
STATUTORY INSTRUMENTS

2004 No. 1468

The Energy Information (Household Refrigerators and Freezers) Regulations 2004

Citation and commencement

1. These Regulations may be cited as the Energy Information (Household Refrigerators and Freezers) Regulations 2004 and shall come into force on 1st July 2004.

Interpretation

2.—(1) In these Regulations—

- (a) “the Refrigerators and Freezers Directive” means Commission Directive [94/2/EC\(1\)](#) as amended by Commission Directive [2003/66/EC\(2\)](#) implementing Council Directive [92/75/EEC\(3\)](#) with regard to energy labelling of household electric refrigerators, freezers and their combinations;
- (b) “the Parent Directive” means Council Directive [92/75/EEC](#) on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances; and
- (c) “the Directives” means the Refrigerators and Freezers Directive and the Parent Directive.

(2) In these Regulations, expressions used which are also used in the Directives have the same meaning as in the Directives and—

“the 1994 Regulations” means the Energy Information (Refrigerators and Freezers) Regulations 1994(4);

“communication”, as a means by way of which appliances are offered for sale, means a printed or written communication or other means whereby the potential customer cannot be expected to see the appliance displayed, such as a written offer, a mail order catalogue, advertisements on the internet or other electronic media; except for the reference to the Community in regulation 6(3), a reference to the Community includes a reference to the EEA(5);

“dealer” means a retailer or other person who offers for sale, displays or sells household appliances to end-users;

“EEA” means the European Economic Area created by the EEA Agreement;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and the Amending Agreement signed at Luxembourg on 14th October 2003;

F1 ...

(1) OJNo. L 45, 17.2.1994, p. 1.

(2) OJ No. L 170, 9.7.2003, p. 10.

(3) OJ No. L 297, 13.10.1992, p. 16.

(4) S.I. [1994/3076](#) as amended by S.I. [2001/3142](#).

(5) The parent Directive was extended to the European Economic Area by EEA Joint Committee Decision No 7/94 of 21st March 1994 (OJ No. L 160, 28.6.1994, p. 1) and the Refrigerators and Freezers Directive was extended by EEA Joint Committee Decision 22/98 of 17th December 1998 (OJ No. L 342, 17.12.1998, p. 32) and EEA Joint Committee Decision 19/2004 of 19th March 2004, which has yet to be published in the Official Journal.

[^{F2}“harmonized standards” means EN 153:2006;]

“information sheet” means a standard table of information relating to the appliance in question;

[^{F3}“local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985;]

“records” includes any books, documents, labels, marks, symbols and inscriptions and any records in non-documentary form;

“regulated appliance” has the meaning given by regulation 3(3);

“sale” includes hire and hire-purchase and related expressions shall be construed accordingly;

“supplier” means the manufacturer or his authorised representative in the Community or the person who places the product on the Community market.

- | | |
|-----------|--|
| F1 | Words in reg. 2 omitted (15.10.2009) by virtue of The Energy Information (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/2559) , regs. 1(b), 8(2)(a) |
| F2 | Words in reg. 2 substituted (15.10.2009) by The Energy Information (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/2559) , regs. 1(b), 8(2)(b) |
| F3 | Words in reg. 2 inserted (15.10.2009) by The Energy Information (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/2559) , regs. 1(b), 8(2)(c) |

[^{F4}**Enforcement authority**

2A.—(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 11 (dealers’ duty in respect of displayed appliances) and regulation 12 (information in respect of mail order and other distance selling), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment; and
- (b) for the purpose of enforcing regulation 6 (placing on the Community market: technical documentation), regulation 7 (suppliers’ duties in respect of labels), regulation 8 (suppliers’ duties in respect of information sheets), regulation 9 (suppliers’ duty in respect of the accuracy of information) and regulation 13 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions,

on the Department for Environment, Food and Rural Affairs website.]

- | | |
|-----------|--|
| F4 | Reg. 2A inserted (15.10.2009) by The Energy Information (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/2559) , regs. 1(b), 8(3) |
|-----------|--|

Scope

3.—(1) Subject to paragraph (2), these Regulations apply to electric mains operated household—

- (a) refrigerators;

- (b) frozen food storage cabinets;
- (c) food freezers,

and their combinations, whether or not they are sold or displayed for non-household use.

