

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5177 GIBRALTAR Thursday 3rd October 2024

LEGAL NOTICE NO. 187 OF 2024

ENVIRONMENTAL PROTECTION (ENERGY EFFICIENCY) ACT 2009

ENERGY SAVINGS OPPORTUNITY SCHEME (AMENDMENT) REGULATIONS 2024

In exercise of the powers conferred upon him by section 15 of the Environmental Protection (Energy Efficiency) Act 2009, and all enabling powers, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Energy Savings Opportunity Scheme (Amendment) Regulations 2024.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment to the Energy Savings Opportunity Scheme Regulations 2016.

3.(1) The Energy Savings Opportunity Scheme Regulations 2016 are amended in accordance with this regulation.

(2) In regulation 2(1)-

(a) insert the following definition after the definition for “approved register”-

““areas of significant energy consumption” has the meaning given in regulation 22(2);”;

(b) insert the following definition after the definition for “energy efficiency”-

““energy intensity ratio” has the meaning given in regulation 22C(3);”;

(c) insert the following definitions after the definition for “energy measurement unit”-

““energy saving category” means one of the following methods by which a participant can improve its energy efficiency-

(a) an energy management practice;

- (b) a behaviour change intervention;
- (c) training;
- (d) a control;
- (e) capital investment; or
- (f) a method not falling within paragraph (a) to (e);

“energy saving measure” has the meaning given in regulation 24A(7)(d);

“energy saving opportunity” has the meaning given in regulation 24(1)(c);”;

- (d) insert the following definitions after the definition for “ESOS Assessment”-

““ESOS action plan” has the meaning given in regulation 30A(3);

“ESOS progress update” has the meaning given in regulation 30B(2);

“ESOS report” has the meaning given in regulation 24A(4);”;

- (e) insert the following definition after the definition for “initial compliance period”-

““kWh” means kilowatt hours;”;

- (f) insert the following definition after the definition for “offshore undertaking”-

““organisational purpose” means one of the following purposes for which energy is consumed by assets held, or activities are carried on, by a participant-

- (a) for transport
- (b) for an industrial process
- (c) for buildings; or
- (d) for any other purpose not falling within paragraph (a) to (c);”;

- (g) in the definition for “participant”, in paragraph (b), for “ (7) or (10)” substitute “, (7), (7A), (7B) or (10)”;

- (h) insert the following definition after the definition for “qualification date”;

““reference period” has the meaning given in regulation 19(5);”;

- (i) insert the following definition after the definition for “scheme administrator”-

““significant energy consumption” has the meaning given in regulation 22(4);” and

- (j) insert the following definition after the definition for “small or medium undertaking”-

““standard industrial classification” means the Standard Industrial Classification of Economic Activities list published by Companies House;”.

- (3) In regulation 4, substitute subregulation (4) with the following-

“(4) The “compliance date” means-

- (a) in relation to the initial compliance period, the 5th December 2016;
- (b) in relation to the subsequent compliance period, the 5th December 2019;
- (c) in relation to the compliance period beginning on 6th December 2019-
 - (i) for the purposes of regulations 8 (publication of information), 19(3) (exclusion of assets no longer held on the compliance date), 23(4) (period of energy audit), 24A (ESOS report), 26 (notification of compliance) and 13(7) and (7A) (groups of undertakings - change of group), 5th June 2025;
 - (ii) for the purposes of regulations 30 (compliance with ISO 50001) 5th June 2025, as the participant elects; and
 - (iii) for all other purposes, 5th June 2025; and
- (d) in relation to all other compliance periods, the 5th December on which that compliance period ends.”.

- (4) In regulation 7-

- (a) subregulation (1), for “establish” substitute “ensure the establishment of”; and
- (b) delete subregulation (4).

- (5) In regulation 8-

- (a) renumber regulation 8 to “8.(1)”;

- (b) in the newly renumbered subregulation (1)-
 - (i) after “the following information” insert “to the extent that it is”;
 - (ii) in paragraph (a), after “the Scheme” insert “excluding Part 6A”;
 - (iii) in paragraph (b), for “or have notified information under regulation 26(2)(a)(vi) or (vii), that information.” substitute “that information.”;
 - (iv) insert the following paragraphs, after paragraph (b);
 - “(c) the information specified in column 3 of Tables A to I in the Schedule;
 - (d) each ESOS action plan; and
 - (e) each ESOS progress update.”; and
 - (v) insert the following subregulation after subregulation (1)-
 - “(2) The scheme administrator must publish the information referred to in-
 - (a) subregulation (1)(a), (b) and (c), within the period of 6 months beginning with the compliance date for the compliance period to which the information relates, or within the period of 6 months beginning with the date of notification of the information using the Notification System, whichever is the later;
 - (b) subregulation (1)(d), within the period of 6 months beginning with the date by which the responsible undertaking must notify the ESOS action plan in accordance with regulation 30A(6), or within the period of 6 months beginning with the date of notification of the information using the Notification System, whichever is the later; and
 - (c) subregulation (1)(e), within the period of 6 months beginning with the date by which the responsible undertaking must notify the ESOS progress update in accordance with regulation 30B(6), or within the period of 6 months beginning with the date of notification of the information using the Notification System, whichever is the later.”.
- (6) In regulation 12, in subregulation (4), substitute “or (10)” for “, (7A), (7B) or (10)”.
- (7) In regulation 16-
- (a) in subregulation (4), substitute “or (10)” for “(7A), (7B) or (10)”;

