# Energy Savings Opportunity Scheme (ESOS) consultation: Response Form

**Thank you for taking the time to respond to our consultation in implementation of the Energy Savings Opportunity Scheme (ESOS). A copy of the consultation document can be found here:** [**https://www.gov.uk/government/consultations/energy-savings-opportunity-scheme**](https://www.gov.uk/government/consultations/energy-savings-opportunity-scheme)

Your response will be most useful it is framed in direct response to the questions posed, though further comments and evidence are also welcome. Please use the space provided in this form to respond, but we will also consider any further material that you wish to share.

## About you / your organisation

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| Name: | Click here to enter text. |
| Organisation: | Click here to enter text. |
| Email: | Click here to enter text. |
| Telephone: | Click here to enter text. |

## Confidentiality

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential please say so clearly in writing when you send your response to the consultation. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

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| **I am content for the information contained in this response to be made public** | Yes No |

If you want your information to be treated as confidential please provide a brief explanation as to why. It would be helpful if you could explain if there is any information in particular which this applies to.

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| 1. Do you have any evidence which could assist us in calculating the impact of the options set out in this consultation document and the Impact Assessment?   (Further detailed questions are also included in the Impact Assessment). |
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| 1. Do you agree that there should be one energy audits scheme applied on a UK-wide basis, and are there any regionally specific needs that should be taken in to account for enterprises operating in England and Wales, Scotland and Northern Ireland? |
| Yes  No  Qualified Support |
| Please give reasoning: |

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| 1. Do you agree with the overall approach to defining ‘enterprises’ in scope, and could you currently identify if you (or organisations you are familiar with) are in scope? |
| Yes  No  Qualified Support |
| Specifically, are you content with the approach proposed with respect to:  a. Group enterprises Yes  No  b. Voluntary disaggregation of group enterprises Yes  No  c. Non-UK firms Yes  No  d. Franchisors Yes  No  e. Subcontractors Yes  No  f. Universities Yes  No |
| Please give reasoning: |

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| 1. What do you think should be the initial ‘qualification date’ for organisations to determine if they are in scope of the scheme?   For example, 1 January 2015 or 31 March 2015 (Please give reasoning). |
| Click here to enter text. |

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| 1. Which of the following approaches do you prefer in terms of when new entrants are required to undertake ESOS assessments?    * 1. ESOS would operate in 4 year phases. Organisations identify if they are in scope once every four years and then undertake an ESOS assessment within a year of the qualification date.      2. Every year, organisations determine whether they are sufficiently large to be included in ESOS based on their size at the qualification date. If in scope, that organisation carries out an ESOS assessment within a year of the qualification date, unless the entire organisation is covered by compliant assessments undertaken within the last four years. |
| Prefer A  Prefer B Propose Alternative |
| Please give reasoning: |

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| 1. Is our proposed interpretation of the minimum requirements for ESOS reasonable, on the basis that ESOS assessors would need to exercise professional judgment and discretion as to their application? |
| Yes  No  Qualified support |
| Please give reasoning: |

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| 1. Do you support our proposals to develop good practice guidance for organisations? |
| Yes  No |
| If yes, what do you think should be included:  a. Minimum ESOS requirements? Yes  No  b. A draft template for ESOS reports? Yes  No  c. Best practice options? Yes  No |
| Anything else you think should be included / comments: |

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| 1. Should the Government set a legal energy spend based percentage threshold, to allow organisations to exempt energy that collectively amounts to no more than this *de minimis* percentage of total energy spend? |
| Yes  No |
| If yes, what percentage should this be and why?  If no, what approach should be adopted to set a statutory *de minimis* and why? |
| Click here to enter text. |

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| 1. Do you agree with the Government’s proposed approach to calculating energy usage by:    1. Allowing use of existing data sets in order to simplify compliance? (I.e. organisations can draw on data gathered over any period during the two years prior to the ESOS assessment being conducted)?    2. Setting a minimum six month time period which energy use data should cover to inform an ESOS assessment?    3. Promoting use of 12 months data, with the onus on organisations to comply or explain deviations from this good practice approach? |
| Yes  No |
| Please give reasoning: |

