

Republic of Latvia  
Cabinet  
Regulation No. 531  
Adopted 21 August 2018

## **Regulations Regarding Assessment of the Competence of Independent Experts and Monitoring of Professional Activity Thereof in the Field of Energy Performance of Buildings**

*Issued pursuant to  
Section 12, Paragraphs four and six of the Law on the Energy Performance of Buildings*

### **I. General Provision**

1. This Regulation prescribes:
  - 1.1. the requirements for the competence of an independent expert;
  - 1.2. the procedures for the certification of the competence of an independent expert;
  - 1.3. the procedures for monitoring the professional activity of an independent expert;
  - 1.4. the procedures for the registration of an independent expert, the content of the Register data and procedures for the use thereof;
  - 1.5. the procedures for the payment for the assessment of the competence of an independent expert and monitoring of professional activity thereof, and also the procedures for the use of the received resources.

### **II. Requirements for the Competence of an Independent Expert**

2. An independent expert is entitled to determine the energy performance of an existing building or its unit, and to issue an energy performance certificate of a building, or to determine the planned energy performance of a building or its unit to be designed, reconstructed, or renovated, and to issue a temporary energy performance certificate of the building if he or she:
  - 2.1. has acquired higher vocational or academic education of the first or second level, provided the relevant educational programme provides acquiring knowledge of the following – heat engineering of building envelope, technical building systems (heating, cooling, ventilation, air conditioning, water supply, lighting), building climatology and the indoor climate, assessment of energy performance and calculation methodology;
  - 2.2. has at least two years of practical work experience in assessing energy performance of buildings by working under supervision of an independent expert with a certified competence in the field of assessing energy performance of an existing building or its unit and issuing energy performance certificate of a building, as well as assessing the planned energy performance of new buildings to be designed, buildings or their units to be reconstructed, or renovated, and issuing a temporary energy performance certificate of a building;
  - 2.3. has passed the competence test in accordance with Paragraph 9 of this Regulation.
3. An independent expert is entitled to perform inspection of heating systems and air-conditioning systems if he or she:

3.1. has acquired higher vocational or academic education of the first or second level, provided the relevant education provides acquiring knowledge of the following – heating equipment and systems, air-conditioning equipment and systems, cooling units and systems, and measurements and control of the equipment;

3.2. has at least six months of practical work experience in the field of inspecting heating systems and air-conditioning systems by working under the supervision of an independent expert with a certified competence in inspecting heating systems and air-conditioning systems, and issuing inspection report;

3.3. has passed the competence test in accordance with Paragraph 10 of this Regulation.

4. A construction specialist who has a valid certificate in the field of designing building constructions or in the field of designing heating, ventilation, and air-conditioning systems, or has an architect's practice certificate and who has passed the competence test in accordance with Paragraph 11 of this Regulation is entitled to determine the planned energy performance of a building or building units to be designed, reconstructed, or renovated, and is entitled to issue a temporary energy performance certificate of the building.

5. A construction specialist who has a valid certificate in the field of managing the construction work of heating, ventilation, and air-conditioning systems or in the field of supervising the construction work of heating, ventilation, and air-conditioning systems and who has passed the competence test in accordance with Paragraph 12 of this Regulation is entitled to perform the inspection of heating systems and air-conditioning systems.

### **III. Procedures for the Certification of the Competence of an Independent Expert**

6. In order for the person referred to in Paragraph 2 of this Regulation to certify the competence in the assessment of energy performance of buildings, the person shall submit the following to the authority examining the competence:

6.1. an application (Annex 1);

6.2. a copy of the document certifying acquisition of the education referred to in Sub-paragraph 2.1 of this Regulation;

6.3. at least six calculations of energy performance of a building and assessments of energy performance of a building for issuing a certificate of energy performance of a building that certify the experience referred to in Sub-paragraph 2.2 of this Regulation and are drafted in accordance with the methodology for the calculation of energy performance of buildings under supervision of an independent expert with a certified competence in the field of assessing energy performance of an existing building or its unit and issuing energy performance certificate of a building, as well as assessing energy performance of new buildings to be designed, buildings or their units to be reconstructed or renovated and issuing a temporary energy performance certificate of a building.

