

Registered Energy Auditors Code of Practice

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Registered Energy Auditors Code of Practice

Registered Energy Auditors are persons registered with The Sustainable Energy Authority of Ireland (SEAI) to either check compliance with the scheme requirements or to carry out energy audits on the Energy Audit Scheme for large enterprises in line with the requirements of the European Union (EU) Energy Efficiency Directive (2012/27/EU) and transposed into Irish law by Statutory Instrument (SI) 426 of 2014. The Register of Auditors will be maintained by SEAI and an electronic copy will be made available online for prospective enterprises required to carry out audits under this obligation.

This Code of Practice is issued by SEAI in accordance with these regulations and by registering as a Registered Energy Auditor, a person is committing to abiding by this Code of Practice. Failure to comply with this Code can lead to suspension or termination of registration by SEAI.

SEAI's obligations under this Directive are to

- Promote the availability of energy audits in accordance with *Energy Audits*: Regulation 11 of SI 426 of 2014 and with *Energy audit requirements and exemption*: Regulation 14 of SI 426 of 2014.
- Establish a Register of Energy Auditors in accordance with: *National registration scheme for energy auditors* Regulation 12 of SI 426 of 2014;
- Manage the *Register of Energy Auditors* in accordance with Regulation 13 of SI 426 of 2014;
- Enforce penalties under *Penalties*: Regulation 16 of SI 426 of 2014 for non-compliance with Regulations 13 and 14 of SI 426 of 2014.;

The scope of this Code is not limited to Regulation 12 and 13 and SEAI reserves the right to alter or change the Code at its discretion.

A Registered Energy Auditor must ensure that they possess the necessary skills and competencies to undertake the specific audit types required by the prospective client e.g. Buildings, Industry and Transport.

Registered Energy Auditors agree to publication by SEAI in the Register of Energy Auditors of his or her name, company name, contact details, web address, and the mandatory energy related requirements for registration.

Purpose of the Code of Practice

The purpose of the Code is to:

- Inform Registered Energy Auditors of the high standards of professional conduct and practice to which they are required to observe;
- Inform the client of the standard of conduct and practice they can expect of a Registered Auditor.

Competence and Diligence of Registered Energy Auditors

A Registered Energy Auditor is required to act with integrity and diligence to ensure that each audit is executed competently, in an independent manner and in accordance with the European Union (EU) Energy Efficiency Directive (2012/27/EU), this Code of Practice and all other directions issued by SEAI.

A Registered Energy Auditor is required from time to time to update, at his/her own cost, 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.

Data Integrity

A Registered Energy Auditor is responsible for ensuring that, within reason, the data compiled and all other related and recorded calculations are an accurate representation of all characteristics relevant to audit of the facility and are capable of being verified as such in any subsequent Quality Assurance or monitoring and compliance processes undertaken by SEAI.

A Registered Energy Auditor is required to abide by the following confidentiality and Data Protection requirements:

- To keep confidential the identity of clients and audit records;
- To **“not”** hold discussions with third parties concerning audits that he/she has been instructed to carry out, including discussions with any 3rd party save at the explicit and permission of the client.

The limited exceptions to these requirements are disclosure of information required by law and disclosure to SEAI or its authorised officers. Registered Energy Auditors are not permitted to make any disclosures to statutory authorities except where required to do so by law.

In accordance with the Regulations, all records, data and documentation kept by Registered Energy Auditors relating to an audit are the property of the enterprise. This Audit File shall only be furnished to SEAI by the Registered Energy Auditor or by the enterprise on demand as part of a Quality Assurance process.

Every Registered Energy Auditor is responsible for retention and maintenance of all such records and any calculations that may be required to support or verify the audit. In particular, please note that Registered Energy Auditors and/or their principals, as appropriate, must securely maintain and retain all audit records both during the time when an Auditor is registered as a Registered Energy Auditor, and after ceasing to be registered, until the related compliance certificate expires or are otherwise superseded.

Energy audits must not include clauses preventing the findings of the audit from being transferred to any 3rd party by the client.

Energy audits referred to under Article 8(1) of the EED must be compliant with relevant data protection legislation, and in particular with Directive 95/46/EC: 1995.

Registered Energy Auditors Obligation to Act in an Independent Manner

Registered Energy Auditors are required to act in an independent and transparent manner at all times when discharging their duties and obligations under the Regulations and this Code.

SEAI may at any time, with or without cause, investigate whether any Registered Energy Auditor has acted independently and in compliance with the Regulations.

Carrying out Audits

A Registered Energy Auditor must take full responsibility for each Audit that they carry out or supervise and also for the presentation of an audit to senior management in the client company. This also includes the circumstance where they are employed by a company to sign off an audit or confirm compliance and where the work was undertaken by any third party.