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| 1. Do you think that ESOS assessments should include an energy intensity ratio as opposed to HMG requiring in law energy consumption profiles for all key buildings, transport and industrial processes? |
| Yes  No |
| Please give reasoning: |

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| 1. Do you agree that ESOS assessments should only include all significant energy use *directly* *paid for* or produced by the organisation? |
| Yes  No |
| Please give reasoning: |

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| 1. Do you agree that ESOS assessors should be given discretion as to the number of site visits they undertake as part of an audit? |
| Yes  No |
| Please give reasoning: |

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| 1. With respect to buildings, do you agree that where an organisation has installed DECs or chooses to comply by undertaking Green Deal assessments for some or all of its buildings within the past four years, those buildings should not need to have an ESOS assessment conducted too in order to comply with the requirements of the Directive? |
| Yes  No |
| Please give reasoning: |

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| 1. With respect to transport, which one of the following approaches should be adopted in relation to international aviation and/or shipping:    1. All fuels purchased within the UK should be considered within scope of ESOS    2. Energy usage of all flights/shipping departing the UK should be considered within scope of ESOS    3. All fuels purchased anywhere in the world should be considered within scope of ESOS |
| Prefer A  Prefer B Prefer C  Propose Alternative |
| Please give reasoning: |

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| 1. With respect to transport, should an organisation’s vehicle fleet be deemed to have undertaken the equivalent of an ESOS assessment if it has been subject to a Green Fleet review conducted within four years prior to the energy audit deadline, and are there other reviews similar to Green Fleet reviews that should also be considered? |
| Yes  No |
| Please give reasoning: |

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| 1. With respect to transport, do you agree with our proposed approach to employee travel on company business?    1. That ‘grey fleet’ should be included within the scope of ESOS;    2. That travel purchased via contractual arrangements (e.g. train tickets) should not be included as a minimum requirement for ESOS;    3. That commuting should not be included within scope of ESOS; and,    4. That good practice guidance should promote the advantages of going beyond the minimum requirements of ESOS |
| Yes  No |
| Please give reasoning: |

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| 1. With respect to industrial processes, should ESOS assessments cover all energy use, including waste heat recycling and use of process waste as fuel? |
| Yes  No |
| Please give reasoning: |

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| 1. With respect to industrial processes, are there any specific issues that you wish to raise in relation to implementing the requirement to conduct ESOS assessments, including with regards to the overlap with existing schemes? |
| Yes  No |
| Please give reasoning: |

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| 1. In addition to ISO50001 and ISO14001 (where it includes an energy audit), are there any other EU / international management systems which you think should also provide an ‘exemption’ (i.e. an alternative compliance route)?   If proposing additional EMSs, please provide evidence of why you think they would meet the minimum audits standard set by the Directive |
| Click here to enter text. |

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| 1. Do you agree with the proposed transitional arrangements to consider whether certain existing UK schemes can be deemed compliant with the Directive’s requirements for audits conducted in 2015? In particular:    1. Do you think the Carbon Trust Standard meets the minimum audits criteria set in the Directive?    2. And are there any other UK initiatives that you think should be deemed to be compliant for audits conducted in December 2015? |
| Yes  No |
| Please give reasoning: |

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| 1. Is there sufficient capacity within the energy efficiency advice sector to meet the demand that will be generated by ESOS, and particularly to ensure all organisations are able to conduct assessments by December 2015? |
| Yes  No |
| If no, what further steps need to be taken to generate that capacity:   * 1. By industry and professional bodies?   2. By the Government? |
| Click here to enter text. |

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| 1. Are there existing industry specific qualifications / standards which we should take account of in developing an ESOS assessors PAS specification? |
| Yes  No |
| If yes, what do you think should apply as the minimum and why? |
| Click here to enter text. |

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| 1. Do you agree with the Government’s proposals on lead ESOS assessors:    1. That a ‘lead assessor’ should sign off each ESOS assessment, drawing on the input and assessments of more technical specialists as appropriate, as part of checking that all significant energy use across the organisation has been considered?    2. That minimum qualifications should apply to lead assessors only, rather than to all those participating in an assessment?   If no, should there be different minimum qualifications for more technical members of an audit team and what should these be? |
| Yes  No |
| Comments: |

