



Developing a Legislative Framework to Support Successful MVE Activities for Energy Efficient Lighting

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Introduction

■ Compliance

- actions of a program participant that are in accordance with program requirements or rules

■ Program Requirements

- what will the program achieve?
- how will it be achieved?
- who is responsible for implementing and managing the program?
- who is obliged to comply with the program?
- what are they obliged to do?
- how will compliance be measured?
- what are the sanctions for non-compliance?

Overview

■ Legislative Framework

- a system of laws, rules, agreements, etc that establish the way that something operates in business, politics, or society.
- Formal
 - Acts - legislation passed by the parliament.
 - Regulations, Codes, etc
 - Standards
- Less Formal
 - Administrative Guidelines, Program Rules, Strategies, Policies, Procedures

Overview

■ Legislative Framework ...

- Context dependent
- Existing governance structures
- Design of the MVE regime
 - Mandatory
 - Voluntary
- Resources are available to assist you – CLASP, UNEP, UNDP, etc
- Successful programs around the world.
- Clear, comprehensive, transparent, and communicated

Australian Case Study:

Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

- *What will the program achieve?*
 - regulate energy efficiency and labelling standards for appliances and other products.
- *How will this be achieved?*
 - mandatory minimum efficiency requirements (MEPS) for products
 - nationally consistent labelling requirements
 - GEMS Act relies on subordinate legislation
 - GEMS (Registration Fees) Act 2012
 - GEMS Regulation 2012

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

■ *How will this be achieved?* (continued)

■ GEMS Determinations

- requirements for each GEMS product class either:
 - directly in the determination or
 - with reference to the applicable clause in the product standard.
- specify product classes covered and not covered
- GEMS level requirements (MEPS)
- GEMS labelling requirements
- requirements for conducting tests
- reference to the relevant Australian/New Zealand Standard.
- manage details in less formal components of the legislative framework

Australian Case Study:

Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

Greenhouse and Energy Minimum Standards Act 2012



Greenhouse and Energy Minimum Determinations

GEMS (Double-capped Fluorescent Lamps) Determination 2012



Australian/New Zealand Standards

AS/NZS 4782.2: 2004

Australian Case Study:

Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

- *Who is responsible for implementing and managing the program?*
 - Effective MVE regimes require sufficient authority and powers to ensure compliance
 - **GEMS Regulator**
 - monitor and enforce compliance with the GEMS Act
 - may appoint GEMS inspectors
 - **GEMS inspector**
 - Formal powers – inspection, monitoring, and investigation
 - Part 7 – “Monitoring and Investigation” ensures compliance with the act
 - Part 8 – “Enforcement” provides for a range of actions to enforce the act
 - Powers of entry, search, inspection, monitoring, investigation, operating equipment, accessing information on premises, securing equipment, securing evidence, and applying for warrants.

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

- *Who is responsible for implementing and managing the program?* (continued)
 - **GEMS inspector ...**
 - framework to define “suitable training or experience”
 - “Guidelines for the Appropriate Use of GEMS Act 2012 GEMS inspector Powers”
 - achieving and maintaining the competencies of a GEMS inspector
 - how and when powers may be used
 - risk management
 - operational activity guidelines
 - standard operating procedures for MVE activities
 - critical decisions and the escalation of issues
 - evidence collection and handling
 - taking appropriate notes and records of conversations
 - these documents are the components of your compliance manual

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

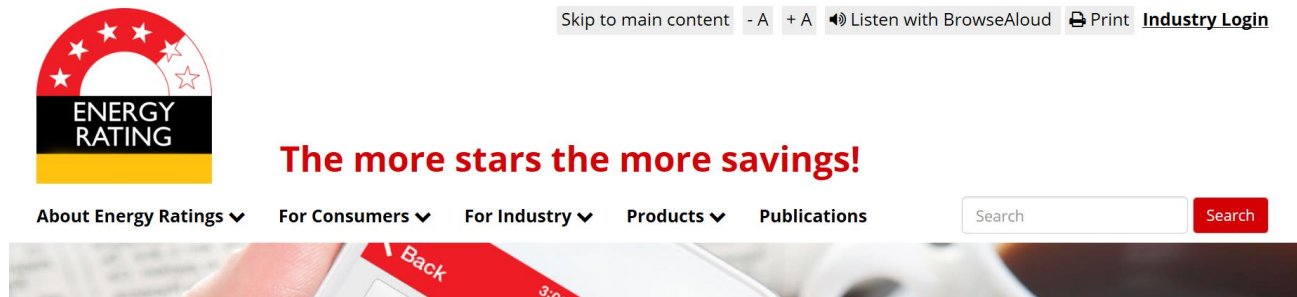
- *Who is obliged to comply with the program?*
 - Be clear with definitions
 - GEMS Act applies to the supply and commercial use of GEMS products:
 - international/local manufacturers
 - importers
 - suppliers
 - retailers
 - commercial users
 - internet/on-line suppliers
 - Facilitation - ensure entities know and understand their obligations
 - Records of engagement prove intention in cases of suspected non-compliance demonstrating that an entity was aware of obligations and sanctions relating to non-compliance.