(2) These Regulations do not apply to—

- (a) the rating plate or its equivalent affixed for safety purposes to an appliance; or
- (b) appliances that may also use other energy sources, such as batteries.

(3) A household appliance to which these Regulations apply is referred to as a regulated appliance.

Other Exclusions

4.—(1) Nothing in these Regulations shall apply to—

- (a) appliances placed on the Community market before 1st July 2004; or
- (b) second hand appliances.

(2) There shall be no obligations on a supplier to establish technical documentation, supply labels or provide information sheets in respect of a household appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will be used outside the Community.

(3) There shall be no obligations on a dealer to display labels in respect of a household appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will be used outside the Community.

(4) There shall be no obligations on any person who offers for sale by way of a communication a household appliance intended for use only in a country outside the Community and which he has reasonable grounds to believe will be used outside the Community.

Obtaining the information required by these Regulations

5.—(1) The information required by regulations 6, 7, 8 and 9 shall be obtained by measurements made in accordance with the harmonized standards.

(2) Where a supplier provides information relating to noise, it shall be measured in accordance with Council Directive [86/594/EEC](#)(6) on airborne noise emitted by household appliances, and the provisions of Schedules 1, 2 and 3 to these Regulations relating to noise information shall apply.

(3) Information obtained other than in accordance with paragraphs (1) and (2) shall be taken for the purposes of these Regulations not to meet the relevant requirements.

Placing on the Community market: technical documentation

6.—(1) No supplier shall place on the Community market a regulated appliance unless he has established technical documentation sufficient to enable the accuracy of the information contained in a label or information sheet to be assessed.

(2) The technical documents referred to in paragraph (1) shall include—

- (a) the name and address of the suppliers;
- (b) a general description of the appliance, sufficient for it to be identified;

(6) OJ L No. 344, 6.12.1986, p. 24. This Directive was transposed by the Household Appliances (Noise Emission) Regulations 1990 (S.I. [1990/161](#) as amended by S.I. [1994/1386](#)); see regulation 4 of those Regulations requiring that where noise information is given, it must be determined in accordance with Council Directive [86/594/EEC](#).

- (c) information, including drawings as relevant, on the main design features of the model and in particular items which appreciably affect its energy consumption;
- (d) reports of relevant measurement tests carried out under the harmonized standards;
- (e) details of such calculations, extrapolations or both, as the case may be, and of tests undertaken to verify the accuracy of the calculations undertaken (details of the mathematical model for calculating performance and of measurements taken to verify this model) where the information relating to a particular model combination has been obtained by calculation on the basis of design, extrapolation from other combinations or both;
- (f) operating instructions, if any.

(3) For the purposes of paragraphs (1) and (2), the supplier may use documentation already required on the basis of relevant Community legislation.

(4) The supplier shall make the technical documentation available for inspection by enforcement authorities for a period ending five years after the last regulated appliance of the model has been manufactured.

Suppliers' duties in respect of labels

7.—(1) Any supplier placing on the Community market a regulated appliance shall supply a label in accordance with this regulation.

(2) The label shall comply with Schedule 1 (the label) and the energy efficiency class indicated shall be determined in accordance with Schedule 5 (energy efficiency class).

(3) A supplier shall supply the necessary labels free of charge to dealers.

(4) A supplier may choose his own system for delivery of labels.

(5) Where the dealer requests labels from the supplier, the supplier shall ensure that the requested labels are delivered promptly.

Suppliers' duties in respect of information sheets

8.—(1) A supplier of a regulated appliance shall provide an information sheet in accordance with this regulation.

(2) The information sheet shall satisfy the following requirements—

(a) it shall be in the relevant language version;

(b) the content and form shall be as specified in Schedule 2 (the information sheet);

(c) the category of the appliance shall be determined in accordance with Schedule 4 (categories of appliance) for the purposes of complying with paragraph 1(3) of that Schedule; and

(d) the energy efficiency class indicated shall be determined in accordance with Schedule 5 (energy efficiency class) for the purposes of complying with paragraph 1(4) of that Schedule.

