Annex II of Resolution №295 issued by the Government in 2016

REGULATION ON REQUIREMENTS FOR ENERGY AUDITING AGENCY AND ENERGY SERVICE COMPANY AND THEIR ACCREDITATION

One. General Provisions

1.1. The objective of this regulation is to coordinate relations expected to arise in connection with determining requirements for "Energy Auditing Agency" (in further it will be referred as "Auditing agency") and a professional organization which will provide energy efficiency service (in further it will be referred as "Energy service company"), accreditation of these organizations, extension of accreditation period, revoking of accreditation and establishing a service fee.

1.2. The Law on Energy Conservation, the Law of Energy, and the Law on Renewable Energy, other relevant laws and this regulation must be adhered in conducting the activity provided in clause 1.1 of this regulation.

Two. Definitions

2.1. Within this regulation, the following terms must have the following meanings:

2.1.1. "accreditation" means a confirming certificate issued to the organization which met with requirements specified in this regulation with a purpose to implement activities provided in Article 13 and 14 of the Law on Energy Conservation;

2.1.2. "energy auditing agency" means an entity authorized to conduct energy auditing activity under the Article 3.1.4 of the Law on Energy Conservation;

2.1.3. "energy service company" means an entity authorized conducting energy saving and energy efficiency improving activities and providing energy efficiency service to designated consumers and citizen or entity made a request under the Article 3.1.7 of the Law on Energy Conservation.

Three. Requirements for auditing agency and energy service company

3.1. Auditing agency must comply with the following requirements:

3.1.1. Must be legally registered in Mongolia and operates a business in the energy or construction sector;

3.1.2. Must employs at least than 3 experts namely an energy auditor, engineer and economist;

3.1.3. The auditor must be full time staff of the auditing agency

3.1.4. Must have gathered documents such as norms, standards and methodology related to energy saving in accordance with the list issued by the Energy Conservation Council;

3.1.5. Must have measuring devices, tools, equipment and software required to conduct an energy audit in a normal way.

3.2. Energy service company must comply with the following requirements:

3.2.1. Must be legally registered in Mongolia and operates a business in energy or construction sector;

3.2.2. Must possess licenses for doing energy construction activity, line and network installation and construction activity or for conducting a construction activity, developing design drawings;

3.2.3. Must have proven track providing service according clause 3.2.2 of this regulation for the last two years.

Four. Accreditation process

4.1. An entity which meets with the requirements under clause 3.1 of this regulation must submit its application for obtaining accreditation certificate to the Energy Conservation Council. The following documents must be attached to the application:

4.1.1. A copy of the State Registration Certificate;

4.1.2. Documents such as norms, standards and methodology related to energy saving in accordance with the list issued by the Energy Conservation Council;

4.1.3. A copy of document which proves that the entity complies with the requirements according clause 3.1.2 of this regulation;

4.1.4. Information about measuring devices, equipment and software specified within clause 3.1.5 of this regulation and their technical passports and photos.

4.1.5. Copies of energy audit report, service confirmation signed by contracted designated consumers and other clients if it has conducted energy auditing activity before.

4.2. An entity which complies with the requirements according clause 3.2 of this regulation must submit its application for obtaining accreditation certificate to the Energy Conservation Council. The following documents must be attached to the application:

4.2.1. A copy of the State Registration Certificate;

4.2.2. A copy of license certificate under clause 3.2.2 of this regulation;

4.2.3. introduction about main business of the company;

4.2.4. Copies of diplomas and certificates and engineers and technicians who will work on energy saving and energy efficiency field and documents related to their position;

4.2.5. Copies of audited financial statement of the company for last two years;

4.2.6. List of work done in the frame of the license under clause 3.2.2 of this regulation and copies of documents for sizing up of contracts;

4.3. The entity applying for audit accreditation certificate for the first time must gather documents specified under clause 4.1.1 – 4.1.4 of this regulation;

4.4. An application does not meet with the requirements on documents required to submit must be returned to the applicant within 3 days since receipt of the application.

4.5. In cases except under the clause 4.4 of this regulation, the energy Conservation Council must make a decision whether to issue or not the accreditation certificate within 30 days since the receipt of the application.

4.6. In case the Energy Conservation Council has not taken a decision on issuing accreditation certificate within the period specified under clause 4.5 of this regulation, it must be deemed that the accreditation certificate is issued.

4.7. The following items must be indicated in the accreditation certificate:

4.7.1. Name of the organization issuing the accreditation certificate;

4.7.2. Name and address of organization holding the accreditation certificate;

4.7.3. Type of accredited activities;

4.7.4. Term of accreditation certificate;

4.7.5. A reference number of accreditation certificate and issuing date;

4.7.6. A signature of authorized officer of the organization issuing the accreditation certificate and its stamp.

Five. Accreditation term and its extension

5.1. The accreditation certificate must be issued for 2 years and it should become valid from the day it was issued.

5.2. A request for extension of validity of the accreditation certificate must be submitted to the Energy Conservation Council not less than 45 days before the expiration date of the accreditation certificate.

5.3. The accreditation certificate may be extended for a period up to 5 years.

5.4. An auditing agency and energy service company must attach documents according clause 4.1

and 4.2 of this regulation respectively to the request for extension of the validity of the accreditation certificate.

5.5. The decision for extension of validity of the accreditation certificate must be based on the following criteria:

5.5.1. The auditing agency is required to have performed not less than 2 detailed audits and the energy service company is required to have implemented not less than 1 energy saving project or measure;

5.5.2. Auditors, engineers and employed technicians have been attended in refresher training and advanced training;

5.5.3. The energy auditing agency or energy service company have required instrumentation, equipment, technique and tools;

5.5.4. An evaluation provided by the client that made use of the energy audit or professional service.

Six. Revoking Accreditation certificate

6.1. The accreditation certificate must be revoked in following cases:

6.1.1. A requirement made by the Energy Conservation Council on eliminating the breaches occurred in connection with the activities done according to the accreditation certificate has not been fulfilled for several times within the A defined time period.

6.1.2. Determination of the fact that it does not meet with the requirements set under the clause 3.1 and 3.2 of this regulation;

6.1.3. Determination of the fact that the accreditation certificate was obtained illegally or the entity was restructured dissolved or became bankrupt.

6.2. If the accreditation certificate is considered to become invalid, the Energy Conservation Council must inform about it through its website within 1 working day to the public.

Seven. Registration of accredited organization and creating a database

7.1. The Energy Conservation Council must organize registration of accredited organization, providing information to the public and managing the registration through creating an electronic database.

7.2. The information about the accredited organization and its auditors, engineers and technicians should be placed in the electronic database as provided in clause 7.1 of this regulation.

7.3. If the proper name, address, organizational structure, the staff consisting of auditor, engineer and technicians have been changed, the organization must inform about this to the Energy Conservation Council within 14 days.

7.4. In case of the accreditation certificate has been revoked the electronic database must be changed within 1 working days under clause 7.1 of this regulation and the entity must be omitted from the database.

Eight. Miscellaneous

8.1. The Energy Conservation Council must resolve disputes arisen in connection with accreditation activity.

8.2. The rule for resolving disputes under clause 8.1 of this regulation must be approved by the Energy Conservation Council through complying with the legislation.

8.3. If the decision taken by the Energy Conservation Council according to the clause 8.1 of this regulation is not accepted then it is possible make a claim to Court.