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European Monitoring Centre on Change

France: Obligation to undertake energy efficiency audits

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France

Phase:

Anticipation

Type:

Obligation to undertake energy efficiency audits

Last modified: 22 March, 2023

Native name:

Code de l'énergie, Loi n° 2013-619 du 16 juillet 2013

English name:

Energy code; law n° 2013-619 of 16 July 2013

Article

L233-1 to L. 233-4 of the enegy code, R233-1 and R233-2 of the energy code, D.233-3 to D.233-9 of the energy code, Article 40 of the law n° 2013-619 of 16 July 2013

Description

Since the entry into force of law n°2013-619, large companies are obliged to conduct an energy audit every four years under article L233-1 of the French Energy Code. According to article 40 of the law n° 2013-619, the first audit should have been completed by 5 December 2015. In this context, large companies are those with 250 or more employees, or an annual turnover of over €50 million, and/or total assets exceeding €43 million in the last two accounting years (art.R233-2 Energy Code).

The audits cover at least 80% of the company's energy bill (art. D.233-3 of the Energy Code) but certified companies under NF EN ISO 50001, a norm specifying energy management measures, are exempted from this obligation (art. D.233-4 of the Energy Code). The energy audits must be carried out within the framework of an environmental management system in accordance with standard NF EN ISO 14001 (art D.233-5 of the Energy Code).

Article D. 233-6 of the Energy Code defines those qualified to carry out an energy audit:

- an external service provider holding a "quality mark" that meets a set of requirements in terms of resources and skills and issued by a body accredited by a signatory of the multilateral agreement taken within the framework of the European coordination of accreditation bodies;
- internal staff of the company, however, persons carrying out the energy audit may not be directly involved in the audited activity on the site concerned.

Article L233-1 of the Energy Code stipulates that companies subject to the energy audit obligation shall electronically transmit the information relating to the implementation of the obligation on an IT platform dedicated to the collection of energy audits. Regional public authorities (DREAL, DEAL or DRIEE depending on the region considered, all are regional bodies under the authority of the Prefect of the region) are responsible for the control of evidence and documents uploaded to this platform and the sanctioning of any offenders. If obligations are breached, the administrative authority shall give the company concerned a formal notice to comply with its obligations. If the company does not comply with this formal notice within the set time limit, the administrative authority may impose a fine. This fine may not exceed 2% of the turnover (excluding tax) of the last financial year closed, increased to 4% in the event of a new breach of the same obligation.

Comments

Article 8 of directive 2012/27/EU relating to energy efficiency stipulates an energy audit be conducted for large firms every four years. This provision has been transposed at legislative level by the law of 16 July 2013 (article 40). Last decree and ministerial order needed for the implementation of this measure have been published at the end of 2014.

According to a publication (ADEME - bilan 2017), this obligation concerns approximately 5,000 companies and two years after this obligation came into force, in 2017, 4,955 companies had declared themselves on the audit collection platform set up and 3,599 finalised their deposit. The majority of companies chose to carry out an audit (3,164), 291 opted for ISO certification and 142 did a mix of both. In two thirds of cases, the audits focused on a single activity, most often the building. However, one third carried out an audit on transport. In light of interviews carried out by the ADEME, "For two thirds of the respondents, the introduction of this regulation was the opportunity to carry out an energy audit for the first time. Regulatory compliance was the main motivation for carrying out this audit (94% of respondents), but for more than one in two companies, this exercise was also carried out with the idea of reducing their company's energy consumption".

Previously, mandatory energy audits, carried out by experts appointed by the Ministry of Industry, were required every three years from 1977 to 1997 for industrial facilities consuming more than 300 toe per year (20,000 sites in France). The degree of compliance in 1994 was only 40%, partly due to inadequate resources. Energy savings identified are about 3% of energy consumption with an average return of investment of four to five years. The regulation was changed in September 1998 and these mandatory audits are no longer required.

Cost covered by

Employer

Involved actors other than national government

Regional/local government

Other

Involvement others







external service providers in charge of the audit (design office, engineering office, consulting engineer.....)

Thresholds

Company size by number of employees:

250

Sources

-  [Mandatory energy audit \(Mure database\)](#)
-  [Mandatory energy audits \(IEA database\)](#)
-  [Funding for energy audits](#)
-  [ADEME \(2018\), Bilan 2017 sur les audits énergétiques des grandes entreprises](#)
-  [Ministère de la transition écologique, audit énergétique des grandes entreprises](#)
-  [French energy Code](#)

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