (4) For the purpose of determining the targets referred to in paragraph (1) of this Article, the energy efficiency targets determined by the Energy Community are taken into consideration.

(5) The methodology for determining and calculation of the energy efficiency targets is incorporated within the Decree referred to in paragraph (1) of this Article.

(6) The Ministry, within 15 days after the adoption of the Decree referred to in paragraph (1) of this Article, submits the determined energy efficiency targets to the Energy Community Secretariat.

## **Article 6**

### **National Energy Efficiency Action Plan**

(1) For the achievement of the targets set in the Decree from Article 5 paragraph (1) of this Law, the Ministry proposes and the Government adopts a National Energy Efficiency Action Plan (hereinafter: “NEEAP”).

(2) The Ministry, within 15 days after the adoption by the Government, submits the NEEAP to the Energy Community Secretariat and publishes on its website.

(3) The NEEAP is adopted every three years.

(4) The content of the NEEAP includes, in particular:

- 1) an analysis of the implemented measures and activities from the previous NEEAP and a report on the achieved savings;
- 2) measures and activities for energy efficiency improvement in the next three-year period;
- 3) educational and promotional activities aimed towards encouraging of the rational energy use;
- 4) deadlines for implementation of the measures and activities;
- 5) required funds for implementation of proposed measures and activities, and manner of securing of such funds; and
- 6) entities for carrying out the relevant activities;

(5) The Agency monitors the implementation of the NEEAP and submits to the Ministry an annual report for the implementation of the NEEAP, not later than 31 May each year. The Ministry submits the annual report to the Government and Energy Community Secretariat.

(6) Upon request from the Agency, the public sector entities are obliged to submit information on the implementation of the measures and activities envisaged under the NEEAP, for the previous year, not later than 31 March of the current year. The Agency submits such request to the public sector entities not later than 31 January of the current year.

## **Article 7**

### **Municipal Energy Efficiency Program**

(1) Based on the proposal of the mayor, and upon the prior positive opinion obtained from the Agency, the council of the municipality or the City of Skopje (hereinafter: “unit of local self-government”) adopts an Energy Efficiency Program every three years.

(2) The content of the Energy Efficiency Programs referred to in paragraph (1) of this Article includes in particular:

- 1) data on the energy consumption in the unit of the local self-government, aggregated and per

sectors;

- 2) an analysis of the implemented measures and activities from the previous program;
- 3) energy efficiency targets on a level of the units of the local self-government, per sector;
- 4) measures and activities for energy efficiency improvement, per sector;
- 5) deadlines for implementation of the relevant measures and activities;
- 6) required funds for implementation of the envisaged measures and activities, and manners for raising such funds; and
- 7) responsible person for implementation of the specified measures or activities.

(3) Each unit of the local self-governments, at least 6 months prior to the expiry of the period covered by the previous program, submits a draft Energy Efficiency Program for the next 3 years to the Agency, for the purposes of obtaining the Agency's opinion.

(4) The Agency, if it determines that the proposed program is compliant with the provisions of this Law and the regulations adopted in accordance with this Law, gives a positive opinion within 30 days of the receipt of the proposed energy efficiency program referred to in paragraph (3) of this Article. If the draft Program does not comply with the provisions of this Law and the regulations adopted in accordance with this Law, the Agency notifies the unit of local self-government that it has to be amended, with instructions regarding the needed amendments.

(5) After receiving the positive opinion referred to in paragraph (4) of this Article, the Municipal Council of the unit of local self-government adopts the energy efficiency program referred to in paragraph (1) of this Article and submits it to the Agency within 30 days of its adoption.

(6) For the purpose of implementation of the Energy Efficiency Program referred to in paragraph (1) of this Article, on the basis of the proposal by the Mayor, the Municipal Council of the unit of local self-government adopts an annual plan for implementation, within 30 days of the adoption of the Energy Efficiency Program.

(7) The Agency monitors the implementation of the measures and the activities proposed in the programs referred to in paragraph (1) of this Article and not later than 30 April each year, the Agency submits an aggregated report to the Ministry, prepared based on the submitted annual plans of the units of local self-government and the information for implementation of the programs.

(8) The Ministry submits the report referred to in paragraph (7) of this Article as a part of the annual report for realization of NEEAP to the Energy Community Secretariat.

(9) The Minister managing with the Ministry (hereinafter: the Minister), based on the Agency's proposal, adopts a Rulebook for regulation of:

- 1) content and form of the program referred to in paragraph (1) of this Article;
- 2) content and form of the templates and the methodology for calculation needed for preparation of the program referred to in paragraph (1) of this Article;
- 3) the manner for preparation, the content and form of the annual plan referred to in paragraph (6) of this Article;
- 4) manner of preparation, content and form of the report for implementation of the program referred to in paragraph (1) of this Article for the previous year; and
- 5) manner of submitting the Energy Efficiency Program, annual plan and the report for



implementation of the program for the previous year to the Agency.

## **Article 8**

### **Competences of the Ministry**

- (1) With respect to the implementation of this Law, the Ministry is competent to:
- 1) prepare and propose the Buildings Renovation Strategy to the Government, in cooperation with the competent Ministry for construction matters;
  - 2) prepare and propose the NEEAP to the Government;
  - 3) monitor the work of the Agency and the units of local self-government, in accordance with this law;
  - 4) issue licences for performing energy audits of large enterprises and licenses for performing energy audits of buildings;
  - 5) issue authorisations for energy auditors of large enterprises and authorisations for energy auditors of buildings;
  - 6) administer a registry of authorised auditors and licensed entities for performing energy audits;
  - 7) perform other competences in accordance with the provisions of this Law.

## **Article 9**

### **Competences of the Agency**

- (1) With respect to the implementation of this Law, the Agency is competent to:
- 1) propose measures for creating and implementing the energy efficiency policies;
  - 2) submit initiatives, as well as propose and coordinate of studies and projects regarding energy efficiency improvement;
  - 3) providing expert support in the preparation of secondary legislation adopted in accordance with this Law;
  - 4) carry out analysis for setting proposal-energy efficiency targets for Republic of North Macedonia;
  - 5) providing expert support in the preparation of the NEEAP;
  - 6) monitor and report on the implementation of the NEEAP;
  - 7) issue decisions for selection of legal entities for carrying out training for energy auditors and training for their improvement, as well as monitor their work;
  - 8) prepare programs for training and improvement of energy auditors;
  - 9) provide expert support to the units of local self-government or other state authorities to develop programmes and measures with aim to improve the energy efficiency;
  - 10) establish, manage, maintain and upgrade the information system for monitoring and managing energy consumption of public sector entities (hereinafter: the Information System), as well as carrying out trainings for appointed persons;
  - 11) establish, manage, maintain and upgrade of electronic tool for monitoring and verification available on the Internet (hereinafter: the MVP Tool), as well as carrying out trainings for appointed persons; and
  - 12) perform other competences in accordance with the provisions of this law.

### **III. ENERGY EFFICIENCY IN THE PUBLIC SECTOR**

#### **Article 10**

##### **Public Sector Obligations**

- (1) The buildings which are owned and used by public sector entities on state level must meet the minimal requirements for energy performance of buildings stipulated with this Law and the regulations adopted in accordance with this Law.
- (2) The Ministry, in cooperation with the Office for General and Common Affairs of the Government, prepares an inventory of buildings with a total useful floor area over 250 m<sup>2</sup> which do not meet the minimal requirements for energy performance and which are owned and used by public sector entities on state level, excluding buildings exempted on the basis of Article 37 of this Law. The inventory is published on the website of the Ministry.
- (3) For the purpose of preparation of the inventory referred to in paragraph (2) of this Article, the Office for General and Common Affairs of the Government submits a request to the public sector entities on state level for provision of data, in particular data on the energy performance, the year of construction and the total useful floor area of the building, which are obliged to provide the requested data within 60 days as of the day of submitting the request.
- (4) The inventory referred to in paragraph (2) of this Article particularly contains the following data:
  - 1) the total useful floor area in m<sup>2</sup>; and
  - 2) the energy performance or other relevant energy data for the respective building.
- (5) The Ministry, in cooperation with the Office for General and Common Affairs of the Government, prepares a proposal-plan for renovation of buildings used by the public sector entities on state level, which on annual level includes renovation of at least 1% of the total useful floor area from the inventory referred to in paragraph (2) of this Article.
- (6) The plan for renovation referred to in paragraph (5) of this Article refers to a period of three years and contains specification of the buildings which are subject of renovation, information on the respective buildings, the public sector entity on state level using the building, the location and the owner of the building, as well as renovation dynamics with prioritisation.
- (7) The Government, upon proposal of the Ministry, adopts of the plan for renovation of buildings referred to in paragraph (5) of this Article.
- (8) The targets and measures envisaged with the NEEAP and the Building Renovation Strategy from Article 31 of this Law are considered for the purpose of preparation of the plan for renovation referred to in paragraph (5) of this Article.
- (9) The funds for implementation of the plan for renovation referred to in paragraph (5) of this Article are provided from the Budget of the Republic of North Macedonia and from other sources, in accordance with law.

(10) Public sector entities, including public sector entities on state level that use buildings which are not specified in the inventory referred to in paragraph (2) of this Article, can improve the energy efficiency through energy audit of buildings, particularly through implementation of targets and measures from the report for the conducted energy audit in accordance with Article 38 of this Law.

## **Article 11**

### **Information System for Monitoring and Managing Energy Consumption**

(1) The public sector entities are obliged to monitor and manage energy consumption in buildings or building units in which they perform activities in a manner that ensures energy savings, as well as to implement the stipulated measures for energy efficiency improvement for which they are responsible in accordance with the NEEAP, the relevant programs and annual reports.

(2) In addition to the obligations from paragraph (1) of this Article, the units of local self-government are obliged to monitor and manage the street lighting energy consumption in a manner that ensures energy savings.

(3) For the purpose of fulfilling the obligations from paragraphs (1) and (2) of this Article, the Agency establishes and maintains the Information System.

(4) The Information System particularly contains information for the energy consumption and costs for energy consumed in the buildings and building units in which the public sector entities perform activities, as well as for the street lighting, their general characteristics, as well as climatological data necessary for calculation of the energy performances of the buildings. Based on a proposal by the Agency, the Minister adopts a Rulebook for the Information System which regulates in detail:

- 1) the manner for establishing, managing and maintenance of the Information System;
- 2) the content, the form and the type of data which the users of the Information System collect, record and verify;
- 3) the manner, procedure and deadlines for recording and approving data in the Information System;
- 4) the manner of use, publishing and access to the Information System data;
- 5) the manner of conducting trainings for appointed persons at the public sector entities;
- 6) indicative list of the public sector entities that are obliged to record data in the Information System.

(5) The public sector entities referred to in the Rulebook for the Information System in accordance with paragraph (4) item 6) of this Article are obliged to appoint responsible persons from its employees, or to employ external expert, who are obliged to:

- 1) manage the production of energy in the buildings and building units used by the public sector entity to perform the activities, if there is such production;
- 2) record the information on monthly energy consumption in the Information system, for each building or building unit in which the public sector entity performs its activities, as well as for

the street lighting; and

3) record data in the Information System on the cost of the consumed energy.

(6) The Administration for Hydro Meteorological Services is obliged to appoint a responsible person, from its employees, who is obliged to record relevant climatological data in the Information System, at least once annually.

## **Article 12**

### **Monitoring and Verification Protocol (MVP)**

(1) For the purpose of monitoring the implementation of the energy efficiency measures, the Agency establishes and maintains the MVP tool.

(2) Based on the fulfilment of the criteria regarding the type of energy efficiency measure, the achieved energy savings and the total useful floor area of the building, public sector entities, energy services providers and the energy auditors are obliged to record data in the MVP tool.

(3) Based on the proposal of the Agency, the Ministry adopts a Rulebook on the MVP that regulates in detail the following:

- 1) the procedures and technical parameters for establishing and upgrading the MVP in accordance with the level for access;
- 2) the detailed criteria referred to in paragraph (2) of this Article;
- 3) the content, form and type of data which is collected and recorded into the MVP tool;
- 4) the manner, procedure and deadlines for recording and verification of the data in the MVP tool;
- 5) the manner of using, publishing and access to the data of the MVP tool;
- 6) methodology for evaluating the energy savings as a result of the implemented energy efficiency measures;
- 7) methodology for calculating the energy savings achieved by providing energy services;
- 8) procedure for verification of the savings;
- 9) the manner for using data from the MVP during the preparation of the NEEAP, programs and annual plans; and
- 10) the manner of carrying out the training for the appointed persons at the public sector entities.

(4) For the purpose of recording data into the MVP tool, the public sector entities appoint responsible person.

(5) During the preparation of the reports for implementation of the NEEAP, as well as for monitoring of the implementation of measures and activities envisaged with the programs and plans for energy efficiency of the units of local self-government envisaged by this Law and the regulations adopted on the basis of this Law, the Agency uses the data from the MVP tool.

## **Article 13**

### **Procurement by the Public Sector**

(1) When procuring energy-related products which are subject to energy labelling according to

this Law and the regulations adopted on the basis of this Law, with value exceeding EUR 70,000 in denar countervalue, the contracting authorities are obliged to stipulate the lowest acceptable energy efficiency class of the products subject to procurement in the technical specifications, if that is economically justified and technically suitable, taking into account the competition between the economic operators during the implementation of the public procurement.

(2) When procuring energy-related products that are not subject to energy labelling according to this Law and the regulations adopted on the basis of this Law with value exceeding EUR 70,000 in denar countervalue, the contracting authorities are obliged to procure products with the lowest energy efficiency level stipulated with the methodology envisaged with the Rulebook referred to in paragraph (5) of this Article, if that is economically justified and technically suitable, taking into account the competition between the economic operators during the implementation of the public procurement.

(3) When procuring services and works with value exceeding EUR 70,000 in denar countervalue, the contracting authorities shall oblige the bidders to use only energy-related products that meet the requirements referred to in paragraphs (1) and (2) of this Article during the provision the services or works subject to the public procurement. This obligation is applicable exclusively to new products procured by the service providers, partly or entirely for the purpose of providing the subject services or works.

(4) In the cases when the contracting authorities lease premises for their use, the buildings or the building units in which such premises are located must hold an adequate Energy Performance Certificate for the relevant building and meet the minimum requirements for energy efficiency in accordance with the Rulebook on Energy Performance of Buildings.

