

Government Notice No. 23 of 2017

THE ENERGY EFFICIENCY ACT

**Regulations made by the Minister under section 23 of
the Energy Efficiency Act**

1. These regulations may be cited as the Energy Efficiency (Energy Consumer and Energy Audit) Regulations 2017.

2. In these regulations –

“Act” means the Energy Efficiency Act;

“Central Electricity Board” means the Central Electricity Board constituted under the Central Electricity Board Act;

“energy auditor” includes an energy audit firm;

“energy source” means a source from which useful energy can be extracted or recovered either directly or by means of a conversion or transformation process;

“energy supplier” means an importer, distributor or retailer of an energy source;

“large energy consumer” means an energy consumer, specified in the first column of the First Schedule, with an average annual energy consumption, measured in tonne of oil equivalent, above the threshold set out in the second column of that Schedule;

“Level 2”, in relation to the level of detail of an energy audit, means a detailed energy audit that includes the appropriate features specified in Annex A to the standard specified in the Second Schedule;

“Level 3”, in relation to the level of detail of an energy audit, means a comprehensive energy audit that includes the appropriate features specified in Annex A to the standard specified in the Second Schedule;

“object” means a site, building, equipment, system, process, transport system, service or such other thing that uses energy or affects the energy consumption of an energy consumer;

“responsible person” means a person having the charge, management or control of a large energy consumer;

“tonne of oil equivalent” means a unit of measurement used to express the energy content of different fuels, as per the energy conversion factors set out in the Third Schedule;

“Unit” means an item of production or manufacture of the energy consumer.

3. (1) The Office shall, for the purpose of these regulations, classify an energy consumer on the basis of its average annual energy consumption.

(2) For the purpose of paragraph (1) –

- (a) the annual energy consumption of an energy consumer may be limited to its annual electrical energy consumption only;
- (b) the average annual energy consumption of an energy consumer shall be calculated on the basis of the average annual energy consumption of that energy consumer for the 2 most recent calendar years; and
- (c) the Central Electricity Board or any other energy supplier shall furnish to the Office such data and information, and at such intervals, as the Office may request.

4. (1) (a) For the purpose of section 19 of the Act, the Director shall issue a direction in the form set out in the Fourth Schedule.

(b) A responsible person shall, when so directed by the Director, commission an energy audit to be conducted.

(2) An energy audit conducted pursuant to paragraph (1) shall –

- (a) subject to subparagraph (b), be carried out to a level of detail of Level 2 for all objects of the large energy consumer;
- (b) include any energy audit carried out to a level of detail of Level 3 that may be recommended by the energy auditor;
- (c) subject to paragraph (3), be undertaken by an energy auditor duly registered with the Office; and
- (d) be repeated after such period of time as the Director may determine.

(3) An energy auditor commissioned to conduct an energy audit shall not be an employee of the responsible person.

(4) The responsible person shall file the energy audit with the Office in hard and electronic format by such date as may be specified in the direction.

5. (1) An enforcement officer may, after having given a notice of at least 7 days to a responsible person, enter the premises of that responsible person for the purpose of examining the technical quality of an energy audit filed with the Office under regulation 4(4).

(2) A notice issued under paragraph (1) shall contain –

- (a) the date and time of the inspection;
- (b) the name of the enforcement officer and such other person accompanying him for the purpose of the inspection; and
- (c) a brief information on the inspection to be carried out.

(3) (a) Where an enforcement officer is not satisfied with the technical quality of an energy audit filed with the Office, the Director may direct a responsible person to conduct and submit a revised energy audit.

(b) Where an enforcement officer is not satisfied with the technical quality of a revised energy audit filed with the Office, the Director may direct a responsible person to conduct and submit a further revised energy audit.

(4) A direction issued under paragraph (3) shall contain –

- (a) the findings of the enforcement officer in respect of the energy audit or revised energy audit examined by him, as the case may be, justifying the direction to the responsible person to submit a revised energy audit or further revised energy audit, as the case may be; and
- (b) the period of time within which the revised energy audit or further revised energy audit, as the case may be, shall be filed with the Office.

(5) Where a direction is issued under paragraph (3), a responsible person shall commission a revised energy audit or further revised energy audit, as the case may be, to be conducted.

(6) A revised energy audit or further revised energy audit conducted pursuant to paragraph (5) shall –

- (a) subject to subparagraph (b), be carried out to a level of detail of Level 2 for all objects of the large energy consumer;
- (b) include any energy audit carried out to a level of detail of Level 3 that may be recommended by the energy auditor; and

- (c) subject to subparagraph (7), be undertaken by an energy auditor duly registered with the Office.

(7) An energy auditor commissioned to conduct a revised energy audit or further revised energy audit shall not be an employee of the responsible person.

