



Republic of Moldova
Government
DECISION No. _____
dated _____ 2012
Chisinau

Approval of the Regulation on the Authorisation of Energy Auditors

Pursuant to Article 12 paragraph 1) of the Energy Efficiency Law No. 142 dated 02 July 2010 (Official Gazette of the Republic of Moldova, 2010, No.155-158, Article. 545), the Government

HAS DECIDED:

1. To approve the Regulation on the Authorisation of Energy Auditors (attached).
2. The Ministry of Economy shall be in charge with the enforcement of this Decision.

PRIME MINISTER

Vladimir FILAT

Countersigned by:

**Deputy Prime Minister,
Minister of Economy**

Valeriu LAZAR

No. ____ . Chisinau _____ 2012.

Regulation
on the Authorisation of Energy Auditors

I. General Provisions

1. This Regulation defines the legal framework for authorising the natural and legal persons appointed as Energy Auditors to perform energy audits and identify solutions with enhanced energy efficiency.
2. The Agency for Energy Efficiency (hereinafter referred to as the Agency) shall authorise natural and legal persons to carry out energy audits.
3. The Energy Auditor's authorisation process involves reviewing/considering the professional training and practical experience of the individual who intends to perform energy audits.
4. The Energy Auditors Authorisation Commission (hereinafter referred to as the Commission), established by the Agency, shall determine whether natural and legal persons meet the Energy Auditor's qualification requirements.
5. The present Regulation sets forth the following:
 - a) The appointment as an Energy Auditor is proven by the authorisation/licence, seal/stamp and identity card;
 - b) The Energy Auditor' licence, stamp and identity card shall be featured pursuant to the template developed and approved by the Agency;
 - c) The Energy Auditor's licence and identity card shall be signed by the Agency Director;
 - d) The Energy Auditor's licence and stamp shall be non-transferrable and held by named individuals.

6. For the purpose of this Regulation:

Electrical Energy Auditor shall mean any natural or legal person, authorised by law, pursuing the goal to quantify/evaluate the flows of electrical power;

Thermal Energy Auditor shall mean any natural or legal person, authorised by law, pursuing the goal to quantify/evaluate the flows of heat.

II. Setting the Commission and defining its competences

7. The Agency Director shall establish the Commission and appoint expressly its Chairperson by having issued an Order/Policy in this regard.

8. The nominal composition of the Commission includes three people: the Chairperson and two members, who shall sign a personal consent to become members of the Commission and meet the requirements laid down in Article 12, paragraph (3) of the Energy Efficiency Law No. 142 dated 02 July 2012.
9. The Commission comprises Agency representatives.
10. The Commission competences are stipulated expressly in Article 12 paragraph (4) of the Energy Efficiency Law No. 142 dated 02 July 2012.
11. The Commission Chairperson shall ensure the unfolding of its activity, countersign the Energy Auditor's licence and identity card, and decide upon convening the Commission sittings whenever necessary.
12. The Commission membership shall be withdrawn in the following situations:
 - a) The Agency Director has issued an order in this regard;
 - b) The individual has been relieved from the Agency. Any job promotion shall not serve as ground for the membership withdrawal;
 - c) The Commission member has lodged a request on the name of the Agency Director about his/her voluntary resignation;
 - d) The Commission member has died;
 - e) The Commission member has infringed the rules of moral conduct, was involved in corruption deeds or actions associated with corruption.
13. In order to facilitate the fulfilment of the Commission competences, the Agency will act as the Secretaryship, being assigned with the following competences:
 - a) To receive the necessary documents defined in Article 12 paragraph (2) of the Energy Efficiency Law No. 142 dated 02 July 2012, lodged by Applicants, and set individual files/cases for the Applicants;
 - b) To record the applications for authorisation in a Register;
 - c) To prepare protocols/minutes comprising the conclusions drawn based on checking the documents lodged by Applicants;
 - d) To ensure record-keeping and storage of individual files/cases of the candidates as per the terms set forth by the legislation in force;
 - e) To update the Register of Energy Auditors on a regular basis;
 - f) To prepare an annual energy audit statement based on the reports submitted by the authorised Energy Auditors;

- g) To define and convey its opinion cancelling the decision to withdraw the Energy Auditor's licence, to prepare responses to appeals and convey them to the interested people;
 - h) To receive complaints from the energy audit Recipients relating to the quality of energy audit reports and to hand them to the Commission;
 - i) To carry out other secretarial actions necessary to ensure proper unfolding of the authorisation procedure.
14. The composition of the Commission Secretaryship shall be approved by an Order issued by the Agency Director. The people assigned to work for the Commission Secretaryship shall be held liable, according to the legislation, for the lawfulness, reality and accuracy of prepared documents.

III. Energy Audit Activity

15. There are two areas of Energy Auditors' specialisation:
- Electrical sector;
 - Heating sector.
16. The Energy Auditor – natural person shall pick up the area of specialisation and state it in the lodged application for authorisation.
17. The Energy Auditors – legal persons are exclusively granted this title without stating the area of specialisation.
18. Energy audits shall be performed under any organizational and legal form set forth by the Law on Entrepreneurship and Enterprises No. 845 dated 03 January 1992.
19. Authorisations to Energy Auditors for the Armed Forces shall be issued, as per this Regulation, only to natural persons working within the Armed Forces.

