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STATUTORY INSTRUMENTS

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**2010 No. 2617**

The Ecodesign for Energy-Related Products Regulations 2010

PART 1

Introductory

**Citation and commencement**

1. These Regulations may be cited as the Ecodesign for Energy-Related Products Regulations 2010 and come into force on 20th November 2010.

**Interpretation** **E+W+S**

[<sup>F12</sup>2.—(1) In these Regulations—

“applicable implementing measure” means in relation to an energy-related product mentioned in the left hand column of the table in paragraph 4 of Schedule 1, the corresponding implementing measure referred to in the right hand column of that table;

“approved body” has the meaning given to it in paragraph 1(1) of Schedule 1B;

“authorised person” means a person authorised by the market surveillance authority in accordance with regulation 12;

“authorised representative” means—

(a) a person who—

(i) immediately before IP completion day was established in the United Kingdom or an EEA state and was appointed by a manufacturer by written mandate to act on its behalf in relation to such tasks as are specified in the mandate with regard to the manufacturer's obligations under these Regulations, an implementing measure, or RAMS; and

(ii) on or after IP completion day continues to be so established and appointed by the manufacturer to perform those tasks; or

(b) a person who, on or after IP completion day, is established in Great Britain and is appointed by a manufacturer by written mandate to act on its behalf in relation to such tasks as are specified in the mandate with regard to the manufacturer's obligations under these Regulations, an implementing measure, or RAMS;

“companies qualifying as small or medium-sized” means a company that qualifies as small under section 382 of the Companies Act 2006 or as medium-sized under section 465 of that Act;

“components and sub-assemblies” means parts which are intended to be incorporated into products and—

(a) which are not placed on the market or put into service as individual parts for end-users; or

(b) the environmental performance of which cannot be assessed independently;

“conformity assessment activities” means any activities connected with conformity assessment, including calibration, testing, certification and inspection;

“conformity assessment body” means a body that performs conformity assessment activities;

“designated standard” has the meaning given to it by regulation 2A;

“the Decision” means Decision No [768/2008/EC](#) of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, as it had effect immediately before IP completion day;

“the Directive” means Directive [2009/125/EC](#) of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of eco-design requirements for energy-related products as it had effect immediately before IP completion day;

“ecodesign requirement” means any requirement in relation to a product, or the design of a product, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of a product;

“ecological profile” means a description, in accordance with the implementing measure applicable to the product, of the inputs and outputs (such as materials, emissions and waste) associated with a product throughout its life cycle which are significant from the point of view of its environmental impact, expressed in physical quantities that can be measured;

“energy-related product” means—

- (a) any good that has an impact on energy consumption during use which is placed on the market or put into service; and
- (b) parts—
  - (i) which are intended to be incorporated into any good that has an impact on energy consumption during use which is placed on the market or put into service;
  - (ii) which are placed on the market or put into service as individual parts for end-users; and
  - (iii) of which the environmental performance can be assessed independently;

“environmental aspect” means an element or function of a product that can interact with the environment during its life cycle;

“environmental impact” means any change to the environment wholly or partially resulting from a product during its life cycle;

“environmental performance” of a product means the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file where a technical documentation file is required for that product;

“identification number” means the number which identifies an approved body and follows a UK marking affixed to a product pursuant to regulation 4, which is affixed—

- (a) by the approved body; or
- (b) where instructed to do so by the approved body, by the manufacturer or the manufacturer's authorised representative;

“implementing measure” means a measure made under the Directive before IP completion day, or regulations made under regulation 22 on or after IP completion day;

“importer” means a person who—

- (a) is established in the United Kingdom and places a product from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;

“life cycle” means the consecutive and interlinked stages of a product from raw material use to final disposal;

“make available on the market” means to supply a product for distribution or use on the market of Great Britain in the course of a commercial activity, whether in return for payment or free of charge;

“manufacturer” means a person who—

- (a) manufactures a product; or
- (b) has a product designed or manufactured;

and markets that product under its name or trademark;

“place on the market” except in regulation 20A, means the first making available of a product on the market of Great Britain, and related expressions must be construed accordingly;

“product” means an energy-related product;

“product design” means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by a product into the technical specification for that product;

“put into service” except in regulation 20A, means the first use of a product for its intended purpose on the Great Britain market, and related expressions must be construed accordingly;

“RAMS” means 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;

“self-regulation” includes voluntary agreements; and

“technical specification” means, except in regulation 2A, a document that prescribes technical requirements to be fulfilled by a product, process, service or system.]

[<sup>F2</sup>(2) Expressions not defined in paragraph (1) which are used in these Regulations and—

- (a) in an implementing measure;
- (b) in the Directive; or
- (c) in RAMS;

have the meaning they bear in that implementing measure, Directive, or RAMS.]

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F1** Reg. 2(1) substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 2(2)**; 2020 c. 1, **Sch. 5 para. 1(1)** (as amended by S.I. 2020/1528, regs. 1(2), 4, 6(1)(2)(a)(3)(4)(a), 7(a))
- F2** Reg. 2(2) substituted (E.W.S) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 2(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**

## Interpretation **N.I.**

### 2.—(1) In these Regulations—

“applicable implementing measure” means in relation to an energy-related product mentioned in the left hand column of the table in paragraph 4 of Schedule 1, the implementing measure referred to in the right hand column of that table;

“authorised person” means a person authorised by the market surveillance authority in accordance with regulation 12;

“the Marketing Decision” means Decision No [768/2008/EC](#) of the European Parliament and of the Council on a common framework for the marketing of products and repealing Council Decision [93/465/EEC](#); and

“RAMS” means 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 of the European Parliament and of the Council.

