



**CODE OF PRACTICE  
FOR DISPLAY ENERGY CERTIFICATES ASSESSORS FOR  
PUBLIC BUILDINGS**

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## 1. Introduction

Article 7.3 of the EU Energy Performance of Buildings Directive (EPBD) has been transposed into Irish law by means of Regulation 8 of the European Communities (Energy Performance of Buildings) Regulations 2006,<sup>1</sup> as amended (hereinafter termed “the Regulations”). Pursuant to said Regulation 8, Display Energy Certificate (DEC) Assessors for public service buildings (“DEC Assessors”) are persons registered with The Sustainable Energy Authority of Ireland (SEAI) to carry out assessments and produce DEC’s for public bodies.

The primary objective of this Code of Practice is to ensure that DEC Assessors have a clear understanding of their obligations to deliver a high quality service. By registering as a DEC Assessor you are committing to abiding by this Code of Practice. Important terms used throughout this Code of Practice are defined in the Regulations. In accordance with 8 (4) of the Regulations, SEAI directs that DEC Assessors for public service buildings comply with the provisions of this Code of Practice.

It is emphasised that the term “DEC Assessor” as used throughout this Code of Practice has no applicability other than to the assessment and delivery of DEC’s in respect of certain categories of public service buildings as required under the Regulations.

This Code of Practice details the roles and responsibilities of DEC Assessors and SEAI to ensure the delivery of a technically proficient and timely service to clients, with high standards of professional conduct, and thereby enable clients to meet their obligations under Regulation 8 of the Regulations and related obligations. Delivery by DEC Assessors of a high quality service in an independent manner is essential to the reputation and reliability of the scheme for DEC assessments created by the Regulations (the “Scheme”).

This Code of Practice applies only to public service buildings to which Regulation 8 of the Regulations applies. SEAI has issued a separate code of practice in relation to the obligations of Building Energy Rating (BER) Assessors registered to provide BER’s in accordance with the requirements of Article 7 for both domestic and non-domestic buildings.

It is a requirement that DEC Assessors and prospective DEC Assessors (and where applicable, their principals) comply with this Code of Practice and the Regulations. A copy of the Regulations is available on SEAI’s web site ([www.seai.ie](http://www.seai.ie)).

In this Code, save where the contrary intention appears, the term “principal” means an employer but the term “principal” shall not include a franchisee’s franchisor (as BER Assessors for public service building who are franchisees are regarded as being independent principals in their own right).

Terms used in this Code shall have the same meaning as they do in the Regulations unless the contrary intention appears.

## 2. Registration as a DEC Assessor

SEAI registers a person as a DEC Assessor in accordance with the Regulations and the terms, conditions and criteria published on the web site [www.seai.ie/](http://www.seai.ie/), including a commitment to adhere to this Code of Practice. SEAI may also require a DEC Assessor’s principal to complete certain documents and to consent to complying with this Code of Practice. To become a DEC Assessor, an applicant must:

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<sup>1</sup> Statutory Instrument (S.I.) No. 666 of 2006 and amending S.I. 591 of 2008

- Demonstrate that he/she has fulfilled any training and examination requirement as set out or directed by SEAI;
- Accept and agree to the obligations set out in this Code of Practice;
- Complete a registration application form.
- Pay the registration fee

Initial registration of a DEC Assessor is normally for one year and registrations are subject to annual renewal, unless suspended or terminated by SEAI during that period or otherwise cancelled by the DEC Assessor or his or her principal (where relevant and appropriate). SEAI may, at any time, terminate and/or suspend a DEC Assessor's registration if it has cause to believe that the DEC Assessor is unsuitable for the task or has breached the terms of his or her registration, or has otherwise failed to comply with the Regulations or with the terms of this Code of Practice or with other directions issued by SEAI in its capacity as the Issuing Authority under the Regulations.

The name of each current DEC Assessor, his or her employer (if any), place of business, contact details and the designated classes of buildings to which his or her DEC registration applies shall be open to public inspection on the Register of DEC Assessors. A copy of the Register will be kept at the offices of SEAI and a relevant extract of the details on the Register mentioned in this paragraph about DEC Assessors (and their principals) will also be available on SEAI's web site.

In accordance with the Regulations, where SEAI suspends or terminates a DEC Assessor's registration, it shall be noted in the above mentioned Register. Where a DEC Assessor's principal is not the DEC Assessor's employer, SEAI reserves the right in this Code of Practice to require and use contact details of a DEC Assessor's principal and SEAI may make such principal's contact details available for public inspection.