(5) The Minister, adopts a Rulebook prescribing:

- 1) the minimum acceptable energy efficiency class for the products referred to in paragraph (1) of this Article, by groups of products subjects to energy labelling in accordance with this Law and the regulations adopted in accordance with this Law;
- 2) methodology for determining the level of energy efficiency of products that are not subject to energy labelling in accordance with this Law and the regulations adopted on the basis of this Law; and
- 3) lowest energy efficiency class of the buildings and the building units referred to in paragraph (4) of this Article.

#### **IV. OBLIGATION SCHEME AND ALTERNATIVE MEASURES**

##### **Article 14**

##### **Energy Efficiency Obligation Scheme and Alternative Policy Measures**

- (1) The Government, on the proposal of the Ministry, adopts a Decree for establishment of an Energy Efficiency Obligation Scheme (hereinafter: the “EEOS”) for achieving savings in final energy consumption, which the operators of the systems for distribution and/or the energy suppliers (hereinafter “Obligated Parties under the EEOS”) are obliged to implement.
- (2) The EEOS particularly includes:
  - 1) determination of the Obligated Parties under the EEOS;
  - 2) methodology for calculation of the annual savings in final energy consumption, for each type of energy by the Obligated Parties under the EEOS separately;
  - 3) precisely defined annual targets for savings in final energy consumption, for each type of energy supplied by the Obligated Parties under the EEOS separately;
  - 4) measures for achieving the energy savings targets set with the EEOS; and
  - 5) manner of reporting by the Obligated Parties under the EEOS, as well as the manner of the monitoring and verification of the achieved savings by the Agency.
- (3) In case the Obligated Parties under the EEOS do not implement measures for achievement of the set targets for annual savings, they are obliged to pay pecuniary means in amounts set under the relevant legislation that regulates the operation of the Energy Efficiency Fund.
- (4) The savings targets in final energy consumption, the methodology for calculation of the targets and the reference period for setting such targets are determined by the Decree referred to in paragraph (1) of this Article, must be in accordance with the undertaken obligations with the ratified international agreements.
- (5) With the Decree referred to in paragraph (1) of this Article, the Government can prescribe alternative measures for achieving the savings targets set with the EEOS, as well as determining which portion of the targets are planned to be achieved through such alternative measures.
- (6) The funds for implementation of the alternative measures can be secured through donations, the Budget of the Republic North Macedonia and from other sources. In the cases when the Government provides financial assistance in relation to the implementation of the alternative measures, the relevant rules on control of the state aid apply.
- (7) If the Decree referred to in paragraph (1) of this Article determines the operators of the energy distribution systems as Obligated Parties under the EEOS, the Regulatory Commission for Energy and Water Services (hereinafter: “Energy Regulatory Commission”), through the relevant tariff systems, recognises the justified expenses in respect to the obligations of the operators of the energy distribution systems determined with the EEOS.
- (8) The Agency is authorised to monitor the implementation of the EEOS. The Energy Regulatory Commission, on the request by the Agency, is obliged to provide data regarding the activities of the Obligated Parties under the EEOS needed for the monitoring of the implementation of the EEOS.
- (9) The Agency publishes on its website the planned and achieved savings in final energy consumption on annual level, for each of the Obligated Parties under the EEOS separately.

- (10) Not later than 31 of January in the current year for the previous year, each of the Obligated Parties under the EEOS is obliged to submit to the Ministry and the Agency data on the total energy sales, the geographic distribution of energy on the territory of the entire country, data for the categories of customers in accordance with the Rules for tariff systems for distribution, where applicable, as well as proposed measures aimed to improve the energy efficiency and other data necessary for the implementation of the EEOS, the alternative measures and the NEEAP.
- (11) The Ministry, within 30 days of the adoption of the Decree referred to in paragraph (1) of this Article, notifies the Energy Community Secretariat related to the measures and the manner of achievement of the targets set under the Decree.

## **V. ENERGY AUDITS OF THE LARGE ENTERPRISES**

### **Article 15**

#### **Obligations of the Large Enterprises for Mandatory Energy Audit**

- (1) All large enterprises are obliged to carry out an energy audit every four years, in accordance with the provisions stipulated in this Law and the Rulebook on Energy Audit of the Large Enterprises.
- (2) The mandatory energy audits of the large enterprises provide for:
- 1) assessment and cost-effectiveness of possibilities for reducing energy consumption in buildings, associated (auxiliary) installations, equipment and industrial processes;
  - 2) determining the achieved savings as result of the applied measures for improving the energy efficiency and energy savings; and
  - 3) reducing the emissions of harmful substances in the environment.
- (3) The energy audit referred to in paragraph (1) of this Article is performed by:
- 1) independent authorised energy auditors of large enterprises, based on an agreement between the large enterprise and a licensed entity for carrying out energy audit of the large enterprises; or
  - 2) authorised energy auditors of large enterprises employed by the large enterprise.
- (4) Large enterprises are not obliged to carry out an energy audit in accordance with paragraph (1) of this Article in cases when:
- 1) they have implemented an energy or environmental management system certified by a conformity assessment body accredited in accordance with the Law on Accreditation, which is compliant with the relevant European or International Standards (ISO), provided that the management system includes an energy audit that meets the detailed conditions prescribed in the Rulebook on Energy Audits of the Large Enterprises; or
  - 2) the energy audit is carried out as part of an environmental management system within an integrated environmental permit issued in accordance with the environmental protection regulations, provided that the energy audits meet the detailed requirements

- prescribed in the Rulebook on Energy Audit of the Large Enterprises.
- (5) Large enterprises are obliged to submit the energy audit report to the Agency, within 30 days from the day of carrying out the energy audit, along with other relevant information used during the preparation of the report.
  - (6) In the cases referred to in paragraph (4), within 30 days of issuing the appropriate certificate or integrated environmental permit, the large enterprise is obliged to submit to the Agency the relevant certificate, the integrated environmental permit and other relevant documentation which confirms that the systems in place include energy audit that meets the requirements stipulated in the Rulebook on Energy Audits of the Large Enterprises.
  - (7) If the requirements from the Rulebook on Energy Audits of the Large Enterprises have been met, the Agency, within 30 days as of the day of receipt of the relevant documentation, issues a confirmation for fulfilled obligation by the large enterprises in accordance with this Article.
  - (8) The Agency maintains official records for the submitted reports for carried out energy audits, as well as for the issued confirmation in accordance with paragraph (7) of this Article.
  - (9) Small and medium-sized enterprises can carry out energy audit or to implement energy management system in accordance with paragraph (4) item 1) of this Article.
  - (10) The implementation of voluntary energy audits or implementation of energy management systems for small and medium-sized enterprises is encouraged by the Agency, particularly through:
    - 1) developing programs for implementation of voluntary energy audits and implementing the recommendations of the carried-out audits;
    - 2) promoting the benefits of energy management systems through presentations of case studies on the best practices at small and medium-sized enterprises;
    - 3) developing programs for raising public awareness on the benefits of energy audits through respective advisory services;
    - 4) participation in the development of additional trainings and other programs for energy auditors related to voluntary energy audits of small and medium-sized enterprises.

## **Article 16**

### **Carrying out Energy Audits of the Large Enterprises**

- (1) The Minister adopts a Rulebook on Energy Audit of the Large Enterprises which regulates in detail:
  - 1) the manner of carrying-out of energy audits of the large enterprises by licensed entities for carrying out energy audits of large enterprises;
  - 2) the manner of carrying-out of the internal energy audit at the large enterprises by authorised energy auditors employed by the large enterprises;
  - 3) the methodology for calculation and verification of energy savings of the large enterprises;
  - 4) the detailed requirements regarding the energy audit as part of the energy management system or environmental management system certified by an accredited conformity



- assessment body, in accordance with the relevant European or international (ISO) standards.
- 5) the detailed requirements regarding energy audit as a part of a broader environmental management system within an integrated environmental permit;
  - 6) the content and the form of the report on conducted energy audit and the manner of preparation of the report;
  - 7) the content and the form of the confirmation referred to in Article 15 paragraph (7) of this Law;
  - 8) the main elements of the program and the manner of organisation of the training, as well as the procedure for taking the qualifying exam for energy auditors of large enterprises;
  - 9) the main elements of the program for improvement of the energy auditors;
  - 10) the manner, procedure and conditions for appointment of legal entities carrying out trainings for energy auditors and improvement of energy auditors of the large enterprises;
  - 11) the content and the form of the request for issuance, extension and recognition of an authorisation of energy auditor of the large enterprises, as well as the needed documentation;
  - 12) the content and the form of the request for issuance, extension and recognition of a license for performing energy audits of the large enterprises, as well as the needed documentation;
  - 13) the content, the form and manner of administering the Registry of issued, revoked and recognized authorisations for energy auditors and the Registry of issued, revoked and recognized licenses for performing energy audits of the large enterprises;
  - 14) the content and form of the certificate for completed training for improvement of energy auditor of the large enterprises;
  - 15) the content and form of the authorisation for an energy auditor and the license for performing energy audits of the large enterprises;
  - 16) the manner of performing inspections of heating and air-conditioning systems with installed capacity over 70kW which includes:
    - the content, manner and deadlines for the inspections of the functioning of the heating boilers or other fire beds, including the heating systems of the unit or the separate parts of the heating system;
    - limit values of the condition of the burning process, deadlines and measures for achievement of such values in accordance with the installed capacity of the heating boilers or other fire beds;
    - the form and the content of the report for the conducted inspections and the manner of recording the measurement data.
- (2) The beneficiary of the energy audit is obliged to provide all data, complete technical and other documentation relevant to the energy audit, as well as to ensure conditions for undisturbed performance of the energy audit to the contracted licensed entity for carrying out energy audit.
  - (3) The licensed entity for carrying out energy audit of the large enterprises after carrying out the energy audit of large enterprises prepares a report and charges a fee.
  - (4) The amount of the fee will be calculated on the basis of the type and size of installations and buildings subject to energy audit.
  - (5) The detailed requirements referred to in paragraph (4) of this Article are stipulated with the Tariff on energy audits of large enterprises, adopted by the Minister, upon prior approval of the Government.
  - (6) The beneficiary of the energy audit can make the report for conducted energy audit of the

large enterprises referred to in Article 16 paragraph (3) available to ESCO providing energy services in accordance with this Law.

(7) The Agency carries out annual control over the performed energy audits of the large enterprises, of a random selection based on transparent and non-discriminatory criteria, to a statistically significant proportion and representative sample of all the energy audits carried out of the large enterprises. For this purpose, the Agency can engage adequately qualified independent expert or a legal entity.

(8) If the Agency, based on the control referred to in paragraph (7) of this Article, determines that the energy audit was not carried out in accordance with the Rulebook on Energy Audit of the Large Enterprises, initiates a misdemeanour procedure in accordance with the provisions of this Law.

## **Article 17**

### **Authorized Energy Auditors of the Large Enterprises**

(1) The Ministry carries out the exams and issues authorisations for energy auditors of large enterprises, in a manner stipulated in the Rulebook on Energy Audits of the Large Enterprises.

(2) Any natural person may take an exam for energy auditor of large enterprises, by submitting a request to the Ministry and an evidence that he meets the following conditions:

- 1) obtained university degree in the fields of civil engineering, mechanical engineering or electro-energetics (degree of completed higher education VII/1, or a degree in accordance with the Bologna declaration with at least 180 credits under the European Credit Transfer System (ECTS));
- 2) have at least five years of working experience in the field of testing, designing, supervising, maintaining or running energy or process plants, carrying out energy audits or other energy services in the industry, or performing professional or scientific activities in the field of energy; and
- 3) possesses a certificate for completed training for energy auditor of large enterprises provided by the legal entities authorized to conduct trainings for energy auditors of large enterprises;

(3) The exam referred to in paragraph (1) of this Article consists of a written and practical part and is taken before a commission established by the Minister. The procedure for conducting the exam is regulated in detail by the Rulebook on Energy Audit of the Large Enterprises.

(4) The natural person who has passed the exam referred to in paragraph (1) of this Article submits a request to the Ministry for issuance of the authorisation for an energy auditor.

(5) A natural person who has obtained authorisation for energy auditor of large enterprises may carry out energy audit if it is:

- 1) employed by a licensed entity for carrying out energy audits of large enterprise; or
- 2) employed by a large enterprise in accordance with Article 15 paragraph (3) item 2) of this Law, for the needs of employer.

(6) The authorisation for an energy auditor of large enterprises referred to in paragraph (1) of this Article shall be valid for a period of three years, with the possibility of extensions every

three years. The authorisation can only be extended if the energy auditor of large enterprises has successfully completed training for improvement of energy auditors of large enterprises in accordance with the Rulebook on Energy Audit of large enterprises. The energy auditor of large enterprises submits a request for extension of the authorisation to the Ministry, along with an evidence for completed training for improvement of energy auditors of large enterprises, no later than 30 days before the expiry of the validity period of the obtained authorisation.

(7) Minister adopts a decision for revoking the authorisation of the energy auditor for carrying out energy audits of large enterprises if:

- 1) the energy auditor of the large enterprises does not carry out the energy audit independently and objectively, in accordance with this Law and the regulations adopted on the basis of this Law;
- 2) the energy auditor of the large enterprises has been subject to a misdemeanour sanction ban on performing a profession; or
- 3) partially or fully loses its legal capacity.

(8) An administrative dispute may be initiated against the decision for revoking the authorisation referred to in paragraph (7) of this Article.

(9) The energy auditor of large enterprises whose authorisation has been revoked pursuant to paragraph (7) item 1) of this Article may not submit a request for issuing a new authorisation before the expiration of a period of at least one year counted from the day of revoking of authorisation.

(10) The Ministry keeps a registry on issued, revoked and recognised authorisations for energy auditors of large enterprises, which is published on its web-site.

(11) The energy auditor of large enterprises is obliged to perform the energy audit in an objective and independent manner and must not carry out an energy audit if the beneficiary is a legal entity:

- 1) in which holds stocks or shares;
- 2) with which cooperated during the installation of the plant, buildings or equipment, or carried out maintenance activities on the plant or equipment which is subject to energy audit; or
- 3) in which is a member of the managing or supervisory body, a procurator, or a proxy.

