

## Order on energy efficiency in the public sector<sup>1</sup>

Pursuant to Sections 2a, 4(3), 13(2) and (3), 14(3), 19, 20(4), 21a and 21b of the Act on the promotion of efficient energy use and greenhouse gas reduction, cf. Consolidation Act No 1036 of 12 September 2024, as amended by Act No [X of X May/June 2025], and Sections 2a, 20-22, 29(4) and 31(1) of the Act on the promotion of energy savings in buildings, cf. Consolidation Act No 1923 of 8 October 2021, as amended by Act No [X of X May/June 2025], the following is laid down in the Act on authorisation pursuant to Section 4(1) of Order No 259 of 6 March 2025 on the tasks and powers of the Danish Energy Agency:

### Chapter 1

#### *Scope and Definitions*

**Section 1.** This order prescribes detailed rules for public bodies on energy savings and renovations of public body buildings and rules for contracting authorities and entities on energy efficiency in procurement.

**Section 2.** The following definitions apply for the purposes of this order:

- 1) Energy: Energy products as defined in Article 2(d) of the European Parliament and Council's regulation on energy statistics.
- 2) Energy efficiency: The relationship between output in terms of performance, services, goods or energy and input in terms of energy.
- 3) Energy savings: Amount of saved energy determined by measuring or estimating consumption, or both, before and after the implementation of an energy efficiency improvement measure, corrected for external conditions affecting energy consumption.
- 4) Energy efficiency first: Energy efficiency first as defined in Article 2 (18) of the Regulation of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action.

- 5) Energy efficiency improvement: An increase in energy efficiency as a result of a technological, behavioural or economic change.
- 6) End consumption of energy: All energy supplied to industry, transport, including energy consumption in international aviation, households, public and private services, agriculture, forestry, fisheries, as well as to other end-user sectors, excluding energy consumption related to international maritime bunkering, ambient energy and supplies to the transformation sector and to the energy sector, and transmission and distribution losses (as defined in Annex A to the Regulation of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action).
- 7) Public bodies: Subsidies will not be granted to national, regional or local authorities and entities that are financed and administered directly by those authorities but which do not have an industrial or commercial character.
- 8) Contracting authorities: Contracting authorities as defined in Article 6(1) of the Directive of the European Parliament and of the Council on the award of concession contracts, Article 2(1) of the Directive of the European Parliament and of the Council on public procurement and Article 3(1) of the Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors.
- 9) Contracting entities: Contracting entities as defined in Article 7(1) of the Directive of the European Parliament and of the Council on the award of concession contracts and Article 4(1) of the Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors.
- 10) Total useful floor area: Floor area of a building or part of a building where energy is used to regulate indoor climate.
- 11) Nearly zero-energy building (NZEB):  
New buildings: New buildings constructed according to the energy framework in the building regulations, corresponding to energy label A2015. For existing buildings, the level is renovation class 2, corresponding to energy label B.
- 12) Building stock under energy label B: Total area of buildings owned by public bodies that are heated or cooled with an area over 250 m<sup>2</sup>, by which the building did not correspond to at least energy label B on 1 January 2024.
- 13) Extensive repair or maintenance work: Work on the building that results in an increase in the lease of at least 50 per cent, the total renovation costs represent more than 50 per cent

of the property value less the land value, or that at least 50 per cent of the building envelope is renovated.

14) Comprehensive renovation: A renovation whose cost exceeds 50% of the investment costs for a new, comparable unit.

15) Comprehensive renovation: Renovation that is in line with the energy efficiency first principle, that focuses on essential building elements and that transforms a building or building unit: (a) by 1 January 2030 into a NZEB; and (b) from 1 January 2030 onwards into a zero-emission building;

16) Energy service: Physical benefit, utility or good derived from combining energy with energy-efficient techniques or measures, which may include the operation, maintenance and control activities necessary to provide the service, which is provided on the basis of a contract and which, under normal circumstances, has been shown to result in verifiable and measurable or estimable energy efficiency improvements or primary energy savings.

17) Energy performance contracts: A contractual arrangement between the beneficiary and provider of an energy efficiency improvement measure, verified and monitored throughout the duration of the contract, by which the work, supplies or services included in the same measure are paid in relation to an agreed level of energy efficiency improvement or other agreed energy performance criterion, such as financial savings.

## Chapter 2

### *Energy savings of public bodies*

**Section 3.** Public bodies must achieve total annual energy savings in their final energy consumption of at least 1.9% compared to their total final energy consumption in 2021. The final energy consumption in 2021 is estimated at 31.1 PJ.

(2) Final energy consumption of armed forces and public transport is not covered by the annual energy savings requirement.

(3) The energy savings achieved by armed forces in their total consumption may be included in the achievement of the requirement referred to in paragraph 1.

