
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the requirements of Directive 2010/30/EU of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (OJ L 153, 18.6.2010, p1). They also implement elements of the market surveillance Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (“RAMS”) (OJ L 128 13.8.2008, p 30). They give effect to any EU measures which are made pursuant to the Directive.

Regulation 3 provides that the Regulations apply to energy-related products which have a significant direct or indirect impact on the consumption of energy and other resources. Regulation 4 provides for enforcement. Regulation 5 provides that the market surveillance authority may authorise any suitable person to act for it.

Regulation 7 sets out the requirements which must be met by a supplier when supplying a product. Regulation 8 sets out the responsibilities of dealers when selling a product.

Regulation 9 provides that when products are offered for sale or hire directly or indirectly information about the energy consumption of a product must be brought to the attention of the end-user and made available as required by the EU measure set out in Schedule 1.

Regulation 10 prohibits the display of labels, marks, symbols or inscriptions which do not comply with these Regulations which would mislead or confuse end-users about the consumption of energy or other resources during use. Regulations 11 to 15 set out offences, penalties and related matters.

Regulation 17 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within 5 years after they come into force and within every 5 years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Schedule 2 provides for powers of entry, search and seizure and the procedure for obtaining a warrant. Schedule 3 provides that the market surveillance authority may buy and test products to ensure compliance and recover the costs of testing non-compliant products from suppliers. Schedule 4 provides for civil sanctions which the market surveillance authority may impose in relation to an offence committed under regulation 11.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available at the Department for Business Innovation & Skills, 1 Victoria Street, London, SW1H 0ET and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk

Changes to legislation:

There are currently no known outstanding effects for the The Energy Information Regulations 2011.