

CANADIAN ADVISORY COUNCIL ON ENERGY EFFICIENCY
TERMS OF REFERENCE
November 2017

1. GENERAL

This Terms of Reference (ToR) details the procedures under which the Canadian Advisory Council on Energy Efficiency (the Council) shall function. The Council established these procedures and can review and amend them at its discretion. At a minimum, the Council shall review this ToR every three (3) years.

1.1 Definitions

Accredited Organization (AO) Member: A Certification Body or Standards Development Organization that complies with the appropriate requirements outlined in Standards Council of Canada's (SCC) [*SCC Requirements and Guidance - Product, Process, and Service Certification Body Accreditation Program*](#), and *ISO Guide 27:1983 - Guidelines for corrective action to be taken by a certification body in the event of misuse of its mark of conformity*; and is involved in the development and maintenance of Canadian standards in the areas for which the organization has been accredited.

Certification Body (CB): An organization that SCC has accredited to operate, on a continuing basis, a product conformity assessment program in a specific energy performance subject area.

Standards Development Organization (SDO): An organization that SCC has accredited to propose, publish and maintain standards and which has or is publishing standards for energy efficiency technologies.

Associate Member: Representing a jurisdiction or organization influencing or engaged in delivering energy efficiency or demand-side management programs, including energy efficiency agencies and energy utilities. Associates are non-decision making and have no voting privileges but may share their views on decisions.

Guests: Includes industry associations or non-member representatives.

Regulatory Member: A Canadian jurisdiction (federal, provincial or territorial government) **with** energy efficiency legislation in place.

Non-Regulatory Member: A Canadian jurisdiction (federal, provincial or territorial government) **without** energy efficiency legislation in place.

Other Recognized Document (ORD): A document developed by a certification body, in the absence of a Canadian Recognized Standard or National Standard of Canada, in order to establish safety and performance criteria for a new product. The ORD shall be reviewed and approved by regulatory members of the Council in order to be used for certification purposes or referenced in provincial and federal regulations.

2. MANDATE

The mandate of the Council is to provide a forum to develop and implement energy efficiency policies for equipment standards as a means to drive the uptake of energy efficient technologies and practices usually, but not exclusively, through the National Standards System.

2.1 Functions of the Council

- Provide a forum for regulatory and non-regulatory members to collaborate on common energy efficiency initiatives such as efficiency standards, market transformation, regulatory development and implementation;
- Promote a harmonized approach to regulating energy efficiency of appliances and equipment across multiple jurisdictions, including where practical common test procedures and minimum energy performance standards, implementation schedules, reporting and certification requirements;
- Enhance compliance with regulations and consumer labelling programs such as EnerGuide™ or ENERGY STAR®;
- Provide input to SDOs and CBs in establishing priorities for standards; development and energy performance verification programs related to energy efficiency;
- Discuss and collectively address issues that arise in the energy performance verification program;
- Increase the awareness of energy efficiency across AOs through education and liaison activities with steering committees, technical committees and sub-committees and the respective AO Board of Directors;
- Co-ordinate and promote with the SCC or organizations recognized by the SCC, in the development of National Standards of Canada and International Codes and Standard; and
- Liaise with SCC on strategic matters related to national codes, standards, conformity assessment and ORD developments.

2.2 Activities of the Council

- Share forward regulatory planning and proposed regulations;
- Identify and address issues related to the development and implementation of

regulations and standards, such as: suitability of test standards, verification approaches, listing, and suitability of new energy efficient products to meet existing codes or standards;

- Provide guidance to CBs regarding regulatory interpretation of referenced standards;
- Identify and develop where necessary, education materials for stakeholders on new regulations;
- Facilitate the development of testing and energy verification programs for new regulations;
- Support the monitoring of compliance with regulations;
- Recommend solutions for compliance problems; and
- Discuss with CBs matters relating to the general monitoring of product energy efficiency, and specific monitoring and reporting on problems encountered in the field of product energy efficiency.

2.3 Other Recognized Documents

The regulatory members of the Council coordinate and facilitate consistency among jurisdictions related to regulations, standards, ORDs, and conformity assessment programs related to products and practices within the energy efficiency sector.

Regulatory members of the Council will only validate (and SCC will only recognize) ORDs that have followed the requirements per the [Program Overview – Guidelines for the Development and Maintenance of Other Recognized Documents \(ORDs\)](#)¹, as amended from time to time, and do not conflict with existing standards.

3. MEMBERSHIP

Membership on the Council requires regular attendance and participation. The Council shall have members according to the table below. Guests are not considered members and their participation is at the Chair’s discretion.

Member	
Regulatory	7
Non-Regulatory	7
Accredited Organisations (1 member from each AO)	No limit
Associates (1 member from each approved* organisation), 1 member from SCC	No limit

¹ Standards Council of Canada - Conseil canadien des normes, 2016-04-29

*Associate organisations are approved as per the decision matrix in Table 1.

In a province or territory where the responsibility for energy efficiency comes under more than one authority, a representative from these other authorities may be appointed as a member of the Council. However, for the purpose of quorums and votes, the representatives from a single province or territory shall be considered as one voting member, unless otherwise noted in these ToR.

