

Useful Links

[ESOS Guidance](#)

[ESOS Website](#)

[ESOS Compliance Notification](#)

[Intent to Comply Notification](#)

[Approaches to ESOS audits](#)

Contact Us

ESOS@environment-agency.gov.uk

One month to go

With one month to go, we hope you're all getting ready to submit your notification of compliance.

When you are ready you can submit it here:

<https://www.gov.uk/energy-savings-opportunity-scheme-esos#submit-your-esos-notification-of-compliance>

If you press save during completion of the notification you will be presented with a hyperlink which you should save to your 'Favourites' so that you can return to complete the notification later. Please do this before asking for the hyperlink to be emailed to you just in case your server's firewall blocks the email for any reason. If you do not save the hyperlink you may have to start your notification again.

Letters to organisations

In the last few weeks we have sent out a final reminder letter to organisations which may qualify for the scheme. These letters outline our enforcement approach (explained in the last newsletter and reproduced on page 2 here), as well as re-iterating the need for organisations to assess whether they qualify and take the necessary steps to comply if they do.

These letters were addressed to the company secretary. Organisations that received a letter but believe they are not subject to ESOS can let us know that they don't qualify [here](#) (if they haven't informed us already). We will record this so that they don't receive further communications.

If you are going to be late

Last month we summarised the Environment Agency's enforcement approach for ESOS via issue 6 of the newsletter (this is re-iterated on page 2 of this newsletter). This included making you aware that we would not normally expect to take enforcement action for late notification provided it is received by 29 January 2016, and giving until 30 June 2016 for organisations committed to achieving ISO 50001 certification as a form of compliance.

If you know that you are not going to meet the 5 December 2015 deadline, for whatever reason, you need to inform us by that date using the online portal [here](#). This 'Intent to Comply' notification will ask you to provide the following information;

- *Organisational group name*
- *Trading name*
- *Registered office location*
- *Company registration number*
- *Whether the notification is on behalf of a trust*
- *Overseas parent name*
- *Number of organisations covered by the notification*
- *Contact details for a day to day contact*
- *Contact details for the board director that will be signing off your full ESOS compliance*
- *The principal reasons you are going to be late*
- *What you have left to do after the deadline*
- *When you expect to be compliant*
- *Whether you have appointed a lead assessor yet and if so their name, contact details and professional body.*
- *If you are going to comply fully via ISO 50001, your certification body and whether you have evidence from them that you are on target to comply by 30 June 2016.*

You are advised to do as much as you can before the deadline and keep evidence of this in your evidence pack. Please submit your notification of compliance as soon as you can.

ESOS enforcement position

The ESOS Regulations 2014 set out the scheme's requirements and include potential penalties for non-compliance. The full list of penalties is outlined in the [ESOS Compliance Guidance](#). The Environment Agency has published its approach to enforcement of ESOS in its [Enforcement and Sanctions Guidance](#) (see Annex 4 Section E). The other scheme regulators were consulted during its development and intend to apply a similar approach.

We are aware that there may be instances where organisations which qualify for ESOS are unable to complete an ESOS compliant assessment by 5 December 2015. There may also be cases where lead assessors are asked to take on work which they do not believe they can deliver by this date.

The deadline for compliance is set in the EU Energy Efficiency Directive and ESOS Regulations 2014. The scheme regulators cannot amend this deadline. Qualifying organisations that do not complete a compliant ESOS assessment and notify us by 5 December 2015 will be at risk of enforcement action including the possibility of civil penalties.

However, under the regulations the regulators are able to waive or modify enforcement action and penalties relating to non-compliance. The Environment Agency's enforcement approach includes details on specific penalties and how we intend to apply them for the first compliance period. This approach includes:

- Not normally expecting to take enforcement action for late notification provided it is received by 29 January 2016. This is not an extension to the legal deadline. Rather, it reflects our ability to exercise discretion when taking enforcement action.
- Giving until 30 June 2016 to achieve ISO 50001 (international energy management standard) certification as a form of compliance.
- A focus on bringing bodies into compliance using enforcement notices where necessary (normally allowing up to 3 months for organisations to remedy the outstanding compliance actions), serving civil penalties only in the most serious cases.
- In cases where an organisation's energy use is at a domestic levelⁱ we will not normally enforce the requirements for fully-compliant ESOS audits or alternative routes to compliance, and lead assessor review. But the organisation concerned would still need to make a

notification, confirm their energy use falls below the domestic threshold, consider and document opportunities for reducing their energy consumptionⁱⁱ; and record their compliance approach in their evidence packs.

- Organisations that qualify but have zero energy consumption, will only need to declare this to us. In such cases we will not normally enforce other elements of the scheme.

If an organisation makes a late notification we would expect them to keep records in their evidence pack of their efforts towards ESOS compliance, including appointment of a lead assessor, prior to the deadline.

If your organisation cannot comply fully by 5 December 2015, you will need to inform us of this by the same date via an [online portal](#), giving information on why you have been unable to comply and when you expect to submit your notification of compliance. Such organisations are advised to do as much as they can before the deadline.

ⁱ 'Domestic level' energy use is defined for the first compliance period as 40,000kWh/yr or below.

ⁱⁱ A Green Deal Assessment or Display Energy Certificate would normally be sufficient for energy use at a 'domestic level'. Such surveys take account of the building type and construction, energy consumption and occupancy to indicate a range of cost effective measures to improve energy efficiency.