- (b) in subregulation (6), substitute “and (11)” for “, (7A), (7B) and (11)”.
- (8) In regulation 18, insert the following subregulation after subregulation (2)-
- “(3) This regulation does not apply in relation to a participant whose total energy consumption as calculated in accordance with regulations 19 to 22A, is less than 40,000 kwh of energy.”.
- (9) Insert the following regulation after regulation 18-
- “Estimates.**
- 18A.(1) Where a responsible undertaking uses an estimate in accordance with these Regulations it must record details of the method used to make the estimate.
- (2) Where a responsible undertaking uses an estimate in accordance with regulations 20(7), 22A(2), 22B(3) or 23(7)(b) it must-
- (a) notify the scheme administrator that an estimate was used; and
- (b) record in the evidence pack, the reasons why the estimate was used.”.
- (10) In regulation 19, in subregulation (1), delete “, unless regulation 30(3) applies,”.
- (11) In regulation 22-
- (a) in subregulation (1), in every instance that it occurs, for “19 to 21” substitute “19 to 22A”;
- (b) in subregulation (2), for “90%” substitute “95%”; and
- (c) insert the following subregulations after subregulation (2)-
- “(3) Where the responsible undertaking elects to identify the participant’s areas of significant energy consumption, the responsible undertaking must calculate the participant’s significant energy consumption.
- (4) In these Regulations “significant energy consumption,” in relation to a participant, means the amount of the participant’s total energy consumption that is accounted for by the participant’s areas of significant energy consumption.”.
- (12) Insert the following regulations after regulation 22-
- “Conversion into kWh units.**
- 22A.(1) Where a participant’s total energy consumption, or, if applicable, significant energy consumption, as calculated in accordance with regulations 19, 20, 21, 22

and 22A, is not measured in kWh, the responsible undertaking must convert the participant's total energy consumption, or significant energy consumption into kWh.

- (2) The conversion under subregulation (1) must-
- (a) where reasonably practicable, be based on verifiable date; or
 - (b) otherwise, be based on a reasonable estimate of the amount of energy consumed in kWh.

Amount of energy consumption related to organisational purposes.

22B.(1) After calculating the participant's total energy consumption in accordance with regulations 19, 20, 21, 22 and 22A, the responsible undertaking must calculate-

- (a) in any case where the responsible undertaking has elected to identify the participant's areas of significant energy consumption, the amount of the participant's significant energy consumption that is attributable to each organisational purpose expressed in kWh; or
- (b) in any other case, the amount of the participant's total energy consumption that is attributable to each organisational purpose, expressed in kWh.

(2) When added together, the results of the calculations-

- (a) under subregulation (1)(a) must equal the participant's significant energy consumption; or
- (b) under subregulation (1)(b) must equal the participant's total energy consumption.

(3) The calculations under subregulation (1)(a) or (b) must-

- (a) where reasonably practicable, be based on verifiable data, or
- (b) otherwise, be based on a reasonable estimate of the amount of the participant's significant energy consumption or the amount of the participant's total energy consumption, as the case may be, that is attributable to the organisational purpose.

Energy Intensity Ratio.

22C.(1) After carrying out the calculations referred to in regulation 22B(1)(a) or (b), the responsible undertaking must calculate at least one energy intensity ratio in relation to each organisational purpose.

(2) Subregulation (1) does not apply in relation to an organisational purpose if the result of the calculation carried out under regulation 22B(1) in respect of the organisational purpose is zero.

(3) In these Regulations, an “energy intensity ratio” in relation to an organisational purpose, is a ratio which expresses A in relation to B, where-

“A” is the result of the calculation carried out under regulation 25B(1) in respect of the organisational purpose; and

“B” is a quantifiable factor associated with assets held, or activities carried out by the participant for the organisational purpose, over the reference period.”.