(12) The energy auditor of large enterprises must not carry out an energy audit if the customer, owner of shares or stocks at the customer or the statutory representative of the customer is a natural person:

- 1) with whom cooperated during the installation of the plants, buildings or the equipment, or carried out the maintenance of the plants or the equipment which are subject to the energy audit; or
- 2) who is his/her spouse or a close relative (lineal without limitations and collateral up to third-degree relatives).

## **Article 18**

### **Trainings of Energy Auditors of the Large Enterprises**

- (1) The Agency publishes a call, at least once every three years, for appointment of legal entities for conducting training for energy auditors of large enterprises, as well as for improvement of the energy auditors of large enterprises.
- (2) The Agency adopts a decision for appointment of a legal entity for conducting training and improvement of energy auditors, if the legal entity submits a request and evidence for meeting the detailed criteria regarding the needed equipment, premises and personnel stipulated in accordance with the Rulebook on Energy Audit of the Large Enterprises. The decision for appointment is valid for three years.
- (3) The Agency prepares and adopts the training program and the program for improvement of energy auditors of the large enterprises no later than October 31 in the year in which there is a selection of the legal entities for carrying out trainings. The programs are published on the website of the Agency.
- (4) The Agency keeps a record of the appointed legal entities referred to in paragraph (2) of this Article and publishes it on its website.
- (5) The legal entities referred to in paragraph (2) of this Article are obliged to conduct the training and the improvement of energy auditors of large enterprises in accordance with the Rulebook on Energy Audits of the Large Enterprises and the training program and the program for improving the energy auditors of large enterprises referred to in paragraph (3) of this Article.
- (6) The Agency shall control the quality of the implementation of the training and improvement of energy audits and, if it determines irregularities or non-compliance with the provisions of this Law or the Rulebook on Energy Audits of Large Enterprises, may adopt a decision for revoking the decision on appointment of legal entities for carrying out training of energy auditors of large enterprises.
- (7) An administrative dispute may be initiated against the decision for revoking the decision for selection.
- (8) The legal entities referred to in paragraph (2) issue a certificate of successful completion of the training of an energy auditor of large enterprises and confirmation for successfully completed training for improvement of the energy auditor of large enterprises, within 15 days after the completion of training.
- (9) The amount of the participation fees for the training and the training for improvement of energy auditors and the expenses for taking the exam are calculated depending on the spatial and material conditions, as well as the cost of the engagement of experts for carrying out of the trainings and exams, and are determined in the Tariff for Energy Audits for Large Enterprises.
- (10) The authorisation for carrying out energy audits of large enterprises issued by a competent body of another country that is a contracting party or participant to the Energy Community Treaty, can be recognized by the Ministry, with application of the reciprocity principle, at the request of the authorized person of the applicant.
- (11) The procedure for recognition of the authorisation or other appropriate document for carrying out energy audit of large enterprises (hereinafter: recognition of the authorisation) is conducted by the Commission for recognition of authorisation, established by the Minister.

(12) The Commission referred to in paragraph (11) consists of three members, by one representative of the Ministry, the Agency and the ministry in charge of construction works. The term of the appointment of the members of the Commission is four years.

(13) The request for recognition of authorisation is submitted to the Ministry along with:

- 1) the authorisation or other appropriate document of the energy auditor in original and notarized translation of the authorisation or other appropriate document for energy auditor in Macedonian language and
- 2) notarized translation of a written document which represents the basis for issuance of such authorisation by the competent authority.

(14) If the Commission referred to in paragraph (11) of this Article finds that the request for recognition of authorisation fulfils the criteria for recognition, within 15 days as of the day of receipt of the request proposes to the Ministry to adopt a decision for recognition of the authorisation.

(15) If the Commission referred to in paragraph (11) of this Article finds that the request for recognition of authorisation does not fulfil the criteria for recognition of the authorisation or other appropriate document for energy auditor, within 15 days as of the day of receipt of the request will propose to the Ministry to adopt a decision for rejection of the request for recognition of authorisation.

(16) An administrative dispute may be initiated against the decision for rejection of the request for recognition of authorisation.

(17) The Ministry charges a fee for recognition of an authorisation for carrying out energy audits of large enterprises referred to in paragraph (11) of this Article, in amount at least equal to the costs for taking the exam for auditors of the large enterprises stipulated with the Tariff on Energy Audits of Large Enterprises.

(18) The holder of a recognized authorisation issued by another state shall be obliged to carry out the energy audit and to comply with the obligations of the holders of energy audit authorisation of the large enterprises prescribed by this Law and the regulations adopted on the basis of this Law.

## **Article 19**

### **Licensed Entities for Carrying out an Energy Audit of the Large Enterprises**

(1) A license for carrying out energy audits of large enterprises can be obtained by a sole proprietor or legal entity that is employing at least one authorized energy auditor of large enterprises.

(2) The license referred to in paragraph (1) of this Article is issued based on a submitted request to the Ministry, along with a document for registered business activity and an evidence for the employment of the authorized energy auditor of large enterprises.

(3) If the applicant of the request referred to in paragraph (2) of this Article does not meet the requirement from paragraph (1), or submits an incomplete request from paragraph (2) of this

Law, the Ministry issues a decision for rejecting the request.

(4) The license for carrying out energy audits of the large enterprises shall be valid for a period of five years, with the possibility of extension every five years. The license can be extended if the licensed entity which meets the requirements from paragraph (1) of this Article submits a request for extension to the Ministry, no later than 30 days prior to the expiry of the valid license.

(5) A fee for issuing and extending a license for carrying out energy audit of the large enterprises shall be charged, considering the material and other costs needed for conducting the appropriate procedure as determined in the tariff for energy audits for the large enterprises.

(6) The licensed entity is obliged to keep a record of the carried-out energy audits and to archive the documentation on the carried-out audits for period of at least ten years.

(7) The licensed entity for energy audit of large enterprises is obliged to notify the Ministry for each occurred change in the entry in the Trade Registry and the Registry of Other Legal Entities and/or changes related to employed energy auditors of buildings, within a period of 15 days as of the occurred change, whereby it should provide evidence for the occurred changes.

(8) The license or other appropriate document for carrying out energy audits of large enterprises issued by a competent body of another country that is a contracting party or participant to the Energy Community Treaty, can be recognized by the Ministry, with application of the reciprocity principle, at the request of the holder which is obliged to establish a branch office with registered seat in Republic of North Macedonia.

(9) The provisions of Article 18 paragraphs (11), (12), (13), (14), (15), (16), (17) and (18) of this Law shall apply accordingly for the manner and procedure for recognition of the license referred to in paragraph (8) of this Article.

(10) The Ministry shall adopt a decision for revoking the license for carrying out energy audits of large enterprises if:

- 1) the licensed entity no longer meets the requirement referred to in paragraph (1) of this Article;
- 2) the licensed entity does not submit the annual report within the prescribed deadline to the Agency;
- 3) licensed entity does not carry out the energy audit independently, individually and objectively, in accordance with this Law and the regulations adopted on the basis of this Law;
- 4) the licensed entity does not inform the Ministry of any occurred changes in accordance with paragraph (8) of this Article.

(11) Against the decision of the Ministry adopted in accordance with paragraphs (3) and (10) of this Article, an administrative dispute can be initiated.

(12) The licensed entity is obliged to submit to the Ministry evidence of the competent authority for keeping records of employed persons for the fulfilment of the conditions referred to in paragraph (1) of this Article, not later than 31 December of the current year.

(13) The licensed entity for carrying out energy audits of large enterprises is obliged to submit to the Agency an annual report on the carried-out energy audits in the previous calendar year,

not later than 31 January of the current year, along with all individual reports on the energy audits carried-out during the reporting period.

(14) On the basis of the annual reports referred to in paragraph (13) of this Article, the Agency prepares an annual report on the carried-out energy audits for the previous calendar year and submits it to the Ministry until 31 March of the current year.

(15) The Ministry keeps a registry of issued, revoked and recognized licenses for carrying out energy audits of large enterprises, which publishes it on its website.

## **VI. ENERGY EFFICIENCY IN TRANSMISSION, DISTRIBUTION AND SUPPLY OF ENERGY**

### **Article 20**

#### **Metering, Billing and Information**

(1) The operators of the systems for transmission and distribution of electricity and natural gas, as well as the operator of the system for distribution of heat, are obliged to prepare a technical and economic assessment for all costs and benefits for the market, as well as increasing energy efficiency by introducing advanced measurement systems and smart grids.

(2) To the extent that is technically feasible and economically viable in relation to the potential energy savings, the Energy Regulatory Commission ensures final customers for electricity, gas and thermal energy, district heating and domestic hot water are provided with a competitively priced and individual metering systems that accurately reflect the final customer's actual energy consumption and that provides information on actual time of use, as well as other measures towards the distribution system operators and the energy suppliers regarding energy efficiency during metering, billing and information of customers.

(3) The Energy Regulatory Commission monitors the implementation of the measures from paragraph (2) of this Article in accordance with the provisions from the Energy Law and the applicable rules and regulation adopted in accordance with that Law.

(4) The manners of performance of metering, billing and provision of necessary information to the consumers with respect to the exact consumption and the respective costs, are regulated by the Energy Regulation Commission in accordance with the provisions from the Energy Law and the relevant regulations adopted in accordance with that law.

### **Article 21**

#### **Energy Efficiency in Transmission and Distribution**

(1) The transmission and distribution system operators for electricity and natural gas, as well as the operator of system for distribution of heat, in accordance with the obligations from the Energy Law, during the planning of the respective systems for the area where they perform the business activity, are obliged to undertake an assessment of the reduction of losses and energy efficiency improvement potential in their systems.

(2) The assessment referred to paragraph (1) of this Article contains in particular information on the potential increasing energy efficiency in:

- 1) the transmission system for electricity and gas;
- 2) the distribution system for electricity and gas;
- 3) the load management and interoperability;
- 4) the connection to electricity generating plants, including an examination of the possibilities for access to micro electricity generators; and
- 5) the distribution of heat and cooling from centralised production.

(3) In accordance with the obligations from the Energy Law, for each regulated period the operators referred to in paragraph (1) of this Article prepare an investment plan which contains measures and investments for achieving cost-effective energy efficiency improvements to the respective systems for electricity, natural gas and heat, while taking into consideration the requirements for maintaining the reliability and safety of the grid.

(4) The Energy Regulatory Commission may request from the operators referred to paragraph (1) of this Article to submit additional information for the carried-out assessments of the reduction of losses, in the appropriate scope and format.

(5) The operators are obliged to provide the information referred to in paragraph (4) of this Article, within a deadline determined in the request from the Energy Regulatory Commission.

(6) The operator of the system for distribution of heat shall, upon prior consent of the Energy Regulatory Commission, provide its customers with information on the efficiency of the central heating system, as well as on the participation of the renewable energy sources.

(7) A consumer connected to an inefficient central heating and/or cooling system, may be disconnected from the system if the following conditions are fulfilled:

- 1) the system which is considered for connection or the system for individual heating and/or cooling which is planned to be used, provides better energy performance, or it is more efficient, more environmentally suitable and decreases the use of primary energy in comparison to the currently used central heating and/or cooling system, considering the energy needed for extraction, conversion, transport and distribution, which is proven with a energy audit report prepared by authorised energy auditor of buildings; and
- 2) obtains written consent for disconnection from the central heating and/or cooling system, with majority of the total number of owners of separate building units in accordance with the Law on housing.

(8) The manner prescribed of disconnection of consumers are regulated under the Rules on Heat Supply adopted by the Energy Regulatory Commission pursuant to the Energy Law.

## **Article 22**

### **Incentives for Energy Efficiency in Transmission and Distribution**

(1) The Energy Regulatory Commission, in addition to the competences from the Energy Law, considers the energy efficiency in respect to the function of the electricity and gas infrastructure.

(2) The Energy Regulatory Commission, through the tariff systems in accordance with the Energy Law and taking into consideration the costs and benefits of each measure, may provide



incentives to the electricity transmission and distribution system operators of electricity and natural gas with respect to the system services towards the users of the respective systems, which incentives allow the implementation of measures for improvement of the energy efficiency in the context of continuous development of smart grids.

(3) The operator of the system can determine the services referred to in paragraph (2) of this Article the safety, and in so doing must not imperil the security of the system.

(4) Energy Regulatory Commission removes the requirements in transmission and distribution tariffs that are detrimental to the overall efficiency (including the energy efficiency) of the production, transmission, distribution and supply of electricity, as well as in respect to the conditions which may impede the participation of the demand response on the balancing energy market and the supply of services referred to in paragraph (2) of this Article.

(5) The suppliers with electricity, heat and natural gas, are obliged to provide information to the customers with respect to the available measures for improvement of energy efficiency and the effects deriving from such measures, available funding mechanisms, types of energy services contracts, as well as contact information for the providers of energy services, including ESCOs, by means of publishing such information on their websites, as well as periodically in the public media, in accordance with the applicable Rules for Supply adopted in accordance with the Energy Law.

### **Article 23**

#### **Promotion of energy efficiency in heating and cooling**

(1) For the purpose of promotion of energy efficiency in heating and cooling systems, the measures stipulated with the Program for Realisation of the Strategy for Development of the Energy Sector which is being adopted in accordance with the Energy Law include preparation of an assessment of the potential for implementation of high-efficiency cogeneration of energy and efficient district heating and cooling systems.

(2) The assessment referred to in paragraph (1) of this Article contains and an identification of the most cost-effective solutions, a cost-benefit analysis, based on climate conditions, economic feasibility and technical suitability.

(3) The Ministry submits the assessment referred to in paragraph (1) of this Article to the Energy Community Secretariat.

