

COMMISSION DELEGATED REGULATION (EU) 2023/807**of 15 December 2022****on revising the primary energy factor for electricity in application of Directive 2012/27/EU of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC ⁽¹⁾, and in particular Article 22(2) thereof,

Whereas:

- (1) Pursuant to the provision in footnote 3 in Annex IV to Directive 2012/27/EU, by 25 December 2022 and every four years thereafter, the Commission is to revise the default coefficient on the basis of observed data.
- (2) The Commission has carried out a study on the review of the primary energy factor (PEF) in order to reflect the technological progress and the growing share of renewable energy sources in the electricity generation sector since 2018.
- (3) The study supports the methodology set out in Recital 40 of Directive (EU) 2018/2002 of the European Parliament and of the Council ⁽²⁾ which uses the 'physical energy content' accounting method for nuclear electricity and heat generation, the 'technical conversion efficiency' method for electricity and heat generation from fossil fuels and biomass, and the direct equivalent method based on the 'total primary energy' approach for non-combustible renewable energy.
- (4) The study acknowledges the need to use a forward looking PEF in order to reflect the impact of energy efficiency in the future. Therefore, the revision of the default coefficient follows the methodology set out in Recital 40 of Directive (EU) 2018/2002, and based on the observed data, selects as the default coefficient the average PEF value for 2024 and 2025.
- (5) Annex IV to Directive 2012/27/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Directive 2012/27/EU is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 315, 14.11.2012, p. 1.

⁽²⁾ Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex IV to Directive 2012/27/EU, footnote 3 is replaced by the following:

- (3) Applicable when energy savings are calculated in primary energy terms using a bottom-up approach based on final energy consumption. For savings in kWh electricity, Member States shall apply a coefficient established through a transparent methodology on the basis of national circumstances affecting primary energy consumption, in order to ensure a precise calculation of real savings. Those circumstances shall be substantiated, verifiable and based on objective and non-discriminatory criteria. For savings in kWh electricity, Member States may apply a default coefficient of 1,9 or use the discretion to define a different coefficient, provided that they can justify it. When doing so, Member States shall take into account the energy mix included in their integrated national energy and climate plans to be notified to the Commission in accordance with Regulation (EU) 2018/1999. By 25 December 2022 and every four years thereafter, the Commission shall revise the default coefficient on the basis of observed data. That revision shall be carried out taking into account its effects on other Union law such as Directive 2009/125/EC and Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).'
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