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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 487

Adopted 26 July 2016

Regulations Regarding Energy Audit of Enterprises

*Issued pursuant to
Section 9, Paragraph five, Section 10, Paragraph six and Section 12, Paragraph four of the
Energy Efficiency Law and Section 7, Paragraph one of the law On Conformity Assessment*

I. General Provisions

1. The Regulation prescribes:

1.1. the procedures by which the energy audit of enterprises shall be conducted – a procedure which is carried out in enterprises to obtain information regarding all energy consumption structures of the enterprise for which profitable energy saving possibilities are determined in figures, and the results of which are aggregated in a report prepared and issued by an energy auditor of enterprises (hereinafter – the energy auditor) (hereinafter – the energy audit report);

1.2. the competence requirements to be put forward for the energy auditor (legal person) and the procedures for the certification of the competence;

1.3. the procedures for the supervision of the energy auditor and responsibility thereof;

1.4. the procedures by which the energy audit report shall be registered in the information system managed by the Ministry of Economics;

1.5. the content of the energy audit report and procedures for its use;

1.6. the procedures by which the environmental management system shall be supplemented;

1.7. the procedures by which such supplementation of the environmental management system is certified which ensures continuous evaluation process of the energy consumption;

1.8. the authorities which are entitled to certify the supplementation referred to in Sub-paragraph 1.6 of this Regulation;

1.9. the standard applicable to the certification of the environmental management system.

2. The energy audit for the buildings of enterprises the total energy consumption of which is 90 % (or more) of the total energy consumption of the enterprise and it is not related to ensuring the production process, as well as inspection of the heating systems and air conditioning systems of buildings shall be carried out in conformity with the requirements which are laid down in the laws and regulations regarding the ensuring of energy performance of buildings.

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3. The energy auditor has an obligation to involve in the conduct of energy audit of an enterprise a specialist of the relevant sector with the work experience of at least three years in the sector.
4. The Ministry of Economics, in cooperation with the respective technical standardisation committee, shall recommend the national standardisation body a list of the standards which can be applied for the fulfilment of the requirements of this Regulation (hereinafter – the applicable standards).
5. The national standardisation body shall publish the list of the applicable standards on its official website.
6. If the energy audit conforms to the requirements of the applicable standards or parts thereof, it shall be deemed that it corresponds to the requirements referred to in Paragraph 8 and Chapter III of this Regulations which are comprised by these standards or their parts.

II. Requirements for the Energy Auditor

7. The energy auditor is a legal person which ensures the fulfilment of the following requirements:

7.1. controls that none of the the members of its staff are the designer, manufacturer, supplier or installer of the enterprise to be audited or that of individual equipment thereof, as well as represent an organisation which carries out any of the abovementioned activities at least the last four years and which could affect the audit results;

7.2. has at its disposal staff with technical expertise and equipment conforming to the requirements referred to in Sub-paragraph 7.3 of this Regulation for the performance of technical and administrative tasks which are related to the procedures for the energy audit of the enterprise drawing up its report. The technical expertise of the staff shall be determined by the readiness and ability to fulfil professional duties and to solve problems based on the acquired technical knowledge and available skills, as well as the ability to independently evaluate the result;

7.3. employees of the energy auditor conducting the energy audit of the enterprise:

7.3.1. have acquired education which corresponds to EQF level 6 of higher education in any sector of engineering sciences (energy, thermal energy, thermal engineering, environmental sciences);

7.3.2. have a good knowledge of the energy audit procedures of enterprises;

7.3.3. have a good knowledge of the technological processes of the enterprise in which the energy audit is conducted;

7.3.4. know how to create technical notes containing information on the progress of the energy audit of the enterprise and the conclusions obtained during the energy audit (hereinafter – the technical notes);

7.3.5. conduct the energy audit of the buildings owned or used by the enterprise and meet the requirements laid down in the laws and regulations regarding independent experts in the field of energy performance of buildings;

7.3.6. ensure the insurance of their civil and professional liability in relation to energy audit activities of the enterprise;

7.3.7. preserve confidentiality in relation to information obtained during the energy audit of the enterprise, except for the information to be provided to the responsible ministry which conducts the energy efficiency monitoring.

8. The energy auditor shall be a conformity assessment and inspection authority which is accredited by the national accreditation authority in accordance with the laws and regulations

regarding assessment, accreditation and supervision of the conformity assessment authorities and the requirements referred to in Paragraph 7 of this Regulation.

III. Energy Audit of an Enterprise and Energy Audit Report

9. A merchant shall enter into a contract with the energy auditor on the conduct of an energy audit of an enterprise in accordance with the requirements referred to in this Chapter.

10. A merchant shall authorise a representative of an enterprise who has a good knowledge of the technological processes of the enterprise and participates in the energy audit of an enterprise together with the energy auditor.

11. The energy balance of the enterprise shall be the basis for the energy audit of an enterprise.

12. The total volume of energy indicated in the section of energy sources in the energy balance of the energy audit of an enterprise must coincide with the total energy consumption indicated in the section of energy consumption. The energy consumed for the production of the energy transferred to other users need not be included in the section of energy sources. In such case the total energy consumption does not include the energy produced by the enterprise which is transferred to other users.