(13) In regulation 23-

(a) insert the following subregulation after subregulation (3)-

“(3A) An energy audit must include visits to sites that the responsible undertaking considers are representative of how energy is used by the assets held, and activities carried on, by the participant during the 12 month period referred to in subregulation (3).”;

(b) delete subregulation (8); and

(c) insert the following subregulation after the newly deleted subregulation (8)-

“(9) The responsible undertaking must record details of how it has carried out each energy audit in accordance with regulations 23 and 24 including-

(a) the period during which the energy audit was carried out;

(b) the 12 month period to which the energy audit relates;

(c) as measured in accordance with subregulation (3)-

(i) the participant’s energy consumption in relation to its areas of significant energy consumption; or

(ii) where subregulation (1)(b) applies, the participant’s total energy consumption;

(d) the number of sites at which the participant holds assets, or carries on activities, to which the energy audit relates;

(e) the number of sites visited for the energy audit;

- (f) the reasons why the sites visited for the energy audit are considered to be representative of how energy is used by the range of assets held, and activities carried on, by the participant during the 12 month period to which the energy audit relates; and
- (g) where subregulation (7)(a) applies, details of the extent to which, and the reasons why, 12 months' verifiable data was not used.”.

(14) In regulation 24-

(a) in subregulation (1)-

- (i) in paragraph (c) for “; and” substitute “;”;
- (ii) substitute paragraph (d) with the following-

“(d) in respect of each energy saving opportunity-

- (i) identify the organisational purpose to which the energy saving opportunity most closely relates;
 - (ii) identify the energy saving category to which the energy saving opportunity most closely relates;
 - (iii) identify any considerations relevant to the implementation of the energy saving opportunity, including, if applicable information on any schemes under which grants or tax deductions from the Government of Gibraltar may be available to support implementation of the energy saving opportunity;
 - (iv) estimate, in pounds, the costs and benefits of implementing the energy saving opportunity;
 - (v) identify any other non-financial costs and benefits that are not included in the estimate referred to in subparagraph (iv);
 - (vi) estimate the annual reduction in energy spend and the annual reduction in energy consumption which would be achieved as a result of implementing the energy saving opportunity; and
 - (vii) calculate the payback period for the energy saving opportunity; and”;
- (iii) insert the following paragraph after paragraph (d)-

“(e) recommend a programme for implementation of the energy saving opportunities (if any), including-

- (i) a timescale for implementation of the energy saving opportunities;
- (ii) the estimated costs and benefits of implementing the programme; and
- (iii) the payback period calculated for the programme.”.

(b) Insert the following subregulation after subregulation (6)-

“(7) In these Regulations-

“payback period” in relation to an energy saving opportunity or programme means the period of time in years calculated as-

$$\frac{a}{b}$$

where—

“a” is the estimated cost of implementing the energy saving opportunity or programme, and

“b” is the estimated reduction in energy costs per year from implementing the energy saving opportunity or programme.”.

(15) Insert the following regulations after regulation 24-

“ESOS Report.

24A.(1) A responsible undertaking must produce an ESOS report in relation to each ESOS assessment.

(2) Subregulation (1) does not apply in relation to an ESOS assessment carried out for a compliance period ending on or before 5th December 2019.

(3) The ESOS report must be produced before the compliance date for the compliance period to which the ESOS assessment relates.

(4) In these Regulations, an “ESOS report” is a written record containing-

- (a) the information required by subregulation (5);
- (b) where the responsible undertaking has conducted an energy audit under regulations 23 and 24, the information required by subregulation (6);

- (c) where the participant is deemed to have complied with regulations 23 and 24 by virtue of Part 6, the information required by subregulation (7);
 - (d) the information specified in column 1 of Tables A, C and E in the Schedule;
 - (e) where the responsible undertaking is one of two or more relevant undertakings complying with the Scheme as one participant, the information specified in column 1 of Tables A, C and E in the Schedule; and
 - (f) where a lead assessor is required to be appointed under regulation 18, the information specified in column 1 of Table D in the Schedule.
- (5) An ESOS report must include-
- (a) the participant's total energy consumption;
 - (b) where the responsible undertaking has elected to identify the participant's areas of significant energy consumption, the participant's significant energy consumption, expressed in kWh, and the percentage of the participant's total energy consumption it represents;
 - (c) the energy intensity ratios calculated in accordance with regulation 22C; and
 - (d) an estimate of energy savings achieved by the participant, produced in accordance with regulation 24B(1).
- (6) Where a responsible undertaking has conducted an energy audit under regulations 23 and 24, the ESOS report must include in relation to the energy audit—
- (a) the information required to be recorded in accordance with paragraphs (a) to (f) of regulation 23(9);
 - (b) a description of the analysis carried out in accordance with regulation 24(1)(a);
 - (c) the information referred to in paragraphs (b) to (e) of regulation 24(1);
 - (d) the sum of all the estimates made in accordance with regulation 24(1)(d) (annual reductions in energy spend and energy consumption);
 - (e) for each organisational purpose, the sum of the estimates made in accordance with regulation 24(1)(d)(vi) in respect of energy saving opportunities that are identified in accordance with regulation 24(1)(d)(i) as most closely relating to that organisational purpose; and

