



CSO KEY ISSUES AND PROPOSALS FOR THE ENERGY EFFICIENCY AND CONSERVATION BILL 2024.

The Energy Efficiency and Conservation Bill, 2024 is a proposed law in Uganda that aims to establish a legal, institutional, and regulatory framework for improving energy efficiency and conservation across different sectors of the economy. The key objectives of the Bill include:

- i. **Regulate Energy Use.** The Bill seeks to regulate the efficient and rational use of energy in Uganda.
- ii. **Promote Energy Efficiency** – The bill encourages the adoption of energy-efficient technologies and practices.
- iii. **Prevent Energy Waste** – The bill aims to reduce wasteful energy use to lessen economic and environmental burdens.
- iv. **Deficiencies in Existing Laws** - Current laws, such as the Electricity Act and Uganda National Bureau of Standards Act, do not explicitly regulate energy efficiency. The absence of regulations has led to the importation of outdated, inefficient appliances and poor energy management practices. There are no existing rules governing clean cooking technologies or the transition to electric vehicles.
- v. **Proposed Solutions in the Bill:**
 - a) **The bill designates energy consumers:** Certain industries and individuals will be required to adopt energy management systems, conduct audits, and submit reports.
 - b) **Energy audits:** Regular energy audits will be required for industries to identify inefficiencies.
 - c) **Minimum Energy Performance Standards:** Appliances and equipment will have efficiency standards and labeling requirements.
 - d) **Regulation of Transport:** Fuel economy standards, emission certifications, and incentives for electric vehicles will be introduced.
 - e) **Energy-efficient Buildings:** Standards for energy-efficient construction and renovations will be established.
 - f) **Public Awareness and Incentives:** The bill includes public education campaigns and financial incentives to encourage compliance.
 - g) **Enforcement and Penalties** – the bill designates inspectors to ensure compliance. It also introduces fines and penalties for non-compliance, including up to 20,000 currency points (400 million UGX) and imprisonment. It also introduces forfeiture and destruction of illegally imported non-compliant products.

Key issues on the Energy Efficiency and Conservation Bill, 2024

Clause 3: Definition of appliance

The Bill defines an appliance as *a domestic or commercial device designed to perform specific functions such as cooling, heating, or cleaning.*

- This definition is limiting since it tends to focus on cooling, heating, or cleaning. However, several energy-consuming appliances, such as TVs, Radios, communication gadgets, washing machines, dishwashers, and others, that consume energy may need to be covered under the Bill.
- We also notice that due to the developments in technology, it might be hard to make an exhaustive list of appliances that need to be covered under the law. There is a need to empower the minister by statutory instruments to develop appliances.

Recommendation

- Replace the definition of appliance with the following:
Appliance means: any electrical, mechanical or thermal article or device, whether permanent or temporary, fixed or moveable, that is used to perform different tasks including but not limited to heating, cooling, cleaning, communication, electronic games, motorized kitchen aids, sound equipment and other as the minister may in a statutory instrument provide.

Justification

For clarity to empower the minister to bring appliances that develop over time and use energy under the operation of the Act.

Introduce a definition of Building.

Whereas the Bill uses the word building and buildings severally, there is no definition of what amounts to a building. We notice that the Bill defines public and residential building, but the definitions are limiting in as far as they do not cover what can amount to a building.

A detailed definition which is all-inclusive is in the Building Control Act, of 2013 and we would like to adopt that definition of the Bill.

Recommendation

Introduce a new definition of Building as follows.

"building" means—

- (a) any structure, whether of a temporary or permanent nature and, irrespective of the materials used in its erection, erected or used for or in connection with—***
 - (i) the accommodation or convenience of human beings or animals;***
 - (ii) the manufacture, processing, storage or sale of any goods;***
 - (iii) the rendering of any service;***
 - (iv) the destruction or treatment of refuse or other waste material; or***
 - (v) the cultivation or growing of any plant or crop;***
- (b) a swimming pool, dam, bridge, tower or other structure connected with it;***

- (c) a fuel pump or tank used in connection with a pump;*
- (d) an electrical installation or other installation connected with it;*
- (e) a gas supply installation or other installation connected with it;*
- (f) any other part of a building or of an installation connected to the building;*

Justification

- To align it with the Building Control Act
- For clarity and to cover areas relating with building

Definition of fuel

The Bill uses the word “fuel” in many aspects however, it does not provide for what would amount to fuel.