7. In order for the person referred to in Paragraph 3 of this Regulation to certify the competence in the inspection of heating systems and air-conditioning systems, the person shall submit the following to the authority examining the competence:

7.1. an application (Annex 1);

7.2. a copy of the document certifying acquisition of the education referred to in Sub-paragraph 3.1 of this Regulation;

7.3. at least three inspection reports of heating systems and one inspection report of an air-conditioning system that certify the experience referred to in Sub-paragraph 3.2 of this Regulation and are drafted under supervision of an independent expert with a certified

competence in the field of inspecting energy performance of heating systems and air-conditioning systems and issuing an inspection report.

8. An authority examining the competence shall, after having received the documents referred to in Paragraph 6 or 7 of this Regulation:

8.1. examine the submitted documents and, where necessary, within 10 working days from the day when the application for obtaining the certificate of an independent expert is received, request additional information from the person;

8.2. within 10 working days after receipt and assessment of the information referred to in Paragraph 6 or 7 or additional information referred to in Sub-paragraph 8.1 of this Regulation:

8.2.1. invite a person to a competence test by indicating the place and time of the occurrence thereof;

8.2.2. take the decision to refuse to invite a person to a competence test if a person fails to comply with the requirements referred to in this Regulation for obtaining the certificate of an independent expert.

9. In order to certify competence, the person referred to in Paragraph 2 of this Regulation shall pass a competence test at the authority examining the competence in knowledge of the methodology for calculation of energy performance of buildings laid down in the laws and regulations in the field of energy performance and practical use thereof.

10. In order to certify competence, the person referred to in Paragraph 3 of this Regulation shall pass a competence test at the authority examining the competence in inspection of heating systems and air-conditioning systems.

11. In order to certify the competence of the person referred to in Paragraph 4 of this Regulation, the authority examining the competence which has the right to issue a certificate of a construction specialist in the field of designing building constructions or in the field of designing heating, ventilation, and air-conditioning systems or an architect's practice certificate shall include the examination questions on the knowledge of the methodology for the calculation of energy performance of buildings laid down in the laws and regulations in the field of energy performance of buildings and practical use thereof in the competence testing examination organised for obtaining the certificate of a construction specialist.

12. In order to certify the competence of the person referred to in Paragraph 5 of this Regulation, the authority examining the competence which has the right to issue the certificate of a construction specialist in the field of managing the construction work of heating, ventilation, and air-conditioning systems and in the field of supervision of construction work of heating, ventilation, and air-conditioning systems shall include the topics on heating system and air-conditioning system inspections in the competence testing examination organised for obtaining the certificate of a construction specialist.

13. If the person referred to in Paragraph 4 or 5 of this Regulation has successfully passed the competence test of a construction specialist referred to in Paragraph 11 or 12 of this Regulation, the authority examining the competence shall include informative indication on conformity of the competence of the construction specialist in the field of energy performance of buildings or inspection of heating systems and air-conditioning systems in the Register of Construction Specialists.

14. If the person referred to in Paragraph 2 or 3 of this Regulation meets the requirements referred to in this Regulation and has successfully passed the competence test, the authority

examining the competence shall take the decision on the conformity of the person's competence and grant the certificate in one of the following fields:

14.1. assessment of energy performance of an existing building or its unit and issuing energy performance certificate of a building, as well as assessing the planned energy performance of a new building to be designed, building or its unit to be reconstructed or renovated and issuing a temporary energy performance certificate of the building;

14.2. inspection of energy performance of heating systems and air conditioning systems, and issuing an inspection report.

15. If the person referred to in Paragraph 2 or 3 of this Regulation has not passed the competence test, the authority examining the competence shall take the decision on non-conformity of the person's competence. The person may apply for repeated competence test no sooner than two months after the decision on non-conformity of the person's competence comes into effect.

16. In order for the person referred to in Paragraph 2 or 3 of this Regulation to apply repeatedly for the competence test of an independent expert, the person shall submit an application to the authority examining the competence and the documents referred to in Sub-paragraphs 6.2 and 6.3 or Sub-paragraphs 7.2 and 7.3 of this Regulation if the authority examining the competence does not have such information or it cannot be obtained from the Construction Information System.

17. The authority examining the competence shall take the decisions referred to in Paragraphs 8, 14 and 15 of this Regulation and notify them in accordance with the procedures laid down in the Administrative Procedure Law. A private person may contest the decision of the authority examining the competence in accordance with the procedures laid down in the Administrative Procedure Law by submitting a submission to the Director of the State Construction Control Bureau.