- (f) for each energy saving category, the sum of the estimates made in accordance with regulation 24(1)(d)(vi) in respect of any energy saving opportunities that are identified in accordance with regulation 24(1)(d)(ii) as most closely relating to that energy saving category.
- (7) Where the participant is deemed to have complied with regulations 23 and 24 by virtue of Part 6, an ESOS report must include-
- (a) where compliance is by virtue of regulation 30 (compliance with ISO 50001), information on which assets held, or activities carried on by the participant fall under the certified energy management system;
 - (b) the percentage of the participant's total energy consumption that falls within regulation 30;
 - (c) any way in which the participant can improve its energy efficiency that is recommended to the participant through its method of deemed compliance with regulations 23 and 24 ("an energy saving measure");
 - (d) to the extent that the participant has obtained the information through its method of deemed compliance with regulations 23 and 24-
 - (i) the organisational purpose and the energy saving category to which each energy saving measure most closely relates;
 - (ii) the estimated annual reduction in energy spend and energy consumption from implementing each energy saving measure;
 - (iii) the sum of all the estimates made in accordance with paragraph (ii);
 - (iv) for each organisation purpose, the sum of the estimates made in accordance with paragraph (ii) in respect of any energy saving measures that are identified in accordance with paragraph (i) as most closely relating to that organisational purpose; and
 - (v) for each energy saving category, the sum of the estimates made in accordance with paragraph (ii) in respect of any energy saving measures that are identified in accordance with paragraph (i) as most closely relating to that energy saving category;
 - (e) considerations relevant to the implementation of each energy saving measure, including, if applicable information on any existing schemes under which grants or tax deductions from the Government of Gibraltar may be available to support implementation of the energy saving measure; and

- (f) a programme, including a timescale, for implementation of the energy saving measures (if any).

(8) In this regulation-

- (a) references to a participant's method of deemed compliance with regulations 23 and 24 mean, where compliance is by virtue of regulation 30, the certified energy management system referred to in that regulation;
- (b) references to a participant's total energy consumption are references to the participant's total energy consumption, in kWh, as calculated in accordance with regulations 19 to 22A.

Energy savings since the previous compliance date.

24B.(1) In preparation of an ESOS report under regulation 24A, a responsible undertaking must produce an estimate of energy savings achieved by the participant in the period beginning immediately after the previous compliance date and ending on the compliance date for the compliance period to which the ESOS report relates.

(2) The responsible undertaking must also-

- (a) estimate the proportion of the energy savings referred to in subregulation (1) that most closely relates to each organisational purpose;
- (b) identify, where reasonably practicable, the measures implemented by the participant to achieve the energy savings referred to in subregulation (1); and
- (c) for each measure identified in accordance with paragraph (b)-
 - (i) identify the energy saving category to which the measure most closely relates, and
 - (ii) calculate the payback period for the measure.

(3) Subregulation (2)(c) does not apply to a measure unless the energy saving category to which the measure most closely relates, and the payback period for the measure, has been previously identified and calculated, as the case may be, in an energy audit under regulation 23 and 24.

(4) In this regulation, "payback period" has the same meaning in relation to a measure as it has in regulation 24(7) in relation to an energy saving opportunity or programme.

Disclosure of information to group undertaking.

24C.(1) Subject to subregulations (2) and (3), where there is any group undertaking in relation to the responsible undertaking on the qualification date for the compliance period to which the ESOS report relates, the responsible undertaking must disclose to the group undertaking those parts of the ESOS report and the evidence pack relevant to the group undertaking.

(2) The responsible undertaking is not required to disclose any part of the evidence pack to the group undertaking unless the participant is deemed to have complied with regulations 23 and 24 by virtue of Part 6.

(3) To the extent that disclosure of those parts of the ESOS report or the evidence pack relevant to the group undertaking is prohibited by law-

(a) subregulation (1) does not apply; and

(b) the responsible undertaking must notify the scheme administrator using the Notification System identifying—

(i) the parts of the ESOS report or the evidence pack that the responsible undertaking is prohibited from disclosing to the group undertaking; and

(ii) the reasons why the responsible undertaking considers that disclosure of those parts of the ESOS report or the evidence pack is prohibited by law.

(4) For the purposes of this regulation, the parts of an ESOS report and evidence pack relevant to a group undertaking are those parts identifying-

(a) where the responsible undertaking has conducted an energy audit under regulations 23 and 24-

(i) any energy saving opportunity which relates to energy consumed, assets held, or activities carried on by the group undertaking;

(ii) the estimated costs and benefits of implementing any such energy saving opportunity;

(iii) any considerations relevant to the implementation of any such energy saving opportunity; and

(iv) any analysis of energy consumption and energy efficiency carried out in accordance with regulation 24(1)(a), including any energy consumption profiles produced in accordance with regulation 24(2)

and 24(3) which relates to energy consumed, assets held, or activities carried on by the group undertaking; and

- (b) where the participant is deemed to have complied with regulation 23 and 24 by virtue of Part 6-
 - (i) where compliance is by virtue of regulation 30, any information under an ISO50001 energy management system as defined in that regulation relating to energy reviews which may relate to such group undertaking;
 - (ii) any energy saving measure which relates to energy consumed, assets held, or activities carried on, by the group undertaking; and
 - (iii) any considerations relevant to the implementation of any such energy saving measure.”.

