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STATUTORY INSTRUMENTS

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**2018 No. 255**

**ENERGY CONSERVATION**

**The Energy Information (Amendment) Regulations 2018**

*Made* - - - - 27th February 2018  
*Laid before Parliament* 28th February 2018  
*Coming into force* - - 29th March 2018

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environmental aspects of product design and makes these Regulations under the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Energy Information (Amendment) Regulations 2018 and come into force on 29th March 2018.

**Amendments to the Energy Information Regulations 2011**

2. The Energy Information Regulations 2011<sup>(3)</sup> are amended in accordance with regulations 3 to 13.

**Amendment of regulation 2 (interpretation)**

3.—(1) In regulation 2(1)—

(a) before the definition of “authorised person”, insert—

““Article” means, except in Schedules 1 and 2, an Article in the EU Energy Labelling Regulation;”;

(b) for the definition of “the Directive”, substitute—

““the EU Energy Labelling Regulation” means Regulation (EU) 2017/1369 of the European Parliament and of the Council setting a framework for energy labelling and repealing [Directive 2010/30/EU\(4\)](#);”.

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(1) [S.I. 2010/1552](#).

(2) [1972 c.68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c.7\)](#).

(3) [S.I. 2011/1524](#), amended by [S.I. 2011/2677](#), [2012/2897](#), [2012/3005](#), [2013/1232](#), [2014/1290](#), [2015/469](#) and [2016/838](#).

(4) OJ No L 198, 28.7.2017, p.1.

(2) In regulation 2(2), for “Directive”, in both places in which that word occurs, substitute “EU Energy Labelling Regulation”.

**Amendment of regulation 3 (scope)**

4.—(1) For regulation 3(1), substitute—

“(1) These Regulations apply to energy-related products.”.

(2) In regulation 3(2)—

- (a) in sub-paragraph (a), after “products”, insert “unless they are imported from a third country”;
- (b) omit sub-paragraph (c).

**Amendment of regulation 4 (enforcement)**

5.—(1) For regulation 4(1), substitute—

“(1) The local weights and measures authority, and in relation to Northern Ireland the Department for the Economy, enforce—

- (a) Article 5 (obligations of dealers);
- (b) Article 6 (other obligations of suppliers and dealers) insofar as it relates to obligations placed on dealers;
- (c) Article 9(1) and (4) (procedure at national level for dealing with products presenting a risk) insofar as it relates to obligations placed on dealers;
- (d) Article 11(13) (procedure for the introduction and rescaling of labels) insofar as it relates to obligations placed on dealers; and
- (e) RAMS.”.

(2) For regulation 4(2), substitute—

“(2) The Secretary of State enforces—

- (a) Article 3 (general obligations of suppliers);
- (b) Article 4(1), (2), (4) and (6) (obligations of suppliers in relation to the product database);
- (c) Article 6 (other obligations of suppliers and dealers) insofar as it relates to obligations placed on suppliers;
- (d) Article 9(1) and (4) (procedure at national level for dealing with products presenting a risk) insofar as it relates to obligations placed on suppliers;
- (e) Article 11(13) (procedure for the introduction and rescaling of labels) insofar as it relates to obligations placed on suppliers;
- (f) Article 12(5) and (6) (product database);
- (g) Article 20(3) (repeal and transitional measures); and
- (h) RAMS.”.

**Amendment of regulation 5 (authorised persons)**

6. In regulation 5, for “conferred by these Regulations or RAMS”, substitute “conferred by these Regulations, the EU Energy Labelling Regulation or RAMS”.

## **Revocation of Part 3 (responsibilities of suppliers and dealers) and Part 4 (information)**

7. Omit Parts 3 and 4.

## **Amendment of regulation 11 (offences and penalties)**

8.—(1) For regulation 11(1), substitute—

“(1) It is an offence for—

- (a) a dealer to fail to comply with any of the obligations placed on the dealer by virtue of the Articles listed in regulation 4(1);
- (b) a supplier to fail to comply with any of the obligations placed on the supplier by virtue of the Articles listed in regulation 4(2).”.