[<sup>F28</sup>“UK(NI) indication” means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;]

### (2) Expressions not defined in paragraph (1) which are used in these Regulations and—

- (a) in an implementing measure;
- (b) in Directive [2009/125/EC](#) of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products;
- (c) in RAMS; or
- (d) in the Marketing Decision,

have the meaning they bear in that implementing measure, Directive, RAMS or the Marketing Decision.

#### **Extent Information**

**E6** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### **Textual Amendments**

**F28** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1528\)](#), regs. 1(4), **12**

## [<sup>F3</sup>Designated standards

**2A.—(1)** Subject to paragraphs (6) and (7), in these Regulations a “designated standard” is a reference to a technical specification which is—

- (a) adopted by a recognised standardisation body [<sup>F4</sup>or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
    - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions;
    - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;
  - (b) the characteristics required of a service including levels of quality, performance, interoperability, environmental protection, health or safety; and
  - (c) production methods and processes relating to the product, where these have an effect on the characteristics of the product.
- (3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—
- (a) the European Committee for Standardization (CEN);
  - (b) the European Committee for Electrotechnical Standardization (CENELEC);
  - (c) the European Telecommunications Standards Institute (ETSI);
  - (d) the International Organization for Standardization (ISO);
  - (e) the International Electrotechnical Commission (IEC);
  - (f) the International Telecommunication Union (ITU);
  - (g) the British Standards Institution (BSI).

[<sup>F5</sup>(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw sufficient attention to the standard to all persons who may have an interest in the standard.

(5) Before publishing the reference to a standard adopted by the British Standards Institution, the Secretary of State must have regard to whether the standard is consistent with [<sup>F6</sup>such] standards adopted by the other recognised standardisation bodies [<sup>F7</sup>or by international standardising bodies as the Secretary of State considers to be relevant.]

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of a recognised standardisation body.

(9) Regulations made under paragraph (8) are to be made by statutory instrument.

(10) A statutory instrument containing regulations made under paragraph (8) is subject to annulment in pursuance of a resolution of either House of Parliament.]

### Textual Amendments

- F3** Reg. 2A inserted (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), [Sch. 1 para. 3](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), [Sch. 4 para. 4\(a\)](#); S.I. 2020/1662, reg. 2(ee)
- F5** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), [Sch. 4 para. 4\(b\)](#); S.I. 2020/1662, reg. 2(ee)
- F6** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), [Sch. 4 para. 4\(c\)\(i\)](#); S.I. 2020/1662, reg. 2(ee)
- F7** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), [Sch. 4 para. 4\(c\)\(ii\)](#); S.I. 2020/1662, reg. 2(ee)

## PART 2

### Restrictions on energy-related products, conformity assessments, declarations of conformity and the [F8CE][F8UK] marking

### Textual Amendments

- F8** Word in Pt. 2 heading substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), [Sch. 1 para. 4](#); 2020 c. 1, Sch. 5 para. 1(1)

### Restrictions on energy-related products **E+W+S**

3.—(1) A manufacturer must not place on the market or put into service an energy-related product unless that product complies with the applicable implementing measure and bears the [F9UK] marking.

(2) Schedule 1 (declaration of conformity) has effect.

[F10(3) Schedule 1A (conformity assessment procedures) has effect and reproduces provisions of Annexes 4 and 5 to the Directive (as it has effect immediately before IP completion day), with amendments, to correct deficiencies in retained EU law.

(4) Schedule 1B (conformity assessment bodies) has effect.]

### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

### Textual Amendments

- F9** Word in reg. 3(1) substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), [Sch. 1 para. 5\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Reg. 3(3)(4) inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), [Sch. 1](#)

**para. 5(3)** (as amended by The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1528), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

### Restrictions on energy-related products **N.I.**

**3.—**(1) A manufacturer must not place on the market or put into service an energy-related product unless that product complies with the applicable implementing measure and bears the CE marking.

(2) Schedule 1 (declaration of conformity) has effect.

#### Extent Information

**E7** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### Conformity assessments, declarations of conformity and the <sup>F11</sup>UK marking **E+W+S**

**4.—**(1) A manufacturer must not place on the market or put into service an energy-related product unless that manufacturer complies <sup>F12</sup>with paragraph (2)]

(2) Compliance with this paragraph means that the manufacturer—

(a) has assessed whether an energy-related product complies with the applicable implementing measure; and

(b) if the assessment is that the product complies, has—

(i) made a declaration of conformity; and

(ii) affixed the <sup>F13</sup>UK marking visibly, legibly and indelibly to the product, the packaging or documentation that accompanies that product.

(3) Schedule 2 <sup>F14</sup>(UK marking)] has effect.

