

## Energy Labelling Framework Directive: UK Compliance Project 2012



## 1. Executive Summary

This report has been presented as part of an Energy Labelling Survey which looked to determine compliance against the Energy Information Regulations 2011 on a national level within UK electrical retailers, for regulated white goods and televisions.

The Survey took place over a period of 10 weeks and involved the identification and targeting of 5 classes of electrical retailers, ranging from large retailers to single site Independent stores spread over 10 regions of the UK.

Although retail premises were visited unannounced, managers and owners were approached upon entry so that an explanation and basis for the survey could be provided. An assessment relative to the placement and format of the Energy Label as set out by the Energy Labelling framework Directive was then done for appliances within the premise across a range of white goods and televisions. A photograph was taken upon entry and exit to the premise as a time stamp. Further pictures were taken when instances of non-conformity were identified.

During the course of the survey any retailers who were discovered to be non compliant to a predetermined level were sent a letter requesting them to review and implement corrective action. Of those letters sent a 50% response rate was recorded from retailers stating intent to improve.

In total **188** premises were visited and some 28000 regulated products captured. Of those 188 stores, 21% had non compliance well in excess of 50%. Of the 28000 appliances assessed which also included televisions, 34% of labels were missing, 60% had either the new or old label attached, while 6% were mislabelled. As a product group Electric Ovens and Tumble Driers were found to be the most non compliant.

The data compiled therefore indicated that just over 30% of all retailers surveyed were non compliant and that the retail sector most likely to demonstrate non conformity were the Independents and Supermarkets.

Generally premise visits were accepted well and individual managers and owners were keen to be offered support as to how they should comply. The impression was also given that some retailers were quite complacent to applying the label, either as a consequence of limited manpower or the lack of understanding of the regulations at shop floor level and the implications of non compliance.

Additionally many Independent stores who are limited by man power and also rely on the shop floor to hold stock are challenged to apply the Energy Label since, for the majority of cases the items on display are those that are to be sold. Furthermore labels are generally found within a clear wallet or bag inside the appliance, so that during the process to retrieve the label and the bag is broken, the Independents stated that some customers would then perceive the goods as used.

The general availability of the label within the appliance and those that can be obtained as replacements, also created a problem for Independents and major retailers. It was evident that some appliance manufacturers provided a better retailer support network than others and the consensus was that some of that support could be improved by way of downloadable labels that are specific to the product.

In addition the continued use of a two part label for Electric Ovens, Tumble Driers and Washer Dryers creates burdens for Independent retailers, although at the time of writing the label for Tumble Driers is, from May 2013, to be of the new one piece style by virtue of Regulation 392/2012.

Similar progress with regard to a revision of the Electric Oven label would be welcomed, as well as the proposal toward whether a new label could be brought in line with the size as applied to televisions. Retailers are of the opinion that a smaller label would improve compliance for Electric Ovens, which like televisions have a dark glass vertical surface and which are now more often the centre piece of a fitted kitchen.

Overall, the survey has shown that although the large retailers with their head office compliance teams are able to provide support to their chain of stores, it is the smaller retailer and Independents who require ongoing monitoring and support to ensure compliance. Further compliance could be achieved by contacting some of the larger retailer head offices and those trade associations and wholesalers that support Independents. The very presence of the Energy Label surveyor, by way of unannounced visits encouraged a future commitment from many of those premises to comply, and also had one large retailer email all their stores alerting them of a potential visit from an "Energy Label Surveyor".

The survey showed that much of non compliance was not only down to poor legislative knowledge and label availability, but also effective enforcement of dealer responsibility. Many retailers had not experienced any previous visits from Enforcement Agencies. The UK Electrical Household Appliance retail market generates annual revenue of around £8 billion and nationally approximates to some 3374 businesses (*IBIS World, 2012*). The NMO Survey of 188 stores thus only equates to a mere 6% of the market and from the results discovered and those of previous surveys (*GfK.2009, COL.2012 & MTP. 2006*), would suggest that maintaining the momentum of market surveillance, by way of direct engagement and inspections, would positively contribute toward retail compliance.

There is an assumption that such an activity can be associated with high costs, so that monitoring compliance against the Energy Labelling Directive is often not assigned the same priority as for example food or pricing controls. However, this survey demonstrates that an effective market surveillance activity can be conducted with good use of resources to provide positive feedback and increased compliance.

Finally, the apparent success of the survey in terms of its deliverables and findings also provides an opportunity for European Union (EU) organisations such as the European Energy labelling Administrative Cooperation Group to agree upon a template for collective market surveillance with a view to influencing and supporting compliance across the EU.

## 2. Section Contents

1. Executive Summary.
2. Section Contents.
3. Introduction.
4. Survey Process & Methodology.
  - 4.1 Retailer and National Selection.
    - 4.1.1 Retailers by Premise Type.
    - 4.1.2 National.
  - 4.2 Product Selection.
  - 4.3 Compliance selection relative to label displayed.
  - 4.4 Data Capture
    - 4.4.1 Activities in the field
  - 4.5 Immediate Action
- 5 Results
  - 5.1 Labels
  - 5.2 Appliances
  - 5.3 Premises and Regions
  - 5.4 Duration per Premise Visit
  - 5.5 Retailer Response Letters
  - 5.6 Televisions (TV)
- 6 Analysis
  - 6.1 Labelling
    - 6.1.1 Old vs New Labels
    - 6.1.2 Reasons for Non Compliance
  - 6.2 Appliances
  - 6.3 Retail Premises
  - 6.4 Retailer Response Letter

## 7 Discussion

- 7.1 Measure Retailer Compliance
- 7.2 Identify reasons for Non - Compliance
- 7.3 Improve retailer compliance through increased knowledge at “shop floor” level
- 7.4 Deliver better consumer choice, therefore accelerating market transformation and reducing energy use.
- 7.5 Advocate and promote increased use of the label
- 7.6 Provide a format for international benchmarking and a baseline for EU projects, ie “Come on Labels”.
- 7.7 Pilot action to develop more efficient methods of enforcement.
- 7.8 Identify the most effective ways to improve rates of compliance.

## 8 Conclusion and Recommendations

- 8.1 Conclusions
- 8.2 Recommendations
  - 8.2.1 Knowledge Transfer
  - 8.2.2 Enforcement
  - 8.2.3 Manufacturers
  - 8.2.4 Consumer Awareness
  - 8.2.5 European Union Policy

## 9 Appendix. 1 – Data Capture Forms (DCF)

## 10 Appendix. 2 – Compliance Response Letter

## 11 Appendix. 3 – Non Compliant Label Pictures

- 11.1 FORMAT examples
- 11.2 APPLY examples

## 12 Appendix.4 - Response Letters from Retailers

## 13 References.

## 14 Addendum.

### 3. Introduction

The Energy Labelling Framework Directive and the Energy Information Regulations 2011 which implements the Directive in the UK and the product specific Delegated Regulations, have at their core the requirement for consumers to be provided with accurate, relevant and comparable information on the specific energy consumption of energy-related products, and how this should then influence the end-user's choice in favour of those products, and how furthermore, indirectly, it will encourage the efficient use of these products in order to contribute to the EU's 20% energy efficiency target.

The Directive also states that information plays a key role in the operation of market forces and how it is therefore necessary to introduce a uniform label for all products of the same type. This will provide potential purchasers with supplementary standardised information on those products' costs, in terms of energy and the consumption of other essential resources.

Although energy labels for many domestic kitchen appliances and the requirement to apply them has been around for in excess of 10 years, the recent introduction of new style labels and the addition of further appliances such as TV's, has challenged both the retailers who apply the labels and consumers to whom they are meant to benefit.

There appears to be a growing disconnect between retailers, the EU Energy label and consumers, which if not examined in detail, could damage the reputation and effectiveness of the label, undermine consumer confidence, decelerate market transformation, threaten future efficiency gains and therefore compromise the UK's ability to contribute meaningfully to the EU's 2020 targets.

With increases in energy demand due to higher standards of living coupled with multiple purchases of electric appliances, the retailer/label/consumer relationship is more important than ever, the label must be protected and encouraged and these multifunctional relationships understood.

Furthermore with A rated products dominating the market, the energy label has been redesigned to incorporate A+, A++, A+++ ratings. This, combined with other energy labelling schemes, has created a proliferation of information and therefore retailer/consumer confusion as to what information is important or relevant when making purchasing decisions, as well as the legal obligations placed on retailers.

In order to establish whether the label was being used effectively, DEFRA commissioned NMO to ascertain the levels of label display compliance for both old and new label formats.

The project proposal was a programme of visits to those businesses that supply regulated products to consumers and to establish levels of compliance against the Energy Information Regulations 2011. The results of the project were to be collated with the aim of establishing and providing;

- The levels of compliance within the premises
- The accuracy of information available to consumers.
- Feedback of the attendance by providing the premises with the findings of the survey and assisting them make improvements at shop floor and head office procedural level.

The timescale for visits was set within a period of 10 weeks, terminating on the March 31<sup>st</sup> 2012. From the findings it was anticipated that a detailed report would be compiled which would provide an overview of the UK market in relation to the retailer/label/consumer relationship and thereby a snap shot of the market, with respect to the use of the Energy Label.

## 4. Survey Process and Methodology

### 4.1 Retailer and National Selection

Retailers were selected by Premise type based on risk and market exposure Table. 1 (Table.1: Premise Class by Retailer Type). Retail selection and priority was done according to market penetration and consumer trends. The focus on Retail Parks as the favoured choice of consumers would also assist the practicalities of the survey as targeted stores would be in proximity to one another.

#### 4.1.1 Retailers by Premise Type:

| Table.1: Premise Class by Retailer Type |  |
|---|--|
| Premise                                 | Type   |
| LrgElect                                | Large Electrical retailers as located on retail parks. Example. Comet & Currys |
| Independ                                | Independents. Exp: single sole trader shops and small chains.                  |
| DIY                                     | DIY Stores & Kitchen Fitters. Exp: Homebase, B&Q, IKEA, Wickes and Magnate     |
| SuperMkt                                | Supermarkets and Superstores. Exp: Tesco, Sainsbury's, ASDA and Argos.         |
| Deptmnt                                 | Department Stores. Exp: John Lewis, House of Fraser, Debenhams, Charity Shops. |

#### 4.1.2 National

The survey captured retail data on a national level, including Scotland and Wales. The intention was to attempt where possible to use the Administrative Centres of the UK (apart from Northern Ireland) as the basis of the visits.

Actual locations for visits would vary depending on the cyclical nature of the visits which ensured that over a given period of days all visits started and ended in London, the location of NMO's Head Quarters.

Regions:

- North West
- North East
- Yorkshire and Humber
- West Midlands
- East Midlands
- Eastern Region
- South West
- South East
- Greater London
- Scotland
- Wales



## 4.2 Product Selection

Traditional white goods and TV's that are regulated by the Energy Information Regulations would make up the bulk of the survey. Although it was anticipated that since the regulation for TV's had only been in force since November 2011, the surveyed findings for compliance would be low.

The following products were selected for survey:

- **WM** - Washing Machines
- **WD** – Washer Driers
- **TD** – Tumble Driers
- **DW** – Dish Washers
- **FF** – Fridges & Freezers
- **EO** – Electric Ovens
- **TV** – Televisions
- **WC** – Wine Coolers

## 4.3 Compliance Selection relative to label displayed

The above products were surveyed and the Energy Labels checked against the following categories

1. **New Style** – As introduced for WM, FF, DW, TV & WC, evident by the label showing a blue edged border and header and having symbols rather than text for the various other measured amounts.
2. **Old Style** – Plain edged border with words for other measurements. Still applies to EO, WD and TD's although for TD this will be replaced by the new label in May 2013.
3. **Missing** – Is the regulated label as noted above actually attached or in specific proximity to the appliance.
4. **Format** – Does the size, colour, appearance & completeness match the prescribed requirements of the regulations.
5. **Apply** – Does the label relate to the product and model to which it is attached and also does the strip or fiche for two part labels apply to the backing sheet.

## 4.4. Data capture

### 4.4.1 Activities in the field.

This section can be used as a crib sheet for field officers. Preparation for data capture involved identifying premises to be visited and route planning.

1. A region of the UK was allocated to be visited. Premises were primarily identified by location and route so as to make best use of travel time and maximise resource. Overnight stays were also arranged in order to accommodate cyclical routes back to NMO HQ based in London. On average a "LrgElec" premise type took approximately 50 minutes to survey while the Premise types "Independ" to "Departmnt" (Table.1) took on average 25 minutes.