(8) The responsible person shall file the revised energy audit or further revised energy audit, as the case may be, with the Office in hard and electronic format by such date as may be specified in the direction.

(9) A responsible person shall not file a further revised energy audit with the Office unless the audit is of good technical quality.

6. An energy audit conducted pursuant to regulation 4(1) or a revised energy audit or further revised energy audit conducted pursuant to regulation 5(5) shall –

- (a) be carried out in accordance with the standard specified in the Second Schedule; and
- (b) include –
 - (i) the energy consumption, per floor area, in respect of that energy consumer for the 2 most recent calendar years;
 - (ii) the energy consumption, per Unit, as may be applicable, in respect of that energy consumer for the 2 most recent calendar years;
 - (iii) plans for implementing the recommendations of the energy audit; and
 - (iv) a quality assurance declaration form, as set out in the Fifth Schedule, executed by the energy auditor.

7. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable –

- (a) on a first conviction, to a fine not exceeding 50,000 rupees;
- (b) on a second and subsequent conviction, to a fine not exceeding 100,000 rupees.

These regulations shall come into operation on 1 February 2017.

Made by Minister on 30 January 2017.

FIRST SCHEDULE

[Regulation 2]

AVERAGE ANNUAL ENERGY CONSUMPTION THRESHOLD

Sector	Threshold (tonne of oil equivalent)
Government	15

SECOND SCHEDULE

[Regulations 2 and 6(a)]

STANDARD FOR ENERGY AUDITS

ISO 50002 Energy Audits

THIRD SCHEDULE

[Regulation 2]

ENERGY CONVERSION FACTORS

Energy source	Tonne	Giga watt hour	Tonne of oil equivalent
Bagasse	1	–	0.16
Charcoal	1	–	0.74
Coal	1	–	0.62
Diesel oil	1	–	1.01
Dual Purpose Kerosene (DPK)	1	–	1.04
Fuel oil	1	–	0.96
Fuelwood	1	–	0.38
Gasolene	1	–	1.08
Liquefied Petroleum Gas (LPG)	1	–	1.08
Electricity	–	1	86
Hydro/wind/landfill gas/photovoltaic	–	1	86

FOURTH SCHEDULE

[Regulation 4(1)]

NOTIFICATION FOR ENERGY AUDIT

This is to inform you that the Energy Efficiency (Energy Consumer and Energy Audit) Regulations 2017 came into operation on
(date)

From information available at this Office, your organisation,
(name of organisation) located at
(address)

had an average annual energy consumption of tonne(s) of oil equivalent, based on the energy consumption data for the years and

By virtue of the powers vested in me under section 19(1) of the Energy Efficiency Act, I am to inform you that you should commission an energy audit to be conducted in respect of your organisation located at
(name of organisation) (address)

In accordance with section 19(2) of the Act, you should file a copy of the energy audit report with this Office, together with the plans for implementing the recommendations of the energy audit. The energy audit report should be filed, in hard and electronic format, with this Office by at latest.
(date)

Your attention is drawn to section 22(3) of the Act which provides that any person who fails to comply with a direction given under section 19(1) or fails to comply with section 19(2) of the Act

shall commit an offence and shall, on conviction, be liable –

- (a) on a first conviction, to a fine not exceeding 50,000 rupees;
- (b) on a second and subsequent conviction, to a fine not exceeding 100,000 rupees.

Yours faithfully,

.....
Director, Energy Efficiency

FIFTH SCHEDULE

[Regulation 6(b)(iv)]

QUALITY ASSURANCE DECLARATION FORM

I have conducted an energy audit as set out in the Energy Efficiency (Energy Consumer and Energy Audit) Regulations 2017, in respect of of and which was
(name of the energy consumer) (address)

completed on
(date)

Auditor's responsibility

My responsibility is to express an opinion on the energy supply and end use based on my audit. I conducted the audit in accordance with ISO 50002 Energy Audits standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the energy audit and investment plan are free from material misstatement.

An energy audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the energy and financial statements. The procedures selected depend on my judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, I considered the internal controls relevant to the company's preparation and fair presentation of the Energy Audit Report in order to design audit procedures that were appropriate in the circumstances, but not for the purpose of expressing an opinion on the company's internal controls.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the accompanying Energy Audit Report gives a true and fair view of the possible intervention to improve energy efficiency and conservation of the company as at

(date)

(Energy Consumer and Energy Audit) Regulations 2017.

I confirm that –

- (a) I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purposes of my audit;
- (b) in my opinion, proper energy and financial records have been kept by the company, so far as appears from my examination of those records; and
- (c) the company's energy supply and end use are in agreement with the records.

.....
Name of energy audit firm
(if applicable)

.....
Registration number of energy
audit firm (if applicable)

.....
Name of energy auditor

.....
Registration number of
energy auditor

.....
Signature of energy auditor or representative of
energy audit firm, as applicable