Australian Case Study:

Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

■ *What are they obliged to do?*

- To supply a product in Australia it must be:
 - tested – test reports not always required
 - compliant – must meet MEPS and comply with labelling requirements
 - registered – with the GEMS Regulator
- Web presence - energyrating.gov.au – provides a wealth of information



The screenshot shows the homepage of the Energy Rating website. At the top right, there are utility links: "Skip to main content", "- A + A", "Listen with BrowseAloud", "Print", and "Industry Login". On the left is the Energy Rating logo, which features a red semi-circle with five white stars of varying sizes, and the text "ENERGY RATING" in white on a black background. Below the logo is a navigation menu with the following items: "About Energy Ratings", "For Consumers", "For Industry", "Products", and "Publications". To the right of the menu is a search bar with a "Search" button. The main headline reads "The more stars the more savings!". Below the headline is a banner image showing a hand holding a red "Back" button on a device screen.

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

- *How will compliance be measured?*
 - Compliance in **Entry Conditions, Market Surveillance, Verification Testing**
 - GEMS Compliance Policy
 - assisting responsible parties to understand their rights and obligations;
 - supporting responsible parties who want to do the right thing; and,
 - actively pursuing those who opportunistically or deliberately contravene the law.
 - Compliance Monitoring Plan
 - intelligence driven, risk based approach

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

■ *How will compliance be measured?* (continued)

■ **Market Surveillance**

- GEMS Act provides inspection, monitoring, and investigation powers
- Inspection powers
 - similar to those of an ordinary consumer
 - only exercised in the public area of a store
 - store owner may refuse to allow a GEMS inspector to enter or remain on the premises
- Monitoring powers
 - may only enter the store with consent or under warrant
- Investigation powers
 - reasonable grounds to suspect evidence is on the premises
 - may only enter the store with consent or under warrant
- Failure to ensure proper, accountable, and rigorous rules around MVE activities will severely undermine the intent and effectiveness of the program.

Australian Case Study: Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

- *How will compliance be measured?* (continued)
 - **Verification Testing aka Check Testing**
 - How products are obtained
 - Who tests products
 - accredited laboratories? what type of accreditation?
 - conflict of interest? – independent and accredited laboratories test for industry too
 - How products are tested
 - Results
 - how is product, manufacturer, laboratory variability defined and accounted for?
 - how do you account for results falling just outside agreed variability levels?
 - evidentiary requirements – test reports may be challenged.
 - How are products disposed of after test?
 - **Will your processes withstand challenge?**
 - <http://www.energyrating.gov.au/about/legislation/check-testing-program/>

Australian Case Study:

Greenhouse and Energy Minimum Standards Act 2012 (GEMS Act)

■ *What are the sanctions for non-compliance?*

- contained within the GEMS Act
- internal guidelines, must detail how they will be applied
 - educative letters
 - suspension or cancellation of registration,
 - enforceable undertakings,
 - infringement notices,
 - civil penalty orders
 - injunction
 - publicise breaches

Developing a Legislative Framework to Support Successful MVE Activities for Energy Efficient Lighting

- *How might this be applied in your situation?*
 - Context
 - You are not on your own
 - Lessons from an Australian perspective:
 - clear, unambiguous, comprehensive, transparent, and well communicated
 - flexible
 - authority and powers
 - accountable and documented internal policies, guidelines, etc,

**Developing a Legislative Framework to
Support Successful MVE Activities for Energy Efficient Lighting**

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Building Monitoring, Verification & Enforcement Resources and Capacity in Asia

My Ton

CLASP



Presentation Overview

Overview of CLASP's On-going Support for MV&E

- MV&E Resource Page
 - [MV&E Publication Library](#)
 - [MV&E Guidebook](#)
 - [MV&E Economy Access](#)
- Selected MV&E-related activities
- S&L Database

MV&E Publication Library

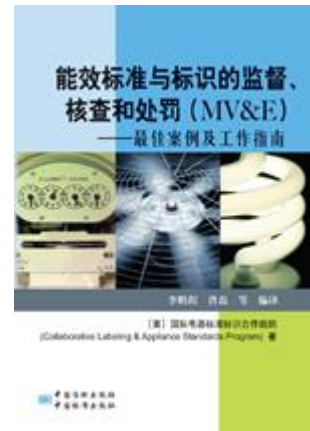
CLASP's MV&E Publication Library contains:

- Technical studies and other resources for improving the implementation of MV&E policies, frameworks, and activities;
- Database of resources by date of publication, document type;
- Use “economy” & “topic” filters to refine search and to quickly locate MV&E publications for specific topics and economy.