#### Extent Information

**E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

**F11** Word in reg. 4 heading substituted (E.W.S.) (31.12.2020) by The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 6(2)**; 2020 c. 1, Sch. 5 para. 1(1)

**F12** Words in reg. 4(1) substituted (E.W.S.) (31.12.2020) by The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

**F13** Words in reg. 4(3) substituted (E.W.S.) (31.12.2020) by The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 6(5)**; 2020 c. 1, Sch. 5 para. 1(1)

**F14** Word in reg. 4(2)(b)(ii) substituted (E.W.S.) (31.12.2020) by The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

## Conformity assessments, declarations of conformity and the CE marking **N.I.**

**4.**—(1) A manufacturer must not place on the market or put into service an energy-related product unless that manufacturer complies with—

- (a) paragraph (2); or
  - (b) equivalent provisions under the laws of another member State or EEA State.
- (2) Compliance with this paragraph means that the manufacturer—
- (a) has assessed whether an energy-related product complies with the applicable implementing measure; and
  - (b) if the assessment is that the product complies, has—
    - (i) made a declaration of conformity; and
    - (ii) affixed the CE marking visibly, legibly and indelibly to the product, the packaging or documentation that accompanies that product.
- (3) Schedule 2 (CE marking) has effect.

### Extent Information

**E8** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### [<sup>F15</sup>UK(NI) indication

**4A.**—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a UK notified body, a UK(NI) indication must also be affixed to the product, in accordance with this regulation.

- (2) The UK(NI) indication must be affixed—
  - (a) visibly, legibly and indelibly; and
  - (b) before the product is placed on the market in Northern Ireland.
- (3) The UK(NI) indication must be affixed wherever the CE marking is affixed, in accordance with regulation 4.
- (4) The UK(NI) indication must be affixed by—
  - (a) the manufacturer; or
  - (b) the manufacturer’s authorised representative who has been appointed by the manufacturer to affix the UK(NI) indication on the manufacturer’s behalf.
- (5) When placing a product on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

### Textual Amendments

**F15** Regs. 4A, 4B inserted (N.I.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1528\)](#), regs. 1(4), **13**

### Register of UK notified bodies

- 4B.**—(1) The Secretary of State must ensure that—
- (a) each UK notified body is assigned an identification number; and



- (b) there is a register of—
  - (i) UK notified bodies;
  - (ii) their notified body identification number;
  - (iii) the activities for which they have been notified; and
  - (iv) any restrictions on those activities.
- (2) The register referred to in paragraph (1) must be maintained and made publicly available.
- (3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).]

#### Textual Amendments

**F15** Regs. 4A, 4B inserted (N.I.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1528\)](#), regs. 1(4), **13**

#### Authorised representatives and importers

**5.**—(1) An authorised representative or importer of an energy-related product must not place on the market or put into service an energy-related product unless—

- (a) the manufacturer of the product has complied with regulation 4(1); or
- (b) the authorised representative or importer complies with regulation 4(2) to the extent that the manufacturer has not complied with it.

#### Displays of energy related products not restricted

**6.**—(1) Regulations 3, 4 and 5 do not prevent the display of an energy-related product if—

- (a) that product; or
- (b) the packaging or documentation that accompanies it,

bears a visible indication that the product must not be placed on the market unless it complies with the applicable implementing measure.

(2) For the purposes of paragraph (1), the display of an energy-related product includes its display at trade fairs, exhibitions and demonstrations.

## PART 3

### Presumption of conformity, misleading markings and documentation

#### Presumption of conformity **E+W+S**

**7.**—(1) Unless the contrary is proved, where—

- (a) an energy-related product; or
- (b) the packaging or documentation that accompanies that product,

bears the [<sup>F16</sup>UK] marking, the product is presumed to comply with the applicable implementing measure.

[<sup>F17</sup>(2) Unless the contrary is proved, where designated standards have been applied to an energy-related product, the product is presumed to comply with the applicable implementing measure to the extent that the designated standards relate to the requirements of that measure.]

(3) Unless the contrary is proved, where an energy-related product has been awarded a community eco-label [<sup>F18</sup>before IP completion day], the product is presumed to comply with the applicable implementing measure to the extent that the Community eco-label relates to the requirements of that measure.

(4) For the purposes of paragraph (3) “Community eco-label” means a label that meets the requirements of Regulation (EC) No 1980/2000 of the European Parliament and of the Council on a revised Community eco-label award scheme<sup>(1)</sup>.

#### Extent Information

**E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

**F16** Word in reg. 7(1) substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 7(2)**; 2020 c. 1, Sch. 5 para. 1(1)

**F17** Reg. 7(2) substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 7(3)**; 2020 c. 1, Sch. 5 para. 1(1)

**F18** Words in reg. 7(3) inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 7(4)** (as amended by S.I. 2020/1528, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

#### Presumption of conformity **N.I.**

7.—(1) Unless the contrary is proved, where—

- (a) an energy-related product; or
- (b) the packaging or documentation that accompanies that product,

bears the CE marking, the product is presumed to comply with the applicable implementing measure.

(2) Unless the contrary is proved, where—

- (a) harmonised standards have been applied to an energy-related product; and
- (b) the reference numbers of those standards have been published in the Official Journal of the European Union,

the product is presumed to comply with the applicable implementing measure to the extent that the harmonised standards relate to the requirements of that measure.