(4) The energy savings achieved by public transport in their total consumption may be counted towards the achievement of the requirement referred to in paragraph 1.

**Section 4.** Public bodies must achieve total annual energy savings in their owned, rented or occupied buildings.

(2) The Danish Energy Agency calculates and publishes annually the amount of energy savings to be achieved in the following year in the buildings in accordance with paragraph 1. Achieved energy savings in accordance with paragraph 2 can be counted towards the fulfilment of energy savings under section 4, paragraph 1.

**Section 5.** In the building stock under energy label B, buildings that are profitable to renovate up to NZEB, corresponding to 3 per cent of the building stock under energy label B, are designated annually.

(2) Public bodies may choose to designate buildings in the building stock under energy label B that are not profitable to renovate up to the NZEB.

(3) Public bodies can jointly prioritise the designation of buildings, for example through voluntary agreements.

(4). Public bodies may designate owned buildings that are protected and buildings with high conservation value in the building stock under energy label B. These buildings may not be renovated up to the NZEB if, after renovation, the building achieves a better energy label or all technically feasible energy-saving renovations within the protection or conservation status of the building are completed.

(5). Designated buildings must be renovated to at least the NZEB by 2040.

(6) Designated buildings by armed forces that are not office buildings or single-room accommodation buildings can be exempted from being renovated to NZEB if the building, after renovation, achieves at least a better energy label or all technically possible cost-effective energy-saving renovations have been carried out.

**Section 6.** A designated building that is demolished may be included as renovated to NZEB if:

- 1) one or more buildings are constructed to replace the building;
- 2) the designated building has been demolished within the two preceding years before the entry into service or construction of new or new buildings;

- 3) the new building or buildings are more cost-effective and sustainable, after calculated energy savings and CO<sub>2</sub> life-cycle emissions, in relation to renovating the demolished building; and
- 4) the new building or buildings must be owned by a public body.

(2) For buildings referred to in Section 298 (9) and (10) of the Building Regulations, calculations of CO<sub>2</sub> life cycle emissions, cf. paragraph 1 (3), may be omitted.

**Section 7.** Public bodies must negotiate that heated and cooled buildings with an area over 250 m<sup>2</sup> which they rent and which are not owned by other public bodies are to be renovated to the NZEB by no later than 2040 at the time of the conclusion, extension or renegotiation of the lease agreement if the building changes use or if the building is to have undergone extensive repair or maintenance work.

(2) If renovation in accordance with (1) is not technically possible, public bodies must negotiate that all technically possible profitable renovations must be completed no later than 2040.

(3) Paragraph 1 does not apply to the lease of buildings wholly owned by other public bodies.

(4) Paragraphs 1 and 2 do not apply to rented buildings of armed forces or parts of rented buildings of armed forces if the renovation would conflict with the nature and primary objective of the activities of the armed forces.

**Section 8.** When renovating their owned heated or cooled buildings with an area of more than 750 m<sup>2</sup>, public bodies must assess whether an energy performance contract should be concluded and assess the use of energy service providers for the renovation.

(2) Paragraph 1 does not apply to buildings owned, rented and occupied by armed forces whose use of contracts and suppliers would conflict with the nature and primary purpose of the activities of the armed forces.

**Section 9.** Municipalities and regions must assess whether concrete measures should be introduced in plans containing energy efficiency measures and assess whether the plans should be consulted with stakeholders and the public, etc.

**Section 10.** Public bodies may assess the possibility of taking CO<sub>2</sub> emissions into account in investments and activities.

**Section 11.** Public bodies may assess opportunities for improving the energy performance of buildings that they own, rent or use.

**Section 12.** Public bodies can assess opportunities for increased use of renewable energy as an energy source for their energy consumption.

**Section 13.** The Danish Energy Agency must make information publicly available on buildings owned, rented and used by public bodies which are heated or cooled and have an area of more than 250 m<sup>2</sup>. The information includes the surface area, energy consumption and energy label of the buildings. All available information must be made available.

(2) Buildings owned, rented and occupied by armed forces are exempted from disclosure and other buildings may be exempted from disclosure for security reasons.

(3) The Danish Energy Agency obtains information for publication from available registers, etc.

**Section 14.** The Danish Energy Agency may notify public bodies that they must report information for the purpose of calculating final consumption of energy use and renovations of owned, rented and occupied buildings, and correct information obtained in accordance with Section 13 (3).

(2) Public bodies must report designated buildings in accordance with Section 5 in a register that the Danish Energy Agency makes available.

(3) The Danish Energy Agency must provide information on a website on how information is to be reported and corrected.

**Section 15.** The Danish Energy Agency may make corrections, etc. to information obtained and notified in accordance with Sections 13 and 14.