2. Visits to shops were done as a mix of mainly announced on arrival with some unannounced, however on entry to the premise a letter of authorisation was provided for the former, and when challenged for the later. The unannounced situation applied more to DIY and Supermarkets which tended to be busier and thereby allowed for the opportunity of a non disclosed survey. Generally an announced visit was the ideal standard in terms of data quality and premise engagement.
3. A picture was taken of the entrance to the store to be surveyed prior to entry to fix time, date and location.
4. The disclosed visit would be commenced by requesting to see the owner or manager of the store. Once a person in authority was identified, details were taken and a brief introduction of the survey provided and NMO literature given.
5. The survey was then conducted and the following Table (**Table.2: Data Capture Form - DCF**) relative to product and compliance annotated as to findings. This table could also be applied onto a small discrete pad or created onto a spread sheet within a smart phone. For the favoured announced visits, a larger format DCF was used. Details of the Premise type (section 4.1.i), Name, Location, Date and Time (NLDT), was also noted onto the table.
6. A simple field copy of the **DCF** below can be found in Appendix 1, both small and large format.

| Table. 2: Data Capture Form (DCF)  |               |               |             |            |           |
|--|---------------|---------------|-------------|------------|-----------|
| Store Name, Location, Date and Time [entry & exit] plus any other comments |               |               |             |            |           |
| Product\Compliance   | N – New Style | O – Old Style | M - Missing | F - Format | A - Apply |
| <b>WM</b> – Washing Machines   |               |               |             |            |           |
| <b>WD</b> – Washer Driers  |               |               |             |            |           |
| <b>TD</b> – Tumble Driers  |               |               |             |            |           |
| <b>DW</b> – Dish Washers   |               |               |             |            |           |
| <b>FF</b> – Fridges & Freezers   |               |               |             |            |           |
| <b>EO</b> – Electric Ovens   |               |               |             |            |           |
| <b>TV</b> – Televisions  |               |               |             |            |           |
| <b>WC</b> – Wine Coolers   |               |               |             |            |           |

7. Store appliances were counted by product type on display and the above table completed by the five bar gate method.
8. For the compliance categories Missing, Format and Apply, a picture of the product was taken in the event of any non compliance being identified, of the following:
  - a. The appliance lacking label,
  - b. Showing the manufacturers model number ,
  - c. and price display.

In the situation of large numbers then time might only permit to prioritise those labels that are Missing or are illustrative of an overall premise problem.
9. In the situation of Televisions the regulation was a requirement only as recently as November 2011 and it was anticipated that non compliance could be quite high. When such an instance occurred then pictures were not taken for this category.

10. On completion of the survey feedback was provided to the manager or owner as to the level of compliance and comment made as to improvements or review. Any mitigating circumstances or feedback from the retailer was also noted.
11. On exiting the premise a picture of the store was taken and the exit time noted.
12. The details of the table were then placed in a secure location and downloaded formally.
13. The results and percentage compliance was then calculated to determine the appropriate advice letter to be sent, as described in Section 4.5 below.

### 4.5 Immediate Action

The data from each **DCF** was then transferred into a spreadsheet .

1. For each premise the level of non compliance [**Missing**] across all products with the exception of TV's was totalled and divided by the appliance total surveyed ( less TV's) to give a percentage missing for each premise visited.
2. The percentage non compliance relative to "**Missing Labels**" would then determine the severity level of a response letter to be issued to the retailer. Table.3 (**Table. 3: Percentage non compliance & the equivalent response term** ) below gives the percentage missing and the equivalent notation term.

| <b>Table. 3: Percentage non compliance (Missing Labels) &amp; the equivalent response term</b> |                                  |
|--|----------------------------------|
| <b>Percentage Non Compliance</b>   | <b>Notation Term</b>             |
| <b>0 – 10%</b>   | <b>NFA</b> - No Further Action   |
| <b>10 -20%</b>   | <b>SOM</b> - Some Non Compliance |
| <b>20 – 50%</b>  | <b>UNS</b> - Unsatisfactory      |
| <b>50 – 100%</b>   | <b>SEV</b> - Severe              |

3. The aim of the letter was to provide feedback to the surveyed premise and encourage engagement and improvement, by way of advice and support.
4. The standard letter can be found in Appendix 2. The "**SOM**" (Some Non Compliance) letter omitted the requirement for a retailer to respond within 14 days. The compliance box within the body of the letter was highlighted depending on the percentage missing and the equivalent notation.

## 5. Results

Over a period of 10 weeks, 10 regions of the UK were surveyed by a single enforcement officer to produce a count of 188 premises and 28082 appliances captured (excluding TV's). The majority of visits were done having first disclosed the identity of the surveying officer, as it was found that data capture was more successful and provided for the opportunity to respond with instant feedback to the premise as to the findings of the survey.

### 5.1 Labels

Of those total appliances counted the variation by type of label was found to be as illustrated in Table 4 (Table. 4: Total Count by Label Type including TV's).

| Table. 4: Total Count by Label Type including TV's |           |                  |                |                  |          |              |
|--|-----------|------------------|----------------|------------------|----------|--------------|
|  | New Style | Old Style Labels | Missing Labels | Format of Labels | Apply    | Total        |
| <b>Total Count</b>                                 | 6163      | 10775            | 9513           | 1253             | 378      | <b>28082</b> |
| <b>Total (%)</b>                                   | <b>22</b> | <b>38</b>        | <b>34</b>      | <b>5</b>         | <b>1</b> |              |

Of the total appliances counted, **60%** (including TV's) had a label attached (New+Old) while around **34%** had the label missing. A further approximate **6%** had either a label that was not of the correct format or did not apply to the appliance on display.

As the focus of the survey was primarily on domestic white goods (WM,DW,TD,WD,FF & WC) with an understanding that TVs had only recently been designated a regulated product, the count for TV's was removed and the figures revised accordingly, as noted below in Fig. 5.1 (Fig. 5.1:Total Counts by label less TV's).

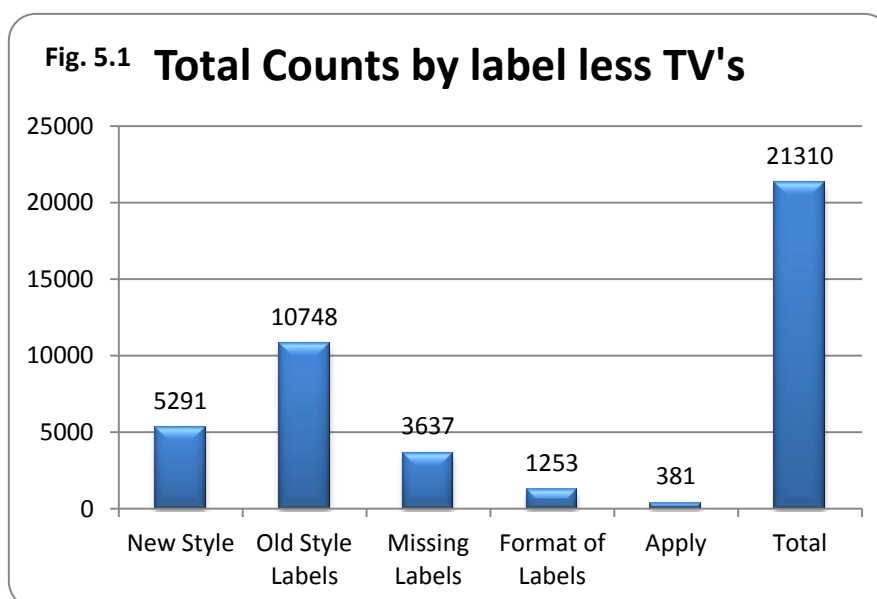


Fig. 5.1:Total Counts by label less TV's

From Fig. 5.1, the **Missing** labels following the adjustment equates to **17%**, while Format and Apply rounds up to 8%, to give a total percentage count of those labels that do not fully comply to be approximately **25%**.

## 5.2 Appliances

The number of appliances assessed depended on the premise that was visited. Premise type “LrgElect” located on large retail park sites invariably had greater stock levels when compared to a premise type “Independ” located on a high street.

The main appliances selected consisted of :

**WM** - Washing Machines

**WD** - Washer Driers

**TD** – Tumble Driers

**DW** – Dish washers

**FF** – Fridge Freezers

**EO** – electric Ovens

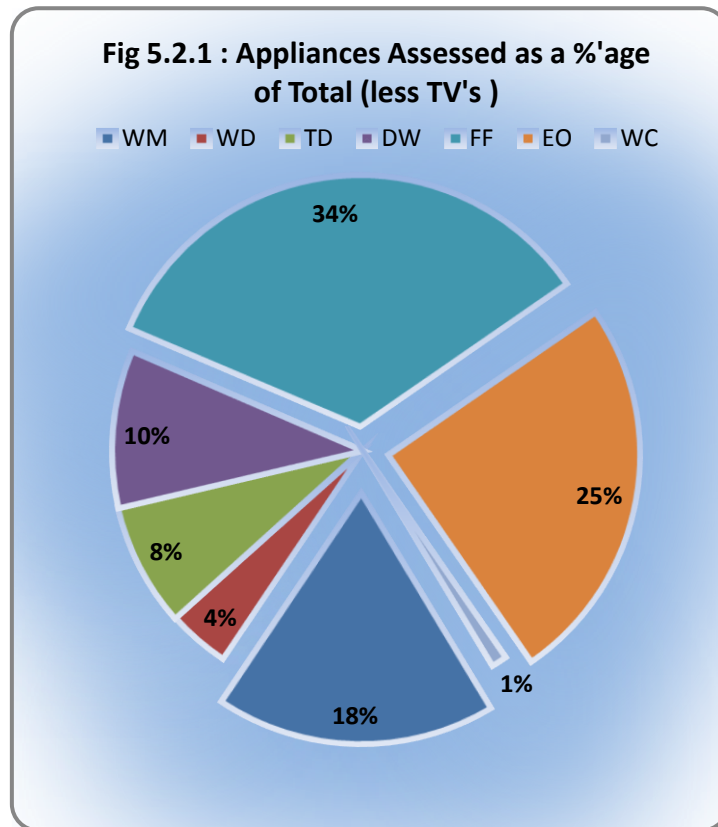
**TV** – Televisions

**WC** – Wine Coolers

The overall assessment of all appliances came to 28082 with the following distribution found across the 188 premises. Again for the purpose of concentrating on white goods, the results will look to review TV’s in isolation which gives a revised white goods appliance count of **21310** - **Table.5 (Table. 5: Appliance Count by Label Type excluding TV’s)**

| Table. 5: Appliance Count of white goods by Label Type excluding TV’s |             |              |             |                             |             |            |              |                                     |
|---|-------------|--------------|-------------|-----------------------------|-------------|------------|--------------|-------------------------------------|
|   | NEW         | OLD          | MISSING     | Miss’g %<br>by<br>Appliance | FORMAT      | APPLY      | TOTAL        | Appliance<br>% of<br>Total<br>Count |
| <b>WM</b>   | 1623        | 1371         | 698         | 18                          | 119         | 89         | 3900         | 18%                                 |
| <b>WD</b>   | NA          | 699          | 104         | 12                          | 33          | 44         | 880          | 4%                                  |
| <b>TD</b>   | NA          | 1236         | 397         | 23                          | 72          | 43         | 1748         | 8%                                  |
| <b>DW</b>   | 828         | 879          | 303         | 15                          | 42          | 32         | 2084         | 10%                                 |
| <b>FF</b>   | 2836        | 2641         | 900         | 12                          | <b>794</b>  | 84         | 7255         | 34%                                 |
| <b>EO</b>   | NA          | 3911         | 1082        | 21                          | <b>192</b>  | 86         | 5271         | 25%                                 |
| <b>WC</b>   | 4           | 11           | 153         | 89                          | 1           | 3          | <b>172</b>   | 1%                                  |
| <b>TOTAL</b>  | <b>5291</b> | <b>10748</b> | <b>3637</b> | <b>17.0</b>                 | <b>1253</b> | <b>381</b> | <b>21310</b> |                                     |
| <b>%</b>  | 25%         | 50%          | <b>17%</b>  |                             | <b>6%</b>   | <b>2%</b>  |              |                                     |

From the below Fig. 5.2.1 (**Fig. 5.2.1 : Appliances Assessed as a %'age of Total less TV's**) it is evident that Fridge freezers (FF) at 34% and Electric Ovens (EO) at 25% , followed by Washing Machines (WM) at 18%, account for the majority of white goods counted.



**Fig 5.2.1 : Appliances Assessed as a %'age of Total less TV's**

In terms of conformity by appliance, Wine coolers (WC) had the most labels missing of that group of appliances counted, followed by Tumble Driers (TD) and Electric Ovens (EO). While Fridge Freezers (FF) had the lowest percentage missing, as part of the FF total count.