### **Article 24**

#### **Cost-benefit analysis related to requests for issuing authorisation for construction of new facilities for production of electricity and/or heat**

(1) Entities that submit requests for issuance of an authorisation for construction of new facilities or expansion of existing facilities for production of electricity and/or heat are obliged to conduct a prior cost-benefit analysis and submit such analysis to the relevant authority in accordance with the Energy Law, as part of the required documentation for issuing the authorisation, in the following cases:

- 1) construction of new thermal electricity generation installation with a total thermal input exceeding 20 MW, in order to assess the cost and benefits of the operation of the installation as a high-efficiency cogeneration plant (HECP);
  - 2) substantial refurbishment of an existing thermal electricity generation installation with a total thermal input exceeding 20 MW, in order to assess the cost and benefits of converting it to HECP;
  - 3) planning of construction of new or substantial refurbishment of an existing industrial installation with a total thermal input exceeding 20 MW generating waste heat at an economic useful temperature level, in order to assess the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, as well as the connection of that installation to a district heating and cooling network;
  - 4) planning of construction of a new district heating and cooling network, or planning new energy generation installations in an existing district heating or cooling network with a total thermal input exceeding 20 MW, or planning for substantial refurbishment of such existing installation, in order to assess the cost and benefits of utilising the waste heat from nearby industrial installations.
- (2) As an exemption of paragraph (1) of this Article, the cost-benefit analysis shall not be conducted on:
- 1) electricity generating installations which operate during peak load or are used as a back-up, which are planned to operate under 1,500 operating hours per year as average over a period of five years; and
  - 2) installations that need to be located close to a geological storage site of CO<sub>2</sub>.
- (3) The content, manner of conducting the cost-benefit analysis referred to in paragraph (1) of this Article, as well as the manner of controlling the fulfilment of exemptions referred to in paragraph (2) of this Article are further regulated with a Rulebook adopted by the Minister.

## **Article 25**

### **High-Efficiency Cogeneration Plants and Guarantees of Origin**

- (1) The Agency issues guarantees of origin for electricity from high-efficiency cogeneration plants (HECP) (hereinafter: "GOHECP").
- (2) The Agency administers a Registry of issued, transferred and revoked GOHECP, which is published on the website of the Agency.
- (3) The GOHECP is issued for standard size of 1 MWh (1MWh) and for each unit of energy produced from high-efficiency cogeneration plants one guarantee of origin is issued. The Agency shall ensure that the same unit of energy from high-efficiency cogeneration plants is considered only once in the issue of GOHECP.
- (4) GOHECP can be subject to transfer, on a manner stipulated with the Rulebook referred to in paragraph (11) of this Article.
- (5) GOHECP can be issued to a producer of electricity from plants which are registered in the Registry of HECPs and do not have a status of privileged producer according to the Energy Law.
- (6) The producer of energy from HECPs is obliged to pay a fee on the account of the Agency for issuance of a GOHECP referred to in paragraph (1) of this Article, taking into consideration

the material and procedural costs needed for issuance of a GOHECP, in accordance with the tariffs adopted by the executive board of the Agency, upon prior consent of the Government.

(7) GOHECP contains information about the producer and the plant, for the heat value of the used fuel, the period of production, the utilization of the produced heat, the amount of produced electricity and the savings of primary energy calculated in accordance with the methodology for calculation stipulated with the Rulebook referred to in paragraph (11) of this Article.

(8) The Energy Regulatory Commission, on request of the Agency, is obliged to provide information which ensure that the GOHECP are accurate, reliable and fraud-resistant.

(9) GOHECP issued abroad are recognized under the conditions and manners prescribed in accordance with this Law and the Rulebook referred to in paragraph (11) of this Article. The recognition of GOHECP can be refused in case of suspicion on the accuracy and reliability on the data for which the Ministry submits an explanation notification to the Energy Community Secretariat.

(10) The Agency prepares and submits to the Ministry annual reports regarding the system for issuing, registration, transfer, recognition and cancellation of GOHECP.

(11) The Minister, after received prior opinion from the Agency, adopts a Rulebook on HECP, for regulating in detail:

- 1) the methodology for calculation of the coefficient of useful effect of HECP for the production of electricity and heat;
- 2) methodology for assessment of the savings of primary energy in HECP;
- 3) the content and form of GOHECP;
- 4) the content, form and manner of administering the Registry of HECPs;
- 5) the manner for issuance, transfer and cancelation of the GOHECPs;
- 6) the manner and procedure for recognition of guarantees of origin issued by competent authorities in other countries;
- 7) the manner and procedure for determining energy value of the used fuels in HECPs;
- 8) the content, form and manner of administering the Registry of issued GOHECPs.

## **VII. ENERGY SERVICES AND ENERGY EFFICIENCY FUND**

### **Article 26**

#### **Energy Services and ESCOs**

(1) The energy services are provided by ESCOs, on the basis of the energy services contracts referred to in Article 27 of this Law.

(2) The energy services provided based on the energy services contracts regulated with Article 27 of this Law may include construction, renovation, energy renovation, maintenance, installation of efficient heating, cooling, lighting, ventilation equipment, as well as managing and monitoring of the energy consumption.

(3) ESCO that provides energy services on the domestic market is obliged to submit the name, address and contact details of the company, as well as a description of the energy services

offered to the Agency, within 30 days of commencing the activity. The Agency maintains a list of active ESCOs which is published on the website of the Agency.

## **Article 27**

### **Energy Services Contract**

(1) The energy services contract can be concluded in writing between a beneficiary of energy services and an ESCO as energy services provider, in accordance with the requirements stipulated with this Law and the Decree referred to in paragraph (7) of this Article.

(2) The funds for provision of the energy services can be provided by the ESCO as an energy service provider, in whole or in part, from its own sources, lending or financing by third parties.

(3) The amount of the expenses for realization of the contract i.e. the value of the investment for the implementation of the energy efficiency measures are determined and paid to the ESCO as an energy services provider, considering the level of improvement of the energy efficiency and the regime of energy use, determined in accordance with the provisions of the energy services contract.

(4) In case the ESCO as an energy services provider provides the funds for the performance of the energy services, the expenses for implementation of the contract are paid to the ESCO from the savings in the energy expenses achieved by the energy service beneficiary, for the period agreed under the energy services contract.

(5) The ESCO can fully or partially undertake the financial, technical and commercial risk related to the implementation of the energy services and the fulfilment of the obligations under the energy services contract.

(6) In the event that the energy services beneficiary is a legal person who can be consider to be a public partner under the Law on Concessions and Public Private Partnerships, the energy services contract is established in the form of a public private partnership in accordance with the procedure for award of the public private partnership contract, prescribed under the Law on Concessions and Public Private Partnerships.

(7) The Government, upon proposal of the Ministry, adopts a Decree prescribing in particular:

1) the models of contracts used for contracting of energy services and which particularly contain:

- the subject of the contract which includes the scope of the energy services or other services aimed at improvement of energy efficiency;
- determining the basic energy consumption of buildings, devices and plants in accordance with this Law and the regulations adopted in accordance with this Law;
- provisions for guaranteed savings obligations through implementation of energy efficiency measures, as well as provisions on determination of the value of the guaranteed savings;
- manner of determining the fulfilment of the guaranteed savings obligations;
- scope and manner of financing of the investments for implementation of the contract;
- manner of reimbursement of the services.

2) the manner of determining the value of the energy services contracts; and

3) the required documentation regarding the implementation of the procedures for awarding contracts for energy services by the public partners;

(8) In the cases referred to in paragraph (6) of this Article, the public partners are obliged to use the models of the energy services contracts prescribed with the Decree referred to in paragraph

(7) of this Article.

## **Article 28**

### **Support of the Development of the Energy Services by the Agency**

(1) The Agency promotes the development of energy services market and access to this market especially through:

- 1) providing clear and easily accessible information on available energy services, by establishing a publicly available electronic system or website, through which energy service providers may publish information and offer their services or otherwise;
- 2) preparation of model contracts or parts of model contracts for energy supply and energy performance contracts entered into with ESCO from the private sector, with focus on small and medium enterprises, all in order to guarantee energy savings and the rights of the energy services customers;
- 3) provision of information and support in respect to available financial instruments, subsidies, donations and loans which are offered by third parties and can be used as a support of energy service projects; and
- 4) publishing examples of unfavourable or problematic provisions or parts of energy supply contracts and energy performance contracts on its website.

(2) The Agency supports the development of the energy services market and the access for the public sector entities particularly by:

- 1) providing information and technical support to the public sector regarding energy service offers, in particular for renovation of the buildings in the public sector and street lightning;
- 2) providing information on best practices for energy services contracting, including, if available, cost-benefit analysis and the benefits in terms of duration of those contracts;
- 3) conducting analysis and based on the findings, submitting proposals to the Ministry and other relevant authorities if there are regulatory and non-regulatory barriers that impede the uptake of energy services contracting or implementation of energy saving measures; and
- 4) conducting a qualitative review, regarding the current and future development of the energy services market on the basis of which appropriate measures are proposed in NEEAP.

(3) Independent market intermediaries, including aggregators, can play a role in the development of energy services market and activities of ESCO, on both demand and supply sides of energy services.

(4) The Agency, upon prior consent from the Ministry, publishes Guidelines with guidance regarding the energy services contracts, procedures and documents for preparation and initiating the procedure for selection of ESCOs by the public sector entities, and in particular by the local self-government units, guidance regarding the preparation of feasibility studies and similar studies for public private partnership. The Agency publishes the Guidelines on its website.

(5) If the Agency becomes aware that the distribution system operators and the energy suppliers of electricity or heat or natural gas or energy services providers impede the providing or the delivery of the energy services or any other energy efficiency improvement measures stipulated under this Law and the regulations adopted on the basis of this Law, or hinder the development of the market for energy services, including foreclosing the market for competitors or abusing dominant positions contrary to the relevant rules for protection of the competition, submits a notification to the Commission for Protection of the Competition.

## **Article 29**

### **Energy Efficiency Information and Training**

(1) The Agency, in cooperation and with the participation of other stakeholders in the field of energy efficiency, promotes initiatives for awareness-raising on informing the citizens of the benefits of taking energy efficiency improvement measures, in order to facilitate behavioural change with the citizens that may improve efficient use of energy by small energy customers defined under the Energy Law, including households.

(2) For the purpose of carrying out the activities referred to in paragraph (1) of this Article, the Agency may provide information and training concerning:

- 1) access to finance, grants or subsidies offered by banks, lenders and other financial institutions;
- 2) exemplary projects;
- 3) energy efficiency measures for improvement on the workplaces; or
- 4) other information for the interested parties regarding energy efficiency improvement measures.

## **Article 30**

### **Energy Efficiency Fund**

(1) In order to enable achievement of the targets and support of the energy efficiency policies stipulated with this Law, it is possible to establish an Energy Efficiency Fund.

(2) The founding, the competences, the operation and the manners of financing of the Energy Efficiency Fund are regulated with a separate law.

## **VIII. ENERGY EFFICIENCY OF BUILDINGS**

### **Article 31**

#### **Building Renovation Strategy**

(1) Based on a proposal by the Ministry, the Government adopts a Strategy for renovation of residential, public and non-residential buildings for a period of at least ten years (hereinafter: the Renovation Strategy).

(2) The Renovation Strategy should provide efficient, economically justified reduction of the energy consumption, through implementation of energy efficiency measures and simultaneous reduction of environmental pollution and mitigation of the climate changes.

(3) The Renovation Strategy contains:

- 1) an overview of the national building stock, based on previously developed typology of buildings;
- 2) identification of cost-effective approaches to renovation relevant to the building type and climatic zone;
- 3) policies and measures for improvement of the energy efficiency during renovations of buildings, including staged deep renovations;
- 4) a forward-looking perspective aimed to guide the investment decisions of the owners, construction industry and financial institutions; and
- 5) estimate of expected energy savings and other benefits.

- (4) The Ministry submits the Renovation Strategy referred to in paragraph (1) of this Article to the Energy Community Secretariat, within 30 days from the adoption.
- (5) The Ministry monitors the implementation of the Renovation Strategy and every three years reports to the Energy Community Secretariat on the progress made in the implementation of the Reconstruction Strategy, as part of the NEEAP.
- (6) In accordance with the obligations assumed under the Energy Community Treaty, upon proposal from the Ministry, the Government shall revise the Renovation Strategy every three years. The Ministry submits the revised Renovation Strategy to the Energy Community Secretariat as part of the NEEAP.
- (7) The funds for preparation of the Renovation Strategy shall be provided from the Budget of the Republic of North Macedonia, grants or donations.
- (8) The Renovation Strategy shall be published in the “Official Gazette of the Republic of North Macedonia” and the website of the Ministry.

## **Article 32**

### **Energy Performance and Minimum Energy Efficiency Requirements of Buildings**

- (1) For the purpose of categorization of the buildings, prescribing the minimum energy efficiency requirements for new buildings and building units, as well as for buildings and building units subject to major renovations, the Minister adopts a Rulebook on Energy Performance of Buildings.
- (2) The buildings are categorized in two basic categories, as buildings with simple technical building system and buildings with complex technical building system, depending on the purpose of the building, total useful floor area and the technical building systems of the particular building.
- (3) The Rulebook on Energy Performance of Buildings particularly prescribes:
  - 1) methodology for calculation of the energy performance of buildings, the building units and the technical building systems (hereinafter: the Calculation Methodology);
  - 2) energy efficiency requirements of the technical building systems, as well as the buildings and building units that are subject to major renovation;
  - 3) the minimum requirements for the energy performance of building elements as part of the building envelope and that have a significant impact on energy performance when they are replaced or renovated, the preparation of sanitary hot water, the use of the technical building systems and the lighting;
  - 4) the manner of categorization of the buildings in two categories, as buildings with simple technical building system and buildings with complex technical building system;
  - 5) the manner of control of the compliance of buildings and building units, devices, equipment and plants with the minimum energy efficiency requirements;
  - 6) requirements for the design and construction of new and major renovation of existing buildings or building units, in terms of the fulfilment of the minimum energy efficiency requirements;
  - 7) the labelling of buildings and building units in terms of their energy performance and the appropriate class;
  - 8) the form and content of the certificate of conformity of the project documentation for construction or major renovation with the minimum energy efficiency requirements;

- 9) the form and content of the report for conformity assessment of the project documentation for construction or major renovation with the minimum energy efficiency requirements, which is issued along with the certificate of conformity under item 8) of this Article;
  - 10) the form and the content of the Energy Performance Certificates of buildings;
  - 11) the manner for determining the cases when the implementation of the minimum energy efficiency requirements is not technically or operationally feasible and economically justified during the economic lifecycle of the building;
  - 12) the introduction of smart metering systems whenever a building is constructed or undergoes major renovation; and
  - 13) the manner of promoting the installation of active control system that aim to save energy.
- (4) The Calculation Methodology referred to in paragraph (3) item 1) of this Article contains a reference to the European technical standards adopted by the Standardization Institute of Republic of North Macedonia, implemented for determining the fulfilment of the minimal energy efficiency requirements of the buildings, and serves the purpose of:
- 1) calculation of the annual energy required to meet the different needs of a building or building unit, in relation to its typical use;
  - 2) calculation of energy performance indicators (EPI), which serve to calculate energy efficiency in accordance with the adopted standards and numeric indicators of primary energy, in order to express the energy efficiency in a transparent manner and depending on the climate region;
  - 3) manner of achieving adequate comfort in the buildings; and
  - 4) calculation of the cost-optimal levels for meeting the minimum energy performance requirements for buildings, building units.
- (5) The minimum requirements for energy performance are not mandatory for buildings and building units subject of renovation in the case when the implementation of such requirements is not technically or operationally feasible or economically justified in respect to the economic lifecycle of the building, in accordance with the Rulebook on Energy Performance of Buildings.
- (6) The Ministry conducts periodical assessment the compliance of the minimum requirements for energy performance of buildings and building units, at least once at every five years, with the purpose to reflect the technical progress in the construction and energy sectors.