## Chapter 3

### *Energy requirements for procurement*

**Section 16.** When concluding public and concession contracts for the procurement of products, services, buildings and construction works with a value equal to or greater than

the thresholds for public procurement in force at any given time, contracting authorities and contracting entities must take the following steps:

- 1) Apply the energy efficiency principle first.
- 2) When purchasing products, purchase products from the two most energy efficient energy classes only if the product is covered by energy labelling under a delegated act adopted pursuant to a Regulation of the European Parliament and of the Council setting a framework for energy labelling or a Directive setting a framework for energy labelling or by a related implementing Directive adopted by the Commission. The requirement applies only if sufficient competition is ensured.
- 3) In the case of purchases not covered by (2) and covered by an implementing measure under the Directive of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for energy-related products or by the European Parliament and or an implementing measure under the Council Regulation establishing a framework for the setting of eco-design requirements for sustainable products, procure only the products meeting the energy-efficiency reference values of the implementing measure.
- 4) When purchasing tyres, only tyres that belong to the highest fuel efficiency class as defined in the Regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other parameters may be purchased. The purchase of tyres of the highest wet grip class or external rolling noise class may be exempted from the requirement on grounds of safety or health.
- 5) When concluding service contracts, ensure that suppliers use products that meet the same requirements under points (2) to (4) only when the supplier provides the service. The requirement applies only to new products which have been purchased in part or exclusively by the supplier for the purpose of providing the service in question.
- 6) When purchasing buildings, purchase only buildings corresponding to at least the NZEB. The following buildings may be exempted from the requirement:
  - a. Buildings with energy label C-G that are purchased with the aim of renovating the building up to NZEB before 1 January 2030. For buildings for which it is not technically possible to renovate the building to NZEB, all technically possible profitable renovations must be completed by 2040 at the latest.
  - b. Buildings to be demolished.
  - c. Protected buildings and buildings with high conservation value if the purpose of the purchase is to preserve the building.

- d. Buildings which public bodies resell without using the building for their own purposes.
- 7) For renting buildings, the rules laid down in Section 7 (1) and (2) apply.
- 8) Publish information on the expected energy efficiency impact of the contract in the tender documentation. Publication of information on energy efficiency impact may be omitted if the expected energy efficiency impact has a limited energy content.
- 9) Assess the use of long-term energy performance service contracts when tendering for service contracts when the procurement will result in significant energy content.
- 10) Endeavour to purchase products or services covered by green public procurement criteria.

(2) Contracting authorities and contracting entities may, when procuring above the applicable thresholds, purchase a product package that is fully covered by a delegated act adopted pursuant to Regulation of the European Parliament and of the Council setting a framework for energy labelling, if the product package belongs to the highest available energy efficiency class.

(3) The requirements in paragraph 1 apply only if the purchase is technically possible.

(4) The requirements in paragraph 1 do not apply where:

- 1) the procurement is covered by contracts for the supply of military equipment as defined in the Directive of the European Parliament and of the Council on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security;
- 2) the requirements result in a conflict with the nature and primary objectives of the activities of the defence;
- 3) the requirements undermine public security;
- 4) the requirements cause the procurement to interfere with the response to public health emergencies; or
- 5) the contract notice for the procurement has been published before 11 October 2025.

## Chapter 4

*Inspection etc.*

**Section 17.** The Danish Energy Agency monitors compliance with the provisions in this order.

(2) The Danish Energy Agency may decide that information for the purpose of supervision must be submitted digitally.

**Section 18.** The Danish Energy Agency may issue orders to public bodies, contracting authorities and contracting entities to comply with the provisions of this Order within a time limit set by the Danish Energy Agency.

## Chapter 5

### *Appeals*

**Section 19.** Danish Energy Agency decisions under the order cannot be brought before the Energy Board of Appeal.

Paragraph 2 of the Danish Energy Agency's decisions under the order may not be appealed to the Minister for Climate, Energy and Supply.

## Chapter 6

### *Provisions for entry into force and transitional provisions*

**Section 21.** The order enters into force on 11 October 2025.

(2) Circular No 9909 of 9 December 2020 on energy efficiency in state institutions and Circular No 9987 of 1 December 2021 amending the Circular on energy efficiency in state institutions are repealed.

[Main signatory]

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Co-signatory]

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<sup>1</sup> This order contains provisions implementing parts of Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast), Official Journal 2023, L 231, p. 1-111, parts of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast) (EEA-relevant text.), Official Journal 2018, L 328, p. 82-209, as last amended by Directive 2024/1711 of the European Parliament and of the Council of 13 June 2024 amending Directives (EU) 2018/2001 and (EU) 2019/944 as regards improving the Union's electricity market design (EEA-relevant text.), Official Journal 2024 L 1711, p. 1.