(16) In regulation 25-

(a) in subregulation (1)-

- (i) in paragraph (a), for “22” substitute “22A”;
- (ii) in paragraph (c), for “or (11)” substitute “, (7A), (7B) or (11);
- (iii) in paragraph (d), for “; and” substitute “;”;
- (iv) in paragraph (e), for “20(7)(b)(ii), 23(8)(b), or 24(6)(b).” substitute “18A(1), 24(6)(b), 30A(5)(b) or 30B(5)(b);”;
- (v) insert the following paragraphs after paragraph (e);
 - “(f) any ESOS report;
 - (g) the information notified to the scheme administrator in accordance with regulation 26;
 - (h) any ESOS action plan; and
 - (i) any ESOS progress update.”;

(b) substitute the following for subregulation (2)-

“(2) The evidence pack must be kept-

- (a) in relation to the initial compliance period, until at least 5th June 2025;

- (b) in relation to any other compliance period, for at least two subsequent compliance periods following the compliance period to which it relates.”.

(17) Substitute the following for the heading to Part 5-

“PART 5
***Notification and confirmation requirements for ESOS Assessments*”**

(18) In regulation 26-

(a) in subregulation (1)-

(i) substitute the following for paragraph (a);

“(a) where the responsible undertaking has conducted an energy audit under regulations 23 and 24, the information specified in column 2 of tables A, C and E, F, G and H in the Schedule;”

(ii) insert the following paragraphs after paragraph (a)-

“(aa) where the participant is deemed to have complied with regulations 23 and 24 by virtue of Part 6-

(i) to the extent not already provided under paragraph (a), the information specified in column 2 of tables A, C, E, F, and H in the Schedule;

(ii) to the extent that information is obtained by the participant through its method of deemed compliance with regulations 23 and 24, the information specified in column 2 of Table G in the Schedule; and

(iii) the information specified in column 2 of Table I in the Schedule;

(ab) where the responsible undertaking is one of two or more relevant undertakings complying with the Scheme as one participant, the information specified in column 2 of Table B in the Schedule;

(ac) where a lead assessor is required to be appointed under regulation 18, the information specified in column 2 of Table D in the Schedule; and”;

(b) insert the following subregulation after subregulation (1)-

“(1A) In subregulation (1)(aa)(ii), references to the participant’s “method of deemed compliance with regulations 23 and 24” have the same meaning

as references to “method of deemed compliance with regulations 23 and 24” in regulation 24A(8).”; and

- (c) delete subregulation (2).
- (19) In regulation 27, insert the following subregulation after subregulation (3)-
- “(3A) In any case where a lead assessor is not required to be appointed by virtue of regulation 18(3), two responsible officers must be nominated.”.
- (20) In regulation 28, in paragraph (a)-
- (a) in subparagraph (ii), for “the Scheme” substitute “Parts 4 to 6”; and
 - (b) substitute the following for subparagraph (iii)-
 - “(iii) the information provided under regulation 26 is correct; and”.
- (21) In regulation 30-
- (a) in subregulation (1), for “compliance period” substitute “relevant period”;
 - (b) in subregulation (3), for “Part 4 of these Regulations” substitute-
 - “-
 - (a) the duty to carry out an energy audit in regulation 17;
 - (b) regulation 18; and
 - (c) regulations 23 and 24.”;
 - (c) in subregulation (4)-
 - (i) in paragraph (c), for “; and” substitute “;”;
 - (ii) in paragraph (d), for “law.” substitute “law; and”
 - (iii) insert the following paragraph after paragraph (d)-
 - “(e) “relevant period” means-
 - (i) in the case of the compliance period beginning on 6th December 2019, the period beginning on that date and ending on the compliance date;
 - (ii) in any other case, the compliance period.”.

(22) Insert the following Part after Part 6-

“PART 6A
ESOS action plan and ESOS progress update

ESOS action plan.

30A.(1) Following a notification by a responsible undertaking under regulation 26(1) in relation to a compliance period, the responsible undertaking must produce an ESOS action plan.

(2) subregulation (1) does not apply to a notification made under regulation 26(1) in relation to a compliance period ending on or before 5th December 2019.