### **Article 33**

#### **Energy Performance of Buildings Certification and Conformity of Project**

##### **Documentation**

- (1) The Energy Performance Certificate (hereinafter EPC) for buildings is issued for all buildings or building units with total useful floor area over 250 m<sup>2</sup> which are occupied by a public sector entities and frequently visited by the public.
- (2) In addition to the cases referred to in paragraph (1) of this Article, regardless of the total useful floor area, EPC is also issued in the following cases:
  - 1) before putting into use of newly constructed buildings or buildings units;
  - 2) before putting into use of buildings and building units that have been subject to major renovation;
  - 3) buildings or building units that are subject to sale or lease.
- (3) The EPCs are issued by licensed entities for carrying out energy audit of buildings, for a



period of 10 years. The licensed entity for carrying out energy audit of buildings charges a fee for the issued certificate. The manner of determination of the fee amount is prescribed by the Tariff on Energy Audits, adopted by the Minister upon prior consent of the Government.

(4) The amount of the fee referred to in paragraph (3) of this Article is determined considering the purpose and the categorisation of the building, as well as the total useful floor area of the building subject to the energy audit.

(5) The investor, along with the request for issuance of a construction permit for new buildings or for major renovation of existing buildings or building unit that is submitted to the competent body, is obliged to provide a Certificate of Conformity as an integral part of the basic design project. The relevant construction permit cannot be issued without submitted Certificate of Conformity.

(6) The Certificate of Conformity referred to in paragraph (5) of this Article is issued by a licensed entity for carrying out energy audit of buildings. The licensed entity for carrying out energy audit charges a fee for the issued Certificate of Conformity, determined in accordance with the Tariff for Energy Audit of Buildings, based on the criteria referred to in paragraph (4) of this Article.

(7) Upon completion of the construction of newly constructed buildings or after the major renovation of an existing building or building unit, the investor is obliged to obtain an EPC and submit it during the procedure for obtainment of use permit in accordance with the Law on Construction. An EPC for the building is obtained before the issuance of the use permit, or prior to preparation of the report for the carried out technical inspection by the supervising engineer, or before the notarisation of a statement by the contractor confirming, under full material and criminal liability that the building or the building unit is constructed in compliance with the construction permit and the basic design project or the project of the constructed condition, depending on the category of the building. The relevant use permit cannot be issued without submitted EPC.

(8) In case of replacement or upgrade of technical building and construction systems during renovation of buildings or building units, such systems must meet the minimum requirements prescribed by the Rulebook on the Energy Performance of Buildings.

(9) The owner or the manager of buildings or building units is obliged to provide all data, complete technical and other documentation for the building or building unit subject of the energy audit, as well as to ensure conditions for undisturbed performance of the energy audit to the contracted licensed entity for carrying out energy audit.

(10) The seller or the lessor of the building or building unit is obliged to provide insight in the EPC prior to the sale or lease, as well as to provide the EPC to the buyer or the lessee within five days after the sale or lease, in original or as a certified copy. The seller or the lessor of a building or building unit is obliged to state the energy class of the building or building unit in the notice announcing the sale or lease through the media or the internet.

(11) The seller or lessor of a building or a building unit whose construction has not been completed is obliged to provide the buyer or lessee with the Certificate of Conformity referred to in paragraph (5) of this Article, in the form of a certified copy, as well as to provide the EPC in accordance with paragraph (10) of this Article within five days after the issuance of the use permit for the building or the building unit.

(12) The owners of the buildings or building units from paragraph (1) of this Article are obliged to display the EPC in a prominent place in the building.

## **Article 34**

### **Inspections of Heating and Air-conditioning Systems**

(1) The owners or the managers of buildings which use technical building systems for heating, or combined systems for heating with ventilation, with an effective power exceeding 70 kW, are obliged to perform regular inspections of such systems at least once in four years, for the purpose of determination of the efficiency rate of the boiler or other fire beds, as well as to undertake measures in order to achieve thresholds in relation to the burning process stipulated in the appropriate technical documentation for the technical system that is subject to inspection.

(2) The owners or the managers of buildings who use technical building systems for air conditioning, or combined technical building systems for air conditioning with ventilation, with an effective power exceeding 70 kW, are obliged to perform regular inspections of such systems at least once in four years, for the purpose of assessment of the capacity of the air conditioning system against the cooling needs of the building, as well as for assessment of the possibilities for optimizing the technical building system, taking into account the average or usual operating conditions.

(3) The inspections referred to in paragraphs (1) and (2) are carried out by licensed entities for carrying out energy audits of the large enterprises and include an assessment of the efficiency of the installed heating and air conditioning systems and the measurement of the air conditioning system against the cooling requirements of the building, as well as measurement of the possibilities for optimisation of the system taking into account the average or usual conditions for operation of the cooling or heating system.

(4) The licensed entities for carrying out energy audits of the large enterprises who carry out the inspections referred to in paragraphs (1) and (2) of this Article are obliged to prepare reports for the carried-out inspections and provide such reports to the Agency within 30 days as of the day of completing the inspection.

(5) The Agency, upon request of an owner or a manager of a building subject to inspection for which there is a provided relevant report, issues a confirmation certificate that evidences the fulfilment of the operational requirements for the heating and air conditioning systems.

(6) The buildings and building units subject to an energy service contract with an ESCO are exempted from the inspection obligations pursuant to this Article, during the period of the validity of the energy service contract.

## **Article 35**

### **Use of High-Efficiency Alternative Systems**

(1) When designing a new building, or when an existing building or building unit undergoes a major renovation, it is mandatory to conduct analysis by energy auditor on the possible use of the following high-efficient alternative systems:

- 1) decentralized energy supply systems using renewable energy sources;
- 2) systems for cogeneration;
- 3) systems using heat pumps; and
- 4) district heating and cooling systems, especially systems using renewable energy sources and

which are being supplied with power from a central energy source.

(2) When evaluating the use of a high-efficiency alternative system prescribed under paragraph (1) of this Article, it is mandatory to consider the technical, zoning, environmental and economic aspects.

(3) Evidence for the conducted analysis of the possible use of high-efficient alternative systems prescribed under paragraph (1) of this Article must be included in the Certificate of Conformity referred to in Article 33, paragraph (5), as a part of the documentation submitted together with the request for issuance of a construction permit.

## **Article 36**

### **Nearly Zero-energy Buildings**

(1) Nearly zero-energy buildings are buildings that have a very high energy performance, where they need approximately zero or very low amount of energy, mostly covered by energy from renewable sources, including energy from renewable sources produced on-site or nearby.

(2) The Ministry, in cooperation with the Ministry competent for matters in the area of construction, prepares and adopts a plan for increasing the number of nearly zero-energy buildings, which contains:

- 1) manner of determining the nearly zero-energy buildings, by using a numerical indicator of primary energy use (in kWh/m<sup>2</sup> per year);
- 2) a date after which all newly constructed buildings must be nearly zero-energy buildings;
- 3) a date after which all newly constructed buildings which are used or owned by public sector entities must be nearly zero-energy buildings; and
- 4) separate targets for separate categories of nearly zero-energy buildings.

(3) Within 30 days after the preparation of the plan referred to paragraph (2) of this Article, the Ministry publishes the plan on its website and submits the plan to the Secretariat of the Energy Community, as part of the NEEAP.

## **Article 37**

### **Exceptions**

(1) The provisions of the articles 10, 32, 33, 34, 35 and 36 of this Law shall not apply to:

- 1) buildings officially protected with a special act issued by a competent institution, as part of a protected environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;
- 2) building which are immovable cultural heritage or monuments declared by law, regulation or other legislative document for protection of cultural heritage to have particular importance and memorial monuments;
- 3) buildings used as places of worship and for religious activities;
- 4) temporary buildings with a longevity of two years or less, industrial sites, workshops, non-residential agricultural buildings, including primary processing facilities for agricultural products and ancillary facilities with low energy demand, as well as and non-residential agricultural buildings;
- 5) residential buildings which are used or intended to be used for either less than four months within a year or, alternatively, for a limited annual time of use and with an expected energy

- consumption of less than 25% of what would be the result of the average yearlong use;
- 6) stand-alone buildings with a total useful floor area of less than 50m<sup>2</sup>;
  - 7) buildings which are not subject to construction permits;
  - 8) temporary facilities, urban equipment and other buildings which are built based on an approval for placement;
  - 9) auxiliary buildings of the electronic telecommunication systems;
  - 10) industrial sites, workshops and buildings which are not heated or heated at temperatures up to +12° C; and
  - 11) shelters and military buildings.

## **Article 38**

### **Energy Audits of Buildings**

- (1) The energy audit of buildings provides for:
  - 1) assessment and cost-effectiveness of the possibilities for reducing energy consumption in buildings and associated (auxiliary) installations and equipment of buildings;
  - 2) issuance of an Energy Performance Certificate for the building; and
  - 3) determining the achieved savings as a result of the applied measures for improving the energy efficiency.
- (2) The Minister adopts a Rulebook on Energy Audit of Buildings for regulation of:
  - 1) the manner of performance of energy audits of buildings, for each category of building separately (buildings with simple technical building system and buildings with complex building technical system, in accordance with the categorization stipulated with the Rulebook on Energy Performance of Buildings referred to in Article 32 of this Law);
  - 2) the manner of assessment of the primary energy consumption;
  - 3) the content and the form of the report on carried out energy audit of buildings;
  - 4) the methodology for calculation, measurement and verification of energy savings in buildings;
  - 5) the content and the form of the report on carried out energy audit of buildings and manner of preparation of the report;
  - 6) the main elements of the program and the manner of organisation of the training, as well as the procedure for taking the qualifying exam for energy auditors of buildings;
  - 7) the main elements of the program for improvement of the energy auditors;
  - 8) the manner, procedure and detailed conditions for appointment of the legal entities who carry out trainings for energy auditors of buildings;
  - 9) the content and the form of the request for issuance, extension and recognition of an authorisation for an energy auditor of buildings, as well as the necessary documentation;
  - 10) the content and the form of the request for issuance, extension and recognition of a license for carrying out energy audits of buildings, as well as the needed documentation;
  - 11) the content, the form and manner of administering the Registry of issued, revoked and recognized authorisations for energy auditors;
  - 12) the content, form and the manner of administering the Registry of issued, revoked and

- recognized licenses for carrying out energy audits of buildings;
- 13) the content and the form of the certificate for completed training for improvement of energy auditor of buildings; and
  - 14) the content and form of the authorisation for an energy auditor and the license for carrying out energy audit of buildings.
- (3) The licensed entity for carrying out energy audit of buildings prepares a report for energy audit and charges a fee.
- (4) The amount of the fee shall be calculated on the basis of the category, the purpose and the useful floor area of the buildings subject to the energy audit, in accordance with the Tariff on Energy Audit of Buildings.
- (5) The beneficiary user of the energy audit may dispose with the energy audit report referred to in paragraph (3) of this Article and make it available to an ESCO which provides energy services in accordance with this Law.
- (6) The Agency carries out annual control over the carried-out energy audits of buildings, by a random selection and based on transparent and non-discriminatory criteria, to a statistically significant and representative sample of all carried out energy audits of buildings. For this purpose, the Agency can hire adequately qualified independent expert or a legal entity.
- (7) If the Agency, on the basis of the control referred to in paragraph (6) of this Article, determines that the energy audit has not been carried out in accordance with the Rulebook on Energy Audit of Buildings, it shall submit a request for initiation of a misdemeanour procedure in accordance with the provisions of this Law.

## **Article 39**

### **Authorised Energy Auditors of Buildings**

- (1) The Ministry carries out the exams and issues authorisations for energy auditors of buildings.
- (2) Any natural person may take the exam for energy auditor of buildings if he submits a request with the Ministry, with an evidence that he meets the following conditions:
  - 1) to have obtained university degree in the fields of civil engineering, architecture, mechanical engineering or electro energetics (degree of completed higher education VII/1 or a degree in accordance with the Bologna declaration with at least 180 credits under the European Credit Transfer System (ECTS));
  - 2) to have at least five years of working experience in the field of testing, designing, supervision of construction or renovation of buildings and their installations or work on professional or scientific activities in the field of construction and energy;
  - 3) to possess a certificate for completed energy auditor training provided by the legal entities authorized to conduct trainings for energy auditors of buildings.
- (3) The exam referred to in paragraph (1) of this Article consists of a written and practical part which shall be taken before a commission established by the Minister. The procedure for conducting the exam is regulated in detail with the Rulebook on Energy Audit of Buildings.
- (4) The natural person who has passed the exam referred to in paragraph (1) of this Article shall submit a request to the Ministry for issuing the authorisation for energy auditor.
- (5) The natural person who has obtained an authorisation for energy auditor of buildings can

perform energy audits only if it is employed at a licensed entity for carrying out energy audit of buildings.

(6) The authorisation for an energy auditor of buildings referred to in paragraph (1) of this Article is valid for a period of three years, with a possibility for extensions every three years. The authorisation can only be extended if the energy auditor of buildings has successfully completed training for improvement of energy auditors of buildings, in accordance with the Rulebook on Energy Audit of Buildings. The energy auditor of buildings submits a request for extension of the authorisation to the Ministry, along with an evidence for completed training for improvement of energy auditors of buildings, no later than 30 days before the expiry of the validity period of the obtained authorisation.

(7) The Minister adopts a decision for revoking the authorisation of the energy auditor for carrying out energy audits of buildings if:

- 1) the energy auditor of buildings does not carry out the energy audit independently and objectively, in accordance with this Law and the regulations adopted on the basis of this Law;
- 2) the energy auditor of buildings has been subject to a misdemeanour sanction ban on performing a profession; or
- 3) partially or fully loses its legal capacity.