(3) Unless the contrary is proved, where an energy-related product has been awarded a community eco-label, the product is presumed to comply with the applicable implementing measure to the extent that the Community eco-label relates to the requirements of that measure.

(4) For the purposes of paragraph (3) “Community eco-label” means a label that meets the requirements of Regulation (EC) No 1980/2000 of the European Parliament and of the Council on a revised Community eco-label award scheme.

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(1) OJ No L 237, 21.9.2000, p. 1.

#### Extent Information

- E9** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Misleading markings **E+W+S**

**8.—(1)** A person must not affix or cause to be affixed any marking to—

- (a) an energy-related product; or
- (b) the packaging or documentation that accompanies that product,

which is likely to mislead a user of the product as to the meaning or form of the [<sup>F19</sup>UK] marking.

#### Extent Information

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F19** Word in [reg. 8](#) substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), [reg. 1\(3\)](#), [Sch. 1 para. 8](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Misleading markings **N.I.**

**8.—(1)** A person must not affix or cause to be affixed any marking to—

- (a) an energy-related product; or
- (b) the packaging or documentation that accompanies that product,

which is likely to mislead a user of the product as to the meaning or form of the CE marking.

#### Extent Information

- E10** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Documentation for inspection

**9.—(1)** A manufacturer, an authorised representative or importer who has placed on the market or put in to service an energy-related product must keep the following available for inspection by the market surveillance authority—

- (a) any documentation relevant to the applicable conformity assessment procedure; and
- (b) every declaration of conformity.

(2) All documentation and declarations must be kept available for inspection for a period of at least 10 years from the date the product was last manufactured.

(3) Any documentation or declaration must be made available within 10 days of receipt of a request by the market surveillance authority.

## PART 4

### Authorities and appeals

#### Notifying authority, competent authority and market surveillance authority

**10.**—<sup>F20</sup>(1) For the purposes of Article R 2(8) and R 2(9) of Annex I to the Marketing Decision the competent national authority is the Secretary of State.]

<sup>F21</sup>(2) For the purposes of Article R(14) to R(28) of Annex I to the Marketing Decision the notifying authority is the Secretary of State.]

(3) For the purposes of Article 2(18) of RAMS the market surveillance authority is the Secretary of State.

#### Textual Amendments

**F20** Reg. 10(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 9**; 2020 c. 1, Sch. 5 para. 1(1)

**F21** Reg. 10(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 9**; 2020 c. 1, Sch. 5 para. 1(1)

#### Appeals

**11.** Schedule 3 (appeals) has effect.

## PART 5

### Enforcement

**12.** The market surveillance authority may authorise in writing such persons who appear suitable to act on its behalf to carry out any functions and to exercise any power conferred by RAMS, subject to any limitations or conditions as it sees fit.

**13.** The following have effect—

- (a) Schedule 4 (warrants and testing costs); and
- (b) Schedule 5 (civil sanctions).

## PART 6

### Offences and Penalties

#### Offences and penalties

**14.**—(1) It is an offence for any person to contravene, or cause or permit another person to contravene, any of regulations 3 to 5, 8 or 9.

(2) Any person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

### **Obstruction etc.**

**15.**—(1) It is an offence for any person—

- (a) intentionally to obstruct an authorised person acting in the pursuance of their powers or duties under RAMS;
- (b) knowingly or recklessly to make a statement which is false or misleading in purported compliance with any requirement imposed by Article 19 of RAMS.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) In this regulation, “powers or duties” includes powers or duties exercisable by virtue of a warrant under Schedule 4.

### **Time limit for prosecution of offences**

**16.**—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid;
- (b) in Northern Ireland, the complaint is made; or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the market surveillance authority thinks is sufficient to justify the proceedings comes to the market surveillance authority’s knowledge.

(2) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the market surveillance authority’s knowledge is to be conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

### **Bodies corporate**

**17.**—(1) Where a body corporate commits an offence under these Regulations and it is proved that the offence—

- (a) is committed with the consent or connivance of a relevant person, or
- (b) is attributable to any neglect on the part of that person,

that person as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant person” means—

- (a) a director, manager, secretary or other similar officer of the corporate body;
- (b) in relation to a body corporate managed by its members, a member of that body performing managerial functions;
- (c) in relation to a Scottish partnership, a partner;
- (d) a person purporting to act as a person described in (a), (b) or (c).

### **Remediation orders**

**18.**—(1) This regulation applies to a person convicted of an offence under these Regulations.

(2) The court may specify in an order (“a remediation order”)—

- (a) the steps that the convicted person must take to remedy any of the matters for which that person has been convicted; and
  - (b) the period within which those steps must be taken.
- (3) A period specified in a remediation order may be extended if an application is made to the court within that period.
- (4) A convicted person does not continue to be liable under regulation 14 or 15 in respect of the matters covered by a remediation order.
- (5) A remediation order may be made in addition to, or instead of, any other punishment.

### Recovery of expenses of enforcement

- 19.**—(1) This regulation applies where a court convicts a person of an offence under regulation 14 or 15.
- (2) The court may (in addition to any other order it may make as to costs or expenses) order the person convicted to reimburse the market surveillance authority for any expenditure which it or any authorised person has reasonably incurred in investigating the offence, including in purchasing or in testing or examining any energy-related product, or any part of it, in respect of which the offence was committed.