A DEC Assessor whose registration has lapsed, or been suspended or cancelled, shall promptly remove all reference to registration from his or her notepaper, communications and property and shall not in any way represent himself or herself or his or her business as being registered as a DEC Assessor. A DEC Assessor whose registration is cancelled or suspended shall, where required by SEAI, promptly return to SEAI any or all SEAI documentation or other property including their Certificate of Registration.

### **3. Evidence of Registration**

Upon registration or renewal thereof, SEAI shall provide each DEC Assessor with a Certificate of Registration. Every DEC Assessor shall produce, on request, his or her Certificate of Registration for inspection by members of the public, clients and/or their agents, and by the authorised officers of SEAI.

### **4. Competence and Diligence of DEC Assessors**

A DEC Assessor is required to act with integrity and diligence to ensure that each DEC assessment is executed competently, in an independent manner and in accordance with the Regulations, this Code of Practice and all other directions issued by SEAI.

A DEC Assessor may not offer BER assessment services in respect of any class or classes of building unless separately registered with SEAI to do so.

A DEC Assessor is registered by SEAI on the basis of their competence to carry out the work. In addition to the registration requirements set out in section 2 above, a DEC Assessor is required from

time to time to update, their skills and/or resources to meet the standards required on an ongoing basis by SEAI; this may be subject to verification by SEAI or its appointed agents or contractors in order to approve renewal of registrations.

SEAI may from time to time require or direct DEC Assessors generally, DEC Assessors operating or proposing to operate in a specific class or classes of building, or applicants desiring to become DEC Assessors, to partake in training and or to sit examinations of whatever type required or directed by SEAI. SEAI may require any specified examinations to be successfully passed within a certain period of time in order for a registration or proposed registration of a DEC Assessor to remain in place or to take effect.

## **5. Data Integrity**

A DEC Assessor is responsible for ensuring that, within reason, the data compiled and inputted to SEAI approved calculation software and all other related and recorded calculations are an accurate representation of all characteristics relevant to the energy performance of the building and are capable of being verified as such in any subsequent monitoring and compliance processes commenced by SEAI.

A DEC Assessor is required to collate and verify the data required for the assessment. The DEC Assessor may also review plans and specifications which are available in conducting the DEC assessment.

## **6. DEC Assessor's Obligation to Act in an Independent Manner**

### *Independence*

DEC Assessors are required to act in an independent manner at all times when discharging their obligations under the Regulations.

DEC Assessors are prohibited from carrying out a DEC assessment on a building in which they have a material financial interest in the outcome.

A DEC Assessor who is an employee of a public body shall be entitled to conduct a DEC assessment pursuant to the Regulations on a building occupied by his/her employer or by another public body which has notified SEAI in this regard, without a breach of this Section 6 or the Regulations taking place

### *SEAI's Reserved Rights and Powers*

SEAI may act any time, with or without cause, investigate whether any DEC Assessor has acted independently and in compliance with this Section 6.

Upon becoming aware of any lack of independence and or non-compliance with this Section 6, SEAI may revoke a DEC record or part thereof and shall notify the DEC Assessor of its decision. The DEC Assessor shall be liable for all losses and liabilities which arise as a result of any such revocation.

## **7. Carrying out DEC Assessments**

A DEC Assessor must take full responsibility for each DEC assessment that he or she carries out and take full responsibility for the accurate submission of a DEC assessment to SEAI for publication on the DEC Register.

In carrying out DEC assessments, a DEC Assessor shall use the procedures approved by SEAI and shall comply with this Code of Practice and any other directions issued by SEAI.

If a DEC Assessor is of the opinion that a building or any of its equipment is in such a condition as to make it unsafe or impractical to carry out an assessment, the DEC Assessor may refuse to carry out the assessment. In such circumstances, the DEC Assessor shall return any fee received in respect of that proposed DEC.

## **8. Records, Data and Documentation**

Upon completion of a DEC assessment, the DEC Assessor shall submit to SEAI or its appointed agents or contractors the related DEC data file and, if required, any associated data and/or documentation as SEAI shall from time to time determine<sup>2</sup>. SEAI shall only issue a DEC if SEAI accepts a DEC data file into the DEC Register.

Every DEC Assessor is responsible for retention and maintenance of all such records and any calculations that may be required to support or verify the assessments. In particular, please note that DEC Assessors and or their principals, as appropriate, must securely maintain and retain all DEC records until the related certificates expire or are otherwise superseded.

## **9. Indemnification of Sustainable Energy Ireland and Insurance**

Each DEC Assessor hereby acknowledges that responsibility for conducting DEC assessments and the accuracy of the results of such assessments rests solely with them and no liability shall attach to SEAI for any error, misconduct, malpractice, act or omission howsoever arising from carrying out a DEC assessment, the accuracy of the results of such assessments or resulting from the findings of a DEC assessment. All assessments should be carried out in compliance with the relevant health and safety laws and standards.