Members may recommend the appointment of Associates who are considered potential contributors to the work of Council and who may participate in Council meetings. The SCC may identify a representative as an Associate member of Council.

4. OPERATIONS

4.1 Executive

The term of office of the Chair and Vice-Chair shall be three years. The Chair and Vice Chair may be re-elected but should not hold office for more than six consecutive years.

The Vice-Chair shall preside at the meetings in the absence of the Chair. In the event the Chair can no longer serve, the Vice-Chair shall succeed the Chair until the Council selects a new Chair.

4.2 Secretariat

The Secretary shall assist the Executive in organizing the work of the Council, preparing meeting agendas, recording and producing minutes and any other matters that seem appropriate.

4.3 Subcommittees/Task Forces

The Council may establish subcommittees or Task Forces whenever required. The Council may appoint non-Council members to serve on subcommittees or Task Forces, however, the Chair of the subcommittee or Task Force shall be a Council regulatory member. Subcommittee recommendations shall be subject to ratification by Council.

4.4 Funding

All members and guests will be responsible for their own travel and accommodation costs for all scheduled meetings and teleconferences.

5. MEETINGS AND AGENDAS

5.1 Meetings

The Council will hold meetings at least once a year. Normally, the Council shall meet not more than 13 months from the date of the last meeting, unless the meeting cannot be held due to unforeseen circumstances.

The Chair may call a meeting at any time if circumstances warrant, but shall provide a minimum of 30-day notice. The Chair may shorten the 30-day notice if an urgent issue requires the Council's immediate attention. The Chair may call a meeting of regulatory members at the request of an AO member.

Meetings formats may include in-person meetings, teleconferences, videoconferences and webinars.

5.2 Agenda

Regulatory, Non-Regulatory as well as AO members, and Associates may request items to be included on the agenda. Items for the agenda shall be made available to the Secretary four weeks prior to the meeting, together with any supporting data.

The Chair, Vice-Chair and Secretary shall approve the agenda before it is circulated.

The agenda shall be circulated to the membership at least three weeks before the meeting. Additional items may be added to the agenda only with the approval of the Chair.

A presentation by an outside group that has been authorized by the Chair may be acceptable, provided that a written presentation or synopsis, together with supporting documentation, is available to be distributed with the agenda.

6. GENERAL PROCEDURES

6.1 Alternates and Proxies

Members may appoint an alternate to represent his or her jurisdiction. The alternate shall carry the vote for that area having jurisdiction. The member will inform the Secretary and Chair of this appointment in writing before the meeting.

Any Council member may appoint any other Council member their proxy and authorize that member to vote on their behalf on any question raised before Council, provided that two days prior written notice is filed with the Secretary. Individual members shall not hold more than one proxy (in addition to their own vote).

Prior to the start of the meeting or completion of any vote or ballot, the Secretary will identify any proxies or alternates to the other Council members. Alternates shall be considered in determining whether a quorum is present.

6.2 Decisions

The Council will make all decisions according to the *Decision Making Matrix* in this section. The Council may make decisions by electronic ballot, teleconference, or at a meeting. Ballots, to be valid, shall be returned to the Secretary within 30 days unless otherwise authorized by the Chair. The Secretary shall provide Council members with the results of ballots.

Where there are dissenting views on regulatory issues such as recognition of ORDs, there is to be consultation by teleconference, letter, or meeting to address the dissenting views and to give the dissenting voter an opportunity to change his or her vote. In the event of a tie, the Chair shall cast the deciding vote.

Table 1. Decision Making Matrix

Decision to be made	Eligibility to Vote			Rules
	Regulatory Members	Non-Regulatory Members	AO Members	
Administrative				
Time, place and format of the meeting				Chair's discretion
Quorum for voting at meetings	X		X	4/7 of regulatory members and ½ of AO members
Amendments to the ToR	X	X	X	2/3 majority of members ²
Council motions, decisions, recommendations, ballots or advice not specifically identified	X	X		2/3 majority of members
Membership				
Selection of Executive	X	X	X	Simple majority
Approval of new membership, associate	X	X		2/3 majority of members

² If voting takes place at a meeting (in person or teleconference), it is 2/3 of members present. If voting takes place by electronic ballot, then 2/3 of all members.

members and revocation of existing membership				
Removal of an Executive	X	X		2/3 majority of members
Correction of adopted minutes at a subsequent meeting	X	X		Simple majority
Challenge a decision of the Chair	X	X		2/3 majority of members
Technical / Regulatory				
Validation of an ORD for the purpose regulated products	X			Unanimous
Validation of an ORD for the purpose of non-regulated products	X	X		2/3 majority of members
Advice on Suitability of certification, listing, and examination practices (within scope of accreditation)	X			2/3 majority of members
Subcommittee and Task Force recommendations	X	X		2/3 majority of members present, or votes cast
Recommendations to Federal Government, SCC and other parties on energy efficiency technology issues	X	X	X	2/3 majority of members present, or votes cast