MV&E Guidebook

CLASP's MV&E Guidebook:

- Provides step-by-step guidance for policymakers and S&L practitioners to design and implement robust and effective MV&E frameworks.
- Contains practical information on compliance frameworks
- Complements CLASP's previous [S&L Guidebook](#)
- Has been translated into [Chinese](#) and [Russian](#)



MV&E Guidebook

CLASP's MV&E Guidebook (Continued):

- Discusses the various approaches for maintaining compliance.
- Describes the data, facilities, and institutional and human resources needed to support MV&E activities.
- Provides guidance on the issues to consider in the design and implementation of compliance frameworks.
- Demonstrates the importance of effective compliance frameworks for safeguarding current and future energy and greenhouse gas emissions savings.

MV&E Economy Access

CLASP's MV&E Economy Access provides policymakers and practitioners with:

- A “one-stop-shop” for MV&E information publically available
- Quick and direct access to online MV&E information in economies around the world
- Searchable MV&E available information by:
 - Economy
 - Category
 - Topic

Selected MV&E-Related Activities

Some selected MV&E-related activities include:

- APEC Compliance Survey (2012)
- MV&E Economy Profiles (2014 -)
- APEC Regional Compliance Support (2014 -)
- Energy Policy Toolkit for Energy Efficiency in Appliances, Lighting, and Equipment (2013)

APEC Compliance Survey

The APEC Compliance Survey, conducted by Mark Ellis & Associates, with the support from the Asia-Pacific Economic Cooperation (APEC), was completed in February 2012:

- The project compiled information on MV&E processes used by regulatory and enforcement agencies to ensure S&L compliance.
- The findings in this report are based on:
 - Responses to a survey of 18 APEC economies,
 - Discussions with the energy efficiency community in the APEC region.

MV&E Economy Profiles

CLASP's "Economy Profiles":

- Seeks to provide a clear and easily understood description of the MV&E structure relating to the S&L programs for a number of economies;
- Identifies and documents MV&E activities and policy frameworks in major economies using a common template;
- Facilitate comparison of program characteristics across economies;

APEC Regional Compliance Support

The APEC Regional Compliance Support (EWG12 2013A) was developed from the 2012 APEC Compliance Survey:

■ **Objective:** Identify best practices for verification testing and facilitate information sharing and partnership development.

■ **Tasks Include:**

- Assessment of testing capacity in the APEC region and identify cost-effective options for collaboration
- APEC network for MV&E authorities
- Compliance best practice workshop.

■ **Project supported by:** Australian Department of Industry, New Zealand Energy Efficiency and Conservation Authority, CLASP, Copper Alliance, Underwriter Laboratory.

Standards and Labels Database

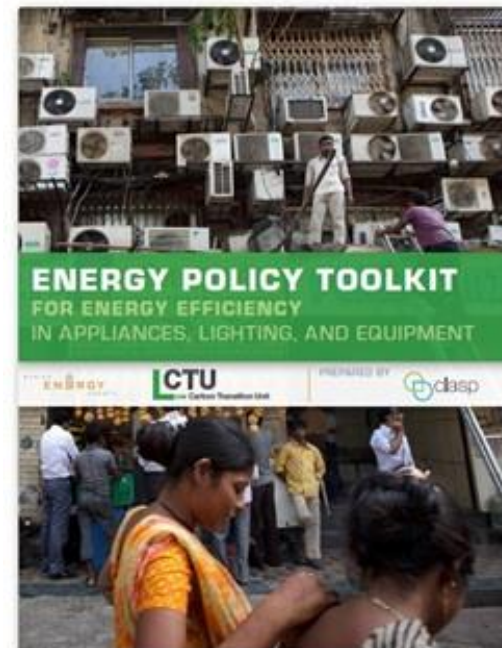
CLASP's Global S&L Database allows policymakers and appliance energy efficiency experts to:

- Compare policies and regulations across countries
- Compare policies and regulations by product;
- Explore information about specific policies;
- View and understand the legislative framework:
 - By country, or
 - By economic region.

