

ESOS Compliance Deadline Passed

In October 2015 the Environment Agency (EA) extended the deadline for the ESOS Compliance until the 29th January 2016. The EA has now published a list of just under 6,000 organisations who registered their compliance before this deadline. A further 1,000 organisations have registered their '**Intent To Comply**'. This leaves approximately 3,000 companies, thought to be within the scope of ESOS, who the EA will be contacting imminently.

What Next?

If your company has submitted an Intent to Comply notification to the EA, you will have received a letter from them advising you to submit your compliance as soon as possible to avoid penalties.

If you have not already complied with the ESOS requirements, it is highly recommended that you begin your compliance **as soon as possible to minimise the penalties**. Companies are requested to inform the EA, through their portal, of the date by which they expect they can comply with the requirements.

The Environment Agency has made it clear that substantial penalties will be incurred for companies who remain non-compliant.

All Non-Compliance by the 29th January 2016.

The below table provides a breakdown of the published sanctions that the Environment Agency can impose for non-compliance.

The Environment Agency has advised that under normal circumstances they would allow up to 3 months to 'remedy the failure' before any penalties are issued.

Legal Requirement Not Satisfied	Fixed Penalty	Additional Penalties after the compliance deadline until notification is completed
Not Notifying Scheme Administrator	Up to £5,000	£500 per day (max 80 days) Publication of Non-Compliance
Not maintaining adequate ESOS records	Up to £5,000	Cost to the EA for carrying out an audit to confirm if the company has complied. Publication of Non-Compliance
Failure to Undertake an ESOS Assessment	Up to £50,000	£500 per day (max 80 days) Publication of Non-Compliance
Not Complying with an enforcement, compliance or penalty notice	Up to £5,000	£500 per day (max 80 days) Publication of Non-Compliance
Making a False or Misleading Statement	Up to £50,000	Publication of Non-Compliance

Do you qualify for ESOS?

If you satisfy one of the below criteria then you are **IN** the scheme & participation is mandatory.

- 1) You are a UK undertaking with more than 250 employees
- 2) You are a UK undertaking whose annual turnover exceeds €50 million & your balance sheet is greater than €43 million.
- 3) You are a member of a corporate group which includes a UK undertaking that satisfies one of the above criteria.

If you do qualify for ESOS and still need to comply, please contact a member of our team on 01257 239500 or email enquiries@apolloenergy.co.uk.

We will work with you to process your ESOS Compliance as efficiently as possible in order to minimise EA penalties.