## PART 7

### [<sup>F22</sup>Revocations][<sup>F22</sup>Revocations, review, transitional provision and obligations which are met by complying with obligations in the Directive]

#### Textual Amendments

- F22** Pt. 7 heading substituted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 10**; 2020 c. 1, Sch. 5 para. 1(1)

### Revocations

- 20.** The following are revoked—
- (a) the Ecodesign for Energy-Using Products Regulations 2007(2); and
  - (b) the Ecodesign for Energy-Using Products (Amendment) Regulations 2009(3).

### [<sup>F23</sup>Transitional provisions in relation to EU Exit

- 20A.**—(1) Part 2 does not apply to a product which—
- (a) was placed on the market or put into service during the pre-exit period; and
  - (b) is in conformity with the legislation of an EEA state that implements the Directive.
- (2) Subject to paragraph (3), where a product was placed on the market or put into service during the pre-exit period, despite the amendments made by Schedule 1 to the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP

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(2) [S.I. 2007/2037](#), amended by [S.I. 2009/2560](#).  
(3) [S.I. 2009/2560](#).

completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to any obligation to take action outside Great Britain in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer, authorised representative or importer has taken any action in compliance with regulations 4 or 5 as they had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done in compliance with regulations 4 or 5 as they have effect on and after IP completion day.

<sup>F24</sup> (4A) Subject to paragraph (4B), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 8 of the Directive

that action has effect as if it had been done under the applicable procedure set out in Schedule 1A.

(4B) Paragraph (4A) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]

(5) In this regulation—

“placed on the market” has the same meaning it had in these Regulations as they had effect immediately before IP completion day;

“pre-exit period” means the period beginning with 20th November 2010 and ending immediately before IP completion day;

“put into service” has the same meaning it had in these Regulations as they had effect immediately before IP completion day.

#### Textual Amendments

- F23** Regs. 20A-20D inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 11** (as amended by S.I. 2020/1528, regs. 1(2), 4, 6(3)(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F24** [Reg. 20A\(4A\)\(4B\)](#) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **8(2)**

#### Obligations met by complying with the Directive

**20B.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of, or an Annex to, the Directive;
- (b) “CE marking” has the meaning given in Article 5(2);
- (c) “EC declaration of conformity” has the same meaning as in Article 5(3); and
- (d) “harmonised standard” has the meaning given to it in Article 2(27).

- (2) Subject to paragraph (8), paragraph (3) applies where—
- (a) before placing a product on the market or putting a product into service, the manufacturer complies with legislation in an EEA state that implements—
    - (i) Article 5 (marking and the EC declaration of conformity); and
    - (ii) Article 8 (conformity assessment); and
  - (b) the EC declaration of conformity is translated into English.
- (3) Where this paragraph applies—
- (a) the requirements in regulation 4 are deemed to be met;
  - (b) Schedules 1 and 1A are disapplied;
  - (c) regulation 3 applies subject to the modification that references to the “UK marking” are to be read as references to the “CE marking”;
  - (d) regulation 7 applies subject to the modifications that—
    - (i) the reference to the “UK marking” is to be read as a reference to the “CE marking”;  
and
    - (ii) references to “designated standards” are to be read as references to “harmonised standards”;
  - (e) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
  - (f) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (4) Subject to paragraph (8), paragraph (5) applies where—
- (a) before placing a product on the market or putting a product into service, the importer complies with legislation in an EEA state implementing Article 4 (responsibilities of the importer); and
  - (b) the EC declaration of conformity is translated into English.
- (5) Where this paragraph applies—
- (a) the requirements imposed on the importer in regulation 5 are deemed to be met;
  - (b) Schedules 1 and 1A are disapplied;
  - (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
  - (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
  - (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (6) Subject to paragraph (8), paragraph (7) applies where—
- (a) before placing a product on the market or putting a product into service, the authorised representative complies with legislation in an EEA state that implements—
    - (i) Article 5 (marking and the EC declaration of conformity); and
    - (ii) Article 8 (conformity assessment); and
  - (b) the EC declaration of conformity is translated into English.
- (7) Where this paragraph applies—



- (a) the requirements imposed on the authorised representative in regulation 5 are deemed to be met;
- (b) Schedules 1 and 1A are disapplied;
- (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
- (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
- (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.

(8) Where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 10, paragraphs (2)(a)(ii), (4) and (6)(a)(ii) are to be treated as requiring the manufacturer to have carried out the conformity assessment procedure set out in Article 8.

#### Textual Amendments

**F23** Regs. 20A-20D inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 11** (as amended by [S.I. 2020/1528](#), regs. 1(2), 4, 6(3)(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)

#### Expiry of regulation 20B

**20C.**—(1) Subject to paragraph (2), regulation 20B ceases to have effect at the end of the period of [<sup>F25</sup>four years] beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 20B—
  - (a) any product which was placed on the market or put into service pursuant to regulation 20B may continue to be made available on the market on or after the expiry of regulation 20B;
  - (b) any obligation to which a person was subject in respect of a product placed on the market or put into service pursuant to regulation 20B continues to have effect after the expiry of regulation 20B, in respect of that product.

