

The basic document on energy saving and energy efficiency and its implementation

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Goltsblat BLP advises that Federal Law of 23 November 2009 No. 261-FZ "On energy saving and raising energy efficiency and on amendment of certain legislative acts of the Russian Federation" (the Federal Law) is being rolled out.

Let us recall that, according to the Federal Law:

- *energy saving* means steps to cut the quantity of energy resources used while maintaining the useful effect of their use;
- *energy efficiency* is understood as the ratio of the useful effect from use of energy resources to the cost of these resources for achieving the given effect.

For implementation of the Federal Law, a List of principles has been adopted for determining the energy efficiency class of a good, as well as a List of types of goods that should include information about their energy efficiency class (Resolution of the Government of the Russian Federation of 31 December 2009 No. 1222).

In this connection, restrictions on importation, production and trade in the Russian Federation will be applied to a number of goods with a particularly low energy efficiency (such as incandescent bulbs for lighting purposes).

Under the Federal Law, energy resources produced, transmitted, and consumed in the centralised electricity, heating, water and gas supply systems must be metered. By 1 January 2011, owners of buildings and other facilities (including temporary ones) started up as of 27 November 2009 must (with a few exceptions) install and switch on such devices in such facilities.

After construction, renovation or overhaul of buildings and other facilities, they may not be started up unless the energy efficiency requirements are observed and the requisite energy resource meters are in place. Developers are obliged to ensure fulfilment of these requirements for at least five years after such facilities are commissioned and the owners remain responsible for this throughout their service life.

An energy investigation may be conducted into a legal entity, product or manufacturing process. Only members of self-regulating organisations (SRO) in the given sphere may conduct such investigations, which are undertaken voluntarily. The following organisations are exceptions, being required to undergo an inspection at least every five years:

- organisations producing and (or) transporting water, natural gas, thermal energy or electric power, extracting natural gas, oil, or coal, producing petroleum products, refining natural gas or oil, or transporting oil and petroleum products;
- organisations spending, in aggregate, more than 10 billion roubles per calendar year on consumption of natural gas, diesel and other fuel, fuel oil, thermal energy, coal and electric power;
- organisations performing regulated types of activity;

For additional information, please contact:



Evgeniy Danilov,
Head of Group,
Goltsblat BLP,
Tel: +7 (495) 287 44 44,
Email: info@gbplaw.com

www.gbplaw.com

Capital City Complex,
Moscow City Business Centre,
8, Presnenskaya Nab., Bldg. 1,
Moscow, 123100, Russia

T: +7 (495) 287 44 44
F: +7 (495) 287 44 45
E: info@gbplaw.com

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- organisations in which the state or a municipality participates.

It should be noted that the energy efficiency requirements do not apply to individual homes, country houses or allotment houses, cultural legacy and devotional facilities, temporary and auxiliary structures.

- Nor do these requirements apply to the following buildings and structures until the time comes for their renovation or overhaul:
 - ones commissioned before the requirements come into effect;
 - construction, renovation or overhaul of which is carried out in accordance with design documentation approved or submitted for state expert examination before the requirements come into effect;
 - the design documentation for which is not subject to state expert examination and the application for the relevant construction permit is submitted before these requirements come into effect.

The Federal Law focuses considerable attention on development and implementation of federal, regional, municipal and other energy saving and energy efficiency programmes. For implementation of the Federal Law, Resolution of the Government of the Russian Federation of 1 December 2009 No. 1830-r approves an Action Plan for energy saving and increasing energy efficiency in the Russian Federation. Resolution of the Government of the Russian Federation No. 1225 "On requirements on regional and municipal programmes in the sphere of energy saving and raising energy efficiency" was adopted on 31 December 2009. This contains a relevant List of target indicators and List of measures.

Rules have also been adopted for establishing energy efficiency requirements for goods, works and services ordered for state and municipal services (Resolution of the Government of the Russian Federation of 31 December 2009 No. 1221).