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| 1. What particular steps will need to be taken by organisations to ensure that in-house experts had the ‘necessary independence’ to audit business activity?` |
| Click here to enter text. |

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| 1. Which approach to accreditation would you prefer to be put in place and why?    1. UKAS accredit certifying bodies to certify ESOS assessors    2. The scheme administrator approves lists of ESOS assessors which are managed by professional bodies. |
| Prefer A  Prefer B Propose Alternative |
| Please give reasoning: |
| If you prefer Approach B please set out details of any registers already in existence which could be easily modified to meet the needs of the ESOS scheme |
| Click here to enter text. |

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| 1. Do you have any views on the proposed quality assurance arrangements for ESOS assessments; in particular, what percentage of audits should be subject to quality assurance (e.g. 10% as is the case with the CRC or 2% as is the case with EPCs and DECs)? |
| 10%  2%  Other |
| Comments / reasoning: |

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| 1. Should ESOS assessment records should be stored for 6 years, as with the CRC? |
| Yes  No |
| Comments / proposed alternative (with reasoning) |

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| 1. Would a survey based approach to collecting data on the number of large enterprises participating in ESOS / complying by means of EMS (option 1) be adequate, given the UK’s obligation to report to the European Commission on uptake of energy audits, and the aim to develop a targeted enforcement regime? |
| Yes  No |
| Comments / reasoning: |

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| 1. To support an effective enforcement regime, should large enterprises be required to notify the scheme administrator that they are in scope and have conducted an ESOS assessment (or complied by another means)? (option 2 in the Impact Assessment)? |
| Yes  No |
| Comments / reasoning: |

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| 1. What is your preferred approach to disclosure of an ESOS assessment (option 3 in the Impact Assessment)?    1. Do nothing    2. Mandatory disclosure that an ESOS assessment has been conducted    3. Mandatory disclosure of an organisation’s overall response to ESOS assessment    4. Voluntary disclosure of an organisation’s overall response to an ESOS assessment with a light-touch enforcement regime for those organisations which do so |
| Approach A  Approach B  Approach C  Approach D |
| Comments / reasoning: |

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| 1. If you are in favour of public disclosure, what sort of information would you like to see disclosed? For example:  * cost savings available from audit recommendations * action taken in light of an ESOS assessment * the organisation’s energy intensity ratio |
| Click here to enter text. |
| And should a Director of a large enterprise be required to sign off on the corporate ESOS disclosure? |
| Yes  No |
| Comments / reasoning: |

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| 1. Should large organisations be required to report on key ESOS assessment findings to the scheme administrator (option 5 in the Impact Assessment)?   Yes / No / Comments Please state your reasoning |
| Yes  No |
| Comments / reasoning: |
| If yes:   * 1. what information should be collected and how?   2. should the scheme administrator store information internally or publicly disclose some information (and if so, what)? |
| Click here to enter text. |

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| 1. What is your preferred option or combination of options for meeting the UK’s reporting obligations to the European Commission and ensuring a cost-effective scheme, and are there any options that you think the Government should definitely not pursue? |
| Please explain your answer: |

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| 1. Should the same compliance route should be adopted for organisations complying via an approved EMS as for those undertaking ESOS assessments? |
| Yes  No |
| Comments / reasoning: |

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| 1. Who do you think should be appointed as the scheme administrator?    1. The Environment Agency working alongside devolved agencies    2. The National Measurement Office (NMO)    3. Trading Standards    4. Other (and if so, who)? |
| Environment Agency  NMO  Trading Standards  Other |
| Comments/reasoning: |

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| 1. Do you agree there should be some form of penalty applicable in the following instances, and are civil sanctions sufficient to address these misdemeanours?    1. Failure to notify the scheme administrator.    2. Failure to carry out an audit to the required standard.    3. Failure to provide information when requested by the scheme administrator.    4. Deliberately misleading the scheme administrator in response to a formal information request.    5. Refusing to allow the enforcement body access to premises, where access is reasonable (e.g. in order to ensure accuracy of audit findings). |
| Yes  No |
| Comments / reasoning: |

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| 1. Are there any other issues you wish to raise in relation to the Energy Savings Opportunity Scheme that have not been covered in other consultation questions? |
| Click here to enter text. |