#### Textual Amendments

**F23** Regs. 20A-20D inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 11** (as amended by [S.I. 2020/1528](#), regs. 1(2), 4, 6(3)(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)

**F25** Words in [reg. 20C\(1\)](#) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 2, **Sch. 1**

#### Qualifying Northern Ireland Goods

- 20D.**—(1) Where paragraph (2) applies to an energy-related product—
- (a) the product is to be treated as being in conformity with Part 2; and
  - (b) the relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2 in relation to that product.
- (2) This paragraph applies where—

- (a) an energy-related product is—
  - (i) in conformity with Part 2 of these Regulations as they apply in Northern Ireland; and
  - (ii) qualifying Northern Ireland goods; and
- (b) a relevant economic operator has complied or is complying with the obligations imposed on them under Part 2 of these Regulations as they apply in Northern Ireland.
- (3) In this regulation “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]

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**Textual Amendments**

**F23** Regs. 20A-20D inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/539\)](#), reg. 1(3), **Sch. 1 para. 11** (as amended by [S.I. 2020/1528](#), regs. 1(2), 4, 6(3)(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)

- [<sup>F26</sup>**21**.—(1) The Secretary of State must from time to time—
- (a) carry out a review of regulations 2 to 19,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Commission Directive [2009/125/EC](#) (which is implemented by means of regulations 2 to 19) is implemented in other Member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by those Regulations,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of 5 years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years]

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**Textual Amendments**

**F26** Reg. 21 inserted (1.12.2011) by [The Ecodesign for Energy-Related Products \(Amendment\) Regulations 2011 \(S.I. 2011/2677\)](#), regs. 1, **2(2)**

## [<sup>F27</sup> PART 8

### Implementing measures

#### Textual Amendments

**F27** Pt. 8 (regs. 22-24) inserted (E.W.S.) (31.12.2020) by [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/539), reg. 1(3), **Sch. 1 para. 12** (as amended by S.I. 2020/1528, regs. 1(2), 4, 6(1)(2)(a)(3)(4)(a)); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Power of the Secretary of State to make implementing measures

**22.**—(1) Subject to paragraphs (3) and (6), where the Secretary of State is satisfied that a product meets the criteria listed in paragraph (2), the Secretary of State must, by regulations, make an implementing measure in respect of that product.

(2) The criteria referred to in paragraph (1) are that—

- (a) the product, according to the most recently available figures and considering the quantities placed on the market or put into service, has a significant environmental impact within Great Britain; and
- (b) the product presents significant potential for improvement in terms of its environmental impact without entailing excessive costs, taking into account in particular—
  - (i) the absence of other relevant legislation or failure of market forces to address the issue properly; and
  - (ii) the existence of a wide disparity in the environmental performance of products available on the Great Britain market with equivalent functionality.

(3) The Secretary of State must not make an implementing measure in respect of a product that is the subject of self-regulation where such self-regulation—

- (a) meets at least the criteria in Annex 8 to the Directive, read subject to the modifications in regulation 23(1)(a) and (d); and
- (b) is expected to achieve the Secretary of State's ecodesign policy objectives more quickly or at lesser expense than an implementing measure.

(4) Before exercising the power in paragraph (1), the Secretary of State must—

- (a) consider the life cycle of the product and all its significant environmental aspects, including its energy efficiency, and the feasibility of their improvement;
- (b) consider any relevant legislation;
- (c) consider any self-regulation which meets the criteria in Annex 8 to the Directive read subject to the modifications in regulation 23(1)(a) and (d);
- (d) prepare a draft implementing measure;
- (e) carry out an assessment of the draft implementing measure, which must consider its impact on the environment, consumers and manufacturers, including companies qualifying as small or medium-sized, in terms of competitiveness, innovation, market access and costs and benefits;
- (f) consult on the draft implementing measure;
- (g) prepare an explanatory memorandum of the draft implementing measure based on the assessment referred to in sub-paragraph (e); and

- (h) set an implementation date, and any staged or transitional measures or periods, taking into account, in particular, possible impacts on companies qualifying as small or medium-sized, or on specific product groups manufactured primarily by companies qualifying as small or medium-sized.
- (5) For the purposes of paragraph (4)(a)—
  - (a) the depth of analysis to be carried out by the Secretary of State on the environmental aspects and on the feasibility of their improvement must be proportionate to their significance; and
  - (b) the Secretary of State must take into account that the adoption of eco-design requirements on the significant environmental aspects of a product must not be unduly delayed by uncertainties regarding the other aspects.
- (6) The Secretary of State must not make an implementing measure in respect of a product unless the Secretary of State is satisfied that the implementing measure—
  - (a) has no significant negative impact on the functionality of the product, from the perspective of the user;
  - (b) has no adverse effects on health, safety and the environment;
  - (c) has no significant negative impact on consumers in particular as regards the affordability and the life cycle cost of the product;
  - (d) has no significant negative impact on industry's competitiveness;
  - (e) does not have the consequence of imposing proprietary technology on manufacturers; and
  - (f) does not impose an excessive administrative burden on manufacturers.
- (7) An implementing measure made under paragraph (1)—
  - (a) must lay down eco-design requirements in accordance with Annex 1 and Annex 2 to the Directive, read subject to the modifications in regulation 23(1)(a) to (c);
  - (b) must introduce specific eco-design requirements for selected environmental aspects which have a significant environmental impact;
  - (c) must specify, in particular:
    - (i) the exact definition of the type of product covered;
    - (ii) the eco-design requirements for the product covered, implementation dates, and any staged or transitional measures or periods and—
      - (aa) in the case of generic eco-design requirements, the relevant phases and aspects selected from those mentioned in paragraph 1.1 and 1.2 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), accompanied by examples of parameters selected from those mentioned in paragraph 1.3 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), as guidance when evaluating improvements regarding identified environmental aspects; and
      - (bb) in the case of specific eco-design requirements, the level of the requirements that apply;
    - (iii) the eco-design parameters referred to in Part 1 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), relating to which no eco-design requirement is necessary;
    - (iv) the installation requirements of the product where it has direct relevance to the product's environmental performance;
    - (v) where available, the designated standards that apply and if no designated standards apply, the measurement standards and measurement methods to be used;