Also evident is that the FORM (FORMAT) column with a calculated mean of 179 for all appliances, there appears an above average problem for the FORMAT of Fridge Freezer labels with a count of 794.

## 5.3 Premises and Regions

A total count of 188 premises was visited over 10 regions of the UK. The regions assigned for the survey with dates can be found in **Table. 6 :Regions surveyed by Date (Duration) & Total Premises**. The actual routes and regions surveyed are also shown below.

| Region   | Abbreviation | Date (Duration)           | Total Premises |
|--|--------------|---------------------------|----------------|
| Leicester/Bedford/Luton – M1 Corridor              | LBL          | 25-26/1/12 (2 days)       | 17             |
| Bristol/Salisbury/Southampton                      | BSS          | 30/1/12-1/2/12 (3 days)   | 13             |
| Birmingham/Manchester/Derby – Midlands & North     | M&N          | 6-9/2/12 (4 days)         | 22             |
| Kent   | Kent         | 14-15/2/12 (2 days)       | 9              |
| Wales & Borders                                    | Wales        | 20-22/2/12 (3 days)       | 19             |
| Suffolk/Cambridgeshire/Hertfordshire – East Anglia | East         | 27/2/12 - 1/3/12 (4 days) | 23             |
| Devon/Dorset/ Hampshire– South & South West        | SW           | 5-7/3/12 (3 days)         | 23             |
| Scotland   | Scot         | 12-15/3/12 (4 days)       | 32             |
| Thames Valley                                      | Tham         | 27-28/3/12 (2 days)       | 17             |
| London   | Lond         | 29-30/3/12 (2 days)       | 13             |
| <b>TOTAL</b>                                       |              | <b>(Duration 29 days)</b> | <b>188</b>     |

The count of each premise was tabulated onto a spread sheet and a percentage figure calculated for those appliances with missing labels. Depending on the calculation the premise was assigned a notation (**see Table. 3**) as to overall labelling conformity. This notation would be indicative as to the level of non conformity demonstrated by the premise and the type of letter then issued to the premise.

The results were as follows. Table.7 (**Table. 7 - Notation Count relative to Region surveyed**) :

| Reg        | LBL       | BSS       | M&N       | Kent     | Wales     | East      | SW        | Scot      | Tham      | Lond      | Tot        | %  |
|------------|-----------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|----|
| NFA        | 11        | 5         | 12        | 4        | 5         | 14        | 8         | 15        | 6         | 3         | 83         | 44 |
| SOM        | 1         | 2         | 2         | 2        | 4         | 3         | 4         | 6         | 4         | 2         | 30         | 16 |
| UNS        | 0         | 3         | 4         | 1        | 2         | 4         | 8         | 6         | 2         | 5         | 35         | 19 |
| SEV        | 5         | 3         | 4         | 2        | 8         | 2         | 3         | 5         | 5         | 3         | 40         | 21 |
| <b>Tot</b> | <b>17</b> | <b>13</b> | <b>22</b> | <b>9</b> | <b>19</b> | <b>23</b> | <b>23</b> | <b>32</b> | <b>17</b> | <b>13</b> | <b>188</b> |    |

From Table.7 and with reference to the column shaded in amber, of those 188 premises surveyed and as a percentage of the total, **44%** required NFA where as **21%** displayed a non conformity that was well in excess of **50%**.

As to premise type both group “Independ” and “SuperMkt” demonstrated a high level of “Severe (SEV)” non conformity within their groups as shown by Table. 8 below ( **Table. 8: Severity by Premise group count & Percentage of Premise Total (%)**), of **39%** and **42%**, respectively.

| Table. 8- Severity by Premise group count & Percentage of Premise Total (%) |          |                 |          |                 |           |             |
|---|----------|-----------------|----------|-----------------|-----------|-------------|
| Compliance Notation   | LrgElect | Independ        | DIY      | SuperMkt        | Departmnt | Total & (%) |
| No Further Action (NFA)   | 31 (74%) | 17 (29%)        | 10 (24%) | 12 (46%)        | 13 (65%)  | 83 (44%)    |
| Some Non Compliance (SOM)   | 9 (21%)  | 6 (10%)         | 10 (24%) | 0 (0%)          | 5 (25%)   | 30 (16%)    |
| Unsatisfactory (UNS)  | 1 (2%)   | 13 (22%)        | 17 (42%) | 3 (12%)         | 1 (5%)    | 35 (19%)    |
| Severe (SEV)  | 1 (2%)   | <b>23 (39%)</b> | 4 (10%)  | <b>11 (42%)</b> | 1 (5%)    | 40 (21%)    |
| <b>Total &amp; (%)</b>  | 42 (22%) | 59 (31%)        | 41 (22%) | 26 (14%)        | 20 (11%)  | <b>188</b>  |

In terms of “Severe (SEV)” conformity by region Table.9 (Table. 9: Percentage Compliance by Region) , Wales at **53%** shaded maroon displayed the most non conformity while East Anglia shaded green demonstrated the least. When the level of “SEV” and “UNS” are combined, then London becomes the most non compliant followed by Wales, the South West and BSS as being notably above the average.

| Table. 9: Percentage Compliance by Region |     |           |     |      |           |           |           |      |      |           |         |  |
|---|-----|-----------|-----|------|-----------|-----------|-----------|------|------|-----------|---------|--|
| Region                                    | LBL | BSS       | M&N | Kent | Wales     | East      | SW        | Scot | Tham | Lond      | Average |  |
| % SEV                                     | 29  | 23        | 18  | 22   | <b>42</b> | <b>9</b>  | 13        | 16   | 29   | 23        | 23      |  |
| %SEV + UNS                                | 29  | <b>46</b> | 36  | 33   | <b>53</b> | <b>26</b> | <b>48</b> | 34   | 41   | <b>62</b> | 41      |  |

The total appliance count less TV’s by premise type is tabulated in Table 10 (Table. 10 - Total appliance count by premise type les TV’s) .

| Table. 10 :Total appliance count by premise type less TV’s |            |             |            |             |             |             |             |            |              |
|--|------------|-------------|------------|-------------|-------------|-------------|-------------|------------|--------------|
| PREMISE  | No.        | WM          | WD         | TD          | DW          | FF          | EO          | WC         | TOTAL        |
| <b>Lrg Elect</b>   | 42         | 2211        | 572        | 1020        | 1085        | 4351        | 2356        | 106        | <b>11701</b> |
| Independ   | 59         | 999         | 154        | 444         | 512         | 1863        | 1280        | 16         | 5268         |
| DIY  | 41         | 179         | 45         | 63          | 230         | 298         | 1092        | 4          | 1911         |
| SuperMkt   | 26         | 49          | 2          | 47          | 2           | 47          | 2           | 0          | 149          |
| Departmnt  | 20         | 462         | 107        | 174         | 255         | 696         | 541         | 46         | 2281         |
| <b>Total</b>   | <b>188</b> | <b>3900</b> | <b>880</b> | <b>1748</b> | <b>2084</b> | <b>7255</b> | <b>5271</b> | <b>172</b> | <b>21130</b> |

Premise type “LrgElect” stores shaded yellow provided the greatest count of appliances at **11701**.



## 5.4 Duration per Premise Visit

The survey as shown in Table.11 (**Table. 11: Duration in minutes by premise**), as a whole excluding travel time, involved approximately 90 hours of actual premise visits. Premise type “Lrg Elect”, took on average 50 minutes to survey and accounted for 40% of the time, whereas “Independ” stores took about 25 minutes to survey and accounted for 27% of the time. From Table. 6 can be calculated that 29 days was spent on actual visits, this gave an average count of around 6 premise visits per day. This time data relative to store density would obviously have a bearing on any future surveys with a view to prioritising premise type and the allocation of resources.

| Table. 11: Duration in minutes by premise type |                 |                 |                     |                 |                 |
|--|-----------------|-----------------|---------------------|-----------------|-----------------|
| Premise Type                                   | Total No.Stores | % No. of Stores | Average time (mins) | Tot time (mins) | % Time of total |
| LrgElect                                       | 42              | 22%             | 50                  | 2175            | 40%             |
| Independ                                       | 59              | 31%             | 25                  | 1448            | 27%             |
| DIY  | 41              | 22%             | 15                  | 615             | 11%             |
| SuperMkt                                       | 26              | 14%             | 16                  | 415             | 8%              |
| Departmnt                                      | 20              | 11%             | 39                  | 784             | 14%             |
| <b>Total</b>                                   | <b>188</b>      |                 |                     | <b>5437</b>     |                 |

The above also takes into account the time set aside for the provision of support and advise.

## 5.5 Retailer Response Letters

In total 81 letters were sent out to premises displaying non compliance, of which 61 had a significant level of non compliance that required a response within 14 days. Of the 61 letters that demonstrated non compliance at an unsatisfactory (**UNS**) and severe level (**SEV**), approximately 50% responded back either by letter or in an email stating that they were reviewing and improving their system of labelling – Table. 12, (**Table. 12:Retailer Response**). Notable of the responses was one well known Kitchen Design company that was looking to include energy labels as part of its fitted kitchen appliances for the first time. Appendix.12 provides examples of a number of responses.

| Table. 12: Retailer Response |                              |                    |
|------------------------------|------------------------------|--------------------|
| Letters Sent                 | Letters requiring a response | Responses Received |
| 82                           | 61                           | 29                 |

### 5.6 Televisions. (TV)

The Regulations for the labelling of TVs came in force in November 2011 so when conducting the survey there was the expectation that the frequency of new labels present on TV’s would be low compared to those that had labels missing. Table.13 (Table. 13: Compliance Count of TV’s), shows the numbers of labels surveyed by number and percentage. Market share by premise is also tabulated.

| Table. 13: Compliance Count of TV’s |                |            |               |            |                    |                   |                      |                    |
|-------------------------------------|----------------|------------|---------------|------------|--------------------|-------------------|----------------------|--------------------|
| PREMISE                             | % Total of 188 | With Label | Missing Label | Total TV’s | By Premise Label % | By Premise Miss % | Total Market Share % | TV Missing Share % |
| LrgElect                            | 22%            | 393        | 3830          | 4223       | 9%                 | 91%               | 62.3%                | 64.9%              |
| Independ                            | 31%            | 179        | 565           | 744        | 24%                | 76%               | 10.9%                | 9.6%               |
| DIY                                 | 22%            | 1          | 29            | 30         | 3%                 | 97%               | 0.5%                 | 0.5%               |
| SuperMkt                            | 14%            | 60         | 701           | 761        | 8%                 | 92%               | 11.3%                | 11.9%              |
| Deptmnt                             | 11%            | 239        | 777           | 1016       | 24%                | 77%               | 14.9%                | 13.2%              |
| TOTAL                               |                | 872        | 5902          | 6774       | Avg= 13            | Avg= 87           |                      |                    |

Premise type “LrgElect” retailers provide the greater count of TV’s at **4223** and also the highest market share at **62.3%**, but it was the Independents (“Independ”) and Department (“Deptmnt”) stores that were recorded applying the most new TV labels at **24%** and **24%** respectively.

During the time of the survey starting in January 2012 and ending in March 2012, it became apparent that the frequency of the “new” TV labels counted improved over time. Fig 5.5.1 (Fig 5.5.1: % New Labels vs Total Labels) below shows that over a period of 10 weeks the percentage of labels increased steadily. For the month of February 10% on average of TV counts included new labels, whereas by March this had increased to 18%. Figure 5.5.1 displays the relative linear rise against percentage of new labels counted.