#### **IV. Monitoring the Professional Activity of an Independent Expert**

18. Assessment of the competence and monitoring of professional activity of an independent expert shall be carried out by that authority examining the competence which has certified the competence of an independent expert in accordance with the procedures referred to in this Regulation and:

18.1. who has valid accreditation with the national accreditation body as certification authority of persons in accordance with laws and regulations regarding conformity assessment or accreditation with an accreditation body of another European Union Member State;

18.2. for whom the Ministry of Economics has co-ordinated the procedures and topic questions for the competence test.

19. For a construction specialist who is carrying out professional activity as an independent expert, the monitoring of professional activity shall be carried out within the framework of monitoring of the independent practice of construction specialists.

20. An independent expert is obliged to:

20.1. provide the authority examining the competence with the information requested by it which is necessary for the assessment of professional activity of an independent expert if the application has been received or there is another information at the disposal of the authority examining the competence on violations of professional activity of the independent expert;

20.2. pay annual fee for the monitoring of professional activity until 1 April of the current year.

21. The Ministry of Economics shall, within one month after termination of the activity of the authority examining the competence, take a decision to transfer monitoring of professional activity of an independent expert under monitoring of the authority examining the competence to another authority examining the competence.

22. An authority examining the competence shall ensure that every independent expert is tested within a period of five years by assessing professional activity, inspecting the issued energy performance certificates of buildings, temporary energy performance certificates and inspection reports of heating systems and air-conditioning systems and correctness of other documents, objectivity and veracity of the provided assessment.

23. The State Construction Control Bureau shall randomly select the documents of energy performance of buildings to be inspected that have been drawn up by independent experts, and assign the relevant authority examining the competence to carry out document inspection.

24. If the State Construction Control Bureau or the Ministry of Economics has received an application or other information on a violation of a professional activity of an independent expert whose certificate has been issued by the authority examining the competence the operations of which have been terminated, the State Construction Control Bureau shall send the documents referred to in Paragraph 22 of this Regulation for inspection to another authority examining the competence.

25. After receipt of the information referred to in Paragraphs 22 and 23 of this Regulation, and if it receives an application or other information on a violation of a professional activity of an independent expert, the authority examining the competence shall assess the operations of this independent expert.

26. An authority examining the competence, when assessing the application or the information at the disposal of the authority examining the competence on the violation of professional activity of the person referred to in Paragraph 2 or 3 of this Regulation, shall take a decision to express a warning:

26.1. regarding an action non-complying with good professional practice or action which fails to comply with the required level of competence, skills and knowledge;

26.2. regarding a violation related with failing to fulfil or inadequate fulfilling of the obligations laid down for an independent expert in the laws and regulations governing energy performance of buildings.

27. Upon determining violations of professional activity of the person referred to in Paragraph 2 or 3 of this Regulation, the authority examining the competence shall take one of the following decisions:

27.1. to allocate points of violation records in accordance with Annex 2 to this Regulation, and to impose an obligation for the independent expert to rectify the detected errors by determining the time period for the rectification thereof which shall be not longer than 30 working days since the date of coming into effect of the decision;

27.2. to allocate points of violation records and to suspend the independent expert's activities for six months if the independent expert has seven or more points in violation records, and to impose an obligation for the independent expert to rectify the detected errors by determining the time period for the rectification thereof which shall be not longer than 30 working days since the date of coming into effect of the decision;

27.3. to allocate points of violation records and to suspend the independent expert's activities for one year and to subject the expert to re-taking of an independent expert's competence test if the independent expert has 10 or more points in violation records, and the points have been allocated for deliberate violations of the laws and regulations in the field of assessing energy performance of buildings, and to impose an obligation for the independent expert to rectify the detected errors by determining the time period for the rectification thereof which shall be not longer than 30 working days since the date of coming into effect of the decision.

28. A person is not entitled to continue the activity as an independent expert from the day when the decision to suspend the validity of the certificate of an independent expert or construction specialist is taken (except for the activities necessary for rectification of the errors detected in accordance with the decision referred to in Sub-paragraph 27.2 or 27.3 of this Regulation).

29. Until the end of the time period laid down in the decision of the authority examining the competence in which the person referred to in Paragraph 2 or 3 of this Regulation has an obligation to rectify the indicated errors, the authority examining the competence shall take one of the following decisions:

29.1. on extension of the time period for the rectification of the errors indicated in the decision;

29.2. on suspending the validity of the certificate until rectification of the errors indicated in the decision;

29.3. on restoring the validity of the certificate.

