



energy authority

# EED Recast – Articles 5 and 6

## Overview of the State of Implementation

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## Implementing EED Recast in FI

- EED working group preparing the implementation
- Preparation supported by article-specific expert working groups
  - Identifying legislative needs, involving stakeholders, impact assessment
- Expert working group on Articles 5 & 6, work so far
  - 1) Study on the public bodies' building stock (VTT, Technical Research Centre of Finland)
  - 2) Draft report on the definition of public body (Energy Authority)**
  - 3) Sectoral assessment of public bodies' final energy consumption (Art 5, buildings and public transport)
  - 4) Description of alternative approach method (Art 6, corresponding savings)



# Work on the Definition of Public Body

- What have we achieved so far?
  - Draft report on the definition, based on preliminary legal analysis and discussions within the expert working group
  - Scope:
    - 1) Defining existing public bodies (clear cases)
    - 2) Principles for evaluating if an entity is a public body or not (cases to be analysed further)
  - How to evaluate? Comparing the EED and public procurement directives ('body governed by public law')
- What's next?
  - Entities that may or may not fall within the scope of application, depending on the situation
  - Mainly: Publicly owned companies
  - Closer analysis of these entities is the next step

# Public Bodies in Finland (1)

- **1) National level**
- State authorities, including i.a.
  - Ministries
  - State agencies
  - Government enterprises (part of the same legal person as the State)
- **2) Regional level**
- Regional authorities, including i.a.
  - Wellbeing services counties
  - Regional councils
- **3) Local level**
- Local authorities, including i.a.
  - Municipalities
  - Enterprises owned by municipalities (part of the same legal person as the Municipality)

## Public Bodies in Finland (2)

- Analysis on 'other entities'
  - Comparing the EED 2(12) definition to that of a 'body governed by public law' (public procurement directives)
  - 'Directly financed' and 'directly administered'
    - Wording in the EED is partly different compared to procurement directives
  - 'Industrial or commercial character'
    - Wording in the EED is similar compared to procurement directives
- Publicly owned organisations
  - Companies, associations, foundations
  - Within these groups, some public bodies, however not all of them are public bodies
    - For example, public bodies could include: Publicly owned service companies, providing services mainly/only for municipalities?
    - For example, public bodies wouldn't include: Publicly owned energy companies (operating in market conditions)?
  - Closer analysis on these to be done next

# Questions, Concerns, Challenges

- Comparing the EED 2(12) definition to organisational structures in Finland
  - Challenges with some entities
- In Finland, some activities can be exercised through either a company (an independent legal person) or a business-based authority (same legal person as the authority) (e.g. water supply management)
  - Challenges with interpretation in these situations (do both cases fall under the definition equally)
- Groups of entities that in our view may contain both public bodies and not public bodies
  - Publicly owned companies & other publicly owned entities
  - Closer analysis to be done next, method

Thank you!



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