(8) An administrative dispute can be initiated against the decision for revoking the authorisation referred to in paragraph (7) of this Article.

(9) The energy auditor whose authorisation has been revoked on the basis of paragraph (7) item 1) of this Article, cannot submit a request for issuance of a new authorisation before the expiry of at least one year as of the date of revocation of the authorisation.

(10) The Ministry keeps a registry of issued, revoked and recognized authorisation for energy auditors of buildings which is published on its website.

(11) The energy auditor of buildings is obliged to carry out the energy audit in an objective and independent manner and must not carry out an energy audit if the customer is a legal entity:

- 1) in which holds stocks or shares;
- 2) with which cooperated during the preparation of the project, auditing of the project or the construction of the building, or carried out maintenance activities on the building or building unit which is subject to energy audit; or
- 3) in which is a member of the managing or supervisory body, a procurator or a proxy.

(12) The energy auditor must not carry out an energy audit if the customer or the owner of share or stock at the customer, or the statutory representative of the customer is a natural person:

- 1) with whom cooperated during the preparation of the design project, auditing of the design project or carried out the supervision over the construction of the building;
- 2) carried out maintenance activities on the building or building unit which is subject to the energy audit; or
- 3) who is his/her spouse or a close relative (lineal without limitations and collateral up to third-degree relatives).

## **Article 40**

### **Training of Energy Auditors of Buildings**

- (1) The Agency publishes a call, at least once every three years, for appointment of legal entities for conducting training for energy auditors of buildings, as well as for improvement of energy auditors of buildings.
- (2) The Agency adopts a decision for appointment of a legal entity for conducting training and improvement of energy auditors of buildings, if the legal entity submits a request and evidence for meeting the detailed criteria regarding the needed equipment, premises and personnel stipulated in accordance with the Rulebook on Energy Audit of Buildings. The decision for appointment is valid for three years.
- (3) The Agency prepares and adopts the training program and the program for improvement of the energy auditors of buildings no later than 31 October in the year for selection of legal entities for carrying out training and improvement for energy auditors of buildings. The programs are published on the website of the Agency.
- (4) The Agency keeps a record of the selected legal entities referred to in paragraph (2) of this Article and publishes it on its website.
- (5) The legal entities referred to in paragraph (2) of this Article are obliged to conduct the training and the improvement of energy auditors of buildings in accordance with the Rulebook on Energy Audit of Buildings and the training program and the program for improvement of energy auditors of buildings referred to in paragraph (3) of this Article.
- (6) The Agency shall control the quality of the implementation of the training and improvement of energy audits and, if it determines irregularities or non-compliance with the provisions of this Law or the Rulebook on Energy Audits of Buildings, may adopt a decision for revoking the decision on appointment of legal entity for carrying out training of energy auditors of buildings.
- (7) An administrative dispute may be initiated against the decision for revoking the decision for selection.
- (8) The legal entities referred to in paragraph (2) of this Article issue a certificate of successful completion of the training for energy auditor of buildings and a certificate for successfully completed training for improvement of the energy auditor of buildings, within 15 days after the completion of the training.
- (9) The amount of the participation fees for the training and the training for improvement of energy auditors and the expenses for taking the exam are calculated depending on the spatial and material conditions, as well as the cost of the engagement of experts for carrying out of the trainings and exams, and are determined in the Tariff for Energy Audits of Buildings.
- (10) The authorisation for carrying out energy audits of buildings issued by a competent body of another country that is a contracting party or participant to the Energy Community Treaty, can be recognized by the Ministry, with application of the reciprocity principle, at the request of the authorized person of the applicant.
- (11) The procedure for recognition of authorisation is conducted by a Commission for Recognition of Authorisations, established by the Minister.
- (12) The Commission referred to in paragraph (11) consists of three members, by one representative of the Ministry, the Agency and the ministry in charge of construction works. The term of the appointment of the members of the Commission is four years.
- (13) The request for recognition of authorisation is submitted to the Ministry along with:

- 1) the authorisation or other appropriate document for energy auditor in original and notarized translation of the authorisation or other appropriate document for energy auditor in Macedonian language and
- 2) notarized translation of a written document which represents the basis for issuance of such authorisation by the competent authority.

(14) If the Commission referred to in paragraph (11) of this Article finds that the request for recognition of authorisation fulfils the criteria for recognition, within 15 days as of the day of receipt of the request proposes to the Ministry to adopt a decision for recognition of the authorisation.

(15) If the Commission referred to in paragraph (11) of this Article finds that the request for recognition of authorisation does not fulfil the criteria for recognition of the authorisation or other appropriate document for energy auditor, within 15 days as of the day of receipt of the request will propose to the Ministry to adopt a decision for rejection of the request for recognition of authorisation or other appropriate document for energy auditor.

(16) An administrative dispute may be initiated against the decision for rejection of the request for recognition of authorisation.

(17) The Ministry charges a fee for recognition of an authorisation for carrying out energy audits of buildings referred to in paragraph (11) of this Article, in amount at least equal to the costs for taking the exam for auditors of buildings stipulated with the Tariff on Energy Audits of Buildings.

(18) The holder of a recognized authorisation issued by another state shall be obliged to carry out the energy audit and to comply with the obligations of the holders of energy audit authorisation of buildings prescribed by this Law and the regulations adopted on the basis of this Law.

## **Article 41**

### **Licensed Entities for Carrying out Energy Audits of Buildings**

(1) A license for carrying out energy audit of buildings can be obtained by a sole proprietor or a legal entity employing at least one authorized energy auditor of buildings.

(2) The license referred to in paragraph (1) of this Article is issued based on a submitted request to the Ministry, along with a document for registered business activity and an evidence for the employment of the authorized energy auditor for buildings.

(3) If the applicant of the request fails to fulfil the condition set forth in paragraph (1) or submits incomplete request from paragraph (2) of this Article, the Ministry shall issue a decision for rejecting the request.

(4) The license for carrying out energy audits of buildings shall be valid for a period of five years, with the possibility of extensions every five years. The license can be extended if the licensed entity which meets the requirements from paragraph (1) of this Article submits a request for extension to the Ministry, no later than 30 days prior to the expiry of the valid license.

(5) A fee for issuing and extending a license for carrying out energy audit of the buildings shall be charged, considering the material and other costs needed for conducting the appropriate procedure as determined in the Tariff for Energy Audits of Buildings.

(6) The licensed entity is obliged to keep a record of the carried-out energy audits, and to keep



the documentation for the carried-out audits for at least ten years.

(7) The licensed entity for energy audit of buildings is obliged to notify the Ministry for each occurred change in the entry in the Trade Registry and the Registry of Other Legal Entities and/or changes related to employed energy auditors of buildings, within a period of 15 days as of the occurred change, whereby it should provide evidence for the occurred changes.

(8) The license or other appropriate document for carrying out energy audits of buildings issued by a competent body of another country that is a contracting party or participant to the Energy Community Treaty, can be recognized by the Ministry, with application of the reciprocity principle, at the request of the holder which is obliged to establish a branch office with registered seat in Republic of North Macedonia.

(9) The provisions of Article 40, paragraphs (11), (12), (13), (14), (15), (16), (17) and (18) of this Law shall apply accordingly for the manner and procedure for recognition of the license referred to in paragraph (8) of this Article

(10) The Ministry adopts a decision for revoking the license for carrying out energy audits of buildings if:

- 1) the licensed entity no longer meets the requirement referred to in paragraph (1) of this Article;
- 2) the licensed entity does not submit the annual report within the prescribed deadline to the Agency;
- 3) the licensed entity does not carry out the energy audit independently, individually and objectively, in accordance with this Law and the regulations adopted on the basis of this Law; or
- 4) the licensed entity does not inform the Ministry of any occurred change in accordance with paragraph (8) of this Article.

(11) Against the decision of the Ministry adopted in accordance with paragraphs (3) and (10) of this Article, an administrative dispute can be initiated.

(12) The licensed entity is obliged to submit evidence from a competent body for keeping records of employed persons for the fulfilment of the condition referred to in paragraph (1) of this Article, to the Ministry, not later than 31 December of the current year.

(13) The licensed entity for carrying-out energy audits of buildings is obliged to submit to the Agency an annual report on the carried-out energy audits of buildings in the previous calendar year, not later than 31 January of the current year, along with all individual reports for carried out energy audits during the reporting period.

(14) On the basis of the annual reports referred to in paragraph (13) of this Article, the Agency prepares an annual report for the previous calendar year and submits it to the Ministry not later than 31 March of the current year.

(15) The Ministry keeps a registry of issued, revoked and recognized licenses for carrying out energy audits of buildings which is published on the Ministry's website.

## **Article 42**

### **Independent Verification System for Energy Performance Certificates of Buildings**

(1) The Agency establishes independent verification system energy performance certificates of buildings with the purpose to review the issued EPCs, by:

- 1) check of the validity and the completeness of the input data of the building or building unit

- used as a basis for issuance of the building's EPC and a confirmation that the data stated in the EPC are in the correct format;
- 2) review of the adequacy of the recommended measures for energy performance improvement in the report for the carried-out energy audit; and
  - 3) on-site visits of buildings and building units, in order to check the adequacy of the data in the building's EPC and the actual state of the certified building, on the basis of random selection.
- (2) The licensed entities for carrying out of energy audits in buildings are obliged to submit the issued EPCs to the Agency, within 15 days after their issuance.
- (3) The Agency shall administer a registry for recording of EPCs, and shall provide access to the register for the purpose of checking the EPCs, at the request of a court, competent authority or entity having a legal interest.
- (4) The Minister adopts a Rulebook for regulating in detail the procedures for establishment and operation of the verification system referred to in paragraph (1) of this Article, as well as the manner of administering the registry for recording of EPCs, referred to in paragraph (3) of this Article.

## **IX. ENERGY LABELING AND ECO DESIGN OF PRODUCTS**

### **Article 43**

#### **Energy Labelling of the Energy-Related Products**

- (1) The technical documentation of the energy-related products that have a significant direct or indirect impact on energy consumption or on the consumption of other sources during use, must contain necessary information regarding energy consumption and to include a label with the energy efficiency class of the product.
- (2) The dealer of the energy-related products from paragraph (1) of this Article, including for distance selling or online sale, is:
- 1) obliged to display the energy efficiency class label in a prominent place;
  - 2) obliged to provide access to customers to the product information sheet, including, upon request, in printed form at the point of sale;
  - 3) responsible for the accuracy of the labels and information sheets that it supplies; and
  - 4) obliged to access at any time the technical documentation and, upon request of the authorised inspector, to provide the electronic version of the documentation for inspection.
- (3) The supplier of the products of paragraph (1) of this Article is obliged to:
- 1) ensure that each of the marketed products is labelled in accordance with this Law and the regulations adopted on the basis of this Law;
  - 2) display a label indicating the energy efficiency class in a prominent place and free of charge;
  - 3) provide access to the information sheet in the product brochure or other relevant documentation for the product; and
  - 4) ensure the accuracy of the labels and information sheets, as well as the additional technical information that accompanies the products which enable for the assessment of the accuracy of the labels and information sheets.
- (4) Once a particular product has been put into use, the supplier of the energy-related product

is obliged to require a specific consent from the customer regarding any changes that are applicable to the product through an update or other similar method, and such changes would reduce the energy efficiency parameters of the product in relation to the parameters that are on the energy efficiency label. In such cases, the supplier of the energy-related product is obliged to notify the customer about the purpose of the update and the changes in the parameters, including changes to the energy efficiency class of the product. In a period corresponding to the average lifespan of the product, the supplier of the product is obliged to give the customer the opportunity not to update such product, without thereby losing the functionality of the product.

(5) The supplier of the energy-related product must not place on the market, as well as obliged to withdraw from the market, any product for which a competent authority in the Republic of North Macedonia or in a Member State of the European Union or a Contracting Party of the Energy Community determines that it has been created in a manner to have different performance when tested, compared to the actual performance, and thereby the actual performance for any parameter is not meeting the prescribed performance according to the appropriate standard or the documentation provided with the product.

(6) The supplier and the dealer of energy-related products are also obliged:

- 1) to point out to the energy efficiency class of the product and the range of the efficiency classes available on the label in visual advertisements or promotional material;
- 2) to cooperate with the State Market Inspectorate and other competent bodies for market surveillance and take immediate action to remedy any case of non-compliance with the regulations for energy labelling of products, at their own initiative or when required to do so by an inspector;
- 3) not to provide or display labels, marks, symbols or inscriptions which do not comply with the applicable regulations, if doing so would be likely to mislead or confuse customers with respect to the consumption of energy or other resources during the use of the product;
- 4) for products which are not covered by this Law, not to supply or display labels which mimic the energy efficiency labels provided for labels that are displayed in accordance with this Law.

(7) The Minister adopts a Rulebook on Labelling the Energy and Other Resources Consumption of Products, stipulating in detail:

- 1) the products subject to labelling;
- 2) the manner of product labelling;
- 3) the manner of product labelling when advertising, distance selling or online sales;
- 4) the manner of determining classes of labelled products;
- 5) the label's form and contents;
- 6) the manner of conducting of supervision in respect to the energy labelling by the State Market Inspectorate; and
- 7) the form and content of the reports referred to in paragraph (9) of this Article that are submitted to the Agency.

(8) The products referred to in paragraph (1) of this Article can be imported and/or placed on the market in Republic of North Macedonia only if they are labelled in accordance with the Rulebook on Labelling referred to in paragraph (7) of this Article.

(9) The suppliers and the dealers of energy-related products are obliged to submit annual reports to the Ministry, by 31 March of the current year for the previous year, regarding the products which are labelled and placed on the market in the Republic of North Macedonia, in

the form and the content prescribed by the Rulebook referred to in paragraph (7) of this Article.

(10) The provisions of this Article which refer to the obligations of suppliers and the dealers of energy-related products shall not apply to:

- 1) second-hand goods;
- 2) products intended for the transport of persons and goods; and
- 3) signs of conformity in regard to the safety of products.

#### **Article 44**

##### **Eco-design of Products**

(1) The suppliers and dealers with energy-related products are obliged to import, place on the market, and/or put in use only energy-related products or products having an impact on energy consumption which:

- 1) meet the established technical requirements regarding eco-design in accordance with the Decree from paragraph (2) of this Article;
- 2) the compliance of the products is determined in the prescribed procedure in accordance with the conformity assessment regulations; and
- 3) the products are labelled in accordance with the Decree from paragraph (2) of this Article that prescribes the requirements for eco-design of the respective product group.