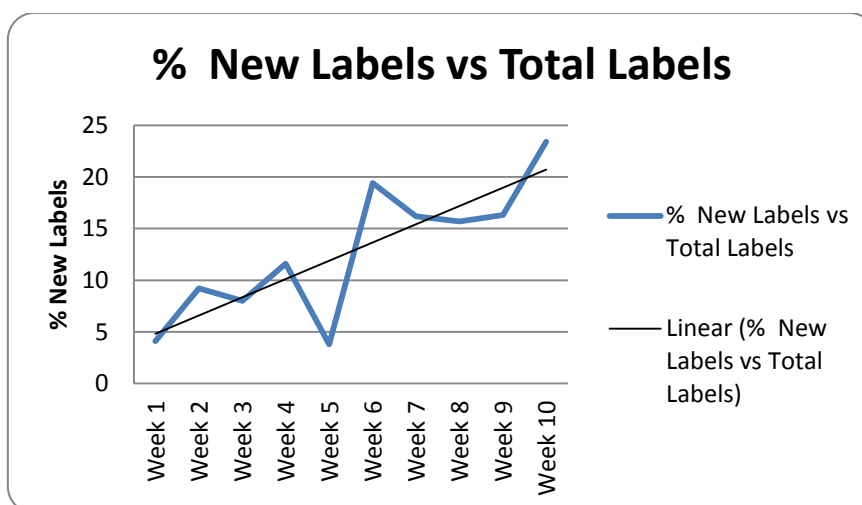


Fig 5.5.1: % New Labels vs Total Labels

## 6. Analysis

### 6.1 Labelling

From the results in Table. 5 (highlighted in amber), the picture emerges of an apparent case of non compliance due to missing labels across all surveyed premises by **17%**, this further increases to **25%** when the elements of Format and Apply are included. Format plays a key part in how the label is presented to the consumer, either in the form of a hand written temporary label or by just the application of the fiche. It would appear to pose a particular problem for fridge freezers (FF) and electric ovens (EO), which demonstrates a count of 794 and 192 respectively. It was noted that for many fridge freezers (FF) especially for the category “LrgElect” premises, that there was a continued use of the old style label, even to the creation of a home produced fiche declaring A++ and A+ ratings .

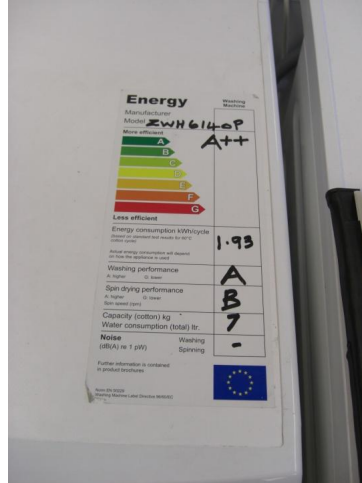
Furthermore in terms of the appliance count and missing labels, electric ovens (EO) and tumble driers (TD) are in excess of 20% non compliant when compared to fridge freezers (FF) and dishwashers (DW) which are below 15%. Some of the former non compliance, might well be attributed to the fact that EO and TD continue to rely on the manufactures to provide a fiche and the retailer to affix this to a backing sheet, which for some retailers especially those within the “Independ” premise category can create a particular challenge. In addition EO are invariably found as part of a fitted kitchen display which further leads to non compliance, as some retailers are reluctant to spoil the aesthetics of what can be high value items and displays.

One area where labelling was evidently very poor was that of wine coolers (WC), which of 172 surveyed nearly 90% displayed no label. This would suggest there exists some confusion concerning the application of the regulations. Furthermore some of the coolers were own branded by the category “LrgElect” and “Department” retailers. Non compliance for labelling has been mainly calculated on the basis of the presence of the label. However there were instances of marginal non compliance of 8% with respect to the Format of the Label and whether the label actually applied to the appliance.

The count of FORMAT and APPLY took many forms and the following is a list with pictorial examples (see Section 11, Appendix.3 for further pictures) of what was discovered as part of the survey.

## FORMAT :Non conformity examples

- Photocopied black & white labels.
- Hand written label:



- Electronically produced DIY labels and fiche.
- Quality of Labels – Photocopies and/or supplier issued.
- Fiche only with no backing sheet:

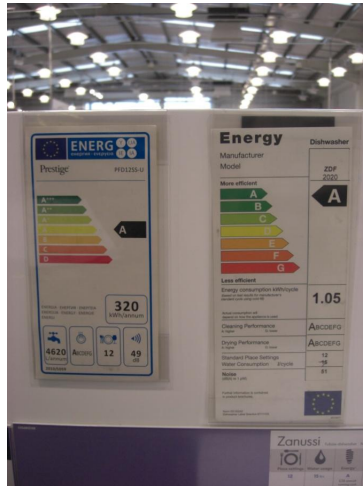


- Alternative Presentation – Colour variations.
- Positioning of the fiche.

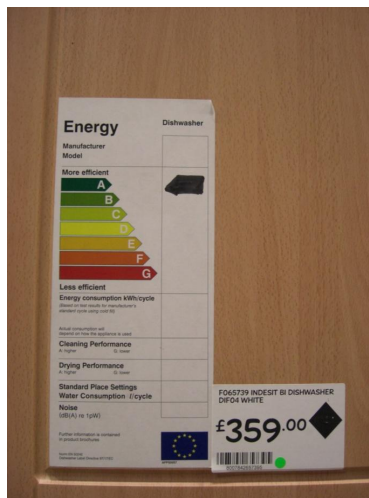
# Energy Labelling Framework Directive: UK Compliance Project 2012

## APPLY: Non conformity examples

- Label details does not match appliance to which it is attached.
- Label details do not match the retailers POS details.
- More than two labels applied:



- Manufacturer's details do match the two part label.
- Blank label with missing appliance details:



- Fiche overlap when back plates are re used.
- Energy label does not apply to appliance model number.

## 6.1.1 Old vs New Labels

A further matter of note that was evident from the survey, was the ongoing use of the old label format for WM, DW and FF, especially within the Premise “LrgElect” category. From the Table.15 (Table 15 - Old vs New Label (% of Total old & new labels) by Appliance & Premise) below it would appear that notably for Premise “LrgElect” that the old energy labels dominate, where as with premise “Indepen” and “Deptmnt” there is a greater frequency of new labels . Initially this might be assumed to be so because of the large stock levels that premise “LrgElect” stores carry, which might also include many old models or best sellers. However there is also the additional circumstance for large “LrgElect” type premise, where a particular display model can often sit on the shop floor for many months, if not years (quoted one manager) and as a consequence does not benefit from any revisions to the label.

Smaller stores such as Independent (“Indepen”) with their greater rotation of actual shop floor stock, experience improved replenishment of models carrying the new label.

|           | WM:new    | WM:old   | DW:new   | DW:old   | FF:new    | FF:old    |
|-----------|-----------|----------|----------|----------|-----------|-----------|
| Lrg Elect | 1008(52%) | 914(48%) | 366(37%) | 614(63%) | 1534(43%) | 2028(57%) |
| Indepen   | 377(69%)  | 172(48%) | 250(73%) | 93(27%)  | 873(79%)  | 237(21%)  |
| DIY       | 36(30%)   | 84(31%)  | 71(46%)  | 85(55%)  | 50(25%)   | 152(75%)  |
| SuprMkt   | 3(50%)    | 3(50%)   | 1(100%)  | 0(0%)    | 11(61%)   | 7(39%)    |
| Deptmnt   | 199(50%)  | 198(50%) | 140(62%) | 87(38%)  | 368(63%)  | 217(37%)  |

## 6.1.2 Reasons for non compliance

The Data above quantifies some of the main instances of non compliance in terms of MISSING, FORMAT and APPLY categories. However when retailers where challenged as to why non compliance had been identified, the reasons provided tended to fall into the following:

- a. **Recent Delivery** – Many premises would state that a recent delivery of appliances onto the shop floor was the reason for labels being missing. This was more so of Independent stores as often their staff resourcing meant they were unable to prioritise the task of attaching labels, although conversely many were able to find time to apply pricing – see Figure. a1 ( **Figure a1: New Stock on Display missing Energy labels**) :



Figure. a1: New Stock on Display missing Energy Labels

- b. Store refurbishment** – Some premises undergoing refurbishment would use this as a reason for labels being missing. However larger retails tended to cordon off an area and take items off display. Small Independents would carry on trading and take the risk to not comply – Figure b1 (**Fig b1: Premise in the process of a refit**) below.



Figure. b1: Premise in the process of a refit.

- c. Awareness of the legislation** – A number of premises mainly Independents were allegedly unaware of the legalisation. This was more so of a premise presenting a severe (**SEV**) level of non conformity. Generally the survey visit was the first contact they had experienced from an Enforcement Authority.

- d. **Confusion about the legalisation** – Many type “Independent” stores assumed it was for the manufacturer to apply the label. Some retailers thought that for Electric Ovens (EO), Tumble Driers (TD) and Washer Driers (WD’s) that only the fiche need be applied.
- e. **Accidental & Malicious Removal** – many labels applied using Velcro or magnetic strips can be removed by children or fall off the appliance and are then not replaced.
- f. **Problem obtaining Labels** – many retailers across all types complained about the problem they face obtaining replacement labels. Some manufacturers are very slow to respond. Furthermore those retailers who were discovered applying only the fiche stated that they had problems sourcing the coloured backing sheet of the two part label.
- g. **Aesthetics** – Many retailers especially those that had spent time and money investing in a kitchen display to promote appliances, were reluctant to compromise the aesthetics by applying labels Fig g1 (Fig g1: Fitted Kitchen Display Missing Energy labels). One DIY store made mention that their area manager required energy labels to be removed as it cluttered the look of the kitchen display, Figure. g1. This is a particular problem with Electric Ovens (EO) and most built in appliances. They were therefore challenged by the requirement to display the label while attempting to maintain the look of the display. Many opted to place the label inside the appliance, to be visible when opened Fig g2 (Figure. g2: Electric Oven with Energy Label inside of appliance).



Figure. g1:Fitted Kitchen display missing Energy Labels





Figure. g2:Electric Oven with Energy Label inside appliance

- h. **Contradictory Advice** – One premise “Independ” retailer had allegedly been told by an Enforcement Agency that only those appliances on display in the store window need have the energy label attached.
- i. **Returned and X display appliances** – Many retailers sell returned or shop soiled goods at a discount, however many of the appliances have lost labels in the process of being returned and invariably could be on the shop floor for such a short time that a requested replacement label does not arrive in time. Web accessible labels specific to the appliance was therefore favoured.



Figure. i1: A Fridge Freezer Managers Special with Energy Label missing.

- j. **Graded Appliances** - These differ from used or second hand goods in that the appliance may have been sent to a customer and /or has been subjected to cosmetic damage,

however could equally be considered as new as may never have been used. Such appliances do create problems for Charity Shops and those stores that might rent out appliances. There are some Independents that supplement their shop floor stock with graded items that are sold at a discount. The distinction between graded and used is a contentious area where retailers attempt to avoid miss describing the appliance, while at the same time looking to comply with the Energy Labelling requirements.

- k. **No access to the internet** – This was found to affect some small village Independents.
- l. **Provide the information verbally if asked** – Many small Independent stores stated they would provide the information when confronted and might in addition have a generic label on view in the store for those customers that asked.
- m. **Take Away Today** - Many of the large “LrgElect” category retailers and some DIY chains sell appliances which are still within their delivery packaging. These are termed “Take Aways” or “Take Home Today” and are often prominently placed within the entrance to the store. Many do not display an energy label, although some manufacturers do supply appliances that have the energy label pre printed on the protective packaging. Once a display appliance with such a missing label was discovered, the Store Manager was then instructed to review the display to ensure compliance with the Labelling Regulations. Often this might consist of a sign directing the consumer to a display item in another part of the store or the placing of a package free correctly labelled appliance next to those that were still within their packaging.



Figure. m1: An example of "Take Home Today" appliance with no Energy Label.

- n. **Label displayed within a separate banner** - Some stores display the energy label as part of a banner or on a back board close to the appliance. However there were instances when the banner did not relate to any of the appliances on actual display.