30. Points in violation records are valid for two years since the date of entering into effect of the decision referred to in the Sub-paragraph 29.3 of this Regulation.

31. The authority examining the competence may take a decision to suspend the certificate of the person referred to in Paragraph 2 or 3 of this Regulation if in conformity with the procedures referred to in Chapter VI of this Regulation an independent expert has not paid annual fee for monitoring his or her professional activity.

32. The authority examining the competence shall take a decision to restore the certificate of the person referred to in Paragraph 2 or 3 of this Regulation if an independent expert has complied with the requirements referred to in Sub-paragraph 20.2 of this Regulation.

33. The authority examining the competence may take a decision to cancel the certificate of the person referred to in Paragraph 2 or 3 of this Regulation if:

33.1. the submission regarding the termination of professional activity of the person has been received;

33.2. the certificate of an independent expert has been suspended for more than two years during a period of five years.

34. The authority examining the competence may take a decision to cancel the certificate if it establishes that an independent expert or construction specialist has executed his or her independent practice as an independent expert while his or her certificate of an independent expert or construction specialist has been suspended.

35. The authority examining the competence shall take the decisions referred to in Paragraphs 26, 27, 29, 31, 32, 33 and 34 of this Regulation and notify them in accordance with the procedures laid down in the Administrative Procedure Law. A private person may

contest the decision of the authority examining the competence in accordance with the procedures laid down in the Administrative Procedure Law by submitting a submission to the Director of the State Construction Control Bureau.

## **V. Registration of an Independent Expert, the Content of the Register Data and Procedures for the Use Thereof**

36. The Register of Independent Experts in the Field of Energy Performance of Buildings (hereinafter – the Register) shall be included in the Construction Information System. The State Construction Control Bureau shall ensure public availability of the Register free of charge in electronic form, except for the data access to which is restricted in accordance with the laws and regulations regarding commercial secret and data protection.

37. The following information shall be included in the Register:

37.1. the information indicated in the application for certification of the competence and documents appended thereto by appending the relevant documents;

37.2. the information on the decisions taken by the authority examining the competence and documents related thereto;

37.3. the field of certification;

37.4. the date of granting the certificate and number thereof;

37.5. the information on vocational in-service training.

38. Within five working days after taking the decision, the authority examining the competence shall include or update the information in the Register regarding:

38.1. conformity of a competence of an independent expert by indicating the field of the granted certificate and the date of the decision, and also by appending the relevant decision;

38.2. non-conformity of the competence of the person by indicating the date, number, justification of the decision, and also by appending the relevant decision;

38.3. the detected violation of the professional activity by indicating the date, number, justification of the decision, and also by appending the relevant decision;

38.4. suspension of the validity of the certificate by indicating the date, number, justification of the decision, and also by appending the relevant decision;

38.5. cancellation of the validity of the certificate by indicating the date, number, justification of the decision, and also by appending the relevant decision;

38.6. restoring the validity of the certificate by indicating the date, number, justification of the decision, and also by appending the relevant decision;

38.7. expressing a warning by indicating the date, number, justification of the decision, and also by appending the relevant decision.

39. An independent expert shall perform the following in the Construction Information System:

39.1. update his or her contact details;

39.2. update information on education by electronically appending the document attesting the education;

39.3. enter the information on the vocational in-service training programmes acquired in the previous calendar year, seminars and other measures improving the competence by indicating the date of issue of the document attesting it, the issuer of the document, the title and amount of the vocational in-service training programme or measure, and also append such document electronically;

39.4. register the issued energy performance certificates of a building, temporary energy performance certificates, inspection reports of heating system boilers, inspection reports of heating systems and inspection reports of air-conditioning systems.

## **VI. Procedures for the Payment for the Certification Services, and also the Procedures for the Use of the Received Resources**

40. The amount of fee for the certification services shall consist of the fee for the assessment of the competence of an independent expert and annual fee for monitoring of the professional activity.

41. A person shall pay for the certification services before receipt of such services.

42. A person shall pay the annual fee for monitoring the professional activity in proportion to the number of full months in which the authority examining the competence carries out the monitoring of the professional activity of the independent expert in the calendar year in which the certificate of an independent expert has been granted.

43. The authority examining the competence shall use the resources received for the certification services for the performance of competence tests and monitoring of professional activity.