Recommendation

"fuel" means

- (a) petroleum and petroleum products;*
- (b) coal and its derivatives;*
- (c) firewood, charcoal, and other wood derivatives;*
- (d) uranium or other nuclear fuel;*
- (e) any other material as the minister may by statutory instrument designate to be fuel.*

Clause 3: meaning of charging infrastructure.

The Bill defines a charging infrastructure as *the network of facilities, equipment and technologies that enable the charging of electric vehicles.*

Whereas the definition is important in determining charging systems. The use of the word “network” in the definition means stand-alone charging systems, that are not networked, may not be covered under the Act.

The Bill also limits itself to charging electric vehicles. Whereas the definition of electric vehicles is provided for, the bill does not cater for present situations where batteries as accessories to the vehicle are charged independent of the vehicle. For example, at present electric motorcycle dealers charge batteries as standalone equipment and users are able to swap the batteries.

Recommendation

Replace the definition of Charging infrastructure with

Apparatus that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located for use in an electric vehicle.

Justification

For clarity

Section 6(5)

The Minister may review and amend the composition, functions and procedures of the Committees as necessary, ensuring alignment with evolving energy efficiency goals and national priorities.

This gives the Minister unchecked powers to review and amend the composition, functions and procedures of the Committee.

The provision could instead state that the Minister shall make regulations or guidelines for the composition (appointment and dismissal of committee members), functions and procedures of the Committee.

Section 8 (e)

designate an energy officer at the local government offices to coordinate and supervise all energy-related projects in the area.

Considering the scope of work, an energy officer alone might not effectively ensure compliance.

The Bill could instead provide for constitution of the District Energy Efficiency and Conservation Committee to handle monitoring and enforcement of the Bill.

Section 10(1)

states that the Minister shall, by statutory instrument, designate energy consumers for the purposes of this Act.

When you look at the definition of a designated energy consumer under section 3, there is not much explanation as to what the term means.

The section should therefore clearly elaborate who a designated energy consumer is and list the parameters for designation of one.

Clause 11

The Bill under clause 11 requires a designated energy consumer to appoint or designate energy managers. However, the provision does not provide for what role the managers will perform. There is a need for the law to provide the basics on what such a person will perform so that there can be clarity and accountability.

Recommendation

Introduce a new clause (3) to provide for the functions of the energy manager

(3) The Energy Manager shall

- (a) Identify and implement energy-saving strategies.*
- (b) Recommend the implementation of the energy efficiency plant under S. 12 of this Act*
- (c) Regularly monitor energy consumption*
- (d) Carry out assessment and energy audits.*

- (e) *Put in place measures to ensure the Energy consumer complies with the requirements of this Act.*
- (f) *Recommend the implementation of recommendations from Energy Audits either carried out internally or by other entities as may be required.*
- (g) *Carry out any functions as the minister may by statutory instrument prescribe.*

Justification

To provide clarity on the role of persons doing the function of energy manager.

(Clause12)

‘Energy efficiency action plan

(1) A designated energy consumer shall develop and implement an energy efficiency action plan based on the results of energy audits.

(2) The efficiency action plan developed under subclause(1) shall outline strategies, measures and targets for reducing energy consumption and improving energy efficiency within a specified timeframe.

Comments

- a) **Subclause(2) - "The efficiency action plan developed under subclause(1) shall outline strategies, measures and targets for reducing energy consumption and improving energy efficiency within a specified timeframe"**
 - **Ambiguity:** The provision mentions a "specified timeframe" but does not clarify how the timeframe will be determined, whether it will be fixed by the Minister, or if it is at the discretion of the designated energy consumer. If it is at the instance of the designated energy consumer then the provision gives the energy consumer too much discretion which defeat the purpose of the provision

Suggested clarification: Specify how the timeframe will be determined—whether it is set by the Minister or if designated energy consumers are allowed flexibility based on their specific needs or sector and how that discretion is to be utilized.

Clause13- provision too long to be reproduced here

Nonetheless the provisions is on **Energy Management Systems**

Comments

- a) **Subclause(1) - "A designated energy consumer shall establish, maintain and implement an energy management system in a manner prescribed by regulations"**
 - Suggested clarification: If possible, provide an outline of the core components that the energy management system should include, or at least reference what

general principles it should follow, so that designated energy consumers have a clearer understanding of the expectations even before the regulations are made.

b) subclause(2) - "Notwithstanding subclause(1), the Minister may require any other person to establish, maintain and implement an energy management system"

- Ambiguity: This provision gives the Minister the discretion to require others to establish energy management systems, but it does not specify the criteria or process by which the Minister will determine who should be required to comply.