Figure. n1: A typical overhead banner showing the Energy Label

## 6.2 Appliances

Of those seven main appliances [less Televisions: TVs] that contributed toward the overall survey count, three groups of white goods clearly stood out as being the majority appliances found on display – Table. 5 . These were;

- Fridge Freezers (FF) at 34%
- Electric Ovens (EO) at 25%
- and Washing Machines (WM) at 18%

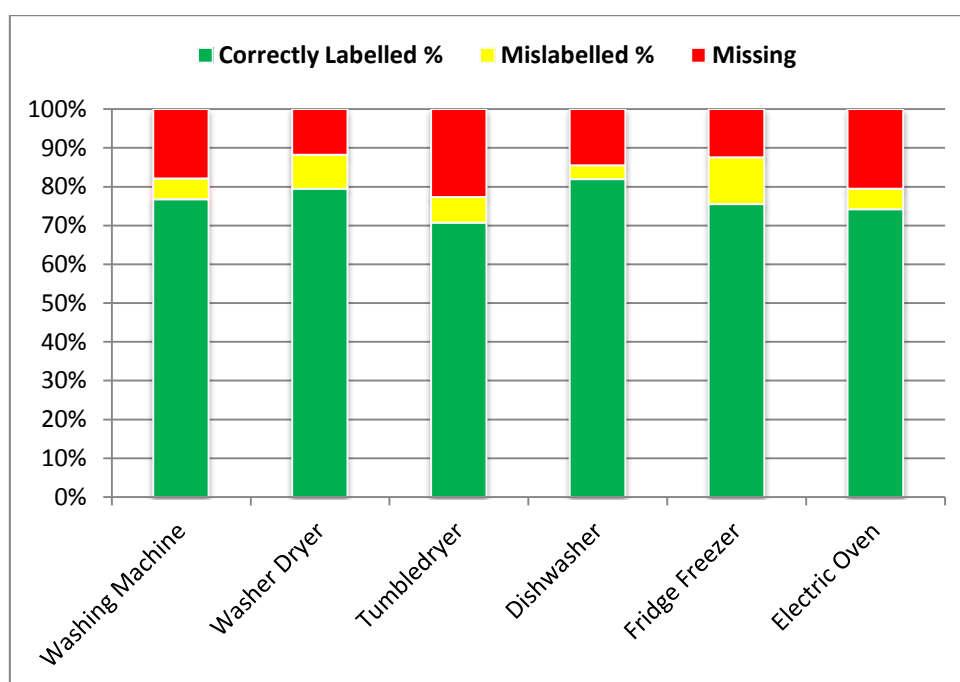
These three are commonly recognised as the traditional domestic product to be regularly purchased by consumers and as a consequence are most likely expected to be found within typical electrical appliance stores. However of these three appliance groups, EO showed a label missing percentage of **21%** compared to **12.2%** for FF. Some of this discrepancy could be attributed to the known reluctance of retailers to display EO labels and the present ongoing use of the two part label.

WM on the other hand have had the new label already introduced, yet present a missing rate of nearly 18%. Although some of this can be attributed to a poor understanding of the labelling requirements, there is also an element of reluctance to display on the part of Independents, because of the perception by consumers that split instruction wallets equate to used goods.

Furthermore as WM are tested wet there is the comment that any remaining water could penetrate the instruction booklet once the wallet is opened.

Fridge Freezers appear to show improved compliance as many often come with the new label sometimes already applied and also FF do not suffer from all the merchandising issues that might otherwise handicap the use of labels on EO and WM.

Overall compliance for the UK for the main appliances is shown in Fig 6.1 (**Fig. 6.1 – Overall Compliance per type of appliance (UK)**)



**Fig. 6.1 : Overall Compliance per type of appliance (UK)**

When Table. 16 (**Table .16 – Other Surveys Compared by Appliance and %age Labelled/Miss Labelled/Missing**) is compared to previous surveys conducted for the EC by **GfK 2009** and the more recent **“Come on Labels” April 2012**, the UK appears to demonstrate, at least for missing labels, a reasonable level of compliance relative to the “Come on Label” findings across 13 countries. However, a previous UK survey conducted across 40 stores by the then Market Transformation Program (**MTP 2006**) in 2006, presented an average percentage of LABELLED = 82, MISS LABELLED = 9 and MISSING = 9. This could therefore suggest that compliance in the UK has declined. The **GfK 2009** survey and **“Come on Labels 2012”** might be considered to substantiate this, in that for the **GfK 2009** survey, MISSING across all 29 countries was on average **11%**, whereas by 2012 for **“Come on Labels”** this had increased to **16%** for 13 countries.

|                | GFK for EC 2009 –<br>29 Countries 1478 retailers |           |           | Come On Labels 2012 –<br>13 Countries 290 retailers |           |           | NMO 2012 UK Survey –<br>1 Country 188 retailers |           |           |
|----------------|--|-----------|-----------|---|-----------|-----------|---|-----------|-----------|
|                | Label  | Mis Lab   | Missing   | Label   | Mis lab   | Missing   | Label   | Mis lab   | Missing   |
| <b>WM</b>      | 65   | 26        | 9         | 68  | 15        | 16        | 77  | 5         | 18        |
| <b>DW</b>      | 62   | 30        | 8         | 62  | 16        | 19        | 82  | 4         | 15        |
| <b>TD</b>      | 70   | 22        | 9         | 57  | 21        | 23        | 71  | 7         | 23        |
| <b>FF</b>      | 67   | 25        | 8         | 68  | 20        | 12        | 75  | 12        | 12        |
| <b>EO</b>      | 45   | 34        | <b>20</b> | 41  | 23        | <b>35</b> | 74  | 5         | <b>21</b> |
| <b>Average</b> | <b>62</b>  | <b>27</b> | <b>11</b> | <b>59</b>   | <b>19</b> | <b>21</b> | <b>76</b>                                       | <b>33</b> | <b>16</b> |

Finally, all surveys including the *MTP of 2006* show an ongoing problem with Electric Ovens (EO) which seem to constantly demonstrate poor compliance, followed by Tumble Driers (TD) .

## 6.3 Retail Premises

Presented in Table. 17 (**Table. 17 – Percentage Market Penetration by Product Count & Premise** ) is the percentage market penetration of each of the premise types relative to the number of appliances counted, which clearly shows that the premise group “LrgElect” which predominantly consists of large retailers such as Currys and Comet has an average (AVRG) market penetration, over the 188 stores which equates to an average of **57%** of all appliances counted, where as Independents (“Independ”) are less than half at an average of **22%**.

| PREMISE          | % Total (188) | WM% | WD% | TD% | DW% | FF% | EO% | WC% | AVRG%     |
|------------------|---------------|-----|-----|-----|-----|-----|-----|-----|-----------|
| <b>LrgElect</b>  | 22            | 57  | 65  | 58  | 52  | 60  | 45  | 61  | <b>57</b> |
| <b>Independ</b>  | 31            | 26  | 18  | 25  | 25  | 26  | 24  | 9   | <b>22</b> |
| <b>DIY</b>       | 22            | 5   | 5   | 4   | 11  | 4   | 21  | 2   | 7         |
| <b>SuperMkt</b>  | 14            | 1   | 0.2 | 3   | 0.1 | 0.6 | 0.0 | 0.0 | 0.7       |
| <b>Deprtmtnt</b> | 11            | 12  | 12  | 10  | 12  | 10  | 10  | 27  | 13        |

Conversely when the figures of total missing labels are compared as a percentage Table 18 (**Table 18 - Percentage Missing Labels by Premise Type**) , it is quite evident that Premise group “Independ” accounts for **54%** of all appliance labels missing and when correlated with Table. 8 ( **Table. 8: Severity by Premise group count & Percentage of Premise Total (%)**) did see severe letters account for nearly 40% of all letters compared with only 2.4% for group “Lrg Elect” severe letters. This substantiated the basic impression that Independents were more likely to demonstrate overall poor label conformity. Similar findings were highlighted as part of the “*GfK 2009*” and “*Come on Label 2012*” survey that both showed that across all countries that Independent stores are likely to have as a percentage, twice as many more labels missing compared to a large type “LrgElect” premise superstore.

This is not to say that the Premise “LrgElect” retailers were fully compliant, as the Table. 18 (**Table 18 : Percentage Missing Labels by Premise Type**) below shows that of all missing labels, the big retailers type “Lrg Elect” accounted for **25%** of all missing labels, however given the large stock

## Energy Labelling Framework Directive: UK Compliance Project 2012

levels the calculation of compliance as a percentage often meant that individual stores could absorb a certain level of missing labels and still avoid a letter requiring improvement.

Any future survey may wish to review the measurement of non compliance process and use a count per label rather than use a calculation based on percentage missing.

| PREMISE          | Total Miss'g | WM % miss'g | WD% miss'g | TD% miss'g | DW% miss'g | FF% miss'g | EO% miss'g | WC% miss'g | Total miss'g |
|------------------|--------------|-------------|------------|------------|------------|------------|------------|------------|--------------|
| <b>LrgElect</b>  | 927          | 24          | 35         | 31         | 24         | 26         | 19         | 59         | <b>25%</b>   |
| <b>Independ</b>  | 1951         | 57          | 58         | 46         | 47         | 59         | 57         | 11         | <b>54%</b>   |
| <b>DIY</b>       | 405          | 8           | 2          | 11         | 20         | 8          | 16         | 3          | <b>11%</b>   |
| <b>Supermkt</b>  | 102          | 6           | 2          | 8          | 0.3        | 3          | 0.2        | 0.0        | <b>3%</b>    |
| <b>Departmnt</b> | 252          | 6           | 4          | 5          | 9          | 4          | 8          | 28         | <b>7%</b>    |

Although Premise "Independ" stores were considered the least compliant there were some surprises when individual stores or groups were looked at individually. The following Table. 19, (**Table 19: Compliance by Major Retailers**) shows a number of typical stores and their performance.

| Premise                                    | Compliance Notation |     |     |     | Total |
|--|---------------------|-----|-----|-----|-------|
|  | SEV                 | UNS | SOM | NFA |       |
| <b>1. Large "Independent" Buying Group</b> | 4                   | 5   | 3   | 4   | 16    |
| <b>2. Large DIY chain A</b>                | 0                   | 3   | 8   | 5   | 16    |
| <b>3. LrgElect retailer A</b>              | 0                   | 0   | 6   | 10  | 16    |
| <b>4. LrgElect retailer B</b>              | 0                   | 1   | 3   | 15  | 19    |
| <b>5. DIY Chain B</b>                      | 1                   | 8   | 0   | 3   | 12    |
| <b>6. Department Store</b>                 | 0                   | 1   | 4   | 4   | 9     |
| <b>7. Supermarket</b>                      | 6                   | 2   | 0   | 2   | 10    |

The large Independent buying group (No. 1) noted in Table. 19 above, which represents and supplies some 1100 Independent stores throughout the UK, demonstrated a severe (**SEV**) noncompliance of 25% compared to the LrgElect retailer A (No.3) with a similar number of stores of zero SEV. DIY chain B (No.5) which displays predominantly by way of fitted kitchens, although had no SEV, did see unsatisfactory compliance (UNS) at 67%. The surprise retailer was the Supermarket (No.7) which saw a SEV as high as 60%. The in store stock display levels for this retailer are comparatively low, however as white goods are not generally their speciality, conformity was found to be particularly poor.

### 6.4 Retailer Response Letter

During a period of 8 weeks, the data captured was then used to select those retail premises that required the dispatch of a letter requesting corrective measures when instances of non conformity (**MISSING labels**) were identified. Of 82 letters generated, 61 required a response from the premise within 14 days outlining review and corrective measures. Overall response was about 50%, with 29 of the 61 premises responding either by post or email.

The letter stressed the retailer's obligations and the requirement for corrective action. The status of a letter coming from a Government Agency carried some influence and encouraged the requirement for the retailer to respond, however there did remain a significant number that did not reply.

Having received responses and assurances from retailers that improvements would be undertaken and a review of their internal processes were to be implemented (see Appendix. 12), a selection of the most severe (**SEV**) premises were to be contacted and revisited to confirm compliance. Equally those premises that did not respond would be contacted to confirm receipt of the letter.

## 7. Discussion

The back ground to the survey had at its core a number of outcomes;

### 7.1 Measure Retailer Compliance.

Of the 188 stores surveyed for this report severe non compliance was measured at just over 20% when spread across all premise types. This increases to 39% and 42% for Independent and Supermarket retailers respectively. The two largest electrical retailers in the UK with over 500 stores between them contributed to only 2% of the overall non compliance.

Independents would consider themselves at quite a distinct disadvantage compared to the large “LrgElect” type retailer, as the latter have the buying power to command better competitive prices and the head office support mechanism to ensure compliance against regulations.

However, this may not be entirely true as the Independents pride themselves on customer service and now with many becoming members of large international buying groups they can also be more competitive. What they appear to lack is the equivalent of head office support. A particular buying group which claims to be Europe’s second largest electrical retailer, with 10,500 stores in 29 countries and 600 independent stores in the UK, when considered as part of this survey found that of the 16 of its member stores surveyed, 4 displayed a non compliance level well above 50%, while another 5 were unsatisfactory. If this was equally reflected in the 600 stores represented within the UK it could generate a non compliance of 20% to 50% within 56% of their UK stores. Equally this non compliance data could also be reflected within the groups 29 member countries for which many are part of the EU.

Even with the support of a well oiled head office structure the survey showed that some well known supermarkets and DIY stores struggled to demonstrate compliance. One particular supermarket brand that has seen the opening of specialist home and ware stores and the selling of appliances from its much larger stores, was severely (**SEV**) non compliant by as much as 60%.

### 7.2 Identify reasons for Non – Compliance.

Generally the reasons for non compliance seemed to be as a consequence of a lack of manpower for most Independents. For the larger retailers there seemed to be systems in place to ensure labels were visible on appliances, with particular staff responsible for their particular sections.

There was some ignorance of the legislation, although this may have been attributed more to staff training rather than actual owners or managers being unaware.