(3) An “ESOS action plan” is a written record-

(a) setting out-

(i) each measure to improve its energy efficiency that the participant proposes to implement before the end of the relevant compliance period;

(ii) whether the measure was recommended by an energy audit in accordance with regulation 24(1)(c);

(iii) the date by which the participant proposes to implement the measure;

(iv) an estimate of the total energy savings that the participant reasonably expects to achieve during the relevant compliance period by implementing the measure, in energy measurement units;

(v) an estimate of the amount of the energy savings referred to in subparagraph (iv) that the participant reasonably expects to achieve in relation to each organisational purpose, in energy measurement units; and

(vi) the method used to calculate the estimate under subparagraph (iv), or paragraph (b) containing a statement that there is no measure to improve its energy efficiency that the participant proposes to implement before the end of the relevant compliance period; or

(b) containing a statement that there is no measure to improve its energy efficiency that the participant proposes to implement before the end of the relevant compliance period.

(4) Where the ESOS action plan contains an estimate in accordance with subregulation (3)(a)(iv), the responsible undertaking must identify whether the estimate is based on-

- (a) the estimated benefits calculated as part of the energy audit carried out in accordance with regulation 24(1)(d);
 - (b) estimated energy savings calculated through a method of deemed compliance with regulations 23 and 24; or
 - (c) another reasonable estimation method.
- (5) Where an estimate is based on another reasonable estimation method by virtue of subregulation (4)(c), the responsible undertaking must-
- (a) record a brief description of the method used to estimate the energy savings; and
 - (b) record the reason for using this method in the evidence pack.
- (6) Using the Notification System, the responsible undertaking must notify the scheme administrator of the ESOS action plan by providing-
- (a) the ESOS action plan; and
 - (b) the confirmation required by subregulation (8).
- (7) The notification required by subregulation (6) must be provided-
- (a) in relation to the compliance period beginning on 6th December 2019 by 5 June 2025; and
 - (b) in relation to all other compliance periods, within the period starting on the first day of the relevant compliance period and ending on the day before the one-year anniversary of that date.
- (8) The notification required by subregulation (6) must include confirmation that-
- (a) the responsible officer is satisfied to the best of their knowledge that the responsible undertaking has complied with subregulations (1) to (5); and
 - (b) the responsible officer has seen and considered the ESOS action plan.
- (9) In subregulation (4)(b), references to the participant's "method of deemed compliance with regulations 23 and 24" have the same meaning as references to "method of deemed compliance with regulations 23 and 24" in regulation 24A(8).
- (10) In this Regulation "relevant compliance period" means the compliance period following the compliance period to which the notification referred to in subregulation (1) relates.

ESOS progress update.

30B.(1) Following notification of an ESOS action plan under regulation 30A(6) (“the latest ESOS action plan”), the responsible undertaking must produce-

- (a) an ESOS progress update during the period starting on the one year anniversary of the first day of the relevant compliance period and ending on the day before the two year anniversary of the first day of the relevant compliance period (“an initial progress update”); and
- (b) an ESOS progress update during the period starting on the two year anniversary of the first day of the relevant compliance period and ending on the day before the three year anniversary of the first day of the relevant compliance period (“a further progress update”).

(2) An ESOS progress update is a written record identifying any action taken by or on behalf of the participant since the relevant event to implement measures to improve the participant’s energy efficiency.

(3) An ESOS progress update must include-

- (a) information identifying-
 - (i) any measure set out in the latest ESOS action plan that the participant has implemented since the relevant event;
 - (ii) whether such measure was implemented by any date specified for it in the latest ESOS action plan; and
 - (iii) any measure set out in the latest ESOS action plan that the participant has not implemented by any date specified for it in the latest ESOS action plan; and
- (b) an estimate for the reduction in energy consumption that has been, or will be achieved during the relevant reporting period as a result of the actions identified in the ESOS progress update, calculated in energy measurement units, and
- (c) the method used to produce the estimate in accordance with paragraph (b).

(4) In relation to the estimate referred to in subregulation (3)(b), the responsible undertaking must identify whether the estimate is based on-

- (a) an estimate of the reduction in energy consumption produced as part of an energy audit carried out in accordance with regulation 24(1)(d)(vi);

- (b) an estimate included in the latest ESOS action plan; or
- (c) another reasonable estimation method.

(5) Where an estimate is based on another reasonable estimation method by virtue of subregulation 4(c), the responsible undertaking must-

- (a) record a brief description of the method used to estimate the reduction in energy consumption; and
- (b) record the reason for using this method in the evidence pack.

(6) Using the Notification System, the responsible undertaking must notify the scheme administrator of the ESOS progress update by providing-

- (a) the ESOS progress update; and
- (b) the confirmation required by subregulation (7) within the relevant reporting period.

(7) The notification required by subregulation (6) must include confirmation that-

- (a) the responsible officer is satisfied to the best of their knowledge that the responsible undertaking has complied with subregulations (1) to (5); and
- (b) the responsible officer has seen and considered the ESOS progress update.