Suggested clarification: It would be helpful to clarify the criteria the Minister will use to determine which individuals or entities are required to establish an energy management system. Including an explanation of when and why the Minister would invoke this provision could help avoid ambiguity.

c) subclause(3)(b) - "Establish energy performance indicators for measuring and monitoring energy performance"

- Ambiguity: The term "energy performance indicators" is introduced, while it is defined in the interpretation section, there is no guidance on what types of indicators should be used, or how they will be determined.

Suggested clarification: Provide more specific guidance on what constitutes an "energy performance indicator" or allow for regulations to establish a list of potential indicators, such as energy consumption per unit of output, cost savings, or carbon emissions reductions among others.

d) subclause(3)(d) - "Ensure that the key characteristics of the operations of a designated energy consumer affecting energy performance are identified, measured, monitored and analysed at planned intervals"

- This provision also has ambiguities: The phrase "key characteristics of the operations" is vague and could be interpreted in various ways depending on the sector or specific operation.
- a. Suggested clarification: Specify examples of what could be considered "key characteristics" (e.g., energy consumption patterns, machinery efficiency, operational hours) and how they should be prioritized or measured.

Clause17 – clause on National Energy Efficiency and Conservation Plan

- **Subclause (3)(f) - "Incentives and other mechanisms to encourage investment in energy efficiency projects"**

The provision mentions "incentives and other mechanisms" but does not specify what these mechanisms might be. It could be interpreted in various ways—

financial incentives, tax breaks, subsidies, or preferential treatment in procurement, among others.

- **Subclause(3)(g) - "The procedures for regular reporting on the progress of the Plan to relevant stakeholders"**

The provision mentions "relevant stakeholders" but does not define who qualifies as a "relevant stakeholder" or the frequency and format of the reporting.

Suggested clarification: It would be beneficial to clearly define who the stakeholders are (e.g., government agencies, private sector, public) and the reporting schedule and format (e.g., quarterly or annual reports, public hearings, or digital platforms for transparency).

Clause18 - Energy Efficiency in Cooking Technologies

subclause(3)(d) - "Provide training and capacity building programs to local communities, technicians, and entrepreneurs to ensure proper installation, operation and maintenance of clean cooking technologies"

- This provision broadly mentions the need for training but does not specify who will be responsible for conducting the training or how it will be structured. The term "local communities" could also be interpreted in different ways depending on geographic or social contexts.

Suggestion: Clarify the role of government bodies, private sector involvement, or international partners in implementing training programs would provide a clearer implementation roadmap. Additionally, defining the scope of "local communities" or specifying targeted regions (e.g., rural or urban) would help in focusing the efforts.

Subclause(3)(e) - "Provide for financial mechanisms, incentives and subsidies to make efficient clean cooking technologies and fuels more affordable for low-income households"

- The term "financial mechanisms" is broad and could include many different forms of financial support. It also doesn't specify how these mechanisms will be implemented or who will be eligible.

Suggestion: Providing specific examples of the financial mechanisms (e.g., microfinance options, targeted subsidies, or tax breaks for low-income households) and outlining the criteria for eligibility (e.g., household income level, geographic location) would reduce ambiguity.

Clause19 - Energy Efficiency and Conservation in the Transport Sector

- **subclause(1) - "The Minister responsible for transport shall, in consultation with the relevant authorities, establish energy efficiency standards and targets for vehicles, including passenger cars, trucks, buses, and other modes of transport"**

This provision gives a broad mandate to the Minister to establish energy efficiency standards for transport but does not specify the types of standards (e.g., fuel consumption limits, emissions reductions, or energy use per vehicle type). Also, it mentions consultation with "relevant authorities," but doesn't clarify who these authorities are.

Suggestion: It would be useful to provide examples of the types of standards to be established and who the "relevant authorities" are (e.g., transport ministries, vehicle manufacturers, or environmental bodies). This will ensure all stakeholders understand their roles in the process.

Clause 19: Energy efficiency and conservation in the transport sector

The clause provides that the Minister responsible for transport shall, in consultation with the relevant authorities, establish energy efficiency standards and targets for vehicles, including passenger cars, trucks, buses, and other modes of transport. The Bill is not clear on who the "relevant authorities" are. The Bill should clearly state the entities to be consulted.

The Bill does not include water and air transport systems among those that need energy efficiency

Recommendation

Replace the 19(1) with the following text

The Minister shall, in consultation with the Minister responsible for transport and the National Environment Authority, establish energy efficiency standards and targets for vehicles, including passenger cars, trucks, buses, water transport, air transport, and other modes of transport.