The majority of the feedback surrounded the retailer and manufacturer interface when the former attempt to obtain replacement labels. There appears a considerable delay between making the request and receiving the label as the system still seems to rely on phone calls and postage. Furthermore the continued use of a two part label for some Electric Ovens (EO),



Washer Driers) WD and Tumble Driers ( TD) (Revised may 2013) creates frustration for many Independent retailers.

Problems arise when the matter of fitted kitchens are considered. Many retailers spend considerable time and money on merchandising a fitted kitchen display and although they appreciate the significance of the label, are of the opinion that when appliances are placed within their true environment that some flexibility in terms of internal display would encourage compliance.

### 7.3 Improve retailer compliance through increased knowledge at “shop floor” level.

It was very evident during the course of visits to premises that many retailers appreciated the opportunity for dialogue, supporting literature and feedback that was part of the survey process. For the majority of managers, owners and staff, this was the first time they had been directly approached by an Enforcement Authority.

Many were genuinely keen to gather as much information as possible, since apart from the large type “LrgElect” retailers the majority seemed to lack complete understanding of a retailers obligation when it came to displaying labels.

However, there were instances especially with the larger “LrgElect” retailers, when non compliance was discovered, store managers were encouraged to contact their own head offices to ensure an uniform approach across stores and to feed back issues to those in senior management responsible for compliance.

### 7.4 Deliver better consumer choice, therefore accelerating market transformation and reducing energy use.

It was apparent that the major “LrgElect” retailers with their greater space and manpower were able to promote those manufacturers who were endeavouring to offer more energy efficient appliances.

However, it was also obvious that for the better more organised Independents that they appeared to offer appliances that displayed the new blue edged label. This may have been influenced by the way the large type “LrgElect” retailers continue to run with display items for many years and as a consequence old labels remain on display.

This especially seemed to be the case, as often the retailers own information label (Point Of Sale- POS) was contradictory to the energy label information. A check of a particular appliance such as a WM or DW would verify the POS as correct by promoting “A++”, while the displayed appliance continued with an “A” rated old style label.

Furthermore the greater frequency of old labels within the “LrgElect” type stores does create confusion for consumers, in that particularly for Washing Machines (WM) the water consumption is presented per cycle on the old label, but annually for the new label.

On the whole the feedback from retailers was that consumers were becoming more familiar with the label and actively making purchasing decisions on the information provided, however some ongoing issues such as the retailer / manufacturer interface for obtaining labels and the difference in the format of the labels, does appear to handicap consumer perception and retailer compliance.

### 7.5 Advocate and promote increased use of the label.

Much of the problem with the label is ensuring the retailers are provided with a label that can easily be attached to the appliance. On the whole fridges which accounted for nearly a third of all appliances surveyed, contributed to only 12% of all those missing. The advantage of the new one piece label and the fact that fridges have the space to accommodate a large label could be considered a factor in supporting compliance.

It was quite evident that EO and TD which continue with the two part label pose a challenge for retailers. Previous surveys (*MTP. 2006*) have raised this issue and suggested doing away with the two part label, which for Tumble Driers will be the case in May 2013. A similar label to that employed for the new blue edged format would avoid many of the present apparent communication problems posed by trying to obtain backing labels.

Furthermore the question was often posed by retailers, as to why if consumers are deemed able to tolerate much smaller TV labels, then cannot a similar sized label be introduced for Electric Ovens (EO), particularly as there is now a predominance for built in appliances that promotes the look of an appliance rather than its functionality. Both a TV and oven display a dark vertical service that suites a smaller label.

Finally, improving the way retailers can obtain replacement labels or more significantly the means by which a small Independent retailers can obtain a label solely for displaying on the appliance, rather than having to break open the instruction wallet to retrieve the label, might encourage compliance. This could be in the form of a pdf downloadable label that is associated with the instruction manual that many manufacturers provide on line. Again this is an ongoing issue that has been suggested in previous surveys (*MTP. 2006*).

### 7.6 Provide a format for international benchmarking and a baseline for EU projects, i.e. “Come On Labels”.

This survey came with the support of an Enforcement Agency and the regulatory powers which that provides. Within a short time frame, a number of retail groups were inspected

for compliance , direct engagement with staff and owners took place, improvement notices were issued, to then be followed by corroboration visits. As a consequence the process gives a useful template to be potentially shared across member states.

Although the “Come on Labels” (“C on L”) project runs until May 2013, a recent survey by them in April 2012 (**COL. 2012**) delivered the following results for the UK – Table. 20.

| Table. 20 – Percentage Missing Labels by Appliance Type & Survey |        |     |     |     |     |     |     |     |
|--|--------|-----|-----|-----|-----|-----|-----|-----|
| SURVEY   | Stores | WM  | TD  | DW  | FF  | EO  | TV  | WC  |
| NMO  | 188    | 18% | 23% | 15% | 12% | 21% | 87% | 89% |
| “C on L”   | 20     | 22% | 31% | 15% | 10% | 33% | 94% | 77% |

The data seems to substantiate the findings that for the traditional domestic appliances, FF are the most compliant, where as TD and EO are the most non compliant.

Similarly another UK survey done with the support of the Market Transformation Programme (**MTP. 2006**) in conjunction with Trading Standards back in 2006, equally found EO and TD as the most non compliant. This same survey as with that of NMO , found Independents as that group of retailers to demonstrate problems applying labels. In 2006 non compliance for Independents was measured at 17% compared with the recent findings of 54%.

Finally, a survey conducted by “Come on Labels” in 2009 (**COL. 2011**) within Denmark when analysed using the NMO survey compliance calculation, gave a Severe (**SEV**) non compliance of 23% across all stores, which relatively equates to the UK value of 21%.

### 7.7 Pilot action to develop more efficient methods of enforcement.

As a survey this NMO report provides a bench marking exercise as to what can be achieved when employing best practice by a single enforcement officer during a 10 week period. With proper planning and premise identification it was possible to capture sufficient data to provide a snap shot of the present level of compliance for energy labels within the UK and implement effective enforcement methodology. This is in contrast to the more traditional less formal survey process, where the survey individuals are unlikely to have the powers of entry and the regulatory influence to encourage compliance.

Ideally those premises that are identified as not complying are provided with immediate advice followed by a letter requesting evidence of compliance. Revisits are then conducted for those premises that demonstrated severe non compliance

Duration of each region visit for the NMO survey averaged about 3 days; however this might need to be extended depending on the density of premises to be visited. The number of

officers involved will also have an influence so as to enable an improved national coverage and improved surveillance penetration and impact.

Equally, actual premise visit times need to be considered especially as a Premise type “Lrg Elect” can take in the region of 60 minutes. Such is the importance of conducting retail targeting to maximise those resources and budgets available.

This approach covers what can be done as part of a survey, however there might be revisions required when a more enforcement weighted regime is considered. The issues of evidence gathering and traceability become a factor and with such matters, comes the allocation of time and resources to be able to successfully pursue instances of non compliance.

### 7.8 Identify the most effective ways to improve rates of compliance.

It was evident that the mere presence of an enforcement officer in the field to undertake the survey created a response in writing from at least 50% of those premises identified as being non compliant, committing them to review and improve the identified non compliant level of labelling within their store.

However to ensure continued compliance then a regular program of retailer targeted information dissemination, followed by premise visits has the potential to improve overall rates of compliance.

Retail targeting would include contact being made to a large retail head offices, trade associations and buying groups, encouraging the requirement to comply and stressing the likelihood of premise inspections to confirm compliance, followed by improvement notices when severe levels of missing labels are identified.

## 8. Conclusion and Recommendations

### 8.1 Conclusions.

This NMO survey highlights the issue that Electrical Retailers selling white goods and televisions in the UK do appear to demonstrate an ongoing problem in the way they go about applying the energy label, in that from an assessment of 21310 appliances (excluding televisions) 17% of the appliances were discovered to have missing labels, and that 54% of these missing labels were directly attributed to the Independent type of business. Although it would be tempting to focus on Independents as the group most likely to fail the compliance test, the large Electrical Retailers as found predominantly on retail parks are not without fault and demonstrated missing labels at 25%.

In terms of overall compliance and correct application of the energy label, it was discovered that of all labels assessed only 75% (**excluding TV's**) could actually be considered as complying. This therefore suggests a potential for improvement. The NMO survey on its own did accomplish a marginal benefit, in that at least 50% of those identified as having failed a compliance test did respond committing to improve compliance.

Furthermore to ensure continuity and achieve greater market penetration there is an argument for an ongoing and determined approach to market surveillance with the emphasis of enforcement as its key foundation. This would provide the necessary “push and pull” to remedy the present poor application and understanding of energy labels and ideally work towards improving the current 75% compliance.

However, the fault cannot all be placed with the retailers, as comments from all sectors of the retailers visited, seems to suggest a problem in the way replacement labels are obtained and the burden this places on retailers. Dialogue with manufacturers and those trade associations that represent the retail trade could assist in establishing more effective methods by which replacement labels can be obtained, i.e. web accessible appliance specific copies.

In addition the ongoing use of differing style of label formats, by way of size, two part application and energy information, creates challenges for retailers and confusion for consumers. The recent announcement (May 2012) of a new style of labels for Tumble Driers (TD) might be reassuring news that the comments made by previous surveys and the trade are making a positive contribution to EC regulations.

The information and guidance on regulations available by way of numerous government web sites and affiliate bodies would ideally look to remedy any complete ignorance of a retailers responsibility, however the present economic demands that are placed on retailers, especially Independents where margins are small, means that more often or not those activities that are deemed to create a burden for business are not often given the necessary priority.

The means as mentioned to address such a situation, is with the obvious allocation of resources to undertake more meaningful enforcement. The survey not only provides a

template for the UK, but also an opportunity by way of the European Energy Labelling Administrative Co-operation Group to take advantage and learn lessons from recent surveys and agree on an effective market surveillance strategy. This can then be effectively performed within other member states and so ideally develop a coordinated approach to the gathering of reliable data and the means to improve compliance.

Finally, there is also the considerable contribution made by the consumer, who with their buying power and informed purchasing decisions, will invariably place greater demands on retailers to make the label available and encourage its effectiveness, thereby helping the UK contribute meaningfully to the EU's 2020 energy efficiency targets.

## 8.2 Recommendations

### 8.2.1 Risk Based Knowledge Transfer.

- Identify those retail sectors that require the most support to educate and encourage compliance, making direct contact initially by correspondence, followed by supporting visits where requested within,
- Premise Type Large Electrical, DIY, Supermarket and Department stores – at Head Office level.
- Premise Type Independents – Membership Retail / Buying Groups and Trade Associations
- Provide and review acceptable options for implementing labelling. i.e.: TV labels

### 8.2.2 Enforcement

- Select those retailers that generate the most risk and focus market surveillance on an annual basis capturing a set quota of premises that is reviewed each year .
- Carry out risk based formal inspections to measure compliance, offer support and discover issues that might prevent compliance.
- Create a database of compliance and images for future surveys in order to assist evidence gathering.
- Issue Improvement letters requiring a timed response.
- Carry out corroboration visits and formal engagement to review due diligence and procedures.
- Findings are then used to make individual interventions and apply sanctions where considered appropriate.
- Take more formal action against those retailers who fail to follow advice or maintain acceptable standards.

## 8.2.3 Manufacturers

- Approach manufacturers, importers and distributors to determine ways in which the manufacturer and retailer interface can be improved to ensure requests for labels are not subjected to unreasonable delays.
- Review new ways of making labels available that could take advantage of web based downloadable labels that are appliance specific.

## 8.2.4 Consumer Awareness

- Promote awareness and understanding of labels by consumers.
- Increase knowledge by encouraging retailers to make information available at point of sale by way of leaflets.
- Publicity will encourage consumers to expect the label on regulated appliances and ideally adopt a “no label, no purchase” approach.

## 8.2.5 European Union Policy

- Feedback issues and concerns of retailers and enforcement authorities relating to the practical application of regulations and how they actually reflect and impact the market place and enable compliance.