- (vi) requirements on information to be provided by manufacturers notably on the elements of the technical documentation which are needed to facilitate the checking of the compliance of the product with the implementing measure;
  - (vii) the duration of the transitional period during which it is permitted to place on the market or put into service products which comply with legislation in force in Great Britain before the coming into force of the implementing measure;
  - (viii) the date for the evaluation and possible revision of the implementing measure, taking into account the speed of technological progress;
- (d) must specify the procedures for assessing the product's conformity with the implementing measure, including—
- (i) the choice open to the manufacturer between the internal design control procedure set out in Part 1 of Schedule 1A and the management system procedure set out in Part 2 of that Schedule;
  - (ii) where duly justified and proportionate to the risks involved, in addition to the choice in paragraph (i), one or more of the Modules described in Annex 2 to the Decision, as it had effect immediately before IP completion day, read subject to the modifications in regulation 23(2); and
  - (iii) where relevant, the criteria relating to approved bodies;
- (e) must contain requirements formulated so as to ensure that market surveillance authorities can verify the conformity of the product with the requirements of the implementing measure;
- (f) must specify whether verification can be achieved directly on the product or on the basis of the technical documentation;
- (g) may provide that no ecodesign requirement is necessary for certain specified ecodesign parameters referred to in Part 1 of Annex 1 to the Directive read subject to the modifications in regulation 23(1)(a) and (b);
- (h) where appropriate, must include provisions on the balancing of various environmental aspects;
- (i) may, subject to being proportionate and taking into account legitimate confidentiality of commercially sensitive information—
- (i) require information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer; and
  - (ii) require a manufacturer or its authorised representative placing components and sub-assemblies on the market or putting them into service to provide the manufacturer of a product covered by an implementing measure with—
    - (aa) relevant information on the material composition of the components and sub-assemblies; and
    - (bb) relevant information on the consumption of energy, materials and resources of the components and sub-assemblies; and
- (j) must not apply to means of transport for persons or goods.
- (8) Where, for the purposes of paragraph (7)(d)(ii), the procedure for assessing a product's conformity with the implementing measure includes one or more Modules, the implementing measure may—
- (a) regarding technical documentation, require information additional to that which is already stipulated in the Modules;

- (b) regarding the time for which the manufacturer and approved body are obliged to keep any kind of documentation, alter the period stipulated in the Modules;
  - (c) specify the manufacturer's choice as to whether the tests are carried out either by an accredited in-house body or under the responsibility of an approved body chosen by the manufacturer;
  - (d) where product verification is performed, specify the manufacturer's choice as to whether the examinations and tests to check the conformity of the products with the appropriate requirements will be carried out by examination and testing of every product, or by examination and testing of the products on a statistical basis;
  - (e) provide for the type examination certificate to have a period of validity;
  - (f) regarding the type examination certificate, specify relevant information relating to conformity assessment and in-service control to be included in it or its annexes;
  - (g) provide for different arrangements regarding the obligations the approved body has to report to the Secretary of State; and
  - (h) if the approved body carries out periodic audits, specify their frequency.
- (9) Where an implementing measure made under paragraph (1) requires information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer—
- (a) the implementing measure may require that information to include, as applicable—
    - (i) information from the designer relating to the manufacturing process;
    - (ii) information for consumers on the significant environmental characteristics and performance of a product, to allow consumers to compare these aspects of the products;
    - (iii) information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products; and
    - (iv) information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life; and
  - (b) the implementing measure must require that information—
    - (i) to be given on the product itself wherever possible; and
    - (ii) to take into account obligations under other relevant legislation, such as the Waste Electrical and Electronic Equipment Regulations 2013.

