EXPLANATORY MEMORANDUM TO

THE ECODESIGN FOR ENERGY-RELATED PRODUCTS AND ENERGY INFORMATION (AMENDMENT) REGULATIONS 2014

2014 No. 1290

1. This explanatory memorandum has been prepared by the Department of Energy & Climate Change and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2014 ("the 2014 Regulations") amend the Ecodesign for Energy-Related Products Regulations 2010 ("the 2010 Regulations") and the Energy Information Regulations 2011 ("the 2011 Regulations"). The purpose of the amendments is to comply with changes to EU law which affect:

a) the mandatory declarations of conformity by manufacturers of certain energy-related products regarding the compliance by those products with ecodesign requirements, which are required under the 2010 Regulations, and

b) the requirements for labelling and standard product information of the consumption of energy and other resources in relation to certain energy-related products, which are required under the 2011 Regulations, and

c) to extend the Market Surveillance Authority's enforcement powers to cover these changes.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

The 2010 Regulations

4.1 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 ("the Ecodesign Directive") is the legal framework within which the European Commission brings forward implementing measures on specific energy-related products or product groups in order to improve their environmental performance. It is a recast of the earlier Directive 2005/32/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-using products.

4.2 The 2010 Regulations implement the Ecodesign Directive to establish a framework for the setting of ecodesign requirements for energy-related products and give control and enforcement powers to the Market Surveillance Authorities for the products where product-specific European Union ('EU') Regulations have been passed. Under the 2010 Regulations, manufacturers must not place on the market or

put into service an energy-related product unless the manufacturer has assessed whether that product complies with the applicable implementing measure and has made a declaration of conformity. Energy-related products and product groups are specified in Schedule 1 to the 2010 Regulations, alongside the Commission Regulations which are the applicable implementing measures setting the ecodesign requirements for those products or groups of products.

4.3 The 2014 Regulations insert five new entries into Schedule 1 of energy-related products and groups of products along with the applicable implementing measures, and update two existing entries to take account of changes to the applicable implementing measures. These amendments are necessary in order to comply with EU law and to extend the Market Surveillance Authority's enforcement powers to these products.

The 2011 Regulations

4.3 The 2011 Regulations transpose 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 (the 'Labelling Directive') for the UK. When placing on the market or putting into service energy-related products regulated by an EU measure, suppliers must supply a label and a fiche which comply with the 2011 Regulations and the EU measure. Schedule 1 to the 2011 Regulations specifies the energy-related products or groups of products alongside the relevant EU measure which imposes the labelling requirements for the products, and the date from which the EU measure applies.

4.4 The 2014 Regulations insert four new entries into Schedule 1 of energy-related products and groups of products alongside the EU measures which impose the labelling requirements for those products and the dates from which the EU measures apply. These amendments are necessary to comply with EU law and to extend the Market Surveillance Authority's enforcement powers to these products.

5. Territorial Extent and Application

5.1 The 2014 Regulations extend to the UK.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Ecodesign Directive

7.1 The Ecodesign Directive provides coherent EU-wide rules for ecodesign and ensures that disparities among national laws do not become obstacles to intra-EU trade. It defines conditions and criteria for setting requirements for environmentally relevant product characteristics (such as energy efficiency), through implementing measures.

7.2 Implementing measures under the Ecodesign Directive have so far taken the form of EU Regulations, although other forms are possible, including voluntary agreements. In most cases the EU Regulations put in place minimum energy efficiency standards for products. Products that do not meet these standards cannot then be sold in the EU single market. Our impact assessments estimate that the measures agreed so far will be saving around 6 $MtCO_2$ per annum by 2020 and will deliver around £900m per annum net benefits to the UK alone, mostly in the form of savings on consumers' and businesses' energy bills.

Labelling Directive

7.3 The Labelling Directive provides a coherent EU framework for energy labelling and ensures that disparities among national laws do not become obstacles to intra-EU trade. It defines conditions and criteria for setting energy labelling requirements for environmentally relevant product characteristics (such as energy efficiency and water usage) through delegated acts. The labels are designed to help consumers make informed purchasing decisions, and to encourage manufacturers to design more efficient products to meet consumer demand thus reducing the amount of energy consumed by household appliances.

7.4 The Labelling Directive provides for delegated acts to take the form of EU Regulations. The delegated acts put in place requirements to produce accurate labels and that the labels are displayed, in accordance with the requirements of the delegated act, at the point of sale.

7.5 Effective enforcement under both the 2010 and 2011 Regulations, by the designated market surveillance authority is essential to ensure delivery of the desired economic and environmental benefits. It protects businesses that are compliant from unfair competition from non-compliant goods. It also helps to ensure that consumers benefit from the anticipated financial savings through lower energy bills, as well as protecting the environment.

Need for the 2014 Regulations

7.6 The 2014 Regulations partially implement Commission Regulations (EU) Nos 617/2013, 666/2013, 801/2013, 813/2013, 814/2013 and 66/2014, and Commission Delegated Regulations (EU) Nos 665/2013, 811/2013, 812/2013 and 65/2014.

8. Consultation outcome

8.1 No consultation on the 2014 Regulations is necessary as the scope of the 2010 and 2011 Regulations is not being expanded. The Department of Energy & Climate Change consults on draft product-specific EU Regulations prior to these being adopted as EU law.

9. Guidance

9.1 Guidance is available on the GOV.UK single government website to assist those placing on the market products that are covered by product-specific implementing measures under the Ecodesign and Labelling Directives. This guidance will be updated as and when new implementing measures are introduced. It is available at: https://www.gov.uk/placing-energy-related-products-on-the-uk-market

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil. The amendments made by this statutory instrument are not expected to have direct additional burdens on businesses.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument as an assessment of costs and benefits is carried out prior to each of the product-specific EU Regulations concerned being passed at EU level.

11. Regulating small business

11.1 The legislation applies to small business. Businesses will only incur penalties or be required to pay for the costs of testing, if it is proven that their product does not comply with the ecodesign legislation

12. Monitoring & review

12.1 Each product-specific EU Regulation has a review clause in it, normally 5 years after entry into force.

13. Contact

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