## 9. Appendix 1

Data Capture Form (DCF) - Small Format:

| NLDT |   |   |   |   |   |
|------|---|---|---|---|---|
| P\C  | N | O | M | F | A |
| WM   |   |   |   |   |   |
| WD   |   |   |   |   |   |
| TD   |   |   |   |   |   |
| DW   |   |   |   |   |   |
| FF   |   |   |   |   |   |
| EO   |   |   |   |   |   |
| TV   |   |   |   |   |   |

Data Capture Form (DCF) - Large Format:

| Store type: .....Name : .....              |     |     |         |        |       |
|--|-----|-----|---------|--------|-------|
| Location:.....Date:.....Time:IN.....OUT... |     |     |         |        |       |
| <b>Notes:</b>                              |     |     |         |        |       |
| P\C  | New | Old | Missing | Format | Apply |
| WM   |     |     |         |        |       |
| WD   | N/A |     |         |        |       |
| TD   | N/A |     |         |        |       |
| DW   |     |     |         |        |       |
| FF   |     |     |         |        |       |
| EO   | N/A |     |         |        |       |
| TV   |     | N/A |         |        |       |



## 10. Appendix 2 – Compliance response Letter

Dear Sir/Madam,

### The Energy Information Regulations 2011 (SI 2011 No. 1524)

As part of a national market surveillance project to investigate the use of Energy Labels on regulated products as outlined in the Energy Information Regulations 2011, the National Measurement Office (NMO) visited your premises on the .....to conduct an Energy Labelling Survey and assess compliance.

Following our visit to your premises it was evident from the number of products on display that there were, as highlighted –

|  |          |
|--|----------|
| <ul style="list-style-type: none"><li>• Some instances of non compliance (A small number of labels missing or incorrect).</li></ul>                            |          |
| <ul style="list-style-type: none"><li>• An unsatisfactory level of non compliance (A significant number of labels missing or incorrect).</li></ul>             |          |
| <ul style="list-style-type: none"><li>• A very severe level of non compliance (Over half of the displayed appliances show no or an incorrect label).</li></ul> | <b>X</b> |

Energy labels are a requirement of the Energy Information Regulations and are designed to help consumers make informed purchasing decisions. The Regulations cover the following appliances;

- Washing machines
- Tumble dryers
- Washer dryers
- Dishwashers
- Electric ovens
- Refrigerators and fridge freezers
- Televisions
- Air conditioners
- Household lamps (bulbs)

**P.T.O**

## Energy Labelling Framework Directive: UK Compliance Project 2012

The Regulations place a legal duty on those businesses that sell or display the above regulated products to attach a specified coloured label to the product such that it is clearly visible. The information must contain the energy efficiency class of the appliance and a product specific declaration. This allows consumers to make an informed decision when making a purchase.

Due to the level of non-compliance recorded at your premises we would advise that your business reviews its labelling process to improve the present level of energy labelling of regulated products.

Furthermore, and within 14 days, a response letter from you is requested outlining the corrective measures you are planning to take to improve your present level of compliance, including any problems you presently might be experiencing that prevents you from complying.

Further information or support in understanding or obtaining labels can be found at [www.bis.gov.uk/nmo/enforcement/elf-home](http://www.bis.gov.uk/nmo/enforcement/elf-home). The generic labels may be downloaded for short term circumstances when the correct label requires a replacement or is awaiting dispatch from the manufacturer.

Yours sincerely,

Stephen Biswell

Enforcement Officer

NMO Enforcement Authority

## 11. Appendix 3

### 11.1 FORMAT examples –

- Photocopied black & white labels:

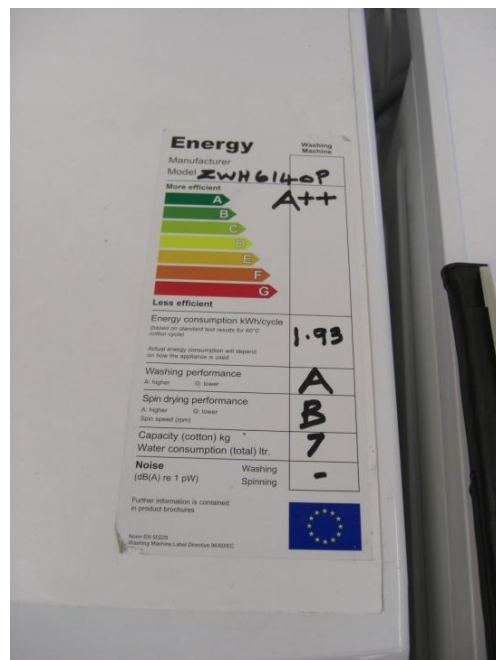
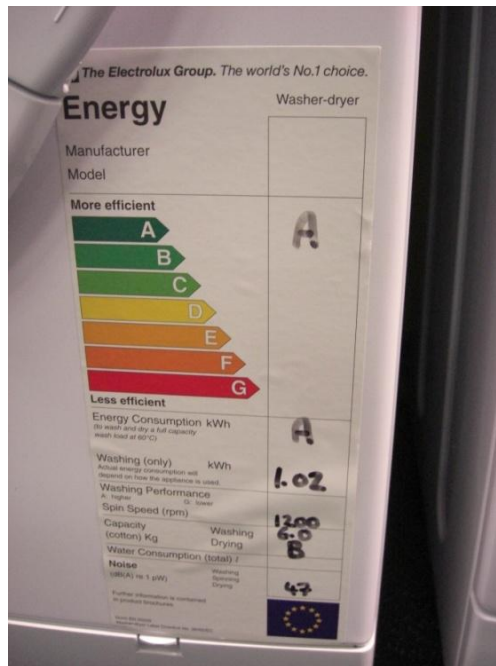


- **Electronically produced DIY labels and fiche:** The example shown is a retailer made fiche which is lacking the black indicator bar against the colour bands.



# Energy Labelling Framework Directive: UK Compliance Project 2012

- Hand written labels:



# Energy Labelling Framework Directive: UK Compliance Project 2012

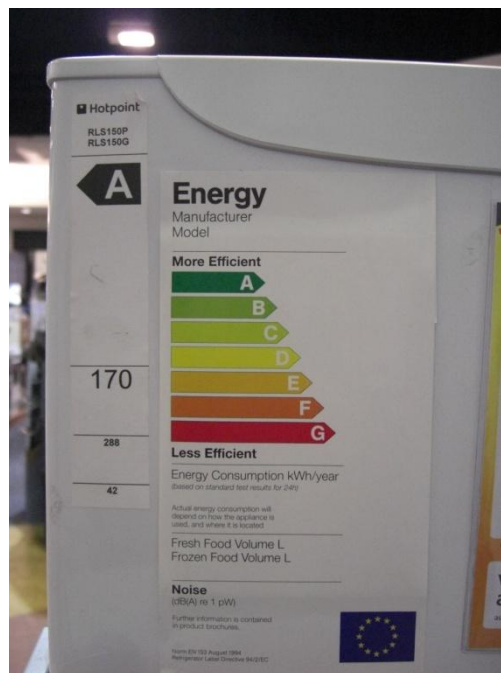
- **Quality of the Label** : Paper Photocopy as supplied by manufacturer.



- **Fiche only with no backing sheet:**



- Positioning of the fiche:



# Energy Labelling Framework Directive: UK Compliance Project 2012

- **Alternative Presentation:** Coloured indicator bar and green edged label.



## 11.2 APPLY examples

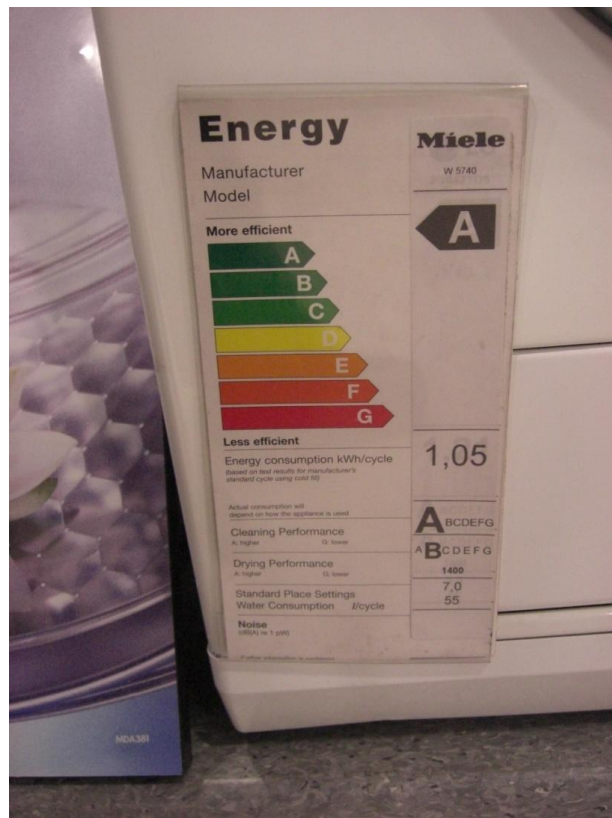
- **Label details does not match appliance to which it is attached** : Candy Washer Drier (WD) fiche attached to a washing machine back plate.



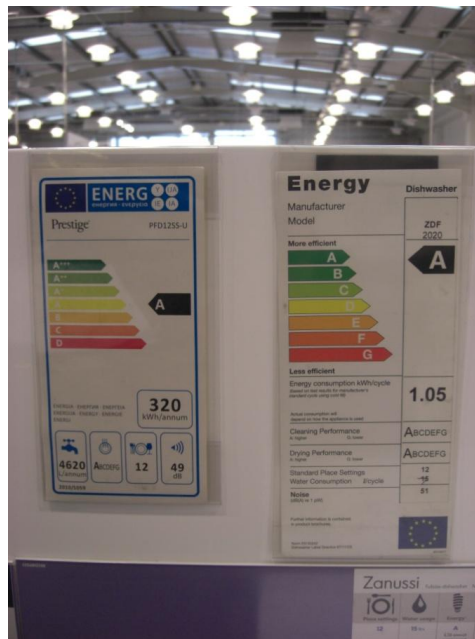


# Energy Labelling Framework Directive: UK Compliance Project 2012

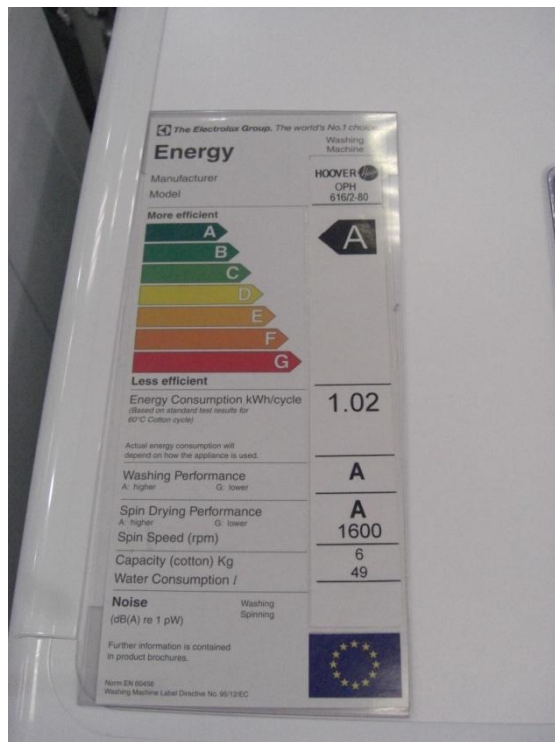
- Label details does not match the retailers POS details :** The example shows a Miele W5740 whose attached label states A+, but the POS information states A+++. The backing label is also for the wrong appliance.



- More than two labels applied:

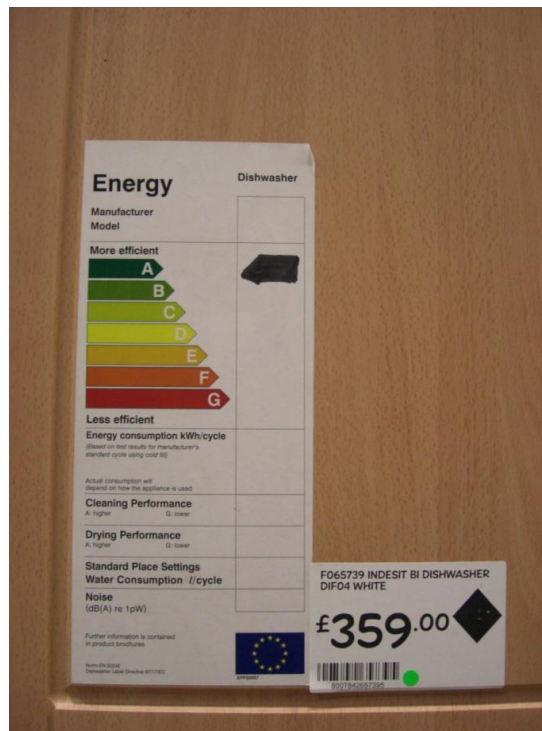
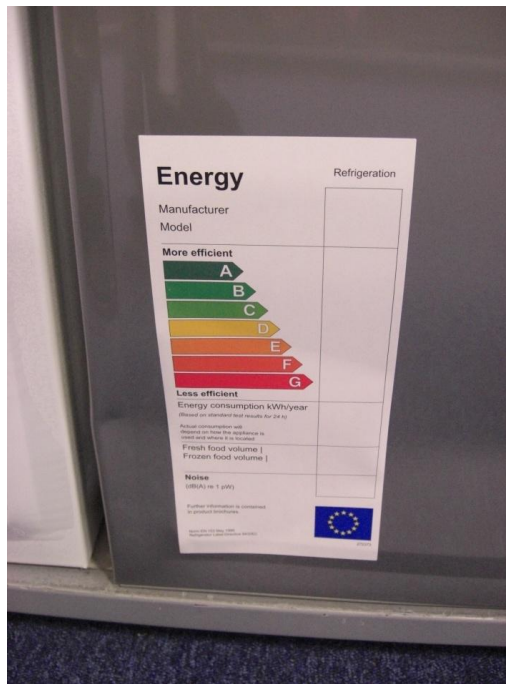


- Manufacturers details do match the two part label : Hoover fiche on an Electrolux backing plate.