Justification

For clarity

Section 19 (1) and Section 25 The Minister responsible for transport shall, in consultation with the relevant authorities, establish energy efficiency standards and targets for, vehicles, including passenger cars, trucks, buses and other modes of transport Energy efficiency and conservation in transport sector

This section does not recognize the energy issues associated with Uganda's public transport especially in urban areas.

The section should recognize the energy issues and negative environmental impacts of public transport systems such as taxis and motorcycles and then propose standards for improvement of public transport.

Clause 22(4):

Charging infrastructure development for electric vehicles

The Bill provides that every commercial building, every parking facility, and every public area shall have a percentage of parking space equipped with electric vehicle charging stations. It, however, does not define the keywords such as “commercial building.”

The Bill makes it mandatory for every parking facility and public area to have a charging station. A parking facility is defined by the Bill as “any designated area or structure intended for the parking of vehicles, including surface parking lots, parking garages, underground parking, commercial parking, and municipal parking”

Area designated for parking includes a wide range of scenarios such as street parking spaces, office, hotel, or home parking spaces, among others. This creates an absurdity in that every area of parking should have a charging space. This has the potential to cause confusion

Recommendation

1. Define “commercial building”
2. The Bill should make an exception for parking facilities that may not be mandated to have charging systems, for example, street parking spaces, parking spaces in residential areas, and public spaces like parks, need to be exempted.

Justification

To remove ambiguity

~~Does not define an energy consumer who is required to do certain things in the act~~

~~Creates energy committees as the entities that should handle this — a normal practice in other countries is this is a function of electricity regulator.~~

Need for standardization of charging system

At present, in Uganda, the biggest providers of electric vehicles in Uganda are providers of motorcycles, which are used as boda bodas. The electric boda bodas work based on swapping, where a person swaps the energy-depleted battery for a fully charged one at a fee. The challenges with this system have been

- a. Batteries and charging systems are brand-based, a person can only swap from the company/brand of his motorcycle. This means someone may have to drive for miles to reach their brand even when there are others in the neighborhood doing the same charging service
- b. Dealers of motorcycles are not selling charging technologies to the buyers of the motorcycles and this makes it impossible for the owners to charge locally

The above two have made the electric motorcycle owners dependent on the dealers whom they have to keep coming back to for the charged batteries and make use of the systems difficult for those who may be far from the charging point. Parliament can make laws to ensure the smooth placement of charging systems and avoid dependency on manufacturer dealers/brands. This can, for example, be addressed by standardizing charging systems, which makes it easy for a person to charge from anywhere, or by ensuring those providing charging services can serve different motorcycles irrespective of the brand.

Recommendation

Make a clause to ensure standard charging systems for providers of charging services

Justification

To avoid creating monopolies and dependency on single companies/brands

Clause24 – on Energy efficiency and conservation in buildings

- The clause talks of ensuring that the buildings are energy efficient and complies with the Building Control Act, the National Building (Building Standards) Code, 2019 and the applicable energy efficiency standards, that said it doesn't address whether this requirement will be for new buildings or even already established ones.

Introduce new subclauses on labeling under clause 30

The Bill does not provide basic standards for labeling; parliament should put in place basic standards on what is required for labeling and leave the minister to operationalize the standards. The standard should promote the principles of fair labeling which seeks to inform and avoid misleading the public.

Recommendation

A new subclause (2) be added to clause 30 to read as follows

(2) All labels on appliances, equipment, products, or any energy consuming product in Uganda shall

- (h) be in English or any other official language in Uganda;*
- (i) be in a font size and design that is easily readable*

(3) The label shall be positioned in a manner that it can be readily examined or read after normal use and installation.

(4) Every appliance, equipment, product, or any energy consuming product in Uganda shall bear the following;

- (a) information specifying the identity of the appliance, equipment, product, or energy consuming product and the name and place of business of the manufacturer, packer, or distributor*
- (b) Manufacturing year and manufacturing number;*
- (c) Rated voltage (V) and rated frequency (Hz) where applicable*
- (d) Total rated power consumption(W) or rated input current(A);*
- (e) Notices or warnings where the product can potentially cause injury or harm to humans or the environment*

Clause32: Scope of Energy Management Standards

Subclause(1) - "The energy management standards established or adopted under clause31, shall cover a wide range of sectors, including residential and industrial buildings, agriculture and transport sectors; and small and medium enterprises"

- The term "**wide range of sectors**" is somewhat general. While the specific sectors listed (residential, industrial, agriculture, transport, and SMEs) provide clarity on the intended scope, the phrase "wide range" could be interpreted as too vague. It leaves open the question of whether other sectors or activities outside those specifically listed will also be covered, or if there are other sectors of energy consumption that might need to be addressed but are not explicitly mentioned.
- Additionally, the use of the term "**small and medium enterprises**" could be further clarified, as it does not specify criteria for what defines small or medium enterprises within the context of energy consumption.