(8) In this Regulation-

“relevant compliance period” has the same meaning as in regulation 30A(10);

“relevant event” means-

- (a) in the case of an initial progress update, the notification of the latest ESOS action plan under regulation 30A(6);
- (b) in the case of a further progress update, the notification of the initial progress update under subregulation (6).

“relevant reporting period” means—

- (a) in the case of an initial progress update, the period referred to in subregulation (1)(a);
- (b) in the case of a further progress update, the period referred to in subregulation (1)(b).”.

(23) In regulation 13, insert the following subregulations after subregulation (7)-

“(7A) Any undertaking which is a member of a highest parent group, or of a participant formed in accordance with subregulation (3)(b) or (c), on the compliance date, and ceases to be part of that group or participant before the last date by which an ESOS action plan is required to be notified under regulation 30A(6)-

- (a) may agree in writing with the highest parent that it will comply with regulations 30A and 30B as if it were still a member of that group or participant;
- (b) may agree in writing with the highest parent of another highest parent group that it will comply with regulations 30A and 30B as a member of that group; or
- (c) in the absence of an agreement made in accordance with paragraph (a) or (b), must-
 - (i) comply with regulations 30A and 30B on its own behalf; and
 - (ii) be the responsible undertaking in relation to its compliance with those regulations.

(7B) Any undertaking which is a member of a highest parent group, or of a participant formed in accordance with subregulation (3)(b) or (c), on the last date by which an ESOS action plan is required to be notified under regulation 30A(6), and ceases to be part of that group or participant before the last date by which an ESOS progress update is required to be notified under regulation 30B(6)-

- (a) may agree in writing with the highest parent that it will comply with regulation 30B as if it were still a member of that group or participant;
- (b) may agree in writing with the highest parent of another highest parent group that it will comply with regulation 30B as a member of that group; or
- (c) in the absence of an agreement made in accordance with paragraph (a) or (b) must-
 - (i) comply with regulation 30B on its own behalf; and
 - (ii) be the responsible undertaking in relation to its compliance with that regulation.”.

(24) Insert the following Schedule, after regulation 49-

“

SCHEDULE

Information to be included in ESOS report, to be notified to scheme administrator and to be published by scheme administrator

Table A			
Information in relation to responsible undertaking			
<i>Information in relation to responsible undertaking</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
Name	Yes	Yes	Yes
Email address and telephone number	No	Yes	No
Registered office (where applicable)	No	Yes	Yes
Principal place of activity, where the responsible undertaking has no registered office	No	Yes	Yes
Company registration number (where applicable)	No	Yes	Yes
Trading or other name by which the responsible undertaking is commonly known (where applicable)	No	Yes	Yes
Name, postal address, email address and telephone number of at least two individuals who will act as contacts for the responsible undertaking, one of whom is the responsible officer	No	Yes	No
Where the responsible undertaking has a parent undertaking to which these Regulations do not extend (the “global	no	Yes	Yes

parent”), the name of the global parent, and the trading or other name of the group of undertakings of which the global parent is the parent			
Standard industrial classification code or other equivalent industrial classification of the responsible undertaking and (where different) of other relevant undertakings where complying as one participant	No	Yes	Yes
Reasons for classification of the responsible undertaking as a large undertaking, or small or medium undertaking as determined in accordance with Part 3	No	Yes	Yes

Table B

Information in relation to the participant where the responsible undertaking is one of two or more relevant undertakings complying with the Scheme as one participant			
<i>Information in relation to the participant</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
The number of relevant undertakings comprising the participant	Yes	Yes	Yes
The names and companies house registration numbers (where applicable) of the relevant undertakings comprising the participant	No	Yes	Yes

where regulation 13(1) applies, the fact that an agreement under regulation 13(2) has been made, and the names of the relevant highest parents	No	Yes	Yes
the name of any relevant undertaking that has ceased to be part of the participant since the qualification date by virtue of regulation 13(3) or (7)	No	Yes	Yes
corporate group structure chart or other information setting out the relationship between the relevant undertakings complying with the Scheme as one participant, including the responsible undertaking, any franchisees, any relevant undertaking that has ceased to be part of the participant since the qualification date by virtue of regulation 13 (3) or (7) and any parent undertaking of the responsible undertaking to which these Regulations do not extend	Yes	Yes	Yes

Table C			
Information in relation to the to the responsible officer			
<i>Information in relation to the participant</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
Name	Yes	Yes	No
Full title or position in the participant or relevant undertaking	Yes	Yes	Yes

Contact details	No	Yes	No
date on which the responsible officer considered the recommendations of the audit in accordance with regulation 28(b)	No	Yes	Yes

Table D

Information in relation to lead assessor where one is required under regulation 21

<i>Information in relation to the participant</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
Name	Yes	Yes	No
The approved register	Yes	Yes	Yes
whether the lead assessor is employed by the participant or by an undertaking which is a group undertaking in respect of the participant	No	Yes	No