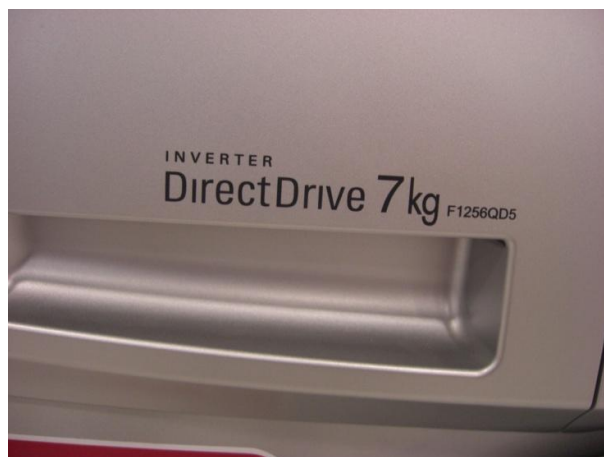
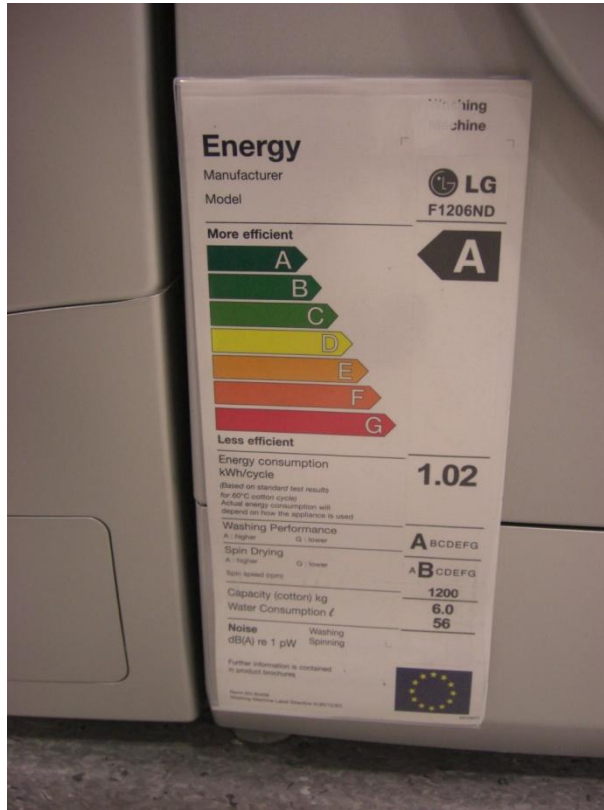


# Energy Labelling Framework Directive: UK Compliance Project 2012

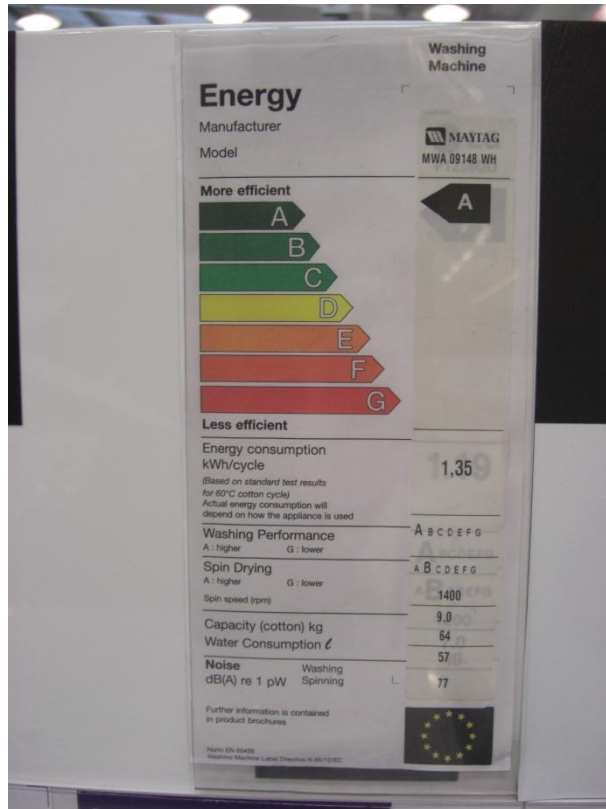
- Blank or Incomplete Label:



- Energy label does not apply to appliance model number:



- Fiche overlap when back plates are reused:



## 12. Appendix 4: Response Letters from Retailers

Stephen Biswell  
Enforcement Officer.

8<sup>th</sup> April 2012.

Dear Sir,

We received your letter advising us on label display. Most products had the energy labels on but unfortunately they were not the coloured version. I have since been in contact with the manufacturers and have rectified this situation. We are still waiting for the labels to arrive from Hotpoint and White Knight. Mean time I have down loaded stand in labels with the colour coding.

Being a small family run Independent retailer we value our customers and I always advise them on the energy ratings and the benefits of going for the more eco friendly and energy saving appliances..

Thanks to the enforcement officer that called to our premises. We now know about the new regulations on label display. We will ensure the labels are placed on the appliances as soon as they are unwrapped.

Yours sincerely  
[REDACTED]

Tiverton Devon.

Stockport, Cheshire

Mr S Biswell  
NMO Enforcement Authority  
Stanton Avenue  
Teddington  
Middlesex  
TW11 0JZ

27<sup>th</sup> March 2012

Dear Mr Biswell,

I refer to your letter dated 22<sup>nd</sup> March 2012.

When our premises were visited the only energy labels which we didn't display was on the electric cookers as we didn't have the backing labels, we now have these and as of todays date all of our machines on display have a suitable energy label. We have for many years labelled as many of our machines as possible and now that we have the cooking labels should be fully compliant.

I trust that the above is in order and look forward to hearing from you if you have any further queries.

Yours sincerely  
[REDACTED]  
[REDACTED]  
MANAGING DIRECTOR

Baldock

3th April 2012

Stephen Biswell  
Enforcement Officer  
NMO Enforcement Authority  
National Measurement Office  
Stanton Avenue  
Teddington  
Middlesex TW11 0JZ

Dear Mr Biswell

Thank you for letter 22 March 2012.

I would like to confirm that, following your visit to the above address on the 29<sup>th</sup> February 2012, all of our appliances now show Energy Labels on them as outlined in the Energy Information Regulations 2011.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Edinburgh

FAO Stephen Biswell

I am writing to you to confirm the following action taken on the back of our unsatisfactory visit on 14/03/2012.

All of our display lines are now compliant with energy labels and we have made our electrical team accountable for ensuring that any new models arriving and/or being put onto the shopfloor are clearly labelled with the correct labels.

This is backed up by a check on our walk around the stores by the Duty Managers and myself.

Regards

[Redacted Signature]

Store Manager

### 13. References

- **MTP. 2006** – Market Transformation Programme: Survey of Retailer Compliance with Energy Labelling Requirements 2006.
- **COL. 2011** – Come on Labels: Proper appliance labelling in shops June 2011.
- **GfK. 2009** – Fraunhofer Institute for Systems & Innovation Research & GfK Marketing Services. Survey of Compliance Directive 92/75/EEC (Energy Labelling) January 2009.
- **COL. 2012** – Come on Labels: National Shop Visits Report. April 2012.
- **IBISWorld, 2012** – Electrical Household Appliances Retail market research Report March 2012



## 14. Addendum

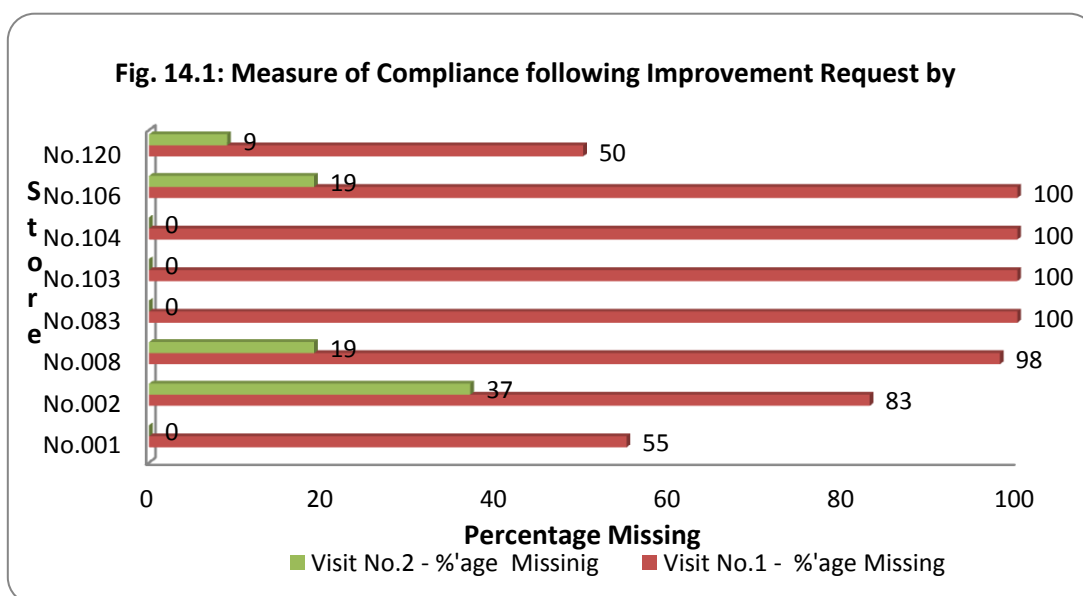
10<sup>th</sup> July 2012

As a follow up to Section 6.4 of the main report, a selection of the 40 most severely non complying premises were revisited to review the level of compliance observed following the Primary Survey and issue of the “Severe” Improvement Letter from Section 10.

In total 8 stores were revisited, which accounted for 20% of the most problematic stores. The results are tabulated below. The identity of the stores are not disclosed for anonymity reasons, however a reference number is indexed instead.

| Store Type | Store No. | Visit No.1 - % 'age Missing | Visit No.2 - %'age Missing |
|------------|-----------|-----------------------------|----------------------------|
| Independ   | No.001    | 55                          | 0                          |
| Independ   | No.002    | 83                          | 37                         |
| Independ   | No.008    | 98                          | 19                         |
| independ   | No.083    | 100                         | 0                          |
| SuperMkt   | No.103    | 100                         | 0                          |
| SuperMkt   | No.104    | 100                         | 0                          |
| DIY        | No.106    | 100                         | 19                         |
| Independ   | No.120    | 50                          | 9                          |

Of the eight stores visited a second time all demonstrated an overall improvement in compliance compared to the first visit. From an initial average non compliance of 86% across all stores, this figured dropped to 11%, with at least 3 stores improving from a previous 100% non compliance down to the ideal 0%, see Fig. 14.1 below.



In terms of store type, it was again mainly Independent retailers who continued to demonstrate the most significant non compliance, with one store recording 37% while another was 19%. This might suggest that even though improvements were recorded, there remains a requirement for ongoing monitoring to ensure compliance progresses in the right direction, as it was found that there continues to be some confusion over the application of the two part fiche label and ongoing problems experienced by retailers attempting to obtain replacement labels from manufacturers.

Finally, the impression provided from retailers out of the second visit, was that the initial surveillance exercise encouraged a focus on an area of legislation that previously had not been given sufficient priority, so that when having subsequently addressed local label deficiencies meant that many retailers were now better informed in ensuring that the process of applying labels to demonstrate compliance was better managed. Furthermore the perception that potentially further visits from an Enforcement Authority could take place and penalties imposed, impressed upon those poorly performing retailers that compliance was an ongoing requirement, rather than a temporary fix.