In carrying out audits, a Registered Energy Auditor shall ensure that audits or approvals under any derogation comply with the Annex VI EU Energy Efficiency Directive (2012/27/EU), Regulation 14 of SI 426 of 2014, this Code of Practice and any other directions issued by SEAI.

The Registered Energy Auditor must retain and maintain appropriate audit records in a Client Audit File for any SEAI Quality Assurance process.

In cases where the quality does not meet expected standards, feedback may be provided to the Registered Energy Auditor and further quality assessment may be conducted of his/her subsequent work.

A Registered Energy Auditor failing to meet the requisite quality requirements on follow up assessment(s), the SEAI may, having regard to all the circumstances of the case, suspend or withdraw the registration in accordance with the regulations: Scheme Registration - Regulation 13 of SI 426 of 2014 or is liable on summary conviction to a class A fine (Penalties: Regulation 16 of SI 426 of 2014).

Indemnification of the Sustainable Energy Authority of Ireland

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

A Registered Energy Auditor 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 Registered Energy Auditor;
- A breach by the Registered Energy Auditor of the Regulations, this Code of Practice or any other direction from SEAI; and
- Any other consultancy service or advice provided by the Registered Energy Auditor in respect of the energy audit of buildings, facilities or otherwise.

Insurance

SEAI requires, as mandatory, that each Registered Energy Auditor and/or each Registered Energy Auditor's principal, as appropriate, in relation to the exercise of his/her functions as a member on the Register, takes out and maintains the following levels of insurance cover, on an ongoing basis, for the periods set out below (or for the period of registration where no period is specified):

- (i) professional indemnity insurance with a minimum limit of €1,300,000 for any one claim. This recommended professional indemnity insurance cover should be maintained for a period of at least 10 years beyond termination or cancellation of a Registered Energy Auditors registration.
- (ii) public liability insurance with a minimum limit of €6,500,000 for any one accident or claim; and
- (iii) employers liability insurance with a minimum limit of €13,000,000 for any one accident or claim.

Certificates of Insurance confirming these levels of insurance are current shall, where a Registered Energy Auditor and/or each Registered Energy Auditor's principal has procured same, be made available to SEAI or their representatives on request.

Advertising and Sales Promotion

In relation to advertising and sales promotion, a Registered Energy Auditor 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. Furthermore, Registered Energy Auditors shall ensure that no representations made by them or their principals, as appropriate, conflict with or compromise the intent or integrity of the Energy Audit Scheme.

A Registered Energy Auditor 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 Energy Audit 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 Registered Energy Auditor and/or his/her principal. A Registered Energy Auditor may indicate in his/her marketing materials that he/she has been registered by SEAI as a Registered Energy Auditor. However, if a person is not registered or his/her registration has lapsed, been suspended or terminated, it is an offence to represent him/herself as or purport to be a Registered Energy Auditor.

Quality Assurance Monitoring and Compliance

SEAI shall engage, as a matter of routine, in Quality Assurance monitoring procedures in line with the guidance in Annex VI of the European Union (EU) Energy Efficiency Directive (2012/27/EU), and legislative requirements including the *Scheme Registration - Regulation 13 of SI 426 of 2014*, this Code of Practice, and other directions issued to Registered Energy Auditors from time to time.

These activities shall also provide a basis upon which to monitor the effectiveness of the Scheme, to protect the integrity of the Scheme and to ensure continual improvement of the Scheme.

Further guidance on completing energy audits can be found in the following, ISO 50002: 2014, EN 16247:1-4: 2012-2014 Energy Audits, or CIBSE Applications Manual AM5: Energy Audits and Surveys 1991 or any revisions.

Any Quality Assurance audits planned under the scheme may be carried out at the premises of SEAI or its agents, at the Registered Energy Auditor premises, or that of his/her principal, or at the site(s) where the relevant audited facilities are located. Appropriate notice will be provided ahead of any such an audit.

Where SEAI identifies errors, omissions or non-compliance by a Registered Energy Auditor with any procedures, directions, 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 or seek the removal of the auditors from the register (Scheme Registration - Regulation 13 of SI 426 of 2014).

Appeals, Complaints and Disputes

If any dispute arises between a Registered Energy Auditor and SEAI, procedures to deal with such are in place and available on SEAI's website or from SEAI, on request.

Whistle-Blower Policy

SEAI requires all Registered Energy Auditors to identify to SEAI any instances where they are being encouraged by others to act outside this code or other directions, or indeed where they have information regarding others who are acting improperly.

All Registered Energy Auditors should be assured, that any such instances identified to SEAI will be treated in the utmost confidence, save as provided for by law, and that their assistance will ultimately contribute to the improved professionalism and integrity of the scheme.

Comments or queries to: energyauditingscheme@seai.ie