13. The following energy sources and volumes of energy obtained therefrom shall be separately indicated in the energy audit of an enterprise:

- 13.1. the purchased electricity;
- 13.2. thermal energy purchased from a district heating system;
- 13.3. energy produced at the enterprise (the volume of the energy produced from each type of fuel must be indicated separately by separating thermal energy and electricity);
- 13.4. thermal energy purchased or received from another supplier.

14. The following energy consumers and energy volumes shall be separately indicated in the energy audit of an enterprise:

- 14.1. the energy consumed for heating of buildings owned or used by the enterprise;
- 14.2. the energy consumed for the preparation of the hot water necessary for household needs;
- 14.3. the energy consumed for lighting;
- 14.4. the electricity consumed for the operation of ventilation systems;
- 14.5. the energy consumed for the cooling of premises;
- 14.6. the energy consumed in industrial processes:
 - 14.6.1. electricity;
 - 14.6.2. thermal energy;
- 14.7. other energy consumers.

15. If the activities of an enterprise include transportation and storage in conformity with the statistical classification of economic activities (NACE Rev. 2, section H), the following requirements shall be followed when conducting a transport energy audit:

- 15.1. the enterprise shall submit the following to the energy auditor:
 - 15.1.1. the criteria used for the planning of the transport of the enterprise and the planned routes of transport use;
 - 15.1.2. a list of vehicles (including the age and category of the vehicle, the fuel used and emission level);
 - 15.1.3. invoices of fuel (or electricity) for the last year;

15.1.4. the information regarding the mileage of each vehicle (km) or regarding the number of hours worked during the last year;

15.1.5. the documents which certify expenses for the maintenance of vehicles;

15.2. the energy audit report of an enterprise shall include at least the following information:

15.2.1. the calculated transport use indicators – the energy consumed per one kilometre, the energy consumed per one tonne-kilometre or one passenger-kilometre;

15.2.2. recommendations for energy efficient use of the existing transport (for the planning of routes and working hours) and reduction of maintenance expenses;

15.2.3. recommendations for the specification of procurements of new vehicles;

15.2.4. recommendations for vehicle drivers for the acquisition of efficient driving methods.

16. When conducting energy audit of transport:

16.1. the following shall not be included in the energy consumption:

16.1.1. the fuel of the road transport, aviation and ships in international carriages, and also fuel consumption in international rail freight;

16.1.2. purchased transport services;

16.2. the following shall be included in the energy consumption:

16.2.1. the fuel or electricity consumption which is used in transport for ensuring the activity of the merchant, except for the consumption referred to in Sub-paragraph 16.1 of this Regulation;

16.2.2. the consumption of fuel or electricity which is used in transport when an employee drives with a vehicle owned by or in the possession of the employee for work needs and for which expenses have been compensated.

17. The division of the energy consumed in an enterprise activity shall be determined upon the merchant reaching an agreement with the energy auditor. Preference shall be given to the division of energy consumption according to the types of products produced.

18. Absolute units of energy – megawatt hours (MWh) shall be used in the energy audit of enterprises.

19. Energy consumption for the heating of buildings, preparation of hot water, lighting, ventilation systems and air conditioning of premises shall be indicated both in the absolute units of measurements and as the specific energy consumption attributed to the area (m²) or volume (m³) of a building.

20. The energy consumed in industrial activities shall be indicated in both absolute units of measurement and as the specific energy consumption attributed to the quantity, volume, mass or other appropriate unit of measurement of the products produced.

21. The characterisation of the current situation shall provide detailed description of at least those systems (for example, enclosing structures, lighting, hot water system) and installations (for example, ventilation installations, compressors, pumps, installations of industrial processes, transport) in which the energy efficiency measures are planned to be implemented. The description of individual systems and installations shall indicate the existing indicators or units of measurement according to the indicators or units of measurement indicated for the assessment of the energy efficiency measures.

22. The reduction in consumption of energy obtained as a result of the energy efficiency measures identified in the energy audit of an enterprise shall be indicated both in the absolute units of measurements and as the specific reduction in energy consumption.

23. The indicator or unit to be achieved as a result of implementing an energy efficiency measure (for example, thermal transmittance coefficients of enclosing structures, capacity of new light objects, capacity of new technological installations, efficiency factors) shall be indicated in the description of identified energy efficiency measures.

24. The following shall be included in the energy audit report of an enterprise:

- 24.1. the list of the group of persons who conducted the energy audit of an enterprise;
- 24.2. compiled initial data (description of the current situation, energy balance, energy flow charts, description of technological processes, annual energy consumption, annual energy costs);
- 24.3. results of the initial data analysis on the basis of the determination of the specific energy consumption of the enterprise;
- 24.4. proposals for energy efficiency improvement measures;
- 24.5. results of the cost-benefit analysis (economic assessment of the identified energy efficiency improvement measures and justification of priority measures);
- 24.6. if it is economically justified, the analysis of the costs of the life cycle of identified energy efficiency improvement measures.