DEC Assessors shall indemnify SEAI against all actions, proceedings, claims or demands whatsoever arising out of or in connection with the negligent or otherwise wrongful act or omission on the part of the DEC Assessor.

SEAI recommends that each DEC Assessor and or each DEC Assessor's principal, as appropriate, takes out insurance cover in relation to the exercise of his / her functions as a DEC assessor.

## **10. Confidentiality and Data Protection**

Insofar as SEAI considers DEC Assessors to be acting as data processors under the DPA, DEC Assessors may only deal with and process personal data controlled by SEAI in compliance with, and subject to, the instructions received from SEAI and shall not use or process the personal data for any other purpose whatever. In these circumstances, DEC Assessors and their principals as appropriate, shall adopt and maintain appropriate security measures (including technical security measures and organisational measures) in dealing with personal data controlled by SEAI in order to protect against

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<sup>2</sup> Details of such requirements (as may be revised from time to time), and the address to which such documentation/ data should be sent (whether post or electronic or both), are set out on SEAI web site ([www.seai.ie/](http://www.seai.ie/)).

unauthorised or accidental access, loss, alteration, disclosure or destruction of such data, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

## **11. Client Service and Production of Prior Written Quotes for Assessment related Work**

This clause does not apply to a DEC Assessor for public service buildings who is a public service employee and has been duly nominated by the relevant public service body.

A DEC Assessor shall manage his/her affairs to ensure that a high level of service is delivered to his/her clients. Specifically, a DEC Assessor shall manage his/her workload and office support services to ensure that he or she is, within reason, accessible during normal working hours and all correspondence is responded to within a reasonable timeframe, typically no more than three working days unless the DEC Assessor has made an alternative arrangement with the client in writing.

Prior to commencing any work for clients relating to an assessment or this Code, a DEC Assessor is required to provide in writing to the client (i) a description of proposed services, (ii) a description of the proposed cost (including VAT and expenses) for such services including all details of any circumstances where the client may incur additional costs, VAT or expenses and (iii) a disclosure of relevant business interests as described in the paragraph below.

In carry out their obligations under the Regulations and this Code, DEC Assessors shall at all times act in an independent and transparent manner. In order to ensure transparency, the DEC Assessor is required to disclose to clients in accordance with the paragraph above any and all direct or indirect commercial connections which he/she or his/her principal may have to manufacturers, suppliers or other third parties who may be engaged directly or indirectly by a client arising from the DEC assessment.

The quotation referred to above must be clear to the client and must also set out details of the DEC Assessor's principal where the DEC Assessor forms part of a business undertaking. Only the DEC Assessor (or DEC Assessors) identified by name in the quotation may carry out the services referred to in the quotation. Where the DEC Assessor or the business undertaking which he or she forms part of is part of any network or association of DEC Assessors (including any franchise networks), then the quotation must make explicit reference to such network or association.

The DEC Assessor must not commence any work relating to an assessment or this Code without the client's explicit acceptance of the DEC Assessor's quotation referred to above and SEAI recommends that such client acceptance be in writing except in cases where it is impractical to do so.

## **12. Advertising and Sales Promotion**

In relation to advertising and sales promotion, a DEC Assessor and his/her principal (where relevant) shall ensure that their advertising and promotion material complies with all relevant legislation and applicable codes including the Consumer Protection Act 2007, the EC (Misleading and Comparative Marketing Communications) Regulations 2007 and the Code of Standards for Advertising, Promotion and Direct Marketing in Ireland published by the Advertising Standards Authority for Ireland<sup>3</sup>. Furthermore, DEC Assessors shall ensure that no representations made by them or their principals, as appropriate, conflict with or compromise the intent or integrity of the DEC Scheme or the independence of the DEC Assessment process.

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<sup>3</sup> The ASAI Code may be downloaded from [www.asai.ie/code.asp](http://www.asai.ie/code.asp)

A DEC Assessor and his/her principal (where relevant) may not use SEAI's corporate logo on any publications or in any visual medium in respect of the DEC Scheme. This includes but is not limited to advertising, (print, electronic or broadcast), printed brochures, flyers, direct mail, retail point of sale materials, web or online content, and telephone directories.

No reference shall be made to SEAI that may imply any endorsement, approval or specific partnership between SEAI and the DEC Assessor and/or his/her principal. A Registered DEC Assessor may indicate in his/her marketing materials that he/she has been registered by SEAI as a DEC Assessor.