## **VII. Closing Provisions**

44. Cabinet Regulation No. 382 of 9 July 2013, Regulation on Independent Experts of Energy Performance of Buildings (*Latvijas Vēstnesis*, 2013, No. 138; 2014, No. 65; 2016, No. 246), is repealed.

45. Paragraphs 4 and 5 of this Regulation shall come into force on 1 January 2021.

46. If a construction specialist has acquired the vocational in-service training courses laid down by the authority examining the competence or passed competence test, the authority examining the competence shall take a decision after 1 January 2021 and include an informative indication in the Construction Specialist Register regarding the conformity of the person's competence in the field of energy performance of buildings or in the field of inspection of heating systems and air-conditioning systems.

47. A person to whom both the certificate of the independent expert and construction specialist have been granted is entitled to operate as an independent expert only on the basis of the certificate of the construction specialist or independent expert after 1 January 2021. Monitoring the independent expert shall be carried out by the authority examining the competence which has been the first one to grant the right of the professional activity of the independent expert until the person turns to the authority examining the competence with the request to cancel one of the certificates.

48. The Regulation shall come into force on 1 December 2018.

Informative Reference to European Union Directive

This Regulation contains legal norms arising from Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on energy performance of buildings.

Prime Minister

Māris Kučinskis

Deputy Prime Minister, Minister for Economics

Arvils Ašeradens

## Application for the Certification of the Competence in the Field of Energy Performance of Buildings

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(the name of the authority examining the  
competence)

1. Given name, surname \_\_\_\_\_

2. Personal identity number or, if none, the date and place of birth, citizenship for a natural person of a foreign country

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3. The address of the declared place of residence or actual address, if different from the address of the declared place of residence, the address of the place of residence in a home country, actual address, if different from the address of the place of residence in the home country

4. Telephone \_\_\_\_\_ agree to making it known to public \_\_\_\_\_

5. E-mail \_\_\_\_\_ agree to making it known to public \_\_\_\_\_

6. Field of certification

7. Information regarding practical work experience:

No.	Works performed	The independent expert under whose supervision the practical experience was acquired* – given name, surname, number in the independent expert register	Customer	Object	Object location	Time when the work was performed	Obligations during the work performance

In Annex:

1. Documents certifying that education required for an independent expert is acquired.
2. At least six calculations of energy performance of a building and assessments of energy performance of a building for issuing an energy performance certificate of a building that are drafted in accordance with the methodology for calculation of energy performance of a building under supervision of an independent expert whose competence has been certified in the field of assessing energy performance of an existing building or its unit, and issuing energy performance certificate of a building, as well as assessing energy performance of new buildings to be designed, buildings or their units to be reconstructed or renovated and issuing a temporary energy performance certificate of a building (if a person wants to certify competence in assessing energy performance of buildings).
3. At least three inspection reports of heating systems and one inspection report of an air-conditioning system that are drafted under supervision of an independent expert with a certified competence in the field of inspecting energy performance of heating systems and air-conditioning systems and issuing inspection reports (if a person wants to certify competence in inspecting heating systems and air-conditioning systems).

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(given name, surname)

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(signature\*\*)

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(date\*\*)

Notes.

1. \* The independent expert under whose supervision the practical experience was acquired should have a certified competence in the field of energy performance of buildings in which the person wants to certify his or her competence.
2. \*\*The details of the document “signature” and “date” shall not be completed if the electronic document has been drawn up in accordance with the laws and regulations regarding drawing up of electronic documents.

Deputy Prime Minister, Minister for Economics

Arvils Ašeradens

### **Violations in Professional Activity of an Independent Expert and Points of Violation Records**

No.	Violations in professional activity of an independent expert	Points of violation records
1.	Deliberate violations of the laws and regulations in the field of the assessment of energy performance of buildings	5
2.	Errors that affect the assessment of energy performance of buildings by more than 30 %	3
3.	Errors that affect the assessment of energy performance of buildings from 21 % to 30 % (including)	2
4.	Errors that affect the assessment of energy performance of buildings from 11 % to 20 % (including)	1
5.	Errors that affect the assessment of energy performance of buildings by up to 10 % (including). Errors that do not affect the assessment of energy performance of buildings and shall not be considered as deliberate violations of laws and regulations in the field of the assessment of energy performance of buildings.	0

Deputy Prime Minister, Minister for Economics

Arvils Ašeradens