(2) In regulation 11(2), for sub-paragraph (a), substitute—

“(a) on summary conviction—

- (i) in England and Wales, to a fine;
- (ii) in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;”.

## **Amendment of regulation 12 (obstruction etc.)**

9. In regulation 12(1), for the words “these Regulations or RAMS”, in each place in which they occur, substitute “these Regulations, the EU Energy Labelling Regulation or RAMS”.

## **Amendment of regulation 17 (review)**

10. In regulation 17(2), for “the Directive”, substitute “the EU Energy Labelling Regulation”.

## **Amendment of Schedule 2 (powers of entry and warrants)**

11. In Schedule 2—

- (a) in paragraph 1, for the words “these Regulations and RAMS”, substitute “these Regulations, the EU Energy Labelling Regulation and RAMS”;
- (b) in paragraph 2(1)—
  - (i) for the words “these Regulations or of RAMS”, in each place in which they occur, substitute “these Regulations, of the EU Energy Labelling Regulation or of RAMS”;
  - (ii) for the words “these Regulations or RAMS”, in each place in which they occur, substitute “these Regulations, the EU Energy Labelling Regulation or RAMS”;
- (c) in paragraph 2(3)(b), after “these Regulations”, insert “and the EU Energy Labelling Regulation”;
- (d) in paragraph 2(5)(b), for the words “these Regulations or of RAMS”, substitute “these Regulations, of the EU Energy Labelling Regulation or of RAMS”;
- (e) in paragraph 3(1)—
  - (i) for the words “these Regulations or Article 19 of RAMS”, substitute “these Regulations, the EU Energy Labelling Regulation or Article 19 of RAMS”;
  - (ii) in paragraph (a), for the words “these Regulations and RAMS”, substitute “these Regulations, the EU Energy Labelling Regulation and RAMS”.

**Amendment of Schedule 3 (testing)**

12. In paragraph 1 of Schedule 3, for the words “these Regulations or RAMS”, substitute “these Regulations, the EU Energy Labelling Regulation or RAMS”.

**Revocation of paragraph 2 of Schedule 4 (civil sanctions)**

13. Omit paragraph 2 of Schedule 4.

27th February 2018

*Claire Perry*  
Minister of State  
Department for Business, Energy and Industrial  
Strategy

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Energy Information Regulations 2011 ([S.I. 2011/1524](#)) (“the 2011 Regulations”).

The 2011 Regulations implemented [Directive 2010/30/EU](#) (“the Directive”), which is replaced by Regulation (EU) 2017/1369 of the European Parliament and of the Council setting a framework for energy labelling and repealing [Directive 2010/30/EU](#) (“the EU Energy Labelling Regulation”).

In consequence of the coming into force of the EU Energy Labelling Regulation, these Regulations replace references to the Directive with references to the EU Energy Labelling Regulation and alter the domestic enforcement regime for the labelling of energy-related products.

Regulation 4 amends regulation 3 of the 2011 Regulations and applies the 2011 Regulations to energy-related products (which is defined in Article 2 of the EU Energy Labelling Regulation). It amends the list of matters to which the 2011 Regulations do not apply in line with Article 1(2) of the EU Energy Labelling Regulation.

Regulation 5 amends regulation 4 of the 2011 Regulations to designate the market surveillance authorities for the obligations imposed on suppliers and dealers by the EU Energy Labelling Regulation. These obligations supersede the obligations in Parts 3 and 4 of the 2011 Regulations, which are revoked by regulation 7.

Regulation 8 replaces the criminal offence in regulation 11 of the 2011 Regulations with a criminal offence for contravention of the obligations placed on suppliers or dealers by the provisions of the EU Energy Labelling Regulation listed in regulation 4 of the 2011 Regulations, as amended.

Regulation 13 revokes paragraph 2 of Schedule 4 which is superseded by Article 9(2) of the EU Energy Labelling Regulation (procedure at national level for dealing with products presenting a risk).

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen. An impact assessment was prepared prior to the adoption of the EU Energy Labelling Regulation and an assessment of costs and benefits will be carried out prior to each of the product-specific EU measures being adopted by the European Commission.