IV. Requirements set towards Applicants

20. Natural persons shall be authorised based on the lodged application, which encloses the original document (subject to return to the Holder) and copies of documents supporting the requirements set forth in Article 12 paragraph (2) a) of the Energy Efficiency Law No. 142 dated 02 July 2010 (for instance: the employment record confirming the field-related work activity and experience; ID card or the residence permit (where appropriate)/work permit issued by the authorised entities of the Republic of Moldova; other documents confirming the requirements stipulated in Article 12 paragraph (2) a) of the Energy Efficiency Law No. 142 dated 02 July 2010).

21. Legal persons shall be authorised based on the lodged application, which encloses the original document (subject to return to the Holder) and copies of documents confirming the requirements stipulated in Article 12 paragraph (2) b) of the Energy Efficiency Law No. 142 dated 02 July 2010 (for instance: individual labour contracts, authorisation held by an Energy Auditor employed by the Applicant-legal person; etc.).
22. In the event of detecting unreliable data comprised by the submitted documents, the Commission Secretaryship shall ensure data checking by having requested additional documents supporting the presented information.
23. Candidates' individual files shall be kept at the Agency for a four-year period.
24. Legal persons authorised to perform energy audits shall be assigned the following duties:
 - a) To set and update, on a regular basis, their own Energy Audit Register developed by the authorised Energy Auditors of the undertaking;
 - b) To prepare and convey Quarterly Reports on energy audits performed, comprising information on the work carried out during the previous Quarter.
25. The Agency shall set monitoring procedures for energy audit activities, on which basis it can define the contents and compilation manner of Energy Audit Quarterly Reports and the content of its own energy audit register.

V. Principles and procedure for the regulation of energy audit authorisation

26. Energy audit authorisation shall be performed as per the regulatory principles laid down by the Law on regulating the licensing of business activity No.160 dated 22 July 2011.
27. The Agency shall issue authorisations to Energy Auditors – natural/legal persons within ten working days starting from the day of recording all the acts necessary to issue the permissive document into the system. If the Agency failed to respond to the request within ten days, it shall be considered that the licence/authorisation has been issued by tacit acceptance.
28. The Energy Auditor authorisation is an accountable document. The document series and number shall be recorded chronologically in the Register of Energy Auditors separately for each year of activity performed by the Commission.
29. The authorisation series shall be recorded using letter as follows:
 - AEe – for Electrical Energy Auditors (natural persons);
 - ATe – for Thermal Energy Auditors (natural persons);
 - AE – for Energy Auditors (legal persons).

30. The authorisation number comprises nine figures, of which the first four stand for the year of issuance, the next two – for the month, and the last three figures – for the line-item number as per the Register of Energy Auditors.
31. The Energy Auditor's authorisation validity term can be extended whenever necessary upon the Holder's request as per the provisions of the Law on regulating the licensing of business activity No.160 dated 22 July, and in compliance with the provisions of Article 12 paragraph (2) of the Energy Efficiency Law No. 142 dated 02 July 2010.
32. Procedures for the renewal of Energy Auditor's authorisation, for the issuance of an identical copy, for the authorisation validity suspension and resumption shall be done in compliance with the provisions of the Law on regulating the licensing of business activity No.160 dated 22 July 2011.
33. The Energy Auditor's authorisation shall be withdrawn as per the provisions of Article 13 of the Energy Efficiency Law No. 142 dated 02 July 2010.

VI. Keeping the Register of Energy Auditors

34. Pursuant to the provisions of the Energy Efficiency Law No. 142 dated 02 July 2010, the Agency is the empowered authority to establish and keep the Register of Energy Auditors.
35. The Agency, as the entity issuing Energy Auditor's authorisation, shall establish and keep the Register of Energy Auditors (in electronic and hard copy format) pursuant to the Law on Registers No. 71 dated 22 March 2007.
36. The Register is the single official source of data about the Energy Auditors authorised by the Agency. The information comprised by the Register is considered to be accurate and reliable, unless a contrary statement is drawn up in the manner provided by the legislation in force.
37. The Register shall be kept in strict compliance with the respective rules laid down in the regulatory act approved by the Agency for this purpose.
38. Extracts from the Register of Energy Auditors, comprising the full name of Energy Auditors, the series, number and date of issuance of authorisations, the office address and the office phone number, shall be published on the Agency web page.

VII. Ongoing professional training of Energy Auditors

39. Ongoing professional training of authorised Energy Auditors shall be provided with the aim to preserve and improve their theoretical and practical knowledge, as well as their professional skills as per the provisions set forth by the Regulation on organising the ongoing professional training, approved by Government Decision No. 1224 dated 09 September 2004.
40. The authorised Energy Auditor can enhance his/her qualification level through:

- a) participating to ongoing professional training courses organised by the continuous education organisations and institutions from the Republic of Moldova or by international field-related (energy audit, measuring and record-keeping devices in the energy area, energy management, energy legal and regulatory framework, etc.) organisations and institutions;
 - b) participating to seminars, congresses or conferences organised both nationally and internationally in the energy sector, etc.
41. Ongoing professional training of Energy Auditors authorised at the national level shall be provided as per the curricula developed by continuous education organisations and institutions, coordinated with the Ministry of Education and approved by the Agency.
42. Such curricula shall cover topics specified by the Guide on training and examining the energy audit professionals, taking account of the amendments and addenda introduced in the legislation.
43. The Agency shall monitor the ongoing professional training of authorised Energy Auditors.