Energy Policy Toolkit for Energy Efficiency in Appliances, Lighting, and Equipment

Energy Policy Toolkit for Energy Efficiency in Appliances, Equipment, and Lighting:

- Provides examples that have been implemented successfully with minimal costs, and illustrates different choices policymakers may consider.
- Demonstrates ways to leverage financial and intellectual resources.
- A chapter on developing test procedures, testing capacity and compliance



Standards and Labels Database

An online resource that allows policymakers and S&L practitioners to compare policies and regulations for defined products across economies

The basic components of the database:

Economies	Product Groups	Policy Types
<p>47 economies in Africa, Asia, Europe, the Middle East, North America, Oceania, and South America</p> <p>Select regional associations: APEC, SEAD</p>	<p>17 categories of appliances, equipment, and lighting with a three-level taxonomy to enable more detailed searches: for example, Lighting → Fluorescent → CFL.</p> <p>Products in various sectors: Residential, Commercial, Industrial, and Multi-sector</p>	<p>4 policy types:</p> <ul style="list-style-type: none">• Minimum Energy Performance Standards• Endorsement Labels• Comparative Labels• Codes of Conduct

Standards and Labels Database

The database catalogues **policies** that **economies** have developed for **products**: for example, a **Comparative Label** in **Argentina** for **Compact Fluorescent Lamps**.

The screenshot displays the 'S&L Search Results' page. On the left, there is a 'Filters' section with a 'LOCATION' dropdown menu and a 'Regional Association' section with a checkbox for 'APEC'. The main content area shows 'Sort by Economy' and 'Results per page 20'. Below this is a table with columns for 'ECONOMY', 'PRODUCT', and 'POLICY'. The table has a header row with 'Policy Type', 'Policy Status', and 'Most Recent Effective Date'. A 'VIEW' dropdown is visible above the table. The first row of data shows 'Argentina' with a 'Product' of 'Compact Fluorescent Lamps' (Group: Lighting, Type: Fluorescent, Sub-type: CFL), a 'Policy Type' of 'Label Comparative', a 'Policy Status' of 'Entered into Force - No Activity', and a 'Most Recent Effective Date' of '2006'.

ECONOMY	PRODUCT	POLICY
		Policy Type Policy Status Most Recent Effective Date
Argentina	Product • Group: Lighting • Type: Fluorescent • Sub-type: CFL	Label Comparative Entered into Force - No Activity 2006

Demonstration of S&L Database

<Event title and date>

Thank you for your attention

Contact info:

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Developing a Legislative Framework to Support Successful MVE Activities for Efficient Lighting



Audio Options

Two Options for Audio (select audio mode):

1. *Listen through your computer*

- Please select the “mic and speakers” radio button on the right hand audio pane display

2. *Listen by telephone*

- Please select the “telephone” option in the right-hand display, and a phone number and PIN will display.

3. *Please mute your audio device*

4. *Technical Difficulties:*

- **Contact the GoToWebinars Help Desk: 888.259.3826**

Interaction

- **We invite you to introduce yourself**
 - Select and type into the “chat” pane on your screen
- **To ask a question**
 - Select the “questions” pane on your screen and type in your questions
- The presentations will be made available after the webinar

Agenda

- **Developing a Legislative Framework to Support Successful MVE Activities for Energy Efficient Lighting**
 - Mr. Brian Byrne - Manager, Energy Efficiency Compliance, Energy Division, Australian Government's Department of Industry
- **Building Monitoring, Verification & Enforcement Resources and Capacity**
 - Mr. My Ton - Director of Global Research, CLASP
- Questions and answers
- Closing remarks

My Ton, CLASP



My Ton currently leads CLASP's program on research and dissemination of standards and labels best practices including: mapping and benchmarking; monitoring, verification and enforcement (MVE); alignment of standards; and modeling tools. Prior to joining CLASP, Mr. Ton served as Team Leader, Energy Efficient Lighting, for the Environmental Cooperation-Asia Clean Development and Climate Program (ECO-Asia), a USAID funded regional project based in Bangkok, Thailand. Mr. Ton currently works from his office on the west coast of the USA.



Brian Byrne, Australian Government



Brian Byrne, currently Manager of Energy Efficiency Compliance within the Australian Government's Department of Industry, has over 27 years experience as an intelligence analyst, investigator, and investigations and intelligence manager in areas such as major fraud, corruption, transnational organised crime, counter-terrorism, and compliance with agencies such as the Australian Federal Police, the Western Australian Anti-Corruption Commission, and several Australian Government departments. As a consultant, he has also provided intelligence and investigative services internationally to the likes of The Global Fund and nationally on behalf of a range of Australian service providers where he specialises in the planning, development, implementation, and management of intelligence and case management capacities for organisations conducting corruption, complex fraud, and compliance activities.



Question and Answer Period



www.enlighten-initiative.org

www.lites.asia