(3) Where the supplier provides a product brochure with a regulated appliance, the brochure shall contain the information sheet.

(4) Where no brochure is provided with a regulated appliance, the supplier shall provide the information sheet with any other literature provided.

Suppliers' duty in respect of the accuracy of information

9.—(1) For the purposes of these Regulations only, it shall be the duty of a supplier to ensure that the information in an information sheet or on a label which he supplies to a dealer is accurate.

(2) Paragraph (1) is without prejudice to any right of action which any person may have apart from these Regulations whether against the supplier, dealer or any other person arising from any inaccuracy of information in an information sheet or label.

Suppliers' deemed consent to publication of information

10. The supplier shall be deemed to consent to the publication of the information given on a label or in an information sheet.

Dealers' duty in respect of displayed appliances

11. A dealer who displays a regulated appliance shall attach the label provided by the supplier for that appliance to the outside front or top of the appliance so that the label remains clearly visible and not obscured whenever the appliance is displayed.

Information in respect of mail order and other distance selling

12. Where a person offers an appliance for sale by means of a communication, that person shall ensure that the communication—

- (a) is in the relevant language;
- (b) includes the information specified in Schedule 3 (mail order and other distance selling) and describes the appliance in accordance with Schedules 4 (categories of appliance) and 5 (energy efficiency class); and
- (c) where other information is provided, if it is required to be contained in an information sheet it shall be included with the information required by sub-paragraph (b) above in the form defined and the order specified in Schedule 2.

Misleading information

13.—(1) A person shall not display any label, mark, symbol or inscription (other than those required by these Regulations) which relates to the energy consumption of an appliance and which does not comply with the requirements of these Regulations, if such display is likely to mislead or confuse.

(2) Paragraph (1) shall not apply to a label, mark, symbol or inscription displayed under a Community or national environmental labelling scheme⁽⁷⁾.

(3) Paragraph (1) shall not apply to a label, mark, symbol or inscription displayed pursuant to the 1994 Regulations.

Presumption of compliance

14. Unless there is evidence to the contrary, labels and information sheets are deemed to comply with the provisions of these Regulations.

Enforcement and offences

15.—(1) Subject to paragraph (3), it shall be the function of every enforcement authority to enforce these Regulations within its area.

(2) Nothing in these Regulations shall authorise an enforcement authority in Scotland to bring proceedings for an offence.

(7) See, for example, European Parliament and Council Regulation 1980/2000 (OJ No. L237, 21/09/2000, p. 1).

(3) Schedule 6 shall have effect with regard to offences, enforcement of these Regulations and other related matters.

Transitional provisions

16. Where a regulated appliance is placed on the Community market on or before 30th December 2004, the use of labels, information sheets or communications relating thereto, in respect of which the requirements of these Regulations are not complied with shall be permitted, provided that the provisions of the 1994 Regulations are complied with.

Revocation and saving

17.—(1) Subject to paragraph (2), the 1994 Regulations and the Energy Information and Energy Efficiency (Miscellaneous Amendments) Regulations 2001⁽⁸⁾ to the extent that they amend the 1994 Regulations shall be revoked on 31st December 2004.

(2) The provisions of the 1994 Regulations shall continue to apply—

- (a) to an appliance placed on the Community market before 1st July 2004; or
- (b) to a regulated appliance placed on the Community market on or after 1st July 2004 but before 31st December 2004 where the information required to be provided was obtained by measurements made in accordance with EN 153: 1990⁽⁹⁾.

Whitty
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural
Affairs

Address

⁽⁸⁾ S.I. 2001/3142.

⁽⁹⁾ European standard EN 153 of 1990 entitled “Methods of measuring the energy consumption of electric mains operated household refrigerators, frozen food storage cabinets, food freezers and their combinations, together with associated characteristics”, which is transposed in the United Kingdom by British Standard BS EN 153:1990 of the same title published by the British Standards Institution on 31st December 1990.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Information (Household Refrigerators and Freezers) Regulations 2004.