### **Modifications to Annexes 1, 2 and 8 of the Directive**

**23.—**(1) The modifications referred to in paragraphs (3)(a), (4)(c), (7)(a), (c) and (g) of regulation 22 are as follows—

- (a) Annexes 1, 2 and 8 to the Directive are to be read as if the definitions in regulation 2 of these Regulations apply and prevail over any conflicting definitions in the Directive.
- (b) Annex 1 to the Directive is to be read as if—
  - (i) before Part 1—
    - (aa) in the first paragraph, the words from “The Commission must” to the end were omitted; and

- (bb) in the second paragraph, for the words from “Article 15” to the end there were substituted “ regulation 22 of the Ecodesign for Energy-Related Products Regulations 2010, the Secretary of State must identify, as appropriate to the product covered by the implementing measure, the relevant ecodesign parameters from among those listed in Part 1 and the requirements for the manufacturer listed in Part 3 ”;
  - (ii) in Part 1—
    - (aa) in paragraph 1.2(e), for “Directive 2002/96/EC” there were substituted “ the Waste Electrical and Electronic Equipment Regulations 2013 ”; and
    - (bb) for paragraph 1.3(d), there were substituted—
      - “(d) use of substances classified as hazardous to health or the environment according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, and taking into account legislation on the marketing and use of specific substances, such as—
        - (i) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;
        - (ii) the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012; and”;
    - (cc) in paragraph 1.3(k), for the words from “Directive 97/68/EC” to the end there were substituted “Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC”;
  - (iii) Part 2 were omitted; and
  - (iv) in Part 3, in the second subparagraph of paragraph 2, for “the Commission”, there were substituted “ the Secretary of State ”;
- (c) Annex 2 to the Directive is to be read as if—
- (i) before paragraph 1, in the second subparagraph—
    - (aa) for “Article 15, the Commission” there were substituted “ regulation 22 of the Ecodesign for Energy-Related Products Regulations 2010, the Secretary of State ”; and
    - (bb) the words from “in accordance” to “Article 19(2),” were omitted;
  - (ii) in the fifth subparagraph of paragraph 1, for “data provided from the European Central Bank” there were substituted “ relevant data ”; and

- (iii) paragraph 2 were omitted;
- (d) Annex 8 to the Directive is to be read as if—
  - (i) before paragraph 1, for the unnumbered paragraph, there were substituted—
    - “In addition to the basic legal requirement that self-regulatory initiatives must comply with all applicable domestic and international rules, the following non-exhaustive list of indicative criteria may be used to evaluate whether a self-regulatory initiative may be considered by the Secretary of State as an alternative to an implementing measure—”;
  - (ii) in paragraph 5, in the second subparagraph, “Member States,” were omitted;
  - (iii) in paragraph 6, in the first subparagraph—
    - (aa) for “Commission services”, there were substituted “ Secretary of State ”;
    - (bb) after “objectives”, there were inserted “ in the Great Britain context ”;
  - (iv) in paragraph 6, in the second subparagraph, the words from “It must” to the end were omitted; and
  - (v) in paragraph 8, for “the policy objectives of this Directive” there were substituted “ relevant ecodesign policy objectives ”.
- (2) The modifications referred to in regulation 22(7)(d)(ii) to Annex 2 of the Decision, as it had effect immediately before IP completion day, are that Annex 2 is to be read as if—
  - (a) the definitions in regulation 2 of these Regulations apply and prevail over any conflicting definitions in the Decision;
  - (b) in each instance—
    - (i) for “EC design examination certificate”, there were substituted “ design examination certificate ”;
    - (ii) for “EC-type examination”, there were substituted “ type-examination ”;
    - (iii) for “harmonised standards” there were substituted “ designated standards ”;
    - (iv) for “its notifying authorities” and “the notifying authorities”, there were substituted “ the Secretary of State ”;
    - (v) references to a “notified body” were references to an “approved body”;
    - (vi) for “the national authorities”, “relevant authorities” and “relevant national authorities”, there were substituted “the Secretary of State”; and
    - (vii) the words “the references of which have been published in the Official Journal of the European Union”, were omitted; and
  - (c) in the description of “Module B”, in the third paragraph of point 8—
    - (i) for “The Commission, the Member States”, there were substituted “ The Secretary of State ”; and
    - (ii) for “the Commission and the Member States”, there were substituted “ the Secretary of State ”;
  - (d) in the description of “Module H1”, in the third paragraph of point 4.5—
    - (i) for “The Commission, the Member States”, there were substituted “ The Secretary of State ”; and
    - (ii) for “the Commission and the Member States”, there were substituted “ the Secretary of State ”; and
  - (e) in the heading to the Table, “Community” were omitted; and



- (f) in the Table—
  - (i) for “national authorities” there were substituted “ the Secretary of State ”; and
  - (ii) for “EC-design examination certificate” there were substituted “ design examination certificate ”.

### **Form of implementing measure**

**24.**—(1) The power to make an implementing measure under regulation 22(1) is exercisable by statutory instrument, and—

- (a) in the case of an implementing measure which lays down ecodesign requirements identical to requirements adopted by the European Commission (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) the statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) in any other case, the statutory instrument must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) An implementing measure under regulation 22(1) may—
- (a) amend the list of energy-related products and corresponding implementing measures in the table in paragraph 4 of Schedule 1;
  - (b) make different provision for different cases or circumstances;
  - (c) include supplementary, incidental and consequential provision; and
  - (d) make transitional provision and savings.]

*Henley*  
Parliamentary Under Secretary of State  
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**Changes to legislation:**

There are currently no known outstanding effects for the The Ecodesign for Energy-Related Products Regulations 2010.