

## LEGISLATION ENVIRONMENT FOR AUDITS IN THE CZECH REPUBLIC

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Evolution of legislation environment, which adjusts a position, i.e. a range of obligatory elaboration of energy audit, then details connected to its elaboration together with appointing the person warranted to elaborate it, was in comparison with EU countries relatively quick. Of course, it's necessary to consider, that this quickness was conditioned by a need of uniting or refilling the Czech legislation in energy sector in connection to prepared enter to EU.

The reality is like this: in first half of 90's, when many of European countries was behind the experiences from utilization of energy audit as a tool leading to an increase of energy utilization efficiency also in a mandatory position, we have just started, on a base of transmission of these experiences, to deal with possibilities of energy audit implementation in conditions of transforming economy seriously. Regarding the fact, that energy consumption was, after changing the industrial production structure, still pretty high and gradual elimination of subventions from central sources to the prices of energy, gas, electricity and most of all heat, which the public was suffering by, it was necessary to implement such a tools, which will really lead to necessary reduction of energy intensity in all consumption sectors.

Following the Act of the European Union, in 1996 a physical intention of economy law was being elaborated, then after approval of state energy policy a paragraph version was prepared quickly and finally a complete proposal of the law was handed to the parliament discussion. Involving the energy audit in the proposal of the law, which appeared then with putting in force since January 1st 2001, enabled, that parallel with legislative activities as an initiative of the professional public, two education centres were created gradually and the Czech Chamber of

Licensed Engineers and Technicians Active in Construction spread the specializations to the licensed professions by energy auditing for licensed engineers in professions over ground buildings, technical equipment of the buildings and technological units. Then it's possible to say the law reacted on real situation flexibly and gave the legislation frame a state, which was more or less already established.

The law about handling with energy is the first legislative standard setting the way how to behave obligatorily energetically consciously in specified cases, i.e. frugally with respect to careful utilization of natural sources, protection of environment and also securing the economy competitiveness and reliability of energy supply. This all then leads to ensuring the sustainable development of the society.

It's possible to discuss, if in a democratic society the state is justified to dictate by a law, when and how the citizen is obliged to act in consumption of energy as a public property. It appears, a decision leading to taxatively named duties of energy audit elaboration and a process of investment realization was justified. At first it's necessary to remind, the obligatory energy audit elaboration as a base for next work of a designer, is in many cases a real protection against wasting the state, public, but also private sources mostly in bigger investment actions.

The obligatory energy audit elaboration is requested from all legal and private persons drawing the state subventions provided in accordance with § 5 of the law about the National Programme of Economy Energy Handling and Utilization of its Renewable and Secondary Sources. This Programme sets the objectives in reduction of energy consumption in accordance with economy and social needs along with following the principles of sustainable development and protection of environment.

All projects realizing the energy saving measures to increase the efficiency of energy utilization, modernization of production and distribution energy devices, implementation of combined heat and power production in construction of new sources or in re-construction of existing ones or starting the facilities to utilize renewable or secondary sources, have to be elaborated on a base of optimal

technical-economy and ecology alternatives of solutions resulting from the energy audit.

The Law about Energy Utilization then sets, when the energy audit elaboration is obligatory also in fore-realization period, that means in parallel operating the energy system and buildings of an organization and persons drawing the state or public sources depending on yearly amount of energy consumption. Here the claim is quite legitimate, because this way the state controls using of the sources obtained from taxpayers. A subject of large discussion was and still is setting a duty to elaborate the energy audit also for business makers with yearly consumption higher than is set by respected resolution. We have to say, that here we could understand the duty let's say as a motivation, because the Law doesn't order here time-limited obligatory following the measures recommended by the audit. On the other hand, the duty is requested from non-business makers.

As in other countries, where the energy audit is used as a tool to force in the optimal procedures to achieve a higher efficiency of energy utilization, the Czech Republic also started to create various types of energy audits gradually. They were called for example preliminary, evaluating, detailed, audit for the needs of renewable energy sources utilization projects and so on. That's why the Law contains § 9, which will exactly set the principles of content of uniform energy audit. A procedure of elaborating the audit is then set by related Resolution.

Here we should stop again and say, how was this approach enabled. One way was a possibility to adopt traditions of one of EU countries, where the routine energy audits are already performed, or to step out on an own „Czech way“. In respected case it was going just on a choice of this procedure, which corresponded with the situation in the period of preparation of Energy Utilization Law and related Resolutions. While since 1996 the procedures corresponding with activities called „energy audit“ have been used, it appeared functional to codify already verify and rooted domestic procedures in the legal rule. They were also more accurately corresponding not only with legislative, but mainly with technical and economic conditions.

We mustn't forget, the Czech Republic as a part of Comecon has had, at the beginning of 90s, e.g. different system of technical standardization, basic energy consuming appliances – buildings, were built on a base of different design, construction and material solutions. Only small note it can be a comparison between our window size and window size of other, mainly Northern countries. Development of domestic electric-technical industry in 70s and 80s didn't enable, in comparison with West European countries, more penetrative equipping the sources and distribution and heating systems with regulation technology. These and many other "details" have just lead to a creation of domestic model of energy audit, although this one wasn't created in vacuum. It resulted from foreign experiences, but didn't copy them.

The chosen procedure of creation of domestic energy audit methodology was also based on a possibility of many times practical verifying, because since 1997 it was used as an obligatory element of documentation of the projects realized in frame of State Programmes of Energy Savings and Higher Utilization of Renewables. During approximately four years period, it was possible to verify on hundreds cases e.g. optimal structure of energy audit results, necessary boundary of details for description of base status, accessibility of documents, range of energy balances and mostly the methodology of economic assessment of proposed variants. During this „preparation“ period it appeared also necessary to involve an assessment of individual variants from the aspect of achievable reduction of negative impact to environment caused by emissions.

Inseparable part of the whole process was also a creation of legislative space for persons, who will perform the energy audit. Regarding the fact, these persons deal through proposals of investment measures the decision making process in the field of state and public sources utilization, it's necessary, the state is able to regulate, who will perform the activities. In practice, the energy audit in terms of the law No. 406/2000 CoL., about Energy Utilization can be elaborated only by the private person, who will identify itself by a certificate about registration in the List of Energy Auditors registered by the Ministry of Industry and Trade. The Law will set a way, content and terms of professional exams and special eligibility, which the applicants have to identify themselves by. The Ministry also publishes an

examination order, which the examination process is managed by, and appoints the examination committee.

The whole procedure „how to become an energy auditor“ was adjusted by the Methodical Order of the Ministry of Industry and Trade. It's chronologically the last legal rule related to the energy audit and conditions for its elaboration. A part of the Order is also a complex of specialized questions to verify qualification of the applicants. The applicants prove their technical, legislative and economic knowledge and experiences from former occupation in non-verbal part of the exam, which used to be elaborated in a form of written test, and then verbally during analysis of at least two submitted reports about performed energy audits. The applicant has to prove his share on presented energy audit as well, in terms of Law about Energy Utilization, Resolution about Details of Energy Audit and Methodical Order.

All documents related to legal position of energy audit are available on web page of the Ministry of Industry and Trade: [www.mpo.cz](http://www.mpo.cz).