Table E

Information in relation to all other people who have carried out a significant proportion of site visits or data gathering for the energy audit, or drafted significant parts of the ESOS report

<i>Information in relation to the participant</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
name of each natural person who has carried out a significant proportion of the site visits required by regulation 23(3A), gathered a significant amount of the data used for carrying out the energy audit, or drafted significant parts of the ESOS report (a “specified person”)	Yes, where recorded	Yes, where recorded	No

whether the specified person is employed by the participant, or an undertaking which is a group undertaking in respect of the participant	No	Yes, where recorded	No
whether the lead assessor is employed by the participant or by an undertaking which is a group undertaking in respect of the participant	No	Yes	No

Table F			
Information in relation to ESOS Assessment			
<i>Information in relation to the participant</i>	<i>Column 1 - to be included in ESOS report under regulation 24A(4)</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
Whether, and if so to what extent, the participant has relied on Part 6 in complying with the Scheme.		Yes	Yes
Details of estimates produced in accordance with Part 4 and required to be notified under regulation 22A.		Yes	Yes
Details of site visits required to be recorded under regulation 23(9)(e) and (f).		Yes	Yes
Where applicable, that the energy audit does not include an analysis based on energy consumption profiles (as defined in accordance with regulation 24(3)).		Yes	No
Where applicable, information relating to non-disclosure of information to a group undertaking as specified in regulation 24C(3)(b).		Yes	No

Where applicable, details of the extent to which and the reasons why 12 months' verifiable data was not used as required to be recorded under regulation 23(9)(g).		Yes	No
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Table G			
Information in relation to participant's energy consumption			
<i>Information in relation to the participant</i>	<i>Column 1 – intentionally left blank</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
the participant's total energy consumption in kWh calculated in accordance with regulations 19 to 22A.		Yes	Yes
the amount of the participant's total energy consumption that is attributable to each organisational purpose as calculated in accordance with regulation 22B(1)(b).		Yes	No
where applicable, the participant's significant energy consumption in kWh.		Yes	Yes
where applicable, the amount of the participant's significant energy consumption in kWh that is attributable to each organisational purpose as calculated in accordance with regulation 22B(1)(a).		Yes	No
where applicable, the percentage of the participant's total energy consumption that is accounted for by the participant's areas of significant energy consumption.		Yes	Yes

the energy intensity ratios calculated in accordance with regulation 22C.		Yes	Yes
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Table H

Information in relation to energy savings opportunities identified through an energy audit in accordance with regulation 26

<i>Information in relation to the participant</i>	<i>Column 1 – intentionally left blank</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
the sum of all the estimates made in accordance with regulation 24(1)(d)(vi) (annual reductions in energy spend and energy consumption).		Yes	Yes
for each organisational purpose, the sum of the estimates made in accordance with regulation 24(1) (d)(vi) in respect of any energy saving opportunities that are identified in accordance with regulation 24(1)(d) (i) as most closely relating to that organisational purpose.		Yes	No
for each energy saving category, the sum of the estimates made in accordance with regulation 24(1) (d)(vi) in respect of any energy saving opportunities that are identified in accordance with regulation 24(1)(d) (ii) as most closely relating to that energy saving category.		Yes	No
the estimate of energy savings achieved, as produced in accordance with 24B(1).		Yes	Yes

the estimates of the proportion of the energy savings that relate to each organisational purpose, in accordance with 24B(2)(a).		Yes	No

Table I			
Information in relation to compliance with the Scheme under regulation 33 or 34 (alternative routes to compliance)			
<i>Information in relation to the participant</i>	<i>Column 1 – intentionally left blank</i>	<i>Column 2 - to be notified to the scheme administrator under regulation 26</i>	<i>Column 3 - to be published by the scheme administrator under regulation 8</i>
Where compliance is by virtue of regulation 30 (ISO 50001 certification), the details specified in regulation 24A(7) (a) and (c).		Yes	Yes
The estimate of energy savings achieved, as produced in accordance with regulation 24B(1).		Yes	Yes
the estimates of the proportion of the energy savings that relate to each organisational purpose, as produced in accordance with 24B(2)(a).		Yes	No
for each organisational purpose the sum of the estimates made in accordance with regulation 24A(7)(e) (ii) in respect of any energy saving measures that are identified in accordance with regulation 274(7)(e) (i) as most closely relating to that organisational purpose.		Yes	No
the sum of the estimates made in accordance with regulation 24A(7)(e) (ii) in respect of		Yes	Yes

all the energy saving measures identified in accordance with regulation 24A(7)(d).			
for each energy saving category, the sum of the estimates made in accordance with regulation 24A(7)(e) (ii) in respect of any energy saving measures that are identified in accordance with regulation 24A(7)(e) (i) as most closely relating to that energy saving category.		Yes	No

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Dated: 3rd October 2024.

PROF J CORTES,
Minister with responsibility for the Environment.