### **13. Use of Technology Resources**

Software tools may be provided or recommended by SEAI to DEC Assessors for the purposes of calculating DEC's and or complying with the Regulations. Use of the above mentioned software tools by DEC Assessors shall be strictly subject to any terms and conditions of use which are specified by SEAI.

### **14. Monitoring and Compliance**

SEAI shall engage, as a matter of routine, in monitoring and auditing activities to verify compliance by registered DEC Assessors and/or their principals with legislative requirements including the Regulations, this Code of Practice, and other directions issued to DEC Assessors in accordance with the Regulations. These activities shall also provide a basis on which to monitor the effectiveness of the Scheme, to protect the integrity of the Scheme and to ensure continual improvement of the Scheme.

Audits may be carried out at the premises of SEAI or its agents, of a DEC Assessor, his or her principal, and/or at the site(s) where the relevant building(s) are located. In cases where the audit is to be carried out at the premises of the DEC Assessor, his or her principal and/or at the site of the relevant building(s) and/or at the premises where the specifications and plans for the building are available, SEAI's auditors shall normally advise the DEC Assessor at least three working days before commencing the audit. However, SEAI reserves the right, in certain exceptional circumstances, to carry out audits and inspections without any prior notice to the DEC Assessor or his/her principal.

A DEC Assessor is required to co-operate with SEAI to ensure the audits are carried out expeditiously and thoroughly. A DEC Assessor and/or principal shall, *inter alia*:

- Respond promptly to telephone calls from SEAI's auditors and provide such information and documentation as may be required by the auditor within a specified period and at the DEC Assessor's own expense;
- Make him/herself (or, by agreement with SEAI's auditor, a competent representative) available at the appointed premises to review files related to any or all assessments carried out under the remit of the DEC Assessor and to review information and documentation and answer any questions SEAI's agent may have.

SEAI shall not be required to show cause for the selection of any DEC assessment or DEC Assessor for audit and where a particular DEC assessment or DEC Assessor is selected for audit, no implication shall be drawn that SEAI has cause for concern about the accuracy of that DEC assessment or of the integrity or competence of the relevant DEC Assessor or principal.

Where SEAI identifies errors, omissions or non-compliance by a DEC Assessor with any procedures, directions, with this Code of Practice or the Regulations, SEAI may issue specific directions to correct, to identify similar, and/or to avoid a recurrence of such errors, omissions or non-compliance.

## **15. Appeals, Complaints and Disputes**

If any dispute arises between a DEC Assessor and SEAI or a third party, the DEC Assessor shall take all reasonable steps to meet with the relevant parties and to endeavour to find a resolution. SEAI has procedures to deal with complaints, disputes and appeals and copies of these procedures are available on SEAI's website or from SEAI, on request.

## **16. Registers Managed by SEAI or its Agents**

SEAI, directly or through appointed agents or contractors, has responsibility under the Regulations to establish, operate and maintain a Register of DECAs and of DEC Assessors. These registers shall be maintained by SEAI and access to the Register of DECAs shall be in line with the requirements of the Regulations. Extracts from the Register of DEC Assessors shall, in accordance with the Regulations, be open to public inspection on the internet or, during normal office hours, at the offices of SEAI and the DEC Assessor agrees to publication by SEAI in the Register of DEC Assessors of his or her name, principal's name (if any), place of business, contact details and the designated classes of buildings to which his or her DEC registration applies.

A DEC Assessor or his or her principal may request another DEC Assessor's data file from SEAI on behalf of the current public body occupying the building and/or where the information is to be used for the purpose of calculating a new or amended DEC.

## **17. Engagement with the Building Owner or Client**

A DEC Assessor must arrange in advance with the client or client's representative the assessment date and time for the completion of the assessment and ensure that tenants have been notified about the assessment visit.

A DEC Assessor must identify themselves to the person at the property at the time of the assessment and show (i) a copy of their DEC Certificate of Registration and (ii) valid photo identification (Driver's Licence or Passport) or (iii) any ID card which may be issued by SEAI to the client or client's representative before entering the building.

## **18. Amendments to the Code of Practice and Directions**

SEAI, in its capacity as the Issuing Authority under the Regulations, has the right to periodically update its procedures and practices. As a result, SEAI reserves the right to review and amend this Code of Practice and may also issue other directions to DEC Assessors, in accordance with the Regulations.

DEC Assessors shall be made aware of any proposed amendments to the Code of Practice by email or by way of an update to the Code displayed on SEAI's website. SEAI may invite DEC Assessors to submit comments or provide a response to the proposed amendments. For the most up to date version of the Code which binds the DEC Assessor, the DEC Assessor should visit SEAI's website at [www.seai.ie/](http://www.seai.ie/).