



Changes to the ESS Rule for PIAM&V, SONA and IHEAB commence on 15 August 2020

Amendments to the *Energy Savings Scheme Rule of 2009 (ESS Rule)* commenced on 30 March 2020. Some amendments for implementations under the following calculation methods are effective from **15 August 2020** under transitional arrangements:

- ▼ Project Impact Assessment with Measurement & Verification (**PIAM&V**)
- ▼ Sale of New Appliances (**SONA**), and
- ▼ Installation of High Efficiency Appliances for Business (**IHEAB**) for Activity Definition F1.

The transitional arrangements for PIAM&V, SONA and IHEAB are detailed in fact sheets which we published in March 2020 together with updated method guides and other relevant documents. You can find these fact sheets and other relevant information on the [ESS Rule](#) page of our website.

However, the recently announced delay to the *Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2019 (GEMS 2019)* has left the status of implementations under Activity Definition F1 uncertain, as detailed below.



ESC creation for IHEAB left uncertain after GEMS 2019 delay

The GEMS Regulator has advised that:

“Following representations from industry and in light of the impact of COVID-19, the [Commonwealth] Minister for Energy and Emissions Reductions has taken a decision to delay the commencement of the *Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2019* (the 2019 Determination) from 15 August 2020 to 1 May 2021.”

“Having received the agreement of the States and Territories, the 2019 Determination will be revoked and replaced by a new determination, the *Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) 2020* (the 2020 Determination).”

The delay and replacement of GEMS 2019 with GEMS 2020 makes it uncertain whether energy savings certificates can be created for the installation of a new high efficiency refrigerated cabinet under Activity Definition F1 from 15 August 2020. This is because from 15 August 2020 refrigerated cabinets under Activity Definition F1 must comply with GEMS 2019 to meet the requirements of the ESS Rule.

We are working with the NSW Department of Planning, Industry and Environment to address this uncertainty. In the interim, we recommend that ACPs exercise caution with any implementations under Activity Definition F1 from 15 August 2020. We will provide further information as it becomes available.

Further information about changes to GEMS 2019 is available [here](#).

If you have any questions, please email us at ess_compliance@ipart.nsw.gov.au.