Suggestion: It would be beneficial to clarify whether the listed sectors represent the entirety of the sectors to be covered or whether there may be others included. For example, the phrase "including but not limited to" would help eliminate ambiguity. Additionally, providing a definition or reference to criteria for SMEs in the context of energy consumption would help businesses understand how they are categorized for compliance purposes.

Section 35 (1) The Minister shall, by notice in the Gazette, designate officers from among duly qualified public officers, by name and title of office, as inspectors for purposes of ensuring compliance with this Act and regulations made under this Act.

The section does not provide for requirements and procedure for appointment of inspectors.

Provide clear parameters and procedures for appointment if Inspectors.

Section 35(2) The Minister shall de-gazette an inspector gazetted under subsection (1) for—

- (a) misconduct;**
- (b) corruption;**
- (c) inability to perform his or her duties as a result of mental or other health related incapability; or**
- (d) violation of this Act, or regulations made under this Act.**

The section does not list bankruptcy; criminal conviction and incompetence as a ground for de-gazette a person

These are reasonable grounds to de gazette one an Inspector and should be listed in the Bill.

Clause 42 Dealing in specified energy-consuming products

Clause 42(1) provides that a Dealer shall not

The use of the word “Dealer” in this clause makes it only applicable to a certain class of people who are described as “dealers” and may not cover other persons selling or offering to sell the same

The clause also prohibits the sale, lease, import, or trade but does not handle those who offer to sell the product. This means the offense is only complete after the sale has happened and a person found in possession or displaying the subject product for sale is not covered under the law.

Recommendation

Replace subclause (1) with the following

(1) A person shall not sell, offer to sell, display, lease, import, manufacture, or trade in an appliance, equipment, product, or any energy consuming product in Uganda, unless—

Justification

For clarity

To ensure all different kinds of trade and sale-related activities, as well as products and appliances, are covered under the law

Clause 42 Dealing in specified energy-consuming products

The clause provides in part that “A dealer shall not sale or lease....” The use of the word “Dealer” limits the clause to a specific class of people who can be defined as dealers. This does not seem to be the intention of the law since this provision should be applied to everyone. We propose that the clause is redrafted to make its coverage wider

Recommendation

Replace the word “Dealer” where ever it appears in the clause with “person”

Justification

For clarity

To give the clause a wider scope

Clause 43 Offences

Subclause (1) (a) provides that

“A person commits an offense who—

(a) being a designated energy consumer or dealer uses or sells equipment that does not conform to the prescribed standards under this Act;

This clause seems to restrict the offense only to energy consumers and dealers under the act yet the offense of sale, import and distribution can be committed by any person.

Recommendation

Delete the words “being a *designated energy consumer* or *dealer*” appearing at the commencement of subclause 43(1)(a)

Justification

To give the offence a wider reach

CSO’S INVOLVED IN THE COMPILATION OF THIS DOCUMENT

- Africa Institute for Energy Governance (AFIEGO)
- African Initiative on Food Security and Environment (AIFE)
- Center for Conservation and Ecoenergy Initiative (CCEI)
- East African Crude Oil Pipeline Host Communities (EACOPHC)
- Environment Governance Institute (EGI)
- Youth Concern on Environment and Development (YCED)
- Center For Environmental Research and Agricultural Innovations (CERAI)sesse Women’s group
- Oil and Gas Residents’ Association (ORGHA)
- Strategic Response on Environmental Conservation (STREC)
- Tasha Research Institute Africa
- Youth for Green Communities (YGC)
- Women for a Green Economy Movement (WoGEM)
- Initiative for Green Planet (IGP)
- Youth for Nature Conservancy (YNC)
- Liberty Pro Bono Initiative
- Activists for Climate Justice Initiative

ABOUT AFIEGO

Africa Institute for Energy Governance (AFIEGO) is a company limited by guarantee that was incorporated under Uganda’s Companies Act. AFIEGO undertakes public policy research and advocacy to influence energy policies to benefit the poor and vulnerable.

Based in Kampala-Uganda, the non-profit company was born out of the need to contribute to efforts to turn Africa’s clean energy potential into reality and to ensure that the common man and woman benefit from this energy boom.

Through lobbying, research and community education, AFIEGO works with communities and leaders to ensure that clean energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.