(2) The Government, upon proposal of the Ministry, adopts a Decree which prescribes the procedures, generic and specific requirements for eco-design, internal control and systems for conformity assessment, the specific requirements of the dealers, suppliers and importers of energy-related products, regarding the eco-design, as well as the dynamics and deadlines for the application of eco-design requirements for energy-related products.

(3) The suppliers and dealers with energy-related products are obliged to submit annual reports to the Ministry, not later than 31 March for the previous year, regarding the products referred to in paragraph (1) of this Article.

## **X. SUPERVISION**

#### **Article 45**

(1) The Ministry shall supervise the implementation of this Law and the regulations adopted in accordance with this Law.

(2) The Ministry supervises the work of the Agency in accordance with this Law and the regulations adopted in accordance with this Law.

(3) The Ministry supervises the lawfulness of the operation of the local self-government units in accordance with this Law and the regulations adopted in accordance with this Law.

(4) The Agency supervises the EPCs in accordance with this Law and the regulations adopted in accordance with this Law, as well as supervises the reports referred to in Article 34, paragraph (4) of this Law.

(5) Energy Regulatory Commission supervises the fulfilment of the obligations of the providers of the regulated energy activities prescribed in accordance with this Law and the regulations

adopted in accordance with this Law, in accordance with its authorisations prescribed in accordance with the Energy Law.

(6) The State Market Inspectorate performs the inspection supervision regarding the implementation of this Law and the regulations adopted under this Law in regard to energy and other resources labelling and eco-design of energy-related products.

## **XI. MISDEMEANOUR PROVISIONS**

### **Article 46**

#### **Misdemeanour Authorisations**

(1) The initiation of misdemeanour procedure for misdemeanours prescribed with this Law can be sought by the state bodies that are obliged to conduct supervision.

(2) For the misdemeanours from the Articles 49, 50, 51, 52 and 55 of this Law, the relevant authorities from the paragraph (1) of this Article submit request for initiation of misdemeanour proceeding to the relevant court.

(3) The provisions of the Law on Misdemeanours apply to the proceedings referred to in paragraph (1) of this Article.

### **Article 47**

(1) The Ministry conducts the misdemeanour proceeding and imposes misdemeanour sanctions for the misdemeanours from the Articles 53, 54 and 56 of this Law.

(2) For the conduct of the misdemeanour proceeding and the imposing of misdemeanour sanctions, the Minister, with a decision establishes a commission for adopting decisions on misdemeanours (hereinafter: the Misdemeanour Commission), comprised of three members from the employees of the Ministry, specifically:

- 1) one member graduated lawyer with passed bar exam and five years of working experience in his/her field of expertise, named president of the Misdemeanour Commission;
- 2) one member with high education from the field of technical sciences and five years of working experience in his/her field of expertise; and
- 3) one member with high education from the field of economic sciences and five years of working experience in his/her field of expertise.

(3) The Misdemeanour Commission is appointed for period of three years, with right to be reappointed.

(4) The Minister, based on a proposal from the president of the Misdemeanour Commission, can adopt a resolution for dismissal of a member of the Misdemeanour Commission in the following cases:

- 1) by expiration of the period of appointment;
- 2) by member's request;
- 3) by fulfilment of conditions for retirement in accordance with law;
- 4) in case of permanent incapability for participation to the work of the Misdemeanour Commission;

- 5) by force of court decision establishing a breach of relevant legislation for conduct of misdemeanour proceedings;
  - 6) by breach of the obligations arising from being member of the Misdemeanour Commission; and
  - 7) by non-reporting an existence of conflict of interest for a case for which the Misdemeanour Commission is deciding;
- (5) The Misdemeanour Commission adopts a work manual, which is approved by the Minister.
  - (6) The Misdemeanour Commission works as a council and adopts decisions with majority of votes from the total number of members.
  - (7) The members of the Misdemeanour Commission decide independently and solely, on the basis of the law and in accordance with their own expertise and belief.
  - (8) An appeal can be submitted against the decisions of the Misdemeanour Commission, in front of a competent body, in accordance with the Law on Misdemeanours.

## **Article 48**

### **Authorisations of the Competent Inspector**

- (1) As soon as the competent inspector establishes that a misdemeanour under this law has been committed, it prepares minutes which record the essential elements of the undertaken action resulting from the legal nature of the misdemeanour, personal name, address and unique identification number of the citizen, in case of a foreigner also number of the travel document and state, and for legal entity, name of the company, registered seat and tax number, time, place and manner of committing the misdemeanour, description of the action, legal qualification of the misdemeanour and persons found on the spot.
- (2) Prior to submitting a request for initiation of a misdemeanour procedure for the misdemeanours determined in Articles 53, 54 and 56 of this Law, the competent inspector shall be obliged to propose to the perpetrator a settlement procedure by issuing a misdemeanour payment order.
- (3) The competent inspector shall issue a misdemeanour payment order to the perpetrator of the misdemeanour.

## **Article 49**

### **Misdemeanours**

- (1) A fine for a misdemeanour in amount of up to 2% of its annual income generated from the energy activity in the previous fiscal year, shall be issued to:
  - 1) an obligated party that does not apply measures for achievement of savings in final energy consumption, as prescribed under the Decree from Article 14 paragraph (1);
  - 2) an operator of the systems for transmission and distribution of electricity and natural gas, as well as the operator of the system for distribution of thermal energy, if it does not carry out a technical and economic assessment for all costs and benefits for the market, as well as improvement of the energy efficiency with implementation of advanced measurement systems and smart grids (Article 20, paragraph (1));
  - 3) an operator of the systems for transmission and distribution of electricity and natural gas,

as well as the operator of the system for distribution of thermal energy, when planning of development of the relevant systems for the area where they conduct their activity does not carry out an assessment for the decrease of losses and the energy efficiency potential (Article 21, paragraph (1));

- (2) A fine in the amount of EUR 500–1,000 in denar countervalue for the misdemeanours referred to in paragraph (1) of this Article shall be issued to the responsible person at the legal entity.
- (3) In addition to the fine under paragraph (2) of this Article, the responsible person at the legal entity can be sanctioned with prohibition of performing function, in duration of up to thirty days.

### **Article 50**

(1) The public sector entities shall be fined for a misdemeanour with a fine in amount of EUR 500–10,000 in denar countervalue, if:

- 1) it does not monitor and manage energy production and consumption in buildings and building units in which they perform activities in a manner that achieves energy savings and it does not implement the prescribed energy efficiency improvement measures which fall under their responsibility in accordance with the relevant NEEAP, programs and annual plans (Article 11, paragraph (1)); and
- 2) it does not appoint responsible person from its employees or does not hire an expert person (Article 11, paragraph (5)).

(2) A fine in the amount of EUR 100–1,000 in denar counter value shall be imposed on the responsible person at public sector entity for the misdemeanours referred to in paragraph (1) of this Article.

### **Article 51**

(1) Legal entity shall be fined for a misdemeanour in amount of EUR 500–10,000 in denar countervalue, if:

- 1) it does not stipulate the lowest acceptable energy efficiency class of the goods subject to procurement (Article 13, paragraph (1));
- 2) does not procure products with the lowest energy efficiency level (Article 13, paragraph (2));
- 3) when publishing procurement notices for services and works does not require from the bidders to use only goods which meet the requirements stipulated in Article 13, paragraphs (1) and (2) of this Law (Article 13, paragraphs (3));
- 4) purchases or leases premises for its own use, the buildings or building units in which such premises are located which do not hold adequate certificate for energy performance (Article 13, paragraph (4));
- 5) does not submit data to the Ministry and Agency in accordance with Article 14, paragraph (10);
- 6) does not carry out energy audit of the large enterprises once in every four years (Article 15, paragraph (1));
- 7) does not submit the report of the carried-out energy audit to the Agency within 30 days from the day of carrying out energy audit (Article 15, paragraph (5));
- 8) does not submit to the Agency the appropriate certificate, integrated environmental permit

- and other documentation certifying that the established system meets the energy audit requirements within 30 days of the issuance of the appropriate certificate or integrated environmental permit (Article 15, paragraph (6));
- 9) does not submit to the licensed entity for carrying out energy audit of the large enterprises, based on the concluded agreement on energy audit, all the data, complete technical and other documentation relevant to the energy audit, as well as to provide conditions for undisturbed performance of the energy audit (Article 16, paragraph (2));
  - 10) does not provide the relevant information to the customers in accordance with Article 22, paragraph (5);
  - 11) fails to fulfil the obligations under Article 33, paragraph (10) of this Law;
  - 12) does not submit to the buyers or lessees of buildings or building units the Certificate of Conformity from Article 33, paragraph (5) of this Law (Article 33, paragraph (11));
  - 13) does not display in a prominent place the Energy Performance Certificate of the building (Article 33, paragraph (12));
  - 14) does not perform regular inspections over the heating and ventilation systems (Article 34, paragraphs (1) and (2));
  - 15) does not carry out the energy audit of buildings in accordance with the provisions from the Rulebook on Energy Audit of Buildings from Article 38 paragraphs (1) and (2) of this Law;
  - 16) does not submit the Energy Performance Certificate to the Agency within 15 days as of the issuance (Article 42, paragraph (2));
  - 17) does not display in a prominent place the label for energy efficiency class (Article 43, paragraph (2), item 1));
  - 18) does not provide access to customers to the product information sheet, including, upon request, in printed form at the point of sale (Article 43, paragraph (2), item 2));
  - 19) the labels and information sheets that it supplies contain inaccurate information (Article 43, paragraph (2), item 3));
  - 20) does not provide at any time the technical documentation and, upon request of the competent inspector, does not send the electronic version of the documentation for inspection (Article 43, paragraph (2), item 4));
  - 21) without the consent from the customer, made changes that are applicable to the product through an update or other similar method, and such changes would reduce the energy efficiency parameters of the product in relation to the parameters that are on the energy efficiency label (Article 43, paragraph (4));
  - 22) did not notify the customer about the purpose of the update and the changes in the parameters, including the changes to the energy efficiency class of the product (Article 43, paragraph (4));
  - 23) did not provide the customer with the opportunity not to update the product, without thereby losing the functionality of the product (Article 43, paragraph (4));
  - 24) placed on the market, i.e. did not remove from the market, the product for which a competent authority in the Republic of North Macedonia or in a Member State of the European Union or a Contracting Party of the Energy Community determines that it has been created in a manner to have different performance testing compared to actual performance and thereby the actual performance for any parameter is outside the prescribed standard, according to the appropriate standard or the documentation provided with the product (Article 43, paragraph (5));
  - 25) did not refer to the energy efficiency class of the product and the range of the efficiency classes available on the label in visual advertisements or promotional material (Article 43, paragraph (6), item 1));
  - 26) did not cooperate with the State Market Inspectorate and other competent bodies for market surveillance, as well it did not take immediate action to remedy any case of non-



- compliance with the regulations for energy labelling of products, at their own initiative or when required to do so by an inspector (Article 43, paragraph (6), item 2));
- 27) provides or displays labels, marks, symbols or inscriptions which do not comply with the applicable regulations, if doing so would be likely to mislead or confuse customers with respect to the consumption of energy or other resources during the use of the product (Article 43, paragraph (6), item 3));
  - 28) submits or displays labels for products which are not covered by this Law, which mimic the energy efficiency labels that are displayed in accordance with this Law (Article 43, paragraph (6), item 4));
  - 29) did not submit annual report by 31 March of the current year for the previous year (Article 43, paragraph 9));
  - 30) placed on the market, imported or put into use products that do not meet the established technical requirements regarding eco-design (Article 44, paragraph (1), item 1));
  - 31) placed on the market products whose compliance is not determined in the prescribed procedure (Article 44, paragraph (1), item 2));
  - 32) placed on the market products which are not labelled in accordance with the Decree referred to in Article 44, paragraph (2) of this Law (Article 44, paragraph (1), item 3));
  - 33) did not submit annual report (Article 44, paragraph (3)).
- (2) For misdemeanours committed as a result of self-interest or for misdemeanours which cause greater property damage, a fine double the amount of the maximum amount of the fine can be imposed or in proportion with the amount of the caused damage or the benefit obtained, in any case up to ten times of the maximum amount of the fine referred to in paragraph (1) of this Article.
- (3) A natural person shall be fined for a misdemeanour in the amount of EUR 100–500 in denar countervalue for misdemeanours referred to in paragraphs (1), items (8), (9), (10), (11), (12), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33) of this Article.
- (4) A fine in the amount of EUR 100–1,000 in denar counter value shall be imposed on the responsible person in the legal entity for the misdemeanours referred to in paragraph (1) of this Article.

## **Article 52**

- (1) The supplier of energy-related products referred to in Article 43, paragraph (1) of this Law shall be fined for a misdemeanour in amount of EUR 500–10,000 in denar countervalue, if:
- 1) the marketed products are not labelled in accordance with this Law and the regulations adopted on the basis of this Law (Article 43, paragraph (3), item 1));
  - 2) did not display the label of energy efficiency class in a prominent place and free of charge (Article 43, paragraph (3), item 2));
  - 3) did not enable access to the information sheet in the product brochure or other relevant documentation for the product (Article 43, paragraph (3), item 3));
  - 4) did not ensure accuracy of data contained on the labels and information sheets, as well as of the additional technical information that accompanies the products which enable the accuracy of the labels and information sheets to be assessed (Article 43, paragraph (3), item 4)).
- (2) A fine in the amount of EUR 100–1,000 in denar countervalue shall be imposed on the responsible person in the legal entity for the misdemeanours referred to in paragraph (1) of this Article.