IV. Responsibility of the Energy Auditor

25. The energy auditor shall be responsible for the following:

- 25.1. the quality control of the data used for the energy audit of an enterprise;
- 25.2. conducting the energy audit of the enterprise in accordance with the requirements referred to in Chapter III of this Regulation;
- 25.3. drawing up the technical notes and a report and their storage for 10 years after preparation of the relevant documents;
- 25.4. accuracy of the energy balance of the enterprise included in the energy audit report and the determination and assessment of economically justified possibilities of energy saving.

26. Disputes between a merchant and the energy auditor regarding the content, quality or results of the energy audit of the enterprise shall be settled according to general civil procedures.

V. Procedures for the Registration of the Energy Audit Report

27. The energy auditor shall register the energy audit report in the Register of the Energy Audit Reports of Enterprises within 10 days after approval thereof.

28. The Register of the Energy Audit Reports of Enterprises shall be maintained by the Ministry of Economics in the information system managed thereby. The information system shall be accessible to the public free of charge, except for the data the accessibility of which is restricted in accordance with the laws and regulations regarding trade secret and data protection.

29. The Register of the Energy Audit Reports shall include at least the following data:

- 29.1. the name, address and registration number of the enterprise;
- 29.2. the name and certificate number of the energy auditor;
- 29.3. the date of approval of the energy audit report;
- 29.4. the breakdown of the energy used in the enterprise in conformity with the types of energy (MWh);

29.5. the structure of the use of the energy used in the enterprise (heating, cooling, lighting, technological processes, transport);

29.6. the specific energy consumption which is attributed to the quantity, volume, mass or other appropriate unit of measurement of the products produced.

30. The Ministry of Economics shall assign a registration number to each document registered in the Register of the Energy Audit Reports of Enterprises.

VI. Supplementation of the Certified Environmental Management System of an Enterprise

31. The enterprise in which the certified environmental management system is introduced in conformity with the standard LVS EN ISO 14001:2015 “Environmental management systems. Requirements with guidance for use (ISO 14001:2015)” shall supplement it with continuous energy consumption assessment process in conformity with the requirements referred to in Paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of this Regulation. In order to supplement the certified environmental management system in conformity with the standard LVS EN ISO 14 001:2015 “Environmental management systems. Requirements with guidance for use (ISO 14001:2015)”, the enterprise shall:

31.1. determine the energy use data in a present situation;

31.2. develop the energy efficiency plan;

31.3. determine the energy efficiency indicators and objectives to be reached;

31.4. develop the monitoring system;

31.5. each year assess the progress in reaching the energy efficiency objectives.

32. The fulfilment of the requirements referred to in Paragraph 31 of this Regulation shall be certified by the conformity assessment and environmental management system certification authority which has been accredited by the national accreditation authority in accordance with the laws and regulations regarding assessment, accreditation and supervision of conformity assessment authorities.

33. The fulfilment of the requirements referred to in Paragraph 31 of this Regulation shall be certified by the Annex to the environmental management system certificate issued by the conformity assessment and environmental management system certification authority referred to in Paragraph 32 of this Regulation in which the information indicated in the Annex to this Regulation is included.

VII. Closing Provisions

34. The accreditation of the industrial energy auditors obtained in conformity with Cabinet Regulation No. 138 of 12 March 2013, Regulations Regarding Industrial Energy Audit, at the national accreditation authority shall be in force until expiry of the accreditation time period.

35. The supplementations of the certified environmental management system issued until the day of coming into force of Chapter VI of this Regulation shall be regarded to be conforming to the requirements of this Regulation.

36. Until the supplementation of the information system managed by the Ministry of Economics with the Register of the Energy Audit Reports of Enterprises, the energy auditor shall submit the information referred to in Paragraph 29 of this Regulation to the Ministry of Economics in writing.

37. Chapter VI of this Regulation shall come into force on 1 January 2017.

Informative Reference to European Union Directive

This Regulation contains legal norms arising from Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing transposing of the requirements of Directives 2004/8/EC and 2006/32/EC into laws and regulations.

Acting for the Prime Minister – Minister for Finance

Dana Reizniece-Ozola

Acting for the Deputy Prime Minister,
Minister for Economics – Minister for the Interior

Rihards Kozlovskis

**Information to be Included in Annex to the Certificate of the Standard
LVS EN ISO 14 001**

1. Name of the accredited certification authority, accreditation number, address, contact details.
2. Name and address of the certified authority.
3. Number of the certificate of the environmental management standard LVS EN ISO 14 001 and date of issue thereof.
4. Certification of the fact that the environmental management system has been supplemented with continuous energy consumption evaluation process in conformity with the applicable laws and regulations in the field of the energy efficiency.
5. List of the applicable laws and regulations.
6. Registration number of the Annex to the certificate of the standard LVS EN ISO 14 001:2015 “Environmental management systems. Requirements with guidance for use (ISO 14001:2015)” and term of validity thereof.
7. The name, surname and signature of the person responsible for the issue of Annex to the certificate of the standard LVS EN ISO 14 001:2015 “Environmental management systems. Requirements with guidance for use (ISO 14001:2015)”.

Acting for the Deputy Prime Minister,
Minister for Economics – Minister for the Interior

Rihards Kozlovskis