### **Article 53**

(1) The energy auditor shall be fined for a misdemeanour in amount of EUR 100–500 in denar countervalue, if it:

- 1) does not carry out the energy audit in accordance with the Rulebook on Energy Audits of the Large Enterprises (Article 16, paragraph (1));
  - 2) does not carry out the energy audit of the large enterprises independently and objectively (Article 17, paragraph (11));
  - 3) it carries energy audit of the large enterprise at customer legal entity contrary to Article 17, paragraph (11) items 1), 2) and 3) of this Law;
  - 4) it carries energy audit of the large enterprise contrary to Article 17, paragraph (12) of this Law;
  - 5) does not carry out the energy audit in accordance with the Rulebook on Energy Audits of Buildings (Article 38, paragraph (2));
  - 6) does not carry out the energy audit independently and objectively (Article 39, paragraph (11) items 1), 2) and 3));
  - 7) it carries energy audit of the buildings at customer legal entity contrary to Article 39, paragraph (11) of this Law; and
  - 8) it carries energy audits of buildings contrary to Article 39, paragraph (12) of this Law.
- (2) For misdemeanours committed as a result of self-interest or for misdemeanours which cause greater property damage, a fine double the amount of the maximum amount of the fine can be imposed or in proportion with the amount of the caused damage or the benefit obtained, in any case up to ten times of the maximum amount of the fine referred to in paragraph (1) of this Article.
- (3) In addition to the fine under paragraphs (1) and (2) of this Article, the energy auditor can be fined with sanction with prohibition of performing business activity, in duration of up to 30 days.

### **Article 54**

(1) The licensed entity for carrying out energy audit shall be fined for a misdemeanour in amount of EUR 500–1,000 in denar countervalue, if:

- 1) does not keep a record of the carried-out energy audits, and does not keep the documentation for the carried-out audits for at least ten years (Article 19, paragraph (6) and Article 41, paragraph (6));
  - 2) within a period of 15 days as of an occurred change it does not notify the Ministry for each such occurred change in the entry in the Trade Registry and the Registry of Other Legal Entities and/or for changes related to the employed energy auditors in accordance with Article 19, paragraph (7) and Article 41, paragraph (7) of this Law;
  - 3) until 31 December of the current year it did not submit evidence of the competent authority for keeping records of employed persons to the Ministry in accordance with Article 19, paragraph (12) and Article 41, paragraph (12) of this Law;
  - 4) did not submit to the Agency an annual report on the carried-out energy audits in the previous calendar year in accordance with Article 19, paragraph (13) and Article 41, paragraph (13) of this Law;
  - 5) issues a certificate which is issued contrary to the requirements stipulated with the Rulebook on Energy Performance of Buildings (Article 32, paragraph (3)).
- (2) For misdemeanours committed as a result of self-interest or for misdemeanours which cause greater property damage, a fine double the amount of the maximum amount of the fine

referred to in paragraph (1) of this Article can be imposed or in proportion with the amount of the caused damage or the benefit obtained, in any case up to ten times of the maximum amount of the fine referred to in paragraph (1) of this Article.

- (3) Fine in the amount of EUR 100–1,000 in denar countervalue shall be imposed on the responsible person of the licensed entity for the misdemeanours referred to in paragraph (1) of this Article.
- (4) In addition to the fine under paragraph (1) of this Article, the licensed entity can be fined with sanction with prohibition of performing business activity, in duration of up to 30 days.

#### **Article 55**

(1) The operator of electricity transmission system and the operator of the electricity distribution system, natural gas and heat shall be fined for a misdemeanour in amount of EUR 2,000–10,000 in denar countervalue, if:

- 1) the investment plan does not provide measures and investments for the introduction of cost-effective energy efficiency improvements to the electricity, gas and heating transmission or distribution systems, accompanied by a plan for their implementation (Article 21, paragraph (3));
- 2) did not act in accordance with the request from the Energy Regulatory Commission (Article 21, paragraph (5));
- 3) does not provide information on the energy efficiency of the district heating system, as well as for the participation of the renewable energy sources (Article 21 paragraph (6)).

(2) A fine in the amount of EUR 500–1,000 in denar countervalue shall be imposed on the responsible person of the operator for the misdemeanours referred to in paragraph (1) of this Article.

#### **Article 56**

(1) An authorised official person shall be fined for a fine for a misdemeanour in amount of EUR 100–500 in denar countervalue, if it issues approval for construction or use permit without procuring the analysis, evidence and/or confirmations prescribed in Article 24 paragraph (1), Article 33 paragraphs (5) and (7) and Article 35, paragraph (3) of this Law.

(2) For misdemeanours committed as a result of self-interest or for misdemeanours which cause greater property damage, a fine double the amount of the maximum amount of the fine can be imposed or in proportion with the amount of the caused damage or the benefit obtained, in any case up to ten times of the maximum amount of the fine referred to in paragraph (1) of this Article.

#### **Article 57**

The amount of the fine, as well as anything that is not regulated with the provisions on misdemeanours prescribed with this Law, shall be determined in accordance with the Law on Misdemeanours.

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 58**

#### **Validity of the Issued Licenses on Energy Auditors and Authorisations of Energy Auditors**

- (1) All valid licences and authorisations for carrying out energy audits issued prior to the entry into force of this Law, shall be valid until 31 May 2021 and can be used only for carrying out energy audits of buildings. The Ministry, ex officio adjusts the validity period in the issued licenses and authorisations not later than 30 June 2020.
- (2) The issued decisions for appointment of the legal entities for conducting training of energy auditors shall be valid until the initial validity date, without possibility for extension.
- (3) The procedures for issuing licenses and authorisations that were initiated before the day of the entry into force of this Law shall be completed in accordance with the provisions of the Energy Law (“Official Gazette of the Republic of North Macedonia” no. 16/11, 136/11, 79/13, 164/13, 41/14, 151/14, 33/15, 192/15, 215/15, 6/16, 53/16 and 189/16).
- (4) Issued licenses and authorisations pursuant to paragraph (3) of this Article shall be valid until 31 May 2021.
- (5) The authorised auditors in accordance with paragraphs (1), (3) and (4) of this Article shall submit request to the Ministry for issuance of authorisation for carrying out energy audits of buildings no later than 30 April 2021, along with evidence for completed training for improvement of energy auditors of buildings.

### **Article 59**

#### **Obligations of Public Sector Entities**

- (1) The information system referred to in Article 11 of this Law shall be established no later than 18 months as of the day of adoption of this Law. The obligations of the public sector entities referred to in Article 11 of this Law will begin to apply six months as of the day of establishment of the information system.
- (2) The MVP tool referred to in Article 12 of this Law will be established no later than 18 months as of the day of adoption of this Law. The obligations of the public sector entities referred to in Article 12 of this Law will begin to apply six months as of the day of establishment of the information system.
- (3) The public sector entities, in accordance with Article 11 paragraph (5) of this Law are obliged to appoint responsible persons from their employees or to hire external expert within one year as of the day of entry into force of this Law.
- (4) The public sector entities, for the premises and the buildings that are leased on the day of entrance into force of this Law, are obliged to obtain appropriate energy performance certificate from the owners of the leased buildings within one year from the day of entrance into force of this Law.

### **Article 60**

#### **Obligations of the Large Enterprises**

The large enterprises are obliged to carry out the first energy audit in accordance with the

obligations stipulated under Article 15 of this Law, or to submit the appropriate certificate or integrated environmental permit and other documentation certifying that the established system meets the energy audit requirements prescribed by the Rulebook on Energy Audit no later than 31 December 2020.

## **Article 61**

### **Energy Efficiency in Transmission and Distribution**

All transmission and distribution system operators for electricity, natural gas and heat which are obliged to undertake an assessment of the loss reduction and energy efficiency potential of improvement pursuant to Article 21 of this Law, are obliged to submit such assessments to the Energy Regulatory Commission not later than 30 June 2020.

## **Article 62**

### **Carrying out Review in Respect to the Development of the Energy Services Market**

The Agency is obliged to carry out a qualitative review regarding the current and future development of the energy services market pursuant to Article 28 paragraph (2) item 4) of this Law, not later than 31 December 2021.

## **Article 63**

### **Analysis of Alternative Measures**

The obligation prescribed under the Article 35 paragraph (3) of this Law will be applicable for requests for authorisations for construction that will be submitted after 1 July 2020.

## **Article 64**

### **Energy Consumption Labelling**

(1) Until the entry into force of the Rulebook on Energy and Other Resources Consumption for Energy-Related Products referred to in Article 43 paragraph (7) of this Law, with respect to the labelling of energy consumption, the definition of the term "label" and the labelling of energy classes of products, the provisions of the Rulebook on Energy and Other Resources Consumption for Energy-Related Products ("Official Gazette of the Republic of Macedonia" No. 165/2016) shall apply.

(2) Until the entry into force of the Rulebook on Energy and Other Resources Consumption for Energy-Related Products referred to in Article 43 Paragraph (7) of this Law, energy-related products that meet the requirements in accordance with the Rulebook on Energy and Other Resources Consumption for Energy-Related Products ("Official Gazette of the Republic of Macedonia" No. 165/2016) can be imported or placed on the market.

## **Article 65**

### **Adoption of Secondary Legislation**

(1) The Government adopts:

- 1) Decree for adopting the energy efficiency targets referred to in Article 5, paragraph (1) of this Law, no later than three months as of the day of entry into force of this Law;
- 2) NEEAP for a period of three years referred to in Article 6, paragraph (1) of this Law, no later than 30 June 2020;
- 3) Plan for renovation of buildings used by the public sector entities on state level from Article 10 paragraph (7) of this Law, no later than six months as of the day of entry into force of this Law;
- 4) Decree for establishing EEOS referred to in Article 14, paragraph (1) of this Law, no later than six months as of the day of entry into force of this Law;
- 5) Decree that regulates in detail the energy performance contracts referred to in Article 27, paragraph (7) of this Law, no later than six months as of the entry into force of this Law;
- 6) Strategy for renovation of public, residential and non-residential buildings from Article 31, paragraph (1) of this Law, no later than two years as of the entry into force of this Law;
- 7) Decree for prescribing procedures, generic and specific requirements for eco-design, internal control and systems for conformity assessment, detailed requirements which have to be fulfilled by the traders, providers and importers of energy-related products regarding the eco-design, as well as dynamics and deadlines for the implementation of eco-design requirements as well as other requirements for products in relation with the eco-design of the energy-related products from Article 44, paragraph (2) of this Law, no later than six months as of the entry into force of this Law.

(2) The Minister adopts:

- 1) Rulebook for detailed regulation of the content and form of the energy efficiency programs that are adopted by the units of self-government, the manner for preparation, the content and form of the annual plan adopted by the units of self-government, from Article 7, paragraph (9) of this Law, no later than six months as of the entry into force of this Law;
- 2) Rulebook for the information system for monitoring and managing with energy consumption of public sector entities, from Article 11, paragraph (4) of this Law, no later than 90 days as of the entry into force of this Law;
- 3) Rulebook on MVP from Article 12 paragraph (3), no later than six months as of the entry into force of this Law;
- 4) Rulebook from Article 13, paragraph (5), no later than six months as of the entry into force of this Law;
- 5) Rulebook on Energy Audit of the Large Enterprises, from Article 16, paragraph (1) of this Law, no later than six months as of the entry into force of this Law;
- 6) Tariff in relation to energy audits of the large enterprises from Article 16, paragraph (5) of this Law, no later than six months as of the entry into force of this Law;
- 7) Tariff in relation to energy audits of buildings, in a period of 90 days as of the entry into force of this Law;
- 8) Rulebook for regulating the content and manner of preparation of the cost-benefit analysis, and verification of the fulfilment of exemptions from Article 24 of this Law, no later than one year as of the entry into force of this Law;
- 9) Rulebook on HECP from Article 25, paragraph (11) of this Law, no later than 90 days as of the entry into force of this Law;
- 10) Energy performance rulebook from Article 32, paragraph (3) of this Law, no later than six months as of the entry into force of this Law;
- 11) Plan for increasing the number of nearly zero-energy buildings from Article 36, paragraph (2) of this Law, no later than one year as of the entry into force of this Law;
- 12) Rulebook on energy audit of buildings from Article 38 paragraph (2), no later than six months as of the entry into force of this Law;
- 13) Rulebook for regulating the procedures for establishing and operation of the system for

verification, as well as the manner of administering the registry for EPCs of buildings, from Article 42, paragraph (4) of this Law, no later than six months as of the entry into force of this Law;

14) Rulebook on labelling the energy and other resources consumption of energy-related products, from Article 43, paragraph (7) of this Law, no later than six months as of the entry into force of this Law;

(3) The Agency adopts:

1) Programme for training and improvement of energy auditors for large enterprises, in accordance with Article 18 paragraph (3), not later than 31 October of the ongoing year for the following period of maximum 3 years;

2) Tariff for GOHECP, from Article 25, paragraph (6) of this Law, no later than 90 days as of the day of entry into force of this Law;

3) Programme for training and improvement of energy auditors for buildings, in accordance with Article 40 paragraph (3) of this Law, not later than 31 October of the ongoing year for the following period of maximum three years.

(4) The Ministry, in cooperation with the Office for General and Common Affairs of the Government prepares and publishes an inventory of the buildings in accordance with Article 10, paragraph (2) of this Law, no later than 90 days as of the entry into force of this Law;

(5) The Agency prepares and publishes Guidelines by which, inter alia, it provides guidelines and instructions regarding the energy performance contracts, procedures and documents for preparation and initiating the procedure for selection of ESCOs by the public sector entities, and in particular by the local self-government units, prescribes methodologies and rules related to the assessments of possible energy savings, including models for feasibility studies and other matters in relation to the energy services and the activities of the ESCOs from Article 28, paragraph (4) of this Law, no later than nine months as of the day of entry into force of this Law.

## **Article 66**

The comprehensive assessment of the potential for the application of high efficiency cogeneration, and efficient district heating and cooling systems from the Article 23 paragraph (1) of this Law, is submitted to the Energy Community Secretariat, no later than one year as of the day of entry into force of this Law.

## **Article 67**

Until the adoption of the secondary legislation prescribed in this Law, the regulations adopted in accordance with the Energy Law (“Official Gazette of the Republic of North Macedonia” no. 16/11, 136/11, 79/13, 164/13, 41/14, 151/14, 33/15, 192/15, 215/15, 6/16, 53/16 and 189/16) shall apply.

## **Article 68**

### **Final Provision**

On the day of entrance into force of this Law, the provisions of the Energy Law (“Official

Gazette of the Republic of North Macedonia” no. 16/11, 136/11, 79/13, 164/13, 41/14, 151/14, 33/15, 192/15, 215/15, 6/16, 53/16 and 189/16) which refer to energy efficiency will cease to be valid.

### **Article 69**

#### **Entry into Force**

This Law enters into force on the eight day after the day of its publication in the “Official Gazette of the Republic of North Macedonia”.